

Hanbali Fiqh: Book of Inheritance Law

Explanatory Notes on *Akhsar al-Mukhtasaraat* Based on Lectures of
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Introduction

- I. Def: Knowledge to find out who inherits, who does not, and the amounts inherited
 - A. This is a **right** of those left behind among the deceased's inheritors
 - B. After death, the following order is taken place with regards to the deceased's wealth:
 1. Firstly, we use it to spend on his **funeral expenses**
 2. Secondly, we use it to pay off any **debts** that the person may have towards fellow man or Allah
 - a) Those debts related to mortgages take preference over general debts
 - b) Debts to Allah include things like zakkah, Hajj, etc.
 3. Thirdly, we **execute** the person's **will** up to **one-third** of his wealth
 4. Lastly, we **distribute** the remaining wealth to his **inheritors** according to fixed laws in the Qur'an and Sunnah
- II. **Causes** of inheriting someone's wealth **after** death include:
 - A. Relative: **relationship** between two human beings **related** to each other through **birth**. It includes the following categories:
 1. *Al-Usool*: fathers, mothers, grandfathers, grandmothers
 2. *Al-Furoo'*: sons, grandsons
 3. *Al-Hawashi*: brothers, brother's sons, uncles
 - B. Marriage based on a **valid** contract
 1. This means that divorcees are **excluded**
 - a) If a man divorces his wife **during** a terminal illness **just to block her** from inheritance, she will **still** inherit provided:
 - (1) She did not remarry
 - (2) She remained a Muslim
 - C. Freeing a slave
 1. Meaning the **master** who **frees** a slave **inherits** from his slave **after** the latter's death
- III. **Inhibitors** of inheriting someone's wealth after death include:
 - A. Murder
 1. **Even** if it is by **accident**
 2. Ex: if a son murders his father, then he will be **prevented** from inheriting from his father's wealth
 - B. Slavery
 1. Slaves do **not** inherit because they **cannot** own anything
 2. However, if the slave is partially owned then he can inherit according to his percentage of freedom
 - a) Ex: a slave that has partially paid off the debt to free himself from his master
 - C. Difference in religion
 1. A Muslim does **not** inherit from a disbeliever and vice versa
- IV. The **pillars** of inheritance law are the following and if any one of them is missing, then inheritance **cannot** take place:

- A. Inheritor
 - B. Testator: one whose wealth will be inherited after death
 - C. Wealth being inherited
- V. Conditions
- A. The **testator** is **verified** to be **dead**
 - 1. It can be verified through either:
 - a) **Directly** observing it
 - b) **Testimony** of **two** just witnesses
 - B. The **inheritor** is **verified** to actually **exist** after the testator's death
 - 1. Meaning the inheritor should **not** be dead **nor** be a hypothetical
 - 2. The **inheritor** inherits **even** if he/she is alive only for a **moment** after the testator's death
 - a) Ex: a child born alive but dies a few minutes after
 - C. **Verification** of the inheritor's **identity**
 - 1. Meaning we should be **certain** that the person is **actually** a heir through either:
 - a) Marriage
 - b) Master of a freed slave
 - c) Kinship
- VI. Types of inheritors
- A. Those who inherit specific **fixed portions**
 - B. Those who do **not** inherit specific **fixed portions** but vary
 - C. Those who inherit in **absence** of the above two
 - 1. If this type is absent as well, then the inheritance goes to *bayt al-maal* (public treasury)
- VII. Types of siblings
- A. Full siblings
 - B. Half-siblings through the **father** (i.e. paternal siblings)
 - C. Half-siblings through the **mother** (i.e. maternal siblings)
- VIII. Those who **inherit** specific **fixed portions** are the following **ten**:
- A. Husband
 - B. Wife
 - C. Mother
 - D. Father
 - E. Paternal grandfather
 - F. Paternal grandmother
 - G. Daughter
 - H. Son's daughter (i.e. paternal granddaughter)
 - 1. The **daughter's kids** do **not** inherit because they are **heirs** of their **father's** side of the family
 - I. Sister
 - 1. Full or through the father
 - J. Mother's child
 - 1. Meaning one's **sibling** through the mother (i.e. maternal brother/sister)

The Distribution of the Fixed Portions

The **fixed portions** mentioned in the Qur'an are **six**:

- I. Half ($\frac{1}{2}$): the following inherit in this amount
 - A. Husband
 1. Provided the wife leaves behind **neither** a child **nor** a grandchild through a **son**
 - a) The 'child' or 'grandchild' could be a male or female
 - B. Daughter
 1. Condition
 - a) The daughter does **not** have any **sibling** through the **deceased** to share along with her
 2. Ex: if it is the mother that passed away, then that mother should not have any other surviving child except that one daughter
 - C. Granddaughter through the son
 1. Conditions:
 - a) She does **not** have a **sibling** through the **father** to share along with her
 - b) She does **not** have a **male or female cousin** to share along with her through a paternal uncle
 - c) The deceased did **not** leave behind a child
 2. Ex: Zayd dies and has no surviving relatives except a full brother and a paternal granddaughter. In this case, the granddaughter will get $\frac{1}{2}$
 - D. Full sister
 1. Conditions:
 - a) The deceased does **not** have a **child** nor a **grandchild** through the **son** and lower (*furoo'*)
 - (1) Lower meaning: son's son, son's son, and so on
 - b) The deceased does **not** have a **father** nor a paternal **grandfather** and higher (*asl*)
 - (1) Higher meaning: father's father, father's father, and so on
 - c) She does **not** have a **full sibling** to share along with her
 - (1) This means the deceased **only** has **one** full sister and **no** other **full sibling**
 2. Ex: Zayd dies and has no surviving relatives except a mother, a full sister, and a half brother through the father. In this case, the full sister will get $\frac{1}{2}$
 - E. Sister through the father
 1. Conditions:
 - a) The deceased does **not** have a **child** nor a **grandchild** through the **son** and lower (*furoo'*)
 - b) The deceased does **not** have a **father** nor a paternal **grandfather** and higher (*asl*)
 - c) She does **not** have a **full sibling** to share along with her
 - d) She does **not** have a sibling through the father (i.e. half-brother/sister)

