Payment of *zakāh* to a charitable *waqf* that oversees its disbursement according to one of the channels of *zakāh*

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Summary

This brief exposition answers the question about the permissibility of paying one's *zakāh* to a welfare *waqf* that spends its revenue on one of the mandated channels for *zakāh* expenditure. To this question, the traditional answer that has been given is that it is impermissible for the following four considerations: firstly, some jurists have stipulated immediate ownership of the *zakāh* by its recipients. We respond by proving that it is allowed to pay *zakāh* to a charitable organisation that undertakes its distribution instead of paying it directly to a beneficiary; secondly, most jurists have specified that the donor must be the owner of the property that he donates in the way of Allāh. We disprove this argument with reasons like in the case of a *waqf* trust that is generated by a governor from part of the wealth of the state exchequer (*bait al-māl)*; thirdly, a majority among them have laid down that money cannot be given as a *waqf.* We refute that*;* and fourthly, they have discussed the probability of money losing its value if it is invested. We respond that a condition can be attached stating that mandatory precautions will be observed to avoid loss. This research probes, in some detail, the rationales for *waqf* in the present context and the effect of paying *zakāh* in favour of *awqāf* that serve as legitimate avenues for *zakāh* disbursement for accomplishing those objectives for the Muslim community.

Concept of *waqf* in texts of the *Sharīʿah*

Specific texts relating to *waqf* are limited in *Sharīʿah* texts that I regard as a deliberate step of the Lawgiver against elaborate details and subsidiary rules about which someone may pose questions. This also opens the door of creativity, independent juridical decision, and renewal in exploiting this institution for the benefit of this Muslim community with its constantly cropping up problems.

In the Holy Book, general texts allude to virtuous deeds and spending in the Path of Allāh. They constitute Qurāʾnic proofs for the legislation of *waqf,* for example "O those who believe, spend of what We have provided you before a day comes in which no trade transaction, friendship or intercession will help. And those who disbelieve are the wrongdoers"[2]. Also, "the parable of those who spend in the Path of Allāh are like the seed that produces seven ears of corn. In each ear there

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[1] With due acknowledgment for the translation from the original Arabic made by Prof. Yousuf Dadoo, Emeritus Professor, UNISA University, South Africa, with the kind support of Awqaf SA - South Africa.

[2] Qur'ān 2:254

are a hundred seeds. And Allāh increases for whom He likes. And Allāh is All-Embracing, All-Knowing"[3]. He also said: "You shall never attain piety until you spend out of what you love. And whatever you spend, Allāh is cognizant of it"[4]. Passages conveying this sense are plentiful. It is worth mentioning that the word appearing in the Prophet Muḥammad ﷺ's statements about *waqf* is the word *tasbīl,* meaning to assign something in the Path of Allāh. Everything reported about spending the Path of Allāh contains *waqf* and *tasbīl.*

The word *tasbīl* appears in Prophetic reports in the chapter "How should *waqf* be recorded" in the collection of Al-Bukhārī. It states: "It has been reported on the authority of the son of ʿUmar (may Allāh be pleased with them both) that ʿUmar obtained land in Khaibar. Thereupon, he came to the Holy Prophet and said: 'I have obtained land. I have never obtained any wealth more precious than it before. What do you command me to do with it?' He replied: 'If you wish, you may retain the corpus and give its profit in charity'. So, ʿUmar gave its proceeds in charity, (stipulating) that the corpus was not to be sold, nor given as a gift, nor was it to be inherited. It was to be spent on the poor, near of kin, slaves, in the Path of Allāh, guests and travellers. There was no harm in its caretaker consuming of it what was conventionally acceptable or feeding any friend without getting enriched thereby." Aḥmad and Dārquṭnī produced this report. The latter added the statement "religiously devoted for as long as the heavens and the earth last". Al-Ṭaḥāwī produced it as a narration of Yaḥyā bin Saʿīd Al-Anṣārī with his wording "he gave its income in charity and retained the corpus". Al-Nisā'ī narrated from ʿUbaid Allāh bin ʿUmar with his wording "retain its corpus and give away its revenue in charity". Muslim added "and it shall not be sold". All these reports have Ibn ʿUmar's client, Nāfiʿ, as the source anyway.

