

Zakāt: Forms or Function?

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Introduction

This paper seeks to ascertain whether it is justifiable to equate the various types of state taxes in the modern era as legitimate instances of *zakāt*. This is because, by and large, they serve the same societal purposes as *zakāt*, which is to alleviate poverty and cater for societal needs. If it is justifiable, then the Qur'ānic obligation of *zakāt* – which is incumbent upon all Muslims – will have been discharged for Muslim taxpayers. To answer this question, an analysis of the notion of *zakāt* in the Qur'ān, supplemented by the ḥadīth literature, is conducted to extrapolate its function, or essence, as per the existential framework¹. Since the occurrence of the word *zakāt* in the Qur'ānic verses is predominantly accompanied by the word *ṣalāt*, this paper also analyses the latter as well. Accordingly, an in-depth analysis of the evolution of the forms of both *ṣalāt* and *zakāt*² is presented demonstrating that their respective evolutions were contingent upon maximising the growth of the individual and community in differing societal contexts. The analysis of the former will present its forms as it gradually evolved into the five daily *ṣalāt*.³ The analysis of the latter will include the other extensions of taxation that are contingent upon societal need; that is, *khums* and *fay'*. The fact that *ṣalāt* underwent several modifications is important because it will be argued that if the sacrosanct and spiritual obligation of *ṣalāt* needed to be modified, then by priority the social obligation of *zakāt* must be subject to on-going and periodic modification by virtue of the fact that it was instituted solely to address societal needs.

Ṣalāt and *zakāt* are spiritual requirements that frequently appear together in the verses of the Qur'ān, especially within the Medinan chapters. In eight of these verses, the command *aqīmū* accompanies the word *ṣalāt*, and the command *ātū* precedes the word *zakāt*.⁴ Both convey the meaning of obligation: the former, of establishing a prescribed form of prayer; and the latter, of giving wealth to the needy. The words *ṣalāt* and *zakāt* are also used in the Qur'ān to refer to practices enjoined upon the prophets preceding the Prophet Muḥammad and the Israelites of Medina.⁵ Furthermore, the Qur'ān emphasises the fact that the Prophet Ismā'īl, who was considered by the Arabs as their ancestral prophet, also exhorted certain forms of *ṣalāt* and *zakāt*

¹ The existential framework is a legal methodology developed by the author.

² The “form” of an action refers to its practice by the individuals and community. The phrase “form of *ṣalāt*” refers to the five daily *ṣalāt*, and it includes their obligatoriness, timings of performance, numbers of units, constituent actions, content to be recited, prerequisites, and rules. The phrase “form of *zakāt*” includes its obligatoriness, subjects, recipients, and percentage.

³ This is because, in the Qur'ān, whenever the word *ṣalāt* accompanies the word *zakāt*, the former signifies “daily *ṣalāt*” in the Meccan verses and “five daily *ṣalāt*” in the Medinan verses.

⁴ This will be discussed extensively later on.

⁵ “And We made them leaders who guided by Our command, and We revealed to them the doing of good and the establishment of prayer and the giving of *zakāt*; and they were worshipful towards Us” (21:73). “And establish [oh Israelites] the *ṣalāt* and give the *zakāt*, and bow with those who bow” (2:43).

to his people.⁶ This is indicative of the following: firstly, that such practices of bygone peoples also count as extensions of the words *ṣalāt* and *zakāt*; secondly, that such practices have been enjoined upon communities since that time; and thirdly, that enjoining people to *ṣalāt* and *zakāt* was one of the functions of prophethood. The conclusion to be drawn from this is that *ṣalāt* and *zakāt* are salient features of the one *dīn* (way or religion) of God that has been revealed to successive prophets, and that their extensions have been practiced by the other Abrahamic faiths.⁷

As an intrinsic part of the one *dīn* of God, *zakāt* is therefore presumed to be a special form of levy that cannot be negated under any circumstances. In addition to this, since the religious obligation of *zakāt* predominantly occurs alongside *ṣalāt* in the Qur'ān, it is often understood that both have equal status as religious obligations; thus, since the latter is immutable, so must the former be as well.⁸ However, since it is assumed, and all Muslims will acknowledge, that their different forms were revealed to prophets of every community, the question as to 'what is immutable in the "Muslim" *ṣalāt* and *zakāt*?' is a significant one. Are the functions of *ṣalāt* and *zakāt* immutable, or their forms? In other words, are the essences of *ṣalāt* and *zakāt* eternal, acontextual, ahistorical and universal, or their forms? For both of these obligations – and indeed every obligatory act – consist of two inter-dependent but distinct components: function (or essence) and form⁹.

Therefore, the Qur'ān presents *ṣalāt* and *zakāt* as having always been spiritual obligations within differing existential contexts. From this, it can be extrapolated that each must have a spiritual facet that is universal¹⁰ and a societal facet that is contextual¹¹; the former constitutes the essence and the latter the form. The existential framework deems this to be the case for every regulation; that is, they all consist of these two elements. The forms of regulations are contingent upon, and bound to, their respective existential contexts; accordingly, they change and fluctuate in accordance with differing contexts to ensure that the essences of those regulations – which are eternal, acontextual, ahistorical and universal – are secured. This ensures that regulations are congruent with the existential state of individuals and communities in order to facilitate their intellectual, moral and spiritual growth. Thus, growth of the individual and community is the foundation and impetus of every regulation; that is, God stipulates regulations that are beneficial or harmful on the basis of growth.

⁶ "And recall in the scripture of Ismail; he was truthful in his promise, and was a messenger, a prophet. He used to call his people to *ṣalāt* and *zakāt*, and he was with his Lord who was pleased with him" (19:54-55).

⁷ Of course, the Qur'ān is clear on this (see for example the verses in the previous two footnotes); however, this has also been suggested by some exegetes of the Qur'ān. See for example Ibn 'Arabī, Abū Bakr Muḥammad bin 'Abd Allāh. 2005. *Aḥkām al-Qur'ān*. Beirut: Dār al-Fikr. 1: 34.

⁸ Calder, Norman. "Zakāt in Imāmī Shī'ī Jurisprudence, from the Tenth to the Sixteenth Century A.D." *Bulletin of the School of Oriental and African Studies, University of London* 44, no. 3 (1981): 468.

⁹ The philosophical distinctions of form and essence finds precedent in the Qur'ānic notions of outer (*zāhir*) and inner (*bāṭin*).

¹⁰ That is, it transcends the particularity of time and space.

¹¹ That is, it is bound to a particular time and place.

The subsequent sections demonstrate that the essence of *ṣalāt* is to provide individuals with a specified period of intense God-centric orientation so that a God-centric community ensues; and the essence of *zakāt* is to purify the individual from vices and moral inadequacies, to alleviate poverty from society and to accommodate societal needs. The formal aspects of both are formulated on the basis of securing these spiritual-societal essences. It follows, therefore, that the traditional form of *zakāt* will only be valid to the extent that it serves its purpose and accommodates its essence; otherwise, it must be modified so that its purpose, or essence, is secured. This is because the essence of a regulation is universal and immutable, which in the case of *zakāt*, as a levy, is the removal of poverty and the fulfilment of societal needs. Although there is parity of *ṣalāt* and *zakāt* in terms of spiritual significance and importance in the Qur'an, this does not necessitate parity in terms of the degree of 'formal' modification; one may be subject to greater modification than the other in practice depending on the demands of the existential context.

The Evolution of the Forms of *Ṣalāt* and *Zakāt* in the Qur'an and Hadīth Literature

The question as to whether it is legitimate to consider certain types of state taxes in the modern era as extensions of *zakāt* will be answered by demonstrating that the forms of both *ṣalāt* and *zakāt* underwent several changes in accordance with the fluctuating context of the blessed Prophet. Therefore, this section presents chronologically: the introduction of the notions of *ṣalāt* and *zakāt*, and their respective verbal and nominal derivatives, to the nascent audience of the Qur'an; the progressive development of the forms of both, and changes in the utility of their respective verbal and nominal derivatives, as the audience evolved and their context gradually changed; and the culmination of the final forms of both. It should be noted that the final form of *ṣalāt* is its perfect and complete form (or its universal form) because it caters for the spiritual needs of all individuals of society irrespective of spiritual calibre – that is, it was formulated in light of the lowest common denominator in society. As for *zakāt*, its final form represents the institutionalised levy that was appropriate for the needs of the Medinan society of the Prophet.

The chronology of revelation delineated here is the traditional chronological order accepted by the majority of Muslim scholars.¹²

¹² See Jaffer, Abbas, and Jaffer, Masuma. 2009. *Quranic sciences*. London: ICAS. 280-281. The chronology of revelation is based on the research of scholars such as Hādī Ma'rifat, Muḥammad (2010. *Al-Tamhīd fī 'ulūm al-Qur'ān*. Qum: Dār al-Ta'āruf lil-Maṭbū'āt) and Zanjānī, Abū 'Abdullah (2014. *Tārīkh al-Qur'ān*. Cairo: Mu'assasa al-Hindawī lil-Ta'līm wa al-Thaqāfa); see also Al-Suyūtī, 'Abd al-Raḥmān bin Abī Bakr. 2005. *Al-Itqān fī 'Ulūm al-Qur'ān*. Madinah: Markaz al-Dirāsāt al-Qur'āniyya. 1: 168-169.

The Forms of *Ṣalāt*

The origin of the word *ṣalāt* is the Aramaic root, *ṣād lām* and *alif*. It initially meant to kneel down or bow (*raka'a*) and to bend over (*inḥinā*), but soon acquired the meaning of devotional prayer. The Israelites began to utilise the word in the Hebrew-Aramaic language. It was pronounced '*ṣalūta*'. In time, the word was also used by the Christians in the sense of prayer. Before Islam, the *ahl al-kitāb* (people of the book)¹³ introduced the word into the Arabic language.¹⁴ The fact that the Qur'ān uses the verb *ṣallā* in the initial revelations to the blessed Prophet (96: 10) implies that the word and concept was part of the language of the audience in Mecca. In Surā Anfāl¹⁵, the Qur'ān rejects the claim of the Arabs in Mecca that they were "the guardians" of the sacred mosque (8:34), and then makes reference to their rituals with the Arabic "*ṣalātu-hum*" ("their prayer"):

Their prayer at the House [of Allah] is nothing but whistling and clapping of hands¹⁶. Therefore [its only answer can be]: "taste the punishment, for you disbelieved." (*wa mā kāna ṣalātu-hum 'inda al-bayti illā mukā'an wa taṣḍiya, faḍūqū al-'aḍāba bi-mā kuntum takfurūn, 8:35*)

The extension of *ṣalāt* performed by the people of Mecca is stated in this verse. It demonstrates that the word *ṣalāt* was an established concept in the Arabic language and implies that the Arabs assumed that their form of *ṣalāt* was meaningful and an appropriate way of communing with the Higher Power. The *mufasssīrūn* (exegetes) state that the Arabs of Mecca considered the acts of genuflection (*al-rukū'*) and prostration (*al-sujūd*) as humiliating.¹⁷ Hence, they were not included in their ritual devotions. Moreover, ḥadīth narrations corroborate the fact that prior to revelation the Arabs used to pray "their *ṣalāt*"; they state that the Meccan Arabs used to perform prayers for their deceased prior to burial and at graves.¹⁸ Thus, it can be extrapolated that the word *ṣalāt* was understood by the Arabs in Mecca to mean 'connecting with a Higher Power through prayers, seeking forgiveness and supplicating'.

The first chapter to be revealed – Surā 'Alaq – asks: "Have you seen the one who prevents a servant [of God] from prayer?" (*a ra'ayta alladhī yanḥā 'abdan idha ṣallā, 96:9-10*). This verse was revealed in response to Abū Jahl bin Hishām preventing the blessed Prophet from praying.¹⁹ It also marks the first instance that the verb *ṣallā* or any of its derivatives was mentioned in the revelations. This not only implies that the word and concept of *ṣalāt* existed in the Arabic language but more importantly that the Prophet was practicing some form of *ṣalāt* before this

¹³ The Qur'ān employs this expression to refer collectively to the Israelites and Christians.

¹⁴ 'Alī, Jawād. 1968. *Tārīkh al-Ṣalāt fī al-Islām*. Baghdad: Maṭba'a Diyā'. 7.

¹⁵ Surā Anfāl, the 88th chapter to be revealed, is a Medinan chapter except for verses 30 to 36, which were revealed in Mecca.

