This document is an explanation of National Zakat Foundation’s approach to the distribution of Zakat funds in the United Kingdom. It is informed by almost seven years of unique experience that NZF has gained as the UK’s only Zakat institution. It is the particular outcome of 12 months of intense scholarly research and consultation: in this process, insights have been derived from the relevant sections of well over five hundred works of past and contemporary scholars.

It has been written primarily for scholars and those with a background in Islamic Studies. It is also likely to be of interest to existing and potential Zakat payers, and indeed anyone who wishes to understand the thinking behind NZF’s Zakat distribution policies.

NZF has always welcomed and engaged with the input of scholars and experts in iterating and refining its practices: policy formation remains an open and live process that will be continuously informed by new experiences, research and learning. Therefore, please send any questions or comments in relation to this document to Mufti Faraz Adam from NZF’s Strategy, Policy & Research team by email at faraz.adam@nzf.org.uk. Details of our in-house scholars, our external Advisers, and the terms of reference by which we engage our Advisers can be found here: https://nzf.org.uk/About/Advisory

This document is written in NZF’s unique context as a Zakat focused institution with the sole remit of working for a brighter future for Islam and Muslims in the UK. Conclusions about appropriate ways to utilise Zakat funds cannot be drawn in isolation from sections of this document by individuals and entities whose situation does not resemble that of NZF.
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Executive Summary

This document outlines National Zakat Foundation’s (NZF’s) approach to Zakat distribution in the United Kingdom.

Zakat

Zakat is the third of five core obligations in Islam and an act of worship that requires institutionalisation for its full potential to be unlocked and strategic impact to manifest.

Its overarching purpose is to uphold Islam by addressing the individual needs of Muslims and strengthening the cause of Islam at a collective level. All other benefits and descriptions of Zakat form the different components of an integrated system that support this overarching objective.

These outcomes are achieved by pooling the Zakat of the Muslims, focusing Zakat distribution locally to bring about change in the very environment in which the Zakat payers live and where their primary responsibilities lie, and distributing Zakat funds to address the eight concerns highlighted in the Qur’an in a balanced and strategic way that reflects the needs of the time and place.


Each of the eight categories of Zakat distribution addresses a barrier to devotion to Allah (Islam) and the progress of the faithful. By utilising resources to break down these barriers, the goal of effective Zakat distribution is achieved: to uphold Islam by addressing the individual needs of Muslims and strengthening the cause of Islam at a collective level.

NZF’s approach to distributing Zakat

Founded in 2011, National Zakat Foundation is the UK’s only Zakat institution.

National Zakat Foundation draws upon insights from primary sources, the rich heritage of the four principle schools of Islamic law and contemporary scholarship to realise the objective of Zakat through transformative Zakat distribution addressing the eight categories.

NZF has divided the eight categories into three areas for operational and organisational purposes: 1) Poverty relief and Economic Empowerment, 2) Community Development and 3) Administration.

To enable devotion to Allah to flourish in society, NZF distributes Zakat to support and empower individuals in poverty and to invest in community development.

National Zakat Foundation seeks solutions which are most effective for poverty alleviation and economic empowerment, most strategic to furthering the cause of Islam and the interests of
Muslims in the UK, and most efficient administratively.

NZF’s Zakat distribution policy is formed as a result of holistic research and a consultation process in an attempt to be authentic to Allah Almighty Himself by being rooted in the textual sources of our religion, as well as being relevant to our situation as Muslims in the United Kingdom today. Multiple angles are therefore considered in decision making, with input from a diverse range of scholars, practitioners and professionals.

With respect to specific queries relating to Islamic jurisprudence (fiqh), NZF’s Strategy, Policy & Research Department works closely with a wide range of external Muslim scholars locally and globally to develop research, answers on contemporary issues and guidance for NZF at an operational level. The names of NZF’s Advisers can be viewed on the following link: https://www.nzf.org.uk/About/Advisory.

Structure of the document

This document presents NZF’s Zakat distribution strategy in terms of both principles and practice, and then provides evidence and explanation for the distribution strategy section by section, using insights from primary sources, classical scholarship and contemporary jurists. From section 5 onwards, the red text is the core text of the distribution strategy and the black text contains the commentary, evidence and explanation for that section.

Appendices provide further explanation of Fiqh principles and methodology, as well as the Wakalah model. Detailed references are also provided. These are mostly in the Arabic language and for the benefit of scholars. Translations of these references will be made available in subsequent iterations of this document.
Our Zakat Distribution Strategy

1 NZF Distribution Strategy: Principles

1.1 The big picture

Our vision is for Islam to flourish in society as a source of prosperity and harmony for all. Islam means devotion to Allah Almighty. Muslims are people who choose to devote themselves to Him completely. We believe the strongest foundation for happiness in this life and the next lies in this relationship of devotion (Islam) between the human and Divine.

There are five core obligations or pillars of Islam: bearing witness to Allah, prayer, Zakat, fasting and pilgrimage. The overarching purpose of all the core obligations is to enable devotion to Allah to thrive, individually and collectively.

National Zakat Foundation (NZF) seeks to revive and uphold the third pillar by fulfilling its mission of distributing Zakat transformatively within the United Kingdom.

1.2 What is Zakat and who is it for?

In the Arabic language, Zakat means growth, blessings, purification and development. Zakat requires Muslims to pay 2.5% of their qualifying wealth on an annual basis. Zakat provides an opportunity for the payer to fulfil their duty to Allah by making payment. It also provides an opportunity to help the poor. But it is more than this.


1.3 How can we distribute Zakat effectively?

The overarching purpose of Zakat can only be fully achieved when we distribute Zakat in an effective way. Based on insights from the Qur’an, the Prophetic example and the writings of both classical and contemporary scholars and jurists, that means we need to:

- **Pool our Zakat** – centrally co-ordinate where it is given, based on an understanding of our individual and collective challenges and opportunities.

- **Focus our Zakat locally** – distribute Zakat in the society where we know the needs and culture best, and for which we are most responsible and accountable to Allah.

- **Balance our Zakat** – use Zakat to support and empower people in poverty and to invest in community development, meeting needs based on the eight categories in the Qur’an (9:60).
Our Zakat Distribution Strategy

- POOLED
- FOCUSED
- BALANCED

Central Collection
Our Zakat Distribution Strategy

2 NZF Distribution Strategy: Practice

National Zakat Foundation (NZF) awards Zakat grants in the UK. We support and empower individuals in poverty and we invest in community development. NZF does this to enable devotion to Allah to flourish in society.

There are three areas of Zakat distribution:

1) Poverty Relief and Economic Empowerment
2) Community Development
3) Administration

2.1 Poverty Relief and Economic Empowerment

We support and empower individuals in poverty

NZF helps eligible individuals who fall within the first, second, fifth, sixth and eighth Zakat recipient categories.

Just over 75% of our Zakat distribution in 2018 (£3.04m out of £4.0m in total) is for those in poverty. NZF receives direct applications and referrals from UK mosques, hospitals, police stations and charities. We have a skilled team of caseworkers who assess each case with due diligence.

A snapshot of the problem:

- 50% of Muslim households are in poverty compared to 18% for the population overall.
• Muslim women face a triple penalty impacting on their employment prospects.
• Young Muslims are excluded, discriminated against, or failed, at every stage from education to employment.

The two areas of support are:

• **Poverty Relief**
  This covers essential costs of day-to-day living, such as food, shelter, clothing and basic household furniture.

• **Economic Empowerment**
  Once immediate requirements have been met, the Zakat recipient receives advice and funding to help them permanently increase their income or reduce their spend so that they can live self-sustainably and hopefully become Zakat payers. For example, this includes training likely to result in employment and support with legal fees for asylum.

2.2 **Community Development**

We invest in community development

NZF supports and funds individuals, projects and organisations whose work falls within the fourth and seventh Zakat recipient categories.

This is an important new component of our distribution. For 2018, it is budgeted at 15% of Zakat distribution (£0.6m out of £4.0m in total)

A snapshot of the problem:

• Almost half of British people think that Islam is not compatible with the British way of life.
• Muslims growing up in an increasingly secular Britain, especially the young, are drifting
away – identifying as Muslims culturally but less committed to the essence of Islam.

- National organisations representing Muslims and Muslim organisations, as well as advocacy groups, are underfunded and therefore have less credibility and influence.

The three core objectives under this strand are:

- Better public perception: change perceptions towards Islam and Muslims in the UK positively and significantly, by promoting understanding and engagement.
- Religious scholarship and literacy: inspire Muslims towards a deeper commitment to Allah, by developing robust intellectual religious leadership and initiatives that can provide guidance.
- Effective representation: facilitate better faith-based representation and contribution of the Muslim community in the public sphere, by enhancing leadership capacity.

Based on the third category of Zakat expenditure, no more than 10% of Zakat distributed in a year is used to support the qualified and dedicated distribution team awarding Zakat. For 2018, this has been budgeted at 9% (£0.36m out of £4.0m).
3 NZF Distribution Strategy principles: evidence and explanation

Note: The red text is the text of the above distribution strategy. The black text is the commentary to that section of the narrative.

3.1 The big picture

Our vision is for Islam to flourish in society as a source of prosperity and harmony for all. Islam means devotion to Allah Almighty. Muslims are people who choose to devote themselves to Him completely. We believe the strongest foundation for happiness in this life and the next lies in this relationship of devotion (Islam) between the human and Divine.

There are five core obligations or pillars of Islam: bearing witness to Allah, prayer, Zakat, fasting and pilgrimage. The overarching purpose of all the core obligations is to enable devotion to Allah to thrive, individually and collectively.

National Zakat Foundation (NZF) seeks to revive and uphold the third pillar by fulfilling its mission of distributing Zakat transformatively within the United Kingdom.

Islam describes a state of subservience, which manifests in one’s belief, worship and dealings with creation. The epitome of this state is Ihsan – excellence in every manifestation of subservience.

The Prophet stated that Islam, that is the same state of subservience, is built on five distinctive acts: ‘Testifying that there is no Allah but Allah and that Muhammad is the messenger of Allah, establishing Salat, giving the Zakat, fasting in Ramadan, and pilgrimage to the House – for those who are able to find a way.’ Being built on suggests that these five things form the basis of true subservience to Allah, and in being a basis it follows that everything else in the faith follows on from them, rather than there being other aspects of the faith sitting alongside them, and thus of equal elemental disposition. Looking at it this way, these five distinctive acts do not merely engender a ritual disposition but offer a robust course of development that founds the most fundamental aspects of complete subservience.

When these five foundations are systematically implemented, individually and collectively, it paves the way for Islam to flourish in the lives of those in society, resulting in a society committed to Allah. Ibn Rajab al-Hanbali (d.795 AH) states that there is a ‘synergy between these pillars’ which leads to the establishing, upholding and preserving of the subservience to Allah. Thus, Zakat plays a huge role in the lives of individuals and the community, by resourcing them in such a way that barriers to ongoing faithfulness at both an individual and collective level are reduced or removed altogether. In fact, when enumerating the rationale behind the injunction of Zakat, Imam al-Kasani (d.587 AH) states: “Zakat strengthens the weak, empowers the unable
and uplifts the debilitated to establish Tawhid and worship ordained by Allah.”

Of the five pillars, the Qur’an mentions the three pillars of Shahadat/Iman, Salat and Zakat together repeatedly. Allah describes how previous prophets were explicitly ordered to establish Salat and Zakat:

“And We made them leaders guiding by Our command. And We inspired to them the doing of good deeds, establishment of prayer, and giving of Zakat; and they were worshippers of Us.” (Qur’an 21:73)

“...men whom neither commerce nor sale distracts from the remembrance of Allah and performance of prayer and giving of Zakat. They fear a Day in which the hearts and eyes will [fearfully] turn about.” (Qur’an 24:37)

The great scholar, Imam al-Iraqi (d.806 AH) states that whoever practises these three pillars properly will find fasting and performing Hajj easier. Al-Kirmani (d.786 AH) mentions Salat and Zakat have more importance and emphasis due to their year-round manifestation. It is of no surprise then that the Qur’an exhorts steadfastness on Salat and Zakat twenty-eight times together. In fact, Mulla Ali al-Qari (d.1014 AH) states that Salat and Zakat are the origins of all worship and good deeds. Imam al-‘Ayni (d. 855 AH) refers to Zakat as the partner of Salat.

If Salat and Zakat are rightfully established at both an individual and collective level in society, they will help in all other good deeds and acts manifesting in society. It is upon this establishment of virtue which Allah promises prosperity and harmony for all.

“Allah has made a promise to those among you who believe and do good deeds: He will make them successors to the land, as He did those who came before them; He will empower the religion He has chosen for them; He will grant them security to replace their fear. They will worship Me and not join anything with Me. Those who are defiant after that will be the rebels. Establish Salat, give Zakat and obey the Messenger so that you may receive [this] Mercy!” (Qur’an 24:55-56).

Zakat has a direct benefit for the payer and the society. Hence, Shah Walilullah (d.1176 AH) states that the benefits of Zakat go back to the payer and to society. In other words, the growth of ‘subservience to Allah’ takes place in the payer and society as a result of Zakat. As far as the payer is concerned, his personal Islam is established and strengthened by believing in the obligation of Zakat and paying Zakat accurately. With respect to society, its Islam is strengthened by the holistic, strategic distribution of Zakat.

The role of a Zakat organisation is therefore to establish the pillar of Zakat in an effective and strategic manner. If the five pillars are the foundation for subservience to Allah and if Zakat as a pillar has the particular function of resourcing this subservience to Allah, it only makes sense that a Zakat organisation considers a framework to establish the pillar of Zakat in terms of effective
distribution to provide support, stability and security for the future of Islam in society. Hence, the National Zakat Foundation has developed a strategy which aims to utilise Zakat to support and empower those in poverty as well as further the cause of Islam at an individual and collective level. Strengthening the cause of Islam is inherently a part of the objectives of Zakat. Imam al-Tabari (d.310 AH) mentions that the eight categories of Zakat expenditure can be summarised into two essential functions:\(^{10}\):

1. Fulfilling the needs of the Muslims
2. Assisting and strengthening Islam

The contemporary senior Hanafi jurist of India, Mufti Khalid Saifullah Rahmani states: “By contemplating on the categories of Zakat, it becomes clear that the purpose of Zakat is not just to help the needy, but to also protect and safeguard Islam. Hence, the categories of Fi-Sabilillah and Mu’allafatul Qulub serve the purpose of preserving and safeguarding Islam.”\(^{11}\)

It is worth noting that even the first objective of helping the needy has a critical function to play not just in providing a believer with the material resources he/she requires for essential needs, but in their individual sense of belonging to the Muslim community and in their own ability to maintain a healthy and sustainable state of subservience to Allah. In one prayer, the Prophet \(^{9}\) sought refuge in Allah from “disbelief and poverty” (Sahih Ibn Hibban). In another statement, he indicated that poverty leads to disbelief (Al-Tabarani and al-Bayhaqi).

Mulla Ali al-Qari (d.1014 AH) describes Zakat as the ‘bridge to Islam’\(^{12}\). The contemporary Hanafi jurist, Dr Salah Abul Haj argues that Zakat entitlement and worthiness is focused on the attribute coined by Allah for the meta-categories and not just the physical recipients\(^{13}\). Each meta-category is anchored on an underlying outcome and impact which is the objective of that meta-category. The combination of these meta-categories results in achieving the overarching objective of Zakat. Thus, the overarching objective of Zakat can only truly be realised through the effective and relevant distribution of Zakat across the eight categories of Zakat and not just by focusing on the accurate individual payment of Zakat alone.

### 3.2 What is Zakat and who is it for?

In the Arabic language, Zakat means growth, blessings, purification and development. Zakat requires Muslims to pay 2.5% of their qualifying wealth on an annual basis. Zakat provides an opportunity for the payer to fulfil their duty to Allah by making payment. It also provides an opportunity to help the poor. But it is more than this.


The objectives, definitions, descriptions\(^{14}\), characteristics and functions of Zakat from the Qur’an, Sunnah and the Tafsir, Hadith and Fiqh commentaries can all be summarised in the following
Our Zakat Distribution Strategy

points:

- Zakat establishes subservience to Allah in one’s life
- Zakat is to alleviate poverty and the need of the needy
- Zakat is a gratitude for the blessing of one’s wealth
- Zakat is a means of purification of the soul
- Zakat purifies one’s wealth
- Zakat removes any ill feeling and spiritual diseases in the needy such as jealousy, rancour or malice against those who have wealth
- Zakat is a means to multiply one’s reward for the hereafter
- Zakat is to sympathise and show compassion for the less fortunate
- Zakat is a means to bless one’s wealth
- Zakat is a form of social security and mutual assistance
- Zakat is a means of developing and strengthening the economy
- Zakat is a means of inviting to, and propagating, devotion to Allah

Zakat is a multi-purpose and multi-functional act of worship. Imam al-Shatibi (d.790 AH) discusses how one act of worship can have multiple layers and dimensions of objectives. All of these descriptions eventually lead to explaining Zakat as a means to better an individual, his or her wealth and society for ‘something greater’. That ‘greater something’ can only be the subservience to Allah, the very reason for our existence. Therefore, Zakat ultimately assists the individual and the society in getting closer to Allah and submitting to Him. This is the supreme objective of all acts of worships. This philosophy is supported by the higher objectives discussed by Imam al-Shatibi, Imam ibn Taymiyyah, al-‘Izz ibn Abd al-Salam and others.

How do the characteristics of Zakat describe its nature?

The operations of Zakat in respect to calculation, collection and distribution show another dimension of how Zakat functions. The following legal rulings of Zakat paint a picture of Zakat:

- Zakat is paid once a year
- Zakat is paid on specific assets such as: gold, silver, cash, business assets, agricultural produce, livestock, treasure troves
- Zakat was traditionally collected and distributed by the legitimate authority/government
- According to some schools of law, Zakat could be forcefully taken if payment was refused
- The state can take punitive measures on the non-payers of Zakat
- Abandoning Zakat payments is tantamount to treason
- Zakat has thresholds and bands (Nisab)
- Zakat was generally distributed where it was collected
- Zakat has specific areas and categories for spend
- Zakat cannot be given to facilitate sin
The above operational characteristics clearly demonstrate that Zakat has a systematic nature; it is not simply charity. Charity is spontaneous, uncalculated and voluntary. The framework within which Zakat traditionally operated under an authority demonstrates its fiscal nature. One could almost argue that the payment of Zakat and Zakat distribution operate like a tax, covering some elements of public sector spending. However, the metaphysical element of Zakat makes it more wholesome than tax and different to a secular system – when it comes to Zakat, funds are paid/raised in the name of Allah and spent in the name of Allah and for His cause, with the hope and expectation of achieving betterment in this life and the next. Furthermore, the rules and limits of Zakat are not left solely to reason and one’s personal intuition.

If we were to combine all the above dimensions and encapsulate the entire breadth of the above discussion, Zakat can be summarised as:

“An institutionalised obligation to resource the individual welfare of Muslims and strengthen the cause of Islam by addressing various causes of weakness derived from the Qur’an (9:60), to ultimately facilitate subservience to Allah at an individual and collective level.”

