

## Muhammad and the Making of Wills

Muhammad purportedly prescribed the making of wills for his followers, but failed to make one himself:

Narrated Talha bin Musarrif:

I asked 'Abdullah bin Abu Aufa, "Did the Prophet make a will?" He replied, "No," I asked him, "**How is it then that the making of a will has been enjoined on people**, (or that they are ordered to make a will)?" He replied, "The Prophet bequeathed Allah's Book (i.e. Quran)." (*Sahih Al-Bukhari*, Volume 4, Book 51, Number 3)

Narrated Talha:

I asked 'Abdullah bin Abi 'Aufa, "Did the Prophet make a will (to appoint his successor or bequeath wealth)?" He replied, "No." I said, "**How is it prescribed then for the people to make wills, and they are ordered to do so WHILE THE PROPHET DID NOT MAKE ANY WILL?**" He said, "He made a will wherein he recommended Allah's Book." (*Sahih Al-Bukhari*, Volume 6, Book 61, Number 540)

Narrated Abdullah bin Umar:

Allah's Apostle said, "It is not permissible for any Muslim who has something to will to stay for two nights **without having his last will and testament written and kept ready with him.**" (*Sahih Al-Bukhari*, Volume 4, Book 51, Number 1)

The Hadiths indicate why Muhammad failed to make a will:

It is narrated on the authority of 'Aisha who said: When the Messenger of Allah passed away, his wives made up their minds to send 'Uthman b. 'Affan (as their spokesman) to Abu Bakr to demand from him their share from the legacy of the Holy Prophet. (At this), Aisha said to them: Hasn't the Messenger of Allah said: "**We (Prophets) do not have any heirs; what we leave behind is (to be given in) charity**"? (*Sahih Muslim*, Book 019, Number 4351)

Muhammad allegedly claimed that Prophets do not have any heirs, and therefore are not obligated to make a will since their property is to be given in charity. Evidently, Muhammad had forgotten the following Quranic verses:

"(This is) a mention of the Mercy of thy Lord to His servant Zakariya. Behold! he cried to his Lord in secret, Praying: 'O my Lord! infirm indeed are my bones, and the hair of my head doth glisten with gray: but never am I unblest, O my Lord, in my prayer to Thee! Now I fear (what) my relatives (and colleagues) (will do) after me: but my wife is barren: **so give me AN HEIR as from Thyself,- (One that) will (truly) INHERIT ME, and INHERIT the posterity of Jacob;** and make him, O my Lord! one with whom Thou art well-pleased!' (His prayer was answered):

'O Zakariya! **We give thee good news of a son:** His name shall be Yahyá: (John) on none by that name have We conferred distinction before.'" S. 19:2-7

"We gave knowledge to David and Solomon: And they both said: 'Praise be to Allah, Who has favored us above many of His servants who believe!' **AND SOLOMON WAS DAVID'S HEIR.** He said: 'O ye people! We have been taught the speech of birds, and we have been given of every thing: this is indeed Grace manifest (from Allah.)'" S. 27:15-16

These verses demonstrate that Prophets do have heirs who inherit them. For instance, Solomon inherited the kingdom from his father. This would naturally include David's money, houses, women, prestige etc.

The following passage makes it mandatory for the pious to bequeath their things to the nearest of kin:

"It is decreed that when death approaches, you shall write a will for the benefit of the parents and relatives, equitably. This is a duty upon the righteous." S. 2:180 Khalifa

This is not simply our understanding of the preceding passage, but the understanding of the following Shiite Muslims as well:

### **The Prophet (s) wanted to compose a will**

We learn from the traditions that towards the end of his noble life, the Prophet's (s) condition was deteriorating. The majority opinion holds that the Prophet (s) left no will before his death, and made no attempt to do so. However, according to the Qur'an it is absolutely obligatory on all Muslims to leave a will. Allah (swt) says in his Glorious Book:

**"It is prescribed for you when death approaches one of you, if he leaves behind any goods that he makes a bequest for Parents and (the nearest kinsmen) in goodness, this is a duty upon the pious" (The Qur'an 2:180).**

We may thus ask the question: Would the Prophet of Allah (s) of all Muslims - the one whose Sunnah we are obliged to follow - disregard an order stipulated in the Holy Qur'an?

