Islamic Academy Coventry

An Introduction to Inheritance in Islām

Maulānā Ebrahim Noor



Islamic Academy Coventry
An Introduction to Inheritance in Islām

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For my late father

Faruk Noor رَحِمَهُ ٱللَّهُ

Whose advice and wise words are forever missed

عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا

قَالَ كَانَ الْمَالُ لِلْوَلَدِ وَكَانَتِ الْوَصِيَّةُ لِلْوَالِدَيْنِ فَنَسَخَ اللَّهُ مِنْ ذَلِكَ

مَا أَحَبَّ فَجَعَلَ لِلذَّكَرِ مِثْلَ حَظِّ الأُنْثَيَيْنِ وَجَعَلَ لِلأَبَوَيْنِ لِكُلِّ

وَاحِدٍ مِنْهُمَا السُّدُسَ وَجَعَلَ لِلْمَرْأَةِ الثُّمُنَ وَالرُّبْعَ وَلِلزَّوْجِ الشَّطْرَ

وَالرُّبُعَ

Ibn ʿAbbās رَضِيَ اللَّهُ عَنْهُ narrated:

"The wealth of the deceased would be inherited by his offspring, and the bequest would be for the parents. Then Allāh abrogated from that custom whatever He wished and fixed for the male double the amount inherited by the female, and for each parent a sixth and for the wife an eighth or a fourth and for the husband a half or a fourth."[1]

[1] Ṣaḥīḥ al-Bukhārī 2747

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بِسْمِ ٱللَّهِ ٱلرَّحْمَٰنِ ٱلرَّحِيمِ

نحمده ونصل على رسوله الكريم

Foreword

I was both privileged and pleased when Maulānā Ebrahim asked me to write a few words for this book, because inheritance is a subject I care about and one I am asked about often. Maulānā is a much revered classmate of mine, and our love has maintained since we first met each other well over 10 years ago.

If you have picked up this book, I take that as a good sign. It tells me that you want to do things properly, for yourself and for your family, and that your intention is to follow what Allāh has asked of us. That intention is worth a great deal, and I pray Allāh rewards you for it, for actions are determined by their intentions.

In my experience, most of the difficulties families face after a death do not come from bad intentions. They come from not knowing. People are unsure who inherits, what a will should say, or what to do with the family home while a parent is still living in it. The issue is that by the time the questions present themselves, the family is grieving, and it is a hard time to start learning, especially at such a sensitive time.

Allāh has not left this matter to us. He set out the shares Himself in Sūrah an-Nisā, in more detail than most other rulings in the Qur'ān, and then said:

﴿تِلْكَ حُدُودُ ٱللَّهِ﴾

"These are the limits set by Allah." (Sūrah an-Nisā 4:13)

The Prophet ﷺ also encouraged us to learn this knowledge and pass it on:

تَعَلَّمُوا الْفَرَائِضَ وَعَلِّمُوهَا فَإِنَّهُ نِصْفُ الْعِلْمِ وَهُوَ يُنْسَى وَهُوَ أَوَّلُ شَيْءٍ يُنْزَعُ مِنْ أُمَّتِي [2]

"Learn the laws of inheritance and teach them, for they are half of knowledge. They will be forgotten, and they are the first thing to be taken from my Ummah."

I think many of us can see this in our own communities. Farā'iḍ is taught towards the end of the ʿĀlimiyyah course, and unless we keep returning to it, it fades. For most people it is never taught at all. I include myself in this. It was only when I began preparing sessions on Islamic wills that I realised how much I needed to revise.

This is what I appreciate about Maulānā Ebrahim's book. It starts with the verses and explains the shares clearly, with examples that are easy to follow. It then goes further than most introductions and takes the reader through what an executor actually has to do: the funeral costs, the debts, the bequest, the bank accounts, and the question of the family home. These are the practical matters people ask about, and it is helpful to have them in one place.

[2] Sunan Ibn Mājah 2719

Maulānā Ebrahim, since we studied together, has always been someone who gets on with the work. Alongside his teaching at the Islamic Academy of Coventry, he is involved in writing books, delivering workshops, staying fit, engaging in charity work and raising a family! His earlier books on funeral rites and so many other topics have been of real benefit to many families. It is not common to find someone who teaches, serves his community and also makes the time to write, and I am grateful that he does.

I would encourage every reader to go through this book, and then to make sure their own will is written and that their family knows where it is kept.

May Allāh The Most Generous accept this effort from Maulānā Ebrahim, make it a means of benefit for our families, and reward him and his late parents for it. Āmīn.

Abdullah Abu Sulaym

imamwrites.com

Jumādā al-Ūlā 1448 (November 2026)

Introduction

Allāh سُبْحَانَهُوَتَعَالَى in His infinite Wisdom has detailed a clear set of laws in the Holy Qur'ān which must be observed. These laws are not man-made but divine guidance created for the believers to learn and implement in their lives.

In addition to the laws on ʿIbādāt - the acts of worship, there are laws governing many important aspects of our lives including fulfilling the rights of others, trading and transactions. There are also clearly defined laws on the rights of inheritance.

Inheritance is the process by which a person's wealth is passed to their heirs after their death. The Arabic word for inheritance is 'Mīrāth'.

مِيرَاث

The Arabic word used for the rules and system to distribute the shares is 'Farā'iḍ'.

فَرَائِض

In this day and age, many family disputes arise due to inheritance. This could be due to the person passing away not leaving a Will in accordance with Islamic principles. It could be due to the executors of the Will not having the Islamic knowledge or seeking the appropriate scholarly guidance to ensure the wealth is distributed according to Sharīʿah.

Unfortunately, there is also another reason many of these issues occur, and this is with the heirs not agreeing to the principles of Islamic Wills. This could be due to wanting more than their Islamic share or withholding inheritance from other heirs who are entitled to a share according to Islamic principles.

We must remember that the laws of Inheritance are from Allāh سُبْحَانَهُوَتَعَالَى and any disagreement with the correctness of these laws can have profoundly grave consequences with the state of one's Īmān – faith.

Many scholars will agree that inheritance is one subject where advice is sought on a regular basis, often from the family of the deceased. In many cases, siblings are in conflict with one another, sometimes parents have favoured one or more children over others. Some cases even result in court proceedings costing an enormous amount in legal fees. Some of these issues could be avoided with the relevant Islamic education and preparation before one's demise.

The purpose of this book is to introduce the laws of Inheritance in Islām, so the reader can gain some knowledge on how they are derived and also the importance of how their own wealth should be distributed after their demise. I will also present some example cases along with some rulings which have been posted on the islamicportal.co.uk website.

This book will give a general understanding of the basic laws of inheritance and their application; however readers are requested to always consult Scholars before distributing inheritance, to ensure the shares are done according to Islamic principles. In many cases, the families will extend beyond the immediate and other heirs may come into the calculation due to others not being present.

I will not be discussing Islamic Wills as I have already done so in my book 'A Practical Guide to Funeral Rites in Islām'. For further information on this subject including Will templates and the Testator's Asset & Finance Identifier, please check the links below.
https://islamicportal.co.uk/wp-content/uploads/2018/01/Testators-Asset-and-Finance-Identifier-2nd-Edition.pdf

https://islamicportal.co.uk/islamic-will-templates/

For reference, for the explanation of the principles of Inheritance and related Verses from the Qur'ān, I have extensively used Maʿāriful Qur'ān by Mufti Shafi Uthmani رَحِمَهُ ٱللَّهُ. For explaining the laws of Inheritance, 'Muʿīn al-Farā'iḍ' by Mufti Mahmud Hasan Ajmeri رَحِمَهُ ٱللَّهُ. This book is taught in the final years of the ʿĀlimiyyah course. For calculations, I have used the excellent inheritance calculator[3] developed by my respected classmate Maulānā Abdullāh Patel from Gloucester. Other references will be cited accordingly during the course of the book.

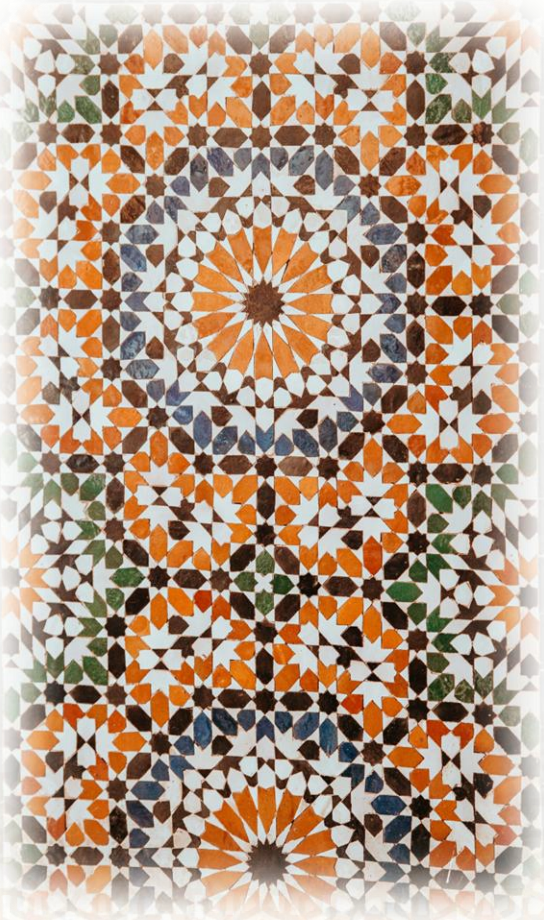
Although general advice has been provided on managing affairs of the estate, it is advisable to contact the relevant institutions to confirm and seek legal advice from solicitors and conveyancers as required. Although inheritance tax laws are UK-wide, the intestacy laws in England and Wales differ from Scotland and Northern Ireland. Also from April 2027, there are changes due on the way inheritance tax will affect certain pensions (death in service benefits are excluded).[4]

[3] https://imamwrites.com/inheritance/calculator

[4] https://www.gov.uk/government/publications/reforming-inheritance-tax-unused-pension-funds-and-death-benefits/inheritance-tax-on-unused-pension-funds-and-death-benefits

I pray that this work gives us all an understanding of the divine wisdom of Allāh سُبْحَانَهُوَتَعَالَى and how He ensures the just treatment of all heirs of the deceased. I pray that Allāh سُبْحَانَهُوَتَعَالَى also gives us the ability to act on His laws and saves us from those actions which can put our faith at risk.

Ebrahim Noor – 23rd Jumādā al-Ūlā 1448 (4th November 2026).



In the Times of Ignorance

Before Allāh سُبْحَانَهُ وَتَعَالَىٰ sent Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ to this world and Revealed the Qur'ān, many people in Arab society were victims of all types of injustice, especially women and orphans.

In Maʿāriful Qur'ān, under the commentary of Sūrah an-Nisā Verse 7, it mentions to begin with, none of their rights were recognised. Even if they were, who would be able to claim them from the men and hope to hold them safe? No such power or authority existed to protect the rights of everyone in society.

When Islām came, the rights of all were legalised and safeguards were put in place to protect them. All of this was happening whilst the rest of the world continued to deprive women and children of their natural and obligatory rights.

To put into context, it was not until much later on that many western countries granted women rights to inheritance. In Britain, prior to the Married Women's Property Acts 1870 and 1882, any money or property received by a married woman in her own name, this could be a wage, gift, investment or inheritance, would instantly become absorbed into the property of her husband. Even at the time of marriage, any property or money held by the woman would become absorbed.

Before the time of Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ, in Arabian society, the people seemed to live by the principle that only those people who could ride a horse, fight against enemies, and collect battle spoils were deserving of inheritance. Women and children could not live by this principle so only young men and adult males could become inheritors. Hence, regardless of

whether a female was young or an adult, they were not taken into consideration. Boys were also considered non-deserving of inheritance.

There are some incidents which are mentioned in the Ḥadīth and commentaries of Sūrah an-Nisā which occurred prior to the Revelation of the Verses of inheritance. These are shown below:

عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ جَاءَتِ امْرَأَةُ سَعْدِ بْنِ الرَّبِيعِ بِابْنَتَيْهَا مِنْ سَعْدٍ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَتْ يَا رَسُولَ اللَّهِ هَاتَانِ ابْنَتَا سَعْدِ بْنِ الرَّبِيعِ قُتِلَ أَبُوهُمَا مَعَكَ يَوْمَ أُحُدٍ شَهِيدًا وَإِنَّ عَمَّهُمَا أَخَذَ مَالَهُمَا فَلَمْ يَدَعْ لَهُمَا مَالاً وَلاَ تُنْكَحَانِ إِلاَّ وَلَهُمَا مَالٌ. قَالَ" يَقْضِى اللَّهُ فِى ذَلِكَ". فَنَزَلَتْ آيَةُ الْمِيرَاثِ فَبَعَثَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَى عَمِّهِمَا فَقَالَ" أَعْطِ ابْنَتَىْ سَعْدٍ الثُّلُثَيْنِ وَأَعْطِ أُمَّهُمَا الثُّمُنَ وَمَا بَقِىَ فَهُوَ لَكَ" [5]

Jābir ibn ʿAbdullāh رَضِيَ اللَّهُ عَنْهُ said, "The wife of Saʿad ibn Rabīʿ رَضِيَ اللَّهُ عَنْهُ came to Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ with her two daughters from Saʿad رَضِيَ اللَّهُ عَنْهُ. She said, 'O Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ, these are the two daughters of Saʿad ibn Rabīʿ, whose father was martyred when he fought alongside you on the day of Uḥud. And indeed their paternal uncle has taken their wealth and has not left anything for them, and they cannot get married unless they have wealth'. Rasūlullāh

[5] Jāmiʿ al-Tirmidhī 2092

ﷺ said, 'Allāh سُبْحَانَهُ وَتَعَالَى will decide on the matter'. The Verses on inheritance were then Revealed, so Rasūlullāh ﷺ sent word to their uncle and said, 'Give the two daughters of Saʿad two thirds, and their mother one eighth, and whatever remains is for you'."

Another incident is mentioned where Aws ibn Thābit رَضِيَ اللَّهُ عَنْهُ passed away, leaving his wife, two daughters and a young son. As per the Arab custom of the time, two cousins of Aws ibn Thābit رَضِيَ اللَّهُ عَنْهُ came and took his whole property into their possession and left nothing for his family.

Despite this, the wife of Aws ibn Thābit رَضِيَ اللَّهُ عَنْهُ wanted the two cousins who had taken the inheritance to marry her two daughters, so she would be relieved of the concern of their marriage. The two cousins refused the proposal, so she went to Rasūlullāh ﷺ and told him what had happened.

During this time, the Verses on inheritance had not yet been Revealed, so Rasūlullāh ﷺ withheld his response. The heart of Rasūlullāh ﷺ was at peace and he was confident that this unjust practice would be removed through divine Revelation. The following Verse was then Revealed:

لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدٰنِ وَالْأَقْرَبُوْنَ

وَلِلنِّسَآءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدٰنِ وَالْأَقْرَبُوْنَ

مِمَّا قَلَّ مِنْهُ اَوْ كَثُرَ نَصِيبًا مَّفْرُوْضًا [6]

[6] Sūrah an-Nisā Verse 7

"For men there is a share in what the parents and the nearest of kin have left. And for women there is a share in what the parents and the nearest of kin have left, be it small or large, a determined share. (7)"

After that came the second Verse on inheritance which contained the details of the shares. Rasūlullāh ﷺ followed the injunctions in the Verse and gave the wife of Aws ibn Thābit رَضِيَ اللَّهُ عَنْهُ, one eighth of the total inheritance. The rest of the property was distributed between the son and the daughters in which half of it was given to the son and the remainder was divided equally between the two girls. Due to the cousins not being the nearest in kin compared to the children, they were excluded from the inheritance.

As we can see from the examples above, Allāh سُبْحَانَهُ وَتَعَالَى created a just system which would safeguard the rights of all and fair distribution of inheritance to the rightful heirs. This at a time when the rest of the world did not even consider the rights of those who were considered weak in society. Furthermore, this was done in a society which was one of the most hostile at the time.

After more than 1400 years, this system, which is divine and perfect, is an example of the miracle of the Qur'ān whose injunctions are free from all imperfections.



The Principles of Inheritance

In order to understand the basic principles of inheritance, we will take a closer look at the relevant Verses from Sūrah an-Nisā. Allāh سُبْحَانَهُوَتَعَالَىٰ says:

لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدٰنِ وَالْأَقْرَبُوْنَ

وَلِلنِّسَآءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدٰنِ وَالْأَقْرَبُوْنَ مِمَّا قَلَّ مِنْهُ اَوْ كَثُرَ نَصِيبًا

مَّفْرُوْضًا [7]

"For men there is a share in what the parents and the nearest of kin have left. And for women there is a share in what the parents and the nearest of kin have left, be it small or large, a determined share. (7)"

Parents & Nearest of Kin

Allāh سُبْحَانَهُوَتَعَالَىٰ mentions two words, 'Wālidān' and 'Aqrabūn'. The word 'Wālidān' refers to the parents and 'Aqrabūn' refers to those who are nearest of kin. Allāh سُبْحَانَهُوَتَعَالَىٰ has laid out two basic principles of inheritance. One which is the relationship between a child and their parents. The second is general kinship which covers all relations. These could be direct relations or relationships established through marriage. Allāh سُبْحَانَهُوَتَعَالَىٰ has mentioned parents separately due to their importance.

The word 'Al-Aqrabūn' also established a principle, where those who are closest in kinship will receive the inheritance. If all relatives were given a share then where would this stop, as we are all related to each other having

[7] Sūrah an-Nisā Verse 7

common ancestors. Furthermore, this word also establishes that the way men are sharers in inheritance, so are women and children, who too cannot be deprived of this right, for kinship of children, parents or any others, is the same in a boy and girl as far as the fact of being related is concerned.

The Rights of Men & Women

Allāh سُبْحَانَهُوَتَعَالَىٰ in this Verse, could have easily mentioned the rights of both men and women in a single sentence, but has mentioned the rights of men and women in two independent sentences to emphasize that the rights of women are independent and are as important as the rights of men.

Distribution is based on Kinship and not Need

Another factor which Allāh سُبْحَانَهُوَتَعَالَىٰ has made clear, is that the distribution of property is based on kinship and not based on need. Therefore, it is not necessary that one or more needy relatives of the deceased are more deserving of a share in the inheritance. Hence, a person who is closer in kinship will be the one more deserving of the inheritance than one who is related further away, even though they may be more needy.

The Rights of Inheritance are Operative in the Entire Estate of the Deceased

In the Verse, Allāh سُبْحَانَهُوَتَعَالَىٰ says:

مِمَّا قَلَّ مِنْهُ اَوْ كَثُرَ

"Be it small or large."

This phrase corrects another custom which was practised where some parts of the estate, be it properties or items were assigned to special inheritors.

For example, weapons or horses would only be inherited by young men, others would be deprived of this.

The phrase makes it clear that everything under the ownership of the deceased, whether it is big or small, all of the inheritors will have a right in them. It is not permissible for any inheritor to keep anything special for themselves before the entire inheritance has been formally distributed according to the rules in Sharīʿah.

Fixed Shares in Inheritance have been determined by Allāh سُبْحَانَهُوَتَعَالَى

In the Verse, Allāh سُبْحَانَهُوَتَعَالَى says:

نَصِيْبًا مَّفْرُوْضًا

"A determined share."

This final phrase in the Verse tells us in clear terms that the different shares which have been fixed for the different inheritors have been determined by Allāh سُبْحَانَهُوَتَعَالَى. Nobody has any right to add, delete or change any of these due to personal opinion.

Furthermore, the phrase highlights that the ownership of the share, given to the inheritors through the laws of inheritance is automatic and compulsory. It does not require the acceptance or consent of the inheritor, nor is it necessary that they be satisfied with it.

Even if an inheritor makes a clear declaration that they do not wish to take their share, in the sight of Sharīʿah, they are still the owner of the share. If

they do not want to keep it, after taking ownership, they can gift it to someone else, distribute it or sell it in accordance with the rules of Sharīʿah.

Goodwill to other Relatives

In the following Verse, Allāh سُبْحَانَهُوَتَعَالَى says:

وَإِذَا حَضَرَ الْقِسْمَةَ أُولُوا الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينُ

فَارْزُقُوهُم مِّنْهُ وَقُولُوا لَهُمْ قَوْلًا مَّعْرُوفًا [8]

"If the relatives (who are not heirs) and the orphans and the needy are present at the time of distribution, give them some of it, and speak to them in fair words. (8)"

When the shares are distributed, it is likely that there will be some relatives who will not receive a share of the inheritance due to the rules of Sharīʿah. A reason for this is that details of how the shares are distributed are not known by the majority of people. This could lead to disappointment for some people, especially if they are present at the time of distribution.

Allāh سُبْحَانَهُوَتَعَالَى then gives us advice in the Verse above on how this situation can be resolved. For those people who are distant relatives, orphans or the needy, it is a moral obligation on those who receive the inheritance to give them some of it. This would be an act of charity for them and also a very rewarding action. At a time like this, when the inheritors are receiving wealth and property through no effort of their own but through the Mercy

[8] Sūrah an-Nisā Verse 8

of Allāh سُبْحَانَهُوَتَعَالَى, they should have an urge to give what they can in the way of Allāh سُبْحَانَهُوَتَعَالَى.

Furthermore, if the others are present at the time of distribution, it should not be a means of irritation or getting upset. It should actually be seen as a Mercy of Allāh سُبْحَانَهُوَتَعَالَى, that the heirs have been given something which they have not worked for and now have a way to offer gratitude for this bounty. By giving the others some of it, it will reduce the disappointment they may have experienced.

This scenario also covers the grandchildren of the deceased who would be excluded in certain cases. The aunts and uncles should be pleased to give them some of their share.

Allāh سُبْحَانَهُوَتَعَالَى says:

وَقُوْلُوْا لَهُمْ قَوْلًا مَّعْرُوْفًا

"And speak to them in fair words."

This instruction tells us what to do in the scenario where some people are not satisfied with what they have received as their gifted share and start demanding an equal share, which is contrary to the guidelines in Sharīʿah. This claim will also be unjust and there is no way to satisfy it. Rather than behaving with them in a crude manner which could hurt their feelings, the rules of Sharīʿah should be explained to them in a polite manner. They should be told that they do not have a share according to Sharīʿah and what they have been given is a gift. The gift or donation cannot be made from the entire property but made by adult inheritors present at the time. Gifts from the shares of minors or those absent are not allowed in Sharīʿah.

Fear Allāh سُبْحَانَهُوَتَعَالَىٰ when Distributing Wealth

وَلْيَخْشَ الَّذِيْنَ لَوْ تَرَكُوْا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعٰفًا خَافُوْا عَلَيْهِمْ

فَلْيَتَّقُوا اللّٰهَ وَلْيَقُوْلُوا قَوْلًا سَدِيْدًا [9]

"Those people should be fearful (in their behaviour towards orphans) who, if they leave behind some helpless children, would remain anxious for them. So, they should fear Allah and say what is right. (9)"

In this Verse, Allāh سُبْحَانَهُوَتَعَالَىٰ addresses the Muslims exhorting them to make certain that the inheritance reached the children of the deceased, fully and fairly. They must not carry out any action which may affect the share of the children adversely.

