

The Distribution of Khums

A. The Two Shares Of Khums

According to the verse of khums, this Islamic tax is for:

- (1) Allah,
- (2) the Messenger of Allah,
- (3) the near relative of the Messenger,
- (4) the orphans,
- (5) needy,
- (6) stranded traveler.

The first two shares are clear: they belong to Allah and Prophet Muhammad respectively. The third share, that of "the near relative" belongs to the infallible Imam of the time. The latter three shares belong to those of the Hashimite family who are orphan, needy and stranded traveler.

Obviously, Allah does not come in person to take His share of khums; therefore the Prophet, as Allah's representative on this earth, used to receive both his own share of khums and that of Allah. What is to be done with the Prophet's share after his death? The Sunni scholars are in great disagreement with each other on this issue. For example, some say that the Prophet's share (which obviously included the share of Allah) goes to the caliph who may use it as he pleases; others say it goes to the Prophet's relatives (the Hashimites); and still others say that it should go to the Muslims in general. [1](#)

According to the Shi`ah view, after the Prophet's death, the shares of Allah and the Prophet belong to his rightful successor. And the present rightful successor of the Prophet is Imam Muhammad al-Mahdi (upon whom be peace).

Since the Present Imam, besides owning his own share as "the near relative," is also the rightful owner of Allah's and the Prophet's shares of khums, **the first half** of khums is commonly known as "sihmu 'l-Imam -- the share of the Imam".

The second half of khums is for the orphan, the needy and the stranded traveler from the Prophet's family, that is, the Hashimi or, in its Latin form, the Hashimite. A Hashimite is the one who, from his father's line, is a descendent of Hashim, the great grandfather of the Prophet.

However, the Hashimites who descend from Fatimah, the daughter of the Prophet, have preference over other Hashimites. Since the descendants of Fatimah are commonly known as "sayyid, pl. sadat," the second half of khums is known as "sihmu 's-sadat -- the share of the sayyids". (In non-Shi`ah parts of the Arab world, the sayyids are commonly known as "sharif, pl. ashraf").

Thus we divide the khums into two equal shares:

1. the share of the Present Imam;
2. the share of the sadat (the sayyids).

The recipients of the sihmu 's-sadat change all the time: an 'orphan' ceases to be legally an orphan as soon as he becomes an adult; a 'needy' ceases to be a needy as soon he becomes financially independent; and an 'stranded traveler' ceases to be an stranded traveler as soon as he reaches home.

But the recipient of the sihmu 'l-Imam, that is Imam Muhammad al-Mahdi (upon whom be peace), will never cease to be the Prophet's 'near relative' and his rightful successor. Therefore, his right is perpetual and will never end.

B. The Sihmu 'L-Imam

1. Where Should The Sihmu 'l-Imam Go?

(a) During the Presence of the Imam:

The first half of khums is the share of the Imam. During the presence of the Imams, the sihmu 'l-Imam as well as the sihmu 's-sadat was given to them directly or to their specially appointed agents. The Imam, as the head of the sadat, was also responsible for distribution of sihmu 's-sadat among the sadat.

The Imams, since Imam Ja`far as-Sadiq's days, had also initiated the system of wikalah (deputyship) whose function, among other things, was to collect the khums and bring it to the Imam or distribute it according to his instructions. For example, a letter of Imam Muhammad at-Taqi (a.s.) about the financial obligations of Shi`ahs, says: "...As for the gains and profits, it is obligatory on them [to pay khums] every year...Therefore, whosoever has anything of those [items on which khums is applicable], then he should bring it to my wakil; and the person who lives far away should try his best to bring it to my wakil even if it takes some time..."²

Did the Imams release the Shi`ahs from the obligation of khums at any time? The Imams never suspended the obligation of khums as an annual financial tax. However, there are individual cases

where the Imam had exempted certain persons from the khums because of the tough economic circumstances of the time. But such exemption were for individuals and limited in time.

