

The Islamic Laws of Inheritance

Compiled by:

Faisal bin Abdul Qadir bin Hassan
Abu Sulaymaan





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Shaikh Salih al-Fawzaan (may Allah preserve him) wrote:

“Needless to say, what the Prophet (ﷺ) said has happened; this branch of Shari’ah (Islamic Law) has been ignored and forgotten; it is rarely taught in mosques or in Muslims’ schools except through every insufficient studies in some educational institutions, which neither give the sufficient knowledge nor guarantee its survival.

Thus, Muslims should set to renew this branch of Shari’ah (Islamic Law), and preserve it in mosques, schools and universities, for they are in dire need of this knowledge, and also they will be held responsible for it”

[A Summary of Islamic Jurisprudence (2/240)]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*All Praise is due to Allah and may Peace and Blessings be upon the Messenger
of Allah, his Companions, and followers until the Last Day*

As for what follows:



Importance of this Topic



- ❖ Inheritance is one of the sciences of Islam. It so important that Allah, the Exalted instructed us about its rules in the Qur'an
- ❖ Our Salaf used to pay attention to this science and encouraged that it be studied. Umar bin al-Khattab (may Allah be pleased with him) said: "**Learn inheritance, Arabic grammar, and the Sunnan as you learn the Qur'an**" [*Sunan ad-Daarimi* (no. 2892) and others. **Graded *Hasan li Ghayrihi*** by Shaikh Zaayid al-Wasaabi in *al-Jaami al-Ahaadith wa Athaar al-Faraa'id* (pg. 34)]

Likewise, 'Ikrimah (may Allah be pleased with him) said: "**Ibn 'Abbas used to place a shackle on my leg and he taught me the Qu'ran and inheritance**" [Reported by *al-Bayhaqi* in *al-Kubra* (6/209) and graded **Saheeh** by Shaikh Zaayid al-Wasaabi in *al-Jaami al-Ahaadith wa Athaar al-Faraa'id* (pg. 37)]

Studying Inheritance law is a communal obligation, but for a Student of Knowledge it is more important

- ❖ Inheritance has been referred to in the narrations as half of Knowledge because it pertains to both wealth and the rights of the dead



It is reported from Sufyaan bin ‘Uyaynah (may Allah have mercy upon him) that he said: “**It was only said that inheritance is half of Knowledge because all people are afflicted by it**” [Reported by al-Bayhaqi in *al-Kubrah* (6/209) and Graded **Saheeh** by Shaikh Zaayid al-Wasaabi in *al-Jaami al-Ahaadith wa Athaar al-Faraa’id* (pg. 39)]

Shaikh Ibn ‘Uthaymeen (d. 1421 H.)—may Allah have mercy upon him—said: “**This is because knowledge is connected to wealth: that which is specific to life and that which is specific to death. So the Knowledge of inheritance is knowledge that is specific to death and the rulings pertaining to wealth. The remainder of Knowledge is connected to wealth during a person’s lifetime**” [*Sharh Mandhoomah al-Qalaa’id al-Burhaaniyyah* (pg. 39)]



Definition of the Subject



❖ Inheritance is: **“the study of estate division, their juristic rulings, and the calculations for disturbing shares”** [*A Summary of Islamic Jurisprudence* (2/240) by Shaikh Salih al-Fawzaan]

In other words, it is **“the knowledge through which it is known who inherits, who does not inherit, and how much does each heir inherits”** [*at-Tahqeeqat al-Mardiyyah* (pg. 12-13) by Shaikh Salih al-Fawzaan]

❖ Inheritance is established when the deceased is affirmed to be dead or takes the ruling of one who has died, such as one who went missing. This latter ruling must be giving by a Muslim Judge

❖ The one who is an heir is a family member who is alive at the death of the deceased, even for a moment, or the one who takes the ruling of one who is alive. Example, a unborn child who will be born later on



Wisdom of the Inheritance Laws



❖ As Muslims, we know that Allah, the Exalted legislates with Knowledge and Wisdom

In terms of inheritance laws, then Allah, the Exalted revealed these laws for a number of reasons. From them:

- To ensure that the rightful heirs obtain their share of wealth and are not prevented unjustly
- To stop the practice of the Days of Ignorance whereby men would inherit and women would not based on erroneous beliefs about women and their status
- To maintain the ties of kinship
- To prevent excessive differing and fighting among relatives for the estate of the deceased etc.

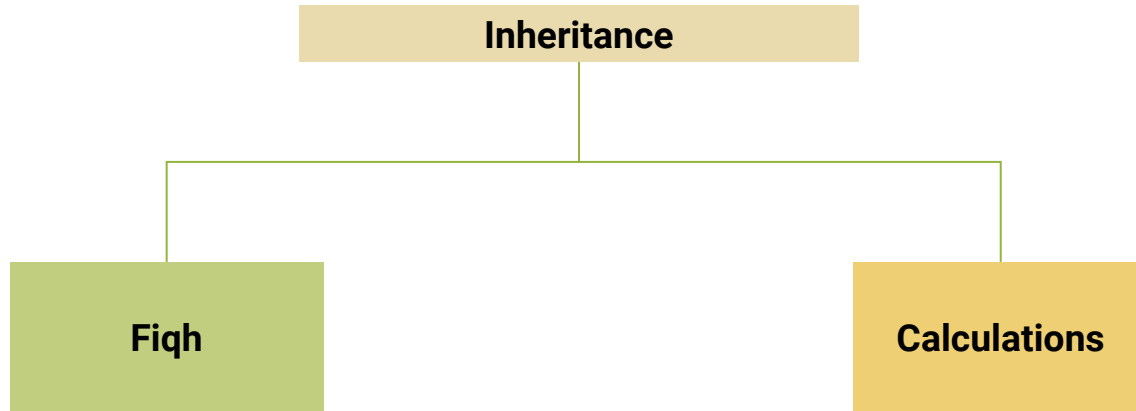
These reasons and more have been mentioned by Shah Waliullah ad-Dehlawi (d. 1176 H.)—may Allah have mercy upon him—in his book *Hujjatullah al-Baalighah* (2/213-214).



Overview of Inheritance



❖ The subject of inheritance can be divided into two aspects: Fiqh (jurisprudence) and calculations/computations. Thus, a person must study the jurisprudence of the subject to know how much each heir receives, and then learn how to calculate each heir's portion. In this presentation, both aspects will be introduced simultaneously to assist in understanding





The Conditions of Inheritance



- ❖ The Scholars have agreed that there are three conditions for inheritance. These conditions are:
1. Verifying that the deceased has passed away because it is not permissible to distribute inheritance when they are alive. If a person is missing, then the case is taken to a Muslim Judge to make the decision as to when the missing person can be considered legally dead
 2. Verifying the life of the heir after the death of the deceased, even if the heir lives for a short moment after the deceased
 3. Knowledge of the relationship of the heir to the deceased. It must be affirmed that the heir is an heir according to the causes of inheritance

[See: *al-'Adhab al-Faa'id* (2/23) by Shaikh Salih al-Buhooti al-Hanbali and *at-Tahqeeqat al-Mardiyyah* (pg. 12-13) by Shaikh Salih al-Fawzaan]



The Causes for Inheritance



❖ The Scholars have agreed that the causes for inheritance are three based on the Qur'an and Sunnah:

1. *Wala* (Loyalty by virtue of Emancipation)
2. Marriage
3. Blood ties

Imam Muhammad bin 'Ali ar-Rahbi (d. 577 H.)—may Allah have mercy upon him—wrote in his poem *ar-Rahbiyyah*:

أَسْبَابُ مِيرَاثِ الْوَرَى ثَلَاثَةٌ كُلُّ يَفِيدُ رَبَّهُ الْوَرَاثَةَ
وَهِيَ نِكَاحٌ وَوَلَاءٌ وَنَسَبٌ مَا بَعْدَهُنَّ لِلْمَوَارِيثِ سَبَبٌ

*The causes of inheritance for the creation are three
Each cause makes an individual an heir*

*They are: marriage, Walaa, and lineage
Beyond these there are no means to acquiring inheritance*

Causes for Inheritance

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graph TD; A[Causes for Inheritance] --- B[Wala (Loyalty by virtue of Emancipation)]; A --- C[Marriage]; A --- D[Blood ties];
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Wala (Loyalty by virtue of Emancipation):

