

Ḥadīth

3.1 Mālik ibn Anas, selection from *al-Muwaṭṭaʾ* on *zakāt*

Mālik ibn Anas was a Muslim jurist from Medina and the eponymous patron of the Mālikī school of law (*madhhab*). He was born in about 93/711 and died in 179/795. During his life, Mālik's role was as the repository of local norms, and he was also involved in public and political judicial affairs. He has always been pictured as someone staunchly opposed to the governors of the time but able to act as a shrewd statesman in his interactions with them.

Mālik is portrayed as very strict in his judgement of the authenticity of *ḥadīth* reports. His legal text *al-Muwaṭṭaʾ*, therefore, has relatively few prophetic reports. As the representative of the Medinan practice, his work makes constant reference to that element, asserting it as a source of law. Mālik is also seen as not favouring intellectual speculation in matters of law; he deemed the answer 'I don't know' to a question an essential component of wisdom.

The *Muwaṭṭaʾ* became available in a number of different transmissions (nine are known today) and is, in its basic format, one of the earliest of Muslim legal texts. It represents an attempt to bring every aspect of Muslim life – from the most serious to the most mundane – under the framework of the divinely guided *sharīʿa*. It foregrounds prophetic traditions but also contains much discursive material in Mālik's name. The section translated below, covering various aspects of the giving of charity, illustrates the ordering of material and the relative status of each type: prophetic *ḥadīth*, non-prophetic *ḥadīth*, Mālik's representation of the Medinan practice and the practice of the caliphs.

Further reading

Aisha Abdurrahman Bewley (trans.), *Al-Muwatta of Imam Malik ibn Anas: the first formulation of Islamic law*, London 1989; a full translation of the work of Mālik.

Norman Calder, *Studies in early Muslim jurisprudence*, Oxford 1993, chapter 2.

Yasin Dutton, *The origins of Islamic law: the Qur'ān, the Muwaṭṭa' and Madinan 'amal*, Richmond 1999.

A. Zysow, 'Zakāt,' in *Encyclopaedia of Islam*, new edition.

Source text

Mālik ibn Anas, *Muwaṭṭa'*, ed. Muḥammad Fu'ād 'Abd al-Bāqī, Cairo 1951, vol. 1, pp. 268–70.

I Chapter on prohibiting oppression of the people in the giving of charity

1. Yaḥyā told me on the authority of Mālik from Yaḥyā ibn Sa'īd from Muḥammad ibn Yaḥyā ibn Ḥabbān from al-Qāsim ibn Muḥammad from 'Ā'isha, wife of the prophet, that she said that 'Umar ibn al-Khaṭṭāb passed by some sheep which were a part of charity. Among them he saw a sheep with a large udder flowing with milk. 'Umar said, 'What is with this sheep?' They replied, 'This is a sheep which is part of charity (*ṣadaqa*).' 'Umar said, 'The owners of this sheep did not give it willingly. Do not torment the people. Do not take the best animals of the Muslims, leaving them without food.'
2. Yaḥyā told me on the authority of Mālik from Yaḥyā ibn Sa'īd from Muḥammad ibn Yaḥyā ibn Ḥabbān who said that two men from the Ashja' tribe informed him that Muḥammad ibn Maslamat al-Anṣārī used to come to them to collect their charity. To those who had possessions, he would say, 'Bring me charity from what you have!' He would accept a sheep as payment of the amount owed.
3. Mālik said, 'This is the *sunna* for us. What I have seen the people of knowledge doing in our region is that they would not create hardship for the Muslims in their payment of *zakāt* and that they would accept from them what they offered of their possessions.'

II Chapter on taking charity and who is permitted to take it

1. Yaḥyā told me on the authority of Mālik from Zayd ibn Aslam from 'Aṭā' ibn Yaṣār that the messenger of God said, 'Charity is not permitted to be given to a rich person except in five cases: someone fighting in the way of God; someone working collecting charity; someone who has suffered loss; someone who buys it with his own money; and someone who has a poor neighbour who is given charity and the poor person gives some to the rich one.'