¹⁶ According to the *mufasssīrūn*, "the *ṣalāt* of the Quraysh of Mecca" ("*ṣalātu-hum*") referred to their supplications. That is, they whistled and clapped their hands as a way of supplicating and glorifying God. See *Ibid.* 9-11.

¹⁷ *Ibid.* 14.

¹⁸ *Ibid.* 11.

¹⁹ Al-Ṭabarī, Miḥammad bin Jarīr. 2014. *Jāmi' al-Bayān fī Ta'wīl al-Qur'ān*. Beirut: Dār al-Kutub al-'Ilmiyya. 12: 647.

verse was revealed. The exact form of this prayer is unknown; however, it can be assumed that it must have included the actions of standing (*al-ḡiyām*), genuflection and prostration for two reasons: firstly, the latter two actions were part of the prayer signified by the Hebrew-Aramaic word “*ṣalūta*” that was being practiced by both the Israelites²⁰ and the monotheistic Arabs belonging to the tradition of the Prophet Ismā‘īl²¹, of which the Prophet would have been aware; and secondly, the actions of genuflection and prostration were deemed as particularly reprehensible by the Arabs of Mecca, as mentioned above. The latter reason explains Abū Jahl’s aversion to the Prophet’s form of *ṣalāt*. Based on the Qur’ān, ḥadīth literature and history, it seems that the Arabs of Mecca had only just begun to express their dislike for the Prophet’s form of prayer; that is, there are no records of the Arab people expressing their opposition to the Prophet’s form of prayer prior to revelation, which indicates that his prayers would not have included the actions of genuflection and prostration, assuming he prayed in public.

Thus, prior to revelation, the exact form of the Prophet’s prayer, which includes what he recited, is unknown.²² It is likely that it did not include the actions of genuflection and prostration because the first record of opposition to the Prophet’s form of *ṣalāt*, and indeed to him personally, is after the revelations had begun. Hence, the Prophet was performing *ṣalāt* that included the actions of genuflection and prostration very soon after the initial revelations; however, their numbers, order and what was recited is unknown.

The first command to establish *ṣalāt* is in Surā Muzzammil – the third chapter to be revealed in Mecca, wherein the Prophet is commanded to “establish prayers for half of the night or slightly less” (*qum al-layl illā qalīlan; niṣfahu awi-nquṣ min-hu qalīlan...*, 73:2-4).²³ The command was issued within the first few years after the initial revelation.²⁴ The ḥadīth literature and books of history state that this practice continued for ten years;²⁵ whereupon, it was revoked by the last verse of Surā Muzzammil which abrogates its performance.²⁶ However, this verse is a Medinan

²⁰ ‘Alī, Jawād. 1968. *Tārīkh al-Ṣalāt fī al-Islām*. Baghdad: Maṭba‘a Ḍiyā’. 12

²¹ Qur’ān 19:54-55.

²² Al-Ḥalabiyya, ‘Alī bin Ibrāhīm bin Aḥmad. 2006. *Al-Sīra al-Ḥalabiyya, Insān al-‘Uyūn fī al-Amīn al-Ma’mūn*. Beirut: Dār al-Kutub al-‘Ilmiyya. 1: 381.

²³ See Qur’ān 73:2-4. It should be noted that establishing prayers for lengthy periods of the night was a norm in both Judaism and Christianity prior to Islam (see Tanakh, Psalms 119, verse 62), and the Prophet was also practicing it prior to the revelations, according to the ḥadīth literature (see Ibn Athīr, ‘Alī bin Muḥammad Al-Shaybānī. 1978. *Al-Kāmil fī al-Tārīkh*. Beirut: Dār al-Ṣādir. 2: 48.); hence, this Qur’ānic exhortation was an instruction to the Prophet’s followers to commence the performance of a norm that existed in other religions and was already being practiced by the Prophet.

²⁴ ‘Alī, Jawād. 1968. *Tārīkh al-Ṣalāt fī al-Islām*. Baghdad: Maṭba‘a Ḍiyā’. 25.

²⁵ See Al-Suyūṭī, ‘Abd al-Raḥmān bin Abī Bakr. 1993. *Al-Durā al-Manthūr fī al-Tafsīr al-Ma’tḥūr*. Beirut: Dār al-Fikr. 8: 312-3. And al-Ṭabarī, Miḥammad bin Jarīr. 2014. *Jāmi‘ al-Bayān fī Ta’wīl al-Qur’ān*. Beirut: Dār al-Kutub al-‘Ilmiyya. 12: 279. Here, the ḥadīth literature also states that Surā Muzzammil was revealed over the course of one year; hence, there is a view that the norm of establishing *ṣalāt* for as much of the night as possible persisted for only a year as the final verse of Surā Muzzammil would have abrogated it then. However, this cannot be the case since the final verse of Surā Muzzammil was revealed in Medina. See also Al-Ṭabāṭabā‘ī, Muḥammad Ḥusayn. 1997. *Al-Mizān fī Tafsīr al-Qur’ān*. Beirut: Mu’assisa al-A‘lamī li-l-Maṭbū‘āt. 20: 80-1.

²⁶ Qur’ān 73:20

verse that was added to the *sūra* later in Medina. This is evinced by the fact that the verse also issues the command to pay *zakāt* and makes reference to those who are “fighting in the way of God”. These portions of the verse definitively situate its revelation in Medina because the Muslims only began to fight to defend themselves and pay *zakāt* in Medina.²⁷ Furthermore, there are *aḥādīth* stating that the verse was revealed in Medina in light of the fact that the Prophet was continuing the practice of praying throughout the night there.²⁸ Therefore, this practice was finally revoked in the initial years of Medina.

Regarding the form of every *ṣalāt* performed during the night (*qiyām al-layl*), the ḥadīth literature and books of history indicate that the Prophet was taught the form of *wuḍūʿ* (ablutions) and *ṣalāt* – that is, its actions and the fact that it consisted of two units (*rakʿatān*) – by the angel Jibrāʿīl soon after the revelations began.²⁹ Therefore, each *ṣalāt* performed during the night would have followed suit. As mentioned above, it is unknown as regards to the content of what was recited.³⁰ It is very probable that during the actions of genuflection and prostration, the recitations would have comprised of praising (*taḥmīd*) and glorification (*tasbīḥ*) of God. However, during the postures of standing and sitting (*al-quʿūd*), not only are the recitations unknown, but they certainly would not have comprised of the content of today’s *ṣalāt* due to the fact that very few *surās* had been revealed; for instance, Surā Fātiḥa (the fifth chapter to be revealed) was revealed several years after the first revelation to the Prophet.³¹ In fact, it can be surmised that the content would have varied as and when more verses of the Qurʿān were revealed.

Scholars state that the “ten years” mentioned in the ḥadīth literature regarding the duration of the performance of the norm of “establishing prayers for a substantial period of every night” marks its supersession by the five daily *ṣalāt*. The obligation to perform the five daily *ṣalāt* was issued on the event of *isrāʿ* (night journey) and *miʿrāj* (ascension)³²; prior to this, no such obligation to perform *ṣalāt* per se was issued.³³ This suggests that the command to “establish prayers for a substantial period of every night” in Surā Muzzammil was not an obligation in the

²⁷ Al-Ṭabāṭabāʿī, Muḥammad Ḥusayn. 1997. *Al-Mizān fī Tafsīr al-Qurʿān*. Beirut: Muʿassisa al-ʿAlamī li-l-Maṭbūʿāt. 20: 80-1.; and ʿAlī, Jawād. 1968. *Tārīkh al-Ṣalāt fī al-Islām*. Baghdad: Maṭbaʿa Ḍiyāʿ. 25.

²⁸ Al-Ṭabarī, Muḥammad bin Jarīr. 2014. *Jāmiʿ al-Bayān fī Taʿwīl al-Qurʿān*. Beirut: Dār al-Kutub al-ʿIlmiyya. 12: 279.

²⁹ Ibn Hishām, ʿAbd al-Malik. 1998. *Al-Sīra al-Nabawiyya*. Beirut: Dār wa Maktaba al-Hilāl. 1: 196. The ḥadīth literature and books of history state that after being taught by the angel Jibrāʿīl, the Prophet taught his wife, Khadīja, and his few followers. Other reports and historical records state that the Prophet would often pray with his wife, Khadīja, and his cousin, ʿAli ibn Abī Ṭālib; the former died before the event of ascension (*miʿrāj*) of the Prophet, which was before the migration to Medina. See Ibn Hishām, ʿAbd al-Malik. 1998. *Al-Sīra al-Nabawiyya*. Beirut: Dār wa Maktaba al-Hilāl. 1: 197.

³⁰ Al-Ḥalabiyya, ʿAlī bin Ibrāhīm bin Aḥmad. 2006. *Al-Sīra al-Ḥalabiyya, Insān al-ʿUyūn fī al-Amīn al-Maʿmūn*. Beirut: Dār al-Kutub al-ʿIlmiyya. 1: 381.

³¹ ʿAlī, Jawād. 1968. *Tārīkh al-Ṣalāt fī al-Islām*. Baghdad: Maṭbaʿa Ḍiyāʿ. 54.

³² The event of *isrāʿ* and *miʿrāj* is mentioned in Surā Isrāʿ 17:1 (the fiftieth chapter to be revealed) and Surā Najm 53:1-18 (the twenty-third chapter to be revealed).

³³ Al-Ḥalabiyya, ʿAlī bin Ibrāhīm bin Aḥmad. 2006. *Al-Sīra al-Ḥalabiyya, Insān al-ʿUyūn fī al-Amīn al-Maʿmūn*. Beirut: Dār al-Kutub al-ʿIlmiyya. 1: 380.

jurisprudential sense. Scholars differ as to when the event of *isrā'* and *mi'rāj* occurred.³⁴ However, the majority of the scholars of ḥadīth place the event within the last twelve to eighteen months prior to the Prophet's migration to Medina.³⁵ Thus, the followers of the Prophet began to recite the five daily *ṣalāt* after the event of *isrā'* and *mi'rāj*, where each *ṣalāt* consisted of only two units (*rak'atān*).³⁶ This change in the form of *ṣalāt* was precipitated by the context of the Prophet agreeing to migrate to Medina after the leaders of the Arabs of Medina had accepted the Prophet's message on behalf of their tribesmen. Hence, the change in context seems to pertain to changes in the numbers and spiritual calibre of the followers of the Prophet: prior to this change in the form of *ṣalāt*, the followers were few and devout; the sudden increase in his followers meant that the norm had to change from praying for a substantial period of every night to the five daily *ṣalāt* as the former would not have been appropriate for the spiritual growth of his followers in Medina; that is, the formulation of the essence must cater for the spiritual needs of the lowest common denominator.

The first revelation in Mecca that makes an explicit allusion to the obligatoriness of establishing prayers is found in Surā An'ām (the fifty-fifth chapter to be revealed), "...and we are commanded to submit to the Lord of the worlds, and to establish prayers..." (...*wa umir-nā li-nuslima li-rabbi al-'ālamīn wa an aqīmū al-ṣalāt...*, 6:71-72). The first revelation in Mecca that directly commands the Prophet and his followers to establish *ṣalāt* is in Surā Rūm, "Turning to Him; and be mindful of Him and establish prayers, and be not of those who ascribe partners." (*munībīna ilayhi wattaqū-hu wa aqīmū al-ṣalāt wa lā takūnū min al-mushrikīn*", 30:31). The direct command is repeated in Surā Ankabūt, "Recite that which has been revealed to you of the Book, and establish prayer..." (*utlu mā ūḥiya ilayka min al-kitāb wa aqim al-ṣalāt...*, 29:45). Surās An'ām, Rūm and Ankabūt are the fifty-fifth, eighty-fourth (antepenultimate) and eighty-fifth (penultimate) chapters to be revealed in Mecca respectively. This tallies with the view of the majority of the scholars that no obligation to perform *ṣalāt* was issued prior to the event of *isrā'* and *mi'rāj*, which are referred to in Surā Najm and Surā Isrā' – the twenty-third and fiftieth chapters to be revealed respectively. There are approximately thirty-five verses in the Meccan chapters, including the aforementioned verses of Surā Rūm and Surā Ankabūt, that utilise the verb *ṣallī* and its nominal and verbal derivatives.³⁷ The vast majority do not signify the jurisprudential obligation

³⁴ Nor, M Roslan M. "IslamicJerusalem: The Land of the Night Journey and Ascension." *Journal of IslamicJerusalem Studies* 7 (2006): 7-9.

