

Ibn 'Abbās narrated



that God's Messenger (peace be upon him) said: Give the stipulated shares to their owners; what is left over goes to the nearest male person. <sup>(1)</sup>

1 Related by al-Bukhari, 6732; Muslim, 1615.

### From the Qur'an

﴿God has this to enjoin on you with regard to your children: The male shall have a share equal to that of two females. If there are more than two women, they shall have two-thirds of what [their parents] leave behind; and if there is only one, she shall have one-half of it. As for the parents [of the deceased], each of them shall have one sixth of what he leaves behind, in the event of his having a child; but if he leaves no children, and his parents be his heirs, then his mother shall have one-third; and if he has brothers and sisters, his mother shall have one-sixth after any bequest he may have made, or any outstanding debt [has been deducted from the total estate]. With regard to your parents and your children, you do not know which of them is of more benefit to you. This is, therefore, an ordinance from God. God is all-knowing, wise.﴾ (11)

﴿You shall inherit one half of what your wives leave behind, provided that they have left no child; but if they have left a child, then you shall have one-quarter of what they leave behind, after [deducting] any bequest they may have made or any outstanding debt. And they [your widows] shall inherit one quarter of what you leave behind, provided that you have left no child; but if you have left a child, then they shall have one-eighth of what you leave behind, after [deducting] any bequest you may have made or any outstanding debt. If a man or a woman has no heir in the direct line, but has a brother or a sister, then each of them shall inherit one-sixth; but if there be more, then they shall share in one-third, after [deducting] any bequest which may have been made or any outstanding debt, neither of which having been intended to harm [the heirs]. This is a commandment from God; and God is all-knowing, clement.﴾ (4: 11-12)

### The Narrator

Abu al-'Abbās 'Abdullāh ibn 'Abbās ibn 'Abd al-Muṭṭalib, belonged to the Hāshim branch of the Quraysh and resided mostly in Madinah. He was born in the Hāshimī quarter in Makkah three years before the Prophet's migration. He was the leading scholar of the Muslim community and the one who explained the Qur'an best. He was the Prophet's cousin. He was nicknamed *al-baḥr*, which means 'the sea', because of his broad knowledge. The Prophet (peace be upon him) included him in his prayers, saying: 'My Lord, grant him insight into the religion'.<sup>(1)</sup> He was one of the Prophet's companions who narrated a large number of hadiths. He embraced Islam at a young age and he remained very close to the Prophet after the takeover of Makkah. He lost his eyesight when he became old. He died at Taif in Year 68 AH 688 CE.

### Summary

The Prophet (peace be upon him) orders anyone who is in charge of the division of a deceased person's estate to start by giving the heirs who are entitled to specified shares the shares due to them. Whatever is left is given to the deceased's nearest relatives.

1 Related by al-Bukhari, 143 (his text); Muslim, 2477.



# Message and Meaning



God Himself undertook the division of inheritance, outlining in detail the shares each heir is entitled to have. The Prophet clarified the Qur'anic rulings so that people receive their fair shares, and no one takes something to which they have no claim.

In this hadith, the Prophet commands whoever is in charge of the division of the deceased's estate to start with the heirs who are given specified shares. When they have taken their shares, the remainder goes to those known as the deceased's *'aşabah*, which means the deceased's heirs who are not given specified shares. If these are of the same degree of relation to the deceased, they take the entire estate when they are the only heirs, but if the deceased is survived also by one or more of those heirs entitled to a specified portion, these take their shares first and the remainder goes to the *'aşabah* heirs, such as the deceased's children, full brother, half-brother, paternal uncle and cousin.



The specified shares are six, and they are well-known: one-half, one-quarter, one-eighth, one-third, one-sixth and two-thirds.

One-half is inherited by five different heirs when any of them happens to be the only heir. These are the deceased's daughter, the deceased's son's daughter, the deceased's full sister or paternal half-sister, and the deceased woman's husband.

One-quarter is inherited by the deceased woman's husband if there is a block on his share. It is also inherited by the deceased's wife, or wives, when there is no block. The deceased wife's share is reduced to one-eighth if there is a block.

A share of two-thirds is specified for four types of heirs: two or more of the deceased's own daughters, or his son's daughters, or two or more of full sisters or paternal half-sisters, provided that they are the only heirs with none to block their inheritance.

The share of one-third applies to two types: 1) the deceased's mother if the deceased leaves behind neither children nor grandchildren, nor two or more siblings. 2) two or more of the deceased's mother's children. This share is one-third of the whole estate. However, in the case of the deceased being survived by both parents and a spouse, the mother takes one-third of what is left after the others take their specified shares.

A share of one-sixth applies in seven cases: each of the deceased's parents, or grandfather when the deceased also leaves behind a child or grandchild, the deceased's grandmother(s), a son's daughters when the deceased is also survived by a daughter, paternal half-sisters alongside a full sister, a single male or female child of the deceased's mother.

