

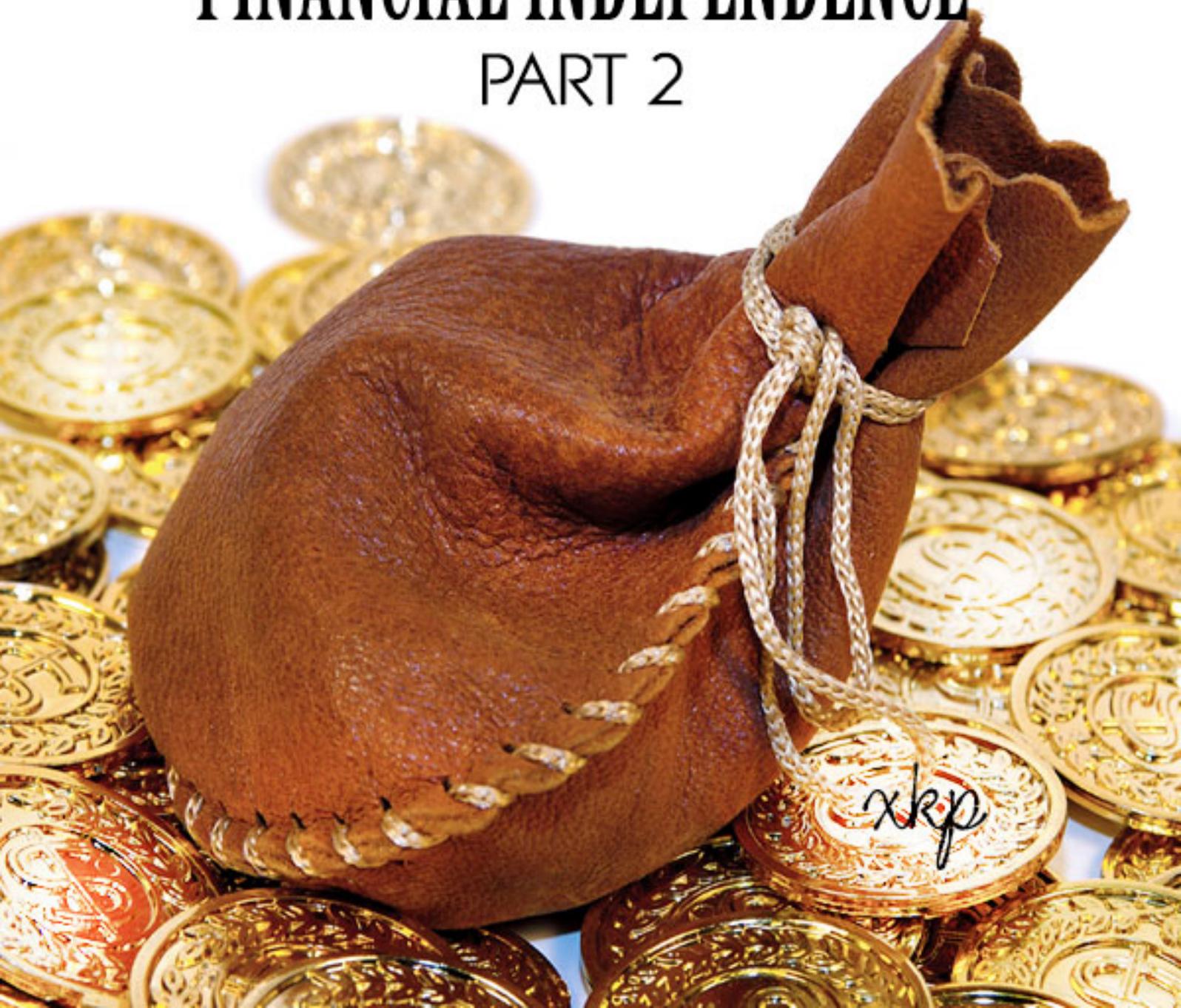
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KHUMS