If a person emancipates a slave and then the slave dies without any relatives, the emancipator who freed him inherits from him. The slave, however, does not inherit from the emancipator

Marriage:

a valid marriage contract between you and your wife allows inheritance between you too even if one dies before intimacy

Blood ties:

The last cause for inheritance is blood ties. This refers to specific relatives from your mother and/or father's side

Note: Slavery is not present nowadays



The Preventatives for Inheritance



Preventatives for Inheritance

Killer:

Whoever kills a person, deliberately or mistakenly, is barred from being a heir according to the Majority of Scholars. This is a form of punishment for their actions

Different Religion:

Due to the Hadith: Usamah bin Zaid (may Allah have mercy upon him) said: the Prophet (ﷺ) said, "**A Muslim cannot be the heir of a disbeliever, nor can a disbeliever be the heir of a Muslim**" [al-Bukhari and Muslim]

Slavery:

If a slave passes away, his relatives do not inherit from him but his master does instead

Note: Slavery is not present now

Rule: if an heir falls into a preventative, then they are skipped and is treated as if they are absent



Inheritance of Male and Female Relatives



- ❖ All the male relatives are called '*Asabah*' except for the maternal brothers. The meaning of '*Asabah*' is your full relatives (i.e. from your father and mother) or from your paternal side (father's side) only (agnate relative). They are called this because they encompass you through their relationship to you like how a turban encompasses a person's head
- ❖ As for the relatives from your mother's side only, then their relationship is considered weak and is not given consideration in inheritance calculations. It is important to remember that in Islam, a person's lineage runs through the father's side. Hence, relatives from the paternal side are given consideration
- ❖ The Female relatives from both parents or from the parental side; however, are given consideration



Ways of Receiving Inheritance



An heir receives their inheritance in one of two ways:

1. **By way of *Fard* (Prescription):** which are specific shares as mentioned in the Qur'an and Sunnah. In total, they are 11 heirs that inherit in this way and they tend to be mostly female relatives
2. **By way of *Ta'seeb* (Agnation):** that is: without prescribed shares. Agnate relatives inherit in this manner and it is possible that they receive a lot or a little depending on the situation. In total, there are 14 such heirs.

The proof for the aforementioned division is the following Hadith: Ibn Abbas (Allah be pleased with them) reported Allah's Messenger (ﷺ) as saying: "**Give the shares to those who are entitled to them, and what remains over goes to the nearest male heir**" [*Muslim* (no. 1615)]

Imam an-Nawawi (d. 676 H.)—may Allah have mercy upon him—said: "**The Scholars have agreed that whatever wealth remains after the prescribed shares have been given should go to the agnate relatives. Preference is given to the nearest kin and the *Aasib* (agnate relative) who is further in lineage does not inherit with the presence of the kin who is nearer in lineage**" [*Sharh Muslim* (11/55)]

☞ Hence, from this Hadith we see that there are two types of heirs:

1. Those who receive their inheritance through prescribed shares (*Fard*)
2. Those who receive their inheritance through *Ta'seeb* (agnation)

We also learn that the prescribed shares of inheritances are given first, and any remaining wealth is given to those who inherit by *Ta'seeb* in accordance to the rules which will be explained soon.

☞ In total, there are 25 different heirs according to Islamic inheritance. Each one of these heirs receives their portion either by way of *Fard* (prescribed share), or by way of *Ta'seeb* (agnation), or by way of both methods, or through *Ta'seeb* sometimes and *Fard* other times.

In the following diagram, all 25 heirs are mentioned in relation to how they receive their share of inheritance:

Inheritance

Fard:
Prescribed Share

11 Heirs

Mother 2	Grand Mother 1	Daughter 2	Grand daughter 3	Full Sister 3
Paternal Sister 2	Maternal Brothers/ Sisters 2	Husband 2	Wife 2	Father 3
Grand Father 3				

This number shows the total possible options for each heir

Ta'seeb (Agnation):
Has 5 situations

14 Heirs

Son	Grandson Etc.	Father	Grand Father	Full brother
Paternal brother	Full brother's son etc.	Paternal brother's son etc	Full paternal uncle	Paternal Paternal uncle
Full Paternal uncle's son etc.	Paternal Paternal uncle's son etc.	Male Emancipator	Female Emancipator	



5 Situations of Agnation (*Ta'seeb*)



❖ *Ta'seeb* (agnation) has five situations:

First Situation: There are no surviving relatives besides one *'Asib* (agnate relative). In this case, they take everything.

E.g. You pass away and there is no surviving relative but your son. In this case he takes all the inheritance because he inherits by way of *Ta'seeb* and there are no other relatives

Second Situation: There is an agnate relative alongside his sister. This situation is called *'Asabah bi Ghayr*. This applies to four pairs:

1. A daughter with her brother (i.e. a son)
2. A granddaughter with her brother (grandson) or her cousin (i.e. her father's full brother's son)
3. Full sister with full brother
4. Paternal sister with paternal brother

In these situations, the males receive double the portion of the females [See: Qur'an 4:11]. Why does the male receive double the portion of a female in these cases? This will be explained later in the work.

Third Situation: There is an *'Aasib* (agnate relative) alongside those who inherit by prescribed shares. In this case, the *'Aasib* (agnate relative) takes what remains after those who take prescribed shares take their shares.

Example: A man passes away leaving behind his wife and his uncle.

Solution: The wife receives $\frac{1}{4}$ (prescribed share which will be explained later) and the residual amount goes to the uncle because he is the only surviving *'Aasib*.

If there is nothing left after the prescribed shares are distributed, then every *'Aasib* is dropped except for two:

- 1) A son
- 2) A father

A father and son cannot be dropped in any inheritance calculation as long as they are present

Example: A woman dies and leaves behind her husband, her full sister, and her uncle

Solution: The husband receives $\frac{1}{2}$ and the sister takes $\frac{1}{2}$ (both are prescribed shares). The uncle is dropped because there is nothing left. $\frac{1}{2} + \frac{1}{2} =$ a whole (all the estate)

Fourth Situation: The only one who is in both the *Ta'seeb* category and prescribed share category is the father. In the case of *Ta'seeb*, the father receives the residual amount if the deceased has no children or grandchildren

Example: If you pass away and leave behind your wife and your father. How is your estate divided?

Solution: Your wife receives $\frac{1}{4}$ (a prescribed share which will be explained later) and your father takes the remaining amount by way of *Ta'seeb* (agnation) because there are no other relatives.

Note: the above rule applies exactly to the grandfather with the condition that the father is not present

Fifth Situation: If all *‘Asabah* members are present alongside those who inherit prescribed shares. In this case, not every *‘Asib* member inherits but only one of them and it is the one who is closer to the deceased in lineage. This is based on the Hadith of Ibn ‘Abbas (may Allah be pleased with him) mentioned earlier.

The rest of the *‘Asabah* are cut off through a process called *Hajab* (exclusion), which will be explained more later on. In this case, it is complete exclusion (*Hajab Hirmaan*). This applies to all residual inheritors except the son and the father as no one can cut them off. Likewise the grandson and grandfather are not cut off by those below them provided no son or father are present.

Who cuts off who and in what order? The following is the list of the *‘Asabah* in order. The rule is that each *‘Asib* cuts off the one below except for the father and son as mentioned above.

1. **Son:** no one cuts him off and he cuts everyone below except for the father
2. **Grandson:** cuts off all who are below except for the father and grandfather
3. **Father:** no one cuts him off. When a son or grandson is present, the father receives a prescribed share only and not from Ta'seeb.
4. **Grandfather**
5. **Full brother**
6. **Paternal brother**
7. **Son of full brother even if they descend**
8. **Son of paternal brother even if they descend**
9. **Full uncle**
10. **Paternal uncle**
11. **Full uncle's son even if they descends**
12. **Paternal uncle's son even if they descend**

Question: You pass away and leave behind your grandson, your father, your brother, your full uncle, and your grandfather. How is your estate divided?

Solution: The father takes $\frac{1}{6}$ because the grandson is present. Thus, the father takes a prescribed share. The grandson takes the remaining amount and cuts off the brother and full uncle. The grandfather is cut off by the father.



