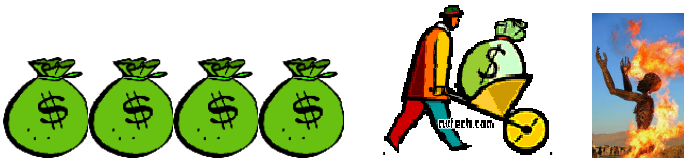


# QUESTIONS ON KHUMS



*Bashir Alidina*

## **Dedication**

I hereby dedicate this book to my Master Imam Al Mahdi (a.s.) whose rights are being usurped and squandered right in front of my eyes.

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## **PREFACE**

### **In the Name of Allah (s.w.t.) the Beneficent the Merciful.**

I am writing this small book being fully aware of the repercussions this might have on the community as well as on myself. As a book, this is probably a first of its kind, in the English language, to be written against the system of Khums collection and distribution that is prevalent today.

I am not interested in any personalities whatsoever with the exception of the Holy Infallibles (a.s.) upon whom my salvation depends. It therefore follows that the viewpoints of the rest of the world are not relevant. However, I am absolutely certain that a lot of my friends, relatives and people that I know will be offended by this book, but all I can do is to pray for their guidance from our Master (a.s.), the Divine Guide.

As I have had a lot of arguments from people who keep insisting on the Arabic text of a Hadeeth or a

Holy Verse every time I quote it, therefore I have included this as much as I could in order to cut out most of their arguments. They are welcome to go through the syntax and the grammar and interpret these accordingly. This then leaves the stubborn individuals who are bent upon following their father's footsteps regardless of the fact that their fathers were heedless of the reality, and those that are infatuated with the tax collectors and would do anything to defend their positions. There is nothing I can do about these people.

This book is aimed at those among the general Shiite public who are of the belief that the only relevant stance is the one taken by the Holy Infallibles (a.s.) and so would pay heed to them.

I would hereby like to apologise to anyone, whose feelings that I may end up offending, but then, hey, a spade is a spade and not an exaggerated spoon.

**Bashir Alidina**

## **FOREWORD**

Allah (s.w.t.) has set up a welfare system for the benefit of Muslims. This system divided people into two categories. The Holy Prophet (s.a.w.w.) and his Family (a.s.) on one hand, and the rest of the Muslim Ummah on the other.

For the benefit of the Holy Prophet (s.a.w.w.) and his Family (a.s.) the tax of Khums was Revealed, whereas for the rest of the Muslims it was Zakaat (Charity). This then set the basis for all the arguments on Khums.

### **AL KAFI - H 1413, Ch. 130, h 4 (EXTRACTS)**

وقال: إن الله لم يترك شيئاً من صنوف الاموال إلا وقد قسمه وأعطى كل ذي حق حقه الخاصة والعامة والفقراء والمساكين وكل صنف من صنوف الناس، فقال: لو عدل في الناس لاستغنوا، ثم قال: إن العدل أحلى من العسل ولا يعدل إلا من يحسن العدل. قال: وكان رسول الله صلى الله عليه وآله يقسم صدقات البوادي في البوادي وصدقات أهل الحضر في أهل الحضر ولا يقسم بينهم بالسوية على ثمانية

حتى يعطي أهل كل سهم ثمنا ولكن يقسمها على قدر من يحضره من أصناف الثمانية على قدر ما يقيم كل صنف منهم يقدر لسنته، ليس في ذلك شئ موقوف ولا مسمى ولا مؤلف، إنما يضع ذلك على قدر ما يرى وما يحضره حتى يسد كل فاقة كل قوم منهم وإن فضل من ذلك فضل عرضوا المال جملة إلى غيرهم

*“The Imam (a.s.) has said, ‘There is no category of the properties that Allah may not have distributed and has **given every rightful person his or her rights** of the general or particular nature of the needy and the destitute and all categories of people.’*

*“Also the Imam (a.s.) has said, ‘**If justice is practiced among the people they will become free from want.**’ The Imam (a.s.) then said, ‘Justice is more sweet than honey. **No one practices it properly except those who are good in justice.** The Imam (a.s.) then said, ‘The Messenger of Allah (s.a.w.w.) would distribute the charities of the rural areas in the rural areas and the charities of the towns to the people of the towns. He would not divide every amount of charity received into eight portions. He would divide it proportionate to the categories of the causes present before him and to the degree for each cause that would suffice it for one year. There was no limit of time or a certain*

*date or the combination of both. He based it on what was available and who was present and how much of the need of each category could have been fulfilled. He offered the remaining to other people'.*

The Islamic welfare system was set by Divine Revelation and it is wrong for people to make amendments to it. Those who think they are smart enough to use their intellect in order to improve upon a Divine system or if they can make up for any apparent deficiency in it based upon their consensus, should reflect upon the deficiency in their own intellect.



## Chapter One

### WHO DOES IT BELONG TO?

Let us now take a look at this tax. There are two types of gains - 'Anfaal' and 'Fey'.

#### ANFAAL (WINDFALLS)

These are the gains made without the use of warfare.

يَسْأَلُونَكَ عَنِ الْأَنْفَالِ قُلِ الْأَنْفَالُ لِلَّهِ وَالرَّسُولِ  
فَاتَّقُوا اللَّهَ وَأَصْلِحُوا ذَاتَ بَيْنِكُمْ وَأَطِيعُوا اللَّهَ  
وَرَسُولَهُ إِنْ كُنْتُمْ مُؤْمِنِينَ

**[Shakir 8:1]** They ask you about the windfalls. Say:  
**The windfalls are for Allah and the Messenger.**  
So be careful of (your duty to) Allah and set aright

matters of your difference, and obey Allah and His Messenger if you are believers.

### AI KAFI - H 1412, Ch. 130, h 3

علي بن إبراهيم، عن أبيه، عن ابن أبي عمير، عن حفص بن البختري، عن أبي عبدالله عليه السلام قال: الانفال ما لم يوجف عليه بخيل ولا ركاب، أو قوم صالحوا، أو قوم أعطوا بأيديهم، وكل أرض خربة وبطن الاودية فهو لرسول الله صلى الله عليه وآله وهو للامام من بعده يضعه حيث يشاء

*Ali ibn Ibrahim has narrated from his father from ibn abu 'Umayr from Hafs ibn al-Bakhtari from abu 'Abd Allah, recipient of divine supreme covenant, who has said the following: "Abu 'Abd Allah, recipient of divine supreme covenant, has said, 'Al-Anfal is such property for the acquisition of which no camels or horses are used and **no armed expeditions** are undertaken. It is the property that may come as a result of **negotiated settlement** or certain people may give (to us) with their own hands or it may come from a barren land or from inside the valleys. Such properties belong to the Messenger of Allah and they will belong to the 'A'immah (Leaders with Divine Authority), recipients of divine supreme*

*covenant, after the Messenger of Allah. **The Imam will spend them as he may consider proper.***

#### **AL KAFI - H 1413, Ch. 130, h 4 (EXTRACTS)**

وله بعد الخمس الانفال، والانفال كل أرض خربة قد باد أهلها وكل أرض لم يوجف عليها بخيل ولا ركاب ولكن صالحوا صلحا واعطوا بأيديهم على غير قتال وله رؤوس الجبال وبطون الاودية والأجام وكل أرض ميتة لا رب لها وله صوافي الملوك ما كان في أيديهم من غير وجه الغصب، لان الغصب كله مردود وهو وارث من لا وارث له، يعول من لا حيلة له.

