

A Critique of the Booklet

**'Questions on Khums
by Bashir Alidina'**

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

The misconceptions raised in the booklet ‘Questions on Khums’ can be reduced to the following three primary points:

1. The obligation of paying khums has been lifted by the A’immah (‘a).
2. There are no historical evidences that the Shiite community used to pay khums to the A’immah (‘a), or they (‘a) used to collect khums from their followers.
3. The Shiite Fuqahā’ and ‘Ulamā’ have no authority in religious matters in general, and in the collection and administration of khums in particular.

Beside this, there are three other minor issues which the author of the booklet, as I will be referring to him throughout, has raised and I intend to address them in the present paper. They are:

1. The meaning of *anfāl* and *fay’*.
2. Things on which khums is payable.
3. The historical event related to Shaykh Kashif al-Ghiṭā’ during the Russo-Iranian War (1804-1813).

These are the six main points which I will be addressing, by the help of Allah, in the present writing.

Jabir Chandoo.

Qum -Haram Āli Muḥammad (ṣ).

03 Sha‘bān 1430H/26 July 2009.

I

Paying Khums: Obligation or Exemption?

1.1 Categories of Riwayāt on Khums

The foremost aim of the author of the booklet 'Questions on Khums' is to try to show that the obligation of paying khums has been lifted. In chapter six of the booklet, the author has set out to prove this claim by the help of a number of traditions. He has claimed that the duty of paying khums has been lifted by the A'imma ('a), thus the shi'ah were not, and are no more, required to pay the one-fifth tax until the re-appearance of the twelfth Imam ('aj).

In order to prove his point, the author has brought traditions from such original and reliable Shiite works of Ḥadīth as *al-Kāfī*, *Wasā'il al-Shi'ah* and *Ilal al-Sharā'i'*. However, it has not passed unnoticed that the writer has been selective in his choice of the traditions.

The fact is that the traditions on the issue of khums can be classified, at least, into three categories.

1.1.1 The First Category of Riwayāt on Khums

These are traditions which apparently indicate that the obligation of paying Khums has been lifted. Some of these have been mentioned by the author in the booklet.

2.1.1 The Second Category of Riwayāt on Khums

These are traditions which clearly indicate that the obligation of khums has not been lifted and the Shiite community is obliged to pay the khums even during the period of Major Occultation. Some of these traditions are as follows:

1. Imam al-Ṣādiq ('a) has said, "Indeed Allah, who there is no god except Him, has prohibited charity for us and has [instead] revealed Khums for us. Thus, charity is prohibited for us, and [paying] Khums to us is a duty, and gifts are permissible for us."¹

قَالَ الصَّادِقُ (ع): «إِنَّ اللَّهَ لَا إِلَهَ إِلَّا هُوَ لَمَّا حَرَّمَ عَلَيْنَا الصَّدَقَةَ أَنْزَلَ لَنَا الْخُمْسَ. فَالصَّدَقَةُ عَلَيْنَا حَرَامٌ، وَالْخُمْسُ لَنَا فَرِيضَةٌ، وَالْكَرَامَةُ لَنَا حَلَالٌ.»

2. Abū Baṣīr reports from Imam al-Bāqir ('a), "No one is allowed to purchase anything from the money on which khums is due until our right reaches us."²

وَعَنْهُ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ (ع) فِي حَدِيثٍ قَالَ: «لَا يَجِلُّ لِأَحَدٍ أَنْ يَشْتَرِيَ مِنْ الْخُمْسِ شَيْئًا حَتَّى يَصِلَ إِلَيْنَا حَقُّنَا.»

3. Abū Baṣīr reports from Imam al-Bāqir ('a), "Allah will never excuse him who purchases something from the money on which khums is due. He has purchased what is not lawful for him."³

¹ *Wasā'il al-Shi'ah*, vol.9, kitāb al-khums, abwāb mā yajibu fihi al-khums, bāb 1, ḥadīth 2.

² *Wasā'il al-Shi'ah*, vol.9, kitāb al-khums, abwāb mā yajibu fihi al-khums, bāb 1, ḥadīth 4.

³ *Wasā'il al-Shi'ah*, vol.9, kitāb al-khums, abwāb mā yajibu fihi al-khums, bāb 1, ḥadīth 5.

مُحَمَّدُ بْنُ الْحَسَنِ بِإِسْنَادِهِ عَنْ مُحَمَّدِ بْنِ عَلِيٍّ بْنِ مَحْبُوبٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ الْقَاسِمِ عَنِ أَبَانَ عَنْ أَبِي بصيرٍ عَنْ أَبِي جَعْفَرٍ (ع) قَالَ سَمِعْتُهُ يَقُولُ: «مَنْ اشْتَرَى شَيْئًا مِنَ الْخُمْسِ لَمْ يَغْزِرْهُ اللَّهُ، اشْتَرَى مَا لَا يَحِلُّ لَهُ.»

4. A trader from Persia who was among the followers of Imam al-Riḍā ('a) wrote to him asking him to exempt him from paying khums. The Imam ('a) wrote to him in reply: "In the name of Allah, the All-beneficent, the All-merciful. Indeed Allah is All-bounteous, All-generous... No wealth becomes lawful except through the means Allah has made it to be lawful. Indeed khums is a support for our religion, our families, and our followers... So do not take it away from us and do not deprive yourselves of our prayers as much as you can. For giving khums is the key of your sustenance, eradication of your sins and what you prepare for yourselves for the day of your neediness. A Muslim is he who fulfills his promise to Allah; a Muslim is not he who confesses by [his] tongue and disobeys by [his] heart. And that is it."⁴

عَنْ مُحَمَّدِ بْنِ زَيْدِ الطَّبْرِيِّ قَالَ: كَتَبَ رَجُلٌ مِنْ تِجَارِ فَارِسَ مِنْ بَعْضِ مَوَالِي أَبِي الْحَسَنِ الرِّضَا (ع) يَسْأَلُهُ الْإِذْنَ فِي الْخُمْسِ. فَكَتَبَ إِلَيْهِ: «بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ. إِنَّ اللَّهَ وَاسِعٌ كَرِيمٌ، ضَمِنَ عَلَى الْعَمَلِ الثَّوَابَ وَعَلَى الضَّيْقِ الْهَمَّ. لَا يَحِلُّ مَالٌ إِلَّا مِنْ وَجْهِ أَحَلَّهُ اللَّهُ. إِنَّ الْخُمْسَ عَوْنًا عَلَى دِينِنَا وَعَلَى عِيَالِنَا وَعَلَى مَوَالِينَا وَمَا نَبْدَلُهُ وَتَشْتَرِي مِنْ أَغْرَاضِنَا مِمَّنْ نَخَافُ سَطْوَتَهُ فَلَا تَزُوهُ عَنَّا، وَلَا تَحْرَمُوا أَنْفُسَكُمْ دُعَاءَنَا مَا قَدَرْتُمْ عَلَيْهِ، فَإِنَّ إِخْرَاجَهُ مِفْتَاحُ رِزْقِكُمْ وَتَمْحِصُ ذُنُوبِكُمْ وَمَا تَمْهَدُونَ لِأَنْفُسِكُمْ لِيَوْمِ فَاقَتِكُمْ. وَالْمُسْلِمُ مَنْ يَنْفِي لِلَّهِ بِمَا عَاهَدَ إِلَيْهِ، وَلَيْسَ الْمُسْلِمُ مَنْ أَجَابَ بِاللِّسَانِ وَخَالَفَ بِالْقَلْبِ، وَالسَّلَامُ.»

5. Muḥammad bin al-Ḥasan al-Ash‘arī narrates that some of our companions wrote to Abū Ja‘far –the Second [i.e. Imam al-Jawād ('a)]: Tell me about khums, is it due on all small and large profits that a person makes, and is it obligatory on the artisans? He ('a) wrote, "Khums is due after deducting the expenditure."⁵

مُحَمَّدُ بْنُ الْحَسَنِ بِإِسْنَادِهِ عَنْ سَعْدِ بْنِ عَبْدِ اللَّهِ عَنْ أَبِي جَعْفَرٍ عَنْ عَلِيِّ بْنِ مَهْزَبَانَ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ الْأَشْعَرِيِّ قَالَ: كَتَبَ بَعْضُ أَصْحَابِنَا إِلَى أَبِي جَعْفَرٍ الثَّانِي (ع): أَخْبِرْنِي عَنِ الْخُمْسِ أَعْلَى جَمِيعِ مَا يَسْتَفِيدُ الرَّجُلُ مِنْ قَلِيلٍ وَكَثِيرٍ مِنْ جَمِيعِ الضَّرُوبِ، وَعَلَى الصَّنَاعِ وَكَيْفَ ذَلِكَ؟ فَكَتَبَ بِخَطِّهِ: «الْخُمْسُ بَعْدَ الْمَوْنَةِ.»

6. ‘Alī bin Muḥammad bin Shujā‘ al-Naisābūrī asked Abū al-Ḥasan –the Third [i.e. Imam al-Hādī ('a)] about a man who had harvested a hundred kurr⁶ from the land he owned. One tenth of it was taken from him as zakāt, and another thirty kurr were spent on the development of the land, and sixty kurr remained with him. What [exactly] of it must be paid to you, and... He ('a) wrote, "One fifth of it which is surplus to his expenses belongs to me."⁷

⁴ *Wasā'il al-Shi'ah*, vol.9, kitāb al-khums, abwāb al-anfāl, bāb 3, ḥadīth 2.

⁵ *Wasā'il al-Shi'ah*, vol.9, kitāb al-khums, abwāb mā yajibu fihi al-khums, bāb 8, ḥadīth 1.

⁶ Each 'kurr' is about 384 kilograms.

⁷ *Wasā'il al-Shi'ah*, vol.9, kitāb al-khums, abwāb mā yajibu fihi al-khums, bāb 8, ḥadīth 2.

وَعَنْهُ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ مَهْزَبَانَ عَنْ عَلِيِّ بْنِ مُحَمَّدِ بْنِ شَجَاعِ النَّيْسَابُورِيِّ أَنَّهُ سَأَلَ أَبَا الْحَسَنِ الثَّالِثَ (ع) عَنْ رَجُلٍ أَصَابَ مِنْ ضَيْعَتِهِ مِنَ الْحَنْطَةِ مِائَةَ كُرٍّ مَا يَزِيدُ، فَأَخَذَ مِنْهُ الْعَشْرَ عَشْرَةَ أَكْرَارًا، وَذَهَبَ مِنْهُ بِسَبَبِ عِمَارَةِ الضَّيْعَةِ ثَلَاثُونَ كُرًّا، وَبَقِيَ فِي يَدِهِ سِتُونَ كُرًّا. مَا الَّذِي يَجِبُ لَكَ مِنْ ذَلِكَ وَهَلْ يَجِبُ لِأَصْحَابِهِ مِنْ ذَلِكَ عَلَيْهِ شَيْءٌ؟ فَوَقَّعَ (ع): «لِي مِنْهُ الْخُمْسُ مِمَّا يُفْضَلُ مِنْ مَوْتُونَتِهِ.»

7. Abū ‘Alī bin Rāshid asked Imam al-Hādī (‘a): You instructed me to take up your affair and collect your right. So I informed your followers about this and some of them said to me ‘What is it that is his right?’ But I did not know what to answer them. Imam (‘a) said, “Khums is obligatory on them.” Abū Rāshid said: On which things? He (‘a) replied, “On their goods and industry.” Abū Rāshid inquired: [Are both required to pay khums,] the one who trades and the one who makes them? He (‘a) answered, “If it is possible for them after [the deduction of] their expenses.”⁸

وَبِإِسْنَادِهِ عَنْ عَلِيِّ بْنِ مَهْزَبَانَ قَالَ قَالَ لِي أَبُو عَلِيٍّ بْنُ رَاشِدٍ قُلْتُ لَهُ: أَمَرْتَنِي بِالْقِيَامِ بِأَمْرِكَ وَأَخَذَ حَقَّكَ. فَأَعْلَمْتُ مَوَالِيكَ بِذَلِكَ. فَقَالَ لِي بَعْضُهُمْ: وَ أَى شَيْءٍ حَقُّهُ. فَلَمْ أَدْرِ مَا أَجِيبُهُ. فَقَالَ: «يَجِبُ عَلَيْهِمُ الْخُمْسُ.» فَقُلْتُ: فَفِي أَى شَيْءٍ؟ فَقَالَ: «فِي أَمْتَعَتِهِمْ وَ صَنَائِعِهِمْ.» قُلْتُ: وَ التَّاجِرُ عَلَيْهِ وَ الصَّانِعُ بِيَدِهِ. فَقَالَ: «إِذَا أَمْكَنَهُمْ بَعْدَ مَوْتُونَتِهِمْ.»

