

Chapter 2: Restricted Economic Legislation

1. Khums paid from profits

2. Restricted Social Solidarity

Preamble

This chapter deals with some other Islamic economic policies, unobserved by the Islamic state, that the Ahl al-Bayt (‘a) carried out, confirming that these policies and duties had been enacted in the religious law of Islam of which details are known by the Ahl al-Bayt (‘a) more than anyone else.

They also determined certain strategies, duties and teachings that were restricted to the individuals of the virtuous community because they helped treat urgent problems that arose or helped put their economic activity on the right track.

In this respect, we touch on three main areas:

- The Imam and the general political system
- The individuals of the virtuous community and their responsibilities towards one another
- The economic activities of the virtuous community

These areas include the following measures:

- *Khums* paid from profits
- Restricted social solidarity (rights of brethren-in-faith)
- Focused economic activity

Khums Paid From Profits

Khums is believed to be one of the most important economic legislations in the religious, economic theory of Islam, especially as viewed by the Ahl al-Bayt ('a). The origin of its enactment and related laws are derived from the Holy Qur'an as well as authentic, clear-cut texts of the Holy Sunnah. *Khums*, because of its high percentage (20%) and the large circle of finances subject to it, creates one of the most vital resources of the Islamic state.

Muslims are almost in full agreement that spoils of war and treasures are subject to *khums*, but a number, after having delved into many divergent details, have claimed that minerals were subject to *zakat*, not *khums*.¹

Based on the Holy Qur'an and Sunnah, the Ahl al-Bayt ('a) maintained that the following seven categories were subject to *khums*:

- (1) Spoils of war
- (2) Minerals discovered as natural resources
- (3) Discovered treasures
- (4) Precious stones extracted from oceans and seas, such as pearls and corals gathered while diving
- (5) Lawful money intermixed with illegally acquired assets
- (6) Lands purchased by Dhimmis from Muslims
- (7) Profits of earnings

There is a great difference between the concept of the Ahl al-Bayt and other Muslim jurists about financial rights restricting *khums* to a very narrow scope and keeping the door wide open for other financial duties, such as *zakat* which has a percentage of less than one-fifth and, in addition, restricting stipulations regarding the payment of *khums*.

Khums is a tax dedicated to the Ahl al-Bayt ('a), who are the recipients of this tax. The Ahl al-Bayt ('a) also enjoy some rights regarding the *fay'* money. In fact, the Ahl al-Bayt ('a), as the Holy Prophet's *qurba* (relatives), have been mentioned in relation to *khums* and *fay'* in the Holy Qur'an. The Ahl al-Bayt ('a) are unanimously accepted as the kin (*dhawu'l-qurba*) to whom the Holy Qur'an has referred to on more than one occasion, such as the following:

وَأَعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَأَبْنِ السَّبِيلِ إِنْ كُنْتُمْ آمَنْتُمْ
بِاللَّهِ وَمَا أَنْزَلْنَا عَلَىٰ عَبْدِنَا

Know that whatever thing you gain, a fifth of it is for Allah, the Messenger, the near of kin, the orphans, the needy, and the wayfarer, if you believe in Allah and in that which We revealed to Our servant... (8:41)

مَا أَفَاءَ اللَّهُ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَى فَلِلَّهِ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ

Whatever Allah has restored to His Messenger from the people of the towns, it is for Allah and for the Messenger and the near kinsmen and the orphans and the needy and the wayfarer... (59:7)

Conforming to these holy verses, the Holy Prophet (S), the first caliph and the second caliph (in a part of his reign) would pay a share of the *khums* to the relatives of the Holy Prophet (S). However, ‘Umar, the second caliph, deemed it too much to give them such a share; therefore, he suggested to them that such payment would be made only for urgent needs of their members (i.e. the Holy Prophet’s relatives). From the beginning, the Ahl al-Bayt (‘a) denounced such wrong interpretation of the religious law and refused to take anything less than their entire due, so ‘Umar deprived them of it completely. This deprivation continued into the successive reigns as a result of ‘Umar’s act and misinterpretation.²

In *Sahih Muslim*,³ Yazid ibn Hurmuz is reported to have said that Najdah ibn ‘Amir al-Haruri, a Kharijite, wrote a letter to Ibn ‘Abbas. Yazid confirmed that he was present when Ibn ‘Abbas received and replied to that letter:

إِنَّكَ سَأَلْتَنِي عَنْ سَهْمِ ذِي الْقُرْبَى الَّذِينَ ذَكَرَهُمُ اللَّهُ، مَنْ هُمْ. وَإِنَّا كُنَّا نَرَىٰ أَنَّ قَرَابَةَ رَسُولِ اللَّهِ، صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ، هُمْ نَحْنُ، فَأَبَىٰ ذَلِكَ عَلَيْنَا قَوْمُنَا.

“You have asked me about the share of the near of kin,” Ibn ‘Abbas wrote, “and about those relatives whom Almighty Allah mentioned. We have always considered ourselves the near of kin of Allah’s Messenger (S), but our people deprived us of it.”⁴

According to another narration, Ibn ‘Abbas is reported to have said:

سَهْمُ ذِي الْقُرْبَىٰ لِغُرْبَىٰ رَسُولِ اللَّهِ، صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ، فَسَمَّاهُمْ رَسُولُ اللَّهِ، صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ. وَقَدْ كَانَ عُمَرُ عَرَضَ عَنَّا ذَلِكَ فَرَأَيْنَاهُ دُونَ حَقِّنَا، فَرَدَدْنَاهُ عَلَيْهِ وَأَبَيْنَا أَنْ نَقْبَلَهُ.

The share of the near of kin (qurba) is for the relatives of Allah’s Messenger (S) according to the distribution that he used to make. ‘Umar then made us an offer, which we deemed less than our due; therefore, we rejected it insisting on our legal share.⁵

According to a third narration, Ibn ‘Abbas is reported to have said:

هُوَ لَنَا أَهْلُ الْبَيْتِ، وَقَدْ كَانَ عُمَرُ دَعَانَا إِلَى أَنْ يُنْكَحَ مِنْهُ أَيْمَانًا، وَبُحْذِي مِنْهُ عَائِلَتَنَا، وَيَقْضِي مِنْهُ عَن مُغْرَمِنَا، فَأَبِينَا إِلَّا أَنْ يُسَلِّمَهُ لَنَا، وَأَبَى لَنَا ذَلِكَ فَتَرَكَاهُ

*The share of the near of kin (out of khums) is for us, the Ahl al-Bayt. However, ‘Umar suggested that he would restrict it to urgent occasions, such as marrying off the poor among us, aiding the destitute, and settling the debts of the indebted, but we insisted that he should give us our complete share. ‘Umar, however, rejected; therefore, we left it as his responsibility.*⁶

In *Sunan al-Bayhaqi*, ‘Abd al-Rahman ibn Abi-Ya’la is reported to have said that he once met (Imam) ‘Ali (‘a) at Ahjar al-Zayt and said, “(I am amazed) how Abu-Bakr and ‘Umar violated your rights—you, the Ahl al-Bayt—regarding *khums*!”

(Imam) ‘Ali (‘a) answered:

أَنَّ عُمَرَ قَالَ: لَكُمْ حَقٌّ وَلَا يَبْلُغُ عِلْمِي إِذَا كَثُرَ أَنْ يَكُونَ لَكُمْ كُلُّهُ، فَإِنْ شِئْتُمْ أُعْطِيْتُمْ مِنْهُ بِقَدْرِ مَا أَرَى لَكُمْ. فَأَبِينَا... عَلَيْهِ إِلَّا كُلُّهُ، فَأَبَى أَنْ يُعْطِينَا كُلُّهُ

*...‘Umar then said, “It is true that you enjoy a right, but as much as I know, it should not be given to you entirely when it is such a large amount! If you wish, I will give you an amount that I see sufficient for you.” However, we rejected receiving any amount less than our entire right, but ‘Umar refused to give us our entire due.*⁷

Many narrations, reported from the Ahl al-Bayt (‘a), substantiate that *khums*, including the shares of the orphans, the needy, and the wayfarers in addition to the near of kin, are dedicated to the Ahl al-Bayt (‘a) as compensation for their deprivation from *zakat* and alms, which are considered surplus for people. *Khums*, on the other hand, is a duty that Almighty Allah has made for the Ahl al-Bayt (‘a) in public funds or gains. It is thus goes beyond surplus funds.

