

*Ayatul Fara'id*  
*taken from*  
*Tafseer ibn Kathir*

We here at Tawheed Ranch present a series of classical texts on important issues of Fiqh from the Scholars of the past. From the Laws of Inheritance, Purification and Prayer, to Hajj, 'Umrah and even Business Transactions, all from the Imaams of Ahlus-Sunnah wal Jamaa'ah. So we hope to present this wonderful collection of classical texts as a gift to our on-line community, who have been and, insha Allah, will continue to come to Tawheed Ranch's website to learn what Islaam is, what the Salafee Methodology is, what its principles are and who are its adherents from among the scholars, their students and those who follow them in goodness. We ask Allaah to benefit the Muslims with these classical works and to reward their authors for they're efforts. And to reward the translators of these fine works. And to make this a means of benefit and forgiveness for us here at Tawheed Ranch, Allahumma Ameen.



This is an excerpt from the Tafseer of Suratun Nisaa, (#4), ayat 11-14, and the last ayah (#175), by The respected Imaam, Al hafiz ibn Kathir.

He was, Abu Al-Fida', `Imad Ad-Din Isma'eel bin 'Umar bin Kathir Al-Qurashi Al-Busrawi - Busrani in origin; Dimashqee in training, learning and residence.

Ibn Kathir was born in the city of Busra in 701 H. His father was the Khateeb (Friday speaker) of the village, but he died while Ibn Kathir was only four years old. Ibn Kathir's brother, Shaykh Abdul-Wahhab, reared him and taught him until he moved to Damascus in 706 H., when he was five years old.

In his book, Al-Mu'jam Al-Mukhtas, Al-Hafiz Adh-Dhahabee wrote that Ibn Kathir was, "The Imam, scholar of jurisprudence, skillful scholar of Hadith, renowned Faqeeh and scholar of Tafsir who wrote several beneficial books."

Ibn Kathir studied Fiqh - Islamic jurisprudence - with Burhan Ad-Din, Ibrahim bin `AbdurRahman Al-Fizari, known as Ibn Al-Firkah (who died in 729 H). Ibn Kathir heard ahadeeth from `Isa bin Al-Mu'tim, Ahmad bin Abi Talib, (Ibn Ash-Shahnah) (who died in 730 H), Ibn Al-Hajjar, (who died in 730 H), and the Hadith narrator of Ash-Sham (modern day Syria and surrounding areas); Baha Ad-Din Al-Qasim bin Muzaffar bin `Asakir (who died in 723 H), and Ibn Ash-Shirdzi, Ishaq bin Yahya Al-Ammuddi, also known as `Afif Ad-Din, the Zahiriyah Shaykh who died in 725 H, and Muhammad bin Zarrad. He remained with Jamal Ad-Din, Yusuf bin Az-Zaki AlMizzi who died in 724 H, he benefited from his knowledge and also married his daughter. He also read with Shaykh Al-Islam, Taqi Ad-Din Ahmad bin `Abdul-Halim bin `Abdus-Salam bin Taymiyyah who died in 728 H. He also read with the Imam Hafiz and historian Shams Ad-Din, Muhammad bin Ahmad bin Uthman bin Qaymaz Adh-Dhahabi, who died in 748 H. Also, Abu Musa Al-Qarafai, Abu Al-Fath Ad-Dabbusi and 'Ali bin `Umar As-Suwani and others who gave him permission to transmit the knowledge he learned with them in Egypt.

Al-Hafiz Ibn Hajar Al-Asqalaani said, "Ibn Kathir lost his sight just before his life ended. He died in Damascus in 774 H." May Allah grant mercy upon Ibn Kathir and make him among the residents of His Paradise, Ameen.



