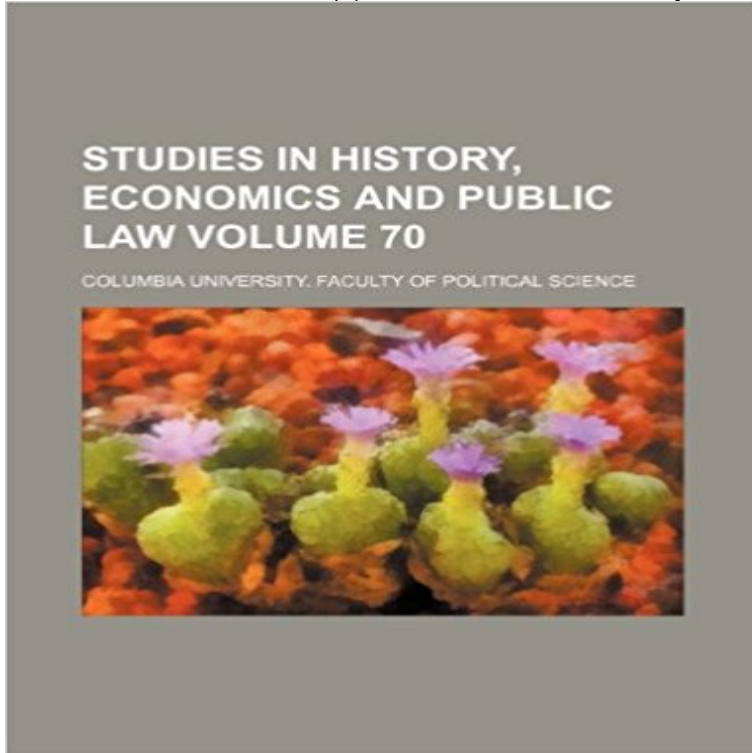


Studies in history, economics and public law Volume 70



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1916 Excerpt: ...complete and a zakat is due (wujub) it is the weight and not the value or number (adad) that is taken into account. Thus if one should have a golden or silver pitcher weighing ten mithqals or one hundred dirhams but owing to its artistic value worth twenty mithqals or two hundred dirhams it is not subject to zakat.² This point is agreed upon unanimously. There is, however, difference of opinion as to payment. According to Abu Hanifah and Abu Yusuf it is still the weight that serves as basis. Zufar claims that the value and Muhammad Ibn al-Hasan contends that the one that is more favorable to the poor serves as a basis. Thus if one should give in payment of zakat, instead of five good dirhams, five spurious ones worth four good ones, the zakat debt is discharged, according to the two first doctors, since the weight in both cases is the same, but according to the others it is not. If, on the other hand, he should give four good dirhams worth five bad ones in the place of five bad ones, there is still due a fifth dirham, but according to Zufar, who takes into consideration the value, the entire debt is discharged. The above applies only when a zakat debt is paid in terms of its own genus, for it is admitted unanimously that when the zakat debt is paid in terms of another genus, it is the value that is taken into consideration. The Shafiites and Malikites 3 1 Majma, p. 169. 1Bahr, p. 244; Idmi, p. 311; Majma, p. 168; Alamkiriyyah, p. 251. Cf. Umm, p. 34; Kharashi, p. 81. take into consideration always the weight only, for according to them gold and silver pay zakat by reason of their physical identity and not their value. (3) If 80,d or silver be mixed with an alloy (gishsh),¹ it is considered as pure if the

alloy is less than half the content. For
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