3.1.1 The Third Category of Riwayāt on Khums

This category of traditions signifies partial lifting of the duty of paying khums, that is the lifting of the obligation in relation to those properties which fall into the hands of the shī‘ah from the non-shī‘ah. There are two main traditions under this category:

1. I was with Abū ‘Abdillāh [al-Ṣādiq] (‘a) when a man selling material came to see him and said: May I be ransomed for you! There are gains, properties and business profits that fall into our hands while we know that there is your right in it and that we are failing to pay it. He (‘a) said, “We would not have done justice to you if we were to burden you with that today.”⁹

وَعَنْهُ عَنْ أَبِي جَعْفَرٍ عَنْ مُحَمَّدِ بْنِ سِنَانَ عَنْ يُونُسَ بْنِ يَعْقُوبَ قَالَ: كُنْتُ عِنْدَ أَبِي عَبْدِ اللَّهِ (ع) فَدَخَلَ عَلَيْهِ رَجُلٌ مِنَ الْقَمَاطِيِّينَ فَقَالَ: جُعِلْتُ فِدَاكَ. تَقَعُ فِي أَيْدِينَا الْأَرْبَاحُ وَ الْأَمْوَالُ وَ تِجَارَاتٌ نَعْلَمُ أَنَّ حَقَّكَ فِيهَا ثَابِتٌ وَ أَنَا عَنْ ذَلِكَ مَعْصَرُونَ. فَقَالَ أَبُو عَبْدِ اللَّهِ (ع): «مَا أَنْصَفْنَاكُمْ إِنْ كَلَّفْنَاكُمْ ذَلِكَ الْيَوْمَ.»

2. Abū Khadījah narrates: A man said to Abū ‘Abdillāh [al-Ṣādiq] (‘a) –while I was in his presence, “Make the women lawful for me!” So Abū ‘Abdillāh (‘a) got disappointed. So someone in the gathering told him that the man is not asking you about any woman rather he is inquiring about a maiden¹⁰ he has purchased, or a woman he marries, or an inheritance that reaches him, or a business profit or a gift that is given to him. The Imam (‘a) replied, “This is lawful for our followers (*shī‘ah*), the present and the absent of them, the dead and the living of them. And the children born from them [i.e. from the

⁸ *Wasā’il al-Shī‘ah*, vol.9, kitāb al-khums, abwāb mā yajibu fihi al-khums, bāb 8, ḥadīth 3.

⁹ *Wasā’il al-Shī‘ah*, vol.9, kitāb al-khums, abwāb al-anfāl, bāb 4, ḥadīth 6.

¹⁰ The phrase ‘a maiden he has purchased or a woman he marries’ is regarding those women who had been taken captives by the Muslim army and were considered as booty of war (*ghanā’im*) and one fifth of which was the right of the Imam (‘a). The same is meant by other items which have appeared in the question.

maiden and the women they have married] until the Day of Judgement are legitimate for them [i.e. for our followers]...”¹¹

وَعَنْهُ عَنْ أَبِي جَعْفَرٍ عَنِ الْحَسَنِ بْنِ عَلِيِّ الْوَشَّاءِ عَنْ أَحْمَدَ بْنِ عَائِدٍ عَنْ أَبِي سَلَمَةَ سَالِمِ بْنِ مُكْرَمٍ وَهُوَ أَبُو خَدِيجَةَ عَنْ أَبِي عَبْدِ اللَّهِ (ع) قَالَ: قَالَ رَجُلٌ - وَأَنَا حَاضِرٌ: حَلَّلْ لِي الْفُرُوجَ. فَفَزِعَ أَبُو عَبْدِ اللَّهِ (ع)، فَقَالَ لَهُ رَجُلٌ لَيْسَ يَسْأَلُكَ أَنْ يَعْتَرِضَ الطَّرِيقَ إِنَّمَا يَسْأَلُكَ خَادِمًا يَشْتَرِيهَا، أَوْ امْرَأَةً يَتَزَوَّجُهَا، أَوْ مِيرَاثًا يَصِيبُهُ، أَوْ تِجَارَةً، أَوْ شَيْئًا أُعْطِيَهُ. فَقَالَ: «هَذَا لِشِيعَتِنَا حَلَالٌ، الشَّاهِدِ مِنْهُمْ وَالْغَائِبِ، وَالْأَمِيَّتِ مِنْهُمْ وَالْحَيِّ، وَمَا يُوَلَدُ مِنْهُمْ إِلَى يَوْمِ الْقِيَامَةِ فَهُوَ لَهُمْ حَلَالٌ...»

2.1 Comments

Taking into consideration the above three categories of traditions, I have the following four questions from the author of the booklet:

1. If he believes that all the three categories of traditions are authentic, then why has he restricted himself only to the first category and left aside the other two categories?
2. If he is of the opinion that the other two categories of traditions are not reliable, this means that he agrees that the study of the chain of narration in case of each tradition is necessary before one can rely on it. In this case, the traditions which he is relying upon for proving the lifting of the obligation of khums must as well be subject to scrutiny with regard to their authenticity. On which basis does the writer consider the first category of traditions to be reliable and the other two categories as unreliable?
3. If all the three categories of traditions are sound and reliable, then there must have occurred a clash between them. So how, and on which basis, has the writer reconciled between them and gave precedence to the first category of traditions over the other two?
4. If he maintains that though the other two categories of traditions are authentic but, for some reasons, they do not imply that Khums is obligatory, then the same question has to be posed regarding the traditions he has depended upon in order to prove the lifting of paying Khums. Accordingly, on which basis is the writer claiming that the first category of traditions is clear in implying the lifting of the Khums, but the other two categories do not imply the obligation of Khums?

Our Fuqahā' and Marāji' have concrete basis, extracted from the traditions of the Ahl al-Bayt ('a), for reconciling between the above three categories of traditions and proving that the Shiite community has not been exempted from paying khums even during the period of Major Occultation.

However, this issue and the like involve technical discussions which cannot be solved by just having some degree of knowledge of the Arabic language and grammar, as assumed by the author.

¹¹ *Wasā'il al-Shi'ah*, vol.9, kitāb al-khums, abwāb al-anfāl, bāb 4, ḥadīth 4.

2

Khums during the Time of the A'immah (‘a)

8

1.2 Khums during the Time of the First Four A'imma (‘a)

On pg.42 of the booklet, the author says:

“I cannot find any incident during this caliphate that anyone had come and given Khums to Imam Ali (a.s). This was also the case for Imam Hasan (a.s) and Husayn (a.s)... After this was the period of Imam Zayn Ul Abideen (a.s) and Imam Muhammad Baqir (a.s). I cannot see any incident of anyone paying khums to them (a.s) as well.”

Firstly, there being no historical account that the shī‘ah did use to give khums to the A'imma (‘a) does not serve as a proof that paying khums is not obligatory. In his letter to ‘Alī bin Mahziyār, Imam al-Jawād (‘a) complains about the failure of the shī‘ah in paying khums.¹² Therefore, what is important in the juridical (*fiqhī*) problems, in the first place, are the verses of the Qur’an and the traditions of the Ma‘sumīn (‘a). Of course, the historical evidences serve as a back up for the case.

Secondly, the situation that had arisen after the demise of the Holy Prophet (ﷺ) was such that the Ahl al-Bayt (‘a) were completely driven off the social and political scene of the time, let aside they being deprived of their rights. The circumstances were such that people had stopped acting on such clear and explicit injunctions of the Qur’an as the obligation of paying zakāt¹³ which belongs to the Muslims in general, so how could one expect them to pay khums which was due to only a few among the Muslims, that is the Banū Hāshim?

Thirdly, we do have historical incidents which are clear in that the A'imma (‘a) held that khums was obligatory and used to collect it from the Shiite community.

The following incident took place during the time of Imam ‘Alī (‘a):

1. Ḥasan bin Ziyād reports that Abū ‘Abdillāh [al-Ṣādiq] (‘a) said, “A man came to Amīr al-Mu‘minīn (‘a) and said: O Amīr al-Mu‘minīn! I have come across wealth I do not know which of it is lawful (*ḥalāl*) and which of it is unlawful (*ḥarām*). He (‘a) told him, “Give one-fifth of that wealth; for Allah, the All-mighty, the Majestic, is pleased with one-fifth of a wealth. And refrain from that [wealth] whose owner is known.”¹⁴

عَنِ الْحَسَنِ بْنِ زِيَادٍ عَنْ أَبِي عَبْدِ اللَّهِ (ع) قَالَ: «إِنَّ رَجُلًا أَتَى أَمِيرَ الْمُؤْمِنِينَ (ع) فَقَالَ: يَا أَمِيرَ الْمُؤْمِنِينَ! إِنِّي أَصَبْتُ مَالًا لَا أَعْرِفُ حَلَالَهُ مِنْ حَرَامِهِ. فَقَالَ لَهُ: أَخْرِجِ الْخُمْسَ مِنْ ذَلِكَ الْمَالِ، فَإِنَّ اللَّهَ عَزَّ وَجَلَّ قَدْ رَضِيَ مِنَ الْمَالِ بِالْخُمْسِ. وَاجْتَنِبْ مَا كَانَ صَاحِبِهِ يُعْلَمُ.»

2.2 The Systematic Collection of Khums from the Time of the Sixth Imam (‘a) Onwards

The author of the booklet says:

¹² See: *Tahdhīb al-Aḥkām*, vol.4, kitāb al-zakāt, bāb 39, ḥadīth 20.

¹³ *Tārīkh al-Islām wa Waḥyāt al-Mashāhīr wa al-A‘lām*, Shams al-Dīn Muḥammad bin Aḥmad al-Dhahabī, researched by: ‘Umar ‘Abd al-Salām Tadmarī vol.3, pg.27, Dār al-Kutub al-Islāmī Publications, Beirut, second print, 1413/1993; and *Tārīkh Mukhtaṣar al-Duwal*, Ibn al-‘Ibrī, researched by: Anṭūn Ṣāliḥānī al-Yasū‘ī, Dār al-Sharq Publications, Beirut, third print, 1412/1992.

¹⁴ *Wasā’il al-Shī‘ah*, vol.9, kitāb al-khums, abwāb mā yajibu fihi al-khums, bāb 10, ḥadīth 1.

“However, there are certain incidents during the time of Imam Ja'far Al Sadiq (a.s.) where some people used to bring some wealth to them but we should be careful not to misunderstand this. Sometimes the Shiites used to bring presents and gifts to him (a.s.) and not in the name of Khums (pg.42)... With the government collecting the tax as well, the Imam (a.s.) decided to forgive his right on the Shiites by giving them double taxation relief (pg.43)... The period of the Imams (a.s.) after Imam Ja'far Al Sadiq (a.s.) was even more difficult as they (a.s.) used to be under scrutiny of the hostile governments of their time (pg.44).”

This again is an instance which shows how deficient the information of the writer is about the Islamic history in general, and the life-history of the Ma'sūmīn ('a) and their activities in particular.

The critical socio-political situation during the period of the Umayyad and Abbaside rulership led the A'imma ('a) to initiate an infrastructural cultural and political move within the Islamic community. One of the major steps by them in this regard was to establish a communication network by appointing their representatives and agents in different parts of the Islamic world. This communication network which was founded during the time of Imam al-Ṣādiq ('a) reached its climax during the Imāmat of Imam al-Jawād ('a) and was functioning extensively and intensively in the last 57 years before the commencement of the Minor Occultation (*ghaybat al-ṣughrā*), with all the strict limitations and surveillance from the rulers of the time.¹⁵

One of the fundamental functions of the agents of the A'imma ('a) was the collection of khums and other obligatory taxes such as zakāt.¹⁶

Hereunder are some of the historical evidences that the A'imma ('a) would consider paying khums as obligatory and would also collect it from the Shiite community through their agents:

1.2.2 Khums during the Time of the Fifth Imam ('a)

1. Abū Naṣr reports that I wrote to Abū Ja'far [al-Bāqir] ('a) saying: Should I give khums before deducting [my] expenses or after that? He ('a) wrote in reply, “After deduction [of expenses].”¹⁷

عَنْ ابْنِ أَبِي نَصْرٍ قَالَ: كَتَبْتُ إِلَى أَبِي جَعْفَرٍ (ع): الْخُمْسُ أُخْرِجُهُ قَبْلَ الْمُنُونَةِ أَوْ بَعْدَ الْمُنُونَةِ؟ فَكَتَبَ: «بَعْدَ الْمُنُونَةِ.»