Imaam, Al Haafiz ibn Kathir wrote, in his Tafseer of Surah An Nisaa,

This, the following, and the last honorable Ayah in this Surah contain the knowledge of Al-Fara'id, inheritance. The knowledge of Al-Fara'id is derived from these three Ayat and from the ahadeeth on this subject which explain them. Learning this knowledge is encouraged, especially the specific things mentioned in the Ayat. Ibn `Uyaynah said; "*Knowledge of Al-Fara'id was called half of knowledge, because it effects all people.*"

(يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ وَوَرَثَتْهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ ءِآبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا فَرِيضَةً مِّنَ اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا )

*(11. Allah commands you for your children's (inheritance): to the male, a portion equal to that of two - females; if only daughters, two or more, their share is two thirds of the inheritance; if only one, her share is half. For parents, a sixth share of inheritance to each if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers or (sisters), the mother has a sixth. (The distribution in all cases is) after the payment of legacies he may have bequeathed or debts. You know not which of them, whether your parents or your children, are nearest to you in benefit, (these fixed shares) are ordained by Allah. And Allah is Ever All-Knower, All-Wise.)*

Explaining this Ayah, Al-Bukharee recorded that Jabir bin `Abdullah said, "Allah's Messenger came visiting me on foot with Abu Bakr at Banu Salamah's (dwellings), and the Prophet found me unconscious. He asked for some water, performed ablution with it, then poured it on me, and I regained consciousness. I said, `What do you command me to do with my money, O Allah's Messenger' this Ayah was later revealed,

(يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ)



(Allah commands you for your children's (inheritance); to the male, a portion equal to that of two females)." This is how it was recorded by Muslim and An-Nasa'i. The remainder of the Six compilers also collected this Hadith. Another Hadith from Jabir concerning the reason behind revealing Ayah 4:11 Ahmad recorded from Jabir that he said, "The wife of Sa`d bin Ar-Rabi` came to Allah's Messenger and said to him, `O Allah's Messenger! These are the two daughters of Sa`d bin Ar-Rabi`, who was killed as a martyr at Uhud. Their uncle took their money and did not leave anything for them. They will not be married unless they have money.' The Messenger said, `Allah will decide on this matter.' The Ayah about the inheritance was later revealed and the Messenger of Allah sent word to their uncle commanding him,

«أَعْطِ ابْنَتِي سَعْدِ الثَّلَثَيْنِ، وَأُمَّهُمَا الثَّمْنَ، وَمَا بَقِيَ فَهُوَ لَكَ»

(Give two-thirds (of Sa`d's money) to Sa`d's two daughters and one eighth for their mother, and whatever is left is yours.)" Abu Dawud, At-Tirmidhi, and Ibn Majah collected this hadeeth. It is apparent, however, that the first Hadith from Jabir was about the case of the last Ayah in the Surah )4: 176, rather than 4: 11(, for at the time this incident occurred, Jabir had sisters and did not have daughters, parents or offspring to inherit from him. Yet, we mentioned the Hadith here just as Al-Bukharee did.

Allah said,

(يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ)

(Allah commands you for your children's (inheritance): to the male, a portion equal to that of two females;) Allah commands: observe justice with your children. The people of Jahiliyyah used to give the males, but not the females, a share in the inheritance. Therefore, Allah commands that both males and females take a share in the inheritance, although the portion of the males is twice as much as that of the females. There is a distinction because men need money to spend on their dependants, commercial transactions, work and fulfilling their obligations. Consequently, men get twice the portion of the inheritance that females get. Allah's statement,

(يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ)

(Allah commands you for your children's (inheritance): to the male, a portion equal to that of two females;) testifies to the fact that Allah is more merciful with children than their own parents are with them, since He commands the parents to be just and fair with their own children. An authentic hadeeth stated that a captured woman was looking for her child and when she found him, she held



him, gave him her breast and nursed him. The Messenger of Allah said to his Companions,

«أُتْرُونَ هَذِهِ طَارِحَةً وَلَدَهَا فِي النَّارِ وَهِيَ تَقْدِرُ عَلَى ذَلِكَ»

(Do you think that this woman would willingly throw her child in the fire?) They said, "No, O Messenger of Allah." He said,

«قَوْلَ اللَّهِ لِلَّهِ أَرْحَمُ بِعِبَادِهِ مِنْ هَذِهِ يَوْلَدِهَا»

(By Allah! Allah is more merciful with His servants than this woman is with her own child.) Al-Bukharee recorded that Ibn `Abbas said, "The custom (in old days) was that the property of the deceased would be inherited by his offspring; as for the parents (of the deceased), they would inherit by the will of the deceased. Then Allah cancelled whatever He willed from that custom and ordained that the male get twice the amount inherited by the female, and for each parent a sixth (of the whole legacy), for the wife an eighth or a fourth, and for the husband a half or a fourth."