³⁵ *Ibid.* 10.

³⁶ 'Alī, Jawād. 1968. *Tārīkh al-Ṣalāt fī al-Islām*. Baghdad: Maṭba'a Diyā'. 29. The increase in the units of the five daily prayers occurs within the first year after the Prophet's migration to Medina.

³⁷ Verses in the Meccan chapters employing the verb *ṣalla* and the noun *ṣalāt*: **1.** In Surā 'Alaq (the first chapter to be revealed), verses 9-10 refer to Abū Jahl bin Hishām preventing the Prophet from praying (*a ra'ayta alladhī yanhā 'abdan iḍa ṣallā*, 96:9-10). This is the first time that the Qur'ān mentions the verb *ṣallā* or any of its derivatives. It proves that the word and its derivatives were part of the Arabic language and were understood by the audience; **2.** In Surā Muzzammil (the third chapter to be revealed), verse 20 issues the command to establish prayers (73:20); however, it is a Medinan verse; **3.** In Surā Mudatthir (the fourth chapter to be revealed), verse 43 prophesies that the disbelieving Arabs of Mecca will state in hell that they were not among the "*muṣallīn*" (those who prayed, 74:43); that is, their form of prayers did not make them qualify as those who prayed the proper prayers (*ṣalāt*); **4.** In Surā

A'lā (the eighth chapter to be revealed), verse 15 describes the successful ones as those who pray whenever they remember God's name (*wa dakara isma rabbi-hi fa-šalla*, 87:15). Here, the meaning of "šalla" is (most probably) "supplicate" and "ask forgiveness"; **5**. The second verse of Surā Kawthar (the fifteenth chapter to be revealed) commands the Prophet to pray and offer a sacrifice (*fa-šalli li-rabbi-ka wa-nḥar*, 108:2). It was revealed before the event of *isrā'* and *mi'rāj*. A cursory appreciation of the imperative form of the verb used in this verse may lead one to conclude that the verse signifies an unqualified obligation to pray or establish prayers. However, the context of this *surā* is that the Prophet is given assurance of the fount of *al-kawthar* in response to the taunts of the Arabs about his being childless, and as a result he is asked to pray and offer a sacrifice. In light of this and the fact that the command is a compound obligation to pray (*šalli*) and offer sacrifice (*inḥar*), the command to pray is to be regarded as a one-off obligation and not an unqualified command to establish prayers; **6**. In Surā Qiyāma (the thirty-first chapter to be revealed), verse 31 describes the deniers of the Prophet in Mecca as those that "did not pray" (*wa lā šalla*, 75:31); **7**. In Surā A'rāf (the thirty-ninth chapter to be revealed), verse 170 describes the believers as those who pray; however, this verse is a Medinan verse (...*wa aqāmū al-šalāt...*, 7:170); **8**. In Surā Fāṭir (the forty-third chapter to be revealed), **(a)** verse 18 states the qualities of those upon whom the admonitions of the Prophet will have effect; among them is that they establish *šalāt* (35:18); **(b)** verse 29 describes the scholars (*al-'ulamā'*) among God's servants as those who establish prayers (35:29); **9**. In Surā Maryam (the forty-fourth chapter to be revealed), verses 31, 55 and 59 utilise the word "*šalāt*" in the context of what was enjoined upon the baby 'Īsā, the mission of the Prophet 'Īsā, the succeeding generations of the followers of the Prophet 'Īsā respectively. (see 19:31, 55 and 59). **10**. In Surā Ṭāhā (the forty-fifth chapter to be revealed), **(a)** verse 14 conveys the conversation between God and the Prophet Mūsā in which the latter is commanded to establish *šalāt* (20:14); **(b)** verse 132 states that *šalāt* must be enjoined on one's family and that it should be adhered to (20:132); **11**. In Surā Naml (the forty-eighth chapter to be revealed), verse 3 describes the believers as those who establish the *šalāt* (27:3); **12**. In Surā Isrā' (the fiftieth chapter to be revealed), **(a)** verse 78 issues the command to establish prayers at sunset until the dark of the night (17:78); however, it is a Medinan verse; **(b)** verse 110 exhorts not to pray too loudly nor too silently (17:110); **13**. In Surā Yūnus (the fifty-first chapter to be revealed), verse 87 states that the command to establish regular prayers that was issued to the Prophet Mūsā and his brother (see 10:87); **14**. In Surā Hūd (the fifty-second chapter to be revealed), **(a)** verse 87 refers to the disbelievers questioning the Prophet Shu'ayb about the consequences of his prayers (*a šalātu-ka...*) on their beliefs (see 11:87); **(b)** verse 114 issues the command to establish prayers at the ends of the day and at night (see 11:114); however, it is a Medinan verse; **15**. In Surā An'ām (the fifty-fifth chapter to be revealed), **(a)** verses 71-72 state that the Prophet and his followers have been ordered to submit to God and establish prayers (...*wa umir-nā li-nuslima li-rabbi al-'ālamīn wa an aqīmū al-šalāt...*, 6:71-72); **(b)** verse 92 describes the believers as those who "are careful of their prayers" (...*wa hum 'alā šalāti-him yuḥāfiẓūn*, 6:92); **(c)** verse 162 is a supplication that the Prophet is asked to recite that includes the words "my prayer" (*qul inna šalātī wa nusukī...*, 6:162); **16**. In Surā Luqmān (the fifty-seventh chapter to be revealed), **(a)** verse 4 describes the good (*muḥsinīn*) as those who establish the *šalāt*; **(b)** verse 17 conveys the advice of the Prophet Luqmān to his son wherein he exhorts that *šalāt* should be established (31:17); **17**. In Surā Shūrā (the sixty-second chapter to be revealed), verses 36-39 define the characteristics of those for whom "that which is with God is better and more lasting" (42:36); among the characteristics is the practice of establishing *šalāt* (42:38); **18**. In Surā Ibrāhīm (the seventy-second chapter to be revealed), **(a)** verse 31 describes the believers as those who establish prayers (14:31); **(b)** verses 37 and 40 are supplications of the Prophet Ibrāhīm in which there are references to establishing the prayers (see 14:37 and 40); **19**. In Surā Anbiyā' (the seventy-third chapter to be revealed), verse 73 states the functions of the previous prophets, one of which is to establish *šalāt* (21:73); **20**. In Surā Mu'minūn (the seventy-fourth chapter to be revealed), **(a)** verse 2 is implicitly making a distinction between the *šalāt* of the believers and the *šalāt* of others (see 23:2); **(b)** verse 9 states that the believers are those who are heedful of their *šalāt* (23:9); **21**. In Surā Ma'ārij (the seventy-ninth chapter to be revealed), **(a)** verses 19-23 convey that among the characteristics of those who are neither carried away by grief nor stingy during good times is that they pray constantly (see 70:19-23); **(b)** verse 34 describes those who will inhabit paradise as being heedful of their *šalāt* (70:34). **24**. In Surā Rūm (the eighty-fourth chapter to be revealed and the antepenultimate chapter to be revealed in Mecca), verse 31 explicitly commands the Prophet and his followers to establish prayers (*munībīna ilayhi wa-ttaqū-hu wa aqīmū al-šalāt wa lā takūnū min al-mushrikīn*, 30:31); **25**. In Surā Ankabūt (the eighty-fifth chapter to be revealed and the penultimate chapter to be revealed in Mecca), verse 45 explicitly commands the Prophet and his followers to establish prayers (*utlu mā ūḥiya ilayka min al-kitāb*

to establish regular *ṣalāt*; collectively, they do express the inseparability of one's faith in God and establishing the norm of *ṣalāt*.³⁸ There are four verses within the Meccan chapters that do utilise the imperative forms of the verb "*aqāma*" in conjunction with *ṣalāt*, and one verse that uses the imperative "*ṣalli*" directly; however, none qualify as explicit prescriptions to establish *ṣalāt* in the jurisprudential sense.³⁹

In the period between the command "to establish prayers for a substantial period of every night" in Surā Muzzammil and the issuance of the obligation to pray the five daily *ṣalāt* on the night of *isrā'* and *mi'rāj*, the Prophet and his followers were reciting two prayers (*ṣalātān*) per day in Mecca, each consisting of two units: one at daybreak, which was known as *ṣalāt al-ḍuḥā*; and the other in the afternoon, known as *ṣalāt al-'ishā* or *ṣalāt al-'aṣr*.⁴⁰ This corresponds with the fact that eleven or so Meccan verses employing the word *ṣalāt* and its other verbal derivatives were revealed⁴¹ during the interim (between Surā Muzzammil and the event of *isrā'* and *mi'rāj*) emphasising *ṣalāt* as a pivotal means of devotion to God. Some scholars infer that the Prophet and his followers were reciting the *ṣalātān* in Mecca because of specific revealed instructions. They quote: verse 114 of Surā Hūd (the fifty-second chapter to be revealed in Mecca), which issues the command to establish prayers at the ends of the day and at night (11:114); verse 78 of Surā Isrā' (the fiftieth chapter to be revealed), which issues the command to establish prayers at sunset until the dark of the night (17:78); and verse 130 of Surā Ṭāhā (the forty-fifth chapter to be revealed), which commands that God be glorified at daybreak and sunset (20:130). However, all of these verses were revealed in Medina.

Ibn Ḥajar al-Ḥaytamī concisely summarises the chronological presentation thus far:

Initially, the people had no responsibility other than to accept the message of "the Oneness of God" (*al-tawḥīd*); this continued for a long period, until the command to establish *ṣalāt* during the night was revealed in Surā Muzzammil; this was subsequently abrogated by the prescription of the five daily *ṣalāt* on the night of *isrā'* and *mi'rāj*; and no other obligations were issued until the Prophet migrated to Medina.⁴²

wa aqim al-ṣalāt..., 29:45); **26.** Surā Anfāl (the eighty-eighth chapter to be revealed) is a Medinan chapter; however, verse 35 is a Meccan verse that describes the form of the *ṣalāt* of Meccan Arabs (*wa mā kāna ṣalātu-hum 'inda al-bayti illā mukā'an wa taṣḍiya*, 8:35).

³⁸ Refer to footnote 37.

³⁹ These are: **1.** Surā Muzzammil, 73:20, the third chapter to be revealed; **2.** Surā Kawthar, 108:2, the fifteenth chapter to be revealed; **3.** Surā Ṭāhā, 20:132, the forty-fifth chapter to be revealed; **4.** Surā Isrā', 17:78, the fiftieth chapter to be revealed; and **5.** Surā Hūd, 11:114, the fifty-second chapter to be revealed. For information on their respective contents, contexts or places of revelation whereby they are deemed as not signifying jurisprudential obligations in Mecca, see footnote 37.

⁴⁰ Al-Ḥalabiyya, 'Alī bin Ibrāhīm bin Aḥmad. 2006. *Al-Sīra al-Ḥalabiyya, Insān al-'Uyūn fī al-Amīn al-Ma'mūn*. Beirut: Dār al-Kutub al-'Ilmiyya. 1: 376 & 380.

⁴¹ The number eleven is based on the assumption that the event of *isrā'* and *mi'rāj* occurred around the time that Surā Isrā' was revealed (the fiftieth chapter to be revealed).

⁴² *Ibid.* 1: 376 & 380-1.

In Medina, the Prophet increased the units of the five daily *ṣalāt* within the first year of his arrival.⁴³ This is also evinced by the fact that the dispensation of shortening of the five daily *ṣalāt* was issued in Surā Nisā', which is the sixth chapter to be revealed in Medina⁴⁴:

“And when you travel in the land, there is no sin on you if you shorten your *ṣalāt*, if you fear that those who disbelieve may attack you ...” (*wa idā ɗarab-tum fī al-arḍi fa-laysa ‘alaykum junāḥun an taqṣurū min al-ṣalāt in khif-tum an yaftina-kum alladīna kafarū ...*, 4:101).

