

The Holy Quran states:

- From what is left by parents and those nearest related there is a share for men and a share for women, whether the property be small or large, - a determinate share. (4.7).
- To (benefit) everyone, We have appointed shares and heirs to property left by parents and relatives.....(4.33).

The Prophet (PBUH) said:

Allocate the proportionate shares to their respective persons (as ordained by Allah). Whatever remains thereafter (referred to as the residue) should be apportioned to the nearest male relative. (Bukhari).

Australian and Islamic Laws of Inheritance – Part III

Inheritance Shares per the Shariah

Written by:

Ebrahim Iqbal Lambat CA, CA(Z)



Rabbi Zidni Ilma

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P.O. Box 3434, SOUTH BRISBANE BC, QLD 4101

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Email: lambat.trust@bigpond.com

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The Australian series comprises:

- Australian and Islamic laws of Inheritance – Part I – Drafting a Will
- Australian and Islamic laws of Inheritance – Part II – What to include in an Estate
- Australian and Islamic laws of Inheritance – Part III – Distributions in accordance with the Shariah
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Also by the same author:

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About the Author:

Ebrahim Iqbal Lambat was born and raised in Bulawayo, Zimbabwe, where he qualified as a chartered accountant. He migrated to South Africa in 1989 and to Australia in 2000.

During Iqbal's residence in South Africa he engaged with a number of Islamic organisations that focused on Islamic education.

The laws of inheritance and trusts have been a focus of Iqbal's for a number of years. Under the tutelage of the Late Professor Doi and Imam Yusuf Patel, Iqbal authored his first book titled: *Wills and Inheritance: An Islamic and South African Law Perspective*. He has since authored a number of publications on Islamic law, largely published in South Africa and Zimbabwe.

Introduction

This book should be read in conjunction with the book: *Australian and Islamic Laws of Inheritance – Part I: Drafting a Will*.

1. INTRODUCTION

Part I of this series of publications focuses on the necessity for a Muslim, living in Australia, to have a will. It also discusses the contents of a will and a number of issues with regards to planning your will. Part II focuses on what to include in your estate from an Islamic perspective with a comparison of what will be included in your estate from a Australian law perspective. A number of income streams/assets did not exist at the time of the Prophet (PBUH) and how these are treated from an Islamic law perspective is vital to ensuring your entire estate is distributed in accordance with Islamic law.

Part IV focuses on how to administer an estate, from both an Islamic and Australian law perspective, after a person has died. It focuses on the role of executors and contains extensive material on debts and legacies. If you have been appointed an executor, this is a good book to read.

In Part I, numerous references are made to distributions in accordance with the Shariah. The objective of this book, Part III in the series on inheritance, is to explain the shares that the Almighty has set for your family members to receive, upon your death.

As stated in Part I, as a Muslim you have no choice but to ensure that your possessions in this world are distributed in accordance with the rules outlined in the Shariah. Your possessions have been given to you in trust by the Almighty and you are ordered by the Almighty to distribute your assets in accordance with the Quran.

From what is left by parents and those nearest related there is a share for men and a share for women, whether the property be small or large, - a determinate share. (4.7).

To (benefit) everyone, We have appointed shares and heirs to property left by parents and relatives.....(4.33).

Both the Quran and the hadith of the Prophet (Peace and Blessings Be Upon Him (“PBUH”)) warn against ignoring the distribution outlined in the Shariah:

But those who disobey Allah and His Apostle and transgress His limits will be admitted to a Fire, to abide therein: and they shall have a humiliating punishment. (4:14).

Narrated Abu Hurraira: The Prophet (PBUH) said, “A man and a woman acts in obedience to Allah for sixty years, then when they are about to die they cause injury by their will, so they must go to Hell.” (Abu Dawud).

After reading this book, you should be in a position to calculate what your relatives would receive from your estate – assuming that everyone that is alive today is still alive on your death.

2. QUALIFICATION FOR INHERITANCE

Qualification for inheritance in Islamic law is based on marriage and blood ties. A person cannot inherit unless he/she is related or married to you. The Holy Quran states:

But kindred by blood have prior rights against each other in the Book of Allah. Verily, Allah is well acquainted with all things. (8:75).

Blood relations among each other have closer personal ties, in the Decree of Allah, than (the Brotherhood of) Believers and migrators. Nevertheless do ye what is just to your closest friends; such is the writing in the Decree (of Allah). (33:6).

The above verses are clear. Blood relations have a claim. “Justice” can be done to close friends by way of legacies which the Prophet (PBUH) has indicated should not be in excess of one-third of the net estate after deducting funeral expenses and debt.

Blood relationships are established between two persons through legitimate birth when one of them is a direct descendant of the other. Your grandparents, great-grand parents, sons, daughters, grandchildren, great-grand children are all your blood relations, provided that there has been a valid marriage that gave rise to the birth of a child. Illegitimate children only qualify as blood relations of their mothers. Adopted and step children are not blood relations and hence cannot inherit.

3. SHARES OF EACH HEIR

Heirs are persons who are entitled to the remainder of your estate after paying all the debts, administration costs, taxes and legacies.

Not all blood relations qualify to inherit from your estate. The Quran outlines which blood relations are to inherit.

The Quran has fixed the shares or portions of twelve persons. They are:

- husband;
- wife;
- daughter;
- father;
- father’s father how high so ever;
- mother;
- true grandmother (in whose line of relationship to the deceased, no false grandfather intervenes);
- full sister;
- half-brother on the mother’s side;
- son’s daughter, how low so ever;
- consanguine sister (half sister on the father’s side); and
- uterine sister (half sister on the mother’s side);

In this book, I refer to the above as Quranic heirs – their specific inheritance is stated in the Quran.

Generally, the existence of a closer ascendant (your parents, etc) or descendant (your children, etc) excludes the earlier or next generation. For example, the existence of your father, would

exclude your grandfather from inheriting. The existence of a son, would exclude your grandchildren from inheriting.

The presence of a son or your father would exclude your brothers and sisters from inheriting.

Basically the inheritors of your estate are your spouse (if you have one), your parents and children. It is only if you do not have a son or a father, do others qualify to inherit.

Remember: you can still give your excluded family members money, assets, etc from the one-third legacy that you have choice over.

Under Islamic law, after all the Quranic shares have been allocated, the remainder of the estate (referred to as the residue), is allocated to the nearest male blood relative. The Prophet (PBUH) said:

Allocate the proportionate shares to their respective persons (as ordained by Allah). Whatever remains thereafter (referred to as the residue) should be apportioned to the nearest male relative. (Bukhari).

