



## ***Tamlīk*-proper to Quasi-*tamlīk*: Unconditional Cash Transfer (UCT) of Zakat Money, Empowering the Poor and Contemporary Modes of Distributing Zakat Money with Special Reference to British Muslim Charities**

Shahrul Hussain

To cite this article: Shahrul Hussain (2021): *Tamlīk*-proper to Quasi-*tamlīk*: Unconditional Cash Transfer (UCT) of Zakat Money, Empowering the Poor and Contemporary Modes of Distributing Zakat Money with Special Reference to British Muslim Charities, Journal of Muslim Minority Affairs, DOI: [10.1080/13602004.2021.1894388](https://doi.org/10.1080/13602004.2021.1894388)

To link to this article: <https://doi.org/10.1080/13602004.2021.1894388>



Published online: 19 Mar 2021.



Submit your article to this journal [↗](#)



View related articles [↗](#)



View Crossmark data [↗](#)

# **Tamlīk-proper to Quasi-tamlīk: Unconditional Cash Transfer (UCT) of Zakat Money, Empowering the Poor and Contemporary Modes of Distributing Zakat Money with Special Reference to British Muslim Charities**

---

**SHAHRUL HUSSAIN**

## ***Abstract***

*The principle aim of this paper is to look at the concept of tamlīk from two dimensions: tamlīk by the recipient of zakat and tamlīk by the plenipotentiary or the organisation deputised to distribute the zakat-money on behalf of the British zakat-payer. The body deputised to distribute zakat has a religio-ethical duty of distributing the zakat-money it has taken possession of, in order to meet the allocative function outlined in the Qur'an. This paper questions whether British Muslim charities are currently being effective agents in achieving poverty reduction. It questions whether the British Muslim charities' modus operandi of distributing of zakat-money does empower the poor. This paper argues that cash distribution should be considered a primary method of zakat distribution unless there are exceptional circumstances to do otherwise. It further argues that zakat in cash is far more effective in addressing poverty and empowering the poor than the status quo.*

**Keywords:** *tamlīk; zakat; investment; cash; British Muslim charities*

## **1. Introduction**

*Ziyād bin al-Harith al-Ṣudā'ī said: I came to the Messenger of Allah and pledged the allegiance of faith. A man came and said, 'Give me charity (from zakat). The Messenger of Allah said: 'Allah did not leave the distribution of zakat to a Prophet or anyone else. He, rather, retained this right for himself by allocating it among eight worthy categories. If you are in any of the eight, I will give you your right.'*<sup>1</sup>

In the pursuit of idealistic egalitarianism overtly dressed in the appearance of attempting to eradicate or tackle problems of destitution and economic deprivation, some contemporary scholars posit several ideas of using zakat funds to finance socioeconomic infrastructures. Driven by a *maqāsid*-based ideology the aim is to perceive zakat as affirming the legislative action of achieving the socioeconomic goals of zakat as well as its spiritual-moral objectives. As a result of this, the ethico-legal precepts of zakat has been inadvertently conflated with philanthropy. This has led some British based Muslims charities to dictate how they will distribute the zakat money. An example of

---

**Shahrul Hussain** is the Director & Head of Research at Ibn Rushd Centre of Excellence for Islamic Research. He was a lecturer in Islamic Studies and the Course Leader for a BA Islamic Studies degree programme with an institute affiliated to the University of Gloucestershire and Newman University Birmingham, England. His primary research focus is applied jurisprudence, Islamic legal theories and contemporary jurisprudence. He also has a keen interest in Hadith studies and Qur'anic studies.

this can be seen in cases of providing domestic violence victims refuge, the cost of which will be picked up by the British zakat-payer.

The primary and principle aim of this paper is to investigate *tamlīk* in its broadest sense, that is to say, both in its legally tight definition in a zakat context as well as my attempt to imply *tamlīk* to mean a pseudo-extension of temporarily holding the money by the third party distributor. In this light, the paper is divided into two parts. The first will deal with ‘*tamlīk*’ as defined by the classical jurists and how it is applied in a modern context with reference to Britain and British charities. The purpose for this is to establish the religious-cum-ethical consideration of distributing zakat. To assist the findings of my research I will also look at some of the contemporary challenges of distributing zakat based on the juristic views of the classical period. The reason for doing so is to identify how contemporary scholars have interpreted the usability of zakat-money for non-traditional projects. This reinterpretation of the zakat rules seem to be used to justify that British Muslim charities are all so at liberty to use zakat-money as they see fit and not what is in the best interest of the recipients. The secondary aim is about empowering the poor. This paper will look exclusively at only two categories of recipients, namely the *faqīr* and *miskīn* (or the poor).<sup>2</sup> The reason for this is because the British zakat-payer primarily sends the money to charities for this purpose alone. Therefore, in this context, since zakat money is essentially the property of the poor, they should have the right to decide how they would like to receive the money. On the other hand, if it is dictated to poor the way zakat they will receive the money, it questions empowerment and draws attention to the ethcio-religious consideration of infringing the rights of others.

Although the research uncovered the collection mechanism of zakat-money, what proved to be trickier was collating information from all the British Muslim charities regarding how they spend the zakat money they collect. This does not affect the findings of this research, because the main objective is to establish the way British Muslim charities are distributing zakat money and not the amount they received as zakat-money per year. To this end, understanding the way major British Muslim charities operate will reflect on the common or most popular trend of distributing zakat-money, because they take the largest part of the British-zakat payers’ zakat money. *Nota bona*, that whilst this paper looks at the way some of the major charities distribute zakat money, it may not reflect the practice of smaller charities. The charities I looked at were (in no particular order): Islamic Relief, Muslim Aid, Islamic Help, Pennyappeal, Interpal, Ummah Welfare Trust, Muslim Hands and National Zakat Foundation. The challenge of attaining information from British charities proved to be very testing. Some charities were very prompt in responding to questions, the most notable is Pennyappeal; and there were some charities that did not cooperate in providing information. Despite my numerous attempts to contact Muslim Aid by email and phone, the information I received was very scant. When I requested information regarding the amount of zakat-money they collect over a three year period I was told to refer to the Annual Report published and available online at their website. Unfortunately, the report proved to elude me and I was unable to find the figures for zakat. Instead the Report reflected the audited accounts charities are obliged to submit to Companies House and the Charities Commission. This is a legal requirement. I repeatedly submitted several requests for clarification to the person responsible for this at Muslim Aid, only to be met with silence. At least Muslim Aid kindly provided me with some answers to my questions; Ummah Welfare Trust did not provide me with any information. This was also after numerous emails and phone calls earnestly requesting information. There may be several reasons why these two charities have failed to respond to my requests. It may be due to a lack of

public relations staff or due to the workload being too much to cope with extraneous request for information. Perhaps these charities deemed that my request as insignificant, or perhaps they really did not have accurate information about the zakat money they collected. I am personally inclined to believe the latter. I base this assumption on the fact that when I asked the aforementioned charities if they have a designated person in charge of only managing the zakat fund, they all replied in the negative. This coupled with the lack of training provided to staff regarding the rules of zakat is a major shortcoming of these charities. Zakat is not like *ṣadaqa* or normal charity. Zakat has some very complicated rules and must be distributed in a particular way. Zakat is a fundamental religious duty upon all Muslims meeting the threshold of being ‘rich’. Zakat stands on the same level as the five daily prayers, fasting the month of Ramadan and Hajj. Zakat requires and deserves the same manner of attention and care other rituals of Islam are given, if not more. This is because zakat is the right of God and the right of man. That is to say, unlike other religious duties which are performed solely to fulfil God’s ordinance (*ḥaq Allah*), zakat involves the rights of two entities: God and the poor (*ḥuqūq Allah* and *ḥuqūq al-‘ibād*). Therefore, not observing zakat rules properly amounts to double trouble.

This paper seeks to explore the optimal mode of zakat distribution which is measured in two ways: meeting the needs of the poor and empowering them. As previously mentioned, this paper focuses purely on those recipients of zakat who are regarded as deserving due to the consideration of their want of wealth. The reason for the particular focus on the poor is because British Muslim charities collect zakat-money with the sole intention of distributing it to the poor with the exclusion of others. It should also be noted that zakat can be collected in many ways; either in cash or in-kind such as a kid with respect to zakat upon livestock or alternatives due to need of that particular region. What this paper seeks explore is the appropriateness of receiving zakat-money in cash and then converting it into foodstuff without need or necessity or offering the option to the poor recipients of zakat.

## 2. Zakat in Islam: Aims and Distribution

The stark unambiguous warning given by the Qur’an and the Prophet Muhammad to those who procrastinate heedlessly in rendering zakat dues or intentionally refuse to do so is clear and obvious. Zakat is a spiritual act of worship as much as a physical one, and an undeniable religious institution of Islam. There are eight categories of people outlined in the Qur’an as deserving recipients of zakat: the poor (*faqīr*), the pauper (*miskīn*), those employed to administer the funds, those whose hearts have been recently reconciled (*mu’allafah al-qulub*), those in thralldom seeking manumission, those in debt, those in the path of Allah, the way farer.<sup>3</sup> This paper will look at zakat distribution to only two categories:

- the poor (*faqīr*)
- the pauper (*miskīn*)

Zakat has two primary objectives it wants to achieve: to test the faithful of financial sacrifice as well as to inculcate a sense of social care and responsibility to those less privileged than them. Having the status of being an institution which is ‘an essential element of faith’ or one of the ‘absolute truths’, zakat therefore commands meticulous observance regarding its implementation, principles and ethos. Failure in this regard is considered

as tantamount to immorality worthy of punishment. Zakat or monetary contributions as a matter of religious law existed from the outset of the epochal advent of Islam. It was later during the Medinian phase that zakat took form as an ethico-legal institution. While in Mecca its form was undefined existing only as an ethical precept in the form of encouraging an awakening towards realising social responsibility in terms of sympathy with the plight of the destitute.<sup>4</sup>