Ibn Ḥajar commented on this in his *Fatḥ Al-Bārī* on the categories of "in the Path of Allāh, guests and travellers" by saying that apart from guests, the others have been mentioned in the Qur'ānic verse on charity. Explanation about them has been given in the "Book of *Zakāh".* Al-Ṭaḥāwī and Ibn ʿAbd Al-Barr reported via Mālik from Ibn Shahāb that ʿUmar said: "Had I not mentioned my charity to the Prophet Muḥammad ﷺ, I would have taken it back". They deduced therefrom that *waqf* cannot be retracted nor can free disposition of its corpus. But *zakāh* was always differentiated from *waqf* in the writings and rulings of religious scholars.

But in the "Book on *Zakāh"* in Al-Bukhārī, under the section of "*Zakāh* for relatives", I found a clear principle. I did not see who pointed it out for assigning *zakāh* wealth for *waqf.* It appears in the category of "Family *Waqf",* as it was termed subsequently. It narrates the following report of Anas bin Mālik R. ʿA.: Abū Ṭalḥah was the wealthiest person among the Anṣār of Madīnah in terms of owning date-palms. He loved this wealth of his at Bairaḥā', which faced the mosque. Prophet Muḥammad ﷺ loved entering this orchard and drinking of its tasty water. So, when the verse "You shall never attain piety until you spend out of what you love" was revealed, Abū Ṭalḥah went to Prophet Muḥammad and said: O messenger of Allāh, Allāh declares: "You shall never attain piety until you spend out of what you love". My dearest beloved wealth is Bairaḥā'. I would like to make it a charity for Allāh's sake whose charity and treasure will be for His sake. Dear messenger of Allāh, assign it where Allāh has shown you. Prophet Muḥammad responded: Excellent! That is profitable wealth. That is profitable wealth. I have heard what you have said. But I feel you should assign it for your near relatives. Abū Ṭalḥah replied: I shall do so, dear messenger of Allāh. Then, Abū Ṭalḥah

[3] Qur'ān 2:261

[4] Qur'ān 3:92

divided it among his relatives and paternal cousins[5]. This report on Bairaḥā' is the foundation of *waqf* of *zakāh,* in my view. Abū Ṭalḥah's act of distributing the land constitutes *waqf.*

There are two other reports that I am quoting. Firstly, it is reported by Abū Hurairah R. ʿA, from Prophet Muḥammad ﷺ: 'Whoever keeps a horse for use in the path of Allah, believing in Him and trusting His pledge, will be rewarded for the food and drink it consumes and excretes. These will be placed on the scales on the day of Resurrection.' He responded: If anyone holds a horse in custody for the Path of Allāh, having faith in Him and believing in His promise, its food, its drink, its excrement, and its urine will be placed in his scale of deeds on the Day of Resurrection[6]. It is reported from Abū Masʿūd that a man brought a she-camel with whiteness[7] to Prophet Muḥammad ﷺ. He remarked: On the Day of Resurrection, you will have seven hundred she-camels of this kind[8]. In a report cited by both Al-Bukhārī and Muslim, Khālid reserved in custody his weapons for the Path of Allāh. They even included animals that he used in warfare. In these reports, we obtain proof about the permissibility of giving perishable things for *waqf* such as animals and weapons. They prove a broadening by the Holy Prophet's companions of the parameters of *waqf* to a degree much broader than the understanding of most jurists. Some of the latter even prohibited *waqf* of perishable items like wealth and animals.

The account of the Well of Rūmah provides another foundation for *waqf.* In Al-Bukhārī, it is reported by ʿUthmān R. ʿA that Prophet Muḥammad ﷺ declared: Whoever purchases the Well of Rūmah, its bucket will be like the buckets of all Muslims. So, ʿUthmān purchased it[9]. The word *waqf* appears in a report of Jābir that stated: There was no esteemed companion of the Prophet ﷺ who did not make *waqf*[10].

