

Ibadah

YEAR 14

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Abbreviations: -

saww: - Sal lal la ho Allay hay Wa Aal lay he Wasallam

azwj: - Az Za Wa Jalla

asws: - Allay hay Salawat-o-Wass Salam

ajfj: - **Ajal Allah farjak** (May Allah azwj Hasten the reappearance of the 12th Imam^{ajfi})

ra: - Razi Allah^{azwj}

la: - Laan Allah^{azwj}

Lesson 1: Introduction to Al-Khums, Al-Fay and Al-Anfal

Al-Khums is a form of gift. It literally means one fifth (1/5), unlike other charities (such as Zakat and Sadka) it is a gift which is exclusively for the use of the Prophets or Imams^{asws}, their^{asws} near relatives, orphans, the poor and travellers. We shall make an attempt to explain Al-Khums in the light of Masomeen^{asws}'s traditions, which describe the true essence of Divine command of Allah^{azwj}, as per the following Verses (8:39-41):

وَقَاتِلُوهُمْ حَتَّى لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ كُلُّهُ لِلَّهِ فَإِنِ انْتَهَوْا فَإِنَّ اللَّهَ بِمَا يَعْمَلُونَ بَصِيرٌ
(8:39)

وَإِن تَوَلَّوْا فاعَلَمُوا أَنَّ اللَّهَ مَوْلَاكُمْ نِعَمَ الْمَوْلَىٰ وَنِعَمَ النَّصِيرِ (8:40)

وَاعَلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَابْنِ
السَّبِيلِ إِن كُنْتُمْ آمَنْتُمْ بِاللَّهِ وَمَا أَنْزَلْنَا عَلَىٰ عَبْدِنَا يَوْمَ الْفُرْقَانِ يَوْمَ التَّقَىٰ الْجُمُعَانَ وَاللَّهُ عَلَىٰ كُلِّ
شَيْءٍ قَدِيرٌ (8:41)

Fight them off until there is no more persecution, and Religion belongs wholly to God: yet if they do stop then God is Observant of anything they do. If they should turn away, then know that God is your Protector; how splendid such a Protector is, and how favoured is such a Supporter!

Know that with anything (any properties and goods) you may acquire (as a result) (Ghanamtum), a Fifth (Khamsa) of it belongs to God and the Messenger, close relatives (Zulqurbah) and orphans, paupers and the travellers, if you believe in

God and what We have sent down to Our servant on the Day of Distinction, the day when both forces met. God is capable of everything.¹

In the lifetime of the Prophet Muhammad^{saww}, properties were either acquired as a result of a war or without it, as a gift or compromise. Properties acquired through war are Al-Fay and those acquired without war are called Al-Anfal.

وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً قَالُوا أَتَجْعَلُ فِيهَا مَنْ يُفْسِدُ فِيهَا وَيَسْفِكُ

الدِّمَاءَ وَنَحْنُ نُسَبِّحُ بِحَمْدِكَ وَنُقَدِّسُ لَكَ قَالَ إِنِّي أَعْلَمُ مَا لَا تَعْلَمُونَ

¹ Chapter 8, Booty, Verses, 39-41.

Lesson 2: Al-Fay:

"Allah^{azwj}, said to the angels, I will create a representative on earth....., " (2:30).

The whole earth was for the representatives, it was for Adam^{as} and after him^{as} it belonged to Allah^{azwj}'s Prophets. This continued until the time of Prophet Muhammad^{saww} and it belonged to him^{saww} and his twelve successors^{asws}. Whatever their enemies took away from them, will have come back to them through war or conquest, this is called Fay'. The rules for such properties in the Book are:

وَأَعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَأَبْنِ

السَّبِيلِ إِنْ كُنْتُمْ آمَنْتُمْ بِاللَّهِ وَمَا أَنْزَلْنَا عَلَىٰ عَبْدِنَا يَوْمَ الْفُرْقَانِ يَوْمَ التَّقَىٰ الْجَمْعَانَ وَاللَّهُ عَلَىٰ كُلِّ

شَيْءٍ قَدِيرٌ

"Know that whatever property you may gain, one fifth belongs to God, the Messenger, the kindred, orphans, the needy and those who need money while on a journey. . . ." (8:41)

Hence such properties belong to Allah^{azwj}, the Messenger and the relatives of the Messenger^{saww}. Such properties are called al-Fay' (taken back). It is the property taken back from others by force.