2. Mālik said, 'For us, the dividing up of charity can only be done using individual judgement by the possessor of what is to be given. Whichever group of people has the most need and are most numerous are to be given preference as the giver decides is appropriate. It is possible that it could change to another group after one, two or more years. Preference is always given to the people who are in need and most numerous. This is the way the people of knowledge with whom I am pleased have acted.'
3. Mālik said that there is no set amount to be given to the collector of charity other than what the *imām* decides is appropriate.

III Chapter on taking charity and being firm in doing so

1. Yaḥyā told me on the authority of Mālik that it reached him that Abū Bakr al-Ṣiddīq said, 'If they hold back from me even a small portion of one year's charity, I will declare a *jihād* against them over it.'
2. Yaḥyā told me on the authority of Mālik from Zayd ibn Aslam that he said that 'Umar ibn al-Khaṭṭāb drank some milk which he enjoyed, so he asked the person who had given it to him, 'Where did this milk come from?' He told him that he went to a water hole (which he named) and he found some livestock given in charity drinking there. He was given some of their milk which he put in his container, and that was the milk (he had given to 'Umar). So 'Umar ibn al-Khaṭṭāb made himself regurgitate it, using his own hand.
3. Mālik said, 'For us, if anyone refuses any of the obligations of God and the Muslims are unable to extract it from that person, *jihād* is a right which they have until such time as they get the obligation from that person.'
4. Yaḥyā told me on the authority of Mālik that it had reached him that one of the tax collectors under 'Umar ibn 'Abd al-'Azīz had written to him mentioning that a man had refused to give *zakāt* on his possessions. 'Umar wrote to the tax collector telling him to leave the man alone and not take any *zakāt* from him along with that of the Muslims. Word of that reached the man and things became very difficult for him. After that he paid the *zakāt* on his possessions. The tax collector wrote to 'Umar mentioning that to him. 'Umar then wrote back saying that he could now take it from him.

3.2 Al-Bukhārī, selection from *al-Ṣaḥīḥ* on *zakāt*

Muḥammad ibn Ismāʿīl al-Bukhārī, who lived from 194/810 to 256/870, is the compiler of one of the six authoritative books of *ḥadīth* in Sunnī Islam. Born in Bukhara, he spent much of his life in Nishapur, returned to Bukhara and then went to Samarkand towards the end of his life.

Al-Bukhārī is said to have travelled throughout the Middle East in order to hear *ḥadīth* reports from as many sources as possible; he is said to have listened to some 1,000 transmitters. He is reported to have had an astounding memory which he cultivated from a young age and to have accumulated some 600,000 reports which he reduced down to about 2,762 distinct items (although there are 7,397 entries in the work when one includes the duplicated traditions) that he considered reliable enough according to his own strict criteria for inclusion in his book. Organized by subject matter, al-Bukhārī's *al-Ṣaḥīḥ* is considered to be the most reliable collection of authenticated reports along with that of Muslim ibn al-Ḥajjāj (d. 261/875); as a pair, these works are considered by Sunnī Muslims as second only to the Qur'ān in authority. The work, which took sixteen years to compile, is organized according to books (of which there are ninety-seven) and chapters (3,450 in total) following the established agenda of juristic and theological problems of the time. Some of the chapter headings have no *ḥadīth* reports under them, indicating that the structure of the work was pre-established.

The section translated below from the book on *zakāt* illustrates the organizational principles of the work as well as the way in which al-Bukhārī constructed his text to align the *ḥadīth* with the Qur'ān, and to privilege the Qur'ān as a source of Muslim practice. The topic of how charity is to be distributed clearly demanded close attention to both sources of authority in order to deal with what, given the structure and content of the chapter headings in al-Bukhārī's text, was bound by some well-established practices.

Further reading

Ignaz Goldziher, *Muslim studies*, London 1971, vol. 2, pp. 216–26.

Muḥammad Zubayr Ṣiddīqī, *Ḥadīth literature: its origin, development and special features*, revised edition, Cambridge 1993, pp. 53–8.

Source text

Al-Bukhārī, *Al-Ṣaḥīḥ*, Cairo 1981 (reprint), vol. 2, pp. 115–17.