The primary objective, though not exclusively, of zakat is to eradicate poverty or at least provide relief from poverty. In modern times and in a British context the overwhelming focus in terms of priority for both the zakat-payer and collector-cum-distributor is to address poverty exclusively. It is difficult to pinpoint how this attitude developed. Perhaps the most plausible theory is that people instinctively see zakat as a charity which only the poor deserves, this is in turn further exploited by Muslim charities who wish to act as an advocate for the plight of the poor; who perhaps justifiably use propaganda instruments to manipulate emotions and direct the zakat to focus on fighting poverty for the poor. In classical legal thoughts this has never been the case. In fact, zakat can be rightfully claimed by a multi-millionaire provided certain pre-requisites are met.<sup>5</sup> This is mentioned in the Qur'an described as the debtor,<sup>6</sup> the way farer and the zakat administrators even the rich Muslim soldiers as well as others,<sup>7</sup> and similarly echoed by the Prophet Muhammad in a Tradition recorded by Abū Dāwūd and Ibn Mājah.<sup>8</sup>

The notion that zakat is an institution to eradicate poverty may also be challenged when we look at the Hanafi view of considering rendering a 'poor' person rich by virtue of giving him/her a *nisab* amount in wealth in one go as offensive (*makrūh*)<sup>9</sup> an opinion agreeable to Abū Bakr ibn 'Ayyāsh, Sufyān ibn 'Uyayna and Sufyān ibn Sa'īd al-Thawrī.<sup>10</sup> Nevertheless, it is true to assert that tackling poverty and the wealth gap between the poor and the rich was definitely a social-strategy agenda of Islam. Ideally, that is to say, in a 'fully functioning' Islamic state where the state social apparatus is well oiled, extremes in poverty and wealth should not exist. This is because, as El-Din put it, 'there is a wide variety of distributional channels which act as a centripetal force bringing most Muslims towards a central average of living standard.'<sup>11</sup>

In sum, the objectives of zakat can be identified as:

- (1) Helping the poor, needy, less privileged
- (2) Inculcating sense of care for others and social responsibility
- (3) Helping the potential entrants to Islam to bring them closer to Islam
- (4) Test and *'ibadah* (spiritual worship) for Muslims
- (5) Cure for greed.

### **3. The Challenges of Classical Views: A Need for Revision in the Contemporary**

The majority of Muslims worldwide adhere to a particular legal school of thought (*madhhab*) which influences their mode of legal hermeneutics and observance of Islamic teachings, and the legal interpretations pertaining to the rules of zakat is no exception; however, the question is, can strict adherence to a particular School be (a) possible, (b) bring about the best result for achieving the objectives of zakat? A few examples will perhaps illustrate the challenges of implementing classical views in contemporary times. To deal with all of these issues exhaustively will take this research into another tangent and the focus on the principle aims lost. However, in order to highlight a clash of classical and contemporary views I have discussed three issues. These

three issues are worthy of consideration to zakat distribution as Muslim minorities in a majority non-Muslim British society:

- equal distribution to all category of recipients;
- locality of zakat collection and its distribution
- paying the value of the *zakat* item(s).

#### 4. Equal Distribution to all Category of Recipients

Classical jurists were divided regarding whether or not zakat must be divided equally between the eight deserving categories. Al-Shāfi‘ī was famous for holding the view that zakat must be divided equally between the categories.<sup>12</sup> Discussing this view al-Subki notes: ‘Al-Shafi‘ī and his disciples believe that when zakat is distributed by the zakat-payer or his agent, the share of the zakat administrator is dropped, and the zakat-money must be distributed to the other seven categories provided they exist.’<sup>13</sup> This opinion is also shared by al-Zuhrī, ‘Ikramah, ‘Umar bin ‘Abd al-Azīz and Dāwūd bin ‘Alī.<sup>14</sup> It is also related that the famous Mālikī scholar, al-Asbagh, differed from his school of thought and agreed with al-Shāfi‘ī.<sup>15</sup> There are several opinions related from Ahmad bin Hanbal regarding this issue. According to one narration he maintained similar views to al-Shāfi‘ī adding that three persons from each category, save the administrator’s category, should be given zakat.<sup>16</sup> This is contrary to the opinions of the Hanafīs and Mālikīs who maintain no requirement of equal distribution amongst the eight categories. The grounds of the Shāfi‘ī view and his proponents is based on linguistics and the *usūlī* use of *hurūf al-ma‘ānī* (particles of legal hermeneutics) principles. That is to say, the preposition *li* (for) adjoined to the nouns mentioned in the Qur’anic zakat-verse denotes *taqṣīm* and *tamlīk* or equal distribution followed up by the conjunctive *waw li-tashrīk* (participatory particle *waw*) concludes the argument for equal distribution;<sup>17</sup> much like a person saying ‘this £10 is for Sami, Omaymah, Adnan and Dawud’. This would imply that the speaker intends that the £10 be equally shared out between the four mentioned people. To give it to one member or two and not the others is not executing the directives of the speaker. The opponents of this view point out that the preposition *li* is not to denote *taqṣīm* or equal distribution rather it is to denote eligibility (*istihqāq*). Hence the conjunctive *waw* (and) in the Qur’an’s list of worthy recipients of zakat is substituted to mean *aw* (or); such as a person saying, ‘this bar of soap is for the poor, rich and the old.’ This does not mean that the bar of soap should be distributed between them, rather it means any of the aforementioned is entitled to use bar of soap.

There is little scriptural or textual evidence to support the claim of al-Shāfi‘ī and his supporters. In al-Qardāwī’s critique of this view he cites Siddiq Hasan Khan’s criticism of al-Shāfi‘ī’s view,

The fact that Allah has restricted zakat distribution to the eight categories does not necessarily mean zakat proceeds must be divided equally between them. Obliging Muslims to divide their zakat equally between the eight deserving categories entails great hardship and difficulty, and furthermore such a course differs from the course followed by the Muslims, both in early and later times.<sup>18</sup>

What is of significance in Khan’s observation is his remark that neither early nor later Muslims observed the principle of equal distribution. This seems to reflect the account recorded by Abū ‘Ubayd al-Qāsim ibn Sallām.<sup>19</sup> He interprets the Shāfi‘ī opinion to mean when the ruler has a very large amount of money he should distribute

it equally amongst the recipients, however this does not apply to individuals who take on the responsibility themselves to distribute their zakat-money.<sup>20</sup>

### 5. Locality of Zakat Collection and its Distribution

The question whether or not zakat should be distributed in its locality or transferred to another place was debated during the formative period of Islamic jurisprudence without any consensus or agreement. According to the Hanafī School it is offensive to transfer the *zakat* money to another city unless there is a justifiable reason to do so such as to give it to one's kin or the need of Muslims in the other city is more dire than at one's home town.<sup>21</sup> The other three major jurists maintained its outright impermissibility<sup>22</sup> with the Shāfi'īs showing slight flexibility in that if the eight categories cannot be found in that locality then it may be transferred to another town or city.<sup>23</sup> The 'locality' is defined as the distance before which curtailing (*qasr*) the units of prayer is permissible<sup>24</sup> (approx. 89 km).<sup>25</sup>

The evidence to substantiate this view largely centres on the Tradition of Mu'ādh bin Jabal and Abū Juḥayfah who cite that the Prophet instructed that zakat should be taken from the rich and given to the poor.<sup>26</sup> The pronoun employed in the Traditions 'their' or 'our' signifies that the distribution should be to the local needy as it was taken from the rich of that locality. This idea is concordant to the objectives of zakat and also seems to be the practice of the early Muslims.<sup>27</sup> Ibn al-Qudāma articulates, 'Since zakat is to enrich the poor, permitting its transfer [to other regions] leaves the poor of that region in need'<sup>28</sup> However, the question is, was the prohibition of transferring zakat-money based more on strict textual guidelines or was it more based on practicality, common sense and meeting the objectives of zakat? There are no clear cut prohibitions in the Qur'an and Sunnah to suggest that transferring the zakat out of a locality is unlawful, even if there is no justifiable reason to do so. The accounts recorded by Ibn al-Sallām simply indicate the normative mode of zakat distribution. The normative mode evolved to a question of ethics and fairness and eventually it was ossified by later jurists into becoming a hard and fastened rule of thumb. However, it is evident that the Qur'an is absolute (*mutlaq*) in its prescription of giving zakat-money to the poor regardless of their geographical location. Restricting its distribution on the grounds of common sense and pragmatism may be curtailing the higher objective of zakat as an instrument to tackle poverty. Zakat distribution should be done strategically to bring about maximum effect. This should be the code of practise as it reflects the need of our time.

### 6. Paying the Value of the Zakat Item

Traditionally zakat was levied on particular commodities and payment rendered in-kind. The question of paying the value of the item due as zakat instead of the actual item divided jurists. The Hanafīs were clear and absolute in their view regarding the permissibility of paying the value rather than the actual item.<sup>29</sup> Holding the opposite view were the Shāfi'īs, but taking a middle ground were the Mālikīs and Hanbalīs, who allowed payment of value in certain cases and not in others.<sup>30</sup> Both parties base their arguments using primarily precepts from the Hadith. While the Shāfi'īs took a more literal approach to understanding the Hadith; the Hanafīs took a more *maqāsidi*—*liberal* approach. For instance, the Tradition reported in Abū Dāwūd and Ibn Mājah records the Prophet instructing Mu'ādh bin Jabal to 'take grain out of grain, sheep out of sheep, camels out of camels and cows out of cows.'<sup>31</sup> This Tradition suggests that zakat is levied on

particular items and payment is made in-kind. To this the Hanafis point out that these instructions were to teach how zakat is paid and in no way suggest an absolute method of payment. They back this up by citing Traditions recorded by al-Bayhaqī that Mu‘ādh told the people of Yemen, ‘Give me garments or cloth as payment of zakat. This is easier for you and better for the migrants in Medina.’<sup>32</sup> This as well as other Hadiths suggest that payment in value is equally permissible.

