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## Has Khums Been Forgiven during the Absence of Imam Zaman (a.s.)?

They ask: "Hasn't Khums been forgiven during the absence of Imam Zaman (a.s.) from his holiness to Shiites and still have people the duty to pay Khums to Bayt Al-Mal in order to spend in necessary ways of consumption? While several cabbalas say that: "Imams of Ahlul Bayt has forgiven Khums". Therefore if we accept that Khums is obligatory on all kinds of income, then we should also accept that Khums is forgiven during the absence time!

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The answer to this question is available almost in all of Fiqh books and those who assume that this question is a new question or they are the only persons who have seen the Ahadith of Tahlil (to make Halaal) are hardly mistaking.

A glimpse to Fiqh books especially the books which recent Faqihs have wrote shows that this matter had been completely in the area of attention of Faqihs and they had answered to that.

We consider it necessary to explain this issue completely for respected readers in order to give more description.

Cabbalas which have caused this hallucination consist in five groups:

**First,** are cabbalas which have been said about the spoils of war and captives of war and women who were among slaves and had been taken as servants by people and those people married them and had children with those women.

We know that if Jihad had not been performed by the permission of Imam, then all of spoils which are taken are for Bayt Al-Mal and should be spent by the permission of Imam and if jihad had been performed by the permission of Imam then Khums applies on them and in case of not paying the Khums, using them is Haraam.

Therefore, female servants who had taken by people as spoils and their Khums had not been paid were Haraam to their owners and they didn't have the right to treat those women as their wives.

Therefore, if you notice this ruling then understand that children who are born from these women are illegitimate, therefore Imams of Ahlul Bayt have forgiven this part of Khums which is related to those women in order that their children born legitimately. 1

According to this short preface, we mention this group of cabbalas in continue:

- 1– We read in cabbala of "Zurays Kunasi" that Imam Sadiq (a.s.) said: "Do you know that from where adultery entered among (some of) people? I said no. He said: From the Khums of us Ahlul Bayt, except our pure Shiites which is Halaal for them and also it is Halaal for their birth".2
- 2- Muhammad ibn Muslim quotes from Imam Baqir (a.s.) or Imam Sadiq (a.s.) that he said: "The most severe thing which people are involved with in the day of judgment is that the owner of Khums stands and says My God! (Usurped) My Khums but we made it Halaal for our Shiites in order that their birth to be pure and their children born pure.3
- 3- Fazil (Ibn Yassar) quoted from Imam Sadiq (a.s.) that he said: "A person who feel our love in his hearth thanks Allah for his first gift. I said: What is the first gift of Allah your holiness? He said: It is the purity of birth (and sperm).

Then he said: Amir Al-Mu'mineen (a.s.) told Fatima (a.s.) that make your share from spoils Halaal for the fathers of our Shiites in order to make them pure.

Then Imam Sadiq (a.s.) said: We made mothers of our Shiites Halaal for their fathers in order that they become pure (and their children to be Halaal children)". 4 And Also Ahadith 15, 16, 18 and 20 from chapter 4 of chapters of Anfal and Hadith 8 from chapter 8 of chapters "What Khums is obligatory in it".

These eight Ahadith has been expressed clearly about the issue of female servants and we know that according to affirmation of Faqihs they are excluded from Khums but obstinate and less-literate people have wanted to make them as a prove for Tahlil (to make Halaal) of Khums in absolute way without noticing to content of them and noticing to explicit Fatwas of Faqihs, unaware that with a little attention to the content of these Ahadith their lie will be revealed.

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**Second,** are Ahadith which proves the Tahlil of Khums in specific and certain time, because as we said before Prophet (S) and Imams (a.s.) as the governor of Islamic government had the right to forgive this Islamic tax in special conditions according to benefits of Muslims.

As it had necessitated to add some extraordinary taxes temporarily and limited in hard conditions, also this is one of the authorities of Islamic government to dispense with that temporarily according to the conditions of Muslims.

We mentioned some examples of these Ahadith in continue:

1– "Younos ibn Ya'qoob" quotes that I was with Imam Sadiq (a.s.) that a man entered and said your holiness, there are assets and benefits and merchandises that we gain and we know that you right is in them and we are guilty about this matter; Imam (a.s.) said: If we order you to pay these rights today this is unfair (it means that we forgive them to you because of strong pressure from government or living which is on you).5

2- Hakim (Ibn Eisa) quotes from Imam Sadiq (a.s.) that I asked what is the meaning of the verse "واعلموا انما غنمتم"? He answered: "Any benefit which a human gains day by day; but my father forgave Shiites in order them to be pure".

All of these Ahadith are related to exemption of a group of Muslims who were in special conditions from this Islamic tax plan and it is not the proof of general exemption at all.