Previous views linked to details of this problem

A question about payment of *zakāh* to a charitable *waqf* that oversees its disbursement according to one of the legal channels was posed to the Islamic Fiqh Academy in 1986. The response varied between affirmative and negative. Some scholars stressed immediate ownership of the *zakāh* money and, on that basis, concluded that it was impermissible to forward *zakāh* to an organisation. Scholars sharing this view included Wahbah Al-Zuḥailī, ʿAbd Allāh ʿAlwān and Muḥammad Taqī ʿUthmānī.

Others refuted this reasoning by providing arguments of classical and modern scholars. This group included my teacher Yūsuf Al-Qaraḍāwī, Muṣṭafā Al-Zarqā, ʿAbd Al-Fattāḥ Abū Ghuddah, ʿAbd Al-ʿAzīz

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[5] Al-Bukhārī, *Ṣaḥīḥ,* Book on *Zakāh*, Chapter on *Zakāh* for relatives, Report No. 1392.

[6] Meaning that the owner will be rewarded for all these items. Al-Bukhārī, *Ṣaḥīḥ,* Book on Warfare and Heroic Deeds, Chapter on Whoever keeps a horse for use in the path of Allah, Report No. 2698.

[7] The word *makhṭūm* denotes whiteness extending from the fore part of its nose and mouth to the part beneath its lower jaw. A highly prized animal in those days.

[8] Muslim, *Ṣaḥīḥ,* Book on Leadership, Chapter on the Virtue of charity in the Path of Allāh and its compounding, Report No. 3619.

[9] Al-Tirmidhī, *Sunan,* Chapter on the Merits of the Prophet's companions, Report No. 3794; Al-Nisā'ī, *Sunan,* Book of dedicated entities, Chapter on the *waqf* of mosques, Report No. 3608; Al-Thānawī, *Iʿlā' Al-Sunan,* vol. 8, Report No. 4503; Al-Shawkānī, *Nail Al-Awṭār,* vol. 5, p. 260; and Ibn Ḥajar Al-ʿAsqallānī, *Fatḥ Al-Bārī,* vol. 5, p. 305.

[10] Aḥmad ibn Qudāmah, 1985, *Al-Mughnī,* Book of *waqfs* and gifts, Beirut: Dār Iḥyā' Al-Turāth Al-ʿArabī.

Al-Khayyāṭ, ʿAbd Al-Salām Al-ʿIbādī and Muḥammad Fārūq Nabahān. After deliberations, the academy issued the following statement:

"The Council of the Islamic Fiqh Academy, holding its third session convened in Amman, the capital of the Hashemite Kingdom of Jordan, between 8-13 Ṣafar 1407 (corresponding to 11-16 October 1986), after examining the discussions made on the topic of employing *zakāh* for projects that yield revenues but do not transfer ownership to individual beneficiaries[11], decided upon the following: in principle, it is allowed to employ *zakāh* in projects that yield revenue in which ownership is transferred to the beneficiaries of *zakāh*[12]*,* or which are under the control and administration of the entity which is responsible and has jurisdiction over collecting and distribution. This shall be so, if it is done after responding to urgent and immediate needs of the beneficiaries and furnishing sufficient guarantees against financial losses. And Allāh knows best"[13].

This is the preferable view seeing that religious scripture is silent on this detail and general benefit of people requires it.

Waqf **body taking care of** ***Zakāh*** **assets**

But the question of a *waqf* body taking care of *zakāh* assets is a different matter because there is a mixture of two kinds of charity that were historically kept apart namely, *zakāh* and *waqf.* During my exploration of earlier opinions about this topic, I found objections to this fusion.

We could summarise these objections among earlier scholars as follows:

Firstly, in a *waqf* the donor must own what he releases in the Path of Allāh. But for *zakāh,* he does not own what he donates since it rightfully belongs to the beneficiary. In principle, he is not its owner. This is the opinion of our esteemed teacher, Yūsuf Al-Qaraḍāwī[14]. But in terms of my understanding, this opposes *irṣād* (a trust initiated by the governor) about whose validity all scholars agree. Here, the governor makes a *waqf* of some wealth from the *Bait al-Māl* (State Exchequer) for a specific purpose. It is a kind of *waqf* that only a governor can make based on his competence, without having initially owned any of that wealth.

