

PAPER

Islamic Inheritance Law

General Rules & Shares

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4:7 "There is a share for men and a share for women from what is left by parents and those nearest related, whether, the property be small or large - a legal share" -- Quran, Chapter 4 Verse 7.

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Opening Statement

إن الحمد لله نحمده ونستعينه و نستغفره ونتوكله إليه ، ونعوز بالله من شرور أنفسنا و سيئات أعمالنا ، من يهده الله فلا مضل له و من يضلل فلا هادي له ،
Indeed all praises are due to Allah, we praise Him, we seek His help, we ask for His forgiveness, and we rely solely on Him. We seek His refuge from the evil in our souls and from our wicked deeds. Whoever Allah guides, no one can misguide. And whomever Allah misguides, no one can guide. I bear witness that there is no one worthy of worship except Allah, He is One, with no partners, and I testify that Mohammad (pbuh)¹ is His Messenger and His slave.

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ
“O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allah, through whom you ask one another, and the wombs. Indeed Allah is ever, over you, an Observer”².

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا - يُصْلِحْ لَكُمْ أَعْمَالَكُمْ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ فَقَدْ فَازَ فَوْزًا عَظِيمًا
“O People fear Allah, as he should be feared, and always speak the truth. He will direct you to righteous deeds and He will forgive you for your sins. And whoever obeys Allah and His Messenger has indeed achieved a great achievement.”³

The Prophet (pbuh) said: "The best speech is the Book of Allah and the best guidance and example is that of Muhammad (pbuh). - And the worst of all things are the newly invented things (in religion), for every innovation is error and misguidance."⁴ and in another narration, "every newly invented matter (in religion) is a bid'ah and every bid'ah is a dalaalah (misguidance) and every dalaalah is in the (hell) Fire."⁵

Whoever introduces into this affair of ours something that we have not commanded, it is to be rejected."⁶ The Prophet (pbuh) said: مَنْ عَمِلَ عَمَلًا
"Whoever commits an act that does not conform with our matter (religion), then it will be rejected of him"⁷.

Hence, Allah (swt) said: قُلْ إِنْ كُنْتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي يُحْبِبْكُمُ اللَّهُ
Say (O Muhammad to mankind): "If you (really) love Allah, then follow me, Allah will love you..."⁸.

Allah (swt) further said: إِنَّ الدِّينَ عِنْدَ اللَّهِ الْإِسْلَامُ
"The true religion with Allah is Islam"⁹. And then further explained it by saying: وَمَنْ يَتَّبِعْ غَيْرَ الْإِسْلَامِ دِينًا فَلَنْ يُقْبَلَ مِنْهُ وَهُوَ فِي الآخِرَةِ مِنَ الْخَاسِرِينَ
"And whoever desires other than Islam as religion - never will it be accepted from him, and he, in the Hereafter, will be among the losers"¹⁰.

¹ (pbuh) is commonly used abbreviation for peace and blessings of Allah be upon him.

² Quran, Chapter 4:1 An-Nisa (The Women)

³ Quran, Chapter 33:70-71 Al-Ahzab (The Confederates)

⁴ Reported by al-Muslim

⁵ Reported by At-Tirmithi

⁶ Reported by Al-Bukhari and al-Muslim

⁷ Sahih - Tafsir Ibn Khatir

⁸ Quran, Chapter 3:31 Al-Imran (The Family of Imran)

⁹ Quran, Chapter 3:19 Al-Imran (The Family of Imran)

¹⁰ Quran, Chapter 3:85 Al-Imran (The Family of Imran)

Thus, the Prophet (pbuh) and His followers submitted to this deen, and Allah (swt) commanded: **فَقُلْ أَسْلَمْتُ وَجْهِيَ لِلَّهِ** - "Say: "I have submitted myself to Allah (in Islam), and (so have) those who follow me"¹¹.

Hence, Allah (swt) declared: **كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ** - "You are now the best people brought forth for (the guidance and reform of) mankind"¹².

Allah (swt) said: **تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ** - "You enjoin what is right and forbid what is wrong and believe in Allah"¹³. The Prophet (pbuh) said: "He among you who witnesses an evil, let him change it with his hand, if he cannot do that, then by his tongue, if he cannot do even that, then with his heart, and this is the weakest faith."¹⁴. And Allah (swt) said: **وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ** - "...And cooperate in righteousness and piety, but do not cooperate in sin and aggression..."¹⁵

And the Prophet (pbuh) said: **من كذب على متعمدا فليتبوا مقعده من النار** - "Whoever intentionally lie on me he should find his place in hell fire"¹⁶. And Allah (swt) said: **فَمَنْ أَظْلَمُ مِمَّنِ افْتَرَىٰ عَلَى اللَّهِ كَذِبًا أَوْ كَذَّبَ بِآيَاتِهِ إِنَّهُ لَا يُفْلِحُ الْمُجْرِمُونَ** - "So who is more unjust than he who invents a lie about Allah or denies His signs? Indeed, the criminals will not succeed"¹⁷.

And the Prophet (pbuh) said: **يحمل هذا العلم من كل خلف عدوله، ينفون عنه تحريف الغالين، وانتحال المبطلين، وتأويل الجاهلين** - "This knowledge will be carried by the trustworthy ones of every generation - they will expel from it the alterations made by those going beyond bounds, the false claims of the liars, and the false interpretations of the ignorant"¹⁸.

When Allah (swt) gave prophet hood to Musa (as) and asked him to invite mankind to Tawheed and way of Allah (swt), he prayed to Allah (swt):

قَالَ رَبِّ اشْرَحْ لِي صَدْرِي
وَيَسِّرْ لِي أَمْرِي
وَاحْلُلْ عُقْدَةً مِّن لِّسَانِي
يَفْقَهُوا قَوْلِي

20:25 [Moses] said, "My Lord, expand for me my breast [with assurance]. 20:26 And ease for me my task. 20:27 And untie the knot from my tongue. 20:28 That they may understand my speech

And we ask Allah (swt) to grand us same. Amen.

و صلي الله على سيدنا محمد و على آله و أصحابه و سلم - أما بعد :

¹¹ Quran, Chapter 3:20 Al-Imran (The Family of Imran)

¹² Quran, Chapter 3:110 Al-Imran (The Family of Imran)

¹³ Quran, Chapter 3:10 Al-Imran (The Family of Imran)

¹⁴ Reported by Muslim

¹⁵ Quran, Chapter 5:3 Al-Ma'idah (The Table Spread)

¹⁶ Reported by Bukhari and Muslim

¹⁷ Quran, Chapter 10:17 Yunus (Jonah)

¹⁸ Recorded by Ibn 'Adiyy, al-Khatib al-Bhaghdadī, Ibn Asakir, and others. It is reported from number of sahabah including Abu Hurairah, Ibn Masud, and Anas (ra). All of its reports have various levels of weakness, but they add up collectively to make this hadith hasan, as is indicated by al-Albani in Mishkat ul-Masabih (#248), and as expressed by al-Halabi in al-Hittah (p. 70).

About this document

This purpose of choosing to write on this topic is three folds:

1. Importance of Inheritance Law in Islam
2. Importance of Writing One's Will
3. Importance of Applying Inheritance Law after one's death

The paper is divided into Seven parts:

- **Part 1 - Islamic Ruling on Inheritance:** states the Islamic Ruling on Inheritance and provides basic evidences from Quran and Sunnah.
- **Part 2 - Background:** Shariah law of Inheritance, four stages after the deceased, general principles that are necessary for inclusion in succession, exclusion criteria from succession. Also summarize Inheritors and their classifications.
- **Part 3 - Ashab-ul-Furud (أصحاب الفروض) - Heirs with fixed shares or Quranic heirs:** Classifications of primary heirs and details of their share distribution.
- **Part 4 - Al-Asabat (العصبات): Residuaries (Secondary Heirs):** Classifications of Residuaries (Asabah) and details of their share distribution and rules.
- **Part 5 - Advance Rules:** Discussions on dual relationships, doctrines of al-Awl and ar-Radd
- **Part 6 - Distribution of Shares:** Discussions on distribution of shares amongst heirs.
- **Part 7 - al-Wasiyyah - The Islamic Will:** General rules relating to Islamic Will.
- **Conclusion:** gives conclusion of main points in this paper
- References

Introduction

World is reaping the disasters created by capitalism. In capitalism everyone is sole owner of his wealth and no one has right in his wealth. He can spend his wealth as he wish with no bounds. It is a system of hoarding money amongst elite few. Those who adopted this system now can't figure out how they can distribute the wealth amongst rest of the society.

Communism tried to resolve it by taking this right away from people. It created a system in which property is owned by the state or community and all citizens share in the common wealth, more or less according to their need. They end up creating a completely unnatural (غير فطري، غير طبيعي) system which is against nature of humans, i.e. when people don't own nor has stake then they have no incentive to work hard

Islam is a balance between these two systems. It gave right of ownership to individuals (including woman, which was not their right in west until 19th century). Islam gave freedom to individual to spend their wealth; however, it provides guidelines and ethical responsibilities in spending. In Islam, although individuals has right to own their wealth, but a portion of their wealth is shared with others in community and family through system of Charity, Zakat, hibba and Inheritance. It uses the above laws and ethical responsibilities to ensure distribution of wealth, and discourage hoarding of money within elites.

Islam recognizes the human nature (فطرة) and restores natural system by allowing people to own or accumulate wealth which gives them incentive to work harder. At the same time, it also promotes spending of wealth (with balance) and charity to help needy in community, which provides satisfaction and spiritual healing. And it identifies ways to distribute wealth amongst the masses.

Inheritance Laws also deals with distribution of one's wealth after he/she expires. It deals with two key issues:

1. Provide laws pertaining to distribution of wealth amongst heirs, so heirs don't fight.
2. Ensure that a just system can be established and the wealth is not accumulated into single entity.

In General Inheritance Law in Islam is based on following considerations:

1. Break up the concentration of wealth and distribution of wealth in society
2. Respect right of ownership of an individual that he earned through legal means, and not allow any individual, group or government to confiscate his property after his demise
3. Endorse and consolidate strong family system by justly distributing wealth amongst the heirs
4. By asking individual to write his will and providing detailed inheritance law, it educate us that we are not an absolute master of this wealth, rather, its amanah (trust) of Allah (swt) that we are authorized to spend according to His instructions.
5. Provide peace of mind that after our demise our family will be given their just right of inheritance
6. It pays especial focus on women's inheritance, as women were denied their right to inheritance in other systems.

I. ISLAMIC RULING ON INHERITANCE

Ruling

Inheritance in an integral part of Islamic Shariah Law and its application in Islamic society is a mandatory aspect of Divine teaching of Islam.

Muslim inherits from each other is proven from Quran:

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانُ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانُ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا

“4:7 There is a share for men and a share for women from what is left by parents and those nearest related, whether the property be small or large - a legal share.” [An-Nisa 4:7]

Hence, there is a legal share for relatives of the deceased in his estate/property. When a person dies there are four rights that needs to be performed his property:

- **Right # 1:** Pay his/her funeral and burial expenses
- **Right # 2:** Pay his/her debts
- **Right # 3:** Execute his Will/bequest (max 1/3 of his/her property)
- **Right # 4:** Distribute remainder of his/her estate/property according to Islamic Shariah Law

With relates to the inheritance, the Prophet (pbuh) said:

Narrated Ibn 'Abbas: “The Prophet said, "Give the Fara'id (the shares of the inheritance that are prescribed in the Qur'an) to those who are entitled to receive it. Then whatever remains, should be given to the closest male relative of the deceased.” [Sahih al-Bukhari]¹⁹

With relates to will/bequest, the Prophet (pbuh) said:

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]²⁰

(نص) Text from Quran

Quran has mentioned inheritance in 35 places.

Wassiyah (وصية) – Bequeath

1. Writing Bequeath:

¹⁹ Sahih al-Bukhari, Volume 8, Book 80 Laws of Inheritance (Al-Faraa'id), Number 724:

²⁰ Sahih al-Bukhari, Volume 4, Book 51 Wills and Testaments (Wasaayaa), Number 1

كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ إِنْ تَرَكَ خَيْرًا الْوَصِيَّةَ لِلْأَقْرَبِينَ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ

"2:180 Prescribed for you when death approaches [any] one of you if he leaves wealth [is that he should make] a bequest for the parents and near relatives according to what is acceptable – a duty upon the righteous "

2. Changing Bequeath of Deceased:

فَمَنْ بَدَّلَهُ بَعْدَمَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ إِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ

"2:181 Then whoever alters the bequest after he has heard it – the sin is only upon those who have altered it. Indeed, Allah is Hearing and Knowing."

فَمَنْ خَافَ مِنْ مَوْصٍ جَنَفًا أَوْ إِثْمًا فَأَصْلَحَ بَيْنَهُمْ فَلَا إِثْمَ عَلَيْهِ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

"2:182 But if one fears from the bequeather [some] error or sin and corrects that which is between them, there is no sin upon him. Indeed, Allah is Forgiving and Merciful."

3. Wives: [Al-Baqarah 2:240]

وَالَّذِينَ يَتُوفُونَ مِنْكُمْ وَيُذَرُونَ أَزْوَاجًا وَصِيَّةً لَأَزْوَاجِهِمْ مَتَاعًا إِلَى الْحَوْلِ غَيْرَ إِخْرَاجٍ فَإِنْ خَرَجْنَ فَلَا جُنَاحَ عَلَيْكُمْ فِي مَا فَعَلْنَ فِي أَنْفُسِهِنَّ مِنْ مَعْرُوفٍ وَاللَّهُ عَزِيزٌ حَكِيمٌ

"2:240 And those who are taken in death among you and leave wives behind – for their wives is a bequest: maintenance for one year without turning [them] out. But if they leave [of their own accord], then there is no blame upon you for what they do with themselves in an acceptable way. And Allah is Exalted in Might and Wise."

4. Witnesses:

يَا أَيُّهَا الَّذِينَ آمَنُوا شَهَادَةُ بَيْنِكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ حِينَ الْوَصِيَّةِ اثْنَانِ ذَوَا عَدْلٍ مِنْكُمْ أَوْ آخَرَانِ مِنْ غَيْرِكُمْ إِنْ أَنْتُمْ ضَرَبْتُمْ فِي الْأَرْضِ فَأَصَابَتْكُمْ مُصِيبَةُ الْمَوْتِ تَحْسِبُوهُمَا مِنْ بَعْدِ الصَّلَاةِ فَيُقْسِمَانِ بِاللَّهِ إِنْ رَأَيْتُمْ لَا تَشْتَرِي بِهِ ثَمَنًا وَلَوْ كَانَ ذَا قُرْبَىٰ وَلَا نَكْتُمُ شَهَادَةَ اللَّهِ إِنَّا إِذًا لَمِنَ الْآثِمِينَ

"5:106 O you who have believed, testimony [should be taken] among you when death approaches one of you at the time of bequest – [that of] two just men from among you or two others from outside if you are traveling through the land and the disaster of death should strike you. Detain them after the prayer and let them both swear by Allah if you doubt [their testimony, saying], "We will not exchange our oath for a price, even if he should be a near relative, and we will not withhold the testimony of Allah. Indeed, we would then be of the sinful."

فَإِنْ عُثِرَ عَلَىٰ أَنَّهُمَا اسْتَحَقَّا إِثْمًا فَأَخْرَاجِ يَوْمَانِ يَقُومَانِ مَقَامَهُمَا مِنَ الَّذِينَ اسْتَحَقَّ عَلَيْهِمُ الْأَوْلِيَانِ فَيُقْسِمَانِ بِاللَّهِ لَشَهَادَتُنَا أَحَقُّ مِنْ شَهَادَتِهِمَا وَمَا اعْتَدَيْنَا إِنَّا إِذًا لَمِنَ الظَّالِمِينَ

"5:107 But if it is found that those two were guilty of perjury, let two others stand in their place [who are] foremost [in claim] from those who have a lawful right. And let them swear by Allah, "Our testimony is truer than their testimony, and we have not transgressed. Indeed, we would then be of the wrongdoers."

ذَلِكَ أَدْنَىٰ أَنْ يَأْتُوا بِالشَّهَادَةِ عَلَىٰ وَجْهِهَا أَوْ يَخَافُوا أَنْ تُرَدَّ أَيْمَانٌ بَعْدَ أَيْمَانِهِمْ وَاتَّقُوا اللَّهَ وَاللَّهُ لَا يَهْدِي الْقَوْمَ الْفَاسِقِينَ

“5:108 That is more likely that they will give testimony according to its [true] objective, or [at least] they would fear that [other] oaths might be taken after their oaths. And fear Allah and listen; and Allah does not guide the defiantly disobedient people.”

Mirath (ميراث) – Inheritance

5. Man and woman both Inherit:

a. Share for man and woman:

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا

“4:7 There is a share for men and a share for women from what is left by parents and those nearest related, whether, the property be small or large - a legal share. ”

6. Share for relatives, orphans, needy:

وَإِذَا حَضَرَ الْقِسْمَةَ أُولُو الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينُ فَارْزُقُوهُمْ مِنْهُ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا

“4:8 And when the relatives and the orphans and AlMasakin (the poor) are present at the time of division, give them out of the property, and speak to them words of kindness and justice”

وَلْيَخْشَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعَافًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا

“4:9 And let those (executors and guardians) have the same fear in their minds as they would have for their own, if they had left weak offspring behind. So let them fear Allah and speak right words.”

وَلِكُلِّ جَعَلْنَا مَوَالِيَّ مِمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلَّذِينَ عَقَدْتَ أَيْمَانَكُمْ فَأَتَوْهُم نَصِيبُهُمْ إِنَّ اللَّاحَ كَانَ عَلَىٰ كُلِّ شَيْءٍ شَهِيدًا

“4:33 And for all, We have made heirs to what is left by parents and relatives. And to those whom your oaths have bound [to you] - give them their share. Indeed Allah is ever, over all things, a Witness ”

7. Male share is twice as female share: [An-Nisa 4:11]

a. Male/Female Ratio is 2:1:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ

“4:11 Allah commands you as regards your childrens (inheritance); to the male, a portion equal to that of two females;”

8. Daughter’s Share: [An-Nisa 4:11]

a. 1/3, if two or more:

فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ

“4:11 ... if (there are) only daughters, two or more, their share is two thirds of the inheritance;”

b. 1/2, if only one:

وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ

“4:11 ... if only one, her share is half.”

9. Parent’s Share: [An-Nisa 4:11]

a. **1/6 for each parent, if deceased had children:**

وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ

“4:11 ... For parents, a sixth share of inheritance to each if the deceased left children;”

b. **1/4 for mother, if deceased had no children:**

فَإِنْ لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَتْهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ

“4:11 ... if no children, and the parents are the (only) heirs, the mother has a third;”

c. **1/6 for mother, if deceased had a brother:**

فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ

“4:11 ... if the deceased left brothers or (sisters), the mother has a sixth.”

10. Inheritance (ميراث) is after Debt (دَيْن) and Bequeath (وصية): [An-Nisa 4:11]

a. **Distribution sequence:**

مِن بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ

“4:11 ... (The distribution in all cases is) after the payment of legacies he may have bequeathed or debts...”

مِمَّا تَرَكَ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ

“4:12 ... after payment of legacies that they may have bequeathed or debts...”

b. **Mirath is a inheritance law ordained by Allah (swt):**

أَبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا فَرِيضَةٌ مِنَ اللَّهِ إِنْ الْوَالِدَيْنِ كَانَ عَلَيْهِمَا حَكِيمًا

“4:11 ... You know not which of them, whether your parents or your children, are nearest to you in benefit, (these fixed shares) are ordained by Allah. And Allah is Ever All-Knower, All-Wise.”

وَصِيَّةً مِنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ

“4:12 ... This is a Commandment from Allah; and Allah is Ever All-Knowing, Most-Forbearing”

c. **No loss should be caused to anyone in inheritance:**

غَيْرَ مُضَارٍّ

“4:12 ...so that no loss is caused (to anyone)..”

11. Husband, Wife, Brother, Sister's Share:

a. **Husband's Share 1/2, if no child:**

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُن لَّهُنَّ وَلَدٌ

“4:12 In that which your wives leave, your share is a half if they have no child;

b. **Husband's Share 1/4, if child:**

فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلَكُمْ الرُّبْعُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ

“4:12 ... but if they leave a child, you get a fourth of that which they leave after payment of legacies that they may have bequeathed or debts.

c. **Wife’s Share 1/4, if no child:**

وَلَهُنَّ الرَّبْعُ مِمَّا تَرَكَتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ

“4:12 ... In that which you leave, their (your wives) share is a fourth if you leave no child;

d. **Wife’s Share 1/8, if child:**

فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكَتُمْ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ

“4:12 ... but if you leave a child, they get an eighth of that which you leave after payment of legacies that you may have bequeathed or debts.

e. **Brother/Sister Share 1/6 or 1/3, if no child:**

وَإِنْ كَانَ رَجُلٌ يُورَثُ كَالِأَلَةِ أَوْ امْرَأَةٌ وَهِيَ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ إِنْ كَانَ لَهُمَا وَلَدٌ مِّنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ مِنْ بَعْدِ وَصِيَّةٍ يُوصَى بِهَا أَوْ دَيْنٍ غَيْرِ مُضَارٍّ وَصِيَّةً مِنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ

“4:12 ... If the man or woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone). This is a Commandment from Allah; and Allah is Ever All-Knowing, Most-Forbearing.

12. Rules for al-Kalala (الْكَلَالَة) – man or woman with no descendants

a. **One Sister gets 1/2, if two sisters gets 1/3; brother also inherits from sister, male gets twice then female:**

يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ إِنْ امْرُؤٌ هَلَكَ لَيْسَ لَهُ وَلَدٌ وَهِيَ أُخْتٌ فَلَهَا نِصْفُ مَا تَرَكَ وَهِيَ بَرِيَّةٌ إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ فَإِنْ كَانَتَا اثْنَتَيْنِ فَلَهُمَا الثُّلُثَانِ مِمَّا تَرَكَ وَإِنْ كَانُوا إِخْوَةً رِّجَالًا وَنِسَاءً فَلِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ يُبَيِّنُ اللَّهُ لَكُمْ أَن تَضِلُّوا وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ

“4:176 They ask you for a legal verdict. Say: "Allah directs (thus) about Al-Kalalah (those who leave neither descendants nor ascendants as heirs). If it is a man that dies, leaving a sister, but no child, she shall have half the inheritance. If (such a deceased was) a woman, who left no child, her brother takes her inheritance. 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. (Thus) does Allah makes clear to you (His Law) lest you go astray. And Allah is the All-Knower of everything.”