All the other stated objectives and descriptions of Zakat feed into this overarching philosophy. The other sub-objectives are either directly removing barriers, facilitating subservience or are individual manifestations of subservience to Allah in and of themselves.

The details of the categories of Zakat expenditure are covered in the next section.

3.3 How can we distribute Zakat effectively?

The overarching purpose of Zakat can only be fully achieved when we distribute Zakat in an effective way. Based on insights from the Qur’an, the Prophetic example and the writings of both classical and contemporary scholars and jurists, that means we need to:

- Pool our Zakat – centrally co-ordinate where it is given, based on an understanding of our individual and collective challenges and opportunities.
- Focus our Zakat locally – distribute Zakat in the society where we know the needs and culture best, and for which we are most responsible and accountable to Allah.
- Balance our Zakat – use Zakat to support and empower people in poverty and to invest in community development, meeting needs based on the eight categories in the Qur’an (9:60).
Our Zakat Distribution Strategy

Zakat distribution requires strategy. A strategy allows a community and an organisation to be proactive rather than reactive. It sets up a sense of direction for all those involved. Strategies create operational efficiency and makes the results of our efforts more durable. Zakat, being a resource for Islam, necessitates a strategic approach.

Institutionalising and administering Zakat is no easy task: Zakat is a pillar of Islam and any misconduct or complacency will surely face accountability in the court of Allah. In close consultation with scholars, NZF has always practised diligence and caution with regards to the proposed legalities of Zakat, whilst aiming to understand the overarching aims of Zakat and develop a distribution strategy that ensures they are delivered. Thus, a clear and sensible strategy is a fundamental requirement to fulfil this trust and responsibility. Upon contemplating the Qur’an, the Prophetic example and the writings of both classical and contemporary scholars and jurists, we believe there are three essential components underlying effective Zakat distribution, which are for Zakat to be focused, pooled and balanced.

A) Zakat is pooled

Fiqh evidence and explanation

The centralisation of Zakat is alluded to in the Qur’an. The Qur’an refers to “the Zakat Administrators” (9:60) which refers to those working in the central organisation among the body of believers collecting and distributing Zakat in society. When discussing Zakat collection, Allah addressed the Prophet with a singular imperative verb and not a plural imperative as commonly used in other places, “Take alms out of their property, you would cleanse them and purify them thereby, and pray for them; surely your prayer is a relief to them; and Allah is Hearing, Knowing.” (Qur’an 9:103) The singular imperative verb points to the notion of a centralised system of the collection and distribution of Zakat and the pooling of resources as argued by Shaykh Qardhawi.

In the early period of Islam, Zakat collection and distribution was a governmental department and function. It was the legitimate authority or government which collected all Zakat proceeds and distributed them. Today, even though we live in the UK as a Muslim minority with no official mandated community leadership, this should not mean that Zakat is relegated entirely to the realm of personal charity. In fact, the jurists argue, in particular Ibn Abidin (d.1252 AH)
quoting from Ibn al-Humam (d.861 AH), that where Muslims live in a minority, they should have a centralised body representing them and dealing with their religious affairs in a unified, centralised manner\textsuperscript{30}. Therefore, even if such a body does not exist to represent all the affairs of the Muslims in a particular place, organisations should emerge to at least deal with aspects of these communal concerns, like NZF is doing for Zakat.

In a relatively recent public address, the senior contemporary Indian scholar Maulana Sajjad Nomani argued passionately for the critical importance of centralising Zakat and demonstrated in a number of ways the inherent problems caused by each Zakat payer determining for themselves where their Zakat should be spent. He suggests that if this practice is continued, then the intended aims of Zakat can simply never be realised.\textsuperscript{31}

A fragmented Zakat system without unity among the people can rarely achieve any collective or unified outcomes in the long-run, nor will the serious challenges we face be meaningfully addressed. Zakat is not about what each individual wants, rather it is about what we as a community need. If organised properly, the institution of Zakat guarantees a minimum level of order to our affairs, whilst personal charity allows for far more flexibility, spontaneity and autonomy.

The necessity of a minimum degree to which funds are pooled and spending decisions are made centrally is clear in any situation where a group of individuals wishes to utilise its resources for a common agenda. It is worth considering the example of council tax, or membership fees for a club: without the residents and members contributing a minimum amount of funds, agreeing to suspend to a degree their involvement in the specifics of how funds should be spent to be spent centrally and holistically on their behalf, there would simply be no order nor any foundation upon which local life in a borough or the cause for which a club stands to progress meaningfully.

For spending decisions that need to be made on behalf of a group of individuals using the resources that they have contributed, the starting point has to be for those individuals to select and support one of them (or a team) to carry the responsibility of making those decisions on their behalf. It is for those responsible to then decide what is in the best interests of the collective. Of course, this might be done well or it might be done badly. Ideally it must be done in a way that is aligned with the overall objectives and values of the group, with thorough consultation, transparency and a well-considered strategy. The best people for the job should be selected and if they prove not to be up to the task they should be replaced, because consistent underperformance will negatively affect everyone in the group.

\textbf{B) Zakat is locally focused}

\textbf{Fiqh evidence and explanation}

There is a strong emphasis in primary sources of Islam concerning the localising of Zakat.

\textquote{The Prophet sent Mu`adh (May Allah be pleased with him) to Yemen and said, “Invite the people to testify that none has the right to be worshipped but Allah and I am Allah’s Messenger,}
and if they obey you to do so, then teach them that Allah has enjoined on them five prayers in every day and night (i.e. in twenty-four hours), and if they obey you to do so, then teach them that Allah has made it obligatory for them to pay the Zakat from their property, and it is to be taken from the wealthy among them and given to their poor.” (Sahih al-Bukhari)

Abu Juhaifah said, “The Zakat officer of the Messenger of Allah ﷺ came and collected Zakat from the rich amongst us and distributed it to our poor. I was then a minor orphan, so he gave me a she-camel.” (Sunan al-Tirmidhi)

It is reported that a bedouin Arab asked the Messenger of Allah ﷺ several questions. Among them was, “By Allah Who sent you, is it Allah who commanded you to take the Sadaqah from our rich and distribute it to our poor?” The Prophet ﷺ answered, “Yes.”

Abu ‘Ubaid reports that ‘Umar (may Allah be pleased with him) wrote in his will, “I ask my successor . . . to take from the peripheries of their wealth and distribute it among their poor.” (Kitab al-Amwal).

Sa’id bin al Musayyib says “‘Umar (may Allah be pleased with him) sent Mu’adh as a Zakat collector to Banu Kilab or Banu Sa’d. Mu’adh (may Allah be pleased with him) went there, collected the Zakat, and distributed all of it, leaving nothing. He came back in the same own clothes that he went in.” (Kitab al-Amwal)

‘Umar (may Allah be pleased with him) was once asked what to do with the Zakat collected from bedouin Arabs. He answered, “By Allah, I shall render the Sadaqah (meaning Zakat) to themselves, until each of them becomes the owner of a hundred camels, male or female.” (Musannaf ibn Abi Shaybah)

Imran bin Husain (may Allah be pleased with him), a companion, was appointed as a Zakat collector at the time of the Umayyads. When he returned from his mission, he was asked, “Where is the money?” ‘Imran said, “Did you send me to bring you money?” I collected it the same way we used to at the time of the Messenger of Allah ﷺ, and distributed it the same way we used to.” (Sunan Abu Dawud)

Ta’us was appointed as a Zakat collector in one of the regions in Yemen. He was asked for his account by the governor and his answer was, “I took from the rich and gave to their destitute.” (Kitab al-Amwal)

Farqad al Sabkhi says, “I took Zakat due on my wealth to distribute it in Makkah. There I met Said bin Jubair (may Allah be pleased with him), who said, Take it back and distribute it in your hometown.” (Kitab al-Amwal)

Sufyan narrates, “Zakat was taken from al-Rayy to Kufa, but ‘Umar bin ‘Abd al Aziz (may Allah have mercy on him) ordered it taken back to al-Rayy.” (Kitab al-Amwal)

Abu ‘Ubaid says after the above, “Scholars all agree that these reports mean people of every region have priority on their Zakat, as long as they still have anyone in need, or until all the Zakat is distributed.” He goes on, “If the officer transports collected Zakat while there still is need in
the region from which it was collected, the government must return it to its region, as did ‘Umar bin ‘Abd al ‘Aziz, and as stated by Sa’id bin Jubair.” (Kitab al-Amwal)

The classical Maliki, Shafi’i and Hanbali jurists believed Zakat must be distributed locally. The Hanafi school stated that it is encouraged to distribute Zakat locally. There is no doubt that some scholars held that Zakat should be transferred outside of the region where it is collected when emergencies occur, where there is dire need or for one’s relatives. For the Malikis, Hanbalis and Shafi’is, this was typically held to be an exception rather than the rule.

Furthermore, it is noteworthy that in previous periods, such transfers would still be occurring within the overarching polity of Muslims with shared social, cultural and political interests and concerns. In today’s much more fragmented reality, it is important to realise that Zakat will be most impactful when it is locally focused in such a way that reflects the particular social, cultural and political concerns of a Muslim community. When a region is entirely deprived from the key resource to advance its own cause and interests in a significant and sustainable fashion, it cannot expect to overcome the challenges it faces in any meaningful way.

Context evidence

On almost every metric that would give us an idea of the wellbeing of a community, the Muslim community in the UK rates worse than the national average. This is true when we look at numbers relating to poverty, social mobility, health, education, crime and how the community is perceived from the outside. Our faith is misunderstood, often maligned, and there is very little that we are doing in the public sphere to rescue its reputation. Leaving aside the birth rate, there are strong indications that more Muslims are leaving Islam than joining it.

The above issues are not only problematic in worldly terms. What makes them far more concerning is the effect they have on people’s ability to find and hold onto truth. All the categories of Zakat represent concerns that affect the very fabric of a community. When these problems are left to fester, they constitute weakness and undermine our cause. In His knowledge and wisdom, Allah is simply telling us to spend our money sensibly to tackle the various challenges that end up acting as barriers to people being able to remember, thank and serve Him in a sustainable way. As with all His instructions, they are only for our benefit, in this life and the next.

The following UK statistics and data clearly demonstrate the local need:

- The incidence of household poverty reaches 50% for Muslim households compared to 18% for the population overall. Just under half (46% or 1.22 million) of the Muslim population lives in the 10% most deprived and 1.7% (46,000) in the 10% least deprived Local Authority Districts in England.

- Employment: The Women and Equalities Committee (2016) found that Muslim women face a triple penalty impacting on their employment prospects. 1 in 2 adults of Pakistani and Bangladeshi origin of working age are employed (only 35% of women), compared to 4 out of 5 for white British. They also have higher rates of self-employment; the Parker Review
(2016) stated that minority ethnic representation across the FTSE 100 is disproportionately low.

- In 2016, the largest number of applications for asylum came from Muslim-majority countries: nationals of Iran (4,192), Pakistan (2,857), Iraq (2,666), Afghanistan (2,341), Bangladesh (1,939), Albania (1,488). A separate Home Office analysis shows that for the years 2012 to 2014, on average 36% of decisions were granted initially, but this proportion rose to 49% after appeal, highlighting the importance of access to legal support. 35

- In 2015/6, 31%/343,000 of the Pakistani population and 28%/113,000 of the Bangladeshi population lived in the most deprived 10% of neighbourhoods in England, higher than any other ethnic group. (vs 10% of overall population). 36

- Within the UK, young Muslims are excluded, discriminated against, or failed, at all stages of their transition from education to employment. 37

- Muslims make up only 1.1% of barristers, 0.6% of senior civil servants, and 0.4% of journalists.

- While prejudice against many racial groups appears to be following a consistent downward trend, there are strong negative opinions against Islam and Muslims. Almost half of Britons think that Islam is not compatible with the British way of life. 38 A survey of young people in 2013 found more than a quarter of 18-24 year olds in Britain do not trust Muslims. 39

- Although nearly 70% of the public think it wrong to blame an entire religion for the actions of a few extremists, 50% of the public think Islam poses a serious threat to Western civilization, rising to 60% of Conservative voters. 40

- In 2014, YouGov conducted a poll asking people to name the three words they associate with the term ‘Muslim’. The poll found that more think of ‘terror/terrorism/terrorist’ (12 per cent) than ‘faith’ (11 per cent) or ‘mosque’ (9 per cent). 41

These issues undermine Islam and the Muslim community. To do nothing to counter the above is nothing less than short-sightedness. Muslims need greater representation, more voices and more initiatives to reverse the current trend of negativity against Islam and Muslims in the UK. The scholars and organisations working hard to address many of these issues deserve credit, but there are many such scholars and organisations which have deficits and are underfunded.

If eligible initiatives were funded by our communal resource of Zakat, the strategic impact and scalability of community work will drastically improve and enhance services. Muslims need to be proactive rather than reactive in dealing with the mounting challenges we face as a community. Relying on Sadaqah funds to drive the communal change Muslims require is an unstable and sub-optimal way to operate. An endurable, meaningful strategy to address all the key challenges of a community in a balanced fashion can rarely reach fruition on Sadaqah funds on a yearly basis. Scalability, efficiency and impact are usually compromised. One could argue that one of the key wisdoms of the obligatory and regular nature of Zakat is that it does not leave the overcoming of
essential challenges facing a Muslim community to chance.

C) **Zakat is balanced across the eight categories**

**Fiqh evidence and explanation**


The above verse highlights eight types of people deemed eligible to receive Zakat. They have been identified as:

1) **Al-Fuqara’ (the poor)**
2) **Al-Masakin (the needy)**
3) **Al-‘Amilina ‘Alayha (the administrators of Zakat)**
4) **Al-Mu’allahfati Qulubuhum (those whose hearts need winning over)**
5) **Fir-Riqab (those in bondage)**
6) **Al-Gharimin (those in debt)**
7) **Fi-Sabilillah (for the cause of Allah)**
8) **Ibn al-Sabil (the stranded traveller)**

Imam Ibn Taymiyyah (d.728 AH) divided the meta-categories of Zakat into two: those that directly deal with individual needs of Muslims and those that focus on the collective needs of the society. The overarching objectives of Zakat as outlined by classical scholars such as Imam al-Tabari (d.310 AH) can never be attained unless Zakat is spent across the eight categories dealing with individual needs and collective needs for Islam to flourish.

These meta-categories address all the root problems in life which hinder an individual’s or community’s subservience to Allah. Each meta-category addresses a weakness in the lives of individuals and the society at large which decreases their ability to practise Islam. It is only through the holistic distribution across these divinely selected meta-categories that all the shackles can be removed from a society fully committing itself to Allah.

Moreover, it is only when the contextual reality suggests that a particular meta-category is in little or no need of funding that Zakat should not be used in that meta-category, or as a result of a decision-making process that concludes that priority should be afforded to particular categories over others. This is an essential part of the ijtihad and shura that is inherent to specific decisions about the usages of Zakat. These decisions need to factor in as many of the textual and contextual
variables as possible, within the overarching objective, to be meaningful. The key point is that any decision not to spend in a certain area should be a conscious, context-based decision that has sufficiently analysed the need and importance of funding a particular objective.

(See Appendix 1: Understanding underlying Fiqh, for important detail on how to gauge the underlying Fiqh of the categories of Zakat)

Scholar’s views on the categories are expounded below.

**Meta-category One: Al-Fuqara’ (the poor)**

**Meaning**

This meta-category is defined as those who are poor and require immediate relief and essentials. The Fuqara’ are those who do not have the most basic of daily needs required for human survival.

The preponderant position among the jurists is that al-Fuqara’ and al-Masakin are two separate meta-categories. There is a debate among the Hanafi jurists as well as the Maliki jurists as to who is the needier of the two. The Shafi’i and Hanbali jurists are of the view that al-Fuqara’ are most in need. NZF’s Distribution Strategy categorises al-Fuqara’ as the most in need.

**The philosophy of this meta-category**

Allah has mentioned two categories of al-Fuqara’ and al-Masakin, which are generally conflated and considered as one. But why has Allah mentioned two? What might we extrapolate considering the intent of Allah? On the face of it, defining both meta-categories according to the majority, the meta-category of al-Fuqara’ seeks to serve those in absolute poverty, those who find little to meet their daily requirements and establish the core essentials, helping them to achieve basic survival from day to day. It allows for a standard of living that subsequently facilitates the next stage, al-Masakin. Giving Zakat to the poor will not necessarily lift them out of relative poverty but seeks to overcome abject poverty so as to meet basic human needs and afford some level of stability, at least enough that will then lead to ways in which the deprived and socially excluded can access economic opportunities.

Poverty is the most common and widespread impediment. Thus, the meta-category of al-Fuqara’ first speaks to the importance of having basic human needs met, not only for raising GDP or resourcing capital, but also to facilitate Allah consciousness.

**Meta-category Two: Al-Masakin (the needy)**

**Meaning**

This meta-category refers to those who are needy and struggling to make ends meet, despite having some provision. The Shafi’i and Hanbali jurists define a Miskin as one who has some
provisions but not sufficient to meet all his needs⁴⁶.

The philosophy of this meta-category

As for al-Masakin, it is a meta-category which focuses on empowering those struggling in some form of poverty, affording them access to opportunities that lift them out of poverty and enable them to raise standards relative to their basic needs. It ensures that the basic necessities are met, gets the poor into work, or affords them access to capital that they can use for private enterprise. Hence, this meta-category looks at the poor from the perspective of societal contribution, seeking to lift them out of general poverty and afford them access to opportunities conducive to overall economic growth. This meta-category facilitates a reasonable surplus in one’s budget, allowing one to contribute to society as a Zakat payer.

Meta-category Three: Al-‘Amilina ‘Alayha (the administrators of Zakat)

Funding is the key to all endeavours. To progress and increase efficiency, there are always costs involved. To keep services to Zakat payers and Zakat recipients at an optimal level and in line with the context and culture they live in, it is imperative to keep updating and improving operations. Hence, it is of no surprise that Allah Himself has permitted the Zakat administrators to receive Zakat as a wage. This is self-sustainability and efficiency in establishing this pillar of Islam.

Service provision of Al-‘Amilina ‘Alayha

Al-‘Amilina ‘Alayha are those who manage and administer Zakat. A commission is paid to them from the collected Zakat funds as a remuneration in the service of Zakat. The Prophet (Allah’s blessings and mercy be upon him) had appointed many administrators of Zakat in his time such as⁴⁷:

1) Sayyiduna ‘Umar ibn al-Khattab
2) Sayyiduna Abu Ma’sud al-Ansari
3) Sayyiduna Ibn al-Lutbiyyah

Ibn Qudamah (d.620 AH) describes the different staff that were part of the Al-Amilina Alayha and enumerates the following ⁴⁸ ⁴⁹:

1) Al-Sā’i (Zakat collector) – Primarily responsible for Zakat collection on animal livestock
2) Al-‘Āshir (Zakat collector) – Zakat collectors from traders, merchants, businessmen and travellers passing by their Zakat offices.
3) Al-Kātib (The accountant) – He would document payments and deal with receipts.
4) Qāsim al-Zakat (distributer of Zakat) – These were caseworkers who would allocate Zakat funds to recipients.
5) Hāfiz al-Māl (guardian of Zakat funds) – These were people entrusted in protecting the wealth gathered in Zakat.

