Title: Possession of Zakāt and Contemporary Outlook: A Review

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Possession of Zakāt and Contemporary Outlook: A Review

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Abstract

Zakāt is the basis of Islamic revenue collection. It aims to create a self-supporting society where everyone can fulfill their basic necessities. This study examines the most significant aspect of Zakāt, that is, the issue of its possession or tamlīk. In the Holy Quran, the obligation of Zakāt is described briefly but the headings of Zakāt are mentioned. Indeed, regarding the headings of Zakāt, there are divergent viewpoints on the subject “possession of Zakāt”. This is a hotly debated issue among jurisprudents and contemporary scholars who are divided into four distinct groups based on their opinions: (1) Possession of Zakāt is required for all eight headings of Zakāt, (2) According to Imam Malik, the first four headings of Zakāt and the last heading of Zakāt have the condition of possession, while the remaining three do not, (3) According to contemporary scholars, possession of Zakāt is necessary for the first four headings of Zakāt. However, Zakāt would be spent on welfare projects based on the last four headings of Zakāt, and (4) Imam Quffāl said that the possession of Zakāt is not a condition for all headings of Zakāt. Article concludes that Jamhūr (majority of) Ulama’s viewpoint is more acceptable and accurate.

Keywords: headings of Zakāt, possession of Zakāt, recipients of Zakāt, self-supporting society, Zakāt

Introduction

Almighty Allah has divided human beings into different classes and obliged each class to follow the religious rules related to it. If all people belonged to the same class, then uniformity would appear but the system of the universe would have been disrupted. Moreover, the feelings of goodwill and goodness for each other would not have been fulfilled. Therefore, Almighty Allah has declared the fulfilling need of one class as the religious duty of another class. A link in this chain is the payment of Zakāt, according to which wealthy Muslims spend or entrust a specific part of their wealth to the specified headings of Zakāt mentioned by Almighty Allah. Although the headings of Zakāt (recipients) have been described briefly, yet there is a difference among the jurists as to whether it is necessary to make someone the owner of the Zakāt amount for paying Zakāt? This issue is known as the “possession of Zakāt” among eminent jurists and contemporary scholars. To understand this issue, it is necessary to introduce essential information and principles regarding the word “possession”, comprehensively.

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2. Research Methodology

Analytical research methodology was adopted to conduct this study. Moreover, the researcher preferred to derive concepts from the primary sources related to the subject. Although, secondary sources and contemporary references were consulted as well, so that a combination of ancient and modern views embellishes the subject.

3. Literature Review

3.1. The Concept of Zakāt

Zakāt is essential in the economic system of Islam. After prayer, the most crucial part of Islam is Zakāt. Literally, the word Zakāt is used in two senses, one is purity and the other is growth and development.¹ Zakāt is defined in Fiqh as “a due right on specific items of assets/properties, in specific percentages with consideration of the passage of a year and satisfaction of the condition of Nisāb.”² The basic condition for the payment of Zakāt is “possession” (tamlīk). Therefore, this study explores the issues related to the “possession of Zakāt.”

3.2. Possession and Contemporary Interpretations

To comprehend the meaning of possession, referred to in jurisprudential sources as tamlīk, it is first necessary to explain the literal and the terminological meaning of the said word.

3.2.1. Literal Meaning of the Word Possession (Tamlīk)

- The word “possession” (tamlīk) means to make someone the owner of something and its root verb is “malak”, for example, “malak al shai” is said when a person owns something.³
- Besides, the word “possession” (tamlīk) has been used also in the sense of marriage in a Holy Ḥadīth.⁴ For instance, the Holy Prophet (SAW) said: “I have made you the malak (owner) of her in exchange for the Holy Quran that you have.”⁵ Here the word "malak" is explained in the sense of marriage and the infinitive form of this verb is also “tamlīk.”

3.2.2. The Definition of “Tamlīk”

Eminent jurists have defined possession (tamlīk) with certain disagreement prevailing among them.

