

Khums (one Fifth)

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

We read in the Holy Qur'an:

Know that whatever of a thing you acquire, a fifth of it is for Allah, for the Messenger, for the near relative, and the orphans and the needy and they way farer (Qur'an 8:41)

Thus Khums (literally one fifth of gain) should go to six people:

1. Allah
2. His Messenger
3. The near relative of the Messenger (Ahlul-Bayt)
4. Orphan
5. needy
6. the person who has fallen away from his home-town (and has no money to comeback to his own place).

The portion of Allah goes to His Messenger to be spent for the path of Allah. After the Prophet passed away, and at the time of the first 11 Imams, the first 3 portions used to go to the Imam of Ahlul-Bayt to be spent in the path of Allah.

Now that we have no access to Imam Mahdi (as), a religious scholar will receive the first three portions (which will be half of total Khums) who will spend it on behalf of Allah, His Messenger, and his Ahlul-Bayt in the path of Allah (like spending it on the theological schools or any other things that they feel necessary in religious matters). also, if the scholar does not have any source of income and all his effort is for the religion, he can only spend a portion of what he receives as Khums for his ordinary expenses which could provide him an average or below average lifestyle. The scholar does NOT have to be the descendants of the Prophet (S) to be entitled to receive Khums.

As for the last three portions, it doesn't go to a scholar. It can be directly spent on the needy people who should be, of course, the descendants of the Prophet (S). Note that it is forbidden to give Zakat (another religious tax which both Shi'a and Sunnis pay) and charity to the descendants of the Prophet. Thus Zakat revenues and charities go to those needy who are NOT the descendants of the prophet, while half of the Khums goes to those needy people who are the descendants of the Prophet.

One should also note that during the history of Islam till now, the descendants of the prophet were being prosecuted every where and were deprived of their rights. Also a minority among Muslims continue to pay Khums (i.e., only Shi'a follow this Sunnah of the Prophet). In other words, only 20% of all Muslims pay Khums which heavily decreases the amount of what the needy descendants of Prophet get from Khums ($=20\% \times \frac{1}{2} \times \frac{1}{5} = 2\%$) when it is compared with the amount that needy people who are not the descendants of the Prophet get through Zakat from all Muslims (2.5%) plus

all the charities which could be much more than 2.5%. In the verse of Khums mentioned above "ghanimtum" has been used which has been translated as 'you acquire'. As explained above, it means, 'certain items which a person acquires as wealth'. What are these certain items?

According to the hadiths of the Ahl al-Bayt Imams, the items that are eligible for Khums are seven, and they are

1. the profit or the surplus of income
2. the legitimate wealth which is mixed with the illegitimate wealth
3. mines and minerals
4. the precious stones obtained from sea by diving
5. treasures
6. the land which a dhimmi kafir buys from a muslim
7. the spoils of war.

However there are some people who interpret the word ghanimtum as 'whatever of a thing that you acquire as spoils of war', thus confining the obligation of khums to the spoils of war only. The interpretation is based on ignorance of

"the Arabic language

"the history of khums

"the Islamic laws

"and the interpretation of the Qur'an

Please bear in mind that the word ghanimtum has been derived from al-ghanimah.

The Meaning Of The Word Ghanimtum

The famous Arabic dictionary of al-Munjid (Father Louis Maluf of Beirut) states, al-ghanim and al-ghanimah means

“what is taken from the fighting enemies by force

“all earnings generally

Furthermore the saying "al-ghunm bil ghurm" means that profit stands against expenses, i.e, the owner is the sole proprietor of the profit and nobody shares it with him, therefore only he bears all the expenses and risk. For the readers satisfaction, they are also encouraged to look up dictionaries like Lisan al-Arab and al-Qamus.

This implies that in the Arabic language ‘ al-ghanimah ‘ has two meanings, one is the spoils of war, and the other is profit. The above quoted proverb also proves profit is not an uncommon meaning. When a word in the Qur’an can be interpreted in more than one way, it is incumbent upon the Muslims to seek guidance from the Holy Prophet (S) and the Ahl al-Bayt.

The History Of Khums

Khums is one of those things which were introduced by Abdul Muttalib (ra) the grandfather of the Prophet (S), and it continued in Islam when it was revealed in Qur’an. Acting upon a command of God given to him in his dream, when Abdul Muttalib rediscovered the well of Zamzam, he found in it many valuable things that were buried in it very remote past by the Ismailites when they feared that their enemies would usurp them. When Abdul Muttalib found that buried treasure, he gave away one fifth (literally khums) in the way of God and kept the remaining four fifths to himself.