6) Al-Khāris (Stock valuer) – These were officials who would perform stock takes.

7) Al-Hāsib (Zakat calculator) – These officials would assist in calculating Zakat payments

The Zakat administrators were historically a government department. The entire Zakat collection and distribution was an organised governmental function. Mufti Khalid Saifullah states that the reason behind the Shari’ah giving the Imam the right of Zakat collection was to have a centralised, organised institution of Zakat collection and distribution. He argues that in the absence of an Imam, if an institution endeavours to offer the services of Zakat collection and distribution, they can be considered as ‘Amilina ‘Alayha. Imam al-Mawsili (d.683 H) in al-Ikhtiyar states that the ‘Amilina ‘Alayha were representatives of the Imam, and therefore, were an agent of the Imam and the Fuqara’. Thus, the ‘Amilina ‘Alayha did not need any explicit agreement with the Fuqara’ to act on their behalf in Zakat collection. Instead, the Imam who was already a representative of the Fuqara’ (due to his broad Wilayah/guardianship) would authorise the ‘Amilina ‘Alayha to represent him and by extension, the Fuqara’.

The Nature of Administration Fees for Al-‘Amilina ‘Alayha

In Bada’i al-Sana’i, Imam al-Kasani (d.587 H) states that the Zakat paid to the Amil is not purely Zakat, rather, it is an ‘imalah (commission) with a quasi-status; it is like Zakat from one angle and ‘Ujrah (wage) from another angle. In al-Jawharah al-Nayyirah, Imam al-Zabidi (d.800 H) has reiterated the same understanding. Due to the wages (‘Imalah) having a legal (hukmī) angle of Zakat in it, Imam al-Shurunbulali (d.1069 H) states that a Hashimi (family member of the dear Prophet) cannot take this directly. Likewise, from the other angle of it being like a wage, it is permissible for a wealthy person to receive it. The commission was not entirely a wage nor a salary as the hours and amount received were unknown and thus could not be a valid Ijarah contract. The pay was dependent on what was collected and the services rendered. The payment was a commission from the Fuqara’ to Al-‘Amilina ‘Alayha. Upon the Amil taking possession, Zakat was paid and discharged from the payers’ liability. Thereafter, the ‘Amil took his commission as an ‘Imalah and not directly as pure Zakat as mentioned by Imam al-Shurunbulali (d.1069 H). Hence, Imam al-Kharkhi (d.340 H), Imam al-Tahawi (d.321 H) and Imam al-Jassas (d.370 H) state that the commission has an element (shubhah) of Zakat as the commission is taken from the Zakat funds, and the shubhah is only treated as reality (haqiqah) in respect to a Hashimi.

The ‘Amilina ‘Alayha were paid from the Zakat funds because they occupied themselves to serve the Fuqara’, hence, they deserved to be paid for the service they are providing. It was a payment from the wealth collected for the Fuqara’ to the ‘Amilina ‘Alayha as they provided them this core and vital service.

The above demonstrates that the real relationship exists between the ‘Amilina ‘Alayha and the Fuqara’ they represent and serve. If an organisation can construct a similar relationship in today’s context without an Imam, the service providers can potentially be ‘Amilina ‘Alayha. This
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is affirmed by the Fatwa of the contemporary senior South African scholar, Mufti Ridha al–Haqq. Mufti Ridha states that an organisation collecting and distributing Zakat is in the ruling of ‘Amilina ‘Alayha\(^62\). In another Fatwa regarding fundraisers for Islamic educational seminaries and Darul Ulooms, Mufti Ridha al–Haqq states that the fundraisers are in the ruling of ‘Amilina ‘Alayha. He quotes a number of senior sub-continent scholars who held the same opinion, such as Maulana Ashraf Ali Thanwi, Mufti Shafi Uthmani, Maulana Khalil Saharanpuri, Mufti Kifayatullah and Mufti Khalid Saifullah. He mentions that their view was of Madrasah fundraisers being ‘Amilina ‘Alayha\(^63\). The contemporary Hanafi jurist Shaykh Salah Abul Haj is also of the view that an NGO serving the needy can be considered as ‘Amilina ‘Alayha\(^64\). Other contemporary scholars from across the world have voiced a similar opinion\(^65\). In fact, the classical jurists have clearly stated that in the absence of a Muslim government, the Muslims should organise themselves where they themselves can deliver necessary functions of an Islamic government\(^66\). Imam al–Dasuqi (d.1230 AH) argues that a “Jama’atul Muslimin” is equivalent to an Islamic ruler in all matters where an Islamic ruler is required\(^67\).

**Meta-category Four: Al-Mu’allafati Qulubuhum (winning hearts)**

**Meaning**

Ibn Ashur (d.1393 AH) states that Al-Mu’allafati Qulubuhum’ refers to creating positive perceptions, feelings and inclinations towards Islam and Muslims\(^68\). Imam Raghib al-Asfahani (d.502 AH) states that Ta’lif linguistically refers to assembling scattered things. In the context of Zakat, it refers to those with negative or neutral perceptions about Islam and Muslims, and enabling them to think more positively towards Islam and Muslims\(^69\).

**The philosophy of this meta-category**

This meta-category is considered to be ‘soft power’. Soft power in political theory refers to the ability to influence and persuade without force and coercion. Influence under soft power is achieved by building networks and communicating compelling narratives. The result is Tamkin (firm establishment), influence and power. This gives rise to greater stability and self-determination.

The categories subsumed by this meta-category can include: individuals helping the wider community to have more positive perceptions of Islam and Muslims; those who may pose harm to Muslims; and those new to the faith in order to deepen their sense of belonging and commitment.

In the context of Muslim-minority communities, this meta-category presents primarily as constructive social and political engagement with the aim of achieving a more conducive environment for Muslims to practise their faith.

**The beneficiaries under this meta-category:**

In their historical contexts, scholars interpreted this category as follows:
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Imam al-Babarti (d. 786 AH) stated the following types of people as beneficiaries:

1) Those who were inclined to accepting Islam.
2) Those who opposed Muslims and were considered a threat.
3) Those who had just embraced Islam.

Ibn Qudama (d. 620 AH) described the beneficiaries of this meta-category as follows:

1) Muslims
   a) Muslim leaders whose faith was shaky could be given zakat in this meta-category. Such individuals may have great influence on Muslims, and giving to them generously could strengthen their faith and commitment. An example is the Makkans who were given generously by the Prophet after the battle of Hunain.
   b) Prominent Muslims whose social status was respected by those who were not Muslim who have status in their own communities. It is considered that Sayyiduna Abu Bakr’s giving to Adi bin Hatim and al Zibriqan bin Badr, who were obviously committed Muslims, was of this nature.
   c) Muslims who strove to defend Muslims against hostile narratives.
   d) Muslims whose influence was needed in the Zakat collecting process to persuade others to pay their Zakat. This was a soft approach to change hearts and minds.

2) Those of other faiths or none
   a) Individuals who were close to becoming Muslims, or whose clans may have become Muslim.
   b) Those who may have done harm to Muslims, to whom giving Zakat would stop them from hurting Muslims. Ibn `Abbas narrates that certain people came to the Prophet who, if they were given Sadaqat, would praise Islam and declare it a good religion but, if they were not, would malign Islam.

Imam al-Nawawi (d. 676 AH) describes al-Mu’allafati Qulubuhum with similar beneficiaries in al-Majmu.

The continuation of this meta-category

According to the Maliki, Shafi’i and Hanbali schools, this meta-category is a valid avenue for Zakat distribution.

Among the Hanafi scholars, there is a difference of opinion in respect to this meta-category. Some Hanafi jurists have suggested this category has been abrogated whilst others have clearly stated that this meta-category is not abrogated, but that it is dependent on the existence of an ‘illa (effective legal cause). Imam al-Zayla’i (d. 743 AH) states that it is not abrogated, rather it is not practised if the circumstances do not require it. Ibn Nujaym (d. 970 AH) states in al-‘Inayah that the preferred opinion is that it is not abrogated. In Kashf al-Asrar, it is also stated that the ‘illa was
absent as opposed to being abrogated. Maulana Abdul Hayy al-Laknawi (d.1304 AH) states that this category is not abrogated, rather, the ‘illa was not present. This can obviously be understood in the context of these jurists who wrote, researched and lived in a polity of Muslims where Islam was well-established. In respect to the Ijtihad of Sayyiduna ‘Umar (may Allah be pleased with him) regarding this meta-category, Ibn Abidin (d.1252 AH) and others state the underlying reason for this meta-category was no longer there in his time. The meta-category existed to serve Islam in a certain context. That context ceased to exist and, as a result, he abandoned the use of this meta-category. Islam had reached a height whereby people were drawn to Islam by its grandeur and reputation. This appealed and reconciled hearts more than any wealth could. There was no need to soften the stance towards Islam. Thus, there was no longer a need to apply this meta-category to appeal to converts or those of other faiths and none. People themselves were positive about Islam and the Muslims without having to fund such initiatives⁸⁰.

According to the majority of scholars, this meta-category is still functional and not limited to a specific context; rather, it can be used to support the flourishing of Islam when required⁸¹.

The underpinning reasons for Ta’lif

The following points highlight the reasons and circumstances in which this meta-category can be used:

1. **Islam and Muslims are maligned and misunderstood in society.**
   
   Ta’lif with Zakat is permitted and encouraged in any society where Islam and Muslims are maligned and considered negatively⁸².

2. **If Ta’lif with Zakat funds can boost the reputation of Islam and Muslims.**
   
   Ta’lif al-Qulub is a means of giving Islam and the Muslims a good reputation among the people. That is why Sayyiduna Umar stopped using this meta-category as it would have had no considerable increase in the reputation of Islam nor the Muslims as their status had been well-established⁸³.

3. **As a strategy to strengthen Muslims.**
   
   The Muslims’ weakness is another factor prompting the application of this meta-category. Muslims being weak suggests that they are vulnerable, defenceless, helpless, unprotected and ineffective. When Muslims had influence, there was no need to use this meta-category anymore. This is precisely why this meta-category was not used in the time of Sayyiduna Umar. However, when Muslims are the weaker ones in society, this meta-category can be considered to be useful.

Weakness is to do with a lack of power and influence regardless of numbers. Strength gives one the ability to navigate proceedings of any given matter in one’s best interests. These concepts are defined, understood and tangible considering the factors of one’s ‘Urf (custom). For this meta-category to be meaningful today, the application of this meta-category must consider how strength is gained in one’s context and ‘Urf.
4. **When Muslims are a weak minority.**

   Muslims being a weak minority is another factor underpinning the use of Ta’lif. A weak minority needs to use Ta’lif to boost its reputation and bring hearts together. When Sayyiduna Umar (May Allah be pleased with him) halted the use of this meta-category, he did so because Muslims were the majority in the region and were influential.

5. **As a last resort when other means are unavailable.**

   Imam al-Jassas (d.370 AH) states\(^84\) that Ta’lif al-Qulub is an option to gain currency and recognition when there is a lack of alternative strategies or options. It is a pre-emptive measure when more proactive measures are not possible.

6. **A means of securing the faith of new converts\(^85\).**

   Mu’allafatul Qulub is a means of bringing stability to new members of the faith community\(^86\).

7. **When Islam is weak in the hearts of Muslims.**

   When the faith of Muslims is weak, Mu’allafatul Qulub is a mechanism to strengthen them and keep them committed to faith\(^87\).

**Meta-category Five: Fir-Riqab (those in bondage)**

Although we have not coined any specific beneficiary under this category and we are not supporting anybody directly under this category, we are continuously researching the reality of this category.

**Meaning**

Al–Riqab is the plural of Raqaba, which linguistically means ‘the neck’. This word is used figuratively to denote the entire human body. The words Raqaba and Riqab were used to describe slaves. It seems that the link between the linguistic meaning and the figurative usage is the symbol of ‘the bowing of the head’. This symbol represents obedience, submission on behalf of the bowing, and authority for the one bowed to.

Zakat was used to free Muslims in slavery, captivity or bondage. The following fell under this meta–category:

1. **Slaves whose freedom was conditional on a payment.**

   The slaves were required to buy themselves out of slavery by paying their master an agreed amount. Zakat was used to assist such Muslim slaves to pay off the debt owed to the master\(^89\).

2. **Normal slaves**

   Some scholars permitted the purchasing of normal slaves outright from Zakat funds.

3. **A Muslim prisoner**

   The Hanbali school have expressly permitted the paying of Zakat to help free Muslim inmates and captives\(^90\).
Philosophy of this meta-category

This meta-category targets the ill of oppressive commodification of man. The objective is to restore the liberty and independence of a human being, empower him to give himself in the servitude and submission to Allah alone.

In our context, the identical form of slavery does not exist. This begs the question, is this meta-category exclusive to a person who was subjected to a specific process in a specific context? Or, is this meta-category a description and a marker for all those subjugated to exploitation, physical, socio-legal constraints and who have lost their liberty? The fact that some jurists – like the Hanbali jurists – have considered prisoners to fall under Fir Riqab highlights that there are other implications to this meta-category. But what type of liberty is the point of consideration here, and does it extend beyond the physical? The existence of the meta-categories concerning those in debt (the gharimin) indicates that there is more than one meta-category that deals with freedom, with ‘those in debt’ addressing constraints owing to financial obligations. Hence it seems that this meta-category specifically deals with physically constraining situations (by external entities) that hinders society-impacting productivity.

The idea and notion of enslavement has mutated and involved into other forms. There are people out there who are constrained physical, socio-legal constraints. Human trafficking, modern slavery (as discussed in the Modern Slavery Act 2015), Muslim prisoners imprisoned unjustly, are just a few examples of people in some form of physical, socio-legal constraints. This meta-category surely requires exploration to see if the elements underpinning Fir Riqab are manifest today.

Meta-category Six: Al-Gharimin (those in debt)

Meaning

This meta-category refers to those who are indebted and require support for debt relief. Al-Gharimin branches from the word Gharamah, which linguistically refers to something weighty, heavy, destructible and an overwhelming evil or difficulty. The word was then used to denote a debt. The notion of burden and constraint connects the root meaning to debt.

The Hanafi school states that a person whose deductible liabilities exceed their Zakatable assets and surplus assets falls under the purview of al-Gharimin.

According to the other schools of Islamic law, the following three types of people can be helped under al-Gharimin:\n
a) **Whoever has a debt due to his personal needs**

b) **Whoever takes a debt for societal needs such as mediating, arbitrating or reconciling between people**

c) **Whoever acts as a guarantor**
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The Shafi’i school further permitted the paying of Zakat to any person who took on a financial burden to quell rife and discord between communities\(^9\).

**The philosophy of this meta-category**

This meta-category addresses the case of those who incur debts, and are unable to reasonably repay them, most ostensibly, those who are crippled by mounting financial burdens. Whilst this remains rather obvious from the Arabic adjective gharim, the word comes from gharamah which means a forfeiture or a fine, and addresses the forfeiture of financial liberty due to binding agreements that become untenable. The meta-category also seeks to undermine a culture of debt bondage and a lull in financial productivity, allowing those in debt to get back on their feet and resume the accumulation of wealth which subsequently expedites greater Zakat contributions.

So, what does this meta-category speak to beyond the clear notion of repaying debts? Firstly, this meta-category directly helps both those in debt as well as debtors; it releases possible taxpayers from financially crippling debt with no recourse to repay it, as well as ensuring that those who are owed receive their capital. Why? Ensuring funds means that agencies will continue to loan wealth to those in need thus bolstering capital for growth to the economy whilst also offering bail outs for the collective good. This preserves the economy and overcomes the destructive consequences of bad debts. Secondly, it also releases trapped wealth and financial potential in a way that addresses social mobility: it is a natural undertaking of trade that wealth is invested and certain ventures fail. This structural safety net ensures that investors and businesses continue to seek growth and where the markets fail the government can intervene to ensure stability.

**Meta-category Seven: Fi-Sabilillah (In the Cause of Allah)**

**Meaning**

The seventh meta-category of Zakat distribution is expressed in the Qur’an as “Fi-Sabilillah” [in the way of Allah]. To whom is this share of Zakat paid? “Sabil” means way, and “sabil Allah” is the way that leads to pleasing Allah. Ibn al Athir says that ‘sabil Allah’ is general enough to cover every action or deed sincerely intended for the sake of Allah, including fulfilling religious obligations and voluntary worships and deeds. He notes that Fi-Sabilillah usually means Jihad (striving for the sake of Allah), so the term often appears to be restricted to the meaning of Jihad. This analysis of the term Fi-Sabilillah by Ibn al-Athir (d.630 AH) shows two important points:

1. The term originally means every action intended solely to serve the cause of Allah, including all good deeds, individual and collective.

2. The term is commonly understood to mean striving for the sake of Allah, since the frequency of its usage would suggest a restricted meaning of striving for the sake of Allah\(^9\).

**The rationale and philosophy of Fi-Sabilillah**

There has been much debate on what this meta-category refers to in the context of Zakat. All
jurists agree that Fi-Sabilillah most frequently appeared in the Qur’an in the context of military engagement. But this does not mean military engagement was the purpose of the meta-category – it was a means to a greater objective.

What is the purpose of Fi-Sabilillah? The purpose in the Qu’ran is the defence of Islam and the Muslim polity, or to expand influence.

Abu Musa Al-Ash’ari (may Allah be pleased with him) reported that the Messenger of Allah was asked about he who fights in the battlefield out of valour, or out of zeal, or out of hypocrisy: which of these was considered as fighting in the cause of Allah? He said: “He who fights in order that the Word of Allah remains supreme, is considered as fighting in the cause of Allah.” [Al-Bukhari and Muslim]

The Hadith shows that the purpose of military engagement is raising the Word of Allah, i.e. advancing the cause of devotion to Allah in society. The means of military engagement is not the objective. In fact, the Prophet would caution against desiring to engage militarily. He said: “Do not wish to meet the enemy in battle, but if you meet them then be steadfast.” [Sahih al-Bukhari].

The jurists argue that such military activity is Hasan Lighayrihi, which means that military engagement is agreeable only due to an external, necessitating factor. In and of itself, it is destruction of infrastructure, loss of life and depletion of valuable resources such as human and financial capital. The external reason and objective is advancing the cause of devotion to Allah in society. The methods of achieving this and countering external threats to a Muslim community depend heavily on the context. In any given situation, the most effective means should be selected. As an example, some contemporary Hanafi scholars have considered the Tabligh Jama’at to fall under the purview of the verses regarding Fi-Sabilillah.