Those Who Inherit Prescribed Shares



- There are six prescribed shares as come in the Qur'an. The order of the shares, from largest to least, is the following: $\frac{2}{3}$, $\frac{1}{2}$, $\frac{1}{3}$, $\frac{1}{4}$, $\frac{1}{6}$, $\frac{1}{8}$
- The people who receive prescribed shares are the 11 heirs mentioned earlier.

The shares for each heir alongside their conditions have been summarized in the upcoming chart. The portions mentioned and the conditions have been taken from the Qur'an, the Sunnah, and the statements of the Scholars.

For more, see: *A Summary of Islamic Jurisprudence* (2/251-275) by Shaikh Salih al-Fawzaan (may Allah preserve him)

Heir	2/3	1/3	1/6	1/2	1/4	1/8
Husband				✗ Wife does not have children or grandchildren	✓ Wife has children or grandchildren	
Wife					✗ husband does not have children or grandchildren	✓ husband has children or grandchildren
Father			✓ deceased has son or grandson	Note: The father inherits by Ta'seeb also as mentioned earlier. The father also inherits by both Ta'seeb and Fard in one case: when the deceased only has female offspring: daughters and granddaughters and the estate is not fully covered		
Mother		✗ deceased does not have children/grandchildren (male or female) or 2+ brothers/sisters (on any side)	✓ deceased has children/grandchildren or 2+ brothers/sisters (on any side)			
Daughter	✗ if there are 2 or more sisters and the deceased does not have children except daughters without brothers. The sisters share this portion			✗ deceased does not have children except a daughter and she has no brothers		
Paternal Grandfather			Same rules as father provided the father is not there			

Amount	2/3	1/3	1/6	1/2	1/4	1/8
Grandmother (Maternal/ Paternal)			✗ Provided the mother is not there	Note: All grandmothers inherit except for the one whose son is the mother's father, or the paternal grandmother's father. That is: a grandmother who has a male child whose immediate ancestor and offspring are two females, provided that she is one of them. If there is more than one grandmother, then the one closest to the deceased cuts off the one further away. If there are many grandmothers at the same level, then they all share in one portion		
Granddaughter	✗ if there are 2 or more granddaughters and the deceased does not have children except for granddaughters and she has no brothers. They all share this portion		✗ deceased does not have children except for 1 daughter and 1 granddaughter. In this case, the granddaughter takes $\frac{1}{6}$ and the daughter takes $\frac{1}{2}$ as mentioned earlier	✗ deceased does not have children except this granddaughter and she has no brothers		
Full Sister	✗ if there are 2 or more sisters and the deceased does not sons, nor grandsons, nor a father nor a grandfather, nor full brothers			✗ if there are no sons, grandsons, no father, no grandfather, no full brothers	Note: The sister(s) take whatever is remaining in the situation there are no sons but there is 1 daughter or 1 granddaughter. If there is 2 or more daughters, the full sisters take the remaining and the granddaughter is cut off	

Amount	2/3	1/3	1/6	1/2	1/4	1/8
Maternal Sisters/brothers		✗ if there is 1 or more maternal brother or maternal sister and the deceased has no father, or grandfather	✗ if there is only 1 maternal brother or maternal sister and the deceased has no father, no grandfather			
Paternal Sisters	✗ if there are 2 or more paternal sisters and the deceased does not have sons, nor grandsons, nor a father or grandfather, nor full brothers, nor full sisters, nor paternal brothers		✓ if there is 1 full sister and 1 paternal sister or more	✗ if there are no sons, grandsons, no father, no grandfather, no full brothers	Note: The paternal sister(s) take whatever is remaining in the situation there are no sons but there is a daughter or granddaughter	



Types of *Hajab* (Exclusion)



❖ *Hajab* literally means to cut off or exclude. It refers to the process in which an heir is cut off by another heir, or when their share is decreased due to the presence of another heir. It is of two types:

1. **Exclusion due to description:** this is essentially when an heir is barred from inheritance due to falling into one of the three preventatives mentioned earlier
2. **Exclusion due to a person:** it is when an heir is partially or fully excluded due to the presence of another heir. It divides into two types:
 - ***Hajab al-Hirmaan (Complete Exclusion):*** which is when one heir completely cuts off another heir. This applies to both the heirs who inherit by way of *Ta'seeb* and prescription
 - ***Hajab an-Nuqsaaan (Partial Exclusion):*** which is when one heir causes another heir to receive a decrease in their share, but does not cut them off completely. This applies to a lot of the heirs who inherit by way of prescription



Notes on Complete Exclusion



Standard Heirs that Never get Cut Off

1. Husband
2. Wife
3. Father
4. Mother
5. Son
6. Daughter

Grandson:

- Cut off by **son**

Paternal Grandfather:

- Cut off by Father

Granddaughter:

- Cut off by **son**, grandson of higher rank, or 2 or more daughters

Full Sisters:

- Cut off by **son**, grandson, father, and grandmother

Maternal Sisters/Brothers:

- Cut off by **son**, daughter, grandson, granddaughter, grandmother, father, grandfather

Paternal Sisters:

- Cut off by **son**, grandson, father, grandfather, grandfather, full brothers, full sisters, full sisters with full brothers, two full sisters and the paternal sister does not have a paternal brother. If she has a paternal brother, then they share in the portion with the paternal brother taking double the portion she does



How to Divide the Estate



When a deceased passes away, there are rights that need to be deducted before the inheritance can be divided:

1. The amount of money needed to wash, shroud, and prepare the body of the deceased for burial is paid from the estate
2. All debts connected to the estate must be paid, such as Zakat owing, and any wealth that is borrowed, rented, or kept as safekeeping for others must be removed (since this does not belong to the deceased)
3. Then any outstanding debts of the deceased not connected to the estate must be paid, such as debt owing to people
4. If the deceased has left a bequest, then that wealth must be given to its rightful people. The bequest cannot exceed $\frac{1}{3}$ of the estate and cannot be from the best part of the estate

After all that is completed, then you divide the estate (i.e. inheritance is distributed) to the living heirs.

The Scholars differed in relation to the first and second categories. Which of the two takes precedence? Imam Malik, Imam ash-Shafi'ee, and the Companions of Opinion (may Allah have mercy upon them) held the view that rights owing on the estate take preference over the right of preparing the body of deceased. Their rationale was that the right on the estate existed before the deceased died, hence, it should be given preference. They also mention that all rights that are given preference when alive are given preference at the time of death.

Imam Ahmad (may Allah have mercy upon him) held the view that right of preparing the funeral for the deceased goes ahead of any debts owing on the estate. He made the analogy between the deceased and the bankrupt in that the bankrupt's need for food/drink take preference over his need to pay his debt. This opinion of Imam Ahmad, and Allah knows best, is the more correct opinion [See: *Fath ul- 'Allaam* (4/150) of Shaikh Hizaam—First Edition and others]



Case Study 1



Case: A man passed away leaving behind his mother, his wife, daughter and full brother. He left behind 5 million riyals, a house, land, a car, and a store. He left no bequest and no debts.

Solution: Since the deceased left no bequest nor debts, we do not have to worry about that. Next, we will go to an expert in business who will assess the value of the house, land, car, and store. Then this valuation will be added to the 5 million riyals that the deceased already left behind. Let's assume, the total estate, including the house, land, car, store, and cash amounts to 120 million riyals

Now, we begin dividing the estate according to the rules mentioned earlier.

Rule: always begin with those who inherit prescribed shares then go to those who inherit by way of Ta'seeb:

Mother (Fard): $\frac{1}{6}$ (because the decease has children) **Wife (Fard):** $\frac{1}{8}$ (because the decease has children)

Daughter (Fard): $\frac{1}{2}$ (because the decease has children) **Full Brother (Ta'seeb):** Remaining amount

Now that we know the shares for each heir, we need to divide the total estate according to these portions. Traditionally, Scholars of the past would often calculate inheritance cases using what is called a *Case Window*. While it is not a must to use them, they are helpful in dividing the inheritance. Below is a demonstration of how to use a Case Window works:

		24
$\frac{1}{6}$	Mother	4
$\frac{1}{8}$	Wife	3
$\frac{1}{2}$	Daughter	12
Remaining	Full brother	5

Now that we know the shares of each heir, we have to calculate the dollar amount for each heir.