(نص) Text from Sunnah

13. **Write your will:**

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]²¹

14. **Prophet didn’t leave any property/will:**

²¹ Sahih al-Bukhari, Volume 4, Book 51 Wills and Testaments (Wasaayaa), Number 1

Narrated Amr bin Al-Harith: "The brother of the wife of Allah's Apostle. Juwaira bint Al-Harith) When Allah's Apostle died, he did not leave any Dirham or Dinar (i.e. money), a slave or a slave woman or anything else except his white mule, his arms and a piece of land which he had given in charity ." [Sahih al-Bukhari]²²

Prophet (pbuh)'s will is Quran: 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]²³

Narrated 'Aisha: "The Prophet said, "Our (Apostles') property should not be inherited, and whatever we leave, is to be spent in charity.""²⁴

Narrated Al-Aswad: "In the presence of 'Aisha some people mentioned that the Prophet had appointed 'Ali by will as his successor. 'Aisha said, "When did he appoint him by will? Verily when he died he was resting against my chest (or said: in my lap) and he asked for a wash-basin and then collapsed while in that state, and I could not even perceive that he had died, so when did he appoint him by will?" [Sahih al-Bukhari]²⁵

15. Will should not exceed 1/3 and rather leave inheritors wealthy:

Narrated Sad bin Abu Waqqas: "The Prophet came visiting me while I was (sick) in Mecca, ('Amir the sub-narrator said, and he disliked to die in the land, whence he had already migrated). He (i.e. the Prophet) said, "May Allah bestow His Mercy on Ibn Afra (Sad bin Khaula)." I said, "O Allah's Apostle! May I will all my property (in charity)?" He said, "No." I said, "Then may I will half of it?" He said, "No". I said, "One third?" He said: "Yes, one third, yet even one third is too much. It is better for you to leave your inheritors wealthy than to leave them poor begging others, and whatever you spend for Allah's sake will be considered as a charitable deed even the handful of food you put in your wife's mouth. Allah may lengthen your age so that some people may benefit by you, and some others be harmed by you." At that time Sad had only one daughter." [Sahih al-Bukhari]²⁶

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]²⁷

16. Muslim cannot inherit from non-Muslim or vice versa

Narrated Usama bin Zaid (ra), Prophet (pbuh) said: "A Muslim cannot be the heir of a disbeliever, nor can a disbeliever be the heir of a Muslim" [Sahih al-Bukhari, Sahih al-Muslim, Muwatta, Tirmidhi, Abu Dawud, and Ibn Majah]²⁸

²² Sahih al-Bukhari, Volume 4, Book 51 Wills and Testaments (Wasaayaa), Number 2

²³ Sahih al-Bukhari, Volume 4, Book 51 Wills and Testaments (Wasaayaa), Number 3

²⁴ Sahih al-Bukhari, Volume 8, Book 80 Laws of Inheritance (Al-Faraa'id), Number 719

²⁵ Sahih al-Bukhari, Volume 4, Book 51 Wills and Testaments (Wasaayaa), Number 4

²⁶ Sahih al-Bukhari, Volume 4, Book 51 Wills and Testaments (Wasaayaa), Number 5

²⁷ Sahih al-Bukhari, Volume 4, Book 51 Wills and Testaments (Wasaayaa), Number 6

²⁸ Sahih al-Muslim, Book 011 The Book Pertaining to the Rules of Inheritance (Kitab Al-Farai'd), Number 3928

II. BACKGROUND

Islamic law neither snubs the rights of an individual to own estate or wealth, nor does it allow any means or tools for to hoard money into single entity or group. It creates a balanced economic system that allows free circulation of money amongst all classes. It develops laws and ethical system that enforces legal and halal means to earning money and a balanced way of spending it. It put certain limits on how and where money can be spent. It provides tools like Zakat, Charity and inheritance to circulate money.

Islam strongly prohibits hoarding of wealth or resources and not use it to help needy. (وَلَا يَحْسَبَنَّ الَّذِينَ يَتَّخِلُونَ بِمَا آتَاهُمْ) (اللَّهُ مِنْ فَضْلِهِ هُوَ خَيْرٌ لَّهُمْ بَلْ هُوَ شَرٌّ لَّهُمْ) “And let not those who covetously withhold of that which Allah has bestowed on them of His Bounty (Wealth) (and) think that it is good for them (and so they do not pay the obligatory Zakat). Nay, it will be worse for them; the things which they covetously withheld shall be tied to their necks like a collar on the Day of Resurrection...”²⁹

Allah swt cursed those who accumulate wealth and do not help others: (وَيَلْ لَكُلِّ هُمْزَةً لَمَزَةً) “Who has gathered wealth and counted it. He thinks that his wealth will make him last forever! Nay! Verily, he will be thrown into the crushing Fire”³⁰.

Instead, Allah swt asked to spend wealth: “O you who believe! Spend of the good things which you have (legally) earned, and of that which We have produced from the earth for you...”³¹.

Islam promote moderate path; neither be stingy nor be exuberant. Allah swt asked Muslims **not to engage in exuberant spending**: “that do not spend money exuberantly. (وَلَا تُبْذِرْ) (تَبْذِيرًا) exuberance are brothers of Satan (إِنَّ) (الْمُبْذِرِينَ كَأُولَىٰ إِبْرَاهِيمَ الشَّيَاطِينِ): “And give the relative his right, and [also] the poor and the traveler, and do not spend wastefully. Indeed, the wasteful are brothers of the devils, and ever has Satan been to his Lord ungrateful.”³²

Instead, Allah swt asked us to find a **balanced path in spending**: “And let not your hand be tied (like a miser) to your neck, nor stretch it forth to its utmost reach (like a spendthrift), so that you become blameworthy and in severe poverty.”³³. And He says: (وَالَّذِينَ إِذَا أَنْفَقُوا لَمْ يُسْرِفُوا وَلَمْ يَقْتُرُوا وَكَانَ بَيْنَ ذَلِكَ قَوَامًا) “And those, who, when they spend, are neither extravagant nor niggardly, but hold a medium (way) between those (extremes).”³⁴

Spending in way of Allah swt is promoted and it's a great business deal: “Say, "Indeed, my Lord extends provision for whom He wills of His servants and restricts [it] for him. But whatever thing you spend [in His cause] - He will compensate it; and He is the best of providers.”³⁵. Allah swt considered the money spent in helping poor and needs as a loan towards Allah, which He will repay: (إِنَّ قَرْضُوكُم بِاللَّهِ قَرْضًا حَسَنًا يُضَاعَفُ لَكُمْ وَيَغْفِرُ لَكُمْ وَاللَّهُ) (شُكْرًا حَلِيمًا) “If you lend to Allah a goodly loan (i.e. spend in Allahs Cause) He will double it for you, and will forgive you. And Allah is Most Ready to appreciate and to reward, Most Forbearing,”³⁶.

²⁹ Quran, Chapter 3:180, ale-Imran

³⁰ Quran, Chapter 104:2-4, al-Humazah

³¹ Quran, Chapter 2:267, al-Baqara

³² Quran, Chapter 17:26-27, al-Isra

³³ Quran, Chapter 17:29, al-Isra

³⁴ Quran, Chapter 25:67, al-Furqan

³⁵ Quran, Chapter 34:39, Saba

³⁶ Quran, Chapter 64:17, at-Taghabbun

Similarly, **Inheritance to be given to** parents, wife, children, brothers, sisters, and portion to be given to needy and common Muslim welfare: [See An-Nisa 4:11-14] 1/3 of person's wealth is distributed upon his discretion which he can give to common Muslim welfare.

Shariah Law on Inheritance

These rules of Inheritance in Islam are fundamental and mandatory part of Islamic Shariah law and Elm (Knowledge) that are part of Elm-Faraid (علم الفرائض), the means "Science of Inheritance Shares". The word al-Faraid (الفرائض) is plural form of al-Faridah (الفريضة), which means something made obligatory by Allah (swt).

Learning the science of al-Faraid is obligatory on a Muslim Community and fulfill the order of Allah (swt) with relates to inheritance.

عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم يا أبا هريرة تعلموا الفرائض وعلموها فإنه نصف العلم وهو ينسى وهو أول شيء ينزع من أمي

Abu Hurairah reported that the Prophet (pbuh) said: "O Abu Hurairah, learn Fara'id (the shares of the inheritance that are prescribed in the Quran) and teach it to them. Indeed it is half of the knowledge." [Sunnan Ibn Majjah³⁷]

Abdullah bin Abbas (ra) reported that the Prophet (pbuh) said: "Give the Fara'id (the shares of the inheritance that are prescribed in the Quran) to those who are entitled to receive it. Then whatever remains, should be given to the closed male relative of the deceased." [Sahih Al-Bukhari]³⁸.

In historical context, within Arabian Peninsula prior to Islam, the system of inheritance was confined to male agnates (Asabah) relatives of the deceased. Women not only didn't have any share in inheritance, they themselves were inheritable. Siblings from mother side were also completely excluded (i.e. half-brother/sisters from mother's side).

The Quranic verses on inheritance introduce new set of heirs. Quran mentioned nine relatives specifically, of which six were female and three were male. Quran also include other male relatives like husband and half-brothers from mother's side, which were excluded from inheritance in old customs.

Quran elevated the position of women by identifying their share of entitlement in clear terms and provided women security and safeguard in the society.

Quran didn't explicitly mention the share of male agnate relatives, such as of Son, but it provided the rule that males share is twice as of female share of same level, i.e. if deceased has both boys and girls, boys share is twice of girls. This Quranic injunction is fully understood and appreciated when one looks at entire Shariah law of which inheritance law is a part, and that Allah (swt) has bestowed the responsibility and accountability on men to provide safety, protection and sustenance to their women³⁹.

In additional, Quran imposed a restriction on testamentary powers of a Muslim to dispose of his property. Muslim can only give out max of 1/3 of their property/estate in their will⁴⁰.

³⁷ Sunnan Ibn Majjah, Book "Al-Fara'id".

³⁸ Sahih al-Bukhari, Volume 8, Book 80 Laws of Inheritance (Al-Faraa'id), Number 724:

³⁹ Quran, Chapter 4:34 - An-Nisa [The Women] - الرَّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ "4:34 Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend (to support them) from their means." Mawdudi explained: "A qawwam or qayyim is a person responsible for administering and supervising the affairs of either an individual or an organization, for protecting and safeguarding them and taking care of their needs." [Tafheem]

⁴⁰ Quran, Verses 2:180-182, 2:240, 4:33, 5:106-107.

Women's share in inheritance

Islam provides full protection and security for women, as their shares are fully defined and cannot be removed by any heirs. The importance of woman's share can be seen that Of the nine relatives mentioned specifically regarding inheritance, six of them are female. Hence, removing any doubt in heirs mind re woman's share.

By defining woman's share in such clear terms, Islam elevated the position of woman (which to date no other system has matched or even come close), and it provided a safeguard and security for woman -- this also 1400 years ago, when woman in Europe did not have any right whatsoever..

In an Islamic states (where laws are derived from Islamic Shariah), woman's shares are guaranteed by law and does not require any Will or legal inheritance document to be written. After the death of deceased it is an obligatory duty of the state and the heirs to distribute the shares as per Law given by Shariah. Hence, no complicated legal procedures are required for woman to get their shares.

Sources of Islamic Law of Inheritance:

The Islamic Law of Inheritance deals with distribution of wealth/assets of deceased after the death occurred physically. The basic principles of Islamic Inheritance law were revealed in the Quran.

- There are 35 verses in the Quran referring to Inheritance.
- There are 3 main verses in the Quran giving specific details of inheritance shares (4:11-12, 4:176).
- At least seven verses (2:180-182, 2:240, 4:33, 5:106-107) deals directly to directly to testamentary disposition.

The further details of Inheritance law is derived from following sources:

- Practice and Saying of the Prophet Mohammad (pbuh) and his companions. There is large wealth of Prophet's traditions with relates to inheritance.
- Some further details are based on Qiyas (Analogical deduction based on Islamic Jurisprudence Framework)

Jurists have differed slightly regarding certain aspects of Islamic Law of Inheritance, partly due to the differences in interpretation of the primary source of Shariah (i.e. Quran and Sunnah).

Muslim Jurists have taken all these sources into account as well as the framework of Islamic Jurisprudence (أصول الفقه) to deduce Shariah Laws of Inheritance.

Definitions

Inheritance (ميراث):

The word "irth" (أرث) means inheritance, heritage, and bequest. The word "mirath" (ميراث) also means inheritance. It is derived from "waritha" (وراثه) which means mainly "to inherit" -- انتقال الصفات الورثية الى الأولاد . The person who inherits is called "Warith" (وارث), i.e. heir, inheritor, successor⁴¹.

Will (وصية)

Will (وصية) vs Inheritance (ميراث):

In Islamic Law, the inheritance from the deceased person is defined by Shariah Law. However, a person is entitled to make his own will for 1/3 of his wealth/assets. Hence:

- 2/3 of wealth/assets are distributed based on Shariah Law. This is called (ميراث)
- 1/3 of wealth/assets are distributed based on Person's Will, if he chooses to write his will. This is called "Al-Wasiyyah" (وصية).

Shariah has placed two restrictions on Testator (موصي, one who make Will وصية):

1. Firstly, to whom he can bequeath his wealth/assets
2. Secondly, the amount that he can bequeath (which is 1/3 of overall)

It is important for Muslims to write their wills, as the Prophet (pbuh) said:

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]⁴²

General Rules of Will (وصية):

General Rules of Wasiyyah are following:

1. Person Will (وصية) should not exceed 1/3 of his entire estate
2. Will (وصية) cannot be given to a person who is already a heir
3. Will (وصية) cannot be given towards a non-Shariah Compliant activity or fund.

⁴¹ Dr Rohi Baalbaki, Al-Mawrid

⁴² Sahih al-Bukhari, Volume 4, Book 51 Wills and Testaments (Wasaayaa), Number 1

General Rules

Conditions necessary before Inheritance:

Before any execution of Will and Inheritance, following conditions are essentials:

1. Death of the porosities
 - a. Death must be proven
 - b. Either physical death (de facto) or legal death (de jure) as in case of missing person.
2. Heirs must be alive
 - a. Only heirs alive are entitled to inheritance
 - b. If an heir dies before distribution of inheritance, then his portion is taken by his inheritors.
 - c. Unborn child in fetus (embryo) will inherit if he is born alive.
3. Estate or property must be left by the deceased

Inclusions

Causes (سبب) of Inheritance:

There are three causes a person or claimant is considered as lawful claimant of inheritance:

1. Marital tie (Nikah - نكاح)
 2. Blood Relation (Nasab - نسب)
 - a. In Sunni Islamic Law, it relates to paternal connections only
 - b. Illegitimate child are not considered lawful inheritors
 3. Association or friendship bond (Wala - ولي): this is further divided into two by Hanafi jurists:
 - a. Wala Al-Itaq or Mawla Al-Itaq (مولى العتاقة): meaning master of the manumitted slave
 - b. Wala Al-Mawala or Mawla al-Mawala (مولى الوالاة): meaning inheritor/successor by contract.
- A heir may have more than one causes of inheritance, e.g. husband who inherit fixed share and may also be an agnatic cousin

15 Basic Principles for inclusion

The basic principles of Inheritance are fifteen, 7 of them are in Quran and 5 are described in Sunnah, and 3 are based on Ijma/Qiyas.

Group of SEVEN whose share is defined in Quran:

- The children (male/female) of the deceased

- Parents of the deceased when deceased have children
- Parents of the deceased when deceased do not have children
- Husband
- Wife (wives) / Widow
- Uterine Brothers on Mother's side
- Full Brothers

FIVE from Sunnah:

- The Wala (Friendship bond)
- Sisters become (al-Asabah) "Residuary" inheritors. They get what is left over after the other heirs take their Primary Heirs.
- ذوالأرحام - Relatives (based on hadith: "you give fixed sharers (or Primary Heirs) to the ones who are entitled, what they leave will go the nearest male relative")
- Grandmother gets 1/6 (based on "give the grandmothers a sixth")
- Sister (based on hadith "give the daughter 1/2, the granddaughter 1/6 and what is left will go to the sister")

THREE from Consensus (Ijma):

- Consensus on treating grandson as son, granddaughter as daughter provided later is nonexistent.
- Grandfather is treated as father, when father is nonexistent
- Sister on father's side is taken as sister of both sides (father and mother)

Exclusions

Impediments to Inheritance:

There are four causes that impede a person from inheritance:

1. **Homicide (al-Qatl - القتل):** Prophet (pbuh) said: "One who kills a man cannot inherit from him" [Tirmidhi, Ibn Majah]⁴³. Hence, all Jurists agree that murderer or killer shall not inherit from victim. There are exceptions to this rule if killing is justifiable or self-defense or war or unintentional etc.

There are slight differences of opinion amongst four Madhabs on details of some form of killing.

- a. **Hanafi fiqh** states that killer is barred from inheritance except if i) its justifiable killing according to Shariah, ii) killing in self-defense, iii) Lawful killing, iv) act of a mad man or minor, v) indirect killing, vi) direct killing by minor or lunatic
- b. **Shafii fiqh** states all forms of killing is a bar to inheritance including killing by minor/lunatic.

⁴³ At-Tirmidhi, Sunnan Ibn Majah

- c. **Maliki fiqh** states killing is a bar to inheritance including killing by minor/lunatic except if i) justifiable killing according to Shariah, ii) killing as a result of self-defense, iii) killing in retaliation, iv) unintentional killing
 - d. **Hanbali Fiqh** states that any killing that is punishable (including Qisas) is a bar from inheritance except if i) justifiable killing according to Shariah, ii) killing as a result of self-defense or war, iii) killing in retaliation
2. **Difference of Religion:** Prophet (pbuh) said: "A Muslim cannot be the heir of a disbeliever, nor can a disbeliever be the heir of a Muslim" [Sahih al-Bukhari, Sahih al-Muslim, Muwatta, Tirmidhi, Abu Dawud and Ibn Majah].
 3. **Slavery:** All Jurists agree that slavery is a bar to inheritance. A slave will not inherit and will not be inherited.
 4. **Difference in Country:** Resident of Dar-ul-Kufr doesn't not inherit from citizen of Dar-ul-Islam. However, the contemporary scholars applied these impediments to non-Muslims only.

Rule of Inheritance between the Muslim and non-Muslim:

Narrated Usama bin Zaid (ra), Prophet (pbuh) said: "A Muslim cannot be the heir of a disbeliever, nor can a disbeliever be the heir of a Muslim" [Bukhari, Muslim, Muwatta, Tirmidhi, Abu Dawud, and Ibn Majah]

There are two situations with relates to this:

1. Muslim person inheriting from non-Muslim
2. Non-Muslim person inheriting from Muslim.

According to above hadith, it is prohibited in both of these cases to do inheritance between Muslim and non-Muslim. There is consensus amongst all four Sunni Madhahib on this point.

- A non-Muslim individual who reverts to Islam cannot inherit from his/her non-Muslim relatives; neither can they inherit from him. This is unanimously accepted by all Sunni Madhahib.
- Book "Islamic inheritance law"⁴⁴ mentions that some faqih raised the point that convert muslim may inherit from their non-Muslim parents. But this looks wrong opinion, as the hadith of the Prophet mentioned above is crystal clear.
- There is wall of al-Wala and al-Bara between Muslim/non-muslim, which is core of Tawheed. The Hadith of the Prophet mentioned above is also in accordance with wala/bara and Tawheed. Hence, rule of Bara'at is active and the inheritance cannot be distributed between Muslim and non-muslim.
- A Muslim who changes his religion is called an apostate (murtadd). An apostate is barred from inheriting from Muslims.

Rules of Exclusions:

A potential heir can be excluded from inheritance in following two ways:

- Never Excluded

⁴⁴ Islamic Inheritance Law, Dr Yusuf Ziya Kavakci

- حجب نقصان - Partially Excluded
- حجب حرمان - Totally Excluded
- Converted into Residuary

Never Excluded

- Out of these twelve primary heirs, five of them always get their shares and seven of them some time are left out.
- Five heirs are never excluded from their share; however their share may be reduced. These five includes:

1. Father
2. Mother
3. Husband
4. Wife (wives)
5. Daughter (s)

- Ironically, the son is not mentioned in Quran as a primary heir and he always inherits as residuary. Son is a residuary and he always gets his share as a residuary, details later.

Partially Excluded (حجب نقصان)

- Partial exclusion means that their shares are lessened, but not totally removed, e.g. Husband's share is 1/2 if there are no children. However this share is reduced to 1/4 if the deceased wife has children.

- Five primary heirs that can be partially excluded are:

- Husband (originally gets 1/2, can be reduced to 1/4, if wife has children)
- Widow (originally gets 1/4, can be reduced to 1/8, if husband has children)
- Mother (original 1/3, reduced to 1/6 if deceased had child or brother or sisters)
- Son's Daughter (originally 2/3, reduced to 1/6, if deceased has daughter)
- Half Sister on Father's Side (originally 2/3, reduced to 1/6 if deceased has full sister)

Totally Excluded (حجب حرمان)

- Total exclusion means that their share is completely eliminated or they lose their share.
- Some of the heir's can be totally excluded in the presence of other heirs of the deceased. These include:

- True Grandfather (if father is present)
- True Grandmother (if father is present)
- Son's Daughter (if son is present)
- Full Sister (if deceased have descendents or father)
- Half Sister on Father's Side (if deceased have descendents or father)
- Half Brother on Mother's Side (if deceased have descendents or father)
- Half Sister on Mother's Side (if deceased have descendents or father)

- The exclusion is based on following principles:

1. **Principle of Impediment:** When a potential inheritor is connected to the deceased through another person and if that person is present or alive, then the potential inheritor is impeded by that other person. E.g. Grandson is impeded from inheritance if the son is present.
2. **Principle of Nearer in Relation:** The person nearer in relation can deprive the person who is farther in relation to the deceased. This rule is more applied in case of Al-Asabah.

Converted into Residuary

- Some primary heirs can be converted into Residuary (secondary heir) under certain conditions. They include:
 - Father
 - True Grandfather
 - Mother
 - Daughter
 - Son's Daughter
 - Full Sister
 - Sister from Father's Side

Tarikah (تركة) and its procedure

Tarikah (تركة) – Left behind Estate

Tarikah (تركة) can be defined as gross estate of the deceased prior to deduction of rights and claims attached to it.

1. The Estate includes:
 - a. All property, movable/immovable, self acquired/ancestral etc.
 - b. All Debts
 - c. All peculiar rights (contracts, options, compensations)
 - d. Blood money (Diyah), if the person deceased was killed
2. Life insurance is not considered part of estate, as life insurance is considered haram in Shariah.
3. Legal Heirs inherit the estate based on Islam Law of Inheritance.
4. Two opinions:
 - a. Hanafi fiqh says that part of the state covered by debts and bequests/legacies doesn't devolve upon the heirs
 - b. Shafai/Hanbali fiqh said that whole estate including the indebted part devolves upon heirs
 - c. This may become important if value of estate increased from time of death to actual distribution
5. After the death of a person, his estate is distributed based on following four stages in same sequence.
6. In some Muslim Countries (like Malaysia), the issue of jointly acquired property is to be settled prior to any distribution of the state.