You will note that missing from the list of 12 persons that the Quran has fixed a share for are (amongst others):

- a son (the Quran states what the share of a daughter is, if there is no son)
- a brother

The Quran identifies the above as heirs but links their share to others. For example, the Quran states that the share of a son is double that of a daughter. The Quran does not state what the share of a daughter is, if she has a brother – the Quran only specifies what the share of a daughter is, if she is on her own or she exists with other daughters:

Allah (thus) directs you as regards your children's (inheritance): to the male, a portion equal to that of two females: if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is half. (4:11).

The share of a son and daughter is therefore only calculated once all the other heirs claim their share – the remainder (residue) would then be divided into two parts for a son, for every one part for a daughter. The son and daughter are referred to as residuary heirs – they inherit from the residue (remainder after all other shares are allocated). If you have no daughter, but have a son, the son will inherit the entire residue. If you only have a daughter or daughters and no son, then the daughters will receive their Quranic share and the residue will be inherited by the nearest male relative (usually a father, grandfather or brother).

Islamic law therefore identifies two types of heirs:

- Quranic heirs – who receive the shares prescribed in the Quran; and
- Residuaries (asabah) – who receive the residue of the estate after the shares of the Quranic heirs have been allotted to them.

If the entire estate has been allocated to Quranic heirs, the residuaries do not inherit.

“The asabah is an heir who will inherit the entire estate if he is the sole heir; and will inherit the balance of the estate after those who have fard (Quranic) shares, had received their inheritance.” (al Fadl¹).

If there is no residuary (male heir), the residue of the estate remaining after Quranic allocations will be distributed to the Quranic heirs, excluding the spouse (husband/wife). The Chapter: *Adjusting Shares* explains how this is done.

This may all sound complex, but it's really not. I have included a number of examples later in this book to help you understand how it all works.

There are no major differences between the various schools (madhabs) with regards to the above – and this is not surprising as the law is clearly stated in the Quran and further clarified by the Prophet (PBUH).

However, differences do exist between the schools (madhabs) with regards to what happens to an estate if the deceased has no heirs as specified by the Quran. This is possible for persons who have converted to Islam, but none of their family members have done so too (non Muslims cannot inherit under Islamic law), or for orphans of wars, etc where family members have been killed or it is unknown if family members exist.

In such circumstances, the Hanafi and Hanbali school are of the opinion that persons described as 'distant' kindred can inherit. The Shafi and Maliki schools are of the opinion that the distant kindred cannot inherit.

The distant kindred include a number of extended family members (uncles, cousins, etc) and provided they are Muslim, and you subscribe to the Hanafi and Hanbali schools, then any remainder of your estate can be inherited by your distant kindred. An order of priority exists so that the closer relatives have the first right of inheritance.

Under the Shafi and Maliki schools your residue would go to the State Treasury, provided one exists in accordance with Islamic law. If a State Treasury does not exist, latter Shafi and Maliki scholars have stated that the distant kindred can inherit.

The two opposing views on distant kindred justify their positions by quoting from the Quran and hadith – in the end it's an interpretation issue that is beyond the scope of this book to analyse.

4. SUMMARY

To summarise, your net estate (after paying debts and legacies) will be distributed as follows:

Step	What to do	Class of heir
1	Allocate shares to Quranic heirs – in shares outlined in the Quran.	Quranic heir
2	<p>Distribute remainder to residuary heirs. Normally this is the nearest male family relative. However, as stated above, the existence of a son, will convert a daughter into a residuary.</p> <p>A residuary heir only inherits if there is a remainder after all Quranic heirs have received their share.</p> <p>The first qualifying residuary is a son, if you do not have a son or a grandson through a predeceased son, then your father or if he is not alive then your grandfather qualifies to be the residuary. If you do not have a surviving father or grandfather, your brother would be the qualifying residuary. In the absence of any of the above, other male relatives qualify.</p>	Residuary heir

Step	What to do	Class of heir
3	If no residuary heir exists (usually a close male relative), then the residue is allocated to the Quranic heirs excluding your husband/wife.	
4	If no Quranic heirs exist at all or if there is only a spouse heir (Quranic and residuary), allocate the estate to the distant kindred (all schools of thought, on the basis that there is no Public Treasury as specified by Islamic law).	Distant kindred heirs

5. BOOK COVERAGE

I have simplified this book by only explaining the shares that the following receive:

- Parents
- Spouse
- Children and grandchildren
- Full brothers and sisters
- Residuaries – which includes the qualifying male heir, usually a son.

Numerous other family relatives qualify to inherit, but only in the absence of any of the above. A number of texts exist on Islamic inheritance and you should refer to these if you are in a position where you do not have any of the above family members. Alternatively my two prior books on inheritance contain extensive coverage on distributions in accordance with the Shariah.

¹ Al Fadl: *A Comparative Study on Inheritance*, page 160, translated by A.H. Sallie.

Calculating the Amount to be Distributed

Under Islamic law, your heirs inherit what is left over after paying debts and legacies. This is calculated as follows:

CALCULATION OF ESTATE AVAILABLE TO HEIRS		<u>Dollars</u>
Gross estate (property, money, shares, cars, furniture, clothing, etc)		100,000
Less: Funeral expenses		(2,500)
Debts (including religious debts and costs of administering your estate)		(27,000)
Net estate before legacies and distribution to heirs		70,500
Legacies (maximum one-third of your net estate after paying debts)		(23,477)
Net estate available for distribution to heirs		47,023

It is important that you understand the above calculation. The Quran states:

(The distribution in all cases is) after the payment of legacies and debts. (4:11). In many cases once debts are paid, not much remains in the estate and you need to factor how much you want to pay out in legacies as that further reduces what is available to your heirs.

You need to ensure that your estate includes all your assets and liabilities. The book, *Australian and Islamic Laws of Inheritance - Part II* contains detailed guidance on what should be included in your estate under Islamic law.

A reference in the remainder of this book to net estate is to the net estate after debts and legacies are paid. In the calculation above, this is the line that states: Estate available for distribution to heirs. The shares your family receive will be calculated on this net balance – in the above example, \$47,023. You can see from the above example, the impact of a one-third legacy – it is a major gift and one can understand the logic why the Prophet (PBUH) sought to limit this. Depending upon how many Quranic and residuary heirs you have, it is possible that if one person receives a legacy, he/she may be the largest beneficiary. Therefore persons, who can not inherit under Islamic law, such as adopted children, non Muslims, can still receive a large portion of your estate as a legacy.

Parents' Share

The Holy Quran states:

For parents:

- a sixth share of the 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 and debts. Ye know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah; and Allah is All-Knowing, All-Wise. (4:11).

1. MOTHER

The table below summarises what your mother could inherit from your estate. Her inheritance is determined by the existence or non-existence of other family members.