We do this by first dividing the amount of the total estate by the common denominator.

$$120 \text{ million riyals} / 24 = 5 \text{ million}$$

Now we multiply each heir's share out of 24 by 5 million

Mother: $4 \times 5 \text{ million} = 20 \text{ million riyals}$

Wife: $3 \times 5 \text{ million} = 15 \text{ million riyals}$

Daughter: $12 \times 5 \text{ million} = 60 \text{ million riyals}$

Full brother (remaining): $5 \times 5 \text{ million} = 25 \text{ million riyals}$

If we add up all the amount we get 120 million riyals. Hence the distribution is complete.

There is an alternative way to determine the amount for each heir without using a Case Window.

What we do is divide the total amount of the estate by the denominator of their fractional share. For example, if the Mother received $\frac{1}{6}$, then we will divide the total amount of the estate by 6. We do this for all heirs.

Mother ($\frac{1}{6}$): 120 million riyals / 6 = 20 million riyals

Wife ($\frac{1}{8}$): 120 million riyals / 8 = 15 million riyals

Daughter ($\frac{1}{2}$): 120 million riyals / 2 = 60 million riyals

Now to determine the Full brothers share, we just subtract all the prescribed amounts from the total.

The remaining amount then goes to the Full brother.

Full brother (remaining): 120 million riyals — 95 million riyals = 25 million riyals

This method and the method perform both yield the same result. Thus, a person is free to use whichever method they feel most comfortable with.



Case Study 2



Case: A man passes away leaving behind a wife, a daughter, and a son. The estate is worth 30 thousand dollars

Solution: The wife receives $\frac{1}{8}$ and the daughter and son takes the remaining.

$$\$30\,000 / 8 = \$3750$$

Wife: $1 \times \$3750 = \3750

Son and Daughter: take the remaining

$$7 \times \$3750 = \$26\,250$$

The son gets double the portion of the daughter. This means there will be a total of **3 shares** (2 for the son and 1 for the daughter). $\$26\,250 / 3 = \8750 . Thus the daughter gets $\$8750$ ($1 \times \$8750$) and the son gets double ($2 \times \$8750$) = $\$17\,500$.

		8
$\frac{1}{8}$	Wife	1
Remaining	Son	7
	Daughter	

If we use the other method we get the following:

Wife ($\frac{1}{8}$): $\$30\,000 / 8 = \3750

Son and daughter: Receive the remaining

$$\$30\,000 - \$3750 = \$26\,250$$

The son gets double the portion of the daughter. This means there will be a total of 3 shares (2 for the son and 1 for the daughter).

$$\$26\,250 / 3 = \$8750. \text{ This is the share of the daughter. The sons gets double} = \$8750 \times 2 = \$17500$$



Case Study 3



Case: A man passes away leaving behind a wife, 2 daughters, a mother, 12 full brothers, 1 full sister, and an uncle. The estate is worth 600 dinars

Answer: First identify who inherits by way of Fard and who inherits by way of Ta'seeb

Wife (Fard): $\frac{1}{8}$

2 daughters (Fard): $\frac{2}{3}$

Mother (Fard): $\frac{1}{6}$

12 full brothers (Ta'seeb): Remaining Amount

1 full sister (Ta'seeb): Remaining amount

Uncle (Ta'seeb): Cut off

		24
$\frac{1}{8}$	Wife	3
$\frac{2}{3}$	2 daughters	16
$\frac{1}{6}$	Mother	4
Remaining	12 Full brothers	1
	1 Full Sister	

We divide total shares by the total amount of the estate: $600 \text{ dinars} / 24 = 25 \text{ dinars}$

Wife: $3 \times 25 \text{ dinars} = 75 \text{ dinars}$

2 daughters: $16 \times 25 \text{ dinars} = 400 \text{ dinars}$

Mother: $4 \times 25 \text{ dinars} = 100 \text{ dinars}$

Full sister and brothers: Take the remainder

$1 \times 25 \text{ dinars} = 25 \text{ dinars}$

12 brothers who receive two times more than the sister means $12 \text{ brothers} \times 2 = 24 \text{ shares} + 1 \text{ share for the daughter} = 25 \text{ total shares}$

$25 \text{ dinars} / 25 \text{ shares} = 1 \text{ dinar.}$

Full sister receives 1 dinar. And $1 \times 2 = 2 \text{ dinars for each brother} \times 12 = 24 \text{ dinars for all of them}$

$24 + 1 = 25 \text{ dinars in total}$

If we use the other method we get the following:

Wife: $600 / 8 = 75$ dinars

2 daughters: $600 / 3 = 200 \times 2 = 400$ dinars

Mother: $600 / 6 = 100$ dinars

Full sister and brothers: Take the remainder

$75 + 400 + 100 = 575$ dinars

$600 - 575 = 25$ dinars

12 brothers who receive two times more than the sister = $12 \times 2 = 24 + 1 = 25$ total shares

$25 \text{ dinars} / 25 \text{ shares} = 1 \text{ dinar.}$

Full sister receives 1 dinar. And $1 \times 2 = 2$ dinars for each brother $\times 12 = 24$ dinars for all of them

$24 + 1 = 25$ dinars in total



Case Study 4



Case: A woman passes away leaving behind a husband, a mother, and 2 maternal sisters. The total estate is worth 12 million

Solution: First identify who receives a prescribed share and who receives by way of Ta'aseeb

$12 \text{ million} / 6 = 2 \text{ million}$

Husband (Fard): $3 \times 2 \text{ million} = 6 \text{ million}$

Mother (Fard): $1 \times 2 \text{ million} = 2 \text{ million}$

2 Maternal Sisters (Fard): $2 \times 2 \text{ million} = 4 \text{ million}$

$6 \text{ million} + 2 \text{ million} + 4 \text{ million} = 12 \text{ million}$

		6
$\frac{1}{2}$	Husband	3
$\frac{1}{6}$	Mother	1
$\frac{1}{3}$	2 Maternal sisters	2

Case: A woman passes away leaving behind a husband, a mother, and 2 maternal sisters. The total estate is worth 12 million

Solution: First identify who receives a prescribed share and who receives by way of Ta'seeb

Husband (Fard): $\frac{1}{2}$: 12 million / 2 = 6 million

Mother (Fard): $\frac{1}{6}$: 12 million / 6 = 2 million

2 Maternal Sisters (Fard): $\frac{1}{3}$: 12 million / 3 = 4 million

6 million + 2 million + 4 million = 12 million total



Radd (Redistribution)



❖ **Radd:** refers to the situation where there are no agnate relatives after the heirs who inherit by way of Fard have taken their portions. Thus, a portion of the inheritance remains without an heir. In this case, the wealth is redistributed (*radd*) to the heirs except the two spouses according majority of the Scholars. Some Scholars, like Shaikh ul-Islam Ibn Taymiyyah and Imam as-Sa'di, hold the view that redistribution can even go to the two spouses [See: *Fath ul- 'Allaam* (4/210)-First Edition]. We follow the majority view in this work.

The additional wealth is returned to the surviving heirs according to their prescribed portion. It has the following cases:

1. If there is only one heir then he/she takes all the wealth by way of prescription/agnation and Radd (redistribution). **E.g.** An estate is worth 1 million and there is only one surviving daughter. In this case, she takes it all
2. There is more than one heir but they are all of the same level, in this case they all share the estate together. **E.g.** an estate is worth 50 thousand and there are only 5 daughters. They each take 10 thousand
3. There is more than one heir and type of heir. In this case, we need to follow the following steps:

Case: a man passed away leaving behind his daughter and granddaughter and the estate is worth 20 dinars

Solution: First, determine their regular shares

Daughter: $\frac{1}{2}$

Granddaughter: $\frac{1}{6}$

		4
		6
$\frac{1}{2}$	Daughter	3
$\frac{1}{6}$	Granddaughter	1

The total shares in the Case Window are changed to reflect the total of the individual shares summed together. So instead of having 6 total shares, it becomes 4. This downsizing of the total shares reflects the fact that there were left over shares in the original calculation that needed to be redistributed.