2. Ex: Zayd dies and has no surviving relatives except a mother, a half sister through the father, and a half brother through the mother. In this case, the half sister through the father will get $\frac{1}{2}$
- II. Fourth ($\frac{1}{4}$)
- A. Husband
 1. Condition
 - a) Wife either **has** a **child** or a **grandchild** through a **son**
 - (1) Whether the child is through him or another, the rule still applies
 2. Ex: Zayd and Fatima have a daughter together. If Fatima dies, then Zayd will get $\frac{1}{4}$ of her wealth
 - B. Wife
 1. Conditions
 - a) Husband **neither** has a **child** nor a **grandchild** through a son
 - b) Husband does **not** have any other wives
- III. Eighth ($\frac{1}{8}$)
- A. Wife
 1. Conditions
 - a) Husband left behind a **child** or a **grandchild** through a **son**
 - b) Husband does **not** have any other wives
 - (1) If he has other wives, then the wives will all **equally** share the $\frac{1}{8}$
- IV. Two-thirds ($\frac{2}{3}$)
- A. Two or more daughters
 1. Conditions
 - a) The deceased **must** have **two** or **more** surviving daughters
 - b) The daughters should **not** have any **brothers** through the deceased
 - B. Two granddaughters or more through a son
 1. Conditions
 - a) The deceased **must** have **two** or **more** surviving granddaughters through a **son**
 - b) Deceased does **not** have any grandsons through a son
 - c) The deceased should **not** have any surviving child
 - C. Two full sisters or more
 1. Conditions
 - a) The deceased **neither** has a **child** nor a **grandchild** through a **son** and lower (*furoo'*)
 - b) The deceased **neither** has a **father** nor a paternal **grandfather** and higher (*asl*)
 - c) The deceased **must** have **two** or **more** surviving full sisters
 - d) The deceased does **not** have any **full brother**
 - D. Two sisters or more through the father
 1. Conditions
 - a) The deceased **must** have **two** or **more** surviving **half-sisters** through the **father**

- b) The deceased **neither** has a **child** nor a **grandchild** through a **son** and lower (*furoo'*)
- c) The deceased **neither** has a **father** nor a paternal **grandfather** and higher (*asl*)
- d) The deceased **neither** has a **full sibling** nor a **half-brother** through the father

V. Third ($\frac{1}{3}$)

A. Two or more siblings through the mother

- 1. They **equally** share the $\frac{1}{3}$ among each other
- 2. Conditions
 - a) They **must** be **two** or **more**
 - b) The deceased **neither** has a **child** nor a **grandchild** through a **son** and lower (*furoo'*)
 - c) The deceased **neither** has a **father** nor a paternal **grandfather** and higher (*asl*)

B. Mother

- 1. Conditions
 - a) The deceased **neither** has a **child** nor a **grandchild** through a **son** and lower (*furoo'*)
 - b) The deceased does **not** have any **full** or **half siblings**
- 2. The mother also gets $\frac{1}{3}$ if she falls into one of the **two** cases below as judged by **Umar**
 - a) Case 1: deceased left behind **only parents** and a **husband**
 - (1) Husband $\frac{1}{2}$
 - (2) The remaining $\frac{1}{2}$
 - (a) Mother $\frac{1}{3}$
 - (i) $\frac{1}{3}$ of $\frac{1}{2}$ equals $\frac{1}{6}$
 - (b) Father $\frac{2}{3}$
 - (i) $\frac{2}{3}$ of $\frac{1}{2}$ equals $\frac{1}{3}$
 - b) Case 2: deceased left behind **only parents** and a **wife**
 - (1) Wife $\frac{1}{4}$
 - (2) The remaining $\frac{3}{4}$
 - (a) Mother $\frac{1}{3}$
 - (i) $\frac{1}{3}$ of $\frac{3}{4}$ equals $\frac{1}{4}$
 - (b) Father $\frac{2}{3}$
 - (i) $\frac{2}{3}$ of $\frac{3}{4}$ equals $\frac{1}{2}$

VI. Sixth ($\frac{1}{6}$)

A. Mother

- 1. Conditions
 - a) The mother has a **child** or a **grandchild** through a **son** and lower (*furoo'*)
 - b) The deceased has **siblings**
 - (1) Regardless whether they are **paternal**, **maternal**, or **full**

B. Grandmother(s)

- 1. Regardless of whether she is **paternal** or **maternal**

- a) If the deceased has **both** or **three** (i.e. maternal, paternal, and a great paternal grandmother), then they will all **equally** share the $\frac{1}{6}$
 - (1) This is because they are of the **same level** in **closeness** to the **deceased**
 - (a) Ex: paternal and maternal grandmothers are considered the same level
- 2. Conditions
 - a) Deceased does **not** have a **mother**
- C. One or more **granddaughter(s)** through the **son**
 - 1. If **multiple** paternal granddaughters, they will **all** share the $\frac{1}{6}$
 - 2. Conditions
 - a) The deceased has only **one** daughter
 - (1) Daughter will take $\frac{1}{2}$
 - b) The deceased does **not** have a **son**
 - c) The deceased does **not** have any **grandsons** through a **son**
 - 3. Result: $\frac{1}{2} + \frac{1}{6} = \frac{2}{3}$
- D. One or more **half-sisters** through the **father**
 - 1. If **multiple** paternal half-sisters, they will **all** share the $\frac{1}{6}$
 - 2. Conditions
 - a) The deceased has only **one full sister**
 - (1) She takes $\frac{1}{2}$
 - b) Deceased does **not** have any **full brothers** or **paternal brothers**
 - 3. Result: $\frac{1}{2} + \frac{1}{6} = \frac{2}{3}$
- E. One **half-sibling** through the **mother**
 - 1. Conditions
 - a) The deceased **neither** has a **child** nor a **grandchild** through a **son** and lower (*furoo'*)
 - b) The deceased **neither** has a **father** nor a paternal **grandfather** and higher (*asl*)
 - c) Deceased has only **one maternal sibling** and **no** other type of **sibling**
- F. Father
 - 1. Condition
 - a) Deceased has a **child** or a **grandchild** through a **son**
- G. Grandfather
 - 1. Conditions
 - a) Deceased does **not** have a **father**
 - b) Deceased has a **child** or a **grandchild** through a **son**
 - (1) Same condition as father

Paternal Grandfather With Presence of Deceased's Siblings

- I. There is a **difference** of opinion whether **siblings** inherit or not when there is a paternal grandfather **present** in the picture but there is **no** father
 - A. Ex: Ahmad dies and leaves behind two brothers and a grandfather

- B. Majority: the siblings of the deceased **will** inherit
1. This is the Hanbali position as well
- C. Hanafis: the siblings of the deceased will **not** inherit, because for them the grandfather takes the place of the father, thus, he will **block** the siblings from inheriting
- II. Grandfather is **treated** like a **full sibling** or a **paternal sibling** in the laws of inheritance according to Hanbalis
- A. Meaning in the case of a deceased's paternal grandfather **present** with the deceased's full or paternal sibling(s), the **same** rulings **apply** to the paternal grandfather as those to the **full** or **paternal sibling**. He is considered as a **partner** among them
- III. If the deceased does **not** leave behind anyone **except** a paternal grandfather and siblings, then the **grandfather** will be given the **highest option** from one of the following **two**:
- A. Options
1. Treat the grandfather like a **full/paternal brother** and divide the shares accordingly
 - a) Meaning he will be given **twice** that of the deceased's **sister**. In some cases, as we will see below *insha'Allah*, the grandfather can be given even **more** than the full/paternal brother because the grandfather is considered the **source** for all of them and they would **not** exist without him
 - b) Examples
 - (1) Grandfather (2 shares) + sister (1 share)
 - (a) Grandfather: $\frac{2}{3}$
 - (b) Sister: $\frac{1}{3}$
 - (2) Grandfather (2 shares) + 2 sisters (2 shares)
 - (a) Grandfather: $\frac{2}{4} = \frac{1}{2}$
 - (b) Two sisters: $\frac{2}{4} = \frac{1}{2}$
 - (i) Sister 1: $\frac{1}{4}$
 - (ii) Sister 2: $\frac{1}{4}$
 - (3) Grandfather (2 shares) + brother (2 shares) + sister (1 share)
 - (a) Grandfather: $\frac{2}{5}$
 - (b) Brother: $\frac{2}{5}$
 - (c) Sister: $\frac{1}{5}$
 - (4) Grandfather (2 shares) + 3 sisters (3 shares)
 - (a) Grandfather: $\frac{2}{5}$
 - (b) Sisters: $\frac{3}{5}$
 - (i) Sister 1: $\frac{1}{5}$
 - (ii) Sister 2: $\frac{1}{5}$
 - (iii) Sister 3: $\frac{1}{5}$
 - (5) Grandfather (2 shares) + 4 sisters (4 shares)
 - (a) Grandfather: $\frac{2}{6} = \frac{1}{3}$
 - (b) Sisters: $\frac{4}{6} = \frac{2}{3}$
 - (i) Sister 1: $\frac{1}{6}$