In *Tahdhib al-Ahkam*, Shaykh al-Tusi has reported on the authority of ‘Abdullah ibn Bukayr on the authority of some of his companions that Imam al-Baqir (‘a) or Imam al-Sadiq (‘a) had said:

{...فِي قَوْلِهِ تَعَالَى: {وَأَعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ

قَالَ: خُمُسُ اللَّهِ لِلْإِمَامِ، وَخُمُسُ الرَّسُولِ لِلْإِمَامِ، وَخُمُسُ ذَوِي الْقُرْبَى لِقَرَابَةِ الرَّسُولِ: الْإِمَامِ، وَالْإِنْتَامَى يَتَامَى الرَّسُولِ، وَالْمَسَاكِينُ مِنْهُمْ، وَأَبْنَاءُ السَّبِيلِ مِنْهُمْ، فَلَا يَخْرُجُ مِنْهُمْ إِلَى غَيْرِهِمْ

As regarding the interpretation of this verse, “Know that whatever you gain, a fifth of it is for Allah”, the one-fifth that is Almighty Allah’s is for the Imam. One-fifth of the Messenger’s share is for the Imam.

One-fifth of the near of kin is for the Messenger's relatives. The orphans, here, stand exclusively for the orphans among the Messenger's relatives. The same thing applies to the needy and the wayfarers. Hence, khums never departs from them to join anyone else. [8](#)

As is understood from the 'verse of gains' (*ghanimah* 8:41) and the 'verse of restoration' (*fay'* 59:7), as well as some traditions reported from the Ahl al-Bayt ('a), *khums* is dedicated to the Imams of the Ahl al-Bayt ('a) exclusively; while the other details (i.e. reference to the orphans, needy, etc.) have been mentioned to define the categories that legally deserve shares from *khums* apportioned by the Ahl al-Bayt ('a). [9](#)

In (his book of) *al-Kafi*, Shaykh al-Kulayni has reported through a valid series of narrators, that Imam al-Baqir ('a) said:

فِي قَوْلِهِ تَعَالَى: ﴿وَأَعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ...﴾ قَالَ: هُمْ قَرَابَةُ رَسُولِ اللَّهِ، صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ،
وَالْخُمُسُ لِلَّهِ وَلِلرَّسُولِ، صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ، وَكُنَّا

Regarding the interpretation of this verse, "Know that whatever you gain, a fifth of it is for Allah", the near of kin are exclusively the relatives of the Holy Prophet (S). So, khums is only for Almighty Allah, the Messenger (S), and us. [10](#)

Shaykh al-Kulayni, through an authentic chain of authority, has also reported Imam al-Sadiq ('a) as saying:

الْأَنْفَالُ مَا لَمْ يُوجَفْ عَلَيْهِ بِخَيْلٍ وَلَا رِكَابٍ، أَوْ قَوْمٌ صَالِحُوا، أَوْ قَوْمٌ أَعْطُوا بِأَيْدِيهِمْ، وَكُلُّ أَرْضٍ خَرِيَةٍ وَبُطُونُ الْأَوْدِيَةِ
فَهُوَ لِرَسُولِ اللَّهِ، صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ، وَهُوَ لِلْإِمَامِ مِنْ بَعْدِهِ يَضَعُهُ حَيْثُ يَشَاءُ

The anfal properties include estates towards which neither horse nor riding camel are sent forward, estates that are gained due to reconciliation or gift, derelict lands, and the bottoms of valleys. All these are owned by the Holy Prophet (S) and then by the Imam ('a) who has the right to use them as he wills. [11](#)

However, the ownership of *khums* has been exposed to meticulous argument. Some scholars have argued that *khums* is possessed by the Holy Imams ('a) personally and the position of Imamate is a stipulation that is specified for gaining this ownership; therefore, *khums* cannot be inherited by the lineal heirs of the Holy Imams ('a) because their capacity as Imams has been the reason for granting them ownership of such large properties. Other scholars, on the other hand, have argued that *khums* is owned by the *position* of Imamate (not the Imams themselves); therefore, it is not dedicated only to the Holy Imams ('a) and this ownership may be transferred to their representatives and agents who will thus have the right to utilize the funds of *khums*. [12](#)

However, the evidence on these opinions, from a Muslim jurisprudential point of view, as well as the sectarian disagreements between the Ahl al-Bayt ('a) school and the other Muslim schools, or between the different inferences of the scholars of the Ahl al-Bayt ('a) school, are not our primary concern in this discussion; rather, we only intend to deal with the distinctive features of the Ahl al-Bayt's jurisprudence concerning the funds of *khums* as much as they reflect on the economic system of the virtuous community.

There are three generally accepted views towards this topic:

- The Holy Imams' ('a) view towards the one-fifth tax being obligatory on the funds obtained by people from spoils of war, minerals, treasures, gains from diving, lands purchased by Dhimmis from Muslims, legal funds intermixed with illegally acquired assets and the profit of one's earnings.
- The Holy Imams' ('a) view about the one-fifth tax regarding the profit of earnings and the explanation of imposing this tax in later times.
- The role of *khums* in the economic life of the virtuous community.

People-obtained funds subject to khums

Based on the Ahl al-Bayt's teachings about *khums*, their followers encountered general problems while dealing with the money used by Muslims publicly, which included the funds subject to *khums* in the view of non-Shi'ite jurists (such as spoils of war and treasures) and some funds not subjected to this tax in their view (such as tax on minerals, etc.), in view of the fact that some properties brought up sensitive issues, such as bondwomen and slaves captured in battles that were considered to be spoils of war, a fifth of which belonged to the Ahl al-Bayt ('a).¹³ As a result, marrying such bondwomen was illegal without obtaining the permission of the owner.

This ruling is fixed. Whether the individuals of the virtuous community participated in such battles or not, purchased from participants in it, or possessed such captured bondwomen or slaves is another matter. In reality, the problem was wide-ranging and it clashed with the doctrinal aspect and the economic and spiritual pressures on the virtuous community. Sometimes, the problem could not be solved even if *khums* was paid again.

Having noticed the existence of this problem from its beginning and before the growth and perfection of the virtuous community, the Ahl al-Bayt ('a) declared a part of this type of *khums* lawful for their followers and Shi'ah to use—yet to the extent related to the problem. This declaration included even fathers and mothers of individuals of the virtuous community. The Holy Imams of the Ahl al-Bayt ('a) explained this permissibility as being to alleviate the economic and psychological pressures imposed on the virtuous community and ensure the legitimacy of their births and origins.

Foreseeing this problem, Lady Fatimah al-Zahra' and Imam 'Ali Amir al-Mu'minin ('a) were the first to

permit their followers to use the Ahl al-Bayt's one-fifth share before the emergence of the problem.