The reality of the modern world almost renders the non-Hanafi opinion redundant. The idea of zakat is to take a percentage of the surplus wealth of the rich and give it to the worthy recipients. There are no convincing arguments in the Qur’an or the prophetic traditions that clearly and categorically stipulate the actual item as a condition for payment. In fact, the opposite is true as established by prophetic Traditions. This is another case of jurists interpreting normative cultural practises underpinned by religious guidance and then interpreting it as a precondition.

From these three examples it is quite easy to see how difficult following classical opinions can be in a modern British context. What would be extremely unhelpful in this regard is the argument of adhering strictly to one school of thought or *madhhab*. There is great merit of following qualified scholarship (known as *taqlīd*) but in certain cases the rigidity of sticking by one *madhhab* is unhelpful and counterproductive. Not only because observing these rules would be extremely difficult and impractical but more importantly it will hinder in making real progress and real difference on a socio-religious level. The other problem of arguing to stick faithfully to one *madhhab* creates the problem of which *madhhab*? The zakat-payers in a British context come from a diverse ideological background. There are some who follow the Hanafi School, some who follow the Mālikī School or the other two Schools and even there are some who follow no *madhhab*. But it could be argued that the majority British Muslims are Hanafis (because they come from an Indo-pak heritage and that is the *madhhab* of their forefathers), therefore the Hanafi School should be followed. This argument has the potential of not only causing offence but being divisive and giving birth to sectarianism. Rather, British Muslim charities should try to maximise achieving their agreed objects of their charitable purpose and the declared targets of zakat distribution.

## 7. Recipients of Zakat: The *Faqīr*, *Miskīn* and the Zakat Administrators

It appears that early Muslim jurists have treated the eight worthy recipients of zakat, not only as exhaustive, but also as mutually exclusive, thus precluding overlapping amongst them. This is noteworthy, because it implies that there is a difference between the *faqīr* and the *miskīn* which in real terms mean poor, but for the sake of this paper the *faqīr* is translated as poor and the *miskīn* as pauper. Jurists are divided in their understanding of the two words. Their disagreement is not related to the want and need in terms of poverty and wealth deprivation but rather which of the two is in a more dire financial desperation. The Shāfi‘is and Hanbalīs argue that a *faqīr* is in more financial desperation than a *miskīn* because the former is defined by them as a person who has no money and no means of earning money or can earn but his earning does not cover half of his household expenses.<sup>33</sup> The Hanafis and Mālikīs have the opposite view.<sup>34</sup> The evidences for their argument lie in the polysemic nature of the Arabic language. Both parties quote verses from the Qur’an to show the use of the two words to mean the definition they support.<sup>35</sup> While the aforementioned two categories have a condition of suffering from poverty the zakat administrator has no such condition. In fact in most cases it is likely that the zakat administrator(s) will not be from the *faqīr* or *miskīn* category. This is

based on two assumptions: firstly, the sociological construct would suggest that *faqīr* or *miskīn* would not be selected or appointed by the state for this role. In the social class strata an administrator needs to command some degree of authority with the masses. It is questionable whether or not this can be achieved by the *faqīr* or *miskīn*. However, this argument can be weakened by pointing out that the role of the zakat administrator can include providing transportation or logistics which does not require calculations or demanding the payment of zakat. Secondly, the conditions to qualify as a zakat administrator are that he be upright and acquainted with the detailed rules of zakat. This implies education of some level, something typically that the *faqīr* or the *miskīn* would not have. The wages of the zakat administrator is appraised by the market value, although al-Shāfi‘ī maintains that it should not be more than one-eighth of the total zakat collected.<sup>36</sup>

## 8. **Tamlīk**

I will approach the concept of *tamlīk* in two ways: firstly in its classical understanding as afforded by the prominent jurists of the formative period, and secondly, my loosely pseudo-extension of the agent-cum-distributor temporarily holding the zakat-money. *Tamlīk* has become the focus of contemporary debate largely because the classical stipulation has come in conflict with modern Muslim economists’ idealism of a maximalist approach to dealing with poverty. Their vision seems to be orientated on a long term and sustainable endowment strategy rather than addressing the immediate needs of the poor. The classical jurists were clear that *tamlīk*, which means ownership or making a person owner of the zakat-money, being an intrinsic concept of discharging the obligation of rendering zakat. The staunchest in regard to this were the Ḥanafīs and the most lenient were the Ḥanbalīs. The difference between the Ḥanafīs and non-Ḥanafīs was not regarding the concept of *tamlīk* but priority of the legal hermeneutics of the preposition *li* (for). The Ḥanafīs seem to make a point of stressing on the importance of *tamlīk* so-much-so that it appears in their definition of the term zakat, which is not the case regarding the other Schools.<sup>37</sup> *Tamlīk* for the Ḥanafīs is a core principle which measures the fulfilment of paying zakat. This means, any of the eight categories of eligible receivers must take possession of the zakat-money. Al-Kasānī writes, ‘*Tamlīk* is a condition for considering payment of zakat as complete (*yashtaritu al-tamlīk li-sihhati-adā’ al-zakāh*).’<sup>38</sup> Their argument rests on the syntactical use of the preposition *li* (for), that is to say, in the context of bestowing charity it denotes ownership which is only conceivable through possession (*qabd*).<sup>39</sup> The Mālikī jurist al-Qarāfi is not convinced of this argument. He argues that the use of the preposition *li* (for) denotes exclusivity (*ikhtiṣāṣ*), in other words, exclusivity to the eight categories of eligible zakat recipients with the exclusion of any other category (*ikhtiṣāṣ al-ḥukm bi-thamāniyyah*).<sup>40</sup> This seems to be the more popular view with non-Ḥanafī jurists. This, however, does not mean that the other jurists did not regard *tamlīk* as integral to discharging the obligation of zakat. Perhaps to divide *tamlīk* into two types will better represent the juristic views. *Tamlīk* can be either understood as *tamlīk ḥaqīqī* (actual possession) or *tamlīk ḥukmī* (virtual possession). The former means that the recipient takes physical possession of the zakat-money while the latter implies that the actual would-be recipient does not physically take possession of zakat but a third party who has a direct vested interest in the money takes possession of the zakat-money directly without it passing through the hands of the would-be recipient.

The difference between the Ḥanafīs and non-Ḥanafīs was that for the Ḥanafīs the primary consideration for actualising paying zakat was a direct payment to the eight categories. The other jurists were flexible. For instance, the Mālikīs considered paying off the debt of a deceased as permissible<sup>41</sup> although the dead cannot take ownership of the zakat-money. Direct payment or *tamlīk ḥaqīqī* was not a consideration for other jurists. Hence the zakat-money could be paid to the creditor directly rather than the debtor without his consent according to the Hanbalī.<sup>42</sup> The non-Ḥanafī jurists did not consider *tamlīk ḥaqīqī* to be an integral part of constituting making a zakat payment provided that *tamlīk hukmī* takes place. The constant use of the word *qabḍ* (or possession) and *i'ṭā'* (render) is an indication of their commitment to this principle. Although al-Nawawī and al-Shirāzī make direct reference to the word *tamlīk* in their definition of zakat they however intend it to mean inclusion of the eight categories;<sup>43</sup> however, a clearer voice for the concept of *tamlīk ḥaqīqī* can be found in the voice of the Shāfi'ī jurist Alkiyā al-Ṭabarī (d. 450 AH) mentioned by al-Qurṭubī who discusses Mālik's view regarding the permissibility of rendering zakat-money to a *mukātab*<sup>44</sup> slave, contrary to the *jumhūr* scholars, Mālik sees it as impermissible because he regards a *mukātab* as a 'debtor' and as such he may claim zakat-money as a 'debtor' but not as a 'slave' which the proviso of the Qur'anic precept.<sup>45</sup> Alkiyā al-Ṭabarī discusses that freeing a slave (i.e. a non-*mukātab* slave) is not permissible because the slave has not taken ownership (*tamlīk*) of the zakat-money.<sup>46</sup>

It is clear that all jurists consider the concept of *tamlīk* as an essential element for considering the fulfilment of paying zakat. After all, it is not possible to conceive that peoples mentioned in the Qur'an can 'receive' zakat money without being the owner of it.

An alternative approach for the use of zakat-money is posited by some contemporary scholars. The reason for this is an agenda driven by an ideology focussed on maximalism rather than a strict adherence to pre-modern Islamic codes of zakat distribution. What makes this approach a cause for concern is that the Prophet Muhammad was crystal clear that the zakat distribution is the right of God alone and therefore it must be distributed according to His directives. Ziyād bin al-Harith al-Ṣudā'ī said: I came to the Messenger of Allah and pledged the allegiance of faith. A man came and said, 'Give me charity (from zakat). The Messenger of Allah said: 'Allah did not leave the distribution of zakat to a Prophet or anyone else. He, rather, retained this right for himself by allocating it among eight worthy categories. If you are in any of the eight I will give you your right.'<sup>47</sup>

I intend to discuss two elements to the contemporary debate. Firstly, the scholars who opine zakat to be a force instituted to eradicate or tackle problems of destitution and economic deprivation; therefore the best way of using zakat funds is to finance socio-economic projects and mutual cooperatives. Secondly, I will look at the role of British Muslim charities and their methods of distribution.