I Chapter

1. Mūsā ibn Ismā'īl told us that Abū 'Awāna told him on the authority of Firās from al-Sha'bī from Masrūq from 'Ā'isha that some of the wives of the prophet said to him, 'Which of us will be the first to die after you?' He replied, 'Whichever of you has the longest hand.' So they began measuring their hands with a stick and discovered that Sawda had the longest hand. Later they came to know that giving charity was called 'the longest hand'. She was the first to die after him and she loved giving charity.

II Chapter on giving charity openly

1. This is as in the saying of God, *Those who give of their possessions at night and during the day in secret and openly . . . none of them will grieve* (Q 2/274).

III Chapter on giving charity secretly

1. Abū Hurayra reported on the authority of the prophet that he said that a person giving charity can do it secretly such that his left hand does not know what his right hand is doing. About this God said, *If you give charity openly it is good, but if you do it secretly and give it to the poor, that is better for you* (Q 2/271).

IV Chapter on giving charity to a rich person unknowingly

1. Abū 'l-Yamān told me that Shu'ayb informed him that Abū Zinād told him on the authority of al-A'raj from Abū Hurayra that the messenger of God said that a man said, 'I will certainly give some charity!' So he took his charity and gave it to a thief. The next morning he was informed that he had given charity to a thief. He said, 'God, Praise be to You. I will certainly give charity (again)!' So he took his charity and gave it to an adulterer. The next morning he was informed that he had given charity to an adulterer the night before. He said, 'God, Praise be to You over an adulterer. I will certainly give charity (again)!' So he took his charity and gave it to a rich person. The next morning he was informed that he had given charity to a rich person. He said, 'God, Praise be to you over a thief, an adulterer and a rich person.' Someone came up to him and said, 'The charity you gave to a thief may make him abstain from stealing, and perhaps the adulterer will abstain from adultery. As for the rich person, perhaps he will learn a lesson from it and give of what God has given him.'

V Chapter on giving charity to one's son without realizing it

1. Muḥammad ibn Yūsuf told us that Isrā'īl told him that Abū 'l-Juwayriya told him that Ma'n ibn Yazīd told him that he, his father and his grandfather pledged allegiance to the messenger of God, who then proposed Ma'n in marriage and then

had him married. Ma'n said, 'I went to him with a problem concerning my father, Yazīd, who had taken some money to be given in charity and placed it with a man in the mosque. I then went and took it and brought it to my father.' His father said, 'By God, I did not wish to give it to you!' So Ma'n took the problem concerning this to the messenger of God who said, 'Yazīd, you will have what you intended in reward. Ma'n, what you took is yours!'

VI Chapter on charity given with the right hand

1. Musaddad told us that Yaḥyā told him on the authority of 'Ubayd Allāh who said that Khubayb ibn 'Abd al-Raḥmān told him on the authority of Ḥaṣṣ ibn 'Āṣim from Abū Hurayra from the prophet who said, 'Seven types of people will be shaded by God in His shadow on the day on which there will be no shade other than His: a just ruler; a young man raised in the worship of God; a man whose heart is attached to mosques; two people united in the love of God who join for Him and separate for Him; a man who is summoned by a noble and beautiful woman to whom he says, "I fear God"; a person who gives charity secretly such that his left hand does not know what his right hand is giving; and a person who remembers God in seclusion and whose eyes fill with tears.'
2. 'Alī ibn al-Ja'd told us that Shu'ba informed him saying that Ma'bad ibn Khālīd said he heard Ḥāritha ibn Wahb al-Khuzā'i saying that he heard the prophet saying, 'Give charity! A time will come when people will walk around with their charity and someone to whom it is offered will say, "If you had come yesterday, I would have taken it from you. Today, however, I have no need of it."'