والانفال إلى الوالي وكل أرض فتحت في أيام النبي صلى الله عليه وآله إلى آخر الأبد وما كان افتتاحا بدعوة أهل الجور وأهل العدل لان ذمة رسول الله في الأولين والآخرين ذمة واحدة لان رسول الله صلى الله عليه وآله قال: المسلمون إخوة تتكافى دماؤهم ويسعى بذمتهم أدناهم

*Ali ibn Ibrahim ibn Hashim has narrated from his father from Hammad ibn 'Isa from certain persons of our people from the virtuous servant of Allah who has said the following: "Besides al-Khums for Imam there is 'al-Anfal'. Al-Anfal is every kind of abandoned land whose owners are no more and all the lands that are **acquired without the use of force and fighting but are achieved through settlement or the owners may have given them***

**to the Imam without fight.** *“To the Imam belongs the mountain, inside of the valleys, marshes and undeveloped lands that have no owners. To the Imam (a.s.) belong the properties of the kings (defeated) if such properties are not usurped. The usurped properties are all returned to the owner. The Imam (a.s.) is the heir of those who have no heirs. He supports those who have no supporters (financially).*

**Al-Anfal belongs to the Wali** and so are all the lands that were captured during the time of the Holy Prophet, recipient of divine supreme covenant, **to eternity.** *It does not matter whether the conquest was made through the people of justice or otherwise. The responsibility of the Messenger of Allah is one and the same in the past, present or future generations. It is because the Messenger of Allah said, ‘Muslims as brothers are equal in the matters of lives. Even the small ones among them strive for the fulfilment of their responsibilities.’*

## **FEY (TO TAKE BACK)**

These are the gains made by struggle. 20% of this is known as Khums.

## AL KAFI – CHAPTER 130 - INTRODUCTION

Al-Kulayni, May Allah grant him blessing, has said the following: “Allah, the Most Holy, the Most High, has invented the whole world for His deputy as He (s.w.t.) said to His angels. ‘*When your Lord said to the angels, “I am appointing someone as my deputy on earth. . . .”*’ (2:30). The whole world was for Adam (a.s.) and after him it belonged to the good ones among his descendents and his successors. Whatever their enemies had taken away from them (a.s.) and came back to them (a.s.) **through war or conquest** is called “Fey’(taken back). Such properties belong to Allah (s.w.t.), the Messenger (s.a.w.w.) and the relatives of the Messenger (s.a.w.w.). **It is the property taken back from others by force.** However, whatever may come to them without the use of force and resources such as horses and man, it is called ‘*al-Anfal*’. Such properties belong to Allah and the Messenger only and no one else will have any share in it. Others can have shares only in what is acquired through fighting.

وَأَعْلَمُوا أَنَّمَا غَنِمْتُمْ مِّنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ  
وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَابْنِ

السَّبِيلِ إِنْ كُنْتُمْ آمَنْتُمْ بِاللَّهِ وَمَا أَنْزَلْنَا عَلَى عَبْدِنَا  
يَوْمَ الْفُرْقَانِ يَوْمَ التَّقَى الْجَمْعَانِ وَاللَّهُ عَلَى كُلِّ شَيْءٍ  
قَدِيرٌ

**[Shakir 8:41]** And know that whatever thing you gain, 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, if you believe in Allah and in that which We revealed to Our servant, on the day of distinction, the day on which the two parties met; and Allah has power over all things.

The near of kin are those from among the Family of the Holy Prophet (s.a.w.w.) and not those of the general populace. So said our Master (a.s.):

**AL KAFI - H 1411, Ch. 130, h 2**

الحسين بن محمد، عن معلى بن محمد، عن الوشاء، عن  
أبان، عن محمد بن مسلم عن أبي جعفر عليه السلام في قول  
الله تعالى: " واعلموا أنما غنمتم من شئ فإن لله خمسة و  
للرسول ولذي القربى " قال: هم قرابة رسول الله صلى الله  
عليه وآله والخمس لله وللرسول ولنا

*Al-Husayn ibn Muhammad has narrated from Mu'alla ibn Muhammad from al-Washsha' from Aban from Muhammad ibn Muslim from abu Ja'far, recipient of divine supreme covenant, who has said the following about the words of Allah, the Most High: "Abu Ja'far, recipient of divine supreme covenant, has said, 'You must know that whatever property you may gain, one fifth belongs to Allah, the Messenger (of Allah), the Dhi al-Qurba' (relatives)," (8:41) "The Imam said, 'It refers to the relatives of the Messenger of Allah. Al-Khums (one fifth) belongs to Allah, the Messenger (of Allah) and to us.'"*

مَا أَفَاءَ اللَّهُ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَى فَلِلَّهِ  
 وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَابْنِ  
 السَّبِيلِ كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ وَمَا  
 آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا  
 وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

**[Shakir 59:7]** Whatever Allah has restored to His Messenger from the people of the towns, 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 be a thing taken by turns among the rich of you, and whatever the Messenger gives you, accept it, and from whatever he forbids you, keep back, and be careful of (your duty to) Allah; surely Allah is severe in retributing (evil):

**AL KAFI - H 1410, Ch. 130, h 1**

علي بن إبراهيم، عن أبيه، عن حماد بن عيسى، عن إبراهيم بن عمر اليماني، عن أبان بن أبي عياش، عن سليم بن قيس قال: سمعت أمير المؤمنين عليه السلام يقول: نحن والله الذين عنى الله بذوي القربى، الذين قرنهم الله بنفسه ونيبه صلى الله عليه وآله، فقال: " ما أفاء الله على رسوله من أهل القرى فله وللرسول ولذوي القربى واليتامى والمساكين " منا خاصة ولم يجعل لنا سهما في الصدقة، أكرم الله نبيه وأكرمنا أن يطعمنا أو ساخ ما في أيدي الناس

*Ali ibn Ibrahim has narrated from his father from Hammad ibn 'Isa from Ibrahim ibn 'Umar al-Yamani from Aban ibn abu 'Ayyash from Sulaym ibn Qays who has said the following: "I heard Amir al-Mu'minin Ali, recipient of divine supreme covenant, say, 'We, by Allah, are the ones to whom Allah has*



*referred by the words Dhi al-Qurba' (relatives) and He has brought us near to Himself and His Holy Prophet saying, "Whatever Allah grants to His Messenger (out of the property) of the people of the towns, belongs to Allah, the Messenger, the Dhi al-Qurba' (relatives), the orphans, the destitute." (59:7) **It applies to such persons from us exclusively.** In the charity no portion is appropriated to us. It is the way Allah has honoured His Holy Prophet and has honoured us instead of feeding us the filthy things in the hands of people."*

The purpose of Khums, according to the above evidence, is to strengthen the economic situation of the Family of the Holy Prophet (s.a.w.w.) so that they do not have to depend on the dirt of others. These Verses have confirmed that the taxpayers are those of the Ummah who are not from the Family of the Holy Prophet (s.a.w.w.). The Family members of the Holy Prophet (s.a.w.w.) are actually the recipients of this tax.

The Family of the Holy Prophet (s.a.w.w.) are prohibited from taking Zakaat and hence have no share in it whatsoever. Conversely, the Ummah, is not entitled to Khums and hence has no share in this whatsoever.