Shaykh al-Saduq, in his book of *'Ilal al-Shara'i'*, Shaykh al-Mufid, in his book of *al-Muqni'ah*, and Shaykh al-Tusi, in *Tahdhib al-Ahkam* and *al-Istibsar*, through an authentic chain of authority, have reported on the authority of Abu-Basir, Zurarah, and Muhammad ibn Muslim on the authority of Imam Muhammad al-Baqir ('a) that Imam 'Ali Amir al-Mu'minin ('a) said:

هَلَكَ النَّاسُ فِي بُطُونِهِمْ وَفُرُوجِهِمْ لِأَنَّهُمْ لَمْ يُؤَدُّوا إِلَيْنَا حَقَّنَا. أَلَا وَإِنَّ شِيعَتَنَا مِنْ ذَلِكَ وَأَبَاءَهُمْ فِي حِلٍّ

People are perishing because of their stomachs and private parts, since they have not fulfilled our rights over them. Our Shi'ah and their fathers are exempted from this (for they fulfill our rights). [14](#)

Shaykh al-Tusi, in *Tahdhib al-Ahkam*, has reported on the authority of Muhammad ibn al-Hasan al-Saffar, through an authentic series of narrators, that Imam al-Sadiq ('a) said:

مَنْ وَجَدَ بَرْدَ حُبِّنَا فِي كَيْدِهِ فَلْيَحْمِدِ اللَّهَ عَلَى أَوَّلِ النَّعَمِ... طَيْبِ الْوِلَادَةِ. قَالَ أَمِيرُ الْمُؤْمِنِينَ، عَلَيْهِ السَّلَامُ، لِفَاطِمَةَ، عَلَيْهَا السَّلَامُ: أَحَلِّي نَصِيبَكَ مِنَ الْفِيءِ لِأَبَاءِ شِيعَتِنَا لِيَطِيبُوا... إِنَّا أَحَلَّلْنَا أُمَّهَاتِ شِيعَتِنَا لِأَبَائِهِمْ لِيَطِيبُوا

Whoever finds the serenity of love for us in his heart must express thanks to Almighty Allah for the first of graces...the legitimacy of birth. Amir al-Mu'minin ('a) asked Lady Fatimah ('a) to permit her share of the fay' funds for the fathers of our Shi'ah so that births would be lawful. As for us, we have legalized the marriage of the mothers of our Shi'ah to their fathers so that the birth of our Shi'ah would be legitimate. [15](#)

In addition to Shaykh al-Tusi, in *Tahdhib al-Ahkam*, Shaykh al-Kulayni, in *Usul al-Kafi*, has reported Duraysh al-Kunnasi, through a valid chain of authority, as quoting the following from Imam al-Sadiq ('a):

أَتَدْرِي مِنْ أَيْنَ دَخَلَ عَلَى النَّاسِ الزِّنَا؟... مِنْ قِبَلِ خُمُسِنَا أَهْلَ الْبَيْتِ، إِلَّا لِشِيعَتِنَا الْأَطْيَبِينَ، فَإِنَّهُ مُحَلَّلٌ لَهُمْ وَلِمِالَادِهِمْ

Do you know why adultery has afflicted people?...It has afflicted them because they have not paid their one-fifth duty to us, i.e. the Ahl al-Bayt. Exempted from this are our pure Shi'ah. We have permitted this share for them and their offspring. [16](#)

Shaykh al-Tusi, in *Tahdhib al-Ahkam*, and Shaykh al-Mufid, in *al-Muqni'ah*, have reported the following from Salim ibn Mukrim:

I was present when a man said to Imam al-Sadiq ('a), "Please, permit me the private parts."

The Imam ('a) became furious on this request. Another man explained, "He is not asking you to permit

him to violate chastity; rather, he is asking you to permit him to purchase a servant, marry a woman, own a legacy, gain business profit, or dispose of a gift that has been given to him.”

The Imam (‘a) replied:

هَذَا لِشِيعَتِنَا حَالًا: الشَّاهِدِ مِنْهُمْ وَالْغَائِبِ، وَالْمَيِّتِ مِنْهُمْ وَالْحَيِّ، وَمَا يُوَلَدُ مِنْهُمْ إِلَى يَوْمِ الْقِيَامَةِ، فَهُوَ لَهُمْ حَالًا. أَمَّا وَاللَّهِ، لَا يَجِلُّ إِلَّا لِمَنْ أَحَلَّلْنَا لَهُ، وَلَا وَاللَّهِ مَا أَعْطَيْنَا أَحَدًا نِزْمَةً، وَمَا عِنْدَنَا لِأَحَدٍ عَهْدٌ وَلَا لِأَحَدٍ مِيثَاقٌ.

Those are legal for our Shi’ah—the present and the absent, the deceased and those alive, and those who have not yet been born up to the Day of Resurrection. Those are legal for them. By Allah (I swear), nothing of that is legal except that which we permit. Verily, we have neither given anybody (else) permanent permission, nor have we been engaged in a pledge with anybody, nor have we had any covenant with anybody. [17](#)

Other narrations have borne the indication that the Holy Imams of the Ahl al-Bayt (‘a), in order to alleviate the consequences of the economic pressures and sieges that overburdened their followers by the ruling authorities (and sometimes by individuals) widened the scope of this permission to include all situations of need and destitution, although such broadening of the scope of permission was considered an executive procedure restricted to that age.

Shaykh al-Tusi, in *Tahdhib al-Ahkam*, and Shaykh al-Saduq, in *man-la-yahdhuru’l-faqih*, have reported the following from ‘Ali ibn Mahziyar:

In a letter sent to Imam al-Baqir (‘a) which I myself read, a man asked him to give him permission to utilize *khums* to purchase food and drink.

The Imam (‘a) replied:

مَنْ أَعْوَزَهُ شَيْءٌ مِنْ حَقِّي فَهُوَ فِي حِلِّ

Anyone who needs any of my right is allowed to utilize it. [18](#)

The same result is concluded from the following narration of Yunus ibn Ya’qub, which is reported by Shaykh al-Tusi, in *Tahdhib al-Ahkam*, Shaykh al-Saduq, in *man-la-yahdhuruhul-faqih*, and Shaykh al-Mufid, in *al-Muqni’ah*:

I was present with Imam al-Sadiq (‘a) when a reed-house builder (or baby-dressmaker) visited him and said, “May Allah accept me as ransom for you! We have gained funds, profits, and money from business and we know for sure that you have a fixed share in these. However, we have neglected your right.”

Imam al-Sadiq (‘a) answered:

مَا أَنْصَفْنَاكُمْ إِلَّا كَلْفْنَاكُمْ ذَلِكَ الْيَوْمَ

If today we impose upon you to give us our rights out of these, then we will not have treated you fairly. [19](#)

Profit of Earnings Subject To Khums

The Imamiyyah Shi'ite jurists have almost no doubt about the ruling that the profit of earnings are subject to *khums* after deduction of annual provisions. [20](#) In this ruling, they rely on the unrestrictedness of the holy verse verifying that all that which is gained by man—be it spoils of war, treasures, minerals, diving gains, or gains of business, work, and professions—is subject to *khums*.

It is true that the holy verse has been revealed on the occasion of spoils of war, but the unanimously agreed upon rule in the fundamentals of Muslim jurisprudence (*Usul al-Fiqh*), which entails that “a specific cause cannot restrict an unrestricted cause” necessitates that the ruling derived from the holy verse must be kept unrestricted.