Similarly, the obligation to perform the *wuḍū'* (ablutions) prior to the commencement of the *ṣalāt* was issued in verse six of Surā Mā'ida, which is the twenty-sixth chapter to be revealed in Medina⁴⁵; it is not mentioned in the Qur'ān before this. Books of history and ḥadīth make reference to the event when the angel Jibrā'il taught the Prophet the forms of *wuḍū'* and *ṣalāt*, and situate it in Mecca.⁴⁶ Scholars are divided as to whether the obligation to perform *wuḍū'* occurred in Mecca or Medina; all agree that it was taught to the Prophet in Mecca by the angel Jibrā'il as per the reports.⁴⁷ However, since the majority of scholars assert that there was no obligation to perform *ṣalāt* prior to the event of *isrā'* and *mi'rāj*, it is highly probable that the obligation to perform *wuḍū'* would have followed suit. The detailed timings of the five daily *ṣalāt*, and their stipulation as timed obligations, are stated in Sūra Baqarā (2:238), Sūra Nūr (24:58), Surā Hūd (11:114) and Surā Isrā' (17:78); that is, during the Medinan period. However, these verses would have been merely re-emphasising the times of worship established after the event of *isrā'* and *mi'rāj* that are alluded to in Surā Rūm (the eighty-fourth chapter and antepenultimate to be revealed in Mecca):

“So [give] glory to God when you enter the night and when you enter the morning... and at the sun's decline [that is, afternoon] and at midday” (*fa-subḥānallahi ḥīna tumsūna wa ḥīna tuṣbiḥūna... wa ‘ashiyyan wa ḥīna tuḏhirūn*, 30:17-18).

The ḥadīth literature also states that the prohibition to answer others, or return their greetings, during *ṣalāt* was legislated a considerable while after the norm of performing *ṣalāt* was established in Mecca; indeed, talking to others about their needs during *ṣalāt* was considered as quite ordinary, and none of the Prophet's followers felt any hesitation in engaging in this until

⁴³ Al-Ṭabarī, Muḥammad bin Jarīr. 1939. *Tārīkh al-Umam wa al-Mulūk*. Cairo: Maṭba'a al-Istiḳāma. 2: 119.

⁴⁴ The ninety-second chapter to be revealed.

⁴⁵ The hundred and twelfth chapter to be revealed.

⁴⁶ Ibn Hishām, 'Abd al-Malik. 1998. *Al-Sīra al-Nabawiyya*. Beirut: Dār wa Maktaba al-Hilāl. 1: 196.

⁴⁷ The following are the opinions of the scholars as to when the obligation to perform *wuḍū'* was issued: **1.** It was made obligatory in Mecca a year before the migration to Medina; **2.** It became obligatory with the obligation of the five daily *ṣalāt* on the night of *isrā'* and *mi'rāj*; **3.** It was a “recommended” (*mandūb*) duty before the night of *isrā'* and *mi'rāj*, and it became an obligatory act after the event of *isrā'* and *mi'rāj*; **4.** It was a “recommended” (*mandūb*) duty before the migration to Medina, and it became an obligatory act in Medina. See Al-Ḥalabiyya, 'Alī bin Ibrāhīm bin Aḥmad. 2006. *Al-Sīra al-Ḥalabiyya, Insān al-'Uyūn fī al-Amīn al-Ma'mūn*. Beirut: Dār al-Kutub al-'Ilmiyya. 1: 377-9.

the prohibition was issued. Scholars differ as to whether this occurred before or after hijra due to differing *aḥādīth*: 1. Some *aḥādīth* state that speaking during *ṣalāt* was permitted until the following verse of Surā Baqarā (the first chapter to be revealed in Medina)⁴⁸ was issued, “Pay constant attention to prayers and to the middle prayer, and stand truly obedient to Allah.” (*ḥāfiẓū ‘ala al-ṣalawāti wa al-ṣalāti al-wuṣṭā wa qūmū li-llāhi qānitīn*, 2:238); 2. Other *aḥādīth* state that the Prophet would return greetings during prayers prior to his followers seeking asylum in Abyssinia, after which he prohibited any form of speaking during *ṣalāt*.⁴⁹ The former traditions situate the issuance of the prohibition in Medina, and the latter in Mecca.

Surā Fātiḥa (1:1-7), the fifth chapter to be revealed in Mecca, is an intrinsic and essential component of the form of *ṣalāt* practiced today; obviously, it could not have been part of the *ṣalāt* prior to its revelation. Scholars agree that it was revealed long after the initial revelations began; that is, between two and four years after the revelations began.⁵⁰ Therefore, during this period, Surā Fātiḥa would not have been part of the *ṣalāt*. Some scholars believe that it was revealed in Medina, and others state that it was revealed in both Mecca and Medina.⁵¹ Based on ḥadīth literature, the majority opinion is that the angel Jibrā’īl informed the Prophet of its mandatory recitation in every *ṣalāt* during the occasion when the *qibla* (direction of *ṣalāt*) was changed, which occurred in Medina.⁵² This means that prior to this, the form of *ṣalāt* did not entail the mandatory recitation of Surā Fātiḥa in each of the first two units. The obligatory recitation of Surā Fātiḥa marks the completion of the form of *ṣalāt* in terms of the content that is recited in every unit; however, the content that is recited today was strictly defined by the different schools of fiqh.⁵³

The Prophet also introduced the forms of *ṣalāt al-jumu‘a* (the friday prayer)⁵⁴, *ṣalāt al-ṭdayn* (the prayer of the two celebratory days)⁵⁵, *ṣalāt al-janā’iz* (the funeral prayer)⁵⁶, and *ṣalāt al-khawf* (the prayer of fear)⁵⁷ in Medina, among others. These gradually evolved in their respective specificities. Although these *ṣalawāt* are not connected to the five daily *ṣalāt*, their introduction

⁴⁸ The eighty-seventh chapter to be revealed.

⁴⁹ Ibn Kathīr, Ismā’īl bin ‘Umar. 1996. *Tafsīr al-Qur’ān al-‘Azīm*. Beirut: Dār al-Undlus. 1: 522-3. And Al-Ṭabarī, Muḥammad bin Jarīr. 2014. *Jāmi’ al-Bayān fī Ta’wīl al-Qur’ān*. Beirut: Dār al-Kutub al-‘Ilmiyya. 2: 584-7.

⁵⁰ This calculation is based on the fact that the revelation of Surā Muzzammil (the third chapter to be revealed) began within the first few years after the initial revelation and it took a year for all of its verses to be revealed. Refer to footnote 25.

⁵¹ Ibn Kathīr, Ismā’īl bin ‘Umar. 1996. *Tafsīr al-Qur’ān al-‘Azīm*. Beirut: Dār al-Undlus. 1: 17-20.

⁵² ‘Alī, Jawād. 1968. *Tārīkh al-Ṣalāt fī al-Islām*. Baghdad: Maṭba‘a Ḍiyā’. 54. Changing of the *qibla* occurred during the second year after *hijra*. See Al-Ṭabarī, Muḥammad bin Jarīr. 1939. *Tārīkh al-Umam wa al-Mulūk*. Cairo: Maṭba‘a al-Istiḳāma. 2: 128-9.

⁵³ Maghniyyah, Muhammad Jawad. 2003. *The Five Schools of Islamic Law*. Qum: Ansariyan Publications. 89-99.

⁵⁴ The Prophet first recited this when he entered Medina, after which the form gradually evolved. See Al-Ṭabarī, Muḥammad bin Jarīr. 1939. *Tārīkh al-Umam wa al-Mulūk*. Cairo: Maṭba‘a al-Istiḳāma. 2: 114-6.

⁵⁵ *Ṣalāt al-ṭd al-fitr* was introduced by the Prophet in the second year after the migration to Medina. See Al-Ṭabarī, Muḥammad bin Jarīr. 1939. *Tārīkh al-Umam wa al-Mulūk*. Cairo: Maṭba‘a al-Istiḳāma. 2: 129.

⁵⁶ ‘Alī, Jawād. 1968. *Tārīkh al-Ṣalāt fī al-Islām*. Baghdad: Maṭba‘a Ḍiyā’. 71.

⁵⁷ This was first introduced by the Prophet in the sixth year after the migration to Medina. See *ibid.* 73-74.

in Medina, in accordance with – and for the purpose of “spiritualising” – the occasions and happenings of the community, further emphasises the inter-relatedness and contingency of all regulations upon the context.

Finally, the Qur’ān employs the word *ṣalāt* eighty-three times; fifty-four of them are employed in the Medinan verses.⁵⁸ There are only eight instances in the Medinan verses when either the verbal derivatives of the verb *ṣallā* or the word *ṣalāt* are used in senses other than the formal “Muslim” practice of devotion that included the actions of genuflection and prostration: that is, when their sentential utility provides the significations of blessings, supplications, prayers of non-human entities and synagogues.⁵⁹ This, together with the aforementioned contextual deliberations on the forms of *ṣalāt*, suggests that the meaning of the word *ṣalāt* had changed during the Medinan period from its previous generic signification⁶⁰ (of “supplication” and “seeking forgiveness”) to the “Muslim” form of devotion that included the actions of genuflection and prostration; that is, the transfer of the meaning of the word *ṣalāt* had occurred during the revelatory era (*al-haqīqa al-shar’iyya*)⁶¹. Of course, such a conclusion is unacceptable in uṣūl al-fiqh. This is because it assumes that only an atomistic reading of the words in Qur’ān can determine whether the associated meaning of a word in the minds of the people was established during the revelatory era or outside of it (*al-haqīqa al-mutasharri’iyya*) – which is impossible in any case⁶².

⁵⁸ ‘Abd al-Bāqī, Muḥammad Fu’ād. 2001. *Al-Mu’jam al-Mufahras li-alfāz al-Qur’ān al-Karīm*. Cairo: Dār al-Ḥadīth. 507-9.

⁵⁹ Medinan verses employing the verb *ṣalla* and the noun *ṣalāt* in senses other than the formal Muslim prayers: **1.** In Surā Baqara (the eighty-seventh chapter to be revealed), verse 157 employs the word *ṣalawāt* in the sense of “blessings” from God (*ulā’ika ‘alayhim ṣalawātun min rabbi-him...*, 2:157); **2.** In Surā Aḥzāb (the ninetieth chapter to be revealed), **(a)** verse 43 employs the verb *yuṣallī* in the context of God and the angels “blessing” the believers (*huwa allaḏī yuṣallī alaykum wa malā’ikatu-hu...*, 33:43); **(b)** verse 56 employs the verb *yuṣallūna* in the context of God and the angels “blessing” the Prophet and the imperative verb *ṣallū* commanding the believers to similarly “bless” the Prophet (*inna Allāha wa malā’ikata-hu yuṣallūna ‘ala al-nabī, yā-ayyu-hā allaḏīna āmanū ṣallū ‘alayhi...*, 33:56); **3.** In Surā Nūr (the hundred and second chapter to be revealed), verse 41 employs the word *ṣalāt* in the context of God knowing/cognising the prayer of each of His non-human creation (*kullun qad ‘alima ṣalāta-hu wa tasbīha-hu*, 24:41); **4.** In Surā Ḥajj (the hundred and third chapter to be revealed), verse 40 employs the plural noun *ṣalawāt* in the sense of “synagogues” (22:40); **5.** In Surā Tawba (the hundred and thirteenth, and penultimate, chapter to be revealed), **(a)** verse 84 employs the verb *tuṣalli* with the negative particle *lā* to command the Prophet not to supplicate for the disbelievers who have died (*wa lā tuṣalli ‘alā aḥadin min-hum*, 9:84); **(b)** verse 99 employs the plural noun *ṣalawāt* in the sense of the “supplications” of the Prophet (9:99); **(c)** verse 103 employs the imperative verb *ṣalli* commanding the Prophet to supplicate for the Muslims who have paid the poor-rate tax (*khud min amwālī-him ṣadaqatan tuṭahhiru-hum wa tuzakkī-him bi-hā wa ṣalli ‘alayhim...*, 103).

⁶⁰ That is, among the Arabs; however, as mentioned above, for the *ahl al-kitāb*, the word *ṣalāt* would have had the additional significations of it being a devotional practice that included the actions of genuflection and prostration.

⁶¹ This term refers to the fact that the transfer of the meaning of a word occurred during the revelatory era. Its contrary is *al-haqīqa al-mutasharri’iyya*, which refers to the transfer of the meaning of a word outside of the revelatory era by the adherents of the Sharia. See Muḥaffar, Muḥammad Riḏā. 2004. *Uṣūl al-Fiqh*. Qum: Intishārāt Ismā’īliyāt. 1: 37-39.