Next, now that we know the shares for each heir, it is time to calculate the amount for each heir

$$20 \text{ dinars} / 4 = 5 \text{ dinars}$$

Daughter: $3 \times 5 \text{ dinars} = 15 \text{ dinars}$

Granddaughter: $1 \times 5 \text{ dinars} = 5 \text{ dinars}$

$$15 \text{ dinars} + 5 \text{ dinars} = 20 \text{ dinars.}$$

Initially, the daughter would receive $\frac{1}{2}$, but due to the redistribution she receives $\frac{3}{4}$. The granddaughter would receive $\frac{1}{6}$, but due to the redistribution she will receive $\frac{1}{4}$.

Using the alternative method:

Daughter: $\frac{1}{2}$

Granddaughter: $\frac{1}{6}$

Next, divide each heir's portion by the **fixed number 6** to find the new share for each.

$\frac{6}{2} = 3$ for the daughter

$\frac{6}{6} = 1$ for the granddaughter

Now you combine these two numbers and divide the estate by this amount.

$1 + 3 = 4$. $20/4 = 5$. This number is now multiplied by the new shares above.

Daughter: $3 \times 5 = 15$ dinars

The Granddaughter: $1 \times 5 = 5$ dinars

$15 + 5 = 20$ dinars total

If one or both spouses are present in a case of redistribution, then their shares are first given to them. Then the rest is redistributed to the other heirs.

Case: A man passes away leaving behind a wife, sister, and maternal brother. The total estate is worth is 40 dinars.

In order to do this, we need to make two cases one with wife and one without the wife.

Then we combine both cases. To find the total base, we will multiply

the sum of the case without the wife (4) by the wife's share (4).

The wife's share is calculated by multiplying her original share (1)

by 4. The share of the sister and maternal brother are calculated

by adding their shares from the two cases together.

		Case with Wife	Case without Wife	Total
		11	4	16
		12	6	
$\frac{1}{4}$	Wife	3	-	4
$\frac{1}{2}$	Sister	6	3	9
$\frac{1}{6}$	Maternal brother	2	1	3

Next, we determine each shares amount based on the total 40 dinars.

$$40 \text{ dinars} / 16 = 2.5 \text{ dinars}$$

Wife: $4 \times 2.5 = 10 \text{ dinars}$

Sister: $9 \times 2.5 = 22.5 \text{ dinars}$

Maternal brother: $3 \times 2.5 = 7.5 \text{ dinars}$

$$10 \text{ dinars} + 22.5 \text{ dinars} + 7.5 \text{ dinars} = 40 \text{ dinars}$$

Alternatively, we can solve this case in the following manner:

Solution:

Wife receives ($\frac{1}{4}$): $40 \text{ dinars} / 4 = 10 \text{ dinars}$

This amount is subtracted from the total estate: $40 \text{ dinars} - 10 \text{ dinars} = 30 \text{ dinars remain}$

Now we complete the steps mentioned in the previous slide.

Sister receives ($\frac{1}{2}$): $= 6/2 = 3$

Maternal brother receives ($\frac{1}{6}$): $= 6/6 = 1$

$3 + 1 = 4.$

$30 \text{ dinars} / 4 = 7.5 \text{ dinars.}$ We now multiply this number by their shares.

Sister = $3 \times 7.5 \text{ dinars} = 22.5 \text{ dinars}$

Maternal brother: $1 \times 7.5 = 7.5 \text{ dinars.}$ In total that is 30 dinars.



'Awl (Reduction)



❖ **'Awl:** refers to the situation when the total number of prescribed shares needed by the heirs exceeds one whole (i.e. the total amount of the estate). Thus, all their shares must be reduced

The majority of the Companions and the Scholars held the view that 'Awl is legislated. Imam Ibn Qudamaa (d. 620 H.)—may Allah have mercy upon him—said: **“This is the opinion of the vast majority of the Companions and those who followed them from the Scholars. It was the view of Umar, ‘Ali, al-‘Abbas, Ibn Mas‘ud, Zayd, and it was the view of Malik and the Scholars of al-Madinah, at-Thawri and the Scholars of Iraq, ash-Shafi‘ee and his Companions, Ishaq, Nu‘aym bin Hammad, Abu Thawr, and the remaining Scholars except Ibn ‘Abbas and a small group of Scholars who took the odd view of decreasing the shares”** [*al-Mughni* (9/28, 30) as cited by Shaikh Abdullah al-Khawlaani (may Allah preserve him) in his checking of *Risaalataan fil-Faraa'id* (pg. 74) by Imam ash-Shawkaani]

Unlike *Radd*, the spouses are included in 'Awl.

Case: a wife passed away leaving behind a husband, paternal sister, and 2 maternal sisters, and uncle.

The estate is 32 dinars

Solution:

Husband (Fard): $\frac{1}{2}$

Paternal Sister (Fard): $\frac{1}{2}$

2 Maternal Sisters (Fard): $\frac{1}{3}$

Uncle (Ta'seeb): cut off

$\frac{1}{2} + \frac{1}{2} + \frac{1}{3} =$ The total is more than a whole

And so, we will make everyone's share a function of the new denominator, which is 8.

		8
		6
$\frac{1}{2}$	Husband	3
$\frac{1}{2}$	Paternal Sister	3
$\frac{1}{3}$	2 Maternal Sisters	2
-	Uncle	-

Next, we divide the total amount of the estate by 8. $32 \text{ dinars} / 8 = 4 \text{ dinars}$.

Husband: $3 \times 4 \text{ dinars} = 12 \text{ dinars}$

Paternal Sister: $3 \times 4 \text{ dinars} = 12 \text{ dinars}$

2 Maternal Sisters (Fard): $2 \times 4 \text{ dinars} = 8 \text{ dinars}$

$12 + 12 + 8 = 32 \text{ dinars}$

If we compare the case before and after the reduction, we notice that everyone's share decreased in order to fit the estate.

Fraction	Heir	Before 'Awl	%	After 'Awl	%
$\frac{1}{2}$	Husband	$\frac{3}{6}$	50	$\frac{3}{8}$	37.5
$\frac{1}{2}$	Paternal Sister	$\frac{3}{6}$	50	$\frac{3}{8}$	37.5
$\frac{1}{3}$	2 Maternal Sisters	$\frac{2}{6}$	33	$\frac{2}{8}$	25
-	Uncle	-	-	-	-

If we use the alternative method, then the rules for 'Awl are the same as Radd except that the number **6** is changed to the number **12** because the two spouses are part of 'Awl unlike in Radd. If the wife is supposed to receive $\frac{1}{8}$ in the case, then the number is changed from **12** to **24**.

Solution:

Husband (Fard): $\frac{1}{2}$

Paternal Sister (Fard): $\frac{1}{2}$

2 Maternal Sisters (Fard): $\frac{1}{3}$

Uncle (Ta'seeb): cut off

$\frac{1}{2} + \frac{1}{2} + \frac{1}{3} =$ The total is more than a whole

Husband (Fard): $12/2 = 6$

Paternal Sister (Fard): $12/2=6$

2 Maternal Sisters (Fard): $12/3 = 4$

$6+6+4 = 16$

$32 \text{ dinars total} / 16 = 2$

Husband (Fard): $2 \times 6 = 12$

Paternal Sister (Fard): $2 \times 6 = 12$

2 Maternal Sisters (Fard): $2 \times 4 = 8$

$12 + 12 + 8 = 32 \text{ dinars}$



Special Cases



Some inheritance cases involve unique circumstances and hence, unique solutions. The following is a list of some of those special cases:

- How to divide the inheritance in the occurrence of successive deaths of the heirs
- The inheritance of a missing person
- The inheritance of a hermaphrodite
- The inheritance of those who die by drowning, demolition, burning, or the likes
- The inheritance of the unborn baby
- The *Musharrakah* case
- al-Gharraawayn (الغَرَّاءِیْن) or The Two Cases of Umar (may Allah be pleased with him)
- The inheritance of the paternal grandfather with the paternal brothers (*Mu'aadah*)
- The inheritance of Kindred by Blood (Dhawil-Arhaam)