2.2.2 Khums during the Time of the Sixth Imam ('a)

1. Abū Baṣīr says that I wrote to Abū 'Abdillāh [al-Ṣādiq] ('a) regarding a person who receives a gift worthy of two thousand *dirhams*, more or less than that, is he required to pay khums on it? He ('a) wrote in reply, “Khums is due on it.”

And [I also wrote to him] about a person in whose house there is a garden which bears fruits, part of which is consumed by his family and part of which he sells for a hundred or fifty dirhams. Is he

¹⁵ *Sāzmān-i Wikālat wa Naqsb-i ān dar 'Aṣr-i A'imma ('a)*, Muḥammad Riḍā Jabbārī, vol.1, pg.47, Imam Khomeini Education and Research Institute Publications, first print, Qum, 1382/2003.

¹⁶ *Ibid.*, pg.280-281.

¹⁷ *Wasā'il al-Shi'ah*, vol.9, kitāb al-khums, abwāb mā yajibu fihi al-khums, bāb 12, ḥadīth 1.

required to pay khums? He (‘a) wrote in reply, “As to that part which is consumed, there is no khums on it. As to the part which is sold, yes khums is due on it; [the garden] is like any other lands.”¹⁸

عَنْ أَبِي بَصِيرٍ، عَنْ أَبِي عَبْدِ اللَّهِ (ع) قَالَ: كَتَبْتُ إِلَيْهِ فِي الرَّجُلِ يُهْدِي إِلَيْهِ مَوْلَاهُ وَ الْمُنْقَطِعُ إِلَيْهِ هَدِيَّةٌ تَبْلُغُ أَلْفَى دِرْهَمٍ، أَوْ أَقَلَّ أَوْ أَكْثَرَ. هَلْ عَلَيْهِ فِيهَا الْخُمْسُ؟ فَكَتَبَ (ع): «الْخُمْسُ فِي ذَلِكَ.» وَعَنْ الرَّجُلِ يَكُونُ فِي دَارِهِ الْبُسْتَانُ فِيهِ الْفَاكِهَةُ يَأْكُلُهُ الْعِيَالُ، إِنَّمَا يَبِيعُ مِنْهُ الشَّيْءَ بِمِائَةِ دِرْهَمٍ أَوْ خَمْسِينَ دِرْهَمًا. هَلْ عَلَيْهِ الْخُمْسُ؟ فَكَتَبَ: «أَمَّا مَا أَكَلَ فَلَا، وَأَمَّا الْبَيْعُ فَنَعَمْ، هُوَ كَسَائِرِ الضِّيَاعِ.»

3.2.2 Khums during the Time of the Seventh Imam (‘a)

1. Samā‘ah reports that he asked Abū al-Ḥasan [al-Kāzīm] (‘a) about khums. He (‘a) replied, “It is due on every profit that people make, small or large.”¹⁹

عَنْ سَمَاعَةَ قَالَ: سَأَلْتُ أَبَا الْحَسَنِ (ع) عَنِ الْخُمْسِ. فَقَالَ: «فِي كُلِّ مَا أَفَادَ النَّاسُ مِنْ قَلِيلٍ أَوْ كَثِيرٍ.»

2. Hishām bin Aḥmar is reported to have said: I carried some money to Madīnah to Abū Ibrāhīm [al-Kāzīm] (‘a). He (‘a) said, “Take them back and hand them over to Mufaḍḍal bin ‘Umar. So I took them to the house of Mufaḍḍal.”²⁰

و رَوَى عَنْ هِشَامِ بْنِ أَحْمَرَ قَالَ: حَمَلْتُ إِلَى أَبِي إِبْرَاهِيمَ (ع) إِلَى الْمَدِينَةِ أَمْوَالًا. فَقَالَ: «رُدَّهَا فادْفَعْهَا إِلَى الْمُفْضَلِ بْنِ عُمَرَ.» فَرَدَدْتُهَا إِلَى جُعْفَى فَحَطَّطْتُهَا عَلَى بَابِ الْمُفْضَلِ.

3. Mūsā bin Bakr is narrated to have said: I was in the presence of Abū al-Ḥasan [al-Kāzīm] (‘a) and I did not see anything [of the funds] reaching him but through Mufaḍḍal [bin ‘Umar]. Sometimes I would see a person bringing funds but he [‘a] would not accept from him and would instead tell him to hand it over to Mufaḍḍal.²¹

و رَوَى عَنْ مُوسَى بْنِ بَكْرٍ قَالَ: كُنْتُ فِي خِدْمَةِ أَبِي الْحَسَنِ (ع) فَلَمْ أَكُنْ أَرَى شَيْئًا يَصِلُ إِلَيْهِ إِلَّا مِنْ نَاحِيَةِ الْمُفْضَلِ. وَ لَرُبَّمَا رَأَيْتُ الرَّجُلَ يَجِيءُ بِالشَّيْءِ فَلَا يَقْبَلُهُ مِنْهُ وَ يَقُولُ أَوْصَلْهُ إِلَى الْمُفْضَلِ.

The above two incidents reveal that the obligatory Islamic taxes were being sent to Imam al-Kāzīm (‘a) by the Shiite community.

¹⁸ *Wasā’il al-Shī‘ah*, vol.9, kitāb al-khums, abwāb mā yajibu fihi al-khums, bāb 8, ḥadīth 8.

¹⁹ *Wasā’il al-Shī‘ah*, kitāb al-khums, abwāb mā yajibu fihi al-khums, bāb 8, ḥadīth 6.

²⁰ *Al-Ghaybah*, Shaykh al-Ṭūsī, pg.347, Mu’assasah-i Ma‘ārif-i Islāmī, Qum, 1411H.

²¹ *Ibid.*

4.2.2 Khums during the Time of the Eighth Imam ('a)

1. A trader from Persia who was among the followers of Imam al-Riḍā ('a) wrote to him asking him to exempt him from paying khums. The Imam ('a) wrote to him in reply: "In the name of Allah, the All-beneficent, the All-merciful. Indeed Allah is All-bounteous, All-generous... No wealth becomes lawful except through the means Allah has made it to be lawful. Indeed khums is a support for our religion, our families, and our followers... So do not take it away from us and do not deprive yourselves of our prayers as much as you can. For giving khums is the key of your sustenance, eradication of your sins and what you prepare for yourselves for the day of your neediness. A Muslim is he who fulfills his promise to Allah; a Muslim is not he who confesses by [his] tongue and disobeys by [his] heart. And that is it."²²

عَنْ مُحَمَّدِ بْنِ زَيْدِ الطَّبْرِيِّ قَالَ: كَتَبَ رَجُلٌ مِنْ تَجَارِ فَارِسٍ مِنْ بَعْضِ مَوَالِي أَبِي الْحَسَنِ الرِّضَا (ع) يَسْأَلُهُ الْإِذْنَ فِي الْخُمْسِ. فَكَتَبَ إِلَيْهِ: «بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ، إِنَّ اللَّهَ وَاسِعٌ كَرِيمٌ، ضَمِنَ عَلَيَّ الْعَمَلِ النَّوَابِ وَعَلَى الضَّيْقِ الْهَمِّ. لَا يَحِلُّ مَالٌ إِلَّا مِنْ وَجْهِ أَحَلَّهُ اللَّهُ. إِنَّ الْخُمْسَ عَوْنًا عَلَيَّ دِينِنَا، وَعَلَى عِيَالِنَا، وَعَلَى مَوَالِينَا، وَمَا نَبَذَلُهُ وَنَشْتَرِي مِنْ أَعْرَاضِنَا مِمَّنْ نَخَافُ سَطْوَتَهُ. فَلَا تَزُوؤُهُ عَنَّا، وَلَا تَحْرِمُوا أَنْفُسَكُمْ دُعَاءَنَا مَا قَدَرْتُمْ عَلَيْهِ، فَإِنَّ إِخْرَاجَهُ مِفْتَاحُ رِزْقِكُمْ، وَتَمْحِصِ دُنُوبِكُمْ، وَمَا تَمْهَدُونَ لِأَنْفُسِكُمْ لِيَوْمِ فَاقَتِكُمْ. وَالْمُسْلِمُ مَنْ يُفِي لِلَّهِ بِمَا عَاهَدَ إِلَيْهِ، وَلَيْسَ الْمُسْلِمُ مَنْ أَجَابَ بِاللِّسَانِ وَخَالَفَ بِالْقَلْبِ. وَالسَّلَامُ.»

2. Muḥammad bin Zayd reports that a group from among the people of Khurāsān came to see Abū al-Ḥasan al-Riḍā ('a) and requested him to exempt them from paying khums.

He ('a) said, "This is never possible. You show love toward us with your tongues and take away from us a right which Allah has made for us and has made us for it, that is the khums? We will never, we will never, we will never exempt anyone of you."²³

عَنْ مُحَمَّدِ بْنِ زَيْدٍ قَالَ: قَدِمَ قَوْمٌ مِنْ خُرَاسَانَ عَلَى أَبِي الْحَسَنِ الرِّضَا (ع) فَسَأَلُوهُ أَنْ يَجْعَلَهُمْ فِي حِلٍّ مِنَ الْخُمْسِ. فَقَالَ: «مَا أَحَلَّ هَذَا، تَحْضُونَا بِالْمَوَدَّةِ بِالسِّنِّيَّتِكُمْ وَتَزُوؤُونَ عَنَّا حَقًّا جَعَلَهُ اللَّهُ لَنَا وَجَعَلْنَا لَهُ، وَهُوَ الْخُمْسُ؟ لَا نَجْعَلُ، لَا نَجْعَلُ، لَا نَجْعَلُ لِأَحَدٍ مِنْكُمْ فِي حِلٍّ.»

5.2.2 Khums during the Time of the Ninth Imam ('a)

'Alī bin Mahziyār reports from Muḥammad bin al-Ḥasan al-Ash'arī who narrated that some of our companions wrote to Abū Ja'far –the Second [i.e. Imam al-Jawād ('a)]: Tell me about khums, is it due on all small and large profits that a person makes, and is it obligatory on the artisans?

He ('a) wrote, "Khums is due after deducting the expenditure."²⁴

عَنْ عَلِيِّ بْنِ مَهْزِيَارٍ عَنْ مُحَمَّدِ بْنِ الْأَشْعَرِيِّ قَالَ: كَتَبَ بَعْضُ أَصْحَابِنَا إِلَى أَبِي جَعْفَرٍ الثَّانِي (ع): أَخْبِرْنِي عَنِ الْخُمْسِ أَعْلَى جَمِيعِ مَا يَسْتَفِيدُ الرَّجُلُ مِنْ قَلِيلٍ وَكَثِيرٍ مِنْ جَمِيعِ الضَّرُوبِ، وَعَلَى الصَّنَاعِ، وَكَيْفَ ذَلِكَ؟ فَكَتَبَ بِحِطَّةٍ: «الْخُمْسُ بَعْدَ الْمَوْثُوتِ.»

²² *Wasā'il al-Shi'ah*, vol.9, kitāb al-khums, abwāb al-anfāl, bāb 3, ḥadīth 2.

²³ *Al-Kāfi*, vol.1, kitāb al-ḥujjah, abwāb al-ta'rikh, bāb al-fay' wa al-anfāl, ḥadīth 26.

²⁴ *Wasā'il al-Shi'ah*, vol.9, kitāb al-khums, abwāb mā yajibu fihi al-khums, bāb 8, ḥadīth 1.

6.2.2 Khums during the Time of the Tenth Imam ('a)

'Alī bin Muḥammad bin Shujā' al-Naisābūrī asked Abū al-Ḥasan –the Third [i.e. Imam al-Hādī ('a)] about a man who had harvested a hundred kurr from the land he owned. One tenth of it was taken from him as zakāt, and another thirty kurr were spent on the development of the land, and sixty kurr remained with him. What [exactly] of it must be paid to you...