The clear proof and strong evidence about this matter is that some of other Imams (a.s.) or Imam Baqir (a.s.) and Imam Sadiq (a.s.) had charged Shiites to pay that and take this Islamic tax from them seriously in conditions that they were capable of paying, and we mention some examples in continue:

1– "Muhammad ibn Zayd Tabari" quotes that one of merchants from Fars who were one of friends of Imam "Ali ibn Mousa Al-Reza (a.s.)" wrote a letter to his holiness and asked for the Tahlil (to make Halaal) of Khums, his holiness wrote him:

"In the name of Allah the compassionate the merciful, Allah is most granter and generous, he had made a prize for any good act and deprivation of prize for abstaining from good acts; there is no Halaal (free and permitted to use) asset unless Allah has made it Halaal (know that) Khums helps us to organize religious tasks and also tasks about our family and our Shiites, and we save our honor by that against tyrants.

Therefore, do not ignore paying of Khums ...

Muslim is a person who is loyal to the divine oath and pledge, not in the way his tongue says that and his hearts denies".6

- 2– And also the same person quotes that a group came to Imam "Ali ibn Mousa Al–Reza (a.s.)" from Khorasan and asked him to exempt them of paying Khums, Imam said: "I do not permit such a thing, you express your kindness to me by your words, but you withhold the right which Allah has legislated for us and has made us its servants from us, I do not exempt any of you, do not exempt, do not exemp".7
- 3– Abu Basir quotes from Imam Baqir (a.s.) that I heard that his holiness was saying: "Anyone who buy something from Khums, Allah will not forgive him because he has bought a thing which is not Halaal for

him".8

Moreover, cabbalas 8, 9 and 10 of this chapter and also cabbalas 1, 2, 3, 4, 5, and 6 of chapter eight from chapters of "What Khums is obligatory in it" say that some of Imams (a.s.) not only didn't permit the Tahlil of Khums, but also took that seriously for spending in necessary cases.

It is understood well from these cabbalas that the matter is not permanent and forever, but it is exclusive to specific conditions like some of tax exemptions.

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**Third**, has been about a specific person, which means that a specific person had came to Imam (a.s.) and Imam exempt him from paying Khums by considering his conditions.

Example of this matter is Hadith 13 of chapter 1 from chapters of Anfalo which shows that a person called "Hakam ibn Oliya Asadi" came to Imam Baqir (a.s.) while he had brought the Khums of his assets, his holiness took that Khums and then forgive it to him.

Because the conditions of this person were in the form that because of need or encourage or any other purpose, it was best thing to do to exempt him from paying Khums.

And the sentence that Imam said "I make this Halaal for you" is a proof for the fact that this order had not been a general ruling, unless this expression doesn't make any sense.

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**Fourth,** are cabbalas which theirs contents are about Tahlil but it clears by noticing that the meaning of them is not Khums, but it is "Anfal" (Spoils and also public resources)

Like cabbala 12 of chapter 4 from chapters of Anfal which the late owner of Wasael has mentioned that with other cabbalas of Tahlil in one chapter, but it is understood well from below of the cabbala that it is related to Anfal lands (public resources).

Therefore, all emphasize of this cabbala is on the issue of lands and fields.

And also seventeenth cabbala of this chapter.

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**Fifth,** are cabbalas which are not exclusive to specific time or person, and their features are absolute Tahlil, that are only three cabbalas which we study in continue.

First is the cabbala that "Salim ibn Mukram" (Abu Khadija) quotes from Imam Sadiq (a.s.) that I was there when someone came to Imam (a.s.) and said I want you to permit me for sexual intercourse with

women, Imam was frightened by his words; a person from attendance said he does not mean to rape people, but he means that he wants to buy a female servant (from spoils and assets which their Khums has not been paid) or a women to marry him, or a heritage which he receives, or the income of business or the thing that someone gives him as a gift; Imam (a.s.) said these are all Halaal for all of our Shiites, consisting those who are present here or absent, those who are dead or alive, or those who will be born until the end of days, these are Halaal for everyone. 10

Although nothing has been mentioned explicitly about the Khums in text of Hadith, but the thing which Imam (a.s.) has made Halaal for everyone consisting of merchandise and spoils of war and gifts should be an asset which Khums has been implied on it.

But we should note that first of all, the document of this Hadith is weak because Salim ibn Mukram who his another name is Abu Khadija is the subject of lots of discussions among scholars of Rijal science; some persons considered him reliable and some others considered him very weak, and some scholars has stop discussing about him and expressed no comment, and accordingly cabbalas which he had quoted alone are not acceptable.