Lesson 3: Al-Anfal

However, whatever reaches Wali-Allah^{asws} (Allah^{azwj}'s Authority on earth) without the use of force and resources, such as horses and soldiers, is called al-Anfal. These properties belong to Allah^{azwj} and His^{azwj} Messenger^{saww} only and no one else will have any share in it. Others can have shares only in what is acquired through blood shedding and fighting. These properties include Fadak (a garden oasis) which belonged only to the Messenger of Allah^{saww} as Fadak was acquired by Rasool Allah^{saww} and Amir al-Momineen^{asws} without anyone else's involvement. Al-Anfal also includes abandoned properties and land without owners such as marshes, mines, oceans and the wilderness which belong to Wali-Allah^{asws}, exclusively. If people work in them with the permission of the Imam^{asws}, four fifths will belong to them for labour and one fifth belongs to the Imam^{asws}. That one fifth is like 'Al-Khums'. If people work in such properties without the permission of the Imam^{asws}, the Imam^{asws} owns all of it.

(1) Ali ibn Ibrahim has narrated from his father, who from ibn abu 'Umayr, who from Hafs ibn al-Bakhtari, **who from Abu 'Abdullah^{asws}** who has said the following. 'Al-Anfal is such property, which has been acquired without use of armed struggle and no camels or horses were employed to secure it. It is the property that may come as a result of negotiated settlement or certain people would offer as a good gesture (as a gift). Such properties belong to the Messenger of Allah^{saww} and it will belong to the Imams^{asws} after the Messenger of Allah^{saww}.²

(2) In another tradition, it is written, 'The Imam^{asws} is the heir of those who have no heirs (or inheritors). He^{asws} supports those who have no supporters. The Imam^{asws} said, "There is no category of the properties that Allah^{azwj} has not distributed, He^{azwj} has given every rightful person his or her rights.'³

A number of our people have narrated that the Imam^{asws} said: '(when discussing the spoils of war) this verse applies:'

² Al-Kafi, Chapter 130, Tradition no. 3.

³ Al-Kafi, Chapter 130, Tradition no. 4.

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

'They ask you (O Muhammad) of the spoils of war. Say: The spoils of war belong to Allah and the messenger, so keep your duty to Allah, and adjust the matter of your difference, and obey Allah and His messenger, if you are (true) believers. "
(8:1)⁴

⁴ Al-Kafi, Chapter 130, Tradition no. 18.

Lesson 4: Al-Khums

It is narrated that Amir-ul-Momineen Ali^{asws} said: 'We, By Allah^{azwj}, are the ones to whom Allah^{azwj} has referred by the words 'Phi al-Qurba' (relatives) and has given the same status as to Himself^{azwj} and His^{azwj} Holy Prophet^{saww}. Allah^{azwj} has said:

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

"Whatever God grants to His Messenger^{saww} (out of the property) of the people of the towns, belongs to Allah^{azwj}, the Messenger^{saww}, the kinsfolk, the orphans, the destitute..." (59:7) It applies to people from us exclusively. Since no portion out of charity is appropriate for us. It is the way Allah^{azwj} has honoured His Holy Prophet^{saww} as well as us^{asws} instead of feeding us the left-overs of ordinary people.⁵

It is narrated from **Abu Ja'far^{asws}**: Imam^{asws} has said the following regarding the words of Allah^{azwj}, the Most High, **"Know that whatever property you may gain, one fifth belongs to God, the Messenger, the kindred, . . ." (8:41)** The Imam^{asws} said, "It refers to the relatives of the Messenger of Allah^{saww}. Al-Khums (one fifth) belongs to Allah, His Messenger^{saww} and to 'us'^{asws}."⁶

There is no Zakat on Al-Khums Property:

Imam^{asws} says: 'There is no Zakat on Al-Khums property.'⁷

⁵ Al-Kafi, Chapter 130, Tradition no. 1.