The general sense of the Verse also covers the scenario where one sees another Muslim making a will or disposing of property which could cause damage or loss to his children and other inheritors. In this situation, they must be stopped from such a will or disposal. We can see an example of this in the time of Rasūlullāh صَلَّىٰٱللَّهُعَلَيْهِوَسَلَّمَ when he stopped Saʿad ibn Abī Waqqās رَضِيَٱللَّهُعَنْهُ from giving the whole or half of his property in charity and only allowing one third. The reason being, if the whole or half of the property was given, then the share of the inheritors would be either all consumed or cut short.

There is also advice for the guardians of orphans. They should protect their property and give it to them when they are mature. They should make a concerted effort to accomplish this and never let any negligence affect their duty.

[9] Sūrah an-Nisā Verse 9

What Constitutes the Estate of the Deceased?

Before we discuss the heirs, we need to establish what constitutes the estate of the deceased and what part of it will be included in the inheritance. The estate will be all of the wealth which is left behind by the deceased. Some of these may be as follows:

- Properties or share of properties
- Money- cash or in bank accounts
- Shares, investments, and private pensions
- All personal items including, household items, electrical items, phones, computers, vehicles, clothes etc.
- Business investments including properties, stock, fixtures and fittings, cash

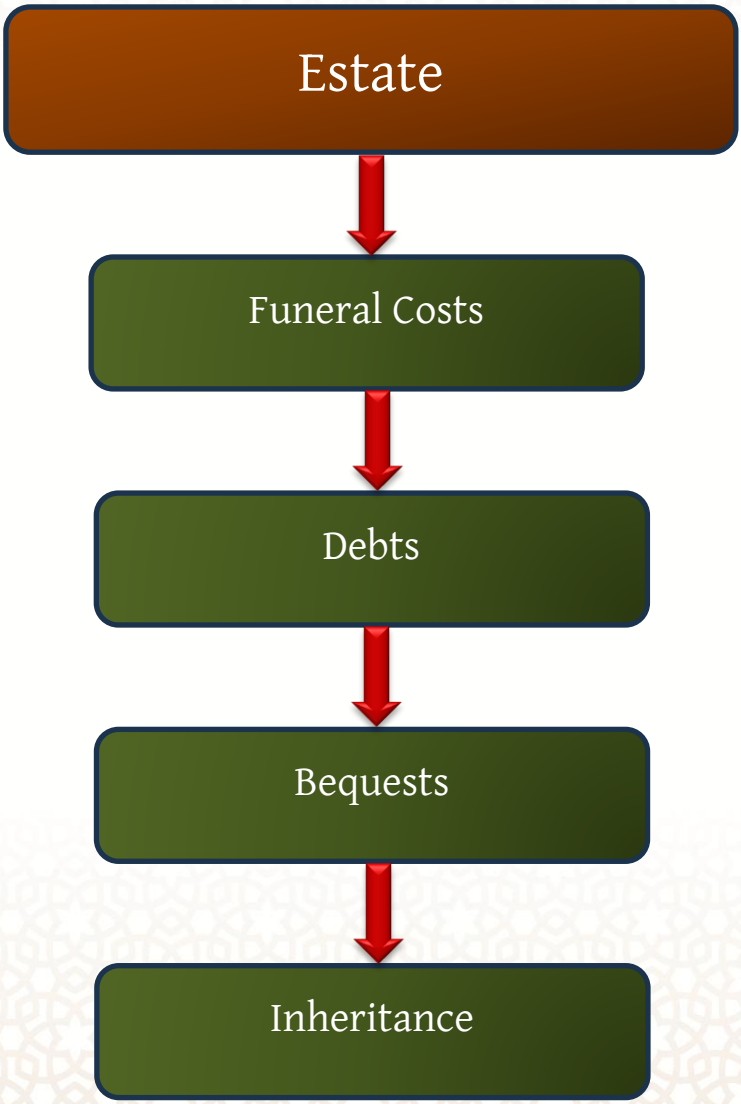
If the deceased had shared ownership in any assets, the proportion of the share must be established. The Testator's Asset & Finance Identifier document would assist the executors if the deceased had filled it out along with their will.[10]

If the deceased had lent any assets to anyone else, they should be reclaimed, this could be personal loans or items. These will also constitute part of the estate.

[10] https://islamicportal.co.uk/wp-content/uploads/2018/01/Testators-Asset-and-Finance-Identifier-2nd-Edition.pdf

The Sequence of Rights due from the Estate

When a person passes away, there are certain rights which are due from their estate in a fixed sequence as follows:



Funeral Costs

The first cost to be taken from the estate will be of their funeral. This would include the following:

- Shroud
- Burial Costs including interment and casket
- Other costs related to the burial, i.e. Funeral Director, transportation etc.

Note: The family of the deceased should ensure the funeral is kept simple and carried out according to Islamic rites and principles. Money should not be spent on expensive hearses, extravagant coffins, flower wreaths etc.

The cost of feeding anyone attending the funeral, whether this is before, on the day or after cannot be taken out of the estate of the deceased. Furthermore, if costs are incurred for the hiring of a hall or community building to allow visitors to pay their respects, this also cannot be taken from the estate of the deceased.

Debts

Once the funeral costs have been taken out from the estate, any debts which the deceased had must be repaid, even if this means the wealth from the entire estate is used up. This could include:

- Personal loans
- Bank loans
- Outstanding bills
- Outstanding payment for goods received

Any assets which the deceased may have borrowed off others should also be returned.

If the money in the estate does not meet the amount of debt left behind, then a strong debt will be given preference to a weak debt.

A strong debt is one which is proven and established through documents and linked to the time of his health.

A weak debt is one which is made through a confession of the deceased during the final illness - maraḍ al-wafāt. If there are a number of debts of the same type, then it will be divided from the estate according to their proportion.

Zakāt & Kaffārah

According to the Ḥanafī view, Zakāt and Kaffārah are debts which are due to Allāh سُبْحَانَهُ وَتَعَالَىٰ, so when the person passes away, they will not be taken from the estate. The heirs have a choice if they wish to repay them from their own wealth.

The exception to this would be if the deceased made a bequest for their repayment, in which case it will be taken from the maximum of one third of the estate which will be discussed next.

Bequests

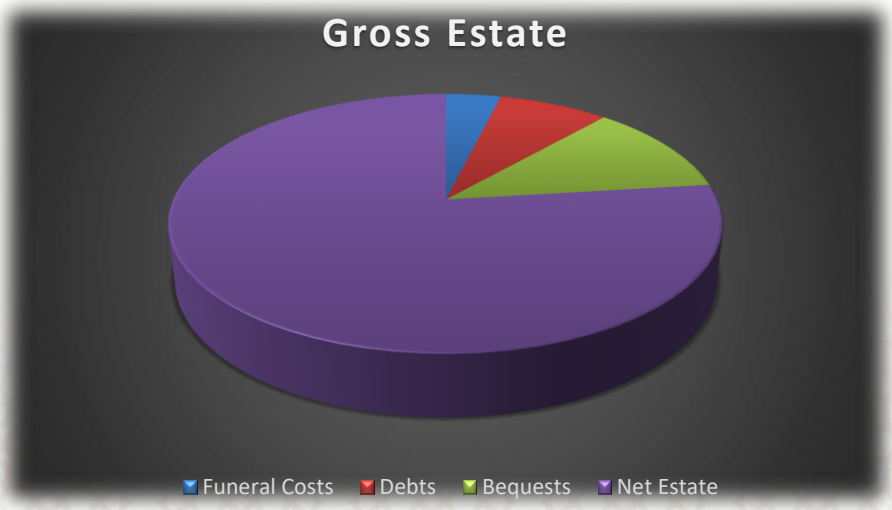
After the costs of the funeral and debts are repaid, any bequests which have been made by the deceased will be fulfilled. This will be up to a maximum of one third (after funeral expenses and debts have been paid). Any person who is set to inherit from the estate cannot be a recipient of a bequest. The

bequest can be made to a person, a charity, Masjid or organisation. A bequest should not be used for a non-Sharʿī purpose.

There is an incident mentioned in the Ḥadīth[11] regarding Saʿad رَضِيَ اللَّهُ عَنْهُ . On one occasion he was ill and Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ went to visit him. Saʿad رَضِيَ اللَّهُ عَنْهُ said, "I wish to make a bequest and I have one daughter. Shall I bequeath half of my wealth?" Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ said, "Half is too much". Saʿad رَضِيَ اللَّهُ عَنْهُ then said, "Then one-third?". Rasūlullāh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ said, "One-third, and one-third is still a lot." Saʿad رَضِيَ اللَّهُ عَنْهُ said, "The people began making bequests of one-third and that was permitted for them."

From this Ḥadīth, we can see that the maximum proportion from a person's wealth which they can bequeath is one-third.

Once all of the cost for the funeral has been taken from the estate, any outstanding debts have been repaid and bequests fulfilled, the remainder will be divided according to Islamic principles amongst the relevant heirs.

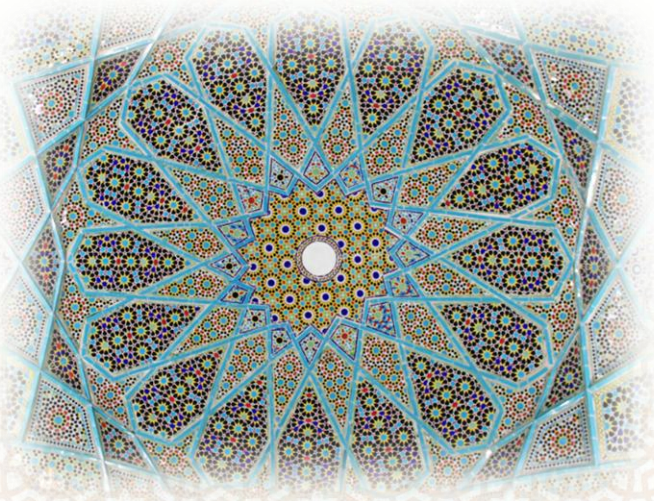


[11] Ṣaḥīḥ al-Bukhārī 2744

An Overview of Heirs

As mentioned earlier, Allāh سُبْحَانَهُوَتَعَالَى has fixed the shares for the inheritors. For this book, I will mention the three types which are most relevant in present day scenarios. They are:

Dhawil Furūḍ	Those individuals who have stipulated fixed shares proven from the Qur'ān, Sunnah and consensus of the Ummah. The inheritance will be given to these first.
ʿAṣabāt Nasabī	Those individuals who will receive a share of the remainder of the estate after it has been given to the Dhawil Furūḍ. If there are no Dhawil Furūḍ, then they will receive the entire estate.
Dhawil Arḥām	All those relatives who are not Dhawil Furūḍ or ʿAṣabāt i.e. daughter's children, sister's children, brother's daughters, paternal aunts, maternal uncles and aunts.



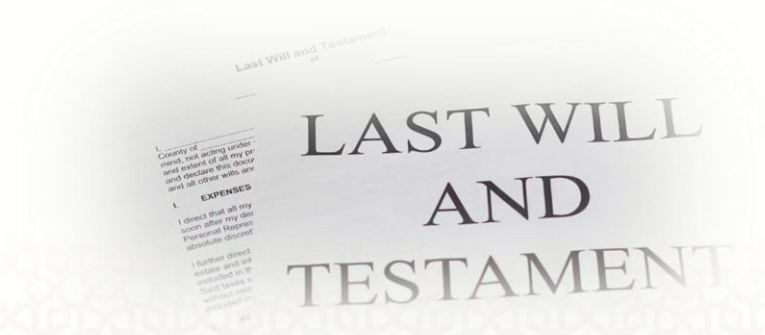
What should a Person do if they have no Heirs whatsoever?

A question was posed on islamicportal.co.uk regarding a scenario where a person who had no heirs had made a bequest as below:[12]

Question: A Muslim revert dies and has no Muslim relatives or heirs from an Islamic perspective. He bequests all his assets to a Muslim couple who are not related. Are they allowed to retain the whole estate, or can they only take 1/3rd? If they are only allowed to take 1/3rd, what happens to the remainder?

Answer: If a Muslim deceased has no Muslim relatives or heirs, his bequest of all his assets is valid. Therefore, the couple can retain all the assets in the scenario in question.

From the above, we can see that a person who has no heirs (including spouse) can make a will and bequest the wealth wherever they wish. Any bequests should not be used for a non-Sharʿī purpose.



[12] https://islamicportal.co.uk/wasiyyah-of-full-wealth-if-no-heirs/

Difference of Religion

With many people today having relatives who are non-Muslim, there will be situations where they may be included in a Will of a non-Muslim. Are Muslims allowed to inherit in this case? Furthermore, are Muslims allowed to leave inheritance for non-Muslim heirs? These questions have been answered in islamicportal.co.uk as below.[13]

Question: (1) If a non-Muslim dies in the UK, can a Muslim heir inherit from him?
(2) If a non-Muslim in the UK makes a will for a Muslim in the UK, can the Muslim bequeath from this will?

Answer: (1) The default position is that a Muslim does not inherit from a non-Muslim and vice versa, although a non-Muslim can bequeath (waṣiyyah) to a Muslim and vice versa. This is the position of all four schools of thought.

However, Mawlānā Ashraf ʿAlī Thānawī (d. 1362/1943) and Mawlānā Ẓafar Aḥmad ʿUthmānī (d. 1394/1974) issued a verdict in India which was under non-Muslim rule that a Muslim can inherit from a non-Muslim. This is in accordance with a minority view that a Muslim can inherit from a non-Muslim. This is the view of some companions such as Sayyidunā Muʿādh (d. 18/639) and Sayyidunā Muʿāwiyah (d. 60/680), a view shared by some tābiʿūn and scholars such as Imam Masrūq (d. 63/682-3), Imam Muḥammad ibn al-Ḥanafiyyah (d. 81/700-1), Imam ʿAbdullāh ibn Maʿqil (d. 88/706-7), Qāḍī Yaḥyā ibn Yaʿmar (d. 89/707-8), Imam Saʿīd ibn al-Musayyib (d. 94/712-3),

[13] https://islamicportal.co.uk/can-a-muslim-inherit-or-bequeath-from-a-non-muslim/

Imam Ibrāhīm al-Nakhaʿī (d. 96/714-5), Imam ʿĀmir ibn Sharāḥīl al-Shaʿbī (d. ca. 104/722), Imam Muḥammad ibn ʿAlī ibn al-Ḥusayn (d. 114/732-3), Imam Isḥāq ibn Rāhwayh/Rāhūyah (d. 238/853), Shaykh al-Islam Ibn Taymiyyah (d. 728/1328), Ḥāfiẓ Ibn al-Qayyim (d. 751/1350) and Shaykh Yūsuf al-Qarāḍāwī (b. 1345/1926) (may Allah be pleased with them). This view was also endorsed by the European Council for Fatwa and Research.

Based on this, a Muslim can inherit from a non-Muslim in the UK, although we would advise the non-Muslim to write a will and bequeath to the Muslim. It is recognised that this is not always possible which is why flexibility has been provided. In reaching this conclusion, consideration has been given to the difficulties faced by reverts. Please note the flexibility does not extend to a non-Muslim inheriting from a Muslim.

(2) If a non-Muslim makes a bequest (waṣiyyah) for a Muslim, this is valid. As the UK is a secular state, the non-Muslims are not bound by Islamic laws and therefore there is no limit for the bequest, it can exceed one third and the Muslim can accept the bequest of a non-Muslim irrespective of the amount. Please note if a Muslim is making a waṣiyyah, he is required to follows Islamic rules and only bequeath in up to one third of his assets for non-inheritors.

We can see from the above that a non-Muslim cannot inherit from a Muslim, however can a Muslim make a bequest for a non-Muslim child? This question has been answered in islamicportal.co.uk as below.[14]

[14] https://islamicportal.co.uk/bequest-for-non-muslim-son/

Question

I am aware that a non-Muslim son does not inherit from a Muslim. However, is it permissible for a Muslim to make a waṣiyyah (bequest) for his non-Muslim son who lives with him?

Answer

It is permissible for a Muslim to make a waṣiyyah for a non-Muslim unless he is an apostate (or a non-mustaʾmin ḥarbī). Based on this, there are two possible scenarios in relation to making a waṣiyyah for a non-Muslim child living with the Muslim father:

(1) If the father became a Muslim after the son reached the age of understanding or maturity, it is permissible and indeed advisable for the father to bequeath up to one third of his assets for his non-Muslim son. In this scenario, the child is not an apostate because when his father became a Muslim, he had already chosen to remain on disbelief.

(2) However, if the father was always a Muslim or became a Muslim before the son reached the age of understanding or maturity, it is prohibited for him to make a bequest for his non-Muslim son. This is because a child who has not reached this age is automatically regarded a Muslim if one of his parents is a Muslim. Therefore, if he leaves the fold of Islam after he reaches the age of understanding or maturity, he is classified an apostate. Thus, the bequest of a Muslim father for him shall be invalid.

Ḥajb

As mentioned earlier, the principles of inheritance will be based upon the nearest of kin. Hence in the presence of kin which are closer, some of the heirs will not receive inheritance. This principle is called Ḥajb. The literal meaning of Ḥajb is 'screen' or 'veil'. There are two types of Ḥajb as follows:

Ḥajb Ḥirmān	The heir will be totally deprived of their share
Ḥajb Nuqṣān	The heir will be partially deprived of their share

Some examples of Ḥajb Nuqṣān are:

- Husband
- Wife
- Mother
- Daughter of the son (granddaughter)
- Consanguine sister (paternal sister)

There are countless examples of Ḥajb Ḥirmān, however there are six heirs that will never be deprived as follows:

- Son
- Father
- Mother
- Daughter
- Husband
- Wife



Although the heirs in Ḥajb Ḥirmān are countless, there are two easy laws that will allow us to recognise them.

1. The closest will deprive the further one, e.g. the father will deprive the grandfather, and the son will deprive the grandson.
2. Secondly, in linking every heir to the deceased, there is someone that is the means. In the presence of this person, the heir will be deprived, e.g. when linking the grandfather to the deceased, the father comes in between and when linking a grandson to the deceased, the son comes in between. So, in the presence of the father, the grandfather will be deprived, and in the presence of the son, the grandson will be deprived

This rule does not apply to siblings connected through the mother. For example, if a person passes away, the presence of the deceased's mother does not prevent the deceased's siblings from inheriting if they are entitled to do so. This applies whether they are full, consanguine (paternal), or uterine (maternal) siblings.

In contrast, if the deceased's father is alive, all of the deceased's siblings will be excluded from inheritance. The same generally applies if the deceased's paternal grandfather is present. This is because the mother is not a residuary heir (ʿAṣabah) and is therefore unable to inherit the residue (remainder) of the estate, unlike the father or paternal grandfather. Consequently, her presence does not lead to the complete exclusion (Ḥajb Ḥirmān) of the deceased's siblings.

Radd

In the scenario when there are no residuary heirs, the remainder (residue) of the inheritance will be returned to the existing heirs according to the proportion. This principle is called 'Radd'. **The spouse does not share in the remainder.**

Let us look at the scenario below where the deceased is survived only by a mother and daughter who will both receive a share but are not residuary heirs. To make the calculation easy, we will use the lowest common denominator which is 6.



Mother = 1/6 (Fixed Share)

Daughter =1/2 = 3/6 (Fixed Share)

Remainder = 1 – 3/6 – 1/6 = 2/6

The remainder 2/6 will now be divided according to the initial shares. The daughter received 3 times more than the mother, so the remainder will be divided into 4 parts, 3 parts going to the daughter and 1 part going to the mother. To make the calculation easier, we will use the lowest common denominator which is 12.

Remainder = 2/6 = 4/12

(4/12) / 4 = 1/12

The final shares are now:

Heir	Initial Share	Share from Remainder	Final Share
Mother	1/6 = 2/12	1/12	3/12 = 1/4
Daughter	3/6 = 6/12	3/12	9/12 = 3/4

Dhawil Furūḍ - Male

The table below shows the male relatives who are classified as 'Dhawil Furūḍ' those who will receive a fixed share. Each heir will then be discussed separately including the shares that they will receive in different scenarios.

Relation
Father
Paternal grandfather
Uterine brother
Husband

Note: A Uterine brother is a male sibling who shares the same mother but has a different father. They are also known as maternal half-brothers.

The Shares of a Father

Allāh سُبْحَانَهُ وَتَعَالَىٰ has mentioned the shares of the parents specifically in the Qur'ān, in the Verse below:

وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ 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) [15]

[15] Sūrah an-Nisā Verse 11

"As for his parents, for each of them, there is one-sixth of what he leaves in case he has a child. But, if he has no child and his parents have inherited him, then his mother gets one-third. If he has some brothers (or sisters), his mother gets one-sixth, all after (settling) the will he might have made, or a debt. You do not know who, out of your fathers and your sons, is closer to you in benefiting (you). All this is determined by Allāh. Surely, Allāh is All-Knowing, All-Wise." (11)

In all scenarios, if the deceased is survived by a father, he will receive a share of the inheritance. There will be no Ḥajb Ḥirmān, so cannot be blocked by any other heirs.

From the table below, we can see the different scenarios for a father whose child has passed away.

Scenario Number	Share	Further Information
1	$1/6^{th}$	If the deceased is survived by a son or a son's son
2	$1/6^{th}$ + Remainder	If the deceased is survived by a daughter or son's daughter
3	Only Remainder	If the deceased did not have any surviving children

The scenarios will now be explained with practical examples. All of the principles of inheritance have not yet been discussed, but the examples will be brought to highlight the shares of the father.