... It is only logical to accept that at this critical stage when the Prophet (s) was near to the time when he would depart from this world, he took the opportunity to write his will as per the command of Allah in the Qur'an in which he could issue final instructions to the Muslim Ummah. (<http://www.answering-ansar.org/answers/obedience/en/chap2.php>)

Interestingly, this issue regarding Muhammad's inheritance led to strife between Ali, Fatima and Abu Bakr. The following citations are taken from Ibn Sa'd's *Kitab al-Tabaqat al-Kabir* (Book of the Major Classes, d. 852 AD.), Volume 2, translated by S. Moinul Haq assisted by H.K. Ghazanfar M.A. (Kitab Bhavan Exporters & Importers, 1784 Kalan Mahal, Daryaganj, New Delhi - 110 002 India):

"... The apostle of Allah said, 'The dinars and dirhams (money) **should not be distributed among my heirs**, what I leave should go into charity after the maintenance expenses of my wives and the provisions of my servant.'" (pp. 391-392)

"... The Apostle of Allah, may Allah bless him, died **and he had not left a will** except about the residence of his wives and a piece of land." (p. 394)

"... Verily Fatimah, the daughter of the apostle of Allah, may Allah bless him, sent (a message) to Abu Bakr asking him about her share in the inheritance of the Apostle of Allah, may Allah bless him, which Allah had bestowed on His Apostle as booty (without bloodshed). She at that time claimed (a share from) the (Arabic text) of the Prophet, at al-Mad'inah, Fadak and what had remained of the *Khums* of Khaybar. Thereupon Abu Bakr said: Verily, the Apostle of Allah, may Allah bless him, said: We do not leave inheritance, what we leave goes into *sadaqah*. Verily the members of Muhammad's family will get provision from this money. By Allah! I shall not change the distribution of the *sadaqah* of the Apostle of Allah from what it was in the time of Apostle of Allah, may Allah bless him. I shall continue to spend them under the same heads as the Apostle of Allah was spending. So Abu Bakr refused to give anything to Fatimah. Consequently Fatimah, may peace be on her, **became angry with Abu Bakr and left him. She did not talk with him TILL SHE DIED.** She lived six months after the Apostle of Allah, may Allah bless him." (p. 392)

What is more amazing is how Ali reacted to Abu Bakr's claim that people do not inherit from Prophets:

"... Fatimah came to Abu Bakr and demanded her share in the inheritance. Al-Abbas came to him and demanded his share in the inheritance. Ali came with them. Thereupon Abu Bakr said, 'The Apostle of Allah said, "We leave no inheritance, what we leave behind us is *sadaqah*." I shall make provisions for those for whom the Prophet had made.' On this Ali said, '**Sulayman (Solomon) inherited Dawud (David), and Zakariya said, "He may be my heir and the heir of the children of Yaqab (Zachariah and John the Baptist)"**' Abu Bakr said, '**This is as this is. By Allah! You know it as I know.**' Thereupon Ali said, '**THIS IS THE BOOK OF ALLAH THAT SPEAKS.**' Then they became quiet and retired." (p. 393)

Ali counters Abu Bakr's claim with verses from "the Book of Allah". It seems that Ali knew the Quran better than both Muhammad and Abu Bakr!

Historian and Quran commentator al-Tabari recorded a similar version of Abu Bakr's confrontation with Ali and Fatima regarding the inheritance:

Abu Salih al-Dirari – 'Abd al-Razzaq b. Hammam – Ma'amar – al-Zuhri – 'Urwah – 'A'ishah: Fatimah and al-'Abbas came to Abu Bakr demanding their [share of] inheritance of the Messenger of God. They were demanding the Messenger of God's land

in Fadak and his share of Khaybar[‘s tribute]. Abu Bakr replied, "I have heard the Messenger of God say: ‘Our [i.e., the prophets’ property] cannot be inherited and whatever we leave behind is alms [i.e., to be given in charity]. The family of Muhammad will eat from it.’ By God I will not abandon a course which I saw the Messenger of God practicing, but will continue doing it accordingly." **Fatimah shunned him and did not speak to him up until she died. ‘Ali buried her at night and did not permit Abu Bakr to attend [her burial].** While Fatimah was alive, ‘Ali had respect among the people. After she died, their attention turned away from him. Fatimah continued to live for six months after the Messenger of God’s [death] and then died.