Relative	Circumstance for inheritance (this depends on who is alive at the time of your death)	Portion of your net estate your mother will receive
Mother	You are survived by children or son's children how low so ever (grandchildren).	1/6
	You are survived by two or more brothers or sisters (whether full or half blood).	1/6
	Where you are not survived by any children or son's children how low so ever, two or more brothers or sisters or a spouse (husband or wife)	1/3
	Where you are survived by a spouse (husband or wife) and parents only – that is you have no children.	1/3 of the remainder of the estate after deducting your spouse's share.

The concept of “how low so ever” includes grandchildren, great-grandchildren, great-great-grandchildren, etc.

Where you have children or grandchildren through a son, your mother will inherit 1/6 (one-sixth) of your estate.

Should you have no children, but have two or more brothers or sisters, your mother will inherit 1/6 (one-sixth). Should your father be alive, your brothers and sisters will not receive anything, but the Quran clearly states that their existence limits your mother’s inheritance to 1/6.

If you have no children and you do not have two or more brothers or sisters, your mother will receive 1/3 (one-third) of your estate and your father will receive the residue (being two-thirds), after deducting your husband’s/wife’s share.

If you are survived by a mother and one brother or sister then your mother inherits one-third of the estate – based on the fact that the verse of the Holy Quran (quoted above) dealing with a mother’s share refers to brothers and sisters (plural).

Your mother's current marital status is irrelevant – she is your mother and qualifies as such. If you have a step-mother she does not qualify for any benefits (except for legacies). As mentioned previously, inheritance is based on blood relationships.

2. FATHER

The table below summarises what your father could inherit from your estate. His inheritance is determined by the existence or non-existence of other family members.

Relative	Circumstance for inheritance (this depends on who is alive at the time of your death)	Portion of your net estate your father would receive
Father	You are survived by children or son's children how low so ever (grandchildren).	1/6
	You are survived by a daughter or the daughter of a son how low so ever. (No male descendants).	1/6 plus Residue of estate
	Where you are not survived by any children or son's children how low so ever.	Residue of estate

Where you have a son or sons or grandson(s) through a deceased son, your father will inherit 1/6 (one-sixth) of your estate. Should you only have female children and no grandsons through a deceased son, your father will inherit 1/6 plus the residue of the estate as he is the closest male relative.

Should you have no children, your father, as the nearest male relative, will inherit the residue of the estate. The Quranic verse 4:11 (quoted at the beginning of this chapter) stipulates the share a mother receives if there are no children but is silent on the share the father receives. The reason for this is that the father will receive the residue after all the Quranic shares have been awarded.

Example:

You are survived by your parents and two brothers and sisters. Your gross assets were \$180,000. Your debts were \$30,000.					
The Shariah shares of the heirs are as follows:					
Mother:	1/6				
Father:	Residue				
Brothers & sisters:	Excluded by father				
The distribution to your heirs will be as follows:					Dollars
Gross estate					180,000
Less debts					30,000
Net estate available for distribution to heirs					150,000
Mother's 1/6					25,000
Father = residue					125,000
The existence of your father, excludes your brothers and sisters from inheriting.					

Your mother's share is 1/6 as there are two brothers and sisters. The Quran states that a mother receives 1/6 if brothers and sisters exist.

Assume the same facts as above, but instead of brothers and sisters, you are survived by one brother and sister.

You are survived by your parents and one brother and sister.							
The distribution will be as follows:							
						<u>Dollars</u>	
Net estate available for distribution to heirs						150,000	
Mother's 1/3						50,000	
Father = residue						100,000	
In this case your mother receives 1/3 as the Quran states that there needs to be more than one brother or sister to restrict your mother to 1/6. Your father once again excludes your brother and sister from inheriting.							

If your father were not alive, then your brothers and sisters would qualify to inherit.

Examples of what parents will inherit if you have a husband/wife and children are included in the sections explaining what spouses and children receive.

3 GRANDPARENTS

Briefly, grandparents only inherit if you are not survived by a parent. Grandmothers (maternal and paternal) will only inherit if your mother predeceased you. The grandmothers' inheritance is the same as a mother's – if there are two or more grandmothers, they will equally share the portion they receive (that is, if your mother predeceased you but you are survived by both grandmothers, they will equally share 1/6, which is what your mother would have received had she been alive).

Grandfathers (paternal and maternal) will only qualify if your father predeceased you.

The rules pertaining to grandparents is complex and I suggest that you obtain advice if it's applicable.

Spouse (Husband/Wife)

The Holy Quran states:

(Wife's share:) In what your wives leave, your share is half, if they leave no child; but if they leave a child, ye get a fourth; after payment of legacies and debts.

(Husband's share:) In what ye leave their share is a fourth, if ye leave no child: but if ye leave a child, they get an eighth; after payments of legacies and debts. (4.12)

1. HUSBAND

Your husband qualifies to receive the following from your estate, depending upon whether you have children.

Relative	Circumstance for inheritance (this depends on who is alive at the time of your death)	Portion of your net your husband will receive
Husband	You have no children or son's children how low so ever.	$\frac{1}{2}$
	You are survived by children (if no direct children then son's children how low so ever).	$\frac{1}{4}$

Where you do not have any children, your husband inherits $\frac{1}{2}$ (half) of your estate. Where you have children, your husband inherits $\frac{1}{4}$ (quarter) of your estate.

The definition of children includes direct blood children (sons or daughters) and sons' children how low so ever. For example, if you have no direct children, but have grandchildren through a predeceased son, those grandchildren assume the same rights as your own children – thereby reducing your husband's inheritance to a $\frac{1}{4}$.

If you have no children but only have grandchildren through a predeceased daughter, your husband will inherit $\frac{1}{2}$ (half) of your estate. Your daughter's child is classified as a distant kindred and will only qualify (Hanafi and Hanbali school) for inheritance in the absence of Quranic and residuary heirs. The Shafi and Maliki schools are of the opinion that the distant kindred cannot inherit².

If you have a child from a previous marriage, your husband is restricted to inheriting $\frac{1}{4}$; that is, the child does not have to be his, the child needs to be yours.

If you leave no children but your husband has children from other marriages then he inherits one-half of the estate (as if there is no child) as you have no blood relationship with your husband's children.

Note: your husband is not a residual heir in Islam. Only your nearest male relative can be your residual heir.

2. WIFE

Your wife qualifies to receive the following from your estate, depending upon whether you have children.

Relative	Circumstance for inheritance (this depends on who is alive at the time of your death)	Portion of your net estate your wife will receive
Wife	You have no children or son's children how low so ever.	1/4
	You are survived by children (if no direct children then son's children how low so ever).	1/8

Where you do not have any children, your wife inherits 1/4 (quarter) of your estate. Where you have children, your wife inherits 1/8 (one-eighth) of your estate.