## The Tax Payers and Recipients

The obligations of religion are either individual or collective i.e. 'Waajib Ul Ayni' of 'Waajib Ul Kifayi'. An individual obligation is one whereby every individual is obligated to do it. For instance the five daily prayers, fasting in the month of Ramadhan, etc. A collective obligation is one where if one person, or a group of persons were to perform it, then there would be no obligation on the rest of the community to do it.

The fact that Khums is an individual obligation is so well established that no one will ever dispute it. Not a single person is free from this obligation. In fact, no Mujtahid has ever declared it to be a collective obligation. **This means that the tax collector is as obligated to pay Khums as the taxpayers are.**

## QUESTIONS

Have you ever seen a tax collector pay Khums? If he does not, then why not? Surely it is an obligation on him as well.

If he pays it, then who does he pay it to? Himself or to someone else? If he is paying to someone else

then **that** is the person we should also be paying to and not to him.

Or are the tax collectors playing games with religion whereby Khums has been declared an individual obligation on the people but they themselves regard it as a collective obligation, and are therefore exempt from it?

When I look around, sometimes I see some Seyyids also paying Khums. Eh? What is going on here? They are supposed to be the recipients and not the payers now are they? And when I look at some of the tax collectors I see some non-Seyyids collecting Khums from them. Surely they should be paying it and not collecting it.

**Comment** : The glass is upside down.

## **Chapter Two**

### **THE TAX COLLECTORS**

It has been proven from the Verses of the Holy Quran and the statements of the Holy Infallibles (a.s.) that Khums is the right of the Holy Imam (a.s.) and no one else. No one else has the right to have this right vested in himself. There should no longer be any doubt or confusion that Khums and the Anfaal are the rights of Allah (s.w.t.)'s Wali. No one else can even cast an eye on it.

Now that questions have been raised about Khums, it becomes necessary for us to ensure that what belongs to the Holy Imam (a.s.) does in fact reach him. There are only two ways of doing this. Either we go and personally deliver this tax to the Holy Imam (a.s.) himself or else we should have on us his (a.s.) specific instructions, either oral or written, to hand it over to his appointed agent, and thus become free of responsibility.

During the minor occultation the people had written instructions from the Holy Imam (a.s.) to hand over their Khums to named agents. Hence in this period the matter was clear and people had no doubts whom to give their Khums to.

The situation in the major occultation period is completely different. The system of direct representation and ambassadorship was cut off at the inception of the major occultation, and those that claimed to be representatives have been branded as liars and fabricators by the Holy Imam (a.s.). There has never been a single statement of the Holy Imams (a.s.) whereby they have instructed us that during the major occultation, any person who claims to be a scholar, whom a few people regard as their teacher or one who achieves a degree from a university of Qum, we should hand over our Khums to him. Not a single tax collector has ever made the claim that he hands over the Khums monies to the Holy Imam (a.s.), and if he were to do that then he would be included in the label of a liar and a fabricator.

## QUESTIONS

Who appointed these tax collectors for the major occultation? Imam Mahdi (a.s.) certainly did not.

Who authorised the collection of khums by these tax collectors? Imam Mahdi (a.s.) certainly did not.

If these tax collectors claim to be the representatives (Naaibs) of the Imam Mahdi (a.s.), then how come they do not hand over the Khums to him (a.s.) when they meet him?

If they say that they never meet him, then why are they collecting his (a.s.) money?

When some of these tax collectors die, a booklet is published after them giving instances of their meetings with Imam Mahdi (a.s.) during their lifetime. How come none of these instances ever reveal them handing over the tax collected to him (a.s.)?

When some of these tax collectors die, then how comes their surplus monies left over from their collection never gets passed over to the next collector? It simply gets used up by the people that surrounded him.

Why do they divide Khums distribution into two halves whereby one half is for the Seyyids and the other half is spent on other projects etc., when the statement of the Holy Imam (a.s.) is indicating otherwise?

#### **AL KAFI - H 1413, Ch. 130, h 4 (EXTRACT)**

وله نصف الخمس كمالاً ونصف الخمس الباقي بين أهل بيته، فسهم لآلئامهم وسهم لمساكئئهم وسهم لآبناء سبئئلهم يقسم بئئئهم على الكتاب والسنة ما يستغنون به فئئ سنتهم، فإن فضل عنهم شئئ، فهو للوالي وإن عجز أو نقص عن استغنائهم كان على الوالي أن ينفق من عنده بقدر ما يستغنون به فئئ سنتهم، فإن فضل عنهم شئئ

*Ali ibn Ibrahim ibn Hashim has narrated from his father from Hammad ibn 'Isa from certain persons of our people from the virtuous servant of Allah who has said the following: **"Fifty percent of al-Khums (one fifth) belongs to him, the Imam (Leader with Divine Authority). The other fifty percent of al-Khums belongs to his (the Holy Prophet's) family members.** One portion is for the orphans thereof, one portion for the destitute thereof, one portion for those of them who become needy while on a journey. It is distributed among them according to the rules in the Book and the Sunnah. The limit is an amount that can suffice for their expenses for a*

*whole year. If anything is left extra it will go to the Wali, (Leader with Divine Authority). In the case of deficit the Wali is responsible for providing and paying the deficit to meet their needs.*

According to this, the whole of it is for the Family of the Holy Prophet (s.a.w.w.) and not just half of it. If half of it is then used to finance certain project would this not amount to **misappropriation of funds?**

Let us now take a look back at the incident regarding the Garden of Fadak, which was the first instance whereby these rights of the Family of the Holy Prophet (s.a.w.w.) was deprived of them and diverted towards the running of the government of the time.

### **AL KAFI - H 1414, Ch. 130, h 5 (EXTRACT)**

علي بن محمد بن عبدالله، عن بعض أصحابنا أظنه السيارى، عن علي بن أسباط قال: إن الله تبارك وتعالى لما فتح على نبيه صلى الله عليه وآله فذك وما والاها، لم يوجف عليه بخيل ولا ركاب فأنزل الله على نبيه صلى الله عليه وآله " وأت ذا القربى حقه فلم يدر رسول الله صلى الله عليه وآله من هم، فراجع في ذلك جبرئيل وراجع جبرئيل عليه السلام ربه فأوحى الله إليه أن ادفع فذك إلى فاطمة عليها السلام، فدعاها رسول الله صلى الله عليه وآله فقال لها: يا



فاطمة إن الله أمرني أن أدفع إليك فدك، فقالت: قد قبلت يا رسول الله من الله ومنك. فلم يزل وكلاؤها فيها حياة رسول الله صلى الله عليه فلما ولي أبو بكر أخرج عنها وكلاءها، فأنته فسألته أن يردها عليها، فقال لها: انتيني بأسود أو أحمر يشهد لك بذلك، فجاءت بأمير المؤمنين عليه السلام وام أيمن فشهدا لها فكتب لها بترك التعرض، فخرجت والكتاب معها فلقيها عمر فقال: ما هذا معك يا بنت محمد؟ قالت كتاب كتبه لي ابن أبي قحافة، قال: أرينيه فأبت، فانتزعه من يدها ونظر فيه، ثم تفل فيه ومحاه وخرقه، فقال لها: هذا لم يوجف عليه أبوك بخيل ولا ركاب؟ فضعي الحبال في رقابنا فقال له المهدي: يا أبا الحسن حدها لي، فقال: حد منها جبل احد، وحد منها عريش مصر، وحد منها سيف البحر وحد منها دومة الجندل، فقال له، كل هذا؟ قال: نعم يا أمير المؤمنين هذا كله، إن هذا كله مما لم يوجف على أهله رسول الله صلى الله عليه وآله بخيل ولا ركاب، فقال كثير، وأنظر فيه