(ii) Sister 2: $\frac{1}{6}$

(iii) Sister 3: $\frac{1}{6}$

(iv) Sister 4: $\frac{1}{6}$

(6) Grandfather (2 shares) + brother (2 shares) + 2 sisters (2 shares)

(a) Grandfather: $\frac{2}{6} = \frac{1}{3}$

(b) Brother: $\frac{2}{6} = \frac{1}{3}$

(c) Sisters: $\frac{2}{6} = \frac{1}{3}$

(i) Sister 1: $\frac{1}{6}$

(ii) Sister 2: $\frac{1}{6}$

(7) Grandfather (2 shares) + 2 brothers (4 shares)

(a) Grandfather: $\frac{2}{6} = \frac{1}{3}$

(b) Brothers: $\frac{4}{6} = \frac{2}{3}$

(i) Brother 1: $\frac{1}{3}$

(ii) Brother 2: $\frac{1}{3}$

2. $\frac{1}{3}$ of the wealth

a) This **defaults** when the grandfather's share goes **below** $\frac{1}{3}$. We **never** let the grandfather go below $\frac{1}{3}$ when the deceased does **not** leave behind anyone that deserves **fixed shares** (husband, wife, mother, etc.). If the calculations show below $\frac{1}{3}$ in such a case, then the grandfather will **automatically** get $\frac{1}{3}$

(1) Examples

(a) Grandfather (2 shares) + five sisters (5 shares)

(i) Grandfather: $\frac{2}{7}$

(a) This is less than $\frac{1}{3}$ so the grandfather will default to a fixed share of $\frac{1}{3}$ and the sisters will share the remaining $\frac{2}{3}$

(ii) Sisters: $\frac{2}{3}$

(a) We will divide the $\frac{2}{3}$ among the five sisters equally

(i) Sister 1: $\frac{2}{15}$

(ii) Sister 2: $\frac{2}{15}$

(iii) Sister 3: $\frac{2}{15}$

(iv) Sister 4: $\frac{2}{15}$

(v) Sister 5: $\frac{2}{15}$

(b) Grandfather (1 share) + 3 brothers (3 shares)

(i) Grandfather: $\frac{1}{4}$

(a) This is less than $\frac{1}{3}$ so the grandfather will default to a fixed $\frac{1}{3}$ and the brothers will share the remaining $\frac{2}{3}$

(ii) Brothers: $\frac{2}{3}$

(a) We will divide the remaining $\frac{2}{3}$ among the three brothers equally

(i) Brother 1: $\frac{2}{9}$

(ii) Brother 2: $\frac{2}{9}$

(iii) Brother 3: $\frac{2}{9}$

B. What does it mean to be given the highest option?

1. Meaning we will **calculate** the grandfather's shares for both options and give him **whichever** has the **highest** value

IV. If the deceased leaves behind anyone who **deserves** a **fixed share** plus a paternal grandfather and siblings, then the **grandfather** will be given the **highest option** from one of the following **three**:

A. Options

1. Treat the grandfather like a **full/paternal brother** and divide the shares accordingly

a) Meaning he will be given **twice** that of the deceased's sister and in some instances can even be given more than the full/paternal brother

b) Example

(1)

2. He gets $\frac{1}{3}$ of what is **remaining** after the **fixed share** is **given away**

a) Example

(1) Husband + grandfather (2 shares) + sister (1 share)

(a) Husband: $\frac{1}{2}$

(i) This is his fixed share

(b) Remaining shares: $\frac{1}{2}$

(i) Grandfather: $\frac{2}{3}$

(a) $\frac{2}{3}$ of $\frac{1}{2} = \frac{1}{3}$

(ii) Sister: $\frac{1}{3}$

(a) $\frac{1}{3}$ of $\frac{1}{2} = \frac{1}{6}$

3. He gets $\frac{1}{6}$ of all wealth

a) This **defaults** when the **remaining** wealth becomes $\frac{1}{6}$ or **lower** after the fixed shares have been **distributed**. We **never** let the grandfather go **below** $\frac{1}{6}$ when those who deserve **fixed shares** are **present**

(1) Example

(a) Husband + mother + grandfather (1 share) + 2 brothers (2 shares)

- (i) Fixed shares: $\frac{1}{2} + \frac{1}{6} = \frac{4}{6}$
 - (a) Husband: $\frac{3}{6} = \frac{1}{2}$
 - (b) Mother: $\frac{1}{6}$
- (ii) Remaining shares: $\frac{2}{6}$
 - (a) Grandfather: $\frac{1}{6}$
 - (b) Brothers: share $\frac{1}{6}$ among themselves equally
 - (i) Brother 1: $\frac{1}{12}$
 - (ii) Brother 2: $\frac{1}{12}$

(2) If the calculations show **below** $\frac{1}{6}$, then the grandfather will **automatically** get $\frac{1}{6}$ and the **siblings** will be **dropped** and receive **nothing**

(a) Ex: Husband + 2 daughters + grandfather (1 share) + full brother (1 share)

- (i) Fixed shares: $\frac{1}{4} + \frac{2}{3} = \frac{11}{12}$
 - (a) Husband: $\frac{1}{4}$
 - (b) 2 Daughters: $\frac{2}{3}$
- (ii) Remaining shares: $\frac{1}{12}$
 - (a) Grandfather: defaults to fixed share of $\frac{1}{6}$
 - (i) Because $\frac{1}{12}$ is less than $\frac{1}{6}$
 - (b) Full brother: 0
- (iii) We now have to redo all the calculations by dividing everything into 13 shares instead of 12 because $\frac{1}{4} + \frac{2}{3} + \frac{1}{6} = \frac{13}{12}$, which is more than 1. This makes the total portions $\frac{13}{13}$
 - (a) Husband: $\frac{1}{4}$
 - (b) 2 daughters: $\frac{2}{3}$
 - (i) Daughter 1: $\frac{1}{3}$
 - (ii) Daughter 2: $\frac{1}{3}$
 - (c) Grandfather: $\frac{1}{6}$