- Possession" tamlīk" is the condition for Shari’ah, one must prove for the beginning of disposal.⁶
- Abū Bakr, Jurjānī (1078) explained the meaning of “possession” in his famous book “Kitab al-Ta’rifāt”. He defined “possession” as the name of the Shari’ah relationship between a person and something due to which it is permissible for this person to dispose of it, while it remains forbidden for others to dispose of it.⁷

¹Jibran Masud Al-Ra’id (Beirūt: Dār Āl Ilm, 2005), 287.
²Encyclopedia of Fiqh (Kuwait: Ministry of Endowments, 1992), V.14, 24
³Muhammad Bin Mukram Ibn Manzoor, Lisān al-ʿArab (Quetta: School of Ashrafiyya, 2000), vol.10, 491
⁴The Encyclopedia of Fiqh, 14/24.
⁵Muhammad bin Ismail Al-Bukhāri, Sahih Al Bukhari (Cairo: Dār Al Shaʾb, 1987), Ḥadīth no. 5030.
⁶Zain al-Din Ibn Nujaym, Al-Asybah wa al-Nazhair (Egpyt: Muassasah al-Ḥalabī, 1387), 1/346.
⁷Ali bin Muhammad Al Jurjānī, Kitab al-Ta’rifāt (Beirūt: Dār al-Kitāb al-ʿArabī, 1405), 1/295
According to Ibn-e-Arabī Al Malki (543 AH), the word “possession” (tamālīk) is from Bab “Tafeel” and it is the name of the transfer of the owner’s ownership to someone else.  

It is a Shari‘ah order proved in the object’s interest or benefit, requiring that the person attributed to it should benefit from it. In the same way, the particular person can also get compensation for it.  

3.2.3 Synonyms of Possession (Tamālīk)

Only four synonyms of tamālīk are found in the literature of Islamic jurisprudence. They are listed below.

1. "Ikhtisās" (making something specific to someone).
2. "Hiyazah" (to merge something into someone else).
3. "Ibra" (to put away, deliver, and remove something).
4. "Iṣqāt" (to drop and cast).  

3.2.4 Sources of Possession (Tamālīk)

There have been described eight sources for possession (tamālīk); one of them is that as soon as the deserving person receives Zakāt he becomes the owner of that wealth. The other seven sources are inheritance, compensation, gift, will, waqf, booty, and farming.  

3.2.5 Terms and Conditions of Possession (Tamālīk)

Possession (tamālīk) is a human trait. Jurists have stated two essential conditions for the validity of possession. These are listed as follows:

• Being eligible for ownership means having the ability to become an owner.

• There should not be anything that prevents the person from owning, that is, the thing that the person is being made the owner of something should not stop him.  

3.2.6 The Concept of Possession (Tamālīk) in Zakāt among Eminent Jurists

There are different opinions among the jurists regarding the condition of possession in connection with Zakāt payment. Generally, four knots are mentioned in this regard.

• First Group: Possession (tamālīk) is an essential condition for all headings (recipients) of Zakāt.

• Second Group: Possession (tamālīk) is a necessary condition only for five headings (recipients) of Zakāt.

• Third Group: Possession (tamālīk) is an essential condition only for the first four headings (recipients) of Zakāt.

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10Abdul Qadir, Muhammad bin Abu Bakr, Mukhtar as-Sīhah (Beirūt: Maktaba Labnan, 1415), 1/167.
• Forth Group: Possession (tamlīk) is not a mandatory condition for all headings (recipients) of Zakāt.

4. Results and Discussion

There is a difference of opinion between two groups of jurists on this issue, the details of which are as follows:

Table 1. Condition to Make the Recipient the Owner of Zakāt for Paying Zakāt?

<table>
<thead>
<tr>
<th>First Group</th>
<th>Second Group</th>
<th>Third Group</th>
<th>Forth Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hanafi, Shafi, and Hanbali Schools of Thought</td>
<td>Malik School of Thought and Ibn Taymiyyah</td>
<td>Zamakhshari, Razi and Some Contemporary Scholars</td>
<td>Quffal, Shaukani, Al Maraghi, Sh. Shaltut, Islahi, and Shia Jurists</td>
</tr>
</tbody>
</table>

They refer to the condition of possession in the eight headings (recipients) of Zakāt. All the Imams agree on the previous text but the next one is further elaborated only by Shafi and Hanbali scholars. It is absolute in the first four headings and is restricted to its disbursement via the channels stipulated in the last four, which are the necks, the debtors, the way of Allah, and the traveler.

According to Imam Malik, the first four headings (recipients) of Zakāt and the last heading have the condition of possession (tamlīk), whereas it is not necessary to have the condition of possession (tamlīk) for the remaining three headings of Zakāt.

