

A Research on Khums

**And
Objections Raised to It**

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In the name of god, the compassionate, the merciful

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Introduction

It is the obligation of every Muslim to know their religion in the broad sense, and to be aware of the legitimate duties of their religion to perform in the particular sense so that they can, in addition to being sure of the exactitude and accuracy of the religious actions, answer the question raised about the criticisms if any, in it.

Imam Sadiq (PBUH) once said: “If I saw a young person of the Shiite youth who did not try to understand and to know their religion, I would punish them.”¹

With these words, Imam Sadiq has exactly clarified our obligations emphasizing that we ought to be conscious and mindful of the rush of propaganda from the side of the opponents.

If we choose our religion and our religious duties unconsciously without reasoning, we will remain incapable of dealing with the criticisms and will not know how to cope with the doubts brought about against us.

What’s more, we may be affected by their hesitation and uncertainty. So it is necessary to have a complete cognition of our religion and to be aware of its precepts we are, at present, at a situation in which we are questioned by way of various means such as books, pamphlets, Internet sites, etc: about the origin of

1 . From the book المحاسن by Barqi.

religion, religious principles, and other issues that may change their doubts to certainty.

Sometimes Jews and Christians or even some Muslim opponents may raise questions and adduce arguments to confute us. And recently the Wahhabis have printed and distributed books or pamphlets free of charge among people around the Mosque of the prophet or the House of God in order to find faults with other Muslims particularly with the Shiites so as to insult them strongly. In spite of all this, the Shiites have always welcomed criticizing questions because they do not ever mind discussing cases of difference, but Shiite leaders have always welcomed criticizing questions because they do not ever mind discussing cases of difference, but Shiite leaders have always, through history, been attacked and defended themselves against charges and assaults in a logical way, open – mindedly and without cursing or offending anybody to settle the arguments.

A perfect sample in this regard is the invaluable book of “al- Ghadir” by Allama Amini, the great learned man in different volumes. The Knowledgeable persons even the ulema of the Sunnites, if study these books carefully and judge fairly, will certainly accept the authority and proofs in them – the way of raising any excuse will be blocked in front of them.

It is quite evident that the Shiite pilgrims, especially the youth, who have always adhered to their religions leaders’ teachings, will also welcome any questions raised and try to answer them after they have deliberated over them. If they cannot cope with the problems, they won’t immediately submit to the critics but seek to find a solution or go to their religious authorizes to help them. But sometimes the opponents, instead of asking scientific matters turn to fallacious their listeners of readers. So the pilgrims must be conscious enough not to be deceived and show such writings to the leaders.

One of the writings that the Wahhabis have published is about Khums¹ (one fifth) of one's income, which they try to refute by mixing it with fallacy or putting it in some deviational arguments. They claim that Khums is something meaningless among Shiites and it must be left out. But this is because the Wahhabis have found out that the growth and development of Shiism throughout history has been the result of its hard-working jurists and ulema who have lived a simple life of abstinence and virtuousness relying on a belief that has attracted the attention of people all over the world.

In the following writing, we have tried to answer the questions the Wahhabis have raised and the objections they have raised. We hope that God will help all Muslims to attain truth.

Raising Criticisms

In a book that Saudi Wahhabis have printed and distributed, there are some objections and criticisms the summary of which we want to discuss here:

1. In the Quran and traditions, there is no reason why you must pay one fifth of your income.
2. The Shiite jurists do not regard Khums on the income necessary to be paid.
3. For what reason should we pay Khums to the jurists?
4. It is narrated in traditions that the Imams (PBU them) have exempted their followers from paying Khums.

A few Questions to Be Asked Those Who Deny Khums on the Income

Before explaining and analyzing Khums and its related issues, we will set forth some important points in the form of questions for Wahhabi writers to answer. So that a better ground can be prepared and set to cope with their

1 . Every Muslim is charged to pay one fifth of their income, surplus to their expenses, in a year as a tax.

objections, because their criticisms on Khums are exactly applicable to the subject of Zakat on the income out of business and trade.

1. You say there is, in the Quran and in the Sunna, no reason why we pay Khums. Now we ask you the same thing about Zakat on the incomes and the profits out of commercial capitals and other non-commercial investments:

Why must the people be bound to pay Zakat on their commercial capitals? In which chapter of the Quran and in which Sunna is it mentioned that it is incumbent on the people to pay Zakat on commercial capitals?

However, in the traditions that the Wahhabis too have accepted, it is Quoted: The messenger of god (MGSBH)¹ made the Muslims obligated to give one-tenth of their wheat, barley, dates and raisins on the. Basis of two Narrations that Ibn Quddama has quoted in the book “al Mughni”.² Also, in another tradition quoted from Abu Musa and Ma’az it is reported:

“The messenger of God (MGSBH) sent us to Yemen and ordered us to collect the tax of Zakat only on wheat, barley, dates and raisins”.

Ibn Quddama is one of the religious authorities of Hanbalis and the Wahhabis are the followers of Ahmad bin Hanbal. After quoting these traditions he says:

“Except from these four products, we do not have. Evidence of neither narrations for anything else nor do we possess a general consensus by the

1 . May God Send blessings on him and his household!