Ma‘mar: A man asked al-Zuhri, "Did ‘Ali not give his oath of allegiance for six months?" **"No, nor did anyone of the Banu Hashim until ‘Ali rendered his,"** he replied. When ‘Ali saw that the people’s attention had turned away from him, he begged for reconciliation with Abu Bakr. He sent the latter, [asking him] to visit him, and [requesting] that nobody should accompany him. ‘Ali disliked that ‘Umar should come with Abu Bakr, for he knew ‘Umar’s RUDENESS. ‘Umar said [to Abu Bakr], "Don’t go alone." Abu Bakr replied, "By God, I will go alone. It is not possible that [the Banu Hashim] might do anything to me," and he went. He entered ‘Ali’s presence while the Banu Hashim had gathered with him. ‘Ali stood up, praised God and extolled Him with what is due to Him. Then he said, "It is neither the denial of your good qualities nor the rivalry of good, which God has given you, **but the fact that we considered that we have a right in this authority which you have MONOPOLIZED.**" ‘Ali then mentioned his relationship with the Messenger of God and the rights of the Banu Hashim. He continued speaking until Abu Bakr wept. After ‘Ali stopped, Abu Bakr pronounced *shahadah*, praised God, extolled Him with what is due to Him, then said, "By God, the relationship of the Messenger of God is dearer to me [too]. I reach [him] through my relationship [to him]. By God, I did not fall short of doing what was requisite with regard to this property [i.e., the Prophet’s inheritance] which became [a dispute] between you and me except for good. I had heard the Messenger of God saying: ‘Our [i.e., the prophets’ property] cannot be inherited and whatever we leave behind is alms [i.e., to be given in charity]. The family of Muhammad will eat from it.’ God forbid that I should recall a thing which the Messenger of God did without doing it, God willing!" ‘Ali said that he would render the oath of allegiance that evening. After Abu Bakr had prayed the noon prayers, he approached the people and excused ‘Ali with his apology. ‘Ali stood up, lauded the right of Abu Bakr by mentioning his fine qualities and his precedence and went to him, giving the oath of allegiance. The people came to ‘Ali saying that he had done the right thing. ‘A’isha said: The people got close to ‘Ali when he came close to what was right [i.e., in rendering his oath of allegiance to Abu Bakr]. (*The History of Al-Tabari: The Last Years of the Prophet*, translated and annotated by Ismail K. Poonawala [State University of New York Press (SUNY), Albany 1990], Volume IX, pp. 196-198; bold, capital and underline emphasis ours)

The translator has a rather interesting note:

1356. Tabrizi, *Mishkat*, III, 209; Mishkat (trans. Robson), II, 1310; transmitted by both Bukhari and Muslim. The Shi'is refute this tradition, saying that it contradicts the Qur'anic teachings on family inheritance.

It was the first and most important step taken by Abu Bakr and 'Umar in their attempts to displace the Banu Hashim, and especially 'Ali, from their prerogatives in the leadership of the Muslim polity. Acceptance of this claim of inheritance based on family ties would have opened the door widely to 'Ali's rights to the succession. Moreover, the income from both these sources was considerable, and it would have given some leverage to 'Ali. Ibn Shabbah, *Ta'rikh*, I, 176-218, Jafri, *Origins*, 14-16, 63. For Fatimah's reply and refutation, see Tabarsi, *Ihtijaj*, I, 119-40. (Ibid., p. 196)

The sahih hadiths claim that the Muslims accused each other of treachery and lying, and that Umar gave in to Ali's request to a piece of the inheritance:

It is reported by Zuhri that this tradition was narrated to him by Malik b. Aus who said: Umar b. al-Khattab sent for me and I came to him when the day had advanced. I found him in his house sitting on his bare bedstead, reclining on a leather pillow. He said (to me): Malik, some people of your tribe have hastened to me (with a request for help). I have ordered a little money for them. Take it and distribute it among them. I said: I wish you had ordered somebody else to do this job. He said: Malik, take it (and do what you have been told). At this moment (his manservant) Yarfa' came in and said: Commander of the Faithful, what do you say about Uthman, Abd al-Rahman b. 'Auf, Zubair and Sa'd (who have come to seek an audience with you)? He said: Yes, and permitted them. So they entered. Then he (Yarfa') came again and said: What do you say about **'Ali and Abbas** (who are present at the door)? He said: Yes, and permitted them to enter. **Abbas said: Commander of the Faithful, decide (the dispute) between me AND THIS SINFUL, TREACHEROUS, DISHONEST LIAR.** The people (who were present) also said: Yes. Commander of the Faithful, do decide (the dispute) and have mercy on them. Malik b. Aus said: I could well imagine that they had sent them in advance for this purpose (by 'Ali and Abbas). 'Umar said: Wait and be patient. I adjure you by Allah by Whose order the heavens and the earth are sustained, don't you know that the Messenger of Allah (may peace be upon him) said: **"We (prophets) do not have any heirs; what we leave behind is (to be given in) charity"**? They said: Yes. Then he turned to Abbas and 'Ali and said: I adjure you both by Allah by Whose order the heavens and earth are sustained, don't you know that the Messenger of Allah (may peace be upon him) said: **"We do not have any heirs; what we leave behind is (to be given in) charity"**? They (too) said: Yes. (Then) Umar said: Allah, the Glorious and Exalted, had done to His Messenger (may peace be upon him) a special favour that He has not done to anyone else except him. He quoted the Qur'anic verse: "What Allah has bestowed upon His Apostle from (the properties) of the people of township is for Allah and His Messenger". The narrator said: I do not know whether he also recited the previous verse or not. Umar continued: The Messenger of Allah (may peace be upon him) distributed among you the properties abandoned by Banu Nadir. By Allah, he never preferred himself over you and never appropriated

anything to your exclusion. (After a fair distribution in this way) this property was left over.

The Messenger of Allah (may peace be upon him) would meet from its income his annual expenditure, and what remained would be deposited in the Bait-ul-Mal. (Continuing further) he said: I adjure you by Allah by Whose order the heavens and the earth are sustained. Do you know this? They said: Yes. Then he adjured Abbas and 'Ali as he had adjured the other persons and asked: Do you both know this? They said: Yes. He said: When the Messenger of Allah (may peace be upon him) passed away, Abu Bakr said: "I am the successor of the Messenger of Allah (may peace be upon him)." Both of you came to demand your shares from the property (left behind by the Messenger of Allah). (Referring to Hadrat 'Abbas), he said: You demanded your share from the property of your nephew, **and he (referring to 'Ali) demanded a share on behalf of his wife from the property of her father.** Abu Bakr (Allah be pleased with him) said: The Messenger of Allah (may peace be upon him) had said: "We do not have any heirs; what we leave behind is (to be given in) charity." **SO BOTH OF YOU THOUGHT HIM TO BE A LIAR, SINFUL, TREACHEROUS AND DISHONEST.** And Allah knows that he was true, virtuous, well-guided and a follower of truth. When Abu Bakr passed away and (I have become) the successor of the Messenger of Allah (may peace be upon him) and Abu Bakr (Allah be pleased with him), **YOU THOUGHT ME TO BE A LIAR, SINFUL, TREACHEROUS AND DISHONEST.** And Allah knows that I am true, virtuous, well-guided and a follower of truth. I became the guardian of this property. Then you as well as he came to me. Both of you have come and your purpose is identical. You said: Entrust the property to us. **I said: If you wish that I should entrust it to you, it will be on the condition that both of you will undertake to abide by a pledge made with Allah that you will use it in the same way as the Messenger of Allah (may peace be upon him) used it. SO BOTH OF YOU GOT IT.** He said: Wasn't it like this? They said: Yes. He said: Then you have (again) come to me with the request that I should adjudge between you. No, by Allah. I will not give any other judgment except this until the arrival of the Doomsday. If you are unable to hold the property on this condition, return it to me. (*Sahih Muslim*, Book 019, Number 4349)