3.3 Ibn Ḥajar, commentary on *Ṣaḥīḥ al-Bukhārī* on *zakāt*

Shihāb al-Dīn Aḥmad Ibn Ḥajar al-ʿAsqalānī (d. 852/1449) was one of the giants of Sunnī *ḥadīth* scholarship. He was born, in 773/1372, into a wealthy family of merchants based in Egypt. Though he was orphaned in childhood, his family's affluence enabled him to live comfortably and pursue his interests in religious scholarship. He began his career as a scholar and teacher at a relatively young age, and before reaching the age of forty became the head of the Baybarsiyya college, a position he was to hold for some thirty years. He also held the position of chief judge of Egypt for some twenty years in total. But it is his extraordinary literary output that has earned him the highest of reputations in Sunnī *ḥadīth* scholarship.

Ibn Ḥajar composed his first works on *ḥadīth* in his early thirties, before starting work on his *magnum opus*, his massive *ḥadīth* commentary entitled *Fatḥ al-bārī: sharḥ Ṣaḥīḥ al-Bukhārī*, which is widely regarded as the most important work of the *sharḥ al-ḥadīth* (*ḥadīth* commentary) genre. He completed it towards the end of his life, in 842/1438, some thirty years after starting. Its importance was immediately recognized, and it is even reported that, before the whole work was finished, powerful and wealthy individuals tried to acquire copies of the volumes he had already written. Ibn Ḥajar also wrote many other works in the *ḥadīth* sciences, including highly esteemed biography collections.

As a work of the *sharḥ al-ḥadīth* genre, the *Fatḥ al-bārī* presents the text of the *ḥadīth* collection on which it is based, segment by segment, in a way similar to that in which *tafsīr* works present the text of the Qurʾān. This format is in order to allow each segment to be followed by commentary, which, in the passage given below for instance, can range from variant readings and grammatical explanations to a consideration of the legal and ethical implications. He cites the opinions of previous commentators which he has collected from a rich variety of literary and oral sources. His task also includes justifying the arrangement of the text on which he is commenting, and taking into account variant transmissions of it. This enables Ibn Ḥajar to develop the argument that the donor's charity was accepted by God even though he repeatedly failed to give it to someone qualified to receive it. The overall effect of the form of this *ḥadīth* commentary can be seen as a broadening of the possible meaning of the text of al-Bukhārī's canonical *ḥadīth* collection through the historical experience of the Sunnī community.

Further reading

Norman Calder, 'History and nostalgia: reflections on John Wansbrough's *The sectarian milieu*,' in Herbert Berg (ed.), *Islamic origins reconsidered: John Wansbrough and the study of Islam*, special issue of *Method and theory in the study of religion: Journal of the North American Association for the Study of Religion*, 9 (1997), pp. 47–73.

Mohammed Fadel, 'Ibn Ḥajar's *Hady al-sārī*: a medieval interpretation of al-Bukhārī's *al-Jāmiʿ al-ṣaḥīḥ*: introduction and translation,' *Journal of Near Eastern studies*, 54 (1995), pp. 161–97.

Franz Rosenthal, 'Ibn Ḥajar al-ʿAsqalānī,' in *Encyclopaedia of Islam*, new edition.

Source text

Ibn Hajar al-ʿAsqalānī, *Fath al-bārī sharḥ Ṣaḥīḥ al-Bukhārī*, Cairo 1978, vol. 4, pp. 39–41. The *ḥadīths* on which the following commentary is based are presented in continuous form in section 3.2 above, parts III and IV; in this translation, the sections from al-Bukhārī have been italicized.

Commentary on: Chapter on giving charity secretly

1. *Abū Hurayra said on the authority of the prophet that he said that a person giving charity can do it secretly such that his left hand does not know what his right hand is doing. God said, If you give charity openly it is good, but if you do it secretly and give it to the poor, that is better for you (Q 2/271). Section: If one gives charity to a rich person unknowingly.*

This is followed by the *ḥadīth* of Abū Hurayra about the person who took his charity and gave it to a thief, then to an adulterer and finally to a rich person. This is how the transmission by Abū Dharr reads.