2 .from the book المغني في شرح الكبير

religious authorities about any other materials”¹ Then any answer you for the issue of Zakat, the same thing will apply to Khums as well.²

In none of such narrations anything is said about commercial wealth or profit of trade to be taxed in Islam; whereas, the Sunnites regard it obligatory to pay Zakat on them. Their reason for the necessity of Zakat on them and on mining profit too, is their interpretation that they make of two or three verses³ of the Quran that mean: “In their wealth, there is a share for the needy and the deprived.”, “Take a charity from their wealth or property so that you purify it.” And “O ye who believe! Spend of the good things which ye have earned and from that we bring forth from the earth for you.”

1 . Refer to the book: الفقه علي مذاهب الاربعة

² . Since there is a close relation between Khums and Zakat, we had better mention the cases in which Zakat is necessary to be given. From the viewpoint of Shiism, there are nine things in which it is incumbent upon Muslims to give Zakat, and apart from these, Zakat on other things are only recommendable.

According to the Sunnites, Zakat on to things is necessary: on domestic animals, gold and silver, wealth and commercial capitals, mining and found treasures, and agriculture or horticulture. Apart from these, there is nothing liable to Zakat. Of course, each one of these five comes under some stipulations.

In al-Mughni, Ibn Quddama says that the prophet (MFSBH) indicated zakat only in wheat, barley, dates and raisins. In another narration the amount is indicated as one tenth of the things. Also, Musa bin Talha quotes from the second caliph that the prophet made zakat necessary in 4 things: wheat, barley dates and raisins.

AbuBarda, quoting from Abu Musa and Maaz saye:

“The messenger of god (MGSBH) sent us to Yemen to teach religious decrees to the people. He told us not to collect Zakat other than these four things: wheat, barley, dates and raisins. Then, there is nothing except these four items to be specified or unanimously stated by the authorities. Abu Hanifa has announced that Zakat is obligatory in products of agriculture.

The prophet (MGSBH) said: “From what the rain of the sky irrigates, one tenth is the tax or the charity”.

³ . في اموالهم حق للسائل والمحروم. خذ من اموالهم صدقة تطهرهم. يا ايها الذين آمنوا انفقوا من طيبات ما كسبتم و مما اخرجنا لكم من الارض.

As it can be interpreted literally from these verses, they are in the position to make Zakat legitimate but they do not involve the details of all property and wealth on which Zakat is obligatory; neither do they refer to the four products on which Zakat must be given. None of the four sects of the Sunnites indicate exactly the whole range of things on which “one tenth” is to be given. In their juridical books, some conditions are cited on which parts of wealth become exempted from the payment of Zakat, such as women’s gold, jewelry, vegetables (including cucumbers, onions, garlic) pomegranate, etc. So, it is obvious that we cannot act exactly according to all verses of the Quran; therefore we have to turn to the Sunna (traditions). The differences between the Sunnites and the Shiites on Zakat are about merchandise and trade on which Zakat is not necessary in Shiism but obligatory in the Sunnites. Of course, in Shiism, the surplus to one’s cost of living in a year is taxed ad “Khums”, that is, you must pay one fifth of your yearly extra wealth. So Khums be given onto whatever Zakat is allotted and onto whatever Zakat is not allotted; while in Sunnism Khums is exclusively allotted to booties of war and found gold or silver.

2. You have written that there is no reason why we give Khums to the jurists, our religious authorities.

Now the answer we give is this:

“Your theological colleges and religious schools are financed with the tax of Zakat, that is, the money you receive as one tenth of the merchandise and the trades of people. In which part of the Quran or in which tradition is it said that you must give “one tenth” of the wealth, property or profit to the scholars of religious schools or spend it on scholarly college costs?

Furthermore, there is a reason why we pay Khums to our jurists Shiism, which we will explain later

3. You have written that Shiite jurists do not regard Khums obligatory on one's income. But this is a lie and you have accused them, because all the ulema consider Khums obligatory even on incomes. Now let us suppose that some authorities regard Khums to be recommendable. Well, is it not a pious deed to do something recommendable? Do you not do pious deeds? On the other hand, since jurists and Divine scientists act on the basis of their knowledge to issue their judicial decrees, they many have different opinions on some cases, Just the same as your jurists who may have different judgments on a few juridical points, which are quite natural. For example, your jurists have different opinions on the cases of Zakat to be obligatory on some products and not to be obligatory on some other products. Now, if some jurists do not regard Zakat obligatory on some items, does, does this mean that Zakat itself is doubtful and must be abolished?! When you believe in a creed and follow your religious authorities, don't you practice their judicial decree? If a religious authority considers something recommendable, his followers too, obey him and accept the decree.
4. The Shiites believe that their authentic religious authorities are ad successors of the immaculate Imams (PBU them). Then, in the same way that Khums was at the disposal the prophet (MGSBH) to spend it on anything he deemed advisable, after him it was allotted to his household and then to the Imams. Now, at time of Absence,¹ receiving of Khums is allotted to the jurists who are bound to receive and spend it on whatever they deem expedient.