A SUPPORT FOR

FINANCIAL INDEPENDENCE

PART 2



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In the previous part, we referred to the significance of khums in meeting the financial needs of the Muslim society and evaluated the arguments made by those who oppose khums as envisaged in Shi'i jurisprudence. Defining necessary terminology, using Qur'anic verses, Sunni and Shi'a hadiths, and quoting exegetes, we tried to illustrate the fact that khums applies to more than war booties in the Qur'an and that it has undeniably been collected by the Prophet (s), the Imams (a), and the Caliphs. In this part, we will refer to more hadiths on khums and evaluate the objections made by those who restrict khums to war booties.

FURTHER ANALYSIS OF HADITHS ON KHUMS

Cavillers attempted to generate doubt using hadiths on khums through misleading objections. Below are five hadiths on khums, each including the disputants' objections and clarifications of their false ideas.

1. Hadith of Mohammad ibn Ash'ari

Some have objected the following hadith of Mohammad ibn Ash'ari by stating that the question and answer in this hadith are incompatible. The hadith is as follows:

One of our companions wrote to the ninth Imam (a): Inform us whether khums applies to all the things which a person uses, from few and many, from any kind of income and also on crafts workers? And how should it be paid? The Imam wrote with his own handwriting that khums is after the costs of living.¹

However, it is well understood from this text that the questioner doubted both the generality or quality of khums and the Imam (a) answered both questions in one short sentence as had been the common way of writing letters at that time. When our Imam (a) says khums is after the costs of living, the question about quality (which is the second question in the hadith) and the question about the necessity of khums in all kinds of income have both been answered.

In the above hadith, the term *ma'unah* refers to expenditure. It does not, however, refer to business expenses because the sentence (any profit a man makes) refers to net profit, and net profit is achieved after subtracting the costs of business. Moreover, the term *al-durub* refers to *types*, that is, in this hadith, it means the types of businesses, industries, and jobs.

2. Hadith of Abi Ali ibn Rashid

Abu Ali ibn Rashid, one of the agents of Imam Jawad (a) and Imam Hadi (a), narrates:

I said to the Imam, "You have ordered me to take care of your affairs and take your right (the money that belongs to you). I told this to your followers, and some of them asked: 'What is the right of the Imam?' and I did not know what to say." The Imam (a) replied, "Khums is obligatory on them." "To what does it belong?" I asked. "In their goods and crafts," he

replied. I then asked, "What about people who do business and build something with their hands?" He replied, "Yes provided that if any savings remain after paying their living expenses."²

Opponents of khums question this hadith by saying that it is pronominal (*mudmarah*), meaning that the name of Imam has not been mentioned explicitly and it has been merely expressed with a pronoun. However, the statement 'I wrote to him that you ordered me to take your right' ascertains that the addressee of the letter was the Imam. These cavillers have themselves expressed the deputation of Abu Ali ibn Rashid from the Imam although they were determined to deny the matter completely.

Furthermore, the content of the hadith text testifies that the addressee of this letter could not be any person other than the Imam, because ordinary people do not have a say on goods, products, and wages.

In any case, the deputy and companions of the Imam are well informed on the rules of khums. It should be noted that in certain periods when the Shi'a were under financial pressure, the Imams (a) exempted them from paying khums altogether or part of it and when the situation again was normal they asked their agents to inform people to resume paying khums through them. This is why some Shi'a were uninformed about the quality of khums.

Similarly, people today are also in need of understanding khums, whether they agree or object to it.

3. Hadith of Ibrahim ibn Mohammad

The third hadith is a letter written by Ibrahim ibn Mohammad Hamdani to the Imam:

Ali ibn Mahzyar read the letter of your father to me in which your father had ordered owners of water and land should pay one twelfth of their income after subtracting their costs to his holiness, but people whose water and land do not suffice their costs, were exempted from this payment or any other payment. People here disagree about this and say that khums of income is obligatory on water and land, and this is after subtracting the costs, the costs of water and land themselves and their tax, not the living costs of the person himself, his wife, and children. Then Imam replied in writing, and Ali ibn Mahzyar read it as follows:

'Khums is applicable after subtracting him and his family's living costs as well as the tax taken by the Sultan (ruler).³

It has been explicitly ordered in this authenticated hadith that people are obliged to pay the khums from the surplus of their income from their lands after subtracting their living expenses.

