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Lesson 32: Islamic Economic System (3)

1. Khums in the Qur'ān & History

"Khums" literally means "one-fifth or 20%". In Islamic legal terminology, it means "one-fifth of certain items which a person acquires as wealth, and which must be paid as an Islamic tax". The Qur'ān mentions it in the following verse:

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, the needy, and the way-farer... (***8:41***)

In this verse, the word *"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 ahādīth of the Imams of Ahlu 'l-bayt, the items which are eligible for khums are seven:

1. the profit or the surplus of the income.

2. the legitimate wealth which is mixed with some illegitimate wealth.

3. mines and minerals.

4. the precious stones obtained from sea by diving.

5. treasures.

6. the land which a dhimmi kāfir buys from a Muslim.

7. the spoils of war.

However, there are some people who interpret the word *"ghanimtum"* as "whatever of a thing you acquire as spoils of war," thus confining the obligation of khums to the spoils of war only. This interpreation is based on ignorance of the Arabic language, the history of khums, the Islamic laws and of

the interpretation of the Qur'ān.

To make this point crystal clear, I would like to quote the following arguments from my father, `Allāmah Sayyid Sa'eed Akhtar Rizvi. In reading the following paragraphs, remember that the word *ghanimtum* has been derived from *al-ghanīmah*.

(A) The Meaning Of "Ghanimtum"

"The famous Arabic dictionary of *al-Munjid* (by Father Louis Ma`l-f of Beirut) says, `*al-ghanim* and *al-ghanimah* means: (a) What is taken from the fighting enemies by force. (b) All earnings generally...Furthermore, the saying *al-ghunm bi 'l-ghurm* means that the profit stands against expenses, i.e., as the owner is the sole proprietor of the profit and nobody shares it with him, therefore only he bears all the expenses and risk.'[1] This implies that in Arabic language al-ghanīmah has two meanings: one the spoils of war, and the other `profit'. The above quoted proverb also proves that `profit' is not the uncommon meaning. When a word in the Qur'ān can be interpreted in more than one way, it is incumbent upon the Muslims to seek guidance from the Prophet and the Ahlu 'l-bayt. Otherwise, they would be guilty of *tafsīr bi 'r-ra'iy* (interpreting the Qur'ān according to one's own personal views); and this is a sin which pushes the sinner into jahannam.

(B) The History Of Khums

"Khums is one of those things which was introduced by `Abdu 'l-Muttalib, the grandfather of the Prophet, and continued in Islam. Acting upon a command of God given to him in dream, when `Abdu 'l-Muttalib rediscovered the well of Zamzam, he found in it many valuable things which were buried in it in the very remote past by the Ismailites when they feared that their enemies would usurp them. When `Abdu 'l-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; and after the hijrah of the Prophet, 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.)

(C) The Islamic Laws

"Not a single sect of Islam confines the meaning of *ghanimah* to the `spoils of war'. In addition to the `spoils of war' the following items are subject to khums: (a) Minerals: eligible for khums in Shī`ah and Hanafi sects. (b) Buried treasure: eligible for khums in all Muslim sects (that is, Shī`ah, Hanafi, Mālikī, Hanbali and Shāfi`iy).

(D) The Interpretation Of The Qur'ān

"As mentioned earlier, the interpretation of the Qur'ān must be based on the teachings of the Ahlu 'l-bayt. The word ghanīmah in the verse under discussion has clearly been interpreted as `*al-fā'idatu 'l-muktasabah* — the earned profit' by our Imams.

“To conclude, we can say that the word ghan□mah was never treated as being confined to the `spoils of war' by any sect of Islam; and as far as our Imams are concerend, it meant many things besides the spoils of war right from the day of Imam ‘Ali (peace be upon him), as the authentic traditions show.”2

What has been quoted above can also be substantiated from the practice of the Prophet of Islam himself. For example, when the Prophet sent `Amr bin Hazm to Yemen, he wrote instructions for him in which, among other things, he says, “...to gather the khums of All□h from the gains [of Yemenis].”3 And when the tribe of Bani Kil□l of Yemen sent its khums to the Prophet, the latter acknowledged it by saying, “Your messenger has returned and you have paid the khums of All□h from the gains (al-ghan□'im).”4 It is interesting to note that the Bani Kil□l obeyed the Prophet's order and sent the khums of its gains to him while no war had taken place between the Muslims of Yemen and the unbelievers. This is a clear indication that khums was not restricted by the Prophet to the spoils of war.