It has been narrated by 'Urwa b Zubair on the authority of 'A'isha, wife of the Holy Prophet (may peace be upon him), that Fatima, daughter of the Messenger of Allah (may peace be upon him), requested Abu Bakr, after the death of the Messenger of Allah (may peace be upon him), **that he should set apart her share from what the Messenger of Allah (may peace be upon him) had left from the properties that God had bestowed upon him.** Abu Bakr said to her: The Messenger of Allah (may peace be upon him) said: "**We do not have any heirs; what we leave behind is Sadaqa (charity).**" The narrator said: She (Fatima) lived six months after the death of the Messenger of Allah (may peace be upon him) **and she used to demand from Abu Bakr her share from the legacy of the Messenger of Allah (may peace be upon him) from Khaibar, Fadak and his charitable endowments at Medina.** Abu Bakr refused to give her this, and said: I am not going to give up doing anything which the Messenger of Allah (may peace be upon him) used to do. I am afraid that if I go against his instructions in any matter I shall deviate from the right course. So far as the charitable endowments at Medina were concerned, **'UMAR HANDED THEM OVER TO 'ALI AND ABBAS, BUT ALI GOT THE BETTER OF HIM (AND**

**KEPT THE PROPERTY UNDER HIS EXCLUSIVE POSSESSION).** And as far as Khaibar and Fadak were concerned 'Umar kept them with him, and said: These are the endowments of the Messenger of Allah (may peace be upon him) (to the Umma). Their income was spent on the discharge of the responsibilities that devolved upon him on the emergencies he had to meet. And their management was to be in the hands of one who managed the affairs (of the Islamic State). The narrator said: They have been managed as such up to this day. (*Sahih Muslim*, Book 019, Number 4354)

Let us summarize the data:

1. Muhammad commanded Muslims to make a will.
2. Muhammad failed to practice what he preached since he didn't make a will.
3. Muhammad exempted himself from making a will on the basis that the prophets do not leave their inheritance to their heirs but give it away in charity.
4. The Quran disagrees with Muhammad and claims that the prophets do have heirs.
5. Ali used the Quran to prove that people do inherit from the prophets.
6. Abbas accused Ali of being a treacherous liar, with both Ali and Abbas accusing Abu Bakr and Umar of being treacherous liars for withholding their rightful share of Muhammad's inheritance.
7. Umar failed to honor Muhammad's wishes regarding the distribution of his wealth and gave in to Ali's and Abbas' demands to the inheritance.
8. The hadith says that Ali got the upper hand on Umar by not using the wealth the same way Muhammad used it but kept it under his exclusive possession.

It is clear that Muhammad failed to live up to his own rules and also failed to bring true and lasting peace in the lives of his followers.

For further reading regarding the kind of fruits Islam produced in the lives of Muhammad and his Companions we recommend Silas' series titled "[The Fruits of Islam's Royal Family](#)."

[Sam Shamoun](#)

However, there is more.

## Muhammad and the Laws of Inheritance

Muhammad not only contradicted his own command (in the hadith [quoted above](#)) that any Muslim possessing anything must make a will, and by this failure caused strife and hatred among his closest followers. His decision that all of his possessions should go to the charity fund also breaks the command of Allah in the Qur'an which very clearly stipulates - without allowing any exceptions - the shares to be given to the family of a deceased Muslim. According to Sura 4:11, Fatimah should have received half of Muhammad's possessions, since she was his only child (daughter) alive at his death. Furthermore, according to Sura 4:12, an eighth should have been shared among his wives. We quote the relevant portion of these long verses:

Allah directs you as regards to **your children's** (inheritance):

to the male, a portion equal to that of two females:

if only daughters, two or more, their share is two-thirds of the inheritance;

**if only one, her share is a half. ...**

(The distribution in all cases is) after the payment of legacies (*wasiyya*) and debts. ...

**These are settled portions ordained by Allah ... Surah 4:11**

In what **your wives** leave, your share is a half, if they leave no child,

but if they leave a child, ye get a fourth; after payment of legacies and debts.

**Their share** is a fourth, if ye leave no child;

**but if ye leave a child, they get an eighth;** after payment of legacies (*wasiyya*) and debts. ...

**Thus it is ordained by Allah; ... Surah 4:12**

As [documented in the first section](#) Muhammad gave *all his wealth* to charity. Thus nullifying the shares of inheritance prescribed in the Qur'an he clearly broke the command of Allah (and caused his followers to be disobedient to the Qur'an as well). Even though the Qur'an contains plenty of [contradictions regarding the inheritance shares](#), in the case of Muhammad's family situation - leaving at his death one daughter and several wives - the instructions of the Qur'an are clear and unambiguous, at least in regard to  $1/2 + 1/8$  of his wealth. The distribution of the remaining  $3/8$  are not relevant for this discussion.