Shaykh Zakariyya Khandelwi (d.1402 AH) mentions:

“Struggling for the sake of Allah (Jihad) can take place with the tongue and with wealth. Scholars have stated that the pillars of Islam are more virtuous than Jihad, because the Salat, Sawm etc. are Maqasid li-‘aynihi (objectives in and of themselves). The objective of Jihad is to bring Iman and good deeds into practice. Jihad has only been obliged to establish Iman and Salat and that is why it is Hasan li ghayrihi. Shah Walilullah mentions that a travel for da’wah incorporates the subtleties and traits of a travel of Ghazw (military expedition), the rewards for both being the same hopefully. Even though this is not battle, it is surely a type of Jihad. From some perspectives, it might be inferior to battle, but from other angles, it might be superior. Ibn Hajar (d.852 AH) mentions that the Word of Allah means inviting towards Islam. The Prophet himself has used the word Jihad for other than battle, which leads to the objective of facilitating the invitation to Islam. The expeditions sent by the Prophet were for spreading Islam and invitation purposes...”

Shaykh Zakariyya Khandelwi further mentions:

“It is astonishing that the people of knowledge have limited the word Fi-Sabilillah with battle (Qital), whereas the sacred texts of the Qur’an and Ahadith have a more generic meaning.”
There is no denial that Qital is part of Fi-Sabilillah and, in certain contexts, the most appropriate form. But Shah Waliullah states that this can change. Qital is not always the superior method and can often be utterly inappropriate or irrelevant. At times, there are more pragmatic and practical ways to defending Muslims from threats, whether physical, ideological, as well as influencing society and countering narratives. The context will determine what is the most pragmatic initiative for Fi-Sabilillah.

Although Shaykh Zakariyya Khandelwi was discussing the general verses of Jihad and Tabligh Jama’at, he specifically quotes the verse of Zakat and alludes to the debate of the scholars regarding the beneficiaries under Fi-Sabilillah. Shaykh Zakariyya’s insight begs the question: if the general, explicit verses of Qital and Jihad can refer to non-military endeavours, then why would an interpreted verse of Fi-Sabilillah not allow non-military endeavours, especially in our current context when the notion of military engagement is of course an irrelevance?

The concept of Qital is known as ‘hard power’ in political theory whereby military and economic means are used to influence behaviour. Some theorists argue for ‘smart power’, which combines different means to influence. We need to consider how effective our influence is considering our circumstances and context.

Taking everything into consideration, it is impractical and unreasonable to consider Fi-Sabilillah to only represent military engagement and then to posit, that when military engagement is neither a relevant nor reasonable approach, Fi-Sabilillah has no applications. Fi-Sabilillah incorporates countering and challenging a narrative. With the advancement of technology, infrastructure and plethora of means, the exact objective of Fi-Sabilillah can be achieved in multiple ways.

The elements of countering and challenging anti-Islamic narratives as well as providing a secure environment in which Muslims can manifest their faith are most effectively demonstrated by scholars and activists in our context. Scholarship effectively nurtures the community’s intellectual growth, safeguarding the faith of believers and guarding against aberrations and deviance which would lead to the destruction of the community. The Prophet ﷺ put it, ‘This knowledge shall be conveyed by the upright of every generation; they shall challenge the distortions of the extremists, the fabrications of the falsifiers, and the interpretations of the ignorant.’

Therefore, it seems reasonable to consider certain scholarly activities in defence and propagation of faith to fall under the purview of Fi-Sabilillah. A common complaint and challenge that we face as a minority in launching initiatives to advance the cause of Allah is a lack of funding. For those places which are doing Fi-Sabilillah work, their output, outreach and efficiency can be significantly improved with extra funding. If Zakat is our local resource and it can be used to further the cause of Islam and Muslims locally, we should maximise on this resource for our needs as a community. This interpretation is supported by some classical Hanafi jurists96, the resolution of the Majma al-Fiqh al-Islami (OIC), the resolution passed in the first seminar for contemporary Zakat issues as well as many scholars in the Arab world97. Their resolutions state that Fi-Sabilillah refers to striving for the cause of Allah and that it is not just strictly a military endeavour; striving incorporates working to convey the message of Islam through activism, vocation (bil yad) and by
speech (bil-lisan). Their resolution is based on the following:

1. The word Fi-Sabilillah has been used extensively in the meaning of Jihad. Fi-Sabilillah has been mentioned 50 times in the Qur’an from which 38 mentions are regarding Jihad.

2. The interpretation of Fi-Sabilillah as Jihad is the interpretation of most classical scholars.

3. Jihad is a broad term of striving. Tariq ibn Shihab reported: A man asked the Messenger of Allah, peace and blessings be upon him, “What is the best Jihad?” The Prophet said, “A word of truth in front of a tyrannical ruler.” (Musnad Ahmad)

   Another hadith states: “Engage in struggle (Jihad) against the polytheists with your wealth, selves and tongues.” (Sunan Abu Dawud)

4. Even if inviting to Islam was not directly incorporated in the meaning of Fi-Sabilillah via the above description of Jihad, it would still be incorporated in the meaning of the Nass (text) through ilhaq (a juristic process) as both are decreed to convey the message of Islam and to raise the Word of Allah. Ibn al-Humam (d.861 AH) considers the similar principle of ilhaq to Ibn al-Sabil to include a stranded resident.

The entire objective behind adopting this opinion is to facilitate growth and scalability of causes serving Islam and Muslims in the UK which fall under this category. It is to enhance and finance initiatives which can have strategic benefit for Islam and Muslims in the UK. The entire activity in finding the underpinning Fiqh of a category is then supported by the views of many contemporary Ulama which serves the Maslahah (interests) of Islam and Muslims in the UK.

**Meta-category Eight: Ibn al-Sabil (travellers in need)**

**Meaning**

A wayfarer refers to a person who does not have access to his funds despite being wealthy. He/ she has been left stranded and in an emergency. Ibn al–Sabil literally means ‘the son of the road’. In the Arabic language, Ibn (son) is figuratively used to denote attachment and belonging. Thus, Ibn al–Sabil is a person who has become dislodged and temporarily anchored to the roads in an emergency.

**The philosophy of this meta-category**

Prima facie, this meta–category equates to emergency funds for those stranded in a foreign land, having lost the means to return home. Ibn al–Humam (d.861 AH) discusses how a resident who is stranded also all falls under the purview of this meta–category. The ibn al–Sabil is therefore a person who is stranded in a temporary emergency. They are not in their optimal state. This sudden state has left them at the mercy of come what may. Zakat is an emergency response to aid such a person. Zakat is used to empower such an individual and get them to their optimal state again.
Of course, it is important that we highlight how this serves the collective. Aiding travellers back to their domicile helps them to return back to contributing to their societies and uplifting their communities. Additionally, it serves to undermine destitution where stranded individuals require far more resources from the community in the long run. Where we consider this meta-category to represent emergency funds, including for those domicile within the country, it is reasonable to assert that the communal benefit comes in the shape of returning the state of citizens back to normality where markets function normally, society recovers from the instability, and public revenue continues to be generated.
4 NZF Distribution Strategy in practice: evidence and explanation

NZF draws directly on the meaning and philosophy of each meta-category to determine its Zakat distribution policies.

What does NZF do?

National Zakat Foundation (NZF) awards Zakat grants in the UK. We support and empower individuals in poverty and we invest in community development.

There are two areas of Zakat distribution:

1) Poverty Relief and Economic empowerment
2) Community Development

Categories of Zakat

Poverty Relief

Category 1: al-Fuqara’

Economic Empowerment

Category 2: al-Masakin
Category 5: al-Riqab
Category 6: al-Gharimin
Category 8: Ibn al-Sabil
NZF have divided the categories for operational and organisational purposes. The above broad areas are reflected operationally in the organisation, and staff are departmentalised accordingly. NZF have a dedicated team of specialised caseworkers working for poverty relief and economic empowerment and a team for community development. Dividing the meta-categories and the organisation accordingly has multiple advantages and goes back to the very purpose and existence of NZF. NZF exists to uplift the pillar of Zakat by utilising Zakat across these meta-categories. The above division facilitates specialisation in each area, efficiency, a higher quality of service and increased impact.

Classical scholars have also divided the meta-categories from different perspectives. For example, Ibn al-Munayyir (d.733 AH) divided the meta-categories into two, based on the conjunction preceding them. The two Arabic conjunctions in the verse are: Lam and Fi. Imam al-Razi (d.606 AH) also grouped the meta-categories into two, depending on the conjunctions preceding them. He argues that the meta-categories preceded with a Lam are given the Zakat payment directly to spend as they wish. Whereas, those meta-categories preceded with a Fi, are not given the Zakat payments in hand, instead, the Zakat payment facilitates something for them. Ibn Qudamah (620 AH) divided the meta-categories of Zakat into two based upon whether Zakat grant can be repossessed by the distributing authority. Ibn Taymiyyah (d.728 AH) divided the meta-categories into two in relation to why Zakat was being distributed: for individual needs or for the needs of the Muslim community.

In respect to the specific applications of the eight meta-categories, the AAOIFI Standards in Sharia Standard No.35 state:

The heads of Zakat disbursement are the eight categories specified by the verse which states: {“As–Sadaqat (here it means Zakat) are only for the Fuqara’ (poor), and Al-Masakin (the poor) and those employed to collect (the funds); and for to attract the hearts of those who have been inclined (towards Islam); and to free the captives; and for those in debt; and for Allah’s Cause, and for the wayfarer (a traveller who is cut off from everything); a duty imposed by Allah. And Allah is All–Knower, All–Wise.”} (4) Shari’ah Supervisory Boards of the institutions may specify the meaning and appropriate way of application, for each one of these categories.

### 4.1 Poverty relief and Economic Empowerment

We support and empower individuals in poverty.

NZF helps eligible individuals who fall within the first, second, fifth, sixth and eighth Zakat recipient categories.

Poverty relief and economic empowerment (PR&EE) incorporate the first (al–Fuqara’), second (al–Masakin), fifth (al–Riqab), sixth (al–Gharimin) and eighth (Ibn al–Sabil) categories of Zakat distribution, in the following division:

Just over 75% of our Zakat distribution in 2018 (£3.04m out of £4.0m in total) is for those in poverty. NZF receives direct applications and referrals from UK mosques, hospitals, the police...
and charities. We have a skilled team of caseworkers who assess each case with due diligence.

A snapshot of the problem:

- 50% of Muslim households are in poverty compared to 18% for the population overall.
- Muslim women face a triple penalty impacting on their employment prospects.
- Young Muslims are excluded, discriminated against, or failed, at every stage from education to employment.

The two areas of support are:

- Poverty Relief

This covers essential costs of day-to-day living, such as food, shelter, clothing and basic household furniture.

This area covers meta-category one (al-Fuqara’).

**Eligibility Criterion**

The Hanafi school have used the Zakat Nisab as the margin and threshold to distinguish between the poor and wealthy. Therefore, a poor person is one who does not own any Zakatable assets nor surplus assets which equates to the Nisab.

The Maliki, Shafi’i and Hanbali schools have not used the Zakat Nisab to distinguish between poverty and affluence as far as receiving Zakat is concerned, rather they have made Kifayah (sufficiency) the distinguishing factor. Therefore, whoever possesses sufficient wealth and assets for himself and his dependents for essential needs for a given period is wealthy. Whoever does not own sufficient money and assets for himself and his dependents for a given period can receive Zakat according to this opinion.

**Needs considered under the Kifayah framework**

Food, clothing, accommodation, transport and utilities for applicant and his dependents\(^{108}\).

If there are any other essentials required by an applicant, that can be considered on a case by case basis\(^{109}\).

**Eligible recipients under Kifayah\(^{110}\)**

1. The applicant has no funds for his needs
2. The applicant has insufficient funds for his and his dependents’ needs
3. The applicant has a job but not sufficient to cover his basic costs
4. The applicant has a source of income or someone providing for him but does not cover his costs
5. The applicant has some funds but insufficient for his needs
6. The applicant has insufficient funds to cover his necessary expenses for the forthcoming year\textsuperscript{111}

The Maliki, Shafi‘i and Hanbali school differ in the timeframe to assess sufficiency. The Maliki and Hanbali school have a timeframe of one year. So, a needy person is he who does not currently own and possess sufficient essentials of life to get him through the next twelve months. The Shafi‘i school have a broader understanding of sufficiency and consider life expectancy, geographical location and other variables when calculating what is sufficient for a person\textsuperscript{112}.

**Application**

This covers the needs that an applicant has in relation to basic costs for day-to-day living, such as food, shelter, clothing and basic household furniture. Many of these cases will be emergencies where provision of temporary shelter or food is required on the same day of referral.

NZF assesses recipients and beneficiaries according to the Kifayah framework based on the understanding of the majority of the scholars.

However, the vast majority of our poverty relief and economic empowerment recipients fall below the Nisab criterion as per the Hanafi school at the time of receiving support. Therefore, the distribution of Zakat fulfils the criteria of all the schools of Islamic law.

An applicant is eligible for Zakat from NZF if they are able to show that the combination of one’s present Zakatable wealth plus projected income is insufficient to afford their basic needs for the coming three months. NZF has defined basic needs as food, accommodation, clothing and utilities.

- **Economic empowerment**

  Once immediate requirements have been met, the Zakat recipient receives funding to help them permanently increase their income or reduce their spend. For example, this includes training likely to result in employment and support with legal fees for asylum.

  This area covers meta-categories two (al-Masakin), five (Fir Riqab), six (al-Gharimin) and eight (Ibn al-Sabil).

**Eligibility criterion**

The Kifayah model as outlined earlier is used to assess an applicant’s requirement for support under economic empowerment.

**Application at NZF**

For empowerment activities and services, applicants to NZF must show that their circumstances hamper their ability to achieve a sustainable level of income relative to their situation access opportunity in society and to therefore afford their basic needs (i.e. lack of qualification, legal constraint preventing ability to work, debt which erodes their income on a monthly basis etc).
Applicants who fall into this meta-category will be considered only if provision by means of Zakat will result in a certain or near certain uplift in their economic situation, within 3–6 months, by either increasing their income or decreasing expenditure.

If it is determined that an applicant requires additional support for empowerment purposes beyond simply poverty relief, the costs of which the applicant cannot afford, the caseworkers working in the Economic Empowerment team aim to work with an applicant to try and achieve basic self-sufficiency within three months, or six months at the latest. If, at this point, self-sufficiency has not been achieved, then a review will be conducted to determine whether ongoing support can/should be provided.\footnote{113}

Once an applicant’s immediate requirements have been met, the purpose of this stream is to advise and support them to be in a position to sustain themselves for their basic needs. Funding is provided on the basis of achieving a step change in increasing an applicant’s income or reducing their expenditure. Funding areas include debt relief, support with legal fees, training that has a high certainty of resulting in employment and any other avenues that are very much expected to result in increased income or lower expenditure.

**Meta-category Five: Al-Riqab (those in bondage)**

Although we have not coined any specific beneficiary under this meta-category and we are not supporting anybody directly under this meta-category, we are continuously researching the reality of this meta-category.

**Meta-category Six: Al-Gharimin (those in debt)**

A debtor who has a debt due his personal needs is eligible to receive Zakat to the extent of his needs considering the Kifayah criterion\footnote{114}. For an application to be considered in this meta-category, applicants would need to prove that they have entered into a financial agreement which
they cannot fulfil and has indebted them, burdening them in such a way (thoroughly monthly repayments/charges) that they are unable to finance their most basic needs.

**Meta-category Eight: Ibn al-Sabil (the wayfarer)**

This meta-category is defined as a temporary dislocation from existing funds. To be eligible, applicants must be able to prove that they have wealth but are temporary unable to access it, and therefore cannot finance their most basic needs. Emergency support is administered by relief caseworkers.

The eligible cases presented under this meta-category are as follows:

1. Reconnecting people with their existing assets  
   e.g. funding a flight back to country of origin where wealth and possession are extant

2. Funding essential needs during a temporary absence of existing assets  
   e.g. interim funds for someone who has been robbed/lost money or their bank cards etc.

**4.2 Community Development**

NZF supports and funds individuals, projects and organisations whose work falls within the fourth and seventh Zakat recipient categories.

This area covers meta-categories four (al-Mu’allafati Qulubuhum) and seven (Fi-Sabilillah). Imam al-Qurtubi (d.671 AH) was of the opinion that Mu’allafati Qulubuhum and Fi sabilillah fall under the broad meaning of struggling and striving for the cause of Allah as they are means to aid and strengthen Islam. Imam al-Sarakhsi (d.483 AH) states that Mu’allafatul Qulub is equivalent to Fi-Sabilillah and an alternative strategy. Thus, NZF’s Distribution Strategy has grouped these two categories under ‘Community Development’.

This is an important new component of our distribution. For 2018, it is budgeted at 15% of Zakat distribution (£0.6m out of £4.0m in total)

A snapshot of the problem:

- Almost half of British people think that Islam is not compatible with the British way of life.

- Muslims growing up in an increasingly secular Britain, especially the young, are drifting away – identifying as Muslims culturally but less committed to the essence of Islam.

- National organisations representing Muslims and Muslim organisations, as well as advocacy groups, are underfunded and therefore have less credibility and influence.
In addition:

- Muslim men are 76% less likely to have a job of any kind compared to white, male British Christians of the same age and with the same qualification.\(^\text{119}\)

- According to the UK’s Social Mobility Commission: “Young Muslims are excluded, discriminated against, or failed, at every stage from education to employment.” \(^\text{120}\)

- Belief in Allah has long been in decline, at about 1% a year. In 2016, a YouGov poll found the proportion who believe in a higher power had dropped by 4% from the previous year, to 28%. \(^\text{121}\)

The snapshot above clearly indicates that the underpinning reasons permitting Ta’līf are present in the UK and that this meta-category continues to be needed.

The three core objectives under this strand are:

- **Better public perception:** change perceptions towards Islam and Muslims in the UK positively and significantly, by promoting understanding and engagement.

- **Religious scholarship and literacy:** inspire Muslims towards a deeper commitment to Allah, by developing robust intellectual religious leadership and initiatives that can provide guidance.

- **Effective representation:** facilitate better faith-based representation and contribution of the Muslim community in the public sphere, by enhancing leadership capacity.

**Meta-category Four: Al-Mu’allafati Qulubuhum (winning hearts) – Technical considerations**

The application of al-Mu’allafati Qulubuhum requires deep insight, pragmatism and comprehension of our context. Zakat was given to the Mu’allaf directly in the early period of Islam. In our context, this can only be implemented in respect to individual Muslims of weak faith or those who are not Muslim who are interested in Islam. However, from a reputational, regulatory and legal perspective, there can be serious concerns and issues in direct handouts and payments to individuals to ‘incline hearts’. Furthermore, such payments do not carry the same weight and impact this meta-category had in the early period of Islam. The few examples that are mentioned in the Sunnah of al-Mu’allafati Qulubuhum were predominantly chieftains and people of influence. If influential people and those in authority were given Zakat from al-Mu’allafati Qulubuhum, they were given so, in part, due to the impact it would have in terms of swaying public opinion. Nowadays, public opinion does not rest on the views of an autocrat or chieftain of a tribe. Thus, Shaykh Mustafa al-Zarqa (d.1357 AH) states that the application of this meta-category today should be focused on the press, social media and anything which has a role in changing public opinion\(^\text{122}\). In turn, this can have a significant impact on the view of those in influence. In a democratic society, the views of those who need votes can, and often do, shift quickly if it is felt that this will align the politician or press, for example, more closely to public
opinion.

