SOCIAL DISTRIBUTION OF LANDED PROPERTY

Islamic Ideals: Quran and Hadith,

In many European countries various social evil-effects flowed from a particular feudal system which allowed only the eldest son to inherit the estate left behind by the deceased. Females were never considered rightful inheritors of the property. Islam, one and a half millennia ago, ordained a definite share in the property for females as well. This ownership right given to the woman was a highly revolutionary economic order. The Quran says:

"Men shall have a share of what parents and kinsfolk leaves behind, and women shall have a share in what parents and kinsfolk leave behind, whether it be little or much - a share ordained (by God)"

(Quran IV: 7)

Quranic law of property-distribution checks the concentration of wealth from being confined to one or a few hands. Islam emphasizes fair and just divisions of both moveable as well immoveable properties. The most interesting aspect of this tradition is that ownership right is divided along the lines of right to inheritance.

Land to its size and area is beyond human capacity. It, therefore, seems unwise and unjust to deprive the individual or the community of this precious divine-fight.
With the extension of Islamic conquests the question pertaining to land-distribution became crucial and a significant one. At the outset the Islamic state was confined to the city of Madina but within the next two and three decades its frontiers extended to the three continents, Asia, Europe and Africa. How the Prophet (S.A.W.) and the four Pious Caliphs managed the conquered lands are being discussed below.

Distribution of Conquered Lands:

Iqta lands:

In 4 A.H. another Jewish tribe in Madina was declared as traitors against the Islamic community. Banu Nadir, following the pressure of their siege by the Muslim army, requested permission to leave the city to make their way to Syria in exchange for their lands. It was granted. But now the question was how and among whom were the lands to be distributed. Allah sent the following Ayah guiding the Prophet on the matter.

‘And whatever (spoils taken) from the enemy God turned over to His Apostle, you did not have to spur horse or riding camel for its sake; but God gives his apostles mastery whomever he wills:

(Quran, LIX: 6)

According to the above verse the landed property, acquired in the area of the banished Jews, belonged solely to the Prophet, who...
distributed it among the *Muhajirun* who had left all their resources back home and some needy people from the Ansar particularly Sahl b. Hanif and Abu Dujana.¹

It is reported on the authority of 'Umar bin al-Khattab that the properties of Banu Nadir went to the Prophet (S.A.W.) as these had not been obtained through battle, and the Prophet (S.A.W.) used to take as much from the yields as to be sufficient for one year expenses of his entire family with the rest to be diverted to military purposes.²

Those who benefited from the Jewish lands included Zuber, Abu Bakr, Abdul Rahman b. Auf and Abu Dujana. They had all received feudal lands.³

In 5 A.H. the last tribe of Jewish settlements in Madinah, Banu Quraizah, due to their treason, courted their destruction. As per Quraizites' own judgment able-bodied men were killed, women and children enslaved, and the properties including lands confiscated. Muhammad b. al-Shihab al-Zuhri reports that the lands of Banu Quraizah were distributed by the Prophet (S.A.W.) among his followers.⁴

¹ Al-Baladhuri, *Futuh al-Buidan*, p 19, Chapter Amwal Bani Nadir
³ Ibid
⁴ Al-Baladhuri, *op cit.*, Chapter Amwal Bani Quraizah
In the first five years of his Madinan period the Prophet got control over the lands in Madinah and its sub urban areas. Those conquered by armed operation were divided among Sahabah, and those brought under control without using force were declared as the Prophet's property and thereby as state-property. 'Abdullah b. 'Abbas says that the Prophet (S.A.W.) decided what he deemed fit for the lands lying idle and where irrigation was not possible.\(^5\)

Crown Lands:

Such lands included pastures and endowments. In 7 A.H. the Prophet conquered Khaibar, another Jewish town in Peninsular Arabia. The vanquished Jews left the place, leaving behind all the assets including durable lands. These treasures were distributed among Muslims.\(^6\)

The Prophet divided the lands into thirty-six parts, keeping eighteen of them for state expenses and allocating the rest to Muslims. The distribution was in such a way that each part was shared by a hundred men who divided their respective portions among themselves.\(^7\) But keeping the situation in view the Prophet (S.A.W.) made a deal with those Jews who had stayed back that they would cultivate the crown lands and the produce would be divided

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\(^5\) Abu Obaid Qasim bin Salam, Kitab al-Amwal, p. 282
\(^6\) Al-Masoodi, Al-Tambeeh wa al-Ashraf
\(^7\) AL-Baladhuri, op. cit., p. 26
into two parts, with one going to the Islamic government, and the other being retained by the harvesters. This ruling remained in place until the first Caliph's time but 'Umar during his period banished the Jews to Syria and distributed the entire landed properties among Muslims.

**Fidak Lands:**

Upon his return from Khaibar the Prophet sent Muhaisah b. Masood al-Ansari to the inhabitants of Fidak to invite them to Islam. The chief who was a Jew namely, Yushi' b. Nun offered half of the Fidak in exchange of peace. The Prophet accepted it and the half of the lands were registered as the Prophet's own property as these had been achieved without using force. During Umar's caliphate the Jews of Fidak were persuaded to sell off their lands at reasonable price and leave the country forever.