⁶ Al-Kafi, Chapter 130, Tradition no. 2.

⁷ Al-Kafi, Chapter 130, and extract from Tradition no. 4.

What do you pay Al-Khums on?

It is narrated that: "Abu Ja'far^{asws} was asked about the minerals such as gold, silver, iron, lead and zinc. Imam^{asws} replied, "Al-Khums would apply on all of these."⁸

It is narrated that: "I asked abu al-Hassan^{asws} about Al-Khums. He said, "It is due on all small and large gains that people can possibly make."⁹

It is narrated that: "I wrote to abu Ja'far^{asws}, "Is Al-Khums paid before or after deducting the expenses?" Imam^{asws} wrote back to me, "It is paid after the deduction of the expenses."¹⁰

Sahl has narrated from Ibrahim ibn Muhammad al-Hamadani who has said the following. The Imam^{asws} has said, "Al-Khums is due after the deduction of the taxes to government as

Imam Abul-Hassan^{asws} was asked about a person, from whom others (non-shia) would deduct Zakat from his earnings or deduct Al-Khums from his portion of 'war booty' or take away by force what he gets from mining. Would these be accounted for his contributions towards Zakat and Al-Khums? Imam^{asws} replied, Yes.

well as the expenses of one's family."¹¹

I wrote to Imam^{asws}, 'My master, a man has given money so that he could perform Hajj. Is there Al-Khums on such money upon receiving it or there is Al-Khums on what would remain extra from the expenses after Hajj?' Imam^{asws} wrote, "There is no Al-Khums on him."¹²

Sahl ibn Ziyad has narrated from Muhammad ibn 'Isa from Ali ibn al-Husayn ibn 'Abd Rabbihi who has said the following. "Al-Raza^{asws} sent a gift to my father and my father

⁸ Al-Kafi, Chapter 130, Tradition no. 8.

⁹ Al-Kafi, Chapter 130, Tradition no. 11.

¹⁰ Al-Kafi, Chapter 130, and extract from Tradition no. 13.

¹¹ Al-Kafi, Chapter 130, and extract from Tradition no. 24.

¹² Al-Kafi, Chapter 130, and extract from Tradition no. 22.

wrote to him, "Is there Al-Khums on the gift you have just sent to me?" Imam^{asws} wrote back to him in answer, "There is no Al-Khums on gifts."¹³

Where does the Al-Khums go?

The distribution of Al-Khums is explained in the following tradition from Masoom Imam^{asws}:

'The one-fifth (Al-Khums) is distributed as: One portion for Allah^{azwj}, one for Messenger of Allah^{saww}, one for the Prophet^{saww}'s relatives, one for the orphans, one for the destitute and one portion for those who become needy during a journey. The portion for Allah^{azwj} and the Messenger of Allah^{saww} belong to those^{asws} with Divine Authority.

Thus, the wali^{asws} (Leadership with Divine Authority) and the relatives of the Holy Prophet^{saww} will have three portions. Fifty percent of Al-Khums belongs to them^{asws}. It is a sign of honour for them (Ahlul Bait^{asws}) because they are the relatives of the Messenger of Allah^{saww} and an honour from Allah^{azwj} to keep them secure from the filth off the hands of people. Thus, (Khums) is for them only as sustenance and to save them from humiliation and destitution. They may receive other forms of charities from each other.¹⁴

The relatives of the Holy Prophet^{saww} are eligible for 'Al-Khums', Allah^{azwj} has mentioned them in His words. **"Warn your close relatives."** (26:214) They are the sons of 'Abd al-Muttalib^{asws} themselves, the males and the females. No one, belonging to the families of Quraysh or the Arabs (has the privilege) to be considered among them.