*Ali ibn Muhammad ibn 'Abd Allah has narrated from certain person of our people (that I think is al-Sayyari) from Ali ibn Asbat who has said the following: "He (the Imam) said, 'Allah, the Holy, the Most High, granted victory to His Holy Prophet, recipient of divine supreme covenant, and **the land of Fadak and its surrounding areas came under his control without any armed struggle.** Allah sent a message to His Holy Prophet, recipient of divine supreme covenant. It said, "Give the relatives*

their rights.” The Messenger of Allah did not know who they were. He turned to Jibril to find out and Jibril turned to his Lord for the answer. **Allah then sent revelation to him to give possession of Fadak to Fatimah**, recipient of divine supreme covenant. Thereupon, the Messenger of Allah called Fatimah, recipient of divine supreme covenant, and said to her. “O Fatimah, Allah has commanded me to give possession of Fadak to you.” She then said, “O Messenger of Allah, I have accepted the offer from Allah and from you.” **Thereafter her representatives lived there during the lifetime of the Messenger of Allah.** When abu Bakr took control he expelled her representatives there from. She went to Abu Bakr and asked him to reverse his decision and return Fadak to her but he said to Fatimah, recipient of divine supreme covenant, “Bring to me a black or white person to testify that Fadak belonged to you.” Fatimah, recipient of divine supreme covenant, brought Amir al-Mu’minin Ali, recipient of divine supreme covenant, and ‘Umm Ayman who both testified in favour of Fatimah, recipient of divine supreme covenant. He then wrote, **“Fatimah must not be disturbed in the matters of Fadak.”** Fatimah, recipient of divine supreme covenant, then left with the document. On the way **‘Umar** came from the opposite direction and asked, “What is it in

*your hand, O daughter of Muhammad?" Fatimah, recipient of divine supreme covenant, said, "It is a document that Ibn Abu Quhafa (Abu Bakr) has written for me." He said, "Show it to me." Fatimah, recipient of divine supreme Covenant, refused to hand it over to him but **he snatched it away from her hand and read it. He then spat on it, wiped out its writing and tore it into pieces.** He said, "This was not captured by forces of the camels and horses of your father so that you can tie the rope around our necks." "Al-Mahdi said, 'O abu al-Hassan define for me the boundaries of Fadak.' The Imam said, 'On one side it borders the mountain of 'Uhud. On the other side is 'Arish Misr. Also it borders Sayf al-Bahr and on one of it's sides is Dawmat al- Jandal.' Then he asked the Imam, 'All of it?' He said, 'Yes, O Amir al-Mu'minin, this is all that came to the Messenger of Allah without the use of the forces of the camels and horses.' "He said, 'This is a large area but I will look into it.'"*

It has also been reported in history that Umar Ibn Khattab said to Abu Bakr, 'If you give this to her then how will you feed your army?'

Now, let us contrast this with the statements of one of the tax collectors of our time.

Agha e Khomeini wrote in his book 'Islamic Government and the rule of the Jurist': *the purpose for the imposition of such a tax (Khums) is not merely the upkeep of the sayyids or the religious scholars, but on the contrary, something far more significant—namely, **meeting the financial needs of the great organs and institutions of government.** How could the sayyids ever need so vast a budget? It was established with the aim of providing for the needs of the people, for public services relating to health, education, defence, and economic development.*

**Hmmm! No comment.**

This diversion of religious tax funds to run the government of the time is nothing new. This also happened in the time of Prophet Isa (a.s.):

*He called together the priests and Levites and said to them, "Go to the towns of Judah and collect the money due annually from all Israel, to repair the temple of your God. Do it now." But the Levites did not act at once. Therefore the king summoned Jehoiada the chief priest and said to him, "Why haven't you required the Levites to bring in from Judah and Jerusalem the **tax imposed by Moses** the servant of the LORD and by the assembly of*

*Israel for the Tent of the Testimony? - 2 Chronicles*  
**24:5-6 (New International Version Of The Bible)**

The diversion of Khums revenue away from the Family of the Holy Prophet (s.a.w.w.) at the time of the incident of the Garden of Fadak was so significant that it formed the official policy of the Ummayyid and the Abbasid governments. These governments carried on with this policy of considering the Khums monies as their right.

As is normally the case, when the government gets hold of the money, it seldom spends it on the people. Even when the Samarrah bombing took place, and the sarcophagus of the Holy Imam (a.s.) were turned into rubble, help was sought from UNESCO after declaring it as a cultural heritage site. Where was the Khums money then? Surely it is being collected in the name of the blessed son of this Holy Imam (a.s.)? Even the other holy sites are today being done up by people from outside of Iraq. Is the collection of Khums money a one way street?

**THE USURPERS AND THEIR FATE**

The Holy Quran also testifies that in the history of the olden people, it has been the custom that the

priests have taken control of the wealth of the people.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّ كَثِيرًا مِّنَ الْأَحْبَارِ وَالرُّهْبَانِ  
لَيَأْكُلُونَ أَمْوَالَ النَّاسِ بِالْبَاطِلِ وَيَصُدُّونَ عَن سَبِيلِ  
اللَّهِ وَالَّذِينَ يَكْنُزُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يُنْفِقُونَهَا  
فِي سَبِيلِ اللَّهِ فَبَشِّرْهُمْ بِعَذَابٍ أَلِيمٍ

**[Shakir 9:34]** O you who believe! most surely many of the doctors of law and the monks eat away the property of men falsely, and turn (them) from Allah's way; and (as for) those who hoard up gold and silver and do not spend it in Allah's way, announce to them a painful chastisement,

Take a look at another Verse:

سَمَاعُونَ لِلْكَذِبِ أَكَّالُونَ لِلسُّحْتِ فَإِن جَاؤُوكَ  
فَاحْكُم بَيْنَهُم أَوْ أَعْرِضْ عَنْهُمْ وَإِن تُعْرِضْ عَنْهُمْ فَلن

يَضْرُوكَ شَيْئًا وَإِنْ حَكَمْتَ فَاحْكُم بَيْنَهُم بِالْقِسْطِ إِنَّ  
اللَّهَ يُحِبُّ الْمُقْسِطِينَ

[Shakir 5:42] (They are) listeners of a lie, **devourers of what is forbidden**; therefore if they come to you, judge between them or turn aside from them, and if you turn aside from them, they shall not harm you in any way; and if you judge, judge between them with equity; surely Allah loves those who judge equitably.

Imam Muhammad Baqir (a.s.) has commented upon this Verse that the 'devourers of what is forbidden' are those that take the Imam (a.s.)'s wealth fraudulently.

Let me now present to you four Hadeeth from **Imam al Mahdi (a.s.)** which were in the form of written replies, taken from **Bihar Ul Anwaar, Vol 53**.