In a validly reported tradition, ‘Ali ibn Mahziyar reported Imam al-Jawad (‘a) to have said the following:

فَأَمَّا الْغَنَائِمُ وَالْفَوَائِدُ فَهِيَ وَاجِبَةٌ عَلَيْهِمْ فِي كُلِّ عَامٍ. قَالَ اللَّهُ تَعَالَى: ﴿وَاعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ إِنْ كُنْتُمْ آمَنْتُمْ بِاللَّهِ وَمَا أَنْزَلْنَا عَلَىٰ عَبْدِنَا يَوْمَ الْفُرْقَانِ يَوْمَ التَّقَىٰ الْأَجْمَعَانِ وَاللَّهُ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ﴾ فَالْغَنَائِمُ وَالْفَوَائِدُ، يَرْحَمُكَ اللَّهُ، فَهِيَ الْغَنِيمَةُ يَغْنَمُهَا الْمَرْءُ وَالْفَائِدَةُ يُفِيدُهَا،... وَالْجَائِزَةُ مِنَ الْإِنْسَانِ لِلْإِنْسَانِ الَّتِي لَهَا خَطَرٌ

As for gains and profit, they are obligatorily subject to taxation each year. Almighty Allah has said, “Know that whatever thing you gain, a fifth of it is for Allah, the Messenger, the near of kin, the orphans, 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. Allah has power over all things. (8:41)”

By gains and benefits we mean the following: gains are whatever is gained by man, and benefits are whatever is utilized by man and the gifts that one gives to another, bearing in mind that they are considerable in value...[21](#)

Many traditions that decisively confirm this fact have been reported from the Ahl al-Bayt (‘a) who are the second ‘Weighty Thing’, the counterparts of the Holy Qur’an, and the most knowledgeable of all regarding the Holy Qur’an, the Prophetic traditions, and the laws of the religion of Islam.

Shaykh al-Tusi, in *Tahdhib al-Ahkam* and *al-Istibsar*, has reported through a valid chain of authority that Muhammad ibn al-Hasan al-Ash’ari said:

Some of our acquaintances wrote a letter to Imam al-Jawad ('a) asking him whether *khums* is applied to all gains that one may obtain, be they few or much, to all professions and crafts, and how they are applied.

The Imam's reply (in a written form) was the following:

الْخُمْسُ بَعْدَ الْمُؤُونَةِ.

All is subjected to khums after excluding the (annual) provisions. [22](#)

Ibn Shuja' al-Nayshaburi has reported that he asked Imam al-Hadi ('a) about the taxes imposed on the gains of a man who obtained one hundred *kurr* (a unit of measurement) from the yield of wheat. He used one-tenth of the yield as expenditures, expended thirty *kurr* on reconstructing his farm, and only sixty *kurr* remained for him...

The Imam ('a) answered (in a written form):

لِي مِنْهُ الْخُمْسُ مِمَّا يَفْضُلُ مِنْ مُؤُونَتِهِ.

Out of the remainder, after he deducts his annual provisions, one fifth is for me. [23](#)

'Ali ibn Mahziyar has reported that Abu-'Ali ibn Rashid said to the Imam ('a), "When you ordered me to represent you and collect your rights, I informed your adherents, but some of them asked me to identify (the amount of) your right, but I could not answer."

The Imam ('a) answered:

يَجِبُ عَلَيْهِمُ الْخُمْسُ.

It is obligatory upon them to pay khums (one-fifth portion).

"What are the things subject to this tax?" I asked.

The Imam ('a) answered:

فِي أَمْتَعَتِهِمْ وَصَنَائِعِهِمْ.

The money of their belongings and their crafts is subjected to khums.

“Is the money of businessmen and craftsmen included?” I asked.

The Imam (‘a) answered:

إِنَّا أَمْكَنَهُمْ بَعْدَ مَوْنَتِهِمْ

Yes, when possible (i.e. when something remains) after setting apart their annual provisions. [24](#)

The Emergence of this Ruling in Later Times

The matter of the origin of the legislation of *khums* and most details are clear from a Muslim jurisprudential aspect. Nevertheless, there are some points of obscurity attached to this legislation that require some explanation and clarification.

The first point of obscurity ensues from the fact that some details of *khums* were not known in general to the Muslim nation and we cannot find any reference to or indication of such details from the first age of Islam up to the age of Imam al-Baqir and Imam al-Sadiq (‘a),[25](#) despite the fact that *khums* on earnings were existent since the first age of Islam and during the lifetime of the Holy Prophet (S). This fact may arouse some questions about gains on earnings that are subject to *khums*.

The second point of obscurity ensues from the fact that this religious law seemed to have been nonexistent even in the milieu of the virtuous community although, firstly, such profits of earnings were existent and, secondly, there was a profound connection between the individuals of the virtuous community and the Holy Imams of the Ahl al-Bayt (‘a).

To explain the earlier point of obscurity, we may refer the reader to the previous chapter about the religious referential authority of the Ahl al-Bayt (‘a) where we have stated that the Holy Prophet (S) did not reveal all the religious laws of Islam before all Muslims, for tangible reasons appertaining to the Holy Prophet (S) personally and to the Muslim nation; rather, he (S) revealed these rulings and laws to special individuals, including Imam ‘Ali Amir al-Mu’minin (‘a) and some of his elite companions.

He (S) referred the Muslim nations to the Ahl al-Bayt (‘a) if they, in the future, would desire to learn these laws—a fact that is corroborated by traditions authentically reported from the Holy Prophet (S), such as the famous *Hadith al-Thaqalayn* (Tradition of the Two Weighty Things) and others, as well as verbal and practical confessions of the caliphs to this fact shown in their referrals to Imam ‘Ali (‘a) to solve enigmatic problems.

As a result, details of this religious law were undisclosed to the Muslim nation because of the political and cultural circumstances that deprived the Ahl al-Bayt (‘a) of their political position. Hence, *khums* was one of the matters firmly related to this issue, because the Ahl al-Bayt (‘a) were the one and only authority to decide about this tax.[26](#)

As another justification, it may also be said that the Holy Prophet (S) did not demonstrate details of this religious law; rather, he delayed the question and entrusted it to the Imams ('a) to reveal it at the appropriate time when required.[27](#)

In addition, the gains of earnings being subject to *khums* was not within the affairs that could be manipulated by the authorities because it became operative only after gaining profits in business and deducting annual provisions. Like the amount of *zakat* on gold, silver and business income, these conditions could not be controlled or defined by the religious authority. Therefore, the jurists of the other Muslim sects exclude these funds from being delivered to the ruler because they are considered 'invisible funds'. 'Visible funds', such as cattle and yields, which could be estimated and assessed, had to be delivered to the ruler.[28](#)

Moreover, profit on earnings during the age of the Holy Prophet (S) was a small amount and restricted to a certain number of people.

It can be seen that non-Shi'ite Muslim jurists maintain that it is obligatory to pay *zakat* on business investments, while Shi'ite jurists clearly maintain the opposite. This may stand in as evidence to conclude that according to Islamic legislation, *khums* is on the *profit* of earnings; however, *khums* might have been changed by non-Shi'ite jurists into *zakat* because of lack of scrutiny of the religious laws or because of the many attempts at modification and distortion to which Muslim society and Islam were exposed such that even evident issues of Islamic legislation became ambiguous, such as some rulings of *zakat*, *Hajj* (pilgrimage) and others.[29](#)

The Holy Imams of the Ahl al-Bayt ('a), however, did not make efforts to publically elucidate this religious law because such efforts would certainly result in political conflicts, since elucidation of this religious law would grant the tyrannical ruling authorities more power and potency. The tyrannical authorities believed that *khums* should be possessed by the caliph, and in this case these funds would be transferred to the treasury of the caliphs most of whom would consider such funds to be their pure ownership.

As for the explanation of the second point of ambiguity, it can be explained by one of the following probabilities:

(1) The Holy Imams of the Ahl al-Bayt ('a) had not wanted to burden their Shi'ah, who were few in number at that time, with more financial loads. Moreover, they did not consider the existence of an urgent need for such funds because the virtuous community had not yet spread over a large scale to have big expenses. As a result, the Holy Imams ('a) allowed their followers to make disposition of the funds because the funds were possessed by the position of Imamate and the Imams had the right to determine their disposition. They also allowed their Shi'ah to make disposition of *khums* received from the funds of the other people.

All this was based on the ruling that profit from earnings was subject to *khums*, as being originally

enacted by Islamic legislation which the Holy Prophet (S) explained as a whole to the people and in detail to Imam 'Ali ('a), as indicated by the unrestrictedness of the holy verse involved and the purport of some traditions.