**Wadi al-Qura Lands**

On the way back to Madinah after settling the Khaibar problem, the Prophet invited the people of Wadi al Qura to accept Islam, but they rejected the call and readied themselves for war in which they were defeated. The Prophet took one fifth of the lands from them and the rest was allowed to be retained by the inhabitants with whom the

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8 Abu Obaid Qasim b. Salam, *Kitab al-Amwal*, p. 54
9 Al-Baladhuri, *op cit*, p. 29

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Prophet made the same agreement as with the jews of Khaibar.\textsuperscript{10} When the period of 'Umar came the Jews were all paid huge sums of money for their lands in exchange for their voluntary exile.\textsuperscript{11}

**Land-purchases by the Government**

It is noteworthy that the Prophet (S.A.W.) had allowed the jews of Banu Nadir to dispose off their lands before their expulsions\textsuperscript{12} Banishment of the Jews of Fidak and Wadi al-Qura had been preceded by the purchase of their land's by Caliph 'Umar giving huge amount of money.

Caliph 'Umar entered into an agreement with the tribe of Bujailah, whose chief was Jarir b. Abdullah al-Bajli, that they would be given one fourth of the conquered arable lands of Iraq in exchange for their participation in the battle against Iraq. They got it following the victory. But three years later the Caliph appealed to Al-Bajli to hand back the lands due to the increasing need of the state. Jarir returned the lands and accepted 90,000 Dinar as compensatory price.\textsuperscript{13}

Government is not entitled to confiscate lands by force. Jurist Abu Yusuf writes: 'Imam (Head of the government) neither morally nor legally is authorized to deprive any Muslim or any Zimmi (non-

\textsuperscript{10}Ibid, p 34
\textsuperscript{11}Al-Mawardi, Al-Ahkam, al-Sutaniyyah, Chapter XIV, p 162
\textsuperscript{12}Al-Bukhari, op cit, Kitab al-Buyu
\textsuperscript{13}Abu' Ubayd, Kitab al-Amwal, p 61, Al-Baladhun, op cit, p 268
Muslim subject) who has entered into an agreement with the government, of their rights, or confiscate by force, any thing they own.\footnote{Abu Yusuf, \textit{Kitab al-Kharaj}, p. 35.}

\textbf{Lands of Najran:}

During the Prophet’s life-time a delegation from Najran comprising its leaders visited the Prophet and entered into control over their landed properties, in exchange for a tax, Jizyah, to be paid to the Madinan ruler. The first Caliph wrote another document to them confirming the agreement. But after 'Umar came to power, Najranites, following their Riba transactions, were exiled to Syria and Iraq where they were recommended by the Caliph’s decree to the people in the state, to be given tracts of land for cultivation, as recompense for their lands they had left behind.\footnote{Al-Baladhuri, \textit{op cit}, p. 66}

\textbf{Lands in Yemen:}

Delegations of Yemen had also been given a document guaranteeing their control over their lands and buried treasures, even after their acceptance of Islam.

It has been noted earlier that the Prophet distributed the militarily conquered lands among the combatants, and declared the regions as government property if they were obtained without use of force. lands of the area whose natives either accepted Islam and
sought to be made a part of the Islamic state, or agreed to pay Jizyah, were allowed to be retained by their original owners; but the idle lands in those areas without any owners were granted to men of feats in appreciation of their spectacular achievements.

During Abu Bakr's period many areas were included into the state's property after their fall. Abraq, for instance, was tried to be reclaimed by Banu Thal'ibah, but the Caliph rejected their claim and turned the lands into state pastures for the cattle obtained in Zakat.\(^\text{16}\)

In 16 A.H. Caliph 'Umar following the capture of ever-green and fertile Iraqi region Sawad\(^\text{17}\) planned to distribute the lands but upon being advised by 'Ali left them as a permanent source of income for the Muslims by imposing on the Iraqis 48 or according to another report 24 Dirhams each as tax.\(^\text{18}\)

Amr bin Al-As who conquered Egypt wrote to 'Umar asking him about what to do with the lands, be left as they were for the sake of the future generations. 'Umar is reported to have once said: 'were I not mindful of the later generations I would distribute the conquered valleys among combatants as the Prophet had distributed the lands of Khaibar.'\(^\text{19}\)

\(^{16}\) Al-Tabari, *Tarikh*, Events of 12 A. H. during Caliphate.  
\(^{17}\) Al-Baladhuri, *op. cit.*, p. 115.  
\(^{18}\) Ibid., p. 266.  
\(^{19}\) Al-Bukhari, *Kitab al-Harth, wa al-Muzariyah*
A Pertinent Question concerning Individual and Common Property – Ownership:

Iraqi, Syrian and Egyptian lands were declared by 'Umar and other pious Caliphs as common property of the nation leaving no rooms for feudal system to emerge. This may give rise to the question whether Islamic economic disregarded the individual property ownership? The Islamic system accommodates both individual ownership and common property concepts. The Prophet had distributed Khaibar feudal lands to individuals, division of spoils of war during 'Umar was based on the concept of individual property ownership. It is at the discretion of the Imam or head of the state to decide the matter case by case keeping the situation in view. He can enforce national property concept if the situation demands, or can do otherwise.²⁰

Imam Abu Yusuf maintains that it is lawful for the government to claim the ownership of all the lands and the levy extracted from them to be made the source of comfort for the entire community as the tax is the common property of all Muslims.²¹

Even if a land is given to an individual, there will be a provision of land tax in the form to be paid by the owner. The government can make a land the state property by purchasing it. Land is not a

²⁰ Abu 'Ubayad, Kitab al- Amwal, p 55
²¹ Abu Yusuf, Kitab al- Khiraj, p 46
production of any individual or nations, it is God-send gift meant for all. The Quran announces:

"Verily, all the earth belongs to God, He gives it as a heritage to such as He wills of His servants."

(Al-Quran 7:128)

Islamic system favours the middle path, abandoning both the extremes of absolute individual property ownership and of sweeping state control. It allows the individuals to enjoy ownership of lands as long as land tax is paid off, but it also rules to buy them out at reasonable price if the public interest warrants.