

A Comparative Study of the Word "Ghanimtum" in Verse 41 of Surah Anfāl from the Perspective of Shiite and Sunni Narrators and Commentators

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بررسی تطبیقی واژه «غَنِمْتُمْ» در آیه ۴۱ سوره انفال از منظر روایات و مفسران شیعه و اهل سنت

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	چکیده
<p>Abstract</p> <p>The obligation of khums, which is understood from verse 41 of Surah Anfāl, is one of the Furū' ad-Dīn of Islam and is the common among Shi'a and Sunni. Of course, they disagree about the concept and scope of this divine duty, namely the word "Ghanimtum". Shi'a scholars, citing the absoluteness of the word Ghanimtum and the words "Min Shay'" in the verses and hadiths of the infallibles (AS), call any benefit that man obtains as Ghanimtum. The Sunni scholars also, since there is no restriction in its original meaning, and by quoting the word "Min Shay'" and the narrations of the Prophet (PBUH), have interpreted the word Ghanimtum as everything that a person obtains. But for customary reasons they consider it bound to spoils of war. Because the narrations of the Prophet (PBUH) which stated only the division of spoils, never indicate the monopoly of khums on spoils of war and the interpretation of spoils to spoils of war by the followers are mostly the result of their ijtihad. This article tries to examine the word Ghanimtum from the perspective of Shi'a and Sunni scholars by using the library and analytical-descriptive method in order to reveal the reasons for the scholars' disagreement.</p> <p>Keywords: Fiqh, Khums, Ghanimtum, Sunnis, Shi'a.</p>	<p>وجوب خمس که از آیه ۴۱ سوره انفال فهمیده می‌شود، از فروع دین اسلام و مورد اتفاق فریقین است البته درباره مفهوم و گستره مستند این وجوب یعنی کلمه «غَنِمْتُمْ» اختلاف نظر دارند. علمای شیعه با استناد به مطلق بودن واژه غنیمت و کلمات «من شیء» در آیه و روایات معصومین(ع) به هر بهره‌ای که انسان بدست آورد غنیمت می‌گویند. علمای اهل سنت نیز از آن جا که در معنی اصلی آن قیدی وجود ندارد و با استناد به کلمه «مِن شَيْءٍ» و روایات پیامبر(ص)، واژه غنیمت را در هر چیزی که انسان بدست می‌آورد، معنا کرده‌اند ولی به خاطر دلایل عرفی آن را مقید به غنائم جنگی می‌دانند چراکه روایات پیامبر(ص) که تنها تقسیم غنائم را بیان کرده است، هرگز بیانگر انحصار خمس در غنیمت جنگی نیست و تفسیر غنائم به غنائم جنگی از سوی تابعین، بیشتر نتیجه اجتهاد آنهاست. این مقاله در تلاش است با بهره‌گیری از روش کتابخانه‌ای و تحلیلی - توصیفی به بررسی واژه غنیمت از منظر علمای شیعه و اهل سنت بپردازد تا دلایل اختلاف نظر علما آشکار گردد.</p> <p>کلمات کلیدی: فقه، خمس، غنیمت، اهل سنت، شیعه.</p>

Introduction

Khums, which is one of the obligations of the rulings, has its main root in the Holy Qur'an. The word khums means one share out of five shares. In the Holy Qur'an, khums is used on the rhythm of Fu'l; like:

"In what your wives leave, your share is a half, if they leave no child; but if they leave a child, ye get a fourth; after payment of legacies and debts. In what ye leave, their share is a fourth, if ye leave no child; but if ye leave a child, they get an eighth; after payment of legacies and debts. If the man or woman whose inheritance is in question, has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies and debts; so that no loss is caused(to any one). Thus is it ordained by Allah; and Allah is All- Knowing, Most Forbearing." (Nisā'/12)

Therefore, khums in the term of Shari'ah is a right whose departure from the property has been obligatory (Turayhī, nd: 4/66).

God in the Holy Qur'an, in the verse 41 of surah Anfāl, mentions the subject of Khums and says:

"And know that out of all the booty that ye may acquire (in war), a fifth share is assigned to Allah, and to the Messenger, and to near relatives, orphans, the needy, and the wayfarer, if ye do believe in Allah and in the revelation We sent down to Our Servant on the Day of Discrimination, the Day of the meeting of the two forces. For Allah hath power over all things." (Anfāl/41)

There are many narrations about khums, such as the narration of: "Khums has six shares, three of which is for Imam who is the successor of the

Messenger of God (PBUH) and the other three shares are for the orphans, the poor and the homeless." (Tūsī, nd: 340)¹ It has been quoted from the Shi'a in a narration in Sunan Bayhaqī from Abu Hurairah that the holy Prophet said: Khums is obligatory in Rakāz. He was asked what the Rakāz is. He said: The gold and silver mines, which God has created on earth from the first day.