In his book on taxation, Abū Yūsuf reported: ʿUmar consulted with them about the lands of Iraq and Syria that Allāh had bestowed upon them. Some spoke about this matter, and they wanted him to distribute their rights to them and (give them) whatever they had conquered. ʿUmar R. ʿA. asked: What will happen to those Muslims who come after us and see that the land with its wild asses has already been distributed and it has been passed on from fathers to sons as inheritance, and become private property? This is not my idea. They further remonstrated: Do you wish to make a *waqf* of territories that Allāh granted us with our swords in favour of people who were neither present nor witnessed their capture, as well as to their progeny? ʿUmar did not add to the following comment of

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[11] That is, individual property titles are not granted to the beneficiaries.

[12] That is, as a collective.

[13] Resolution of the Islamic Fiqh Academy, holding its third session convened in Amman, the capital of the Hashemite Kingdom of Jordan, between 8-13 Ṣafar 1407 (corresponding to 11-16 October 1986). Topic: Employment of *Zakāh* funds.

[14] Al-Jazeera. 20 May 2007. *Al-Sharīʿah wa al-Ḥayāt.*

his: This is my opinion, which is, that I should retain safekeeping over the lands. They all replied: That is your opinion. What an excellent statement and view![15]

Many scholars were guided by this when it came to the ruler choosing an option about purchasing what he liked and making its *waqf* in the Path of Allāh. Al-Nawawī records in his *Al-Majmūʿ:* The ruler has the choice to either hand over the horse and weapons to the warrior, or to give its monetary value, or he may hire it to him, or purchase horses and weapons from the allotment of "in the Path of Allāh" (from the exchequer) and designate them as a *waqf* in the Path of Allāh for meeting their needs"[16]. The author used the word *waqf* instead of ***irṣād.*** In any event, there is no dispute about them because they are recently coined and are not accurately defined in *Sharīʿah* texts, as previously stated.

There is no evidence about any jurist essentially opposing the concept of a "ruler's *waqf,"* in view of the formality around the ruler not owning what he issues as a *waqf.* The ruler is lawfully and conventionally entrusted with the community's wealth. I have not found any opposition to that disposal either in law or social convention. To the contrary, I notice similarity between the "ruler's *waqf"* as regards disposal of the *Bait al-Māl* (State Exchequer's) assets for the benefit of the *waqf* – which he does not own – with the authority granted to the *zakāh* trustee who spends that wealth for a specific legally-approved purpose while not owning any of that money. In this context, this purpose is provided by the *waqf* body that oversees an expenditure channel meant for *zakāh.*

Secondly, those who oppose a *waqf* entailing wealth (and this is, incidentally, the view of most jurists) do so because they view it as a perishable entity. It is unlike permanent entities that have been mentioned in religious texts. For this reason, benefitting from those entities will lead to their "destruction." We counter this by asserting that some texts mention perishable entities like horses – as mentioned in Abū Hurairah's report - and animals (as mentioned in Khālid's report above). Anyhow, there is no text about permanence of *waqf* entities. This is a legal opinion that allows difference from it. Moreover, investing wealth in a *waqf* body will create growth and not decline, if Allāh wills. They finally object that there is no text supporting *waqf* of wealth. We react to this claim by saying that texts relating to *waqf* are few and broad. For easing matters, there is deliberate silence about details. There is no proof about any limitations being imposed by the texts.

Thirdly, opposition to paying *zakāh* to a *waqf* body that invests the money for fear of loss can be contradicted in the same way that the religious scholars of the Islamic Fiqh Academy mentioned earlier. The objection there centred around paying *zakāh* to a body instead of to individuals. In most cases, there will be no monetary loss; on the contrary, it will generate profit, if Allāh wills. It will be incumbent on the administrators of such Islamic investment bodies to probe this aim according to their ability so that those investments do not suffer losses and their accounts together with the accountability of administrators are closely observed[17].

