

Notes of Lectures on Fiqh

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Lecture # 11 (Friday 21 September 2001)

MORE ON CONDITIONS FOR PERSONS RECEIVING SEHME SADAT

☀ The five general conditions (as discussed in Fiqh Lecture Notes #10) are that the person receiving sehme sadat (1) Must be a saiyed, (2) Must be a shia ithna asheri, (3) Must be poor (faqeer), (4) Must not be a relative, whose maintenance is wajib on you, (5) Must be given sehme sadat for not more than one year's of his/her expenses.

☀ If a sadat traveller (musafir) becomes poor (faqeer) (even though he was well off in his home town), then sehme sadat can be given to him as travelling expenses upto the extent that he can return to his home town (provided he fulfils other conditions for receiving Sehme Sadat).

☀ You are allowed to give your Sehme Sadat to your relative, whose maintenance is wajib on you, only for those expenses, which do not fall under wajib maintenance expenses on you. This is only if your relative also fulfils all conditions necessary for receiving the Sehme Sadat.

CONDITIONS ON CHARACTER OF PERSONS RECEIVING SEHME SADAT

☀ In addition to five general conditions mentioned above, a person receiving Sehme Sadat must also fulfil five other conditions related to his/her character. These are:

- (1) **Must not be a salat-omitter (one who omits namaz)** (whether openly or secretly)
- (2) **Must not be a drunkard (sharabi)** (whether openly or secretly)
- (3) **Must not be openly fasiq** (committing sins openly such as shaving beard, not observing hijab etc)
- (4) **Must not spend it in sinful activities**
- (5) **Must not get encouragement in sins by receiving sehme sadat**

☀ According to present mujtahids (maraje), an **adil** (just) is that person who keeps away from all sins, whether major or minor. Current mujtahids are of the opinion that a person receiving khums, zakat or fitra need not be an adil (just), but he/she must fulfil all above five conditions.

☀ For giving other charities such as mustahab sadqa, the condition of receiver being adil is not necessary, and these charities can also be given to any poor Muslim or even to poor non-Muslims (provided they are not hostile to Islam or Muslims).

☀ According to all Mujtahids (present and recent past), the requirement of above five conditions on character are on the basis of Ihtiyate Wajib (precautionary wajib) for the person giving the sehme sadat.

RULES FOR GIVING SEHME IMAM

☀ There are three methods of giving Sehme Imam portion to your Marja (Mujtahid whom you

follow):

- (a) Give personally to your Marja
- (b) Give or send to legal representative (wakil) of your Marja
- (c) Give to an organisation, which has permission (ijaza) from your Marja

☀ Can you give Sehme Imam to other Mujtahids (other than your Marja) ? No. Even though Mujtahids are considered equal, there are two cases, in which you must refer to your own Marja – for getting fatwa (legal opinion) on an issue, and for paying Sehme Imam portion of khums.

☀ One must be very careful regarding ijaza (permission) given to an organisation. Normally the ijaza is in Arabic and in most cases it is conditional. One should be aware of the meaning and conditions given in the ijaza document before giving Sehme Imam.

☀ Some wakils (representatives of Marja) have also been given extra powers from Marja regarding khums. These may include power of allowing delay of payment of khums, or power of allowing Sehme Imam to be used for other purposes etc.

☀ If your Marja dies, then the validity of all ijaza (permissions) of that Marja expires immediately, and all wakils (representatives) of that Marja lose their wakalat immediately.

☀ If you are still a follower of Ayatullah Khui (who is dead) through the fatwa of your living Marja, then you should calculate your khums according to the fatwas of Ayatullah Khui, but you will pay your khums to your living Marja (such as Ayatullah Seestani).

☀ If you send khums (sehme sadat or sehme imam) overseas or within your country by post or other means to the deserving or authorised people, and the money gets lost and does not reach those people, then the responsibility is yours, and you have to pay it again making sure that it reaches the intended person.

ITEMS ON WHICH KHUMS BECOMES WAJIB

☀ Khums is wajib on 7 types of things. One of the most common things on which khums becomes wajib is the annual savings from the income.

☀ Another thing on which khums becomes wajib is treasure (khazana). Treasure is that wealth, which was buried underground by somebody, and someone else finds that treasure all of a sudden. In such a case khums on that treasure becomes wajib immediately when it is found (not after one year).

☀ If you receive a gift (in any form or cash) from some one, and if that gift item remains unused for one year, then Mujtahids differ on whether khums is wajib on such gifts or not. According to Ayatullah Khui and Seestani, khums is wajib on unused gifts. According to Ayatullah Khomeini and Khamenei, khums is not wajib on unused gift.