- 1.1. The latter is found in the transmissions of others under the separate rubric, ‘Chapter on giving charity to a rich person unknowingly’. This is the way it is presented by al-Ismaʿīlī, followed by the citation of the *ḥadīth*. Its appropriateness is evident for the entry title ‘giving charity secretly’ was limited in direct relevance to that *ḥadīth* commenting on the citation from the Qurʾān.
- 1.2. The content of Abū Dharr’s transmission requires a link between the entry title ‘giving charity secretly’ and the *ḥadīth* about the person who gives charity. What is meant is that the acts of giving charity that are mentioned took place at night, as indicated by the words in the *ḥadīth*, *The next morning he was informed*. In *Ṣaḥīḥ Muslim* the explication of this fact can be found in the following words of the *ḥadīth*: ‘I will certainly give some charity at night. . . .’ This indicates that his giving of charity was secret, since if it were in broad daylight the identity of the rich person would not have been hidden from him, as it is most likely not to be hidden in daylight, unlike that of the adulterer and the thief. This is also why the rich person is singled out in the heading of this entry from amongst the three.
2. The *ḥadīth* of Abū Hurayra prior to this one actually forms a part of another *ḥadīth* which is presented in its entirety in another chapter ‘Concerning someone who sat in the mosque in expectation of the ritual prayer’. It is the strongest evidence for the superiority of giving charity secretly.
 - 2.1. The Qurʾānic verse in that [*If you give charity openly it is good, but if you do it secretly and give it to the poor, that is better for you (Q 2/271)*] also ostensibly gives preference to giving charity secretly, but the majority hold the view that it was revealed only in relation to voluntary charity.
 - 2.2. Al-Ṭabarī and others report that the consensus is that in the giving of obligatory charity it is preferable to do it openly than secretly, while the opposite applies for voluntary charity.

- 2.3. Yazīd ibn Ḥabīb disagreed, saying that the verse was revealed in relation to the giving of charity to Jews and Christians; he said that the meaning is that if you give it openly to the people of the book there is a reward for you, but it is better for you if you give it secretly to your own poor brethren. He says also that the prophet used to command secrecy in all cases of the giving of charity, without exception.
- 2.4. Abū Ishāq al-Zajjāj reports that in the time of the prophet giving *zakāt* secretly was preferable, but afterwards opinion went against those who gave it secretly, and thus openness in obligatory *zakāt* became preferable. Ibn ‘Aṭiyya says that this is comparable with the fact that in our time secrecy in giving obligatory charity is preferable, for the obstacles to this have increased, and giving openly has become liable to ostentation and so forth. Moreover, the pious predecessors used to give their charity to the collectors and those who gave it secretly used to be accused of failing to pay up. Today, however, everyone has started to give *zakāt* openly for their own benefit, and so giving it secretly has become preferable. God knows best.
 - 2.4.1. Al-Zayn ibn al-Munīr says that if it should be argued that it depends on the changing circumstances that would not be inconsistent, for if the governor should be a tyrant and the property of the person obliged to pay should be hidden, then secrecy is better. On the other hand, if he is a volunteer donor who is emulated and followed and concerns are expressed about his volunteering in accordance with the proper manner, but his intention is sound, then giving openly is better. God knows best.
3. *Section on giving charity to a rich person unknowingly.*
That is to say that his charity was acceptable nonetheless.
4. *On the authority of al-ʿAraj from Abū Hurayra.*
In Mālik’s transmission given in al-Dāraquṭnī’s *Gharāʾib Mālik* it is on the authority of Abū Zinād that ‘Abd al-Raḥmān ibn Hurmuz informed him that he heard it from Abū Hurayra.
5. *A man said*
I could not discover his name. According to Aḥmad, by way of Ibn Lahī’a on the authority of al-ʿAraj, he was an Israelite.
6. *‘I will certainly give some charity!’*
In Abū ‘Awāna’s transmission on the authority of Abū Umayya, on the authority of Abū ‘l-Yamān with this *isnād*, it reads, ‘I will certainly give some charity at night!’ It is repeated in this form in three instances: Aḥmad expressed it like this (through Waraqā’), as well as Muslim (through Mūsā ibn ‘Uqba) and al-Dāraquṭnī in *Gharāʾib Mālik*, each of them on the authority of Abū Zinād.
7. His saying, *I will certainly give some charity!* is binding, as in for example a vow. An oath is implied, as if he had said, ‘By God, I will certainly give some charity!’