Then it became a custom in his family to and after the Hijrah of the Prophet (S) the same system was incorporated in Islam. Thus the first khums was not given from the spoils of war, but from a buried treasure (which is one of the seven items eligible for khums).

The Islamic Laws

Not a single Islamic school confines the meaning of ghanimah to the spoils of war. In addition to the spoils of war the following items are subjected to khums

“minerals: eligible in the Hanafi and the Shi’a

“buried treasure: eligible for all the Muslims.

As already mentioned earlier, the interpretation of the Qur’an must be based on the teachings of the Ahl al-Bayt. The word ghanimah in the verse under discussion has been clearly interpreted as "the earned

profit”(al- fa'idatul muktasabah) by our Imams.

Some Sunni References

To conclude, we can say that the word ghanima was never treated as being confined to the spoils of war by any Islamic school; and as far as our Imams are concerned, it meant many things besides the spoils of war right from the day of Imam 'Ali (peace be upon him), as many authentic traditions show.

What has been quoted above is substantiated from the practice of the Holy Prophet (S) as well. For example when the Prophet (S) sent Amr bin Hazm to Yemen, he wrote instructions in which, among many other things, he says ' ... to gather khums of Allah from the gains (of Yemenis).

Please refer to

“Ibn Khaldun, Tarikh Volume 2 part II p54 (Beirut 1971)

“Ibn Kathir, al-Bidayah wan Nihayah Volume 5 p76-77 (Beirut 1966)

“Ibn Hisham, Sirah Volume 4 p179 (Beirut 1975)

And when the tribe of Bani Kilal of Yemen sent Khums to the Prophet, the later acknowledges it by saying, ' Your messenger has returned and you have paid the khums of Allah from the gains (al-ghanaim). ' Please refer to

“Abu Ubayd, al-Amwal p13 (Beirut 1981)

“al-Hakim, al-Mustadrak Volume 1 p395 (Hyderabad 1340 A.H)

“Jafar Murtada al-Amili, al-Sahih fi Sirat al-Nabi Volume 3 p309 (Qum 1983)

It is very interesting to note that the Bani Kilal obeyed Prophet's order and sent the khums of gains to him while no war had taken place between the muslims and the un-believers. This is a clear indication that khums was not restricted by the Prophet (S) to the Spoils of War!

The importance given by the Prophet (S) to the issue of Khums can also be seen in his advice to the delegation of Bani Abdul Qays. It seems that Bani Abdul Qays (which was a branch of Rabiah) was not a very strong tribe. More over in order to travel to Medina, they had to cross an area inhabited by the Muzar tribe, which was against the muslims. Consequently, the Bani Abdul Qays could not travel safely to Medina except during the months in which war fare was forbidden according to the Arab custom.

Sahih al-Bukhari Hadith: 4.327 (pages 212-213)

Narrated Ibn Abbas:

The delegates of the tribe of Abdul Qais came and said: `O Allah's Apostle! We are from the tribe of Rabia and between us and you stand stand the infidels of the tribe of Mudar, so we cannot come to you except in the Haram Months. So please order us some instructions that we may apply it to ourselves and

also invite our people left behind us to observe as well. ‘ The Prophet (S) said: `I order you to do four (4) things and forbid you to do four (4): I order you to believe in Allah, that is, to testify that None has the right to be worshipped but Allah (the Prophet (S) pointed with his hand) ; to offer prayers perfectly, to pay Zakat, to fast the month of Ramadhan, and to pay the Khums.

Considering the facts that they travelled in the haram months (when the war fare) was forbidden, the circumstances of the Bani Abdul Qays who were weak and small in numbers (evident from their travelling in the haram months), it leaves no room for interpreting the application of khums in the above hadith on the spoils of war exclusively! Please refer for the above hadith to

“Sahih Bukhari Volume 4 pp 212–213 (Beirut)

“Abu Ubayd, al–Amwal p13 (Beirut 1981)

More On Khums

The following discussion is taken from Dr. al–Tijani’s book, "Ma’a al– Sadeeqeen -- With The Truthful Ones," pp 149–153. Moreover, I used a Fiqh book based on the teachings of al–Khomeini for some of the details. I also added my own remarks for purposes of clarity.

To begin with, we must quote the Book of Allah (SWT):

"And know that out of all the booty that ye may acquire, 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.....(Qur'an 8:41)"

The above verse is a clear injunction by Allah (SWT), the Creator of the Universe, to give out a fifth (Khums) of our wealth in the way of Allah (SWT) to the needy, orphans, etc....

Let’s continue...

The Prophet (S) said: "I command you to do four things: To believe in Allah (SWT); to establish prayer; to pay Zakat; to fast Ramadan; and to pay the fifth of all the booty that you acquire for the sake of Allah (SWT)"

Sunni reference: Shahih al–Bukhari, v4, p44.