He ('a) wrote, "One fifth of it which is surplus to his expenses belongs to me."²⁵

عَنْ عَلِيِّ بْنِ مُحَمَّدِ بْنِ شُجَاعِ النَّيْسَابُورِيِّ أَنَّهُ سَأَلَ أَبَا الْحَسَنِ الثَّالِثَ (ع) عَنْ رَجُلٍ أَصَابَ مِنْ ضَيْعَتِهِ مِنَ الْحِنْطَةِ مِائَةَ كُرٍّ مَا يُرَكِّي، فَأَخَذَ مِنْهُ الْعُشْرَ – عَشْرَةَ أَكْرَارٍ، وَذَهَبَ مِنْهُ بِسَبَبِ عِمَارَةِ الضَّيْعَةِ ثَلَاثُونَ كُرًّا، وَبَقِيَ فِي يَدِهِ سِتُونَ كُرًّا. مَا الَّذِي يَجِبُ لَكَ مِنْ ذَلِكَ؟ وَهَلْ يَجِبُ لِأَصْحَابِهِ مِنْ ذَلِكَ عَلَيْهِ شَيْءٌ؟ فَوَقَّعَ (ع): «لِي مِنْهُ الْخُمْسُ مِمَّا يُفْضَلُ مِنْ مَتُونَتِهِ.»

2. Abū 'Alī bin Rāshid asked Imam al-Hādī ('a): You instructed me take up your affair and collect your right. So I informed your followers about this and some of them said to me 'What is it that is his right?' But I did not know what to answer them. The Imam ('a) said, "One-fifth (*khums*) is obligatory on them." Abū Rāshid said: On which things? He ('a) replied, "On their goods and industry." Abū Rāshid inquired: [Are both required to pay khums,] the one who trades and the one who makes them?

He ('a) answered, "If it is possible for them after [deducting] their expenses."²⁶

عَنْ عَلِيِّ بْنِ مَهْزَبَارٍ قَالَ: قَالَ لِي أَبُو عَلِيٍّ بْنُ رَاشِدٍ: قُلْتُ لَهُ: أَمَرْتَنِي بِالْقِيَامِ بِأَمْرِكَ وَأَخَذَ حَقَّكَ، فَأَعْلَمْتُ مَوَالِيكَ بِذَلِكَ. فَقَالَ لِي بَعْضُهُمْ: «وَأَيُّ شَيْءٍ حَقُّهُ؟» فَلَمْ أَدْرِ مَا أَجِيبُهُ. فَقَالَ: «يَجِبُ عَلَيْهِمُ الْخُمْسُ.» فَقُلْتُ: فَفِي أَيِّ شَيْءٍ؟ فَقَالَ: «فِي أَمْتِعَتِهِمْ وَصَنَائِعِهِمْ.» قُلْتُ: وَالتَّاجِرِ عَلَيْهِ وَالصَّانِعِ بِيَدِهِ؟ فَقَالَ: «إِذَا أَمْكَنَهُمْ بَعْدَ مَتُونَتِهِمْ.»

7.2.2 Khums during the Time of the Eleventh Imam ('a)

1. In his letter to the Shiite community in Nīshābūr through 'Abdullāh bin Ḥamdawayh, Imam Ḥasan al-'Askarī writes:

I have dispatched to you Ibrāhīm bin 'Abadah so that the people of your area and the areas nearby should hand over to him my rights which are obligatory on you. I have made him my trusted agent (*thiqatī*) and my trustee (*amīnī*) among my followers there. They should be conscious of their duty to Allah, the Majestic, and be careful and hand over the taxes; they have no excuse in not doing so or in delaying it...²⁷

«و بعد، فقد نصبتُ لكم إبراهيم بن عبدة، ليدفع إليهِ النواحي وأهل ناحيتك حقوقى الواجبة عليكم، وجعلته تقياً وأميني عند موالى هناك. فليتقوا الله –جلّ جلاله– وليراقبوا وليؤدوا الحقوق، فليس لهم عذرٌ في ترك ذلك ولا تأخيرِهِ...»

²⁵ *Wasā'il al-Shī'ah*, vol.9, kitāb al-khums, abwāb mā yajibū fihi al-khums, bāb 8, ḥadīth 2.

²⁶ *Wasā'il al-Shī'ah*, vol.9, kitāb al-khums, abwāb mā yajibū fihi al-khums, bāb 8, ḥadīth 3.

²⁷ *Al-Rijāl*, Muḥammad bin 'Umar al-Kashshī, vol.6, pg.509-510, Intishārāt-i Dānishgāh-i Mashhad, 1390H.

2. When the shī'ah would want to hand over to Imam al-'Askarī [‘a] what is obligatory upon them of the finance, they used to give it to Abū ‘Amrū [‘Uthmān bin Sa‘īd al-‘Amrī, the agent of the Imam (‘a)] who would place it inside the bag of the oil and its cup, out of fear and dissimulation (*taqiyyah*), and carry it to Abū al-Ḥasan [al-‘Askarī] (‘a).²⁸

و كان الشيعة إذا حملوا إلى أبي محمد (ع) ما يجب عليهم حملهُ من الأموال، أنفذوا إلى أبي عمرو، فيجعلهُ في جرابِ السمنِ و زقاقِهِ و يحمله إلى أبي محمد (ع) تقيّةً و خوفاً.

8.2.2 Khums during the Period of Minor Occultation

1. Abū al-Adyān [a servant of Imam al-‘Askarī (‘a)] relates: We were sitting when a group of people from Qum arrived and inquired about Ḥasan bin ‘Alī (‘a). When they were informed of his demise, they said: Who is after him? So some of the people pointed to Ja‘far bin ‘Alī [i.e. Imam’s brother]. They saluted him and gave him condolences, and said: There are letters and some money with us. Tell us from whom are the letters and how much is the money? Ja‘far stood up and said –as he shook off his clothes: They want us to know the unseen, and he left.

[Abū al-Adyān] continues: Thereafter, a servant came and said: With you are letters from so and so, and so and so, and so and so; and a pouch which contains a thousand *dīnār*, ten *dīnār* of which are covered with gold. So they handed over to him the letters and the money, and said: One who sent you to take this money is indeed the Imam...²⁹

و بالإسناد عن أبي الأديان قال: ... فنحن جلوسٌ إذ قدِمَ نفرٌ من قُم، فسألوا عن الحسن بن علي (ع)، فعرفوا موته. فقالوا: فمن بعده؟ فأشار بعضُ الناس إلى جعفر بن عليّ. فسلموا عليه و عزوه، و قالوا: معنا كتبٌ و مالٌ، فقل لنا مِنّ الكتبِ و كمّ المال؟ فقام جعفر ينفضُ أثوابه و يقول: يريدون منا أن نعلمَ الغيب، و خرّج جعفر. قال: فجاء الخادمُ و قال: معكم كتبُ فلان و فلان و فلان، و هميان فيه ألفَ دينار، و عشرة دنانير فيها مطلية. فدفعوا الكتبَ و المالَ، و قالوا: الذي وجّه بك لأخذ المال هو الإمام...²⁹

2. Ibn Qazdā reports that he went to Muḥammad bin ‘Uthmān al-‘Amrī [i.e. the second special representative of the twelfth Imam (‘aj)] with four hundred *dīnār* –the final time he saw him before he passed away. Al-‘Amrī refused to collect the money from him and asked him to hand them over to Ḥusayn bin Rawḥ [i.e. the third special representative of the twelfth Imam (‘aj)].³⁰

أخبرني أبو علي أحمد بن جعفر بن سفيان البزوفري (رحمه الله) قال: حدثني أبو عبد الله جعفر بن محمد المدائني المعروف بابن قزدا في مقابر قريش قال: كان من رَسَمِي إذا حَمَلْتُ المالَ الذي في يَدِي إلى الشيخِ أبي جعفر مُحمَّد بن عُثمان العمري (قُدَّسَ سِرّه) أن أقول له –ما لم يكن أحد يستقبله بمثله: هذا المالُ و مَبْلُغُهُ كذا و كذا للإمام (ع). فيقول لي: نَعَمْ، دَعُه. فأراجعه فأقول له: تقول لي إنه للإمام؟ فيقول: نعم، للإمام (ع)، فيقبضه. فصرتُ

²⁸ *Al-Ghaybah*, op. cit., pg.354.

²⁹ *Al-Kharā’ij wa al-Jarā’ib*, Quṭb al-Dīn al-Rāwandī, vol.3, pg.1103, Mu’assasah-i Imam al-Mahdī (‘aj), Qum, 1409H. For other similar incidents see: *Mustadrak Wasā’il al-Shī’ah*, vol.9, tatimmat kitāb al-ḥajj, tatimmat abwāb al-aḥkām al-‘ashrah, bāb 112.

³⁰ *Al-Ghaybah*, op. cit., pg.367.

إليه آخِرَ عَهْدِي بِهِ (قُدَّسَ سِرَّهُ) - و معى أربعمائه دينار. فَقُلْتُ لَهُ: عَلَى رَسْمِي؟ فَقَالَ لِي: إِمَضِ بِهَا إِلَى الْحُسَيْنِ بْنِ رَوْحٍ. فَتَوَفَّقْتُ، فَقُلْتُ: تَقْبِضُهَا أَنْتَ مِثْنِي عَلَى الرَّسْمِ. فَرَدَّ عَلَيَّ كَالْمُنْكَرِ لِقَوْلِي وَ قَالَ: قُمْ - عَافَاكَ اللَّهُ - فَادْفَعْهَا إِلَى الْحُسَيْنِ بْنِ رَوْحٍ.

In conclusion, the above historical evidences, contrary to what the author of the booklet has claimed, clearly imply that the 'concept' that paying khums is mandatory and that the shi'ah have not been exempted from it, was prevalent within the Shiite community during the time of the A'imma (a).

3.2 The Obligation of Paying Khums on the Sādāt

On pg.19 of the booklet the author says, "When I look around, sometimes I see some Seyyids also paying Khums. Eh? What is going on here? They are supposed to be the recipients and not the payers now they are?"

Khums is an obligation on every Muslim, be he a sayyid or a non-sayyid. The fact that the sādāt are the recipients of khums does not exempt them from paying it. Otherwise, what about zakāt? On pg.6, the author says that zakāt was revealed for the rest of the Muslims, that is the non-sādāt. If this is the case, then all the non-sayyid Muslims must be exempted from paying Zakāt just because they are the recipients of it! "How can the recipient be the payer"!! In this case, the duty of paying zakāt would lie on the sādāt only!

Khums is obligatory on every Muslim who is liable to pay it, be he/she a sayyid or a non-sayyid, just as zakāt is obligatory on every Muslim who is liable to pay it, be he/she a sayyid or a non-sayyid. The difference is in the distribution of the two, as specified in the books of fiqh.

3

**The Authority Granted to the Fuqahā' by the A'imma (a) in Affairs Related
to Religion**

1.3 Introduction

In chapter two, the author claims that the Shiite fuqahā', whom he refers to as 'tax collectors', have no right of collection and distribution of khums during the period of Major Occultation. His proof for his claim is that there is no evidence that khums should be handed over to the fuqahā' during the absence of the Imam ('a). He says in this regard:

“There has never been a single statement of the holy Imams (a.s) whereby they have instructed us that during the major occultation, any person who claims to be a scholar, whom a few people regard as their teacher or one who achieves a degree from a university of Qum, we should hand over our Khums to him (pg.21).”

This is one of the instances which reveals the superficial and inadequate nature of the author's information on issues related to Shiite jurisprudence and history.

Taking into consideration that the shī'ah spread across different parts of the Islamic land were not always able to be in contact with the A'imma ('a), especially after keeping in mind the political tension during those days which had led many of them to live in dissimulation (*taqiyyah*), the A'imma ('a), in order to meet the educational and political needs of their followers, had trained and appointed, for different tasks, competent people who were well versed with their thought and traditions.

The A'imma ('a) not only trained such personalities among their followers as Zurārah, Abū Baṣīr, Muḥammad bin Muslim, Zakariyyah bin Ādam, Yūnus bin 'Abd al-Raḥmān and 'Abd al-'Azīm al-Ḥasanī, rather they used to urge the Shiite community during those days to refer to them in their religious matters.