Allah said,

(فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ)

(if only daughters, two or more, their share is two-thirds of the inheritance;) We should mention here that some people said the Ayah only means two daughters, and that `more' is redundant, which is not true. Nothing in the Qur'an is useless or redundant. Had the Ayah been talking about only two women, it would have said, "The share of both of them is two-thirds." As for the daughters, two or more, the ruling that they get two-thirds was derived from this Ayah, stating that the two sisters get two-thirds. We also mentioned the Hadith in which the Prophet commanded that two-thirds be the share of the two daughters of Sa`d bin Ar-Rabi`. So this is proven in the Book and the Sunnah.

(وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ)

(if only one, her share is half.) If there are two daughters, then there are texts to prove they share a half. Therefore, two-thirds is the share of the two daughters or sisters, and Allah knows best.



Allah said,

(وَالْأَبَوَيْنِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ)

(For parents, a sixth share of inheritance to each) There are several forms of the share that the parents get in the inheritance. 1. If the deceased left behind children, the parents get a sixth each. When the deceased had only one daughter, she gets half of the inheritance and the parents each one sixth, and another sixth is given to the father. 2. When the parents are the only inheritors, the mother gets one-third while the father gets the remaining two-thirds. In this case, the father's share will be twice the mother's share. If the deceased had a surviving spouse, the spouse gets half, in the case of a husband, or a fourth in the case of a surviving wife. In both cases, the mother of the deceased gets one-third of the remaining inheritance. This is because the remaining portion of the inheritance is treated just as the entire legacy in regard to the parents' share. Allah has given the mother one-half of what the father gets. Therefore, the mother gets a third of the remaining inheritance while the father gets two-thirds. 3. If the deceased left behind surviving brothers and sisters, whether half brothers, half sisters or from the same father and mother, their presence does not cause reduction in the father's share. Yet, their presence reduces the share of the mother to one-sixth instead of one-third, and the father gets the rest, when there are no other heirs. Ibn Abi Hatim recorded that Qatadah commented on the Ayah,

(فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِلْمَّةِ السُّدُسُ)

(If the deceased left brothers or (sisters), the mother has a sixth.) "Their presence will reduce the share of the mother, but they will not inherit. If there is only one surviving brother, the mother's share will remain one-third, but her share will be reduced if there is more than one surviving brother. The people of knowledge attribute this reduction in the mother's share from one-third (to one-sixth) to the fact that the father is the one who helps the brothers (and sisters) of the deceased get married, spending from his own money for this purpose. The mother does not spend from her money for this purpose." This is a sound opinion.

Allah said,

(مِن بَعْدِ وَصِيَّةٍ يُوصَىٰ بِهَا أَوْ دَيْنٍ)



((The distribution in all cases is) after the payment of legacies he may have bequeathed or debts.) The scholars of the Salaf and the Khalaf agree that paying debts comes before fulfilling the will, and this is apparent to those who read the Ayah carefully. Allah said next,

(ءَابَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا)

(You know not which of them, whether your parents or your children, are nearest to you in benefit.) This Ayah means: We have appointed a share to the parents and children, contrary to the practice of Jahiliyyah and the early Islamic era, when the inheritance would go to the children, and parents get a share only if they were named in the will, as Ibn `Abbas stated. Allah abrogated this practice and appointed a fixed share for the children and for the parents. One may derive benefit in this life or for the Hereafter from his parents, the likes of which he could not get from his children. The opposite of this could also be true. Allah said,

(ءَابَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا)

(You know not which of them, whether your parents or your children, are nearest to you in benefit,): since benefit could come from one or the other of these relatives, We appointed a fixed share of inheritance for each. Allah knows best. Allah said,

(فَرِيضَةٌ مِّنَ اللَّهِ)

(ordained by Allah), meaning: These appointed shares of inheritance that We mentioned and which give some inheritors a bigger share than others, is a commandment from Allah that He has decided and ordained,

(إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا)

(And Allah is Ever All-Knower, All-Wise.), Who places everything in its rightful place and gives each his rightful share.



(وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلَكُمْ الرُّبْعُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ يُوصِيَنَّ بِهَا أَوْ دَيْنٍ وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكَتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمْنُ مِمَّا تَرَكَتُمْ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلَالَةً أَوْ امْرَأَةٌ وَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ مِنْ بَعْدِ وَصِيَّةٍ يُوصَى بِهَا أَوْ دَيْنٍ غَيْرِ مُضَارٍّ وَصِيَّةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ )

*(12. In that which your wives leave, your share is half if they have no child; but if they leave a child, you get a fourth of that which they leave after payment of legacies that they may have bequeathed or debts. In that which you leave, their (your wives) share is a fourth if you leave no child; but if you leave a child, they get an eighth of that which you leave after payment of legacies that you may have bequeathed or debts. If the man or woman whose inheritance is in Kalalah has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone). This is a Commandment from Allah; and Allah is Ever All-Knowing, Most Forbearing.)*

Allah says to the husband, you get half of what your wife leaves behind if she dies and did not have a child. If she had a child, you get one-fourth of what she leaves behind, after payment of legacies that she may have bequeathed, or her debts. We mentioned before that payment of debts comes before fulfilling the will, and then comes the will, then the inheritance, and there is a consensus on this matter among the scholars. And the rule applies to the grandchildren as well as the children, even if they are great-grandchildren (or even further in generation) Allah then said,

(وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكَتُمْ)



(In that which you leave, their (your wives) share is a fourth) and if there is more than one wife, they all share in the fourth, or one-eighth that the wife gets. Earlier, we explained Allah's statement,

(مِنْ بَعْدِ وَصِيَّةٍ)

(After payment of legacies)

Allah said,

(وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلَالَةً)

(If the man or woman whose inheritance is in question was left in Kalalah.) Kalalah is a derivative of Iklil; the crown that surrounds the head. The meaning of Kalalah in this Ayah is that the person's heirs come from other than the first degree of relative. Ash-Sha`bi reported that when Abu Bakr As-Siddiq was asked about the meaning of Kalalah, he said, "I will say my own opinion about it, and if it is correct, then this correctness is from Allah. However, if my opinion is wrong, it will be my error and because of the evil efforts of Shaytaan, and Allah and His Messenger have nothing to do with it. Kalalah refers to the man who has neither descendants nor ascendants." When `Umar became the Khalifah, he said, "I hesitate to contradict an opinion of Abu Bakr." This was recorded by Ibn Jarir and others. In his Tafsir, Ibn Abi Hatim recorded that Ibn `Abbas said, "I was among the last persons to see `Umar bin Al-Khattab, and he said to me, `What you said was the correct opinion.' I asked, `What did I say' He said, `That Kalalah refers to the person who has no child or parents.'" This is also the opinion of `Ali bin Abi Talib, Ibn Mas`ud, Ibn `Abbas, Zayd bin Thabit, Ash-Sha`bi, An-Nakha`i, Al-Hasan Al-Basri, Qatadah, Jabir bin Zayd and Al-Hakam . This is also the view of the people of Al-Madinah, Kufah, Basrah, the Seven Fuqaha', the Four Imams and the majority of scholars of the past and present, causing some scholars to declare that there is a consensus on this opinion.

Allah said,

(وَلَهُ أَخٌ أَوْ أُخْتٌ)

(But has left a brother or a sister), meaning, from his mother's side, as some of the Salaf stated, including Sa`d bin Abi Waqqas. Qatadah reported that this is the view of Abu Bakr As-Siddiq.



(فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ)

(Each one of the two gets a sixth; but if more than two, they share in a third.) There is a difference between the half brothers from the mother's side and the rest of the heirs. First, they get a share in the inheritance on account of their mother. Second, the males and females among them get the same share. Third, they only have a share in the inheritance when the deceased's estate is inherited in Kalalah, for they do not have a share if the deceased has a surviving father, grandfather, child or grandchild. Fourth, they do not have more than a third, no matter how numerous they were. Allah's statement,

(مِنْ بَعْدِ وَصِيَّةٍ يُوصَىٰ بِهَا أَوْ دَيْنٍ غَيْرِ مُضَارٍّ)

(After payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone).) means, let the will and testament be fair and free of any type of harm, without depriving some rightful heirs from all, or part of their share, or adding to the fixed portion that Allah ordained for some heirs. Indeed, whoever does this, will have disputed with Allah concerning His decision and division. An authentic hadeeth states,

«إِنَّ اللَّهَ قَدْ أَعْطَىٰ كُلَّ ذِي حَقٍّ حَقَّهُ قَلًا وَصِيَّةً لِّوَارِثٍ»

(Allah has given each his fixed due right. Therefore, there is no will for a rightful inheritor.)

(تِلْكَ حُدُودُ اللَّهِ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا وَذَلِكَ الْفَوْزُ الْعَظِيمُ - وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ



(13. These are the limits (set by) Allah, and whosoever obeys Allah and His Messenger, will be admitted to Gardens under which rivers flow (in Paradise), to abide therein, and is the great success.) (14. And whosoever disobeys Allah and His Messenger, and transgresses His (set) limits, He will cast him into the Fire, to abide therein; and he shall suffer a disgraceful torment.)

Meaning, the Fara'id are Allah's set limits. This includes what Allah has allotted for the heirs, according to the degree of relation they have to the deceased, and their degree of dependency on him. Therefore, do not transgress or violate them. So Allah said;

(وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ)

(And whosoever obeys Allah and His Messenger,) regarding the inheritance, and does not add or decrease any of these fixed shares by use of tricks and plots. Rather, he gives each his appointed share as Allah commanded, ordained and decided,

(تِلْكَ حُدُودُ اللَّهِ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ  
جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا  
وَذَلِكَ الْفَوْزُ الْعَظِيمُ - وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ  
وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا وَلَهُ عَذَابٌ  
مُهِينٌ )

(Will be admitted to Gardens under which rivers flow (in Paradise), to abide therein, and is the great success. And whosoever disobeys Allah and His Messenger, and transgresses His (set) limits, He will cast him into the Fire, to abide therein; and he shall have a disgraceful torment.) This is because he changed what Allah has ordained and disputed with His judgment. Indeed, this is



the behavior of those who do not agree with what Allah has decided and divided, and this is why Allah punishes them with humiliation in the eternal, painful torment. Imam Ahmad recorded that Abu Hurayrah said that, the Messenger of Allah said,

«إِنَّ الرَّجُلَ لَيَعْمَلُ بِعَمَلِ أَهْلِ الْخَيْرِ سَبْعِينَ سَنَةً، فَإِذَا أَوْصَى حَافٍ فِي وَصِيَّتِهِ، فَيُخْتَمُ لَهُ بِشَرِّ عَمَلِهِ، فَيَدْخُلُ النَّارَ، وَإِنَّ الرَّجُلَ لَيَعْمَلُ بِعَمَلِ أَهْلِ الشَّرِّ سَبْعِينَ سَنَةً، فَيَعْدِلُ فِي وَصِيَّتِهِ فَيُخْتَمُ لَهُ بِخَيْرِ عَمَلِهِ فَيَدْخُلُ الْجَنَّةَ»

(A man might perform the actions of righteous people for seventy years, but when it is time to compile his will, he commits injustice. So his final work will be his worst, and he thus enters the Fire. A man might perform the deeds of evil people for seventy years, yet he is fair in his will. So his final work will be his best, and he thus enters Paradise.) Abu Hurayrah said, "Read, if you will,

(تِلْكَ حُدُودُ اللَّهِ)