Objectives of *waqf* and *zakāh*

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[15] Abū Yūsuf, *Al-Kharāj,* Beirut: Dār Al-Maʿrifah, 1987, pp. 25-28.

[16] Al-Nawawī, *Al-Majmūʿ,* vol. 6, p. 160.

[17] Conference of the Islamic Fiqh Academy, 1986.

Besides the above review of text details and legal opinions the basic factor for adjudicating this matter lies in considering the objectives of these two practices and accomplishing all of them in our modern-day context by investing *zakāh* monies in *waqf* bodies.

Waqf has personal objectives of faith such as seeking rewards in the hereafter, expressing gratitude to the benevolent benefactor, self-purification, etc[18]. But it appears to me that the Holy Prophet's stipulation that "the corpus was not to be sold, nor given as a gift, nor was it to be inherited"[19] is meant to free wealth from the rights of disposal of its previous owner. Likewise, the unanimously upheld rule of *waqf* (the donor's stipulation is like the Lawgiver's text)[20]. Freedom from the disposal of others is limited to reasonable limits set by scholars[21].

In modern parlance, these objectives mean granting financial and administrative independence to the *waqf* body against the disposal rights of others, including people of authority in government. It also means guaranteeing sustainability to *waqf* projects through continuous investments that yield plentiful returns.

Comment & Discussion

These objectives have special importance in our time where modern states and global companies have snatched the material and moral destinies of people and have shrunk – either willingly or by force – the terrains of civic and indigenous action to the lowest limit. The politicians in a modern state, regardless of whether it is democratic or autocratic, try to continue ruling over social organisations outside the state's authority. This happens in civic organisations, non-governmental bodies, and especially in religious bodies. This domination is important to them since it guarantees them continued existence in their posts - notwithstanding their blunders - against civic, juristic and philanthropic movements. They endure in their positions whether they were elected to them or not. Global corporations also try to exercise authority over state and other bodies to continue with their vested interests and their earnings, and to achieve their trade objectives wherever they may be. The Islamic world has witnessed a rapacious attack on its *awqāf* from nation states in the post-colonial period[22]. This is all only a perpetuation of historical colonialism that has waged war on *awqāf* and tightened its noose around them as part of the war on the identity and independence of this *ummah*[23].

But *waqf* will guarantee financial independence with its consequent administrative and political autonomy for civic organisations and for Islamic *waqf* bodies pursuing the objectives of *zakāh* particularly. It will also secure the sustainability of those bodies' projects with a view to the continuity and growth of *waqf* revenue, if Allāh wills. This autonomy and

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[18] Aḥmad Al-Raisūnī, *Al-Waqf fi l-Islām: Majālātuhu wa Abʿāduhu.* Cairo: Dār Kalimah li l-Nashr wa l-Tawzīʿ.

[19] Al-Bukhārī, *Ṣaḥīḥ,* Book on Wills, Chapter on how a *waqf* should be recorded, report no. 2620.

[20] *Journal of the Islamic Academy,* vol. 13, p. 604.

[21] These are conditions accepted by human intellect. The public good also requires that such a stipulation of the donor be opposed, like dismissing an incompetent administrator, or unjustifiable increases in salaries, etc. See, *Maʿni l-Muḥtāj,* vol. 2, p. 385 and *Al-Muhadhdhab,* vol. 1, p. 443.

[22] Aḥmad Al-Raisūnī, *Al-Waqf fi l-Islām: Majālātuhu wa Abʿāduhu,* Third Discussion.

[23] *Ibid;* Ibrāhīm Al-Bayyūmī Ghānim, *Al-Awqāf wa l-Siyāsah fī Miṣr,* Cairo: Madārāt li l-Abḥāth wa l-Nashr.

continuity are useful for the objectives and groups focusing on *zakāh.* In the context of our present reality, we regard them as necessary for the categories of eligible recipients[24].

The problems of the poor, the indigent and those who have excessive debt cannot be effectively confronted in matters of food, clothing and housing on an individual, piecemeal basis. There must be bodies that undertake broad human development for them and their societies. This must not involve feeding the poor person some morsels until his hunger returns the next day or meeting the debts of a person until he takes up a loan the following month.