⁶² It is impossible because the meaning of a word in a text or speech is acquired in the mind of the reader or listener by sentential utility and not the spontaneous associated meanings of the words; that is, the other words in a sentence play the defining role in disclosing the exact meanings of the words of a sentence, rather than the

In conclusion, it is evident that every aspect of the form of *ṣalāt* gradually evolved as the context of the Prophet changed and new issues arose. Perhaps the most significant contextual factor in its evolution is the fact that the followers of the Prophet increased, and hence, their spiritual calibre became more varied. Consequently, it became increasingly formalised in the Medinan context of a community of believers living alongside other religious communities.

The following is a summary of the findings of this section: 1. In Mecca, the verbal content of the *ṣalāt* was not specified at all and was left to the discretion of the reciter. 2. The timings of *ṣalāt* were not stipulated in Mecca until the command was issued in Surā Muzzammil to establish *ṣalāt* for a substantial period of every night. From this point onwards (or perhaps even before it) until the event of *isrā'* and *mi'rāj*, the Prophet and his followers were also reciting *ṣalāt* twice a day: in the morning and afternoon. After the event of *isrā'* and *mi'rāj*, the five daily *ṣalāt* were instated, and were understood by his followers to be mandatory. 3. Prior to the event of *isrā'* and *mi'rāj*, the obligatoriness of *ṣalāt* (and *wuḍū'*) was never expressed, as the need had not arisen. The few followers of the Prophet were very devoted to God and would not have needed prompting to pray. Indeed, they were establishing prayers throughout the night every night! However, just prior to the event of *isrā'* and *mi'rāj*, the leaders of the tribe of Khazraj became his followers and invited the Prophet to Medina in order to arbitrate and resolve the conflicts between the tribes of Aws and Khazraj. Thereafter, the obligation to perform the five daily *ṣalāt* was explicitly issued on the night of *isrā'* and *mi'rāj* in light of the fact that all of the members of the tribes of Aws and Khazraj had become his followers. 4. Throughout Mecca, each *ṣalāt* consisted of two units (*rak'atayn*) only; this was also the case for the five daily *ṣalāt* when they were instated. It is only in Medina that the units for four of the five daily *ṣalāt* were increased. 5. Surā Fātiḥa became a mandatory part of every *ṣalāt* in Medina when the Prophet was instructed to change the direction of *ṣalāt* to Mecca. 6. The forms of *ṣalāt* in Mecca gradually evolved to become the five daily *ṣalāt*. In Medina, other forms of *ṣalāt* were gradually introduced in the context of the happenings and occasions of the community of believers.

spontaneous associated meanings of the words that exist in the mind of the reader or listener, which are of little significance in themselves in the sense-production of sentences. (This is not to deny the necessity of the associated meanings of words, and their essential role, in the production of coherent and meaningful sentences in every language, or the fact that spontaneous associated meanings of the words exist.) Hence, a mere atomistic appreciation of a text will never be able to disclose the associated meaning of a word that exists in the minds of particular people at a particular time. Rather, the uncovering of the associated meaning of a word of a bygone people entails a holistic approach that includes both contextual investigations as well as in-depth analyses of texts, which include the atomistic appreciation of texts.

The Forms of Zakāt

The origin of the word *zakāt* follows the same trajectory as that of *ṣalāt* mentioned above. In Sumerian and the ancient Semitic languages, the derivatives of the root letters *za*, *ka* and *alif/ha/ya/waw* have the meaning of “purity” and “exemption from the payment of taxes”. The latter was the predominant meaning of the word *zakūta* whose origin is Sumerian.⁶³ The words *zakūta* and *ṣidakta* are found in Aramaic, and *ṣidaka* in Hebrew.⁶⁴ They usually signified “purity” and were utilised by the Israelites and Christians in the context of virtuous conduct; however, *ṣidakta* was also used in Aramaic to signify alms.⁶⁵ The derivatives of the root *za*, *ka* and *ha* are utilised in the bible with the meanings of being vindicated, clean and morally clean.⁶⁶ As was the case with the Arabic word *ṣalāt*, the origin of the Arabic word *zakāt* is the Aramaic-Hebrew language that was spoken by the Israelites and Christians.

In the chronological examination of the utility of the verb *zakāʾ* and its derivatives in the Meccan verses of the Qurʾān⁶⁷, the first verse is in Sūra Aʿlā, the eighth chapter to be revealed, in which

⁶³ Bashear, Suliman. "On the Origins and Development of the Meaning of Zakāt in Early Islam." *Arabica* 40, no. 1 (1993): 87.

⁶⁴ The origin of the Qurʾānic notion of *ṣadaqa*.

⁶⁵ Torrey, Charles Cutler. 1933. *The Jewish Foundation of Islam*. New York: Jewish Institute of Religion Press. p. 141.

⁶⁶ Bashear, Suliman. "On the Origins and Development of the Meaning of Zakāt in Early Islam." *Arabica* 40, no. 1 (1993): 89.

⁶⁷ Meccan verses with verb *zakāʾ* and derivatives: **1.** In Sūra Muzzammil (the third chapter to be revealed), verse 20 issues the command to pay *zakāt* (*ātū al-zakāt*, 73:20) meaning “poor-rate”; this is a Medinan verse; **2.** In Sūra Aʿlā (the eighth chapter to be revealed), verse 14 employs the verb *tazakkā* in the sense of “he has been purified” (87:14); **3.** In Sūra Layl (the ninth chapter to be revealed), verse 18 employs the verb *yatazakkā* meaning “he is becoming purified” in the context of the giving away of wealth (92:18); **4.** In Sūra Najm (the twenty-third chapter to be revealed), verse 32 employs the verb *tuzakkū* with the negative particle meaning “do not ascribe purity to yourselves” (53:32); **5.** In Sūra ʿAbasa (the twenty-fourth chapter to be revealed), verse 3 employs the verb *yazzakkā* in the sense of “he is becoming purified” (80:3); **6.** In Sūra Shams (the twenty-sixth chapter to be revealed), verse 9 employs the verb *zakkā* in the sense of “he caused it to grow or he purified it” (*zakkā-hā*, 91:9); **7.** In Sūra Aʿrāf (the thirty-ninth chapter to be revealed), verse 156 employs the words *yuʿtūna al-zakāt* in the context of God’s response to the prayer of Mūsā in which He states that He will answer the prayer for those who ward off evil, pay alms, and believe in the revelations (7:156); **8.** In Sūra Fāṭir (the forty-third chapter to be revealed), verse 18 employs the verbs *tazakkā* and *yatazakkā*: “whoever purifies himself, he is only purifying his own soul” (*man tazakkā fa inna-mā yatazakkā li-nafsi-hi*, 35:18); **9.** In Sūra Maryam (the forty-fourth chapter to be revealed), **(a)** verse 13 employs the noun *zakāt* to refer to the “purity” that was bestowed upon the child Yaḥyā (19:13); **(b)** verse 19 employs the adjective *zakiyyan* meaning “pure” in the context of the child that was to be bestowed upon Maryam (19:19); **(c)** verse 31 employs the noun *zakāt* in the context of the baby ʿĪsā stating that God had enjoined on him prayers and charity (*awṣānī bi al-ṣalāt wa al-zakāt*, 19:31); **(d)** verse 55 employs the noun *zakāt* in the context of the Prophet Ismāʿīl enjoining alms on his people (19:55); **10.** In Sūra Ṭāhā (the forty-fifth chapter to be revealed), verse 76 employs the verb *tazakkā* in the sense of “he has been purified” in the context of reward (20:76); **11.** In Sūra Naml (the forty-eighth chapter to be revealed), verse 3 describes the believers as those who give alms (*yuʿtūna al-zakāt*, 27:3); **12.** In Sūra Luqmān (the fifty-seventh chapter to be revealed), verse 4 describes the doers of good (*al-muḥsinīn*) as those who give alms (*yuʿtūna al-zakāt*, 31:4); **13.** In Sūra Fuṣṣilat (the sixty-first chapter to be revealed), verse 7 describes the associators of partnership with God as those who do not give alms (*lā yuʿtūna al-zakāt*, 41:7); **14.** In Sūra Kahf (the sixty-ninth chapter to be revealed), **(a)** verse 19 employs the superlative adjective *azkā* meaning “purest” in the context of food (*azkā ṭaʿāman*, 18:19); **(b)** verse 74 the adjective *zakiyyatan* meaning “pure” or “innocent” in reference to the soul of the child that was slain by the Prophet Khidr (18:74); **(c)** verse 81 employs the

the verb *tazakkā* is utilised to mean “he has been purified” (87:14).⁶⁸ In fact, until Sūra A’rāf, the thirty-ninth chapter to be revealed, the verbs *tazakkā*, *yatazakkā*, *tuzakkū*, *yazzakkā* and *zakkā* are each employed only once in the sense of self-purification and growth.⁶⁹ Of these, it is only the verb *yatazakkā* in Sūra Layl, the ninth chapter to be revealed, that is employed in the sense of self-purification resulting from giving of one’s wealth (92:18).⁷⁰ The word *zakāt* is first utilised in Sūra A’rāf, the thirty-ninth chapter to be revealed, in the sense of “alms” (7:156). God replies to the Prophet Mūsā’s supplication in which He describes those who are worthy of His salvation as “those who are mindful [of God] and give the *zakāt*” (*lilladhīna yattaqūna wa yu’tūna al-zakāt*, 7:156); here, *zakāt* is used for the first time in the sense of “giving of wealth in the way of God”.⁷¹ Prior to this, the revelations did not employ the verb *zakā’* and its derivatives to signify “alms” or “alms-giving”; rather, four verses were revealed highlighting the attitude of the Meccan people towards the poor, criticising their sub-optimal practices of alms-giving and mentioning the categories of those in need.⁷²

After Sūra A’rāf, the next revelation to utilise the derivatives of the verb *zakā’* is in Sūra Fāṭir, the forty-third chapter to be revealed; the verse employs the verbs *tazakkā* and *yatazakkā*, and marks the first time that the word *ṣalāt* and the derivatives of the verb *zakā’* appear together in the revelations:⁷³

You can only warn those who fear their Lord in secret, and establish the *ṣalāt*; and whoever gives *zakāt*⁷⁴, he only purifies his own self. (*inna-mā tunḍiru alladīna*

noun *zakāt* meaning “purity” in the Prophet Khidr’s response: “We intended that their Lord exchange for them [the parent’s] one better than him in purity” (*fa arad-nā an yubdila-humā rabbu-humā kharyan min-hu zakātan*, 18:81); **15.** In Sūra Anbiyā’ (the seventy-third chapter to be revealed), verse 73 states that the aforementioned Prophets were made into leaders and that they were inspired to give alms (*itā’a al-zakāt*, 21:73); **16.** In Sūra Mu’minūn (the seventy-fourth chapter to be revealed), verse 4 describes the believers as the givers of alms (*alladīna hum lil-zakāti fā’ilūn*, 23:4); **17.** In Sūra Nāzi’āt (the eighty-first chapter to be revealed), verse 18 employs the verb *tazakkā* in the context of the question which Mūsā was commanded to ask pharaoh: “have you [will] to purify yourself” (*hal la-ka ilā an tazakkā*, 79:18); **18.** In Sūra Rūm (the eighty-fourth chapter to be revealed), verse 39 employs the noun *zakāt* in the sense of “alms” that will increase manifold (30:39).

⁶⁸ Refer to footnote 66.

⁶⁹ Refer to footnote 66.

⁷⁰ Refer to footnote 66.

⁷¹ Refer to footnote 66.

⁷² The first reference to the poor (*miskīn*) among the Arabs of Mecca is in Sūra Qalam, the second chapter to be revealed, which conveys the attitude of indifference among the farmers towards the poor and their reluctance to assist them (68:24). The second is in Sūra Muddaththir, the fourth chapter to be revealed, in which the inhabitants of hell state that the cause of their burning is their refusal to feed the poor (74:44). Both of these verses were revealed some years prior to the first utility of a derivative of the verb *zakā’* in the Qur’ān, which was *tazakkā* in Sūra A’lā. The third reference is in Sūra Najm, the twenty-third chapter to be revealed, in which the Meccan norm of almsgiving is referred to; it criticises the Meccan people for the small amounts they give as alms and for being miserly (53:34). The fourth reference is in Sūra Balad, the thirty-fifth chapter to be revealed, which lists the different types of poor and needy persons in Meccan society (90:14).