(2) Some scholars, however, have argued that the question of profits on earnings that are subject to *khums* was not clarified in the original Islamic legislation; rather, it was one of the issues left for the Holy Imams of the Ahl al-Bayt ('a) to determine within the expansive authorities that the Holy Prophet (S) gave them in the field of enacting certain laws appertaining to the general affairs of the Muslim community within the boundaries of financial issues.³⁰

On the grounds of this opinion, we can explain the unfamiliarity of the Shi'ah, in general, that profit of earnings were subject to *khums* up to the age of Imam al-Baqir and Imam al-Sadiq ('a). This explanation is as follows:

The Holy Imams ('a) had not executed this ruling before the age of these two Imams ('a) because there had been no need for this financial resource before that age. However, when need for it surfaced, because of the growth and perfection of the virtuous community and the need for funds to fill the financial gap of meeting its needs and spending on the individuals of this community, this law was carried out.

The Role of Khums in Improving the Economic Conditions of the Virtuous Community

Khums on profits of earnings have continually been the most important financial resource in the economic system of the virtuous community. A large variety of public and private expenses of the virtuous community depends, in essence, on these funds, especially in the field of public affairs. Besides, there are other aspects which assign an additional significance to *khums* in the general system of the virtuous community.

To get a good idea of the complete portrait of the hypothetical and applied functions of *khums* in relation to the economic conditions of the virtuous community, we will display a number of general aspects.

Khums as a Financial Resource

Khums, along with properties for public and restricted use endowed as *waqf*, largely represent the main financial resources on which the general system of the virtuous community depended, especially after the doors were blocked to other financial resources, including *zakat* which was paid to the ruling authorities or to needy people directly, tributes which were seized by the ruling authorities, and other public funds that found their way to the public treasury after being levied from the Muslim regions.

As has been previously maintained, no community can build its social, political and cultural structure

without the existence of funds to cover its expenses. As for the virtuous community which was built by the Ahl al-Bayt ('a), the political and social circumstances did not allow any other financial resources on which this community could depend, like common contributions or investments, because such economic activities became more of a menace and, at times, an extra economic burden that the majority of the individuals of the virtuous community, who were generally poor, would not be able to pay.

Flexibility in Khums Taxation

Khums has always been owned by the Holy Imams of the Ahl al-Bayt ('a), or was the right of Imamate and the leadership restricted to the Imams ('a), and they had unrestrained authority to dispose these funds. The circle of expending these funds has widened, for it includes the rights of poor Sayyids and Hashemites for whom Almighty Allah determined as compensation for *zakat* and alms which are prohibited for their use. These rights have been granted to these Sayyids and Hashemites because the funds were originally possessed by the Holy Imams ('a); therefore, the Imam ('a) is responsible for meeting any deficiency in the expenses of the Sayyids and spending the remainder of these funds on public affairs. As a matter of fact, the logic of meeting the financial needs of Sayyids from *khums* is that they are clean and pure funds and not excess or left over funds of people, as stated previously.

The Imam ('a), or the religious referential authority that represents him, are granted flexibility and opportunity to use these funds in various fields of public interest. The Holy Imams of the Ahl al-Bayt ('a) confirmed this in the expenditure of *khums* to such a great degree that they allowed their Shi'ah to dispose the *khums* funds, and even give them back to their owners when interest necessitated, as is in the aforesaid narration of Abu-Sayyar Musmi' ibn 'Abd al-Malik.³¹

Expansive Financial Capacities

Because *khums* entails a high percentage of the totality of public wealth, it grants the the Imam (the custodian of this fund) vast financial capacity to serve Muslims and the sacred goals of the Islamic mission. *Khums* is levied from all essential funds that man may gain—in the words of the Holy Qur'an—minerals, earnings from diving, spoils of war and other income. Accordingly, *khums* is very much more important than alms and *zakat* because of this high percentage. The importance of *khums* in the profit of earnings increases when we recognize there was a general economic inclination among the Ahl al-Bayt's followers towards commerce and agriculture. Being a vital element in *khums*, there was much attention paid to commerce by the Ahl al-Bayt.

Security Against Enemies

Being 'invisible funds', according to the jurisprudential classification of funds, the payment of *khums* on net earnings to the Holy Imams of the Ahl al-Bayt ('a) does not draw the attention of their enemies; therefore, it is not considered a menace that threatens the security of the Holy Imams ('a), unlike the payment of the 'visible funds', such as the *zakat* of cattle and yields, which were usually assessed and

estimated by the ruling authorities.

Additionally, earnings subject to *khums* was not familiar among Muslims in general; therefore, the payment of this tax to the Holy Imams ('a) did not arouse doubts about the movement or promulgation of the concept of Imamate in the milieu of their followers. As a result, their security was maintained and dangers stemming from the process of payment and collection of these taxes avoided.

Doctrinal and Spiritual Aspects

There are some doctrinal and spiritual aspects in the process of payment and collection of *khums* which increases the importance of the role this tax plays in the life of the virtuous community. To put this in plain words, *khums* is the right of the Ahl al-Bayt ('a); therefore, paying it manifests a belief in their right and in the fact that their rights had been violated. Likewise, it expresses loyalty to them, which includes love, affection, fulfillment of covenants and pledges made to them, and financial support.

According to a tradition, *khums* is the right of leadership; hence, to pay it to the Ahl al-Bayt ('a) denotes believing in their Imamate and leadership. A doctrinal aspect that exists in *khums* exclusively is that it is unlike *zakat* which is paid to the poor. Therefore, to pay *khums* to the Ahl al-Bayt ('a) is also another form of showing preference to them over other groups in the society, elevating them far above people's unused excess funds and confirming their exclusive right to receive the *khums* funds.

Organizational Aspect

The payment of *khums* to the Ahl al-Bayt ('a) represents an organizational aspect in the system of the virtuous community. It symbolizes the connection of its individuals to the leadership and the *religious referential authority* through financial participation in the administration of the virtuous community and meeting public expenses made through the Imam ('a) or the *religious authority*. Of course, such participation implies affiliation to and membership in the virtuous community. It is thus similar to the financial contributions of members of collective organizations and associations.

Actual aspect

The Holy Imams of the Ahl al-Bayt ('a) and the virtuous community historically demonstrate that *khums* was the most vital axis of all financial resources on which the virtuous community depended in administering its various affairs.

We now refer to a set of important faculties, issues and projects that were financially run through the funds of *khums*:

(1) Religious seminaries and cultural schools in various countries: in such faculties and schools, study is free-of-charge and instructors and teachers, in addition to researchers and investigators, usually receive nothing as remuneration for their efforts.

(2) Expenses of foreign scholars, propagators, and instructive missionaries.

(3) Expenses of printing and publishing religious books, such as books of practical laws and verdicts, religious teachings, theses in fields of Muslim jurisprudence, fundamentals of jurisprudence (*usul*), and reporting the traditions (*hadith*), as well as other articles, magazines, and periodicals.

(4) Construction and administration of mosques, Husayniyyahs, shrines of the Holy Imams ('a) and their saintly descendants, religious schools and dormitories therein, housing for married students of religious studies, public libraries, and all sorts of religious establishments.

(5) Funds needed for managing religious associations of various activities founded for serving Islam.

(6) Funds needed for holding religious festivities and public ceremonies for commemorating the uprising and martyrdom of Imam al-Husayn ('a).

(7) Aid for unexpected events, such as earthquakes, floods, and other natural disasters, as well as some public services, such as public baths, bridges and overpasses, and public accommodations for pilgrims and the like.

(8) Meeting the financial needs of the poor, the destitute, and the needy who are in urgent need of financial help, whether they are Hashemites or descendants of the Holy Prophet (S), in particular, who are entitled to something from the share of the Sayyids, or the poor, the destitute, and the needy individuals of the virtuous community. Of course, all uses of *khums* must be under the supervision and permission of the supreme religious referential authority.