There are narrations from Sunnis who explain its uses and belongings, which shows the general acceptance of the obligation of khums in Islam. So, despite the fact that there is no difference in the obligation of khums, there is a difference of opinion between Sunnis and Shi'as as to what khums is entitled to and how it should be spent. Sunnis consider khums obligatory only on war spoils, but Shi'a jurists, citing the literal meaning of spoils and a large number of authentic narrations of the Infallibles, believe that khums, in addition to war spoils, is used for other purposes such as profit, mines, treasure, etc. Belongs to.

This article examines the views of Shi'a and Sunni scholars and states the reasons so that its aspects are clear and studied by the scientific community.

1. Background

In the era of the presence of the Imams (AS) and the beginning of the Minor Occultation, many jurisprudential books were written by Shi'as about khums, such as the books of Hassan ibn Saeed ibn Hamad ibn Mehran (Najjāshī, 1416: 2); Ali ibn Mahziyar

١. «الخمسة على ستة أسهم، ثلاثة منها للإمام القائم مقام النبي (صلى الله عليه وآله) ... ثلاثة لليتامى والمساكين وابن السبيل».

Ahwazi (ibid., 253); Ali Ibn Hassan Fadhāl (Tūsī, 1417: 2); Muhammad Ibn Isa Ibn Ubaid (Ibid); Muhammad Ibn Urmah Qomi (Najjāshī, nd.: 330), Hussein Ibn Saeed Ibn Hamad (Ibn Shahr Āshūb, nd: 76); Muhammad ibn Hassan ibn Furūkh Saffār (Najjāshī, 1416: 354); Ahmad ibn Muhammad ibn Dawl Qomi (ibid., 1); Scafī (ibid., 3058); Muhammad ibn 'Ali ibn Hussain-ibn Musa ibn Babawayh Qomi (ibid., 389). In the era of the Major Occultation, Shi'a scholars have dedicated a chapter of jurisprudential books to booty or khums. As Ali ibn Babawayh Qomi has discussed khums in the book of jurisprudence attributed to Imam Reza (AS) (Ṣadūq, 1406: 294), Sheikh Ṣadūq in *Al-Muqna'* (Ṣadūq, 1415: 171) and *Al-Hidāya* (Ṣadūq, 1418: 276) has an independent chapter called Khums. Sheikh Mufīd has also independently discussed the subject of khums and booty in the book of *Al-Muqna'* (Sheikh Mufīd, 1410: 276). Also Seyyed Morteza in the book *Al-Antisar* has a chapter entitled "What is obligatory on Khums and its quality" (*Alam al-Hudā*, nd: 225) and also in the book *Rasā'il*, he has mentioned the rules of Khums (*Alam al-Hudā*, nd: 226).

In contemporary times, many works on the jurisprudential issue of khums have been written by Shi'a scholars, but most of their topics are devoted to the study of jurisprudential narration on the examples of khums and how khums is calculated. Only in the introduction of their book, they have given a brief discussion about the receipt of khums for war spoils by the Messenger of God (PBUH) and the efforts of the Imams (AS) to express the obligation and subject of khums. The book *Al-Khums* by Ayatollah Hussein Nouri Hamedani discusses the history of Khums during

the time of the Prophet (PBUH) as well as some reports of Khums being paid by Shi'as to the Imams. Another book that deals briefly with the history of khums in the time of the Messenger of God (PBUH) is the book of khums by Seyyed Hassan Imami. Of course, most of the author's efforts are to prove the necessity of khums in the interests and also to answer the doubts of the Sunnis. The article on the contemporary interpretation of the verse of khums by Mohammad Fakir Meybodi has also expressed doubts, but none of the works have examined the reasons for the necessity of khums and proving it from the point of view of Shi'a and Sunni commentators, so in this article we will examine this issue.