⁷³ Refer to footnote 66.

⁷⁴ Lane, Edward William. 1984. *Arabic-English lexicon*. Cambridge: The Islamic Texts Society. 1: 1240; and Bashear, Suliman. "On the Origins and Development of the Meaning of Zakāt in Early Islam." *Arabica* 40, no. 1 (1993): 87-89.

yakhshawna rabba-hum bi-l-ghaybi, wa aqāmū al-ṣalāta; wa man tazakkā fa-inna-mā yatazakka li-nafsi-hi, 35:18)

It should be noted that the phrase “*man tazakkā*” in this verse is commonly translated as “whoever is purified”. In the same chapter, there is another verse that refers to those who establish *ṣalāt* and spend of one’s wealth in charity; however, the latter is not referred to by the derivatives of the verb *zakā’*:

Those who recite the book of Allah and establish the *ṣalāt* and spend of what We have granted them as sustenance secretly and openly, hope for a trade-gain that will never perish. (*inna allaḍīna yatlūna kitāba Allāhi wa aqāmū al-ṣalāta wa anfaqū mim mā razaqnā-hum sirran wa ‘alāniyatan yarjūna tijāratan lan tabūra, 35:29)*

In the Meccan verses, the derivatives of the root *zakā’* are employed twenty-three times: fourteen derivatives are connected with the sense of purity and growth, which include two uses of the word *zakāt* signifying “purity”; the remaining nine instances are the word *zakāt* signifying “alms”, and as mentioned above the word *zakāt* is employed from Sūra A’rāf (the thirty-ninth chapter to be revealed) onwards.⁷⁵ The nine verses employing the word *zakāt* in the sense of “alms” do not convey any sense of performative obligation: seven describe the faithful as those who establish prayers and give *zakāt* as a means to purifying the soul; one describes those who ascribe partners to God (*mushrikīn*) as those who do not give *zakāt*; and one contrasts the consequences of giving *zakāt* with those of giving out of usury (*riban*).⁷⁶ Thus, it can be surmised that during the Meccan period, whenever the word *zakāt* was accompanied by the verb *atā*, the signification was alms-giving for the sake of God without any sense of obligation.

The chronological reading of the Medinan verses of the Qur’ān reveals a vast difference in the usage of the verb *zakā’* and its derivatives when compared to their utility in the Meccan verses above.⁷⁷ All eleven verbal derivatives are used to emphasise either that God is the sole agent of

⁷⁵ Refer to footnote 66.

⁷⁶ Refer to footnote 66.

⁷⁷ Medinan verses with verb *zaka’* and derivatives: **1.** In Sūra Baqara (the eighty-seventh chapter to be revealed), **(a)** verse 43 apparently issues the command to pay the poor-rate tax to the Jews of Medina (*ātū al-zakāt, 2:43*); **(b)** verse 83 describes the command to pay the poor-rate tax that was part of a historical covenant between God and the Children of Isrā’īl (*ātū al-zakāt, 2:83*); **(c)** verse 110 issues the command to pay the poor-rate tax (*ātū al-zakāt, 2:110*); **(d)** verse 129 is a supplication of the Prophet Ibrāhīm and it employs the verb *yuzakkī* meaning “he [a messenger] will purify them, or cause them to grow” (*yuzakkī-him, 2:129*); **(e)** verse 151 employs the verb *yuzakkī* meaning “he [a messenger] will purify you, or cause you to grow” (*yuzakkī-kum, 2:151*); **(f)** verse 174 employs the verb *yuzakkī* with the negative particle meaning “He [Allah] will not purify them, or cause them to grow” (*lā yuzakkī-him, 2:174*); **(g)** verse 177 states that the righteous is the one who pays the poor-rate tax (*al-birra man... āta al-zakāt, 2:177*); **(h)** verse 232 employs the comparative adjective *azkā* in the sense of “that is more virtuous for you” (*dālikum azkā la-kum, 2:232*); **(i)** verse 277 describes those who believe as “they pay the poor-rate tax” (*ātū al-zakāt, 2:277*); **2.** In Sūra Āla-‘Imrān (the eighty-ninth chapter to be revealed), **(a)** verse 77 employs the verb *yuzakkī* with the negative particle meaning “He [Allah] will not purify them, or cause them to grow” (*lā yuzakkī-him, 3:77*); **(b)** verse 164 employs the verb *yuzakkī* meaning “he [a messenger] will purify you, or cause you to grow” (*yuzakkī-kum, 3:164*); **3.** In Sūra Aḥzāb (the ninetieth chapter to be revealed), verse 33 issues the command to the wives of Prophet to pay the poor-rate tax (*ātina al-zakāt, 33:33*); **4.** In Sūra Nisā’ (the ninety-second chapter to be revealed), **(a)** verse 49

purification in humans or that it is the Prophet's role to purify the people.⁷⁸ Employment of the verbal derivatives in the sense of "purifying oneself" is totally absent, which constituted the majority of the senses in which they were employed in the Meccan verses.⁷⁹ Undoubtedly, this shift in emphasis on who has the onus of purifying the soul – from being exclusively upon "oneself" in Mecca to being exclusively upon "God and His Prophet" in Medina – is due to the change in context and audience; the lowest common denominator in terms of spiritual calibre among the Prophet's followers in Mecca was extremely high in comparison to those in Medina. Of the twenty-three nominal derivatives employed, three are the comparative adjective *azkā*, meaning "purer", and the remainder are the word *zakāt* meaning "alms or wealth". Eight instances of *zakāt* are accompanied by the imperative verb, signifying obligation: four of which are addressed to the Muslims; one to the wives of the Prophet; two to the Israelites of Medina;⁸⁰

employs the verb *yuzakkūna* meaning "those who attribute purity to themselves" and it employs the verb *yuzakkī* meaning "He [Allah] will purify whoever..., or cause whoever... to grow" (*allaḍīna yuzakkūna anfusa-hum, bali Allahu yuzakkī man...* 4:49); **(b)** verse 77 describes a group who are told to pay the poor-rate tax but who are fearful of people when they are obliged to fight (*ātū al-zakāt*, 4:77); **(c)** verse 162 describes those with firm knowledge (*al-rāsikhūna fī al-ilm*) and the believers as those who pay the poor-rate tax (*al-mu'tūna al-zakāt*, 4:162); **5.** In Sūra Bayyina (the hundredth chapter to be revealed), verse 5 refers to commands issued upon the people of the book (*ahl al-kitāb*) which included "that they pay the poor-rate tax" (*yu'tū al-zakāt*, 98:5); **6.** In Sūra Nūr (the hundred and second chapter to be revealed), **(a)** verse 21 employs the verb *zakā* with the negative particle *mā* and the verb *yuzakkī*: "had it not been for the grace of God upon and His mercy, not one of you would have ever been pure or grown. But Allah causes whomsoever He wills to be pure, or causes whoever He wills to grow" (*mā zakā min-kum min aḥadin abadan. wa lākinna Allaha yuzakkī man...*, 24:21); **(b)** verse 28 employs the comparative adjective *azkā* in the sense of "it is purer for you" (*huwa azkā la-kum*, 24:28); **(c)** verse 30 employs the comparative adjective *azkā* in the sense of "that is purer for them" (*ḍālika azkā la-hum*, 24:30); **(d)** verse 37 refers to men who are not diverted from God-centricity by trade, which includes the paying of the poor-rate tax (*itā'i al-zakāt*, 24:37); **(e)** verse 56 issues the command to pay the poor-rate tax (*ātū al-zakāt*, 24:56); **7.** In Sūra Ḥajj (the hundred and third chapter to be revealed), **(a)** verse 41 describes those persecuted for professing Lordship to Allah alone as those who pay the poor-rate tax (*ātū al-zakāt*, 22:41); **(b)** verse 78 issues the command to pay the poor-rate tax (*ātū al-zakāt*, 22:78); **8.** In Sūra Mujādila (the hundred and fifth chapter to be revealed), verse 13 issues the command to pay the poor-rate tax (*ātū al-zakāt*, 58:13); **9.** In Sūra Jumu'a (the hundred and tenth chapter to be revealed), verse 2 employs the verb *yuzakkī* meaning "he [a messenger] will purify them, or cause them to grow" (*yuzakkī-him*, 62:2); **10.** In Sūra Mā'ida (the hundred and twelfth chapter to be revealed), **(a)** verse 12 refers to a covenant between God and the children of Isrā'īl, and employs the noun *zakāt* meaning "poor-rate tax" in the conditional clause: "if you establish *ṣalāt* and pay the poor-rate tax..." (*la'in aqamtum al-ṣalāt wa ātaytum al-zakāt...*, 5:12); **(b)** verse 55 describes those who believe as "those paying the poor-rate tax" (*allaḍīna... yu'tūna al-zakāt*, 5:55); **11.** In Sūra Tawba (the hundred and thirteenth chapter to be revealed), **(a)** verses 5 and 11 employ the noun *zakāt* meaning "poor-rate tax" in their respective conditional clause: "if they repent, establish *ṣalāt* and pay the poor-rate tax, then..." (*fa-in tābū wa aqāmū al-ṣalāt wa ātū al-zakāt*, fa., 9:5 and 9:11); **(b)** verse 18 describes the one visiting the mosques of God frequently as paying the poor-rate tax (*āta al-zakāt*, 9:18); **(c)** verse 71 describes believers as "paying the poor-rate tax" (*yu'tūna al-zakāt*, 9:71); **(d)** verse 103 employs the verb *tuzakkī* meaning "you [oh Messenger] may purify them, or cause them to grow" (*tuzakkī-him*, 9:103).

⁷⁸ Refer to footnote 76.

⁷⁹ Refer to footnotes 66 and 76.

⁸⁰ See verses 2:43 and 2:83. Early exegetes (*mufasssīrūn*) state that the commands to establish *ṣalāt* and pay *zakāt* in these verses were exhortations to the Israelites of Medina to pray *ṣalāt* with the Prophet (and his followers), and to give the latter their *zakāt*. See Zamakhsharī, Maḥmūd bin 'Umar. 2001. *Al-Kashshāf*. Beirut: Dār Iḥyā' al-Turāth al-'Arabī. 1: 161.; Al-Ṭūsī, Abū Ja'far Muḥammad bin Ḥasan. 1996. *Al-Tibyān fī Tafsīr al-Qur'ān*. Qum: Mu'assisa al-Nashr al-Islāmī. 2: 156-8.; Al-Nasafī, 'Abd Allāh bin Aḥmad. 2014. *Madārik al-Tanzīl wa Ḥaqqā'iq al-Ta'wīl*. Beirut: Dār al-

and one in the context of a covenant between God and the Israelites. Nine instances of *zakāt* are utilised as part of the descriptions of various groups of people (mainly those who believe), two instances are employed as part of conditional sentences, and one is used in the context of stating a historical covenant between God and the children of Isrā'īl.⁸¹

Therefore, it can be surmised that in the Meccan verses, the verb *zakā'* and its derivatives were utilised to signify "purification of oneself for the sake of God" generally until Sūra A'rāf (the thirty-ninth chapter to be revealed). Thereafter, the word *zakāt* began to be employed: twice to signify "purity" and nine times to signify "alms". The usage of the word *zakāt* in the latter sense had the connotation of "the giving of wealth or alms to the needy in the way of God" without the sense of obligation. In the Medinan verses, the verbal derivatives of the verb *zakā'* were utilised exclusively to emphasise that only God and the Prophet were the agent and means of purification respectively. The most utilised derivative of the verb *zakā'* is the word *zakāt*. It is employed a total of twenty times and its signification every time is the mandatory "poor-rate tax", which constitutes a change in its form. This is more than double the number of times it was employed in the Meccan chapters, and its signification is no longer the charity-based "alms" that it signified in the Meccan verses. This is because in eight of the Medinan verses, it is accompanied by the imperative verb which signifies obligation. This difference in the tone and emphasis of *zakāt* in the Meccan and Medinan verses is indicative of the difference in the Prophet's role, context and audience. In Medina, he is the leader of both the Muslim and non-Muslim communities.⁸² Hence, in the context of leadership of a diverse community, the word *zakāt* is reformulated to signify "a mandatory poor-rate tax to purify oneself and cater for the needs of society".⁸³ This institutionalised form of *zakāt* gradually developed in accordance with the structural growth of the Medinan society to cater for societal needs as they emerged.⁸⁴ Hence, it would have increased in specificity over time culminating in the designation of the types of people that qualified as recipients for *zakāt*; they are stated in Sūra al-Tawba, the hundred and thirteenth chapter to be revealed, as being: the poor; the needy; those employed in the administration of funds; those whose hearts may be won over to Islam; those in bondage and debt; the cause of Allah; and the wayfarer (9:60).