If you have more than one widow, their collective shares are one-fourth (if no children from any of the wives) or one-eighth (if there are children). The widows will share their allocations equally.

If you have no children, but only grandchildren through a predeceased daughter, your wife will inherit 1/4 of your estate (as if you have no children). If you have no children, but have grandchildren through a predeceased son, those grandchildren assume the same rights as your own children – thereby reducing your wife's inheritance to a 1/8.

Children from your prior marriages are recognised blood children (whether you have had any contact with the children or not) and the existence of these children will reduce your wife's inheritance to one-eighth despite the fact that they may not be any children in your current marriage.

3. VALID CONTRACT OF MARRIAGE

For either a husband or a wife to inherit from the estate, there must be a marriage that is:

- valid and
- legal bonds and certain conjugal rights must still be in force.

Mutual rights of inheritance between husband and wife only cease when your marriage is regarded as finally terminated. Depending upon the nature of the divorce, as long as the wife remains in *iddah* (waiting period) the spouses will inherit from each other.

A divorce can either be revocable or irrevocable.

The schools concur that if a husband divorces his wife revocably, mutual rights of inheritance remain whilst the wife remains in waiting (*iddah*). Once the wife has completed her waiting period, the divorce is final and rights of inheritance terminate. The law applies whether the husband divorces his wife during death sickness or in health.

The schools also concur with regards to the irrevocable divorce of the wife whilst the husband is not in death sickness. Mutual rights of inheritance cease upon the confirmation of the divorce.

The schools differ with regards to irrevocable differences during death sickness – you should seek the opinion of an Imam or Islamic scholar should this be applicable to you.

Under certain State and Territory laws, a divorced spouse does not qualify for any inheritance – the law specifically states that the will should be read as if the spouse did not exist. However, if the will was written after the divorce or if your will acknowledges that the divorce has taken place and that you wish to give your spouse something – the will is valid.

Under Australian law a divorced spouse who was your dependant until your death may request the Courts to amend your will if the spouse is left out. Refer to the section on challenging wills in the chapter: *Issues to Consider* in the book: *Australian and Islamic laws of Inheritance – Part I: Drafting a will*.

4. EXAMPLES

You are survived by your husband and parents. Your assets at the time of your death were \$180,000. Your debts were \$30,000. You are also survived by two brothers and sisters.							
The Shariah shares of the heirs are as follows:							
Husband:	1/2						
Mother:	1/6						
Father:	Residue						
The distribution to your heirs will be as follows:							<u>Dollars</u>
Gross estate							180,000
Less debts and funeral expenses							30,000
Net estate available for distribution to heirs							150,000
Husband's 1/2 (12/24)							75,000
Mother's 1/6 (4/24)							25,000
Father = residue							50,000

Your mother would receive 1/6 as you are survived by two brothers and sisters. Your father's existence will exclude your brothers and sisters from inheriting.

If you were only survived by one brother and/or sister, your mother would inherit 1/3 of your net estate after deducting your husband's or wife's share.

In the above example, assume that roles are reversed and you are now survived by your wife and parents – no children. You have one brother. The respective inheritance shares would be as follows:

Your assets at the time of your death were \$180,000. Your debts were \$30,000.						
No legacies are to be paid.						
The Shariah shares of the heirs are as follows:						
Wife:		1/4				
Mother:		1/3 of residue				
Father:		Residue				
The distribution to your heirs will be as follows:						<u>Dollars</u>
Gross estate						180,000
Less debts and funeral expenses						30,000
Net estate available for distribution to heirs						150,000
Wife's 1/4						37,500
Remainder = residue						112,500
Mother = 1/3 of residue after deducting spouse share						37,500
Father = residue (which equates to 2/3 of residue)						75,000

The existence of your father, excludes your brother from inheriting. Your mother inherits 1/3 of the residue as you have only one brother – had you had more than one – then her inheritance would have been 1/6. Refer to the chapter on “Parents” for an explanation of this. Note, if your father had not been alive, then your brother would inherit the residue. If you had any son(s) alive, then the son(s) would exclude your brother from inheriting. If you are survived by both your father and a son, then your father would inherit 1/6 and your son the residue.

5. WHY ONLY ONE-EIGHTH?

Dr Sherif Abdel Azim, (PHD - Queens University, Kingston, Ontario, Canada) in an article titled: *Women in Islam Versus Women in the Judaeo-Christian Tradition: The Myth and Reality*, states:³

“Muslim mothers, wives, daughters, and sisters had received inheritance rights thirteen hundred years before Europe recognised that these rights even existed. The division of inheritance is a vast subject with enormous amounts of detail.

The general rule is that the female share is half the male's except in cases where the mother receives an equal share to that of the father.

This general rule if taken in isolation from other legislations concerning men and women may seem unfair. In order to understand the rationale behind this rule, one must take into account the fact that the financial obligations of men in Islam far exceed those of women. A bridegroom must provide his bride with a marriage gift (mahr). This gift becomes her exclusive property and remains so even if she is later divorced. The bride is under no obligation to present any gifts to her groom. Moreover, the Muslim husband is charged with the maintenance of his wife and children. The wife, on the other hand, is not obliged to help him in this regard. Her property and earnings are for her use alone except what she may voluntarily offer her husband. Besides, one has to realise that Islam vehemently advocates family life. It strongly encourages youth to get married, discourages divorce, and does not regard celibacy as a virtue. Therefore, in a truly Islamic society, family life is the norm and single life is the rare exception. That is, almost all marriage-aged women and men are married in an Islamic society. In light of

these facts, one would appreciate that Muslim men, in general, have greater financial burdens than Muslim women and thus inheritance rules are meant to offset this imbalance so that the society lives free of all gender or class wars. After a simple comparison between the financial rights and duties of Muslim women, one British Muslim woman has concluded that Islam has treated women not only fairly but generously.”

To what has been said above, I wish to add that a fundamental problem today is that a wife is not rewarded for her contribution to her husband’s success. If a wife is assisting in a business, she should be paid a market related salary which is hers to keep. If she is more than an employee, she should have shares in the business. Likewise any property that you own that has been purchased through joint sacrifices – should be owned jointly.

If a wife has a 50% share in an asset that she jointly contributed to either by cash or labour, her 1/8 share would make her a majority shareholder – this is a far cry from merely owning 1/8, yet the wife has contributed to the asset. It is not Islamic law that discriminates against the wife, it is husbands who refuse to acknowledge a wife’s contribution that is the problem.

The Quran has been written for all time – we are not doing what is expected of us and the easy way out is to state that the Islamic laws of inheritance are archaic!!!

² Bakhtiar L: Encyclopedia of Islamic Law, pages 334.

³ Dr Azim, Women in Islam Versus Women in the Judaeo-Christian Tradition: The Myth and Reality. Islamicity.