Procedure for distribution of Estate

There are four stages that follow after the death of a person:

- Funeral/Burial and Paying all expenses
- Pay all Debts
- وصية : Pay bequests/Legacies up to 1/3 of remaining estate
- وراثه : Distribute remaining estate as per Islamic Law of Inheritance.

Stage 1: Funeral & Burial

1. Funeral/burial expenses should be paid out of dead person's estate.
 - a. Hanafi fiqh says husband should pay for wife's funeral expenses.
 - b. Maliki fiqh is same.
 - c. Shafii fiqh says Husband to pay only if he was richer than his wife.
2. Taking care of Funeral/Burial of deceased is Fard Kifayah, and responsibility falls upon larger Muslim community, especially when the deceased didn't have family or was poor.
3. Funeral expenses generally take precedence over the debts.
4. Deceased to be buried according to Islamic Law of Burial/Funeral.
5. Funeral/burial to be very simple and nothing extravagant should be done.
6. Funeral/Burial must be done in emergency, and no delay should be made. It must be done asap.

Stage 2: Pay all debts

1. All debts must be paid before the execution of deceased's Will (وصية)
2. **Debts of People:** If debts are more than estate, then all of it will go towards debts. If there are more than one debtor and debts are more than estate, then estate will be distributed to debtors based on the proportion of their debt.
3. **Debts of Allah:** Majority view is that the debts to Allah (zakah, obligatory expiations etc) should be paid whether mentioned in the will or not. However, there is difference of opinion on that.
 - a. **Hanafi/Maliki states:** debts to Allah (swt) are extinguished by death unless mentioned in the will, in which case it should be taken out of 1/3 of the estates (which is max share of his will).
 - b. **Maliki states:** debts to Allah (swt) are paid after debts of the people
 - c. **Shafii/Hanbali states:** debts to Allah must be fulfilled first either mentioned on will or not.

Stage 3: Will (وصية) of Deceased

1. If deceased left a will, Will must be executed after all funeral/burial expenses and all the debts are paid.
2. Will of deceased cannot exceed more than 1/3 of his estate. [See Hadith of Prophet earlier in mentioned Text].
3. The will execution comes after the debts and before the distribution of Mirath (inheritance). This was the practice of the Prophet (pbuh). Here debts are obligatory to be paid, while the will is optional. Hence, the debts should be paid first.

4. If a child of the deceased special care (he may be physically disabled), then deceased can help him by giving him donation to care for him, but not by the way of will.
5. There are two parties in the will:
 - a. Testator or the person who is making the will (Al-Musi - "الوصي")
 - b. Legatee or beneficiary of the will (Al-Musa Lahu - "الموصى له")
6. Power of Testator (Al-Musi - "الوصي")
 - a. He cannot make bequest more than 1/3 of his net state, except :
 - i. Except that the legal heirs agree and consent to the bequest
 - b. He cannot make bequest in favor of a legal heir under traditional Sunni Muslim law. But number of Muslim countries does allow that.

Stage 4: Distribution of Inheritance (وراثة)

1. The last stage is to distribute the remnants of the estate/assets among the inheritors who are fixed by the Shariah, this include Quran, Sunnah and Ijma of Ummah.
2. Beneficiaries from the Legal heirs are in two categories:
 - a. **Ashab-ul-Furud** (أصحاب الفروض): Obligatory Sharer or Primary Heirs with fixed shares or Quranic heirs
 - b. **Al-Asabat** (العصبات): Residuaries by reason of blood relationship or special reason
3. The order of distribution amongst the heirs of deceases is clearly defined.
4. Some heirs (especially Al-Asabat) can be either partially or totally excluded from inheritance by the presence of other heirs or blood relative under certain circumstances
5. Potential heirs can be disqualified from inheriting under certain circumstances.
6. Principle of Representation (التنزيل):
 - a. In Shariah, only heirs alive at the time of death are entitled to inherit, they cannot be represented by someone else who has died before the porositus.
 - b. This is based on cardinal principle, that the nearer in degree to the deceased excluded the one who is more distant.

E.g if a man dies leaving SON and GRAND-SON. Then SON gets the share and GRAND-SON is excluded by the son.
7. Principle of Substitution ():
 - a. If father or mother of deceased also died, but he has grandfather or grandmother, then the true grandfather inherits in place of father. The true grandmother inherits in place of mother.
8. The two further rules are applied:

- a. **Doctrine of al-Radd (الرد):** if after distribution of all shares there is still left over, then the remainder is distributed using Doctrine of al-Radd.
- b. **Doctrine of al-Awl (العول):** If the shares of all fixed heirs are greater than remainder of estate/assets, then the shares are pulled back using Doctrine of al-Awl.

Inheritors & their classification

Beneficiaries from the Legal heirs are in two categories:

- **Ashab-ul-Furud (أصحاب الفروض):** Obligatory Sharer or Primary Heirs with fixed shares or Quranic heirs
- **Al-Asabat (العصبات):** Residuaries by reason of blood relationship or special reason

Beneficiaries of an Estate

1. Sharer - Ashabul-Furud (أصحاب الفروض)	2. Residuaries - Asabat (عصبات)
<ul style="list-style-type: none"> ■ First give ashabul-furud their share 	<ul style="list-style-type: none"> ■ If anything left after giving Ashabul-furud, then Al-Asabat will get their share.
<p><u>NINE from Quran:</u></p> <p>Male:</p> <ul style="list-style-type: none"> ■ Father ■ Husband ■ Uterine Brother (brother from mother full or half) <p>Female:</p> <ul style="list-style-type: none"> ■ Mother ■ Widow ■ Daughter ■ Full Sister ■ Consanguine sister (half sister from father) ■ Uterine sister (half sister from mother) <p><u>THREE from Qiyas (analogy) and Ijma (Consensus):</u></p> <ul style="list-style-type: none"> ■ True Grandfather (father's father or how ever high in chain) 	<p>Asabat (عصبات) means "residuaries" are of two categories:</p> <ul style="list-style-type: none"> ■ Nasbiyyah (نسبية): Blood relation ■ Sababiyyah (سببية): Special cause <p>Asabat Nasbiyyah:</p> <ul style="list-style-type: none"> ■ Al-Asbah binafsihi (عصبة بنفسه): ■ Al-Asbah bighayriha (عصبة بغيرها): ■ Al-Asbah ma'a ghayriha (عصبة ما غيرها): <p>Asabat Sababiyyah::</p> <ul style="list-style-type: none"> ■ By special reason (e.g. Mauwla al-itaq المولى العتاقة) ■ By contract (Mawlaul-Mawala مولى الموالاة) ■ Distant kindred (dhawal-arham ذوالارحام) ■ Acknowledged kinsman (Al-Muqirr Lahu المقر له) ■ Universal Legatee/tesatee (Al-Musa Lahu الموصى له)

- True Grandmother
- Son's daughter (However low in chain)

- Public treasury (بيت المال)

Al-Asbah binafsihi (عصبة بنفسه):

- Descendants of the deceased:
- Ascendants of the deceased:
- Descendants of the father:
- Descendants of the grandfather:

Female Agnates residuaries:

- Daughter
- Daughter of Son: (however low in chain)
- Full Sister:
- Consanguine sister:

III. ASHAB-UL-FURUD (أصحاب الفروض)

Obligatory (Primary heirs)

Ashab-ul-Furud (أصحاب الفروض) means “possessors of obligatory share”. These are the family members with fixed shares whose share is exclusively set by Quran. Hence, they are called Quranic heirs or Obligatory shares. See the verses in Surah Nisa 4:11-4:12 earlier in the paper.

All together there are twelve primary heirs, nine are mentioned by Quran and three are added by Fuqaha using Qiyas (Analogy). These include:

NINE from Quran (3 males, 6 females):

- Father
- Husband
- Uterine Brother (brother from mother full or half)
- Mother
- Widow
- Daughter

- Full Sister
- Consanguine sister (half sister from father)
- Uterine sister (half sister from mother)

THREE Heirs from Qiyas (analogy)

- True Grandfather (father’s father or how ever high in chain)
- True Grandmother
- Son’s daughter (However low in chain)

Each of these heirs are entitled for their fixed share, however, the actual share may fluctuate depending upon number of inheritors. The fixed shares for these primary heirs are as follows:

Quranic Share	Primary heirs mentioned in the Quran
1/2	<ul style="list-style-type: none"> ■ Husband (if no child), ■ Daughter (if only one), ■ Full Sister ■ Half-Sister on Mother’s side
1/4	<ul style="list-style-type: none"> ■ Husband (if with child), ■ Wife (if no child)
1/8	<ul style="list-style-type: none"> ■ Wife (if with child)
2/3	<ul style="list-style-type: none"> ■ Daughters (if more than one), ■ (DS) Daughter of Son (however low in chain, e.g. grand daughters), ■ (S) Full Sister (if more than one) ■ (Sm) Half-Sister on Mother’s side (if more than one)

1/3

- Mother (if there are no child or their descendants)
- **(Bm)** Half Brother on Mother's side
- **(Sm)** Half-Sister on Mother's side

1/6

- Father or **(TGf)** True Grand Father (if there is no father)
- Mother (if there are child or their descendants) or **(TGm)** True Grand Mother (if there is no mother)
- **(DS)** Daughter of Son (if they share with Daughter),
- **(Bf)** Half Brother on Father's side
- **(Sf)** Half-Sister on Father's side

Shares of the Primary Heirs

Shares are denoted with following symbols in the headings:

- p: Primary Heirs
- r: Residuaries (Secondary Heirs)
- d: Dhawul Arham.

Parents:

1. Parent's share is clearly identified in Quran:

وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا بَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ
مِن بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ

4:11 For parents, a sixth share of inheritance to each if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers or (sisters), the mother has a sixth. (The distribution in all cases is) after the payment of legacies he may have bequeathed or debts.⁴⁵

p1. Father

1. Only the real father is considered as primary heir.
2. Father is primary heir and he always gets a fixed inheritance share (except any legal impediment blocks him).
3. Adopted parents, foster parents etc are all excluded from Mirath (inheritance) in Shariah.
4. Adultery and fornication (Zina) is forbidden in Islam, hence, no inheritance is given in such situation.
5. Father can inherit in three ways, as primary heir (fara'id) or secondary heir (residuary) or both:
 - a. **Primary Heir:** if the deceased have son or son's son (however low in hierarchy), then the father will get 1/6 as primary heir.

⁴⁵ Quran, Chapter 4:11 – An-Nisa [The Women]

- b. **Secondary Heir (Residuary):** if the deceased has no children or no descendants from son, then father will receive inheritance as Asbah (residuary) after paying to the other primary heirs.
- c. **Both primary & secondary heir:** if the deceased has no son or son's son, but there is daughters or son's daughter, then father will received his primary share (1/6) and also gets a secondary share in residue after paying to all other primary heirs.
6. **Whole estate:** if he is the sole heir he gets the whole estate
7. Father's share table is following:

As primary heir (1/6)	As Secondary (Residuary) heir (whole or 2/3)	As Primary and Secondary (Residuary) heir (1/6 + Residue)
Father gets 1/6, if there is: <ul style="list-style-type: none"> ■ Sons or ■ Son's Son (however low in hierarchy). 	Father becomes a secondary sharer if : <ul style="list-style-type: none"> ■ No child, and ■ No Son's Son (however low in hierarchy), and ■ No Son's Daughter (however low in hierarchy) <p>If father is the sole heir, he gets the whole estate.</p> <p>If father/mother is sole heirs, then mother gets 1/3 and father gets 2/3.</p>	Father becomes primary and secondary heir both when. <ul style="list-style-type: none"> ■ No Son, and ■ No Son's Son (however low in hierarchy), <p>But if there is:</p> <ul style="list-style-type: none"> ■ Daughter (s) or ■ Son's Daughter (however low in hierarchy) <p>Father will get is usual 1/6, and then after the distribution of others, he will get the remaining of the estate.</p>

8. **Exception:** when father inherits with mother and spouse
- If father inherits with spouse (widow or husband) and mother, then spouse gets their fix share.
 - Spouse share is (husband 1/2, widow 1/4)
 - Whatever residue remains parents takes their share from it.
 - This is based on decision of Umar bin Khattab (ra) who actually based his opinion on Zaib bin Thabit (ra)

Husband: 1/2 Father: 1/3 Mother: 1/6
Widow: 1/4 Father: 1/2 Mother: 1/4

- This is an exception to ensure that father doesn't get less than mother.
9. Father can totally exclude (حجب حرمان) other potential heirs when he is present at inheritance, these include:
- Grandfather (however high in hierarchy) & Paternal grandmother (however high in hierarchy)
 - Brothers (full or half both mother/father side) and Sisters (full or half both mother/father side)

c. Uncles and their sons

p2. Mother

1. Only the real mother is considered as primary heir.
2. Mother is primary heir and she always gets a fixed inheritance share (except any legal impediment blocks him). However, her share can be partially excluded (حجب نقصان), i.e. 1/6 or 1/3
3. Adopted parents, foster parents etc are all excluded from Mirath (inheritance) in Shariah.
4. Adultery and fornication (Zina) is forbidden in Islam, hence, no inheritance is given in such situation.
5. **Whole estate:** if she is the sole heir she gets the whole estate (hanafi/shafii fiqh)
 - a. Based on hanafi/shafii fiqh she gets 1/3 as primary heir and 2/3 as Al-Radd.
6. Mother's share table is following:

As primary heir (1/6)	As primary heir (1/3)
Mother gets 1/6, if there is:	Mother gets 1/3, if there is:
<ul style="list-style-type: none"> ■ Child, or ■ Son's Son (however low in hierarchy), or ■ Son's Daughter (however low in hierarchy) ■ Two or more full/half siblings⁴⁶ 	<ul style="list-style-type: none"> ■ No Child, or ■ No Son's Son (however low in hierarchy), or ■ No Son's Daughter (however low in hierarchy) ■ Less than two full/half siblings

7. **Exception:** if mother inherit with father or spouse or both, then she either gets 1/4 or 1/6. See Father's section where we defined this exception.
8. Mother can totally exclude (حجب حرمان) other potential heirs when he is present at inheritance, these include:
 - a. True Grandmothers (however high in hierarchy) - Mother's Mother.

Grandparents:**p3. Real Grandmother (Paternal/Maternal Grandmother)**

1. Grandmother's share is identified in Sunnah

Narrated Buraydah, Allah's Prophet (pbuh) appointed 1/6 to grandmother if no mother was left to inherit before her [Sunnan Abu Dawood, also similar is reported by Ibn Abbas in Sunnan Ibn Majah]⁴⁷

2. Real Grandmother are mother of father (however high in hierarchy), i.e. Paternal Grandmother. Also Mother of Mother is considered as Real Grandmother, i.e. Maternal Grandmother.

⁴⁶ According to Ibn Abbas (ra) 3 or more brothers are necessary to reduce the mother's share to 1/6 because Quran use plural form of brother (إخوة) rather than dual form.. "... if the deceased left brothers (or sisters), the share of the mother is one-sixth.." Quran 4:11

⁴⁷ Sunnan Abu Dawood, Sunnan Ibn Majah

- a. Hanafi/Hanbali considers all real grandmothers as one group.
 - b. Maliki/shafii divides real grandmothers in two groups (maternal and paternal).
3. Grandmother may be totally excluded:
- a. if mother is alive. Similarly, Great grandmother is totally excluded if grandmother is alive, and so on.
 - b. Paternal Grandmother
 - i. Hanafi/Maliki/Shafii: All Paternal grandmothers are excluded by Father
 - ii. Hanbali: Father doesn't exclude the paternal grandmother
 - iii. Please note if father is not alive, but grandfather and grandmother is alive, then grandfather doesn't block grandmother's share.

None	As primary heir (1/6)
Grandmother no share, if there is:	Grandmother gets 1/6, if there is:
<ul style="list-style-type: none"> ■ Mother, or 	<ul style="list-style-type: none"> ■ No Mother
Paternal Grandmother no share, if there is:	Paternal Grandmother gets 1/6, if there is:
<ul style="list-style-type: none"> ■ Father (Hanafi/Maliki/Shafii) 	<ul style="list-style-type: none"> ■ No Mother, and
Hanbali states father doesn't block Paternal grandmother's share.	<ul style="list-style-type: none"> ■ No Father (Only Hanafi/Maliki/Shafii)
	If there are more than one real Grandmothers then they all share in 1/6

p4. Real Grandfather (Paternal Grandfather)

1. Shares of Grandfather or Great grandfather (or higher) are like father.
2. Real Grandfathers are father of father (however high in hierarchy), i.e. Paternal Grandfathers. Father of Mother is considered as false Grandfather.
3. Only Read Grandfathers are considered as Ashab-ul-Furud. The False grandfathers are considered as Dhawul-Arham (ذو الرحم) - Distant Kindred by Hanafis, Shafaiis, Hanbalis.
4. Grandfather may be totally excluded:
 - a. if father is alive. Similarly, Great grandfather is totally excluded if grandfather is alive, and so on.
5. Grandfather will get father's share, if:
 - a. If father is not alive, but deceased has son or son's son then Grandfather will get father's share, i.e. 1/6
6. Grandfather will get higher shared, if:
 - a. If father is not alive and deceased do not have son or son's son, but deceased has daughter or son's daughter, then Grandfather will get father's share 1/6 as Dhul-Fard and will also get remaining Residue (whatever is left from Dhul-Furud)
 - b. If father is not alive and deceased do not have child (either son or daughter), neither deceased has grandchild (son's son and sons's daughter however low in hierarchy), then grandfather will become a

residuary and will get remainder of shares after distributing the shares of Dhul-Furud (obligatory primary sharers)

7. Grandfather's share table is following:

No Share	As primary heir (1/6)	As primary heir and Residuary (1/6 + Residue)	As Residuary (Remainder Residue)
Grandfather gets No share, if deceased has: <ul style="list-style-type: none"> Has Father 	Grandfather gets 1/6, if there is: <ul style="list-style-type: none"> No Father, and But Has son, or Has Son's Son (however low in hierarchy) 	Grandfather gets 1/6 + Residue, if there is: <ul style="list-style-type: none"> No Father, and No Son, and No Son's Son (however low in hierarchy) But Has Daughter, or Has Son's Daughter (however low in hierarchy) <p>Grandfather will get 1/6 as primary heir, and will also get residue (whatever remains after distributing to Dhul-Furud)</p>	Grandfather gets residue: <ul style="list-style-type: none"> No Father, and No Child, and No Son's Child (however low in hierarchy) <p>Grand will become Al-Asabah (العصبة) residuary and will get all remaining residue after distributing shares amongst Dhul-Furud (obligatory Primary Sharers)</p>

8. Grandfather can totally exclude (حجب حرمان) other potential heirs when he is present at inheritance, these include:

- Great Grandfathers (however high in hierarchy)
- Siblings, Descendants of father, i.e. Brothers/Sisters or Uterine Brothers/Sisters. There was difference of opinion amongst companions on Grandfather excluding Siblings.
- Paternal Uncles and their offspring, Descendants of Grandfather.

Spouse:

p5. Husband

1. Husband's share is clearly identified in Quran:

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلَكُمْ الرُّبْعُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ يُوَصِّينَ بِهَا أَوْ دَيْنٍ

4:12 In that which your wives leave, your share is a half if they have no child; but if they leave a child, you get a fourth of that which they leave after payment of legacies that they may have bequeathed or debts⁴⁸

2. Husband is primary heir and he always gets a fixed inheritance share (except any legal impediment blocks him). However, his share can be partially excluded in certain situation, i.e. 1/4 from 1/2.

⁴⁸ Quran, Chapter 4:12 – An-Nisa [The Women]

- Husband share is either 1/2 or 1/4.
- Husband share table is following:

As Primary Heir (1/2)	As Primary Heir (1/4)
Husband gets 1/2, if there is:	Husband gets 1/4, if there is a
<ul style="list-style-type: none"> No Child, and No Son's Son (however low in hierarchy), and No Son's Daughter (however low in hierarchy) 	<ul style="list-style-type: none"> Child, or Son's Son (however low in hierarchy), or Son's Daughter (however low in hierarchy)

p6. Wife(ves) / Widow(s)

- Quran identified wife's (or widow) share as:

وَلَهُنَّ الرُّبُعُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ

4:12 In that which you leave, their (your wives) share is a fourth if you leave no child; but if you leave a child, they get an eighth of that which you leave after payment of legacies that you may have bequeathed or debts.⁴⁹

- Wife is primary heir and he always gets a fixed inheritance share (except any legal impediment blocks him). However, her share can be partially excluded, i.e. 1/8 from 1/4.
- Wife's share is either 1/4 or 1/8.
- Wife's share table is following:

As Primary Heir (1/2)	As Primary Heir (1/8)
Wife gets 1/4, if there is:	Wife gets 1/8, if there is a
<ul style="list-style-type: none"> No Child No Son's Son (however low in hierarchy). No Son's Daughter (however low in hierarchy) 	<ul style="list-style-type: none"> Child Son's Son (however low in hierarchy). Son's Daughter (however low in hierarchy)

- If there is more than one wife (widows), then they all share in allotted entitlement (1/8 or 1/4).