It must be emphasised that the Qur'ānic exhortation to pay *zakāt* is more than merely an obligation to pay taxes; it must be an action that is performed out of love for God and care

Kutub al-'Ilmiyya. 1: 47.; Al-Ṭabarsī, Faḍl bin Ḥasan. 1995. *Majma' al-Bayān fī Tafsīr al-Qur'ān*. Beirut: Mu'assisa al-A'lamī li-l-Maṭbū'āt. 1: 189-90, 286.; and Bashear, Suliman. "On the Origins and Development of the Meaning of Zakāt in Early Islam." *Arabica* 40, no. 1 (1993): 89-91. The implication here is that the Israelites were being exhorted to recite the *ṣalāt* without the necessity of formally converting to the religion of the Prophet.

⁸¹ Refer to footnote 76.

⁸² Schaeublin, Emanuel. "Zakat practice in the Islamic tradition and its recent history in the context of Palestine." *HPG* (2014): 20.

⁸³ See verse: "Take the poor-rate tax out of their property in order that you may cleanse them and purify them thereby, and pray for them...." (*khuḍ min amwāli-him ṣadaqatan tuṭāhhiru-hum wa tuzakkī-him bi-hā wa ṣallī 'alayhim...*, 9:103).

⁸⁴ *Ibid.* 20.

towards one another. It seems that the Muslim community of Medina were less heedful of the latter condition; hence, the following verse was revealed to emphasise the importance of its inclusion in the performance of *zakāt*:

It is not righteousness that you turn your faces towards the East and the West, but righteous is the one who believes in Allah, and the Last Day, and the angels and the Book and the prophets, and gives away wealth out of love for Him to the near of kin, the orphans, the needy, the wayfarer, to those who ask and to set slaves free, and establishes the *ṣalāt* and pays the *zakāt*... (*laysa al-birra an tuwallū wujūha-kum qibala al-mashriqi wa-l-maghribi, wa lākinna al-birra man āmana bi-llāhi wa-l-yawmi al-ākhiri wa-l-malā'ikati wa-l-kitābi wa-l-nabiyyīna wa ātā al-māla 'alā ḥubbi-hi dawī-l-qurbā wa-l-yatāmā wa-l-masākīna wa-bna-sabīl wa-l-sā'ilīna wa fī al-riqābi wa aqāma al-ṣalāta wa āta al-zakāta...*, 2:177)

During the Medinan period, in which the society continued to grow and become more affluent, the notion of '*zakāt* on wealth' seems to have taken on the connotation of 'filth', as noted in certain narrations.⁸⁵ This explains the narrations in the ḥadīth literature that forbid the Prophet and his family from accepting *ṣadaqa* – charity that was not formally prescribed.⁸⁶ The reasoning could be that since the Prophet and his household enjoyed a special status (due to their being purified of all filth⁸⁷), this would have prevented them from accepting anything deemed to be impure by the convention of that time, which would have included *zakāt*; the implication here is that if the convention did not deem *zakāt* as "filth" or "impurity", they would have been permitted to accept it. In any case, this restriction to accept or receive *zakāt* was extended by the community to include the family outside of the immediate household and descendants of the Prophet. In time, however, the descendants (*Sādāt*) of the Prophet were permitted 'to consume' the *zakāt* of other *Sādāt*; that is, they were permitted to consume one another's "filth" and not others'.⁸⁸ Therefore, in principle, should *zakāt* lose its negative connotation of 'filth' – or in other words, should the convention of the people no longer deem *zakāt* as 'filth', then *zakāt* could be received by both *Sayyids* (descendants of the Prophet) and *non-Sayyids*.

The Qur'ān refers to two other "forms" of *zakāt*. These were nominally different taxes on wealth that nevertheless were also instituted on the basis of the needs and demands of the growing community, and which were to be performed for sake of God in order to purify oneself; that is, they shared the same essence as *zakāt*. The first is *khums* (a fifth) on the spoils of war, which is mentioned in Sūra Anfāl, the eighty-eighth chapter to be revealed:

⁸⁵ See narrations in Al-'Āmalī, Ḥurr. 1990. *Tafṣīl Wasā'il al-Shī'a*. Qum: Mu'assisa Āl al-Bayt li-Iḥyā' al-Turāth. 9: 268.

⁸⁶ See narrations in *ibid.* 9: 268-71.; and Al-Khū'i, Abu-l Qāsim. 2016. *Al-Mustanad fī Sharḥ al-'Urwa al-Wuthqā: Kitāb al-Khums*. Qum: Al-Maṭba'a al-'Ilmiyya. 198.

⁸⁷ This is stated in Qur'ān 33:33.

⁸⁸ See narrations in Al-'Āmalī, Ḥurr. 1990. *Tafṣīl Wasā'il al-Shī'a*. Qum: Mu'assisa Āl al-Bayt li-Iḥyā' al-Turāth. 9: 273-276.

And know that whatever thing you gain [as spoils of war], a fifth of it is for Allah and for the messenger and for the near of kin and the orphans and the needy and the wayfarer...
(*wa i'lamū anna-mā Ghanim-tum min shay'in fa-inna li-llāhi khumusa-hu wa li-l-rasūli wa li-dī-l-qurbā wa-l-yatāmā wa-l-masākīna wa-bna al-sabīli...*, 8:41)

The other is *fay'*, that is, spoils gained outside of the context of war, which is mentioned in Sūra Ḥashr, the hundred and first chapter to be revealed:

That which Allah gives [as spoils] to his messenger from the people of the townships, it is for Allah and for the messenger and for the near of kin and the orphans and the needy and the wayfarer so that it may not alternate [as possessions] among the rich of you...
(*mā afā'a Allāhu 'alā rasūli-hi min ahli al-qurā fa li-llāhi wa li-l-rasūli wa li-dī-l-qurbā wa-l-yatāmā wa-l-masākīna wa-bna al-sabīli kay lā yakūna dūlatan bayna al-agniyā'l min-kum...*, 59:7)

It will be noted that the recipients of both *khums* and *fay'* are identical; in fact, the last three are also eligible to receive *zakāt* as well. Ayatollah Khumaynī gestures to the fact that the Qur'ān's designation of specific categories of the needy as recipients of *zakāt* is contingent upon the existential needs of the growing community; hence, he increases the scope of the designation "*sabīl li-llāh*" (that is, giving in "the way of God") to include all public benefits (*maṣāliḥ al-'amma*).⁸⁹ Naturally, this is also true for both the stipulation of *khums* and *fay'* and the designation of their recipients. In addition to the existential needs of the community, the verse of *fay'* provides a further rationale, or principle, for all three taxes: that wealth should not remain among the wealthy; rather, it is to be distributed across society.

Regarding *khums*, it will be noted that the Qur'ān is oblivious to the "Sayyid"/"non-Sayyid" distinction with regards to the orphans, needy and wayfarer; the criterion of "sayyid" was introduced and applied to these categories of the needy by the Imāms due to their context, which in all probability was that the needy among the Sayyids were not receiving *zakāt* due to the prevalent belief that they could not consume it.⁹⁰ According to the ḥadīth literature, changes in context have also precipitated the following modifications to the regulation of *khums*: 1. Imām 'Alī is said to have forgone his share, and by implication was stating that the people pay the other half of *khums* (that is, to the orphans, needy and wayfarer);⁹¹ 2. The fifth Imām added gold and silver coins to the list of items subject to *khums* in spite of their being subject to *zakāt*; when asked for the rationale, he is said to have stated that it was necessary for a year in order to cater

⁸⁹ See Al-Khumaynī, Rūḥullāh. 2001. *Al-'Urwa al-Wuthqā ma'a Ta'ālīq al-Imām al-Khumaynī*. Qum: Mu'assisa Tanzīm wa Nashr Āthār al-Imām al-Khumaynī. 629-30. Obviously, the category of "societal needs" is subsumed under the designation of "all public benefits" (*maṣāliḥ al-'amma*). Moreover, "public benefits" fluctuate as the context changes.

⁹⁰ See narrations in Al-'Āmalī, Ḥurr. 1990. *Tafṣīl Wasā'il al-Shī'a*. Qum: Mu'assisa Āl al-Bayt li-l-ḥyā' al-Turāth. 9: 268-76 & 483; and Al-Ṭabarī, Miḥammad bin Jarīr. 2014. *Jāmi' al-Bayān fī Ta'wīl al-Qur'ān*. Beirut: Dār al-Kutub al-'Ilmiyya. 6: 251-2.

⁹¹ See narrations in Al-'Āmalī, Ḥurr. 1990. *Tafṣīl Wasā'il al-Shī'a*. Qum: Mu'assisa Āl al-Bayt li-l-ḥyā' al-Turāth. 9: 543, 547 and 550.

for the needs of the community,⁹² and that he would forgo his share;⁹³ 3. The seventh and ninth Imāms extended the remit of *khums* to any surplus of every form of wealth;⁹⁴ 4. The twelfth Imām is said to have permitted his followers to consume *khums*.⁹⁵ Such modifications are indicative of the contingency of the regulative forms of *khums* upon the societal needs of the context; thus, it shares the same essence as *zakāt*.

According to Ayatollah Khumaynī and Ayatollah Muntazeri, *khums* was understood to be the possession of the institution of the head of state.⁹⁶ This makes sense in light of the fact that its origin was a practice in pre-Islamic Arabia in which the Arab chiefs would take one-fourth of the spoils of war.⁹⁷ However, it must be emphasised that the stipulations of the various regulative forms of *khums* were in response to types of societal need. This is substantiated by the fact that the Imams had no qualms in extending the remit of *khums* to all forms of savings in order to cater for the needs of their respective existential contexts.⁹⁸

In conclusion, the Meccan verses of the Qur'ān employ the verb *zakā* and its verbal derivatives in the sense of 'being pure', 'being purified' and 'purifying'. They put the onus of purification upon each individual; that is, one must endeavour to remove all defects from one's self by whatever means necessary: fostering a proper and wholesome attitude; caring for others; ridding one's self of association with God (*shirk*), greed and disbelief (*kufur*); or giving of wealth. The word *zakāt* is employed a total of eleven times in the Meccan verses after the thirty-eighth chapter; nine of them are in sense of "alms-giving in the way God". In the Medinan verses, there is a change in both the utility of the verbal derivatives of the verb *zakā* and the signification of the word *zakāt*. The verbal derivatives are employed to signify that only God and his Prophet are the cause and means of purification respectively; hence, the onus is on God and the Prophet to purify the individual, and the onus of the latter is exclusively to follow the Prophet. As mentioned above, this change in onus reflects the spiritual needs of the lowest common denominator among the followers of the Prophet in Medina. Similarly, all twenty usages of the word *zakāt* in the Medinan verses signify "the mandatory poor-rate tax that is to be given in the way of God". This, in light of the aforementioned contextual deliberations on the forms of *zakāt*, suggests that the meaning

⁹² Al-Khū'ī, Abu-l Qāsim. 2016. *Al-Mustanad fī Sharḥ al-'Urwa al-Wuthqā: Kitāb al-Khums*. Qum: Al-Maṭba'a al-'Ilmiyya. 200-3.

⁹³ See narration in Al-'Āmalī, Ḥurr. 1990. *Tafṣīl Wasā'il al-Shī'a*. Qum: Mu'assisa Āl al-Bayt li-Iḥyā' al-Turāth. 9: 546.

⁹⁴ Al-Khū'ī, Abu-l Qāsim. 2016. *Al-Mustanad fī Sharḥ al-'Urwa al-Wuthqā: Kitāb al-Khums*. Qum: Al-Maṭba'a al-'Ilmiyya. 199 and 207. Ayatollah Khū'ī states that there is insufficient evidence of the application of *khums* on any form of surplus during the life of the Prophet. See *ibid.* 197-8.

⁹⁵ See narration in Al-'Āmalī, Ḥurr. 1990. *Tafṣīl Wasā'il al-Shī'a*. Qum: Mu'assisa Āl al-Bayt li-Iḥyā' al-Turāth. 9: 550.