They ('a) would hold such personalities in high esteem and refer to them as the guardians of religion (*ḥuffāz al-dīn*)³¹, the trustees of Allah over His lawful and unlawful (*umanā' allāh 'alā ḥalālihi wa ḥarāmihī*)³², people without whom the marks of prophethood would be wiped off and cease to exist³³, and people through whom evil is averted from the people of the earth³⁴.

This clearly shows that the A'imma ('a) had endowed their students, who were the scholars of their times, with the authority of looking after the religious affairs of the Shiite community.

2.3 The Authority Granted by the A'imma ('a) to their Students in Managing the Religious Affairs of the Shiite Community

Hereunder are some of the instances:

1. Shu'ayb al-'Aqarqūfiyy says that I asked Abū 'Abdillāh ('a): Sometimes we need to ask about something [i.e. about our religious affairs], so who should we ask? He ('a) replied, “You should ask al-Asadī, that is Abū Baṣīr.”³⁵

³¹ *Wasā'il al-Shi'ah*, vol.27, kitāb al-qaḍā', abwāb ṣifāt al-qāḍī, bāb 11, ḥadīth 21.

³² *Wasā'il al-Shi'ah*, vol.27, kitāb al-qaḍā', abwāb ṣifāt al-qāḍī, bāb 11, ḥadīth 14.

³³ *Ibid.*

³⁴ *Wasā'il al-Shi'ah*, vol.27, kitāb al-qaḍā', abwāb ṣifāt al-qāḍī, bāb 11, ḥadīth 25.

³⁵ *Wasā'il al-Shi'ah*, vol.27, kitāb al-qaḍā', abwāb ṣifāt al-qāḍī, bāb 11, ḥadīth 15.

عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ شُعَيْبِ الْعَقْرُقُوفِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (ع): رُبَّمَا اخْتَجْنَا أَنْ نَسْأَلَ عَنِ الشَّيْءِ فَمَنْ نَسْأَلُ؟ قَالَ: «عَلَيْكَ بِأَبِ اسْمِدَى يُغْنِي أَبَا بَصِيرٍ.»

2. ‘Abdullāh bin Abī Ya‘fūr relates: I said to Abū ‘Abdillāh [al-Ṣādiq] (‘a) that I do not meet with you all the time and it is not possible [for me] to come [to you]. [It so happens that] a person from among the shī‘ah comes to me and asks [me questions] but I do not have answers to all his queries. He (‘a) replied, “What prevents you from seeing Muḥammad bin Muslim al-Thaqafi; he has heard [traditions] from my father and was notable in his eyes.”³⁶

عَنْ عَبْدِ اللَّهِ بْنِ أَبِي يَعْفُورٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (ع): إِنَّهُ لَيْسَ كُلُّ سَاعَةٍ أَتَاكَ وَ لَا يُمَكِّنُ الْقُدُومَ، وَ يَجِيءُ الرَّجُلُ مِنْ أَصْحَابِنَا فَيَسْأَلُنِي وَ لَيْسَ عِنْدِي كُلُّ مَا يَسْأَلُنِي عَنْهُ. فَقَالَ: «مَا يَمْنَعُكَ مِنْ مُحَمَّدِ بْنِ مُسْلِمٍ الثَّقَفِيِّ، فَإِنَّهُ سَمِعَ مِنْ أَبِي وَ كَانَ عِنْدَهُ وَجِبَاهًا.»

3. Yūnus bin Ya‘qūb says: We were with Abū ‘Abdillāh [al-Ṣādiq] (‘a) when he said, “Do you not have a refuge? Do you not have a resting place where you can rest? What stops you from [benefitting from] Ḥārith bin al-Mughārah al-Naṣrī?”³⁷

عَنْ يُونُسَ بْنِ يَعْقُوبَ قَالَ: كُنَّا عِنْدَ أَبِي عَبْدِ اللَّهِ (ع) فَقَالَ: «أَمَا لَكُمْ مِنْ مَفْرَعٍ؟ أَمَا لَكُمْ مِنْ مُسْتَرَاحٍ تَسْتَرِيحُونَ إِلَيْهِ؟ مَا يَمْنَعُكُمْ مِنَ الْحَارِثِ بْنِ الْمُغِيرَةِ النَّصْرِيِّ؟»

4. Sulaym bin Abī Ḥayyah reports: I was with Abū ‘Abdillāh (‘a) and when I intended to leave I bade him farewell and said: I would like you to provide me [with your teachings]. He (‘a) replied, “Go to Abān bin Taghlib; indeed he has heard a lot from me. Whatever he narrates for you, you can narrate it from me.” Sulaym has also related that Abū Ja‘far [al-Bāqir (‘a)] had said to Abān, “Sit in the Mosque of Madīnah and give verdicts (*fatwā*) to the people; indeed I love people like you to be seen among my followers.”³⁸

سُلَيْمُ بْنُ أَبِي حَيَّيَّةٍ قَالَ: كُنْتُ عِنْدَ أَبِي عَبْدِ اللَّهِ (ع)، فَلَمَّا أَرَدْتُ أَنْ أَفَارِقَهُ وَدَعَيْتُهُ وَ قُلْتُ: أَحِبُّ أَنْ تُزَوِّدَنِي. فَقَالَ: «أَنْتَ أَبَانَ بْنِ تَغْلِبٍ، فَإِنَّهُ قَدْ سَمِعَ مِنِّي حَدِيثًا كَثِيرًا. فَمَا رَوَى لَكَ فَارُوهُ عَنِّي...» قَالَ: وَ قَالَ لَهُ أَبُو جَعْفَرٍ (ع): «اجْلِسْ فِي مَسْجِدِ الْمَدِينَةِ وَ أَفْتِ النَّاسَ، فَإِنِّي أَحِبُّ أَنْ يُرَى فِي شِيعَتِي مِثْلُكَ.»

5. ‘Abdullāh bin Sinān reports from Abū ‘Abdillāh [al-Ṣādiq (‘a)] that once Ḥasan al-Baṣrī came to see Muḥammad bin ‘Alī [al-Bāqir (‘a)]. So the Imam (‘a) said to him, “O companion of the people of Baṣrah! I have been informed that you have interpreted a verse from the Holy Qur’an contrary to how it was revealed. If you have done that, then you have indeed perished. [Ḥasan al-Baṣrī] said: Which verse is it, May I be ransomed for you?

He (‘a) replied, “The word of Allah, the All-mighty, the Majestic: ‘We had placed between them and the towns which We had blessed hamlets prominent [from the main route], and We had ordained the

³⁶ *Wasā’il al-Shī‘ah*, vol.27, kitāb al-qaḍā’, abwāb šifāt al-qāḍī, bāb 11, ḥadīth 23.

³⁷ *Wasā’il al-Shī‘ah*, vol.27, kitāb al-qaḍā’, abwāb šifāt al-qāḍī, bāb 11, ḥadīth 24.

³⁸ *Mustadrak Wasā’il al-Shī‘ah*, vol.17, kitāb al-qaḍā’, abwāb šifāt al-qāḍī, bāb 11, ḥadīth 14.

course through them: Travel through them in safety, night and day.’ How can it be said that Allah has ordained safety for a community while their goods are being stolen in Makkah and Madīnah, and between the two? And sometimes a man is being seized [of his belongings] or he is killed and a life is lost?”

He (‘a) then paused for sometime and then pointed to his bosom and said, “We are the towns which Allah has blessed...” and he continued until [Ḥasan al-Baṣrī] said: May I be ransomed for you! Tell me about the ‘hamlets prominent [from the main route]?”

He (‘a) said, “Our followers (*shī‘atunā*), that is the scholars (*‘ulamā’*) from among them...”³⁹

عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (ع) قَالَ: دَخَلَ الْحَسَنُ الْبَصْرِيُّ عَلَى مُحَمَّدِ بْنِ عَلِيٍّ (ع). فَقَالَ لَهُ: «يَا أَخَا أَهْلِ الْبَصْرَةِ! بَلَّغْنِي أَنَّكَ فَسَّرْتَ آيَةً مِنْ كِتَابِ اللَّهِ عَلَى غَيْرِ مَا أَنْزَلْتَ. فَإِنْ كُنْتَ فَعَلْتَ، فَقَدْ هَلَكْتَ وَاسْتَهْلَكْتَ.» قَالَ: وَمَا هِيَ، جُعِلْتُ فِدَاكَ؟ قَالَ: «قَوْلُ اللَّهِ عَزَّ وَجَلَّ «وَجَعَلْنَا بَيْنَهُمْ وَبَيْنَ الْقُرَى الَّتِي بَارَكْنَا فِيهَا قُرَى ظَاهِرَةً وَ قَدَرْنَا فِيهَا السَّبِيْرَ سَبِيْرًا فِيهَا لِيَالِي وَ أَيْمَانًا آمِنِينَ.» كَيْفَ يَجْعَلُ اللَّهُ لِقَوْمٍ أَمَانًا وَ مَتَاعُهُمْ يُسْرَقُ بِمَكَّةَ وَ الْمَدِيْنَةَ وَ مَا بَيْنَهُمَا؟ وَ رَبِّمَا أَخَذَ عَبْدٌ أَوْ قَتِلَ وَ فَاتَتْ نَفْسُهُ؟» ثُمَّ مَكَثَ مَلِيًّا، ثُمَّ أَوْمَأَ بِيَدِهِ إِلَى صَدْرِهِ وَ قَالَ: «نَحْنُ الْقُرَى الَّتِي بَارَكَ اللَّهُ فِيهَا...» إِلَى أَنْ قَالَ: جُعِلْتُ فِدَاكَ، فَأَخْبِرْنِي عَنِ الْقُرَى الظَّاهِرَةِ. قَالَ: «شِيعَتُنَا، يَعْنِي الْعُلَمَاءَ مِنْهُمْ...»

6. ‘Alī bin Suwayd al-Sa’ī relates that Imam al-Kāzīm (‘a) wrote to him while he was in prison, “As to what you mentioned about whom you should take the teachings of your religion from, [know] you should not take them from other than our followers. If you were to leave them, then you will end up in taking your religion from the betrayers who have betrayed Allah and His messenger, and have betrayed their trusts.”⁴⁰

عَنْ عَلِيِّ بْنِ سُؤَيْدِ السَّائِيِّ قَالَ: كَتَبَ إِلَيَّ أَبُو الْحَسَنِ (ع) وَ هُوَ فِي السَّجْنِ: «وَ أَمَّا مَا ذَكَرْتَ يَا عَلِيُّ مِمَّنْ تَأْخُذُ مَعَالِمَ دِينِكَ، لَا تَأْخُذَنَّ مَعَالِمَ دِينِكَ عَنْ غَيْرِ شِيعَتِنَا، فَإِنَّكَ إِنْ تَعَدَّيْتَهُمْ أَخَذْتَ دِينَكَ عَنِ الْخَائِنِينَ الَّذِينَ خَانُوا اللَّهَ وَ رَسُولَهُ، وَ خَانُوا أَمَانَاتِهِمْ.»

7. ‘Alī bin al-Musayyab al-Hamdānī reports that I said to Imam al-Riḍā (‘a): I live very far and I cannot always come to you, so from whom should I take the teachings of my religion? He (‘a) replied, “From Zakariyyā bin Ādam al-Qumī who can be trustworthy in religious and worldly affairs.” ‘Alī bin al-Musayyab says: When I came out, we went to see Zakariyyā bin Ādam and I asked him what I was in need to know.⁴¹

عَنْ عَلِيِّ بْنِ الْمُسَيَّبِ الْهَمْدَانِيِّ قَالَ قُلْتُ لِلرِّضَا (ع): شَقَّتِي بَعِيدَةٌ وَ لَسْتُ أُصِلُ إِلَيْكَ فِي كُلِّ وَقْتٍ. فَمِمَّنْ أَخْذُ مَعَالِمَ دِينِي؟ قَالَ: «مِنْ زَكَرِيَّا بْنِ آدَمَ الْقُمِيِّ الْمَأْمُونِ عَلَى الدِّينِ وَ الدُّنْيَا.» قَالَ عَلِيُّ بْنُ الْمُسَيَّبِ: فَلَمَّا أَنْصَرَفْتُ قَدِمْنَا عَلَى زَكَرِيَّا بْنِ آدَمَ، فَسَأَلْتُهُ عَمَّا اخْتَجْتُ إِلَيْهِ.