Naturally, priority must be given to provide the urgent needs of these groups but after doing so the welfare bodies must undertake to develop their capabilities and enable them to extricate themselves from the cycle of poverty and debt. This strategy must be far removed from the growth standards as defined by global or special organisations. The least harm incurred by those standards is that they emanate from un-Islamic priority standards. This is a matter treated by Islamic institutions, whose continuity is guaranteed by *awqāf,* so that priorities are based on the Islamic sequence of essentials, necessities and embellishments. This is shown by the following order; first the protection of religion, followed by the protection of life, then intellect, then dignity, then progeny and lastly wealth.

The most harmful effect of these development standards is that they do not target service to the poor and indigent to the degree that they serve global corporations that focus on selling their products through welfare services. What does it benefit a pauper when he obtains ridiculous luxuries in the form of commodities and distributed "gifts" while he remains in need of healthy, unpolluted food, clean water and a dwelling in which his dignity and that of his family can be protected? What does it profit an illiterate person to own a cellular phone or a speedy digital line as specified by development standards?

The autonomy of a welfare body by means of *waqf* guarantees that those standards, representing political and trade interests, do not act fraudulently in combating poverty. Payment of *zakāh* rightfully belonging to those poor, indigent and financially stressed people to *waqf* bodies is an act worthy of guaranteeing their continuity and success, if Allāh wills.

Instead of *zakāh* collectors obtaining their salaries or returns directly from those funds, it will be preferable to invest those monies in *waqf* investments that guarantee their continuous employment by those bodies and increase the pool of *zakāh* employees. Likewise, it will guarantee everyone's autonomy from direct impact by donors and their special interests, if there be any.

Our attitude to those whose hearts are reconciled to Islam comprises one of the greatest difficulties in the mission to win reverts in our time. It assumes the form of detaching financial assistance to new Muslims or those who are on the verge of adopting Islam, and unfortunately tying it in most cases to the personal interests of countries and individuals who pay these religious initiates belonging to powerful countries so that they (that is, the latter) may exercise soft power.

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[24] From this point on, the author provides details about the effectiveness of *waqf* for some *zakāh* recipient categories mentioned in Qur'ān 9:60.

In my view, this has made it necessary for *awqāf* investments to achieve continuity and autonomy (that is financial, administrative and political) in order to assist programmes to help new Muslims and those whose hearts are inclined to Islam. In this way, the efforts of bodies inviting others to Islam will not go to waste when either some or most of them retract from this faith. This results from the weak material assistance given to those bodies and their programmes. We observe this reality today.

"In the Path of Allah" serves the objectives of education, correct upbringing, inviting to Islam, lending assistance and the like, according to present scholars[25]. Education is the greatest objective that must be attained by *zakāh* in our time. Besides the obviously eminent status of knowledge in Islam, protecting the mind and developing it are essential objectives after protecting life. There is thus a need to pay *zakāh* money in this avenue. It must not be paid directly to the educational institutions but instead to *waqf* bodies that attend to those educational institutions. This is the only way to accomplish academic freedom for them. The absence of academic autonomy is one of the greatest problems of education, particularly in Islamic studies.

Beyond the field of Islamic studies, if we are to use the conventional division of education into Islamic and general[26], education in lore is tied to the labour market. It is purely a profit-oriented system primarily built on society's economic, political and juristic interests. The labour market does not strive to construct a person attentive to the Divine trust of human vice-regency as envisaged by Islam. This does not interest him either. These educational institutions produce graduates that are merely cogs in the machinery of modern "growth," exploitation and consumerism observing current standards that are fundamentally economic and capitalist.

For this reason, it is one of the priorities of our time that we have help *waqf* bodies that spend on present-day educational institutions. Incidentally, we have the example of universities and senior research centres in the west whose formidable progress in the past century has been achieved only by virtue of *waqf* (or, what they call in their legal culture, endowments or donations). They borrowed this concept historically from Islamic jurisprudence, as is well known[27].