Imam Musa-e-Kazim^{asws} says, I heard it from my father (Jafar-e-Sadiq^{asws}) that Rasool Allah^{saww} told Abu Zar, Salman and Miqdad that 'Make me your witness and say there is no god but Allah^{azwj}, and Ali^{asws} Ibn Abi Talib^{asws} is my vicegerent and leader of Momineen^{asws} and submission to him^{asws} is in fact obedience to me^{saww} and Allah^{azwj} and there are 11 Divine Imam^{asws} from Ali^{asws} descendants. And my progeny's Wilayah is compulsory on every momin and momina. Also (in oath) is to offer prayers on time, pay

¹³ Al-Kafi, Chapter 130, and extract from Tradition no. 23.

¹⁴ Al-Kafi, Chapter 130, Extract from Tradition no. 4.

due Zakat and deliver it to the deserving ones, and pay and send due Khums, to the leader of momineen (Imam Ali^{asws}) and after him^{asws} to the Imams^{asws} in his progeny. However, if someone has limited resources and can only pay very little, then he should give this to very poor, among my descendants. So that he (my descendent) would not depend on other's support.¹⁵

Saeed narrates from a chain of narrators, some of them are, Mohammed bin Jamhur, who says, Ibrahim Alausi, heard from Imam Al-Raza^{asws} said: I heard it from my father^{asws} that a man came to him^{asws} and said: I have some Zakat funds in my bag which I want to distribute? Imam^{asws} replied, give it to us, he replied but charity is forbidden for you^{asws}? Imam^{asws} replied, giving it to us means give it to our Shias. The man said: If I do not know anyone (deserving) among your shias? Imam^{asws} replied: then wait up to one year. He said: what if I do not find one after one year? Imam^{asws} replied, then wait for two, even four years. If you cannot find our deserving shia, do not give it our foes, instead drop it in the river, as Allah^{azwj}, has made it forbidden for our foes, which belongs to us and our Shia.¹⁶

Mohammed bin Ali bin al-Hussain says he heard from his father, who from Saeed bin Abdullah, who from al-Hassan bin Ali al-kufi, who from Abdullah bin al-mughaira, who from Sufiyan bin Abu-ul-momin al-Ansari, who from Umer bin Shamr, who heard from Jabir: I was with Imam Abu Jafar^{asws} when a man came to see him^{asws} and said: may Allah^{azwj} have mercy on you, please take these five hundred dirham from me and distribute as you find appropriate, it is Zakat on my wealth, Abu Jafar^{asws} said: You better take it back with you and try to find the deserving (momins) in your neighbourhood, the orphans and the needy and among your brothers within the Muslims. (It being distributed justly by others) is indeed not possible until Our 'Al-Qaim'^{asws} takes the control, he will establish the equality, do justice and offer mercy to masses, the land, will then be liberated from the oppressors.

¹⁵ Wasail Al Shia, vol. 6, pp. 329, chapter 4, tradition 21

¹⁶ Wasail-ul-Sharia, vol 6, pp. 141

Only a Masoom^{asws} can Collect and Distribute Al-Khums:

It is narrated that: The Imam^{asws} said, "If people are fairly treated then they would not require any external help and become self-sufficient." The Imam^{asws} then said, "Justice is sweeter than the honey. No one practises it properly except only those who were created to establish justice (The Divine Authority)." The Imam^{asws} continued, "The Messenger of Allah^{saww} would distribute the charity. He^{saww} would not divide every amount of charity equally. He^{saww} would divide it proportionate to the degree that each cause requires. There was no limit of time, he^{saww} would base it on what was available, who was present and how much of need of each category could have been fulfilled. He^{saww} would give the remaining amount to other needy people.¹⁷

Al-Khums is not compulsory those Shias who believe in Wilayah (but is recommended):

Amir-ul-Momineen^{asws} said: People are being punished because they do not pay our rights. But be aware, we have lifted our rights on our shias and their children.¹⁸

In reply to a letter sent to Imam-e-Zaman^{ajfi}, Imam^{asws} says: About Khums, I waive my rights for our Shias (but it) is permissible for our Shias until the time of my reappearance so that their children are born clean, pious and remain devout.¹⁹