If the purpose of winning hearts is for a communal benefit which strengthens the situation of believers through engagement with the influential, does ‘winning hearts’ equate to public relation initiatives? The answer to this would very much depend on context. The purpose of this meta-category isn’t merely for Islam to have a good reputation since that function is meant to be met by the righteous conduct of believers, but to gain currency amongst the influential. The particular modes of communication and dissemination in the modern era are significantly different from the ancient world, and whilst public relations might be deemed to be a legitimate method of ta’lif, it would require particular focus to a targeted audience and be able to evidence direct results.

In addition to the above, the jurists permit giving Zakat to individuals whose Islam is relatively weak. Al-Mu’allafati Qulubuhum presents the opportunity to sway the hearts of individuals and the public to Islam. One can acknowledge that in order to achieve the objectives of ta’lif in the United Kingdom today, it would actually be counter-intuitive to try to do this with direct transfers of funds to those whom one wishes to influence (the Mu’allaf). Such acts may even be illegal in UK law depending on the situation. Indeed the ‘urf of ta’lif as observed in relation to other interest groups is that this is nowadays normally achieved most successfully through indirect means and not direct ones. In a non-Muslim polity where Muslims are a minority with unfavourable public sentiment, the use of this meta-category becomes all the more important.

Considering all of the above, the Distribution Strategy is focusing on those initiatives which can sway public opinion towards Islam and the Muslims, and ideally also have a tangible impact in the media and political level. Although some scholars have stated that this meta-category should only be applied by an Islamic government, Shaykh al-Qardawi states that the meta-category of Mu’allafati Qulubuhum can be applied by Islamic organisations and charities in the absence of an Islamic government.

A final note on a legal point in relation to this meta-category: How is Tamlik achieved? There are a number of ways to consider this issue:

1. Tamlik of the Zakat funds is materialised by transferring the funds to the successful applicant who passes all the criteria for the Community Development funding. Zakat will be paid to the one who will influence (Mu’allif) to spend Zakat on Ta’lif. This can be performed by considering the Mu’allif as the beneficiary of Zakat under one of the types of people that can be supported under al-Mu’allafati Qulubuhum as stated by Ibn Qudamah (d.620 AH). Ibn Qudamah states that Zakat can be paid under al-Mu’allafati Qulubuhum to a Muslim who will strive to spread Islam in the wider society and work to protect the interests of Muslims and Islam. It is this individual whose heart is being won over to bring about a greater Ta’lif impact. This particular form of Ta’lif seems to be the most effective strategy and use of Ta’lif. Given that this is the case, and given the point made earlier about the fact that influencing key people or leaders may nowadays often be achieved by influencing the public at large, thereby shifting public opinion to which the media and politicians often respond as well as influence, one can then decide that an attempt to hold to a classical process of Ta’lif which
is no longer workable should not prevent the end objective being achieved through other means, i.e. by funding a Muslim run project whose work will achieve a Ta’lif goal. In such a scenario, the Muslim individual will be the beneficiary of the funds and Tamlik is done to him. Thus, the direct beneficiaries of Zakat are the Muslim individuals.

2. In some cases, it may well be that the Muslim beneficiary qualifies under Kifayah framework; they may fall under Masakin or Gharimin depending on the circumstances of the specific case.

3. Imam al-Hattab (d.954 AH) from the Maliki school argues that the assessment of a beneficiary under al-Mu’allafati Qulubuhum is at the discretion of the authority disbursing Zakat. Imam al-Tabari (d.310 AH) clearly states that the beneficiaries of al-Mu’allafati Qulubuhum can be wealthy. He argues that this is reasonable as beneficiaries of al-Mu’allafati Qulubuhum do not receive Zakat for their personal needs, rather, it is for the cause of Islam. In this respect, this meta-category is parallel to Fi-Sabilillah and the same criteria as Fi-Sabilillah should be considered for this meta-category.

4. An alternative approach is to consider the kind of funding that NZF might provide to Muslim organisations conducting Ta’lif work as under Fi-Sabilillah but with Ta’lif objectives. The spending would then carry legal justification under NZF’s approach to Fi-Sabilillah as detailed further below.

Even without any of the above interpretations, Tamlik is currently satisfied through the Wakalah model in place at NZF.

It is vital to explore new dimensions and manifestations of Tamlik in our context given the advancement in the way payments are made, managed, accounted, disbursed and weighted in terms of risk. This is something we are currently engaged in and are researching in conjunction with our advisers.

**Meta-category Four: Al-Mu’allafati Qulubuhum (winning hearts) – Additional Application considerations**

NZF are interested in funding projects which have an aim of positively and significantly changing perception towards Islam and Muslims in the UK through understanding and engagement.

This includes the following types of applications:

- Social and educational initiatives on an interfaith or inter-community basis.
- Publications or media projects on platforms including film, TV, press and social media.

In these applications, the applicant must substantiate on the balance of probabilities that their work is to better the public perception of Islam and Muslims. In these two types of applications, the individual running the initiative will be the beneficiary of Zakat. As the application of this meta-category is in its infancy, it is reasonable that many iterations will occur as we gain a deeper understanding of the most effective form of Ta’lif. Continued scholarly research and feedback
from scholars will provide more insight into this category. The practice and implementation of this meta-category with due diligence is the only real way to get a deep understanding. Merely theorising and researching without actively trying to implement this is akin to reading about swimming without ever entering a swimming pool. Therefore, NZF has a robust application process and criteria. (see subsequent section).

**Meta-category Seven: Fi-Sabilillah (In the Cause of Allah)**

- **Technical considerations**

According to most of the scholars, Faqr (poverty) is not a condition under Fi-Sabilillah. NZF’s Distribution Strategy allows for the payment directly for the costs incurred by people undertaking tasks considered to be Fi-Sabilillah regardless of the personal financial status of such individuals. This is the case when NZF may transfer money to a not-for-profit entity/organisation conducting this work. However, in cases where direct maintenance funding might be provided to an individual (e.g. a scholar independent of any particular organisation) then a kifayah approach is adopted as per the discussion in the Faqr section above. In fact, according to Shaykh Salah Abul Haj, scholars who are wealthy can receive Zakat funds considering they are civil servants like the ‘Amilina ‘Alayha.

For some scholars, tamlik is not a necessary criterion for Fi-Sabilillah either because of the Fi as opposed to the Li that governs earlier categories, and/or because it is clear that the objective of Fi-Sabilillah is not to support individuals for the sake of supporting them, rather it is to fund them to achieve a mission.

Even so, it can be considered that tamlik is achieved simply by the transfer of funds to an entity that is being led by Muslims to equip them to cover costs of continuing their work that falls within NZF’s criteria. The ownership of funds has clearly moved from the Zakat body (NZF) to a person or group of people whose work qualifies for support.

**Meta-category Seven: Fi-Sabilillah (In the Cause of Allah)**

- **Additional Application considerations**

Under the meta-category of Fi-Sabilillah, NZF supports two types of initiatives:

1. **Religious scholarship and literacy**

This strand is split into three elements, all of which have the aim of inspiring Muslims towards a deeper commitment to Allah, by developing robust intellectual religious leadership and initiatives that can provide guidance.

   a) **Projects**

   We are looking to support nurturing, religious literacy (tarbiyah) projects which aim to empower Muslims with a sound understanding of Islam or a particular aspect of the faith in a manner that is inspirational and relevant to them as believers living in the UK. Projects may be directed to serving a particular demographic within the community, for example young
children, youth, parents, new Muslims, the elderly etc. This includes youth engagement projects, parenting initiatives, tarbiyah courses and awareness projects.

b) Islamic educational institutions

We are looking to support the following Islamic educational institutions with the aim of increasing religious literacy:

Islamic colleges and institutes which produce individuals with strong leadership skills, well-grounded in the Islamic sciences and are proficient in providing guidance and solutions on topical religious challenges faced by the community.

Madrasahs/maktabs which produce young people who have a broad and balanced Islamic education, such that they are Allah conscious and are given the skills to lead purpose-driven lives in the UK.

c) Educational grants for individual scholars

With the aim of increasing religious literacy within the Muslim community, we are also looking to fund exceptional existing or emerging scholars with maintenance, further education and research funding.

Funding will be prioritised for applicants and institutions which produce individuals with strong leadership and communication skills, well-grounded in the Islamic sciences and motivated by their commitment to Allah. Such emerging leaders will be non-sectarian in their approach, possessing maturity and being proficient (or being likely to gain proficiency) in providing guidance and solutions on topical religious challenges faced by the community.

2. Effective representation:

We are looking to fund organisations whose work includes the facilitation of faith-based representation and contribution of the Muslim community in the public sphere, by enhancing leadership capacity. Their work is likely to include initiatives that help further develop a legal or policy environment at a local or national level which:

i) helps to bring about fair treatment of Muslims as equal citizens of the UK and
ii) is more conducive for Muslims to live prosperously and harmoniously in our country.

Overview of process for categories 4 and 7

The following schematic gives an overview of the process - from application to approval or rejection. It is important to note that despite receiving a number of ‘eligible’ applications, only a select few are ever considered. Projects and individuals are evaluated in the context of strategic impact and benefit of Muslims and Islam.
Assessment of Meta-categories 4 and 7

Applications are approved dependent on the assessment of the following criteria:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Questions related to criteria</th>
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| What specific problem are you/the project trying to solve (within the identified type of initiative)? | • Which sections of society are affected and to what extent?  
• Is this area neglected?  
• Is it solvable for a particular group? Is it scalable? |
| Why does the problem matter? |  |
| What are you doing / planning to do to address the problem? | • What activities will be delivered? |
| Impact | • What potential Impact could this project have in the short term (< 3 years)?  
• What potential impact could it have in the long term (>3 years)?  
• If NZF did not fund this proposal what would be the impact? |
Our Zakat Distribution Strategy

4.3 Zakat Administration

Finally, based on the third meta-category of Zakat expenditure and in line with previous policy, no more than 10% of Zakat distributed in a year is used to support the core costs of the organisation. This portion of funding is reserved to support the qualified and dedicated team administering Zakat to ensure funds are spent with careful analysis and to achieve maximum possible impact. For 2018, this has been budgeted at 9% (£0.36m out of £4.0m).

Meta-category Three: ‘Amilina ‘Alayha (Zakat Administrators) – Additional considerations

For 2018, NZF has allotted a percentage of 9% towards the costs of the Zakat distribution team considering the above arguments. This is in line with the organisation’s previous policy of utilising no more than 10% of Zakat spent in any one year for administrative purposes. The Wakalah framework is still in place to cover this spend as per our previous policy\textsuperscript{128}.

4.4 The framework

This framework has been assembled for 2018 onwards after years of practical experience, as well as thorough research and engagement with the works and thoughts of scholars from past and present. It is intended to reflect as closely as possible the organisation’s understanding of the Will...
of the Almighty with respect to the third foundation of the faith. We pray for continued guidance and success and are willing to continue adapting our approach based on our own research, as well the input from scholars across the country and the world.

Although the application and understanding of categories 3, 4 and 7 are contested among the different schools of Fiqh, NZF has worked with Wakalah to ensure Zakat payments are valid, especially from the perspective of the Hanafi school. With the Wakalah model in place, NZF is continuously exploring and researching these two categories [see Appendix 3 for an explanation of the Wakalah model]. The Hanafi jurists gave various stratagems to allow Zakat payments to serve individual and ensure communal needs. For example:

1. Imam al-Shurunbulali (d. 1231 AH) in respect to funding the construction costs of Masjids with Zakat. He states that a needy person should be given Zakat and then instructed to spend on the building costs of the Masjid.

2. In Muhit al-Burhani, the author states that the way to use Zakat funds for construction of a masjid, a bridge or paying the debt off a deceased person or shrouding, is to pay Zakat to a needy person, and thereafter instruct him to spend in the above causes.

The above are obviously not dire causes. A masjid is not necessary, Salah can be performed without a Masjid and even without a construction. Building a bridge does not seem like a dharurah where life is impacted either. A stratagem for ‘shrouding’ shows that the Wakalah model is not restricted to ‘dire causes’. In all of these, Sadaqah funds could have been used, however, the jurists do not mention any alternative nor offer an alternative. They allow the spending of Zakat through the Wakalah model to fulfil the need. Thus, the permission seems to be in a context of need. NZF adopts a similar model, unlike supporting causes beyond the eight categories as quoted in the above texts such as building bridges and shrouding, NZF apply the Wakalah model in applying meta-categories 3, 4 and 7. These are the parameters within which the model is used and cannot be extended further under the policy at NZF. Any spend must justify that it falls within the scope of these categories when the Wakalah model is exercised. With the Wakalah model in place, NZF’s diversification into these funding streams can be regarded as a similar strategy in order to deal with the significant and urgent communal problems facing Muslims in the UK. The only effective way to develop a deep understanding of the technicalities surrounding these meta-categories is to actively implement them. The implementation will excel our learning, understanding and insight into effective management of these categories. This is an iterative process which is constantly reviewed, discussed with scholars and practitioners. At the same time, caution and diligence is upheld by ring-fencing a small percentage for these meta-categories together with the Wakalah model in place to ensure Zakat has been discharged in a valid manner. See Appendix 3 for more information on the Wakalah model.
Appendix 1: Understanding underlying Fiqh

Zakat and its meta-categories are intelligible and rational (Ma’qul al-Ma’na). Each meta-category clearly serves an objective and purpose. Discovering the underlying purpose of each meta-category is vital to ensuring that Zakat distribution is relevant and efficient for the ever-changing landscape of life. In fact, a deep engagement with the texts is absolutely necessary to understand the underlying and underpinning Fiqh.

Abu al-Yusr al-Bazdawi (d.493 AH) states:

“[Fiqh] is knowledge of that which underpins sacred rulings stored in the Book of Allah – Most High – the sunnah of His Messenger – on whom be peace – and the consensus of the ummah. Furthermore, that which underpins sacred rulings is [also] called Fiqh even though it is not Fiqh itself, because it is the object [of Fiqh]. The Fuqaha have concurred that the meaning of Fiqh is what we have mentioned. This is what is indicated by the Book of Allah, “…He gives wisdom to whomever He wills.” (Qur’an, 2:269) The People of Exegesis have said, “Wisdom is Fiqh.” It is knowledge of the realities of things; whoever discovers their true meanings is called a Faqih. Whoever memorises legal cases (Masa’il) and exegeses and does not discover these meanings is only figuratively called a Faqih due to his memorising that which is established by the Fiqh which underpins the rulings in the text. Just as this [underlying reality] is called Fiqh, it is also called ‘meaning’ (Ma’na), ‘analogy’ (Qiyas), ‘cause’ (‘illah), ‘occasion’ (Sabab), ‘intelligible’ (Ma’qul), ‘subtlety’ (Nuktah), ‘indicator’ (Dalil), ‘consideration’ (Nazar), ‘opinion’ (Ra’y), ‘decisive proof’ (Hujjah) and ‘demonstration’ (Burhan).”

Commenting on the above, Shaykh Sohail Hanif asserts:

“The most important point to note from this long explanation is that Fiqh is neither memorising legal cases, nor is it simply a knowledge of sacred texts in which these legal cases are stored. For Abu al-Yusr, Fiqh is something entirely different: it is a knowledge of matters that underpin sacred rulings. This is not a reference to the sacred texts themselves, because he notes that these underpinning matters are rarely found explicitly in sacred texts, so need to be rationally inferred. This is because these matters are intelligible.”

In fact, Ibn Amir Haj (d.879 AH) states that the default and foundation in Fiqh is ratiocination (Ta’lil). Ibn Nujaym (d.970 AH) documents the same position in al-Bahr al-Ra’iq which is further mentioned by Ibn Abidin (d.1252 AH). Imam al-Tumurtashi (d.1007 AH) indicates to the preference of ratiocination above a Ta’abbud approach (i.e. for suprarational matters) in understanding and analysis of the sacred texts.

The contemporary scholar Professor Hashim Kamali expounds on ratiocination:

“The majority of Ulama have held that the ahkam [injunctions] of the Shari’ah contemplate certain objectives, and when such can be identified, it is not only permissible to pursue them but it is our duty to make an effort to identify and to implement them. Since the realisation of the objectives [Maqasid] of the Shari’ah necessitates identification of the cause/rationale of the
ahkam [injunctions], it becomes our duty to discover these in order to be able to pursue the general objectives of the Lawgiver... The majority view on Ta’lîl [ratiocination] takes into account the analysis that the rules of Shari’ah have been introduced in order to realise certain objectives and that the Lawgiver has enacted the detailed rules of Shari’ah, not as an end in themselves, but as a means to realising those objectives. Any attempt to implement the law should take into account not only the externalities of the law but also the rationale and the intent behind it."

Fiqh involves linguistic investigations to understand the intent of the Lawgiver behind any injunction. Among the many linguistic investigations, there is one topic that explicitly gives scope to the rational mind for inferring legal injunctions as an extension of linguistic analysis. It is the topic of understanding the intentions of a speaker or wujūh al-wuqūf ‘alā al–murād as Fakhr al–Islam al–Bazdawi (d. 482 AH) categorises it. This topic provides four forms of inferring meaning from a text: drawing inference (istidlal) from the text’s expression (‘ibarah), allusion (isharah), indication (dalalah) or requirement (iqtida’). The third is the most important of these linguistic investigations for the purpose of showing the relation of the text and the judgements of the rational mind. It is “drawing inference from the indication of a text” (al–istidlal bi–dalalat al–nass). This is explained as observing what is established by the linguistic meaning of the composition, not by rational inference (huwa mā thabata bi–ma’na al–nazm lughatan lā istinbatan bi–al–ra’y). This explanation is not in itself very revealing, except to show that the authors are keen to differentiate it from the rational inference of Qiyas (legal analogy). This shows that indeed there is a similarity between this and Qiyas. Imam al–Sarakhsi (d.483 AH) offers a few more words to distinguish the two:

“This is because a composition (nazm) has a form (surah) that is intended thereby. … [The indication of the text] is not Qiyas, because Qiyas is a meaning (ma’na) that is extracted by a [speculative] rational process (bi–al–ra’y) … so that a prescription can be applied to something concerning which sacred texts are silent, not an extraction by considering the linguistic meaning of the text. This is why it is the scholars alone who know how to extract [sacred rulings] using a [speculative] rational process, whilst everyone with insight into the linguistic meanings of speech, whether a Faqih or not, shares in [knowing] the indication of the text (dalalatan nass).”

