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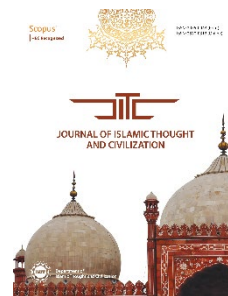
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Title: Possession of *Zakāt* and Contemporary Outlook: A Review

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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 jurists 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 Quffal 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’rifat*”. 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

¹Jibrān Masūd *Al-Ra’id* (Beirūt: Dār Āl Ilm, 2005), 287.

²*Encyclopedia of Fiqh* (Kuwait: Ministry of Endowments, 1992), V.14, 24

³Muhammad Bin Mukram Ibn Manzoor, *Lisān al-‘Arab* (Quetta: School of Ashrafiyya, 2000), vol.10, 491

⁴*The Encyclopedia of Fiqh*, 14/24.

⁵Muhammad bin Ismail Al-Bukhārī, *Sahih Al Bukhari* (Cairo: Dār Āl Shaīb, 1987), Ḥadīth no. 5030.

⁶Zain al-Din Ibn Nujaym, *Al-Asybah wa al-Nazhair* (Egypt: Muassasah al-Ḥalabī, 1387), 1/346.

⁷Ali bin Muhammad Al Jurjani, *Kitab al-Ta’rifāt* (Beirūt: Dār al-Kitāb al-‘Arabī, 1405), 1/295

- According to Ibn-e-Arabī Al Malki (543 AH), the word “possession” (*tamlīk*) is from Bab “Tafeel” and it is the name of the transfer of the owner’s ownership to someone else.⁸
- 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.⁹

3.2.3 Synonyms of Possession (*Tamlīk*)

Only four synonyms of *tamlīk* 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. "*Isqāt*" (to drop and cast).¹⁰

3.2.4. Sources of Possession (*Tamlīk*)

There have been described eight sources for possession (*tamlīk*); 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.¹¹

3.2.5 Terms and Conditions of Possession (*Tamlīk*)

Possession (*tamlīk*) 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.¹²

3.2.6 The Concept of Possession (*Tamlīk*) 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 (*tamlīk*) is an essential condition for all headings (recipients) of *Zakāt*.
- Second Group: Possession (*tamlīk*) is a necessary condition only for five headings (recipients) of *Zakāt*.
- Third Group: Possession (*tamlīk*) is an essential condition only for the first four headings (recipients) of *Zakāt*.

⁸Muhammad Ibn Abdullah, Ibn e’ Arabī, al-Ashbili al-Maliki, *Al Masālik* (Beirut: Dār al-Gharb al-Islāmī 1428), 5/557.

⁹Taqi ul Din, Ali ibn e Abd al Kafi, Subki, *Kitāb al-Ashbāh wa-l-Nazā’ir* (Beirut: Dār al-Kutub al-‘ilmīya, 1403), 1/518.

¹⁰Abdul Qadir, Muhammad bin Abu Bakr, *Mukhtar as-Sihah* (Beirut: Maktaba Labnan, 1415), 1/167.

¹¹Yahya bin Sharaf al-Shafi Al-Nawawī, *Kitab al-Majmu* (Beirut: Idara-Taba’at al-Maniriyyah, 1418), 15/209.

¹²*The Encyclopedia of Fiqh*, 14/21.

- 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 1.¹³ Condition to Make the Recipient the Owner of *Zakāt* for Paying *Zakāt*?

First Group	Second Group	Third Group	Forth Group
Hanafi, Shafi, and Hanbali Schools of Thought	Maliki School of Thought and Ibn Taymiyyah	Zamakhshari, Razi and Some Contemporary Scholars	Quffal, Shaukani, Al Maraghi, Sh. Shaltut, Islahi, and Shia Jurists
They refer to the condition of possession in the eight headings (recipients) of <i>Zakāt</i> . 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 <i>Zakāt</i> and the last heading have the condition of possession (<i>tamlīk</i>), whereas it is not necessary to have the condition of possession (<i>tamlīk</i>) for the remaining three headings of <i>Zakāt</i> .	It is necessary to make the deserving person the owner of <i>Zakāt</i> in the first four headings (recipients). However, in the last four headings, <i>Zakāt</i> would be spent on welfare activities.	Possession (<i>tamlīk</i>) is not a mandatory condition for all headings (recipients) of <i>Zakāt</i> .