Siblings:

Brother (s) and Sisters(s)

- Brother and Sister's share is clearly identified in Quran:

⁴⁹ Quran, Chapter 4:12 – An-Nisa [The Women]

يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ إِنْ امْرُؤٌ هَلَكَ لَيْسَ لَهُ وَلَدٌ وَ لَهُ أُخْتُ فَلَهَا نِصْفُ مَا تَرَكَ وَهُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ فَإِنْ كَانَتَا أُخْتَيْنِ فَلَهُمَا التُّلْتَانِ مِمَّا تَرَكَ وَإِنْ كَانُوا إِخْوَةً رَجَالًا وَنِسَاءً فَلِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ بَيْنَ اللَّهِ لَكُمْ أَنْ تَضِلُّوا وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ

4:176 . They ask you for a legal verdict. Say: "Allah directs (thus) about AlKalalah (those who leave neither descendants nor ascendants as heirs). If it is a man that dies, leaving a sister, but no child, she shall have half the inheritance. If (such a deceased was) a woman, who left no child, her brother takes her inheritance. 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. (Thus) does Allah make clear to you (His Law) lest you go astray. And Allah is the All-Knower of everything."⁵⁰

2. Mawdudi states that the apportioned shares in inheritance mentioned here are those of brothers and sisters, whether related through both parents or through a common father only. Abu Bakr gave this interpretation in one of his pronouncements and none of the Companions expressed any dissent. This view is, therefore, considered to be supported by consensus (ijma'). [Tafheem].
3. Brother (s) and Sister (s) gets the share if the deceased was Kalala (كَلَالَةٌ). See Definition of Kalala later in this Chapter.

p7. Full Sister(s)

1. Full sister is whose father and mother are same as the deceased's.
2. Full sister inherits either as Ashab-ul-Furd or as Asabah (Residuary), if she is entitled.
3. Full Sister share's is identified in Quran when deceased is Kalala.
4. Full Sister has an exception when there is a daughter and son's daughter then Full Sister will share as Al-Asbah ma'a ghayriha. This is based on Prophet's Sunnah where Ibn Masud was asked and he replied: "...The verdict I will give in this case, will be the same as the Prophet (pbuh) did, i.e. 1/2 for the daughter, and 1/6 for Son's daughter, i.e. both shares make 2/3 of total property, and the residue is for the sister.." [Part of hadith, Sahih Al-Bukhari, Sunnan Thirmidi and Sunnan Ibn Majah]
5. Full Sister's share table is following:

No Share	Primary Heir (1/2 singly or 2/3 jointly)	Residuary as Al-Asbah bighayriha (العصبة بغيرها)	Residuary as Al-Asbah ma'a ghayriha (العصبة ما غيرها)
<p>Full Sister gets No share, if deceased has:</p> <ul style="list-style-type: none"> ■ Has Father, or ■ Has Son, or ■ Has Son's Son (how ever low in the hierarchy) ■ Has Real Grandfather (however high in the hierarchy) - 	<p>Full Sister shares as Primary Heir, if deceased is:</p> <ul style="list-style-type: none"> ■ Is Kalala (i.e. no one from list in first column) ■ No Full Brother ■ No Daughter ■ No Son's Daughter (however low in hierarchy) <p>If there is only One Full</p>	<p>Full Sister shares as Residuary as Al-Asbah bighayriha (العصبة بغيرها) - Because of Others, if deceased</p> <ul style="list-style-type: none"> ■ Has Full Brother, and ■ Is Kalala (i.e. no one from list in first column) <p>When there if full Brother, Full Sister(s) will share as</p>	<p>Full Sister shares as Residuary as Al-Asbah ma'a ghayriha (العصبة ما غيرها) - Asabah together with others, if deceased</p> <ul style="list-style-type: none"> ■ Has Daughter or Has Son's Daughter (however low in hierarchy) ■ Is Kalala (i.e. no one from list in first column)

⁵⁰ Quran, Chapter 4:176 - An-Nisa [The Women]

hanafi only i.e. decease is not Kalala	Sister she gets 1/2, if there are more than one full sisters then they share 2/3 jointly.	Residuary (العصبة بغيره) and will gets half of full brother's share.	Based on Sunnah of Prophet (pbuh).
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6. Full Brother (s) and Full Sister (s) are excluded if deceased has,
 - a. If deceased has Father, Son, Son's Son (however low in hierarchy)
 - b. If deceased has Father or Real Grandfather (however high in hierarchy). According to Hanafi, real grandfather excludes Full Brother(s) and Full Sister(s).
7. Full Sister (s) totally exclude (حجب حرمان) following,
 - a. Half-Sister (on father's side)
 - b. Half Brother (on father's side), if Full sister is Residuary as Al-Asbah ma'a ghayriha (العصبة ما غيرها), i.e. When there is Full Sister and Son's Daughter then Half-Brother is excluded.

p8. Half-sister(s) on Father's Side (Consanguine Sister)

1. Half sister (on father's side) is one whose father is same as the deceased's, but mother is different.
2. Half sister (on father's side) inherits either as Ashab-ul-Furd or as Asabah (Residuary), if she is entitled.
3. Half sister (on father's side) inherits when there is no Full Sister, and then she inherits in position of Full Sister.
4. Half sister (on father's side)'s share table is following:

No Share / Excluded	Primary Heir (1/2 singly or 2/3 jointly)	As Primary Heir (1/6 jointly or nothing)	Residuary as Al-Asbah bighayriha (العصبة بغيرها)	Residuary as Al-Asbah ma'a ghayriha (العصبة ما غيرها)
Half sister (on father's side) gets No share, if deceased has:	Half sister (on father's side) shares as Primary Heir, if there is:	Half sister (on father's side) shares as Residuary, if deceased	Half Sister shares as Residuary as Al-Asbah bighayriha (العصبة بغيرها) - Because of Others, if deceased	Half Sister shares as Residuary as Al-Asbah ma'a ghayriha (العصبة ما غيرها) - Asabah together with others, if deceased
<ul style="list-style-type: none"> ■ Has Father, or ■ Has Son, or ■ Has Son's Son (however low in the hierarchy), or ■ Has Real Grandfather (however high in the hierarchy) - 	<ul style="list-style-type: none"> ■ No one from first column (of Excluders) ■ No Half Brother (from father's side) ■ No Full Sister(s) ■ No Daughter ■ No Son's Daughter (however low in 	<ul style="list-style-type: none"> ■ No one from first column (of Excluders) ■ No Half Brother (from father's side) ■ But Has Full Sister (s) <p>When full sister is present, Half Sister (one or more) gets</p>	<ul style="list-style-type: none"> ■ No one from first column (of Excluders) ■ Has Half Brother (from father's side) <p>Half-Brother convert Half-Sister into Residuary.</p> <p>Due to Half-Brother,</p>	<ul style="list-style-type: none"> ■ No one from first column (of Excluders) ■ No Full Sister(s) ■ Has

hanafi only, or	hierarchy)	only 1/6 jointly and Full Sister gets 1/2 (making it 2/3)	Half-Sister gets half of Half-Brother's share.	Daughter or Has Son's Daughter (however low in hierarchy
■ Has Full brother, or	If there is only One Half Sister she gets 1/2, if there are more than one Half Sisters then they share 2/3 jointly.	Half Sister gets nothing, if there is more than one full sister.	If there are more than one Half-Brother and Half-Sisters, they all share in 1/3 jointly	

5. Half Brother (s) and Half Sister (s) on father's side are excluded if deceased has,
 - a. If deceased has Father, Son, Son's Son (however low in hierarchy)
 - b. If deceased has Father or Real Grandfather (however high in hierarchy).
 - c. If deceased has Full Brother (s) and Full Sister (s)
 - d. If deceased has two Full Sisters
 - i. Exception: if deceased has no Full Brother, but has One Full Sister, and all the above conditions, then Half-Sister (s) gets 1/6

r2. Full Brother (s) - Residuary

1. Full brother is whose father and mother are same as the deceased's.
2. Full Brother inherits either as Asabah (Priority 3 Residuary), if he is entitled.
3. Full Brother share's is identified in Quran when deceased is Kalala.
4. Full Brother's share table is following:

No Share	As Residuary
Full Brother gets No share, if deceased has:	Full Brother shares as residuary, if deceased
<ul style="list-style-type: none"> ■ Has Father, or ■ Has Son, or ■ Has Son's Son (how ever low in the hierarchy) ■ Has Real Grandfather (however high in the hierarchy) – hanafi only 	<ul style="list-style-type: none"> ■ Is Kalala (i.e. no one from list in first column) <p>After distributing shares of all Primary Heirs, Residue will go to Brother. If there are Full Sisters, then Full Brother will get twice as much of sisters.</p>
i.e. decease is not Kalala	

5. Full Brother (s) and Full Sister (s) are excluded if deceased has,
 - a. If deceased has Father, Son, Son's Son (however low in hierarchy)
 - b. If deceased has Father or Real Grandfather (however high in hierarchy). According to Hanafi, real grandfather excludes Full Brother(s) and Full Sister(s).
6. Full Brother (s) totally exclude (حجب حرمان) following,
 - a. Half-Brother & Half Sister (on father's side) and their children

- b. Full Brother's Son (however low in hierarchy)
- c. All Uncles and their offsprings

p8. Half-brother (s) on Father's Side (Consanguine Brother)

1. Half brother (on father's side) is one whose father is same as the deceased's, but mother is different.
2. Half brother (on father's side) inherits either as Asabah (Priority 3 Residuary), if he is entitled.
3. Half brother (on father's side) inherits when there is no Full Brother, and then he inherits in position of Full Brother.
4. Half brother (on father's side) is excluded if both Full Sister and Son's Daughter is present

Uterine Brother and Sister

1. Uterine Brother and Sister are those who mother is same as the deceased's, but father is different
2. Quran Defines share of Uterine Brother (s) and Sister (s)

وإن كان رجل يورثُ كَالَالَةً أو امرأةً وله أخٌ أو أُختٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِن كَانُوا أَكْثَرَ مِن ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ مِن بَعْدِ وَصِيَّةٍ يُوصَىٰ بِهَا أو دَيْنٍ غَيْرِ مُضَارٍّ وَصِيَّةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ

4.12 ... If the man or woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of lagacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone). This is a Commandment from Allah; and Allah is Ever AllKnowing, MostForbearing

3. Uterine Brother (s) and Sister gets the share if the deceased was Kalala (كَالَالَةً).
4. Mawdudi states that Mufasireen (Commentators) agreed that the sisters and brothers mentioned here mean half-brothers and half-sisters, i.e. those who have kinship with the deceased on the mother's side. Injunctions affecting full brothers and sisters, and half-brothers and half-sisters on the father's side are mentioned towards the end of the present surah. (See verse 176). - [Tafheem]

Kalala (كَالَالَةً)

1. Kalala (كَالَالَةً)⁵¹ is either man or woman who does not have descendants or ascendants, i.e. neither they have sons or daughters, nor do they have father or grandfathers.
2. Inheritance from Kalala is defined in Chapter 4 An-Nisa (The Woman) verse 4:12 and 4:176
3. The verse 4:176 states Shares of Full Brother and Full Sister, if deceased is Kalala
4. The verse 4:12 state Shares of Half-Brother and Half-Sister (Uterine Brother/Sister), if deceased is Kalala.

p9. Half-sister(s) on Mother's Side (Uterine Sister)

⁵¹ Mawdudi states: There is disagreement about the meaning of the word kalalah. According to some scholars, it means one who dies leaving neither issue nor father nor grandfather. According to others, it refers to those who die without issue (regardless of whether succeeded by either father or grand father). On this question 'Umar remained undecided up to the last. But the majority of jurists accept the opinion of Abu Bakr that the former meaning is correct. The Qur'an also seems to support this, for here the sister of the kalalah has been apportioned half of the inheritance whereas, had his father been alive, the sister would not have inherited from him at all. -- Tafheem (For relevant traditions on the subject see the commentary on this verse by Ibn Kathir. For legal discussion on the question see the commentaries of Jassas and Qurtubi)

1. Half sister (on Mother's side) is one whose mother is same as the deceased's, but father is different. It's also called Step Sister.
2. Half sister (on Mother's side) inherits as Ashab-ul-Furd, if she is entitled.
3. Uterine Sister share's is identified in Quran when deceased is Kalala.
4. General rule of male inherits twice as female doesn't apply to Half sister (on Mother's side)
5. Half sister (on Mother's side)'s share table is following:

No Share / Excluded	Primary Heir (1/6 singly or 1/3 jointly)
Half sister (on mother's side) gets No share, if deceased has: <ul style="list-style-type: none"> ■ Has Father, or ■ Has Child (son or daughter), or ■ Has Son's Child (son/daughter, how ever low in the hierarchy), or ■ Has Real Grandfather (however high in the hierarchy) – hanafi only, or i.e. decease is not Kalala	Half sister (on mother's side) shares as Primary Heir, if there is: <ul style="list-style-type: none"> ■ Is Kalala (i.e. no one from list in first column) If there is only One Half Sister (on mother's side) she gets 1/6, if there are more than one Half Sisters or Half Brothers (on mother's side) then they share 1/3 jointly.

6. Half Brother (s) and Half Sister (s) on mother's side are excluded if deceased has,
 - a. If deceased has Father, Son, Son's Son (however low in hierarchy)
 - b. If deceased has Father or Real Grandfather (however high in hierarchy).

P10. Half-Brother on mother's side (Uterine Brother)

1. Uterine Brother has the same mother but different fathers. Its also called Step Brother.
2. Uterine Brother inherits as Ashab-ul-Furd, if he is entitled.
3. Uterine Brother share's is identified in Quran when deceased is Kalala.
4. General rule of male inherits twice as female doesn't apply to Half sister (on Mother's side)
5. Uterine Brother share as Ashab-ul-Furd, while Full Brother and Half Brother (on father's side) share as Asabah (Priority 3 Residuaries)
6. Half sister (on Mother's side)'s share table is following:

No Share / Excluded	Primary Heir (1/6 singly or 1/3 jointly)
Half sister (on mother's side) gets No share, if deceased has: <ul style="list-style-type: none"> ■ Has Father, or ■ Has Child (son or daughter), or ■ Has Son's Child (son/daughter, how ever low in the hierarchy), or ■ Has Real Grandfather (however high in the 	Half Brother (on mother's side) shares as Primary Heir, if there is: <ul style="list-style-type: none"> ■ Is Kalala (i.e. no one from list in first column) If there is only One Half Brother (on mother's side) he gets 1/6, if there are more than one Half Sisters or Half Brothers

hierarchy) – hanafi only, or (on mother’s side) then they share 1/3 jointly.
i.e. decease is not Kalala

7. Half Brother (s) and Half Sister (s) on mother’s side are excluded if deceased has,
 - a. If deceased has Father, Son, Son’s Son (however low in hierarchy)
 - b. If deceased has Father or Real Grandfather (however high in hierarchy).

Special Cases for Brothers and Sisters

Al-himariyyah (الحمارية) Case: Full Brother and Uterine Brothers

- This is a famous case known as Al-Himariyyah (donkey) case or famously referred to as “our father is stone cast into the sea.” case or Al-Hajariyyah (the stone) case. This case was decided by Umar ibn Al-Khattab (ra), however, later jurists have disagreed with Caliph Umar.
- **Heirs are:** Deceased woman left behind a Husband, 1 Mother, 2 Uterine Brothers, and 2 Full Brothers.
- Based on Hanafi/Hanabli fiqh this case is decided as follows:
 - Mother gets 1/6 and Husband gets 1/2
 - Uterine Brother and Sister inherits 1/3 jointly (1/6 each)
 - Full Brothers gets residue. But since there is no residue, they are left with nothing!
- Umar bin Khattab decided this case as following:
 - Background: A Deceased woman left behind a Husband, 1 Mother, 2 Uterine Brothers, and 2 Full Brothers. Umar bin Khattab (ra) first decided that Husband gets 1/2, Mother gets 1/6, 2 Uterine Brothers gets 1/3. The Full Brothers are entitled to remaining residue but since there is no residue, they get nothing.
 - Two full brothers argued that even if the father was a donkey (Himar) or a stone cast into the sea and they have no paternal relationship, they still had the same and equal relationship with the deceased as the Uterine Brothers through the same “Mother”.
 - Umar bin Al-Khattab (ra) reconsidered and made the final verdict as Husband gets 1/2, Mother gets 1/6, 2 Uterine Brothers gets 1/6 and 2 Full Brothers get 1/6 (hence they share 1/3 equally)
 - Al-Himariyyah rule doesn’t apply to Consanguine brother/sister (as they don’t have same mother)
 - Al-Himariyyah rule override principle of Asabah (male / female gets same share)
- Jurist considers it’s unfair that Full Brothers (who are closer relative to deceased) gets nothing while uterine brother gets a share.
 - Hence, some of highly respected Companions of Prophet (pbuh) including Umar bin Al-Khattab, Uthman bin Affan, Abdullah bin Masud, Zaid bin Thabit, as well as Imam Malik and Imam Shafii (may Allah be pleased with all of them) adopted a rule (now well known as **Al-Himariyyah Rule**) that when there is Uterine siblings inheriting with full siblings, they all share 1/3 portion equally.
 - Two famous jurists, Imam Abu Hanifa and Imam Ahmed bin Hanbal did not adopt Al-Himariyyah Rule. They argued that Ashab-ul-Furud has priority and secondly Al-Himariyyah Rule goes against Quran one two counts:

- A) Quran states that two or more Uterine Siblings should get 1/3 (which they don't get under Al-Himariyyah Rule), and
- B) In case of Full Brother and Full Sisters male should get twice as much as female, which doesn't happen in case of Al-Himarriyah Rule, where Full Brother/Sister inherits equally.
- They argued that Quran's rule must be left unchanged, even if under some circumstances the Umar bin Khattab's ruling was sound.

Al-Mukhtasarah (المختصرة) case: Full Sister and Consanguine Brother/Sister ()

- Al-Mukhtasarah (المختصرة) means abridged.
- Full Brother excludes Consanguine Brother and Consanguine Sister.
- However, Full Sister doesn't not completely exclude C/Brother and C/Sister rather she is restricted to her own share of 1/2. If there is anything left after 1/2 then C/brother and C/Sister takes it. This situation is termed as المختصرة (abridged).

Children:

Daughter(s)

p11. Daughter(s)

1. Daughter's share is clearly identified in Quran:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ

4:11 Allah commands you as regards your childrens (inheritance); to the male, a portion equal to that of two females; if (there are) only daughters, two or more, their share is two thirds of the inheritance; if only one, her share is half. ⁵²

2. Only the legitimate daughter is considered as primary heir.
3. Daughter is a primary heir and she always gets a share in inheritance (except any legal impediment blocks him). They inherit as a primary heir with fixed share or as a residuary.
4. Adopted child, foster child etc are all excluded from Mirath (inheritance) in Shariah.
5. Adultery and fornication (Zina) is forbidden in Islam, hence, no inheritance is given to illegitimate child.
6. Daughter can share in 3 ways:
 - a. **1/2 As Primary Heir:** if she is only daughter and there is no son.
 - b. **2/3 As Primary Heir:** if deceased has more than one daughter then they share 2/3
 - c. **As Residuary - Al-Asbah bighayriha (عصبة بغيرها):** if deceased has both son(s) and daughter(s), then daughter becomes Al-Asbah bighayriha (عصبة بغيرها) and their share is half of son (فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ). i.e. male:female ratio is 2:1.
7. **Whole estate:** if she is the sole heir she gets the whole estate (hanafi/shafii fiqh)

⁵² Quran, Chapter 4:11 - An-Nisa [The Women]

- a. Based on hanafi/shafii fiqh she gets 1/2 as primary heir and 1/2 as Al-Radd.

8. Daughter's share table is following:

As primary heir (1/2)	As primary heir (2/3)	As Residuary - Al-Asbah bighayriha (عصبة بغيرها)
Daughter gets 1/2, if there is: <ul style="list-style-type: none"> ■ No Sons or 	Daughters jointly share 2/3, if there is: <ul style="list-style-type: none"> ■ No child, and ■ Two or more daughters The maximum joint share for daughter(s) and son's daughter(s) (however low in hierarchy) is 2/3.	Daughter(s) becomes residuary when. <ul style="list-style-type: none"> ■ There is a Son, The ratio in this situation is 2:1 [male 2: female 1]

9. Daughter can totally exclude (حجب حرمان) other potential heirs when he is present at inheritance, these include:

- a. Two or more daughters can exclude Son's Daughter (however low in hierarchy), except if Son's son is also present.

p12. Son's Daughter(s)

- Granddaughter (s) (Son's Daughter) shares as Ashab-ul-Furud when there is no Daughter of the deceased. Then they share in the place of Daughter (s).
- If Son is present, then Granddaughter is excluded.
- Granddaughter (Son's Daughter) inherits either as Ashab-ul-Furd or as Asabah (Residuary), if she is entitled.
- Granddaughter (Son's Daughter) share table is following:

No Share	As Primary Heir (1/2 or 2/3)	As Residuary - Al-Asbah bighayriha (عصبة بغيرها)
Grand Daughter gets no share, if deceased : <ul style="list-style-type: none"> ■ Has Sons or ■ Has Two or more Daughters 	Grand Daughter shares as primary heir, if deceased has: <ul style="list-style-type: none"> ■ No Son, and ■ Has only one or no daughter ■ Has no Grandson (Son's Son) If there is No Daughter, then If there is only one Grand Daughter (son's daughter) she gets 1/2, if there are more than one Grand Daughters then they share 2/3 jointly. If there is One Daughter and Grand Daughters, then	Grand Daughter becomes residuary when <ul style="list-style-type: none"> ■ There is a Grand Son (Son's Son) The ratio in this situation is 2:1 [male 2: female 1]

max share for all of them is 2/3, where Grand Daughters get fixed share of 1/6

If there is two or more daughters, then Granddaughters are excluded

5. Granddaughter (Son's Daughter) are excluded if deceased has,
 - a. If deceased Son
 - b. If deceased has two or more daughters

Son(s)

r1. Son(s) - Residuary

1. Please note that Son is not part of Ashab-ul-Furud.
2. However, He always gets a share in inheritance (except any legal impediment blocks him). He gets his share as a Residuary as he is not mentioned in Quran with any fixed share.
3. Quran did not explicitly spell out the share of the son. Hence, he is primary heir without a fixed share.

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ فَإِنْ كُنَّ نِسَاءً فَوْقَ ائْتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ

4:11 Allah commands you as regards your childrens (inheritance); to the male, a portion equal to that of two females; if (there are) only daughters, two or more, their share is two thirds of the inheritance; if only one, her share is half. ⁵³

Hence, Son minimum share is twice as much as daughters'. And he also gets remainder of residue after distributing shares to Ashab-ul-Furud.

4. Only the legitimate son is considered as primary heir.
5. Adopted child, foster child etc are all excluded from Mirath (inheritance) in Shariah.
6. Adultery and fornication (Zina) is forbidden in Islam, hence, no inheritance is given to illegitimate child.
7. Son always gets his share as a Residuary. After all the primary heirs with fixed share have been given their allotted share, then the residue is given to the son.
8. If there is a daughter, then son and daughter both shares as Residuaries.
9. General rule that Male gets twice as female applies. If there is daughter, son gets twice as much share as daughter.
10. If son is the sole heir, then he takes the whole state.
11. Son can totally exclude (حجب حرمان) other potential heirs when he is present at inheritance, these include:
 - a. All grandchildren (however low in hierarchy)
 - b. All siblings and their descendants (however low in hierarchy)
 - c. All uncles and their descendants (however low in hierarchy)

⁵³ Quran, Chapter 4:11 - An-Nisa [The Women]

- d. Any other farther relative (Dhuwul-Arham)

IV. AL-ASABAT (العصبات)

Residuaries (Secondary Heirs)

The Prophet (pbuh) said: Give fara'id to those who are entitled to receive it. Then whatever remains, should be given to the closest male relative of the deceased" [Sahih al-Bukhari]

Asabat (عصبات) means "residuaries", they are of two categories:

1. Asabat Nasbiyyah (نسبية): Blood relation
2. Asabat Sababiyyah (سببية): Special cause

Residuaries inherits whatever remains (the residue) of the estate after the fixed sharers (or Primary Heirs) have been allotted their share, as mentioned by the Prophet (pbuh).

