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al-Farā'idh

Distribution of Inheritance: The Islamic Way

Allah *subhana wa ta'la* mentions with regards to the allocation of the shares of inheritance in the Noble Qur'an:

“Allah commands you as regards your children (their inheritance)...” [al-Nisa (4): 11-12]

In the verses 11 and 12 of Sura al-Nisa, quoted in part above, Allah lays out in detail the allocation of the shares of inheritance applicable in many common scenarios. Immediately thereafter, in verses 13 and 14, Allah *subhana wa ta'la* conveys glad tidings to those who adhere to His laws, and gives a stern warning to those who transgress it:

“These [the laws of inheritance] are the limits (set by) Allah, and whosoever obeys Allah and His Messenger will be admitted to Gardens under which rivers flow (in Paradise), to abide therein, and that will be the great success.

And whosoever disobeys Allah and His Messenger and transgresses His limits, He will cast him into the

Fire, to abide therein; and he shall have a disgraceful torment.” [al-Nisa (4): 13-14]

The warning voiced by Allah in verse 14, although generally applicable, in this instance points specifically to transgression to the laws of inheritance. The seriousness of the matter is quite clear from the language used in the Qur’an.

Upon the passing of a person his wealth no longer remains his according to Allah. The person’s wealth becomes a trust which must be distributed to specified people according to the limits Allah and His Messenger have prescribed. It is a great test upon the inheritors, trustees of the estate and other surviving individuals who have control over the assets of the deceased that they not succumb to the natural greed of wealth in all humans. It is a test, that in spite of having personal motives one adheres to the law of Allah when distributing the assets of the estate. A failure to do so would put the ones in charge of the assets under the purview of the above warning from Allah. It is also tantamount to an unlawful usurpation of wealth. The Messenger of Allah said regarding those who have been given authority over the wealth of others:

“Whosoever among you is appointed by us to a position and he conceals from us even a needle or less, it will amount to misappropriation and he will be called upon to restore it on the Day of Resurrection”

Regarding the unlawful usurpation of wealth he also said:

“Whoever usurps unlawfully even a hand span of land a collar measuring seven times (this) land will be placed around his neck on the Day of Resurrection.”

The knowledge pertaining to the division of inheritance is quite complex to the untrained person. In the time of the Messenger of Allah

there were certain *sahaba* who were endorsed by him to impart knowledge and give legal verdicts. Among them there were those who were more knowledgeable than others with respect to the science of inheritance. For example the Messenger of Allah said:

“The most knowledgeable with regards to *halal* and *haram* is Muadh ibn Jabal.”

And in the same hadith he also mentioned:

“The most knowledgeable with regards to the shares of inheritance is Zaid ibn Thabit.”

Due to its intricate and complex nature the Messenger of Allah specifically emphasized learning of the shares of inheritance (in Arabic: *al-faraidh*). He is reported to have said:

“Indeed I am a man who will be taken away, therefore learn *faraidh* and teach it. The time of the disappearance of knowledge will come close, when two persons will dispute regarding an Islamic ruling and they will find no one to decide the dispute.”

And he also said: “Learn *faraidh* and teach it, indeed it is half of knowledge.”

And also: “It [the division of inheritance according to *sharia*] is my way [*sunnah*] and it is the first thing that will be taken away from my *ummah*.”

Umar *radiAllahu anhu* is reported to have said: “O people, learn *faraidh* with the same concern and effort with which you learn from the Qur’an.” He also said: “O Muslims, learn *faraidh*, it is an essential part of the knowledge of your religion.”

The above *ahadith* and sayings of Umar *radiAllahu anhu* make it abundantly clear that the distribution of inheritance according to *sharia* is of utmost importance. Its learning must be undertaken with diligence and systematic study. Those who have specialized in this branch of knowledge should resolve issues for the whole community. It is obligatory upon the community to ensure they train individuals and scholars in this branch of knowledge. It is important that

qualified scholars are consulted in this matter. ARIJ provides consulting in this regard free of charge. We regularly provide solutions for questions regarding inheritance, both hypothetical and actual. We will reproduce one such answer below for demonstration.

We were recently asked a hypothetical scenario by a person, with regards to how the estate will be distributed, if he were to pass away leaving behind his wife, two sons and a daughter, or if his spouse were to pass away leaving behind him, two sons, a daughter, and parents.

In both cases, the deceased's burial expenses and debts would first have to be settled. Thereafter if the person had made any bequests in a will, such as giving to charity or *fidya* for missed *salat*, fasts and Hajj, it would have to be settled from not more than one-third of the estate. The remaining estate would be distributed as follows:

<u>Inheritor</u>	<u>Wife survives husband</u>	<u>Husband survives wife</u>
Son	35%	16.67%
Son	35%	16.67%
Daughter	17.50%	8.33%
Husband	N/A	25%
Wife	12.50%	N/A
Father	N/A	16.67%
Mother	N/A	16.67%

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