## 9. *Tamlīk* by Virtue of Zakat Fund Investment

The term is known as *istithmār zakāwī* and the aim is to make zakat-money productive with a long term strategic plan of perpetual charitable income generation. There are few models of this but the general idea is that zakat-plenipotentiaries would act as investment brokers whereby they will distribute a portion of the zakat and invest the remaining portion and any surplus of the previous year in low risk secured business ventures.<sup>48</sup> The justification for this can be seen in the following points:

- it stimulates economic growth in the sense that it either enables the poor and the needy to become economically productive or helps the state to channel the zakat-money to profit-accruing business sectors with the view of creating job opportunities for the needy and the jobless.<sup>49</sup>
- It meets the consumption demand of the poor thereby enhancing their purchasing power for goods and services.
- It checks the tendency for hoarding idle money, hence leading to production of goods and services and financing projects such as education, medical care and social welfare again raising productivity of the poor.<sup>50</sup>

It is also argued that zakat-money can be used in financing development projects and trade ventures, so as to expand its disbursement base beyond the current need of the recipients especially the poor and needy among them. Taqī Uthamānī and others who point out the problems with this idea:

- It contradicts the principle of *tamlīk*
- The distribution of zakat must be prompt
- The objective of zakat is to alleviate the immediate need and no funds are supposed to be reserved to future needs.<sup>51</sup>

To this the protagonists of *istithmār zakāwī* respond to their opponents by pointing out that like many contemporary Muslim scholars such as al-Qardāwī, al-Zarqā, al-Zuhaylī Shahhatah, Munāzi<sup>52</sup> regard it as valid. They point out that such investment plans do not contradict the *tamlīk* principle because the Hanafi School allows feeding the poor and clothing them out of zakat money as *tamlīk*. In like manner they point out that Abū Bakr al-Jassās and al-Rāzī do not consider that prompt payment is a condition.<sup>53</sup> As a result of this they have developed certain models of their idea.

## 10. Models for This Zakat Investment Idea

There are several models for this zakat investment idea:

**Model 1:** Shawqī Ismā'īl Shahhātah posits that the framework for using zakat money in financing Islamic socio-economic project can be as follows:

- Zakat-money is invested as *mudārabah* (joint business venture). The share owner is the distributing plenipotentiary and the profits made will be distributed to the worthy recipients
- Micro finance: that is to say giving loans to people who will pay it back (interest free)
- Giving possession of low cost houses on the basis of rent financing
- Business partnerships
- Rental revenues from tool hire or premises
- Interest free loans to disaster victims, suffering from illness or in need of medical treatment.<sup>54</sup>

**Model 2:** Muhammad Anwar holds the view that zakat-money should be invested as an endowment *waqf*. He suggests the setting up of an organisation known as 'Awqāf-Zakāt Investment Fund' (AZIF). The function of this organisation would be a profit seeking corporate venture investing zakat-money into long term projects. Working closely with Islamic banks it would identify potential profit making investments.<sup>55</sup>

**Model 3:** Abd'l-Fattāh Muhammad Farah advances a radical idea of creating a bespoke investment bank dedicated to making investments using zakat-money. He aptly calls this bank *Bank Istithmār al-Zakāwīyyah* (Bank of Zakat Investment)

**Model 4:** This model unlike the previous three is not theoretical. Rather it is practical and in operation. The Kuwait Zakat House is an independent yet government backed initiative established in 1982 with the remit to collect and distribute zakat in accordance with Islamic law. It has an investment wing and engages with activities in the following ways:

- It keeps zakat money in two types of accounts current and savings. The money in the saving account increases the original zakat fund.
- It provides interest free loans to the poor and secures payments through instalments
- It provides vocational training for capacity building of people in order to making them more productive citizens and I would imagine more employable (the scheme is known as productive rehabilitation scheme)

The views of the economists and some contemporary Muslim scholars seem to be a reflection of each other. The reflection is not matched in terms of considering investing zakat funds but rather using it for social services including hospitals, educational institutions and job creation. This view is held by some of the prominent figures mentioned above as well as Muhammad Qutb.<sup>56</sup> Shāhḥātah adds that zakat money can be used for financing Islamic schools, employment focussed vocational training, agriculture and cottage industries, trade projects, working capital for tradesmen, low cost housing and medical provisions.<sup>57</sup>

The problem here is apparent. It is Muslim economists thinking like economist and trying apply modern economic theories of addressing poverty, creating growth and giving advantages to the poor in controlling a consumerism society. Such initiative to diversify and maximise zakat-money for the benefit of the poor questions whether the objectives or *maqāsid* of zakat distribution will be met. More importantly does it violate a sacred institution in Islam – *an institution* clearly articulated by the Prophet Muhammad as the 'sole right of Allah' and not even the Prophet has the right to determine how this money is distributed. There are some misgivings and fallacies of the aforementioned models. Although well intended and in a spirit of attempting to be creative in order to solve a social problem these models fail to meet the ethico-legal standard of the Qur'anic legal precept of zakat distribution. This is because poverty existed during his time and the time of the early Muslims. Despite Medina having a pool of wealthy businessmen and entrepreneurs it is not recorded that the Prophet Muhammad made business investment with an aim of making a return which he will distribute to the worthy recipients. There is good reason why he did not do this, he said:

Allah did not leave the distribution of zakat to a Prophet or anyone else. He, rather, retained this right for himself by allocating it among eight worthy categories<sup>58</sup>

Zakat is not money for investment, it never has been and to argue the contrary violates the teachings of Islam regardless of how well intended it may be. With the exception of the 'zakat-employee' what transpires upon reflection on the eight categories of zakat recipients is a sense of urgency and immediacy for money. All four Schools of thought have considered it mandatory to render zakat without delay.<sup>59</sup>

Zakat investment will entail delay and consequently fail to meet the Qur'anic objective of providing assistance for the worthy recipients of zakat.

If such an idea is to be entertained then perhaps an alternative model for the investment banks is to give a choice to the would-be beneficiaries to open an account and invest his entitlement with hope for a return with the risks are clearly outlined. It is most likely that this model will not survive, because given a choice between taking some much needed money to provide for himself and his family or waiting for a possible return is a no brainer for a poor person suffering from the misery of destitution.

The purpose of zakat has been conflated with philanthropy. It is estimated that 650 million Muslims are living below the poverty line.<sup>60</sup> When the world is currently witnessing a high level of destitution it begs the question, does it really make sense to fund finance socioeconomic projects and mutual cooperatives or even satellite TV channels? Surely common sense dictates that needs of the poor, the starving and the naked must take priority over anything else. Other socioeconomic projects can be achieved by philanthropic activities. The question is a moral and ethical issue. That is to say, with such high levels of poverty and destitution can it be morally and ethically justifiable to spend zakat-money on socioeconomic projects? The economists' idea has merit but such projects need to be achieved by philanthropy and not by zakat-money.

## 11. Using Zakat Funds to Finance Socioeconomic Infrastructures and Religious Propagation

Pursuing a liberal interpretation to accommodate a modern problem of securing a safe funding stream some contemporary scholars and popular personalities are advocating the use of zakat-money to fund Islamic propagation organisations and other similar outlets such as television channels. The proponents of this view use two possible interpretations to justify their stance. Firstly the *mua'lafatul-qulūb* and *fī sabīl-lillāh*.

There are two major problems with this. Firstly, this is a heterodox interpretation. That is to say, none of the classical interpretations support this view and neither is there any hermeneutical principle that could cater for this opinion.<sup>61</sup> It fails to meet the fundamental principle to consider zakat as paid. That is to say, no *tamlīk* has taken place because organisations cannot be capable of taking possession. Without *tamlīk* no zakat payment has been made.<sup>62</sup> Al-Kasānī says, 'The integral (*rukn*) of zakat is to extract a portion of the wealth to Allah Most High, and to render it to Him in such a way that the giver has no ownership of that money by the virtue of giving it unconditionally to the poor (*bi tamlīki-hī min al-faqīr wa taslīmi-hī*). The owner of the wealth is the agent of Allah in terms of giving it unconditionally to the poor.'<sup>63</sup> Al-Kasānī continues to clarify the importance of *tamlīk* by pointing out, 'based upon this (i.e. principle of *tamlīk*), spending zakat-money on good causes such as building mosques, border patrols (*ribāṭāt*), wells, bridges, shrouding the dead and burying them is not permissible. This is because there is no *tamlīk* at all.'<sup>64</sup>

Some may point out that al-Kasānī explained one of the categories of zakat, 'those in the path of Allah' as meaning all types of acts of worship; therefore it includes anyone who is striving to obey Allah or the path of good if he is in need of it.'<sup>65</sup> There are two noteworthy points with regards to this: firstly: using any isolated scholastic views to justify an idea is improper. It is related that al-Shāfi'ī and Ibn Taymiyyah advised, 'we do not follow the slip-up of scholars'.<sup>66</sup> This is an important principle and a guiding axiom to understanding the wealth of scholarly views in Islam. Secondly, 'Abdullāh bin Ahmad bin Mahmūd al-Nasafi clarifies that al-Kasānī's view implies that the recipi-

ent must be a poor person [such as student of sacred knowledge],<sup>67</sup> Therefore, there is no merit in the claim of justifying alternative views by using al-Kasānī.

### 12. Tamlīk and British Muslim Charities

Here I have used the meaning of *tamlīk* in a very loose sense. Although *tamlīk* means ownership I use it here to signify a temporary ‘ownership’ of the zakat-money by the appointed agents to distribute zakat. By ‘ownership’ here I mean it is in their possession and they ultimately decide how it is distributed. As you will see, the loose use of the word *tamlīk* starts to take a quasi-real meaning when it is mirrored against the operational procedure of some Muslim charities.

Below are the figures of some of the major Muslim charities and how much they receive annually as zakat-money from the British zakat-payer. The information provided reflects the cooperation of the respective charities. Providing latest figures is not essential for this research. It suffices to demonstrate that British zakat money is increasing year on year.

Zakat Money Received annually by Major British Charities from the British Zakat Taxpayers, 2011-2015

Name	Year	Year	Year
Islamic Relief	2012 £6,677,541	2013 £5,445,388	2014 £8,361,728 £5,463,675 (2015 to date)
Muslim Aid	Figures unattainable	Figures unattainable	Figures unattainable
Islamic Help	2012-2013 £730,647	2013-2014 £665,816	2014-2015 £881,280
Pennyappeal	2012-2013 £50,000	2013-2014 £306,000	2014-2015: £1.2m
Interpal	2012 £388,161.10 2013 £497,523.17	2014 £703,417.68	2015 £603,470.03
Muslim Hands	Figures unattainable	Figures unattainable	Figures unattainable
National Zakat Foundation	2011 £250,000 2014 £1.1m	2012 £500,000 2013 £740,000	2015 £1.9m
Ummah Welfare Trust	Figures unattainable	Figures unattainable	Figures unattainable

There is a common theme emerging from the British Muslim charities in the way they distribute zakat, namely, is that zakat is not given to the poor in cash. This is with exception to Interpal who distributes 100% of zakat money in cash. Acting as agents, British Muslim charities have evolved from a purely distributary function to a form of acting as the actual giver of zakat, hence developing their own models of distributing zakat-money:

**Model 1:** Using zakat-money to buy foodstuff and distributing it to the poor around the globe. It is reasonable to assume that this setup gives massive buying power to such charities which enables them to buy and deploy relief to the poor in very short notice.