A. Al-Asabat Nasabiyyah (العصبات نسبية) – Blood Relative:

1. In Shariah, Asabat Nasbiyyah consists of **all male agnates** and **four specified female agnates**.
2. **Male Residuaries:** Agnate relatives of the deceased are those between whom and the deceased no female intervenes. All residuaries are related to the deceased through male.
3. **Female Residuaries:** four females are also included that are all connected through a male agnate, i.e., Daughter, Daughter of Son (however low), full sister, consanguine sister.
4. **Exception:** some heirs who normally inherit as primary heir can be converted into residuaries under certain circumstances.
5. Asabat Nasabiyyah is divided into three:
 - a. Al-Asbah binafsihi (العصبة بنفسه)
 - b. Al-Asbah bighayriha (العصبة بغيرها)
 - c. Al-Asbah ma'a ghayriha (العصبة ما غيرها)

a) Al-Asbah binafsihi (العصبة بنفسه) – Asabah by them selves

1. Al-Asbah binafsihi (عصبة بنفسه) is an heir who is a residuary in his own right. E.g. son, son's son (or further sons of the sons), father, brother, paternal uncle.

2. These are male agnates of deceased. Or Male relatives who are not linked to the deceased with any female.
3. Some heirs who normally inherit as “primary heir” can be converted into “residuaries” under certain circumstances, e.g. daughter when there is son.
4. Basic principle in distributing shares amongst Al-Asabat, that the nearest to the deceased gets the remainder of the share after paying the share of Dhul-Farood (ذو الفروض). Hence, they are graded into four ranks that define their priority sequence. Higher priority is given to first group, if they don't exist, then the next group and then the next :
 - a. **PR1: Descendants of the deceased:** sons of deceased, sons of the sons and further down.
 - b. **PR2: Ascendants of the deceased:** father of deceased, then real grandfather, then real great grandfather, then so on
 - c. **PR3: Descendants of the father:** They are brothers of deceased, then the sons of the brothers, and their sons.
 - d. **PR4: Descendants of the grandfather:** They are uncles of the father's side, then their sons and son's son, and further lower in the chain.

b) Al-Asbah bighayriha (العصبة بغيرها) – Asabah because of others

1. Al-Asbah bighayriha (العصبة بغيرها) is one who becomes a “residuary” in the right of another heir. E.g. daughter with son, son's daughter with son's son, full sister with brother, consanguine sister with consanguine brother. **These are female agnates**

c) Al-Asbah ma'a ghayriha (العصبة ما غيرها) – Asabah together with others

1. Al-Asbah ma'a ghayriha (العصبة ما غيره) is Heir who becomes a “residuary” when inheriting Al-Asbah bighayriha (العصبة بغيرها). E.g. full sister and consanguine sister inheriting with daughter or son's daughter. (Based on tradition of the prophet (pbuh)).

Four Female agnates as residuary:

There are four female agnates who can inherit as residuaries

1. Daughter
2. Daughter of Son (however low in chain)
3. Full Sister
4. Consanguine sister

Principle of Tasib

No female is primary residuary but only becomes a residuary in the presence of a co-existing male residuary of the same degree and consanguine relationship to the deceased. This is principle of Tasib. Thus,

1. **Daughter:** son converts daughters into residuaries
2. **Daughter of Son:** Son's son converts son's daughter into residuaries
3. **Full Sister:** Full brother converts full sister into residuaries
4. **Consanguine sister:** Consanguine brother converts Consanguine sister into residuaries
5. **Tasib doesn't apply to:** widow, true grandmother, uterine sister. These are Quranic heirs mentioned directly by Quran.
6. Two Exceptions:
 - a. Father converts mother into residuary
 - b. Sister (Full/consanguine) inheriting as residuary (when co-existing with a daughter or son's daughter)

Shares of Al-Asabat Nasabiyyah (العصبات نسبية)

Rules of inheritance amongst the residuaries:

1. **Rule # 1:** Residuaries inherits whatever remains (the residue) of the estate after the fixed sharers (or Primary Heirs) have been allotted their share.
2. **Rule # 2:** If there is No Primary Heir or if there is No Residuaries ...
 - a. If there is no "Primary Heir" then "Residuaries" takes the whole estate
 - b. If there is no "Residuaries" then the "Primary Heir" takes the residue (Doctrine of ar-Radd)
3. **Rule # 3:** Basic principle in distributing shares amongst Al-Asabat, that the nearest to the deceased gets the remainder of the share after paying the share of Dhul-Farood (ذو الفروض). Hence, they are graded into four ranks that define their priority sequence. Higher priority is given to first group, if they don't exist, then the next group and then the next
4. **Rule # 4:** Nearer in degree exclude the more remote within the limits of each class of heirs (الاقرب فالاقرب). The nearer in relation gets priority over father in relation. E.g. between son and grandson (son's son), son is closer in relation. Hence son will take the entire share and grandson will get nothing (either if he is grandson from same son, or from other sons).
 - a. Amongst collaterals, the strength of blood line determines priority. Full blood takes preference over half-blood through father. E.g. Full sister takes preference over consanguine brother/sister.
 - b. If there are many sharers in same level and are equally close, then all of them will get equal share.

- c. Real brother will supersede half-brother, and real-uncle will supersede half-uncle.
5. **Rule # 5:** Whoever is related to the deceased through another person will not inherit while that person is alive. E.g. if father is alive, brother and sister are totally excluded
6. **Rule # 6:** Descendants take priority over ascendants who take priority over collaterals.
 - a. **Exception:** Father cannot be excluded by son
 - b. **Exception:** All collaterals are excluded by father or true grandfather (e.g. father exclude brother/sisters, True grandfather exclude uncles etc) – Hanafi View based on Abu Bakr, Aisha (Ra).

Malki, Shafaai, Hanbli, Imam Abu Yusuf and Imam Mohammad (abu hanifa students) view based on Ali, Azir bin Thabit, Abdullah bin Masood is the full siblings and consanguine siblings are not excluded by the paternal grandfather (this is majority view).
7. **Rule # 5: General Rule of male:female ratio:** one male inherits equivalent of two portions of female (man:female ratio 2:1) of same level or below.

Group 1 for Residue: Descendants of the deceased:

These include four (descendants):

1. Sons
 2. Son's son (however low in the chain)
 3. Daughter when accompanied by son
 4. Son's daughter (however low in chain) when accompanied by son's son of an equal or lower degree
- After the fixed sharers (or Primary Heirs) have been allocated their inheritance, if there is anything left, then the residue is first distributed to descendants of the deceased.
 - General Rule still applies: one male inherits equivalent of two portions of female (man:female ratio 2:1)
 - Daughters share with the sons as residuary. Son's son share with son's daughters as residuary and so on.

Group 2 for Residue: Ascendants of the deceased:

These include two (ascendants):

1. Father
 2. True grandfather (however high in chain)
- If there is no priority 1 residue, then all residues devolves into ascendants of the deceased.
 - Hanafi view: father/true grandfathers exclude full and consanguine brothers and sisters.

Group 3 for Residue: Descendants of the father:

These include six (siblings):

1. Full Brother
 2. Consanguine brother
 3. Full sister when she is not Primary Heir
 4. Consanguine sister when she is not Primary Heir
 5. Full brother's son (however low in chain)
 6. Consanguine brother's son (however low in chain)
-
- If there is no priority 1/2 residue, all residues then devolves into descendants of the father.
 - General Rule still applies: one male inherits equivalent of two portions of female (man:female ratio 2:1)
 - Hanafi view: father/true grandfathers exclude full and consanguine brothers and sisters.
 - Other three madhab view: True grandfather inherits with the collaterals and this is majority opinion.
 - Full brother excludes Consanguine brother/sisters
 - Full sister inheriting as residuary excludes consanguine brother/sisters
-
- The sequence of distribution is follows:
 - First generation:
 - a. Full brother and full sister (when f/sister inheriting as residuary)
 - b. Consanguine brother and consanguine sister (when c/sister inheriting as residuary)
 - Second generation:
 - c. Son of Full brother
 - d. Son of consanguine brother
 - Third Generation:
 - e. Grandson through son of full brother
 - f. Grandson through son of Consanguine brother
 - Fourth Generation:
 - g. Great grandson through son of full brother
 - h. Great grandson through son of Consanguine brother

Group 4 for Residue: Descendants of the grandfather:

These include two groups (uncles and their descendants):

1. Offspring of true grandfather (father's father)
 - a. Paternal uncle

- b. Male descendants of paternal uncle
2. Offspring of true great grandfather (father's father's father)
 - a. Great paternal uncle
 - b. Male descendants of great paternal uncle
- If there is no one from first three groups, all residues then devolves into descendants of the grandfather.
 - The sequence of distribution is follows:
 - First generation:
 - c. First Paternal uncle
 - d. Consanguine Paternal uncle
 - Second generation:
 - e. Full paternal uncle's son
 - f. Consanguine paternal uncle's son
 - Third Generation:
 - g. Full paternal uncle's son's son
 - h. Consanguine paternal uncle's son's son
 - Fourth Generation:
 - i. Full paternal uncle son's son's son
 - j. Consanguine paternal uncle's son's son' son

B. Al-Asabat Sababiyyah (العصبات سببية)

Asabat Sababiyyah are following:

- By special reason (e.g. Mauwla al-itaq مولى العتاقة)
- By contract (Mawlaul-Mawala مولى المولاة)
- Distant kindred (dhawal-arham ذوالارحام)
- Acknowledged kinsman (Al-Muqirr Lahu المقر له)
- Universal Legatee/tesatee (Al-Musa Lahu الموصي له)
- Public treasury (بيت المال)

a) Dhawul-Arham (ذو الرحم) - Distant kindred

- It means “possessors of kinship”. This also referred to as uterine heirs.
- These are all blood relatives of the deceased who are neither Primary Heirs (Ashabul-Furud) nor Residuaries (al-Asabat).
- All issues through female relatives are distant kindred except those through the mother.

According to four Madhabs:

1. Majority of companions of the prophet (pbuh) hold that Dhawul-Arham are entitled to inherit.
2. Hanafi, Shafii and Hanbali fiqh follows this view that Dhawul-Arham are entitled if:
 - a. Primary Heirs and Residuaries are not entitled to it
 - b. The only heir is husband/widow who is given his/her share and the residue goes to the Dhawul-Arham.
3. The view of Zaid bin Thabit (ra) was that Dhawul-Arham are not entitled to inherit, and any residue in absence of Primary Heirs/Residuaries goes to Bait-ul-mal.
 - a. This was opinion of Imam Malik and Shafii. Later Shafii jurist were of opinion that since bait-ul-mal is not administered as per Shariah law, then Dhawul-arham take precedence over the baytul-mal.

Shares of Dhawul-Arham (ذو الرحم):

1. Descendants of the deceased (who are excluded from residuaries). (Children of daughter(s)).
2. Ascendants of the deceased (who are excluded from residuaries)
3. Descendants (however low in chain) of the siblings of the deceased. (children of sister(s), daughter(s) of brothers, and son(s) of half sister on mother side etc)
4. Descendants (however low in chain) of ascendants (uncles/aunts)

There are many details of rules relating to these groups and various opinions from different madhabs. We are briefly stating common rules:

Group 1: Descendants of the deceased:

1. They are grandchildren and their descendants who are neither Primary Heirs nor Residuaries. i.e
 - a. Son of Daughter, Daughter of Daughter (however low in chain)
2. They get first preference
3. General rules:
 - a. Male/female ration is 2:1
 - b. Nearer in degree excludes more remote
 - c. If claimants are of equal degree then descendants of the Primary Heirs or Residuaries take preference over descendants of distant kindred.

- d. If claimants are of equal degree we use rule of Imam Abu Yusuf and divide equally amongst the claimant keep the male:female ratio.

Group 2: Ascendants of the deceased:

1. They are grandparents (that are not true/real grandparents)
2. General Rule
 - a. Near in degree eliminates the more remote applies
 - b. Rest are similar to group 1 rules.

Group 3: Descendants (however low in chain) of the siblings of the deceased:

3. These are offspring of brothers and sisters of the deceased. i.e
 - a. Nephews and nieces of the deceased. (son/daughter of brother/sister)
4. General Rule
 - a. Near in degree eliminates the more remote applies
 - b. Full blood exclude half blood through father applies
 - c. Further detail rules based on Imam Mohammad and Imam Abu Yusuf..

Group 4: Descendants of the Ascendants of the deceased:

1. These are all uncles/aunts who are not residuaries
2. Descendants (however low) of uncles/aunts who are not residuaries
3. All great uncle/aunt (uncle/aunts of parents) however high in chain, and their children however low in chain.
4. General Rule
 - a. If there is only one of this individual he takes who property. But if there are more, then one strongest comes first, provided he is from same line of relationship.
 - b. Near in degree eliminates the more remote applies
 - c. If power of relationship is same, Male get twice share as female

b) Mauwla al-itaq مولى العتاقة - By special reason

1. Mauwla al-itaq مولى العتاقة is master of a freed-Slave.
2. If freed-slave (manumitted slave) died and left no heirs by blood relation, then manumitter (master who freed the slave) is entitled to the residue.
3. This may not be relevant to modern times, as it deals with slave and master. Since slavery is no longer practice, this topic may not be relevant.

c) Mawla-ul-Mawala مولى الموالاة - Successor by contract

1. If there no Dhawul-Arham (ذو الرحم) - Distant kindred, then state can be given to Mawla-ul-Mawala مولى الموالاة (successor by contract), if any.
2. The deceased must have made prior contract with Mawla and he/she must accept it.
 - a. There should be declaration (by deceased) and acceptance (By Mawla)
 - b. The person who make the declaration must not have no other legal heir (or blood relatives)
3. Such situation is unlikely to happen in modern times.

d) Al-Muqirr Lahu المقر له - Acknowledged kinsman

1. If there is no heirs and no Mawla-ul-Mawala مولى الموالاة (successor by contract), then shares estate can be given to Al-Muqirr Lahu المقر له - Acknowledged kinsman.
2. Al-Muqirr Lahu المقر له is person of unknown descend but whose kinship has been acknowledged by the deceased person. Ofcourse this situation only occurs when person is of unknown descend.
3. Al-Muqirr Lahu المقر له inherits as residuary.

e) Al-Musa Lahu الموصى له - Universal Legatee/tesatee

1. Al-Musa Lahu (الموصى له) is person whom the deceased has Willed/bequeathed the estate/property when there is no other heir.
2. The rules of max 1/3 (by will) do not apply as there is no other heir. Al-Musa Lahu (الموصى له) take whole estate.

f) Public treasury (بيت المال)

1. If there is none of above claimant, then estate/property of deceased is entered in to Public treasury (بيت المال).

V. OTHER RULES

Doctrine of al-Awl (العول)

1. Al-Awl applies when after the allocation of shares amongst the Primary Heirs (Ashabul-Furud) the total sum of shares is greater than one, then all the shares are decreased proportionately.
 - a. An exception to this is inheritance amongst the distant kindred under the system of Tanzil (shafii/hanbali)
2. Example, if the distribution of property is amongst Husband, Mother, Daughter and Son's Daughter. There shares will be:
 - Husband 1/4, Mother 1/6, Daughter 1/2, Son's Daughter 1/6. Total Shares = 13/12
 - Here share distribution is more than available shares. This situation is handled by applying Doctrine of Al-Awl.
3. Doctrine of Al-Awl is based on Ijma. It was established during Caliphate of Umar bin al-Khattab.
4. Basic point is that Quranic shares are does not represent absolute entitlement and they are based eligibility and impediment rules, and they based on ratios.
5. Distribution of Shares under Al-Awl:
 - a. When total shares are > 1, then we apply al-awl.
 - b. It involves increasing the common denominator of all the fractional shares to same value as the sum of all the numerators. The numerators are unaltered.
 - c. Awl only occurs when there is a daughter, agnatic granddaughter (however low in chain), full sister or consanguine sister amongst the heirs. i.e. they get 2/3 (1/2 or 1/6 each)
6. Example of Al-Awl
 - Husband 1/4, Mother 1/6, Daughter 1/2, Son's Daughter 1/6. Total Shares = 13/12
 - Since allocation of shares is more than available share, we apply Al-Awl.

Scenario 1 - Al-Awl									
Original Shares					After Applying Al-Awl				
	#s	Type	Share	%	\$	Type	Share	%	\$
Total Inheritance			1	100.00%	\$1,000,000.00		1	100.00%	\$1,000,000.00
Husband	1	Primary Heir	1/4	25.00%	\$250,000.00	Primary Heir	3/13	23.08%	\$230,769.23
Mother	1	Primary Heir	1/6	16.67%	\$166,666.67	Primary Heir	2/13	15.38%	\$153,846.15
Daughter	1	Primary Heir	1/2	50.00%	\$500,000.00	Primary Heir	6/13	46.15%	\$461,538.46
Son's Daughter	1	Primary Heir	1/6	16.67%	\$166,666.67	Primary Heir	2/13	15.38%	\$153,846.15
TOTAL Distribution			13/12	108.33%	\$1,083,333.33	TOTAL Distribution	1	100.00%	\$1,000,000.00
Overflow			0.0833	-8.33%	-\$83,333.33	Overflow	0	0.00%	\$0.00
Step 1 : add shares			1/4 + 1/6 + 1/2 + 1/6			Step 1 : add shares	1/4 + 1/6 + 1/2 + 1/6		
Step 2 : fractions/CD			3/12 + 2/12 + 6/12 + 2/12 =			Step 2 : fractions/CD	3/13 + 2/13 + 6/13 + 2/13		
Step 3 : Total			= 13/12			Step 3 : Total	= 13/13		
Common Denominator (CD) is 12, this is increased to 13 (Same as numerator)					Replace denominator from 12 to 13				

- This method of fraction is very easy if one is not using calculator and XL. Although, same can be achieved using XL formula and percentages; i.e. by adding shares ($1/4+1/6+1/2+1/6=1.0833$) and then dividing each share ($1/4 / 1.0833 = 23.08\%$) to get share percent. Point is their share is reduced as per their share ratio based on method of Al-Awl.
- Also note that Al-Awl only occurs when there are improper fractions. Typically, improper fraction only occurs when denominator is 6, 12, or 24.

Doctrine of ar-Radd (الرد)

1. Al-Radd applies when after the allocation of shares amongst the “Fixed Sharer” there is still a left over (residue), and there are no Secondary Heir (residuary) to claim this residue. Then this residue is returned back to certain primary heirs.
2. The Doctrine of Al-Radd is based on Quranic verse 33:6 “Blood relatives are nearer, the one to the other, than other believers”. Hence, those who prefer doctrine of Al-Radd suggested that it is preferred to give residue to a any blood relative then giving it to Bait-ul-Maal.
3. Example, A man dies leaving behind a widow and a daughter as heirs. Their Fixed Shares will be:
 - Total Estate for inheritance is \$800,000
 - Widow’s share is $1/8$ (\$100,000), Daughter $1/2$ (\$400,000). Total shares = $5/8$ (\$500,000)
 - Here Residue (left over) is $3/8$ (\$300,000).
 - This residue needs to be returned back to the heirs. This returning back is called Ar-Radd.
4. There is difference of opinion on practicing Ar-Radd.
 - a. Hanafi and Hanbali fiqh adopted the doctrine of ar-Radd.
 - b. Zaid bin Thabit, Imam Shafii and Imam Malik did not apply ar-Radd and all residues were given to Bait-ul-Maal. However Shafii jurist accept ar-Radd if there is no properly administered Bait-ul-Maal (such as these days).
5. There is also difference of opinion on who is eligible for Ar-Radd and how it should be distributed.
 - a. One group states that all Quranic Heirs are eligible for Al-Radd. This include Osman bin Affan (ra)
 - b. Other group includes Abdullah bin Masood and Abdullah bin Abbas (ra) had different views.
6. Daleel for Al-Radd is taken from Verse 33:6 “Blood relative are nearer, the one to the other, than other believers”. Hence, it’s better to give Al-Radd to blood relative then to give it to Bait-ul-Maal.
7. Distribution of Share under Ar-Radd
 - a. Distribute all shares to (Ashab-ul-Furud) Primary Heirs, if there is left over (residue) then
 - b. Firstly Secondary Heirs are entitled to Residue first, but if there are no Secondary Heirs, then
 - c. Residue is given back to the Primary Heirs, except the Spouse. Spouse is no considered a Blood relative, and since the Doctrine of Radd is based on Verse 33:6 (Blood Relative first), spouse is not considered for Ar-Radd.
 - d. Normally following are the sharer of Ar-Radd, (i.e. Quranic Sharers):
 - i. Mother, True Grandmother
 - ii. Daughter, Son’s Daughter

- iii. Full Sister, Consanguine sister
- iv. Uterine brother, uterine sister
- v. Remember, when father is alive, he gets all residues any ways, if there are no other claimants from secondary heirs.
- vi. Spouse is excluded, as mentioned.

8. Example 1: Al-Radd

- Total Estate for inheritance is \$800,000
- Widow's share is 1/8 (\$100,000), Daughter 1/2 (\$400,000). Total shares = 5/8 (\$500,000)
- Here Residue (left over) is 3/8 (\$300,000).

Scenario 1 - Al-Radd									
Original Shares					After Applying Al-Radd				
	#s	Type	Share	%	\$	Type	Share	%	\$
Total Inheritance			1	100.00%	\$800,000.00		1	100.00%	\$800,000.00
Widow	1	Primary Heir	1/8	12.50%	\$100,000.00	Primary Heir	1/8	12.50%	\$100,000.00
Daughter	1	Primary Heir	1/2	50.00%	\$400,000.00	Primary & Residue	7/8	87.50%	\$700,000.00
TOTAL Distribution			5/8	62.50%	\$500,000.00	TOTAL Distribution	1	100.00%	\$800,000.00
Residue			3/8	37.50%	\$300,000.00	Residue	0	0.00%	\$0.00

- Widow is excluded from Al-Radd and total Residue was returned to Daughter.
- Widow gets 1/8 fixed share because there is a child (i.e. Daughter)
- Daughter get 1/2 fixed share because she is the only Daughter.
- Daughter get additional residue of 3/8 making her total share as 7/8 (i.e. 1/2+3/8).

Simultaneous Death (مناسخه)

1. General principle of Mirath is that the claimant of inheritance must be alive at the time of death of propositus. Hence, if two mutual heirs die simultaneously, then they cannot inherit from each other.
 - a. Hanbali, Shafii, Maliki said that if sequence of death of two mutual heirs is not ascertained, then it is assumed to be simultaneous. Then neither can inherit from each other, this is based on practice of Abu Bakr and Umar Al-Khatab (ra).
 - b. Shafii said if sequence of death of two mutual heirs cannot be ascertain, then the inheritance is suspended until its ascertained or there is mutual agreement amongst the heirs on who died first.
 - c. Hanafi said even if sequence cannot be ascertained they can still inherit from each other. This is based on view of Ali and Abdullah bin Masood (ra).
2. Example of this is if two brothers died simultaneously or father or son dies simultaneously etc.
3. If there is simultaneous death of mutual heirs and sequence is known, then this situation is called Manasikha (مناسخه). Then inheritance is divided multiple time, one for the first person and then for subsequent person.