The only issue that still needs to be discussed is that of *wasiyya*, being translated as *legacies* or *bequests*. To clarify this term, we quote from Ahmad ibn Naqib al Misri, *Reliance of the Traveller - A Classic Manual of Islamic Sacred Law*, translated by Nuh Ha Mim Keller, Revised Edition, 1994, amana publications, page 462:

The difference between bequests (*wasiyya*) and estate division (*irth*) is that a *bequest* is the act of a living person disposing of his own property, even if it is to be implemented after his death, while *estate division* occurs after his death according to the Koranic rules of inheritance.

In other words, in his or her will a person specifies whether anyone, and if so, how much and who receives part of the property as bequest.

Since Muhammad did not make a will, there were no bequests and according to the Qur'an the above specified shares should have been implemented fully.

### Summary so far:

- (a) Muhammad broke his own command that every Muslim should make a will.
- (b) Muhammad was disobedient to the inheritance laws ordained by Allah in the Qur'an.

Yet, there is still more.

Islamic Shari'ah Law is very clear that a Muslim can bequeath at most one-third of his estate. Any bequests above a third are illegal and will not be executed under Islam. This is based on Muhammad's own ruling. We quote from some of the relevant traditions:

Mus'ab b. Sa'd reported on the authority of his father. I was ailing. I sent message to Allah's Apostle (may peace be upon him) saying: Permit me to give away my property as I like. He refused. I (again) said: (Permit me) to give away half. He (again refused). I (again said): Then one-third. He (the Holy Prophet) observed silence after (I had asked permission to give away) one-third. He (the narrator) said: It was then that endowment of one-third became permissible. (*Sahih Muslim*, Book 013, Number 3994)

Narrated Sa'd bin Abi Waqqas:

I was stricken by an ailment that led me to the verge of death. The Prophet came to pay me a visit. I said, "**O Allah's Apostle! I have much property and no heir except my single daughter. Shall I give two-thirds of my property in charity?**" He said, "**No.**" I said, "Half of it?" He said, "No." I said, "One-third of it?" He said, "You may do so, **though one-third is also too much**, for it is better for you to leave your off-spring wealthy than to leave them poor, asking others for help. And whatever you spend (for Allah's sake) you will be rewarded for it, even for a morsel of food which you may put in the mouth of **your wife.**" ... (*Sahih al-Bukhari*, Volume 8, Book 80, Number 725)

The second hadith is particularly relevant. Muhammad ignores not only a general recommendation that he once gave. Muhammad did exactly what he had forbidden for Sa'd claiming that to do such a thing was wrong!

Narrated Ibn 'Abbas:

I recommend that people reduce the proportion of what they bequeath by will to the fourth (of the whole legacy), for **Allah's Apostle said, "One-third, yet even one third is too much."** (*Sahih*

*al-Bukhari*, Volume 4, Book 51, Number 6)

Narrated Ibn 'Abbas:

The Prophet said, "Give the Fara'id, (the shares prescribed in the Qur'an) to those who are entitled to receive it, and then whatever remains, should be given to the closest male relative of the deceased." (*Sahih al-Bukhari*, Volume 8, Book 80, Number 729)

Did his daughter Fatimah and the wives of Muhammad not have rights like other people?

Bequeathing property to the general charity fund is possible, and many Muslims do so. However, this also requires a proper will. Even with such a legally binding will, Muhammad could only have bequeathed one-third of his property to charity, not more. Yet again, Muhammad has broken his own command.

### **Summary:**

- Muhammad broke his command that every Muslim who wants to bequeath something should immediately write a will.
- Muhammad broke his command to give the shares prescribed in the Qur'an.
- Muhammad broke his command that at most one-third can be given away as bequest (to charity or otherwise).
- Muhammad broke the command of Allah given in the Qur'an regarding the inheritance shares.

### **Final analysis:**

Muhammad did not just make one minor mistake due to oversight. At the end of his life he ignored basically everything he ever said about what Muslims should do regarding bequests and inheritance. He did not do what he had commanded others, and he did what he had forbidden others. He broke his own commands and even those of the Qur'an, both of which are the basis of Islamic Law and still binding on every Muslim today.

[Jochen Katz](#)

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Further reading: [The Inheritance of Previous Prophets](#) is an article on this topic published on a Shia Muslim website.

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