2. *Asbāb al-Nuzūl of the verse*

The commentators, considering the context of the verse and the verses before and after it, believe that the holy verse was followed by a dispute over the division of the spoils of the Battle of Badr. Allameh Tabataba'i regarding the connection of the verses in the surah and its explicitness to the battle of Badr shows that this holy verse was revealed about the battle of Badr and its spoils (Tabataba'i, nd: 9/9). Of course, Wāqidī relates it to the battle of Banī Qinqā', which took place one month after the battle of Badr and twenty months after the migration (Ālūsī, 1415: 5/200). The beginning of this surah indicates that after the battle of Badr some Muslims argued over the division of spoils of war, and God, in order to eradicate the matter of discord, gave the spoils to the Prophet so that he could use it as he wish and the Prophet (PBUH) divided them equally among the warriors (see: Mohammad, 2012: 90-92). Ayatollah Makarem Shirazi states the *Sabab-e-Nuzūl* of this verse

according to the context of the verse which is about jihad and since jihad is often associated with the issue of booty, the holy verse has been revealed regarding the ruling of war spoils. Then he has spread the verdict from the spoils of war to all incomes (Makarem Shirazi, 2001: 7/172).

3. Explaining the word Ghanīmat

The Qur'anic lexicographer, Rāghib, has interpreted Ghanam to mean the property of the enemy that is obtained in war, and then he believes that it has been used in everything that reaches man, whether it is from the enemy or non-enemy (Rāghib Isfahāni, 1412: The word Ghanam). Ibn Fāris has stated the meaning of the word Ghanīma as Ghanam, which is the sum of Ghanā'im i.e. spoils of war. Some lexicographers have defined Ghanīmat as a benefit that he did not own before (Ibn Fāris, 1404: The word Ghanam). So, in general, Ghanam and Ghanīmat is a financial gain, which is obtained without difficulty and has no previous ownership or other partner. Of course, each lexicographer has mentioned one of its features and there is no difference between the definitions because they all mean the acquisition of property.

4. Ghanīmat from the point of view of commentators

In the analysis of the meaning of the word Ghanīmat in verse 41 of Surah Anfāl, the views of Shi'a and Sunni commentators on this word have been examined in order to clarify the commonalities and specifics of the views of each of them by stating the arguments of the commentators.

4-1. The views of Shi'a commentators

Shi'a commentators, considering the absoluteness of the word Ghanīmat, believe that khums is obligatory on any profit obtained from war spoils or from

the benefit of work and trade or treasure, mining and diving (Tūsī, nd: 5/123). Allameh Tabataba'i considers Ghanam and Ghanīmat to mean gain through trade, work or war, and the Sabab-e-Nuzūl in this verse has been adapted to war spoils (Tabataba'i, nd: 9/89). Therefore, Ghanīmat has two meanings: a special meaning that is used for war spoils, and a second general meaning which, in addition to war spoils, also includes the gains of treasure, mining and diving. In the verse "And know that out of all the booty that ye may acquire (in war)" the sentence begins with the verb "know" which is addressed to the believers because whenever God begins the sentence with "O; you believers..." He states the legal rulings and instructions like "O ye who believe! The law of equality is prescribed to you in cases of murder" (Baqarah/178), or "O ye who believe! Obey Allah, and obey the Messenger, and those charged with authority among you." (Nisā'/59). In this surah, God has stated for several times the phrase "O; ye who believe" (Anfāl/15, 20, 24, 26, 29 and 45) which makes it clear that the addressees of this verse are also believers.

Another point in this verse is that instead of "أخمسوا غنائمكم" or "خمسوا", God has expressed the ruling as a punishment and warning to the addressee and expressing concern for the dignity of khums with the phrase "And know that out of all the booty that ye may acquire" in the beginning of sentence has emphasized "khums".

Allameh Tabataba'i considers the verse as the legislator of the eternal rule of khums like other Qur'anic legislations (Tabataba'i, nd: 9/91). Sheikh Tūsī (RA) in his commentary, after mentioning the holy verse of Khums, writes in the meaning of

"Ghanimtum": "Ghanīmat is what taken from the infidel warriors by war, and it is a gift from God to the Muslims; And for our (Shi'a) companions, khums is obligatory for every benefit that a person obtains through business and profit of trades and treasures and what they take out of the sea, and other than what is mentioned in the books of jurisprudence. And it is possible to argue with this verse (Khums verse) for this matter, because all these cases are called Ghanīmat (Tūsī, nd: 5/122 and 123).