As mentioned before, the former Imam (a) had not taken more than one-twelfth because some of the Imams (a) forgave all or a part of the khums to the Shi'a due to the conditions of their time in order to relieve the pressure on them.

4. Hadith of Ali ibn Mahzyar

Two reliable narrators of hadith, namely Ahmad ibn Mohammad and Abdullah ibn Mohammad report that Ali ibn Mahzyar, who was one of agents of both Imam Jawad (a) and Imam Hadi (a), was given a letter by the ninth Imam, Imam Jawad (a), and was read on their way to Mecca. The letter was as follows:

In this year 220, due to a reason which I do not want to disclose in this letter and God-willing I will explain some of that to you in the near future, I command my friends - May Allah secure their interest - to purify themselves this year by paying khums, since some of them have failed to perform their duty and I knew that. "Take charity from their possessions to cleanse them and purify them thereby, and bless them. Indeed your blessing is a comfort to them, and God is all-hearing, all knowing. (9:103)"

"Do they not know that it is God who accepts the repentance of His servants and receives the charities, and that it is God who is the All-clement, the All-merciful? And say, '*Go on working: God will see your conduct, and His Apostle and the faithful [as well], and you will be returned to the Knower of the sensible and the Unseen, and He will inform you concerning what you used to do.*'" (9:104 & 105)

I have not made this compulsory for them every year and I do not demand other than the zakat that Allah has obligated for them. Only this year I have obligated khums on gold and silver. But I do not demand khums in living appliances, kitchenware, four-footed animals, servants, and the revenue of trade or land. I do not demand it on agricultural land, except the land that I will explain to you.

This is a kind of rebate from me for my friends and an exemption for them in exchange of what the Sultan loots from their possessions.

Khums is obligatory on profits and benefits one makes every year. Allah says: “*Know that whatever thing you may come by, a fifth of it is for God and the Apostle, for the relatives and the orphans, for the needy and the traveller, if you have faith in God and what We sent down to Our servant on the Day of Separation, the day when the two hosts met; and God has power over all things.*” (8:41)

But profits and benefits –may God send His mercy to you- are the income that a person gains, a sizable prize that some people give a person, inheritance that he had not expected i.e. not from a father or child, possessions of an enemy who surrenders, the money that someone receives whose owner is not known and the money that has reached my friends from the sinful Khurramite. I have been informed that a great amount of possessions have reached some of my followers. Anyone who has something from those assets must give it to my agent, and anyone who lives far away must try to send it to me even if it takes time till it reaches me because “the intention of a believer is better than his action.”

But what I demand from agricultural land and cereals is one twelfth from people for whom their agricultural income covers their costs though a person whose agricultural income does not cover his costs, one-twelfth is not upon him and neither is anything other than that.⁴

The following matters can be understood from this hadith:

First, this hadith highlights the necessity of khums for all profits and income, and confirms that *ghanimah* in the verse 8:41 refers to any kind of income and profit that one makes.

Second, the necessity of an extraordinary Islamic tax equal to *khums* for a specific year, the year 220 (A.H.), is pointed out because of the extraordinary conditions that had occurred for the Imam and the Shi’a, and as it is understood from history (and also a hadith stated in *Usul al Kafi*) that it was the same year that Mu’tasim the Abbasid Caliph had asked the Imam to move to Baghdad and carefully watched him. In that year, the Imam and the Shi’a of Baghdad experienced difficult conditions and the Imam had to manage the affairs of the needy Shi’a,

especially the Shi'a of Bani Hashim. He had no choice other than to take an extra amount from the rich.

