

Al-Khums [One-Fifth of the Acquired wealth]

This is a devotional financial duty amounting to 20%, whose general lines are defined by the Glorious Qur'an, and whose details and applications were explained by the pure *Sunnah*. Allah, the Exalted, says:

"And know that whatever thing you acquire, its khums [a fifth of it] is for Allah and for the Messenger and for the near kin and the orphans, the needy and ibnus-sabil..." (8:41)

The *Khums* effectively helps in establishing economic justice and the prosperity of the Islamic society. So many pure traditions stress the *Khums* as a *Wajib*, and explain its conditions and rules. In Ahmad Ibn Hanbal's "Musnad" it is stated that: "A man from Muzaynah asked the Messenger of Allah (s) a number of questions, among which was [the question]....[what about] the treasures we find under the ruins, and road-signs?' The Messenger of Allah (s) said: "In them and in the buried mines there is *Khums*"

The Messenger of Allah (s) sent a letter to Juhaynah Ibn Zayd saying: "Yours are what is inside the earth, the valleys, the hills, the mountains and the slopes, that you may graze their pastures and drink their water, provided you pay the *Khums*."¹

Things Liable to the Khums

1. Things acquired by the Muslims from the *Kafirs* in war times.
2. The ores excavated from the mines, such as gold, silver, oil, sulphur, iron, etc.
3. Treasures, which are the wealth buried in the earth.
4. Whatever is obtained from the sea by diving, such as pearls and corals.²
5. The land bought by a *Dhimmi* [a follower of a Divine Book, living in an Islamic country and under the protection of the Islamic State] from a Muslim.
6. The profits of the professions. That is, the surplus riches which a *Mukallaf* gains from trade, industry,

agriculture, etc., after deducting the yearly *Halal* (lawful), expenditures for himself and his family.

7. The *Halal* wealth mixed with the *Haram* one: If *Haram* wealth is mixed with *Halal* one, and its amount is not known, and it cannot be distinguished or separated from the *Halal* one, or its owner is not identified to return it to him, then its *Khums* must be paid. But if its owner was identified, it must be returned to him. And if the amount is known, and its owner is not identified, it must be given out as alms on his behalf.

How to Dispense the Khums

The *Khums* is divided into two shares³:

1. The share of Allah, His Messenger and his near kins. This share is given to the *Imam*, and it is an important income of the Islamic state. It can be dispensed with the permission of the *Imam* or his representative, for the public interests in general, such as the mosques, universities, educational establishments, Islamic propagation, the annament of the Islamic army, construction of roads and bridges, and helping the poor, etc.

2. The share of the orphans, the needy and *Ibnus-Sabil* of the Hashimites, i.e. the descendants of Hashim, the Prophet's grandfather.

The Khums Conditions [Precepts]

1. The donor of the *Khums* must be mature and sane.

2. The *Khums* is a kind of worship, so, one has to make the *Niyah* on paying it, saying that one is paying the *Khums* "*Qurbatan Ila-Llah*" i. e. for the pleasure of Allah.

3. The *Khums* does not apply to the capital used for business, trade, agriculture and other professions. It is enjoined only on the surplus of one's yearly needed expenditure.

4. If the *Khums* was paid on an amount, then it would no longer be applied to the same amount in the following years. So, the *Khums* is paid on a property only once.

Discussion

Q1. Complete the following phrases:

a. The *Khums* is divided into two shares: and

b. Of the rules (precepts) of the *Khums* are:.....and

Q2. To what things does the *Khums* apply?

1. "Ma'alimul-Madrasatayn", by Al-Allamah Al-Askari vol. 2, p. 114, quoted from "Majmu'atul-Watha'iq As-Siyasiyyah" by Muhammad Hamidullah, p. 142, No. 157, quoted from "Jam'ul-Jawami" by As-Suyuti and "Makatibur-Rasul" by "Ali Ibn Husayn Ibn Ali Al-Ahmadi, p. 375, Yasin Publications, Bahman, 1363 H. Sh.

2. According to the four sects these are not liable to the Khums, no matter how much they may be.

3. The Shafi'is say: "the spoils, which mean the Khums, are to be divided into five shares, one is the share of the Prophet (s) which is spent on the interests of the Muslims. Another share is given to the near kins who are the descendants of Hashim (on their paternal side), whether poor or rich. The other three shares are to be spent on the orphans, the needy and Ibbnus-Sabil, whether descendants of Hashim or not." The Hanafis say: "The Prophet's share had been dropped by his death. As to his near kins, they are treated as the other poor people, not because of their kinship to the Prophet (s)." The Malikis say: "The Khums is to be handled by the Imam to spend it on what he sees of interest".

Source URL:

<https://www.al-islam.org/course-islamic-jurisprudence-manhajul-fiqhil-islami-sayyid-hashim-al-musa-wi/al-khums-one-fifth>