However, Ṭabrasī, in his commentary "Majma' al-Bayān", says: "Ghanīmat is what taken from the property of infidel warriors through war, and this (property) is a gift from God to Muslims And our companions (Shi'as) have said: Khums is obligatory and for every benefit that man gains from businesses and mines and things that they take out of the sea, and other than what is mentioned in the books. And this verse (khums) may be argued for this matter, because in the dictionary, all this property is called Ghanam and Ghanīmat." (Ṭabrasī, 2006: 4/543 and 544).

Ayatollah Jawādī Āmulī, says that the verse "And know that out of all the booty that ye may acquire" has many words with emphasis on action. It is not only a purely scientific matter that God wants to say the jurisprudential issue, but "and know and act" means to know and act. Because it follows that if you believe in God and what He has revealed to the Prophet, then knowing does not require faith, then it becomes clear that knowing needs acting. The second point of the second word is its emphasis that the letter "Anna" has been repeated in two places. "Anna" itself is useful for emphasis. Its repetition is also useful for emphasis.

Of course, in terms of ordinary calligraphy, this "Anna" should be written separately from "Mā". Because we have an "Anna Mā" that is useful to limit, it is a word, but here it is for connection (Jawādī Āmulī, 2015: 32/ following verse 41 of Surah Anfāl).

Therefore, since God has said: "And know ...", in any case, the verse definitely intends to express a religious rule and not a matter of belief. Therefore, whenever the addressee knows that khums of Ghanīmat is not in his property and it is owned by the six tribes mentioned in the verse, he considers it his duty to offer khums to them and he considers this amount of property as a trust in his hands. And God says in the Qur'an: "God commands you to give back the trusts to their owners." (Faḳīh Imāmī, 2002: 78).

One of the reasons for the Shi'a scholars is the expression of "Min Shay" in the verse, because the ambiguity in the "Mā" is eliminated by the "Min". This reason is desired by all commentators of different religions with different theological, mystical, jurisprudential tendencies, etc., because "Min Shay" means war and non-war spoils, but any kind of halal benefit, as the word Ghanīmat has been used in this meaning in the Qur'an and narratives, in this sense, such as: "With Allah are profits and spoils abundant." (Nisā'/94) "When ye set forth to acquire booty (in war)" (Fath/15), "And many gains will they acquire (besides): and Allah is Exalted in Power, Full of Wisdom." (Fath / 19)

The holy Prophet (PBUH) said: "When a wise man wants to speak, he thinks first, if he sees it is a good word, he says it. So he benefits, and if it is bad, he does not say it and stays

healthy." (Ibn Shu'bah al-Ḥarrānī, nd: 28)

Amir al-Mu'minin Ali (AS) said: "Today is a day of spoils and treasures, we do not know whether we are alive tomorrow or not "(Ibn Shu'bah al-Ḥarrānī, nd: 220). Therefore, Ghanīmat, provided there is no exception, includes any profit from agriculture, trade, industry and gifts (Fākir Maybudī, 2012: 12).

4-2. The views of Sunni commentators

Many Sunni scholars, considering that there is no restriction in the original meaning of Ghanīmat, believe that the word Ghanīmat is used in everything a person gets from an enemy or a non-enemy, but for other customary reasons it is limited to war spoils. The Ghanīmat is interpreted by the Sunni commentator Qurṭubī to mean something that an individual or a group achieves through effort. And in the verse, Ghanīmat includes property that reaches the Muslims by defeating the infidels, but it should be noted that the adverb has been included in the custom of Sharia (Qurṭubī, 1985: 1/8).

Fakhr Rāzī in his commentary considers Ghanīmat as something that man achieves and then says: "The religious meaning of Ghanīmat according to Sunni scholars is the same as war spoils" (Fakhr Rāzī, 1420: 15/164) And Rashid Reza, another Sunni commentator, has not assigned Ghanīmat to war spoils and has stated a wide meaning for it. While he believes that due to religious restrictions, the broad meaning of the verse should be limited to war spoils. (Rashid Reza, nd: 10 / 3-7).