The fact that khums as an annual tax on the Shi`ahs in general was wajib at all times can be seen from the followings: Once a Shi`ah from Persia wrote to Imam `Ali ar-Riza (a.s.) asking to be exempted from paying khums. The Imam did not approve his request and wrote: "...And the khums is a help to us in [promotion of] our religion, [upliftment of] our family, and our followers...Do not deprive yourselves of our prayers as long as you can because paying [the khums] is the key to sustenance, the forgiveness for your sins...Was-salam."3

Muhammad bin Ja`far al-Asadi wrote to Imam al-Mahdi (a.s.). Imam al-Mahdi (a.s.) answered, "As for what you have asked about the issue of a person using our property without our permission, then he should know that whosoever does so is cursed and [on the day of judgement] we will be his opponent...And whosoever devours anything from our property [without permission], he is actually devouring fire and will surely reach the Hell."4

So khums was always wajib and collected by the Imams directly or through their wakils.

(b) During the Ghaybat of the Imam:

At the present time, our Imam, Muhammad al-Mahdi (upon whom be him), is in occultation; and he has not even appointed anyone as his special agent. So what should be done with his share of khums?

All `ulama' of our time are unanimous in saying that during the period of occultation, the share of the Present Imam must be used for the causes with which the Imam would agree. They also believe that the best persons to know such causes are the mujtahids. Therefore, according to all our present `ulama', sihmu 'l-Imam must be handed over to the most learned and trustworthy mujtahid or be used in the way authorized by such a mujtahid. The condition of religious knowledge and trustworthiness are important to guarantee the right use of sihmu 'l-Imam.

It is an individual's responsibility to transfer the sihmu 'l-Imam to the mujtahid. If it is given to the representative of the mujtahid, then the responsibility will shift from the khums-payer to the representative. (For example, if the representative loses the money before it reached the mujtahid, then the khums-payer is no longer responsible for that.)

If a trustworthy person who is not a representative of the mujtahid agrees to take the sihmu 'l-Imam to the mujtahid, then, in case of being lost, the responsibility will not shift from the khums-payer to that person: either the messenger should make up the loss or the khums-payer has to pay again. In the latter case, the khums-payer may request the mujtahid to exempt him for that year.

2. How Is The Sihmu 'I-Imam Used?

The mujtahid spends the sihmu 'I-Imam in the way which he thinks will be agreeable to the Present Imam Muhammad al-Mahdi (upon whom be peace). The most important causes for which the sihmu 'I-Imam is used presently are the following:

- providing the necessary expenses of the poor and needy Shi`ah Ithna-`Asharis; it may also be used by the mujtahid during natural disasters like earthquake, famine, war, etc;
- propagating the religion of Islam to the believers as well as the non-believers;
- providing the household and academic expenses of the `ulama' (the religious scholars) who dedicate their life and efforts in teaching and preaching the religion of Islam to the people.
- providing the expenditure of religious establishments, religious schools, teachers and students.

I would not be wrong in saying that most of the sihmu 'I-Imam does not even reach to the mujtahids themselves, rather it is used, with their permission, in various parts of the Shi`ah world. Many, if not most, religious and charitable works being done by the Shi`ahs in the West today are from sihmu 'I-Imam. (However, whether it is known or acknowledged by the public and those who use it, is a different story!)

As an example for item No. 4 above, allow me to mention the Hawza `Ilmiyya (religious education center) of Qum, Iran. In early 1980's there were at least fifteen thousand students and teachers in that Hawza. All are financed collectively by the leading mujtahids of our time. Even if we count fifty dollars monthly scholarship for the fifteen thousand students and teachers, the total monthly budget comes to seven hundred and fifty thousand dollars. The revenue for this budget is khums and various others charities and endowment funds.

3. Sihmu 'I-Imam's Role in The Financial Independence of The Mujtahids

The sihmu 'I-Imam has also played an important role in the financial independence of our great `ulama'. Unlike the Sunni `ulama' whose appointment to the position of mufti or shaykhul Islam, and their livelihood depends on the ruler of the country, the Shi`ah mujtahids do not have to rely on governments or other organizations for their position or their livelihood. This prevents any unwarranted influence in their fatwas and decision making process. A look at the political fatwas of our mujtahids during the last century will prove this point.