Children and Grandchildren

The Holy Quran states:

Allah (thus) directs you as regards your children's (inheritance) to the male, a portion equal to that of two females: if only daughters, two or more, their share is two-thirds of the inheritance; if only one her share is half. (4:11).

This verse, to critics of Islam and the Islamic law of inheritance, is “evidence” of Islam’s suppression and prejudice against women. We need to place this verse into context (and also recall that until recently women had no inheritance rights in the West and also, the equality that the West boasts about has had to be tempered as a number of wives and children have been left out of wills – refer to the section on challenging wills in Part I of this series).

“Islam gives the girl half of her brother's share in inheritance because Islamic Law doesn't oblige her to spend any money on anybody other than herself. On the other hand, Muslim man, who is usually the bread-winner of the family, is obliged to spend on his wife, his children, his brothers, his sisters, and his mother and father.

Therefore, since the financial burden is much higher on the male than the female, Islam gave the male double of his sister's share, and in this way, Islam has given the woman a just proportion. Let's take an example. If a father dies and leaves 30,000 dollars to his children (let's say there are 2 sons and 2 daughters). Each son gets 10,000 dollars and each daughter gets 5,000 dollars. However, the sons have to support their mother, their wives, their children, and their sisters (if the sisters are not married yet), while the sisters can keep the money to themselves. So, who ends up having more money at the end? Of course the girls⁴." (Source: www.islamicity.com).

1. CHILDREN’S SHARE

As stated above, your daughter will receive half of what your son receives. If you have no son or your son predeceased you, then your daughter’s share is as follows:

Relative	Circumstance for inheritance (this depends on who is alive at the time of your death)	Portion of your net estate that your daughter will receive
Daughter	Where you are survived by one daughter only and no sons. Your daughter can exist with other qualifying heirs (for example, father or mother).	½
	Where you are survived by more than one daughter and no sons. Your daughters can exist with other qualifying heirs (for example, father or mother).	Daughters shall equally share 2/3 of the estate
	Where you are survived by one or more daughters and a deceased son's son.	The son's son does not affect the above stipulated shares
	Where you are survived by both a daughter(s) and a son.	The daughter(s) becomes residuaries. The male heir receives twice the share of a female

If you are survived by one daughter and no sons, your daughter inherits one-half (1/2) of your estate.

If you are survived by more than one daughter and no sons, your daughters inherit two-thirds (2/3) which will be divided equally between them.

If you have a son, the Quran states that your daughter's share is than ½ of what the son receives. In such cases, your daughters are converted by your son into residuaries. The residue is calculated after allocating the Quranic allocations to those who qualify. The example below provides an illustration.

You are survived by your wife, a son and a daughter.							
Your net estate available to your heirs (after deducting debts and legacies) is \$350,000							
The Shariah shares of the heirs are as follows:							
Wife:		1/8					
Daughter:		Receives half of what the son will receive					
Son:		Receives twice the daughters portion					
							\$
Net estate available for distribution to heirs							350,000
Wife's 1/8							43,750
Balance available to son and daughter							306,250
Daughter: receives half of son's share							102,083
Son's share: Double daughter's share							204,167
Total distributed to children							306,250

2. ADOPTED CHILDREN

Adopted children do not qualify for inheritance. They are not recognised as biological children as they have no blood ties to their adopted parents. Refer to: *Australian and Islamic Laws of Inheritance – Part I: Drafting a Will*, for more information.

3. ILLEGITIMATE CHILDREN: ISLAMIC LAW

Illegitimate children can only inherit from their mother. The father can only benefit such a child through legacies.

Refer to: *Australian and Islamic Laws of Inheritance – Part I: Drafting a Will*, for more information.

4. STEP CHILD

A stepchild (spouse's child) does not inherit from the parent to whom he/she has no blood ties.

5. CHILD IN THE WOMB

If you die whilst your wife is pregnant, the distribution of the estate should be postponed until the birth of the child. If a postponement is not acceptable then a share should be withheld for the

unborn child. The schools differ as to the amount to be withheld. The unborn child could inherit from three perspectives:

- as your child;
- as a child of a predeceased son (grandchild) where no sons are alive;
- as a sibling (brother or sister).

A number of other permutations may arise. These are not discussed in this book, but you can refer to my prior to books on inheritance or any authentic book available in Australia.

From a practical point of view, if an unborn child qualifies to be a Shariah heir, then the largest possible share should be held back for the child until it is born alive and its sex established.

If the child is still born then it does not qualify for any inheritance:

Narrated Jabir ibn Abdullah: The Prophet (PBUH) said, "Prayer should not be said over an infant which has not uttered a sound, neither may he inherit nor leave an inheritance." (Mishkat).

6. SONS' CHILDREN

Any grandchildren that you have only qualify to inherit if you have no sons alive. The existence of a son will exclude any of your grandchildren from inheriting. The existence of a daughter will not exclude a predeceased son's children from inheriting.

Your son excludes the grandchildren whether he is the father of the grandchildren or not. If, for example, you had two sons, one of whom predeceased you but was survived by children - the presence of the remaining son excludes the children of the deceased son inheriting. You have the option of awarding the grandchildren a legacy (maximum one-third of the net estate).

Sons' children assume the same status as your own children in the absence of any surviving children of your own. The leading jurist, Imam Malik stated:

"When there are no children, grandchildren through sons have the same position as children, so that grandsons are like sons and granddaughters are like daughters. They inherit as they (direct children) inherit and they overshadow as they overshadow. If there are both children and grandchildren through sons, and there is a male among the children, then the grandchildren through sons do not share in the inheritance with him⁵."

If you had two sons and a daughter that predeceased you the children of the sons will be considered equally, that is, a son of the one son is the same as the son of the other son. The two grandsons (male heritage line) will be considered as brothers for inheritance. Likewise the daughters (of the sons) will be considered the equivalent of sisters. The daughter's children are classified as distant kindred.

Sons' sons are residuaries, receiving twice that of a son's daughter – they are residuary heirs the same way as your son would have been, if he was alive. A granddaughter through a son, is also the same as a daughter, and will inherit the same way. There is one exception with regards granddaughters and this is discussed in the section on son's daughters below.

Remember: for your predeceased son's children to inherit, you must have no other sons alive. If you have a son or sons then your predeceased son's children do not inherit and your only option is to give them a legacy. This is a key reason why you have to plan your will well – avoid the standard forms.

Sons' Daughter:

Your sons' daughters, as long as they are from the male chain can qualify no matter how low they are in the chain. However, the principle is that the nearer relative excludes the more remote. Therefore, a son's daughter excludes another son's granddaughter.

A sons' daughter if she exists alone without any sons' sons will inherit one-half (1/2) of the estate.