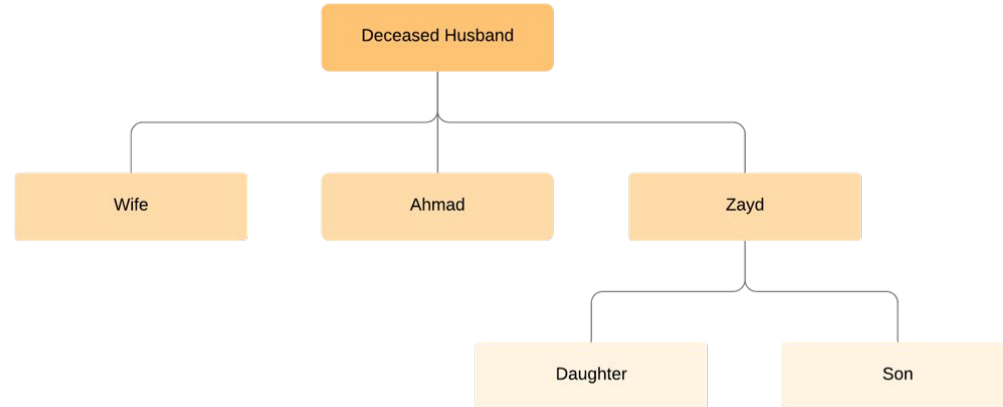


Successive Deaths



Consecutive deaths (al-Munaasakaat): refers to the situation one heir or more dies before the distribution of the estate. In this situation, the estate is divided as usual and the amount that was allocated for the heir, who is now deceased, is transferred to his/her heirs. Hence, the amount they received from the first deceased is simply transferred to their heirs.

Case: a man passes away leaving behind a wife and two boys: one named Ahmad and the other Zayd. Before distributing the wealth, Zayd passes away leaving behind a son and daughter. The value of the first estate is \$48 000 and Zayd's wealth he left behind is \$6 000.



Case 1: For the Husband

Wife (1/8): $\frac{1}{8}$

2 sons (Ta'seeb): Remaining

		8
$\frac{1}{8}$	Wife	1
Remaining	2 Sons	7

$$\$48\,000 / 8 = \$6\,000$$

Wife (1/8): $\frac{1}{8} : 1 \times \$6\,000 = \$6\,000$

2 sons (Ta'seeb): $7 \times \$6\,000 = \$42\,000$

$\$42\,000 / 2 = \$21\,000$ for Ahmad and $\$21\,000$ for Zayd

Case 2: For Zayd

Now we built the next case for Zayd's descendants. His total estate is $\$21\,000 + \$6\,000 = \$27\,000$

Daughter and Son: share all the estate

		3
Total estate: son gets 2:1 of daughter	Daughter	1
	Sons	2

$$\$27\,000 / 3 = \$9\,000$$

Daughter: $1 \times \$9\,000 = \$9\,000$

Sons: $2 \times \$9\,000 = \$18\,000$

First, we divide the inheritance as usual.

Wife (Fard): $\frac{1}{8} : \$48\,000 / 8 = \$6\,000$ for the wife

2 sons (Ta'seeb): Remaining: $\$48\,000 - \$6\,000 = \$42\,000$ for the sons / 2 = $\$21\,000$ for each Zayd and Ahmad

Second, now that Zayd passed away, we need to give his share to his heirs alongside any wealth he had.

$\$21\,000$ inheritance + $\$6\,000$ wealth that Zayd left = $\$27\,000$ total

Heirs of Zayd:

Daughter and Son

$27\,000 / 3 = \$9\,000$

So the daughter gets $\$9\,000$

$\$9\,000 \times 2 = \$18\,000$ for the son



The Inheritance of a Missing Person



- ❖ A missing person is a person who has disappeared for an extended period of time to the point that it is unknown whether they are dead or alive. The majority of Scholars mention that the case is taken to an Islamic judge who makes a case by case decision. The Islamic judge determines a waiting period for the missing person to which after that period, if the missing person does not appear the estate is divided [See: *al-Mughni* (9/187) and *ash-Sharh al-Mumti'* (5/92)]
- ❖ If the missing person is the deceased, then their wealth is not distributed until the Islamic judge passes the decree at the completion of the waiting period. If the missing person is an heir, then the same rules apply. In the case that the other heirs demand the division of the estate occur before the waiting period is over, then the estate is divided as usual and a maximum possible share is reserved for the missing heir until their affair becomes clear or the waiting period ends. This is the position of the Majority of the Scholars [See: *al-Mughni* (9/189)]

Case:

A man passes away leaving behind a son, daughter, and full uncle. The son; however, is missing and his whereabouts are not known. The deceased estate is worth \$12 000.

Solution: We will make two cases. One in which the missing heir is present and the second when he is absent. Then we will combine both cases together to form the solution.

		Case with Son	Case without Son	Total
		3	2	6
Total estate: Son gets 2:1 of daughter	Daughter	1	1	2
	Son (missing)	2	-	-
Cut Off	Full Uncle	-	1	-
				4

There is 4 shares remaining. If the son appears during the waiting period, then he takes all those shares. If not, then daughter takes 1 more share making her total 3. The Full uncle takes the remaining 3.

Until the son's whereabouts are determined, the inheritance will be distributed as follows:

Daughter: $\$12\,000 / 6 = \$2\,000$

$2 \times \$2\,000 = \$4\,000$

So the daughter receives \$4 000 now. If the son appears during the waiting period, then he receives the remaining \$8 000 (4 x \$2 000).

If the son does not return before the waiting period is over, then the daughter receives another share and the uncle receives the remaining amount.

Daughter: $\$4\,000$ (from before) + $\$2\,000$ (additional share) = $\$6\,000$.

Uncle: $\$12\,000 - \$6\,000 = \$6\,000$



The Inheritance of a Hermaphrodite



- ⊠ A hermaphrodite is a person who has both male and female sexual organs and their sex/gender needs to be determined
- ⊠ If an heir is a hermaphrodite, then we need to know their gender in order to determine their share and the shares of others. Hence, the Scholars mention that such an inheritance case is suspended until the hermaphrodite reaches the age of puberty. From there it can be determined if they display the qualities of masculinity or femininity. If the other heirs demand that the inheritance be divided before the sex/gender of a hermaphrodite is determined, then the case is treated like that of a missing person. Every heir will receive half of their allotted shares and the remaining shares will be suspended until the hermaphrodite's gender is determined at puberty.

If the hermaphrodite heir dies before the age of puberty and before their sex/gender is determined, then they are given half the share of male and female. Since it is not clear whether the hermaphrodite is a male or a female, the Scholars say that two cases are made representing both genders, then both cases are combined and the hermaphrodite is given half of that [See: *A Summary of Islamic Jurisprudence* (2/309-311) by Shaikh Salih al-Fawzan and *Fath ul-'Allam* (4/218) of Shaikh Hizaam-First Edition]

Case:

A man passes away leaving behind a hermaphrodite full sibling (whose gender cannot be determined), a wife, a mother, and full uncle. The deceased estate is worth \$42 000.

Solution: We will make two solutions: one as a full brother and another as a full sister. Then we will combine them and give the hermaphrodite half.

		Case as Full brother	Case as a Full sister	Total
		12	12	24
$\frac{1}{4}$	Wife	3	3	6
$\frac{1}{6}$	Mother	2	2	4
-	Hermaphrodite	7	6	13
Cut Off	Full Uncle	-	1	1

The two cases are added together. The total base is determined by multiplying 12 by 2 = 24.

$\$42\,000 / 24 \text{ shares} = \1750 each share

Wife: $6 \times \$1750 = \$10\,500$

Mother: $4 \times \$1750 = \$7\,000$

Hermaphrodite: $13 \times \$1750 = \$22\,750$

Uncle: $1 \times \$1750 = \1750

$\$10\,500 + \$7\,000 + \$22\,750 + \$1750 = \$42\,000$



The Inheritance of Those who Die by Drowning etc.



- ◊ In some rare occurrences, two or more people who would normally inherit from each other may die together in an accident, such as a fire, drowning.

