A Practical Guide to
Islamic Laws of Inheritance

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Dedicated to my teacher: Eng. Malik Bashir Ahmad Baghvi

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Notes

Problem solving template

Name:		Date of death:			Distributable Wealth:	
Count	**Heirs**	**Shares (from table 1)**	**Shares (common denominator & table 2)**	**Share of each category**	**Share of each person**	**Share in terms of _____**
	Total (Multiplier)					

TERMINOLOGIES

Mirath - **Gross Inheritance:** All movable or immovable property left behind by deceased whether the deceased earned it, inherited it or was gifted this property.

Warith - **Heir:** A relative who may potentially inherit from the wealth of deceased

Wassiya – **Will:** An order for allocation of certain amount of property of deceased after death based on his/her order. This is not allocated during the person's lifetime rather is asked to be allocated after death.

A will of up to 1/3rd property is allowed. If a will is made in excess to this proportion then only 1/3rd will be spent on it. A will cannot be made for a person who is already entitled to receive a share as heir (*warith*)

Walad (awlaad) - **Children (CH):** This include any one of the following: son (S), daughter (D), son's son (SS), son's daughter (SD), son's son's son (SSS), son's son's daughter (SSD).

Other types of grandchildren are not included in this definition however will be classified in *Dhil-ihram* (see below)

Ikhwa – **Siblings (IK):** A total of 2 or more persons alive from real, paternal or maternal brothers and sisters, irrespective of their type or gender

Real brother (RB) and Real sister (RS): siblings who have same parents as the deceased (*haqiqi*)

Paternal brother (PB) and Paternal sister (PS): siblings who have same father as the deceased but have different mothers (step-siblings with a common father) (*allati*)

Maternal brother and Maternal sister (MT): siblings who have same mother as the deceased but have different fathers (step-siblings with a common mother) (*akhyafi*)

Dhil-Furoodh- **1st tier of heirs** who have a prescribed proportion of share under different circumstances.

Asbah – **Residuary (Res): 2nd tier of heirs.** Their proportion is not fixed, rather after applicable distribution among *Dhil-Furoodh*, the rest is entitled to the closest relation among *Asbah*. *Asbah* are male relatives related through a chain of males (exception: real sister and paternal sister)

Dhil-irham **(DI) – 3rd tier of heirs** after *Dhil-Furooz* and *Asbah*. If there is still left over property after distribution to *Dhil-Furooz*, and there are no *Asbah* then *Dhil-irham* may be entitled to have a share. The closest in relationship will get all the remaining share.

Kalala – A person who at time of death does not have any living CH (S, D, SS, SD, SSS, SSD), nor has a living father or grandfather.
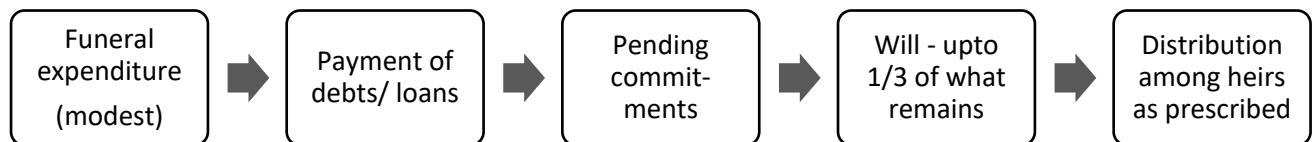
ABBREVIATIONS

To simplify the tables of wealth distribution some relations of the heirs have been abbreviated. The abbreviations used are listed below:

Abbreviation	Relation
H	Husband
W	Wife
M	Mother
F	Father
FM	Father's mother
FF	Father's father
MM	Mother's mother
S	Son
D	Daughter
SS	Son's son
SD	Son's daughter

Abbreviation	Relation
SSS	Son's son's son
SSD	Son's son's daughter
CH	Children (awlaad)
IK	*Ikhwa* – 2 or more siblings
RB	Real brother (*haqiqi*)
RS	Real sister (*haqiqi*)
PB	Paternal brother (*allati*)
PS	Paternal sister (*allati*)
MT	Maternal sibling (*akhyafi*)
Res	Residuary (a*sbah*)
DI	Dhil-Irham

STEPS OF WEALTH DISTRIBUTION

The following is the sequence of spending and distribution of *Mirath* after the death of a person.

Funeral expenditure (modest) → Payment of debts/ loans → Pending commit-ments → Will - upto 1/3 of what remains → Distribution among heirs as prescribed

CALCULATING SHARES

Step 1: Write the name of deceased, the date and year of death, the distributable wealth among heirs (last box in the above process).