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

¹³Abu Bakr bin Masoud bin Ahmad, Al-Kasani, *Al-Bada'i al-Sana'* (Beirut: Dār al-Kutub al-'ilmīya, 1986), 2/154; Al-Nawawī, *Kitab al-Majmu*, 6/197-205; Ahmad bin Ali, Ibn-e-Hajar Asqalani, *Fath al-Bārī fī Sharḥ Ṣaḥīḥ al-Bukhārī* (Beirut: Darul Ma'rifaḥ, 1379), 3/332; Ahmad ibn Muḥammad ibn Abī Bakr Al-Qasṭallānī, *Irshād al-Sarī fī Sharḥ al-Bukhārī* (Egypt: Al-Maktaba'a al-'Amira, 1323), 3/57; Abu Saud Muhammad bin Muhammad bin Mustafa Al-Aimadi, *Tafsīr Abī al-Su'ūd* (Beirut: Dar Ihya' al-Turath al-'Arabi, 2008), 4/76; Fakher ul Din Al-Razī, *Mafatīḥ ul-Ghayb* (Beirut: Dar Ihya' al-Turath al-'Arabi, 1420), 16/115; Dr. Wahbat al-Zuhaili, *Al Fiqh ul Islami Waadillatuhu* (Beirut: Dar ul Fikr, 2018), 3/176; Sheikh. Muhammad Yusuf, Al-Qaradawi, *Fiqh Āl Zakāt* (Beirut: Dār Āl Irshād, 1418), 2/115; Mufti Taqī, Usmani, *Fatawa Usmani* (Karachi: Maktaba Maarif Al Quran, 2012), 2/153; Taqī ad-Dīn 'Aḥmad ibn 'Abd al-Ḥalīm ibn 'Abd al-Salām, Ibn-e-Taymiyyah, *Al Fatawa Al Kubra* (Beirut: Dār Al-Kutub Al-'ilmīyah, 1987), 4/20; Muhammad ibn Ali ibn Abdullah, Ash Shawkani, *As-sayl al-jarrar al-mutaraffiq 'ala hada-iq al-azhar – Shawkani* (Beirut: Dar Ibn Hazm, 2000), 1/264; Sheikh Muhammad Mustafa Al Maraghi, *Tafseer-e-Maraghi* (Egypt: Mutafa Al Babi, 1946), 10/145; Amin Ahsan Islahi, *Tafseer-e- Tadabbar Al Qur'an* (Lahore: Faran Foundation, 2009), 3/593.

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.¹⁴ Moreover, in the juristic literature of Ahnaf, possession (*tamlīk*) is also elaborated as an important condition of *Zakāt*.¹⁵ 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.¹⁶

Muhammad Ibn Muflīh 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*.”¹⁷

According to Imam Al-Mawardi Al Shafī¹⁸, this verse¹⁹ 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.”²⁰

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.²¹ 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:

¹⁴Fakhr-ud-Din Uthman bin Ali, Al-Zila'i, *Tabyīn al-Haqa'iq Sharh Kanz al-Daqa'iq* (Cairo: Āl-Mutabat Āl-Kubra, Āl-Amiri, 1413), 1/251.

¹⁵Abdullah bin Mahmood, Al-Hanafi, Al-Muselli, *Al-Ikhtiyar li-ta'il al-Mukhtār* (Beirut: Dār Al-Kutub Al-'Ilmiyyah, 1426), 1/129; Muhammad bin Abdul Wahid, Al-Siwasi, *Sharah Fathul Qadeer* (Beirut: Dar ul Fikr, 1436), 2/261; Ibn Nujaym, *Al-Asybah wa al-Nazhair*, 2/216.