(These are the limits (set by) Allah) until,

(عَذَابٌ مُّهِينٌ)

(a disgraceful torment.)." In the chapter on injustice in the will, Abu Dawud recorded in his Sunan that Abu Hurayrah said that the Messenger of Allah said,

«إِنَّ الرَّجُلَ لَيَعْمَلُ أَوْ الْمَرْأَةُ بِطَاعَةِ اللَّهِ سِتِّينَ سَنَةً، ثُمَّ يَحْضُرُهُمَا الْمَوْتُ، فَيُضَارَّانِ فِي الْوَصِيَّةِ، فَتَجِبُ لَهُمَا النَّارُ»



(A man or a woman might perform actions in obedience to Allah for sixty years. Yet, when they are near death, they leave an unfair will and thus acquire the Fire.) Abu Hurayrah then recited the Ayah,

(مِنْ بَعْدِ وَصِيَّةٍ يُوصَىٰ بِهَا أَوْ دَيْنٍ غَيْرَ مُضَارٍّ)

(After payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused), until,

(وَذَلِكَ الْفَوْزُ الْعَظِيمُ)

(and that is the great success.) This was also recorded by At-Tirmidhi and Ibn Majah, and At-Tirmidhi said, "Hasan Gharib".

### Ayah Al Kalalah

(يَسْتَفْتُونَكَ قُلِ اللَّهُ يُقْتِكُمْ فِي الْكَلَالَةِ إِنْ امْرُؤٌ هَلَكَ لَيْسَ لَهُ وَلَدٌ وَلَهُ أُخْتٌ فَلَهَا نِصْفُ مَا تَرَكَ وَهُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ فَإِنْ كَانَتَا اثْنَتَيْنِ فَلَهُمَا الثُّلُثَانِ مِمَّا تَرَكَ وَإِنْ كَانُوا إِخْوَةً رِجَالًا وَنِسَاءً فَلِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ يُبَيِّنُ اللَّهُ لَكُمْ أَنْ تَضِلُّوا وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ)

(176. They ask you for a legal verdict. Say: "Allah directs (thus) about Al-Kalalah. If it is a man that dies leaving a sister, but no child, she shall have half the inheritance, and )in her case( he will be her heir if she has no children. If there are two sisters, they shall have two-thirds of the inheritance; if there are brothers and sisters, the male will have twice the share of the female. (Thus) does Allah make clear to you (His Law) lest you go astray. And Allah is the All-Knower of everything.")



Al-Bukhari recorded that Al-Bara' said that the last Surah to be revealed was Surah Bara'ah (chapter 9) and the last Ayah to be revealed was,

(يَسْتَفْتُونَكَ)

(They ask you for a legal verdict...) Imam Ahmad recorded that Jabir bin `Abdullah said, "The Messenger of Allah came visiting me when I was so ill that I fell unconscious. He performed ablution and poured the remaining water on me, or had it poured on me. When I regained consciousness, I said, `I will only leave inheritance through Kalalah, so what about the inheritance that I leave behind' Allah later revealed the Ayah about Fara'id (inheritance )4: 11()." The Two Sahihs and also the Group recorded it. In one of the wordings, Jabir said that the Ayah on inheritance was revealed;

(يَسْتَفْتُونَكَ قُلِ اللَّهُ يُقْتِيكُمْ فِي الْكَلَالَةِ)

(They ask you for a legal verdict. Say: "Allah directs (thus) about Al-Kalalah.) The wording of the Ayah indicates that the question was about the Kalalah,

(قُلِ اللَّهُ يُقْتِيكُمْ)

(Say: "Allah directs (thus)...") We mentioned the meaning of Kalalah before, that it means the crown that surrounds the head from all sides. This is why the scholars stated that Kalalah pertains to one who dies and leaves behind neither descendants, nor ascendants. Some said that the Kalalah pertains to one who has no offspring, as the Ayah states,

(إِنْ امْرُؤٌ هَلَكَ لَيْسَ لَهُ وَلَدٌ)