وأما المتلبسون بأموالنا فمن استحل شيئاً منها فأكله فانما  
يأكل النيران

*Those people who are aware of our rights and makes it permissible for himself or eats even a little bit from it then he has eaten **fire**.*

لعنة الله والملائكة والناس أجمعين على من أكل من مالنا  
درهما حراما

*The curse of Allah (s.w.t.) and the angels and all the people are on the one who eats from our right even one Dirham unlawfully.*

من فعل شيئا من ذلك بغير أمرنا فقد استحل منا ما حرم  
عليه، ومن أكل من أموالنا شيئا فانما يأكل في بطنه نارا  
وسيصلى سعيرا

*Whoever does anything from that without our order making it permissible to himself what is prohibited and eats anything from our right then he is filling his stomach with fire and will burn in **Hell**.*

وأما ما سألت عنه من أمر من يستحل ما في يده من أموالنا  
أو يتصرف فيه تصرفه في ماله من غير أمرنا، فمن فعل



ذلك فهو ملعون ونحن خصماؤه يوم القيامة وقد قال النبي صلى الله عليه وآله: المستحل من عترتي ما حرم الله ملعون على لساني ولسان كل نبي مجاب، فمن ظلمنا كان في جملة الظالمين لنا وكانت لعنة الله عليه، لقوله عز وجل " ألا لعنة الله على الظالمين

*And the person in whose control is our wealth which he has made it permissible upon himself, and he distributes it without our authorisation, as if he is distributing his own wealth, is an accursed one and on the Day of Judgment we will be claimants against him. And so the Holy Prophet (s.a.w.w.) has said: 'Whoever permits himself this wealth which belongs to my family and Allah (s.w.t.) has forbidden it, the he is **cursed** by mine as well as the tongues of all the Prophets (a.s.)'. **Whoever is unjust to us, he will be with those who have done injustice to us in the past and they have been cursed by Allah (s.w.t.). And so Allah (s.w.t.) has said: 'The curse of Allah is on the unjust'.***

وَنَادَى أَصْحَابُ الْجَنَّةِ أَصْحَابَ النَّارِ أَنْ قَدْ وَجَدْنَا مَا وَعَدَنَا رَبُّنَا حَقًّا فَهَلْ وَجَدْتُمْ مَا وَعَدَ رَبُّكُمْ حَقًّا

قَالُوا نَعَمْ فَأَذَّنَ مُؤَذِّنٌ بَيْنَهُمْ أَنْ لَعْنَةُ اللَّهِ عَلَى  
الظَّالِمِينَ

**[Shakir 7:44]** And the dwellers of the garden will call out to the inmates of the fire: Surely we have found what our Lord promised us to be true; have you too found what your Lord promised to be true? They will say: Yes. **Then a crier will cry out among them that the curse of Allah is on the unjust.**

**Comment :** "As soon as it was possible for you to misappropriate the Ummah's trust, you hastened to turn around and attack, and made a swift leap to snatch away whatever you could from the property meant for their widows and their orphans as a wolf snatches a wounded and helpless goat." – **Imam Ali (a.s.) - Nahj UI Balagah - Letter No. 41.**

## Chapter Three

### TAXABLE THINGS

Let us now look at the taxable things. The Holy Infallibles (as.) have guided us in this respect.

**AL KAFI - H 1413, Ch. 130, h 4**

علي بن إبراهيم بن هاشم، عن أبيه، عن حماد بن عيسى،  
عن بعض أصحابنا، عن العبد الصالح عليه السلام قال:  
الخمسة من خمسة أشياء من الغنائم والغوص ومن الكنوز  
ومن المعادن والملاحة

*Ali ibn Ibrahim ibn Hashim has narrated from his father from Hammad ibn 'Isa from certain persons of our people from the virtuous servant of Allah who has said the following: "Al-Khums (one fifth tax) is due on **five categories** of properties. It is due on (1) spoils of war or general net income, (2) properties acquired from diving deep waters, (3) the treasures found, (4) the mines and (5) salt mines.*

### AL KAFI - H 1417, Ch. 130, h 8

علي بن إبراهيم بن هشام، عن أبيه، عن ابن أبي عمير، عن جميل بن دراج عن محمد بن مسلم، عن أبي جعفر عليه السلام أنه سئل عن معادن الذهب والفضة والحديد والرصاص والصفرة، فقال: عليها الخمس

*Ali ibn Ibrahim ibn Hashim has narrated from his father from ibn abu 'Umayr from Jamil ibn Darraj from Muhammad ibn Muslim who has said the following: "Abu Ja'far, recipient of divine supreme covenant, was asked about the **minerals** such as gold, silver, iron, lead and zinc. He said, "They all are subject to al-Khums."*

### AL KAFI - H 1420, Ch. 130, h 11

علي بن إبراهيم، عن أبيه، عن ابن أبي عمير، عن الحسن بن عثمان، عن سماعة قال: سألت أبا الحسن عليه السلام عن الخمس فقال: في كل ما أفاد الناس من قليل أو كثير

*Ali ibn Ibrahim has narrated from his father from ibn abu 'Umayr from al- Husayn ibn 'Uthman from Sama'a who has said the following: "I asked abu al-Hassan, recipient of divine supreme covenant, about al-Khums. He said, "It is due on **all small and large gains** that people make."*

## AL KAFI - H 1421, Ch. 130, h 12

عدة من أصحابنا، عن أحمد بن محمد بن عيسى بن يزيد(1) قال: كتبت: جعلت لك الفداء تعلمني ما الفائدة وما حدها رأيك - أبقاك الله تعالى - أن تمن علي ببيان ذلك لكيلا أكون مقيما على حرام لا صلاة لي ولا صوم، فكتب: الفائدة مما يفيد إليك في تجارة من ربحها وحرث بعد الغرام أو جائزة

*A number of our people have narrated from Ahmad ibn Muhammad ibn 'Isa ibn Yazid who has said the following: "Once I wrote to the Imam, recipient of divine supreme covenant, 'May Allah, keep my soul in service for your cause, explain to me what is gain and profit? What is its limit? What is your opinion? May Allah, the Most High, grant you long life. I will be grateful for your explanation so I will not continue in unlawful activities which invalid prayer and fasting.' "He (a.s.) wrote to me, 'gain and profit is the income from trade from its **net profit** or from farming after the deduction of expenses and prizes."*

## MAN LA YAHZUR AL FAQIH – H 1646

وروى الحسن بن محبوب، عن عبد الله بن سنان قال: " سمعت أبا عبد الله عليه السلام يقول: " ليس الخمس إلا في الغنائم خاصة

Imam Ja'far Al Sadiq (a.s.) said: '*Khums is not on anything but on the wealth of Ghanimat (spoils of war)*'.

## MAN LA YAHZUR AL FAQIH – H 1653

وروى أبو عبيدة الحذاء عن أبي جعفر عليه السلام أنه قال:  
" أيما ذمي

اشترى من مسلم أرضا فعليه الخمس "

Imam Muhammad Baqir (a.s.) said: '*Whenever a protected (Dhimmi) unbeliever buys **land** from a Muslim, there will be Khums on it*'.

It is clear from the above statements of the Holy Infallibles (a.s.) that Khums is payable on the following:

1. Minerals like gold, silver, brass, alum, petrol, gas etc.
2. Treasures acquired by deep sea diving like pearls etc.
3. Profits from a business.
4. Profits from farming.

5. Spoils of war.
6. Land sold to a protected unbeliever.

Well, well, well! We have a situation here. When I look around I see much longer lists with the people. They say that even if my wife has five unused lipsticks from her make-up box, then one of it will have to be handed over to the tax collector as Khums. I wonder what they will do with it.