¹⁶*The Encyclopedia of Fiqh*. Kuwait, 23/329.

¹⁷Muhammad bin Muflah, Al Muqaddasī, *Kitāb al-Furū'* (Beirut: Mussat al-Risalah, 2003), 4/342.

¹⁸Alī ibn Muḥammad ibn Ḥabīb, Abū al-Ḥasan, Al-Mawardi, *Al-Hawi al-kabir fi-fiqh madhhab al- Imam al-Shafi'* (Beirut: Dār Al-Kutub Al-'Ilmiyyah, 1414), 8/479.

¹⁹At-Tauba 9:60.

²⁰Al-Nawawī, *Kitab al-Majmu*, (Beirut: Idara-Taba'at al-Maniriyyah, 1418), 6/184.

²¹Muwaffaq al-Dīn Abū Muḥammad 'Abd Allāh, Ibn e Qudāmah, *Al-Mughnī* (Beirut: Dar ul Fikr 1405), 2/528.

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 Raghīb 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'anic 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'an 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 “*Zakāt*” that *Zakāt* has been described by Almighty Allah as the right of the beggar and the poor in the Holy Qur'an. 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

²²Al-Baqara 2:110.

²³At-Tauba 9:71.

²⁴Al-Baqara 2:277.

²⁵Al-Hussain ibn Muhammad Abu al-Qasim Al-Isfahani Al-Raghīb, *Al-Mufardat fī Gharīb al-Qur'ān* (Beirūt: Dar al-Qalam, 1412), 1/61.

²⁶A. B. M. Al-Mousali, *Al-Ikhtiyar Lit'alil al-Mukhtar* (Beirūt: Dār al-Kutub al'ilmīya, 1426), 1/129.

²⁷at-Tauba 9:104.

²⁸Sulaymān ibn Aḥmad ibn Ayyūb Al Tibrani, *Al-Mu'jam Al-Kabir* (Cairo: Maktaba Ibn-e-Taimīya, 1415), 9/109.

²⁹Abu Bakr bin Masoud bin Ahmad Al-Kasani, *Al-Bada'i al-Sana'i* (Beirūt: Dār al-Kutub al'ilmīya, 1986), 2/39.

³⁰Atiq Ahmad Qasmi, *Zakat and the Problem of Tamlīk* (Karachi: Idarat al-Qur'ān, 2001), 178.

³¹Mufti, Munib ur Rehman, *Zakat* (Karachi: Maktaba Naimiya, 2015), 133.

³²az-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.”³³
- 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.³⁴

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.³⁵

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.³⁶

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.³⁷
- 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

³³Muhammad b Ismail Bukhari, *Sahih Bukhari*, Ḥadīth no. 1458.

³⁴Abū ‘Īsā Muḥammad ibn ‘Īsā, Tirmidhi, *Sunan al-Tirmidhi* (Beirut: Dar Ihya’ al-Turāth al’Arabi, 2000), Ḥadīth no. 649.

³⁵Ibn-e-Taymiyyah, *Al Fatawa Al Kubra* (Beirut: Dār Al-Kutub Al-‘ilmiyyah, 1987), 4/201.

³⁶Muḥammad Ibn‘Abd Allāh Al-Kharshi *Mukhtaṣar* (Egypt: al-Maṭba‘ah al-Kubrā al-Amīriyyah, 1317), 2/219; Al-Zuhāili, *Al Fiqh ul Islami Waadillatuhu*, 3/176.