It is necessary to make the deserving person the owner of Zakāt in the first four headings (recipients). However, in the last four headings, Zakāt would be spent on welfare activities.

Possession (tamlīk) is not a mandatory condition for all headings (recipients) of Zakāt.

4.1. First Group

Most of the jurists say that it is a condition for Zakāt to make the poor person the owner of the Zakāt amount/thing. Especially, Hanafi jurists have included this condition in the definition of Zakāt. For example, Al- Zila’i (d. 1342); Al-Maidāni (1807-1881 AD), while defining Zakāt, said that for...
the pleasure of Almighty Allah, one of the recipients of Zakāt appointed by Almighty Allah, a Muslim, a non-Hashmi, and a poor person other than his slave, should be made the owner of the Zakāt amount/thing in such a way that the first owner cannot gain profit from this amount/thing again. Moreover, in the juristic literature of Ahnaf, possession (tamlīk) is also elaborated as an important condition of Zakāt. This concept is often defined under the issues of building bridges and burying the dead with Zakāt wealth. According to Allama Ramli (1081 AH), there is a consensus among jurists that the construction of roads, paths, mosques, bridges, canals, and water supply services cannot be charged from the wealth of Zakāt because these factors lack the condition of ownership.

Muhammad Ibn Muflīḥ al-Maqdisī (1310-1362 AD) writes, “It is a condition in paying Zakāt that the recipient of Zakāt should be made the owner of the Zakāt amount/thing, so it is not permissible to feed the poor and needy from the wealth of Zakāt.”

According to Imam Al-Mawardi Al Shafi’i, this verse gives two directions for building the argument. One of them is that Almighty Allah ordered us to pay Zakāt to eight recipients using the letter “lam-e-tamlīk” and later combined all these recipients with the suffix “wao”. This indicates that the sharing of all these becomes valid when they are made the owners of Zakāt because the suffix “wao” proves it.

Imam Nawawī (631A.H-676A.H) writes, “In all headings of Zakāt, the necessary thing is that the share of the deserving should be handed over.”

According to Allama Ibn Qudāmah, the four recipients of Zakāt, namely the indigent and the needy, those who collect and distribute Zakāt, and those whom you wish to win over, always take Zakāt based on their status. Their condition after the payment of Zakāt would not be considered because as soon as they receive Zakāt, they become the permanent owner of the Zakāt wealth. In contrast, the last four recipients who receive Zakāt, that is, those who receive it for redeeming slaves and those burdened with debt, in the way of Almighty Allah, and the wayfarers, receive it based on their temporary status. If they spend it in the way they deserve to receive it then fine; otherwise, Zakāt would be taken back from them.

4.2. Arguments of the First Group

The view of the majority of jurists regarding the headings (recipients) of Zakāt is that ownership/possession is a necessary condition in all eight headings of Zakāt, that is, it is a condition for the owner of Zakāt to make one of the recipients the owner of the paid Zakāt [amount or thing]. The arguments of these jurists are as follows:

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17. Muhammad bin Muflah, Al Muqaddassī, Kitāb al-Furū’ (Beirut: Mussat al-Risalah, 2003), 4/342.
19. At-Tauba 9:60.
The most potent argument is based on the following Qur'anic verses in which the word “iita” is used for the payment of Zakāt to the recipients: (wa aatuz Zakaah)\(^{22}\), (wa yu'toonaz Zakaata)\(^{23}\), (wa aatuz Zakaah)\(^{24}\).

- Imam Raghib Isfahani (d. 1108 AD) gives a literal interpretation of the word “iita”. It means giving, literally. In the Holy Quran, the payment of Zakāt is defined explicitly as the word “iita.”\(^{25}\)

- Al-Mousali (599-683AH) logically explained these Qur’ānic arguments. According to him, the condition of making an owner of Zakāt wealth is proved by the words of Almighty Allah “wa aatuz zakaah.” In this verse, “wa aatu” means ‘giving’ and giving is called possession (tamlīk).\(^{26}\)

- In addition, Allama Kasani (490-587 AH) proves possession (tamlīk) for Zakāt from another verse of the Holy Qur'ān and writes that Almighty Allah says in the following verse that the poor person becomes the owner of that wealth in Zakāt. The status of the person who gives Zakāt is that of the vicegerent of Allah in making the poor person the owner of Zakāt and entrusting it to him. Later, Allama Kasani also proved his argument with the help of a blessed Ḥadīth proving possession (tamlīk). The divine statement is “Don’t they know that Allah accepts the repentance of His servants and takes charity?”\(^{27}\)