Few Other Cases

Child – Special Cases

Illegitimate Child (ولد الذنا)

1. The Prophet said,

Prophet (pbuh) said: “If a man commits fornication with a free woman or a slave woman, the child is the product of fornication, he neither inherits nor may anyone inherit from him” [Thirmidi]⁵⁴

2. Illegitimate child doesn't inherit from the father and the father does not inherit from the illegitimate child.

Adopted Child (تبنّي)

1. In Shariah, the adopted child is not considered as real son, hence doesn't get any share in inheritance. Though guardian can add him in the Will (which is max of 1/3 of estate).

وَمَا جَعَلَ أَدْعِيَاءَكُمْ أَبْنَاءَكُمْ ذَلِكُمْ قَوْلُكُمْ بِأَفْوَاهِكُمْ ---- ادْعُوهُمْ لِآبَائِهِمْ هُوَ أَقْسَطُ عِنْدَ اللَّهِ فَإِنْ لَمْ تَعْلَمُوا آبَاءَهُمْ فَاِخْوَانُكُمْ
فِي الدِّينِ وَمَوَالِيكُمْ

33:4 ... nor has He made your adopted sons your real sons. That is but your saying with your mouths. 33:5 Call them (adopted sons) by (the names of) their fathers, that is more just with Allah. But if you know not their fathers (names, call them) your brothers in faith and Mawaleekum (your freed slaves).

2. All rules continue to apply on adopted Child.
 - a. Adopted child must observe Mahram/Non-Mahram, and can not mix with non-mahram especially with sons and daughters of adopted parents.
 - i. If the adopted child was adopted at very small age and shares milk with mother, then he can mix with sons/daughters, as he/she is now a milk-brother/sister and can no longer marry with them.
 - b. Adopted child can marry with other Childs of adopted parents
 - c. Adopted child do not inherit from adopted parents.

Unborn Child (جنين)

1. General rule is that unborn child is only eligible to inherit if he is born alive.
2. If the child is born alive but die subsequently, then shares are distributed amongst his/her heirs.
3. Share distribution
 - a. Hanfi, Shafii and Hanabli allows distribution of share after the shares of unborn child are reserved based on all possible calculation (either as male or female)
 - b. Maliki suspend distribution of share until the child is born and his sex is determined.

⁵⁴ Thirmidi

Other Cases

Hermaphrodite (خُنْثَى الْمَشْكَالِ)

1. If an individual's gender cannot be determined then he is called Khunta Al-Mushkal (خُنْثَى الْمَشْكَالِ)
2. Such person's sex is determined based on his physical (genital organs) and sexual characteristics (beard, breaths, menstruation).
3. Their share is calculated both as male and female
 - a. Hanafi said Khunta Al-Mushkal gets whichever share is smaller (either as male or female). This is majority opinion of Companions of the Prophet.
 - b. Amir bin Shurahbil Al-Shabi (ra) who based his opinion on Abdullah bin Abbas (ra) stated that Khunta Al-Mushkal gets half of the combined shares (both as male and female), hence making it as average share. Hanbali and Shafii states that if gender cannot be determined then take this approach.

Missing Person (مفقود)

1. A missing person about whom it is not known whether he is dead or alive is called Mafqood (مفقود)
2. In Shariah such missing person is considered alive unless his death is confirmed.
3. Share of missing person is reserved until he returns. If he doesn't return and his death is confirmed then his share are distributed amongst his heirs.
4. His death date is considered to be date when he was gone missing. Based on that date his legal heirs are ascertained.
5. There is difference of opinion on the wait period for return of missing person
 - a. Imam Abu Hanifa considered 120 years, Imam Muhammad considered 110 years, Imam Abu Yusuf 105 years. Hanafi jurist generally puts it as 90 years (as normal life span).
 - b. Maliki considered it to be 70 years.
 - c. Shafii and Hanbali allowed court to determine the length of time. However, Imam Ahmed considered minimum 4 years, and Imam Shafii minimum 7 years if there is strong presumption of death (like in war).

VI. SHARE DISTRIBUTION & EXAMPLES

Share Matrix

Summary of Fixed Sharers of Primary heirs

1. Following map illustrates the shares of 5 primary heirs that always gets their share, these include
- 1) Father 2) Mother 3) Husband 4) Wife 5) Daughters:

Heir	Rules	Shared as	Allocation
Father	1. Deceased has son or son's son etc	Dhul-Fard (ذو الفرض)	1/6
	2. Deceased has no son or son's son, but has Daughter or Son's Daughter etc	Dhul-Fard & Asabah (ذو الفرض و العصبه)	1/6 + remaining from Dhul-Fard
	3. Deceased has no child	Asabah only (العصبه)	Remaining from Dhul-Fard
Mother	1. Deceased has no child, neither had 2 or more brother/sisters	Dhul-Fard (ذو الفرض)	1/3
	2. Deceased has child or had 2 or more brother/sisters	Dhul-Fard (ذو الفرض)	1/6
	3. Deceased had only parents and wife	Dhul-Fard (ذو الفرض)	1/4
	4. Deceased had only parents and husband	Dhul-Fard (ذو الفرض)	1/6
Husband	1. Deceased has no child or no son's son or no son's daughter	Dhul-Fard (ذو الفرض)	1/2
	2. Deceased has child or son's son or son's daughter	Dhul-Fard (ذو الفرض)	1/4
Wife	1. Deceased has no child or no son's son or no son's daughter	Dhul-Fard (ذو الفرض)	1/4
	2. Deceased has child or son's son or son's daughter	Dhul-Fard (ذو الفرض)	1/8
Daughter	1. Deceased has only one daughter and no son	Dhul-Fard (ذو الفرض)	1/2
	2. Deceased has two or more daughters and no son	Dhul-Fard (ذو الفرض)	2/3 jointly share
	3. Deceased has son(s) and daughter(s)	Al-Asbah bighayriha (عصبه بغيرها)	1/2 of son

2. Some other rules and exceptions may apply. See specific section earlier in this document.

Summary of Remaining Sharers of Primary heirs

1. Following map illustrates the shares of remaining primary heirs, these include
- 6) Real Grandfather (father's father) 7) Uterine Sister (half-sister from mother's side) 8) Uterine Brother (half-brother from mother's side) 9) Granddaughter (Son's Daughter) 10) full Sister 11) Consanguine sister (half-sister from father's side) 12) True Grandmother (mother of father or mother)

Heir	Rules	Shared as	Allocation
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Real Grandfather (father's father)	1. Deceased has father, who is present	Totally Excluded (حجب) محجوب (حرمان)	Blocked by father
	2. Deceased has no father and no child	Asabah only (العصبة)	Gets remaining residue
	3. Deceased has no father and has son or son's son etc	Dhul-Fard (ذو الفرض)	1/6
	4. Deceased has no father and no son and no son's son, but has daughter(s) or son's daughter (s)	Dhul-Fard & Asabah (ذو الفرض و العصبة)	1/6 + remaining residue
Uterine Sister & Brother (mother's side)	1. if deceased is not Kalala, i.e. deceased has ascendants or descendants	Totally Excluded (حجب) محجوب (حرمان)	Blocked by child or father or gf
	2. Deceased has only one uterine sister or brother	Dhul-Fard (ذو الفرض)	1/6
	3. Deceased has more than one uterine sister(s) or brother(s)	Dhul-Fard (ذو الفرض)	1/3 shared jointly
Granddaughter (Son's Daughter)	1. Deceased has Son or two or more Daughters	Totally Excluded (حجب) محجوب (حرمان)	Blocked by child
	2. If not #1, and Only one Grand daughter	Dhul-Fard (ذو الفرض)	1/2
	3. If not #1, and more than one Grand daughters	Dhul-Fard (ذو الفرض)	2/3 shared jointly
	4. If not #1, and One Daughter with more than one Grand daughters	Dhul-Fard (ذو الفرض)	1/6 shared jointly by GD
	5. If not #1, and there are Grandson (Son's son however low in hierarchy) with Grand Daughters	Al-Asbah bighayriha (عصبة بغيرها)	Half of Grandson's share
Full Sister	1. if deceased is not Kalala, i.e. deceased has ascendants or descendants	Totally Excluded (حجب) محجوب (حرمان)	N/A
	2. If not #1, and Only one Full Sister	Dhul-Fard (ذو الفرض)	1/2
	3. If not #1, and more than one Full Sister	Dhul-Fard (ذو الفرض)	2/3 shared jointly
	4. If not #1, and there are Full Brother with Full Sister	Al-Asbah bighayriha (عصبة بغيرها)	Half of Brother's share
	5. If not #1, and there is Daughter or Grand Daughter (Son's Daughter)	Al-Asbah ma'a ghayriha (العصبة ما غيرها)	Remain of Dhul-Fard
Consanguine sister (half-sister from father's side)	1. if deceased is not Kalala, i.e. deceased has ascendants or descendants. OR (there if Full Brother), OR (two Full Sisters) OR (One Full Sister and Granddaughter (son's daughter)	Totally Excluded (حجب) محجوب (حرمان)	Blocked
	2. If not #1, and Only one Consanguine Sister	Dhul-Fard (ذو الفرض)	1/2
	3. If not #1, and more than one Consanguine Sister	Dhul-Fard (ذو الفرض)	2/3 shared jointly
	4. If not #1, and there are Consanguine Brother with Consanguine Sister	Al-Asbah bighayriha (عصبة بغيرها)	Half of Brother's share

	5. If not #1, and Consanguine Sister with One Full Sister	Dhul-Fard (ذو الفرض)	1/6 fixed
	6. If not #1, and there is Daughter or Grand Daughter (Son's Daughter) with Consanguine Sister	Al-Asbah (العصبة ما غيرها)	ma'a Remain of Dhul-Fard
Real Grandmother (mother of father or mother)	1. Deceased has mother, who is present	Totally Excluded (حجب حرمان) or محجوب	Blocked by mother
	2. If not #1, and has one Real Grandmother	Dhul-Fard (ذو الفرض)	1/6
	3. If not #1, and has more than one Real Grandmother	Dhul-Fard (ذو الفرض)	1/6 shared jointly

Share Distribution - Step by Step

2. **Step # 1: Identify Members of Dhul-Furud (ذو الفروض)** include 12 members, these include:
 - a. **Group 1:** 1) Father 2) Mother 3) Husband 4) Wife 5) Daughters:
 - b. **Group 2:** 6) Real Grandfather (father's father) 7) Uterine Sister (half-sister from mother's side) 8) Uterine Brother (half-brother from mother's side) 9) Granddaughter (Son's Daughter) 10) full Sister 11) Consanguine sister (half-sister from father's side) 12) True Grandmother (mother of father or mother)
3. **Step # 2: Exclude any one who is disqualified** due to any impediment.
4. **Step # 3: First consider Group-of-Five (G5)** who always inherits & assign the shares of Group-of-Five:
 - a. **Wife:** If deceased is Husband, then assign Wife (ves) their share (either 1/4 or 1/8)
 - b. **Husband:** If deceased is Wife, then assign Husband his share (either 1/2 or 1/4)
 - c. **Uterine Brother:** If deceased is Kalala and has Uterine Brother, then give him his share (either 1/6 or 1/3)
 - d. **Uterine Sister:** If deceased is Kalala and has Uterine Sister, then give her share (either 1/6 or 1/3)
 - e. **Real Grandmother:** If deceased has no mother but has Grandmother(s), then give them share (1/6)
5. **Step # 5: Second Consider Group-of-Seven (G7)** and Assign the shares of Group-of-Seven:
 - a. **Mother:** If deceased has a mother, then give her share (1/3 or 1/4 or 1/6)
 - b. **Father:** If deceased has a father, then give her share (1/6 or 1/6+Residue or all residue)
 - c. **Real Grandfather:** if decease has no father, then give grandfather his share (same as father)
 - d. **Daughter:** if deceased has daughter, then give her share (1/2 or 2/3 or half of son)
 - i. Please note, If there is a son, then Daughter is treated as a Secondary Heir (Residuary) / Al-Asbah bighayriha (العصبة بغيرها), i.e. Asabah because of others, and she gets half of son's share.
 - e. **Full Sister:** if deceased is Kalala and has a full sister and she is entitled, then give her share (1/2 or 1/3 or half of brother or residue)
 - i. Please note, If there is a full-brother, then Full-Sister is treated as a Secondary Heir (Residuary) / Al-Asbah bighayriha (العصبة بغيرها), i.e. Asabah because of others, and she gets half of brother's share.

Offspring of true grandfather (father's father, however high in hierarchy)

- i. Paternal uncle
- ii. Male descendants of paternal uncle

9. **Step # 9: Identify if there is still Residue & Assign to Dhawul-Arham (ذو الرحم) - Distant kindred,**

- a. If after assigning shares of Al-Asabat Nasabiyyah (العصبات نسبية) there is any residue left, then it should be further distributed amongst Dhawul-Arham (ذو الرحم) - Distant kindred
- b. Distribution is similar to Nasabiyyah but for female agnates and those residuaries who are not in Nassabiyyah:
 - i. Descendants of the deceased (who are excluded from residuaries). (Children of daughter(s)).
 - ii. Ascendants of the deceased (who are excluded from residuaries)
 - iii. Descendants (however low in chain) of the siblings of the deceased. (children of sister(s), daughter(s) of brothers, and son(s) of half sister on mother side etc)
 - iv. Descendants (however low in chain) of ascendants (uncles/aunts)

10. **Step # 10: Identify if there is still Residue,**

- a. If there is still residue, then apply Doctrine of Al-Radd

11. **Step # 11: Identify if there is still Residue,**

- a. If there is still residue, then it will go to Bait-ul-Maal
- b. Few contemporary Ahnaf considered giving Al-Radd can be given to spouse (husband/wife), however, the Doctrine of Al-Radd is based on Quranic verse (33:6), that only allows giving Al-Radd to blood relatives (hence keeping spouse disqualified from it).

Examples

Four situations while dividing shares

When distributing shares, we encounter four main situations

- Inheritance is distributed only amongst Dhul-Fard (ذو الفرض)
- Inheritance is distributed amongst Dhul-Fard (ذو الفرض) and Al-Asabat Nasabiyyah (العصبات نسبية)
- Inheritance is distributed only amongst Al-Asabat Nasabiyyah (العصبات نسبية)
- Inheritance is distributed amongst Dhawul-Arham (ذو الرحم)

A. Inheritance is distributed only amongst Dhul-Furud (ذو الفروض)

Examples of Al-Radd

A.1 Example: Wife, 2 Daughters

- Heirs are: 1 Wife and 2 Daughters (Al-Radd Applied)

- Total Estate for inheritance is \$100,000
- Widow's regular share is 1/4, but due to child her share is 1/8 (\$12,500)
- Daughter regular share is 1/2, but 2 daughters' share 2/3 (\$66,666.67).
- Total shares (1/8+2/3) = 19/24 (\$79,166.67). Here Residue (left over) is 5/24 (\$20,833.33).
- Based on this example Doctrine of Al-Radd applies.

Scenario - 1 Wife and 2 Daughters (Al-Radd Applies)									
Original Shares					After Applying Al-Radd				
	#s	Type	Share	%	\$	Type	Share	%	\$
Total Inheritance			1	100.00%	\$100,000.00		1	100.00%	\$100,000.00
Widow	1	Primary Heir	1/8	12.50%	\$12,500.00	Primary Heir	1/8 (3/24)	12.50%	\$12,500.00
Daughter (s)	2	Primary Heir	2/3	66.67%	\$66,666.67	Primary & Radd	21/24	87.50%	\$87,500.00
TOTAL Distribution		19/24	0.79	79.17%	\$79,166.67	TOTAL Distribution	1	100.00%	\$100,000.00
Residue		5/24	0.21	20.83%	\$20,833.33	Residue	0	0.00%	\$0.00

- Widow is excluded from Al-Radd and total Residue was returned to Daughters.
- Daughters get additional residue of 5/24 making their total share as 21/24 (i.e. 2/3+5/24).

A.2 Example: Wife, 2 Daughters, 1 Mother

- Heirs are: 1 Wife and 2 Daughters and 1 Mother (Al-Radd Applied)
 - Total Estate for inheritance is \$100,000
 - Widow's regular share is 1/4, but due to child her share is 1/8 (\$12,500)
 - Mother share is 1/6 due to child (\$16,666.67)
 - Daughter regular share is 1/2, but 2 daughters' share 2/3 (\$66,666.67).
 - Total shares (1/8+1/6+2/3) = 23/24 (\$95,833.33). Here Residue (left over) is 1/24 (\$4,166.67).
 - Based on this example Doctrine of Al-Radd applies and residue 1/24 is returned to blood relative who in this case is Mother and Daughter based on their original ratio. Widow is excluded from Al-Radd as she is not Blood relative.

Scenario - 1 Wife and 2 Daughters and 1 Mother (Al-Radd Applies)									
		Original Shares			After Applying Al-Radd				
	#s	Type	Share	%	\$	Type	Share	%	\$
Total Inheritance			1	100.00%	\$100,000.00		1	100.00%	\$100,000.00
Widow	1	Primary Heir	1/8	12.50%	\$12,500.00	Primary Heir	1/8 (5/40)	12.50%	\$12,500.00
Mother	1	Primary Heir	1/6	16.67%	\$16,666.67	Primary + Radd	7/40	17.50%	\$17,500.00
Daughter (s)	2	Primary Heir	2/3	66.67%	\$66,666.67	Primary + Radd	28/40	70.00%	\$70,000.00
TOTAL Distribution		23/24	0.96	95.83%	\$95,833.33	TOTAL Distribution	1	100.00%	\$100,000.00
Residue		1/24	0.04	4.17%	\$4,166.67	Residue	0	0.00%	\$0.00
Daughter / Mother Ratio is (2/3 : 1/6) = i.e (4:1)					New Distribution (change Denominator to 5):				
Step 1 : add shares 2/3 + 1/6					Widow's Share = 1/8				
Step 2 : fractions/CD 4/6 + 1/6 = 5/6					Remaining Residue = 7/8				
Step 3 : Change Denominator Mother 1/5, Daughter 4/5					Mother's Share = 7/8 * 1/5 = 7/40				
Hence Ratio is = 4 : 1 (Daughter gets 4 shares and mother 1)					Daughter's Share = 7/8 * 4/5 = 28/40				

- Calculate the Ratio of Mother and Daughter first (See Above). Ratio is 1:4
- After giving Widow's Fixed Share (1/8), Residue is 7/8.
- Mother gets 7/40 (7/8 * 1/5) = \$17,500
- Daughters 28/40 (7/8 * 4/5) = \$70,000
- Please note, we can also apply ratio to 1/24, i.e. Daughter additional share would be (1/24 * 4/5 = 1/30), then add 1/30 + 2/3 = 21/30 (or 28/40). We can calculate either way.

Examples of Al-Awl

A.3 Example: Wife, 2 Daughters, 1 Mother, Father

- Heirs are: 1 Wife and 2 Daughters and 1 Mother and Father (Al-Awl Applied)
 - Total Estate for inheritance is \$100,000
 - Widow's regular share is 1/4, but due to child her share is 1/8 (\$12,500)
 - Mother's share is 1/6 due to child (\$16,666.67)
 - Father's share is 1/6 due to child (\$16,666.67)
 - Daughter regular share is 1/2, but 2 daughters' share 2/3 (\$66,666.67).
 - Total shares (1/8+1/6+1/6+2/3) = 27/24 (\$112,500). Here Overflow is 3/24 (\$12,500).
 - Based on this example Doctrine of Al-Awl applies and we reduce the shares of heirs according to their share proportion.

Scenario - 1 Wife and 2 Daughters and 1 Father and 1 Mother (Al-Awl Applies)										
		Original Shares				After Applying Al-Awl				
	#s	Type	Share	%	\$	Type	Share	%	\$	
Total Inheritance			1	100.00%	\$100,000.00		1	100.00%	\$100,000.00	
Widow	1	Primary Heir	1/8	12.50%	\$12,500.00	Primary Heir - Awl	3/27	11.11%	\$11,111.11	
Father	1	Primary Heir	1/6	16.67%	\$16,666.67	Primary Heir - Awl	4/27	14.81%	\$14,814.81	
Mother	1	Primary Heir	1/6	16.67%	\$16,666.67	Primary Heir - Awl	4/27	14.81%	\$14,814.81	
Daughter (s)	2	Primary Heir	2/3	66.67%	\$66,666.67	Primary Heir - Awl	16/27	59.26%	\$59,259.26	
TOTAL Distribution			1.13	112.50%	\$112,500.00	TOTAL Distribution	1	100.00%	\$100,000.00	
Overflow			-0.13	-12.50%	-\$12,500.00	Overflow	0	0.00%	\$0.00	
Step 1 : add shares		1/8 + 1/6 + 1/6 + 2/3				Step 1 : add shares	1/8 + 1/6 + 1/6 + 2/3			
Step 2 : fractions/CD		3/24 + 4/24 + 4/24 + 16/24				Step 2 : fractions/CD	3/27 + 4/27 + 4/27 + 16/27			
Step 3 : Total		= 27/24				Step 3 : Total	= 27/27			
Common Denominator (CD) is 24, this is increased to 27 (Same as numerator)						Replace denominator from 24 to 27				

- Calculate Shares (See Above). Since total shares are 27, we change numerator to 27. After that we simply apply new fractions to their shares to reduce their shares
- Please see this example in light of “A.2 Example: Wife, 2 Daughters, 1 Mother”, that by adding father we changed the scenario to Al-Awl instead of Al-Radd.