If more than one sons' daughters exist without any sons' sons they will inherit two-thirds (2/3) in aggregate.

A sons' daughter or sons' daughters will only inherit one-sixth, if you have a daughter of your own. Your daughter will inherit one-half (1/2).

Narrated Huzail bin Shirahbil: Ibn Masud was asked regarding the inheritance of a daughter, a son's daughter and a sister. Ibn Masud said, "The verdict that I will give in this case, will be the same as the Prophet (PBUH) did, i.e. one-half is for the daughter, and one-sixth for the son's daughter, that is, both shares make two-thirds of the total property; and the rest is for the sister." (Bukhari, volume 8, hadith 728).

If you have more than one daughter, your sons' daughters do not qualify for any inheritance as your daughters would have received the full share of two-thirds which is the maximum allowable to daughters. In such circumstances, your son's daughter will only inherit if she is converted into a residuary by a sons' son or son's grandson.

The leading jurist Imam Malik stated⁶: "If there are no surviving males among the children, and there are two or more daughters, grand-daughters through a son do not share in the inheritance with them unless there is a male who is in the same position as them in relation to the deceased, or further than them. His presence gives access to whatever is left over: if any, to whoever is in his position and whoever is above him of the grand-daughters through sons. If something is left over, they divide it among them, and the male takes the portion of two females. If nothing is left over, they have nothing".

If sons' sons exist, the sons' daughters are converted into residuaries. The doctrine of two portions for every male for every one portion to a female will apply.

The table below summarises the persons who exclude a son's daughter from inheriting:

Relative	Excluded by:
Son's Daughter	<ul style="list-style-type: none"> • Son. • Son of a son higher than she. • Two daughters or more if the son's daughter does not have a residuary with her.

Summary of the inheritance of a son's daughter:

Relative	Circumstance for inheritance (this depends on who is alive at the time of your death)	Portion of net estate receivable
Son's Daughter	Where you are survived by a granddaughter, but no son, daughter or sons' son how low so ever.	1/2

Relative	Circumstance for inheritance (this depends on who is alive at the time of your death)	Portion of net estate receivable
	Where you are survived by two or more grand-daughters, but no son, daughter or sons' son how low so ever.	Grand-daughters equally share 2/3 of the estate
	Where you are survived by a daughter and grand-daughter(s), but no son or son's son how low so ever.	Grand-daughters equally share 1/6 of the estate (in completion of the two-thirds)
	Where you are survived by no direct children but son's sons and daughters.	The grand-daughter(s) become residuaries. A grandson receives twice the share of a grand-daughter
	Where you are survived by two or more daughters and son's daughters (but no son's sons).	Excluded
	Where you are survived by two or more daughters and son's sons and son's daughters.	The grand-daughter(s) become residuaries. A grandson receives twice the share of a grand-daughter
	Broadly, the same principles apply to great-grand-daughters.	

Example:

You are survived by your wife, a daughter and a grandson and granddaughter through a predeceased son.	
Your net estate is \$150,000	
The Shariah shares of the heirs are as follows:	
Wife:	1/8
Daughter:	1/2
Granddaughter:	Receives half the share of the grandson
Grandson:	Receives twice the share of the granddaughter
Net estate	150,000
Wife's 1/8	18,750
Daughter's 1/2	75,000
Remainder available for grandchildren	56,250
Granddaughter - half that of the grandson	18,750
Grandson: twice that of the granddaughter	37,500
Total received by grandchildren	56,250

Your daughter still receives 1/2 of your net estate – your deceased son's children do not affect her inheritance. She inherits 1/2 as she has no brother.

In the above example, if you had no grandson's but only the granddaughter – then the granddaughter would inherit 1/6. The logic for this is that the Quran states that the maximum daughters can inherit is 2/3. Your daughter has received 1/2 therefore your granddaughter will receive 1/6 - the combined total of the two being 2/3.

If you had two daughters – they would inherit 2/3 as stated in the Quran – in this case if you only have granddaughters and no grandsons (from your predeceased son) then your granddaughters do not inherit anything as your daughters have inherited the maximum 2/3 allowable to daughters. In this case, you need to make allowances for your granddaughter(s) (if you wish to) through legacies. However, if you have a grandson, then your granddaughter is converted into a residuary and inherits half of what the grandson inherits.

Example:

Same facts as above but you are survived by two daughters, instead of one.							Dollars
Net estate							150,000
Wife's 1/8							18,750
Daughter's 2/3							100,000
Remainder available for grandchildren							31,250
Granddaughter - half that of the grandson							10,417
Grandson: twice that of the granddaughter							20,833
Total received by grandchildren							31,250

Same facts as above but you are survived by two daughters and one granddaughter through a predeceased son.							Dollars
Net estate							150,000
Wife's 1/8							18,750
Daughter's 2/3							100,000
Remainder							31,250
Granddaughter - nil inheritance. Maximum 2/3 inherited by daughters							0
Residuaries - either brother, public treasury or distant kindred.							31,250
No father or grandfather alive.							31,250

⁴ www.islamicity.com

⁵ Imam Malik: Al-Muwatta, translated by Aisha Bewly, page 200.

⁶ Imam Malik: Al-Muwatta, translated by Aisha Bewly, page 200.

Full Brothers and Sisters

Narrated Jabir: I fell ill, and the Prophet (PBUH) and Abu Bakr came to me on foot to visit me. As I was unconscious, I could not speak to him. He performed ablution and sprinkled water on me; so I became conscious. I said, "Apostle of Allah, how should I do my property, as I have sisters?" Thereafter the verse about inheritance was revealed: "They ask thee for a legal decision. Say Allah directs (thus).....(Abu Dawud, hadith 2880).

They ask thee for a legal decision. Say: Allah directs (thus) about those who leave no descendants or 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 (between them): if there are brothers and sisters, (they share), the male having twice the share of the female. Thus doth Allah make clear to you (His law), lest ye err. And Allah hath knowledge of all things. (4:171).

Brothers and sisters only inherit if there you have no father or male line descendants how low so ever (son, grandson through a son, etc). The Hanafi school are of the opinion that a grandfather how high so ever excludes a brother and/or sister. The table below summarises relatives that exclude a brother and a sister.

Relative	Excluded by:
Brother and sister	<ul style="list-style-type: none"> • Son. • Son's son how low so ever. • Father. • Authentic (bloodline) grandfather (Hanafi school).

Your brother will receive the residue if you only have female ascendants and descendants how low so ever. Your sister, under certain circumstances (refer below) will inherit the residue despite you being survived by a daughter and/or son's daughter.