From the above, we can perceive the great role that this financial duty has played in the building of the virtuous community, especially *khums* from the profit of earnings.

Restricted Social Solidarity

Social solidarity, shown by undertaking individual responsibility towards financial issues related to the lives and livelihoods of Muslims, is one of the principles towards which Islam has called people. This is maintained by many traditions some of which will be cited in this chapter.

Through a valid chain of authority, Shaykh al-Kulayni, in his book of *al-Kafi*, has reported Imam al-Sadiq ('a) as saying:

المُسْلِمُ أَخُو الْمُسْلِمِ؛ لَا يَظْلِمُهُ وَلَا يَخْذُلُهُ وَلَا يَخُونُهُ. وَيَجُوقُ عَلَى الْمُسْلِمِينَ الْإِجْتِهَادُ فِي التَّوَاصُلِ وَالتَّعَاقُدِ عَلَى التَّعَاطُفِ وَالْمُوَاسَاةِ لِأَهْلِ الْحَاجَةِ وَتَعَاظُفِ بَعْضِهِمْ عَلَى بَعْضٍ حَتَّى تَكُونُوا كَمَا أَمَرَكُمُ اللَّهُ عَزَّ وَجَلَّ، رُحَمَاءَ بَيْنَكُمْ مُتَرَاحِمِينَ مُعْتَمِينَ لِمَا غَابَ عَنْكُمْ مِنْ أَمْرِهِمْ عَلَى مَا مَضَى عَلَيْهِ مَعْشَرُ الْأَنْصَارِ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ.

Muslims are brothers of each other. They neither wrong, nor disappoint, nor betray each other. The duties that are incumbent on Muslims towards each other include establishing communication, showing mutual sympathy, treating the needy as they treat themselves and empathizing with one another. If you abide by this, you will be as Almighty Allah has ordered you to be: compassionate and merciful towards one another and regretful upon missing any opportunity to help your brethren-in-faith, just like the conduct of the Ansar during the lifetime of the Messenger of Allah (S). [32](#)

As far as the virtuous community is concerned, the Ahl al-Bayt (S) emphasized this as a serious responsibility to be undertaken by the wealthy individuals of the virtuous community towards their brethren-in-faith.

Traditions reported from the Ahl al-Bayt (‘a) emphasize two main areas:

(1) Public Alms

Many texts and traditions, reported from the Ahl al-Bayt (‘a), demonstrate the significance of giving alms and the good results ensuing from them. However, the most important point manifested in this regard is that some traditions have confirmed that there is another *public* financial duty, in addition to *zakat*, imposed on Muslims. This duty has been mentioned in the following holy verse, which avers the obligation of paying an amount out of the funds of yields in the season of harvest before estimating the percentage of *zakat*. Accordingly, some scholars, such as Shaykh al-Tusi, issued a verdict deeming it obligatory to pay such an amount. [33](#)

The holy verse involved is the following:

لُوا مِنْ ثَمَرِهِ إِذَا أَثْمَرَ وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ

Pay the due of it on the day of its reaping. (6: 141)

Through a valid chain of authority, Shaykh al-Kulayni, in his book of *al-Kafi*, has reported Zurarah, Muhammad ibn Muslim, and Abu-Basir as quoting Imam al-Baqir (‘a) to have said:

لُوا مِنْ ثَمَرِهِ إِذَا أَثْمَرَ وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ

هَذَا مِنَ الصَّدَقَةِ. يُعْطِي الْمُسْلِمُونَ الْقَبْضَةَ بَعْدَ الْقَبْضَةِ وَمِنَ الْجِدَارِ الْحَفْنَةَ بَعْدَ الْحَفْنَةِ حَتَّى يَفْرُغَ.

The verse, “pay the due of it on the day of its reaping” (6: 141), mentions a sort of alms. Muslims give one sheaf after another and from the fruit of date trees one handful after another until it pours out. [34](#)

Bearing the same purport, other narrations, interpreting the holy verse that reads, **“Those, in whose wealth there is a fixed portion for him who begs and for him who is denied good” (70:24-25)** have confirmed that this portion is a financial duty, other than *zakat*, which is flexible. Its amount has been left for the owner of the property to give at a definite time but in any amount that he identifies.

In this connection, Shaykh al-Kulayni, in his book of *al-Kafi*, has reported through a valid chain of authority that al-Qasim ibn ‘Abd al-Rahman al-Ansari said that he heard Imam al-Baqir (‘a) relating the following:

One day, a man came to my father, ‘Ali ibn al-Husayn (‘a), and asked him to identify the *fixed portion* mentioned in this holy verse, **“Those in whose wealth there is a fixed portion for him who begs and for him who is denied good. (70:24-25)”**

The Imam (‘a) said:

الْحَقُّ الْمَعْلُومُ، الشَّيْءُ يُخْرِجُهُ مِنْ مَالِهِ لَيْسَ مِنَ الزَّكَاةِ وَلَا مِنَ الصَّدَقَةِ الْمَفْرُوضَتَيْنِ.

The fixed portion is a duty, other than zakat and alms, which one pays from one’s funds.

The man asked, “If it is neither *zakat* nor alms, what is it then?”

The Imam (‘a) answered:

هُوَ الشَّيْءُ يُخْرِجُهُ الرَّجُلُ مِنْ مَالِهِ، إِنْ شَاءَ أَكْثَرَ وَإِنْ شَاءَ أَقَلَّ، عَلَى قَدْرِ مَا يَمْلِكُ.

It is the portion that one pays from one’s funds according to one’s property. One can pay much or little, according to one’s will.

The man asked, “What is that portion used for?”

The Imam (‘a) answered:

يَصِلُ بِهِ رَحِمًا، وَيُقَوِّي بِهِ ضَعِيفًا، وَيَحْمِلُ بِهِ كَلًّا، أَوْ يَصِلُ بِهِ أَخًا لَهُ فِي اللَّهِ، أَوْ لِتَأْتِيَهُ تَنْوِبُهُ.

One may make firm relations with one’s relatives, financially strengthen a destitute person, alleviate someone’s burden, improve relations with one’s brothers-in-faith, or aid someone in misfortune.

Impressed by the Imam’s knowledge, the man quoted:

“Allah knows best where He places His message. (6: 124)”³⁵

However, master jurists have not determined these two matters to be obligatory although authentically and validly reported traditions indicate the latter,³⁶ assuming that there are other traditions contradicting these. As a result, these financial duties must be thought of as recommended (according to the principles of *Usul al-Fiqh*). Additionally, there is a scholarly consensus on the non-obligation of paying such financial duties openly, i.e. under all circumstances. Excepted from this consensus is the verdict of Shaykh al-Tusi who, in one of his opinions, has decided the payment of the earlier financial duty as obligatory.

From the previous discussion, we may conclude that such inconsistency in the traditions reported from the Ahl al-Bayt ('a) on this topic should be taken to mean one of the following two probabilities:

(1) Such sorts of payments are strongly recommended (*mustahabb*), because they achieve social solidarity to an extent that corresponds with the circumstances surrounding each individual of the Muslim community.

(2) Such payments are provisionally obligatory; i.e. obligatory under certain circumstances and conditions. The Holy Imams of the Ahl al-Bayt ('a) deemed these payments obligatory out of their understanding of the nature of the social obligations of that age, which would have been inescapably observed by the individuals of that community. Having not been decided as obligatory in the original Islamic legislation, this duty was, therefore, deemed obligatory by the religious referential authorities within the general responsibilities that they had to undertake towards the Muslim community and interests that contributed to social solidarity with the poor.³⁷

No matter which probability is closer to the fact, the Holy Imams of the Ahl al-Bayt ('a), having worked towards building the virtuous community, took much interest in the issue of social solidarity, seeing it as one of the foundations of attaining an ideal economic condition.