Examples of Even Shares

A.4 Example: 1 Daughter and 2 Full Sister

- Heirs are: 1 Daughter and 1 Full Sister
 - Total Estate for inheritance is \$100,000.
 - Since daughter and full sister are only heirs, they share all property
 - One Daughter gets 1/2 share (\$50,000)
 - One Full Sister gets 1/2 share (\$50,000)

Scenario - 1 Daughter and 1 Full-Sister									
		Original Shares				No further residuary calculation needed			
	#s	Type	Share	%	\$	Type	Share	%	\$
Total Inheritance			1	100.00%	\$100,000.00		1	100.00%	\$100,000.00
Daughter	1	Primary Heir	1/2	50.00%	\$50,000.00	Primary Heir	1/2	50.00%	\$50,000.00
Sister Full	1	Primary Heir	1/2	50.00%	\$50,000.00	Primary Heir	1/2	50.00%	\$50,000.00
TOTAL Distribution			1.00	100.00%	\$100,000.00	TOTAL Distribution	1	100.00%	\$100,000.00
Residue			0.00	0.00%	\$0.00	Residue	0	0.00%	\$0.00

Examples of Father (as Ashab-ul-Furud)

- See following examples
 - A. 5 Example: 1 Daughter, 1 Wife, 1 Father, 1 Mother

- A. 6 Example: 2 Daughters, 1 Husband, 1 Father, 1 Mother
- A. 12 Example: 1 Granddaughter (Son's Daughter), 1 Mother, 1 Father, 1 Daughter
- A. 13 Example: 1 Granddaughter (Son's Daughter), 1 Mother, 1 Father, 1 Son
- B.2 Example: Wife, 2 Daughters, 1 Son, 1 Father, 1 Mother
- B.3 Example: 1 Granddaughter (Son's Daughter), 1 Mother, 1 Father, 1 Son

Examples of Mother (as Ashab-ul-Furud)

- See following examples:
 - A.2 Example: Wife, 2 Daughters, 1 Mother
 - A.3 Example: Wife, 2 Daughters, 1 Mother, Father
 - A. 5 Example: 1 Daughter, 1 Wife, 1 Father, 1 Mother
 - A. 6 Example: 2 Daughters, 1 Husband, 1 Father, 1 Mother
 - A. 8 Example: 1 Father's Mother, 1 Mother's Mother, 1 Mother, 1 Daughter, 1 Full Brother
 - A. 10 Example: 2 Sisters, 1 Wife, 1 Mother
 - A. 11 Example: 1 Granddaughter (son's daughter), Husband, 1 Mother, 1 Brother
 - B.2 Example: Wife, 2 Daughters, 1 Son, 1 Father, 1 Mother
 - B.3 Example: 1 Granddaughter (Son's Daughter), 1 Mother, 1 Father, 1 Son
 - B.4 Example: 1 Sister, 1 Wife, 1 Mother, 1 Daughter

Examples of Wife (as Ashab-ul-Furud)

- See following examples:
 - A.1 Example: Wife, 2 Daughters
 - A.2 Example: Wife, 2 Daughters, 1 Mother
 - A.3 Example: Wife, 2 Daughters, 1 Mother, Father
 - A. 5 Example: 1 Daughter, 1 Wife, 1 Father, 1 Mother
 - A. 10 Example: 2 Sisters, 1 Wife, 1 Mother
 - B.4 Example: 1 Sister, 1 Wife, 1 Mother, 1 Daughter
 - B.8 Example: 1 Consanguine Sister, 1 Consanguine Brother, 1 Wife, 2 Full Sisters
 - B.9 Example: 1 Consanguine Sister, 1 Uterine Sister, 1 Full Sister, 1 Wife, 1 Son's Daughter

Examples of Husband (as Ashab-ul-Furud)

- See following examples:
 - A. 6 Example: 2 Daughters, 1 Husband, 1 Father, 1 Mother
 - A. 7 Example: 1 Father's Mother, 1 Mother's Mother, Husband, 1 Daughter, 1 Full Sister
 - A. 11 Example: 1 Granddaughter (son's daughter), Husband, 1 Mother, 1 Brother
 - B.6 Example: 1 Sister, 1 Husband, 1 Daughter, 1 Son's Daughter

- B.7 Example: 1 Sister, 1 Brother, 1 Husband, 1 Daughter

Examples of Daughter (as Ashab-ul-Furud)

A. 5 Example: 1 Daughter, 1 Wife, 1 Father, 1 Mother

- Heirs are: 1 Daughter, 1 Wife, 1 Father, 1 Mother
 - Wife gets 1/8 because there is a child (Daughter)
 - Daughter gets her 1/2 because she is the only daughter
 - Mother gets 1/6
 - Father gets 1/6 and remainder of residue
 - i.e. $1/8 + 1/2 + 1/6 + 1/6 = 23/24$
 - Father's additional residue share is $(1 - 23/24) = 1/24$
 - Father's total share is $(1/6 + 1/24) = 5/24$

A. 6 Example: 2 Daughters, 1 Husband, 1 Father, 1 Mother

- Heirs are: 2 Daughters, 1 Husband, 1 Father, 1 Mother
 - Husband gets 1/4 because there is a child (Daughters)
 - Daughter gets her 2/3 because she are two daughters
 - Mother gets 1/6
 - Father gets 1/6
 - Since total sum $(1/4 + 2/3 + 1/6 + 1/6)$ is 15/12 and exceed the available shares, we will apply Doctrine of Al-Awl. See chart for revised shares.

Scenario Daughters - 2 Daughters, 1 Husband, 1 Father, 1 Mother (Al-Awl applies)									
	Original Shares				After Applying Al-Awl				
	#s	Type	Share	%	\$	Type	Share	%	\$
Total Inheritance			1	100.00%	\$100,000.00		1	100.00%	\$100,000.00
Husband	1	Primary Heir	1/4	25.00%	\$25,000.00	Primary Heir	3/15	20.00%	\$20,000.00
Mother	1	Primary Heir	1/6	16.67%	\$16,666.67	Primary Heir	2/15	13.33%	\$13,333.33
Father	1	Primary Heir	1/6	16.67%	\$16,666.67	Primary Heir	2/15	13.33%	\$13,333.33
Daughters	2	Primary Heir	2/3	66.67%	\$66,666.67	Primary Heir	8/15	53.33%	\$53,333.33
TOTAL Distribution		15/12	1.25	125.00%	\$125,000.00	TOTAL Distribution	1	100.00%	\$100,000.00
Overflow		3/12	-0.2500	-25.00%	-\$25,000.00	Overflow	0	0.00%	\$0.00
Step 1 : add shares		$1/4 + 1/6 + 1/6 + 2/3$				New Distribution (change Denominator to 13):			
Step 2 : fractions/CD		$3/12 + 2/12 + 2/12 + 8/12$				Husband's Share = 3/15 (1/5)			
Step 3 : Total		$= 15/12$				Mother's Share = 2/15			
Common Denominator (CD) is 12, this is increased to 15 (Same as numerator)					Father's Share = 2/15				
					Daughters Share = 8/15				

Examples of True Grandmother (as Ashab-ul-Furud)

A. 7 Example: 1 Father's Mother, 1 Mother's Mother, Husband, 1 Daughter, 1 Full Sister

- Heirs are: 1 Father's Mother, 1 Mother's Mother, Husband, 1 Daughter, 1 Full Sister
 - Husband gets 1/4 because there is a child (Daughter)
 - Daughter gets her 1/2 because she is the only daughter
 - Grandmothers (both) get 1/6 as there is no mother. i.e. 1/12 each.
 - Full Sister will be Al-Asbah ma'a ghayriha (العصبة ما غيرها) with daughter. She will get remainder of shares.
 - i.e. $1/4 + 1/2 + 1/6 = 11/12$
 - Hence, F/sister's share is $(1 - 11/12) = 1/12$

Scenario Grandmother - 1 Father's Mother, 1 Mother's Mother, Husband, 1 Daughter, 1 Full Sister										
Original Shares					After Applying Al-Radd					
	#s	Type	Share	%	\$	Type	Share	%	\$	
Total Inheritance			1	100.00%	\$100,000.00		1	100.00%	\$100,000.00	
Husband	1	Primary Heir	1/4	25.00%	\$25,000.00	Primary Heir	1/4	25.00%	\$25,000.00	
Father's Mother	1	Primary Heir	1/12	8.33%	\$8,333.33	Primary Heir	1/12	8.33%	\$8,333.33	
Mother's Mother	1	Primary Heir	1/12	8.33%	\$8,333.33	Primary Heir	1/12	8.33%	\$8,333.33	
Daughter	1	Primary Heir	1/2	50.00%	\$50,000.00	Primary Heir	1/2	50.00%	\$50,000.00	
Full Sister	1	Residuary	0	0.00%	\$0.00	Residuary	1/12	8.33%	\$8,333.33	
TOTAL Distribution		11/12	0.75	91.67%	\$91,666.67	TOTAL Distribution	1	100.00%	\$100,000.00	
Residue		1/12	0.25	8.33%	\$8,333.33	Residue	0	0.00%	\$0.00	
Step 1 : add shares		$1/4 + 1/12 + 1/12 + 1/2 = 11/12$					Full Sister's Share = 1/12			
Step 2: Residue		$1 - 11/12 = 1/12$								

A. 8 Example: 1 Father's Mother, 1 Mother's Mother, 1 Mother, 1 Daughter, 1 Full Brother

- Heirs are: 1 Father's Mother, 1 Mother's Mother, 1 Mother, 1 Daughter, 1 Full Brother
 - Mother gets 1/6
 - Daughter gets her 1/2 because she is the only daughter
 - Grandmothers (both) get nothing as they are blocked by Mother.
 - Full Brother gets the residue
 - i.e. $1/6 + 1/2 = 2/3$
 - F/Brother's share $(1 - 2/3) = 1/3$

A. 9 Example: 1 Father's Mother, 1 Father's Father, 1 Mother's Grandmother (Mother's Mother's Mother), 2 Daughters

- Heirs are: 1 Father's Mother, 1 Father's Father, 1 Mother's Grandmother (Mother's Mother's Mother), 2 Daughters
 - Daughters get 2/3 as there are two daughters.

- Grandmother (Father's mother) will get 1/6
- Grandfather (Father's father) will get 1/6 and remainder of Residue
 - i.e. $2/3 + 1/6 + 1/6 = 1$
 - Since there is no residue, Grandfather get 1/6 only.
- Maternal Great Grand Mothers (Mother's Mother's Mother) is blocked by Grandmother (Father's mother) and get no share.

Examples of Grandfather (as Ashab-ul-Furud)

- See following examples:
 - A. 9 Example: 1 Father's Mother, 1 Father's Father, 1 Mother's Grandmother (Mother's Mother's Mother), 2 Daughters

Examples of Uterine Brother/Sister (as Ashab-ul-Furud)

Examples of Full Sister (as Ashab-ul-Furud)

A. 10 Example: 2 Sisters, 1 Wife, 1 Mother

- Heirs are: 2 Sisters, 1 Wife, 1 Mother
 - Mother gets 1/6 because there are two sisters
 - Wife get 1/4 because there is no child
 - Two Sisters will share as Primary Heir as there is no excluder for her. Their collective share is 2/3.
 - We also apply Doctrine of Al-Radd to distribute remaining 1/24 of the share. Wife is excluded from Al-Radd as she is not blood relative. Mother and Sisters gets an additional share.

Scenario Full-Sister - 2 Full Sisters, 1 Wife, 1 Mother									
Original Shares					After Applying Al-Radd				
	#s	Type	Share	%	\$	Type	Share	%	\$
Total Inheritance			1	100.00%	\$100,000.00		1	100.00%	\$100,000.00
Mother	1	Primary Heir	1/6	16.67%	\$16,666.67	Primary Heir	7/40	17.50%	\$17,500.00
Wife	1	Primary Heir	1/8	12.50%	\$12,500.00	Primary Heir	1/8	12.50%	\$12,500.00
Full Sister	2	Primary Heir	2/3	66.67%	\$66,666.67	Primary Heir	28/40	70.00%	\$70,000.00
TOTAL Distribution		23/24	0.96	95.83%	\$95,833.33	TOTAL Distribution	1	100.00%	\$100,000.00
Residue		1/24	0.04	4.17%	\$4,166.67	Residue	0	0.00%	\$0.00
Step 1 : add shares		1/6 + 1/8 + 2/3				New Distribution (Change Denominator to 5):			
Step 2 : fractions/CD		4/6 + 3/24 + 16/24 = 23/24				Widow's Share = 1/8			
Step 3: Find Mother/Sister Ratio: (1/6 : 2/3) = i.e. (1:4)		i.e. (1/6+2/3=1/6+4/6=5/6)				Remaining Residue = 7/8			
		Change denominator to 5, Mother 1/5, Daughter 4/5				Mother's Share = 7/8 * 1/5 = 7/40			
		Hence Ratio is = 4 : 1 (Daughter gets 4 shares and mother 1)				Daughter's Share = 7/8 * 4/5 = 28/40			

Examples of Consanguine Sister (as Ashab-ul-Furud)

Examples of Grand Daughter – Son’s Daughter (as Ashab-ul-Furud)

A. 11 Example: 1 Granddaughter (son’s daughter), Husband, 1 Mother, 1 Brother

- Heirs are: 1 Granddaughter (son’s daughter), Husband, 1 Mother, 1 Brother
 - Husband regular share is 1/2, but he gets 1/4 because there is child (Son’s Daughter)
 - Mother gets 1/6 because there is child (Son’s Daughter)
 - Son’s Daughter gets 1/2 because she is only Child (descendant)
 - Brother is Al-Asabah (residuary), he will get only what remains of primary heirs.

Scenario Grand Daughter (Son's Daughter) - 1 Granddaughter (son's daughter), Husband, 1 Mother, 1 Brother										
Original Shares					After Applying Residuarys					
	#s	Type	Share	%	\$	Type	Share	%	\$	
Total Inheritance			1	100.00%	\$100,000.00		1	100.00%	\$100,000.00	
Husband	1	Primary Heir	1/4	25.00%	\$25,000.00	Primary Heir	1/4	25.00%	\$25,000.00	
Mother	1	Primary Heir	1/6	16.67%	\$16,666.67	Primary Heir	1/6	16.67%	\$16,666.67	
Son's Daughter	1	Primary Heir	1/2	50.00%	\$50,000.00	Primary Heir	1/2	50.00%	\$50,000.00	
Brother	1	Residuary		0.00%	\$0.00	Residuary	1/12	8.33%	\$8,333.33	
TOTAL Distribution			0.92	91.67%	\$91,666.67	TOTAL Distribution	1	100.00%	\$100,000.00	
Residue			0.08	8.33%	\$8,333.33	Residue	0	0.00%	\$0.00	
Step 1 : add shares		1/4 + 1/6 + 1/2					Final Step: Brother share is: 1 - 11/12 = 1/12			
Step 2 : fractions/CD		3/12 + 2/12 + 6/12								
Step 3 : Total		= 11/12								

A. 12 Example: 1 Granddaughter (Son’s Daughter), 1 Mother, 1 Father, 1 Daughter

- Heirs are: 1 Granddaughter (Son’s Daughter), 1 Mother, 1 Father, 1 Daughter
 - Father gets 1/6 because there is child (Daughter and Son’s Daughter)
 - Mother gets 1/6 because there is child (Daughter and Son’s Daughter)
 - Daughter gets 1/2 because she is only Daughter
 - Son’s Daughter gets 1/6 because there is One Daughter. If there were two daughters then granddaughter would be excluded.

Scenario Grand Daughter (Son's Daughter) - 1 Mother, 1 Father, 1 Daughter, 1 Granddaughter (son's daughter)									
Original Shares					No further residuary calculation needed				
	#s	Type	Share	%	\$	Type	Share	%	\$
Total Inheritance			1	100.00%	\$100,000.00		1	100.00%	\$100,000.00
Mother	1	Primary Heir	1/6	16.67%	\$16,666.67	Primary Heir	1/6	16.67%	\$16,666.67
Father	1	Primary Heir	1/6	16.67%	\$16,666.67	Primary Heir	1/6	16.67%	\$16,666.67
Daughter	1	Primary Heir	1/2	50.00%	\$50,000.00	Primary Heir	1/2	50.00%	\$50,000.00
Son's Daughter	1	Primary Heir	1/6	16.67%	\$16,666.67	Residuary	1/6	16.67%	\$16,666.67
TOTAL Distribution			1.00	100.00%	\$100,000.00	TOTAL Distribution	1	100.00%	\$100,000.00
Residue			0.00	0.00%	\$0.00	Residue	0	0.00%	\$0.00

A. 13 Example: 1 Granddaughter (Son's Daughter), 1 Mother, 1 Father, 1 Son

- Heirs are: 1 Granddaughter (Son's Daughter), 1 Mother, 1 Father, 1 Son
 - Father gets $1/6$ because there is child (Son and Son's Daughter)
 - Mother gets $1/6$ because there is child (Son and Son's Daughter)
 - Son gets remainder of the state as Residuary
 - Son's Daughter is excluded as she is blocked by Son. Case of Totally Excluded (حجب حرمان).

See example "Examples of Grand Daughter – Son's Daughter (as Al-Asabah)

B.3 Example: 1 Granddaughter (Son's Daughter), 1 Mother, 1 Father, 1 Son

- ", where Granddaughter gets a lucky share due to Grandson.

B. Inheritance is distributed amongst Dhul-Furud (ذو الفر ورض) and Al-Asabat Nasabiyyah (العصبات نسبية)

Examples of Son and Daughter together

B.1 Example: Wife, 2 Daughters, 1 Son

- Heirs are: 1 Wife and 2 Daughters and 1 Son (Son turns Daughter into Residuary)
 - Total Estate for inheritance is \$100,000
 - Widow's regular share is $1/4$, but due to child her share is $1/8$ (\$12,500)
 - Because of Son, Daughters will be treated as Residuary. Son / Daughter ratio is 2:1
 - Total shares = $1/8$ (\$12,500). Here Residue (left over) is $7/8$ (\$87,500).

Scenario - 1 Wife and 2 Daughters and 1 Son									
Original Shares					After Applying Residuarities				
	#s	Type	Share	%	\$	Type	Share	%	\$
Total Inheritance			1	100.00%	\$100,000.00		1	100.00%	\$100,000.00
Widow	1	Primary Heir	1/8	12.50%	\$12,500.00	Primary Heir	1/8 (4/32)	12.50%	\$12,500.00
Daughter (s)	2	Primary Heir	0	0.00%	\$0.00	Primary Heir	7/16 (14/32)	43.75%	\$43,750.00
Son	1	Residuary				Residuary	7/16 (14/32)	43.75%	\$43,750.00
TOTAL Distribution			1/8	12.50%	\$12,500.00	TOTAL Distribution	7/8	100.00%	\$100,000.00
Residue			7/8	87.50%	\$87,500.00	Residue	1/8	0.00%	\$0.00
						Sons share is twice as daughter (Ratio 2:1)			
						Shares Fractions: 2+1+1 (Son, daughter, daughter)			
						Total Shares: 4			
						Each Son's share: 1/4, Each Daughter's Share 1/4			
						Son's Share $7/8 * 2/4 = 14/32$ (share of each son)			
						Daughter's Share $7/8 * 1/4 = 7/32$ (share of each daughter)			
						Revised overall Shares Fractions:			
						Step 1 : add shares	$1/8 + 14/32 + 7/32 + 7/32$		
						Step 2 : fractions/CD	$4/32 + 14/32 + 7/32 + 7/32$		
						Step 3 : Total	$=32/32$		

- (See Above) Calculate Son and Daughter's share.
- Son gets twice as daughter, hence, $7/8 * 2/4 = 14/32$ (\$43,750)
- Daughter gets half of son, hence, $7/8 * 1/4 = 7/32$ (\$21,875) (both daughters get \$43,750)

B.2 Example: Wife, 2 Daughters, 1 Son, 1 Father, 1 Mother

- Heirs are: 1 Wife and 2 Daughters and 1 Son and 1 Father and 1 Mother
 - Total Estate for inheritance is \$100,000
 - Widow's regular share is 1/4, but due to child her share is 1/8 (\$12,500)
 - Father and Mother will get fixed 1/6 due to Children
 - Because of Son, Daughters will be treated as Residuary. Son / Daughter ratio is 2:1
 - Total fixed shares $(1/8+1/6+1/6) = 11/24$ (\$45,833). Here Residue (left over) is $13/24$ (\$54,166).

Scenario - 1 Wife and 2 Daughters and 1 Son and 1 Father and 1 Mother									
Original Shares					After Applying Residuarities				
	#s	Type	Share	%	\$	Type	Share	%	\$
Total Inheritance			1	100.00%	\$100,000.00		1	100.00%	\$100,000.00
Widow	1	Primary Heir	1/8	12.50%	\$12,500.00	Primary Heir	1/8	12.50%	\$12,500.00
Father	1	Primary Heir	1/6	16.67%	\$16,666.67	Primary Heir	1/6	16.67%	\$16,666.67
Mother	1	Primary Heir	1/6	16.67%	\$16,666.67	Primary Heir	1/6	16.67%	\$16,666.67
Daughter (s)	2	Primary Heir	0	0.00%	\$0.00	Residuary	26/96	27.08%	\$27,083.33
Son	1	Residuary				Residuary	26/96	27.08%	\$27,083.33
TOTAL Distribution		11/24	0.46	45.83%	\$45,833.33	TOTAL Distribution	1	100.00%	\$100,000.00
Residue		13/24	0.54	54.17%	\$54,166.67	Residue	0	0.00%	\$0.00
						Sons share is twice as daughter (Ratio 2:1)			
						Shares Fractions: 2+1+1 (Son, daughter, daughter)			
						Total Shares: 4			
						Each Son's share: 2/4, Each Daughter's Share 1/4			
						Son's Share $13/24 * 2/4 = 26/96$ (share of each son)			
						Daughter's Share $13/24 * 1/4 = 13/96$ (share of each daughter)			
						Revised overall Shares Fractions:			
						Step 1 : add shares	$1/8 + 1/6 + 1/6 + 26/96 + 13/96 + 13/96$		
						Step 2 : fractions/CD	$12/96 + 16/96 + 16/96 + 26/96 + 13/96 + 13/96$		
						Step 3 : Total	$=96/96$		

- (See Above) Calculate Son and Daughter's share.
- Son gets twice as daughter, hence, $13/24 * 2/4 = 26/96$ (\$27,083.33)
- Daughter gets half of son, hence, $13/24 * 1/4 = 13/96$ (\$13,541.67) (both Daughters get \$27,083.33)

Examples of Grand Daughter – Son's Daughter (as Al-Asabah)

B.3 Example: 1 Granddaughter (Son's Daughter), 1 Mother, 1 Father, 1 Son

- **Example 1:** Heirs are: 1 Granddaughter (Son's Daughter), 1 Mother, 2 Daughters, 1 Grandson (Son's Son)
 - Mother gets 1/6 because there is child (Daughters and Grandchildren)
 - 2 Daughters get joint share of 2/3
 - When there are 2 daughters, granddaughter is excluded/blocked. However, in this situation Granddaughter (Son's Daughter) became lucky Al-Asabah (residuary) due to Grandson (Son's Son). She gets half of Son's share.
 - Between Grand Daughter and Grand Son they share remaining 1/6 (GD gets 1/18, GS gets 1/9).
 - Please remember that Grand son turns Grand Daughter into a residuary.