Moreover, the Holy Prophet (SAW) said: “No doubt sadaqah reaches the hands of the Merciful Almighty Allah before it reaches the hands of the poor.”\(^{28}\) This is why Almighty Allah ordered the owner of the wealth to give Zakāt using the phrase “wa aatuz Zakaah” which means ‘give Zakāt’, while the meaning of the word “wa aatu” is to possess anything.\(^{29}\)

- Maulana Atiq Ahmad Qasmi, a contemporary scholar, affirms possession (tamlīk) from a linguistic angle. The word “giving” requires two objects. The first object is the thing to be given and the second object is the person to whom the thing is given, while the act of giving cannot be completed without these two objects.\(^{30}\)

Mufti Muneeb ur Rahman, a renowned Islamic scholar, says in his book “Zakat” that Zakāt has been described by Almighty Allah as the right of the beggar and the poor in the Holy Qur'ān. Moreover, one’s right is fulfilled only when that right is given to him based on ownership.\(^{31}\) Almighty Allah says, “And in their wealth, there was a rightful share ‘fulfilled’ for the beggar and the poor.”\(^{32}\)

\(^{22}\)Al-Baqara 2:110.
\(^{23}\)At-Tauba 9:71.
\(^{24}\)Al-Baqara 2:277.
\(^{26}\)A. B. M. Al- Mousali, Al-Ikhtiyar Lit’alil al-Mukhtar (Beirut: Dār al-Kutub al’ilmīya, 1426), 1/129.
\(^{27}\)At-Tauba 9:104.
\(^{29}\)Abu Bakr bin Masoud bin Ahmad Al-Kasani, Al-Bada’i’i al-Sana’i (Beirut: Dār al-Kutub al’ilmīya, 1986), 2/39.
\(^{30}\)Atiq Ahmad Qasmi, Zakat and the Problem of Tamlik (Karachi: Idarat al-Qur’ān, 2001), 178.
\(^{31}\)Mufti, Munib ur Rehman, Zakat (Karachi: Maktaba Naimiya, 2015), 133.
\(^{32}\)az-Zariyāt 51:19.
• Similarly, the Holy Prophet (SAW) made possession (tamlīk) a condition for paying Zakāt. There is a famous Ḥadīth in this regard in which the Holy Prophet (SAW) sent Hazrat Muadh (RA) as the agent of Yemen. While giving other instructions, a special instruction also said, “That is, Zakāt will be taken from their rich and spent on their poor.”

• Another Ḥadīth in which Hazrat Abu Juhaifa (RA) narrates that a person who received Zakāt from the Prophet (SAW) came to us. He took Zakāt from our rich and distributed it among our poor. I was an orphan boy and he gave me a young camel.

All these Qur'anic and Ḥadīth-based arguments show that it is a mandatory condition to make a poor person the owner of Zakāt amount or thing.

4.3. Second Group

According to Imam Malik, the first four headings (recipients) of Zakāt and the last heading of Zakāt have the condition of possession (tamlīk). In comparison, the remaining three headings of Zakāt do not have this condition.

Although Imam Malik is convinced of possession (tamlīk) in the last heading of Zakāt, he also associates paid Zakāt with the other three conditions.

1. Zakāt would be given as much as is sufficient.
2. His journey should not be with the intention of any sin.
3. He does not find a predecessor at the place where he is.

4.4. Third Group

Some jurists, including contemporary scholars, are not convinced of the condition of possession (tamlīk) in the last four Zakāt headings (recipients).

• According to Allama Sirajuddin Umar bin Ali Al-Damashqi (804 AH), in the first four headings (recipients) of Zakāt wealth is entrusted to them, while in the last four headings (recipients) of Zakāt the wealth of Zakāt is spent on the matters related to these headings.