Now, the problem with the interpretation of the text is that the word "Ghaneema -- Booty" is interpreted by the Sunnis as that wealth collected as part of a war. That is not an accurate interpretation of the Arabic word. The Semitic languages, which Arabic belongs to, are based on the verb form, not the noun form. As such, the translation of the word "Ghaneema" is not all that accurate when the word "booty" is used.

The Shi'a, in conformity with Allah's (SWT) and His (SWT) Messenger's (S) orders, pay 20% (a fifth) of their wealth at the end of every year. In addition, the grammatical usage of the word "Ghaneema" in Arabic, as the Shi'a translate it, means that certain things that a believer acquires by way of a profit from a legitimate business deal or otherwise, is considered a "Ghaneema," and becomes subject to the laws and regulations thereof.

Of course there are exclusions. Actually, the Khums is only applicable in the following areas: First, anything extracted from the earth like gold, silver, metal, oil, and other natural elements is subject to the Khums. The minimum value of that which is extracted from the earth is 20 "dinars", and one "dinar" is equal to 3.45 grams gold in value. If that minimum is not met, then the Khums is not required. Second, anything by way of hidden treasures, if it meets the minimum value requirements, is also subject to the Khums. Third, anything extracted from the ocean like pearls, coral, etc..., if it meets the minimum value of 1 dinar, not 20, is also subject to the Khums. Fourth, any excess wealth that has remained for one year untouched is also subject to the Khums. Exclusions to the Khums include, but are not limited to, gifts, prizes, inheritance, a woman's dowry, etc...

The details of the Khums are "very" involved, and it is almost always necessary to seek the advice of a Mujtahid before the Khums is taken out. The Sunnis have rejected that, EVEN though it is in the Book of Allah (SWT). Furthermore, it is narrated in Sahih al-Bukhari, v2, pp 136-137 that the Prophet (S) stated that any wealth that was buried under the ground in the Days of Ignorance (Ayam al-Jahiliyah) is subject to al-Khums. Moreover, Ibn Abbas, the most trusted narrator of hadith in the eyes of the Sunnis, said that pearls extracted from the ocean are subject to the Khums also.

It is apparent, that the Khums is NOT restricted to a booty from a war, as the Sunnis claim; rather, it extends to all of the above issues. If a truly Sunni Islamic nation was to be established, it would fall short of fulfilling its financial obligations because it depends on the Zakat only, which is only 2.5% of one's wealth. Realistically speaking, can an Islamic nation, as the Sunnis contend, survive on 2.5% a year from the Muslim Ummah? Can it truly build an infrastructure that would support the masses? Can it build hospitals, schools, highways, etc...? No, it cannot, because 2.5% is not enough, not by any stretch of the imagination.

The Khums also serves another very important purpose in the current Shiite community. It helps the Mujtahids maintain an independence and separation from the political implications which will happen if a religious scholar becomes dependent on the government for his bread and butter. That is extremely important. The Sunnis scholars in Muslim countries receive their salaries from the government, which means that they cannot utter a word of objection to the policies of the ruler because their source of income will be threatened. The Shiite scholars, on the other hand, receive NO funding from the government. This way, they are free to dedicate their lives to the pursuit of justice for the community.

Now, for those wondering how the Shi'a treat the Zakat, then follow along. The Zakat, according to Shiite jurisprudence (Fiqh), is only applicable to the following categories: cattle (camels, cows, sheep, and

goats), silver, gold, dates, raisins, wheat, and barley.

It should be noted however that although Zakat is not mandatory on other items the same way that Khumus is, to the Shi'a it is still encouraged (mustahab) to give out Zakat on things other than the above mentioned items – in a similar way to how Sunnis apply Zakat (i.e. 2.5%).

The details on Zakat are not as complicated as the Khums, but there are still details to be addressed. For example, was the land from whence the wheat was harvested, irrigated by rain water or regular water? In addition, there is a minimum bracket for the number of cattle that has to be met for the Zakat to be applicable. If you want details, let me know, I will be more than happy to provide them.

There is also the Zakat al-Fitr, which is paid on the first day after the month of fasting, Ramadan, ends.

In conclusion, I appeal to your sense of justice, objectivity, and fear of Allah (SWT) to recognize that the Shi'a are THE followers of Islam as it should be implemented. The Sunni legists have changed many aspects of the religion of Allah (SWT), and I am not here to trash them; but be fair and judge the Shi'a objectively. Don't we follow the Qur'an better than ANYBODY else? Don't we follow the custom of the Prophet (S) to the letter?

Don't we use reason to explain our belief, rather than being blind followers? Don't we.....?

Wassalam.

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