**Model 2:** Buying clothes and other essential items and distributing that to the poor.

**Model 3:** Using zakat-money to buy tools and equipment such as tube-wells and giving them to the zakat recipient. This may be a useful way of using zakat money especially when there is difficulty in finding specialist equipment in the country in question or it being far too expensive. The charities will import such equipment and distribute it.

**Model 4:** providing zakat eligible recipients who are victims of domestic violence shelter and refuge and using zakat-money to pay the bill. The money is sent directly to the service provider.

It is only natural that as charities their sole concern will be in addressing poverty, poverty reduction, and the needs of the poor. Therefore they do not look at the other categories of zakat beneficiaries. What is evident is that British Muslim charities have started to dictate terms and setting conditions of how and which way they will distribute the zakat. Thus assuming the role that makes it seem that they have the authority to use zakat-money the way they think is best for the poor rather than what is in the best interest of the poor whom they ought to serve. Charities need to rethink this policy and revisit their role which is to distribute the money and not convert it into foodstuff and other provisions unnecessarily. In fact the issue becomes an ethical one. That is to say, is it ethical to convert cash into foodstuff or other items without any need? Zakat-money belongs to the recipients to spend it as they see fit unless it is petitioned for a particular purpose such as in the case of voluntary army personnel to spend it in a way that will facilitate the execution of the mission such as to purchase equipment or a debtor to pay off his debt.<sup>68</sup>

Zakat cannot be used for building socio-economic structure for the public, because zakat does not belong to general public revenue in the state budget. Zakat money has not been identified by the Lawgiver to be used on projects as proposed by Shakhātah and others. The responsibility of building mosques and schools are a 'communal obligation' (*fard kifāyah*) and therefore the public need to fund it. Arguments and opinion of financing mosques and schools and other so-called Daw'ah organisations are not only violating the instructions of distributing zakat but a recipe for disaster. It is the role of philanthropy and not zakat money that Muslim minorities should use to build community amenities. Division, internal rivalry and competition amongst Muslim groups and organisations mean that they are unwilling to work and pull resources together. Each group therefore believes that it must have its own mosque and its own school. This attitude is not the fault of the poor and destitute, and therefore to take money off them and to invest it into building Muslim community amenities is plainly unethical and wrong. If Muslims believe that they need separate mosques and schools because their values are different to the values of other Muslims then that is their right. As such, they should finance their own project and not ask for assistance from zakat-money. It is here that we see how philanthropy has been conflated with the objectives of zakat.

### **13. Unconditional Cash Transfer vs In-Kind Items: Empowering the Poor**

The intention here is not to make an in-depth comparison between the unconditional cash transfers (UCT) and in-kind transfers. Instead the aim is twofold. Firstly, to identify the religious legal position of UCTs and IKTs with reference to zakat, and secondly to identify which of the two best achieves empowering the poor. If zakat rendered in cash is taken by the zakat distributing agency and then converted to items such as foodstuff, clothes, blankets and the like then the zakat is considered to be paid with regards to the

obligation that rests upon the zakat-payer. This section is not concerned with that *per se* but it would like to investigate two issues: firstly, the ethical consideration of converting cash to in-kind items without any need or consulting the recipients as to how they would like their money. Secondly, since the aim of all the British Muslim charities is to impact poverty alleviation and empower the poor to what extent is this achieved under the current policy? And which is more effective in tackling poverty and empowerment?

#### 14. An Ethical Consideration

If zakat-money is the sole right of the recipients then it follows that the zakat-payer or his plenipotentiaries have no right to dictate terms or conditions for receiving zakat-money. Eligibility is the ultimate criteria. Of course, it is the duty of the zakat-payer or his agent to do a due diligence check to ensure to the best of his ability that the recipient is eligible. In like manner, it is a duty to ensure that the would-be recipient does not have any immoral habits which he will use the money to feed, such as drugs alcohol, gambling, spendthrifts and the like.<sup>69</sup>

Regarding converting cash to in-kind items, a clear ethical statement can be found in the opinion of the Shāfi‘ī jurists. A-Shirāzī says,

It is not permissible for the zakat-collector or the Caliph to transact (*taṣarruf*) what he receives as zakat but to deliver it to the recipients. This is because the poor are considered to be possessed of full contractual capacity (*ahl rushd*) and therefore no authority (*lā uwallā*) can be exercised upon them. Hence, it is not permissible to change their property without their consent. However, if the zakat-collector were to collect some livestock<sup>70</sup> and the collector were to fear that it would perish then it is permissible for him to sell it. This is because of necessity (*darūrah*).<sup>71</sup>

There are two issues deducible from this ethical consideration. The Arabic text employs two words of particular significance, they are: *ahl rushd* (full contractual capacity) and the negative passive verb ‘no authority’ *lā uwallā*. The reason why these terms are important is because it shows that it cannot be dictated to the poor how they can spend their money. The term *ahl rushd* is employed to prove that poor possess full contractual capacity (*ahliyyah al-adā* and *ahliyyah al-zujūb*) therefore much like any person who possess contractual capacity to deal with their money in any manner they see fit without hindrance, the poor enjoins this right too. After all zakat is their money. The negative passive verb ‘no authority’ *lā uwallā* concludes this ethical statement. That is to say, in a case where a person is in charge of minors or the insane or anyone who lack contractual capacity the guardian will assume the role of controlling their financial affairs until they attain *rushd*. The verb ‘no authority’ *lā uwallā* declares the interference to the way the poor spend their money as unethical and infringes on their human rights. The second issue is the prohibition of the Caliph or the zakat-collector to exchange the zakat item they receive to something else. Therefore if gold or livestock is rendered as zakat then it cannot be converted to anything else and that particular item must be delivered to the poor. However, if there is a need to do so then that is perfectly legitimate. The use of the word ‘not permissible’ (*lā yajūz*) is not a proclamation of its legal status in terms of the zakat-collector or Caliph being responsible to refund it from his own pocket. Rather, it is an ethical proclamation connected to the disapproval of interfering with the rights of others. This can be understood from the fact that when the poor or the recipient ratify any transaction, either verbally or physically such as taking the items, then although improper action was made it

now is considered rectified. Therefore, although payment of zakat in the form of food-stuff is sufficient to discharge the obligation of zakat, because *tamlīk* has taken place it is improper and unnecessary.<sup>72</sup> This is contrary to feeding a person using zakat-money because *tamlīk* has not taken place.<sup>73</sup> The question of paying domestic violence suffers the cost of their temporary shelter may be questionable. Although paying off debt with the consent of the would-be recipient is permissible,<sup>74</sup> the question is prior to this the agreement between the recipient and zakat distributing agent (which in this case is the National Zakat Foundation) stipulates that zakat money would be used to pay for his/her needs, but the debt has not come into existence yet. Perhaps some leeway for providing this service to the needy using zakat money can be found. The problem with this approach is that it does not empower the needy? In like manner al-Shirāzī asserts,

It is permissible to render zakat to a *mukātab* slave without the consent of his master, and it is permissible to give it to the master directly with the consent of the *mukātab*, but it is not permissible to give the zakat-money directly to the master without the consent of the *mukātab* slave. This is because the money is the right of the slave.<sup>75</sup>

The message from both texts consistently maintains that ‘consent’ must be obtained from the recipient before zakat-money is changed or passed over to a third party who is not a legal recipient but has vested interest in the money. This is important because it is a question of rights and empowerment. Much like any person has the right to deal with his financial affairs in whichever way they see fit, the poor also have the right to deal with their money the way they see best. And in the same light as it would be considered unethical and unlawful for a third party to interfere in the financial affairs of any person, it also equally applies to the poor with regards their zakat-money.

All jurists agree with this point and have expressed it in different ways. The sentiments can be deduced from the Ḥanafī stance of *tamlīk*. Their insistence that the recipients must be made the owner of the money implies that their rights must be submitted to them completely and unconditionally. Although the Ḥanbalī and Mālikī schools differ on this they do not disagree with the point that the owner of the money must be the recipients. The point of difference between the two groups of scholars lies in what they see as delivering the money to the recipients. The Ḥanafī and Shāfi‘ī jurists explicitly maintain the right to the money must be direct to the eight categories because of the categorical directions of the Qur’an and Sunnah. Although the Ḥanbalī and Mālikī jurists accepted the money as the sole right of the recipients they just did not see a point in doing things the long way round. Al-Maqdasī and al-Mirdāwī both write that it is permissible to give the zakat-money to the master of the *mukātab* even without his permission the same applies to a creditor directly rather than the debtor.<sup>76</sup> In like manner, the Mālikīs consider it permissible to pay the debt of the deceased.<sup>77</sup> These two examples from Ḥanbalī and Mālikī jurisprudence do not negate the right of the poor. Rather, they saw it as pointless to give the money to a person who will pass it on to another person, and hence *tamlīk* or empowerment is not infringed by direct bestowment to the third party. The main consideration for all jurists was that the zakat money was received by the recipients either really or virtually (*ḥaqīqī* or *ḥukmī*). The Ḥanbalī and Mālikī jurists did not see it as an ethical issue provided that *tamlīk* either in its *ḥaqīqī* or *ḥukmī* form as taken place. The Ḥanafī and Shāfi‘ī jurists adopted stricter opinion in order to conform to the Qur’anic precept which they interpret to mean direct right and ownership of the money.