The importance given by the Prophet to the issue of khums can also be seen in his advice to the delegation of Bani `Abdu 'l-Qays. It seems that Bani `Abdu 'l-Qays (which was a branch of Rabi`ah) was not a very strong tribe. Moreover, 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 `Abdu 'l-Qays could not travel safely to Medina except during the months in which warfare was forbidden according to the Arab custom.

Once a delegation from Bani `Abdu 'l-Qays came to Medina and said to the Prophet, “We cannot come to you except in the har□m months [when warfare is forbidden], and there are between us and you the unbelievers of Muzar. Therefore, please give us some advice that we may give to those whom we have left behind and that we may enter the Paradise [by acting on it ourselves].” The Prophet advised them to believe in One God, establish prayer, pay zak□t, fast in the month of Ramadh□n, and “to pay khums (one-fifth) of whatever you gain.”5 The circumstances of the Bani `Abdu 'l-Qays —they were weak and small in number, and were thus prevented from travelling safely to Medina— leaves no room for interpreting the application of khums in the above hadith on spoils of war exclusively.

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This lesson is entirely based on
Khums: An Islamic Tax (Third Edition, 1992) of Sayyid M. Rizvi

Question Paper on Lesson 32

Question 1: [10 points]
True or False:
(a) Khums means 2.5%.

(b) Allah, subh□nahu wa ta`ala, talks about khums in verse 8:41.

(c) All Sunni sects confine khums to the spoils of war.

(d) The first khums was paid by Abu T□lib.

(e) Khums is w□jib on seven items.

Question 2: [20 points]
There are differences among the Muslim sects on the items on which khums becomes w□jib. However, two of the seven items listed in the lesson are accepted by all the Muslims sects. Name those two items.

Question 3: [20 points]
Name the five things that the Prophet of Islam (a.s.) advised to the tribe of Bani ‘Abdu ’l-Qays.

1. See the entry under G-N-M; in the 28th edition of al-Munjid (Beirut: Dar el-Machreq, 1986) it is on p. 561. Also see other famous dictionaries like Lis□n al-`Arab and al-Q□m□s.
2. Rizvi, S.S.A., Your Questions Answered, vol. 1 (Dar-es-salaam: Bilal Muslim Mission, 1973) p. 44-46.
3. Ibn Khaldun, Ta'rikh, vol. 2, part II (Beirut: al-A`lami, 1971) p. 54; Ibn Kathir, al-Bid□yah wa 'n-Nih□yah, vol. 5 (Beirut: al-Ma`□rif, 1966) pp. 76-77; Ibn Hish□m, Sirah, vol. 4 (Beirut: D□ru 'l-Jayl, 1975) p. 179.
4. Abu `Ubayd, al-Amw□l (Beirut: Mu'assah N□sir, 1981) p. 13; al-H□kim, Mustadrak, vol. 1 (Hyderabad: `Uthmaniyyya Press, 1340 AH) p. 395. For more references, see Ja`far Murtada al-`□mili, al-Sah□h fi S□ratu 'n-Nabi, vol. 3 (Qum: n.p, 1983) p. 309.
5. Bukh□ri, Sah□hu 'l-Bukh□ri, vol. 4 (Beirut: Daru 'l-`Arabiyyah, n.d.) p. 213; Abu `Ubayd, al-Amw□l, p. 13. This has also been recorded by other Sunni sources of hadtih like Sah□h Muslim, Sunan Nis□'i, Musnad of Ahmad bin Hanbal, and Sunan of Tirmidhi.

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