• Allama Zamakhshari (538 AH), citing the same argument in his philosophy, writes, (If you ask the question, why was the “Fi” mentioned in the last four headings (recipients) instead of “Laam”? I think the previous four headings (recipients) are more important than the first four in terms of entitlement to Zakāt because the word “Fi” comes for capacity; therefore, Almighty Allah has warned that they are more entitled to be given Zakāt because in liberating the neck of a slave from slavery, or in freeing a prisoner, or in discharging debtors from debt, and every type of Ghazi and travelers are very important. Moreover, the word “Fi” is mentioned again in

33 Muhammad b Ismail Bukhari, Sahih Bukhari, Ḥadīth no. 1458.
37 Siraj Uddin abu ul Hassan Qadouri, Al-Lubab Fi Ulūm Al-Kitāb (Beirūt: Dār Al-Kutub Al-‘Ilmiyyah, 1419), 10/126.
the seventh heading (recipient) of Zakāt “Fi Sabilillah” because it should be given more priority than bailing out and paying off the debtor's debt.\textsuperscript{38}

- A renowned contemporary scholar Allama Siddiq Hasan Khan (1832-1890 AD) also has the same opinion in this regard.\textsuperscript{39}

- Muhammad Rashid Rida (1865-1935 AD) divides Zakāt recipients into two types. One type is related to specific persons and the other is related to matters because Almighty Allah divides the verse \textsuperscript{40} into two parts. In one part the recipients of Zakāt are characterized by the attribute of ownership using the letter “\textit{laam-e-tamlīk}”, while the other type of recipients is related to the collective public interests of the country using the word “\textit{Fi}”, which stands for capacity.\textsuperscript{41}

4.5. Arguments of Second and Third Groups

The arguments of the second and third groups are similar. So, in order to avoid unnecessary repetition, the arguments of both groups are stated together. The main argument is that after the first four headings (recipients) of Zakāt, Almighty Allah explains the last four headings (recipients) with the word “\textit{Fi}”. According to Imam Razi (d. 1210 AD), Almighty Allah describes the first four headings of Zakāt using “\textit{laam-e-tamlīk}”. Moreover, when Almighty Allah mentions the fifth heading (recipient) of Zakāt, the letter “\textit{laam}” is substituted by the word “\textit{Fi}”. The reason is that in the first four headings the recipients would receive their shares to spend as they wish. However, in the last four headings, the beneficiaries would not be given their shares; instead, their portion of Zakāt would be spent to the extent they are entitled to Zakāt.\textsuperscript{42}

- Furthermore, the author of Tafsir Khazan shows the same tendency. He argues that in the first four headings (recipients) of Zakāt, the wealth of Zakāt is given to the recipients. However, in the fifth heading (recipient) of Zakāt, it would be spent on getting rid of slavery and not given to those who are enslaved. Moreover, in the sixth heading (recipient), debts would be paid from Zakāt funds. Similarly, Zakāt funds would be spent on the needs of the fighters on the battlefield fighting for the sake of Almighty Allah. In the same way, Zakāt funds would be spent on travelers so that they can reach their destination.\textsuperscript{43}

4.6. Fourth Group

The fourth group’s view is that the condition of possession (\textit{tamlīk}) in all Zakāt headings (recipients) is not mandatory. Among ancient scholars, this is the view of Imam Quffal.

\footnotesize{\textsuperscript{38}Mahmood bin Umar Al-Zamakshari, \textit{Tafsîr e Kashshāf} (Beirūt: Dar al-Kitab al-'Arabi 1407), 2/282.  
\textsuperscript{40}at-Tauba 9: 60.  
\textsuperscript{41}Rashid Reda, \textit{Tafsîr al-Manār} (Egypt: Al-Hai'a Al-Masriya Al-Anna lil Kitab, 1990), 10/436.  
\textsuperscript{42}Al-Razî, \textit{Mafatîh al-Ghayb}, 1686.  
\textsuperscript{43}Muhammad bin Ibrahim, Al-Baghdadi, \textit{Tafseer Khazin} (Beirūt: Dār Al-Kutub Al-'Ilmiyyah, 1415), 2/375.}
Al-Quffal and some other jurists permit the disbursement of Zakāt to all charitable causes including shrouding the dead and building forts and mosques.44 Their main argument is also derived from the discussion of the letter “‘lam” and the word “Fi” in the Holy verse.45

- According to Allama Al-Qastalani (1447-1517 AD), the purpose of “‘lam” at the beginning of the first heading (recipient) in the Holy Verse 46 is only to explain the expenditures of Zakāt. So, it does not indicate the condition of possession (tamlīk).47

- The same is written in Tafsir Saud that the purpose of “‘lam” is only that Zakāt would not be spent other than these eight headings.48

- Some contemporary scholars such as Al-Maraghi (1881-1945 AD), Sheikh Shaltut (1893-1963 AD), Sheikh Amin Ahsan Islahi (1904-1997 AD), and Allama Sherazi write, A group of our jurists specialize “laam” for the meaning of personal possession and concludes that the amount of Zakāt cannot be spent on the collective welfare of the poor and the needy. According to us, this opinion is not based on any solid argument.49

4.6.1. Arguments of Fourth Group

The arguments of those who believe that there is no condition of possession (tamlīk) in spending Zakāt are generally only two.