In Tafsīr Rūh al-Ma'ānī written by Ālūsī, the famous Sunni commentator, Ghanam means any profit and benefit

(Ālūsī, 1415: 2/10). Also, the phrase of the verse indicates a religious ruling, as Zamakhsharī has stated in the phrase "Surely khums is for Allah" (Zamakhsharī, 1400: 2/221). Therefore, the sentence of obligation has been announced due to the deleted news, which is indicated by the context. Commentators have stated that the meaning of "Min Shay'" is that whatever the name of the object is true to it, and in their own words, "even the string and the needle" (thread and needle), is in the circle of "What your spoils are" (Rāzī, 1420: 15/485; Nayshābūrī, 1416: 3/401; Ālūsī, 1415: 5/200; Ḥaqqi Barsawī, nd: 3/347) But according to customary reasons, the object only includes the property of the infidel, which is obtained through the spoils of war.

4-3. Summarizing the views of the commentators

According to Shi'a scholars, due to the absoluteness of the word Ghanīmat and emphatic words and the expression of "Min Shay" in the verse of Ghanīmat, it includes any profit from agriculture, trade, industry and gifts. And according to Sunni commentators, Ghanīmat means any benefit, but for other customary reasons it is tied to war spoils.

5. Expressing narrative arguments

Then, we consider the view of Shi'a commentators by referring to the narrations of the Holy Prophet (PBUH) and the infallible Imams (AS) and we also consider the view of the Sunnis by referring to the arguments of the Holy Prophet (PBUH) and the Companions, and we will state the narrative arguments in the analysis of the word Ghanīmat.

5-1. Shiite Narrations

In the narrations of the Holy Prophet (PBUH) and the infallible Imams (AS), examples of Ghanīmat to which khums belongs are mentioned, and some examples of it are mentioned below:

There is a correct narration that Sheikh Tūsī quotes it from Ali Ibn Mahziyar from Imam Bāqir (AS) in Tahdhīb and Istibṣār. In this narration, Imam Bāqir (AS) says: "But the spoils and incomes, so their khums is obligatory on the people every year, God has said: "And know that the spoils ..." the spoils and the benefits are the Ghanīmat that man takes and the benefits that he finds." (Tūsī, nd: 4/141/20/39; Tūsī, 1984: 2/60/12/32). We will now comment on this hadith: In short, the fact that Imam Bāqir (AS) has referred to the verse for the obligation of khums in absolute benefits it is based on such narrations. (Faḡīh Imāmī, 2001: 102).

Sheikh Ṣadūq has quoted a narration from the Holy Prophet (PBUH) in this regard: The Prophet (PBUH), while giving the advice to Imam Ali (AS), said: "O Ali, Abd al-Muṭallib set five traditions in the age of ignorance that God implemented in Islam. He forbade the wives of fathers to their children, and God revealed the verse: "Don't marry the wives of your fathers..." And that he found a treasure and spent its khums in the way of God, so this verse was revealed: "And know that the spoils ..." If Ghanīmat in the verse meant only spoils of war, the verse had nothing to do with the tradition of Abd al-Muṭallib, then this hadith implies that Ghanīmat is called to the absolute income, of which treasure is one example. Ṣāḡīb Wasā'il quotes a hadith from Sayyid ibn Tawus: It was narrated from Musa ibn Ja'far, from his father (AS) that the Messenger of God

(PBUH) said to Abu Dharr, Salman and Miqdād: Make me a witness for you to testify to the oneness of God (as far as he said :) and that Ali Ibn Abi Ṭālib is the successor of Muhammad(PBUH), and he is Amir al-Mu'minin, and his obedience is the obedience of God and His Prophet, and the Imams are all his children. And that the friendship of his family is obligatory and necessary for every believer, along with saying prayer in due time and paying zakat through halal way and consuming it among his people and paying khums from whatever each people owns it, so that it reaches the one, who is the guardian of the believers and their emir, and after the Amir al-Mu'minin khums belongs to the imams who are his children; and he who is incapable and has no power to pay except a little of the wealth. Then khums belongs to the weak of my family, who are the children of the Imams. The Prophet (PBUH) also wrote letters to the heads of the tribes and wufūd (i.e., those who came to Medina from outside Medina to visit the Holy Prophet (PBUH)), reminding the chiefs to pay khums as Ghanīmat. While there was no war to pay khums of the spoils of war." (Ḥurr Āmulī, 1409: 6/386/4/21).