Step 2: List down all relatives who were alive at time of death of the deceased. Identify if any relative qualifies for extended Residuary [Res] *Asbah* category by writing "R" in front of them (male relatives through chain of males – see definitions).

Step 3a: Go through table 1 and assign shares to each applicable heir based on the appropriate conditions.

Step 3b: For the following 5 relations, if both male and female are present then ignore the females while assigning shares from table 1 and place (") in their column. Their share will be extracted from table 2. These 5 relations are: 1) son [S] & daughter [D], 2) son's son [SS] & son's daughter [SD], 3)

son's son's son [SSS] & son's son's daughter [SSD], 4) real brother [RB] & real sister [RS], 5) paternal brother [PB] & paternal sister [PS]

Step 4 *(this step can be skipped if "share from 24" column is used in Step 3)*: Find the lowest common multiple (LCM) of the denominators of the assigned shares and multiply each numerator with that factor. In all cases the denominator will be 24 or less. Eg: if assigned shares are 1/6, 1/2 and 1/8. Then the lowest common multiple (LCM) of the denominators 6, 2 and 8 is 24. The respective numerators will then be 4, 12 and 3 out of total 24 shares (common denominator).

Step 5: Calculate the remaining shares. Add all assigned numerators and subtract the total from the common denominator. In above example the assigned shares are 4, 12 and 3 out of common denominator of 24. The sum of numerators is 4+12+3= 19. The remaining shares are 24-19= 5.

Step 6: Move from left → right on table 2. Assign all remaining shares to the 1ˢᵗ applicable category.

If the category is among the five relations as mentioned in step 3b then males will get twice as much share as females in that category. In this case, multiply the number of males in the category by 2 and add it to number of females. Divide the assigned shares by this number and give 2 portions to males and 1 to each female.

Eg: 2 Sons [S] and 2 Daughters [D] are assigned 12 shares. Multiply number of males by 2 (2 x2 = 4), then add to number of females (4+2=6). 12 shares will be divided in 6 (each portion is 2 shares) and then each males gets 2 shares each and female gets 1 share. In the end each son gets 4 shares and each daughter gets 2 shares form total 12 shares (ratio 2:1).

Step 6b: If the shares are assigned to extended Residuary [Res] (*Asbah*) category while using Table 2, then use Table 3 to find out closed Res in relationship who shall receive these shares.

Step 7: You should now have all the shares distributed among appropriate heirs. All other relatives of the deceased do not get any share in *mirath*. Now calculate each individual's portion by dividing the shares in each category by the number of individuals in that category. Eg: If share of wife is 6, then for someone with 2 wives the share of each will be 3 out of 24. At times dividing the share will lead to a number with decimal, such as dividing 13 shares in 6 individuals with lead to 2.166/person. To avoid this you can multiply the whole column (all shares) by the number of divisions that are need. Eg: 13 x 6 = 78. Then each share will be 13 out of total 78. Keeping it in whole numbers make it simple and easy to understand.

Step 8: Find the share in terms of wealth ($, acres of land, %, etc.). The following formula is used:

(Share of the person / Total shares) x (total wealth) = Wealth share of each person

Two exceptions: Two scenarios may arise where the number of shares may be more that the assignable heirs "Problem of Excess (*Masla-Radd*)" or the calculated shares of heirs are greater that available shares "Problem of Deficiency (*Masla-Awl*)". These are discussed on page 9-10.

Sr. #	Heir	Share	Share from 24	Condition		Reference
				Table 1: Inheritance shares		
1	H	1/2	12/24	[CH]×		2
		1/4	6/24	[CH]√		2
2	W	1/4	6/24	[CH]×		2
		1/8	3/24	[CH]√		2
3	D	2/3	16/24	[≥ 2 D] [S]×		1
		1/2	12/24	[1 D] [S]×		1
4	SD	2/3	16/24	[≥ 2 SD] [S. D. SS]×		1
		1/2	12/24	[1 SD] [S. D. SS]×		1
		1/6	4/24	[1 D]√ [S. SS] ×		5
5	SSD	2/3	16/24	[≥ 2 SSD] [S. D. SS. SD. SSS]×		1
		1/2	12/24	[1 SSD] [S. D. SS. SD. SSS]×		1
		1/6	4/24	[1 D or 1 SD]√ [S. SS. SSS]×		5
6	F	1/6	4/24	[CH]√		1
7	M	1/6	4/24	[CH]√ or [IK]√ or [H + F]√		1, 6
		1/4	6/24	[W + F]√ [1/6 condition]×		6
		1/3	8/24	[1/6 condition]× [1/4 condition]×		1
8	FF	1/6	4/24	[CH]√ [F]×		1
9	FM	1/6	4/24	[M]× [F (Hanafi & Maliki)]×	If both eligible, then split 1/6. (i.e: 1/12 each)	7
10	MM			[M]×		7
11	RS	2/3	16/24	[≥2 RS] [CH. F. FF. RB]×		4
		1/2	12/24	[1 RS] [CH. F. FF. RB]×		4
12	PS	2/3	16/24	[≥2 PS] [CH. F. FF. RB. RS. PB]×		4
		1/2	12/24	[1 PS] [CH. F. FF. RB. RS. PB]×		4
		1/6	4/24	[1 RS]√ [CH. F. FF. RB. PB]×		
13	MT	1/3	8/24	[≥2 MT] [CH. F. FF]×	Equal division regardless of gender	2
		1/6	4/24	[1 MT] [CH. F. FF]×		2