(2) Rights of Brethren-in-Faith

The Holy Imams of the Ahl al-Bayt ('a) laid much emphasis on the existence and observation of a set of rights and duties that a faithful believer must undertake towards his brethren-in-faith; i.e. the members of the virtuous community. Among these duties are aiding others financially to cover their needs and meet their requirements.

This emphasis has been taught in a number of ways.

First: The Holy Imams ('a) confirmed that the observation of these rights is one of the actual and real obligations that must be carried out by faithful people, just like other religious duties and responsibilities.

According to a validly reported tradition, Shaykh al-Kulayni, in his book of *al-Kafi*, has reported Suma'ah to have said:

I asked Imam al-Sadiq ('a), "If some people are wealthy, but their brethren-in-faith are too needy to be satisfied with *zakat* funds, are the wealthy people permitted to fill themselves in difficult times while their brethren-in-faith are hungry?"

Besides the tradition already cited on p. 92, as reported by Shaykh al-Kulayni in his book of *al-Kafi* from Furat ibn Ahnaf, Imam al-Sadiq ('a) said:

أَيُّمَا مُؤْمِنٍ مَنَعَ مُؤْمِنًا شَيْئًا مِمَّا يَحْتَاجُ إِلَيْهِ وَهُوَ يَقْدِرُ عَلَيْهِ مِنْ عِنْدِهِ أَوْ مِنْ عِنْدِ غَيْرِهِ، أَقَامَهُ اللَّهُ يَوْمَ الْقِيَامَةِ مُسَوِّدًا وَجْهَهُ، مَزْرَقَةً عَيْنَاهُ، مَعْلُولَةً يَدَاهُ إِلَى عُنُقِهِ، فَيَقَالُ: هَذَا الْخَائِنُ الَّذِي خَانَ اللَّهَ وَرَسُولَهُ. ثُمَّ يُؤْمَرُ بِهِ إِلَى النَّارِ

If any believer (mu'min) refrains from meeting the needs of another believer while he can do so or he can mediate with another person who can do it, Almighty Allah will resurrect him black-faced, downcast-eyed, and having his hands attached to his neck. Then, he will be introduced as a traitor who has betrayed Almighty Allah and His Messenger and will be led to the Hellfire by a divine command. [38](#)

Thus, this financial duty is a restricted obligation upon wealthy individuals under circumstances of harsh destitution. It becomes obligatory when a government or the Muslim society fails to assure the livings of deprived destitute people.

Second: The Holy Imams ('a) explained that this duty was obligatory on individuals; however, it was still regarded as one of the duties that is difficult to impose generally and all-inclusively because people may abandon their faith or individuals of the virtuous community may shun carrying it out. This means that this duty is one of the private obligations that must be carried out in general for the purpose of solidifying the organizational structure of the virtuous community, strengthening the general relations among its individuals and promoting feelings of responsibility towards this duty even if it is treated as recommended. However, it becomes obligatory under certain conditions of harsh destitution.

Mufadhhdhal ibn Yazid has reported Imam al-Sadiq ('a) as saying:

أُنْظِرْ مَا أَصَبْتَ فَعُدْ بِهِ عَلَى إِخْوَانِكَ، فَإِنَّ اللَّهَ يَقُولُ

إِنَّ الْحَسَنَاتِ يُذْهِبْنَ السَّيِّئَاتِ

قَالَ رَسُولُ اللَّهِ، صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ: ثَلَاثَةٌ لَا تُطِيقُهَا هَذِهِ الْأُمَّةُ: الْمُوَاسَاةُ لِلْآخِ فِي مَالِهِ، وَإِنْصَافُ النَّاسِ مِنْ نَفْسِهِ، وَذِكْرُ اللَّهِ عَلَى كُلِّ حَالٍ. وَلَيْسَ هُوَ: سُبْحَانَ اللَّهِ وَالْحَمْدُ لِلَّهِ وَلَا إِلَهَ إِلَّا اللَّهُ وَاللَّهُ أَكْبَرُ، فَقَطُّ؛ وَلَكِنْ إِذَا وَرَدَ عَلَى مَا يُحَرِّمُ، خَافَ اللَّهَ

Whatever you gain (from the money of the ruler), you may donate it to your brethren-in-faith, for Almighty Allah says, **“Surely, good deeds take away evil deeds.”** (11: 114) Allah’s Messenger (S) has said, “Three acts of conduct cannot be neglected by the individuals of this nation: (1) Halving one’s funds with brethren-in-faith, (2) treating people justly in personal issues, and (3) remembering Almighty Allah under all circumstances. To remember Almighty Allah does not mean just to utter such statements of praise for Him like ‘Glory be to Allah’, ‘praise be to Allah’, ‘there is no god save Allah’, and ‘Allah is the All-great’; rather, it means to fear Him before committing a forbidden act.[39](#)

Third: The Holy Imams (‘a) confirmed that such duties symbolized a morally perfect character without which one fell short of the required qualification of a true faithful believer, which is the main purpose behind the building of a virtuous community.

Aban ibn Taghlib has reported the following:

While I was performing the ritual circumambulation (tawaff) in the company of Imam al-Sadiq (‘a), one of our fellows, who had previously asked me to accompany him on a mission, appeared before me. As he signaled to me, Imam al-Sadiq (‘a) saw us, “O Aban, are you the one intended by that man?” asked the Imam (‘a).

“Yes, I am,” I answered.

“Is he of the same faith as you?” wondered the Imam (‘a).

“Yes, he is,” I answered.

“Then,” the Imam (‘a) instructed, “Go with him and break your circumambulation.”

“Should I do so even if the circumambulation is obligatory?” I asked.

“Yes, you should,” he (‘a) answered.

So, I went with that man. When I returned, I visited the Imam (‘a) and asked him about the duties towards brethren-in-faith.

“Leave the matter. Do not ask me about them,” said the Imam (‘a).

Nevertheless, I repeated the same question insistently until the Imam (‘a) answered me, saying, “O Aban, (the duty towards one’s brother-in-faith is that) you give him half of your wealth.”

As he looked at me and noticed my surprise, the Imam (‘a) said, “O Aban, you should have known that Almighty Allah has mentioned (with praise) those who give others preference over themselves?”

“Yes, I knew that,” I answered.

The Imam ('a) said:

إِذَا قَاسَمْتَهُ لَمْ تُؤْتِرْهُ، إِنَّمَا تُؤْتِرُهُ إِذَا أَنْتَ أَعْطَيْتَهُ مِنَ النِّصْفِ الْآخِرِ.

*“If you give your brother-in-faith half of what you have, you have not yet given him preference over yourself. Only when you give him from the other half, have you given him preference.”*⁴⁰

Imam 'Ali Amir al-Mu'minin ('a) is reported to have said:

سِتُّ خِصَالٍ مَنْ كُنَّ فِيهِ كَانَ بَيْنَ يَدَيِ اللَّهِ وَعَنْ يَمِينِهِ: إِنَّ اللَّهَ يُحِبُّ الْمَرْءَ الْمُسْلِمَ الَّذِي يُحِبُّ لِأَخِيهِ مَا يُحِبُّ لِنَفْسِهِ، وَيَكْرَهُ لَهُ مَا يَكْرَهُ لِنَفْسِهِ، وَيُنَاصِحُهُ الْوَلَايَةَ، وَيَعْرِفُ فَضْلِي، وَيَطَأُ عَقْبِي، وَيَنْظُرُ عَاقِبَتِي.