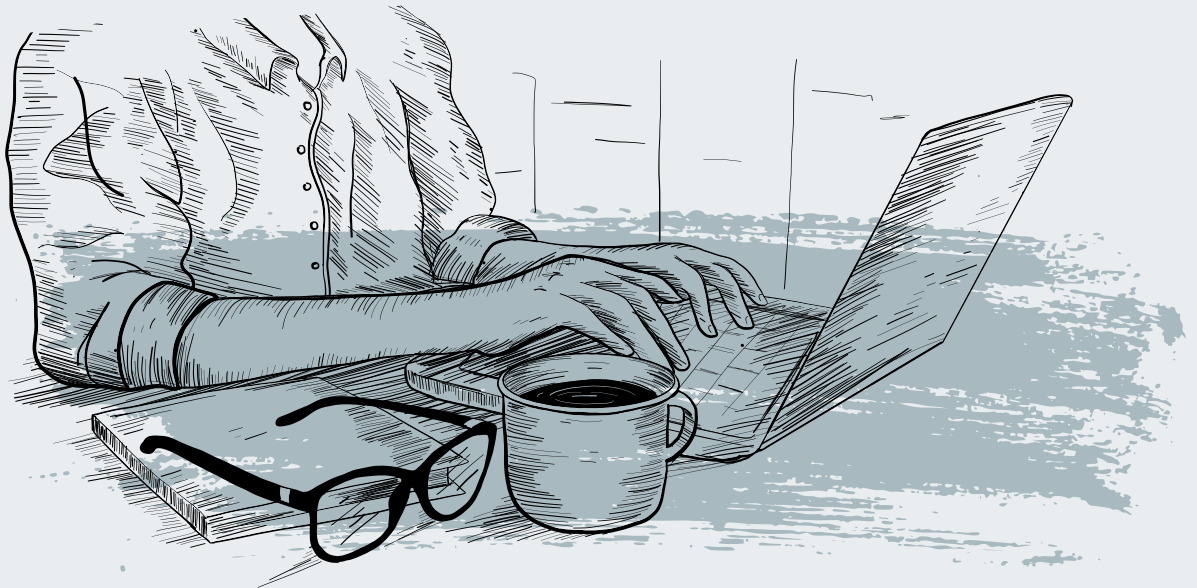
All these specified shares are mentioned in the Qur'an, except the share of grandmothers, which is taken from the Sunnah. These relatives are the ones the Prophet ordered to be given their shares when he said: 'Give the specified shares to their owners'.



The *'aṣabah* heirs have different grades. The deceased's own children and offspring are in the top grade, but the deceased's son stands ahead of his son's son, and the latter ahead of his grandson's son, and so on. The deceased's father is in the second grade, followed by siblings born to both parents, then those born to his father. Next come nephews who are born to the deceased's full siblings, then his nephews whose fathers are the deceased's parental brothers. Next come full uncles, followed by the deceased's uncles on the father's side; then the children of full paternal uncles, then the children of uncles on the father's side, and so on.



The closer *'aṣabah* blocks the one next in line. The deceased's father does not inherit as *'aṣabah* if the deceased is survived by his own son. He takes only his specified share. Likewise, the deceased's grandson is blocked when the deceased is survived by a son. The deceased's father blocks all the *'aṣabah* including the deceased's brothers and uncles. A full brother blocks a half-brother, nephews, etc. A paternal half-brother blocks nephews and uncles. Nephews born to a full-brother of the deceased block his nephews born to his paternal half-brother, uncles, etc. The latter nephews block the deceased's uncles and their children, etc. This is the meaning of the Prophet's expression: 'the nearest male relative'. It does not mean that when two or more of the deceased's relatives are of the same grade, the one with distinguished position or achievement should be given priority. There is no possibility, for example, to place the eldest son ahead of his brothers and sisters, or to give more to the one of the deceased's children who achieves distinction at work or in his studies.<sup>(1)</sup>



1 This system is both simple and logical. However, it may sound very complex for two reasons: 1) the endless different cases that occur in practical life and the nature of relatives a deceased person leaves behind; and 2) its translation from Arabic may sound confusing because of the different ways of referencing relatives in different languages. For example, the English word 'cousin' refers to a great number of the offspring of a person's uncles and aunts, close and removed. Therefore, it is important when dividing the inheritance to resort to specialist scholars and explain each case in detail. – Editor's note.

# Implementation

1

The division of inheritance is a specialized discipline of Islamic law which is needed by all Muslims and should be given due importance by students of Islamic scholarship.

2

Only a scholar who understands the discipline of inheritance and is excellent in arithmetic should attempt to divide a deceased person's inheritance.

3

What God has legislated regarding inheritance should be fully and completely accepted by all, because it is based on divine wisdom.

4

The division of inheritance is legislated by God, Mighty and Exalted. No Muslim may object to it or feel displeased with it, or try to distribute the inheritance as he prefers.