8. *He gave it to a thief*
That is to say that he did not know that he was a thief.
9. *The next morning he was informed that he had given charity to a thief*
Abū 'Umayya's transmission reads, 'He gave charity to a thief at night,' while Ibn Lahf'a's transmission reads, 'He gave charity at night to "such and such" a thief.'
- 9.1. I have not discovered from the sources the identity of any of the three recipients of charity [i.e., the thief, the adulterer and the rich man]. *Tuṣuddiqa* [given charity] is with a 'u' vowel (*ḍamma*) at the beginning according to the passive pattern.
10. *He said, 'God, praise be to You.'*
That is to say, 'I am not accountable for the fact that my charity fell into the hands of someone who did not deserve it, and *praise be to You* since this was carried out by your will, not by my own volition, and God's will is always for the best.'
- 10.1. Al-Ṭibī said, 'After he resolved to give charity to someone deserving he handed it to an adulterer. He praised God that he was unable to give charity to someone worse than that; or he praised God for using him as a witness to what causes amazement leading to the magnification of God, for when they were amazed by his actions, he too was amazed, and so he said, *God, praise be to You over an adulterer*,' meaning, by ellipsis, the one to whom he had given charity. . . .
- 10.2. So he praised God for that state because God is the one who deserves praise for all states. He did not praise the reprehensible deed rather than him. It has been established that the prophet used to say when he saw wealth that amazed him, '*God, praise be to You over all states*.'
11. *Someone came up to him and said,*
It is stated in al-Ṭabrānī's variant in the *Musnad* of the Syrians (on the authority of Aḥmad ibn 'Abd al-Wahhāb, on the authority of Abū 'l-Yamān by the same *isnād*), 'That event tormented him, and someone came to him in his dream.'
- 11.1. Abū Nu'aym also draws out this interpretation, and likewise al-Ismā'īlī (through 'Alī ibn 'Ayyāsh, on the authority of Shu'ayb) whose variant specifies one of the possibilities mentioned by Ibn al-Ṭiz and others. For instance, al-Kirmānī says, 'Its use of *came to him* means that he saw something in a dream, or he heard the voice of an angel or someone else, or a prophet informed him, or a scholar gave him a *fatwā*.' Others add, 'or an angel came and spoke to him, for angels would talk to some people about certain matters'.
- 11.2. It has emerged through a sound transmission that none of the above actually took place apart from the first version.

12. *The charity you gave to a thief.*
 Abū Umayya adds, 'was accepted'. The variant of Mūsā ibn 'Aqaba and Ibn Lahī'a reads, 'The charity which you gave was accepted.' Al-Ṭabrānī's variant reads, 'God has accepted your charity.'
 - 12.1. The *ḥadīth* indicates that the charity was in the observers' view meant specifically for those in need from amongst the righteous, and consequently they were surprised by the giving of charity to the three different recipients.
 - 12.2. It also suggests that if the intention of the donor was correct then the charity was accepted, even if the aim was not fulfilled.
 - 12.3. The jurists are at variance regarding the permissibility of this for obligatory charity. There is nothing in the *ḥadīth* to indicate either permissibility or prohibition. That is why the *Muṣannaf* [of Ibn Abī Shayba] presents the passage in the form of a question without declaring the ruling.
13. It is said that the report applies only to a specific story, and that the information about it was presented here in relation to the issue of the acceptance of charity by means of a corroborative dream. So, how can there be general applicability for the ruling? The answer is that the point of this report is the hope of future abstention from sins on the part of the recipients, which serves as proof of the validity of the ruling, for the acceptance of the charity must be linked to these factors. The report expresses the preference for giving charity secretly and being sincere, as well as the recommendation to pay the charity again if it has not been carried out correctly (the ruling applies to the outward action, even if it ends up with the same result), the blessing of surrender and contentment with God's will, and the blameworthiness of anxiety over destiny. As one of the pious predecessors has said, 'Do not refrain from worship even if it seems obvious to you that it will not be accepted!'