Sr.#	14	15	16	17	18	19	20	21	22	23	24	25	26
Table 2: Inheritance shares (Residuary)													
Heir →→	S	SS	SSS	F	FF, F3, F4…	RB	RS	PB	PS	Res R27-144	*Radd* (prob of return)	DI	State (*bait-ul-mal*)
Add-on	D	SD	SSD			RS		PS					
detail	A*	A*	A* B*		C*	A*	D*	A*	D*	E*	F*	G*	
Ref	1	1	1	8	8	4,8	5,9	4,8	5,9	8	10		

Guide for Table 2: Move on this table from Left to right (Sr. # 14 → 26) and assign all left over shares from table 1 to the first eligible category on Table 2. The other categories will not get any share.

A*: shares are divided in males and females of this category by 2:1. (eg: 2 parts for each son and 1 part for each daughter)

B*: From this share SD will also get a share, if she did not get it while using table 1

C*: The most proximal one in this sequence will receive the share. (eg: if FF is present then F3 will not get share, if FF is not present and F3 is present then F4 will not get share).
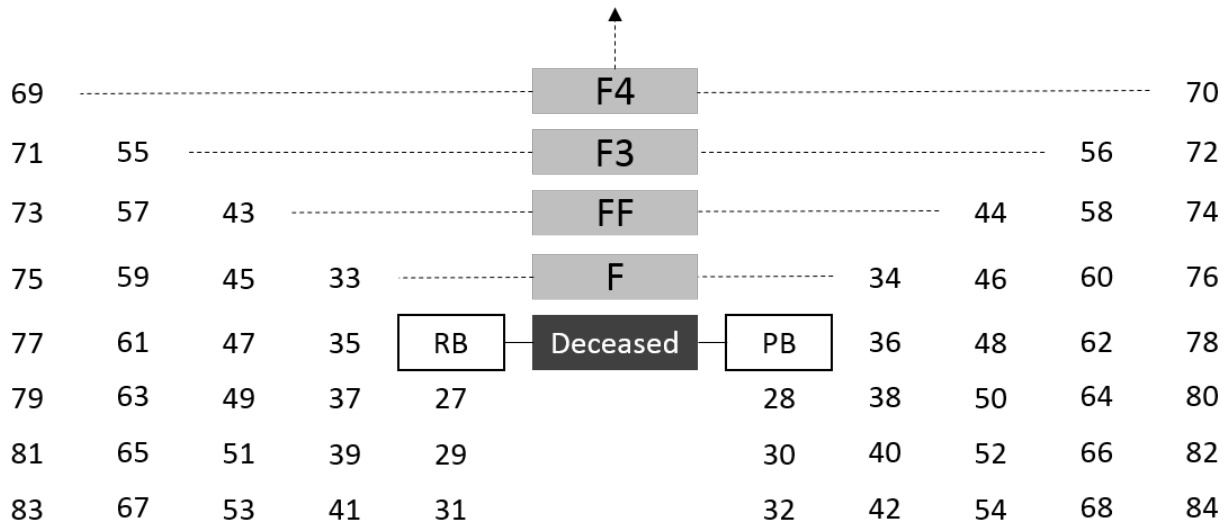
D*: These females will only get a share here (using table 2) if they were not eligible for a share using table 1

E*: This category of *Asbah* (Res) refers to additional male relatives that are related through chain of males. The closest one among them will receive the share and the rest will not. Use Table 3 to find out who is the closet in relation (Sr. # 27 → 144).