The original of this hadith has been narrated by Sheikh Tūsī (RA) both in "Tahdhīb" (Tūsī, nd: 4/16/6) and in "Istibṣār" (Tūsī, nd: 2/17/9/7): Muhammad ibn Ali Nayshābūrī asked Imam Ali al-Naqī (AS) about a man who received a hundred crores of wheat from his own farm as a tithe by the caliph and spent thirty crores to reform and develop the same farm. The remnant is sixty crores. How much he must pay as khums? The Imam wrote in reply: What was left of his living expenses, its khums will be our right. What is used in this narration is that:

First of all, the land of the farm belonged to him, because in the text of the narration, it was mentioned "From his farm", that is, it was neither a waqf nor a land open to the public. Secondly, the zakat on wheat has been taken from him: "Take him tithe." Thirdly, zakat is not taken legally, according to the phrase "Ma Yuzakki", fourthly, if the wheat for which zakat was given exceeded the annual consumption, khums of the excess amount must be paid. This hadith is not invalid in terms of its meaning and that khums according to this narration is reserved for the Imam, not because the Imam is responsible for collecting and distributing khums among the deserving during his presence, but because it is said "It is my khums" and the division of Khums and its non-allocation to the Imam are mentioned in the text of the Qur'an and they never ruled against the Qur'an (Hurr Āmulī, 1409: 6/348/2/Book of khums/Chapter 8).

The Shi'as did not need to use the history and events of the time of the Prophet (PBUH) in the sources of the rulings; because the Shi'a took the rulings directly from the Book and 'Itrat according to the order of the Prophet (PBUH) who had said: "I am leaving among you the two weighty things, the Book of God and my progeny." (Majlisī, 1403: 2/226/3)

In addition, a number of narrations have been narrated from the Ahl al-Bayt (AS), especially from Imam Bāqir (AS) who said: My hadith is the hadith of my father and the hadith of my father is the hadith of my grandfather and the hadith of my grandfather is the hadith of Imam Hussein and the hadith of Imam Hussein is the hadith of Imam Hassan and the hadith of Imam Hassan is the hadith of Amir al-Mu'minin and the hadith of Amir al-Mu'minin is the

hadith of the Prophet and the hadith of the Prophet is the word of God. (Kulaynī, 1430: 1/53/14). Therefore, the Shi'as do not see any difference between the biography of the Imams (AS) and the biography of the Prophet (PBUH) and consider the speech of the Ahl al-Bayt (AS) as the tradition of the Prophet (PBUH) (Faqīh Imāmī, 2001: 138).

5-2. Sunni narrations

There are examples of the spoils in Sunni hadith books to which khums is attributed, such as Rakāz, Kanz, Madan, and Suyub, including:

Ṣahīh Bukhārī says: Malik and Ibn Idris have said: "Rakāz" is the treasure at the ignorance era in which khums is obligatory, and Umar ibn 'Abd al-'Aziz used to take five from each of the two hundred mines. That is, he did not consider the mines to be Rakāz, because if he was a part of Rakāz, he had to pay forty out of two hundred (that is, khums) (Bukhārī, 1410: 2/137, a chapter on Rakāz al-Khums).

And Hassan said: Whatever Rakāz is found in the Dar al-Ḥarb has khums and what is found in the land of peace has Zakat. Note that in this speech, he has set khums in front of zakat. Second: If there was one-fifth of zakat in Rakāz, then it should reach the eight expenses that are specified in the verse of Zakat - "Only the alms for the poor ..." (Tawbah/60). If the public and private has determined its consumption as the consumption of the spoils of Dar al-Ḥarb. Now pay attention to the words of the jurists.

Ḥanafīs have said: Mining and Rakāz have the same meaning; and Rakāz is legally a financial thing that is found underground, whether it is natural that God created it, without anyone placing it underground, or

whether it is a treasure that the infidels hid. The amount that comes out of the mine and the Rakāz (one-fifth) is not actually called zakat, because what is stipulated in zakat is not stipulated in them (such as quorum and consumption).

Mines are divided into three types:

1. Those that can be soft and flexible with fire.
2. Those that are liquid and fluid.
3. Those that are neither flexible nor fluent.