In this situation, the most correct opinion is that both heirs would not inherit from one another since it is difficult, or almost impossible, to determine which heir died first. As mentioned earlier in this work, one of the conditions of inheritance is ascertaining the death of the deceased and that an heir is alive at the time the deceased dies. If we cannot affirm whether the deceased died before the heir, then the condition is not met and hence no inheritance can occur between them [See: *Fath ul-'Allam* (4/216) of Shaikh Hizaam-First Edition]



The Inheritance of the Unborn Baby



- ◈ In the case that the deceased has an unborn baby as an heir, the inheritance should not be divided until the mother gives birth to the child. This is in order to determine the gender of the child. After the gender of the child is known, each heir will receive their allotted share of the inheritance
- ◈ In the case that the other heirs demand that the inheritance be divided before the birth of the child, then the maximum possible share is left for the child just like in the case of the missing heir. What is the maximum possible share for an unborn baby? The Scholars say it is the share of two male children (twins) because not only are twins common, but two males yield the maximum possible share. The Scholars do not consider the possibilities of a woman giving birth to more than twins because such occurrences are uncommon [See: *Fath ul-'Allam* (4/218) of Shaikh Hizaam-First Edition]

Case:

A man passes away leaving behind a wife, a mother, an unborn baby, and paternal brother.

Solution: We will give every heir the lowest possible share and reserve the share of two males for the unborn baby.

		24
$\frac{1}{8}$	Wife	3
$\frac{1}{6}$	Mother	4
(Shares for 2 Males)	Unborn Baby	17
Cut Off	Paternal Brother	-

If the unborn baby turns out to be a son, then he receives the 17 shares. If it turns out to be a female, then the inheritance must be re-distributed.



Musharrakah case



- ❖ The *Musharrakah* case is when the deceased leaves behind a mother, a husband, maternal brothers, and full/paternal brothers.

The Scholars differed in that do the maternal brothers cut off the full/paternal brothers or do they all share in one share? The most correct view is that your full/paternal brothers are considered from the 'Asabah. If anything of the inheritance remains, then they take it. If nothing remains, they are dropped and they do not share a portion with the maternal brothers.

The reason for this is that Allah gave the maternal brothers their ruling in the verse of *Kalalah* in the beginning of Surah an-Nisa, and He gave the full/paternal brothers their ruling in the other verse on *Kalalah* at the end of Surah an-Nisa. So it is not appropriate to join together two groups whom Allah gave separate rulings for each. This was the view of group of the Companions, Sha'bi, Ahmad, Shareek, Nu'aym bin Hamaad, Ibn ul-Mundhir, Shaikh ul-Islaam Ibn Taymiyyah, and Ibn al-Qayyim [See: *Majmoo' al-Fataawa* (31/339-340), *al-Mughni* (9/24), and *'Ilaam al-Muwaqqi'een* (1/355-356)]

Case:

A woman passes away leaving behind her husband, her mother, full brothers, and maternal brothers.

Solution:

The husband: $\frac{1}{2}$

The mother: $\frac{1}{6}$

The maternal brothers: $\frac{1}{3}$

The full brothers: Are cut off.

The full brothers do not share with the maternal brothers according to the correct view.

		6
$\frac{1}{2}$	husband	3
$\frac{1}{6}$	Mother	1
$\frac{1}{3}$	Maternal brothers	2
Cut Off	Full Brother	-



al-Gharraawayn (الغَرَّاءِیْن) or The Two Cases of Umar



The Two cases of Umar, also known as the al-Gharraawayn (الغَرَّاءِیْن) cases, is when one of the two spouses survives after the deceased alongside their father and mother. According to Umar's (may Allah be pleased with him) verdict, the mother receives $\frac{1}{3}$ of the remaining amount after the spouse takes their share, instead of $\frac{1}{3}$ of the entire amount. Although this is the opinion of the majority of the Scholars, others among them did not hold that view such as Ibn 'Abbas (may Allah be pleased with him). There is a third opinion too, however it is weaker. Thus, both views are acceptable although the majority are in agreeance with Umar's verdict [See: *Fath ul-'Allam* (4/182-184) of Shaikh Hizaam-First Edition]

Each group of Scholars has their proofs for their opinion. The difference between giving the mother $\frac{1}{3}$ of the entire estate vs. the remaining estate after a spouse has taken their share is demonstrated in the next slide

Example of Wife, Father, and Mother

Original	Umar's Verdict
<p>Case: A man passes away leaving behind a wife, his father, and his mother leaving behind. The estate is \$60 000</p> <p>Wife (1/4): $\\$60\,000 / 4 = \\$15\,000$</p> <p>Mother (1/3): $\\$60\,000 / 3 = \\$20\,000$</p> <p>Father (Remaining): $\\$60\,000 - \\$35\,000 = \\$25\,000$</p>	<p>Case: A man passes away leaving behind a wife, his father, and his mother leaving behind. The estate is 60 000</p> <p>Wife (1/4): $\\$60\,000 / 4 = \\$15\,000$</p> <p>Mother (1/3 of remaining): $\\$60\,000 - \\$15\,000 = \\$45\,000 / 3 = \\$15\,000$</p> <p>Father (Remaining): $\\$60\,000 - \\$30\,000 = \\$30\,000$</p>

Example of Husband, Father, and Mother

Original	Umar's Verdict
<p>Case: A woman passes away leaving behind a husband, her father, and her mother leaving behind. The estate is \$60 000</p> <p>Husband (1/2): $\\$60\,000 / 2 = \\$30\,000$</p> <p>Mother (1/3): $\\$60\,000 / 3 = \\$20\,000$</p> <p>Father (Remaining): $\\$60\,000 - \\$50\,000 =$ $\\$10\,000$</p>	<p>Case: A woman passes away leaving behind a husband, her father, and her mother leaving behind. The estate is \$60 000</p> <p>Husband (1/2): $\\$60\,000 / 2 = \\$30\,000$</p> <p>Mother (1/3 of remaining): $\\$60\,000 - \\$30\,000 =$ $\\$30\,000 / 3 = \\$10\,000$</p> <p>Father (Remaining): $\\$60\,000 - \\$40\,000 =$ $\\$20\,000$</p>



The Inheritance of Paternal Grandfather with Paternal Brothers



The Scholars differed about the inheritance case in which the paternal grandfather of the deceased is alive and the paternal brothers or full brothers of the deceased are alive. Does the paternal grandfather cut off the brothers or do they all inherit together?

The Scholars have two opinions and the more correct opinion among the Scholars is that the paternal grandfather cuts off the deceased brothers. This is the opinion of Abu Bakr as-Siddiq, Ibn ‘Abbas, Ibn az-Zubayr, Uthman bin ‘Affan, ‘Aisha, Ubayy ibn Ka’b, Jabir bin Abdillah, one view of Imam Ahmad, Shaikh ul-Islam Ibn Taymiyyah, Imam Ibn al-Qayyim, Shaikh ul-Islam Muhammad bin Abdul-Wahhab, Shaikh Salih al-Fawzan, and others [See: *A Summary of Islamic Jurisprudence* (2/255) by Shaikh Salih al-Fawzan]



The Inheritance of Kindred by Blood (Dhawil-Arhaam)



The *Dhawil-Arhaam* are relatives who do not inherit by way of prescription or Ta'seeb. The Scholars differed on whether they inherit or not in the absence of any standard heirs. The correct Scholarly view is that they do not inherit at all. The verse in surah al-Ahzab [33:6] is not specifically about kindred of blood and inheritance. Thus, any remaining inheritance is given to kindred by blood as a form of honor for them. If they are not present, then the wealth is given to the Muslim treasury (Bayt ul-Maal) [See: *Fath ul-'Allam* (4/158) of Shaikh Hizaam-First Edition]



Practice Problem



Case: A man passes away leaving behind a wife, 1 daughter, and 3 sons.

Solution:

The Wife: $\frac{1}{8}$

Daughter and Sons: take the remaining:

3 sons x 2 shares each = 6 + 1 share for the daughter = 7 total shares

2 shares for each son (total of 6 shares) and one share for the daughter

		24
$\frac{1}{8}$	Wife	3
Remaining	1 Daughter	3
	3 Sons	18



Practice Problem



Case: A man dies leaving behind a wife, two daughters, and a paternal uncle. How much does each get?

Solution:

Wife: $\frac{1}{8}$

2 Daughters: $\frac{2}{3}$

Paternal Uncle: takes the remaining.