(b) **Exception:** known as *ikdariyyah*

- (i) When the inheritors are: Husband ($\frac{1}{2}$), mother ($\frac{1}{3}$), grandfather ($\frac{1}{6}$), and full sister/paternal sister ($\frac{1}{2}$). All of the fractions add up to $\frac{9}{6}$
 - (a) Husband: $\frac{1}{2}$ (3 shares out of 9)
 - (b) Mother: $\frac{1}{3}$ (2 shares out of 9)
 - (c) Grandfather: $\frac{1}{6}$ (1 share out of 9)
 - (d) Sister: $\frac{1}{2}$ (3 shares out of 9)
- (ii) The grandfather **has** to get **twice** that of the sister because he is treated like a **full brother**. This means

the shares have to be: grandfather (2 shares) + Sister (1 share). So we have to **divide** the original 4 shares between them by 3 shares ($\frac{4}{3}$). It is **not** possible to do it equally so we will **multiply** the 3 shares by the original 9, which will equal **27 shares**. Then we need to adjust everyone's shares accordingly:

(a) Husband: $\frac{1}{2}$ (3 shares x 3) -> 9 shares

(b) Mother: $\frac{1}{3}$ (2 shares x 3) -> 6 shares

(c) The remaining 12 shares will be distributed with grandfather getting **twice** that of the sister:

(i) Grandfather: 8 shares

(ii) Sister: 4 shares

(iii) This **only** happens in this case

B. What does it mean to be given the highest option?

1. Meaning we will **calculate** the grandfather's shares for all three options and give him whichever has the **highest** value

V. If a **paternal half-brother** exists with a full brother, then during the **calculation** the paternal half-brother would be **given** a share but during **distribution** the full brother will **take** his share because the full brother is **stronger/closer** in relationship to the deceased in comparison to the paternal half-brother

A. Example

1. Full brother (1 share) + paternal half-brother (1 share) + paternal grandfather (1 share)

a) Everyone is calculated to get $\frac{1}{3}$. However, the full brother will take the share of his paternal half-brother. So the new shares will be as follows:

(1) Grandfather: $\frac{1}{3}$

(2) Full brother: $\frac{2}{3}$

(3) Paternal half-brother: 0

VI. If a **paternal half-sibling** exists with **one full sister**, then the full sister will take her share **plus** anything more from the paternal half-sibling's share to **complete** her **fixed share** of $\frac{1}{2}$. Then if there is anything **remaining**, it will go to the paternal half-sibling

A. Example

1. Full sister (1 share) + paternal half-brother (2 shares) + grandfather (2 shares)

a) The full sister has to get her fixed share of $\frac{1}{2}$, which means she will have to take 1.5 shares from her paternal half-brother for a total of 2.5 shares because that will equal $\frac{1}{2}$ of 5 total shares

(1) We are not going to be able to divide it equally so we will make the shares 10

(a) Grandfather: 4

(b) Full sister: 5 (2 shares for herself and 3 shares taken from her paternal half-brother)

(c) Paternal half-brother: 1

Blockers of Inheritance

- I. It is of **two** types:
 - A. Blocking another inheritor **completely** from inheritance
 1. Types
 - a) *Awsaaf* (related to **attributes**): slavery, murdering, changing religion
 - b) *Ashkhaas* (related to **individuals**): when a **nearer** relative blocks the **further** one
 - B. **Reducing** the share of another inheritor
- II. Following **six** are always **safe** from being **completely** blocked from anyone. This means they will **always** inherit no matter what:
 - A. Husband
 - B. Wife
 - C. Father
 - D. Mother
 - E. Son
 - F. Daughter
- III. Blockers
 - A. The **father** will block the further ones (i.e. grandfather(s))
 1. Ex: the father will block the grandfather from inheriting if both are alive and any other grandfather (i.e. great grandfather) will also be blocked because of the father
 - B. The **closer grandfather** blocks the further ones
 1. Ex: the grandfather will block the great grandfather from inheriting if both are alive
 - C. The **closer son** blocks the further ones
 1. Ex: the son will block the grandson from inheriting if both are alive
 - D. The **mother** blocks **all** grandmothers
 1. Ex: the mother will block her mother and her child's paternal grandmother from inheriting if all three are alive
 - E. The **closer grandmother** blocks the further ones
 1. **Exception**: Where there is a father + paternal grandmother + paternal great grandmother
 - a) All **three** will inherit because the two grandmothers are from **different** lines of descent and also because the **father** does **not** block his mother (i.e. deceased's paternal grandmother) from inheriting according to the Hanbalis
 2. The **maximum** grandmothers that can inherit **simultaneously** are **three** if the deceased's mother is **not** in the picture. They will all share $\frac{1}{3}$ equally:
 - a) Maternal grandmother
 - b) Paternal grandmother
 - c) Paternal great grandmother
 3. If there is a grandmother **present** that is related to the deceased through **both sides** of the family and there is **another** present through only **one side**, then the

former will take $\frac{2}{3}$ of the $\frac{1}{6}$ because she is **closer** in relationship to the deceased and the **latter** will take $\frac{1}{3}$ of the $\frac{1}{6}$ from the inheritance

a) This can occur if a man marries a first cousin

(1) Ex: a man marries his paternal aunt's daughter. When he has kids through this wife, then the paternal aunt will be related to the children through both sides of the family because the man and his wife both are related to the paternal aunt

F. **Full sibling** will be blocked from inheriting by the presence of **any** of the deceased's following relatives:

1. Father
2. Son
3. Paternal grandson and so on down the line

G. **Paternal sibling** will be blocked from inheriting by the presence of **any** of the deceased's following relatives:

1. Father
2. Son
3. Paternal grandson and so on down the line
4. Full brother

H. **Full brother's son (nephew)** will be blocked from inheriting by the presence of **any** of the deceased's following relatives:

1. Father
2. Son
3. Paternal grandson and so on down the line
4. Full brother
5. Grandfather

I. **Maternal sibling** will be blocked from inheriting by the presence of **any** of the deceased's following relatives:

1. Child
2. Paternal grandchild and so on down the line
3. Father
4. Grandfather and so on up the line

IV. If an inheritor is **prevented** from inheriting due to one of the **three reasons** mentioned earlier related to **attributes**, then he/she **cannot** block the others. **Calculations** will be done as if he/she does **not** exist

A. Ex: a son kills his father. In this case, he will **not** inherit from the father and the inheritance will be calculated between the rest of his family without the existence of a son

'Asabah (Those Who Inherit Without a Specific Share)

I. Def: Those who inherit **without** a specific share mentioned in the Qur'an and Sunnah. It is also referred to as **ta'seeb**

A. An individual who inherits in this manner is called a **'aasib**

II. Types

A. 'Asabah by **itself**

1. Those under this type are **always** males that do **not** have any **females** present between them and the deceased. They include:
 - a) Sons
 - b) Fathers
 - c) Grandfathers
 - d) Brothers
 - (1) Full or paternal only
 - e) Brothers' sons (i.e. nephews)
 - (1) Full or paternal brothers only
 - f) Paternal uncles
 - g) Those males who free their slaves