Coming back to the categories of Zakat, a concerted effort to understand the underpinning rationale and meanings inferred by the text is required to implement the categories of Zakat in any era. There is a wisdom and purpose for the use of specific nouns and adjectives in describing the Zakat recipients. Allah mentioned these particular words out of His divine wisdom to refer to specific meanings. The attributes (awsaf) of each meta-category must be determined to unearth the underlying purpose. Only by understanding these attributes can we get a clearer picture of the key elements underpinning each meta-category. The great Hanafi jurist, ibn al–Humam (d.861 AH) states that the Manat (underpinning legal factor) for the categories is ‘need’. He states that this is known from the principle that the ruling is derived from the word formation, and the root words are the ‘illah of that category. The root words of the descriptions used to name the categories allude to the existence of ‘need’ in these categories. Therefore, the ‘illah in
Our Zakat Distribution Strategy

giving to these categories is ‘Haajah’ (need). However, for Al–Mu’ allafati Qulubuhum, the word formation indicates that the need is not a personal need, rather, the ‘illah permitting Zakat spend is Ta’lif. Whilst in Al–‘Amilina ‘Alayha, the requirement and ‘illah entitling Zakat is the ‘Amal (administration).\textsuperscript{139}

The contemporary Hanafi jurist, Dr Salah Abul Haj makes a similar argument that Zakat entitlement and worthiness is focused on the adjective and attribute coined by Allah for the meta-categories and not just the physical recipients. Each meta-category is anchored on an underlying outcome and impact which is the objective of that meta-category. Dr Salah underpins the categories with poverty, administration for Zakat, winning hearts and striving in the cause of Allah. He thereafter states that it is these Manat (legal factors) which entitle one to Zakat.

This exploration of the Manat and underpinning realities and subtleties is what NZF has been deeply engaged in over the last two years. This has been a key driver behind our current Zakat distribution strategy since our aim is to operationalise Zakat in our current time and place in a way that we believe reflects the Divine objective of Zakat as well as the underlying purposes of the various categories of expenditure. Without this approach, the fear is that we will utilise Zakat in a way that fails to align with the Divine intent and therefore fails to realise its potential.

Administering Zakat in the UK is different to administering Zakat in other parts of the world, just as administering Zakat in 2018 is different to administering it in any other time. The contextual specificities that help to define eligibility, legal challenges, technological advancements, our cultural and political environment, requirements for risk management, operational efficiency and need for administrative overheads all require an iterative cycle of strategy, action, reflection, consultation and change. This is the only way to remain faithful to our attempt of achieving what Allah wants us to achieve with Zakat in a relevant fashion, and it is the process that NZF undergoes constantly.
Appendix 2: The Fiqh Methodology at NZF

Many scholars have written in reference to following one school of Islamic law for all of one’s practices at an individual level. However, an organisation is different to an individual person. The issues of following one’s nafs (whims) and insincerely searching for easiest opinions are far less possible or relevant. A charity organisation is regulated by the Charity Commission, has the oversight of a board of Trustees, there is transparency and accountability to the public, as well as clearly stated organisational objectives and policies. For an Zakat institution serving a diverse community and engaging with a range of stakeholders, as well as engaging with a number of new contextual challenges, following one Madhab is unlikely to be an appropriate methodology.

So how does an organisation adopt an opinion and keep within a framework, avoiding the random selection of opinions and policies? A critical part of the answer is to have a clear vision that reflects the overarching purpose of Zakat and then ensuring that policy decisions remain as consistent as possible with the overall goal. At NZF, we have a vision for Islam to flourish in society as a source of prosperity and harmony for all. Our mission is to distribute Zakat transformatively within the United Kingdom, in order to help achieve our vision. It is in this transparently stated backdrop that we then consider the following, in consultation with our Advisers:

1. Classical positions of the four schools of Islamic law.
2. The Fatawa of Darul Iftaas or resolutions of global bodies.

NZF strives to meet the strategy to serve Islam and Muslims in the most optimal manner by working with the rich heritage of the four schools of law. In addition, NZF draws on the contemporary senior Ulama and Ulama bodies/forums: as we are obviously dealing with contemporary issues in an unprecedented context with multiple challenges, it only makes sense to consider what the contemporary Ulama have said on contemporary issues. Therefore, our understanding of the categories is composed of opinions of the four schools of Islamic law and resolutions passed by global Islamic jurist bodies such as the Islamic Fiqh Academy (Majma al–Fiqh al–Islami), which has over 60 leading Ulama from different countries in the world. Thus, the understanding and opinion of any category is either an opinion of the Fiqh schools, or an opinion of global bodies of Islamic scholars. This prevents selecting lone opinions and weak opinions.

This is acceptable and reasonable as it is not for Tashahhi al–nafs (following one’s whim or desire) nor Tatabbu’ al–rukhas (searching for the easiest opinion)\(^\text{41}\). In fact, Mufti Taqi Uthmani states:

Maulana Ashraf Ali Thanawi writes that Taqleed Shakhsi in itself is neither Fardh nor Wajib. However, Taqleed Shakhsi brings organisation (Intizam) to one’s Deen. (Usul al–Iftaa p.73 Maktabah Ma’ariful Qur’an)

Shaykh al–Hind Maulana Mahmudul Hasan states that following a particular Madhab is not a Shar’i ruling but a Fatwa for organisation/systemisation of issues relating to Deen. (Usul al–Iftaa p.72 Maktabah Ma’ariful Qur’an)

When making decisions at NZF, positions are adopted on the basis of alignment with the overarching purpose of Zakat and the principles highlighted in Appendix 1. In consultation with
Our Advisers and taking recourse to past and contemporary scholarly works, an opinion among the four schools of law is implemented. Operational practicalities are also factored in, therefore allowing us to serve the people in an optimal manner.

Appendix 3: The Wakalah Model

NZF strives to serve the diverse Muslim community composed of different learning traditions, varied understandings of Islamic law and diverse schools of law. Shariah compliance and validity of Zakat distribution is of utmost importance. To ensure compliance and discharge of all Zakat in a valid manner, NZF works closely with a number of scholars and advisers. Some scholars have advised the use of a framework and model known as the ‘Wakalah’ (agency) framework. This framework is famously used in a number of Darul Ulooms and Islamic seminaries in India, Pakistan and Bangladesh to fund administrative operations and causes where direct Zakat use might not be possible or may be contested among different scholars and schools. This framework ensures Zakat is paid and distributed in a valid manner strictly in the legal sense.

The Wakalah model functions in the following manner:

Zakat recipients make NZF an agent (wakil) on their behalf to receive zakat funds and spend it in their needs and in avenues according to the policy of NZF. This is by means of a clause that recipients sign. The wording of this clause is as follows: “Should my application be successful then I consent to National Zakat Foundation receiving and disbursing Zakat funds on my behalf in line with its distribution framework (https://nzf.org.uk/About/WhoAreNZF) and accompanying policies.”

The flow of funds is as follows:

1. The zakat payers give their zakat to NZF.
2. NZF holds the zakat as agent of the zakat payers.
3. When an applicant is successful in his application he is either given a cash grant or he authorises NZF to pay a third party on his behalf. The third party may be a service provider, creditor, caseworker or other. He also authorises NZF to use the funds in line with the strategy and policy at NZF.
4. The third party receives the zakat as agent of the recipient and the zakat is discharged at this point.
5. The third party then takes possession in its/his own right as a fee for services, as a gift or grant.

Under this Wakalah model, NZF is authorised by the poor person to fund, on behalf of the poor person, categories and avenues as outlined in the NZF policy in its capacity as agent of the poor person.
For the valid payment of Zakāt it is necessary to grant ownership to the eligible poor person. Where granting of ownership (tamlīk) is not found – like [using the money for] buildings or public amenities – the discharging of Zakāt will not be valid. This is the default rule. However, the jurists have given scope for a stratagem (hilah) via tamlīk (hilah e tamlīk) in the situation of need:

“If one who owes Zakāt wants to shroud a deceased person using his Zakāt money, it is not permissible. A hilah [to make this valid] is to donate it to a poor person from the family of the deceased and then he will shroud the deceased with it, and thus he will have the reward of charity and the family member of the deceased will have the reward of shrouding. Likewise, in all avenues of righteousness in which tamlīk does not occur, like building masjids, building bridges and hostels – it is not permissible to spend Zakāt in these avenues, although a hilah [to make it valid] is to donate the amount of Zakāt to a poor person and then tell him thereafter to spend it on these causes, so the donor will have the reward of charity and the poor person will have the reward of building a masjid or bridge.” (al-Fatāwā al-Tatārikhāniyyah, 10:318)

Note: Here it should be remembered that a legal stratagem (hīlah) does not hold the position of a normal rule, but rather, as a last resort, it is permissible to employ a hīlah to fulfil a real need and to observe the limits of the law. Regarding hilahs, the basic principle is that if a hilah is employed to fulfil a goal of the Sharī’ah, then there is scope for it without reprehensibility. But if ignoring the objectives of Sharī’ah, a hilah is employed, such a hilah is extremely reprehensible. For example, if someone adopts a hilah to waive the obligation of Zakāt from oneself, this is not permissible. However, if a hilah is adopted to fulfil a religious need when there is no other option besides it, then that is permissible without any reprehensibility. For example, in some place, there is risk to the religion and faith of Muslim residents because of religious illiteracy, and it is difficult to establish a system of religious education with charitable donations apart from Zakāt, then in such a case of severe need it will be permissible to adopt the hilah via tamlīk, and where it is possible to fulfil the need without a hilah, hilah via tamlīk will not be permissible:

“Our scholars have adopted [the view] that every hilah which a man devises to nullify the right of another or to put doubt in it or to coat falsehood, it is reprehensible. According to al-’Uyūn and Jāmi’ al-Fatāwā it is not permissible. Every hilah which a man devises to escape from harām or in order to acquire halāl, it is good.” (al-Fatāwā al-Tatārikhāniyyah, 10:313; Kifāyat al-Muftī, 4:285).

Nowadays carelessness in adopting hilahs has increased, and generally hilahs are given the status of a general rule! Thus, Zakāt funds are, without any concern, spent on non-recipients using the hilah via tamlīk, and there is no concern towards such carelessness, while such a thing is very dangerous. The person involved in this should make a decision between himself and Allāh whether there really is a need for hilah via tamlīk or not? If his conscience is satisfied then he may proceed, but otherwise it is necessary to refrain. (Mahmud al-Fatāwā, 3:48–56)
أوَلِمْ أَنْ هَذِهِ الدَّعَائِمَ الخَمسَ بَعْضُهَا مُرْتَبِطٌ بِبَعْضٍ، (جَامِعُ العَلَمَاتِ وَالْحَكَمِ).

كَانَ الْإِِمَانُ أَصلُ للعبادات فَتَقْدِيمُهِ ثُمَّ الصَّلاة لأَِنَّهَا عماد الدّين ثمَّ الزَّكَاة لأَِنَّهَا قَرَنَ بَيْنَهُاَ فِيِ الْقُرْآنِ كَثِيرًا، أَوْ لِكِبَِ شَأْنِهِماَ عَلَ النُّفُوسِ لِتَكَرُّرِهِماَ

أَمَّا الْمَعْقُولُ فَمِنْ وُجُوهٍ أَحَدُهَا أَنَّ أَدَاءَ الزَّكَاةِ مِنْ بَابِ إعَانَةِ الضَّعِيفِ وَإِغَاثَةِ اللَّهِيفِ وَإِقْدَارِ الْعَاجِزِ وَتَقْوِيَتِهِ عَلَ أَدَاءِ مَا افْتُرََضَ اللَّهُ عَزَّ وَجَلَّ عَلَيْهِ مِنْ التَّوْحِيدِ

 ثَامِنُهاَ أَمْلُ العَشُورِ ابْتِداعِهِ وَالْعِبَادَاتِ وَالْوَسِيلَةُ إلىَ أَدَاءِ الْمَفْرُوضِ مَفْرُوضٌ عَلَ سبيل الحصر، فيلزم بناء الشيء عَلَ نفسه

وَقَالَ تَعَالىَ عَن أهل النَّار

وَأَمَا الأَمْوَالِ من الرّعية سَنَة

أَنَّهُ إِِلَى مَعِينِهِ عَن اكْتِسَاب كفافهم

عَلَّمْ أَنَّ هَذِهِ الدَّعَائِمَ الْخَمسَ بَعْضُهَا مُرْتَبِطٌ بِبَعْضٍ، (جَامِعُ العَلَمَاتِ وَالْحَكَمِ).

إِنَّ الْحُكْمَةُ هِيَ الْغَالِبَة وَتَكون البهيمية منصبغة بصبغها آخذة حكمهاَا، وَمِنْ العِبَادَاتِ عَلَيْهَا بذل الْمَال مَعَ الْحَاجة إِلَىْهِ وَالْعَفُو عَمَّن ظلم وَالصَّبِع عل الشدائد بِأَن

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وَقَالَ تَعَالىَ عَن أهل النَّار

وَأَمَا الأَمْوَالِ من الرّعية سَنَة

أَنَّهُ إِِلَى مَعِينِهِ عَن اكْتِسَاب كفافهم

عَلَّمْ أَنَّ هَذِهِ الدَّعَائِمَ الْخَمسَ بَعْضُهَا مُرْتَبِطٌ بِبَعْضٍ، (جَامِعُ العَلَمَاتِ وَالْحَكَمِ).

إِنَّ الْحُكْمَةُ هِيَ الْغَالِبَة وَتَكون البهيمية منصبغة بصغ
Our Zakat Distribution Strategy

CASE 1: First Zakat Distribution in the Qur’an

قد أُنَّا يَعْمَرُ مَسَاجِدَ اللَّهِ مَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الآْخِرِ وَأَقَامَ الصَّلاَةَ وَآتَ الزَّكَاةَ

CASE 2: Second Zakat Distribution in the Qur’an

عِمَّرُ مَسَاجِدَ اللَّهِ مَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الآْخِرِ وَأَقَامَ الصَّلاَةَ وَآتَ الزَّكَاةَ

CASE 3: Third Zakat Distribution in the Qur’an

أَوَيْنَ بُدِّلَتْ عَيْانَةُ الْذِّينَ...
فقل النبوي (ص) - رحمه الله - "إن وجوب أخذ الزكاة متعلق في الآية بالتطهير من الذنوب" (م).

وقد جاء في النص أنه يلزم بخطاب يرجح أن النبي صلى الله عليه وسلم قال: "الصدقة تصلح الخطيئة كما يطعن الماء النار" (م).

وقد جعلت الآية المقصد الكبير من المقاصرة والحكم الشرعية في فرض الزكاة وذلك في كتمان معتمد في قوله: "َظلهم وذَّلهم يا رَبِّ". وفي ذلك يظهر إعجاز القرآن في دفاعه على أهل الحق من لغة وفطرة.

ومن مسائل الزكاة التي رفعت فيها الإمام مالك مسألة ويداع عن التحليل في موضعه: "ليس على أهل الظلم، ولا على المعصوبين، في نخيلهم ولا كرومهم ولا زروعهم ولا مواساتهم. صدقة. لأن الصدقة إذا ضمت على المسلمين تظهر لهم. ودعا قطعتهم. فقدم مقاصد الزكاة في مقدمي تطهير المريض، وتشمل مع أخيه الأخلاق.

(نظرية المقدح عند الإمام الشافعي ص 473).

19

لاستماع: تظهر الزكاة مثلا، وذلك: يأخذ طفلاً من الأجل الزكاة، مما زعمه من واجبات، للتمسح حتى يقع في يد الفقير يفاقم حفرة الفقر.

سادة: تظهر قنبلة التماسحة من الحضود عند الغني، وذلك: ألقى من حوض يعده لبائع الجمال، وهو يكيك أنه، فإن تسبب ذلك في طهور القلب من الحقد والحسد على الغني، وذلك أن الفقير إذا رأى من حوله ينعمون بالمال الوفير وهو يكابد ألم الفقر، فلرُبًا تسبب ذلك في بث الحسد ولا تزال لم يظهر تلاميذ الآية في الآية بالتطهير، وآية بين آيات الدين، في سبيل الله حيث يكون إخراج هذا الحق.

20

سيسي: ومن مقاصد فرض الزكاة مثلاً من حفلات عدالة في حقوق الشهداء، وهو ما يدل على فرضه في مصلحة الفقراء.

لاستماع: تظهر قنبلة التماسحة من الحضود عند الغني، وذلك: ألقى من حوض يعده لبائع الجمال، وهو يكيك أنه، فإن تسبب ذلك في طهور القلب من الحقد والحسد على الغني، وذلك أن الفقير إذا رأى من حوله ينعمون بالمال الوفير وهو يكابد ألم الفقر، فلرُبًا تسبب ذلك في بث الحسد ولا تزال لم يظهر تلاميذ الآية في الآية بالتطهير، وآية بين آيات الدين، في سبيل الله حيث يكون إخراج هذا الحق.

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ولأيام الطبري في هذه المسألة نظر ضرير، مبني على مقصود الركز عمومًا، وهو برى - أن الركز مقاس بينين بها قوله: "أحدهما سد خلقة المسلمين، والآخر مقاس الإسلام ونحوه، فلا يكون سلطان، وله من يجوز التقلد منهم كما هو في بعض بقاعهم.

ومن آياته أن خلقَ لَكُمْ مِنْ أَنْفُسِكُمْ وَأَمَّا بِلاَدٍ عَلَيْهَا وُلَةٌ كُفَّارٌ فَيَجُوزُ لِلْمُسْلِمِيَ إقَامَةُ الْجُمَعِ وَالأَْعْيَادِ وَيَصِيرُ الْقَاضيِ قَاضِيًا بِترََاضيِ الْمُسْلِمِيَ، فَيَجِبُ عَلَيْهِمْ أَنْ يَلْتَمِسُوا وَالِيًا مُسْلِماً مِنْهُمْ اهـ وَعَزَاهُ مِسْكِيٌ

فلا حجة لمحتج بأن يقول: "فهو يرى ما أفاده كلام الفتح من عدم صحة تقلد الكافر على خلاف ما مرّ عن التشريعات، ولكن إذا كان الكافر عليه قاضيًا وكبير البلدان، فسواك باليئة لا يقبل.

ومع أن الأمر أن الهاء التي يثبت كسر وصل بينهم يوجب عليهم بالقضية أو بأي طريقة، يترك ذلك الأمر في حكم السلطان ففيه ملجة منه توافقت القاجاري عليهم.

(ملاحظات ابن عابدين ج 88 ط السعيد)

وقد أعطى النبي ﷺ من أعطي منهم في الحال التي وصفت

فإن الله ﷺ فتح عليه الفتوح وفشا الإسلام وعر أهله

فإنه يعطى ذلك غنيا كان أو فقيرًا، للغزو لسد خلته والإمام الطبي في هذه المسألة نظر سديد، مبني على مقصود الركز عمومًا، وهو برى - أن الركز مقاس بينين بها قوله: "أحدهما سد خلقة المسلمين، والآخر مقاس الإسلام ونحوه، فلا يكون سلطان، وله من يجوز التقلد منهم كما هو في بعض بقاعهم.

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(ملاحظات ابن عابدين ج 88 ط السعيد)
Our Zakat Distribution Strategy

40 British Religion in Numbers (2017)
41 Indy 100 (2014)
42

44بدأنا بـ: "أنه قال: إذا جميع بنيت في كلام واحد، وكان في أن تصرف الزكاة، قبض كل منهما يعني."