Thus, it is quite clear for the Shiites where the share they pay go to. All the Shiites, and especially, the young generation Know that it has always been the jurists and the religious authorities who have protected, developed and spread Shiism through history against cruel caliphs and other oppressors. It has been the ulema and clergymen who have kept the religion of Islam in its high

1 . absence of Mahdi, the savior (PBUH).

magnificence and glory up to the present time – they have transferred and delivered it to the young generation. If Shiism, today, has attracted the attention of the world being able to meet the requirements of the society, it is because of such great scholars as Imam Khomayni, Allama Tabataba’i, Martyr Mutahhari, martyr Sadr and hundreds of other religious managed and financed by the people not by the kings or rulers of cruelty and oppression.

As for the religious authorities of the Wahhahis, how do they answer the question of collecting tax and spending it? They regard every ruler of theirs as their authorized guardian and obey him however cruel or unjust he may be. Since they receive money from a ruler, they cannot criticize him if he commits oppression and cruelty. People cannot ever talk against their ruler even if he violates the Islamic rules.

Now if the Wahhabis deny Khums and if they do not agree to it, we will return to them the same criticisms and objections about Zakat, because they are faced with the same doubts and criticisms on how and from what sources they receive and on what they spend it. we would like now to deal with some solving and clarifying answers around Khums to prove that there is no fault with it and none of the four objections or doubts are ever applicable to “Khums on the income” as follows:

Explaining Khums from the Viewpoint of the Quran and Traditions

In Islam, there are two kinds of contributions (or donations): recommendable and obligatory. Recommendable contributions are not limited to a special extent; rather, they can be given or paid as much as it is possible for a person to grant them. Contribution enjoys a high position of value in Islam even if it is a

data (the fruit of the palm tree). There are lots of traditions and the Quranic verses on the virtue of contribution. as a good deed.

However, the obligatory contributions, as repeated in the Quran, are Zakat and Khums. They must be given on their specific conditions to which the Quran has only spoken in general. But it is in detail. Now before dealing with our discussion, we should define Zakat and Khums at the start.

Zakat and Khums are shares of one's wealth and property that God has indicated to be given to those who deserve them but the consumption of which is unlawful for and forbidden to the Sons of Hashim, that is, the descendents of the prophet. However, in order to compensate for this unlawfulness, God has determined that the progeny of the prophet, if in need, receive Khums. The reason has been said in some narrations as this: Since the progeny of the prophet must not receive charity, they can get "Khums" instead.

Imam Sadiq (PBUH) said: "When God, the great made the charity unlawful to us, conveyed the decree of Khums to us so that, in place of unlawfulness of charity (Zakat), we can have the lawfulness of Khums." In the Quran too, We read in the words of God:

"Know that whatever ye take as spoils of war, a fifth thereof is for Allah and for the messenger and for the kinsman (Who has need) and orphans and the needy and the wayfarer..."¹

In the verse mentioned above, it is explicitly stipulated that what you gain of the property in the form of booty, one fifth of it belongs to god, to the messenger of God and to his household. But the question is this: Does the booty mean only the spoils of war or can it be other things that a person gains? As we know, the manner of the Quranic verses is such that they express the decrees, opinions and

1 . From the Quran, chapter al – Anfal, verse 41.

morals in the general sense end not in detail. The obvious example of it is the subject of prayers and Hajj in performing the actions are not stated in detail. Thus, we have to turn to the prophet's comments in order to understand the directions of the Quran. Whatever the prophet (MGSBH) did and said during his lifetime plus his behavior and character are called the "tradition" (Sunna) which is used to explain the decrees.

Therefore, in the Quran the kind of property to which Zakat and Khums are allotted is not mentioned nor is it specified under what conditions they are to be given or paid. So, it is impossible to refer to the Quran to find every detail. Also, you can never say: "Since such a thing is not there, we don't believe in it."

Moreover, many of the divine issues, decrees and religious beliefs are not stated explicitly in the Quran. So, in order to understand such decrees and beliefs correctly, we have to turn to correct Sunna and accurate narrations to apply them confidently. In the Quranic verse about Khums these things are distinguished:

1. Khums is given on property taken as booties,
2. the amount of donation obligatory to give is one fifth and
3. kinds of people to receive Khums

But the point which is referred to briefly in the verse is the concept "booties". Then, we should discuss the purpose of "booties" What do we mean by "booties" here? Is it restricted to "spoils of war" or, by common usage, is it the things we gain as profits; or what?

In order to solve the difficulty, we have to turn to the Sunna, which clarifies the issue by indicating that Khums is not restricted to spoils of war only; rather, it includes other matters as well. Of course, there are a few

differences between Islamic sects in this regard. Some authorities make the range of Khums wider and some others narrower. Some religious leaders make the scope of Khums as wide as possible to contain any kind of benefit or profit, which conforms to the theory of the Shiites. Still some others limit its area in order to include only the spoils of war and found treasures, which conforms to the theory of the Sunnites.¹

Since juridical questions must only be discussed with the jurists of the four sects, “their” viewpoints ought to be taken into consideration, because in the Quran the concept “booty” or “spoils” is not explicitly stated, so, it is necessary to turn to the common usage of the word “Ghanima”, its philology, and then to narrations in order to settle the issue.