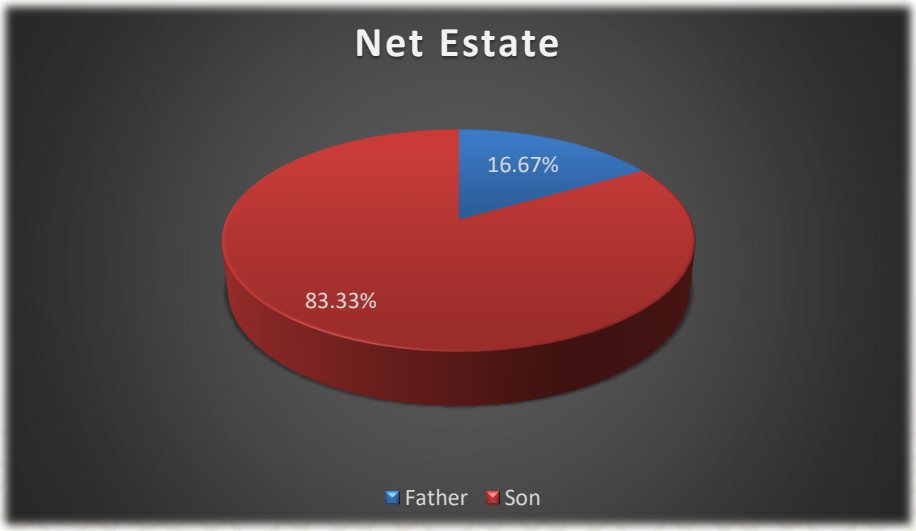
Scenario 1

In the scenario below, the deceased is survived by:

- Father
- One son



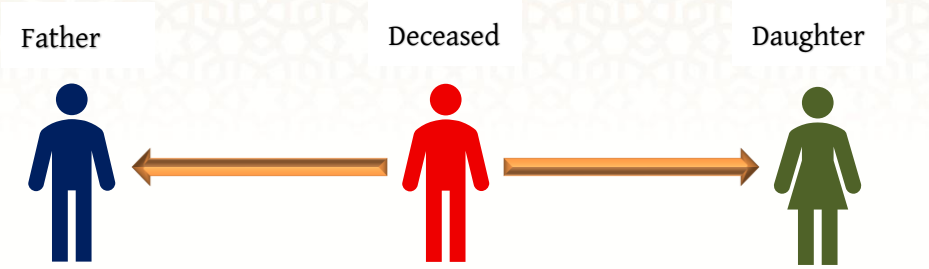
Heir	Initial Share	Share from Remainder	Final Share	Percentage
Father	**1/6**		**1/6**	**16.67%**
Son		5/6	5/6	83.33%



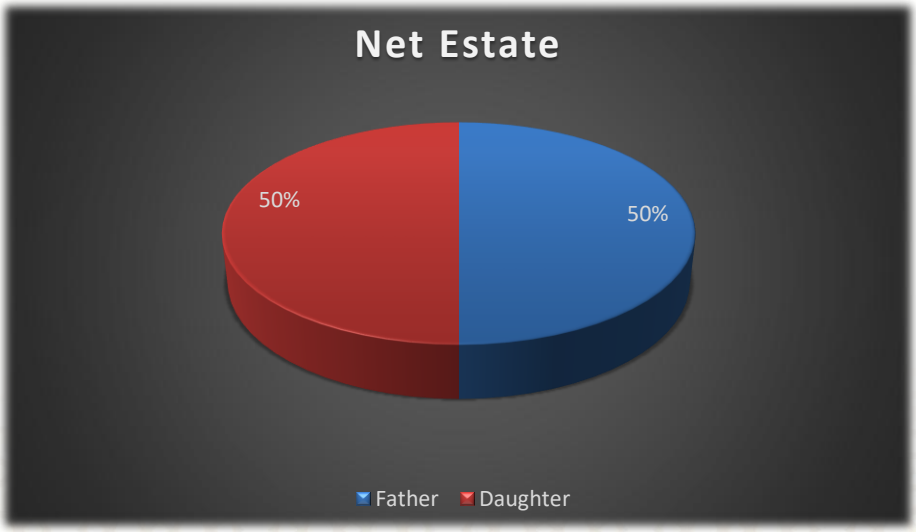
Scenario 2

In the scenario below, the deceased is survived by:

- Father
- One daughter



Heir	Initial Share	Share from Remainder	Final Share	Percentage
Father	**1/6**	2/6	**1/2**	**50%**
Daughter	1/2		1/2	50%



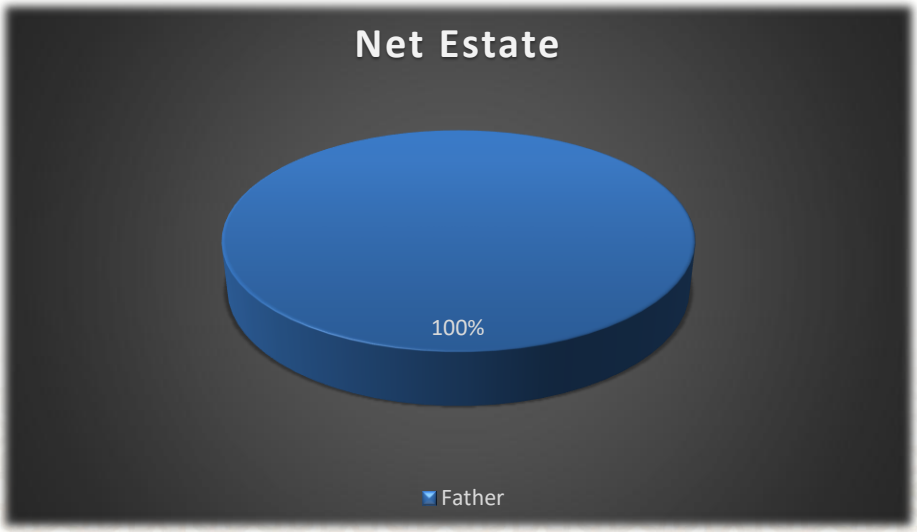
Scenario 3

In the scenario below, the deceased is survived by:

- Father



Heir	Initial Share	Share from Remainder	Final Share	Percentage
Father		1	**1**	**100%**



The Shares of a Paternal grandfather

In all scenarios, if the deceased is survived by a father, the paternal grandfather will be blocked from inheritance.

From the table below, we can see the different scenarios for a grandfather whose grandchild has passed away.

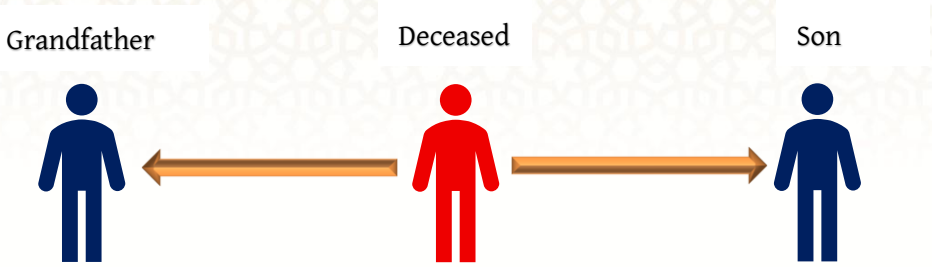
Scenario Number	Share	Further Information
1	$1/6^{th}$	If the deceased is survived by a son or a son's son and father is not present
2	$1/6^{th}$ + Remainder	If the deceased is survived by a daughter or son's daughter and father is not present
3	Only Remainder	If the father of the deceased has no children (and the father is not alive)
4	Maḥjūb (blocked)	When the father of the deceased is alive



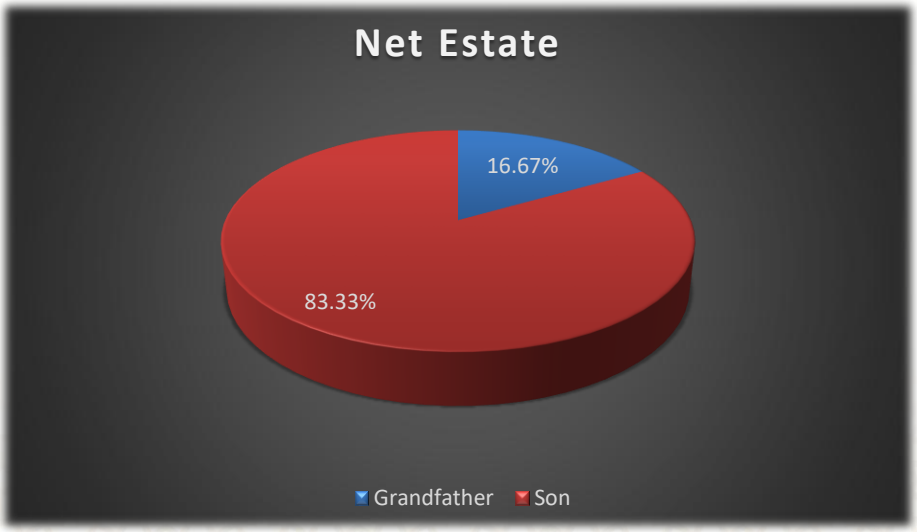
Scenario 1

In the scenario below, the deceased is survived by:

- Grandfather
- One son



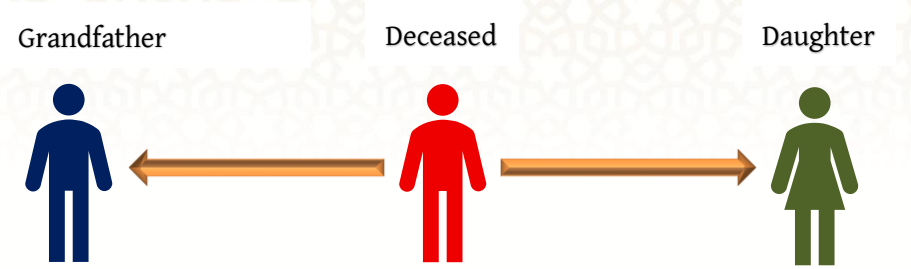
Heir	Initial Share	Share from Remainder	Final Share	Percentage
Grandfather	**1/6**		**1/6**	**16.67%**
Son		5/6	5/6	83.33%



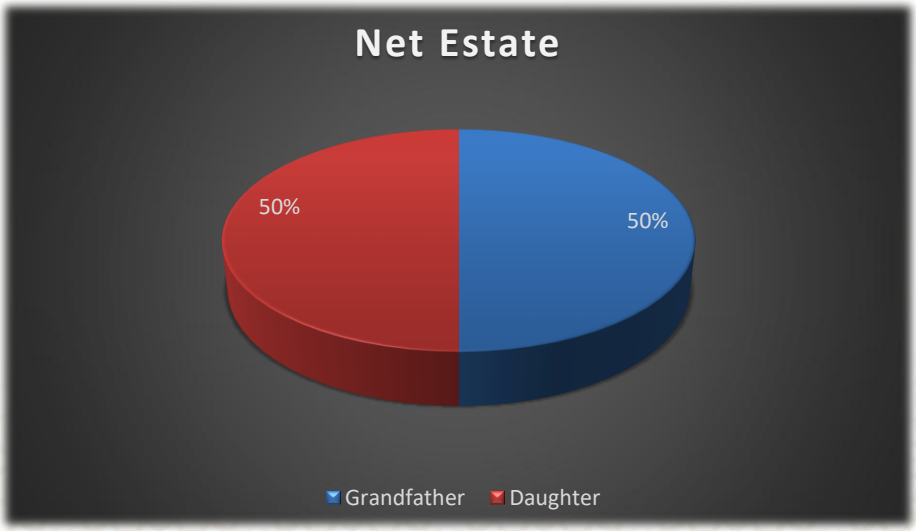
Scenario 2

In the scenario below, the deceased is survived by:

- Grandfather
- One daughter



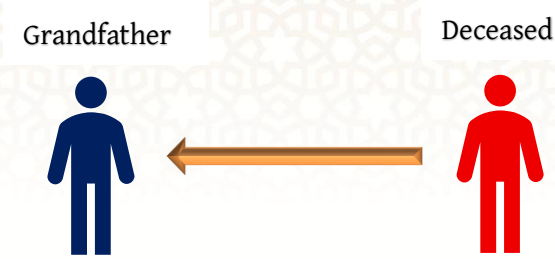
Heir	Initial Share	Share from Remainder	Final Share	Percentage
Grandfather	**1/6**	2/6	**1/2**	**50%**
Daughter	1/2		1/2	50%



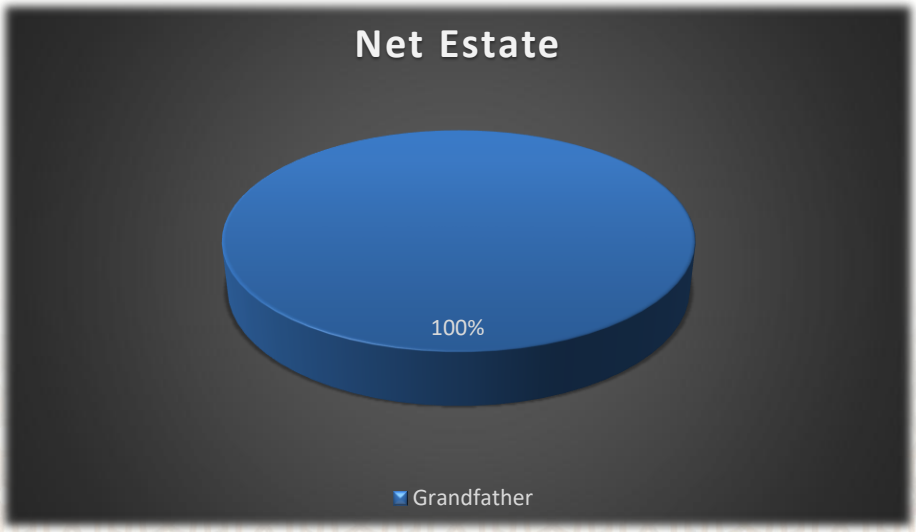
Scenario 3

In the scenario below, the deceased is survived by:

- Grandfather



Heir	Share	Percentage
Grandfather	**1/1**	**100%**



The Shares of a Uterine (Maternal) brother

In all scenarios, if the deceased is survived by a father, paternal grandfather children or son's children, the uterine brother will be blocked from inheritance. Uterine siblings (both male and female) have an equal share.

From the table below, we can see the different scenarios for a uterine brother.

Scenario Number	Share	Further Information
1	$1/6^{th}$	When they are alone and the deceased has no father, grandfather, children, or son's children who are alive
2	$1/3^{rd}$	When there are two or more uterine siblings and the deceased has no father, grandfather, children or son's children who are alive
3	Maḥjūb (blocked)	When the father of the deceased, grandfather, children or son's children are alive



The Shares of a Husband

Allāh سُبْحَانَهُوَتَعَالَى has mentioned the shares of the husband specifically in the Qur'ān, in the Verse below:

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِن لَّمْ يَكُن لَّهُنَّ وَلَدٌ فَإِن كَانَ لَهُنَّ وَلَدٌ فَلَكُمُ ٱلرُّبُعُ مِمَّا تَرَكْنَ مِنۢ بَعْدِ وَصِيَّةٍ يُوصِينَ بِهَآ أَوْ دَيْنٍ [16]

"For you there is one-half of what your wives leave behind, in case they have no child. But, if they have a child, you get one-fourth of what they leave, after (settling) the will they might have made, or a debt."

From the table below, we can see the two different scenarios for a husband.

Scenario Number	Share	Further Information
1	1/2	If the deceased wife had no children
2	1/4	If the deceased wife had children or son's children who are alive.

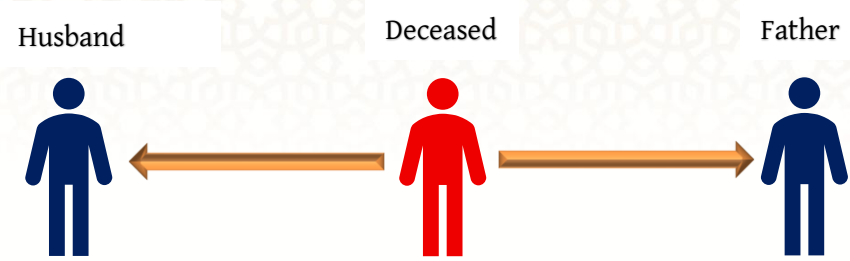


[16] Sūrah an-Nisā Verse 12

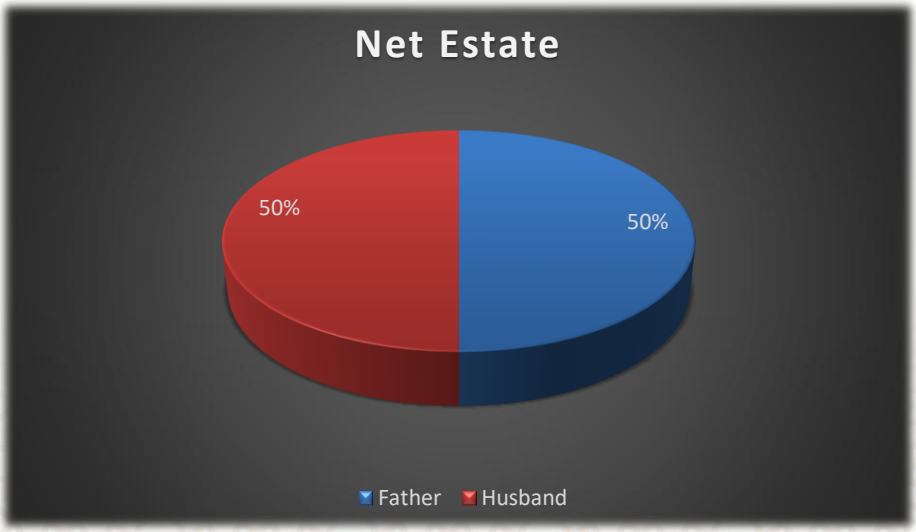
Scenario 1

In the scenario below, the deceased is survived by:

- Husband
- Father



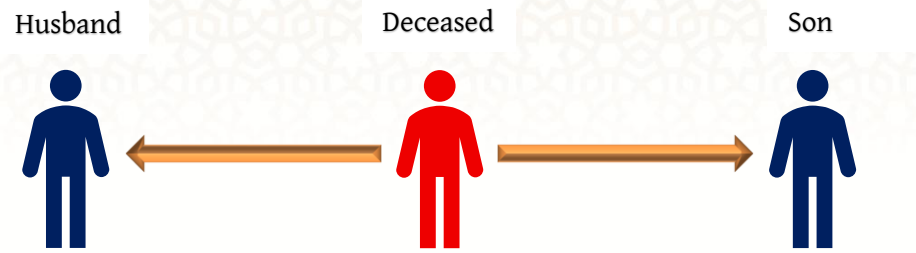
Heir	Initial Share	Share from Remainder	Final Share	Percentage
Husband	**1/2**	Spouse does not share in remainder	**1/2**	**50%**
Father		1/2	1/2	50%



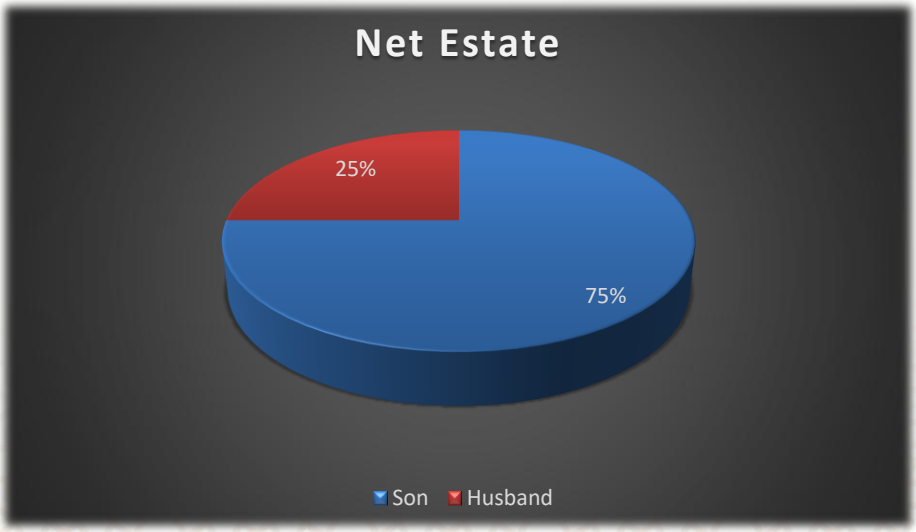
Scenario 2

In the scenario below, the deceased is survived by:

- Husband
- One son



Heir	Initial Share	Share from Remainder	Final Share	Percentage
Husband	**1/4**	Spouse does not share in remainder	**1/4**	**25%**
Son		3/4	3/4	75%



Dhawil Furūḍ - Female

The table below shows the female relatives who are classified as 'Dhawil Furūḍ' those who will receive a fixed share. Some of them will then be discussed separately including the shares that they will receive in different scenarios.

Relation
Mother
Grandmother
Wife
Daughter
Son's daughter
Full Sister
Consanguine sister
Uterine Sister (same rules apply as Uterine brother)

The Shares of a Mother

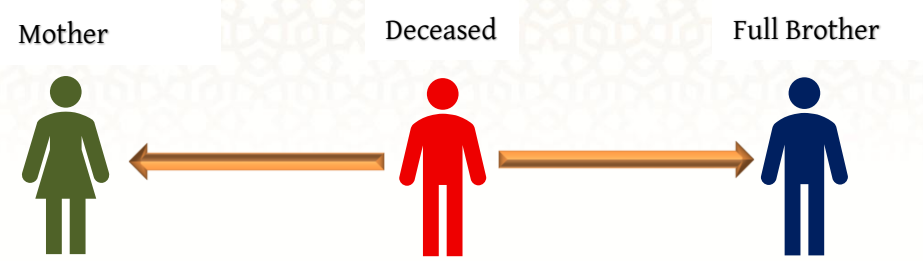
In all scenarios, if the deceased is survived by a mother, she will receive a share of the inheritance. There will be no Ḥajb Ḥirmān, so cannot be blocked by any other heirs. From the table below, we can see the different scenarios for a mother whose child has passed away.