This is not exclusive to the Imam, and if conditions are so difficult such that khums does not suffice the costs, the legitimate authority (*hakim-i shar'*) can raise the tax for rich people in order to save the benefits of Muslims. For example, zakat may not suffice the costs or when Muslims are in danger of attack and Islamic armies need more money, Islamic authorities can collect enough money to solve the issue. As said in the previous hadith, an instance like this one happened, where the Imam demanded an extraordinary tax on gold and silver which had been with the owner for one year. Thus, Shi'a jurisprudence entails special rights to the legitimate governor in the above situations, where an extraordinary amount of khums was collected. What the disputant has ignored is the question as to the possibility of taking two types of khums, unaware of the fact that one of them is on account of the permanent ruling whereas the other is a temporary one relating to the Islamic governor. Overall, there is no doubt concerning the collection of these two kinds of khums as seen in the above hadith.

Now let us look at some other objections made by the same disputant:

Objection One: Those who have narrated this hadith immediately from Ali ibn Mahzyar i.e. Ahmad ibn Mohammad and Abdullah ibn Mohammad are unknown in the works on al-Rijal [the science dealing with the biographies of the narrators of hadith in order to assess their reliability].

Reply: Ahmad ibn Mohammad ibn 'Isa, who is one of those two narrators is one of most reliable, well-known, and accredited people in Shi'a sources on al-Rijal whose name is mentioned in all of them. The reason why Ahmad ibn Mohammad is the same as Ahmad ibn Mohammad ibn 'Isa is that the person who quoted from him is Mohammad ibn Hasan Saffar, the author of the famous book *Basa'ir al-Darajat*, and we know that Mohammad ibn Hasan Saffar was one of Ahmad ibn Mohammad's students.

It should be also noted that Ahmad ibn Mohammad and Abdullah ibn Mohammad have both independently narrated this hadith from Ali ibn Mahzyar and therefore reliability of one of

them is sufficient and we do not need to bother about the other.

Objection Two: This hadith indicates that some booties from the Khurramites were gained by some of the companions of the Imam, while their final defeat happened in 221 A.H., that is, one year after the date mentioned in this hadith and Babak Khurram-Din, their leader, was defeated after the year 221 A.H.

Reply: This is not true. According to *History* by Tabari, section on *The Incidents of the Year 218 A.H.* (that is, two years before the Imam issued the above order), many Iranians converted to the faith of Babak Khurram-Din and Mu'tasim the Abbasid Caliph sent a great army to them, and in that same year sixty thousand followers of Babak had been killed; the others escaped to the Roman lands. With respect to the incidents on the Year 219 A.H., Tabari registers that the commander of an army which had been sent from Baghdad to repress Khurramites "returned to Baghdad with a number of captives of Khurramites on the 11th of Jumada al-Ula of the year 219 and it is said that about one hundred thousand of them had been killed."⁵ Obviously in such a battle with this number of people who had been killed or taken as captive, there would be a lot of spoils which would have been gained by warriors.

Of course, this is not exclusive to Tabari's *History*. A similar statement can be found in *Al-Kamil* by Ibn Athir: "Ishaq ibn Ibrahim, commander of army of Baghdad, entered Baghdad with a large number of captives of Khurramites in Jumada al-Ula."⁶

Dekhuda in his *Lughat-Name (The Lexicon)* cites from *Tarikh-e Barguzide* by Hamdullah Mustawfi that "Ishaq ibn Ibrahim entered Baghdad in Jumada al-Ula and there were a large group of Khurramite captives with him."⁷ It is strange that the disputant had Dekhuda's work in his hands (as testified by use of his explicit words), but he still disregarded this explicit evidence of assets that had been gained by Muslims as spoils from Khurramites before the year 220 A.H.

Objection Three: How could Imam Jawad (a) have connection with his friends and send them letters when he was under observation in Baghdad?