Sahl has narrated that a businessman from Persia wanted permission about Al-Khums. The Imam^{asws} wrote to him: "In the name of Allah, the Beneficent, the Merciful, Allah^{azwj} increases people's sustenance and He^{azwj} is generous. He^{azwj} has guaranteed rewards for work. The use of a property is not lawful unless it is used in the way Allah^{azwj} has made lawful. Al-Khums helps us in our religion, in the expenses of our dependents and our friends. It helps us to gift and buy protection of for our dignity against those whom we fear. Do not withhold it from us and do not deprive yourselves from our prayers as far as it is possible for you. Paying Al-Khums increases you earnings, cleanses your sins and (helps you obtain) whatever you want for yourselves on those days when you

¹⁷ Al-Kafi, Chapter 130, An extract from Tradition no. 4.

¹⁸ Illul Sharaia, pp. 289

¹⁹ Bihar-ul-Anwar, vol 12, pp. 778, Wasail Al Shia, vol. 6, pp. 327, chapter 4, tradition 16.

most need help. A Muslim is one who fulfils his promise to Allah^{azwj}. One is not a Muslim if he says, "Yes" with his tongue but would oppose it in his heart. With peace."²⁰

Al-Khums is not Waived to those not liked by the Imam^{asws}:

It is narrated from Muhammad ibn Zayd who has said the following. "A group of people came from Khurasan to Abu Al-Hassan Al-Raza^{asws}. They asked him to set them free from the obligation of payment of Al-Khums. The Imam^{asws} replied, "What kind of plan is this? Do you try to love us purely only with your tongue and withheld from us the right that Allah^{azwj} has set for us? That right is Al-Khums. We do not, do not and do not waive it to anyone of you."²¹

²⁰ Al-Kafi, Chapter 130, Tradition no. 25.

²¹ Al-Kafi, Chapter 130, Tradition no. 26.

Lesson 5: A Summary on Zakat and Al-Khums:

From the presented traditions of Masomeen^{asws}, in both Zakat and Khums articles, a brief summary of the traditions is presented:

- * Zakat and Al-Khums both are due on savings, after deduction of all expenses from earnings.²²

- * The minimum amount on Zakat (2.5%) and Al-Khums (20%) become payable is 200 Dirhams.

- * The government taxes on income may be counted in Zakat and Khums.²³

- * Collection and distribution of Al-Khums can only be executed by Allah^{azwj} s' Wali^{asws}. No one else can fulfil it justifiably, particularly during our time, its collection and distribution is not possible by those who claim to be the representatives of Imam-e-Zaman^{ajfi}.²⁴

- * Shia, including all those who believe in the Wilayah of Masomeen^{asws}, are not obliged to distribute Al-Khums, however, they are encouraged to do so for gains in this world as well as in the hereafter.²⁵

²² Al Kafi, vol, 3, chapter 6, hadith 2. and Al-Kafi, Chapter 130, Tradition no. 12.13

²³ Al Kafi, vol, 3, chapter 30, hadith 1-2 and Al Kafi, vol, 3, chapter 25, hadith 1. and Al-Kafi, Chapter 130, Tradition no. 15.

²⁴ Al-Kafi, Chapter 130, An extract from Tradition no. 4.

²⁵ Al-Kafi, Chapter 130, Tradition no. 25.

* Now the question would be, How we should act these days? Especially considering that some Sadaat families are unable to make their both ends meet. In the light of Masomeen^{asws}'s traditions, Al-Khums is still wajib but its non-payment has been waived for their^{asws} shias so that their^{asws} follower's children are born on Mola Ali^{asws}'s Wilayah (legitimate). In other words it becomes mustahab for shias, as there will be rewards in this as well as in the next world, but others would be penalised for not paying it.

* However, Al-Khums cannot be collected and managed by a non-Masoom person, so it will be the responsibility of a well-off shia to divide his/her savings into two parts after taking out his/her expenses (if he/she would like to). One share can be used and given to deserving believing families and the other share can be for Mola^{ajfi}'s, it could be spend on those acts where Niaz/Imam Zamin funds are spent. The best option would be to take Divine permission on its use through 'istikhara' prior to committing either portion.