*Whoever enjoys the following six features will be before and on the right hand side of Almighty Allah: Almighty Allah surely loves the Muslim individual who (1) loves for his brother-in-faith all that which he loves for himself, (2) hates for him whatever he hates for himself, (3) acts towards him sincerely on account of bonds of faith, (4) recognizes my leadership, (5) patterns himself after my example, and (6) accepts the government of my progeny.*⁴¹

Master jurists are not known for having determined that this sort of spending is obligatory although there are a good number of traditions and reported texts indicating this obligation. Thus, they have specified this matter to be emphatically recommended (*istihbab mu'akkad*).⁴² The reason for this may be to achieve the principle of social solidarity, or that this duty is an executive, local (i.e. temporary) procedure taken by the Ahl al-Bayt ('a) to put this originally obligatory principle into practice by leaving its application to the *religious referential authority*.

¹ - Refer to: Abu-Ya'li al-Farra' al-Hanbali (the Hanbalite), al-Ahkam al-Sultaniyyah, pp. 115; Abu'l-Hasan 'Ali ibn Muhammad al-Mawardi, al-Ahkam al-Sultaniyyah, pp. 113.

² - Some historical reports bear out that this prohibition was initially decided by Abu-Bakr, the first caliph; while others confirm that it was decided by 'Umar.

There are additional traditions upholding this fact. In his introduction to Mir'at al-Uqul (1: 153-155), 'Allamah Murtadha al-'Askari has discussed this topic elaborately.

³ - One of the most reliable reference books of hadith for Sunnis.

⁴ - Sahih Muslim, Kitab (Section) al-jihad wa'l-siyar, No. 48.

⁵ - These narrations can be found in the introduction of Mir'at al-Uqul (1: 153-155). The author has quoted them from famous reference books relied on by Sunni Muslims.

⁶ - Murtadha al-'Askari, Mir'at al-Uqul 1: 153-155.

⁷ - Murtadha al-'Askari, Mir'at al-Uqul 1: 153-155.

⁸ - Al-Hurr al-'Amili, Wasa'il al-Shi'ah 6:356, H. 2.

⁹ - For more information in this regard, refer to Buhuth fi'l-Fiqh by Sayyid Mahmud al-Hashimi (Chapter: Khums) 2:374-397.

¹⁰ - Al-Hurr al-'Amili, Wasa'il al-Shi'ah 6:357, H. 5.

¹¹ - Al-Hurr al-'Amili, Wasa'il al-Shi'ah 6:364, H. 1.

[12.](#) – For further information, refer to Buhuth fi'l-Fiqh by Sayyid Mahmud al-Hashimi (Chapter: The Khums) as well as Buhuth al-Khums by Shaykh al-Muntazari.

In truth, traditions give preponderance to the latter opinion over the earlier if we restrict our study to the purports of traditions. However, it is claimed that there is a consensus among the scholars of the Ahl al-Bayt ('a) school on the earlier opinion.

[13.](#) – This is legal only when the battle is founded on a religious basis and permitted by the actual religious authority of Muslims; otherwise, it is illegal for the warriors to utilize such spoils of war, such as occurred in some deviant instances, and these are totally at the Imam's disposal.

[14.](#) – Al-Hurr al-'Amili, Wasa'il al-Shi'ah 6:379, H. 1.

[15.](#) – Al-Hurr al-'Amili, Wasa'il al-Shi'ah 6:381, H. 10.

[16.](#) – Al-Hurr al-'Amili, Wasa'il al-Shi'ah 6:379, H. 3.

[17.](#) – Al-Hurr al-'Amili, Wasa'il al-Shi'ah 6:379, H. 4.

[18.](#) – Al-Hurr al-'Amili, Wasa'il al-Shi'ah 6:379, H. 2.

[19.](#) – Al-Hurr al-'Amili, Wasa'il al-Shi'ah 6:380, S. 4 (Deeds Restricted to the Imam), H. 6.

[20.](#) – Sayyid Abu'l-Qasim al-Khu'i, Mustanad al-'Urwah al-Wuthqa, Kitab al-Khums, pp. 193–194.

[21.](#) – Al-Hurr al-'Amili, Wasa'il al-Shi'ah 6:350, H. 5.

[22.](#) – Al-Hurr al-'Amili, Wasa'il al-Shi'ah 6:348, H. 1.

[23.](#) – Al-Hurr al-'Amili, Wasa'il al-Shi'ah 6:348, H. 2.

[24.](#) – Al-Hurr al-'Amili, Wasa'il al-Shi'ah 6:348, H. 3.

[25.](#) – Sayyid Abu'l-Qasim al-Khu'i, Mustanad al-'Urwah al-Wuthqa, Kitab al-Khums, pp. 196.

However, the author made efforts to find any hint of such details from the traditions of the Holy Prophet (S) and found one mentioned in Sahih al-Bukhari. See pp. 197.

[26.](#) – This detail is confirmed by the aforementioned discussion of the caliphs' depriving the Ahl al-Bayt ('a) of their one-fifth share of the spoils of war, which is their right as openly declared by the Holy Qur'an.

[27.](#) – Sayyid Abu'l-Qasim al-Khu'i, Mustanad al-'Urwah al-Wuthqa, Kitab al-Khums, pp. 196.

[28.](#) – Abu-Ya'li al-Farra' the Hanbalite scholar, al-Ahkam al-Sultaniyyah, pp. 115; al-Mawardi, al-Ahkam al-Sultaniyyah, pp. 113.

[29.](#) – Sayyid Abu'l-Qasim al-Khu'i, Mustanad al-'Urwah al-Wuthqa, Kitab al-Khums, pp. 197–198.

[30.](#) – Refer to Sayyid Abu'l-Qasim al-Khu'i, Mustanad al-'Urwah al-Wuthqa, Kitab al-Khums, pp. 196; Buhuth fi'l-Fiqh, Kitab al-Khums 2:43.

[31.](#) – Refer to al-Hurr al-'Amili, Wasa'il al-Shi'ah 6:382, H. 12.

[32.](#) – Al-Hurr al-'Amili, Wasa'il al-Shi'ah 8:542, H. 2.

[33.](#) – Shaykh al-Tusi, al-Khilaf 2:5. The same verdict was issued by al-Jawad al-Kazimi, as is understood from his defense of Shaykh al-Tusi's school of jurisprudence. Refer to al-Jawad al-Kazimi, Masalik al-Afham ila Ayat al-Ahkam 2:70.

[34.](#) – Shaykh al-Kulayni, al-Kafi 3:565, H. 2.

[35.](#) – Al-Hurr al-'Amili, Wasa'il al-Shi'ah 6:29, H. 6.

[36.](#) – Refer to al-Hurr al-'Amili, Wasa'il al-Shi'ah 6:27–32, S. Financial Duties other than zakat (bab al-huquq fi'l-mal siwa al-zakat).

[37.](#) – This notion can be treated as a religious principle on the strength of which the Muslim government imposes taxes according to its understanding of public interests.

[38.](#) – Al-Hurr al-'Amili, Wasa'il al-Shi'ah 11:599, H. 1.

[39.](#) – Al-Hurr al-'Amili, Wasa'il al-Shi'ah 8:415, H. 4.

[40.](#) – Al-Hurr al-'Amili, Wasa'il al-Shi'ah 8:547–548, H. 16.

[41.](#) – Al-Hurr al-'Amili, Wasa'il al-Shi'ah 8:549, H. 23.

[42.](#) – Al-Hurr al-'Amili seems to have decided these sorts of almsgiving as obligatory. This idea is derived from the titles that he uses for the sections containing traditions involved in this topic. For instance, he uses the title bab tahrim man' al-mu'min shay'an min 'indihi aw min 'indi ghayrihi 'inda dharuratihi (Chapter on prohibition against depriving a faithful believer

of anything from himself or from others when necessary) and also bab tahrim tark ma'unat al-mu'min 'inda dharuratihi (Chapter on prohibition of forsaking necessary aid to faithful believers). Likewise, Martyr al-Sadr, in his book of iqtisaduna (Our Economy), seems to believe in the obligation of the first duty, yet with the aforementioned stipulation. Finally, Almighty Allah knows best.

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