## **QUESTIONS**

Why has the list been widened?

Has this been done to maximise the tax revenue?

Who gave them the authority to widen the list in the first place?

**Comment** : Human desires are limitless.

## **Chapter Four**

### **HISTORICAL EVENTS**

Khums is one of those things which was introduced by Abd ul Muttalib (a.s.), the grandfather of the Holy Prophet (s.a.w.w.), and continued in Islam. Acting upon a Command of Allah (s.w.t.) given to him (a.s.) in a dream, when Abd ul Muttalib (a.s.) rediscovered the well of Zamzam, he found in it many valuable things which were buried in it from the very remote past by the Ismailites when they feared that their enemies would usurp these. When Abd ul Muttalib (a.s.) found the buried treasure, he (a.s.) gave away its one-fifth (literally, khums) in the way of Allah (s.w.t.) and kept the remaining four-fifth to himself. Thus it became a custom in his family; and after the Hijrah of the Holy Prophet (s.a.w.w.), the same system was incorporated in Islam. Thus the first 'khums' was not given from the 'spoils of war', but from a buried treasure (which is one of the six items eligible for khums).



Those of you who are interested in history will know that when the Verse of Khums was revealed, the Holy Prophet (s.a.w.w.) distributed it among the Banu Hashim and this continued during his (s.a.w.w.) time. The fact that the Holy Prophet (s.a.w.w.) used to give the khums to his Hashimite relatives exclusively is beyond any doubt. - **At-Tabari, Tafsir, vol. 13.**

Even the descendants of Hashim's brothers (Abd ash-Shams and Nawfal) were excluded from the khums distribution. Jubayr bin Mut'im (a descendent of Nawfal) and Uthman bin Affan (a descendent of `Abd ash-Shams) were not given anything from the khums of Khaybar. Both came to the Holy Prophet (s.a.w.w.) and complained, "O Messenger of Allah! You have given [the khums] to Bani al-Muttalib but left us out although we and they are equally related to you." The Holy Prophet (s.a.w.w.) said, "The Bani al-Muttalib and Bani Hashim are one and the same." - **Sahihu I-Bukhari, vol. 4, p. 240; vol. 5, 375. Also see at-Tabari, Tafsir, vol. 13** – The above has been taken from the book 'Khums' by S. M. Rizvi.

After the time of the Holy Prophet (s.a.w.w.), the government of the time decided that it was their right and a fifth of the spoils of war began to be sent

to the Caliph of the time who used to spend it on the affairs of his government. The Banu Hashim only got the same share as everyone else until it was the time for the caliphate of Imam Ali (a.s.). **He (a.s.) did not make any changes to this matter just as he let go of the matter of the garden of Fadak.**

I cannot find any incident during this caliphate that anyone had come and given Khums to Imam Ali (a.s.). This was the also the case for Imam Hasan (a.s.) and Husayn (a.s.) to the extent that whenever there was any delay of the payment from the government then their financial condition became very difficult. After this was the period of Imam Zayn Ul Abideen (a.s.) and Imam Muhammad Baqir (a.s.). I cannot see any incident of anyone paying Khums to them (a.s.) as well.

However, there are certain incidents during the time of Imam Ja'far Al Sadiq (a.s.) where some people used to bring some wealth to them but we should be careful not to misunderstand this. Sometimes the Shiites used to bring presents and gifts to him (a.s.) and not in the name of Khums.

In the book 'Superman in Islam', a debate has been given between Imam Ja'far Al Sadiq (a.s.) and an

atheist by the name of Abu Shakir. In a reply to Abu Shakir's accusation that he (a.s.) was collecting money from people in the name of religion, he (a.s.) replied: 'O Abu Shakir! You are saying that I aim to collect wealth in the name of worshipping God, by deceiving people. **I tell you that ever since I have invited people to worship God until today I have only accepted small gifts like fruit etc.** For example, a friend of mine has a date farm, and in the autumn when the dates ripen then he sends me a crate of them through his servant and I only accept this gift from him so that he may not get annoyed by my refusal. I also have another friend who has a garden of pomegranates in Taef and he sends me a crate with the caravan which comes to Medina and I only accept this because I do not want him to be annoyed with me due to my refusal. Will you testify that a person will not disseminate religion until such time as he does not get some dates and pomegranates?'

With the government collecting the tax as well, the Imam (a.s.) decided to forgive his right on the Shiites by giving them double taxation relief.

## MAN LA YAHZUR AL FAQIH – H 1659

وروي عن يونس بن يعقوب قال: " كنت عند أبي عبد الله عليه السلام فدخل عليه رجل من القمطين فقال: جعلت فداك تقع في أيدينا الأرباح والأموال وتجارات نعرف أن حقك فيها ثابت وإنما عن ذلك مقصرون؟ فقال عليه السلام: ما أنصفناكم إن كلفناكم ذلك اليوم "

*Younis bin Yaqoub has said that: 'One day when I went to Imam Ja'far Al Sadiq (a.s.), a toymaker came to see him (a.s.) and said, 'I have made good profit from my business and we know that your share in this is established but are not able to give you your share'. He (a.s.) replied: 'If these days I were to ask you for my share then it would not be justice'.*

The period of the Imams (a.s.) after Imam Ja'far Al Sadiq (a.s.) was even more difficult as they (a.s.) used to be under the scrutiny of the hostile governments of their time. After Imam Musa Kazim (a.s.) a sect by the name of Waqifiyya had come into being who claimed that he (a.s.) had not died but had gone into occultation. They then claimed that until such time as he (a.s.) reappears they will handle the affairs themselves and so usurped all

the wealth and refused to hand it over to Imam Al Ridha (a.s.) who cursed them in return.

## **The Disastrous Business Deal**

Let us now take an incident from the history of the tax collectors. In the year 1804, Abbas Mirza the Shah of Iran had a serious problem on his northern border with Russia when war broke out. Since he did not have enough soldiers to repel the Russian army, he approached the ruling Marja of the time Sheykh Ja'far Kashif Ul Ghita to declare Jihad so that it would become an obligation for the Shiites to participate in this war. **The Sheykh agreed on the condition that the Shah would allow the priests to collect the religious tax of Khums.** The deal was struck and Jihad was declared. This was then ratified by other priests of Najaf and Isfahan, like Mullah Ahmad Naraqī. The war lasted nine years and despite the support of the religious authorities and thousands of Shiites losing their lives in the hope of Paradise, the Shah lost the war and had to make many concessions. The treaty of Gulistan was signed in 1813 giving away all the Caucasian provinces to the Russians. The Persian Empire became smaller.

A couple of years later an extraordinary event took place. Mirza Muhammad Nishapuri Akhbari promised Fath Ali Shah, the death by supernatural means of Tsitianov, the Russian General then besieging Baku, in return for the Akhbari doctrine being made the official creed of Iran. The Shah agreed, and Mirza Muhammad started his prayers. After forty days, Tsitianov's head was presented to Fath Ali Shah. The Shah did not keep his end of the bargain as he realised that it was beyond his ability to reverse the power of the tax collectors. Fearing that Mirza Muhammad's extraordinary powers would be turned against him, Fath Ali Shah exiled him to Iraq where he was set upon by the tax collectors of Kadhimain in 1816, killed, and his body was fed to the dogs. – **Moojan Momen – An Introduction To Shi'i Islam.**

Ten years later in 1826 they were at it again. They issued Fatwas declaring Jihad to be obligatory and opposition to it a sign of unbelief (Kufr). Fath Ali Shah was pressured into agreeing, as they threatened to take over his government if he refused. The outcome of this second war was as disastrous as the first. Although the priests supported the troops in the battle initially, after the first reverses they withdrew, and it was indeed one of their number, Mir Fattah, who betrayed Tabriz

into the hands of the Russians. And so the Shah signed the treaty of Turkomanчай in 1828, conceding further territory to the Russians. – **Moojan Momen – An Introduction To Shi'i Islam.**

And the Persian Empire was no more. The territory what is known as Iran is all there is left of it today.