The leading jurist Imam Malik stated⁷: "The generally agreed-on way of doing things among us is that full-siblings do not inherit anything with sons nor anything with grandsons through a son, nor anything with the father. They do inherit with the daughters and the grand-daughters through a son when the deceased does not have a paternal grandfather. They are considered in any property that is left over as paternal relations. One begins with the people who are allotted fixed shares. They are given their shares. If there is anything left over after that, it belongs to the full- siblings. They divide it between themselves according to the Book of Allah, whether they are male or female. The male has a portion of two females. If there is nothing left over, they have nothing."

Your brother is a residuary (similar to a son). The Quran states that a brother receives twice that of a sister. A brother and sister's share is calculated in the same way as a son and daughter – that is, all shares are calculated and the remainder is divided between the brother and sister in two parts to one.

Sister:

The table below summarises the inheritance of a sister:

Relative	Circumstance for inheritance	Portion of net estate receivable
Sister	Where you are survived by a sister but no brother, ascendant (father, grandfather) or descendant (children, son's children how low so ever). Only the Hanafi school are of the opinion that a grandfather excludes a sister.	1/2
	Where you are survived by more than one sister but no brother, ascendant (father, grandfather) or descendant (children, son's children how low so ever). Only the Hanafi school are of the opinion that a grandfather excludes a sister.	Sisters equally share 2/3 of the estate
	Where you are survived by brothers and sisters but no ascendants (father, grandfather) or descendant (children, son's children how low so ever). Only the Hanafi school are of the opinion that a grandfather excludes a sister.	The sister(s) become residuaries. A brother receives twice the share of a sister.
	Where you are survived by a daughter, son's daughter and sister only.	Sister receives residue.

A full sister will only inherit in the absence of children (with one exception - refer below) or father. The Hanafi school are of the opinion that a grandfather excludes a sister.

If there is only one sister, she will inherit one-half (1/2). If more than one sister exists, they will share two-thirds (2/3).

Where they exist with a brother(s), they are converted into residuaries, the male taking the share of two females.

Example:

You are survived by your wife, mother, a brother and a sister.							
Your net estate is \$200,000.							
							Dollars
Net estate							200,000
Wife's 1/8							25,000
Mother's 1/3 (only one brother and sister - so mother gets full 1/3)							66,667
Remainder for distribution to brother and sister							108,333
Sister: half brother's share							36,111
Brother: twice sister's share							72,222
Distributed to residuaries							108,333

As a special case sisters may inherit the residue where they co-exist with daughters or son's daughters. This was the judgement of The Prophet (PBUH) in a case brought before him. Narrated Huzail: "Abdullah said, 'The judgement I will give in this matter will be like the judgement of the Prophet, i.e. one-half is for the daughter, and one-sixth for the son's daughter and the rest of the inheritance for the sister.'" (Bukhari, volume 8, hadith 734).

This opinion is debated. Most jurists concur with the above. There are those, however, who claim that the implication in the Quran is that a sister only inherits in the absence of children. Since the daughter is a child, the sister cannot inherit. She may, however, have inherited as a residuary in the absence of a better qualifier.

⁷ Imam Malik: Al-Muwatta, translated by Aisha Bewly, page 201.

Residuaries

Residuaries (*asabah*) refers to every heir that does not have a specific share mentioned in the Holy Quran or the sunnah of the Prophet (PBUH).

A residuary will inherit the entire estate if there are no qualifying Quranic heirs. For example, a deceased is survived by a brother and a son. The presence of the son excludes the brother. Since there are no Quranic heirs, the son inherits the entire estate. If a daughter existed in the example then she would also be classified as a residuary as the Holy Quran states that she receives half that of the son's share.

If the entire estate has been allocated to Quranic heirs, the residuaries do not inherit.

If no residuaries exist, the estate remaining will be re-distributed among the Quranic heirs, excluding spouses. If no Quranic heirs and residuaries exist then the estate will be distributed to the distant kindred according to Hanafi law and the Islamic treasury according to the other schools of thought. If an Islamic treasury does not exist then the distant kindred may receive the inheritance according to the Shafi and Maliki schools.

According to the Hanafi school if the distant kindred do not exist then that portion of a legacy that exceeded one-third of the net estate can be paid and the balance distributed to the Islamic treasury or to charity.

The residue is inherited by the following family members – the existence of any one, excludes the others after him.

1. Your sons
2. Your son's sons and their sons
3. Your father
4. Your father's father and your father's paternal grandfather
5. Your full brothers
6. Your consanguine brothers (half brother on the father's side)
7. Your full brother's sons
8. Your consanguine brother's sons
9. Your father's full brother
10. Your father's consanguine brother
11. Your father's brother's sons and their sons

The residue will be inherited in full in the above priority. A son will, for example, excludes all the others.

Comprehensive Examples

Included below are two comprehensive examples to explain the law.

You are survived by the following:							
- your paternal grandmother							
- your mother							
- your wife							
- two daughters and a son							
- two brothers and one sister							
- five grandchildren							
Your net estate is \$150,000.							
Your heirs will receive the following:							
Grandmother:		Nil - mother excludes her					
Mother:		1/6					
Wife:		1/8					
Daughters:		Receive half of a son					
Son:		Receives twice that of a daughter					
Brothers and sisters:		Excluded by son					
Grandchildren:		Excluded by son					
							Dollars
Net estate							150,000
Mother - 1/6							25,000
Wife - 1/8							18,750
Residue							106,250
Son - two parts							53,125
Daughter - one part							26,563
Daughter - one part							26,563
							106,250

Your grandmother is excluded by the existence of your mother. In the absence of your father, your grandfather would have inherited had he been alive.

Your siblings (brothers and sister) and your grandchildren are excluded by the existence of your son. If your son predeceased you, but was himself survived by a son, then your grandson will still exclude your siblings and your grandchildren through your daughters.

If your predeceased son was survived by a daughter, then the daughter would not receive anything as your two daughters would have claimed the maximum share for daughters stated in the Quran – 2/3. In this instance your siblings would inherit.

You are survived by the following:							
- your husband							
- two daughters							
- grandchildren through your daughters							
- a brother and two sisters							
Your net estate is \$150,000.							
Your heirs will receive the following:							
Husband:	1/4						
Daughters:	2/3 shared equally						
Brother and sisters:	Two shares to one as residuary heirs						
Grandchildren:	Daughter's children are considered distant kindred.						
							Dollars
Net estate							150,000
Husband - 1/4							37,500
Daughters							100,000
Residue							12,500
Brother - two shares							6,250
Sister 1 - one share							3,125
Sister 2 - one share							3,125

In the above example your brother inherits the residue as you have no male ascendant (father, grandfather, etc) or descendant (son, grandson through a son, etc).

Calculating the shares your family will receive upon your death is complicated, but, if you focus on who is alive or could be alive, you can calculate their share of your estate. Start by confirming who your male heirs are – your father, son, brother, grandfather or grandsons (through a son). This will establish who is to be excluded. Once this is done calculate the shares of qualifying Quranic shares.