Looking after the poor is a duty for Muslims. Care and consideration was paid when dealing with the poor. Poverty and consequently social status are influencing factors shaping the behaviour of those individuals.<sup>78</sup> Therefore, when dealing with the poor the Islamic ethical code of conduct dictates that gentleness must be used and no further degradation should be applied. Vouchers, coupons, food stamps and the like are one way of telling the poor 'we will still tell you how you can spend your money, because you cannot be trusted'. This is besides the galactic logistical problems with setting up a system to allow zakat-recipients to use vouchers are the like in developing countries. In fact, recent research has shown that unconditional cash transfer increased food expenditure and food security, but not on temptation goods.<sup>79</sup> It is worth reminding that zakat-money cannot be used to feed a person's bad habits such as alcohol abuse, drugs abuse, and the like.

### **15. Unconditional Cash Transfers vs In-Kind Transfers:**

The charities I questioned declared it as policy that zakat collected in cash will be converted to in-kind items and then distributed. In response to question 'why?' I was told 'compliance' with regulations. This does not seem to be stack up as we will see from the practice of other organisations that make cash transfers to recipients. The preference of in-kind transfers or conditional cash transfer over unconditional cash transfer is really more to do with an agenda driven by policymakers rather than compliance and regulatory considerations. Regarding UCTs policymakers have their reservations such as the way the poor will spend the money, that is to say, the fear of spending it on temptation goods rather than essentials, lowering labour supply due to their income and the like. However, this has been proven to be an inaccurate assumption. Rather, recent research has shown the opposite effect; the poor are psychologically better, and the money is managed and invested better.<sup>80</sup>

Using reliable friends, I selected the district of Sylhet in Bangladesh to carry out a survey of random poor people with a simple questionnaire, 'If you were given a choice to receive zakat-money in cash or equivalent in rice, what would you choose?'<sup>81</sup> From a target of 100 people only 30 were asked before the surveyor had to stop it, because the people carrying out the survey were overwhelmed by the poor who misunderstood them as actually making a proposal to offer them this choice and consequently harassed them for payment. Out of the 30 questioned 29 said they would prefer cash and only one person said the rice equivalent. The data, although limited, shows an overwhelming choice to receive zakat in cash. Their misunderstanding can also be interpreted to signify their desperation for cash. The more complicated task of measuring short-term impact of cash transfer was done by a recent research by Johannes Haushofer and Jeremy Shapiro.<sup>82</sup> This is a remarkable piece of research. One of the most common responses one hears from people who are asked about UCTs is that the poor cannot be considered responsible with money and they will squander the money at instance or on temptation goods. Poverty undoubtedly creates many problems, but believing that the poor, who already suffer in lower social stratifications, are the same as prodigals or foolhardy who need a form of quasi-financial interdiction is patronising to say the least let alone further adding to the dehumanisation and degradation they suffer in daily life. If British zakat-money is given with the intended aim of serving the poor then restricting access to their property without legal justification is ethically problematic. Abū Ḥanīfa was asked about financially interdicting a grown adult after the age of twenty-five. He replied that it was not permissible because it belittles their status as humans.<sup>83</sup> In

other words, it is not the place for anyone to interfere in the financial affairs of another person. Abū Ḥanīfa continues by pointing out, ‘the harm of this [interference] is far greater than the harm of squandering his wealth’.<sup>84</sup>

Haushofer and Shapiro’s research was a study of an American NGO ‘GiveDirectly’<sup>85</sup> which was founded in 2009 whose mission is to make unconditional cash transfers to poor households in the developing world. Their research was independent and not funded by GiveDirectly.<sup>86</sup> The research tested out many theories but the primary focus was to identify the impact of UCTs. The research focused on Kenya in the rural areas. The experiment was randomised at both the village and household levels; as well as, within the treatment group, recipient gender (wife vs. husband), transfer timing (lump-sum vs. monthly instalments), and transfer magnitude (USD 404 PPP<sup>87</sup> vs USD 1,525).<sup>88</sup> Further to monitoring the financial impact, the research examines the physiological wellbeing of the recipients. Between 2011 and 2013, GiveDirectly sent unconditional cash transfers of at least 404 PPP and the average transfer amount was USD 709 PPP which corresponds to almost two years of per-capita expenditure. The setup of the experiment allowed the two researchers to examine a number of points.

- (1) The economic effects of UCTs on consumption (including temptation goods), asset holdings, and income, as well as broader welfare effects on health, food security, education, and female empowerment.
- (2) The psychological wellbeing
- (3) Recipient gender randomisation
- (4) Random assignment of transfer magnitude to ask whether returns to transfers are increasing or decreasing in transfer amount
- (5) Randomisation of transfer timing which provides evidence on the existence of savings and credit constraints.

The research produced remarkable results. Nine months after the start of the program, the researchers observed an increase in monthly non-durable expenditure of USD 36 PPP relative to the spillover group mean of USD 158 PPP. What is interesting is that they observed that the treatment effects on alcohol and tobacco expenditure are negative and insignificant. However, the researchers to concede that a lack of power does not allow them to rule out reasonably sized increases. Relative to a control group mean of USD 495 PPP, asset holdings had a significant increase of USD 302 PPP. What this means is that this investments translates into an increase in monthly revenue from agriculture, animal husbandry, and enterprises of USD 16 PPP relative to a control group mean of USD 49 PPP.<sup>89</sup>

Regarding wellbeing the research uncovered that transfers have a sizeable effect on psychological wellbeing. The research documented a 0.16 SD increase in happiness, a 0.17 SD increase in life satisfaction, a 0.26 SD reduction in stress, and a significant reduction in depression.<sup>90</sup> Regarding the psychological wellbeing of the recipients when the transfer is made to a particular gender, method of payment and amount received the researchers remarked,

“A central goal of this study was to assess in detail the effects of unconditional cash transfers on psychological wellbeing and levels of the stress hormone cortisol. We had hypothesized that cash transfers would lead to an increase in psychological wellbeing, and specifically to a reduction in stress and cortisol levels. Overall, the transfers indeed led to a large and significant improvement in psychological wellbeing; the treatment effect on the psychological wellbeing

index.” The researchers further add, “What is research identifies is that the cortisol (which are stress hormones) levels do not show an average treatment effect. This suggests that self-report measures of psychological wellbeing may be more sensitive to the intervention, or more impacted by demand effects (response bias). However, cortisol levels vary across the treatment arms: They are significantly lower when transfers are made to the wife rather than the husband; when they are lump-sum rather than monthly;<sup>91</sup> and when they are large rather than small.”<sup>92</sup>

The evidence from this research points towards a substantial benefit in cash transfers to the poor. The benefits are multifarious which not only includes the areas I set out to investigate such as empowerment, poverty alleviation, but to my surprise an improvement to the psychological and wellbeing of the poor. It is reasonable to assume that if Haushofer and Shapiro’s research is applied to zakat-money being distributed in cash then the benefits of it will be far greater than what British Muslim charities are presently doing. Moreover, the ethical consideration of converting cash to foodstuff and other essentials when there is no need to, will no longer be an issue of concern. In most countries where there is no want of foodstuff or other essentials, because of availability in the market, cash distribution of zakat will not only help the poor but also help boost the economy of that area. It is reasonable to assume that a healthy economy will only contribute to reducing poverty and increase prosperity and therefore independency.

The role of British Muslims charities is crucial and the zakat-money they raise is a testament of how much British Muslims or Muslims living in the UK depend on them to fulfil their religious duty of giving zakat. With this responsibility in mind and since it is their remit to serve the poor they have a sense of duty to adopt a method which will deliver on this, be effective and bring about the best result and thus achieving the objectives of zakat. There are two immediate steps that they can make. Firstly, they must give cash money to the poor unless the recipient wants to opt for foodstuff or equipment. Secondly, charities should develop a plan and an educational programme to help the poor use their zakat money to make means for providing for their families, and thus become independent and self-sufficient. A number of incentives can be given to encourage the recipients use their zakat-money to become independent and self-sufficient.

## 16. Conclusion

It should not be taken to mean that cash only must be rendered as zakat. Rather, the situation needs to be assessed and taken into consideration. If money has little to no value due to the scarcity of essential items, such as in the case of war, then it only makes sense to provide essential items rather than cash. This is because in such circumstances providing ‘life essentials’ empowers the poor more than cash payment.

To ‘give’ zakat necessarily implies that the recipient will take it and become an independent owner of the zakat-money. How this ‘ownership’ or *tamlīk* takes place differs in details but not in concept. The prophetic *modus operandi* of zakat distribution was simple and basic. That which was collected as zakat was distributed without attempting to be creative. The only one fact the Prophet was interested in was eligibility. Once eligibility was established zakat was given. Attempting to solve all social needs via zakat fund was never the aim of the Shari’ah. Rather, zakat and *ṣadaqah* or philanthropy needs to work in tandem. Philanthropy is extolled in Islam precisely to finance social infrastructural projects like health care for the poor, building places of edu-

cation, places of prayer and the like. It seems contemporary ideas of using zakat-money to fund building social infrastructure have conflated the idea of philanthropy, which is voluntary and flexible, with an institution which is obligatory and inflexible governed by strict rules of use and distribution. Moreover, these new innovated ideas challenge the idea of *tamlīk* in the fullest sense of the term and therefore it does not fulfil an important requirement.

If poverty is defined as an inability to meet one's basic needs of food, shelter and clothing and British Muslim charities claim they aim to reduce poverty, empower the poor and promote the wellbeing of the destitute and needy, then there is a need to revise this policy vis-e-vis zakat distribution and management. Unlike 'charity' (*ṣadaqah*) which can be used for any charitable cause, zakat-money is governed by strict precepts regarding the avenues and method of its distribution. Raising money for charity has become a competitive enterprise. Each organisation competes with each other to raise the most money and deliver much needed relief. An effective tool to convince people to depart with their money and choose them as the best agency to deliver aid is by showing pictures of trucks full of foodstuff and other essentials being distributing to the poor.

