9594 - Does my father have the right to take whatever he wants of my wealth?

the question

I have always heard that music, singing and dancing are haram in My father keeps quoting a hadith that says all that a son posesses belongs to his father. Is this correct? If so, does this mean that a father can take part of or all of the son's posession against his son's will? I am aware that it is the duty of the son / daughter to look after the parents, be kind to them and ensure that they are fed, clothed and have somewhere to live. Can a father really take his son's posessions (both alive, both not in dire need) again his son's wishes?

Detailed answer

Praise be to Allah.

1.The hadeeth is:

It was narrated from Jaabir ibn ‘Abd-Allaah that a man said: “O Messenger of Allaah, I have wealth and children, but my father wants to take all my wealth.” He said, “You and your wealth are for your father.” (Narrated by Ibn Maajah, 2291; Ibn Hibbaan in his Saheeh, 2/142 from the hadeeth of Jaabir, and 2922; Ahmad, 6902 from the hadeeth of ‘Abd-Allaah ibn ‘Amr).

And Ahmad narrated from ‘Amr ibn Shu’ayb from his father from his grandfather, who said: A Bedouin came to the Messenger of Allaah (peace and blessings of Allaah be upon him) and said: “My father wants to take all my wealth.” He said, “You and your wealth are for your father. The best that you can eat is what you have earned, and your children’s wealth is part of what you have earned, so eat it and enjoy it.”

This report has other isnaads and corroborating reports which make it saheeh.

(See Fath al-Baari, 5/211; Nasb al-Raayah,3/337)

2.The laam in the hadeeth (li in li abeeka – for your father) does not mean possession, rather it means permission.

Ibn al-Qayyim said:

The laam in the hadeeth does not mean possession at all… If we say that it means permission, then the hadeeth makes sense, otherwise it does not have any significance.

(I'laam al-Muwaqqi'een, 1/116)

3.One of the things which indicate that it does not mean possession is the fact that the son's children, wife and mother can inherit from him. If his wealth were the property of his father, no one would be able to take his property except the father.

Al-Shaafa'i said:

Because it was not proven. When Allaah decreed that a father could inherit from his son, He made him (the father) like other heirs. He may even have a smaller share than many other heirs, which proves that the son is the owner of his own wealth, not the father.

(al-Risaalah, p. 468)

4.This permission is not absolute. It is subject to four conditions.

Shaykh Ibn 'Uthaymeen (may Allaah preserve him) said:

This hadeeth is not da'eef (weak) because it has corroborating reports. What this means is that if he (the son) has wealth, the father has the right to enjoy that wealth and to take whatever he wants from it, but this is subject to certain conditions:

The first condition: that by taking it he does not cause harm to his son. If it does cause harm – such as taking his cover with which he protects himself from the cold, or he takes his food with which he wards off hunger –it is not permissible for the father to do this.

The second condition: it should not be something that the son needs. If the son has a concubine whom he sleeps with, it is not permissible for the father to take her, because his son needs her. Similarly, if the son has a car which he needs for getting about, and he does not have enough cash to buy a replacement, then the father does not have the right to take it under any circumstances.

The third condition: he should not take the wealth from one of his sons in order to give it to another, because this creates enmity between the sons and because it means preferring one of the children over another, if the second son is not in need. If he is in need, then the father's giving something to the one who is in need and not to the ones who are not in need, does not mean that he is preferring one child over another; on the contrary, it is obligatory for him to do this.

Whatever the case, the hadeeth is something which the scholars refer to and use as evidence. But there are conditions attached, as we have mentioned. The father does not have the right to take one son's wealth and give it to another son.

And Allaah knows best.

(Fataawa Islamiyyah,4/108, 109)

There is also a fourth condition, which is that the father should be in need of the wealth that he is taking from his son. This condition is clearly stated in some ahaadeeth. It was narrated that 'Aa'ishah (may Allaah be pleased with her) said: the Messenger of Allaah (peace and blessings of Allaah be upon him) said: "Your children are a gift from Allaah to you: 'He bestows female (offspring) upon whom He wills, and bestows male (offspring) upon whom He wills' [al-Shoora

42:49 – interpretation of the meaning]. So they and their wealth are for you, if you have need of it.” (narrated by al-Haakim, 2/284; al-Bayhaqi, 7/480) The hadeeth was classed as saheeh by al-Albaani in al-Silsilah al-Saheehah, 2564, where he says: This hadeeth contains an important fiqhi point which is that it explains that the famous hadeeth, “You and your wealth are for your father” (al-Irwaa’ 838) does not give the father absolute permission to take whatever he wants from his son’s wealth. Far from it! But he may take whatever he is in need of. And Allaah knows best.