8. ‘Abd al-‘Azīz bin al-Muhtadā and Ḥasan bin ‘Alī bin Yaḥyā narrate that both of them had asked Imam al-Riḍā (‘a): I hardly come to you and ask you about all that I need of the teachings of my religion. Is Yūnus bin ‘Abd al-Raḥmān reliable (*thiqab*) so that I may take from him what I need of the teachings of my religion? He (‘a) answered, “Yes.”

³⁹ *Mustadrak Wasā’il al-Shī‘ah*, vol.17, kitāb al-qaḍā’, abwāb šifāt al-qaḍī, bāb 11, ḥadīth 18.

⁴⁰ *Wasā’il al-Shī‘ah*, vol.27, kitāb al-qaḍā’, abwāb šifāt al-qaḍī, bāb 11, ḥadīth 42.

⁴¹ *Wasā’il al-Shī‘ah*, vol.27, kitāb al-qaḍā’, abwāb šifāt al-qaḍī, bāb 11, ḥadīth 27.

عَنْ عَبْدِ الْعَزِيزِ بْنِ الْمُهْتَدِيِّ وَ الْحَسَنِ بْنِ عَلِيِّ بْنِ يَنْطِينٍ جَمِيعاً عَنِ الرَّضَا (ع) قَالَ قُلْتُ: لَأَكَادُ أُصِلُ إِلَيْكَ أَسْأَلُكَ عَنْ كُلِّ مَا أَحْتَاجُ إِلَيْهِ مِنْ مَعَالِمِ دِينِي، أَفِيُونُسُ بْنُ عَبْدِ الرَّحْمَنِ تَقَى، أَخَذَ عَنْهُ مَا أَحْتَاجُ إِلَيْهِ مِنْ مَعَالِمِ دِينِي؟ فَقَالَ: «نَعَمْ.»

9. Abū Turāb al-Rūyānī reports that he heard Abū Ḥammād al-Rāzī saying: I went to see ‘Alī bin Muḥammad [al-Ḥadī (‘a)] in Sāmarrā’ and I asked him about some of the lawful (*ḥalāl*) and the unlawful (*ḥarām*), and he answered my queries. When I bade him farewell, he told me, “O Ḥammād! If something related to your religion becomes difficult for you while in your city, then ask ‘Abd al-‘Azīm bin ‘Abdillāh al-Ḥasanī about it; and convey my regards to him.”⁴²

رَوَى أَبُو تُرَابِ الرُّيَّانِيِّ قَالَ: سَمِعْتُ أَبَا حَمَّادٍ الرَّازِيَّ يَقُولُ: دَخَلْتُ عَلَى عَلِيِّ بْنِ مُحَمَّدٍ (ع) بِسَرٍّ مَنْ رَأَى فَسَأَلْتُهُ عَنْ أَشْيَاءَ مِنَ الْحَلَالِ وَالْحَرَامِ، فَأَجَابَنِي فِيهَا. فَلَمَّا وَدَّعْتُهُ قَالَ لِي: «يَا حَمَّادُ! إِذَا أَشْكَلَ عَلَيْكَ شَيْءٌ مِنْ أَمْرِ دِينِكَ بِنَاحِيَتِكَ، فَسَلْ عَنْهُ عَبْدَ الْعَظِيمِ بْنَ عَبْدِ اللَّهِ الْحَسَنِيَّ، وَ أَقْرَأْهُ مِنِّي السَّلَامَ.»

10. Imam Ḥasan al-‘Askarī (‘a) reports from his father who related from his forefathers, “More worse than the orphanhood of an orphan who has lost his father, is the orphanhood of an orphan who is separated from his *imām*, nor does he have access to him, nor does he know his instruction [i.e. the *imām*’s instruction] regarding what he often comes across of the tenets of his religion. Verily, he among our followers who is well versed (*‘ālim*) with our teachings, then such a person who is unaware of our instructions and who cannot see us, is an orphan in his lap. Truly, he who guides him and leads him to the right way, and teaches him our instructions, he will be with us in the highest companionship.”⁴³

الإمامُ الهمامُ أبو مُحَمَّدٍ العسْكَرِيُّ (ع) فِي تَفْسِيرِهِ: حَدَّثَنِي أَبِي عَنْ آبَائِهِ (ع) أَنَّهُ قَالَ: «أَشَدُّ مِنْ يُتَمِّمِ الْيَتِيمِ الَّذِي انْقَطَعَ عَنْ أَبِيهِ يُتَمِّمُ يَتِيمًا انْقَطَعَ عَنْ إِمَامِهِ، وَ لَا يَقْدِرُ عَلَى الْوُصُولِ إِلَيْهِ وَ لَا يَدْرِي حُكْمَهُ فِيمَا يُبْتَلَى بِهِ مِنْ شَرَائِعِ دِينِهِ أَلَا فَمَنْ كَانَ مِنْ شِيعَتِنَا عَالِمًا بِعُلُومِنَا فَهَذَا الْجَاهِلُ بِشَرِيعَتِنَا الْمُنْقَطِعُ عَنْ مُشَاهَدَتِنَا يَتِيمٌ فِي حِجْرِهِ أَلَا فَمَنْ هَدَاهُ وَ أَرشَدَهُ وَ عَلَّمَهُ شَرِيعَتِنَا كَانَ مَعَنَا فِي الرَّفِيقِ الْأَعْلَى.»

3.3 The A’immah (‘a) and the Judicial Affairs of the Shiite Community

Rather, the A’immah (a) would grant them authority to take up such critical offices within the Shiite community as judiciary, and the settle legal disputes of their followers.

1. ‘Umar bin Ḥanzalah says: I asked Abū ‘Abdillāh (‘a) about two men who are shī‘ah and have a quarrel regarding a debt or inheritance, and they seek the judgement of the ruler or [his] judges, is that allowed?

He (‘a) said, “Whoever takes them as arbitrators in a lawful or unlawful thing, then he has sought the judgement of the rebel (*tāghūt*). And whatever reaches any of them as a result of that judgement, then indeed he has taken what is unlawful for him even if it was his right, because he has taken it on the

⁴² *Mustadrak Wasā’il al-Shī‘ah*, vol.17, kitāb al-qaḍā’, abwāb šifāt al-qāḍī, bāb 11, ḥadīth 32.

⁴³ *Mustadrak Wasā’il al-Shī‘ah*, vol.17, kitāb al-qaḍā’, abwāb šifāt al-qāḍī, bāb 11, ḥadīth 20.

judgement of the rebel and on what Allah had commanded to defy it. Allah, the All-mighty, says: They desire to seek the judgement of the Rebel, though they were commanded to defy it.”⁴⁴

So I [i.e. Ibn Ḥanzalah] said: What should they do then?

He (‘a) answered, “They should look for he amidst you who has been reporting our traditions, and has a deeper understanding of what we have considered to be lawful (*ḥalāl*) and unlawful (*ḥarām*), and one who is well acquainted with our laws. They should take such a person as an arbitrator, for I have appointed him to be a ruler (*ḥākim*) over you. Thereafter, if he passes a judgement based on our laws but it is not accepted from him, then indeed the law of Allah has been taken lightly and we have been rejected. Whoever rejects us has indeed rejected Allah, and it is tantamount to associating a partner to Allah (*shirk*)...”⁴⁵

عَنْ عُمَرَ بْنِ حَنْظَلَةَ قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ (ع) عَنْ رَجُلَيْنِ مِنْ أَصْحَابِنَا بَيْنَهُمَا مَنَازَعَةٌ فِي دَيْنٍ أَوْ مِيرَاثٍ، فَتَحَاكَمَا إِلَى السُّلْطَانِ وَإِلَى الْقَضَاءِ، أَيَحِلُّ ذَلِكَ؟ قَالَ: «مَنْ تَحَاكَمَ إِلَيْهِمْ فِي حَقٍّ أَوْ بَاطِلٍ فَإِنَّمَا تَحَاكَمَ إِلَى الطَّاغُوتِ. وَمَا يُحْكَمُ لَهُ فَإِنَّمَا يَأْخُذُ سِحْتًا، وَإِنْ كَانَ حَقًّا ثَابِتًا لَهُ، لِأَنَّهُ أَخَذَهُ بِحُكْمِ الطَّاغُوتِ وَمَا أَمَرَ اللَّهُ أَنْ يُكْفَرَ بِهِ. قَالَ اللَّهُ تَعَالَى: يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ.» قُلْتُ: فَكَيْفَ يَصْنَعَانِ؟ قَالَ: يَنْظُرَانِ مَنْ كَانَ مِنْكُمْ مِمَّنْ قَدْ رَوَى حَدِيثِنَا، وَنَظَرَ فِي حَلَالِنَا وَحَرَامِنَا، وَعَرَفَ أَحْكَامِنَا، فَلْيَرِضُوا بِهِ حَكْمًا، فَإِنِّي قَدْ جَعَلْتُهُ عَلَيْكُمْ حَاكِمًا. فَإِذَا حَكَمَ بِحُكْمِنَا فَلَمْ يَقْبَلْ مِنْهُ فَإِنَّمَا اسْتُحِفَّ بِحُكْمِ اللَّهِ، وَعَلَيْنَا رُدُّهُ وَالرَّادُّ عَلَيْنَا الرَّادُّ عَلَى اللَّهِ، وَهُوَ عَلَى حَدِّ الشَّرْكِ بِاللَّهِ...»

2. Abū Khadijah narrates: Abū ‘Abdillāh (‘a) sent me to our people [i.e. the shī‘ah] and told me, “Tell them that if there occurred between them a dispute or a quarrel regarding giving and taking of something, they should never seek judgement from any of these transgressors (*fussāq*). Take from among yourselves a man who has thorough knowledge of what we have considered to be lawful (*ḥalāl*) and unlawful (*ḥarām*), for I have indeed appointed such a person as a judge (*qāḍī*) over you. And beware of suing one another to the tyrant ruler.”⁴⁶

عَنْ أَبِي خَدِيجَةَ قَالَ: بَعَثَنِي أَبُو عَبْدِ اللَّهِ (ع) إِلَى أَصْحَابِنَا فَقَالَ: «قُلْ لَهُمْ: إِذَا كُنْتُمْ بَيْنَكُمْ خُصُومَةٌ أَوْ تَدَارَى فِي شَيْءٍ مِنَ الْأَخْذِ وَالْعَطَاءِ أَنْ تَحَاكَمُوا إِلَى أَحَدٍ مِنْ هَؤُلَاءِ الْفُسَّاقِ. اجْعَلُوا بَيْنَكُمْ رَجُلًا قَدْ عَرَفَ حَلَالِنَا وَحَرَامِنَا، فَإِنِّي قَدْ جَعَلْتُهُ عَلَيْكُمْ قَاضِيًا. وَإِذَا كُنْتُمْ أَنْ يُخَاصِمَ بَعْضُكُمْ بَعْضًا إِلَى السُّلْطَانِ الْجَائِرِ.»

4.3 The A’immah (‘a) and the Need to Appoint Representatives

On the one hand, the A’immah (‘a) were aware of the fact that they could not be ‘everywhere’ and be equally available to all the members of the Shiite community and answer their needs; and on the other, they were fully conscious of the growing educational, social, economic and political needs of the Shiite community, and that the survival of the Shiite community was absolutely dependant on the fulfillment of these needs in a systematic manner. Accordingly, despite all the political pressure, the A’immah (‘a) initiated two important moves; the establishment of an extensive communication network, and the

⁴⁴ Qur’an, 4:60.

⁴⁵ *Wasā’il al-Shī‘ah*, vol.27, kitāb al-qaḍā’, abwāb shifāt al-qāḍī, bāb 11, ḥadīth 1.

⁴⁶ *Wasā’il al-Shī‘ah*, vol.27, kitāb al-qaḍā’, abwāb shifāt al-qāḍī, bāb 11, ḥadīth 6.

training of competent and reliable students who could take up the religious affairs of the Shiite community.