B. 'Asabah with **presence** of another

1. This type occurs when a '*aasib* **only** qualifies for *ta'seeb* due to the **existence** of **particular inheritors**. If those particular inheritors did **not** exist, then the '*aasib* would **not** qualify for *ta'seeb*
2. This type is discussed in more detail later below with examples

C. 'Asabah jointly with **another**

1. This type occurs when two people **jointly** inherit together as *ta'seeb*
2. This type is discussed in more detail later below with examples

III. Use cases for the **first type** of '*asabah* are **three**:

A. The '*aasib* will **take** whatever is remaining **after** fixed portions are distributed

1. Ex: Husband + Daughter + Grandson
 - a) The shares are as follows:
 - (1) Husband: $\frac{1}{4}$
 - (2) Daughter: $\frac{1}{2}$
 - (3) Grandson: whatever is remaining
 - b) We will divide it based on 4 shares:
 - (1) Husband: 1 fixed share
 - (2) Daughter: 2 fixed shares
 - (3) Grandson: 1 share due to *ta'seeb*
2. An '*aasib* could **also** receive **extra** due to *ta'seeb* in **addition** to receiving his **fixed portion**
 - a) Ex: 2 Daughters + Father
 - (1) The shares are as follows:
 - (a) 2 Daughters: $\frac{2}{3}$
 - (b) Father: $\frac{1}{6}$ + *Ta'seeb*
 - (2) We will divide it based on 6 shares:
 - (a) 2 Daughters: 4 fixed shares
 - (b) Father: 1 fixed share
 - (i) 1 more share is left remaining so it will **also** go to the father due to *ta'seeb*. So the father will have in total 2 shares

B. If there is **nothing** left after distribution of the **fixed shares**, then the '*aasib* will be **dropped**

1. Meaning the '*aasib* will **not get anything**

2. Ex: Husband + Mother + 2 Maternal brothers + 2 Full brothers

a) The shares are as follows:

(1) Husband: $\frac{1}{2}$

(2) Mother: $\frac{1}{6}$

(3) 2 Maternal brothers: $\frac{1}{3}$

(4) 2 Full brothers: whatever is remaining

(a) They are the '*aasib*

b) We will divide it based on 6 shares:

(1) Husband: 3 fixed shares

(2) Mother: 1 fixed share

(3) 2 Maternal brothers: 2 fixed shares

(4) 2 Full brothers: 0 shares

C. If the '*aasib* is the **only** inheritor, then he will take **everything**

1. Ex: a man leaves behind a son and no other inheritor

a) The son will **take** everything

IV. For the **grandfather** or **father**, there are **three** specific cases when it comes to *ta'seeb*:

A. In the **absence** of the deceased's **child** or **grandchild**, the grandfather/father takes whatever is **remaining** due to *ta'seeb*

1. This child or grandchild could be **either** a male or female

B. If the deceased's son(s) or paternal grandson(s) are **present**, then the grandfather/father will inherit **only** his **fixed portions** (*fardh*) and will **not** get anything **extra** due to *ta'seeb*

C. If there are **only** deceased's daughter(s) or paternal granddaughter(s) **present** and **no** males, then the grandfather/father will inherit in **both ways**: fixed portions + *ta'seeb*

V. If there are full/paternal **sister(s)** with the deceased's daughter(s) or granddaughter(s) **present**, then the full/paternal sister(s) will **take** whatever is **left** due to *ta'seeb* after the daughter(s) or granddaughter(s) have **received** their **fixed shares**

A. This is the **second** type of '*asabah* that was mentioned above

B. Ex 1: Daughter + Full sister

1. The shares are as follows:

a) Daughter: $\frac{1}{2}$

b) Full sister: Whatever is remaining

2. We will divide it based on 2 shares:

a) Daughter: 1 fixed share

b) Full sister: 1 share due to *ta'seeb*

C. Ex 2: Daughter + Paternal granddaughter + Full sister

1. The shares are as follows:

a) Daughter: $\frac{1}{2}$

b) Paternal granddaughter: $\frac{1}{6}$

c) Full sister: Whatever is remaining

2. We will divide it based on 6 shares:

- a) Daughter: 3 fixed shares
- b) Paternal granddaughter: 1 fixed share
- c) Full sister: 2 shares due to *ta'seeb*

D. Ex 3: 2 Daughters + Paternal granddaughter + Full sister

1. The shares are as follows:

- a) 2 Daughters: $\frac{2}{3}$
- b) Paternal granddaughter: 0

(1) If the deceased's **daughters** take up $\frac{2}{3}$, then the paternal granddaughter(s) do **not** inherit unless there is a **male** *'aasib* in the picture (i.e. paternal grandson)

- c) Full sister: Whatever is remaining

2. We will divide it based on 3 shares:

- a) 2 Daughters: 2 fixed shares
- b) Paternal granddaughter: 0
- c) Full sister: 1 share due to *ta'seeb*

VI. Those who inherit **with** others **together** as **joint** *'asabah*

A. This is the **third** type of *'asabah* that was mentioned above

B. They fall into the following **four** types:

1. Son and daughter

- a) The son will get twice that of the daughter

2. Paternal grandson and paternal granddaughter

- a) **Even** if each is from a **different** son

(1) Ex: Granddaughter and her male cousin (i.e. son of her uncle)

- b) The paternal grandson will get twice that of the paternal granddaughter

3. Full brother and full sister

- a) The full brother receives twice that of the full sister

4. Paternal brother and paternal sister

- a) The paternal brother receives twice that of the paternal sister

VII. If the following **qualify** to inherit, then they will inherit by **themselves** and their **sisters** do **not** qualify to jointly inherit **with** them:

A. Deceased's paternal uncle

- 1. This means the deceased's **paternal aunt** does **not** qualify to inherit

B. Deceased's male paternal cousin

- 1. This means the deceased's **female paternal cousin** does **not** qualify to inherit

C. Deceased's brother's son

- 1. This means the deceased's **niece** does not qualify to inherit

VIII. If the **freed** male/female **slave** does **not** have **anyone** to inherit him/her, then the man/woman who freed the slave **will** inherit the slave's wealth

A. If the **one** who **freed** the slave is **not** alive, then his/her **male relatives** will qualify to inherit on his/her behalf

- 1. The **male relatives** inherit based on the **closest** relationship. The order is as follows. Those on the **top** have **first priority** and if they do **not** exist then it goes down to the next level and so on:

- a) Sons

- b) Fathers
- c) Grandfathers
- d) Brothers
- e) Brother's sons (i.e. nephews)