Flexible mines such as gold, silver, copper and iron. Flow mines, such as bitumen and oil. Minerals that are neither flowing nor flexible, such as lime and jewelry. However, those mines that become flexible by fire are required to pay its khums, and their consumption is the consumption of the khums of the booty mentioned in the verse of khums. But the mines that flow, such as bitumen, oil and salt, have nothing in them, no Khums and not Zakat. And it's like mines that are neither flexible nor flowing, like light and jewels, so nothing is necessary in them. And in the same book, he quotes from the Maliki that: They say: In Rakāz (which they consider only the treasures that were hidden in the underground during the time of ignorance), it is obligatory to take out its khums, whether it is gold, silver, other than that, whether the Muslim has found it. Whether non-Muslim, whether the finder is free or slave. This khums, like war booty, must be spent in the public interest. (Al-Jazīrī, 1424: 1/494). In the same book, he quotes the Ḥanbali who say: (Ibid. 1/495). It is obligatory for a person who has found "Rakāz" to pay khums of the treasury so that the Imam or the Deputy Imam can spend it in the public interest; and the rest is for the person who found it.

If this was one-fifth of the zakat, they would not have said: The Imam should consume it. Rather, it was spent in the eight guilds in the verse of alms.

As Abu Ubayd al-Qasim ibn Salam writes: This is the ruling on khums in which interference is related to the Imam and is left to the Imam. But almsgiving has not reached any of the leaders and scholars to bring it to the consumption of anyone other than the eight guilds of which they need alms. Therefore, the ruling on khums and the ruling on charity are different in this regard. And both (the people of Khums and the people of Zakat) are mentioned in the book and Sunnah. (Hirawī Al-Baghdadi, nd: 456).

Abu Yūsuf writes in the book "Fiqh al-Mulūk wa Miftāh al-Ratāj al-Mirsad ala Khaznah al-Kitab al-Kharaj": "Rakāz" means the gold and silver in which God created the day when He created the earth. Khums is also obligatory in Rakāz. A person who finds an old treasure, as long as it is not in the land of others and it is gold or silver or jewelry or clothes, its khums is obligatory. Four-fifths of it is for the one who found it, and this khums is the Ghanīmat that people get, the khums of which is taken, and what remains is theirs. Therefore, everyone believe in the necessity of Khums in Rakāz, and in consumption, everyone considers the Khums of Rakāz to be the same as the Khums of Ghanīmat. As a result, we cannot interpret the news of "There is no khums except in the spoils" as follows: Khums is not obligatory, except in the spoils of war. This research is the best proof of the correctness of the commentators' words in the meaning of this hadith.

In Ṣaḥīḥ Bukhārī and al-Tirmidhī, it is stated: " (Bukhārī, 1410: 4/250, a chapter of Tawhid; and 1/13/19; and

3/53; Nayshābūrī, 1334: 1/35 and 36, chapter of faith; 5/136; Nisā'i, 1406: 2/333; Hanbal, nd: 3/318; and 5/136; Hirawī al-Baghdādī, nd: 12). A man from Banī Abd Qays came to the Holy Prophet (PBUH). When he wanted to leave him and return to his tribe, the Prophet ordered him to pray, fast, pay zakat, and pay khums on his income. But there was no war to mean the spoils of war, because 'Abd al-Qays, out of fear of the polytheists of the "Muzir" tribe, left his place only in the peace months. That is, Abd al-Qays did not have the power over war, but was in complete secret. Therefore, there was no Ghanīmat in their hands to demand khums of them. Third: In the matter of zakat, which was related to the interests of Muslims, especially the poor and needy, the Prophet of Islam (PBUH) was commissioned to collect this tax from the people; "Take charity from their property..."

And in order to obey this, the Prophet (PBUH) had to send agents around to collect zakat in order to spend it, but khums was the right of the Prophet and his relatives, and it resembled personal property. Therefore, the Prophet (PBUH) was not commissioned to receive it, but only had the duty to convey his rights and those of his relatives to the people, so that they could do their duty themselves. In short, khums cannot be compared to zakat, and the failure to send officials to receive khums cannot be used as a reason for not requiring khums. Also, according to Shi'as and Sunnis, khums was obligatory in "Rakāz and Ma'dan" and the Prophet (PBUH) did not send anyone to receive it. Fourthly: It has been narrated in Futūḥ al-Baladān that: When the Messenger of God (PBUH) sent Amr ibn Ḥazm to Yemen, he wrote a letter

to him with the following subject: In the name of God, Most Gracious, Most Merciful; this is a statement from God and the Messenger of God! O you who believe! Fulfill your covenants, the covenant of Muhammad, the Messenger of God, to Amr ibn Ḥazm, when he sent him to Yemen and commanded him to be pious and fear God, and ordered him to take the khums of God from his income, and what Believers are obliged to give alms. (Balādhurī, 1408: 1/84).