1. In the verse of Zakāt headings (recipients), “‘laam” at the beginning does not mean “‘lam-etamlīk” because it has many meanings among lexicographers. So, it is not right to emphasize only “‘laam-etamlīk” here. For example, the letter “‘laam” is used to communicate 22 meanings. Some of these meanings are as follows:

(i) One of the meanings of the letter "laam" is deserving, such as in Alhamdulillah, Allah is deserving of all praise.

(ii) It also has the meaning ‘to be special’, as in the sentence “al jannat lil momineen” would mean “Jannat is special for the believers”.

(iii) It can also stand for ownership, as the meaning of the Qur’anic verse is “To Him belongs (ownership) whatever is in the heavens and whatever is in the earth.” 50

(iv) It has another meaning “the finisher”, as it appears in the word “liyakon” in the Qur’ānic verse.51 The family took it out of the river so that the result would be enemies and a thorn of grief for them.52

45At-Tauba 9:60.
46Ibid.
47Al-Qastallānī, Irshād al-Sarī fi Sharḥ al-Bukhārī, 3/57.
48Al-Amadi, Tafsīr Abī al-Su’ūd, 4/76.
50al-An‘ām 06:20.
51al-Anfal 08: 28.
52Manzoor Al-Hasan, The Condition of Tamlīk on Zakat (Lahore: Al-Mawrid Institute of Knowledge and Research, 2001), 23
2. In the blessed Hadīth, “Whenever a meal was brought to Allah’s Messenger (SAW) he would ask whether it was a gift or sadaqah (something given in charity). If he was told that it was sadaqah, he would tell his companions to eat it, but if it was a gift, he would hurry to share it with them.”\(^{53}\) It is known from this blessed Hadīth that the Prophet (SAW) made it permissible to eat sadaqah (Zakāt) for his companions, although Abahāt (recommended) does not prove possession or tamlīk.

3. In another blessed Hadīth, the Prophet (SAW) ordered the people of Aurina to drink the milk and urine of camels of Zakāt due to their illness.\(^{54}\)

This shows that possession or tamlīk is not mandatory for Zakāt.

4.6.2. Answers to the arguments of those who do not believe in possession (tamlīk) in all headings of Zakāt

All the previous passages in which tamlīk is made mandatory in the first four headings of Zakāt, partially and generally, prove our opinion. Moreover, the following four significant arguments are answered by those who believe in the possession of Zakāt (tamlīk).

- In the verse of Zakāt headings, “laam” at the beginning of the word poor is not “laam-e-tamlīk” because it comes with many meanings among lexicographers.

- The second reason for not having the condition of possession (tamlīk) in Zakāt expenditures is the use of the word “Fi” instead of “laam” in the last four expenditures of Zakāt.

- The blessed Hadīth in which the Prophet (SAW) orders his companions to eat sadaqah (Zakāt).

- In another Hadīth in which the Prophet (SAW) orders the people of Aurina to drink the milk and urine of camels of Zakāt.

**Answers:** The answer to the first argument lies in the statements of the first group, while the answers to the second argument are as follows:

- Out of the eight types of Zakāt headings, Almighty Allah describes the first four types using the letter “laam” and the last four types using the word “Fi”. This is because the first four types would be given Zakāt based on personal privilege and the letter “laam” is used to describe this personal privilege. Moreover, the last four types are defined by the word “Fi” because these four types are allowed to take Zakāt not due to personal privilege but due to expediency and necessity, such as freeing necks from slavery, redeeming and providing relief from debt, performing the duty of jihad for the sake of Almighty Allah, and completing the journey. Due to these causes and reasons, it is allowed to give them charity.\(^{55}\)