F*: Problem of excess is explained in next section.

G*: in absence of all relatives from Sr. # 1 to 24, the property can then be distributed among *Dhil-Irham*. The closest relative in this category will receive all the wealth.

Table 3: Finding the nearest extended *Asbah* (Residuary for Sr # 23):

					F4					70
69										
71	55				F3			56	72	
73	57	43			FF		44	58	74	
75	59	45	33		F		34	46	60	76
77	61	47	35	RB	Deceased	PB	36	48	62	78
79	63	49	37	27		28	38	50	64	80
81	65	51	39	29		30	40	52	66	82
83	67	53	41	31		32	42	54	68	84

Guide for use of Table 3: The alive relative with the smallest number will be considered eligible for nearest *Asbah* (residuary) and will inherit the residual wealth. Other people will not get any share. The chain can continue beyond F4 in the same sequence.

RB: real brother, PB: paternal brother, F: father

SAMPLE CASES

All calculation and solutions can be completed creating a single distribution table. Please use the "Steps of Wealth Distribution" to create this table. The solution are provided here for the two cases and the steps are identified by labels.

Case 1: Zaid died on 21 Jan 2017 leaving behind $20,000. At time of his death the following relatives were alive:

1 Wife   4 Daughters   1 Son   2 Son's sons   Mother   Father   2 Real sisters

1 Maternal brother   1 Maternal sister   Mother's brother

Calculate the distribution of his wealth among his heirs.

Step 1

Count	Heirs	Shares (from table 1)	Shares (common denominator & table 2)	Share of each category	Share of each person	Share in terms of wealth ($)
	Deceased Name: Zaid	Date of death: Jan 21, 2017		Distributable wealth: $20,000		
1	Wife	1/8	3	18	18	2,500.00
1	Son		13	78	26	3,611.11
4	Daughter	"	"	"	13	1,805.55
2	Son's son		-	-	-	-
1	Mother	1/6	4	24	24	3,333.33
1	Father	1/6	4	24	24	3,333.33
2	Real sisters		-	-	-	-
2	Maternal sibling		-	-	-	-
1	Mother's brother		-	-	-	-
	Total (Multiplier)		24 (6)	144	144	20,000

(Son and Daughter counts grouped as 6)

Step 6   Step 2   Step 3   Step 4, 5, 6   Step 7   Step 8

Case 2: Sara died on June 14, 2017 leaving behind 10 acres of land. At time of her death the following heirs were alive: 1 daughter, Mother, Mothers Mother (maternal grandmother), 2 daughter's son, 1 Son's daughter, 2 Real brother's sons, 1 Father's paternal brother

Step 1

Count	Heirs	Shares (from table 1)	Shares (common denominator & table 2)	Share of each category	Share of each person	Share in terms of wealth (land)
	Deceased Name: Sara	Date of death: June 14, 2017		Distributable wealth: 10 acre land		
1	Daughter	1/2	3	6	6	5
1	Mother	1/6	1	2	2	1.666
1	Mother's Mother		-	-	-	
2	Daughter's son		-	-	-	
1	Son's daughter	1/6	1	2	2	1.666
2	Real brother's son	R	1	2	1	0.833
1	Father's paternal brother	R	-	-	-	-
	Total (Multiplier)		6 (2)	12	12	10

Step 6   Step 2   Step 3   Step 4, 5, 6   Step 7   Step 8

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EXCPETIONAL SCENARIOS

1. **Problem of Return (*Masla-Radd*):** Under certain circumstances after allocation of shares amongst all heirs with fixed shares, this is a residue left over but there are no residuaries (*Asbah*). This residue is then returned to those heirs who are entitled to it in proportion of their original shares. This is known as *Radd* (return). This increased portion of share is not applicable to spouses (husband or wife) since they are not blood relatives (reference 10).

Example (without spouse): Zaid died leaving behind 2 daughters [D], 1 maternal grandmother [MM], 3 Maternal brothers [MT]. His distributable wealth is $ 40,000.

Deceased Name: Zaid		Date of death: Feb 4, 2017		Distributable wealth: $40,000		
Count	Heirs	Shares (from table 1)	Shares (common denominator & table 2)	Share of each category	Share of each person	Share in terms of wealth ($)
2	Daughter	2/3	4	4	2	16,000
1	Mother's mother	1/6	1	1	1	8,000
2	Maternal sibling		-	-	-	-
	Total (Multiplier)		6 → 5	5	5	40,000

Extra step: There is excess share left over that is not assigned to any heirs using table 1 or table 2. There are no Residuary relatives to take this. So we will change the denominator (total shares) to the sum of the assigned shares. This way everyone's share is increased in proportion of their assigned ratios.