45وقد أختلف الطبقات في بهما أن حاجة. فاقتضى الشافعية والشافعية إلى أن الفقير أخذ حاجته من المسكن، واحتفظ بها للمرة ذات دوره في الأوامر. وذلك بناء على أنهم أخذوا على أنهم وقفاً على أفراد الناس في عهد السنة والمسكين مع كونهم يتكونون سنة ومعنويات القرآن وعهد السنة. وانطلاقاً لذلك أخذوا باستثناء الأئمة من الطرق، فالطبقات: فاقتضى الفقير، وقبله طرق، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنين فعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تفنينفعل، وهو من نوع تfen

46 The arguments are available in all major classical fiqh texts.
47 Al-Zuhaylī, al-Fiqh al-Islami wa Adillatuhu, Damascus: Dar al-Fikr
48 Al-Mawsu'ah al-Fiqhiyyah al-Kuwaitiyyah, Kuwait: Dar al-Salāsil
إنَّا يَسْتَحِقُّ بِعَمَلِهِ لَكِنْ عَلَ سَبِيلِ الْكِفَايَةِ لَهُ وَلأَِعْوَانِهِ لَ عَلَ سَبِيلِ الأُْجْرَةِ؛ لأَِنَّ الأُْجْرَةَ مَجْهُولَةٌ أَمَّا عِنْدَنَا فَظَاهِرٌ؛ لأَِنَّ قَدْرَ الْكِفَايَةِ لَهُ وَلأَِعْوَانِهِ غَيرُْ مَعْلُومٍ

إنَّ حَقَّ الْعَامِلِ فِيماَ فيِ يَدِهِ مِنْ الصَّدَقَاتِ حَتَّى لَوْ هَلَكَ مَا فيِ يَدِهِ سَقَطَ حَقُّهُ كَنَفَقَةِ الْمُضَارِبِ أَنَّهَا تَكُونُ فيِ

فَإِنْ جُعِلَ الْهَاشِمِيُّ عَامِلاً وَأُعْطِيَ مِنْ غَيرِْ الزَّكَاةِ فَلاَ بَأْسَ بِهِ ثُمَّ الَّذِي يَأْخُذُهُ الْعَامِلُ أُجْرَةٌ مِنْ وَجْهٍ حَتَّى يَجُوزَ لَهُ مَعَ الْغِنَى وَصَدَقَةٌ مِنْ وَجْهٍ حَتَّى لَ يَجُوزَ لِلْعَامِلِ الْهَاشِمِيُّ

إنَّ مَا يَسْتَحِقُّهُ الْعَامِلُ إنََّا يَسْتَحِقُّهُ بِطَرِيقِ الْعِماَلَةِ لَ بِطَرِيقِ الزَّكَاةِ بِدَلِيلِ أَنَّهُ...

لأَِنَّهُ نَائِبٌ عَنِ الإِّمَامِ وَالْفُقَرَاءِ

وَالْعَامِلُ يَسْتَحِقُّ الْعِماَلَةَ؛ لأَِنَّ السَّبَبَ فيِ حَقِّنهِمْ الْعِماَلَةَ

وَالْعَامِلُ مَالِ الْمُضَارَبَةِ حَتَّى لَوْ هَلَكَ مَالُ الْمُضَارَبَةِ سَقَطَتْ نَفَقَتُهُ كَذَا هَذَا دَلَّ أَنَّهُ إنََّا ... لَكِنْ عَلَ سَبِيلِ الْكِفَايَةِ لَهُ وَلأَِعْوَانِهِ لَ عَلَ سَبِيلِ الأُْجْرَةِ؛ لأَِنَّ الأُْجْرَةَ مَجْهُولَةٌ أَمَّا عِنْدَنَا فَظَاهِرٌ؛ لأَِنَّ قَدْرَ الْكِفَايَةِ لَهُ وَلأَِعْوَانِهِ غَيرُْ مَعْلُومٍ

إنََّا يَسْتَحِقُّ بِعَمَلِهِ لَكِنْ عَلَ سَبِيلِ الْكِفَايَةِ لَهُ وَلأَِعْوَانِهِ لَ عَلَ سَبِيلِ الأُْجْرَةِ؛ لأَِنَّ الأُْجْرَةَ مَجْهُولَةٌ أَمَّا عِنْدَنَا فَظَاهِرٌ؛ لأَِنَّ قَدْرَ الْكِفَايَةِ لَهُ وَلأَِعْوَانِهِ غَيرُْ مَعْلُومٍ

إنََّا يَسْتَحِقُّ بِعَمَلِهِ لَكِنْ عَلَ سَبِيلِ الْكِفَايَةِ لَهُ وَلأَِعْوَانِهِ لَ عَلَ سَبِيلِ الأُْجْرَةِ؛ لأَِنَّ الأُْجْرَةَ مَجْهُولَةٌ أَمَّا عِنْدَنَا فَظَاهِرٌ؛ لأَِنَّ قَدْرَ الْكِفَايَةِ لَهُ وَلأَِعْوَانِهِ غَيرُْ مَعْلُومٍ

إنََّا يَسْتَحِقُّ بِعَمَلِهِ لَكِنْ عَلَ سَبِيلِ الْكِفَايَةِ لَهُ وَلأَِعْوَانِهِ لَ عَلَ سَبِيلِ الأُْجْرَةِ؛ لأَِنَّ الأُْجْرَةَ مَجْهُولَةٌ أَمَّا عِنْدَنَا فَظَاهِرٌ؛ لأَِنَّ قَدْرَ الْكِفَايَةِ لَهُ وَلأَِعْوَانِهِ غَيرُْ مَعْلُومٍ

إنَّ حَقَّ الْعَامِلِ فِيماَ فيِ يَدِهِ مِنْ الصَّدَقَاتِ حَتَّى لَوْ هَلَكَ مَا فيِ يَدِهِ سَقَطَ حَقُّهُ كَنَفَقَةِ الْمُضَارِبِ أَنَّهَا تَكُونُ فيِ
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قُلُوبِهِمْ مِنْ الْغِنَى وَالْخَيرِ؛ مِنْهُمْ عَمْرُو بْنُ تَغْلِبَ
إِنََّا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسَاكِي
سُقُوطُهم تقريرٌ لما كان زَمَنَ النبيِّ صل الله عليه وسلم من حيثُ المعنى، لأَنَّ الدَّفْعَ إِليهم في ذلك الوقت كان لإِعزاز الإِسلام لكثرة أَهل الكفر، والإِعزاز
إنيِّن أُعْطِي رِجَالً حُدَثَاءَ عَهْدٍ بِكُفْرٍ
أَعْطَى أُنَاسًا وَتَرَكَ أُنَاسًا، فَبَلَغَهُ عَنْ الَّذِينَ تَرَكَ أَنَّهُمْ عَتَبُوا، فَصَعِدَ
الله كان يعطيكم ليؤلّفكم عل الإسلام، فأمّا اليوم فقد أعزَّ الله دينه، فليس بيننا وبينكم إل السيف أو الإسلام، فانصرفوا إلى أب بكر
أَفَاءَ اللَّهُ عَلَ رَسُولِهِ أَمْوَالَ هُوَازِنَ، طَفِقَ رَسُولُ اللَّهِ
جِيَّدُ وَرَجُالةً مَبْنِيَّةً وَلَا تَأْسِيَ عَنْ ظُفْرِهَا، فَلَمْ يَفْتَدُو هُمُ الزَّكَامَةُ وَأَشْعَالُ الْفَحْمِ وَالْحَمْرَاءِ أَذْهَبَانِ
قُلُوبُهُمْ مِنْ الْغِنَى وَالْخَيرِ؛ مِنْهُمْ عَمْرُو بْنُ تَغْلِبَ
وَسَكَتَ عَنْ الْمُؤَلَّفَةِ قُلُوبُهُمْ لِلإِشْرَأَةِ إلىَ السُّقُوطِ لِلإِجْمَاعِ الصَّحَابِِّن، وَهُوَ مِنْ قَبِيلِ... عِلَّتِهِ الْغَائِبَةِ الَّتِي كَانَ لأَِجْلِهَا الدَّفْعُ فَإِنَّ الدَّفْعَ كَانَ لِلإْعْزَازِ وَقَدْ أَعَزَّ اللَّهُ
لا يُمكنني قراءة النص العربي بشكل طبيعي.
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The Zakat Distribution Strategy

Related by Ibrahim b. Abdur Rahman al-Udhari; Sunan al-Baihaqi

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Al-Mawsū’ah al-Fiqhiyyah al-Kuwaitiyah, Kuwait: Dār al-Salāsil
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Al-Buhūtī, Kashāf al-Qinā’, Beirut: Dār al-Kutub al-'ilmiyyah
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Al-Mawsū’ah al-Fiqhiyyah al-Kuwaitiyah, Kuwait: Dār al-Salāsil
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Al-Nawawi, Rawdat al-Tālibin, Beirut: al-Maktab al-Islami
90
فَهَذَا وَفيِ مِنَحِ الْغَفَّارِ بَعْدَ ذِكْرِهِ مَا مَرَّ عَنْ الْبَدَائِعِ مِنْ تَعْلِيلِ حِلِّن الدَّفْعِ لِلْعَامِلِ الْغَنِيِّن بِأَنَّهُ فَرَّغَ نَفْسَهُ لِهَذَا الْعَمَلِ فَيَحْتَاجُ إلىَ الْكِفَايَةِ إلَخْ قَالَ – حاشية الشرنبلالي عل الدرر ج 391.
91
Shaykh Zakariyya Khandelwi, Jama’at Tablígh Par ’l tirazat awr Jawabat, Maktabah Khaleel
92
Related by Ibrahim b. Abdur Rahman al-Udhari; Sunan al-Baihaqi
93
مِنْ ذَلِكَ فيِ غَايَةِ الْبَيَانِ الْغَازِيَ، فَإِنَّ طَلَبَ الصَّدَقَةِ جَائِزٌ لَهُ، وَإِنْ كَانَ قَوِيًّا مُكْتَسِبًا لِشْتِغَالِهِ عَنْ الْكَسْبِ حاشية الشرنبلالي عل الدرر ج 391.
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وَيَجُوزُ دَفْعُ الزَّكَاةِ لِطَالِبِ الْعِلْمِ، وَإِنْ كَانَ لَهُ نَفَقَةُ أَرْبَعِيَ سَنَةَ اهـ 233 – 320 ط المكتبية العلمية
95
مِنْ ذَلِكَ بِفَكْرٍ جَائِزٍ لَهُ. وَإِنْ كَانَ فَوْقُ مُكْتَنِبًّا لِإِشْتِباَحِ الْجِهَادِ عَنْ المُؤَلَّف.
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وَتَأْتِيَ مُفْكَرٌ جَائِزٌ لَهُ. وَإِنْ كَانَ فَوْقُ مُكْتَنِبًّا لِإِشْتِباَحِ الْجِهَادِ عَنْ النَّفَقَةِ إلَخْ قَالَ – حاشية الشرنبلالي عل الدرر ج 391.
97
هَذَا وَفيِ مِنَحِ الْغَفَّارِ بَعْدَ ذِكْرِهِ مَا مَرَّ عَنْ الْبَدَائِعِ مِنْ تَعْلِيلِ حِلِّن الدَّفْعِ لِلْعَامِلِ الْغَنِيِّن بِأَنَّهُ فَرَّغَ نَفْسَهُ لِهَذَا الْعَمَلِ فَيَحْتَاجُ إلىَ الْكِفَايَةِ إلَخْ قَالَ – حاشية الشرنبلالي عل الدرر ج 391.
98
هَذَا وَفيِ مِنَحِ الْغَفَّارِ بَعْدَ ذِكْرِهِ مَا مَرَّ عَنْ الْبَدَائِعِ مِنْ تَعْلِيلِ حِلِّن الدَّفْعِ لِلْعَامِلِ الْغَنِيِّن بِأَنَّهُ فَرَّغَ نَفْسَهُ لِهَذَا الْعَمَلِ فَيَحْتَاجُ إلىَ الْكِفَايَةِ إلَخْ قَالَ – حاشية الشرنبلالي عل الدرر ج 391.
99
هَذَا وَفيِ مِنَحِ الْغَفَّارِ بَعْدَ ذِكْرِهِ مَا مَرَّ عَنْ الْبَدَائِعِ مِنْ تَعْلِيلِ حِلِّن الدَّفْعِ لِلْعَامِلِ الْغَنِيِّن بِأَنَّهُ فَرَّغَ نَفْسَهُ لِهَذَا الْعَمَلِ فَيَحْتَاجُ إلىَ الْكِفَايَةِ إلَخْ قَالَ – حاشية الشرنبلالي عل الدرر ج 391.
نظرًا إلى أن الإسلام محارب بالغزو الفكري والعقدي من الملاحدة واليهود والنصارى وسائر أعداء الدين، وأن لهؤلاء من يدعمهم الدعم المادي والمعنوي، فإنه يتعي عل

طفال الدعوة إلى الإسلام التي يقوم عليها رجال صادقون في البلاد غير الإسلامية، بهدف نشر الإسلام بATFORM آلة صحيحة تلائم العصر، وينطبق على

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كلا الأمرين جهادًا؛ لما روى الإمام أحمد والنسائي، وصححه الحاكم، عن أنس رضي الله عنه أن النبي ﷺ صلى الله عليه وسلم قال: "كل من أدرك في سبيل الله يُرادُ به الجهاد بعناه الواسع الذي قرره الفقهاء با مفاده حفظ الدين وإعلاء كلمة الله، ويشمل مع القتال الدعوة إلى الإسلام، والعمل عل

والله تعالى مَنْ يَحْتَاجُ إلىَ أَشْيَاءَ لَ غِنًى عَنْهَا فَحِينَئِذٍ إذَا لَمْ يَجُزْ لَهُ قَبُولٌ ... عَدَمِ اكْتِسَابِهِ أَنْفَقَ مَا عِنْدَهُ وَمَكَثَ مُحْتَاجًا فَيَنْقَطِعُ عَنْ الإِْفَادَةِ وَالِسْتِفَادَةِ فَيَضْعُفُ،

وَهُوَ الْمُسَافِرُ سُمِّنيَ بِهِ لِثُبُوتِهِ فيِ السَّبِيلِ، وَهُوَ الطَّرِيقُ فَيَجُوزُ لَهُ أَنْ يَأْخُذَ وَإِنْ كَانَ لَهُ مَالٌ فيِ وَطَنِهِ لَ يَقْدِرُ عَلَيْهِ لِلْحَالِ، وَلَ يَحِلُّ لَهُ أَنْ يَأْخُذَ أَكْثرَ مِنْ حَاجَتِهِ، وَالأَْوْلىَ لَهُ أَنْ يَسْتَقْرِضَ إنْ قَدَرَ وَلَ يَلْزَمُهُ ذَلِكَ لِجَوَازِ عَجْزِهِ عَنْ الأَْدَاءِ

وَالأَْوْجَهُ تَقْيِيدٌ بِالْفَقِيرِ، وَيَكُونُ طَلَبُ الْعِلْمِ مُرَخِّنصًا لِجَوَازِ

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نظرًا إلى أن القصد من الجهاد بالسلاح هو إعلاء كلمة الله تعالى، وأن إعلاء كلمة الله تعالى كما يكون بالقتال يكون

عَنْ طَارِقِ بْنِ شِهَابٍ أَنَّ رَجُلاً سَأَلَ رَسُولَ اللَّهِ صَلَّ اللَّهُ عَلَيْهِ وَسَلَّمَ أَيُّ الْجِهَادِ أَفْضَلُ قَالَ

3

وَلَ يَلْزَمُ

أَيْ عَنْ الِكْتِسَابِ قَالَ ط

4

وَيَكُونُ طَلَبُ الْعِلْمِ مُرَخِّنصًا لِجَوَازِ

3

وَالْمَا حدَّثُهُ مِنْ أَنَّ طَالِبَ الْعِلْمِ مِنْ أَنَّ طَالِبَ الْعِلْمِ

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وَلَ يَقْدِرُ عَلَيْهِ بِهِ،

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أَيْ الشرَّْعِيِّن

وَأُلْحِقَ كُلُّ مَنْ هُوَ غَائِبٌ عَنْ مَالِهِ وَإِنْ كَانَ فيِ بَلَدِهِ وَلَ يَقْدِرُ عَلَيْهِ بِهِ،

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وَالْحَاجَةُ دَاعِيَةٌ إلَخْ

وَهُوَ كَذَلِكَ

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قَوْلُهُ وَقَوْلُهُ

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وارد على ذلك كله فإن المجلس يقرر

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وَهُوَ كَذَلِكَ

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فَرَّغَ نَفْسَهُ

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سُؤَالِهِ مِنْ الزَّكَاةِ وَغَيرِْهَا وَإِنْ كَانَ قَادِرًا عَلَ الْكَسْبِ إذْ بِدُونِهِ لَ يَحِلُّ لَهُ السُّؤَالُ كَماَ سَيَأْتي

4

وَلَ خَوْفٌ عَلَيْهِمْ وَلَ هُمْ يَحْزَنُونَ

3

لِعَدَمِ مَنْ يَتَحَمَّلُهُ وَهَذَا الْفَرْعُ مُخَالِفٌ لإِِطْلاَقِهِمْ الْحُرْمَةَ فيِ الْغِنَى وَلَمْ يَعْتَمِدْهُ أَحَدٌ ط

2

وَهُوَ الْمُسَافِرُ سُمِّنيَ بِهِ لِثُبُوتِهِ فيِ السَّبِيلِ، وَهُوَ الطَّرِيقُ فَيَجُوزُ لَهُ أَنْ يَأْخُذَ وَإِنْ كَانَ لَهُ مَالٌ فيِ وَطَنِهِ لَ يَقْدِرُ عَلَيْهِ لِلْحَالِ، وَلَ يَحِلُّ لَهُ أَنْ يَأْخُذَ أَكْثرَ مِنْ حَاجَتِهِ، وَالأَْوْلىَ لَهُ أَنْ يَسْتَقْرِضَ إنْ قَدَرَ وَلَ يَلْزَمُهُ ذَلِكَ لِجَوَازِ عَجْزِهِ عَنْ الأَْدَاءِ

حاشية ابن عابدين ج

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Sohail Hanif, “A Theory of Early Classical Hanafism: Authority, Rationality and Tradition in the Hidâyah of

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الزكاة هي على الأرجل من الزكاة.

103 Ibn al-Humām, Fath al-Qadīr, Beirut: Dār  al-Kutub al-'ilmiyyah

مطلب الزكاة هو أن يكون الديون محددة في الأذن. وإذا كان ذلك الحال، فإن الزكاة تُصرف في الدفع.

104 Ibn al-Humām, Fath al-Qadīr, Beirut: Dār  al-Kutub al-'ilmiyyah

ويمكن أن يكون الممتلكات intervenes في الأذن، ولكن إذا كان ذلك الحال، فإن الزكاة تُصرف في الدفع.