By referring to the etymology of the word in some authentic dictionaries the meaning becomes clear. From the point of view of philologists in Arabic, Ghanima is applied to any wealth or capital that a person gains whether it is obtained by way of a found treasure, mining, spoils of war or through trading and transaction. Ragheb Isfahani writes in this regard:

“Ghanam and Ghonm” (the root or infinitive of the word) means “to obtain and have access of something” whether it is by means of war or not. In order to confirm his opinion, he points to three verses of the Quran in which the word is used: “Know that whatever ye take as spoils of war...”²

1 . On the basis of a narration from Abu Hurayra, the Sunnites quote: You must pay Khums on a “found treasure” (hiddin gold or silver which is found by digging the ground). In this way, the Sunnites don’t limit Khums to spoils of war only, though they make its scope narrower, but the Shiites include in Khums the profits of transactions and the capitals left some where more than one year putting these in place fall under Zakat. So, the Sunnites cannot find fault with us and ask why the Shiites have made Khums obligatory in such incomes, because they themselves have made Zakat compulsory in merchandise. Of course, the Shiites have a reason for the necessity of Khums. But what reason do the Sunnites have that at the time of the prophet (MGSBH) Zakat was collected on capitals and investments in trades? Has it not been that your religious leaders judged and decided on it? It is obvious that the reason of the Shiites is much more authentic on the necessity of Khums than that of the Sunnites on the necessity of Zakat; because the obligation of Zakat payment on the capital and wealth of trade is contrary to the tradition that you refer to. Furthermore, the verses of the Quran do not contain all the details; they only denote to prove the necessity of Zakat on capitals by resorting to all verses.

2 . chapter al – Anfāl: verse 41

2. Enjoy what ye have won¹ and 3. ... with Allah are plenteous spoils...”²

Ibn Manzur says: “Ghonw means obtaining something without working hard or taking trouble for it.”

Ibn fares says: “The first meaning of Ghonm was having access to something you were not the owner of it before. Then it was used to mean something obtained from polytheists in the war.”

Khalil, a great philologist, says: “Anything gained without hardship and difficulty is considered to be ghanima”³ So from what the philologists considered, the word Ghom or Ghanima is not only applied to spoils of war but it denotes to other things as well although its first meaning may have been “spoils of war”. Thus: anything which is gained and costs some wealth, or will have a profit if sold, is called Ghanima.

Also, in the Quran the word Maghanem the plural of “maghnam” (from the same root ghanam) is used to mean anything obtained having a profit even if it is not from the war: “With Allah are plenteous spoils”.⁴ From the word “spoils” in this verse, we understand that it means the reward in the other world, afterlife. Then it is concluded that “maghnam” or “ghanima” is not only allotted to what we gain here but also what we obtain afterlife.

In the narration quoted from the messenger (MGSBH), in which the words “maghnam”, “ghanima” and “ghanam” are used, the meaning heaven, paradise. Or Blessings of Ramadan is intended. In the book Nehaya by Ibn Athir we read: “Fasting in winter is a spoil (ghanima) being cold and cool”. “So, The writer has used “spoil” as a kind of reward one gets.

1 . al-Anfal: verse 69.

2 . chapter al-Nesa': verse94.

3 . from the book كتاب العين

4 . translation of the verse فعند الله مغانم كثيرة

Qurtubi, one commentator of the Sunnites says, “It is for the common use and benefit in the Sunnites says, that it is said in the verse: Know that whatever ye take as spoils of war, a fifth thereof is for Allah... .

In the narrations quoted from the prophet’s household, Khums is necessary on financial incomes more than yearly needs of the people although the verse of Khums in the Quran is applied to spoils of war.

As the commentators say, this verse was sent to the prophet on the Day of Badr when the two groups of Muslims and disbelievers faced each other. But as it is proved, we cannot allot a verse which was sent down on a special case to that one case only. The word “ghanima” is such an example which must be generalized. One of its applications only concerns spoils of war.

Therefore, we found out that Khums was first legitimized in terms of spoils of war and found treasures and then was applied to any kind of profit that a person obtains such as. Capital income, investment, tradings, or transactions. The reason for this is first the philological meaning of the word “ghanima” as we discussed above and then the narrations quoted from the prophet’s household and the Imams. Here we will refer to one of the narrations: Sama’a says. “I asked Imam Kazim (PBUH) about Khums one day and he said: it is anything that people gain whether they are of small or of large amounts.”¹

Imam Hadi (PBMH), in answering one of his companions who asked about Khums said: “Khums is obligatory to be paid on goods of trade and even on articles made by hand if the profit is more than the family needs².”

1 . from the book وسائل الشيعة

2 . from the book.

We can also use narrations of the Sunnites in regard with the fact that Khums is not restricted to “spoils of war”. Ibn Abbas quotes from prophet (MGSBH):

“The prophet once said that Khums is necessary to be paid on found treasure¹ (gold or silver which was buried before). One day a man asked the prophet about treasures found in some ruins and the prophet answered that Khums, one fifth of it, had to be paid.”

A group of relatives of Abd Qays² came to the prophet (MGSBH) and said, “Since the polytheists are in the distance between you and Ms, we do not have access to you except for the months of Sacredness.³ So, will you give us some advice of yours on what we can do to be prosperous and go to Paradise after life and let the others know it?” The prophet said: “I advice you on four things to do and prohibit you from four things not to do. I order you to the faith is only one, performing prayers, paying Zakat and giving Khums. (one fifth of the spoils)...”