Scenario Number	Share	Further Information
1	1/3rd	If the deceased is not survived by any children, or two or more siblings of any kind
2	1/6th	If the deceased is survived by children, or two or more siblings of any kind
3	1/3rd after the share of one of the spouses	This will be applied in two cases, when the heirs are either wife and parents, or husband and parents

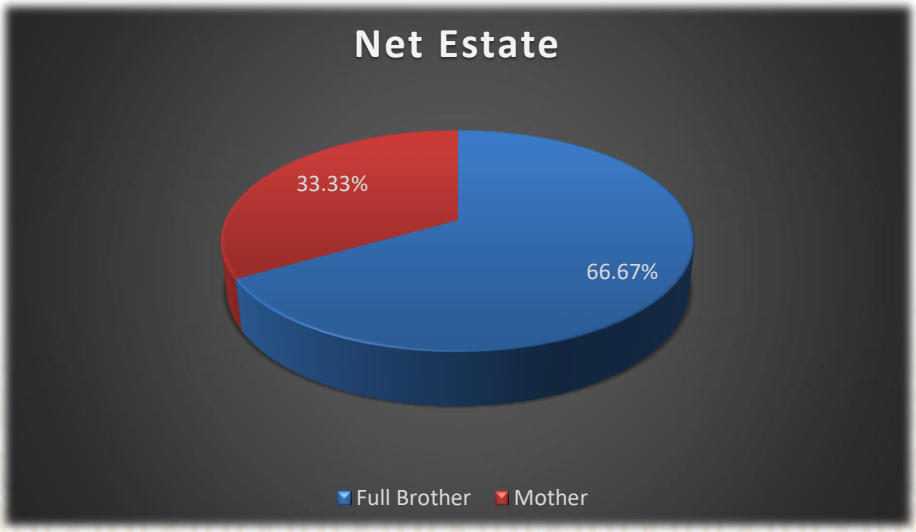
Scenario 1

In the scenario below, the deceased (male) is survived by:

- Mother
- Full brother



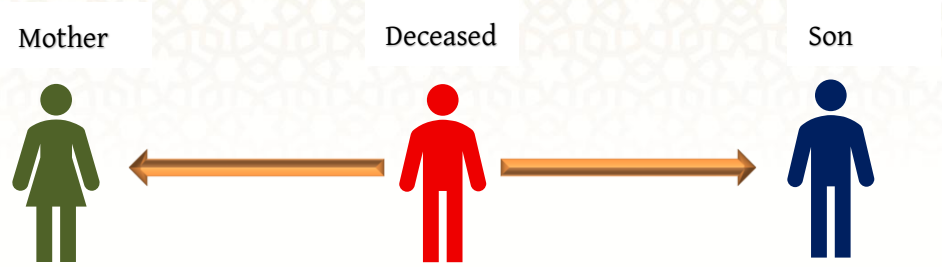
Heir	Initial Share	Share from Remainder	Final Share	Percentage
Mother	**1/3**		**1/3**	**33.33%**
Full Brother		2/3	2/3	66.67%



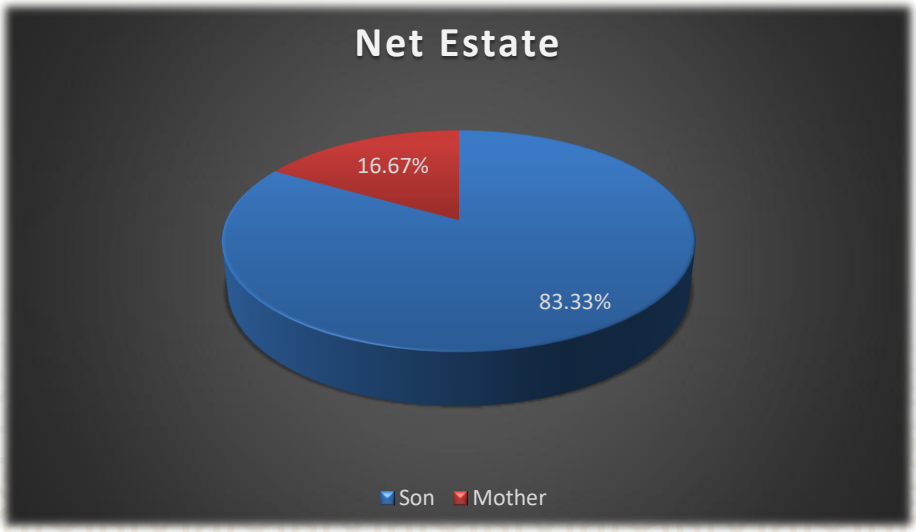
Scenario 2

In the scenario below, the deceased is survived by:

- Mother
- One son



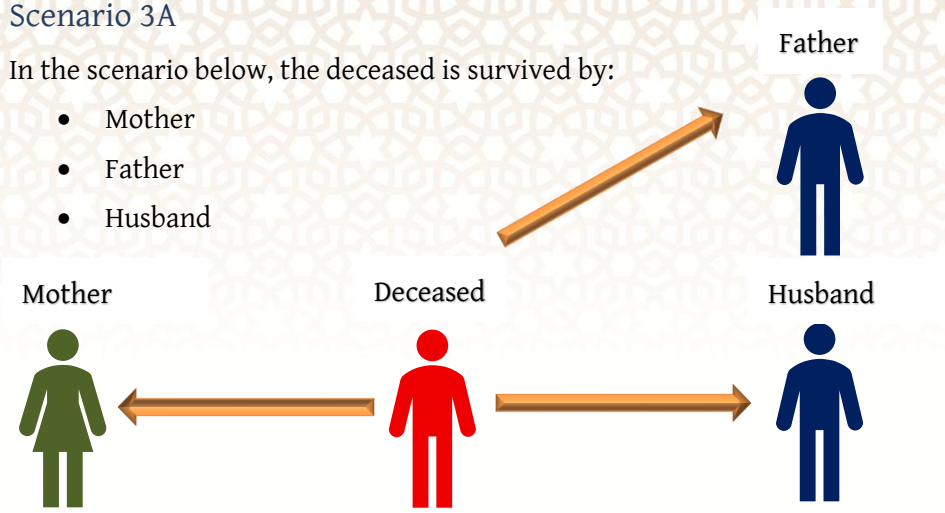
Heir	Initial Share	Share from Remainder	Final Share	Percentage
Mother	**1/6**		**1/6**	**16.67%**
Son		5/6	5/6	83.33%



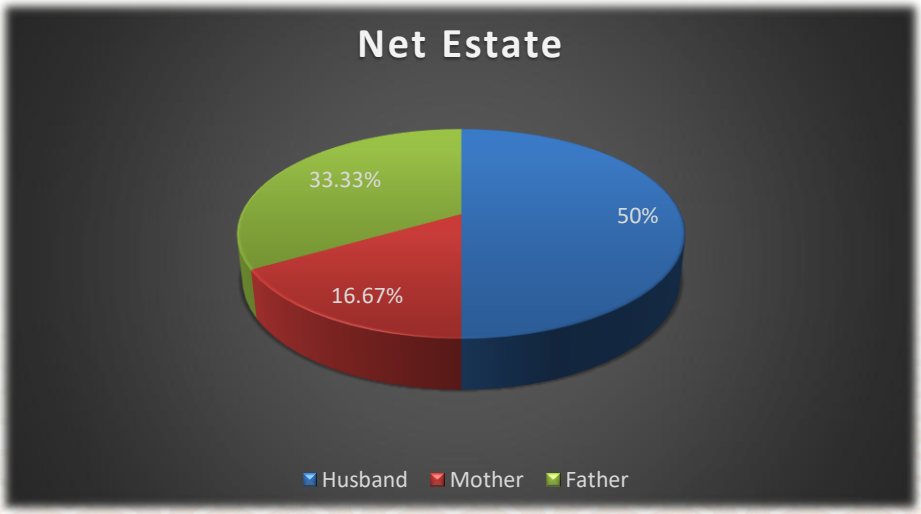
Scenario 3A

In the scenario below, the deceased is survived by:

- Mother
- Father
- Husband



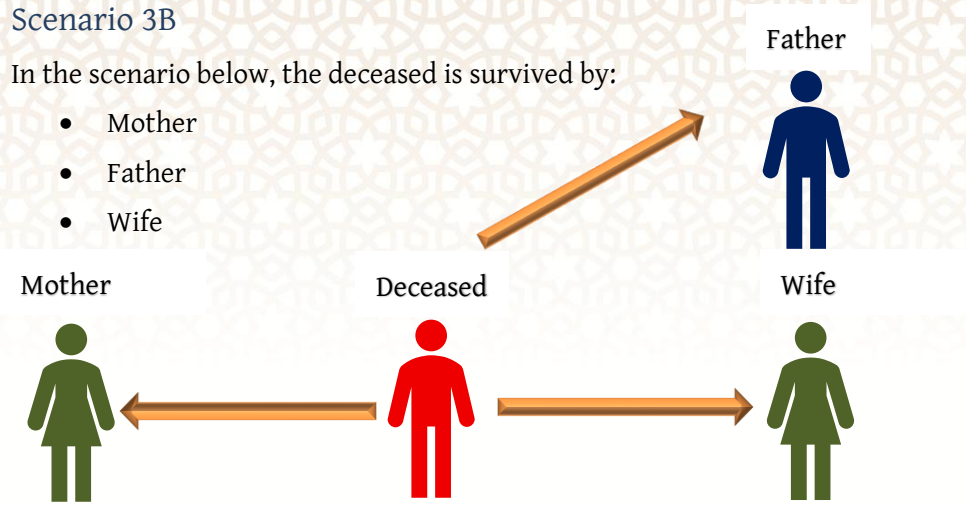
Heir	Initial Share	Share from Remainder	Final Share	Percentage
Mother	**1/6**		**1/6**	**16.67%**
Father		1/3	1/3=2/6	**33.33%**
Husband	1/2	Spouse does not share in remainder	½= 3/6	50%



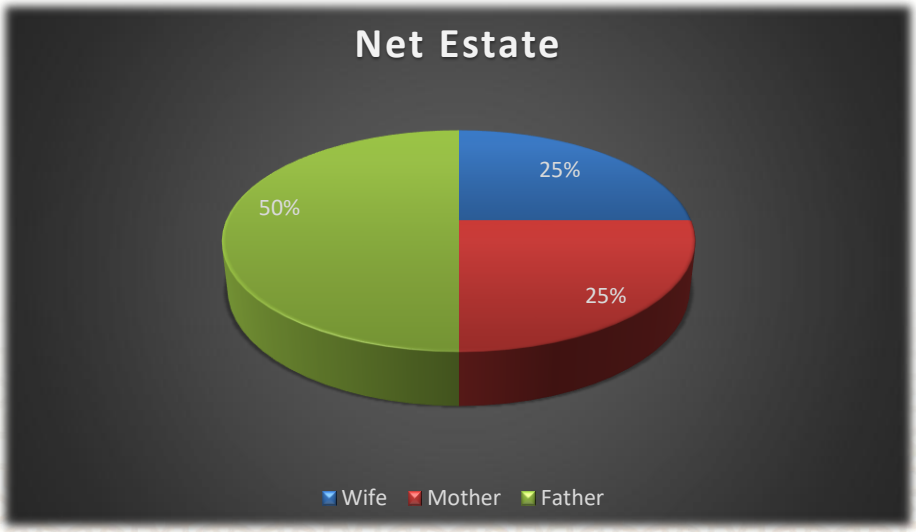
Scenario 3B

In the scenario below, the deceased is survived by:

- Mother
- Father
- Wife



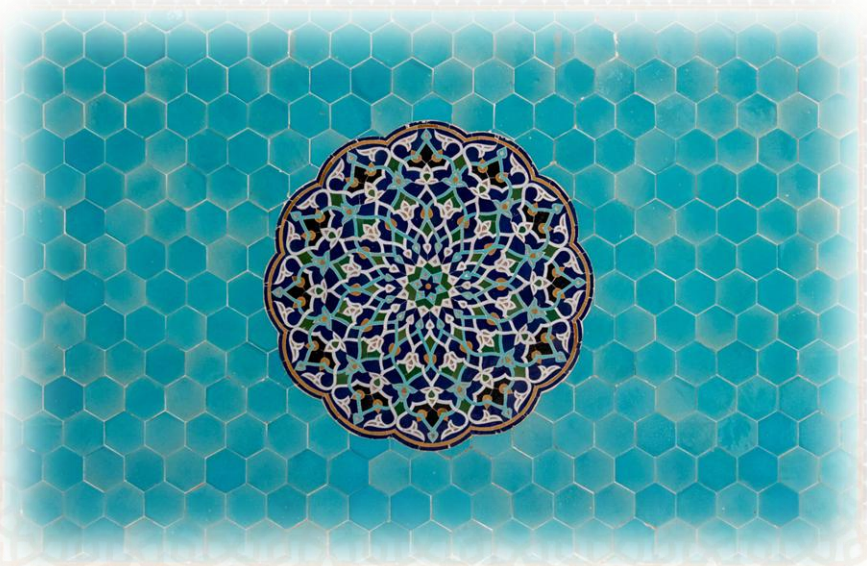
Heir	Initial Share	Share from Remainder	Final Share	Percentage
Mother	1/4		**1/4**	**25%**
Father		1/2	1/2	50%
Wife	1/4		1/4	25%



The Shares of a Grandmother

From the table below, we can see the different scenarios for a grandmother whose grandchild has passed away.

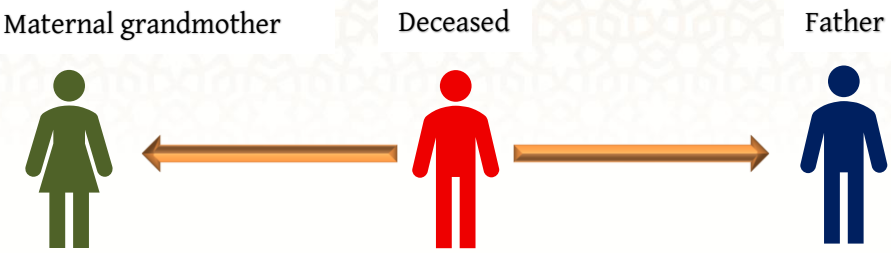
Scenario Number	Share	Further Information
1	1/6	When entitled to a share i.e. if both parents of the deceased have passed away, or if father is alive but mother has passed away, maternal grandmother will inherit. If there are 2 grandmothers, they will get 1/12 each.
2	Maḥjūb (blocked)	When the mother of the deceased is alive, both maternal and paternal grandmothers are blocked. If the father of the deceased is alive, the paternal grandmother will be blocked.



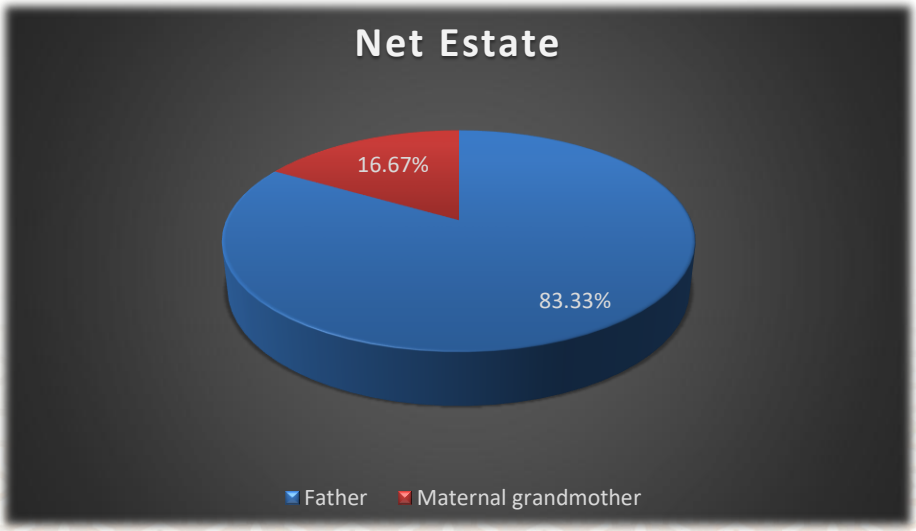
Scenario 1

In the scenario below, the deceased is survived by:

- Father
- Maternal Grandmother



Heir	Initial Share	Share from Remainder	Final Share	Percentage
Maternal grandmother	**1/6**		**1/6**	**16.67%**
Father		5/6	5/6	83.33%



The Shares of a Wife

Allāh سُبْحَانَهُوَتَعَالَى has mentioned the shares of the wife specifically in the Qur'ān, in the Verse below:

وَلَهُنَّ الرُّبُعُ مِمَّا تَرَكْتُمْ اِنْ لَّمْ يَكُنْ لَّكُمْ وَلَدٌ ۚ فَاِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ مِّنْۢ بَعْدِ وَصِيَّةٍ تُوْصُوْنَ بِهَا اَوْ دَيْنٍ [17]

"For them (the wives) there is one-fourth of what you leave behind, in case you have no child. But, if you have a child, they get one eighth of what you leave, after (settling) the will you might have made, or a debt."

From the table below, we can see the two different scenarios for a wife.

Scenario Number	Share	Further Information
1	1/4	If the deceased husband had no children
2	1/8	If the deceased husband had children or son's children who are alive.

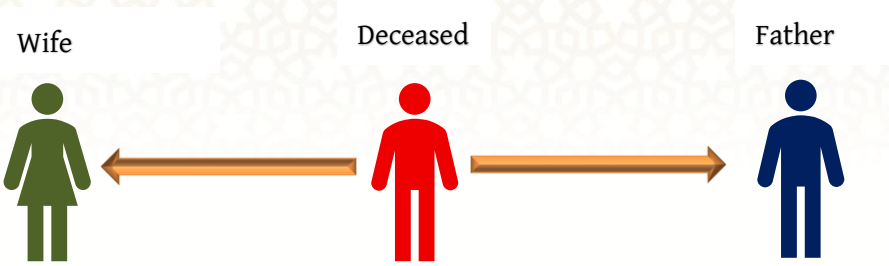
Note: If the deceased is survived by more than one wife, the share will be divided. So in the case of 2 wives, with the deceased having children, the wives will receive 1/16 each.

[17] Sūrah an-Nisā Verse 12

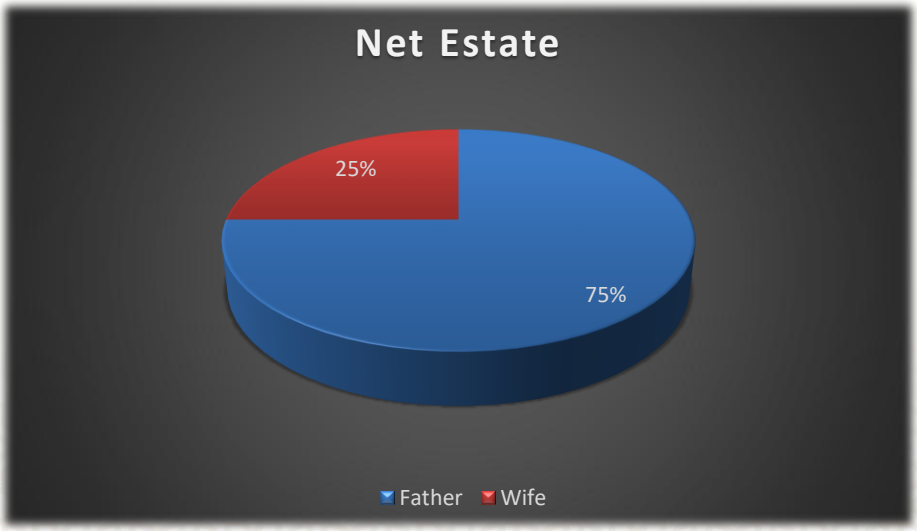
Scenario 1

In the scenario below, the deceased is survived by:

- Wife
- Father



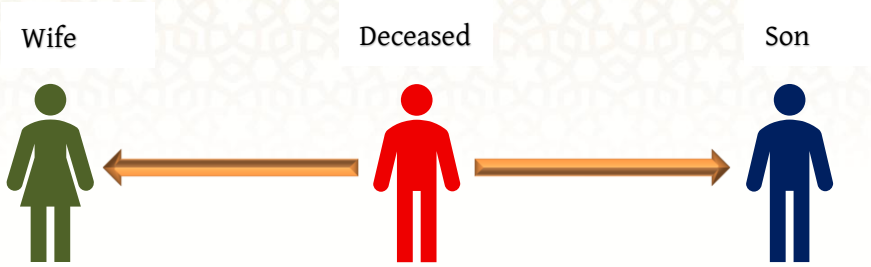
Heir	Initial Share	Share from Remainder	Final Share	Percentage
Wife	1/4	Spouse does not share in remainder	**1/4**	**25%**
Father		3/4	3/4	75%



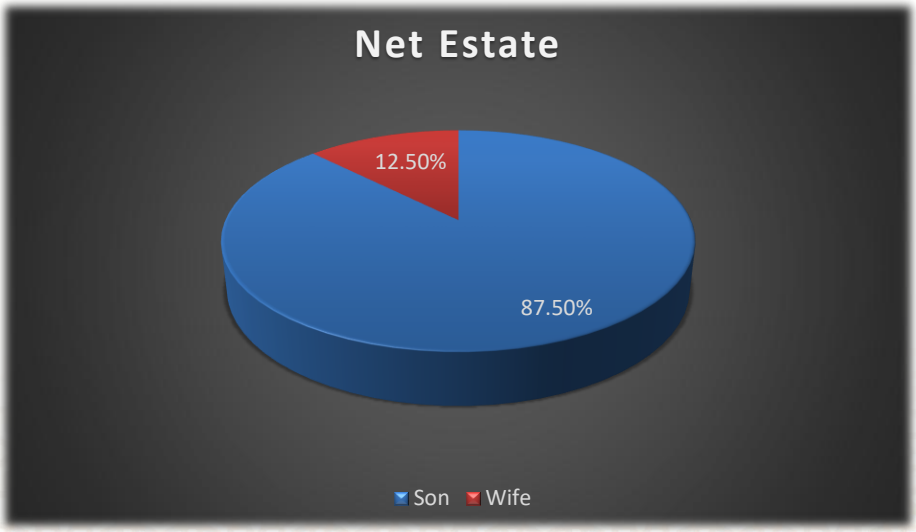
Scenario 2

In the scenario below, the deceased is survived by:

- Wife
- One son



Heir	Initial Share	Share from Remainder	Final Share	Percentage
Wife	1/8		**1/8**	**12.5%**
Son		7/8	7/8	87.5%



The Shares of a Daughter

Allāh سُبْحَانَهُ وَتَعَالَى has mentioned the shares of daughters specifically in the Qur'ān, in the Verse below:

فَإِنْ كُنَّ نِسَآءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ ۚ
وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ [18]

"But, if they are (only) women, more than two, then they get two-thirds of what one leaves behind. If she is one, she gets one-half."

From the table below, we can see the different scenarios for a daughter.