## **QUESTIONS**

If the Imam Mahdi (a.s.) were to make his appearance today and asks for his Khums that has been collected over the years, is there anyone who will be able to give it back to him?

How will this be returned when it has already been digested?

Do you think that the tax collectors would hand it over to him (a.s.), when they do not even hand it over to the next collector after their death?

Do you reckon that the countless Shiites who died in the two Russo-Persian wars can be classified as martyrs on whom Paradise is obligatory, when the

sole purpose of the declaration of Jihad was the collection of Khums?

Can the authorisation for tax collection issued by Shah Abbas Mirza of Iran be a valid one?

If the authorisation of Shah Abbas Mirza of Iran was invalid, then how can the authorisations of the collectors, and the ones issued by them be valid?

And where does this now leave those who go around collecting tax monies for their projects based on the authorisation of the tax collectors whose own authorisation is questionable to say the least?

**Comment** : A bird in hand is worth two in the bush and cash is better than credit. Human life has indeed lost its value.

I wonder how powerful Iran would have been today if the whole of what is known today as the Soviet Underbelly been part of it? But then, the tax collectors wanted to collect their taxes and so they did, at the expense of the Persian Empire.



## **Chapter Five**

### **LIFTING OF THE OBLIGATION**

Let us now look at what we are supposed to do in this period of the major occultation of our Imam (a.s.). Shall we also bury it in the sand or put it in the river like some people used to do a thousand years ago? They may have been wrong in doing this from a practical point of view but they were certainly correct conceptually. They did not want this money to go to anyone else other than the Holy Imam (a.s.). They used to keep it under their pillow in the hope that the Holy Imam (a.s.) would make his appearance and they would then hand it over to him. They waited and waited but the Holy Imam (a.s.) did not come out of the occultation. This gave the opportunity for some priests to declare themselves as the deputies of the Holy Imam (a.s.) and authorise themselves for the collection of the tax. And so started the saga of the self-appointed, self-authorised tax collectors, which has continued till today.

'The Imams are not recorded as designating any single individual as their sole, let alone paramount, representative specifically for the purposes of carrying on community activities during any periods of their absence, let alone the upcoming occultation. Indeed, the agent of the Hidden Imam later recognised to have been the Imam's four sufara (representatives) were not recognised as such during this time even in Baghdad, the provinces and especially Qum. It would seem that Husayn Ibn Rawh was the first to have made such a claim. No such authority had been delegated and that the Imam, if he had failed to return on or before his fortieth birthday, was nevertheless, and therefore, expected to return soon enough' – **A. J. Newman, The Formative Period Of Twelver Shi'ism, Chapter Eight.**

These days we have agents coming out from every nook and cranny of the Shiite world. Does this not remind you of the days of the American Gold Rush?

But, this is crazy. If the Holy Imam (a.s.) had authorised this collection of tax from the Shiites, or even ordered it, then I could have been able to construe that they are actually performing Jihad in the way of the Holy Imam (a.s.) by collecting this

tax from the people. But this is clearly not the case, now is it?

### Imam Ali (a.s.)'s Orders

حدثنا محمد بن الحسن رضي الله عنه قال: حدثنا محمد بن الحسن الصفار عن العباس بن معروف عن حماد بن عيسى عن حريز عن زرارة عن أبي جعفر (ع) انه قال: ان أمير المؤمنين (ع) حللهم من الخمس - يعني الشيعة - ليطيب مولدهم

*Imam Mohammed Baqir (a.s.) has narrated that Imam Ali (a.s.) has **waived al-Khums** for his Shias so that their children are born clean/legitimate - Illul Sharia*

وبهذا الاسناد عن زرارة ومحمد بن مسلم وأبي بصير عن أبي جعفر (ع) قال: قال أمير المؤمنين (ع) هلك الناس في بطونهم وفروجهم لانهم لا يؤدون الينا حقنا، ألا وان شيعتنا من ذلك وابنائهم في حل

*Imam Ali (a.s.) said: People are being punished and killed because they do not pay our rights, through suffering from what they eat and involving in disrespectful acts. But be aware, **we have lifted***

## ***our rights on our shias and their children - Illul Sharia***

### **Imam Ja'far Al Sadiq (a.s.)'s orders**

حدثنا احمد بن محمد رضي الله عنه، عن أبيه عن محمد بن احمد عن الهيثم النهدي، عن السندي بن محمد عن يحيى بن عمران الزيات، عن داود الرقي قال: سمعت أبا عبد الله (ع) يقول: الناس كلهم يعيشون في فضل مظلمتنا إلا أنا أحلنا شيعتنا من ذلك

Imam Jafar al Sadiq (a.s.) said: *Every one is living off what they have usurped from us but we have made is permissible for our Shias -Illul Sharia*

### **AL KAFI - H 1064, Ch. 105, h 3**

محمد بن يحيى، عن أحمد بن محمد، عن ابن محبوب، عن عمر بن يزيد قال رأيت مسمعا بالمدينة وقد كان حمل إلى أبي عبدالله عليه السلام تلك السنة مالا فرده أبو عبدالله عليه السلام فقلت له: لم رد عليك أبي عبدالله المال الذي حملته إليه؟ قال: فقال لي: إني قلت له حين حملت إليه المال: إني كنت وليت البحرين الغوص فأصببت أربعمئة ألف درهم

وقد جنتك بخمسها بثمانين ألف درهم وكرهت أن أحبسها عنك وأن أعرض لها وهي حقك الذي جعله الله تبارك وتعالى في أموالنا، فقال: أو ما لنا من الأرض وما أخرج الله منها إلا الخمس يا أبا سيار؟ إن الأرض كلها لنا فما أخرج الله منها من شئ فهو لنا، فقلت له: وأنا أحمل إليك المال: كله؟ فقال: يا أبا سيار قد طييناه لك وأحللناك منه فضم إليك مالك، وكل ما في أيدي شيعتنا من الأرض فهم فيه محللون حتى يقوم قائمنا فيجيبهم طسق ما كان في أيديهم ويترك الأرض في أيديهم وأما ما كان في أيدي غيرهم فإن كسبهم من الأرض حرام عليهم حتى يقوم قائمنا، فيأخذ الأرض من أيديهم ويخرجهم صغرة. قال عمر بن يزيد: فقال لي أبو سيار: ما أرى أحدا من أصحاب الضياع ولا ممن يلي الأعمال يأكل حلالا غيري إلا من طيبوا له ذلك

*Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from ibn Mahbub from 'Umar ibn Yazid who has said the following: "I saw Misma' in Madina. In that year he had tried to deliver a certain amount of property to abu 'Abd Allah, recipient of divine supreme covenant, who returned the property to him. I ('Uram) asked him (Mism'a) about the reason for the return. He (Mism'a) said, "When I took the property to him (the Imam) I said, 'I had become the person in charge of the pearls in Bahrayn and I have made a four hundred thousand Dirham profit. I have brought eighty thousand Dinars as your share. I did not want to keep your*

share and disregard what Allah, the Most Holy, the Most High, has decreed to be for you in our properties.' The Imam said, 'Is there no more from earth and what Allah takes out of it besides one fifth (of people's net savings) for us, O abu Sayyar? The whole earth belongs to us. Whatever Allah causes to come out therefrom belongs to us.' I then said, 'I will bring all the property to you.' He said, '**O abu Sayyar, we have made it a gift for you and relieved you of its liabilities. Take your property with you. Whatever land is in the hands of our Shi'a, it is lawful for them until al-Qa'im will rise with Divine Authority and power. He will make an agreement with them about whatever land is in their hands and will give them permission to use. Whatever land is in the hands of others, their earning from it is not lawful until al-Qa'im will rise with Divine Authority and power. He will take such lands away from them and will remove them humiliated.**' "Umar ibn Yazid has said, 'Abu Sayyar said to me, "I do not find anyone doing business or people as in charge persons of certain tasks, who earn their living lawfully except myself and those for whom they ('A'immah) have made it lawful.'"

## AL KAFI - H 1429, Ch. 130, h 20

محمد بن يحيى، عن أحمد بن محمد، عن محمد بن سنان، عن صباح الأزرق، عن محمد بن مسلم، عن أحدهما عليهما السلام قال: إن أشد ما فيه الناس يوم القيامة أن يقوم صاحب الخمس فيقول: يا رب خمسي، وقد طيبنا لشيعتنا لتطيب ولادتهم ولتركو ولادتهم

*Muhammad ibn Yahya has narrated from Ahmad ibn Muhammad from Muhammad ibn Sinan from Sabbah al-Azraq from Muhammad ibn Muslim from one of them (abu Ja'far or abu 'Abd Allah, recipient of divine supreme covenant, who has said the following: "Abu 'Abd Allah, recipient of divine supreme covenant, has said, 'The most serious trouble that one may face on the Day of Judgment is when a person with the right to receive al-Khums will stand up and say, 'Lord, my al-Khums (was not paid).' However, we have gifted it to our Shi'a to cleanse and purify their birth."*

## H 1425, Ch. 130, h 16

علي بن إبراهيم، عن أبيه، عن ابن محبوب، عن ضريس الكناسي قال: قال أبو عبدالله عليه السلام: من أين دخل على

الناس الزنا؟ قلت: لا أدري جعلت فداك، قال: من قبل خمسين  
أهل البيت، إلا شيعتنا الاطيبين، فإنه محلل لهم لميلادهم

*Ali ibn Ibrahim has narrated from his father from ibn Mahbub from Durays al-Kunasi who has said the following: "Once abu 'Abd Allah, recipient of divine supreme covenant, said, 'Why do people get in the course of adultery?' I said, 'I do not know, may Allah keep my soul in service for your cause.' He said, 'It is because of not paying our al-Khums (one fifth religious dues) **except our pure Shi'a. It helps clean their birth.**"*

### **Imam Al Mahdi (a.s.)'s orders**

الكليني، عن إسحاق بن يعقوب فيما خرج إليه من الناحية  
المقدسة على يد محمد بن عثمان العمري: وأما المتلبسون  
بأموالنا، فمن استحل منها شيئاً فأكله فانما يأكل النيران،  
وأما الخمس فقد ابيح لشيعتنا وجعلوا منه في حل إلى وقت  
ظهور أمرنا لتطيب ولادتهم ولا تخبث

In reply to a letter sent to **Imam-e-Zamana (a.s.)**,  
The Holy Imam (a.s.) says: '*About Khums, I **waive my rights for our Shias** and make is permissible for our Shias until the time of my reappearance so*



*that their children are born clean and pious and remain legitimate'. Bihar-ul-Anwar, vol 53, Wasail Al Shia, vol. 6, Chapter 4, Tradition 16.*

This is truly incredible. Surely **ONE** statement of a Holy Imam (a.s.) should have been sufficient for us to act upon. But, for some reason the tax collectors also have decided to **IGNORE ALL** these statements. We have been led to believe that if we do not pay over the Khums monies to the tax collectors of our time then none of our wealth would be pure as we would be eating unlawful wealth and would end up in Hell. And so we keep on paying to them.

However, at this juncture I think that it would be prudent for me to clarify the fact that it is not forbidden to give Khums. Its obligation is what has been lifted from our necks. It has become *Mubah*. There is no authorisation of its collection and its distribution from the Holy Imams (a.s.). They (a.s.) are the only ones who can do this.

## QUESTIONS

If the Holy Imams (a.s.) have lifted this obligation from us then how comes the tax collectors keep on insisting on our paying of this tax over to them? Surely they should at least listen to the written statement of Imam Al Mahdi (a.s.) whose monies they are supposed to be collecting.

Since the Holy Imam Mahdi (a.s.) does not want this tax to be collected from the Shiites, then who are they collecting it for?

Have any of the Imams (a.s.) authorised any of the tax collectors to re-impose the tax back on us?

Why are the tax collectors obligating us to pay this tax when the payment of it has been waived on us by the Holy Imams (a.s.)?

**Comment :** There was once the incident of Umar Ibn Khattab abrogating the *Tawaf Un Nisa* for the pilgrims of Hajj, thereby making their future children illegitimate.

And now this? O My God!

## **Chapter Six**

### **SUMMARY**

The following points come to my mind in the summarisation of this matter of Khums.

1. This is an unauthorised collection.
2. The tax collectors are all self appointed people.
3. They never hand this tax over to the real owner, Imam Mahdi (a.s.).
4. Imam Mahdi (a.s.) has lifted this obligation from the Shiites.
5. The tax collectors do not pay any tax. They only collect.
6. Half the money collected is spent on projects which have nothing to do with the Family of the Holy Prophet (s.a.w.w.) whose right it is.
7. They have widened the scope of the tax of their own accord.

8. When the tax collector dies, the money he collected does not get handed over to the next collector.
9. They are ignoring the restrictive orders and are still collecting it.
10. There are no instructions from the Holy Imams (a.s.) for the re-imposition of this tax.

It stands to reason that if I owe money to person 'A', then my debt does not get repaid if I were to instead hand over the money to person 'B' without the consent of person 'A'. We know for certain that the money we are handing over is not reaching Imam Mahdi (a.s.). In fact, they do not even claim that they are handing it over to him (a.s.).

### **So, why are we paying this tax over to them?**

If I were to make unauthorised collections and then do not hand the money over to the person or the organisation on behalf of whom I claim to be making the collection, I would end up spending a lot of time behind bars.

**Bashir Alidina**

## **COMING SOON**

- Questions on Ijtihad
- Questions on Taqleed
- Questions on Friday and Eid Prayers
- Questions on Chess
- Questions on The Third Testimony
- Questions on Titles

The Christians, instead of following the instructions of Prophet Isa (a.s.) took their religion from Saul (Now known as Saint Paul) the tax collector and built a huge Cathedral in his memory in Central London.

The Shiites, instead of following the instructions of Imam Mahdi (a.s.) took, and are still taking, their religion from the tax collectors and building huge centres in their memory.

Some people just never learn.