The same two elements which led the A'imma (‘a) to establish the communication network and train students in order to fulfill the needs of the Shiite community in different areas, are also applicable in the period of Major Occultation. As the A'imma (‘a) could not be ‘everywhere’, they could not be in all times. Besides this, the need for leadership and source of guidance authorized by the A'imma (‘a) for the survival of the Shiite community is an undoubted fact. So the important question here is that during the Major Occultation of our twelfth Holy Imam (‘aj), to whom should the Shiite community refer to, and who is responsible for taking up the religious affairs of the community during the absence of the Imam (‘a)? Did the A'imma (a) think of such a period where the community would have no contact with their *imam*, or not?

If they did not think about this, then this means that either they did not show, God forbid, enough prudence and did not fulfill their responsibility by not preparing the community to stand on its own during the long occultation of the twelfth Imam (‘aj). And this is exactly the kind of argument that we - the shi‘ah - have against our Sunni brothers in relation to the necessity of the appointment of Imam ‘Alī as the successor to the Holy Prophet (ﷺ) after his demise. Does the author believe that 250 years after the Prophet (ﷺ) the community has again been left without competent leadership?

The A'imma (a) had indeed thought of the situation, and right from the time of Imam al-Ṣādiq (‘a) they started laying foundations of preparing the Shiite community for the Major Occultation.

The formation of the communication network and training of proficient students, besides allowing the A'imma (‘a) to stay in contact with their followers and consolidating the Shiite community spread all over the Islamic world, served the realization of two long-term plans:

- Firstly, preparing the minds of the shi‘ah for the Major Occultation, and establishing necessary grounds for the survival and development of the Shiite community during this critical period.
- Secondly, making known to the Shiite community as to whom they should refer to during the absence of the Imam (‘a) for their religious and day to day affairs, and cultivating this culture within the community.

5.3 Fuqahā’: the Representatives of the Twelfth Imam (‘aj) during the Period of Major Occultation

During the presence (*ḥuẓūr*) of the A'imma (‘a) in the community, their representatives and agents were appointed through specific (*khāṣṣ*) orders of the A'imma (‘a), as in the case of their agents in the communication network, and their representatives in handling the religious affairs of the community. During the period of Minor Occultation, this mode of appointment had come to the minimum and was restricted to the four special ambassadors of the twelfth Imam (‘aj) during this period. By the commencement of the Major Occultation in 329 H, specific representation (*al-niyābat al-khāṣṣah*) of the Imam (‘aj) came to the end.

During the Major Occultation, specific representation was replaced by general representation (*al-niyābat al-‘āmmah*). In this mode of representation, the representatives of the twelfth Imam (‘aj) have not been appointed by names, rather they have been appointed through the necessary qualities and characteristics they must possess. Such characteristics which have appeared in the tradition of Imam al-Ṣādiq (‘a) as ‘he

who has been reporting our traditions’, ‘has a deeper understanding of what we have considered to be lawful (*ḥalāl*) and unlawful (*ḥarām*)’, and ‘one who is well acquainted with our laws (*aḥkāmān*)’.⁴⁷

The interesting point here is that these traditions reveal that the mode of ‘general representation’ was already in effect even during the presence of the A’immah (‘a) in the Shiite community. This concept had already become institutionalized to a great extent by the period of Minor Occultation such that history shows that Ḥusayn bin Rawḥ, the third special representative of the twelfth Imam (‘aj), was in constant communication with the Shiite fuqahā’ in Qum⁴⁸ and he had, in one case, sent Shalmaghānī’s work titled *al-Ta’dīb* to Qum in order for them to verify whether or not its contents were according to the teachings of the Ahl al-Bayt (‘a).⁴⁹

Furthermore, what is worthy of note in the above narrations are phrases such as ‘I have appointed him to be a ruler (*ḥakīm*) over you’, or ‘for I have indeed appointed such a person as a judge (*qāḍī*) over you’ which explicitly imply that one who possesses these qualities has been appointed by the A’immah (‘a) as their representative and has been endowed with the authority of representation to the extent that the defiance of his ruling is equivalent to having rejected the Ahl al-Bayt (‘a).⁵⁰

A person who reports the traditions of the Ahl al-Bayt (‘a), has a deeper understanding of what they have considered to be lawful (*ḥalāl*) and unlawful (*ḥarām*), and who is well versed with their laws (*aḥkām*), is the one who is known in today’s Shiite religious convention as a *faqīh* or a *mujtabid*.

6.3 Conclusion

The traditions and the practice (*sirah*) of the A’immah (‘a) confirm that during the Major Occultation the Shiite fuqahā’ and ‘ulamā’ are the representatives of the twelfth Imam (‘aj) by general appointment, and that they have been granted with the authority of handling the religious affairs.

Ishāq bin Ya’qūb reports: I requested Muḥammad bin ‘Uthmān al-‘Amrī to deliver [to the twelfth Imam (‘aj)] my letter in which I had queries about some issues which were difficult for me. So I received the response with the handwriting of our master *ṣāḥib al-zamān* (‘a):

...As to the upcoming events, refer to the narrators of our traditions; for they are my proof (*ḥujjatī*) on you and I am the proof of Allah on them...⁵¹

سَأَلْتُ مُحَمَّدَ بْنَ عُثْمَانَ الْعُمَرِيَّ أَنْ يُوصِلَ لِي كِتَابًا قَدْ سَأَلْتُ فِيهِ عَنْ مَسَائِلٍ أَشْكَلْتُ عَلَيَّ. فَوَرَدَ التَّوْفِيعُ بِحِطِّ مَوْلَانَا صَاحِبِ الزَّمَانِ
(ع): «أَمَّا مَا سَأَلْتَ عَنْهُ -أُرْشِدَكَ اللَّهُ وَتَبْتَكَ، إِلَى أَنْ قَالَ: وَ أَمَّا الْحَوَادِثُ الْوَاقِعَةُ، فَارْجِعُوا فِيهَا إِلَى رُوَاةِ حَدِيثِنَا، فَإِنَّهُمْ حُجَّتِي
عَلَيْكُمْ وَ أَنَا حُجَّةُ اللَّهِ...»

As a result, in the same manner that the specific representatives and agents of the A’immah (‘a) used to manage the affairs of the Shiite community by their permission, including the collection of such obligatory taxes as khums and zakāt, and channelize them to the needy and destitute in the community;

⁴⁷ *Wasā’il al-Shi’ah*, vol.27, kitāb al-qaḍā’, abwāb šifāt al-qāḍī, bāb 11, ḥadīth 1 and 6.

⁴⁸ *Biḥār al-Anwār*, vol.53, tatimmat kitāb al-ghaybah, tatimmat abwāb al-nuṣūṣ min-allāh, bāb 31.

⁴⁹ *Biḥār al-Anwār*, vol.51, kitāb al-ghaybah, abwāb al-nuṣūṣ min-allāh, bāb 16.

⁵⁰ *Wasā’il al-Shi’ah*, vol.27, kitāb al-qaḍā’, abwāb šifāt al-qāḍī, bāb 11, ḥadīth 1.

⁵¹ *Wasā’il al-Shi’ah*, vol.27, kitāb al-qaḍā’, abwāb šifāt al-qāḍī, bāb 11, ḥadīth 9.

similarly, during the period of Major Occultation the general representatives of the twelfth Imam ('aj) have the authority and right to do so.

4

The Meaning of Anfāl and Fay'

1.4 The Meaning of Anfāl and Fay'

In chapter one, the author brings up a discussion on *anfāl* and *fay'*. Defining these two terms, he says:

“Anfaal (windfalls): These are the gains made without the use of warfare (pg.9)... Fey (to take back): These are gains made by struggle. 20% if this is known as Khums (pg.12)...”

That *fay'* are gains made by struggle (or through *fighting* –in strict words), is the view held by Shaykh al-Kulaynī (may Allah have mercy on him) in *al-Kāfī*⁵², and some other Shiite scholars, and is supported by some *riwāyāt* from the Ahl al-Bayt (‘a).

For the information of the author, there are two other views on the meaning of *fay'*, which are also backed by the verses of the Qur’an and the traditions of the Ahl al-Bayt (‘a):

1. *Fay'* is what has been taken from the disbelievers *without fighting*. The Qur’an says, “The spoils that Allah gave (*afā'a*) to His Apostle from them, you did not spur any horse for its sake, nor any riding camel, but Allah makes His apostles prevail over whomever He wishes, and Allah has power over all things.”⁵³ This view is held by scholars such as Shaykh al-Ṭūsī, al-Ṭabarsī and Ibn Qudāmah.⁵⁴

2 *Fay'* is any property that comes back to the Muslims from the disbelievers, whether it is through fighting or peaceful means. Muḥammad bin Muslim reports from Imam al-Ṣādiq (‘a), “When ‘Alī (‘a) came to power, he ascended the pulpit, praised Allah and extolled Him. Thereafter, he said: Indeed, by Allah, I will not deprive you of your *fay'* even a dirham so long as there remains for me a date palm in Madīnah...”^{55, 56}

It is obvious that the meaning of *anfāl* also would differ as per one's choice of the meaning of *fay'*.

2.4 Comments

Based on this, I have two questions from the author here:

1. On which basis he has accepted the opinion of Shaykh al-Kulaynī and has left aside the other two opinions on the issue?

2. On pg.4 the author says: “I am not interested in any personalities whatsoever with the exception of the Holy Infallibles (a.s.) upon whom my salvation depends. It therefore follows that the viewpoints of the rest of the world are not relevant.” So how come he has recognized the view of Shaykh al-Kulaynī whereas he is not among the Holy Infallibles?!

⁵² *Al-Kāfī*, vol.1, kitāb al-ḥujjah, abwāb al-ta'rīkh, bāb al-fay' wa al-anfāl.

⁵³ Qur'an, 59:6.

⁵⁴ *Al-Jihād*, Muḥammad Mahdī al-Āṣifi, pg.248-250, Markaz-i Intishārāt-i Daftar-i Tablighāt-i Islāmī, first print, Qum, 1421H.

⁵⁵ *Al-Kāfī*, vol.8, kitāb al-rawḍah, khuṭbat li amīr al-mu'minīn (‘a), ḥadīth 2.

⁵⁶ *Al-Jihād*, op. cit., pg.252-253.

5

Khums on the Surplus to Annual Expenses

1.5 Introduction

In chapter three, the author of the booklet brings up a discussion about things on which khums is due. Unfortunately, and contrary to the academic methodology of addressing a juridical (*fiqhī*) problem, the writer brings a few traditions and hastily makes a conclusion about things on which khums is payable. Some of the things he has mentioned in this chapter are objectionable but, ‘As the twig is bent, so grows the tree’, I do not see any point in discussing them here.

However, what the author has been trying to deny in this chapter is the obligation of paying khums on things which are surplus to ones yearly expenses. On pg.39 he says in a mocking manner -as has been his practice throughout the booklet:

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

2.5 The Riwayāt on the Obligation of Khums on the Surplus to Annual Expenses

The following are some of the *riwayāt* which, beside verse 41 of sūrah *al-anfāl*⁵⁷, form the basis of khums on things surplus to ones yearly expenditure:

1. Ibrāhīm bin Muḥammad al-Hamdānī wrote to Imam al-Hādī (‘a) regarding a difference that had occurred among the shī‘ah about khums whether it should be given after the deduction of the expenses of agriculture or after the deduction of the expenses of one’s family. He (‘a) wrote in reply, “Khums is obligatory upon him, after the deduction of his expenses and the expenses of his family, and after paying the tax to the ruler.”⁵⁸

عن علي بن مهزيار قال: كتب إليه إبراهيم بن محمد الهمداني: أقرأني على كتاب أبيك فيما أوجبته على أصحاب الضياع، أنه أوجب عليهم نصف السدس بعد المئونة، وأنه ليس على من لم تقم ضيعته بمئونته نصف السدس ولا غير ذلك. فاختلف من قبلنا في ذلك، فقالوا يجب على الضياع الخمس بعد المئونة المئونة الضيعة وخراجها، لا مئونة الرجل وعياله. فكتب -وقراه علي بن مهزيار: «عليه الخمس بعد مئونته ومئونة عياله، وبعد خراج السلطان.»

2. ‘Alī bin Mahziyār reports from Muḥammad bin al-Ḥasan al-Ash‘arī who narrated that some of our companions wrote to Abū Ja‘far –the Second [i.e. Imam al-Jawād (‘a)]: Tell me about khums, is it due on all small and large profits that a person makes, and is it obligatory on the artisans?