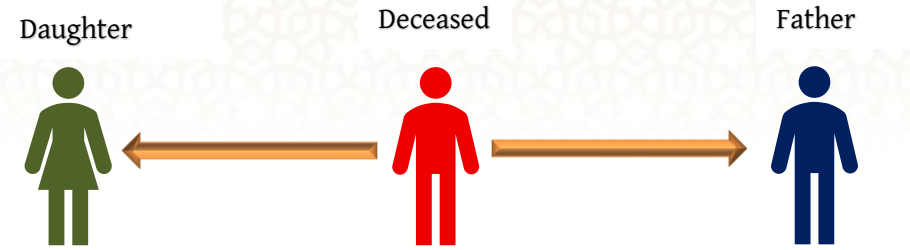
Scenario Number	Share	Further Information
1	1/2	When there is only one daughter and the deceased does not have a son
2	2/3	When there are two or more daughters and the deceased does not have a son
3	1/2 of son's share	When the deceased has a son, whether he is from the same mother as the daughter or a different wife

[18] Sūrah an-Nisā Verse 11

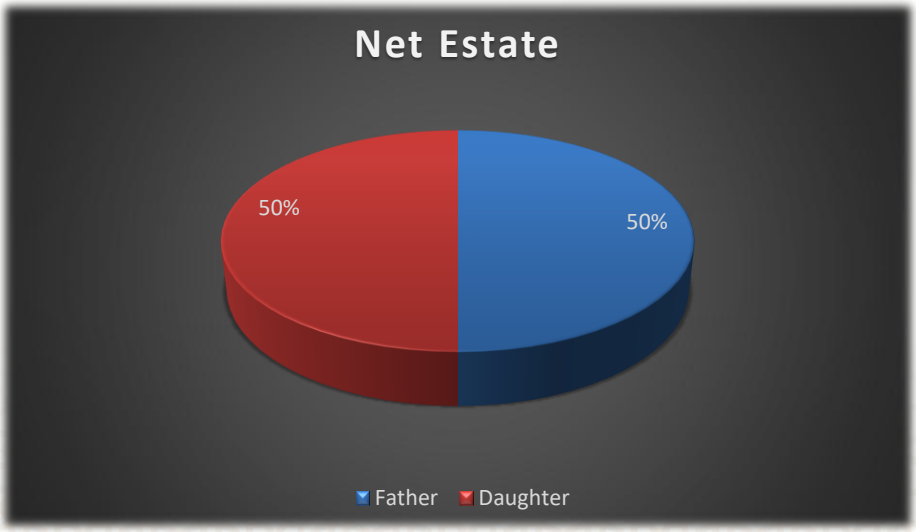
Scenario 1

In the scenario below, the deceased is survived by:

- Daughter
- Father



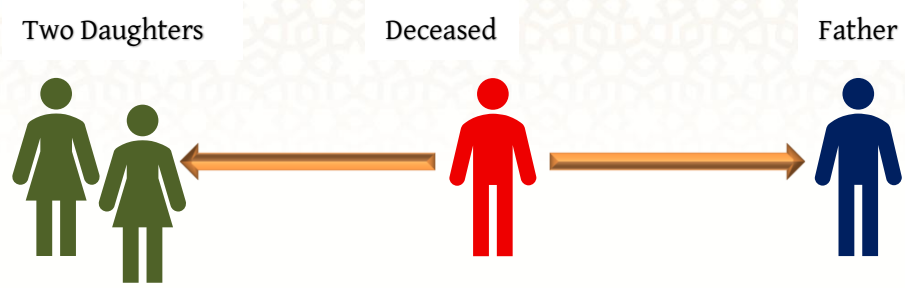
Heir	Initial Share	Share from Remainder	Final Share	Percentage
Daughter	1/2		**1/2**	**50%**
Father	1/6	1/3	1/2	50%



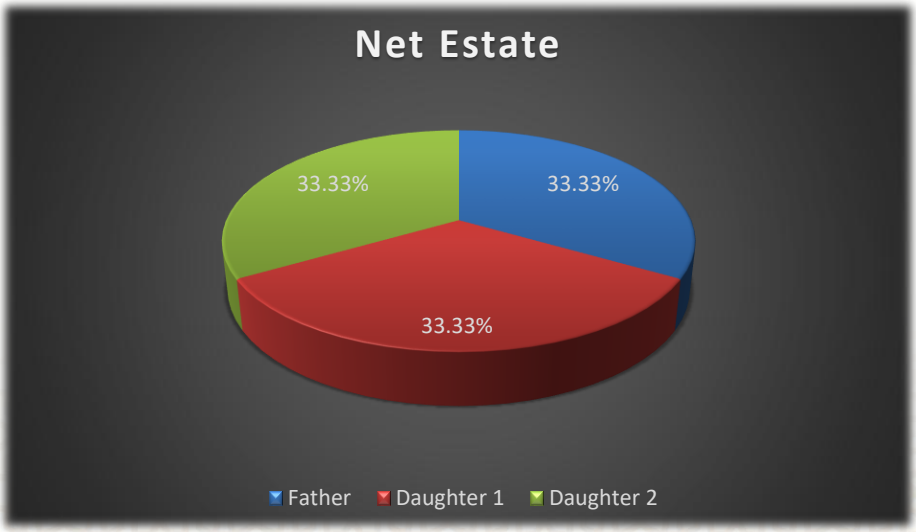
Scenario 2

In the scenario below, the deceased is survived by:

- Two Daughters
- Father



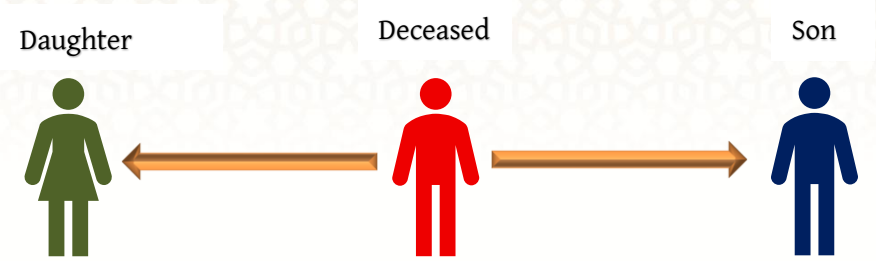
Heir	Initial Share	Share from Remainder	Final Share	Percentage
Daughter 1	**1/3**		**1/3**	**33.33%**
Daughter 2	**1/3**		**1/3**	**33.33%**
Father	1/6	1/6	1/3	33.33%



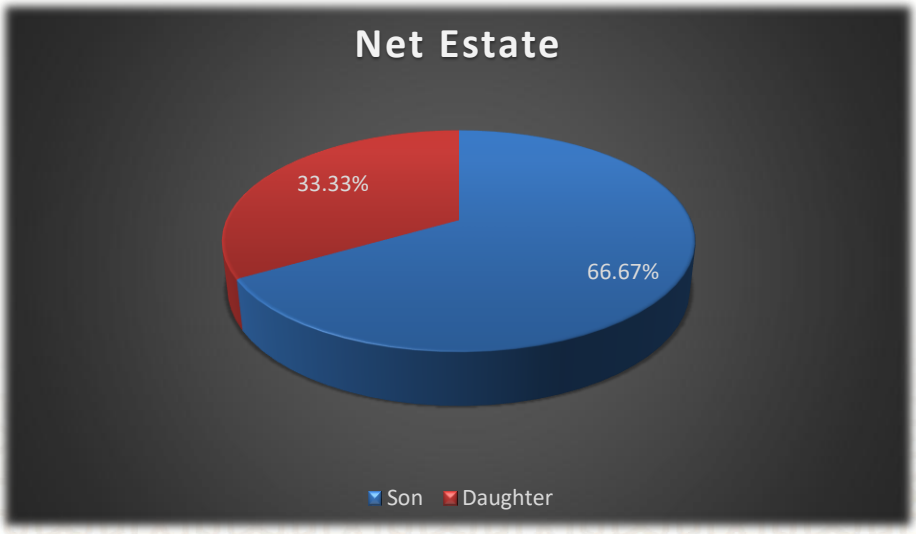
Scenario 3

In the scenario below, the deceased is survived by:

- Daughter
- Son



Heir	Initial Share	Share from Remainder	Final Share	Percentage
Daughter		1/3	**1/3**	**33.33%**
Son		2/3	2/3	66.67%



The Shares of a Full Sister

In all scenarios, if the deceased is survived by a father, paternal grandfather, son, or son's son, the full sister will be blocked from inheritance.

From the table below, we can see the different scenarios for a full sister

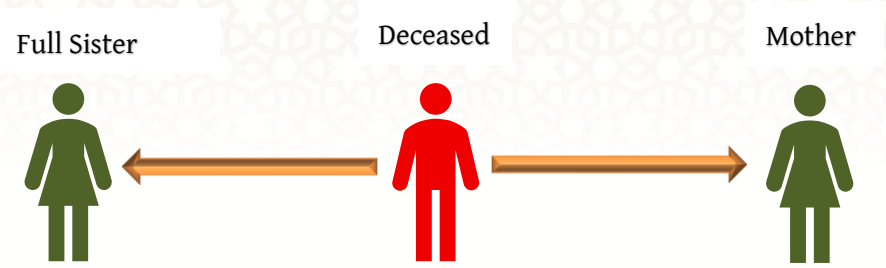
Scenario Number	Share	Further Information
1	1/2	When alone and the deceased has no brothers, father, grandfather, or children.
2	2/3	When there are two or more and the deceased has no brothers, father, grandfather, or children.
3	Remainder with daughter and son's daughter	When the deceased has a daughter or son's daughter and there are no brothers, father, grandfather, son or son's sons.
4	1/2 of brother's share	When the deceased has a brother and he has no male children, father or grandfather.
5	Maḥjūb	When the deceased has a father, grandfather or the deceased has male children.

Note: Only scenarios 1 and 4 will be explained.

Scenario 1

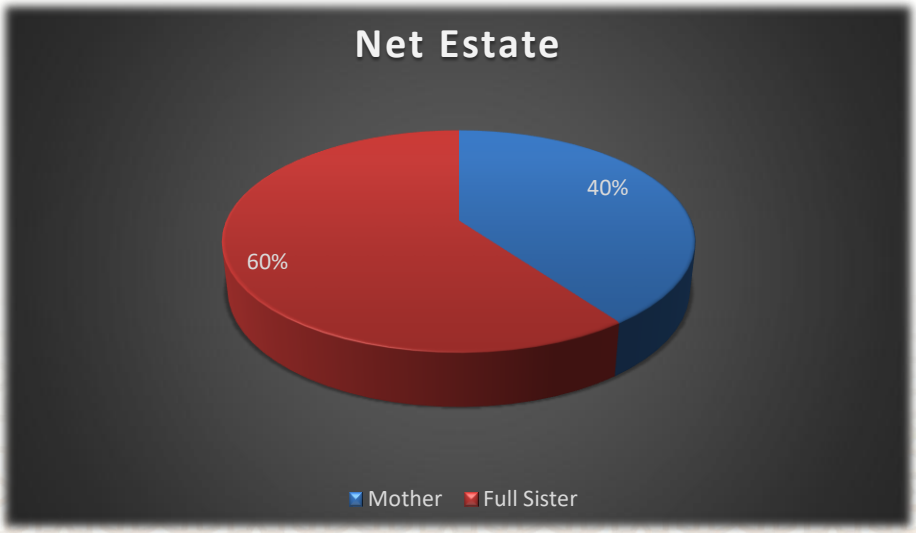
In the scenario below, the deceased is survived by:

- Full Sister
- Mother



Heir	Initial Share	Share from Remainder	Final Share	Percentage
Full Sister	1/2 = 15/30	3/30	**18/30 = 3/5**	**60%**
Mother	1/3 = 10/30	2/30	12/30 = 2/5	40%

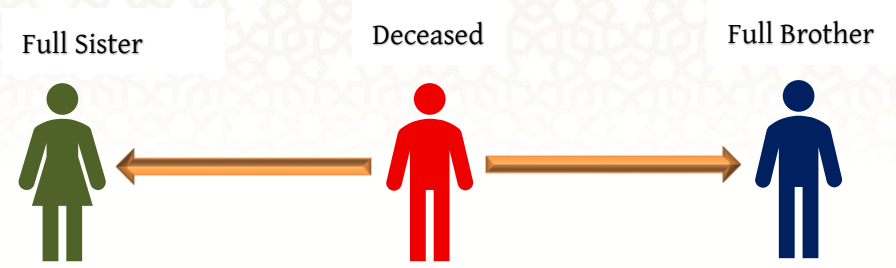
After the initial shares were distributed, there was a remainder of 1/6. This was then divided into 5 parts, with 3 going to the full sister and 2 to the mother



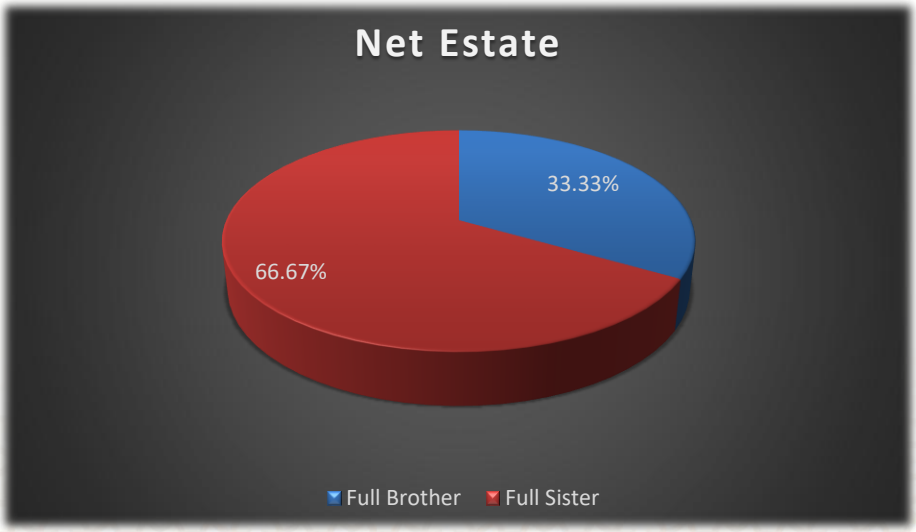
Scenario 4

In the scenario below, the deceased is survived by:

- Full Sister
- Full Brother



Heir	Initial Share	Share from Remainder	Final Share	Percentage
Full Sister		1/3	1/3	**33.33%**
Brother		2/3	2/3	66.67%



ʿAṣabāt Nasabī

The ʿAṣabāt are those heirs who will receive the remainder after the Dhawil Furūḍ have received their shares. If no Dhawil Furūḍ are present, they receive the entire estate.

There are two types of ʿAṣabāt, ʿAṣabāt Nasabī and ʿAṣabāt Sababī. ʿAṣabāt Sababī is related to freed slaves so will not be discussed here.

There are three types of ʿAṣabāt Nasabī as follows:

ʿAṣabah Binafsihī	Those males that are linked to the deceased in such a way that no female gets in between
ʿAṣabah Bighayrihī	The daughter or son's daughter, full or consanguine sisters (paternal) that get half the share of their brothers
ʿAṣabah Maʿa ghayrihī	Real or consanguine sisters that are joined to the daughters or son's daughters and are given the remainder of the share of the daughters or son's daughters.

ʿAṣabah Binafsihī

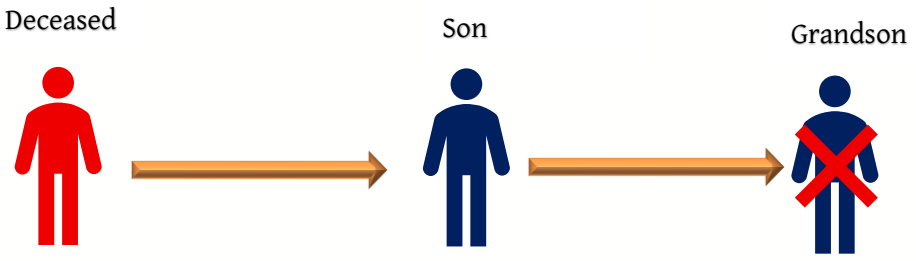
There are 4 types of ʿAṣabah Binafsihī as follows in order of sequence:

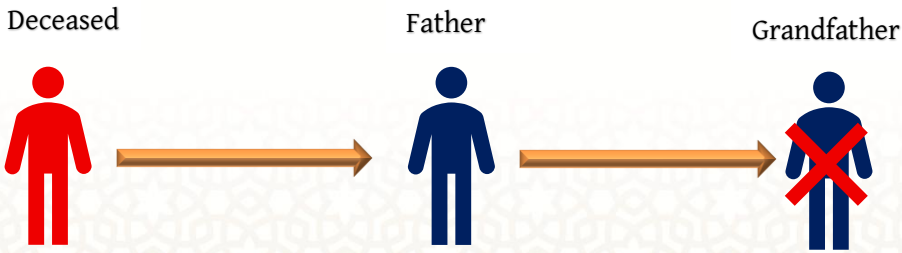
Type	Relation
1	The progeny of deceased i.e. son, grandson, going downwards
2	The forbear of the deceased i.e. father, grandfather, going upwards
3	The progeny of the close forbear i.e. brother, nephew
4	The progeny of the far forbear i.e. male children of the grandfather like uncle, and uncle's son

In terms of inheritance, the first will be deserving of the estate, then the second, then the third and finally the fourth. So if there are no heirs from the first three types, type 4 will inherit.

If there are a number of individuals from the same type, then the closest in relation will be more deserving i.e. if there is a son and grandson, both are type 1, however only the son will receive it as he is closer in relation to the deceased.

If there are a number of individuals from the same type and they have the same degree in closeness to the deceased, then they will share the estate equally.





ʿAṣabah Bighayrihī

They are those females who have a share of one half or two thirds. When they come together with their brothers, the brother will receive double the share of the females.

There are now 4 types of ʿAṣabah Bighayrihī which can be summarised into two main types as follows, in order of sequence:

Type	Relation
1	The female progeny of deceased i.e. daughters, son's daughters etc.
2	Those women linked to the father of the deceased i.e. full sister, consanguine (paternal) sister etc.

Type 1 do not end at any point i.e. the son's daughter can also inherit; however Type 2 is restricted to the progeny of the father of the deceased, i.e. the real or consanguine sisters can inherit on account of their brothers, but the niece will not be able to inherit on account of her brother.

Some points of note are as follows:

- All Male children are ʿAṣabah Binafsihī
- Females with their brothers become ʿAṣabah Bighayrihī

Dhawil Arḥām

All the relatives that are not Dhawil Furūḍ or ʿAṣabāt are Dhawil Arḥām. There are 4 types of Dhawil Arḥām as follows listed in sequence.

Type	Relation
1	Daughters' children and son's daughters' children
2	Forbears of the deceased i.e. fāsid grandfather and fāsid grandmother (a fāsid grandparent is one who is connected through a female i.e. maternal grandfather, maternal grandmother etc.)
3	Sisters' children, uterine brothers' children, and daughters of full and consanguine brothers
4	Children of the grandfather and grandmother i.e. paternal aunts, uterine uncles, maternal uncles, maternal aunts and their children, daughters of the real or consanguine uncle

In terms of inheritance, the first will be deserving of the estate, then the second, then the third and finally the fourth. So in the scenario, there are no heirs from the first 3 types, type 4 will receive the inheritance.

If there are a number of individuals from the same type, then the closest in relation will be more deserving.

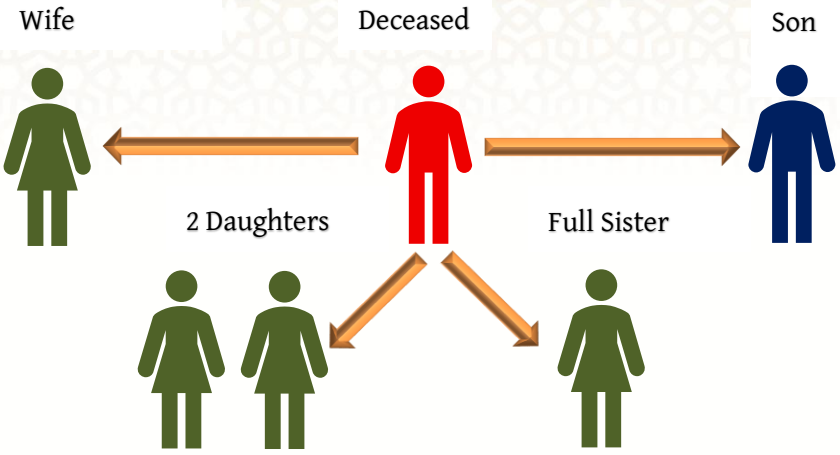
If there are a number of individuals from the same type and they have the same degree in closeness to the deceased, then they will share it, with a male receiving double the share of a female.

We will now move onto some examples of inheritance calculations. These will assume, the funeral costs, debts and bequests have been already taken from the estate.

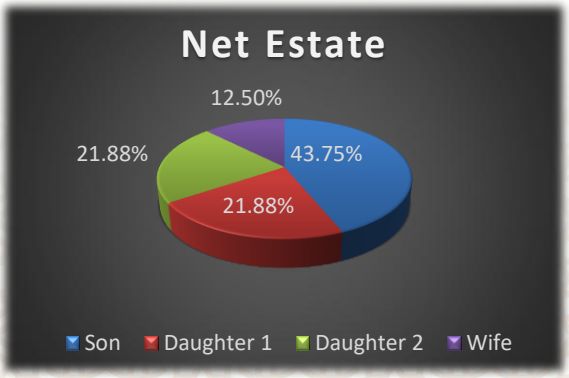
Case Study 1

The deceased is survived by:

Wife	Two daughters	One son	One Full Sister



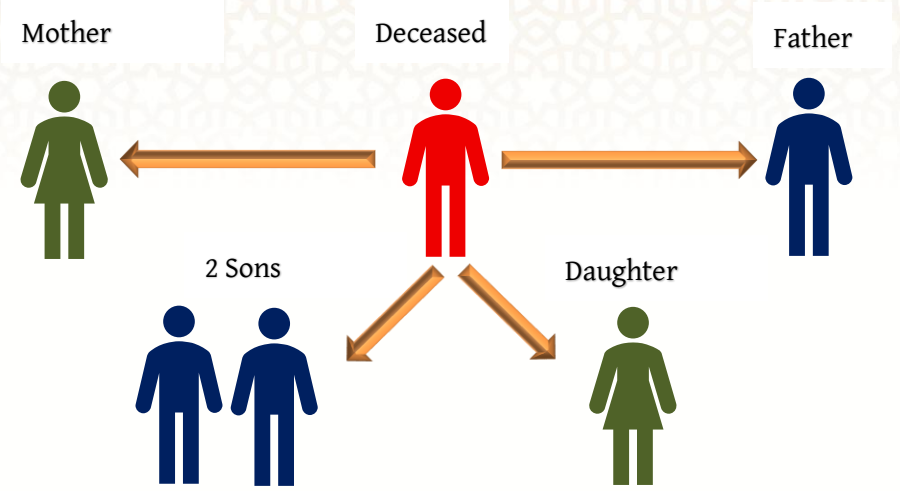
Heir	Initial Share	Share from Remainder	Final Share	Percentage
Wife	1/8 = 4/32	None	1/8 = 4/32	12.5%
Son		14/32	14/32	43.75%
Daughter 1		7/32	7/32	21.875%
Daughter 2		7/32	7/32	21.875%
Full Sister	Maḥjūb due to son			0%



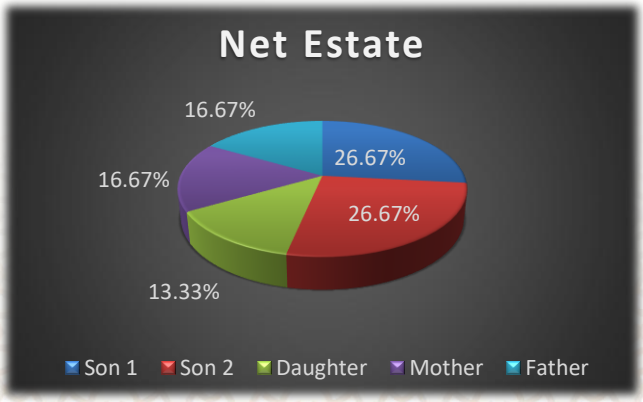
Case Study 2

The deceased is survived by:

Mother	Father	Two sons	One daughter



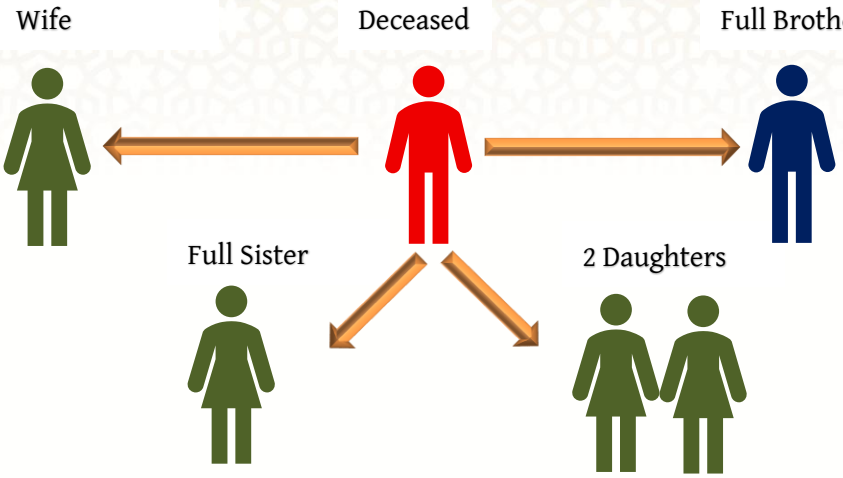
Heir	Initial Share	Share from Remainder	Final Share	Percentage
Mother	1/6 = 5/30		1/6 = 5/30	16.67%
Father	1/6 = 5/30		1/6 = 5/30	16.67%
Son 1		4/15 = 8/30	4/15 = 8/30	26.67%
Son 2		4/15 = 8/30	4/15 = 8/30	26.67%
Daughter		2/15 = 4/30	2/15 =4/30	13.33%



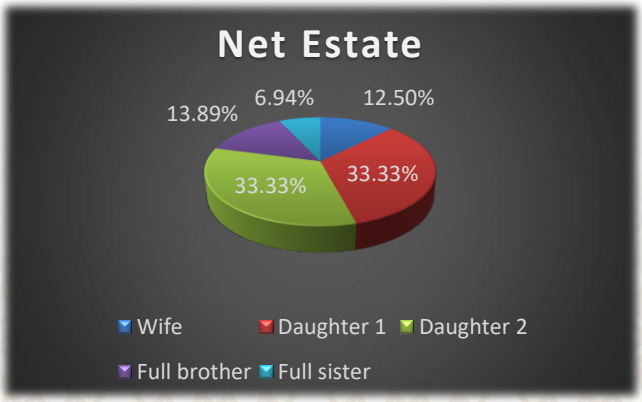
Case Study 3

The deceased is survived by:

Wife	Two daughters	One full brother	One full sister



Heir	Initial Share	Share from Remainder	Final Share	Percentage
Wife	1/8		9/72	12.5%
Daughter 1	1/3		24/72	33.33%
Daughter 2	1/3		24/72	33.33%
Full Brother		5/36	10/72	13.89%
Full Sister		5/72	5/72	6.94%

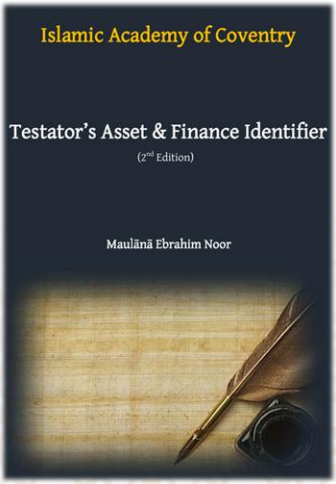


Preparation – Will & Testator's Asset & Finance Identifier

After discussing the individual shares, we can see how important it is to ensure our wealth can be identified after our demise in order to be distributed correctly. This would also include identifying all debts and loans given.