This division was done by the Prophet (ﷺ) himself:

Jabir ibn Abdullah (may Allah be pleased with him) narrated: "**We went out with the Messenger of Allah (ﷺ) and came to a woman of the Ansar in al-Aswaf. The woman brought her two daughters, and said: Messenger of Allah, these are the daughters of Thabit ibn Qays who was killed as a martyr when he was with you at the battle of Uhud, their paternal uncle has taken all their property and inheritance, and he has not left anything for them. What do you think, Messenger of Allah? They cannot be married unless they have some property. The Messenger of Allah (ﷺ) said: Allah will decide regarding the matter. Then the verse of Surat an-Nisa was revealed: "Allah (thus) directs you as regards your children's (inheritance)." Messenger of Allah (ﷺ) said: Call to me the woman and her husband's brother. He then said to their paternal uncle: Give them two-thirds and their mother an eighth, and what remains is yours"** [*Saheeh Sunan Abi Dawood* (no. 2891)]



Practice Problem



Case: A man left behind property worth \$ 15 000. His heirs are his father, mother, and one maternal brother. How much does each get?

Solution:

Mother: $\frac{1}{3}$

Father: The remaining goes to the father. The father cuts off the maternal brother

		3
$\frac{1}{3}$	Mother	1
Remaining	Father	2

$$\$ 15\,000 / 3 = \$ 5\,000$$

Mother: $1 \times \$ 5\,000 = \$5\,000$

Father: $2 \times \$ 5\,000 = \$10\,000$



Practice Problem



Case: A woman died in 2010 and left \$42 000. She left behind her father, maternal grandmother, paternal grandmother, and full brother.

Solution:

		6
$\frac{1}{6}$	Maternal/Paternal Grandmothers	1
Remaining	Father	5
Cut Off	Full Brother	-

$$\$42\,000 / 6 = \$7\,000$$

Maternal Grandmother and Paternal grandmother: $1 \times \$7\,000 = \$7\,000$

Father: $5 \times \$7\,000 = \$35\,000$

Full brother: Cut off by Father



Practice Problem



Case: A woman died leaving behind a husband, 2 daughters, father, mother, and 1 real brother. She left an estate worth \$50 000.

Solution:

		15
		12
1/4	Husband	3
2/3	2 daughters	8
1/6	Father	2
1/6	Mother	2
Cut Off	Full brother	-

$$\$50\,000 / 15 = \$3\,333.33$$

$$\text{Husband: } 3 \times \$3\,333.33 = \$10\,000$$

$$\text{2 daughters: } 8 \times \$3\,333.33 = \$26\,666.67$$

$$\text{Father: } 2 \times \$3\,333.33 = \$6\,666.67$$

$$\text{Mother: } 2 \times \$3\,333.33 = \$6\,666.67$$

$$\text{Total: } \$10\,000 + \$26\,666.67 + \$6\,666.67 + \$6\,666.67 = \$50\,000$$



Appendix: On the Inheritance of a Woman



❖ Many people may wonder why women in Islam receive half the amount of inheritance that men receive? Some people, due to their ignorarance, think that Islam oppresses women because women are given less inheritance than men. However, this is furthest from the truth.

First, the wording that a woman receives half the inheritance of a man is incorrect. Allah mentions: **“Allah commands you as regards your children's (inheritance); to the male, a portion equal to that of two females”** [4:11]. And **“If there are two sisters, they shall have two-thirds of the inheritance; if there are brothers and sisters, the male will have twice the share of the female”** [4:176]

Shaikh Ibn ‘Uthaymeen (may Allah have mercy upon him) said in Tafseer of [4:11]: **“Reflect how He (Allah) said: ‘to the male, a portion equal to that of two females’ without saying that the female receives half of the male because a portion is a bounty/increase and the word half is a form of deficiency. So like this, He said: ‘to the male, a portion equal to that of two females’ and He did not say: ‘for the female is half of that of the male’ . . . Thus, the statement ‘to the male, a portion to that of two females’ is a better expression than saying: ‘for the female is half of what is for the male’** [Tafseer Surah an-Nisaa pg. 64]



With that being said, there are only 4 cases in Islamic law in which men receive double the portion of women and many other cases where women receive portions equal to that of men or even more! [See: *Mowsoo'ah Bayaan al-Islam* (18/230)]

Sadly, many people have misunderstood the issue of inheritance thinking that women always receive less than men. But why do men in these four scenarios get double the portion of women? Imam Ibn ul-Qayyim (d. 751 H.)—may Allah have mercy upon him—said: "**As for inheritance, then the wisdom of men being given more is apparent because the men are more in need of wealth than women because men are the protectors of women . . .**" [*Ilaam al-Mu'waqieen* (3/419)]

Allah has put the financial responsibility upon the man [4:34, 2:228] and therefore he gets an increase in inheritance in these 4 situations. And so, in the cases where the men receive more than women it is because they have more financial responsibility than women in Islamic law. The one who has to pay more expenses naturally needs more money because their money will always be decreasing. Imam al-Shanqeeti (may Allah have mercy on him) said: "**. . .because the one who is in charge of another and spends money on them will always have his money decreasing, and the one who is being looked after and on whom money is spent is expected to have more (money saved). The wisdom of giving precedence to the one on whose money more demands are made over the one whose money is expected to increase is to make up for the expenses of the former. This is sound reasoning.**" [*Adwaa' al-Bayaan* (1/308)].

Thus, the division is not some sort of blind preference, but one that is rooted in legitimate reasoning.

Concerns about a woman's inheritance in Islamic law is a rather recent affair. In fact, non-Muslim academics of the past used to applaud the Islamic law of inheritance and its fairness. It is only nowadays that we hear the claim that Islamic inheritance law is oppressive to women. In the 19th century, Sir William Hay MacNaghten wrote the following about the Islamic inheritance: **“In these provisions we find ample attention paid to the interests of all those whom nature places in the first rank of our affections; and indeed it is difficult to conceive any system containing rules more strictly just and equitable”** [*Principles and Precedents of Moohummudan Law* as cited in *Islamic law of Succession* (pg. 12) by Dr. A Hussain]. Thus, it is not Islamic law that is the issue, but the ever-changing standards of the Western world who cannot seem to agree on what is just and fair.

And Allah Knows Best



Recommending Readings



For more information in English on the rules and regulations of inheritance, then see the following works from the Scholars:

1. *A Summary of Islamic Jurisprudence* by Shaikh Salih al-Fawzaan (2/221-343). al-Maiman Publishing House. 2005
2. *Inheritance Made Easy* by Shaikh Faiez al-Ghamdi (a teacher of Islamic inheritance at Masjid an-Nabawi). Translated in English by Abdirahman Mohamed. 2019



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al-Jaami' fi Ahaadith wa Athaar al-Faraa'id by Shaikh Zaayid al-Wasaabi. Daar al-Athaar. 1428 H. (2007)

A Summary of Islamic Jurisprudence by Shaikh Salih al-Fawzaan (2/221-343). al-Maiman Publishing House. 2005

at-Tahqeeqat al-Mardiyyah fil-Mabaahith al-Fardiyyah by Shaikh Salih al-Fawzaan. Maktabah al-Ma'aarif. 1407 H. (1986)

Inheritance Made Easy by Shaikh Faiez al-Ghamdi (a teacher of Islamic inheritance at Masjid an-Nabawi). Translated by Abdirahman Mohamed. 2019

Fath al-'Allaam Fi Diraasah Ahaadith Buloogh al-Maraam by Shaikh Muhammad bin Hizaam al-Ba'daani. Daar al-'Aasimah, Maktaba Ibn Taymiyyah. 1st Edition. 1433 H.

Risaalataan fil-Faraa'id by Imam ash-Shawkaani. Verification by Shaikh Abdullah al-Khawlaani. Daar Imam Ahmad. 1432 H. (2011)

Sharh Mandhoomah al-Qalad'id al-Burhaaniyyah fi 'ilm al-Faraa'id by Shaikh Ibn 'Uthaymeen. Mu'assassah ash-Shaikh Muhammad bin Salih al-'Uthaymeen al-Khayriyah. 1429 H.

Tasheel al-Faraa'id by Shaikh Ibn 'Uthaymeen. Mu'assassah ash-Shaikh Muhammad bin Salih al-'Uthaymeen al-Khayriyah. 1435 H.

We end with the Praise of Allah

*And may Peace and Blessings be upon our Prophet Muhammad, his
Companions, and followers until the Last Day*