It is obvious that the prophet did not ask the children of Abd Qays why they could not go out of their tribe except in the months of sacredness although he knew there were not any wars at the time but ordered for spoils of war. So, we understand that Khums is related to a person’s property and wealth ordered at the side of fasting, saying prayers and paying the Zakat.

Khums at the Time of the Prophet

A question has been raised here: if Khums is computed on the surplus of wealth income for a year, why was it not so at the time of the prophet (MGSBH) : otherwise he would have issued an order for its collection in those days like Zakat? The answer to this question is quite clear. First, is that the Islamic

1. ركاز.

2. عبدالله بن قيس الحارثي, the chief of a tribe.

3. The four months of ذي الحجّه، ذي القعدة، رجب، and محرم which are called months of حرام.

decrees have been expressed gradually, not as a whole. Some precepts were legitimized at the prophetic mission but they were not restricted to that period only since they could not be elaborated exactly at that time. Thus, the principle or the basis had to be established first by the prophet (MGSBH) such as Khums. Also, it was not expedient to spread the precept to cover all kinds of wealth to create oppositions, since there were still enmities on the side of disbelievers. The reason for that is evident in narrations about the Advent of Imam Mahdi (PBUH) in whose time some commandments will become practical.

2. Zakat is different from Khums in that Zakat belongs to the needy and poor people, it can also be used in the improvement of the life of Muslims. With regard to this, the messenger of God was bound to collect it. A verse of the Quran addressing the prophet says: “collect charity from the people out of their wealth...”¹ So, the prophet sent some individuals to collect the Zakat. But Khums is his due; it is restricted to the prophet and his household like a personal real-estate; it is not like Zakat, which involve all the public. That is why the prophet did not order anyone to collect Khums but only propagated it; as the status and dignity of the prophet demanded that. Then, if the prophet of Islam did not send some men on duty for the collection of Khums, this does not mean that Khums was not obligation.

3. There were some instances for collection of Khums but the prophet did not send anyone to collect it, such as hidden gold or silver and treasures obtained by Muslims.

4. From the viewpoint of both Shiites and Sunnites, it is proved that Zakat is unlawful to Bani Hashem (the descendents of the prophet; so according to some narrations, God has indicated Khums for them as a compensation. If we made Khums restricted to spoils of war, we would face some difficulties, because

1. خز من اموالهم صدقة .

there would not be any wars after the expansion of Islam. Then, how could the poor of this logical deduction? Khums must be allotted to the wealth and property other than spoils of war.

5. It is quoted in the book “Sahih Muslim” that Fazl bin Abbas and another person came to the messenger of God suggesting that they wanted to marry but they didn’t possess anything at home to set as “marriage portion” for their views. The two men asked the prophet if they could go to collect Zakat so that a share of it might belong to them and they could use that. The prophet told them they might not use Zakat but they might use Khums for the marriage portion.

With regard to the above reasoning, that the prophet did not order that Khums, be collected cannot be any reason that it was not necessary. It is also possible that in some cases he sent some men to collect Khums but no quotations reached us especially during the period of the Omayyad and the Abbasside when the Islamic ruling become something like the time before Islam causing many of Islamic precepts to be forgotten. Ibn quoting from Ibn Abbas narrates:

“I delivered a sermon in Basra one day and talked about alms given¹ at the end of Ramadan, but the people did not know what they were and the decree for that Zakat. They could not exactly locate what they did every year, let alone Khums which is one fifth of their income.”

Now we understand that throughout history, there have been individuals who tried to destroy the works of the prophet’s household (Peace be upon them all!). The precept of Khums has been one of the things they did not want to be carried out in the same way that they did not want the virtues and good qualities of the prophet’s descendents to be propagated. They prevented the people from paying Khums which were their due like Zakat which was for the poor. There are many

1. زكوة فطرة .

other narrations around the subject of Khums but they would make our discussion too long if mentioned here.

Khums and its lawfulness

Another question is raised here to be answered:

If Khums were obligatory to be paid, why did some of the Imams of the household exempt their followers from the payment of it? The answer is this:

1. Such narrations do not say that you don't need to pay Khums or Khums is not necessary to pay. The clear inference is that Khums is divided into two parts. One part is the Imam's share and the other belongs to the Sayyeds (the descendents of the prophet (PBM them)). Some Imams would exempt their followers from paying the "Imam's Share of potion" because of hardships and life difficulties that such followers had to bear, that is, it was rendered lawful for them to use it. In order not to be tainted with a sin. so, Imam Javad (PBUH) in a letter wrote:

"If anyone is in hardship, in poverty, or in a difficulty of life, they can use my share; it is lawful to them."¹

From the above narration we understand that those who were in hardship and trouble were permitted by the Imam (PBUH) to use his division lawfully, and this was when the Imams were alive.

2. In some other narrations the reliability of the decree, lawfulness of using the Imam's potion, is weak. Still in some others, lawfulness of using part of Khums is restricted to public property, some wealth left without owners or booties that are at the disposal of the Imam.
3. At the time of the Imams (PBU them), because sometimes they were besieged or imprisoned, their connection with their followers would become

1 . from the book *مَنْ لَا يَحْضُرُهُ الْفَقِيه*

very difficult or it would be cut off. With this regard, they might have exempted the followers from paying Khums.