An appropriate Will should be prepared according to Islamic principles as well as all information on assets and finances. To aid in this exercise, many Islamic Will templates are available online. Some of these can be downloaded from the link below:
https://islamicportal.co.uk/islamic-will-templates/

To aid in identifying your finance and assets, you can create a document or spreadsheet, ensuring the executors will have access to this information upon your demise. This must be kept up to date, so that any changes are recorded. The document below can also be used if required.
https://islamicportal.co.uk/wp-content/uploads/2018/01/Testators-Asset-and-Finance-Identifier-2nd-Edition.pdf



Giving Wealth to Children during Lifetime

There may be some instances where a person would like to gift some of their wealth during their lifetime to their children. This question has been answered on islamicportal.co.uk as below:[19]

Question: I understand that when a person is giving gifts to his children, he should give equally to male and female children. However, if a person decides to distribute his wealth in his life before his demise to avoid any disputes and legal complications after his demise, should he distribute among his children equally or should he follow the inheritance laws and give the sons double than the daughters?

Answer: The default rule according to most scholars is that parents should give gifts equally to all their children irrespective of gender. This is also the preferred position of ḥanafī jurists. On the other hand, some scholars suggest that the laws of inheritance should be applied when giving gifts. Accordingly, if a person is giving with the intention of gifts, he should gift equally irrespective of the amount of the gift. If, however, his intention is not to give gifts, rather the distribution of inheritance in his life to avoid disputes after his death, there is scope to follow the minority opinion and distribute according to the inheritance laws.

Note: If a person gifts his assets during maraḍ al-wafāt (the illness preceding death) to his heirs, this does not take effect, and it takes the ruling of a waṣiyyah (bequest). As waṣiyyah is not permitted for heirs, the wealth will be subject to the laws of inheritance.

[19] https://islamicportal.co.uk/distribution-of-wealth-before-demise/

Establishing Estate

As well as our normal assets, there are other payments which could also constitute part of the estate. These will be discussed in this section.

Death in Service

A **death in service payment** (also called a **death benefit**) is a lump sum paid by an employer's pension scheme or employee benefits scheme if an employee dies while still employed. This is often based on the salary of the person, so could be a multiple, i.e. 2x, 3x etc.

Would this payment constitute as part of the estate? There are differences of opinion amongst Scholars regarding this ruling. The ruling on islamicportal.co.uk is shown below:[20]

The death in service benefit in question will form part of the deceased's estate and will therefore be subject to the rules of inheritance and Waṣiyyah. Accordingly, if the nominees include an heir, they cannot benefit from this. However, if the nominees include a non-heir, then a maximum of one third of the whole estate can be given to fulfil the Waṣiyyah. If the one third is exceeded, then the amounts will be reduced in proportion. A scholar should be consulted at this stage with all the details of the Waṣiyyah.

The fundamental rationale behind the inclusion of the death in service benefit within the deceased's estate is that it is the right of the deceased, and just as inheritance applies to a deceased's wealth at the time of demise, it also applies to the rights owned by the deceased. The jurists have mentioned

[20] https://islamicportal.co.uk/is-death-in-service-benefit-a-gift-or-subject-to-laws-of-inheritance/

an example that if a person is killed and the family receive Diyat (financial compensation) then it will be subject to inheritance, because it is a right of the deceased. The death in service benefit in question is similar in that it is given as a result of the contractual agreement between the deceased and the employer which alongside his financial contribution demonstrates that it is a right of the deceased which the employer is obliged to fulfil. This is different to an employer voluntarily gifting money to the spouse or children of the deceased which would be a gift and not form part of the estate.

Pensions

Many people will contribute to a pension during their working life and also nominate a beneficiary. The answer below has been taken from darulfiqh.com.[21]

Question: Salaam what's the ruling to pensions after death? The defined contribution pension scheme rules dictate it goes to the wife. Should it nonetheless be distributed islamically, or not counted as part of the deceased estate?

Answer: An investment through a defined contribution pension plan is part of one's assets, and as such, will be counted among the deceased's estate.

Hence, once received, the pension will be distributed to the heirs according to their inheritance shares.

[21] https://darulfiqh.com/qa/wills-inheritance/does-a-pension-investment-form-part-of-the-sharia-estate-of-the-deceased/

Inheritance Tax

In many countries, if the total sum of the estate is over a certain amount, it will be subject to inheritance tax. Any part of the estate which is passed down to the spouse will be exempt from inheritance tax if they are a long-term UK resident (prior to April 2025 it was UK domiciled). For a non-long-term UK resident[22], this will be capped at the inheritance tax threshold which is currently £325,000.[23] If the qualifying home is passed down (or its proceeds) to direct descendants, then this can increase a further £175,000.[24]

Any amount over the threshold will be subject to 40% tax in the UK. If a bequest (up to one third) is made for a qualifying charity, this will not be subject to inheritance tax. Furthermore, if 10% or more of the net estate (after debts, exemptions and the nil-rate band) is given to a qualifying charity, the inheritance tax rate will reduce from 40% to 36%.[25]

For all scenarios, the executors/family should check if they need to pay inheritance tax on the estate of the deceased and if so how much. This amount will then be taken away from the gross value of the estate. Once funeral costs, debts, inheritance tax has been paid (if applicable), and bequests given, the remainder will become the net estate, which will then be shared according to Islamic principles.

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[22] https://www.gov.uk/hmrc-internal-manuals/inheritance-tax-manual/ihtm47030

[23] https://www.gov.uk/government/publications/rates-and-allowances-inheritance-tax-thresholds-and-interest-rates/inheritance-tax-thresholds-and-interest-rates

[24] https://www.gov.uk/government/publications/inheritance-tax-thresholds/inheritance-tax-thresholds

[25] https://www.gov.uk/donating-to-charity/leaving-gifts-to-charity-in-your-will

This calculator will help to check if you need to pay and how much: https://www.gov.uk/valuing-estate-of-someone-who-died/estimate-estate-value

Note: The share of the spouse (if they are legally married) will be either totally exempt from Inheritance Tax, or capped at £325,000, depending on their residency status. This should be considered when calculating how much inheritance tax should be paid.

Nikāḥ only Marriages

A very important point to note here is that Nikāḥ-only marriages, where there has been no civil registration, are generally not recognised in English law. That wife gets no intestacy rights and no Inheritance Tax spouse exemption, so she must be provided for in a valid Islamic Will.



Advice for Executors

The role of an executor in a Will is to administer the estate of the deceased and carry out their wishes. It is a very important role, and they will have a number of duties, among which are:

- Registering the death and obtaining official copies of the death certificate.
- Locating the Will and identifying the beneficiaries.
- Valuing the deceased's assets and liabilities (property, bank accounts, investments, debts, etc.).
- Paying funeral expenses, debts, and any inheritance tax due
- Applying for probate (if required).
- Collecting and safeguarding the estate assets.
- Distributing the estate to the beneficiaries according to the will.
- Keeping accurate records and providing accounts of the estate administration.

From an Islamic perspective, the executors will ensure the funeral expenses are paid, the debts of the deceased are settled, borrowed items returned and loans reclaimed. The bequests are carried out and then the inheritance shared out according to Islamic principles.

We can see from the above that it can be a very demanding role, hence it is best for the testator (person making the Will) to choose wisely. They should also ensure in case of their demise, the executors will have access to all of the information necessary to carry out their instructions, including the location of the Will and any supplementary information.

Probate

There may also be cases where the executors have to seek probate. Probate is often needed when the deceased owned:

- Property or land in their sole name.
- Significant savings or investments.
- Assets that cannot be transferred automatically to a surviving joint owner.

Further guidance on probate can be found on the link below:
https://www.gov.uk/applying-for-probate

The people who can apply for probate depends on whether the deceased left a Will or not. If the deceased did leave a Will, then the executors can apply for probate. If they did not leave a Will, then the closest living relatives can apply for letters of administration in order of priority i.e. spouse, children, grandchildren, parents etc.

In the case of the deceased owning a property solely in their own name, the legal title cannot normally be transferred to the surviving spouse until the representatives have the authority to deal with the estate. That authority is obtained through probate or letters of administration (if there is no Will).

Upon the demise of a person, the executors (or closest living relatives, if there is no will) should review the estate and check if probate is actually needed to enable distribution. If so, the link below can be used:

https://www.gov.uk/applying-for-probate/apply-for-probate

Time of Demise

As we know, when a person passes away, it is a very emotional and sensitive time. However even in these moments, we must ensure we fulfil the rights of others. As soon as a person passes away, their estate now becomes the property of their heirs. This also includes all costs and maintenance associated with any assets the deceased may have owned.

Any household bills which were the responsibility of the deceased, now become the responsibility of the heirs. An anecdote is mentioned in Maʿāriful Qur'ān as follows:

A pious elder went to visit a sick Muslim. He had hardly sat with the patient for a little while when the latter died. The sage immediately put out the lamp burning there and gave someone the money to buy oil and re-light the lamp with it. When people around asked him for the reason of his doing so, he said that this lamp was under the ownership of this person until such time that he was alive and it was correct to use that light. Now that the deceased has left this mortal world, his inheritors have the necessary right over everything he owned. So, it is only through the permission of all inheritors that we can use this lamp and since all of them are not present here, this lamp was lighted at a personal cost.[26]

We can see from the above how Islām looks at the rights of all others and how agreement is required from all heirs before any decisions are made. The time and date of demise must be noted, as this will be required when calculating the household bills which will be discussed later under the debts section.

[26] Maʿāriful Qur'ān Volume 2 p338

Locating the Will

If a person is expected to pass away then their Will should be located beforehand so certain information such as cash/bank accounts etc. which may be needed to pay for the funeral costs can be identified.

If it is a sudden death, then the spouse, children or executors should know the location of the Will.

If any costs are incurred by any family member/members, who wish to pay and then settle later on, a clear record of the expenses should be kept by them, so the costs can be settled before the inheritance is shared out.

The guidance here is for all those who have an Islamic Will, to inform their family members and executors of its location so it can be easily obtained.

Consultation with other Heirs

It is imperative that all decisions are now made in agreement with all the other heirs, as they will all now have a right of inheritance over the estate. No decisions should be made by any individuals, or smaller groups without consulting everyone.

The executors must keep all the heirs involved in the process and may enlist their assistance to process matters more quickly. When the Will is located, it would be advisable to gather just the heirs and explain the contents of the Will so they can understand the proceedings. The Islamic principles should also be explained, i.e. the order in which the costs are taken from the estate, funeral costs, debts, bequests, and proportion of individual shares. If anyone needs any clarification at this stage, they can consult a Scholar who will be able to assist.

Primary Case Study

For this book, I will carry out a case study, going through all of the costs until we get to the actual inheritance shares. As we go through each of the stages, more information will become available.

The details of the scenario are below:

It is assumed at this moment in time, the Will has not been located but the deceased had a shared account (50% each) with their spouse which has enough funds to pay for any immediate expenses.

Deceased	Male
Date and time of demise	01/01/2026 – 00:01
Cash in bank account	£20,000

Note: I will not include the value of the items in the house, including the personal effects of the deceased as part of the estate to simplify the scenario. In a real life situation, these will also be included as part of the estate. Each heir will have a share in each part of the net estate.



Funeral Costs

The first cost to be taken from the estate of the deceased will be for the funeral. If the funeral costs take up the entire estate then there will be no inheritance.

It is imperative that we forward plan and take this into account so there are enough funds to cover our own funeral costs in case of our demise. The costs can vary depending on the area we live in, also whether we are buried in a private or council owned cemetery. To find out the cost, it is best to consult your local Islamic funeral committee / funeral director who will be able to provide you with the details.

The funeral costs will include:

- Cost of land
- Interment
- Transportation
- Bathing
- Shroud
- Cold Storage
- Casket or planks



For our local community in Coventry, in January 2026, the cost of a burial was nearly £5,000.

The following costs cannot be taken out of the estate of the deceased:

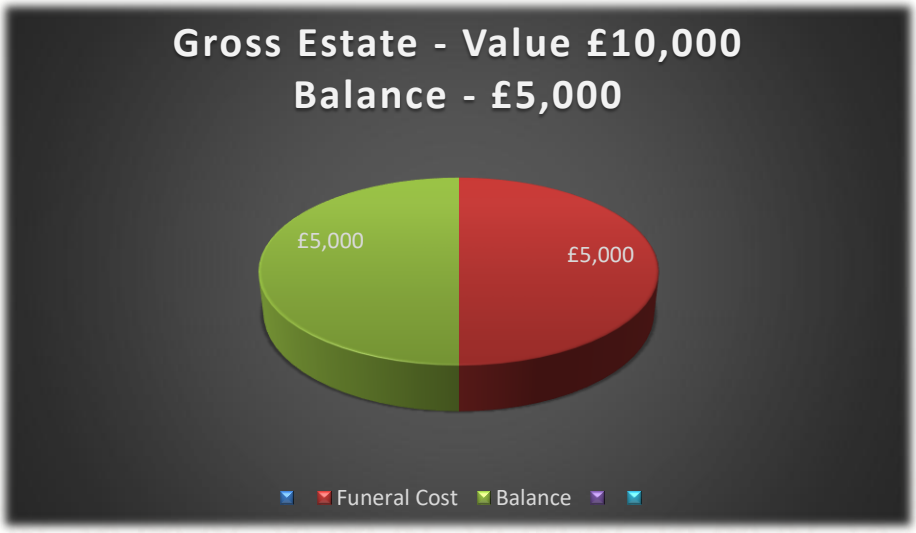
- Any hall/building hire for housing guests
- Food prepared on the day of the burial or any other days

Primary Case Study

The following has now been identified:

- Funeral Costs are £5,000
- Cost has been taken from cash in bank account

Information	Incoming	Outgoing	Balance
Cash in shared bank account (50%)	£10,000		
Funeral Cost		£5,000	
Total	£10,000	£5,000	£5,000



Paying Debts and Outstanding Bills

The executors will now need to ensure all of the outstanding debts of the deceased are now paid. This will include any which have been detailed in any records kept by the deceased, i.e. Testator's Finance and Asset Identifier, spreadsheets and loan agreements. It will also include any household bills; hence all of the companies/government departments will have to be contacted. If the deceased is a male and has outstanding mahr to his wife/wives, this must also be paid at this moment in time.

An example of some of these are as follows:

- Gas & Electric Utility Companies
- Council Tax
- House Insurance
- Water Companies
- Internet
- Phone
- Credit Cards
- TV Licence



If there is anyone left in the family who will still be residing in the house, then the accounts/contracts can be transferred to their name. At this point, we must note, all outstanding payments up to the time of demise will be taken out from the estate. All payments after will be the responsibility of the heirs according to their Islamic share of inheritance.

Accessing Bank Accounts of Deceased

Most banks will have dedicated bereavement teams and procedures to deal with accounts after the demise of the account holder. When a person passes away, access to the bank account by the executor can normally be obtained by producing some documents as follows:

- Death Certificate (obtained after registering death)
- Proof of identity (of the executor or person applying)
- Will
- Grant of probate if required

The best way would be to contact the bank and ask them what their specific process is.

If the deceased had a joint bank account with their spouse, it would pass onto the surviving account holder under the principle of survivorship. Furthermore, if a house is owned by them as joint tenants, the surviving spouse automatically becomes the sole owner upon the death of the other spouse. If the couple were 'tenants in common', the share of the deceased can be passed onto the Islamic heirs. The share of the account must also be established, so the appropriate amount can be taken as part of the estate, i.e. the percentage owned by the deceased and joint account holder/s. An example is given below:

- Shared Account with spouse
- Husband and wife both had an equal share - 50%
- Bank Account balance = £10,000

Amount which will be included in estate = £5,000

Note: If the house was held as joint tenants, it legally passes to the surviving spouse. Alternatively, the joint tenancy can be severed during lifetime to create a tenancy in common deed, or a deed of variation within 2 years of death. The other heirs may also wish to add their names to the title deed to reflect their ownership. It is advisable to consult with a solicitor or conveyancer to navigate the legal requirements.

Standing Orders

If the deceased had any standing orders or direct debits to any charitable causes or other organisations, they must be stopped.

Returning Assets

At this time any assets which may have been borrowed from others must be returned so they are not accidentally counted as part of the estate. It does not matter how trivial the item may be, i.e. a piece of clothing, books, tools, etc. all must be returned to their respective owners.

Keeping Reserve for Delayed Payments

There may be cases where payment of some bills may take a while before they are processed. This should not delay the sharing out of the remainder of the inheritance.

A solution to this is to keep part of the estate for payment of the bills and once they are paid, the remainder can be shared out according to the inheritance shares.

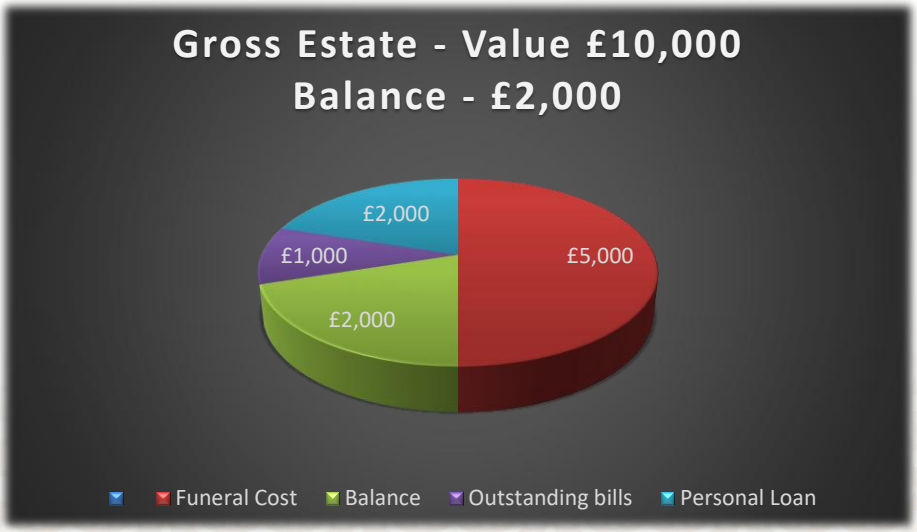
Another solution would be for the estate to be shared and one person taking responsibility for the payments. Once they have been paid, it can be reclaimed from the other heirs according to the shares.

Primary Case Study

The following has now been identified:

- Will has been identified
- Deceased had £10,000 share in joint bank account
- Deceased had a personal loan of £2,000 from a friend
- Outstanding bills up to time of demise - £1,000

Information	Incoming	Outgoing	Balance
Cash in shared bank account (50%)	£10,000		
Funeral Cost		£5,000	
Personal loan		£2,000	
Outstanding bills		£1,000	
Total	£10,000	£8,000	£2,000



Reclaiming Estate

At this moment in time, the executors must also reclaim all parts of the estate in addition to the bank accounts to establish the value of the estate. These could be:

- Shares and investments
- Properties
- Business properties and investment
- Jewellery
- Cars, phones and other personal items
- Assets which have been lent to others

With regards to 'Death in Service' and pension payments, the scheme trustees will pay them direct to the nominees outside of the Will.

In the case of a surviving spouse, the shares of the assets must also be noted if applicable. This exercise could take some time, especially if assets need to be liquidated.