In Islamic studies there is a pressing need for autonomous *waqf* bodies whose academic affairs are only run by independent scholars. In our time, almost all Islamic education bodies have been turned into incubators for the carriers of views favouring ideologies and schools that can formally be classified as Islamic. However, they do not basically serve Islamic goals and its authentic priorities. They only serve the interests of individuals, trade and politics in the name of religion whereas religion is free from them.

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[25] Al-Qaraḍāwī, *Fiqh Al-Zakāh* (2nd ed.)*,* Beirut: Mu'assasah Al-Risālah, 1973.

[26] There is an epistemological quandary with this duality of Islamic and un-Islamic knowledge, or the division between transmitted and rational sciences, etc. All knowledge in Islam is Islamic, irrespective of whether it deals with Allāh's signs in His holy book or His signs in creation.

[27] See, for instance, Ahmed Essa and Othman Ali, *Studies in Islamic Civilization: The Muslim Contribution to the Renaissance,* International Institute of Islamic Thought (IIIT), 2010; and Sayyid Dasūqī Ḥasan, *Muqaddamāt fi l-Baʿth Al-Ḥaḍārī,* Kuwait: Dār Al-Qalam, 1987.

Most governments everywhere also aim to influence the autonomy of study and research in Islamic for the benefit of their political and economic cadres as well as supporting (as per the definition of westerners) "assimilation" or (what Muslims describe as) "citizenship" of Muslim majorities. In Muslim majority countries, governments and institutions supporting Islamic studies pay students to propel them towards partiality in favour of narrow tribalism of petty post-colonial states. This is the political situation to which Muslims have reverted. In research projects in Islamic studies, they give priority to what serves "national programmes." At best, they are narrow economic interests which are not necessarily in keeping with the justice and priorities of Islam.

Honest Islamic thinkers complain about the absence of sufficient support for their projects in Islamic studies, in terms of both education and research, in which they do not have to make a payment for a trade or political bill based on this assistance. Therein lies serious harm to the lofty objectives of Islam and the deep-rooted beacons of its code. After losing its *awqāf,* Islamic education has become easy prey for politicians, merchants and people with vested interests like them. The situation of centuries-old universities like Al-Azhar and Al-Zaitoonah, after losing their *awqāf,* is not far removed from us. Payment of *zakāh* under the category of "in the path of Allāh" to support Islamic studies *awqāf* is a critical component to resolve this crisis. In my opinion, it is necessary to wage war to regain our consciousness. Without victory in it, there is no survival for this *ummah.*

Historically, *zakāh* played a decisive role in the Islamic state. The first successor to the Holy Prophet, Abū Bakr R. ʿA, declared: I swear in Allāh's name, if they deny me a single cord used to hobble the camel's feet which they used to give the Messenger of Allāh, I will fight them to retrieve it.[28] In that era, *zakāh* contributed to supporting the state in undertaking its social responsibility towards the groups of people eligible for this charity. Today, we have an historic opportunity to reduce the role of the state – through *zakāh* – since its influence has become all-pervasive in an imbalanced way. It has been swallowed by the executive political component which has dominated its multifaceted human and propagation facets. The latter are among the objectives of power and authority in Islam. By making payments to the bodies of *waqf* and *zakāh,* we encourage a broad system that grants greater authority to the individual and society, both at the levels of execution and legislation, within the broad parameters of *awqāf* regulations.

Statement

In this research, we have established that it is permissible for a person to give zakāh to a waqf body for the purpose of investing same and distributing its investment revenues to deserving asnaf, a waqf body that manages the appropriate avenue for its disbursement like poor people, the indigent and reverts. We have also observed that legal texts related to this subject as well as the opinions of scholars over time entertain this new perspective. We have also confirmed that it is necessary in our era to support Islamic bodies, many of which focus on waqf, and ensure the continuation of their efforts regardless of the immense challenges that the ummah is currently facing. And Allāh knows best and is most judicious.

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[28] Al-Bukhārī, *Ṣaḥīḥ,* Book on calling the apostates and stubborn ones to repent, and waging war against them, Chapter on killing the person who refuses to accept the religious prescriptions and those accused of apostasy, Report No. 6526.