4. The position of Imamate, as we must know, is very high. God allowed the Imams to do some affairs on their own including making use of spoils of war and booties at any time, making war or making peace and take actions in other instances. If a war is not with the permission of the Imam, it won't be fought, and when it is fought, all the booties belong to the Imam. If the war is fought with the permission of the Imam a fifth of spoils will be his. In both cases, it is his due to consume Khums on any way he deems it expedient. If the followers were in need, the Imam could spend the spoils of war or Khums on the improvement of the Muslim's conditions. He could also exempt the Muslims from paying Khums, etc.
5. Since the Imams of the household of the prophet (PBU them) were not in agreement with the governments of their time, they did not usually control public capitals, and they were sometimes besieged and restricted by their enemies. It was why they allowed their followers to use those public property, wealth or capitals.

However, there are some other traditions like the tradition of Umar bin Yazid, in which Masma' bin Abd - al- Malek says, "I went to Imam Sadiq and said that I had made 400000 drachmas out of diving. I'll give you one fifth of it, which is 80000 drachms as it is your due that God has put in our wealth to be paid."

Imam Sadiq said: "Is it not our due on whatever comes out of ground apart from Khums? All that are on the earth or come out of the earth belong to us". I said again: "I am ready to offer you all of my wealth". And he said: "we rendered your wealth clean and lawful for you. We made the use of all the lands that our followers work on lawful for them until the Day of Resurrection. When he (Imam Mahdi) comes up, he will collect the taxes and

the rentals in their hands but lets them have the lands they work on. However, the lands that are used by persons other than the Shiites are unlawful to them until the riser appears. He will get them back from them.¹ Of course such traditions have nothing to do with Khums on business and trading or their being lawful. But Abu Sayyar thought what came out of the sea and the seaside only belonged to the Imam (PBUH), to which the Imam said “no” and added all the ownerless wealth and booties were theirs but they had rendered them lawful. We should know that the above Khums is separate from the Khums of extra savings surplus to the yearly expenses.

Now according to the above marriage, and other traditions, all the ownerless wealth's like uncultivated lands have been announced lawful for the Shiites to utilize. Non-followers of the household have no right to utilize them. Non-Shiites will be taken as usurpers and have no share in utilizing them.

Who has the authority of using Zakat and Khums?

One of the most important questions on Zakat and Khums is: Who can undertake the responsibility of receiving and spending or the financial affairs of Zakat or Khums? Is it necessary at all to have such a person to get and give these charities?

The only Quran cites eight groups who can utilize the charity Zakat: “the alms are for the poor and the needy reconciled and to free the captive and the debtors, and for the cause of Allah, and for the wayfarers²...”

The Quran also cites about Khums as follows:

1 . from the book اصول كافي.

2 . from chaptetr al-Tauba, verse 60.

“Know that whatever you take as spoils of war, lo! A fifth thereof is for Allah and for the messenger and for the kinsmen (who have need) and orphans and the needy and the wayfarer¹...

It is hereby evident that Khums is divided to 6 parts: the first three parts (the portion of God, the portion of the messenger and the portion of the kinsman) are at the disposal of the prophet (MGSBH). On the basis of the Shiite narrations and the Sunnite traditions, the kinsmen (relatives) are Imam Ali, Hazrat Fatimah, Imam Hassan and Imam Hussein (PBU them). At the time of the prophet, the three portions belonged to him who had the qualities of prophet-hood, Imamate and guardianship altogether. The prophet is of the power to receive all the three.² However, after the prophet, the portions of Allah and his messenger go to the kinsmen. In other narrations it has been quoted that Imam Reza (PBUH) said:

“What is of Khums the portion of Allah goes to his messenger goes to the Imam.³”

Of all the narrations, we understand that the first three portions go to the Imam after the prophet and the second three are allotted to the orphans, the poor and miserable travelers or way farers.

From the viewpoint of the Shiites, the successor of the prophet and the prophet is Hazrat Ali and then his children (PBU them). Then, after the twelve Imams, Khums is allotted to those who have been introduced by the Imams to the people. Such men are known as “Religious Governors” at the time of Absence. They are no one but legitimate authorities in jurisprudence.

1. From chapter al-Anfal, verse 41.

2. Imam Sadiq said: “God never asked his creatures to lend him they have in their hands, but this means the loan they should pay his guardian.

3 . from the book وسائل الشيعة

Just in the same way that the prophet used the wealth where ever he deemed it expedient, these authorities, his successors too, spend the first three portions where ever they consider it advisable to.

The reasons why this Islamic tax has to be spent under the consideration and opinion of the religious authorities are as follows:

1. Intellectual reason: undoubtedly, Islam is a perfect comprehensive religion whose mission is to guide and direct people. Such a mission won't be possible except under the protection of an Imam and his correct leadership. It is obvious that the Imam after him to be able to manage the affairs of the Muslims. Now, at the time of absence (of Mahdi (PBUH)), the best person's who can protect Islam and keep it in the right path, far from deviations and heresies are the religious jurists and Islamic theologians and leaders. If some unconscious ignorant individuals with insufficient knowledge of Islam get the leadership of the society, the religion will be weakened in the course of time and the faith will vanish. In this regard, the religious jurists must enjoy financial sources in order to have access to high, exalted Islamic goals just as the prophet and the Imams used to be able to utilize those financial sources available to them in their times. So, this is a clear intellectual reason why such expenses must be secured.
2. The narrations quoted from the prophet and the twelve Imams about turning over the matters to all-qualified religious authorities are narrations denoting to the fact that the *ulema and jurists* take over the obligations of the prophet and the Imams (PBU them all). Imam Sadiq (PBUH) said, "The scientists and ulema are inheritors of the prophets".