Reply: When Imam Jawad (a) moved to Baghdad, he was neither in prison nor so much limited that he could not contact people.⁸

We read that Imam Hasan Askari (a) who was under strong observation in Samarra was still able to be partly in touch with his friends via letters, and surely Mutawakkil was harsher with Imam Askari (a) than Mu'tasim with respect to Imam Jawad (a).

In *Al-Rijal* by Kashi, we read that "Imam Askari (a) wrote a letter to Ishaq ibn Isma'ill and expressed lots of matters in that letter."⁹

We also read in the book *History of Qom* by Hasan ibn Mohammad ibn Hasan Ash'ari Qummi that Ahmad ibn Ishaq went to Samarra when travelling to perform the pilgrimage of Hajj and then met Imam Hasan Askari (a).¹⁰ Therefore, being under the observation of the Caliphs had not prevented the Imams from having contact with people. Moreover, if Imam Jawad (a) had been in conditions such that he could not write letters to the Shi'as, how could Ali ibn Mahzyar dare to say such a false statement in the same time period which everyone could easily refute?

Objection Four: How can the Imam legislate and say that he ordained an extra khums on people in that year, while we know that legislation is exclusive to Allah and that the Prophet (s) can only announce Allah's Will to people? The duty of the Imam (a) is merely to maintain and propagate the religion, not legislation of new laws.

Reply: The disputant took no notice of the difference between *legislation* and *order of a governor*. The legitimate leader of the Islamic state has the right to temporarily issue special orders in extraordinary cases, and ask all people to perform a special duty, consisting of financial or non-financial matters, or prohibit a permissible action temporarily for some special reasons. This authority is not only exclusive to the Imams (a) and in fact, the qualified jurists also have this right. The well-known verdict of Ayatollah Shirazi against consumption of tobacco is one example. This is one of the signs of dynamism and vitality of Islamic Law which grants legitimate leaders enough power and authority to meet unexpected challenges and meet requirements of special and emergency

conditions. Of course, as soon as that extraordinary condition ends, that order also is invalidated and everything goes back to normal. Such orders are not like the primary rulings of Islam, which are eternal and universal.

Accordingly, we see that the Imam (a) says about the additional khums: 'This is exclusive for this year and it has a reason which I do not want to explain because of some conditions.' Certainly, this is the extraordinary financial condition that existed for the Shi'a when the Imam entered Baghdad. However, as for the regular khums, the Imam said: 'This law is forever and Muslims should pay it every year.'

Based on the above, it is clear why Imam (a) had necessitated the first khums which had been extraordinary on gold and silver which was one year old. As we have said, the issuing of this ruling was due to using the authorities of religious governors and this should be based on the needs at that time. The Imam (a) had observed how much khums would address the extraordinary need of the Shi'a and therefore he had limited the payment to this amount.

Objection Five: There is a contradiction between the beginning and the end of this hadith. In the beginning, it says: 'I take khums only from gold and silver' and at the end khums is extended to other things.

Reply: There is no contradiction at all. As said before, khums which is required in the beginning of the hadith, was temporary and extraordinary and the Imam (a) ordered that for specific circumstances of that year while the khums which is mentioned at the end of the hadith is the general ruling in Islamic Law that pertains to all ages. This is why the Imam (a) refers to the verse of ghanimah in the second part and also makes it clear that ghanimah here includes all types of income.

Objection Six: Imam Jawad (a) had passed away in the year 219 A.H., so how is it possible for him to issue this order in the year 220 A.H. as it has been mentioned in the text of hadith?