Scenario Grand Daughter (Son's Daughter) - 1 Mother, 2 Daughter, 1 Granddaughter (son's daughter), 1 Grandson (son's son)									
Original Shares					After Applying Residuaries				
	#s	Type	Share	%	\$	Type	Share	%	\$
Total Inheritance			1	100.00%	\$100,000.00		1	100.00%	\$100,000.00
Mother	1	Primary Heir	1/6	16.67%	\$16,666.67	Primary Heir	1/6	16.67%	\$16,666.67
Daughters	2	Primary Heir	2/3	66.67%	\$66,666.67	Primary Heir	2/3	66.67%	\$66,666.67
Son's Daughter	1	blocked		0.00%	\$0.00	Residuary	1/18	5.56%	\$5,555.56
Son's Son	1	Residuary		0.00%	\$0.00	Residuary	1/9	11.11%	\$11,111.11
TOTAL Distribution		5/6	0.83	83.33%	\$83,333.33	TOTAL Distribution	1	100.00%	\$100,000.00
Residue		1/6	0.17	16.67%	\$16,666.67	Residue	0	0.00%	\$0.00
Step 1 : add shares		1/6 + 2/3				Grandchildren's share = 1/6			
Step 2 : fractions/CD		1/6 + 4/6				Son's Son's Share = 1/6 * 2/3 = 1/9 (gets twice as Son's Daughter)			
Step 3 : Total		= 5/6				Son's Daughter Share = 1/6 * 1/3 = 1/18 (gets half of Son's Son)			

Examples of Sister (as Al-Asabah)

B.4 Example: 1 Sister, 1 Wife, 1 Mother, 1 Daughter

- Heirs are: 1 Sister, 1 Wife, 1 Mother, 1 Daughter
 - Mother gets 1/6 because there is child (Daughter)
 - Wife get 1/8 because there is child (Daughter)
 - Daughter gets 1/2 because she is the only Daughter
 - Full sister gets remainder as Residuary - Al-Asbah ma'a ghayriha (العصبة ما غيرها).

Scenario Full-Sister - 1 Full Sister, 1 Wife, 1 Mother, 1 Daughter									
Original Shares					After Applying Residuaries				
	#s	Type	Share	%	\$	Type	Share	%	\$
Total Inheritance			1	100.00%	\$100,000.00		1	100.00%	\$100,000.00
Mother	1	Primary Heir	1/6	16.67%	\$16,666.67	Primary Heir	1/6	16.67%	\$16,666.67
Wife	1	Primary Heir	1/8	12.50%	\$12,500.00	Primary Heir	1/8	12.50%	\$12,500.00
Daughter	1	Primary Heir	1/2	50.00%	\$50,000.00	Primary Heir	1/2	50.00%	\$50,000.00
Full Sister	1	Residuary		0.00%	\$0.00	Residuary	5/24	20.83%	\$20,833.33
TOTAL Distribution		19/24	0.79	79.17%	\$79,166.67	TOTAL Distribution	1	100.00%	\$100,000.00
Residue		5/24	0.21	20.83%	\$20,833.33	Residue	0	0.00%	\$0.00
Step 1 : add shares		1/6 + 1/8 + 1/2				Sister's Share is: 1 - 19/24 = 5/24			
Step 2 : fractions/CD		4/24 + 3/24 + 12/24							
Step 3 : Total		= 19/24							

B.5 Example: 2 Sisters, 2 Daughters

- Heirs are: 2 Sister, 2 Daughter
 - 2 Daughters get 2/3 as their fixed share (1/3 each)

- 2 Full Sisters gets 1/3 as residuary (1/6 each). i.e. $1 - 2/3 = 1/3$

B.6 Example: 1 Sister, 1 Husband, 1 Daughter, 1 Son's Daughter

- Heirs are: 1 Sister, 1 Husband, 1 Daughter, 1 Son Daughter
 - Husband gets 1/4 because there is children
 - 1 Daughter gets 1/2 as she is the only Daughter
 - 1 Son's Daughter gets 1/6 because there is a Daughter
 - 1 Sister gets 1/12 as Residuary - Al-Asbah ma'a ghayriha (العصبة ما غيرها). i.e. $1/4 + 1/2 + 1/6 = 3/12 + 6/12 + 2/12 = 11/12$. Hence $1 - 11/12 = 1/12$ Remaining residue.

B.7 Example: 1 Sister, 1 Brother, 1 Husband, 1 Daughter

- Heirs are: 1 Sister, 1 Brother, 1 Husband, 1 Daughter
 - Husband gets 1/4 because there is children
 - 1 Daughter gets 1/2 as she is the only Daughter
 - Brother converts sister as residuary, hence they share remaining 1/4 between them. Brother gets twice as much as sister.

Scenario Full-Sister - 1 Full Sister, 1 Full Brother, Husband, 1 Daughter									
Original Shares					After Applying Residuarys				
	#s	Type	Share	%	\$	Type	Share	%	\$
Total Inheritance			1	100.00%	\$100,000.00		1	100.00%	\$100,000.00
Husband	1	Primary Heir	1/4	25.00%	\$25,000.00	Primary Heir	1/4	25.00%	\$25,000.00
Daughters	1	Primary Heir	1/2	50.00%	\$50,000.00	Primary Heir	1/2	50.00%	\$50,000.00
Full Sister	1	Residuary		0.00%	\$0.00	Residuary	1/12	8.33%	\$8,333.33
Full Brother	1	Residuary		0.00%	\$0.00	Residuary	1/6	16.67%	\$16,666.67
TOTAL Distribution		3/4	0.75	75.00%	\$75,000.00	TOTAL Distribution	1	100.00%	\$100,000.00
Residue		1/4	0.25	25.00%	\$25,000.00	Residue	0	0.00%	\$0.00
Step 1: add shares		$1/4 + 1/2 = 3/4$				Brother's Share: $1/4 * 2/3 = 1/6$			
Step 2: Residue		$1 - 3/4 = 1/4$				Sister's Share: $1/4 * 1/3 = 1/12$			

Examples of Consanguine Sister (as Al-Asabah)

B.8 Example: 1 Consanguine Sister, 1 Consanguine Brother, 1 Wife, 2 Full Sisters

- Heirs are: 1 Consanguine Sister, 1 Consanguine Brother, 1 Wife, 2 Full Sisters
 - Wife gets 1/4 because there is no child
 - Two Full Sister gets 2/3 as Primary heirs in the absence of ascendants/descendants
 - Normally Consanguine sister is blocked by Full Sisters, but she gets lucky due to consanguine brother. The C/brother turns C/sister into Residuary - Al-Asbah bighayriha (العصبة بغيرها).
 - C/brother and C/sister will share remaining residue, i.e. $1 - (1/4 + 2/3) = 1/12$ residue. C/brother gets twice as much as c/sister.

Scenario Consanguine Sister - 1 Consanguine Sister, 1 Consanguine Brother, 1 Wife, 2 Full Sisters									
Original Shares					After Applying Residuarities				
	#s	Type	Share	%	\$	Type	Share	%	\$
Total Inheritance			1	100.00%	\$100,000.00		1	100.00%	\$100,000.00
Wife	1	Primary Heir	1/4	25.00%	\$25,000.00	Primary Heir	1/4	25.00%	\$25,000.00
Full Sisters	2	Primary Heir	2/3	66.67%	\$66,666.67	Primary Heir	2/3	66.67%	\$66,666.67
Consanguine Sister	1	Blocked		0.00%	\$0.00	Residuary	1/36	2.78%	\$2,777.78
Consanguine Brother	1	Residuary		0.00%	\$0.00	Residuary	1/18	5.56%	\$5,555.56
TOTAL Distribution		11/12	0.92	91.67%	\$91,666.67	TOTAL Distribution	1	100.00%	\$100,000.00
Residue		1/12	0.08	8.33%	\$8,333.33	Residue	0	0.00%	\$0.00
Step 1 : add shares		1/4 + 2/3 = 11/12				C/Brother's Share: 1/12 * 2/3 = 1/18			
Step 2: Residue		1 - 11/12 = 1/12				C/Sister's Share: 1/12 * 1/3 = 1/36			

B.9 Example: 1 Consanguine Sister, 1 Uterine Sister, 1 Full Sister, 1 Wife, 1 Son's Daughter

- Heirs are: 1 Consanguine Sister, 1 Uterine Sister, 1 Full Sister, 1 Wife, 1 Son's Daughter
 - Wife gets 1/8 because there is child (Son's Daughter)
 - Son's Daughter will get 1/2 because she is the only daughter.
 - Full Sister will get remainder of the residue as Al-Asbah ma'a ghayriha (العصبة ما غيرها). Full Sister's share is 3/8, i.e. $1/8 + 1/2 = 5/8$, and $1 - 5/8 = 3/8$.
 - Consanguine Sister is blocked by Full Sister.
 - Uterine Sister is blocked by Son's Daughter

B.10 Example: 1 Consanguine Sister, 1 Uterine Sister, 1 Full Sister

- Heirs are: 1 Consanguine Sister, 1 Uterine Sister, 1 Full Sister
 - Full Sister gets 1/2 as Primary heir
 - Uterine Sister gets 1/6 because she is only one.
 - Consanguine Sister gets 1/6
 - Total share are: $1/2 + 1/6 + 1/6 = 5/6$, leaving 1/6 residue.
 - Doctrine of Al-Radd Applies giving additional shares. Ratio is $1/2 : 1/6 : 1/6 = (3:1:1)$ see below.

Scenario Consanguine Sister - 1 Consanguine Sister, 1 Uterine Sister, 1 Full Sister					After Applying Al-Radd				
	Original Shares					After Applying Al-Radd			
	#s	Type	Share	%	\$	Type	Share	%	\$
Total Inheritance			1	100.00%	\$100,000.00		1	100.00%	\$100,000.00
Full Sisters	1	Primary Heir	1/2	50.00%	\$50,000.00	Primary Heir	3/5	60.00%	\$60,000.00
Consanguine Sister	1	Primary Heir	1/6	16.67%	\$16,666.67	Primary Heir	1/5	20.00%	\$20,000.00
Uterine Sister	1	Primary Heir	1/6	16.67%	\$16,666.67	Residuary	1/5	20.00%	\$20,000.00
TOTAL Distribution		5/6	0.83	83.33%	\$83,333.33	TOTAL Distribution	1	100.00%	\$100,000.00
Residue		1/6	0.17	16.67%	\$16,666.67	Residue	0	0.00%	\$0.00
Step 1 : add shares		$1/2 + 1/6 + 1/6 = 5/6$				New Distribution (change denominator to 5):			
Step 2: Residue		$1 - 5/6 = 1/6$				F/Sister	3/5		
Step 3: Find each Sister's Ratio: $(1/2 : 1/6 : 1/6) = i.e. (3:1:1)$						C/Sister	1/5		
		i.e. $(1/2 + 1/6 + 1/6 = 3/6 + 1/6 + 1/6 = 5/6)$				U/Sister	1/5		
		Change denominator to 5 as there are 5 shares							
		Hence Ratio is = 3:1:1 (F/Sister gets 3 and others 1 each)							

Examples of Uterine Sister (as Al-Asabah)

B.11 Example: 1 Uterine Sister, 1 Uterine Brother, 1 Consanguine Sister, 1 Full Sister

- Heirs are: 1 Uterine Sister, 1 Uterine Brother, 1 Consanguine Sister, 1 Full Sister
 - Full Sister gets 1/2 as Primary heir
 - Consanguine Sister gets 1/6 (together with Full sister $1/2 + 1/6 = 2/3$)
 - Uterine Sister and Uterine Brother gets residue. i.e. $1 - (1/2 + 1/6) = 1/3$
 - In case of Uterine Brother/Sister the rule of male gets twice as female doesn't apply. Hence, both Uterine Brother and Sister gets 1/6 each ($1/6 + 1/6 = 1/3$)

Examples of Full Brother (as Al-Asabah)

B.12 Example: 1 Full Brother, 1 Full Sister, 1 Consanguine Brother, 1 Consanguine Sister

- Heirs are: 1 Full Brother, 1 Full Sister, 1 Consanguine Brother, 1 Consanguine Sister
 - Full Brother gets 2/3 of the estate, twice as much as Full Sister
 - Full Sister gets 1/3 of the estate, half of Full Brother
 - Consanguine Brother/Sister are blocked by Full Brother.

C. Inheritance is distributed only amongst Al-Asabat Nasabiyyah (العصبات نسبية)

D. Inheritance is distributed amongst Dhawul-Arham (ذو الرحم)

VII. AL-WASIYYAH – THE ISLAMIC WILL

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]⁵⁵

In Shariah, the term Al-Wasiyyah (وصية) is used for Islamic Will, and it is very important to write one's will as recommended by the Prophet (pbuh). Al-Wasi (وصي) means executor. Al-Musi (الموصي) is Testator the one who made Wasiyyah. Al-Musa Lahu (الموصى له) refers to the person who is the beneficiary of the Wasiyyah.

What can be in bequeath/will

Shariah has placed two restrictions on Testator (الموصي), one who make Will (وصية):

1. Firstly, to whom he can bequeath his wealth/assets - Al-Musa Lahu (الموصى له)
2. Secondly, the amount that he can bequeath (which is maximum of 1/3 of overall estate)

Maximum Limit of 1/3rd

1. The limit of 1/3 is based on following Hadith:

Narrated Sad bin Abu Waqqas: "The Prophet came visiting me while I was (sick) in Mecca, ('Amir the sub-narrator said, and he disliked to die in the land, whence he had already migrated). He (i.e. the Prophet) said, "May Allah bestow His Mercy on Ibn Afra (Sad bin Khaula)." I said, "O Allah's Apostle! May I will all my property (in charity)?" He said, "No." I said, "Then may I will half of it?" He said, "No". I said, "One third?" He said: "Yes, one third, yet even one third is too much. It is better for you to leave your inheritors wealthy than to leave them poor begging others, and whatever you spend for Allah's sake will be considered as a charitable deed even the handful of food you put in your wife's mouth. Allah may lengthen your age so that some people may benefit by you, and some others be harmed by you." At that time Sad had only one daughter." [Sahih al-Bukhari]⁵⁶

2. If the legal heirs of the Testator (الموصي) agrees then it is allowed to bequest more than 1/3. However, Maliki fiqh states 1/3 as absolute which cannot be overridden.

Rules for Al-Wasiyyah (وصية)

1. No specific wording is needed for Wasiyyah.
2. Wasiyyah does not necessarily need to be written, it can be oral, as far as there are witnesses.
3. Two witnesses are required to declare the Wasiyyah.
4. Wasiyyah is paid after the funeral / burial expenses and payment of debts.
5. Wasiyyah may be general or specific. E.g. 1/3 of my estate or \$10,000 etc)

⁵⁵ Sahih al-Bukhari, Volume 4, Book 51 Wills and Testaments (Wasaayaa), Number 1

⁵⁶ Sahih al-Bukhari, Volume 4, Book 51 Wills and Testaments (Wasaayaa), Number 5

6. While Will complies with Shariah, it should also comply with law of the land (if its non-Muslim land) so that Will can be executed without unnecessary legal hustles.
7. In non-Muslim land, its preferred to have alternative names for Al-Musa Lahu (الموصى له) / Beneficiaries, in case no surviving heir is left at the time of deceased's death.

Rules for Al-Musi (الموصى)

1. Al-Musi (الموصى) must be an adult sane Muslim and he must have capability to make a will and he should not be under any compulsion.
2. Adult is defined in Shariah as person with clear evidence of puberty.
3. Al-Musi (الموصى) must own what he bequests.
4. Al-Musi (الموصى) can revoke his own will with a subsequent will.

Rules for Al-Musa Lahu (الموصى له) – Beneficiary of the will

1. Al-Musa Lahu (الموصى له) or beneficiary of the will/bequeath cannot be an existing heir. This is based on following hadith:

Narrated Abu Hurairah: Allah's Prophet (pbuh) said: "Allah has appointed for everyone who has a right what is due to him, and no bequest must be made to an heir" [Sunnan Abu Dawood]⁵⁷

2. A bequeath in favor of Christian or Jewish wife is valid, as they are not sharer in inheritance but can be given bequeath.
3. Killer is generally excluded from Wasiyyah. Hanafi fiqh said if heirs give their consent, then it is allowed. Maliki/Shafii accepted it as Hibba (gift). Hanbali fiqh said if deceased allowed the will after fatal injury and before his death, then it is allowed (possibility if it's accidental injury).
4. Al-Musa Lahu (الموصى له) or beneficiary must accept or reject the will after the Testator (الموصى)'s death. If he doesn't accept his share and dies, then share is added back into the estate (of deceased) as per hanafi fiqh
5. Al-Musa Lahu (الموصى له) or beneficiary becomes owner of the share as follows:
 - a. Hanafi/Shafii: at the time of death of the testator
 - b. Malaki/Hanbali: on accepting the bequest

Rules for Al-Wasi Al-Mukhtar (وصى المختار) – Executor of Will

1. The Executor (وصى) must be trustworthy and truthful person. He is the appointed person by the Testator (الموصى) to execute his will.
2. Generally, in Islamic estates this will be the Qadi (قاضي), but Muslims living in west must appoint a trustworthy executor.

⁵⁷ Sunnan Abu Dawood, also similar hadith are reported by Ibn Majah, Ahmed and others.

3. Testator may appoint multiple executors. Authority of the Executors is defined by the Testator, i.e. if executor works independently or with others.

CONCLUSION

Inheritance is an integral part of Islamic Shariah Law and its application in Islamic society is a mandatory aspect of Divine teaching of Islam. Hence, there is a legal share for relatives of the deceased in his estate/property.

When a person dies there are four rights that need to be performed on his property:

- **Right # 1:** Firstly, Pay his/her funeral and burial expenses
- **Right # 2:** Secondly, Pay his/her debts
- **Right # 3:** Thirdly, Execute his/her Will/bequest if the deceased left a Will. Will must not exceed 1/3 of his/her total estate/property.
- **Right # 4:** Lastly, Distribute remainder of his/her estate/property according to Islamic Shariah Law amongst the legal heirs or claimants.

DISTRIBUTION OF INHERITANCE.

In order to distribute the inheritance, follow these steps:

- Identify all legal heirs or claimants.
- Eliminate those who are excluded due to impediment or disqualified. See Section "Impediments to Inheritance:"
- Divide the claimants into four groups:
 1. Primary Heirs, See Section "Ashab-ul-Furud (أصحاب الفروض)", these include 12 relatives:
 - a. Husband / Widow (s)
 - b. Father / Mother
 - c. Real Grandfather / Real Grand Mother
 - d. Sister (s) (Full, Half on father side, Half on Mother's side)
 - e. Brother (s) (Half on Mother's side)
 - f. Daughter (s)
 - g. Son's Daughter (s)
 2. Secondary Heirs, See Section "A. Al-Asabat Nasabiyyah (العصبات نسبية) - Blood Relative:" These are all near relatives (**all male agnates** and **four specified female agnates**)
 - a. Male Agnates: Al-Asbah binafsihi (العصبة بنفسه)
 - i. PR1: Descendants of the deceased: sons of deceased, sons of the sons and further down.
 - ii. PR2: Ascendants of the deceased: father of deceased, then real grandfather, then real great grandfather, then so on
 - iii. PR3: Descendants of the father: They are brothers of deceased, then the sons of the brothers, and their sons.
 - iv. PR4: Descendants of the grandfather: They are uncles of the father's side, then their sons and son's son, and further lower in the chain.

- b. Female Agnates:
 - i. Al-Asbah bighayriha (العصبة بغيرها) is one who becomes a “residuary” in the right of another heir. E.g. daughter with son, son’s daughter with son’s son, full sister with brother, consanguine sister with consanguine brother. These are female agnates
 - ii. Al-Asbah ma’a ghayriha (العصبة ما غيرها) is Heir who becomes a “residuary” when inheriting Al-Asbah bighayriha (العصبة بغيرها). E.g. full sister and consanguine sister inheriting with daughter or son’s daughter. (Based on tradition of the prophet (pbuh)).
- 3. Distant Kindred, See Section “a) Dhawul-Arham (ذو الرحم) - Distant kindred”. These include near relatives are not part of Secondary heirs.
 - a. Descendants of the deceased (who are excluded from residuaries). (Children of daughter(s)).
 - b. Ascendants of the deceased (who are excluded from residuaries)
 - c. Descendants (however low in chain) of the siblings of the deceased. (children of sister(s), daughter(s) of brothers, and son(s) of half sister on mother side etc)
 - d. Descendants (however low in chain) of ascendants (uncles/aunts)
- 4. Public treasury (بيت المال)
- Sequence:
 - First distribute the shares amongst Ashab-ul-Farood, and if there is residue, it goes to Secondary Heirs.
 - If there are no Secondary heirs, then distribute the residue amongst Distant Kindred.
 - If there are no distant kindred or still some residue left, then it goes to Bait-ul-Maal.

Inheritance is distributed one of the following four ways, See Section “Share Distribution - Step by Step

- ”,
 - Inheritance is distributed only amongst Dhul-Furud (ذو الفروض)
 - Inheritance is distributed amongst Dhul-Furud (ذو الفروض) and Al-Asabat Nasabiyyah (العصبات نسبية)
 - Inheritance is distributed only amongst Al-Asabat Nasabiyyah (العصبات نسبية)
 - Inheritance is distributed amongst Dhawul-Arham (ذو الرحم)
- Abusing one’s Will and Inheritance is serious crime in Shariah.

مَنْ بَدَّلَهُ بَعْدَمَا سَمِعَهُ فَإِنَّمَا إِتْمَهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ إِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ

2:181 “Whoever changes the bequest after hearing it, the sin will be upon those who make the change. Truly, Allah is Hearing and Knowing” [Quran]

REFERENCES

ENGLISH BOOKS

1. The Islamic Law of Succession – Dr A Hussain
2. Islamic Inheritance Law – Dr Yusuf Ziya Kavakci
3. The Final Bequest – Muhammad Al-Jibaly
4. تفهيم القرآن - Tafheem ul Quran, Abu Ala Al-Mawdudi
5. تفسير ابن كثير - Tafsir Ibn Khatir, Ibn Khatir

URDU BOOKS

6. تقسيم ميراث – Syed Shawkat Ali
7. فقه الحديث – Translation & Commentary of Imam Shawkani’s “الدرر البهيّة” with additions from Sh Albani.
8. منهج المسلم – Minhaj Muslim, Abu Bakar Jazairi

WEBSITES

9. Hadith Books,
 - a. Arabic, (صحيح البخاري، صحيح مسلم، سنن الترمذي، سنن النسائي، سنن أبي داود، سنن ابن ماجه، مسند أحمد، موطأ مالك)
<http://hadith.al-islam.com/>
 - b. English Translations, (Sahih Bukari, Sahih Muslim)
<http://www.usc.edu/dept/MSA/fundamentals/hadithsunnah/>
10. Quran, Arabic Text
 - a. <http://www.islamicity.com/QuranSearch/>
11. Quran, Translation
 - a. Mohsin Khan & Al-Hilali, Sahih Int Noble Quran,
<http://www.quranonline.net/cgi-bin/qexplorer.jsp?action=display&dispby=bychap>
12. Tafsir
 - a. Arabic, (تفسير ابن كثير، تفسير الطبري، تفسير القرطبي)
<http://quran.al-islam.com/arb/>
 - b. English, (Tafheemul-Quran)
<http://www.tafheem.net/main.html>
 - c. English, (Tafsir Ibn Khair)
<http://www.tafsir.com/Default.asp>