Secondly, if we pay little attention to the question which has been asked from Imam, it clears that whole discussion in cabbala is about female servants whom Khums had been implied on them or women who their Mahr (marital gift) had been paid from assets which their Khums had not been paid, or a female servant or a women who has been given to a person with gifts and heritages which Khums had implied on them.

Briefly, content of Hadith is completely about women and wives who are given to a Muslim, and either their Mahr or they themselves have been one of cases of implication of Khums and the answer of Imam (a.s.) is also exclusive to this part, unless this does not any sense that a person asks about women and another person from attendance generalize his words to everything.

Therefore the last thing which is understood from this Hadith is that any right which belongs to the Khums of Mahr of women and spouses has been made Halaal by Imam (a.s.) for anytime and anyone of Shiites in order for "purity of birth" which means legitimacy of children, and as we said before this is the matter which our Faqihs had expressed in Fiqh books as an exception, but it could not be the proof of forgiveness of Khums forever, but forgiveness is exclusive to the issue of wife and female servant.

Also we know that according to cabbalas of chapter of "Mahr" (marital gift) if a person has decided not to pay the Mahr of a woman or pay it from a Haraam asset, he is considered as adulterer.11

Although some Faqihs understood Tahrim (being Haraam) and some others Karahat (being disliked) from this kind of Ahadith, but anyhow it shows that paying Mahr from asset which is not completely owned by a person is not without influence on the condition of child and accordingly this part of Khums has been forgiven in order for purity of children.

There it is not possible to prove a thing with this cabbala which has neither enough implication nor reliable document.

Second one is a Hadith that "Ma'aaz ibn Kathir" quotes from Imam Sadiq (a.s.) that he said: "There is lots of opportunities for our Shiites in order to spend their wealth in charity in the way of Allah, but when our Qa'im (he who arises) arises, any treasure which anyone has saved will become Haraam for him, in order to give that treasure to him and use it for achieving to his goals".

But as it clears by an accurate look, nothing has been mentioned about the issue of Khums in this Hadith, but it points to the fact that capitalists and rich people of the nation can save wealth and also spend in charity in the way of Allah until the day that Mahdi (a.s.) arises, then in that day they should give all of their savings to him in order to use them for advancement and expansion of justice of earth.

The best reason for the fact that Hadith has no relation with Khums is that he says they should give all of their savings to Mahdi not only its Khums (one fifth), because if the purpose of Hadith was the issue of Khums he should say give its Khums to him.

Also we should note that there is "Muhammad ibn Sinan" among tellers of this Hadith whom his condition is not clear for the scholars of Rijal science and they have arguments about him.

Third one is a Mursala Hadith which has been quoted in "Interpretation of Ayyashi" from Imam Sadiq (a.s.) that he said: "The most difficult thing which people are involved with in the day of judgment is that the owner of Khums stands and say My God! My Khums (has not been paid), but our Shiites are exempted from this matter".

It is obvious without saying anything that, this Hadith is Mursala and an unknown person has quoted that from Imam Sadiq (a.s.) and it is impossible to refer to it according to the Hadith science and this is an expression which all scholars of Rijal have accepted.

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We conclude from all that we said, that there is no acceptable proof for Tahlil of Khums in an absolute way available, and those who claim like this in fact had not studied these cabbalas enough, unless it is clear according to above assortment that there is no cabbala available which its content shows the exemption of all people from Khums.

Albeit if we see cabbalas by an elementary view, maybe this hallucination occurs, but as we saw it clear by studying and analyzing and correct assorting of cabbalas that hallucination of absolute Tahlil is not correct and Khums is still available as an Islamic order.

And all people have to perform that like other duties.

1. It has been completely discussed about slavery in Islam and why Islam has allowed such a thing about the captives of

wars and the plan of Islam for making slaves free and preventing humans to be trade in the book "Islam and freedom of slaves".

- 2. Wasael Al-Shi'aa, vol. 6, Hadith 3 from chapter 4 of chapters of Anfal.
- 3. Hadith 5, from chapter 4 of chapters of Anfal.
- 4. Hadith 10, from chapter 4 of chapters of Anfal.
- 5. Hadith 6, from chapter 4 of chapter of Anfal.
- 6. Wasael Al-Shi'aa, vol. 6, chapter 3 from chapters of Anfal, Hadith 2.
- 7. Wasael Al-Shi'aa, vol. 6, chapter 3, Hadith 3.
- 8. Wasael Al-Shi'aa, vol. 6, chapter 3, Hadith 5.
- 9. Wasael Al-Shi'aa, vol. 6.
- 10. Wasael Al-Shi'aa, vol. 6, chapter four of Anfal, Hadith 4.
- 11. Refer to Wasael Al-Shi"aa, vol. 15, pages 21 & 22 & 23 (chapter 11 from chapters of Mahrs).

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