

## Rulings on Khums

**Excerpt from Imam Ahmed al Hasan's (pbuh) Sharai'ul Islam  
(p116 – 119)**

# Book of Khums

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There are two sections in this:

Section 1: what the obligation is on

They are 7 things:

- 1) Booty of Dar al Harb (House of War) from what an army gathers and what it has not gathered from earth and other things, that which is not forcibly taken from a Muslim or an ally
- 2) The natural materials, regardless of whether they are engraved like gold, silver or lead or non-engraved like ruby, aquamarine, kohl or a liquid like asphalt, oil or sulphur. Khums is obligatory in it after provision<sup>1</sup>.
- 3) Treasures, and this is every wealth accumulated under the earth; if it reaches twenty dinars and it was in the land of Dar ul Harb (House of War) or Dar ul Islam (House of Islam) and he has no effect on it, khums is obligatory. If he discovered it in conflict property that the buyer has recognised, if he recognises it he is most entitled to it, if he does not recognise it is for the purchaser and he must pay khums. Similarly, if he was to purchase an animal or finds something in its stomach, which is valuable, if he sold a fish and found something in its stomach, he must extract its khums and he has the remainder, and it is not recognised.
  - a. Further details: if he found a treasure in barren earth from Dar ul Islam and it has the effect of Islam on it then it is for the Imam; and for whom extracts it, they have the cost of extraction and the reward of extraction. If he found it in sold property that the seller recognizes, if he recognizes it he is most entitled to it, if he does not recognize it, it is for the Imam.
- 4) Everything that comes out of the sea via diving, like gems and pearls, on condition that their value reaches at least dinar, and if anything is taken from it without diving, khums is obligatory on it, just as if it was extracted using an instrument.
  - a. Further details: if an Amber<sup>2</sup> was extracted via diving, an allowance is made for the amount of a dinar, and if it was plucked from the water's surface or from the coast / shore / bank, it is treated like other natural resources.

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<sup>1</sup> Translator's note: I believe this means *provision of costs*

<sup>2</sup> Name of a jewel

- 5) Whatever is in excess of the annual provisions for him and for his family from trade profits / gains and production and farming.
- 6) If a dhimmi<sup>3</sup> bought some land from a Muslim, the dhimmi must pay the fifth from that land regardless of whether it is land in which khums is obligatory such as forcibly conquered land or whether it was not so such as land on which its owners accepted Islam.
- 7) If halal became mixed with haram and cannot be distinguished, khums is obligatory in it.
  - a. Further details: khums is obligatory in treasure regardless of whether the one who discovers it is free or a slave, small or big, this is also the case for natural resources and the diver.
  - b. Control is not considered when it comes to khums but the obligations in trading profits are delayed as a precaution for the one who is earning them.
  - c. When the owner and the lessee / tenant differ in the treasure, if they both differ with regards its ownership then the statement of the lessor accompanied by his oath is given precedence, if they differ in its amount, the statement of the lessee / tenant is given precedence.
  - d. Khums is obligatory after provisions which the extraction of the treasure or natural resources has to undergo (like excavating, casting / moulding etc).

## Section 2: Its distribution

This is divided into 6 types:

**Three** for the Prophet (pbuhahf) and these are:

Allah's lot, Messenger's lot, the near relative's lot and this is the Imam (pbuh) and after him for the Imam who takes his place. Whatever the Prophet (pbuh) or the Imam has taken transfers to his heir<sup>4</sup>.

And three: for the orphans, the destitute, the wayfarer. Each of these three group's paternal lineage to Abdul Muttalib is considered, so if they claim lineage through the mother only they are not given anything from the khums. Not every group needs to assimilate so if in every group it sufficed for one, it is acceptable.

There are rulings here:

- 1) The worthy of receiving khums: this is the believer from the progeny of Abdul Muttalib and they are: children of Abi Talib, al Abbas, al Harith, Abi Lahab, males and females; children of Abi Talib are foremost and from them children of Ali and Fatimah (pbut) are foremost, and of them children of Muhammad ibn al Hasan al Imam al Mahdi (pbuh) are foremost.
- 2) It is allowed to specify a particular group with the khums money

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<sup>3</sup> Non-Muslim living in an Islamic state

<sup>4</sup> Translator's comment: note how Fidak should therefore have directly transferred to the Prophet's heir...Fatimah pbuh.

- 3) The Imam distributes amongst the three groups as much as suffices in a thrifty way; if there is a surplus, it is for him; if it is wanting he will complete it from his share
- 4) Impoverishment is not a factor for the traveller, but the need (is regarded) in the country in which it is given to him, even if he is rich in his own country; that (neediness) is allowed for in the orphan.
- 5) Khums must not be transported to another country whilst there is a needy person (in that country); if it is transported whilst the situation is so (i.e. a needy person at home) and it suffers a loss, he is ordered to pay a fine; it is permissible when this isn't the case.
- 6) Faith is a criterion in the matter of eligibility; justice is not a criterion.

Add spoils of war to this, and these are: what the Imam deserves from the wealth in a specific way as it was for the Prophet (pbuhahf) and these are five types:

- 1) Land which is possessed without fighting regardless of whether its inhabitants were burnished of it or they handed it over willingly
- 2) The barren lands regardless of whether they were possessed then their inhabitants abandoned them or no one ever possessed them such as wildernesses
- 3) Sword of the seas
- 4) Mountain summits and what is on them
- 5) Similarly, valley bellies and jungles / thickets.

When land of war is conquered, whatever was their ruler's from royal grants and special friends it is for the Imam as long as it was not taken extortionately from a Muslim or an ally, similarly he can choose from booty what he wishes from horses, clothes, female slaves or other things, and what the combatants acquire without his permission is for him (a.s.)

Spoils of war cannot be dealt in / disposed of without his permission, if one was to deal in / dispose of the spoils of war they are dealing extortionately, if any benefit is acquired it is for the Imam.

## **Further details from Syed Sadiq al Husaini - Najaf Office (during the month of July 2014)**

“Khums is paid as 20% of one's wealth which is surplus to their need for that day  
One can pay it monthly or annually.

The individual will identify a particular time of the year and all wealth which is in  
surplus of his daily need at that time, he will calculate a fifth of it and pay that  
over to the baitulmal

This 'particular time' can also be every month”

(Syed Sadiq al Husaini)

Further notes:

In another email, Shaykh Sadiq has also clarified the matter about *where* and  
*whom* to pay the khums money to: **it is up to each individual to arrange that  
themselves**. Therefore, **it is your choice** whether you send it straight to **a)** the  
Australian Bank Account or **b)** send it to brother XXXX in XXXX for him to  
forward it to Iraq.

**The arrangement to pay khums money is for each individual to make.**

These are the details of the Baitulmaal account in Australia:

**Account Name: The Savior of Mankind Association**

**Bank Name: The Commonwealth Bank of Australia**

**Bank Address: 158 Henley Beach Road, Torrenville, SA, 5031**

**BSB: 065 124**

**Account No: 1026 7807**

**Swift Code: CTBAAU2S**