In another narration the Imam said, "The religious authorities are trustworthy persons for the people."

It is quoted from Imam Musa – bin Ja’far (PBUH): “the believers who are jurists are like strong forts around the cities”.

It is quoted from Imam Sadiq (PBUH), who said: “the prophet has said that the religious authorities and jurists are trustworthy messengers of God until the time when they have not entered secular affairs. Then, someone asked the prophet what secular affairs were. And he answered they are *obedience of the king*; when the ulema follow the kings, they must be feared because of the religion”.

A narration from Imam Hussein (PBUH): he said, “The proceeding of affairs, decrees and judgments is through the channels of religious authorities of God. They are watchful over the lawful and unlawful affairs of God”.

There are many other narrations in this regard but they suffice us here. However, from all of them, we understand that the Islamic jurists act in substitution of the Imams about public affairs such as judicial decrees, judgments, issuing orders at the start and end of the months, receiving funds and legal taxes such as donations, Khums, heritage of persons who do not have heirs ,etc.

It is evident that one of the obligations of the prophets has been the administration of people’s affairs: cultural, political, economical and military, because “people are Godly trusts which must be put under the protections of the prophets who are God’s trustworthy authorities. But now that we don’t have the prophet (MGSBH) and the Imam (PBUH), who must take care of Divine decrees such as Khums and Zakat? Who must take care of the Imam’s share in his absence? It is only the jurists who can do that. They are the closest people to the prophet and the Imam. Their knowledge, belief, opinion, piety, virtue, bravery and insight are more similar to those of the prophet and

the Imam than anyone else. If they are not so chaste and immaculate as the Imams (PBU them) they enjoy at least the highest extent of justice.

Then, from all good qualities quoted in the narrations for the jurists (such as strong forts, trustworthy authorities, inheritors of the prophet, etc.), we understand that we ought to put all the care of God, the messenger and the Imam under the care of the jurists so that they could spend the funds in the cause of God to strengthen the religious culture, propagate Islam and promote the esteem of Muslims.

Imam Hadi (PBUH) said: “If there were no virtuous jurists who became custodians of people’s ideas and beliefs, satanic networks would keep the people away from Divine practices and religion. These religions authorities are like a ship’s captain directing and guiding these vulnerable Muslims toward a safe resort place in the time of absence. These ulema are the most virtuous and the best persons to Allah”¹.

Now, in addition to what we said so far about Khums and its payment, we would like to add a few more points in this regard.

1. All-qualified jurists are the most aware of the consumption of Khums on the basis of God’s command and the prophet’s traditions and the Imams (PBU them).
2. Since it is a requisite quality in a source of imitation to be free from carnal desires, such a person is immune from waste and squandering.
3. The jurists know the needs and requirements of a religious society best of all.
4. It was in the policy of the prophet and the Imams (PBU them) to collect Khums in a concentrated manner. The messenger of God once told Umar Bin Hazm to collect Khums from recommended to ask people to send

1 . From the book بحار الانوار

their Khums to the governor to be left with him. An Islamic governor is supposed to be all-qualified in the time of absence.

5. Paying Islamic taxes to the jurists causes their financial abilities to be reinforced. It is obvious that the jurists can do their jobs the best only when they are secured with sufficient amounts of funds; otherwise, religious teachings and promulgation won't be possible. On the other hand, if the jurists become dependent upon the rules and the kings, they can never be successful in performing accurate aims of Islam. As history has proved, when ever religious authorities became dependent upon the government of their time, the religion fell behind in its moving of it was deviated. And we clearly observe such a situation in Wahhabism today, because their religious authorities are under the protection of the government. The Shiite Ulema, on the other hand, since a long time ago and after the Absence, have been independent of the government in reliance on the Imam's Share and on their own. So they have been able to promulgate Islamic teaching and to stand against oppressions to the crimes that some rulers committed. However, if they were dependent on the kings, they could never have the power to oppose them, and this is one of the advantages of Shiism. The Shiites have always tried to develop the religion and perform the pure commands of Islam. Even today, when the Islamic government is established; nevertheless, the Ulema and the religious Leaders are independent to administer theological colleges on their own.

If the belief in the Islamic religion became the principal motive for the great Islamic Revolution, this was under the protection of the jurists and religious authorities who caused the young generation to rise and go ahead. Here, the great role of the Ayatollahs becomes evident. Their financial possibilities which are secured by receiving the Imam's share out of Khums makes them

fulfill their obligations very well. Now we will point to some of the activities of these sources of imitations:

1. Keeping theological schools

If there were no theological schools here, nothing would be left of religion. These religious bases have protected the religion of Islam until now. If there were no payments of charity, Khums and the Imam's share from the people, theological colleges could never train personalities such as Imam Khomeini, Martyred Mutahhar, Martyred Beheshti, etc. If there were no contribution on the side of the people and no such colleges, there were not so many books of traditions, discourse, commentaries, and moralities to be studied by the young generation. The interdependence that the Shiite jurists have is indebted to the funds secured and financed by the people; otherwise, they would be like Wahhabi jurists under the command of cruel rules and would have to obey them and issue decrees that please only the government.