He (‘a) wrote, “Khums is due after deducting the expenditure.”⁵⁹

عن علي بن مهزيار عن محمد بن الحسن الأشعري قال: كتب بعض أصحابنا إلى أبي جعفر الثاني (ع): أخبرني عن الخمس أعلی جميع ما يستفيد الرجل من قليل وكثير من جميع الضروب، وعلى الصناع، وكيف ذلك؟ فكتب بخطه: «الخمس بعد المئونة.»

⁵⁷ “Know that whatever thing you may come by, a fifth of it is for Allah and the Apostle, for the relatives and the orphans, for the needy and the traveler, if you have faith in Allah...”

⁵⁸ *Tahdhib al-Ahkām*, vol.4, kitāb al-zakāt, bāb 35, ḥadīth 11.

⁵⁹ *Wasā’il al-Shī‘ah*, vol.9, kitāb al-khums, abwāb mā yajibu fihī al-khums, bāb 8, ḥadīth 1.

3. Abū ‘Alī bin Rāshid asked Imam al-Hādī (‘a): You instructed me take up your affair and collect your right. So I informed your followers about this and some of them said to me “What is it that is his right?” But I did not know what to answer them. The Imam (‘a) said, “One-fifth (*khums*) is obligatory on them.” Abū Rāshid said: On which things?

He (‘a) replied, “On their goods and industry.” Abū Rāshid inquired: [Are both required to pay khums,] the one who trades and the one who makes them?

He (‘a) answered, “If it is possible for them after [deducting] their expenses.”⁶⁰

عَنْ عَلِيِّ بْنِ مَهْزِيَارٍ قَالَ: قَالَ لِي أَبُو عَلِيٍّ بْنِ رَاشِدٍ: قُلْتُ لَهُ: أَمَرْتَنِي بِالْأَقْبَامِ بِأَمْرِكَ وَأَخَذَ حَقَّكَ، فَأَعْلَمْتُ مَوَالِيكَ بِذَلِكَ. فَقَالَ لِي بَعْضُهُمْ: «وَأَيُّ شَيْءٍ حَقُّهُ؟» فَلَمْ أَذَرِ مَا أَجِيبُهُ. فَقَالَ: «يَجِبُ عَلَيْهِمُ الْخُمْسُ.» فَقُلْتُ: فَفِي أَيِّ شَيْءٍ؟ فَقَالَ: «فِي أَمْتَعَتِهِمْ وَصَنَائِعِهِمْ.» قُلْتُ: وَالتَّاجِرُ عَلَيْهِ وَالصَّانِعُ بِيَدِهِ؟ فَقَالَ: «إِذَا أَمْكَنَهُمْ بَعْدَ مَوْتِهِمْ.»

‘Hum’ (their) in the above tradition, which is the plural form of the masculine third person pronoun, implies the expenditure of persons, that is a person and his family; not the expenses spent on their goods and industry.

4. Samā‘ah reports that he asked Abū al-Ḥasan [al-Kāzīm] (‘a) about khums. He (‘a) replied, “It is due on every profit that people make, small or large.”⁶¹

عَنْ سَمَاعَةَ قَالَ: سَأَلْتُ أَبَا الْحَسَنِ (ع) عَنِ الْخُمْسِ. فَقَالَ: «فِي كُلِّ مَا أَفَادَ النَّاسُ مِنْ قَلِيلٍ أَوْ كَثِيرٍ.»

“Every profit that people make” is absolute and indicates that the obligation of paying khums includes all kinds of profit (*fā’idah*), one of whose instances is the surplus to ones annual expenses.

5. Abū Baṣīr says that I wrote to Abū ‘Abdillāh [al-Ṣādiq] (‘a) regarding a person who receives a gift worthy of two thousand *dirhams*, more or less than that, is he required to pay khums on it? He (‘a) wrote in reply, “Khums is due on it.”⁶²

عَنْ أَبِي بَصِيرٍ، عَنْ أَبِي عَبْدِ اللَّهِ (ع) قَالَ: كَتَبْتُ إِلَيْهِ فِي الرَّجُلِ يُهْدَى إِلَيْهِ مَوْلَاهُ وَالْمُنْقَطِعُ إِلَيْهِ هَدِيَّةٌ تَبْلُغُ أَلْفِي دِرْهَمٍ، أَوْ أَقَلَّ أَوْ أَكْثَرَ. هَلْ عَلَيْهِ فِيهَا الْخُمْسُ؟ فَكَتَبَ (ع): «الْخُمْسُ فِي ذَلِكَ.»

3.5 Comments

Here, I would like to pose the following two questions to the author:

1. How does he interpret the above traditions and their like?

⁶⁰ *Wasā’il al-Shi‘ah*, vol.9, kitāb al-khums, abwāb mā yajibū fihi al-khums, bāb 8, ḥadīth 3.

⁶¹ *Wasā’il al-Shi‘ah*, vol.9, kitāb al-khums, abwāb mā yajibū fihi al-khums, bāb 8, ḥadīth 6.

⁶² *Wasā’il al-Shi‘ah*, vol.9, kitāb al-khums, abwāb mā yajibū fihi al-khums, bāb 8, ḥadīth 8.

2. On page 13, the he quotes Shaykh al-Kulaynī on the meanings of *anfāl* and *fay'* who says, “The whole world was for Adam (a.s.) and after him it belonged to the good ones among his descendents and his successors.” The author does not comment on this phrase which apparently means that he agrees with what al-Kulaynī has said.

Now, if the whole world belonged to Ādam (‘a) and the good ones after him, then it certainly belongs to the Prophet (ﷺ) and his Holy Progeny (‘a) as well. In this case, how come the author rejects the idea that khums could be obligatory on the surplus to annual expenses, when everything belongs to the Ahl al-Bayt (‘a)?!

6

**Āyatullāh Kāshif al-Ghiṭā' and the Declaration of Jihād against the Russians
(1804-1813)**

On pg.45 of the booklet, under the sub-heading ‘The Disastrous Business Deal’, the writer brings a historical event related to the Russo-Iranian War (1804-1813) during the rule of the Qajar dynasty in Iran. The incident has appeared in the following words in the book-let:

In the year 1804, Abbas Mirza the Shah of Iran had a serious problem on his northern border with Russia when war broke out. Since he did not have enough soldiers to repel the Russian army, he approached the ruling Marja of the time Sheykh Ja’far Kashif Ul Ghita to declare Jihad so that it would become an obligation for the Shiites to participate in this war. **The Sheykh agreed on the condition that the Shah would allow the priests to collect the religious tax of Khums.** The deal was struck and Jihad was declared.”

After quoting another incident immediately after the above one, the author gives reference for his quotations. He quoted the incidents from the book *An Introduction to Shi’i Islam* by Moojan Momen⁶³. Surprisingly, he does not even give page numbers for his quotes.

Now let us see the exact text of the incident as it has appeared in Moojan’s work, pg.191:

During the first Russo-Iranian War (1804-13), Fath ‘Alī Shāh’s son and heir, ‘Abbās Mīrzā, who was conducting the campaign, turned to the ulama and obtained from Shaykh Ja’far Kāshifu’l-Ghiṭā (d. 1227/1812) and other eminent clerics in Najaf and Isfahan a declaration of *jibād* against the Russians, **thus implicitly recognising their authority to issue such a declaration** –one of the functions of the Hidden Imam. Furthermore, Kāshifu’l-Ghiṭā used the opportunity to **extract from the state acknowledgement of the ulama’s right** to collect the religious tax of *khums*.

What a contrast between the two! Does not the spirit of Islamic scholarship dictate that one speak the truth even if it is against oneself? Misquoting this historical event, above all, discloses the unfair commitment of the author toward misportraying the image of the Shiite Marāji‘ and ‘Ulamā’.

The above text is more than clear in that the declaration of *jibād* by the ‘ulamā was, in no way, in return to obtaining the permission of collecting Khums from the state. Moreover, Shaykh Kāshif al-Ghiṭā’ was not the only Marja‘ of his time to have issued the declaration of *jibād*, rather such outstanding ‘ulamā as Mīrzā al-Qumī and Sayyid ‘Alī Ṭabāṭabā’ī had also given rulings on the obligation of *jibād* against the Russians.

Āyatullāh Sayyid Muḥammad Ṭabāṭabā’ī was one of the ‘ulamā’ who not only declared *jibād* against the Russians but personally participated in the battle, thus came to be known as ‘al-Sayyid al-Mujāhid’. Now, if the war was declared for the personal benefit of the ‘Ulamā’, then why should have he taken part in it?!

However, whether the incident Moojan has related in his work is historically authentic or not needs verification. Moojan has quoted this incident from the ‘Shiite Hierocracy’ of Said Arjomand, pg. 57-58, who in turn quoted it from *Kitāb al-Jibādīyya* of Mīrzā Īsā Qā’im Maqāmī (d.1237/1820) who was the adviser and vizier of ‘Abbās Mīrzā. I went through this book and, as far as I have searched, I could not find in it the above incident. Instead, what has appeared in the books of history is that Āyatullāh Kāshif al-Ghiṭā’ granted an official permission to Fath ‘Alī Shāh to collect zakāt from people in order to equip the Muslim army against the Russian invaders.⁶⁴

⁶³ *An Introduction to Shi’i Islam: The History and Doctrines of Twelver Shi’ism*, Oxford University Press, 1985.

⁶⁴ *Dāirat al-Ma’ārif-i Buzurg-i Islāmī*, vol.2, pg.101, Markaz-i Dāirat al-Ma’ārif-i Buzurg-i Islāmī, second print, Tehran, 1412H.

The author has quoted another two incidents from Moojan's work on page 46-47 but whose relevance to the topic in hand is not known.

Final Remarks:

The only aim of writing this paper was to remove the misunderstandings and doubts that might have come up in the minds of the mu'minīn regarding the issue of *khums*, otherwise the booklet 'Questions on Khums' is devoid of scholarly value and does not deserve a response. Though its author is, to some degree, acquainted with the Arabic language, he lacks the very basic knowledge of the principles of fiqh. He has not been aware of even the correct titles of some of the outstanding Shiite works on ḥadīth (he writes *Illul Sharia* for '*Ilal al-Sharā'i*' (عِلَلُ الشَّرَائِعِ); see page 51-52 of the booklet.)

What is also surprising is that the author has made use of western sources in order to prove his views on some of the Islamic issues, turning a blind eye to the traditions of the Ahl al-Bayt ('a) and the rich heritage of the Islamic and Shiite scholarship.

The issue of khums, like all other issues in fiqh, is a technical one and one needs enough expertise before dwelling in it. Thorough knowledge of Arabic language and grammar is one of the necessary but not sufficient requisites.

فَقُلْ لِمَنْ يَدْعِي خَيْرًا وَمَعْرِفَةً حَفِظْتَ شَيْئًا وَغَابَتْ عَنْكَ أَشْيَاءُ

Tell him who claims the good and knowledge,
You have learnt one thing while many other things have escaped you.

The other topics that the author is planning to write something about, are mostly issues raised by the followers of the Akhbārī doctrine. The Uṣūlī's have responded to them as well as to the principles and basis of the Akhbārī thought, all of which have taken place in an academic and scholarly atmosphere, and away from any kind of fanaticism.

The doors of the Ḥawzah in Najaf and Qum are open. If the author feels that he is qualified to engage into discussion on such topics, he is most welcome to travel to these holy cities and talk to the experts in the field. But the approach the author has taken of accusing the 'Ulamā' and creating doubts in the minds of people is neither approved by the Qur'an nor sound reason.

“Do not say, asserting falsely with your tongues, ‘This is lawful, and this is unlawful’, to fabricate lies against Allah. Indeed those who fabricate lies against Allah will not be felicitous.”⁶⁵

وَلَا تَقُولُوا لِمَا تَصِفُ أَلْسِنَتَكُمُ الْكَذِبَ هَذَا حَلَالٌ وَهَذَا حَرَامٌ لِيَتَفَتَرُوا عَلَى اللَّهِ الْكَذِبَ إِنَّ الَّذِينَ يَفْتَرُونَ عَلَى اللَّهِ الْكَذِبَ لَا يُفْلِحُونَ

“... And may peace be upon him who follows guidance.”⁶⁶

وَالسَّلَامُ عَلَى مَنْ اتَّبَعَ الْهُدَى

⁶⁵ Qur'an, 16:116.

⁶⁶ Qur'an, 20:47.