Reply: The answer to this objection can easily be understood by referring to famous historical and hadith sources. For example, Sheikh Mufid affirms in *Al-Irshad* that Imam Jawad (a) passed away in the year 220 A.H. Also, Sheikh Kulayni in *Al-Kafi* states that Imam Jawad (a) was born in the month of Ramadan in the year 195 A.H. and passed away towards the end

of Dhu'l Qa'dah of the year 220 A.H.¹¹ According to *Kashf al-Ghummah*, Imam (a) went to Baghdad in the year 220 A.H. and passed away towards the end of Dhu'l Qa'da of the same year.¹² As cited in the book *Muntakhab, Durus, I'lam al-Wara, Manaqib* and *Ithbat al-Wasiyyah* by Mas'udi, all have affirmed that the Imam (a) passed away in the year 220 A.H. The same is the case with *Wafayat al-A'yan* whereas the view that Imam (a) had died in 219 A.H. is taken to be weak. Allamah Majlisi in his *Bihar al-Anwar* reports that according to *Tarikh Mawalid wa Wafayat Ahl -e Baytal-Nabi* by Ibn Khashab, Imam Jawad (a) passed away in the year 220 A.H.

The hadith of Ali ibn Mahzyar is one of the hadiths on khums that has no place for objection about its authenticity or its meaning.

5. Hadith of Sama'ah ibn Mihran

Another hadith that proves khums in all types of income is the hadith of Sama'ah ibn Mihran from Imam Musa ibn Ja'far (a):

I asked Aba'l-Hasan [Imam Musa ibn Ja'far (a)] about khums. He replied: "[Khums applies to] everything that people gain from little to many."¹³

Despite the reliability and clarity of this hadith, again the same disputant has made objections:

Objection One: Sama'ah had died in the time of Imam Sadiq (a) so how could he quote a hadith from Imam Musa ibn Ja'far (a)?

Reply: Scholars of al-Rijal have affirmed that Sama'ah had quoted numerous hadiths from Imam Musa ibn Ja'far (a) and today those hadiths are available in our hadith books. Moreover, those scholars have affirmed that Sama'ah was a Waqifi. They have also confirmed his truthfulness and reliability. Waqifis were those who believed up to the seventh Imam i.e. Musa ibn Ja'far (a), but did not believe in the eighth Imam i.e. Imam Rida (a). So how is it possible that a person like Sama'ah was a Waqifi but died in the time of Imam Sadiq (a)? It seems that the disputant did not pay attention to the meaning of Waqifi; otherwise he could not have accepted both that he was a Waqifi and that he died in the time of the sixth Imam. Yes, there is a weak hadith that Sama'ah died in the time of Imam Sadiq (a) but the late Allamah Ardabili in *Jami' al-Ruwat*

illustrates that this hadith was a fabricated one. At any rate, it is not possible to hold that Sama'ah was a Waqifi who dies in the time of Imam Sadiq (a).

Objection Two: Sama'ah asked Imam (a) about khums, but it is not known what type of khums he meant. Perhaps he just meant to ask about the khums on war spoils and therefore Imam's answer would also be restricted to that. There is no mention of khums of mines, treasures, and diving into the sea and gains like them, or benefits of businesses and industries?

Reply: The narrator's question about khums is very general and the Imam (a) answered that khums applies to "everything that people gain from little to many is." "Everything that people gain" is very comprehensive and general and perhaps there is no expression more explicit than this about the generality of khums.

1 *Wasa'il al-Shi'a*, vol. 6, Ch. 8 of the chapters on khums, hadith no 1.

2 Ibid., hadith no. 3.

3 Ibid. hadith no. 4.

4 Ibid. hadith no. 5.

5 *History* by Mohammad ibn Jarir tabari, vol. 7, p. 224 (Cairo edition).

6 *Al-Kamil* by Ibn Athir, vol. 5, p. 233 (Dar al-Kitab al-'Arabiyyah).

7 *Lughat-Name* by Dehkhuda, Entry: "Babak Khurram-Din."

8 This matter has been affirmed in *Mir'at al-'Uqul*, vol. 6, p. 95.

9 *Al-Rijal* by Kashshi, p. 449.

10 *Bihar al-Anwar*, vol. 50, p. 322.

11 vol. 1, p. 492.

12 vol. 3, p. 224.

13 *Wasa'il al-Shi'a*, vol. 6, page 350.

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let him claim it wherever he finds it"*

Imam Ali (as)