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## Khums

### 9. Is allocation of one half of Khums for the Bani Hashim not favouritism?

Some people are of the impression that this Islamic tax, which covers twenty percent of most wealth and one half of which has been apportioned for the sadat,<sup>1</sup> is a kind of familial distinction and smells of nepotism and favouritism – an aspect that is incongruous with the universal nature of Islam and its spirit of social justice.

Those who harbour such views have not studied the conditions and specifics of this ruling completely, for the answer to this objection, in its entirety, lies in them.

Firstly, one half of the khums associated with the descendants of the Noble Prophet (s.a.w) and the Bani Hashim must be given exclusively to the impoverished ones from amongst them and that too, only in the measure sufficient to fulfil their needs for one year (not more)! Thus, the only ones who can utilize it are those, who are either sick and cannot work, or infant orphans and those who, due to certain reasons, cannot make both ends meet.

Therefore, those who are capable of working (in actuality or in potential) and are able to procure an earning, sufficient for leading their lives, do not have the right to make use of this portion of the khums. It follows that the commonly held view among the general masses that the descendants of the Noble Prophet (s.a.w) can utilize khums, however well off they might be, is improper and totally baseless and unfounded.

Secondly, the impoverished and the underprivileged ones from amongst the sadat and the Bani Hashim do not have the right to use zakat; instead they can only utilize this portion of khums.<sup>2</sup>

Thirdly, if the share of the sadat, which is one half of the khums, happens to exceed the needs of the sadat actually present, this surplus should be put into the public treasury to be put to other uses. On the

contrary, if that portion is insufficient to fulfil their requirements then they must be provided for, either from the public treasury or from the zakat.

In view of the above three points it is quite clear that no differentiation has been exhibited between the sadat and the non-sadat, materially.

The needy non-sadat can procure their yearly expenses from zakat but are deprived of khums, whereas the indigent sadat can procure theirs from khums but, in turn, remain deprived from zakat.

In fact, there exist two coffers; the 'coffer of khums' and the 'coffer of zakat'. Each of these two groups has the right to utilize the contents of only one of these two coffers, and that too, equally – that is, one year's requirements only.

But those people who have not reflected over these conditions and details, are given to imagine that the sadat have been allotted a greater share from the public treasury or that they enjoy a special distinction.

The only question that looms up here is that if there is no difference between the two, as far as the outcome is concerned, what is the benefit of such a classification?

The answer to this can be comprehended by taking one important point into consideration and that is, there exists an important fundamental difference between khums and zakat; zakat is considered to be of the taxes that are regarded as part of the general funds of the Islamic society and hence it is essentially utilized in this sector, whereas khums is of the taxes appertaining to the Islamic Government – that is, the expenses of the Islamic Government and its functionaries are paid from it.

Thus, keeping the sadat deprived of the general funds (zakat) is in fact with the objective of keeping the relatives of the Noble Prophet (s.a.w) away from these funds. Otherwise, the Noble Prophet (s.a.w)<sup>3</sup> would be accused of placing his relatives in control of the general funds.

But on the other hand, as the needy and the impoverished sadat do need to be looked after too, it has been stipulated in the Islamic Laws that they would be supported from the funds of the Islamic Government and not from the general funds.

Thus, in reality, not only is khums not a distinction for the sadat, but on the contrary, it is a means to sideline them in view of the general interest and to prevent the arousal of any kind of suspicion and mistrust.<sup>4</sup>

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1. Descendants of the noble Prophet 7 (Tr.)

2. The fact that the Bani Hashim have been forbidden from taking the Zakat is incontrovertible and this is an issue, which has been mentioned in numerous books of tradition and jurisprudence. Is it possible for us to believe that while Islam has made arrangements for the orphans and the incapable and impoverished ones of the non-Bani Hashim, it has left the Bani Hashim without any security – unattended and unlooked after?

3. And if we notice that some of the traditions state:

كَرَامَةٌ لَهُمْ عَنِ أَوْسَاحِ النَّاسِ.

The objective is to keep the sadat away from Zakat, since it is reckoned to be a kind of filth of the people's wealth) it is for the purpose of appeasing and placating the Bani Hashim over this prohibition (of utilizing the Zakat) and also for explaining to the people that they should desist from being a burden upon the public treasury, unless absolutely necessary, and leave the Zakat for those, who are seriously in need of it.

4. Tafsir-e-Namunah, vol. 7, pg. 181

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