Dividing Shares into Whole Numbers

- I. This concept is known as the **basic figure** (*asl al-mas'alah*): It is the **lowest** number that will **allow** the shares of inheritance to be represented by **whole numbers**
 - A. It is similar to the concept of finding the **lowest common denominator** when adding fractions that have different denominators such as $\frac{1}{2}$ and $\frac{1}{3}$
- II. For this chapter, we need to briefly understand the concept of '**awl**'
 - A. This is when the the **sum** of the prescribed shares is **greater** than the inheritance **itself** so all shares are **reduced proportionately** so that the **total** shares equal 1
 1. In other words, the **amount** of inheritance is **not** enough to **fulfill** the inheritors' portions
 2. There will be examples shown later in this chapter to further expand on it and show how to resolve it *insha'Allah*
- III. There are **seven** principles when dividing shares into whole numbers
 - A. **Four** cases do **not** have '**awl**' in them
 1. Out of **two** shares. This happens in the following cases:
 - a) **Two** inheritors where **each** has a **fixed** share of $\frac{1}{2}$
 - (1) Ex: Husband + Full sister
 - (a) The shares are as follows:
 - (i) Husband: $\frac{1}{2}$
 - (ii) Full sister: $\frac{1}{2}$
 - (b) We will divide it based on 2 shares:
 - (i) Husband: 1 fixed share
 - (ii) Full sister: 1 fixed share
 - b) When **one** inheritor has a **fixed** share of $\frac{1}{2}$ while the **other** takes the **remaining** due to **ta'seeb**
 - (1) Ex: Husband + Father
 - (a) The shares are as follows:
 - (i) Husband: $\frac{1}{2}$
 - (ii) Father: takes the remaining $\frac{1}{2}$
 - (b) We will divide it based on 2 shares:
 - (i) Husband: 1 fixed share
 - (ii) Father: 1 share due to **ta'seeb**
 2. Out of **three** shares. This happens in the following cases:
 - a) When **one** inheritor takes a **fixed** share of $\frac{2}{3}$ and the **other** the **remaining** due to **ta'seeb**
 - (1) Ex: 2 Daughters + Father
 - (a) The shares are as follows:
 - (i) 2 Daughters: $\frac{2}{3}$

- (ii) Father: Remaining due to *ta'seeb*
 - (b) We will divide it based on 3 shares:
 - (i) 2 Daughters: 2 fixed shares
 - (ii) Father: 1 share due to *ta'seeb*
 - b) When **one** inheritor takes a **fixed** share of $\frac{1}{3}$ and the **other** the **remaining** due to *ta'seeb*
 - (1) Ex: Father + Mother
 - (a) The shares are as follows:
 - (i) Mother: $\frac{1}{3}$
 - (ii) Father: takes the remaining $\frac{2}{3}$ due to *ta'seeb*
 - (b) We will divide it based on 3 shares:
 - (i) Mother: 1 fixed share
 - (ii) Father: 2 shares due to *ta'seeb*
3. Out of **four** shares. This happens in the following cases:
- a) When **one** inheritor takes a **fixed** share of $\frac{1}{4}$ and the **other** the **remaining** $\frac{3}{4}$ due to *ta'seeb*
 - (1) Ex: Husband + Son
 - (a) The shares are as follows:
 - (i) Husband: $\frac{1}{4}$
 - (ii) Son: takes the remaining $\frac{3}{4}$ due to *ta'seeb*
 - (b) We will divide it based on 4 shares:
 - (i) Husband: 1 fixed share
 - (ii) Sons: 3 shares due to *ta'seeb*
 - b) When **one** inheritor takes a **fixed** share of $\frac{1}{4}$, another takes a **fixed** share of $\frac{1}{2}$, and the **remaining** goes to another due to *ta'seeb*
 - (1) Ex: Husband + Daughter + Full brother
 - (a) The shares are as follows:
 - (i) Husband: $\frac{1}{4}$
 - (ii) Daughter: $\frac{1}{2}$
 - (iii) Full brother: Remaining due to *ta'seeb*
 - (b) We will divide it based on 4 shares:
 - (i) Husband: 1 fixed share
 - (ii) Daughter: 2 fixed shares
 - (iii) Full brother: 1 remaining share due to *ta'seeb*
4. Out of **eight** shares. This happens in the following cases:
- a) When **one** inheritor takes a **fixed** share of $\frac{1}{8}$ and the **other** the **remaining** $\frac{7}{8}$ due to *ta'seeb*
 - (1) Ex: Wife + Son
 - (a) The shares are as follows:
 - (i) Wife: $\frac{1}{8}$
 - (ii) Son: takes the remaining $\frac{7}{8}$ due to *ta'seeb*
 - (b) We will divide it based on 8 shares:
 - (i) Wife: 1 fixed share
 - (ii) Son: 7 remaining shares due to *ta'seeb*

b) When **one** inheritor takes a **fixed** share of $\frac{1}{8}$, another takes a **fixed** share of $\frac{1}{2}$, and the **remaining** goes to another due to *ta'seeb*

(1) Ex: Wife + Daughter + Full brother

(a) The shares are as follows:

(i) Wife: $\frac{1}{8}$

(ii) Daughter: $\frac{1}{2}$

(iii) Full brother: takes the remaining due to *ta'seeb*

(b) We will divide it based on 8 shares:

(i) Wife: 1 fixed share

(ii) Daughter: 4 fixed shares

(iii) Full brother: 3 remaining shares due to *ta'seeb*

B. **Three** cases **could** have 'awl' in them. It **combines** between **two** or more types of **fixed** portions

1. Out of **six** shares. This happens in the following cases:

a) When there is **one** inheritor taking a **fixed** share of $\frac{1}{2}$ and **another** a **fixed** share of $\frac{2}{3}$

(1) Ex: Husband + 2 Sisters

(a) The shares are as follows:

(i) Husband: $\frac{1}{2}$

(ii) 2 Sisters: $\frac{2}{3}$

(b) We will divide it based on 6 shares:

(i) Husband: 3 fixed shares

(ii) 2 Sisters: 4 fixed shares

(c) The result is $\frac{7}{6}$ so this is 'awl'

(i) We will **increase** the total shares to 7 so that **all** parties will get their shares. The new result will be $\frac{7}{7}$

b) When there is **one** inheritor taking a **fixed** share of $\frac{1}{2}$ and **another** a **fixed** share of $\frac{1}{3}$

(1) Ex: Husband + Mother + Paternal uncle

(a) The shares are as follows:

(i) Husband: $\frac{1}{2}$

(ii) Mother: $\frac{1}{3}$

(iii) Paternal uncle: whatever is remaining due to *ta'seeb*

(b) We will divide it based on 6 shares:

(i) Husband: 3 fixed shares

(ii) Mother: 2 fixed shares

(iii) Paternal uncle: 1 remaining share due to *ta'seeb*

c) When there is **one** inheritor taking a **fixed** share of $\frac{1}{2}$ and **another** a **fixed** share of $\frac{1}{6}$

(1) Ex: Husband + Maternal brother + Paternal uncle

(a) The shares are as follows:

(i) Husband: $\frac{1}{2}$

(ii) Maternal brother: $\frac{1}{6}$

- (iii) Paternal uncle: whatever is remaining due to *ta'seeb*
- (b) We will divide it based on 6 shares:
 - (i) Husband: 3 fixed shares
 - (ii) Maternal brother: 1 fixed share
 - (iii) Paternal uncle: 2 remaining shares due to *ta'seeb*
- d) The 'awl in the case of **six shares** can go **up to 10**. It can be an **even** or **odd** number
 - (1) Meaning the shares could be **increased** to 7, 8, 9, or 10 due to 'awl
 - (a) Example of **increase to 7 shares**
 - (i) This has already passed above
 - (b) Example of **increase to 8 shares** (Husband + Full sister + Mother)
 - (i) The shares are as follows:
 - (a) Husband: $\frac{1}{2}$
 - (b) Full sister: $\frac{1}{2}$
 - (c) Mother: $\frac{1}{3}$
 - (ii) We will divide it based on 6 shares:
 - (a) Husband: 3 fixed shares
 - (b) Full sister: 3 fixed shares
 - (c) Mother: 2 fixed shares
 - (iii) The result is $\frac{8}{6}$ so this is 'awl
 - (a) We will **increase** the total shares to 8 so that **all** parties will get their shares. The new result will be $\frac{8}{8}$
 - (c) Example of **increase to 9 shares** (Husband + 2 Full sisters + 2 Maternal sisters)
 - (i) The shares are as follows:
 - (a) Husband: $\frac{1}{2}$
 - (b) 2 Full sisters: $\frac{2}{3}$
 - (c) 2 Maternal sisters: $\frac{1}{3}$
 - (ii) We will divide it based on 6 shares:
 - (a) Husband: 3 fixed shares
 - (b) 2 Full sisters: 4 fixed shares
 - (c) 2 Maternal sisters: 2 fixed shares
 - (iii) The result is $\frac{9}{6}$ so this is 'awl
 - (a) We will **increase** the total shares to 9 so that **all** parties will get their shares. The new result will be $\frac{9}{9}$
 - (d) Example of **increase to 10 shares** (Husband + Mother + 2 Full sisters + 2 Maternal sisters)
 - (i) The shares are as follows:
 - (a) Husband: $\frac{1}{2}$

(b) Mother: $\frac{1}{6}$

(c) 2 Full sisters: $\frac{2}{3}$

(d) 2 Maternal sisters: $\frac{1}{3}$

(ii) We will divide it based on 6 shares:

(a) Husband: 3 fixed shares

(b) Mother: 1 fixed share

(c) 2 Full sisters: 4 fixed shares

(d) 2 Maternal sisters: 2 fixed shares

(iii) The result is $\frac{10}{6}$ so this is 'awl'

(a) We will **increase** the total shares to 10 so that **all** parties will get their shares. The new result

will be $\frac{10}{10}$

2. Out of **twelve** shares. This happens in the following cases:

a) When there is **one** inheritor taking a **fixed** share of $\frac{1}{4}$ and **another** a **fixed** share of $\frac{1}{6}$

(1) Ex: Wife + Grandmother + Paternal uncle

(a) The shares are as follows:

(i) Wife: $\frac{1}{4}$

(ii) Grandmother: $\frac{1}{6}$

(iii) Paternal uncle: whatever is remaining due to *ta'seeb*

(b) We will divide it based on 12 shares:

(i) Wife: 3 fixed shares

(ii) Grandmother: 2 fixed shares

(iii) Paternal uncle: 7 remaining shares due to *ta'seeb*

b) When there is **one** inheritor taking a **fixed** share of $\frac{1}{4}$ and **another** a **fixed** share of $\frac{2}{3}$

(1) Ex: Husband + 2 Daughters + Paternal uncle

(a) The shares are as follows:

(i) Husband: $\frac{1}{4}$

(ii) 2 Daughters: $\frac{2}{3}$

(iii) Paternal uncle: whatever is remaining due to *ta'seeb*

(b) We will divide it based on 12 shares:

(i) Husband: 3 fixed shares

(ii) 2 Daughters: 8 fixed shares

(iii) Paternal uncle: 1 remaining share due to *ta'seeb*

c) When there is **one** inheritor taking a **fixed** share of $\frac{1}{4}$ and **another** a **fixed** share of $\frac{1}{3}$

(1) Ex: Wife + Mother + Paternal uncle

(a) The shares are as follows:

(i) Wife: $\frac{1}{4}$

(ii) Mother: $\frac{1}{3}$

(iii) Paternal uncle: whatever is remaining due to *ta'seeb*

(b) We will divide it based on 12 shares:

- (i) Wife: 3 fixed shares
 - (ii) Mother: 4 fixed shares
 - (iii) Paternal uncle: 5 remaining shares due to *ta'seeb*
- d) The 'awl' in the case of **twelve shares** can go **up to 17**. It can **only** take place in **odd** numbers of 13, 15, or 17
- (1) Ex: 3 Full sisters + 2 Maternal sisters + 3 Wives + 1 Grandmother
- (a) The shares are as follows:
 - (i) 3 Full sisters: $\frac{2}{3}$
 - (ii) 2 Maternal sisters: $\frac{1}{3}$
 - (iii) 3 Wives: $\frac{1}{4}$
 - (iv) 1 Grandmother: $\frac{1}{6}$
 - (b) We will divide it based on 12 shares:
 - (i) 3 Full sisters: 8 fixed shares
 - (ii) 2 Maternal sisters: 4 fixed shares
 - (iii) 3 Wives: 3 fixed shares
 - (iv) 1 Grandmother: 2 fixed shares
 - (c) The result is $\frac{17}{12}$ so this is 'awl'
 - (i) We will **increase** the total shares to 17 so that **all** parties will get their shares. The new result will be $\frac{17}{17}$
3. Out of **twenty-four** shares. This happens in the following cases:
- a) When there is **one** inheritor taking a **fixed** share of $\frac{1}{8}$ and **another** a **fixed** share of $\frac{1}{6}$

(1) Ex: Wife + Daughter + Mother + Paternal uncle

 - (a) The shares are as follows:
 - (i) Wife: $\frac{1}{8}$
 - (ii) Daughter: $\frac{1}{2}$
 - (iii) Mother: $\frac{1}{6}$
 - (iv) Paternal uncle: whatever is remaining due to *ta'seeb*
 - (b) We will divide it based on 24 shares:
 - (i) Wife: 3 fixed shares
 - (ii) Daughter: 12 fixed shares
 - (iii) Mother: 4 fixed shares
 - (iv) Paternal uncle: 5 remaining shares due to *ta'seeb*
 - b) When there is **one** inheritor taking a **fixed** share of $\frac{1}{8}$ and **another** a **fixed** share of $\frac{2}{3}$

(1) Ex: Wife + 2 Daughters + Paternal uncle

 - (a) The shares are as follows:
 - (i) Wife: $\frac{1}{8}$
 - (ii) 2 Daughters: $\frac{2}{3}$
 - (iii) Paternal uncle: whatever is remaining due to *ta'seeb*
 - (b) We will divide it based on 24 shares:
 - (i) Wife: 3 fixed shares
 - (ii) 2 Daughters: 16 fixed shares