Example (with spouse): Anas died leaving behind 1 wife [W], 1 daughter [D], mother [M], paternal grandmother [FM] and maternal grandmother [MM]. His distributable wealth is $ 90,000.

Deceased Name: Zaid		Date of death: July 1, 2017		Distributable wealth: $90,000		
Count	Heirs	Shares (from table 1)	Shares (common denominator & table 2)	Share of each category	Common denomina-tor	Share in terms of wealth ($)
1	Wife	1/8	3	3/24	4	11250
1	Daughter	1/2	12	12/16 x 21/24 = 21/32	21	59062.5
1	Mother	1/6	4	4/16 x 21/24 = 7/32	7	19687.5
1	Father's mother		-		-	
			24		32	90,000

Here we want to increase everyone's share by proportion of their ratios, while keeping the share of spouse same.

After excluding spouses' share (3/24), the remaining is 21/24 (or 7/8). Distribute this among other heirs in their respective ratios. The total of Daughter and Mother shares are 12+4=16 hence their ratios are 12/16 (or 3/4) and 4/16 (1/4). New shares are:
Daughter: 12/16 x 21/24 OR 3/4 x 7/8 = 21/32
Mother: 4/16 x 21/24 OR 1/4 x 7/8 = 7/32

2. Problem of Deficiency (_Masla-Aul_): Another situation may arise where the assigned fixed shares of heirs may exceed the denominator value. This case is rare. When this happens, the denominator is increased to the sum of all the shares, hence all heirs have a reduction in their share proportional to their share ratio. Having spouse heirs does not change the calculation method, in contrast to _Masla-Radd._

Example: Zainab died leaving behind a husband, 2 daughters, father, mother and 1 real brother. Her distributable wealth is $ 50,000

Count	Heirs	Shares (from table 1)	Shares (common denominator & table 2)	Share of each category	Share of each person	Share in terms of wealth ($)
* Deceased Name: Zainab ... Date of death: June 28, 2017 ... Distributable wealth: $50,000						
1	Husband	1/4	6	6	6	10,000
2	Daughters	2/3	16	16	8	13,333.33
1	Mother	1/6	4	4	4	6,666.66
1	Father	1/6	4	4	4	6,666.66
2	Real brothers		-	-	-	
	Total (Multiplier)		24 → 30	30	30	50,000

Extra step: The sum of shares exceed 24. Here we will change the total to the actual sum of shares (in this example change it from 24 to 30). This way everyone's share is decreased in proportion of their assigned ratios.

INELIGIBLITY FOR INHERITANCE

1. **HOMICIDE:** The murderer of the deceased will be disqualified from his/ her inheritance, even if he/ she has a prescribed share.
   Allah's Messenger ﷺ said, "One who kills a man cannot inherit from him." (_Tirmidhi, Ibn Majah, Abu Dawud_)
2. **DIFFERENCE OF FAITH:** A non-Muslim does not inherit from a Muslim and a Muslim does not inherit from non-Muslim. If someone has a non-Muslim relative and would like to give them a share, they can use their will of up to 1/3rd of wealth for this purpose.
   Prophet Muhammad ﷺ said, "A Muslim does not inherit from a disbeliever, a disbeliever does not inherit from a Muslim." (_Sahih Bukhari & Sahih Muslim, the book of Fara'id_)
3. **ILLIGETIMATE CHILD:** A child born out of adultery (out of wed-lock) will only be regarded as the child of mother. However, falsely denying paternity is a major sin.
   A man and his wife had a case of Lian during the lifetime of the Prophet and the man denied paternity of her child. The Prophet ﷺ gave his verdict for their separation (divorce) and then the child was regarded as belonging to the wife only. (_Sahih Bukhari, the book of Fara'id_).

Note: Seek opinion of a scholar to understand how these rules apply to each individual case.