This is not to imply that the integrity of our mujtahids depends on khums; they have to preserve their independence and integrity even without khums. After all, the most important condition in a mujtahid is that he must be `adil, that is, pious and of upright character. If a person who has great knowledge in Islam but is not of upright character or is under the influence of a tyrant and unjust ruler, then he will not

be accepted as the religious leader by the people.

Secondly, and more importantly, the amount and flow of khums has not always been the same; it depends on the overall economic well being of the Shi`ah community. When the community is in good economic condition, the khums revenue is generated satisfactorily; but if it is not in good economic condition, the khums flow is meager. Also remember that not all eligible Shi`ahs pay their khums: some out of ignorance and others out of negligence.

C. The Sihmu 's–Sadat

1. During The Prophet's Time

The fact that the Prophet used to give the khums to his Hashimite relatives exclusively is beyond any doubt.⁵ Even the descendants of Hashim's brothers (`Abd ash–Shams and Nawfal) were excluded from the khums.

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 Prophet and complained, "O the 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 Prophet said, "The Bani al–Muttalib and Bani Hashim are one and the same."⁶

2. After The Prophet's Death

Although the Qur'anic injunction about the relatives of the Prophet is very clear and is also supported by the sunnah of the Prophet, unfortunately, there arose a great difference of opinion among the Muslims after the Prophet's death. Obviously, the people in power did not want the Ahlul Bayt to get access to the khums. This policy of depriving the Ahlul Bayt of their right has continued since with a short break during the reign of `Umar bin `Abdu 'l–`Aziz who decided to give at least some of the khums to the Banu Hashim.⁷

3. How Is Sihmu 'S–Sadat Distributed?

In keeping with the Qur'anic injunction and the sunnah of the Prophet, the Shi`ah law says that the second half of khums is the share of the Hashimites, preferably the sayyids who descend from Fatimah (peace be upon her and her father).

The sihmu 's–sadat can be given to the following Shi`ah Ithna–`Ashari sayyids:–

1. those orphans who are poor;
2. those who are poor and needy;

3. an ibnu 's-sabil, that is, a traveler who has no money to continue his journey back to his home, provided his journey is not for any unlawful purpose. Khums can be given to such a sayyid to continue his journey even if he is a wealthy person in his own town.

However, it is not permitted to give khums to a sayyid whom you know will spend any of it in a sinful act. It is also better not to give khums to a sayyid who publicly leads an immoral life like drinking alcohol, etc.

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You can give the sihmu 's-sadat to a deserving sayyid directly without channeling it through the mujtahid. According to Ayatullah al-Khu'i, you do not even need to ask for his permission in distribution of sihmu 's-sadat. Although Ayatullah al-Gulpaygani believes that even sihmu 's-sadat must be channeled through the mujtahid, he has given a general permission to all those who follow him to distribute sihmu 's-sadat directly.

[1.](#) Ibn Rushd, Bidayatu 'l-Mujtahid, vol. 1 (Cairo: al-Maktabatu 't-Tijariyyatu 'l-Kubra, 1952) pp. 13-14; 377-378.

[2.](#) Al-'Amili, Wasa'ilu 'sh-Shi'ah, vol. 6, p. 348-349.

[3.](#) Al-'Amili, Wasa'ilu 'sh-Shi'ah, vol. 6, p. 375-376.

[4.](#) Ibid., vol. 6, p. 377.

[5.](#) At-Tabari, Tafsir, vol. 13 (Cairo: Daru 'l-Ma'arif, 1958) p. 553-556; Ahmad al-Jassas, Ahkamu 'l-Qur'an, vol. 3 (Beirut: Daru 'l-Kitabi 'l-'Arabi, 1916a) p. 61, 65; Abu 'Ubayd, Al-Amwal, pp. 136-138.

[6.](#) Bukhari, Sahihu 'l-Bukhari, vol. 4, p. 240; vol. 5, 375. Also see at-Tabari, Tafsir, vol. 13, p. 556; al-Amwal, p. 137.

[7.](#) At-Tabari, Tafsir, vol. 13, pp. 556-559; al-Hakim, Mustadrak vol. 3, p. 442; For more references on this issue, see al-'Amili, As-Sahih fi Sirah, vol. 3, pp. 318-321.

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