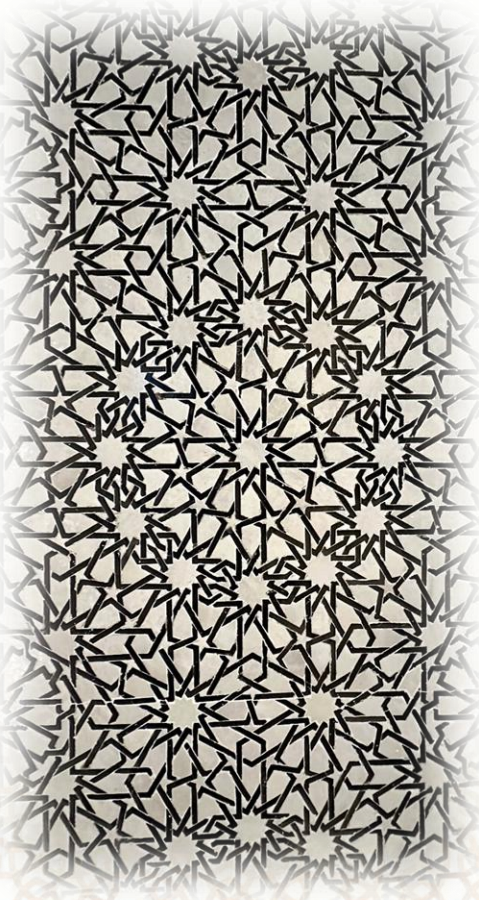
In the case of items, they must be valued accordingly. For properties, cars and other high value assets, professional guidance should be sought to give a correct valuation.

The title register / title deeds on properties must also be checked to see whether the property was owned solely by the deceased, or with their spouse, or with others. This can be done by contacting the HM Land Registry.[27]

[27] https://www.gov.uk/get-information-about-property-and-land

If it was jointly owned, was it 'joint tenants' or 'tenants in common'?

As mentioned earlier, if it was 'joint tenants', the ownership of the property will pass onto the surviving spouse through the right of survivorship. This happens outside the terms of the Will. Hence for the Islamic heirs to receive their shares of the properties, the relevant changes would be required. It would be advisable to seek legal advice at this stage for clarification.

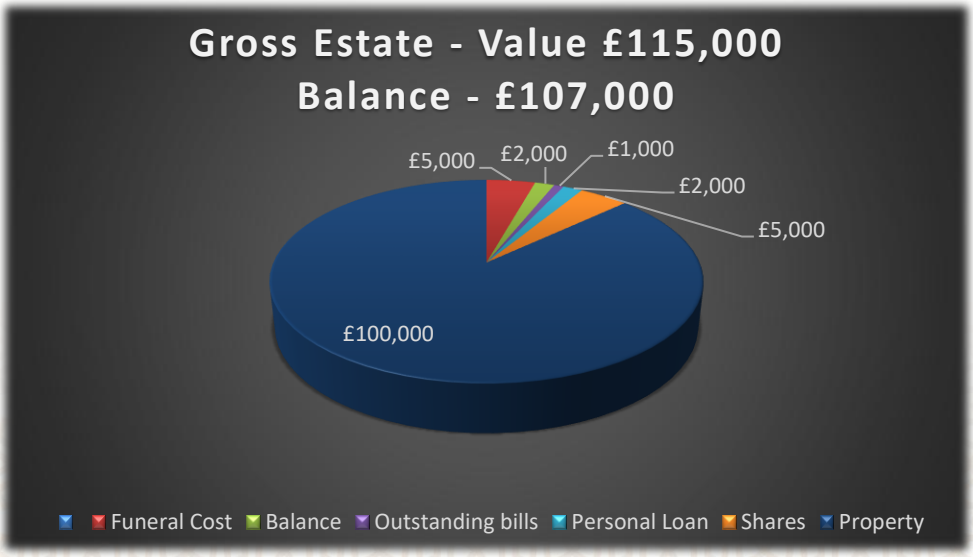


Primary Case Study

The following has now been identified:

- Shares to the value of £10,000 – 50% owned
- Property to the value of £200,000 – 50% owned
- Personal items in house, and clothes

Information	Incoming	Outgoing	Balance
Cash in shared bank account (50%)	£10,000		
Funeral Cost		£5,000	
Personal loan		£2,000	
Outstanding bills		£1,000	
Shares Value (50%)	£5,000		
Property value (50%)	£100,000		
Total	£115,000	£8,000	£107,000



Distribution in Full or Part?

There will be scenarios where some assets will take more time to acquire than others. For example, if a house needs to be sold, the conveyancing will take some time. If some shares need to be sold, it might take time before the sale can be processed etc. In these scenarios, should we wait until the entire estate has been acquired or distribute as and when assets are obtained?

The advice would be to distribute as much of the estate as soon as possible, so no one's rights are undermined. There are several reasons for this as follows:

- The liquidation of some assets could potentially take months, like houses, properties, business assets.
- Possible complications arising in processing assets due to proof of ownership
- Possibility of one of the heirs passing away before they have received their share of the estate, complicating matters
- Delays in acquiring personal loans which have been lent to others
- Certain heirs may benefit from receiving their shares as soon as possible. i.e. they may have outstanding loans or debts which could be settled.

As and when the assets are acquired, they can be distributed to the heirs according to the proportions stipulated by Islamic principles. If there are any costs incurred during the sale of items i.e. conveyancing costs, they will be taken from the heirs in proportion of their inheritance. For example, in the case of a house sale where there is only a surviving son and daughter, the son will receive two thirds whilst the daughter will receive a third. Hence the son will pay two thirds of the cost of the sale which could be estate agent fees, conveyancing charges etc.

Bequests

Now that the funeral costs have been paid as well as debts, assets have been sold or valued, the next step is to check the will and see if there are any bequests. As mentioned earlier, the bequest can be up to a maximum of one third. The third will be calculated after the funeral expenses and debts have been paid. Any person who is set to inherit from the estate cannot be a recipient of a bequest. The bequest can be made to a person, a charity, Masjid or organisation. A bequest should not be used for a non-Sharʿī purpose.

If a person has left a bequest of more than one third, then it will not be executed without the permission of all the heirs.[28] Hence when preparing one's will, one should take this into account to make sure the value of bequests does not exceed one third of the net value of the estate. Take funeral costs, debts, and potential inheritance tax into account.



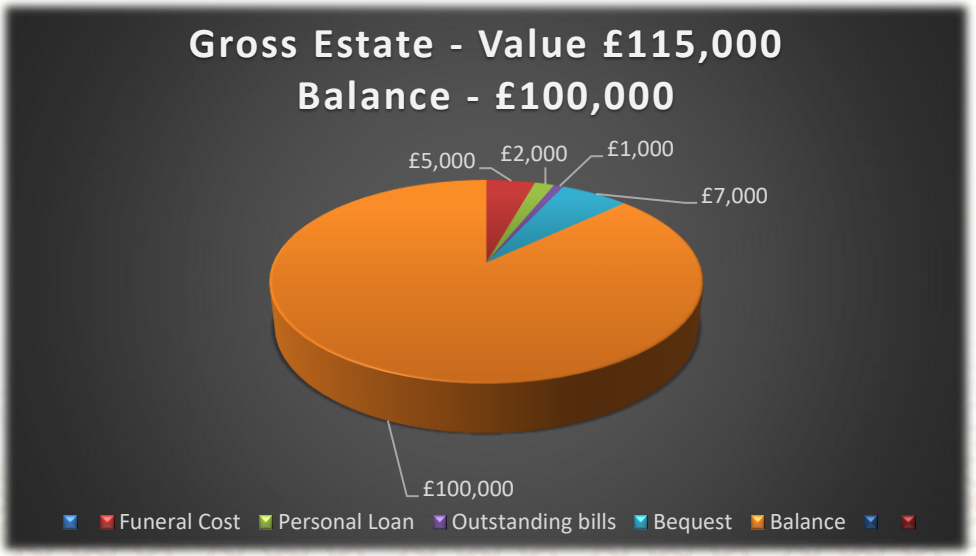
[28] Muʿīn al-Farā'īḍ Page 14

Primary Case Study

The following has now been identified:

- Bequest to local Masjid - £7,000

Information	Incoming	Outgoing	Balance
Cash in shared bank account (50%)	£10,000		
Funeral Cost		£5,000	
Personal loan		£2,000	
Outstanding bills		£1,000	
Bequest to Masjid		£7,000	
Shares Value (50%)	£5,000		
Property value (50%)	£100,000		
Total	£115,000	£15,000	£100,000



Charity

In Maʿāriful Qur'ān, it mentions the following regarding Charity payments. It is better not to go for charity and alms from the combined inheritance even before the actual distribution, even though it be with the permission of inheritors. This is because the permission of whoever is an orphan among the inheritors is just not valid right from the outset.

As for the adult ones, it is not necessary that their 'permission' comes out of their willing heart. It is quite possible that they are left with no option but give their permission lest they are disgraced before others. In other words, they may say yes with a heavy heart just to ward off the sense of shame.

Taking the above into consideration, if any heirs do wish to make a charity contribution on behalf of the deceased, they should do so once they have received their share. In this way, the other heirs will not feel obliged to do the same, as financial circumstances may not be as good as others.



Gifting Shares

A common scenario is where the deceased is survived by a spouse. They have other heirs who may or may not live in the same household. These could be children, parents, siblings etc.

In many cases, adult children live in separate homes, so the surviving spouse will be alone in the house. The children may wish to give up their share so the surviving spouse can continue to live in the property. What is the advice in this situation?

A similar scenario has been answered on islamicportal.co.uk as follows:[29]

Question: My father has died. He left behind a house; the approximate value is $250,000 and 2 cars worth $5000 each and no cash. He left behind 1 wife, 3 sons and 2 daughters all of whom lives in the same house but none of whom can afford to buy the house or even pay rent. My question is would it be correct if all the siblings agree, to give our inheritance share to our mum so everyone can continue to live in the same house?

Answer: It is permissible for bāligh (mature) heirs to gift their share of the property to their mother if they wish to do so as long as this is done happily out of their free will. It must however be noted that if one of the siblings passes away before the mother and has children, the grandchildren will not inherit when the grandmother dies (the grandmother can write a bequest for them in up to one third if she wishes). Likewise, if the mother re-marries and dies, the husband will be entitled to his share from the whole property.

[29] https://islamicportal.co.uk/gifting-inheritance-share-to-mother/

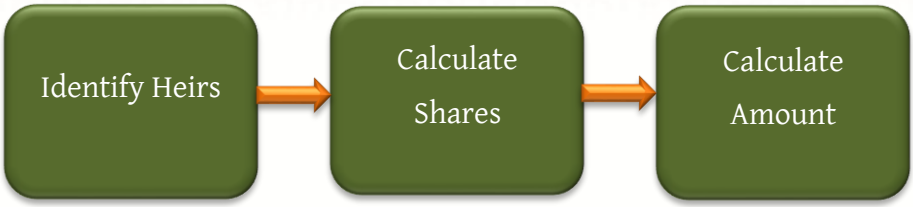
To avoid potential disputes in the future, the preferred option is for all the heirs to retain their shares in the property and mutually agree and consent for everyone to live therein. The share in the house for each heir will be based on their inheritance percentage.

Taking the above into consideration, if the parent is living alone, the heirs should retain their shares in the house, and all agree the parent can live there as long as they need to. When the time comes, the asset can be liquidated and distributed according to Islamic principles.



Distributing Inheritance

After the funeral expenses have been paid, as well as outstanding bills and debts, whichever assets have been liquidated have been done so and bequests have been given, the final stage is to distribute the remaining estate amongst the heirs. Let us look at the flowchart below:



Identify Heirs

We must now identify who from an Islamic perspective is an heir, and who is blocked by someone who is a closer relative. It is recommended that you seek the relevant guidance from a Scholar to assist in this exercise to confirm your calculations are correct. You can also use a genuine inheritance calculator which will help work this out for you. Ensure you use one which is according to your school of thought as there will be subtle differences in certain scenarios. An excellent calculator has been prepared by Maulānā Abdullah Patel from Gloucester and can be found on the link below:

https://imamwrites.com/inheritance/calculator

The calculator prompts you to enter information on the value of the estate, and surviving relatives. It will then calculate who is an heir, who is not, stating the reason, and also the shares and amount they will receive respectively.

Primary Case Study

Relative	Blocked	Heir?
Wife	No	Yes
2 sons	No	Yes
2 daughters	No	Yes
Brother	Yes – blocked by son	No
Sister	Yes – blocked by son	No
Nephew (son of deceased brother)	Yes – blocked by son	No

From the above, we can see the deceased has 5 heirs in total, consisting of his wife, 2 sons and 2 daughters. The other relatives are blocked due to the presence of sons.

Calculate Shares

Now the heirs have been identified, the next stage is to calculate the individual shares using the principles which have been discussed. We will continue using the example above:

Relative	Share	Percentage	Information
Wife	1/8	12.5%	Fixed Share – Dhawil Furūḍ
Son 1	7/24	29.17%	Will get a share of the remainder 7/8 at a ratio of 2:1 compared to surviving daughters.
Son 2	7/24	29.17%	Will get a share of the remainder 7/8 at a ratio of 2:1 compared to surviving daughters.
Daughter 1	7/48	14.58%	Will get half a share of each brother.
Daughter 2	7/48	14.58%	Will get half a share of each brother.

Let us now take a further look to see how we arrived at the above calculation.

Wife – We know that the wife will receive a fixed share of 1/4 of the husband's estate if he has no children or 1/8 if he does have children. We also know that the spouse will not share in any of the remainder.

Calculation = 1/8

Sons – We know the children will receive the remainder of the estate after any fixed shares have been given (to spouse, parents, grandparents etc.) We also know that they will receive a share which is double the share of any surviving daughters.

Remainder of estate = 7/8

Total sons = 2

Total daughters = 2

Total shares = 6 (2 shares for each of the sons and one share for each of the daughters)

The next step is to divide 7/8 by 6. To do this, we will take the lowest common denominator which is 48.

Remaining estate = 7/8 = 42/48

Single share = (42/48) / 6 = 7/48

Sons share = 2 x (7/48) = 14/48 (2 shares of 6)

Calculation = 14/48

Daughters – We know the daughters will receive half of the share of their brothers

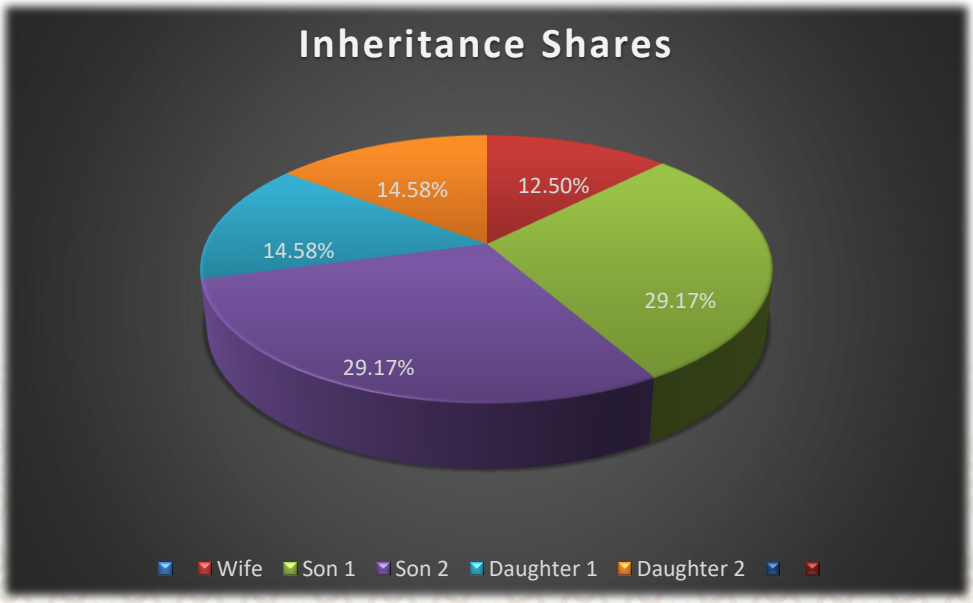
Sons share = 14/48 (2 shares of 6)

Daughters Share = 7/48 (1 share of 6)

Calculation = 7/48

To summarise, all of the shares now total 100%. The table below shows the shares using the lowest common denominator to make it easier to understand.

Relative	Share	Percentage
Wife	6/48	12.5%
Son 1	14/48	29.17%
Son 2	14/48	29.17%
Daughter 1	7/48	14.58%
Daughter 2	7/48	14.58%
Total	48/48	100%



Calculate Amount

The final step is to now use the information above and calculate the individual amount which will be received by each of the heirs. Let us go back to the primary case study and use this as our example.

Information	Incoming	Outgoing	Balance
Cash in shared bank account (50%)	£10,000		
Funeral Cost		£5,000	
Personal loan		£2,000	
Outstanding bills		£1,000	
Bequest to Masjid		£7,000	
Shares Value (50%)	£5,000		
Property value (50%)	£100,000		
Total	£115,000	£15,000	£100,000

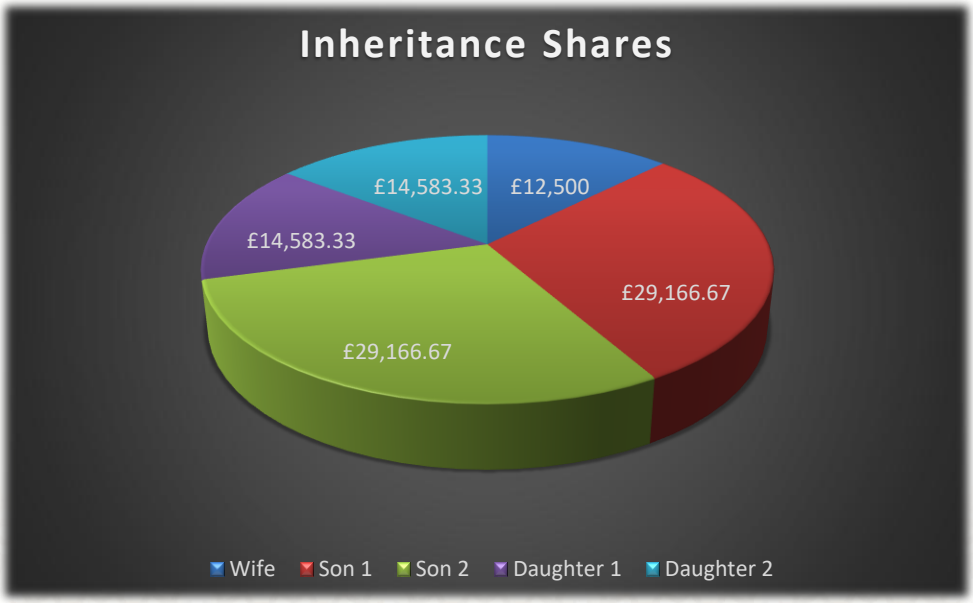
From the above we can see the following:

- Total Gross Value of Estate = £115,000
- Total outgoing = £15,000 (Funeral costs, loans, bills & bequest)
- Total inheritance tax = £0 (As below the threshold)

Net Value of the estate = £100,000

Note: The cash and shares were used up to pay for the funeral expenses, debts and bequest. Only shares in the property remain. The size of the share will always remain the same however the value could change due to fluctuations in price. As the property was joint, the wife of the deceased retains her existing 50% and the inheritance share will be in addition to that.

Relative	Share	Percentage	Amount
Wife	6/48	12.5%	£12,500
Son 1	14/48	29.17%	£29,166.67
Son 2	14/48	29.17%	£29,166.67
Daughter 1	7/48	14.58%	£14,583.33
Daughter 2	7/48	14.58%	£14,583.33
Total	48/48	100%	£100,000



Online Inheritance Calculator

If our information from the case study is entered into the Inheritance Calculator, the screenshots below show the output.

Distribution of shares — COMMON BASE 24

Group shares use a common denominator of 24. Their numerators add up to 24, representing the whole estate.

Sons (2) Each person: 7/24 · 29.17% · £29,166.67	14/24	GROUP TOTAL = 7/12 · 58.33% **£58,333.33**
Daughters (2) Each person: 7/48 · 14.58% · £14,583.33	7/24	GROUP TOTAL 29.17% **£29,166.67**
Wife	3/24	= 1/8 · 12.50% **£12,500.00**
Full brother *receives nothing — blocked by a son*		0
Full sister *receives nothing — blocked by a son*		0
Full brother's son *receives nothing — blocked by a son*		0

▾ SHOW THE WORKING

1 **Fixed shares (farāʾiḍ)**
- Wife — 1/8

2 **Residue (ʿaṣabah)**
- Sons (2) — 7/12
- Daughters (2) — 7/24

Σ **Portions out of the base**

Sons (2) 14 · Daughters (2) 7 · Wife 3 ***= 24***

· **Why these shares**
- Sons and daughters share the residue as ʾṣabah, 2:1.

Primary Case Study

In our primary case study, we have calculated the amounts which each individual heir will receive. However at this point we will introduce a scenario and see what the heirs agree between themselves.

The net estate now only consists of 50% of the family home. There are no other assets including cash which need to be distributed.

The deceased is survived by a wife who lives in the family home. There is no one else who lives in the house. She is of good health and able to look after herself. We must remember at this time, the children have a responsibility towards their mother, ensuring she is looked after and the relevant care is provided if required.

We must remember that none of the heirs should be forced to adopt the position of the others, in case they wish to gift shares, donate to charities etc. Each heir has an Islamic right in their share, and many will have different financial circumstances. Some of the heirs may have debts of their own which they could repay using their inheritance share or have some other costs which need addressing, hence each heir should be allowed to exercise their right and the other heirs should help facilitate it if possible.

Some of the scenarios are as follows:

Scenario 1:

Sell the family home, give each of the heirs their share and help their mother (the wife of the deceased) find a place to stay. This could either be with children or a property within her budget; however it is very unlikely she would be able to afford a place of her own. Furthermore, she only receives a small income so would not be able to save for another home.

Scenario 2:

The heirs decide to gift their shares of the estate (house and all items within the house) to their mother. The house will now belong solely to the mother with none of the heirs retaining any shares. The mother will now be responsible for the upkeep and bills of the house.

In this scenario, if any of the heirs expire before their mother, their share will not be passed down to their potential heirs, which could be their spouse, children, if they have any etc. due to their siblings still being alive.

Scenario 3:

The heirs decide to retain their shares in the estate, but all agree their mother can live in the house as long as she wants and make use of the items inside. In the event that she passes away, her share of the house (56.25%) will be shared according to Islamic principles. Her share is made up as follows:

- Original Share in house = 50%
- Share from inheritance = 12.5% (1/8) of 50% of house = 6.25%

In this scenario, if any of the heirs pass away before their mother, their share in the estate will be passed down to their heirs, which could be their spouses, mother and children if they have any etc.

Scenario 4

One of the heirs has requested their share of the house, whilst the others are happy to retain their share in the house whilst their mother lives there. The amount of the share must be calculated and if one or more of the heirs are able to give them the amount, they can take their share of the house.

Note: When it comes to property, it is imperative that a correct market evaluation is done of the property, so the valuation can be correct. If the value of the property is reduced, this would mean a reduction in the amount of each share going to the heirs.