SOURCES OF KNOWLEDGE FOR CALCULATIONS – References used for tables

1. **Surah Al-Nisa 4. Verse 11**

يُوصِيكُمُ ٱللَّهُ فِىٓ أَوْلَٰدِكُمْ ۖ لِلذَّكَرِ مِثْلُ حَظِّ ٱلْأُنثَيَيْنِ ۚ فَإِن كُنَّ نِسَآءً فَوْقَ ٱثْنَتَيْنِ
فَلَهُنَّ ثُلُثَا مَا تَرَكَ ۖ وَإِن كَانَتْ وَٰحِدَةً فَلَهَاٱلنِّصْفُ ۚ وَلِأَبَوَيْهِ لِكُلِّ وَٰحِدٍ مِّنْهُمَا
ٱلسُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُۥ وَلَدٌ ۚ فَإِن لَّمْ يَكُن لَّهُۥ وَلَدٌ وَوَرِثَهُۥٓ أَبَوَاهُ فَلِأُمِّهِ ٱلثُّلُثُ ۚ فَإِن كَانَ
لَهُۥٓ إِخْوَةٌ فَلِأُمِّهِ ٱلسُّدُسُ ۚ مِنۢ بَعْدِ وَصِيَّةٍ يُوصِى بِهَآ أَوْ دَيْنٍ ۗ ءَابَآؤُكُمْ وَأَبْنَآؤُكُمْ لَا
تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا ۚ فَرِيضَةً مِّنَ ٱللَّهِ ۗ إِنَّ ٱللَّهَ كَانَ عَلِيمًا حَكِيمًا ﴿١١﴾

Allah instructs you concerning your children: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [or sisters], for his mother is a sixth, after any bequest he [may have] made or debt. Your parents or your children - you know not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever Knowing and Wise

2. **Surah Al-Nisa 4. Verse 12**

۞ وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَٰجُكُمْ إِن لَّمْ يَكُن لَّهُنَّ وَلَدٌ ۚ فَإِن كَانَ لَهُنَّ
وَلَدٌ فَلَكُمُ ٱلرُّبُعُ مِمَّاتَرَكْنَ ۚ مِنۢ بَعْدِ وَصِيَّةٍ يُوصِينَ بِهَآ أَوْ دَيْنٍ ۚ
وَلَهُنَّ ٱلرُّبُعُ مِمَّا تَرَكْتُمْ إِن لَّمْ يَكُن لَّكُمْ وَلَدٌ ۚ فَإِن كَانَ لَكُمْ وَلَدٌ
فَلَهُنَّ ٱلثُّمُنُ مِمَّا تَرَكْتُم ۚ مِّنۢ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَآ أَوْ دَيْنٍ ۗ وَإِن كَانَ
رَجُلٌ يُورَثُ كَلَٰلَةً أَوِ ٱمْرَأَةٌ وَلَهُۥٓ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَٰحِدٍ مِّنْهُمَا ٱلسُّدُسُ ۚ فَإِن
كَانُوٓا۟ أَكْثَرَ مِن ذَٰلِكَ فَهُمْ شُرَكَآءُ فِى ٱلثُّلُثِ ۚ مِنۢ بَعْدِ وَصِيَّةٍ يُوصَىٰ بِهَآ أَوْ
دَيْنٍ غَيْرَ مُضَآرٍّ ۚ وَصِيَّةً مِّنَ ٱللَّهِ ۗ وَٱللَّهُ عَلِيمٌ حَلِيمٌ ﴿١٢﴾

And for you is half of what your wives leave if they have no child. But if they have a child, for you is one fourth of what they leave, after any bequest they [may have] made or debt. And for the wives is one fourth if you leave no child. But if you leave a child, then for them is an eighth of what you leave, after any bequest you [may have] made or debt. And if a man or woman leaves neither ascendants nor descendants but has a brother or a sister, then for him/ her is a sixth. But if they are more than two, they share a third, after any bequest which was made or debt, as long as there is no detriment [caused]. [This is] an ordinance from Allah, and Allah is Knowing and Forbearing

3. **Surah Al-Nisa 4. Verse 13-14**

تِلْكَ حُدُودُ ٱللَّهِ ۚ وَمَن يُطِعِ ٱللَّهَ وَرَسُولَهُۥ يُدْخِلْهُ جَنَّٰتٍ تَجْرِى مِن
تَحْتِهَا ٱلْأَنْهَٰرُ خَٰلِدِينَ فِيهَا ۚ وَذَٰلِكَ ٱلْفَوْزُ ٱلْعَظِيمُ ﴿١٣﴾

These are the limits [set by] Allah, and whoever obeys Allah and His Messenger will be admitted to gardens [in Paradise] under which rivers flow, abiding eternally therein; and that is the great attainment.