And Ibn Hūshām in Sīra (Ibn Hūshām, nd: 4/265) has almost the same theme. And Ṭabarī and Ibn Kathīr each in their own history (Ṭabarī, 1983: 1/1727; Ibn Kathīr, nd: 5/76); And Abu Yūsuf in the book Al-Kharaj (Abu Yūsuf, 1399: 85); and Ḥākim in Mustadrak (Ḥākim Nayshābūrī, nd: 1/395); And Muttaqī in Kanz al-'Ammāl (Muttaqī, 1401: 5/867/14573). Also, the Messenger of God (PBUH) wrote a letter to the tribe of Sa'd ibn Hazīm and the tribe of Juzām and sent 'Ubay' and 'Anbasah' to receive alms and khums (Ibn Sa'd, 1410: 1/270). And there are many other cases that are not covered by the expert, considering that in none of these cases was there a war between Muslims and infidels that the Prophet demand their spoils. And the Messenger of God (PBUH) sent Imam Ali (AS) to Yemen to receive khums (Haythamī, 1386: 3/78) and he also appointed Muhammiyah ibn Juz' to receive khums (Hirawī Al-Baghdādī, nd: 461; Nayshābūrī, 1334: 2/754). Fifth: According to the narrations, almsgiving and zakat are forbidden for Bani Hashem, and war, which is not always between infidels and Muslims, so how should the poor and needy of my family live? And where should their living expenses be provided?! Sixth: From whom should the issues of khums

and the cases of belonging be heard and in what books should it be read?! If you expect from the Sunnis, it is a vain expectation. Because Umar prevented the narration of hadiths until the time of Umar ibn Abd al-'Aziz, the narration of hadiths was completely forbidden. And after one hundred years, there were no documented hadiths in the hands of individuals, and if the hadiths were also documented, among those great narrators was no one who defended the rights of Ahl al-Bayt. Bukhārī and Muslim, who narrate hadith from more than two thousand and four hundred people, do not narrate hadith from any of the Ahl al-Bayt of the Prophet (PBUH) except for two hadiths, which are against the Ahl al-Bayt (AS) (Najmi, 2016: 90 and 91). But in the history we also ask how the chroniclers who were contemporaries of Banī Umayya and Banī Abbas and were their mercenaries, were expected to describe in detail the history of khums and the perpetrators of khums and the quality of its distribution? And engage with the rulers of the time? If we are very optimistic, we say: out of fear, they did not reveal historical facts, and otherwise, referring to their books, we cannot believe their good intentions. And for more information about the betrayals of those like Ṭabarī and Ibn Kathīr, refer to the noble book "Al-Ghadir" (Amīnī, 1416: 2/287/ Volume 9 from page 67 onwards). Moreover, khums was a matter of "Wilāyat" and proving such a right for the Ahl al-Bayt (AS) required acknowledging their caliphate. However, how is it possible for Sunni writers to prove a right that their leaders tried to usurp it, a right that was a sign of Ahl al-Bayt's (AS) Wilāyat, but in the end, some narrations have been written by their pens,

through which the facts can be understood.

5-3. Summarizing narrations

According to the narrations, it was seen that the narrations of both Shi'a and Sunni tribes are obligatory on the obligation of khums on Ghanīmat that is not reserved for war spoils. The only difference between the narrations is in the expression of examples of Ghanīmat, which in Shi'a narrations refers to everything that remains of the means of life, and in Sunni narrations Ghanīmat includes mines and treasures and any kind of gifts.

Conclusion

In verse 41 of Surah Anfāl, God states the obligation of khums, but there is a difference of opinion among the Shi'a and Sunni commentators on the meaning of the word spoils in the holy verse. Shi'a scholars, because of the use of the word Ghanīmat, believe that Ghanīmat includes all war and non-war spoils, including the benefits of labor, trade, agriculture, mining, and the like. Because "Min Shay" contains every kind of spoils and benefits. According to many Sunni commentators, the word Ghanīmat is everything that a person obtains from the enemy or non-enemy. As in their own words (thread and needle) are considered Ghanīmat. Therefore, there is no restriction in its original meaning, but it is bound to the spoils of war due to the ijtiḥād of the Ṭābi'īn. According to the narrations of the Prophet (PBUH) and the infallible Imams, in Shi'a sources, Ghanīmat means everything that remains of the means of livelihood, and in Sunni sources, it includes mines and any kind

of gift. So it is not dedicated to spoils of war.

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