Let us take a look at this example, using the primary case study. The initial shares and amounts were:

Relative	Share	Percentage	Amount
Wife	6/48	12.5%	£12,500
Son 1	14/48	29.17%	£29,166.67
Son 2	14/48	29.17%	£29,166.67
Daughter 1	7/48	14.58%	£14,583.33
Daughter 2	7/48	14.58%	£14,583.33
Total	48/48	100%	£100,000

Daughter 1 has requested her amount which is 14.58% of the estate, totalling £14,583.33

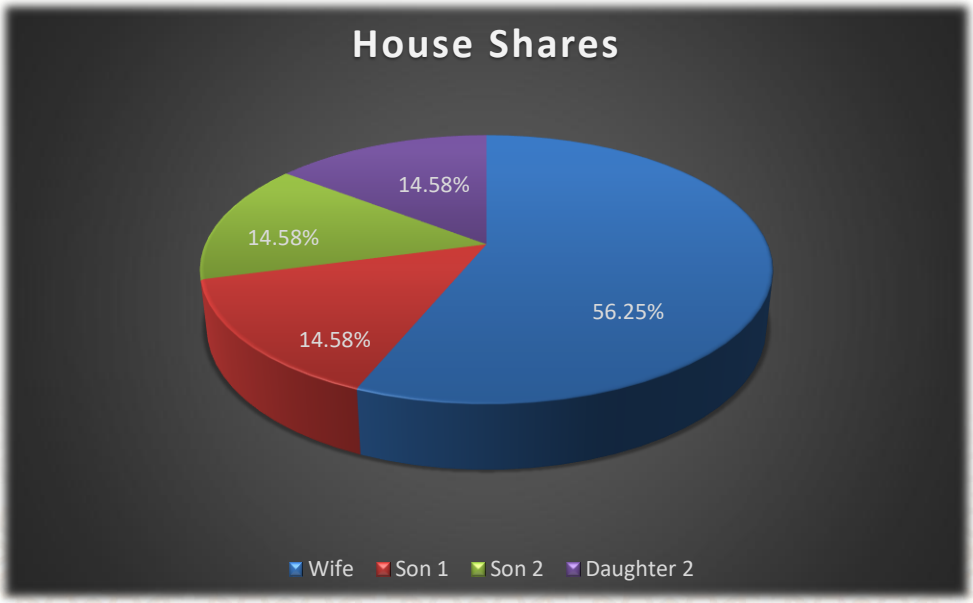
Daughter 2 has said she will give daughter 1 the value of her share. The new calculation of the estate part ownership of the house will be as follows:

Relative	Share	Percentage	Amount
Wife	6/48	12.5%	£12,500
Son 1	14/48	29.17%	£29,166.67
Son 2	14/48	29.17%	£29,166.67
Daughter 1			
Daughter 2	14/48	29.17%	£29,166.67
Total	48/48	100%	£100,000

As the original shares have been retained, upon the demise of the mother, her entire holding (56.25% of the house) will be shared according to Islamic principles amongst the surviving heirs.

The total shares of the house will now be as follows:

Relative	Share from estate	Existing Share	Final Share
Wife	6.25%	50%	56.25%
Son 1	14.58%		14.58%
Son 2	14.58%		14.58%
Daughter 1			
Daughter 2	14.58%		14.58%
Total	50%		100%



Pension Distribution

If the deceased had a private pension with nominated beneficiaries, the executors would have to contact the pension company. It is advised that anyone who does have a pension, makes a note of the company, any corresponding account numbers and nominated beneficiaries. This information should be included with their Will, making it easier for the executors to manage the pension. The pension company may request a copy of the Will as well as proof of death. It must next be determined if the pension does qualify as part of the estate or not. It would be advisable to seek Scholarly advice at the time.

If the pension was a defined contribution pension[30], it now becomes part of the estate of the deceased. Each time a payment is received, it should be distributed amongst the heirs according to their share. If the heirs wish, they can gift their share to the nominated recipient who will normally be the spouse of the deceased. Again, there should be no pressure or compulsion on any of the heirs to do this.

Note: In the primary scenario, daughter 1 has only sold her share of the house so will receive a share of the pension if it is deemed to be part of the estate.

Note: At this time, the other heirs may wish to gift their share of their father's private pension (if deemed to be part of the estate) to their mother. This will be beneficial for her, especially if she is still living in the family home and is now responsible for the maintenance and bills.

[30] https://darulfiqh.com/qa/wills-inheritance/does-a-pension-investment-form-part-of-the-sharia-estate-of-the-deceased/

Once again, we must remember this must not be done with any compulsion and pressure on the heirs. If she receives a state pension, a pension which is not deemed as part of the estate or other benefits, these belong to her and the other heirs have no right in it.



Inheritance of Minors

There will be cases where some of the heirs will be minors. In Islām, children will also inherit and become heirs. The rights of all must be upheld. The minor will become the owner of their share, and a guardian (Walī) will be appointed to manage the wealth on their behalf. In UK law, a child must wait until they are 18 before they can receive capital or hold land. Hence, a person's will must specify trustees and guardians if they have minor children.

The guardian (Walī) can only spend from the minor's estate for the needs and benefit of the minor and ensure they preserve the estate until the minor becomes mature and are capable of managing their affairs.

The guardians who will be looking after the wealth of the orphans (minors) until they reach maturity, have a great responsibility and must not misappropriate the orphans' wealth in any way. Allāh سُبْحَانَهُوَتَعَالَى tells us:

اِنَّ الَّذِيْنَ يَاْكُلُوْنَ اَمْوَالَ الْيَتٰمٰى ظُلْمًا اِنَّمَا يَاْكُلُوْنَ فِيْ بُطُوْنِهِمْ نَارًا وَسَيَصْلَوْنَ سَعِيْرًا [31]

"Surely, those who unjustly devour the property of the orphans do nothing but devour fire into their bellies, and soon they shall enter a blazing Hell."

[31] Sūrah an-Nisā Verse 10

Distribution of Personal Items

All the personal items belonging to the deceased become part of the estate. This would include all of their clothes, electrical items, household items, cars, phones, books etc. When they pass away, each of the heirs will have a right of ownership over each item. Hence the heirs must decide together what to do with them.

In the scenario where a house is going to be sold and all the items inside including the white goods are no longer required, a joint decision must be made on their disposal. Ideally they should be sold, and the proceeds of the sale becoming part of the estate, with each heir getting their relative share. If any specific items are requested by any of the heirs, then agreement must be obtained from the others. They can purchase the item for an agreed amount, with the proceeds going back to the estate or the other heirs could agree to gift them the item. Again there should be no pressure or compulsion on any of the other heirs.

In the scenario where there is still someone living in the house. The heirs can decide to retain the shares in the items, giving the residents permission to use the items, or sell the items to the people who still live in the house.

There may be instances where one of the heirs may have given a gift or an item to the deceased and claim it back. Once an item has been given as a gift, the person who gave the gift does not have an automatic right to claim it back. Again with agreement from the other heirs, a suitable decision can be made.

Clothes

In many cases, the clothes of the deceased may not be of much value and not wanted by any of the heirs. They may also be in good condition so could be worn by others. Again, with the agreement of all the heirs, they can either be sold for recycling by weight with the proceeds going back into the estate or given in charity. They can also be given to other relatives and/or friends who may find use for them.

Items of Value

There may be other items of greater value like jewellery, cars, mobile phones and other electrical items. Again these should be sold with the proceeds returning back into the estate and then shared accordingly amongst the heirs. If any of the heirs wish to take ownership of the items, an agreement can be made with the other heirs to purchase for an agreed price or gifted accordingly.



Concluding Advice

Writing an Islamic Will

The importance of writing an Islamic Will cannot be taken lightly. Rasūlullāh ﷺ mentions in a Ḥadīth:

" مَا حَقُّ امْرِئٍ مُسْلِمٍ لَهُ شَيْءٌ يُرِيدُ أَنْ يُوصِيَ فِيهِ يَبِيتُ لَيْلَتَيْنِ إِلاَّ وَوَصِيَّتُهُ مَكْتُوبَةٌ عِنْدَهُ " [32]

"It is the duty of a Muslim who has something which is to be given as a bequest, not to have it for two nights without his Will written down regarding it."

In Islām, the rights of all have to be upheld, including after one's demise. By writing an Islamic Will, the rights of inheritance of the heirs will be met according to Islamic principles. It will also be an act of great reward as we are acting upon the guidance of Rasūlullāh ﷺ.

We should not delay in writing our Will and also advise others in our family to do so as well. This would include all mature males and females who have wealth.

Do not Write an Unislamic Will

There are many complications which can arise if a person does not write a Will according to Islamic principles. The Islamic rights of the heirs may not be met. Furthermore, shares may be given to individuals who would not normally have a right to inherit, an increased share given to an heir, a

[32] Ṣaḥīḥ Muslim 1627a

decreased share given to an heir, an heir may be disregarded altogether, or a bequest can be made exceeding a third of the value of the estate.

As Wills are legally binding documents, the executors are legally bound to follow the Will. For any changes to distribution, the beneficiaries would have to all agree to this, ideally by a deed of variation.[33]

Not Leaving a Will

If a person does not leave any Will whatsoever, the laws of intestacy will apply. If you are married and don't have any children or grandchildren, everything will be passed onto your spouse. If you are married and have children, your spouse keeps all of your assets (including property) up to £322,000 (correct at time of writing) along with all your personal possessions and half of the remainder of the estate (this excludes the property that is passed on by survivorship). The remaining half is divided equally between surviving children.[34] These are rules for England and Wales only.

In the scenario where a person has a wife who they have only done Nikāḥ with and not had a civil marriage. Without an Islamic Will detailing her share, she will not receive anything through the laws of intestacy.

To summarise, the estate will not be distributed according to Islamic principles. The rightful heirs in Islām will not receive their share, and if you have a spouse through civil registration, the majority share will go to them. If all of the beneficiaries agree, only then the estate can be redistributed according to Islamic principles but will require much more effort.

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[33] https://www.gov.uk/alter-a-will-after-a-death

[34] https://www.which.co.uk/money/wills-and-probate/probate/intestacy-rules-a4D440i5GFZS

Excluding Rightful Heirs in Inheritance or Adjusting Shares

The rights of heirs have been decided by Allāh سُبْحَانَهُوَتَعَالَى and stipulated in the Qur'ān. Any heirs who have an Islamic right to the inheritance cannot be excluded from one's Will. Furthermore, shares cannot be adjusted according to one's personal wishes, i.e. giving certain children an increased share, or leaving assets for them. This would be denying the rights of inheritance and a sinful act and is not permitted.

Furthermore, if we know any members of our family who have written such Wills, they must be advised, and the Wills changed.

If any parents feel certain children are more needy than others, then during their lifetime they can assist them according to Islamic guidance.

Demanding an Equal Share

There may be some situations where daughters demand an equal share in inheritance to their brothers. This question has been answered on islamicportal.co.uk as below:[35]

Question: What should we do if our sisters are demanding equal share of our deceased father's inheritance, because they object to the amounts afforded to them by Islamic law? Can they be given an equal share to keep the peace?

Answer: Objecting to the Islamic law in this manner is a grave sin that can endanger one's Īmān. Allāh Almighty has fixed the shares of the heirs and He is The Wisest. You are under no religious or moral obligation to give them an equal share. However, if you wish to do so voluntarily, this will

[35] https://islamicportal.co.uk/daughters-demand-for-equal-share-in-inheritance/

be a gift from you to them and this is permissible. It must however be noted that there should be no direct or indirect pressure on any heir to make such a gift.

Clear documentation of all Assets, Loans Given and Received

In order to make it easier for the executors to process the estate, it is imperative that details of all assets are left, including shares if applicable. Also any money which has been given as a loan, or any loans received, so they can be settled prior to the estate being distributed.

If any people have any businesses, this also becomes part of the inheritance. In the case of a shop, this would include all the stock, fixtures and fittings, vehicles and all assets associated with it which may include buildings. Any debts of the business also become part of the debts which need to be settled. In the case of a shared business, the share must be stated and associated proof if required.

Clear Details on any after death benefits i.e. Pensions/Death in Service

If we have any private pensions, investments or death in service payments, we must ensure we have nominated beneficiaries. Further details of all the above, including account numbers, company details and contract numbers should be kept. The nominated beneficiaries should be advised of their position and their Islamic obligation of ensuring payments are distributed according to the Islamic shares of the heirs.

Bequest up to One Third

If a person wishes to make a bequest, it cannot exceed a third of the value of the estate. We must consider, the cost of funerals, any debts which a person

has, potential inheritance tax and the value of their estate in total. If the bequest does exceed a third, then the heirs may wish to honour the wishes of the deceased if they all agree without any pressure or compulsion. However leaving a bequest of over a third would be against Islamic principles.

Leaving money for charities, Masājid and needy causes is a very rewarding action, however we must take into consideration the financial condition of our heirs when making any decisions on bequests, as this would impact the share they receive.

Ensure enough Savings to cover Funeral Costs

Funerals are very expensive so we must try and leave enough wealth aside to at least meet the cost. If a person has the capacity to save but they spend extravagantly, and they do not leave enough money to meet their funeral expenses, the cost will be passed onto the family. This could prove to be difficult for them and is discouraged.

Ensure Guidance when Calculating Shares

When calculating the shares of the inheritors, consult Scholars to confirm they are correct. Sometimes mistakes can be made unintentionally which can result in the heirs not receiving the correct share, so it is always a useful exercise. Also ensure all the relevant information is given to the Scholars so they can make the calculation. If a deceased father had children from a previous wife, or a deceased mother children from a previous husband, this information must be provided. If the deceased only had daughters, then information on their siblings must also be provided. No information should be withheld.

Fear Allāh سُبْحَانَهُوَتَعَالَىٰ when Distributing

We must remember we are carrying out a command of Allāh سُبْحَانَهُوَتَعَالَىٰ when we are distributing inheritance. There may be a desire from some of the heirs to take more than they are allocated and deprive others, especially if the other heirs are not aware of all of the assets of the deceased. It may be claiming a right over property they may have lived in with the deceased. It may be not giving up land which should have been distributed many years ago upon the demise of an ancestor. Taking the rights of others is a grave sin in Islām. Consider the following Ḥadīth:

مَنْ أَخَذَ مِنَ الأَرْضِ شَيْئًا بِغَيْرِ حَقِّهِ

خُسِفَ بِهِ يَوْمَ الْقِيَامَةِ إِلَى سَبْعِ أَرَضِينَ [36]

Rasūlullāh سُبْحَانَهُوَتَعَالَىٰ said, "Whoever takes any part of land unjustly, will be made to sink down with it on the Day of Judgment, to seven earths."

Is temporary gain in this world, really worth the severe punishment in the hereafter? Any wealth taken unjustly is also Ḥarām, impermissible and will be devoid of blessing.

Withholding the rights of others will also lead to family disputes which may last for years and cause resentment through generations. Always think of Allāh سُبْحَانَهُوَتَعَالَىٰ and do what is right according to His law, and Inshā Allāh, there will be goodness and barakah in it.

[36] Ṣaḥīḥ al-Bukhārī 2454

Goodwill towards Close Relatives, Children and Spouse of Deceased Siblings during Distribution

When distributing inheritance, there will be scenarios where some people who think they may have a right, do not have a right due to being blocked by other heirs. There may be some close relatives who are not immediate heirs but are needy. The heirs have an opportunity during distribution to show goodwill towards others so they will also benefit.

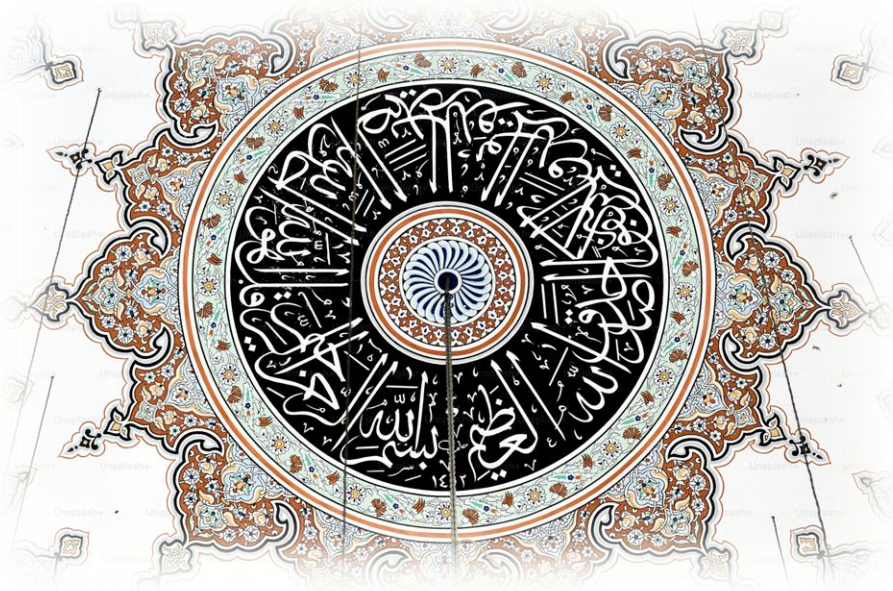
No Compulsion or Force on other Heirs

Each heir has an Islamic right of inheritance, and each heir will have a different set of financial circumstances. Some may be more needy than others. When the time of distribution arrives, some of the heirs may wish to gift part or all their share to others, donate some of the estate in charity, or use the wealth from the estate for some means which would mean a reduction in the shares for the heirs. Sometimes under pressure, heirs will agree even though inside they would have preferred to receive their share in full.

Some advice is given below regarding this.

- Do not expect all other heirs to agree to gifting part or whole of their share
- Heirs should voice their opinion if they do not agree to any suggestions which would affect their share
- Heirs should not feel obliged to follow other heirs in suggestions which would affect their share
- Do not force or pressure other heirs to do anything with their shares

- If any heirs do not agree with any suggestions other heirs have made regarding their share, they should not be looked down upon, it is their Islamic right to claim their share in total
- Anyone wishing to donate some money to charity from the estate, or gift to another person, should do it from their own share once they receive it without an expectation from others to do the same



Ask Allāh سُبْحَانَهُوَتَعَالَى for Help during Distribution

Finally, as well as fearing Allāh سُبْحَانَهُوَتَعَالَى during distribution we should keep supplicating to Him for His assistance ensuring we try our utmost best to uphold the Islamic laws of inheritance.

The distribution of the estate can be a very stressful and time consuming exercise, especially for the executors. They should enlist help from other heirs who may be able to assist, especially when it comes to contacting companies to stop or transfer payments, or the workplace of the deceased to transfer pensions or claim death in service. This exercise will require a lot of patience as reclaiming and liquidating assets could take a while, especially if others are shareholders.

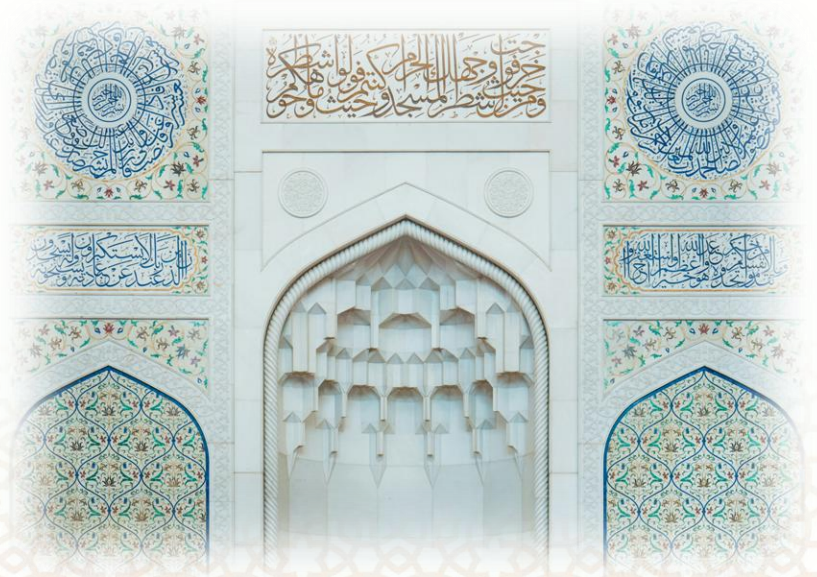
One factor which is clear, is that the less we have, the easier it will be for our executors to ensure our estate is divided correctly. The more we have; there is more room for error and also delay. If people have hidden bank accounts, cash or any other assets which are not common knowledge and are not included in the estate, this will be denying the right of the heirs. People purchasing houses in other people's names, how can the heirs lay claim on such properties? Having our wealth tied up in investments and properties will increase the duration of distribution.

We must remember that each heir has a fixed right in every single asset. As parents, we carry out certain actions with the best of intentions for our children, however many times this causes complications. Consider the scenario where a parent buys a house for each of their children and includes this in their Will, that upon their demise the child will receive the respective property. Will the properties of the sons be twice that of the daughters?

Due to the fluctuating prices of houses, it is highly unlikely that the properties will match the value of Islamic share.

The correct way would be for each of the heirs to have an equal share in each of the assets, that way, as each one is liquidated, each heir will receive their respective share. None will feel aggrieved. If parents do wish to buy properties for their children, they should be given to them during their lifetimes on an equal basis, for both sons and daughters as per the Islamic guidance.

Many Scholars will receive queries about inheritance, especially after a person's demise and the estate needs to be distributed. Having Wills which are not based upon Islamic principles or no Will at all are common scenarios. It is imperative that we all learn about the rules of inheritance and all have Islamic Wills. This will aid us if we are ever involved in the distribution of an estate and ultimately the distribution of our own estate after our demise.



Glossary

ʿAṣabāt	Those heirs who, if they are present alone, the entire estate will be divided among them, and if they are with the Dhawil Furūḍ, they will be deserving of the remainder.
ʿAṣabah Binafsihī	Those males that are linked to the deceased in such a way that no female gets in between
ʿAṣabah Bighayrihī	The daughter or son's daughter, full sisters or consanguine sisters (paternal) that get half the share of their brothers
ʿAṣabah Maʿa ghayrihī	Real or consanguine sisters that are joined to the daughters or son's daughters and are given the remainder of the share of the daughters or son's daughters.
Consanguine	Those siblings with the same father
Dhawil Arḥām	All relatives besides Dhawil Furūḍ and ʿAṣabāt
Dhawil Furūḍ	Those heirs who get fixed stipulated shares
Farā'iḍ	The system and rules used to distribute inheritance
Full brother/sister	Same mother and father
Ḥajb Ḥirmān	Completely blocked from inheritance due to a closer relative

Ḥajb Nuqṣān	Share in inheritance is reduced due to a closer relative
Mahr	Dowry
Maḥjūb	An heir who is blocked by another
Maraḍ al-wafāt	The illness preceding death
Mīrāth	Inheritance
Probate	The legal authority to deal with a person's money, property, and possessions (their estate) after they die
Radd	Surplus inheritance which goes back to the sharers other than the spouse, in proportion
Uterine	Those siblings with the same mother
Walī	Guardian
Waṣiyyah	Bequest

An Introduction to Inheritance in Islām