(If it is a man that dies, leaving no child,) The meaning and ruling of Kalalah was somewhat confusing to the Leader of the Faithful `Umar bin Al-Khattab. It is recorded in the Two Sahihs that `Umar said, "There are three matters that I wished the Messenger of Allah had explained to us, so that we could abide by his explanation. (They are: the share in the inheritance of) the grandfather, the Kalalah and a certain type of Riba." Imam Ahmad recorded that Ma`dan bin Abi Talhah said that `Umar bin Al-Khattab said, "There is nothing that I asked the Messenger of Allah about its meaning more than the Kalalah, until he stabbed me with his finger in my chest and said,



## «يَكْفِيكَ آيَةُ الصِّيفِ الَّتِي فِي آخِرِ سُورَةِ النِّسَاءِ»

(The Ayah that is in the end of Surat An-Nisa' should suffice for you.)" Ahmad mentioned this short narration for this Hadith, Muslim recorded a longer form of it.

Allah said,

(إِنْ امْرُؤٌ هَلَكَ)

(If it is a man that dies.) Allah said in another Ayah,

(كُلُّ شَيْءٍ هَالِكٌ إِلَّا وَجْهَهُ)

(Everything will perish save His Face.) Therefore, everything and everyone dies and perishes except Allah, the Exalted and Most Honored. Allah said,

(كُلُّ مَنْ عَلَيْهَا فَانٍ - وَيَبْقَى وَجْهُ رَبِّكَ ذُو  
الْجَلَلِ وَالْإِكْرَامِ)

(Whatsoever is on it (the earth) will perish. And the Face of your Lord full of majesty and honor will remain forever.) Allah said here,

(لَيْسَ لَهُ وَلَدٌ)

(leaving no child,) referring to the person who has neither children, nor parents. What testifies to this, is that Allah said afterwards,

(وَلَهُ أُخْتٌ فَلَهَا نِصْفُ مَا تَرَكَ)



(Leaving a sister, she shall have half the inheritance.) Had there been a surviving ascendant, the sister would not have inherited anything, and there is a consensus on this point. Therefore, this Ayah is referring to the man who dies leaving behind neither descendants nor ascendants, as is apparent for those who contemplate its meaning. This is because when there is a surviving parent, the sister does not inherit anything, let alone half of the inheritance. Ibn Jarir and others mentioned that Ibn `Abbas and Ibn Az-Zubayr used to judge that if a person dies and leaves behind a daughter and a sister, the sister does not inherit anything. They would recite,

(إِنْ امْرُؤٌ هَلَكَ لَيْسَ لَهُ وَلَدٌ وَلَهُ أُخْتٌ فَلَهَا  
نِصْفُ مَا تَرَكَ)

(If it is a man that dies, leaving a sister, but no child, she shall have half the inheritance.) They said that if one leaves behind a daughter, then he has left behind a child. Therefore the sister does not get anything. The majority of scholars disagreed with them, saying the daughter gets one half and the sister the other half, relying on other evidence. This Ayah (4: 176 above) gives the sister half of the inheritance in the case that it specifies. As for giving the sister half in other cases, Al-Bukhari recorded that Sulayman said that Ibrahim reported to Al-Aswad that he said, "During the time of the Messenger of Allah, Mu`adh bin Jabal gave a judgment that the daughter gets one half and the sister the other half." Al-Bukhari recorded that Huzayl bin Shurahbil said, "Abu Musa Al-Ash`ari was asked about the case when there was a daughter, grand-daughter and sister to inherit. He said, 'The daughter gets one-half and the sister one-half.' Go and ask Ibn Mas`ud, although I think he is going to agree with me.' So Ibn Mas`ud was asked and was told about Abu Musa's answer, and Ibn Mas`ud commented, 'I would have deviated then and would not have become among those who are rightly guided. I will give a judgment similar to the judgment given by the Prophet. The daughter gets one-half, the grand-daughter gets one-sixth, and these two shares will add up to two-thirds. Whatever is left will be for the sister.' We went back to Abu Musa and conveyed to him Ibn Mas`ud's answer and he said, 'Do not ask me (for legal verdicts) as long as this scholar is still among you.'" Allah then said,

(وَهُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ)

(... and he will be her heir if she has no children.) This Ayah means, the brother inherits all of that his sister leaves behind if she has no surviving offspring or parents. If she has a surviving parent, her brother would not inherit anything. If there is someone who gets a fixed share in the inheritance, such as a husband or half brother from the mother's side, they take their share and the rest goes to



the brother. It is recorded in the Two Sahihs that Ibn `Abbas said that the Messenger of Allah said,

«أَلْحِقُوا الْفَرَائِضَ بِأَهْلِهَا، فَمَا أُبْقِتِ الْفَرَائِضُ  
فَلِأَوْلَى رَجُلٍ ذَكَرَ»

(Give the Farai'd to its people, and whatever is left is the share of the nearest male relative.) Allah said,

(فَإِنْ كَانَتَا اثْنَتَيْنِ فَلَهُمَا الثُّلُثَانِ مِمَّا تَرَكَ)

(If there are two sisters, they shall have two-thirds of the inheritance ;)  
meaning, if the person who dies in Kalalah has two sisters, they get two-thirds of the inheritance. More than two sisters share in the two-thirds. From this Ayah, the scholars took the ruling regarding the two daughters, or more, that they share in the two-thirds, just as the share of the sisters (two or more) was taken from the Ayah about the daughters,

(فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ)

(if (there are) only daughters, two or more, their share is two thirds of the inheritance.) 4:11(. Allah said,

(وَإِنْ كَانُوا إِخْوَةً رِجَالًا وَنِسَاءً فَلِلذَّكَرِ مِثْلُ  
حَظِّ الْأُنثِيَيْنِ)

(if there are brothers and sisters, the male will have twice the share of the female.) This is the share that the male relatives (sons, grandsons, brothers) regularly get, that is, twice as much as the female gets. Allah said,

(يُبَيِّنُ اللَّهُ لَكُمْ)

((Thus) does Allah make clear to you...) His Law and set limits, clarifying His legislation,



## (أَنْ تَضِلُّوْا)

(Lest you go astray.) from the truth after this explanation,

## (وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ)

(And Allah is the All-Knower of everything.) Allah has perfect knowledge in the consequences of everything and in the benefit that each matter carries for His servants. He also knows what each of the relatives deserves from the inheritance, according to the degree of relation he or she has with the deceased. Ibn Jarir recorded that Tariq bin Shihab said that `Umar gathered the Companions of the Messenger of Allah once and said, "I will give a ruling concerning the Kalalah that even women will talk about it in their bedrooms." A snake then appeared in the house and the gathering had to disperse. `Umar commented, `Had Allah willed this (`Umar's verdict regarding the Kalalah) to happen, it would have happened." The chain of narration for this story is authentic. Al-Hakim, Abu `Abdullah An-Naysaburi recorded that `Umar bin Al-Khattab said, `Had I asked the Messenger of Allah regarding three things, it would have been better for me than red camels. (They are:) who should be the Khalifah after him; about a people who said, `We agree to pay Zakah, but not to you (meaning to the Khalifah),' if we are allowed to fight them; and about the Kalalah." Al-Hakim said, "Its chain is Sahih according to the Two Shaykhs, and they did not recorded it." Ibn Jarir also said that it was reported that `Umar said, "I feel shy to change a ruling that Abu Bakr issued. Abu Bakr used to say that the Kalalah is the person who has no descendants or ascendants." Abu Bakr's saying is what the majority of scholars among the Companions, their followers and the earlier and later Imams agree with. This is also the ruling that the Qur'an indicates. For Allah stated that He has explained and made plain the ruling of the Kalalah, when He said,

## (يُبَيِّنُ اللَّهُ لَكُمُ أَنْ تَضِلُّوْا وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ)

((Thus) does Allah makes clear to you (His Law) lest you go astray. And Allah is the All-Knower of everything.) And Allah knows best.



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Please when you read this,  
ask Allah to forgive us all,  
here at Tawheed Ranch.



Fiqh

Laws of Inheritance