One of the most ironic things is that some Muslim charities like Islamic Relief and Muslim Aid have developed a micro-finance programme. This is a programme where the poor can access a loan and repay it. This seems to be counterproductive. One on hand these organisations would rather give foodstuff as zakat rather than cash and then on the other hand offer these poor people an option of being in debt by taking out a loan. There are questions regarding the usefulness of micro-finance as a tool to empower the poor and its effectiveness in poverty reduction. In fact, in the context of zakat, it seems to be self-paradoxical. The charities claim their aim is to reduce poverty but on the other hand they seek to continue to keep the poor in debt. The contradiction lies in the fact that the money they ought to give in cash they convert to foodstuff and other items, then offering the poor to increase their misery by rendering them in debt and adding on to the already stressful existence they endure.

It is essential for relief agencies that collect zakat have a dedicated zakat-fund manager. The agencies I questioned for this research told me that currently they do not have a dedicated staff member for zakat. It is reasonable to assume that the global zakat-money sitting in the bank accounts of zakat distributing agents runs into hundreds of millions. Putting aside the ethical consideration of converting cash to in-kind items, it is important to measure impact the current policy of in-kind transfers is having in the lives of the hundreds and thousands of impoverished Muslims living in abject poverty. The findings of this research conclude that zakat-money should be given to the poor in cash directly, empowering them to decide the best way to spend their money for two reasons: Firstly, the religio-ethical consideration of transaction with the property that belongs to others without their consent. Secondly, the immense benefits of unconditional cash transfer in comparison to in-kind transfer, to bring about the best result zakat should be:

- (a) Distributed in cash
- (b) Distributed in lump-sum
- (c) The sum must be of an amount that can make a probable difference to the lives of the poor.

'What is essentially needed in distribution is sincere help to the poor with dignity.'

## NOTES

1. Al-Sijistānī, Abū Dāwūd Sulaymān bin al-Ash‘ath bin Ishāq, 1999. *Sunan Abī Dāwūd*, (in the *Mawsū‘ah al-Ḥadīth al-Sharīf*), Riyad; Dār al-Sālām, edited by, Šālīh bin ‘Abd al-‘Azīz bin Muḥammad bin Ibrāhīm Āl al-Shaykh, p. 1345.
2. See: Recipients of Zakat: The *Faqīr*, *Miskīn* and the Zakat Administrators for further discussion.
3. *al-Tawbah* 9:60
4. Yusuf al-Qardāwī, (1999) *Fiqh az-Zakat: A Comparative Study The Rules, Regulations and Philosophy of Zakat in the Light of the Qur’an and Sunna*, London: Dar Al Taqwa Ltd., pp. 15-22.
5. Al-Mardāwī, ‘Alā’ al-Dīn Abū al-Ḥasan ‘Ali bin Sulaymān, nd. *Al-Inṣāf fī Ma‘rifah al-Rājiḥ min al-Khilāf ‘alā Madhhab al-Imām Ahmad bin Ḥanbal*, Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī and Mu’assasah al-Tārīkh al-‘Arabī, edited by Muḥammad Ḥāmid al-Fiqhī, Vol. 3, p. 223
6. This is subject to scholastic debate and details.
7. Qur’an 9:60
8. ‘Zakat is not lawful for the rich, except in five cases: the soldier in the path of Allah, the zakat administrator, the debtor, a person who buys from a recipient of zakat an item and gives as zakat, and a person whose poor neighbour receives zakat and gives a gift from it. (Abū Dāwūd, *Sunan Abī Dāwūd*, op. cit., p. 1345)
9. Al-Marghinānī, ‘Alī bin Abī Bakr, (2006) *Al-Hidāyah*, Damascus: Dār al-Farfūr, Vol. 1, p. 370, Ibn al-Humām, Kamāl al-Dīn Muḥammad bin ‘Abd al-Wāḥid, 1995. *Sharḥ Faḥ al-Qadīr*, Beirut; Dār al-Kutub al-‘Ilmiyyah, edited by ‘Abd al-Razzāq Ghālīb al-Mahdī, Vol. 2, p. 283
10. Abū ‘Ubayd al-Qāsim ibn Sallām (2003) the Book of Revenue, (English translation : Imran Ahsan Khan Nyazee), Reading: Garnet, p. 512
11. S.I.Tag El-Din, Allocative and Stabilizing Functions of Zakat in an Islamic Economy, International Seminar Islamabad: July 6-10, 1986 (International Institute of Islamic Economics, International Islamic University, Islamabad, Pakistan), p. 3
12. Yahyā bin Abī al-Khayr Sālim al-Imrānī, (2006) *Al-Bayān fī Madhhab al-Imām al-Shāfi‘ī*, Beirut: Dār al-Minhāj, Vol. 3, p. 429,
13. Al-Nawawī, Abū Zakariyyā Maḥyī al-Dīn bin Sharf, 1991. *Rawḍah al-Ṭālibīn wa ‘Umdah al-Muḥīṭīn*, Beirut; Al-Maktab al-Islāmī, Vol. 2, pp. 175-176
14. Ibid
15. Al-Khirashi by al-Sawi in his Hashiyat, Vol. 1, p. 34 (quoted via: Al-Qardāwī, *Fiqh al-Zakat*, op. cit., p. 438
16. ‘Abdullah bin Ahmad bin Muhammad Ibn Qudāma, (1997) *Al-Kāfi*, Cairo: Dār al-Hijrah, Vol. 2, p. 193
17. Al-Zuhaylī, *Al-Fiqh Al-Islāmī*, op. cit., Vol. 3, p. 1950.
18. Yusuf al-Qardāwī, (1999) *Fiqh az-Zakat: A Comparative Study The Rules, Regulations and Philosophy of Zakat in the Light of the Qur’an and Sunna*, London: Dar Al Taqwa Ltd., p. 440
19. Ibid. p. 441
20. Ibid.
21. Al-Marghinānī, *Al-Hidāyah*, op. cit., Vol. 1, p. 370, Ibn al-Humām, *Sharḥ Faḥ al-Qadīr*, op. cit., Vol. 2, p. 284
22. Ibn Qudāma, *Al-Kāfi*, op. cit., Vol. 2, p. 190, Al-Imrānī, *Al-Bayān fī Madhhab al-Imām al-Shāfi‘ī*, op. cit., Vol. 3, p. 431
23. Al-Imrānī, *Al-Bayān fī Madhhab al-Imām al-Shāfi‘ī*, op. cit., Vol. 3, p. 431
24. Ibn Qudāma, *Al-Kāfi*, op. cit., Vol. 2, p. 190
25. Al-Zuhaylī, *Al-Fiqh al-Islāmī*, op. cit., Vol. 3, p. 1977
26. Al-Bukhārī, Abū ‘Abdullāh Muḥammad bin Ismā‘īl, 1999. *Sahīh al-Bukhārī*, (in the *Mawsū‘ah al-Ḥadīth al-Sharīf*) Riyad; Dār al-Sālām, edited by, Šālīh bin ‘Abd al-‘Azīz bin Muḥammad bin Ibrāhīm Āl al-Shaykh, p. 115, Al-Tirmidhī, Abū ‘Isā Muḥammad bin ‘Isā, *Jami’ al-Tirmidhī*, in the *Mawsū‘ah al-Ḥadīth al-Sharīf*), Riyad; Dār al-Sālām, edited by, Šālīh bin ‘Abd al-‘Azīz bin Muḥammad bin Ibrāhīm Āl al-Shaykh, p. 1710
27. Ibn al-Sallām, *Kitāb al-Amwāl*, op. cit., pp. 512-518
28. Ibn Qudāma, *Al-Kāfi*, op. cit., Vol. 2, pp. 190-191
29. Al-Marghinānī, *Al-Hidāyah*, op. cit., Vol. 1, p. 337, Ibn al-Humām, *Sharḥ Faḥ al-Qadīr*, op. cit., Vol. 2, p. 199
30. Al-Qardāwī, *Fiqh of Zakat*, op. cit., p. 505
31. Ibn Mājah, Abū ‘Abdullāh Muḥammad bin Yazīd al-Qazwīnī, 1999. *Sunan Ibn Mājah*, (in the *Mawsū‘ah al-Ḥadīth al-Sharīf*), Riyad; Dār al-Sālām, edited by, Šālīh bin ‘Abd al-‘Azīz bin Muḥammad bin Ibrāhīm Āl al-Shaykh, p. 2585