2. Propagating the Religion and Faith of Islam

Conveying the doctrines of Islam and the teaching of the prophet's household and the Imams (PBU them) throughout foreign countries is the mission of the religious authorities. When a mosque is built in Germany by the deceased Ayatollah Borujerdi or some of the religious centers and institutes are constructed all over the world, they are all the results of people's contributions and donation.

3. Helping the Wounded and the Distressed

Since the religious authorities take positions in places where the people call on to settle their financial or intellectual difficulties and troubles, some deprived and helpless persons resort to them for their problems to be solved.

But they can solve the poor's financial problems only when they have collected enough Khums that enables them to pay them.

To sum up

From what we said up to here some answers were given to the questions that were raised and criticism that were thereby brought about. Now we will review them briefly.

1. You said that there are no points in the narrations that Khums should be paid to the jurists to spend. We said, at the time when the prophet or the Imam is not present to receive taxes and charities it is not permissible to put aside Islamic commands. On the basis of the narrations quoted by some authorities, source of imitation (our Ayatollahs) that are all-qualified must receive Khums since they are successors to the prophet and the Imam of time. They are bound to utilize such funds in the way of developing the religion. Evidently, it is only the Ulema that can take action in the course of religious expediencies. Payment of the Imam's share to the religious leaders is a rational action although it is not explicitly expressed in the narrations. People themselves are aware of the hard work these authorities do. They live a simple life with their office doors being open to the people who call on them. They resist all the hardships that are exerted on them and they don't become tired. People consider the source of imitation (their Ayatollahs) worthy of receiving the endorsement of Khums to spend on necessary affairs. Of course, the Wahhabis are right to spread their propagations, because they receive the petroleum dollars and have to cooperate with the emperors of oil, but they have lowered their dignity by being dependent on such cruel rulers.

You said you receive or collect Zakat and tax on capital incomes and pay them to your Ulema, but in which narration or in which verse of the Quran is

it stated that Zakat is allotted to trading and commerce property? Why must you give Zakat to your religious authorities? How are your theological schools financed? Don't your Ulema receive Zakat?

Now we say the Shiite Ulema get Khums from the profit of translations, the Wahhabi Ulema get one tenth from all the people as an obligatory tax. If they say that they have inferred the way of getting Zakat on [trading](#) and businesses the same reply. The Shiite religious authorities have inferred from verses and narrations that Zakat payment is only recommendable on the profit of merchandise but paying Khums is obligatory on it. Then the difference is only in the name of it.

We say when the Wahhabis observe the youth in the Islamic countries tend to adhere Shiism; when they see the Hezbollah in Lebanon, by the leadership of Shiite clergymen, is known as a champion in the Arab world; when they see that the Islamic revolution of Iran creates an overwhelming movement in the world and when they see that all the honors arise from the Shiite theological schools, the Wahhabis become uncomfortable and start to find faults with the Shiites. They ask why we pay Khums to our Ulema; they print and disseminate books and pamphlets free of charge among the pilgrims by spending oil money in order to destroy or give a wrong shape to the school of the prophet's household and the Imams (PBU them) so that they may prevent this school of thought from spreading and influencing their way of life. Worst of all, they sometimes excommunicate or accuse the Shiites of heresy and, some other times, issue an order to kill them or issue a decree to destroy the sacred places such as Baqi', Samaria, etc.

2. You said that in the Shiite narrations the Imams (PBU them) recommended that their followers are exempt from paying Khums; the one fifth is lawful to them.

We said that although paying Khums was regarded lawful at the time of some of the Imams (PBU them), this does never mean that the followers were exempt at all times and in all places. If we did not have many other narrations in which the opposite of that decree was announced, then you might adduce that argument for rendering Khums lawful. Furthermore, these are other narrations in agreement with the Quran and the practice of the jurists, which will be taken in priority and the narrations in agreement with “Tahlil” (rendering lawful) in posteriority, because of their dependence on the time and place of occurrence.

3. By investigating verses of the Quran and narrations, it becomes clear that in Islam, charity, alms and Zakat of these there must be some fund to meet their needs. With regard to this, if making use of Khums were lawful but not obligatory to collect, then how could the house of the prophet and his descendents throughout history secure and meet their essential needs? If we say Khums was restricted to spoils of war or if we say Khums was not obligatory, then how could the helpless, the orphans, the poor and the wayfarers from the prophet’s progeny made a living?

So, we can limit the “rendering lawful” (Tahlil) of Khums to the time when the Imam was alive because Khums belonged to the Imam when he was present at his time; he could render it lawful to his followers but not to the Imam after him. Besides all of these, some of the narrations of “Tahlil” in Khums are about booties such as slave-girls who were taken as spoils and put at the disposal of their followers. So it will become clear that the narrations of “Tahlil” never denote to rendering Khums lawful on all incomes and at all times.

We hope that the readers will deliberate on this writing and add to its adequacy by their criticisms.