وَمَن يَعْصِ ٱللَّهَ وَرَسُولَهُۥ وَيَتَعَدَّ حُدُودَهُۥ يُدْخِلْهُ نَارًا خَٰلِدًا فِيهَا وَلَهُۥ عَذَابٌ مُّهِينٌ ﴿١٤﴾

And whoever disobeys Allah and His Messenger and transgresses His limits - He will put him into the Fire to abide eternally therein, and he will have a humiliating punishment

4. Surah Al-Nisa 4. Verse 176

يَسْتَفْتُونَكَ قُلِ ٱللَّهُ يُفْتِيكُمْ فِى ٱلْكَلَٰلَةِ إِنِ ٱمْرُؤٌا۟ هَلَكَ لَيْسَ لَهُۥ وَلَدٌ وَلَهُۥٓ أُخْتٌ فَلَهَا نِصْفُ مَا تَرَكَ وَهُوَ يَرِثُهَآ إِن لَّمْ يَكُن لَّهَا وَلَدٌ فَإِن كَانَتَا ٱثْنَتَيْنِ فَلَهُمَا ٱلثُّلُثَانِ مِمَّا تَرَكَ وَإِن كَانُوٓا۟ إِخْوَةً رِّجَالًا وَنِسَآءً فَلِلذَّكَرِ مِثْلُ حَظِّ ٱلْأُنثَيَيْنِ يُبَيِّنُ ٱللَّهُ لَكُمْ أَن تَضِلُّوا۟ وَٱللَّهُ بِكُلِّ شَىْءٍ عَلِيمٌ ﴿١٧٦﴾

They request from you a [legal] ruling. Say, "Allah gives you a ruling concerning one having neither descendants nor ascendants [as heirs]." If a man dies, leaving no child but [only] a sister, she will have half of what he left. And he inherits from her if she [dies and] has no child. But if there are two sisters [or more], they will have two-thirds of what he left. If there are both brothers and sisters, the male will have the share of two females. Allah makes clear to you [His law], lest you go astray. And Allah is Knowing of all things.

5. Ibn' Masud (RA) was asked about the share of a daughter, a son's daughter and a sister. He said, "… The verdict I will give in this case will be the same as the Prophet ﷺ did, i.e, 1/2 is for daughter, and 1/6 for the son's daughter, i.e, both shares make 2/3 of the total property; and the rest is for the sister." (Sahih Bukhari, book of Fara'id)

6. If only surviving heirs are both parents and spouse then spouse gets their fixed share (1/2 for husband or 1/4 for wife), then mother is given 1/3rd of the residue and father is given 2/3rd of the residue. This decision was made by Umar bin Al-Khattab (RA) on opinion of Zaid bin Thabit (RA).

7. Narrated by Buraydah (RA), Allah's Messenger ﷺ appointed a sixth (1/6) to a grandmother if no mother was left to inherit before her. *(Abu-Dawud, Ibn-Majah)*.

8. Narrated by Ibn Abbas (RA), The Prophet SAW said: Give the *Fara'id* (shares of inheritance) to those who are entitled to receive it. Then whatever remains, should be given to the closest male relative of the deceased." (Sahih Bukhari & Sahih Muslim, book of AL-Fara'id)

9. Narrated by Al-Aswad bin Yazid; Mu'adh bin Jabal (RA) came to us in Yemen as a tutor and a ruler, and we asked him about a man who died leaving a daughter and a sister. Mu'adh (RA) gave the daughter one-half of the property and gave the sister the other half. (Sahih Bukhari, book of Fara'id)

10. In case of excess wealth beyond prescribed shares then options are to give the excess to:
    a. *Baytul-Maal* (Islamic state funds) - On condition is that it is properly administered. This condition is not fulfilled in most societies, hence the second option is more applicable.
    b. Redistribute among the blood relatives, in light of this verse of Quran (33:6); "Blood relatives are nearer, the one to other, than other believers." Hence the redistribution is only among blood relatives. This excludes spouses as they are not from blood lineage.

MAKING A WILL

When should I write my *will*? → As soon as possible. In sound mind.

- "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." – Prophet Muhammad ﷺ (Sahih Bukhari)

How much wealth can I *will*? → A *will* can only be for up to 1/3rd (33.3%) of the wealth

- Narrated by Saad bin Abi Waqqas (RA): The Prophet ﷺ came visiting me while I was (sick) in Makkah. He (Prophet ﷺ) said, "May Allah bestow His Mercy on Ibn Afra (Saad bin Abi Waqqas). I said, "O Allah's Messenger! 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 Saad had only one daughter. (Sahih Bukhari)
- Narrated by Ibn' Abbas (RA); I recommend that people reduce the portion of what they bequeath by will to the fourth (1/4th), for Allah's Messenger ﷺ said, "One-third, yet even third is too much." (Sahih Bukhari)

What are the rules for *will*? → *Will* cannot be made for someone who is already getting a share in inheritance. Nor it can deny anyone their due share. It can be used for others who do not get a share (orphan grandchild, non-Muslim family member, adopted child, step child/ parent, etc) or for charity.