32. Al-Bayhaqī, Abū Bakr Aḥmad bin Ḥusayn bin ‘Alī, nd. *Al-Sunan al-Kubrā*, Pakistan; Irdāra Ta’līfāt Isrāfiyyah, vol. 4, p. 113.
33. Al-Imrānī, *Al-Bayān fī Madhhab al-Imām al-Shāfi’ī*, op. cit., Vol. 3, pp. 408-415, Ibn Qudāma, *Al-Kāfi*, op. cit., Vol. 2, pp. 195
34. Al-Marghinānī, *Al-Hidāyah*, op. cit., Vol. 1, p. 363, Al-Dasūqī, Shamsh al-Din Muḥammad, nd. *Hāshiyah Al-Dasūqī ‘alā al-Sharḥ al-Kabīr*, place of publication unknown; Dār Iḥya’ al-Kutub al-Arabiyyah, commentary by Muḥammad ‘Alīsh, Vol. 1, p. 492
35. See: Qur’an 18:79 and 90:16
36. Al-Marghinānī, *Al-Hidāyah*, op. cit., Vol. 1, p. 363, Al-Nawawī, Rawdah al-Tālibīn, Vol. 2, pp 175-176, Al-Qardāwī, *Fiqh of Zakat*, op. cit., pp. 366-376
37. Al-Zuhaylī, Al-Fiqh al-Islāmī, op. cit., Vol. 3, p. 1788-89
38. Al-Kasānī, ‘Alā’ al-Dīn Abū Bakr bin Mas’ūd bin Aḥmad, 2003. *Badā’i’ al-Ṣanā’i’ fī Tartīb al-Sharā’*, Beirut; Dār al-Kutub al-‘Ilmiyyah, edited by ‘Alī Muḥammad Mu’awwid and ‘Ādil Aḥmad ‘Abd al-Mawjūd, Vol. 2, p. 456
39. Al-Zuhaylī, Al-Fiqh al-Islāmī, op. cit., Vol. 3, p. 1812
40. Al-Qarāfī, Aḥmad bin Idrīs, (2001) *Al-Dhakhīrah Fī Furū’ al-Mālikiyyah*, Beirut; Dār al-Kutub al-‘Ilmiyyah, Vol. 2, p. 513
41. Al-Qurtubī, Abū ‘Abdullāh Muhammad bin Aḥmad al-Anṣārī, 1961. *Al-Ĵāmi’ lil-Aḥkām al-Qur’ān*, place of publication unknown, Dār al-Kitāb al-‘Arabī, Vol. 8, p. 185
42. Al-Mardāwī, *Al-Inṣāf fī Ma’rifah al-Rājih*, op. cit., Vol. 3, p. 230,
43. Al-Nawawī, al Muajum, vol. 6, p. 165
44. A slave who has a contractual agreement with his/her master to buy his freedom for a fix sum of money.
45. Al-Qurtubī, *Al-Ĵāmi’ lil-Aḥkām al-Qur’ān*, op. cit., Vol. 8. pp. 182-83
46. Ibid. p. 184
47. Abū Dāwūd al-Sijistānī, *Sunan Abī Dāwūd*, op. cit., p. 1345
48. Abd al-Fattah Muhammad Farah, Al-Tawjih al-Istithmārī li al-Zakāt, Dubai: Bank Dubay al-Islami, 1997, pp. 19-23
49. Ahmad Husayn ‘Alī Husayn, (2006) *Muhasabat al-Zakat*, Alexandria: al-Maktab al-Jāmi’ lil-Hadīth, pp. 29-39
50. I. A. Imtiazī, (2000) *Management of Zakah in Modern Muslim Society, et al*, Jeddah: Islamic Development Bank, p. 11, Sayed Sikandar Shah, Investment of Zakat Fund: Modern Juristic Debate and Modes of Financing, Journal of Islamic Banking and Finance, (2010 July-September), p. 26
51. Hussain Ali Muhammad Munāzi’, Abhāth Nadwat al-Tatbīq al-Mu’asir li-al-zakāt, (Al-Azhar: S. a. Kamel Centre for Islamic Economics, 2002), vol. 2, p. 4
52. Hussain Ali Muhammad Munāzi’, Abhāth Nadwat al-Tatbīq al-Mu’asir li-al-zakāt, (Al-Azhar: S. a. Kamel Centre for Islamic Economics, 2002), vol. 2, p. 4
53. Ibid.
54. Shawqī Ismā’īl Shāhḥātah, Limitations on the Use of Zakat Funds in Financing the Socio-Economic Infrastructure of Society, (I. A. Imtiazī, (2000) *Management of Zakah in Modern Muslim Society, et al*,) pp. 70-71
55. Muhammad Anwar, Financing Socio-Economic Development with Zakat Funds, Journal of Islamic Economics, vol. 4, 1&2, July 1995, 17-18
56. Ahmad ‘Abd al-‘Azīz al-Muzaynī, (1984) *Al-Murshid al-Hayrān fī Ahkām al-Zakāt*, Kuwait: Dhāt Salasil, pp. 111-176
57. Ibid
58. [58] Al-Sijistānī, Abū Dāwūd, *Sunan Abī Dāwūd*, op. cit., p. 1345
59. Al-Maqdasī, Mūsā bin Aḥmad bin Sālim, (1999) *Al-Iqnā’ li-Tālib al-Intifā’*, Dār ‘Alam al-Kutub: Riyad, Vol. 1, p. 455, Al-Anṣārī, Zakariyyah, (2001) *Asnā al-Maṭālib Sharḥ Rawḍah al-Tālib*, Beirut; Dār al-Kutub al-‘Ilmiyyah, Vol. 2, p. 413, Al-Qarāfī, *Al-Dhakhīrah Fī Furū’ al-Mālikiyyah*, op. cit., Vol. 2, p. 507
60. Jan A. Ali, “Zakat and Poverty in Islam.” In *Islam and Development: Exploring the Invisible Aid Economy*, ed. Mathew Clarke and David Tittensor et al, (Surrey: Ashgate, 2014), 16
61. Kasānī, *Badā’i’ al-Ṣanā’i’*, op. cit., Vol. 2, pp. 456-485
62. Ibid.
63. Kasānī, *Badā’i’ al-Ṣanā’i’*, op. cit., Vol. 2, p. 456
64. Ibid pp. 456-457
65. Ibid p. 471

66. Al-Sālūs, ‘Ali Aḥmad, 2006. *Fiqh al-Bay‘ wa al-Isṭihāq wa al-Taṭbīq al-Mu‘āṣir*, Egypt; Maktabah Dār al-Qur‘ān, fourth edition, p. 958
67. Ibn Nujaʿm, *ab-Bahr al-Raiq*, vol. 2, p. 422
68. Al-Maqdasī, *Al-Iqnā‘ li-Ṭālib al-Intifā‘*, op. cit., Vol. 1, p. 474
69. Al-Qurṭubī, *Al-Ḥāmi‘ lil-Aḥkām al-Qur‘ān*, op. cit., Vol. 8. pp. 176 & 183, Al-Maqdasī, *Al-Iqnā‘ li-Ṭālib al-Intifā‘*, op. cit., Vol. 1, p. 477
70. Here the exact translation has been sacrificed to provide the intended meaning
71. Abū Zakariyyā Maḥyī al-Dīn bin Sharf al-Nawawī, 2000. *Al-Majmū‘ Sharḥ al-Muhadhdhab*, Beirut: Dār al-Fikr, edited by Muḥmūd al-Maṭraḥī, Vol. 6, pp. 155-56
72. Kasānī, *Badā‘i‘ al-Ṣanā‘i*, op. cit., Vol. 2, pp. 457
73. Ibid.
74. Ibid.
75. Al-Nawawī, *Al-Majmū‘ Sharḥ al-Muhadhdhab*, op. cit., Vol. 6, p. 179
76. Al-Mardāwī, *Al-Inṣāf fī Ma‘rifah al-Rājiḥ*, op. cit., Vol. 3, p. 230, Al-Maqdasī, *Al-Iqnā‘ li-Ṭālib al-Intifā‘*, op. cit., Vol. 1, p. 474
77. Al-Qurṭubī, *Al-Ḥāmi‘ lil-Aḥkām al-Qur‘ān*, op. cit., Vol. 8, p. 185
78. Shahrul Hussain, The Theories Coercion and the Influence of Social Class on the Rules Regarding Coercion in Contracts in Early Sunni Jurisprudence, *Journal of The Islamic Law and Culture*, 2014, pp. 24-26 (Routledge, Issue: 1)
79. Johannes Haushofer and Jeremy Shapiro, The Short-Term Impact of Unconditional Cash Transfers to the Poor: Experimental Evidence from Kenya, April, 2016, p. 36 ([https://www.princeton.edu/~joha/publications/Haushofer\\_Shapiro\\_UCT\\_2016.04.25.pdf](https://www.princeton.edu/~joha/publications/Haushofer_Shapiro_UCT_2016.04.25.pdf))
80. Ibid.
81. Rice is the staple of the Bangladeshis
82. Johannes Haushofer and Jeremy Shapiro, The Short-Term Impact of Unconditional Cash Transfers to the Poor: Experimental Evidence from Kenya, April, 2016
83. Ibn al-Humām, Kamāl al-Dīn Muḥammad bin ‘Abd al-Wāḥid, 1995. *Sharḥ Faṭḥ al-Qadīr*, Beirut; Dār al-Kutub al-‘Ilmiyyah, edited by ‘Abd al-Razzāq Ghālib al-Mahdī, Vol. 9, pp. 266-267
84. Ibid.
85. [www.givedirectly.com](http://www.givedirectly.com)
86. It was a research supported by NIH Grant R01AG039297 Cogito Foundation Grant R-116/10 to Johannes Haushofer.
87. Purchasing power parity
88. The researchers maintained that all USD values were calculated at purchasing power parity, using the World Bank PPP conversion factors for private consumption for KES/USD in 2012, 62.44.
89. However, this revenue increase is largely offset by an increase in flow expenses (USD 13 PPP relative to a control group mean of USD 24PPP), and is lower than the returns to capital documented in previous studies. (See: Johannes Haushofer and Jeremy Shapiro, The Short-Term Impact of Unconditional Cash Transfers to the Poor: Experimental Evidence from Kenya, p. 3)
90. This was measured by psychological questionnaires. These results are broadly consistent with those of previous studies on cash transfers and other welfare programmes for a review. However, the researchers remark that because of relatively low power in this cross-randomisation, they can pick up only relatively large effects, and thus these results do not argue strongly against findings in other studies that households do not behave in a unitary fashion.
91. Haushofer and Shapiro
- By randomizing the timing of transfers (monthly vs. lump-sum), we can ask whether households are both savings and credit-constrained: If this were the case, we would expect fewer purchases of expensive assets such as metal roofs among monthly transfer recipients, because the savings constraint would prevent this group from saving their transfer to buy the asset, and the credit constraint would prevent it from borrowing against the promise of the future transfer. We find that indeed this is the case. Finally, we find that the treatment effects for large vs. small transfers are somewhat less than proportional in most categories, suggesting decreasing returns to large transfers overall. (Johannes Haushofer and Jeremy Shapiro, The Short-Term Impact of Unconditional Cash Transfers to the Poor: Experimental Evidence from Kenya, p. 4)
92. Johannes Haushofer and Jeremy Shapiro, The Short-Term Impact of Unconditional Cash Transfers to the Poor: Experimental Evidence from Kenya, pp. 3 & 26.