Adjusting Shares

1. INCREASING SHARES (*RADD*)

Situations may arise where Quranic shares have been allocated and there is no residuary to inherit the balance (residue). In such circumstances the residue is allocated to the Quranic heirs with the exception of spouses. In effect the qualifying Quranic heirs receive more than their allotted Quranic shares. The addition is distributed to them pro-rata to the Quranic shares they receive.

If no qualifying Quranic heirs exist, then the residue according to the Hanafi school will be inherited by the distant kindred (uterine relations) and in accordance with the Maliki and Shafi schools will be paid to the Islamic treasury.

The situation of increasing shares will only arise if the following factors are present:

- Quranic heirs exist;
- no residuaries exist;
- a residue exists from the estate after Quranic heirs have received their share.

The deceased is survived by a husband and mother only.

Gross estate available for distribution to heirs	150,000
Husband 1/2 (no children)	75,000
Mother 1/3 (no children)	50,000
Residue (remainder)	25,000

No residuary exists.

In accordance with the rules of *Radd* the residue will be distributed as follows:

Husband	0
Mother	25,000
	25,000

There are eight types of Quranic heirs to whom the radd returns:

- mother
- daughter
- son's daughter
- full sister
- consanguine sister
- uterine sister
- uterine brother
- grandmother

Whilst the father and grandfather receive specific shares (and hence qualify as Quranic heirs) radd does not apply to them as their existence would qualify them as residuaries (refer rules on father and grandfather) and they would inherit the balance.

Radd also does not apply to the surviving spouse (despite both a husband and wife being Quranic heirs). This is due to a spouse's relationship with the deceased being based on a marital contract rather than a family/blood relationship.

If no spouse exists then the redistribution share that each Quranic heir receives is based on their Quranic shares converted to one (to ensure that there is no remainder).

Example:

The deceased is survived by a mother and daughter.		
Estate available for distribution to heirs		150,000
Mother 1/6 (daughter exists)		25,000
Daughter 1/2		75,000
Residue (remainder)		50,000
No residuary exists.		
The Quranic shares are restated as follows with a common denominator:		
Mother	1/6	
Daughter	3/6	
If all the numerators are added the result is as follows:		
Mother	1	
Daughter	3	
Total	4	
In accordance with the rules of <i>Radd</i> the residue will be distributed as follows:		
Mother	1/4	12,500
Daughter	3/4	37,500
		50,000

If a spouse exists, the radd is calculated as illustrated in the example below:

The deceased is survived by a wife, mother and daughter.		
Estate available for distribution to heirs		150,000
Wife 1/8 (child exists)		18,750
Mother 1/6 (child exists)		25,000
Daughter 1/2		75,000
Residue (remainder)		31,250
No residuary exists.		
The Quranic shares are restated as follows with a common denominator:		
Wife	1/8 = 3/24	

Mother	1/6	=	4/24	
Daughter	1/2	=	12/24	
If the numerators of the heirs excluding the spouse are added the result is as follows:				
Mother	4			
Daughter	12			
Total	<u>16</u>			
In accordance with the rules of <i>Radd</i> the residue will be distributed as follows:				
Mother	4/16			7,813
Daughter	12/16			23,438
				<u>31,250</u>

9. DECREASING SHARES (AUL)

Decreasing shares (aul) applies when the Quranic shares added together exceeds the amount available for distribution.

Example:

The deceased is survived by a husband, mother and sisters.	
Gross estate available for distribution to heirs	<u>150,000</u>
Husband 1/2 (no children)	75,000
Mother 1/3 (only one sister exists)	50,000
Sister 1/2 (no children)	<u>75,000</u>
Total required to satisfy Quranic heirs	<u>200,000</u>
Shortfall	<u>(50,000)</u>

In such circumstances the shares that each heir receives is proportionately reduced to ensure that all heirs receive an inheritance. Residuaries in such circumstances will not inherit.

The facts in the above example will be resolved as follows:

The deceased is survived by a husband, mother and sisters.	
Gross estate available for distribution to heirs	<u>150,000</u>
Husband 1/2 (no children)	75,000
Mother 1/3 (only one sister exists)	50,000
Sister 1/2 (no children)	<u>75,000</u>
Total required to satisfy Quranic heirs	<u>200,000</u>
Aul:	

Husband	1/2	=	3/6	
Mother	1/3	=	2/6	
Sister	1/2	=	3/6	
Total shares			<u>8/6</u>	
<p>8/6 is greater than one and the estate is proportionately reduced by dividing the numerator of the Quranic share by the numerator of the total.</p>				
Husband	3/8			56,250
Mother	2/8			37,500
Sister	<u>3/8</u>			<u>56,250</u>
	<u>8/8</u>			<u>150,000</u>

The concept of reduction in shares (aul) is accepted by all the four schools of thought.

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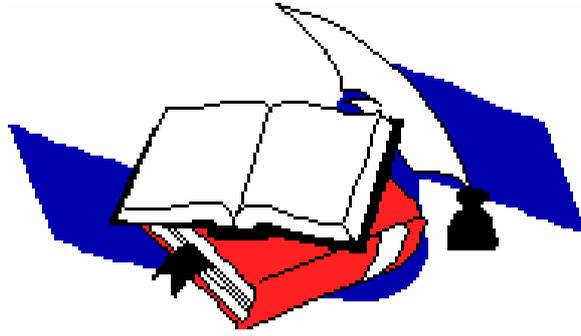
Questions

You are welcome to forward any questions/suggestions you have to the publisher:

P.O. Box 3437
South Brisbane BC
Queensland 4101

Or email:

lambat.trust@bigpond.com



Rabbi Zidni Ilma

The Lambat Trust

P.O. Box 3437
South Brisbane BC
QLD 4101

P.O. Box 2462
Malaga
WA 6944

P.O. Box 2586
Houghton 2041
Johannesburg
SOUTH AFRICA

P.O. Box 662
Bulawayo
ZIMBABWE

A Focus on Islamic Education

This book explains:

- Qualifications for inheritance under Islamic law
- Quranic heirs – heirs whose shares are stated in the Quran
- Residuary heirs – heirs who inherit the remainder of your estate after the Quranic shares are allocated
- The shares of the following family members (including detailed examples on how to calculate the shares of these family members):
 - Parents
 - Spouse (husband/wife)
 - Children and grandchildren
 - Siblings (brothers and sisters)
- Comprehensive examples

Narrated Anas ibn Malik & Abu Hurraira: The Prophet (PBUH) said, "If anyone deprives an heir of his inheritance, Allah will deprive him of his inheritance in Paradise on the Day of Resurrection." (Mishkat).