- "Allah has appointed for everyone who has a right what is due to him, and no bequest must be made to an heir." – Prophet Muhammad ﷺ (Abu Dawud & Ibn Majah)

When is *will* applicable? → *Will* is only applicable/ actionable AFTER death. It can be changed and updated again and again during life time of a person. The final version will be used.

What if someone makes a wrong *will*? (Such as using more than 1/3rd of wealth, making a will in favor of a heir who is already getting a share or denying share from legitimate heir) → Making a wrong will is a major sin. It should be corrected during life of the person, otherwise heirs should correct it after the death of the deceased.

- "A man may do good deeds for 70 years but if he acts unjustly when he leaves his last testament, the wickedness of his deed will be sealed upon him, and he will enter the Fire. If a man acts wickedly for 70 years but is just in his last testament, the goodness of his deed will be sealed upon him and he will enter the Garden (of Paradise)." – Prophet Muhammad ﷺ (Musnad Ahmad & Ibn Majah)

What are the practical steps needed to make a *will*? → Here are the essential items for a legitimate *will*

- A **written or verbal** *will* that is witnessed by two people who are: believers, honest, and do not have any conflict of interest in inheritance or *will.*
- The laws of the land where you reside should also be fulfilled so the *will* can be executed legally. For example, in USA, a *will* needs to be **written** and signed by two witnesses who do not have any direct benefit or conflict in inheritance or *will*. USA law allows the distribution of wealth as per Islamic laws if this is mentioned in the *will*. Otherwise the default distribution will be as per country and state rules.

PRACTICE QUESTIONS

Q1: Ali left behind property worth $15,000. His heirs were father, mother, one maternal brother. Find out their shares.

Q2: Sarah died in year 2010 and left behind $40,000. At time of her death the following heirs were alive: father, mother's mother, father's mother, one real brother.

Q3: Umer died leaving behind $ 60,000 worth of property. At time of his death the relatives that were alive were: wife, father, 2 sons and 3 daughters, 3 son's sons, 4 son's daughters, 1 daughter's son, 2 daughter's daughters. Calculate the shares.

Q4: Omair left behind the following heirs: a wife, 1 real sister, 1 paternal sister, father's father's real brother's son's son (Usman), father's father's paternal brother's son's son (Yusuf). He made a will that 1/4th of his property be given to the person who will not inherit otherwise. His total property worth is $100,000. Calculate the shares.

Q5: Zainab died leaving behind a husband, father, mother, 1 daughter, 1 son's daughter and 1 real sister. Find out the shares in percentage (%).

Q6: Kamran left behind a piece of land, a house and a car having total market value of $200,000. He has to pay $10,000 to someone he loaned from. At the same time, he expects to receive back $15,000 from another person. He made a *will* that half of his property be given in charity. After setting aside the permissible amount of *will*, find out the share of each heir. His heirs are 2 wives, mother's mother, father's mother, one maternal sister and one maternal brother.

Q7: A person dies leaving behind a wife, 1 son's daughter, 2 daughter's sons, 2 paternal sisters, 1 real brother's son. Find out the shares in percentage (%)

Q8: Zaid died in 1970 and left behind a house worth $100,000. The division had not yet taken place. When Umer also died who in addition left a piece of land worth $200,000. His property was not yet distributed when Maria also died who left behind ornaments worth $50,000. At the time of Maria's death the property is now being distributed. Find out the share of each member.

Inter relations: Zaid's wife Ayesha gave birth to Umer and Maria. Zaid's other wife Saira gave birth to Aalia. After Zaid's death Ayesha married Hassan and gave birth to Ali and Zainab.
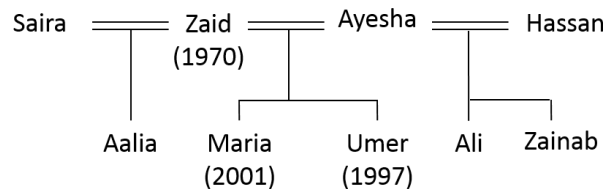
Q9: Maryam died in 2017 leaving behind a property of $ 30,000. She made a will to give 1/3rd of her property to her adopted/ foster son. Other family members alive at her time of time were: husband, mother, 2 real sisters. Calculate the shares of each.

Q10: Calculate the shares of your own heirs as applicable today.