⁹⁶ See Al-Māzandarānī, 'Alī Akbar al-Sayfī. 1996. *Dalīl Taḥrīr al-Wasīla – al-Khums – al-Imām al-Khumaynī*. Tehran: Maṭba'a Mu'assisa al-'Urūj. 14-15; and Muntazari, Husayn 'Alī. 1992. *Kitāb al-Khums*. Qum: Dār al-Fikr. 11-13. The same point is made by Sachedina, Abdulaziz. "Al-Khums: The Fifth in the Imāmī Shī'ī Legal System." *Journal of Near Eastern Studies* 39, no. 4 (1980): 286.

⁹⁷ Watt, W. Montgomery. 1956. *Muhammad at Medina*. Oxford: Clarendon Press: 255.

⁹⁸ Calder, Norman. "Khums in Imāmī Shī'ī Jurisprudence, from the Tenth to the Sixteenth Century A. D." *Bulletin of the School of Oriental and African Studies, University of London* 45, no. 1 (1982): 39.; and Sachedina, Abdulaziz. "Al-Khums: The Fifth in the Imāmī Shī'ī Legal System." *Journal of Near Eastern Studies* 39, no. 4 (1980): 283-86.

of the word *zakāt* had changed during the Medinan period from its previous generic signification of “voluntary alms-giving in the way of God” to “the mandatory poor-rate tax that is to be given in the way of God”.⁹⁹ This change in the signification of the word *zakāt* is due to the context of Medina, wherein the Prophet’s role, his community and its societal needs differed significantly to his role in the community of Mecca.

Analysis of the Forms and Essences of *Ṣalāt* and *Zakāt* in the Qur’ān

The chronological presentation of the Qur’ānic verses, supplemented by the ḥadīth literature, reveals that *ṣalāt* gradually evolved. Throughout its evolution it remained as a fundamental spiritual practice congruent with the needs and progression of the Muslim community in order to facilitate its growth. It gradually developed from a generic voluntary act, appropriate for the nascent and few devoted followers of the Prophet in Mecca, to a detailed spiritual obligation, appropriate for the spiritual needs of the lowest common denominator in the Medinan community.¹⁰⁰ These modifications tantamount to formal changes that were necessary in order to safeguard the spiritual essence of *ṣalāt*: to provide individuals with a specified period of intense God-centric orientation and facilitate the emergence of a God-centric community and its subsequent subsistence (as a God-centric community) during its evolving existential state. It must be emphasised that its formal evolution came to an end in the Medinan period; that is, its form was now perfect and optimal for the spiritual growth of every Muslim.

Zakāt similarly underwent formal modifications in order to safeguard its spiritual essence: the purification of the individual from vices and moral inadequacies, the alleviation of poverty and the accommodation of societal needs. It was gradually ratified as a societal tax in Medina where the blessed Prophet stipulated its details in accordance with the evolving existential context.¹⁰¹ The chronological reading of the Qur’ānic verses and supplementary ḥadīth literature above reveals the gradual evolution of its form: from being a voluntarily spiritual obligation of charity in the latter half of the Meccan period, to a detailed form of tax on capital assets and wealth – in the form of agricultural goods, livestock and other items that were considered wealth – in the Medinan period.¹⁰² Throughout the Meccan period, the act of giving *zakāt* was understood as an act of charity that rids the heart of greed, which is a form of filth. This connotation continued in Medina in spite of its modification from its “voluntary alms-giving” status to its “mandatory poor-rate tax” status. The basis of the act of giving *zakāt* is the Qur’ānic dictum of God being the

⁹⁹ As previously mentioned, such a conclusion is unacceptable in uṣūl al-fiqh. This is because it assumes that only an atomistic reading of the words in Qur’ān can determine whether the associated meaning of a word in the minds of the people was established during the revelatory era or outside of it (*al-haqīqa al-mutasharri’iyya*) – which is impossible in any case. See footnotes 61 and 62.

¹⁰⁰ Mohammed, Khaleel. "The foundation of Muslim prayer." *Medieval Encounters* 5, no. 1 (1999): 23.

¹⁰¹ Schacht, Joseph. "Zakāt". *E. J. Brill's First Encyclopaedia of Islam, 1913-1936*. Leiden: E. J. Brill. 4: 1202-4.

¹⁰² Powell, Russell. "Zakat: Drawing insights for legal theory and economic policy from Islamic jurisprudence." *Pitt. Tax Rev.* 7 (2009): 48.

exclusive and real owner (*mālik*) of the universe and everything in it, which means that everything that humans possess are God's bestowals upon them.¹⁰³ Hence, al-Ghazālī states that “the bodily acts of worship are man's gratitude for the bodily blessings which God has bestowed upon him, while the financial acts of worship are his gratitude for financial gifts.”¹⁰⁴ Here, al-Ghazālī is emphasising the fact that *zakāt* is primarily a mode of worship and devotion to God; that is, it must be accompanied with the intention “for the sake of God” (*li-llāhi*).¹⁰⁵ This would have the effect of transmuting the merely outward action of giving wealth into an action of ablution or purification of the soul and its possessions;¹⁰⁶ just as *ṣalāt* purifies the soul and its body. Therefore, giving charitable donations in general (*ṣadaqāt*), which includes *zakāt* in its formal sense, is a means to purifying both one's self and wealth,¹⁰⁷ whereby the latter is worthy of consumption. The other taxes discussed in the previous section are *khums* and *fay'*, both of which are essentially extensions of *zakāt*.¹⁰⁸ This is because “societal need” is the impetus for both the initial stipulations of these taxes and their subsequent modifications.

This paper has demonstrated that in spite of *ṣalāt* being a spiritual obligation that was instated for the purpose of exclusively addressing the spiritual needs of the individual and community, it still underwent formal modifications in order to be optimal for the growth of both. This paper has also delineated that *zakāt* has always been a social obligation that was instated for purpose of addressing the societal needs of the community. It also underwent formal modifications in accordance with the needs of its differing contexts. Therefore, this paper argues that since the spiritual obligation of *ṣalāt*, which is considered by all as sacrosanct and eternal, was modified in accordance with the differing contexts, then by priority, the social obligation of *zakāt*, which is predicated upon societal need in any case, must be subject to on-going and periodic modification so that it continues to fulfill its purpose (that is, its essence or function) of catering for the societal needs of the context.

¹⁰³ Hallaq, Wael B. 2009. *Sharia: Theory, Practice, Transformations*. Cambridge: Cambridge University Press. 296

¹⁰⁴ Al-Ghazālī, Abu Ḥāmid Muḥammad bin Muḥammad. 2005. *Ihyā' 'Ulūm al-Dīn*. Beirut: Dār Ibn Ḥazm. 254.

¹⁰⁵ Intention is an intrinsic part of the performance of *zakāt* because the essence of *zakāt* is “the acquisition of inner purity by giving in the way of God”. To this effect, Imam 'Alī is attributed as having exhorted people not to invalidate their *zakāt* by not intending it for the sake of Allah. (see *Nahj al-Balāgha*, sermon 199, section entitled “Al-Ḍakāt” – Al-Ṣāliḥ, Ṣubḥī. 2005. *Nahj al-Balāgha*. Qum: Dār al-Ḥadīth li-l-Ṭabā'a wa Nashr. 478.). This indicates that although the mere action of paying *zakāt* without the intention will contribute to the fulfilment of societal need, it is deficient from the spiritual perspective; its aspect of inner purification will not be achieved because it was being given without the appropriate intention.

¹⁰⁶ Hallaq, Wael B. 2009. *Sharia: Theory, Practice, Transformations*. Cambridge: Cambridge University Press. 231.

¹⁰⁷ Powell, Russell. "Zakat: Drawing insights for legal theory and economic policy from Islamic jurisprudence." *Pitt. Tax Rev.* 7 (2009): 49.

¹⁰⁸ Sachedina, Abdulaziz. "Al-Khums: The Fifth in the Imāmī Shī'ī Legal System." *Journal of Near Eastern Studies* 39, no. 4 (1980): 276-77.

Conclusion

The immutable part of *zakāt* is its essence: the purification of the soul by giving wealth for the sake of God to alleviate poverty and cater for societal needs. In contrast to this, the form of *zakāt* must fluctuate in accordance with differing existential contexts in order to fulfil its essence or function. Therefore, insofar as modern state taxes endeavour to redress poverty and cater for societal needs, they qualify as instances of *zakāt* as long as the taxpayer pays such taxes with the intention of “for the sake of God” (“*li-llāh*”).¹⁰⁹

In the previously mentioned verse of Sūra Baqara, the Qur’ān exhorts the mandatory establishing of *ṣalāt* and paying of *zakāt* in addition to the voluntary giving of “...wealth out of love for Him to the near of kin, the orphans, the needy, the wayfarer, to those who ask and to set slaves free...” (... *wa ātā al-māla ‘alā ḥubbi-hi ḍawī-l-qurbā wa-l-yatāmā wa-l-masākīna wa-bna-sabīl wa-l-sā’ilīna wa fī al-riqābi...*, 2:177). The recipients of both the mandatory *zakāt* and voluntary ‘giving’ are almost identical. The only reason for this exhortation to ‘give’ in addition to *zakāt* is because *zakāt* in itself was insufficient in alleviating poverty and catering for societal needs; hence, people were exhorted to give more. In reality, both are extensions of *zakāt*; the difference being that one was state-instituted and the other voluntary.¹¹⁰ The Qur’ān employs many other terms to stress the necessity and importance of “giving more”, such as *infāq* (spending God-consciously), *ithār* (preferring the other), and *itā’ al-māl* (giving of wealth).¹¹¹ This means that the spiritual obligation to voluntarily give *zakāt* continues beyond the state-imposed taxation, should societal need and poverty subsist.

Since the words *ṣalāt* and *zakāt* frequently appear in the Qur’ān together, this paper has analysed the evolution of the forms of both. It has been demonstrated that the forms of both have evolved in accordance with the changing context to optimise the intellectual, moral and spiritual growth of the individual and community. A pressing question may occur at this juncture: can the essence of *ṣalāt* be accommodated by other forms as is clearly the case with *zakāt*? It is important to address this question because the evolution of the voluntary form of *ṣalāt* into its obligatory form mirrors the evolution of the voluntary form of *zakāt* into its mandatory form. The former’s change in status from a “voluntary” act of devotion to its “obligatory” status was also a response to a change in context; in Medina, the spiritual needs of the people would not have been adequately catered for by the former prescription to “establish prayers for as much of the night as possible”. Therefore, can the form of *ṣalāt* undergo further change to optimise the spiritual growth of the people and community? The answer is a categorical “no” because the Prophet’s formulation of the final form of *ṣalāt* was designed to specifically and universally cater for the

¹⁰⁹ Calder, Norman. "Zakāt in Imāmī Shī’ī Jurisprudence, from the Tenth to the Sixteenth Century A.D." *Bulletin of the School of Oriental and African Studies, University of London* 44, no. 3 (1981): 473.

¹¹⁰ Al-Ṭabāṭabā’ī, Muḥammad Ḥusayn. 1997. *Al-Mīzān fī Tafsīr al-Qur’ān*. Beirut: Mu’assisa al-A’lamī li-l-Maṭbū’āt. 1: 429.

¹¹¹ See Qur’ān 2:177, 261, 262, 264, 271 for examples of the utility of the word *infāq* and its derivatives; 59:9 for an example of the word *ithār*; and 2: 277 for an example of the expression *itā’ al-māl*.

spiritual needs of the lowest common denominator in society. Furthermore, this paper has demonstrated through an etymological analysis of the word *ṣalāt* that the actions of genuflection and prostration have always been intrinsic elements of the form of *ṣalāt*; hence, only radical changes in the existential context could warrant their “formal” modification.¹¹² In contrast to this, *zakāt* is necessarily contingent upon the immediate needs of the societal context which, by its very nature, is perpetually fluctuating.

The conclusion of this paper is that insofar as state taxes in the modern era are formulated in light of societal needs, then they do count as legitimate instances of *zakāt*. This is because the essence of *zakāt* is to cater for societal needs as they arise in human societies in order to facilitate the intellectual, moral and spiritual growth of the individual and community.

¹¹² The contexts of space-travel, the international space station, the moon and inhabiting other worlds would inevitably entail “formal” modifications of *ṣalāt* in terms of changes to postures, timings and direction.