- Maulana Akhtar Imam Adil Qasmi states in his article “The meaning and importance of the Qur’anic headings of Zakāt” that Zakāt is divided into two types. The first four headings are described by “laam” in which the individuals are personally deserving of receiving Zakāt. In case of the last four headings described by “Fi” Zakāt would be given to individuals, although not in their personal capacity but based on the needs they have. These needs are not permanent but temporary. The Holy Qur’an has pointed to this difference through this division. In one type,

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53Bukhari, Ḥadīth no. 2576.
there is a personality and in the other, there is a need. As soon as the need ends, these deserving people do not remain the recipients of Zakāt.\textsuperscript{56}

- \textit{Sadaqah} in this context meant posthumous \textit{sadaqah}. This is why the Prophet (SAW) invited all the companions to eat it.

- There are clear words in the blessed Ḥadīth stating that the Prophet (SAW) ordered them to do this to cure a disease. So, this Ḥadīth is exceptional for those people.

5. \textbf{Conclusion}

The current study concludes that it is clear that the condition of possession (\textit{tamlīk}) in Zakāt is fundamental. This is because the most significant benefit in case of possession (\textit{tamlīk}) is that the poor would be able to spend the Zakāt money according to their needs. Moreover, it may be that the necessities provided to the poor person are not so important to him because a man knows his own needs best. So, making the poor the owners of Zakāt is according to the spirit of the Holy Qur’ān and Sunnah. The following scholars also support this opinion.

- Syed Sulaiman Nadwi (1884-1953 AD) described the same problem in his book Seerat Un Nabi and stated, “One of the major constraints in the previous Sharī’ah was that Zakāt was not given to the deserving, but it was collected in the storehouse and food was cooked and distributed among the poor; therefore the \textit{Sharī’ah Muhammadiyah} reformed this ritual so that grain or money should be given to the beneficiaries themselves so that they can spend on their needs as they wish.”\textsuperscript{57}

Also, the condition of possession (\textit{tamlīk}) in the expenditures of Zakāt is also a limitation because if this condition is set aside, then the Zakāt owner may start spending Zakāt on construction, that is, building mosques, bridges, and forts, instead of helping people directly. This does not mean that Islam does not give importance to public interest. Indeed, in Islam, both individual and collective affairs are essential; therefore, Islam defines Zakāt as the improvement of individual matters and other sources of state for the welfare of communal affairs.

- Hazrat Shah Waliullah (1703-1762 AD) explained this point while detailing the sources of income of the Islamic state. He stated that the wealth obtained from the city of the Muslim population is basically of two types. Resultantly, its consumption is also of two kinds. One is the wealth that has left the owner's possession, such as the deceased's inheritance. The other is the charity of Muslims, collected in the \textit{Bait ul Mal}. Such assets are spent on specific occasions when someone is made their owner and the Qur’ān describes these occasions under the heading of the expenditure Zakāt.\textsuperscript{58}

Therefore, the current research concludes that the condition of possession (\textit{tamlīk}) is necessary for the payment of Zakāt to be correct. Hence, the opinion of the first group prevails over all the other groups’ opinions on the following grounds:

1. Almost all the imams, namely Imam Abu Hanifa, Imam Shafi, Imam Ahmad, and Imam Malik, as well as contemporary scholars, are convinced of different styles of possession (\textit{tamlīk}) in Zakāt. In the blessed Hadīth, it is stated that Almighty Allah is with the congregation.\textsuperscript{59}

\textsuperscript{56}Qasmi, \textit{Which Means and Importance of Qur’ānic headings of Zakat}, 47.
\textsuperscript{57}Nadwi, \textit{Seerat al-Nabi}, 4/139.
\textsuperscript{58}Shāh Walīullāh, \textit{Hujjatullah-il-Balighah} (Beirut: Ihya al-Uloom, 1992), 1/499.
\textsuperscript{59}Al-Nasāʾī, Ḥadīth no. 4020.
2. Also, it has been claimed that Zakāt can be spent on the projects of public welfare and public interest. All the welfare and public interest works were also carried out during the era of the Holy Prophet (SAW). However, he did not spend Zakāt on public welfare or to fulfill public interest. Money spent on these matters was generated from other sources of income.

3. The various stated scales in sadaqah fitr also prove that it is a pre-condition to make a deserving person the owner of Zakāt. Otherwise, there would be no need to state these scales.

Bibliography