³⁷Siraj Uddin abu ul Hassan Qadouri, *Al-Lubab Fi Ulūm Al-Kitāb* (Beirut: 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.³⁸

- A renowned contemporary scholar Allama Siddiq Hasan Khan (1832-1890 AD) also has the same opinion in this regard.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 verse⁴⁰ into two parts. In one part the recipients of *Zakāt* are characterized by the attribute of ownership using the letter "*laam-e-tamlīk*", while the other type of recipients is related to the collective public interests of the country using the word "*Fi*", which stands for capacity.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 "*Fi*". According to Imam Razi (d. 1210 AD), Almighty Allah describes the first four headings of *Zakāt* using "*laam-e-tamlīk*". Moreover, when Almighty Allah mentions the fifth heading (recipient) of *Zakāt*, the letter "*laam*" is substituted by the word "*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*.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.⁴³

4.6. Fourth Group

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

³⁸Mahmood bin Umar Al-Zamakshari, *Tafsīr e Kashshāf* (Beirut: Dar al-Kitab al-'Arabi 1407), 2/282.

³⁹Siddiq Hasan Khan, *Fath ul-Bayan fi Maqasid il-Qur'an*. Beirut: Al-Maktab al-'Asriya, 1414), 5/332.

⁴⁰at-Tauba 9: 60.

⁴¹Rashid Reda, *Tafsīr al-Manār* (Egypt: Al-Hai'a Al-Masriya Al-Amma lil Kitab, 1990), 10/436.

⁴²Al-Razī, *Mafatīh al-Ghayb*, 1686.

⁴³Muhammad bin Ibrahim, Al-Baghdadi, *Tafseer Khazin* (Beirut: Dār Al-Kutub Al-'ilmiyyah, 1415), 2/375.

Al-Quffāl 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 Verse⁴⁶ 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-e-tamlīk*” because it has many meanings among lexicographers. So, it is not right to emphasize only “*laam-e-tamlīk*” 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’anic 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

⁴⁴Hasan bin Muhammad bin Hussain Nizam Uddin, *Gharaib ul Qur’an* (Beirut: Dār Al-Kutub Al-Ilmiyyah, 1996), 3/492; Ibn-e-Adil, *Tafseer-e-Lubāb*, 1/2638.

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.

⁴⁹Al Maraghi, *Tafseer-e-Maraghi*, 10/145; Shaltūt, *Al-Fatawa*, 128-129; Islahi, *Tafseer-e-Tadabbar Al Qur’an*, 3/593; Ayatollah Nasser Makaram Sherazi, *Tafseer-e-Namona* (Tehran: Dār Āl Kutub Āl Islamia, 1387), 8/15.

⁵⁰al-An’ām 06:20.

⁵¹al-Anfāl 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 Ḥadīth, “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 Ḥadīth 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 Ḥadīth, 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 Ḥadīth in which the Prophet (*SAW*) orders his companions to eat *sadaqah* (*Zakāt*).
- In another Ḥadīth 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,

⁵³Bukhari, Ḥadīth no. 2576.

⁵⁴Bukhari, Ḥadīth no. 1501; Islahi, *Tafseer-e- Tadabbar Al Qur’ān*, 3/595.

⁵⁵Muhammad Idris Kandhalvi, *Ma’arif al-Qur’ān* (Sindh: Maktabat al-Ma’arif Dar Uloom Al-Husainiyya, 1422), 3/470.

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*.⁵⁶

- *Sadaqah* in this context meant posthumous *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. Conclusion

The current study concludes that it is clear that the condition of possession (*tamlīk*) in *Zakāt* is fundamental. This is because the most significant benefit in case of possession (*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 *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."⁵⁷

Also, the condition of possession (*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 *Bait ul Mal*. Such assets are spent on specific occasions when someone is made their owner and the Qur'an describes these occasions under the heading of the expenditure *Zakāt*.⁵⁸

Therefore, the current research concludes that the condition of possession (*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 (*tamlīk*) in *Zakāt*. In the blessed Ḥadīth, it is stated that Almighty Allah is with the congregation.⁵⁹

⁵⁶Qasmi, *Which Means and Importance of Qur'ānic headings of Zakat*, 47.

⁵⁷Nadwi, *Seerat al-Nabi*, 4/139.

⁵⁸Shāh Waliullāh, *Hujjatullah-il-Balighah* (Beirut: Ihya al-Uloom, 1992), 1/499.

⁵⁹Al-Nasā'ī, 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.

Conflict of Interest

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