105 Ibn al-Humām, Fath al-Qadīr, Beirut: Dār  al-Kutub al-'ilmiyyah

ويمكن أن يكون الممتلكات intervenes في الأذن، ولكن إذا كان ذلك الحال، فإن الزكاة تُصرف في الدفع.

106 Ibn al-Humām, Fath al-Qadīr, Beirut: Dār  al-Kutub al-'ilmiyyah

ويمكن أن يكون الممتلكات intervenes في الأذن، ولكن إذا كان ذلك الحال، فإن الزكاة تُصرف في الدفع.

107 Ibn al-Humām, Fath al-Qadīr, Beirut: Dār  al-Kutub al-'ilmiyyah

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110 Ibn al-Humām, Fath al-Qadīr, Beirut: Dār  al-Kutub al-'ilmiyyah

ويمكن أن يكون الممتلكات intervenes في الأذن، ولكن إذا كان ذلك الحال، فإن الزكاة تُصرف في الدفع.

111 Ibn al-Humām, Fath al-Qadīr, Beirut: Dār  al-Kutub al-'ilmiyyah

ويمكن أن يكون الممتلكات intervenes في الأذن، ولكن إذا كان ذلك الحال، فإن الزكاة تُصرف في الدفع.
في تعديل قانونية الآفة لإضفاء كلمة صنفية الشريعة. في جانب ذلك قال تعالى: "فَلَوْ كَانَ في مَلْكِهِ عَرُوضٌ لِلتِّنجَارَةِ قِيمَتُهَا أَلْفُ دِينَارٍ، أَوْ أَكْثَرَُ مِنْ كَسْبٍ أَوْ غَيرِْهِ مِفْعَلٌ".

وأما المؤلفة قلوبهم فكأنه ضرب من الجهاد لنصرة الإسلام وتقويته ولهما، كلاهما من باب الجهاد لنصرة الإسلام.

فهم المؤلفة قلوبهم من جنس منهم في سبيل الله، كلاهما من باب الجهاد لنصرة الإسلام وتعويضه، وإن مثل هذا القليل الفقري، فقد عد أصاًًًً من المؤلفة قلوبهم.

قال: "وَالْفَقِيرُ وَأَمَّا الْمُؤَلَّفَةُ قُلُوبُهُمْ فَكَانُوا قَوْمًا مِنْ رُؤَسَاءِ الْعَرَبِ كَأَبِ سُفْيَانَ بْنِ حَرْبٍ وَصَفْوَانَ بْنِ أُمَيَّةَ وَعُيَيْنَةَ بْنِ حِصْنٍ وَالأَْقْرَعِ بْنِ حَابِسٍ وَكَانَ يُعْطِيهِمْ رَسُولُ اللَّهِ صَلَّللهٰعَلَيْهِ وَسَلَّمَ".

وأينك القدر كافى، وإن كان فقيراً، وإن استدان لإصلاح ذات البي ولو بي أهل ذمة، بسبب إتلاف نفس أو مال أو نهب، فتعى من سهم الغارمي، ولو كان غنياً، لقوله صل الله عليه وسلم: "كِفَايَةٍ بِقَلِيلٍ فَإِنَّهُ يُفِيدُ أَنَّ الْبَاءَ لَيْسَتْ لِلسَّبَبِيَّةِ، بَلْ لِلتَّعْدِيَةِ مُتَعَلِّنقٌ بِقَوْلِهِ كِفَايَةٍ فَيَصْدُقُ بِصُورَتَيِْ، فَإِذَا عَلِمْت هَذَا فَنَقُولُ، لِلْفُقَرَاءِ الَّذِينَ أُحْصرُِوا فيِ سَبِيلِ اللَّهِ".

أيُّهُم مَّنْ لَ يَجِدُ شَيْئًا أَلْبَتَّةَ دُونَ نِصْفِهَا مِنْ كَسْبٍ أَوْ غَيرِْهِ مِفْعَلٌ، فـَلَوْ كَانَ في مَلْكِهِ عَرُوضٌ لِلتِّنجَارَةِ قِيمَتُهَا أَلْفُ دِينَارٍ، أَوْ أَكْثَرَُ مِنْ كَسْبٍ أَوْ غَيرِْهِ مِفْعَلٌ.

وإن كان في ملكه عزول للجامعة ألف دينار أو أقل من ذلك، (لا يَّدُعُوُّهُ) أي يَّطِيعُهُ يَّدُعُوُّهُ لِمَّا كَفَايَةٍ فَإِنَّهُ يُفِيدُ أَنَّ الْبَاءَ لَيْسَتْ لِلسَّبَبِيَّةِ، بَلْ لِلتَّعْدِيَةِ مُتَعَلِّنقٌ بِقَوْلِهِ كِفَايَةٍ فَيَصْدُقُ بِصُورَتَيِْ، فَإِذَا عَلِمْت هَذَا فَنَقُولُ، لِلْفُقَرَاءِ الَّذِينَ أُحْصرُِوا فيِ سَبِيلِ اللَّهِ".

أيُّهُم مَّنْ لَ يَجِدُ مُعْظَمَ الْكِفَايَةِ أَوْ نِصْفَهَا مِنْ كَسْبٍ أَوْ غَيرِْهِ مِفْعَلٌ، فـَلَوْ كَانَ في مَلْكِهِ عَرُوضٌ لِلتِّنجَارَةِ قِيمَتُهَا أَلْفُ دِينَارٍ، أَوْ أَكْثَرَُ مِنْ كَسْبٍ أَوْ غَيرِْهِ مِفْعَلٌ.

في عصرناـ، يمكن للجمعيات الإسلامية أن تقوم مقام الحكومات في هذا الشأن.
في الجواهر يُغلِّب المُؤَلَّف الباحث وطريقه ومنظرية، فليس كُلًا من اليهودين، بل معنى ما وقع تفسيرًا في مقدمته أو موضوعه في المعمو، قد يكون بحالة الفروض.

وله من فضائل الباحث، لا يكاد يُعيقート إليه ما عنده في السماقة، حيث يُطلق عليه اسماءً، ولا يُاداه، قال أبو جعفر:

وَقَالَ الْأَرْجَامُ الْعَلَمِيَّةُ أَنَّهُ مَنْ ذَلَّ لَهُ زَكَاةُ عَنْ الْمُؤَدِّنينَ، لأَنَّهُمْ نَائِبُونَ عَنْ الْفُقَرَاءِ بِالْقَبْضِ، وَالْصَّلاةِ بِهَا حَيْثُ كَانَ يُحْسِنُ الْعَرَبِيَّةَ وَعَلَ هَذَا الْخِلاَفِ الْخُطْبَةُ وَالْقُنُوتُ وَالتَّشَهُّدُ، وَفيِ الأَْذَانِ يُعْتَبَُ التَّعَارُفَ.

وَلَا يُشُترََطُ عِنْدَ الْجُمْهُورِ فِيِ الْحَجِّن وَالسَّلاَمُ وَالتَّسْمِيَةُ عِنْدَ الذَّبْحِ بِهَا، وَقَدْ اخْتَلَفَ الْعُلَماَءُ فِيِ أَنَّ مَعْقُولَ الْمَعْنَى مِنْ حَيْثُ الْجُمْلَةُ أَفْضَلُ لأَِنَّ أَكْثرََ الشرَِّيعَةِ كَذَلِكَ، وَبِالنَّظَرِ لِلْجُزْئِيَّاتِ قَدْ يَكُونُ التَّعَبُّدِيُّ أَفْضَلَ كَالْوُضُوءِ.

وَلَوْ هَلْ التَّعَبُّدِيُّ أَفْضَلُ أَوْ مَعْقُولُ الْمَعْنَى؟ أَجَابَ لَمْ أَقِف عَلَيْهِ لِعُلَماَئِنَا سِوَى قَوْلِهِمْ فِيِ الأُْصُولِ وَالْعَلَيْنِ، وَلِأَِنَّهُ بِحْضِ الِنْقِيَادِ، بِخِلاَفِ مَا ظَهَرَتْ عِلَّتُهُ فَإِنَّ مُلاَبِسَهُ قَدْ كَانَتْ مَعَهُ، وَلَوْ هَلَكَ مَا جَمَعُوهُ قَبْلَ أَنْ يَأْخُذُوا مِنْهُ شَيْئًا سَقَطَ حَقُّهُمْ كَالْمُضَارِبِ.

كَلاَم ابْنِ عَبْدِ السَّلاَمِ أَنَّ التَّعَبُّدِيَّ أَفْضَلُ لأَِنَّهُ بَِحْضِ الِنْقِيَادِ، وَلَيْـدَهْذَا الرَّأْيِ الْخَلَافِيُّ الْخُطْبَةُ وَالْقُنُوتُ وَالتَّشَهُّدُ، وَفِيِ الْأَْذَانِ يُعْتَبَُ التَّعَارُفَ.

وَإِنْ أَخَّرَهَا فَعَلَيْهِ إِخْرَاجُهَا، وَلَعَلَّهُ مَا يَفْعَلُهُ لِتَحْصِيلِ فَائِدَاتِهِ، وَخَالَفَهُ الْبُلْقِينِيُّ فَقَالَ قَوْلُهُ وَتَكْرَارُهُ تَعَبُّدٌ.

أُحِجُّجَ شَهَارَةُ جَوَاهِرَ الْعَرَبِيَّةِ، فَكَانَ حَيْثُ كُلُّ ذَهَنٍ يُطَالِبُهُ أَنْ يُطَالِبَهُ عِنْدَهُ، فَلَمْ يُشْتَرََطْ فِيهِ الْفَقْرُ، بَل يَجُوزُ إِعْطَاءُ الْغَنِيِّن لِذَلِكَ، لأَِنَّهُ لَ يَأْخُذُ لِمَصْلَحَةِ نَفْسِهِ، بَل لِحَاجَةِ عَامَّةِ الْمُسْلِمِيَّ، فَلَمْ يُشْتَرََطْ فِيهِ الْفَقْرُ.
أما غير المجتهد فهم العامة الناس فلا يجب عليهم التزام العمل بذهب معي من المذاهب الأربعة في القول الراجح، بل يجوز لكل أحد منهم أن يعمل في عبادة أو معاملة على التوضيح.

وفي حلال غوامس النفيق (4)


137 Kamali (2003), Principles of Islamic Jurisprudence, The Islamic Texts Society


139 Our Zakat Distribution Strategy
لا يُمكنني قراءة النص العربي بشكل طبيعي. الرجاء تقديم النص باللغة الإنجليزية أو العربية بشكل طبيعي إذا كنت تحتاج إلى مساعدة في قراءة نص معين.
في العمل با ذهب إليه أحد الأربعة فقط عل العموم ، فالأمر المتفق عليه المعلوم من الدين بالضرورة ، لنهبّ كنَّا النَّبِيُّ صَلَّ اللَّهُ عَلَيْهِ وَسَلَّمَ أَحْيَانَا يَأْمُرُ أَصْحَابَهُ بِا لَ يَنْشرَِحُ بِهِ صَدْرُ بَعْضِهِمْ فَيَمْتَنِعُونَ مِنْ فِعْلِهِ فَلاَ وَرَبِّنك لَ يُؤْمِنُونَ حَتَّى يُحَكِّنكُمُ فِيماَ أَمَّا مَا كَانَ مَعَ الْمُفْتَى بِهِ دَلِيلٌ شرَْعِيٌّ فَالْوَاجِبُ عَلَ الْمُسْتَفْتِي الرُّجُوعُ إلَيْهِ ، وَإِنْ لَمْ يَنْشرَِحْ لَهُ الصَّدْرُ وَهَذَا كَالرُّخَصِ الشرَّْعِيَّةِ مِثْلُ الْفِطْرِ فيِ السَّفَرِ وَالْمَرَضِ وَقَصرِْ الصَّلاةِ يَلْزَمُهُ إنْ ظَنَّهُ حَقًّا ، وَإِنْ لَمْ يَثْقَلْ كَيْمَةَ الْجِعْلِ تَفْضِيلًا مِنْهُ فَيَنْبَغِي أَنْ يَتَلَقَّى ذَلِكَ بِانْشرَِحِ الصَّدْرِ وَالرِّنضَا فَإِنَّ مَا شرََعَهُ اللَّهُ وَرَسُولُهُ يَجِبُ الرِّنضَا وَالإِْيمَانُ بِهِ وَالتَّسْلِيمُ لَهُ كَماَ قَالَ تَعَالىَ رَحْمَةُ اللَّهِ عَلَ أَنَّهُ لَ يُشْترََطُ ذَلِكَ لَ إِبْنُ رَجَابٍ فيِ الْكَلاَمِ عَلَ هَذَا الْحَدِيثِ مُشِيرًا إلَيْهِ بِاللَّفْظِ الأَْوَّلِ أَنَّهُ إشَارَةٌ إلَى الْمُتَّقِنِ ابْنُ رَجَابٍ وَيَنْبَغِي أَنْ يَتَلَقَّى ذَلِكَ بِانْشرَِحِ الصَّدْرِ وَالرِّنضَا فَإِنَّ مَا شرََعَهُ اللَّهُ وَرَسُولُهُ يَجِبُ الرِّنضَا وَالإِْيمَانُ بِهِ وَالتَّسْلِيمُ لَهُ كَماَ قَالَ تَعَالىَ رَحْمَةُ اللَّهِ عَلَ أَنَّهُ لَ يُشْترََطُ ذَلِكَ لَ يَتَرَكْ نَفْسِ الْمُؤْمِنِ الْمُطْمَئِِّّن قَلْبُهُ بِالإِْيمَانِ الْمُنْشرَِحِ صَدْرُهُ بِنُورِ الْمَعْرِفَةِ وَالْيَقِيِّ مِنْهُ ... فيِ صَدْرِهِ لِشُبْهَةٍ مَوْجُودَةٍ وَلَمْ يَجِدْ مَنْ يُفْتِي فِيهِ بِالرُّخْصَةِ إلَّ مَنْ يُخْبُِ عَنْ رَأْيِهِ أَمَّا مَا كَانَ مَعَ الْمُفْتَى بِهِ دَلِيلٌ شرَْعِيٌّ فَالْوَاجِبُ عَلَ الْمُسْتَفْتِي الرُّجُوعُ إلَيْهِ ، وَإِنْ لَمْ يَنْشرَِحْ لَهُ الصَّدْرُ وَهَذَا كَالرُّخَصِ الشرَّْعِيَّةِ مِثْلُ الْفِطْرِ فيِ السَّفَرِ وَالْمَرَضِ وَقَصرِْ الصَّلاةِ يَلْزَمُهُ إنْ ظَنَّهُ حَقًّا ، وَإِنْ لَمْ يَثْقَلْ كَيْمَةَ الْجِعْلِ تَفْضِيلًا مِنْهُ فَيَنْبَغِي أَنْ يَتَلَقَّى ذَلِكَ بِانْشرَِحِ الصَّدْرِ وَالرِّنضَا فَإِنَّ مَا شرََعَهُ اللَّهُ وَرَسُولُهُ يَجِبُ الرِّنضَا وَالإِْيمَانُ بِهِ وَالتَّسْلِيمُ لَهُ كَماَ قَالَ تَعَالىَ رَحْمَةُ اللَّهِ عَلَ أَنَّهُ لَ يُشْترََطُ ذَلِكَ لَ...
واعلم أن مذهب الجمهور، والذي اختاره ابن الهمام، أن أصل اللزام ليس بواجب ابتداءً، بل يجوز لكل أحدٍ أن يستفتي في كل واقعة عند أيّ مفت اختاره، ويعمل بحكمه.

ووقت صاحب الدفادة فردد عن الإمام النوعي ما يعضد هذا المذهب حيث قال: والذي يقضيه الدليل أنّه لا يلزم التزمّب مذهب معين، بل يستفتي من شاء ومن اتفق، لكن من غير تلظف الرخص، فقلل من منعه شاء، بل يبق بعدم تلظفه، إنّه كلام النوعي. وقال ابن الهمام في كتابه "التحرير"، فلو النزوم المقلد مذهبًا معيّناً كأيّ حقيقة والشافعي، قائل: للزمّه، النهي، يعني الاستمرار عليه لا يبدع عنه في مسألة من المسائل من مذهب آخر، لأنه بالنزوم يصير ملزمًا به كما النزوم مذهبه في حادثة معينة، ولأنه اعتنّق أن المذهب الذي انتسب إليه هو الصواب فعله الوفاء، يوجّه اعتقاده، كذا في شرح التحرير لابن أمير حاج، وقيل: لا يلزم وهو الأصح ما وجهه الراضع وغيره، وأن النزوم غير ملزم إذ لا يواجب إلا ما أوجب الله تعالى ورسوله، ولم يوجب الله تعالى ورسوله على أحدٍ من الناس أن ينتمى لرجلٍ مذاهبًا في كل ما يأتي، ويدرّ غيره، ولا قادر به أحد من المجتهدين، لأنّه لن ينتمي فلا ينتمي أحدًا غيره، إلا هنا كلام البغدادي في رسالته، وفي شرح الجوامع للمجتهد - رحمه الله تعالى والأصح أنه يجب على العام وغيره من لم يبلغ رتبته المجهود النزوم مذهب معين من مذاهب المجتهدين، ثم في خروجه عنه:

أقول: أحدها لا يجوز لأنه النزوم وإن لم يجب النزاما، ثانيتها: يجوز، والنزوم ما لا يلزم غير ملزم، وثالثها: يجوز التزام مذهب معي من مذاهب المجتهدين، ثم في خروجه عنها، في شرحه عن شرح الجزاء المجهود - رحمه الله تعالى ورسوله - وله أن يتبعه غيره من المجتهدين، كذا في شرح الجوامع للمجتهد

قال ابن الهمام في كتابه "التحرير"، فلو النزوم المقلد مذهبًا معيّناً كأيّ حقيقة والشافعي، قائل: للزمّه، النهي، يعني الاستمرار عليه لا يبدع عنه في مسألة من المسائل من مذهب آخر، لأنه بالنزوم يصير ملزمًا به كما النزوم مذهبه في حادثة معينة، ولأنه اعتنّق أن المذهب الذي انتسب إليه هو الصواب فعله الوفاء، يوجّه اعتقاده، كذا في شرح التحرير لابن أمير حاج، وقيل: لا يلزم وهو الأصح ما وجهه الراضع وغيره، وأن النزوم غير ملزم إذ لا يواجب إلا ما أوجب الله تعالى ورسوله، ولم يوجب الله تعالى ورسوله على أحدٍ من الناس أن ينتمي لرجلٍ مذاهبًا في كل ما يأتي، ويدرّ غيره، ولا قادر به أحد من المجتهدين، لأنّه لن ينتمي فلا ينتمي أحدًا غيره، إلا هنا كلام البغدادي في رسالته، وفي شرح الجوامع للمجتهد - رحمه الله تعالى والأصح أنه يجب على العام وغيره من لم يبلغ رتبته المجهود النزوم مذهب معين من مذاهب المجتهدين، ثم في خروجه عنه، في شرحه عن شرح الجزاء المجهود - رحمه الله تعالى ورسوله - وله أن يتبعه غيره من المجتهden، كذا في شرح الجوامع للمجتهد

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