- (iii) Paternal uncle: 5 remaining shares due to *ta'seeb*
- c) When there is **one** inheritor taking a **fixed** share of $\frac{1}{8}$, **another** a **fixed** share of $\frac{1}{6}$, and another a **fixed** share of $\frac{2}{3}$
 - (1) Ex: Wife + 2 Daughters + Mother + Paternal uncle
 - (a) The shares are as follows:
 - (i) Wife: $\frac{1}{8}$
 - (ii) 2 Daughters: $\frac{2}{3}$
 - (iii) Mother: $\frac{1}{6}$
 - (iv) Paternal uncle: whatever is remaining due to *ta'seeb*
 - (b) We will divide it based on 24 shares:
 - (i) Wife: 3 fixed shares
 - (ii) 2 Daughters: 16 fixed shares
 - (iii) Mother: 4 fixed shares
 - (iv) Paternal uncle: 1 remaining share due to *ta'seeb*
- d) The *'awl* in the case of **twenty-four shares** can **only** be 27
 - (1) This *'awl* case is called *al-manbariyyah* because Ali gave this ruling while he was on the *minbar*
 - (2) Ex: Wife + 2 Daughters + Mother + Father
 - (a) The shares are as follows:
 - (i) Wife: $\frac{1}{8}$
 - (ii) 2 Daughters: $\frac{2}{3}$
 - (iii) Mother: $\frac{1}{6}$
 - (iv) Father: $\frac{1}{6}$ + whatever is remaining
 - (b) We will divide it based on 24 shares:
 - (i) Wife: 3 fixed shares
 - (ii) 2 Daughters: 16 fixed shares
 - (iii) Mother: 4 fixed shares
 - (iv) Father: 4 fixed shares
 - (c) The result is $\frac{27}{24}$ so this is *'awl*
 - (i) We will **increase** the total number of shares to 27 so that **all** parties will get their shares. The new result will be $\frac{27}{27}$

- IV. **Radd: decrease** in the **basic figure** (*asl al-mas'alah*) and **increase** in amounts of the **fixed portions**. It is the **opposite** of *'awl*
- A. This is when the **sum** of the prescribed shares is **lower** than the inheritance **itself** so all shares are **increased proportionately** so that the **total** shares equal 1
 - 1. In other words, we have **extra** left over which we **return** (*radd*) to the inheritors by giving them **more** than their prescribed shares
 - B. Conditions
 - 1. Existence of the person inheriting **fixed portions** (*fardh*)
 - 2. **Non-existence** of any person that inherits via ***ta'seeb***
 - 3. There is **extra** left behind **after** the **fixed portions** have been distributed
 - C. Who is entitled to it?

1. Daughter
2. Granddaughter through a son
3. Full blood sister
4. Full paternal sister
5. Mother
6. Maternal sister
7. Maternal brother
8. Grandmother

D. Ex 1: 3 Daughters

1. The shares are as follows:
 - a) 3 Daughters: $\frac{2}{3}$
2. We will divide it based on 3 shares:
 - a) 3 Daughters: 2 fixed shares
3. The result is $\frac{2}{3}$ so this requires *radd* because we have **1 extra** share left
 - a) We will **increase** the total number of **fixed shares** to 3 so that the shares may be **evenly** distributed. The new result will be $\frac{3}{3}$

E. Ex 2: Mother + 2 Maternal brothers

1. The shares are as follows:
 - a) Mother: $\frac{1}{6}$
 - b) 2 Maternal brothers: $\frac{1}{3}$
2. We will divide it based on 6 shares:
 - a) Mother: 1 fixed share
 - b) 2 Maternal brothers: 2 fixed shares
3. The result is $\frac{3}{6}$ so this requires *radd* because we have **3 extra** shares left
 - a) We will **decrease** the total number of shares to 3 so that the shares may be **evenly** distributed. The new result will be $\frac{3}{3}$

(1) By doing this, we have **increased** the amount of shares for each

F. Ex 3: Mother + 2 Daughters

1. The shares are as follows:
 - a) Mother: $\frac{1}{6}$
 - b) 2 daughters: $\frac{2}{3}$
2. We will divide it based on 6 shares:
 - a) Mother: 1 fixed share
 - b) 2 daughters: 4 fixed shares
3. The result is $\frac{5}{6}$ so this requires *radd* because we have **1 extra** share left
 - a) We will **decrease** the total number shares to 5 so that the shares may be **evenly** distributed. The new result will be $\frac{5}{5}$

(1) By doing this, we have **increased** the amount of shares for each

G. Ex 4: Daughter

1. The shares are as follows:
 - a) Daughter: $\frac{1}{2}$

2. We will divide it based on 2 shares:
 - a) Daughter: 1 fixed share
 3. The result is $\frac{1}{2}$ so this requires *radd* because we have **1 extra** share left
 - a) We will **decrease** the total number shares to 1 so that the shares may be **evenly** distributed. The new result will be $\frac{1}{1}$
 - (1) By doing this, we have **increased** the amount of shares for her. In this case, the daughter takes 100% of everything
- H. Ex 5: Husband + Daughter
1. The shares are as follows:
 - a) Husband: $\frac{1}{4}$
 - b) Daughter: $\frac{1}{2}$
 2. We will divide it based on 4 shares:
 - a) Husband: 1 fixed share
 - b) Daughter: 2 fixed shares
 3. The result is $\frac{3}{4}$ so this requires *radd* because we have **1 extra** share left
 - a) In this case, the **only** person that qualifies for *radd* is the daughter, therefore, she will take whatever extra is left. Spouses do **not** qualify for *radd*. The shares will be as follows:
 - (1) Husband: 1 fixed share
 - (2) Daughter: 2 fixed shares + 1 share due to *radd*

Other Types of Blood Relatives

- I. These are the deceased's **blood relatives** that do **not** qualify for inheritance through *fardh* (fixed portions) or *ta'seeb*
 - A. In the Hanbali school, they **also** qualify for inheritance provided the following **two** conditions:
 1. **Non-existence** of any relative that inherits due to *fardh*
 2. **Non-existence** of any relative that inherits through *ta'seeb*
- II. If a relative who inherits through *fardh* or *ta'seeb* exists, then these types of blood relatives are **disqualified** from inheriting and are treated like **non-relatives**, which means they **cannot** be given more than $\frac{1}{3}$ from the inheritance
- III. They are of **eleven** categories:
 - A. Grandchild through the daughter
 1. Includes son's daughter's children as well
 - B. Full sister's children
 - C. Full brother's daughters (i.e. nieces)
 - D. Paternal uncle's daughters (i.e. female first cousins)
 - E. Maternal brother's children
 - F. Father's maternal brother
 - G. Paternal aunts
 1. They could be full, paternal, or maternal sisters of the father
 - H. Maternal uncles and aunts
 - I. Maternal grandfather

- J. Great grandmother or great great grandmother
 - 1. Ex: mother's paternal grandmother, father's paternal great grandmother, etc.
- K. Anyone begotten by any of the above
 - 1. Ex: nieces' kids, female first cousins' kids, etc.
- IV. Everyone will inherit **based** on the **relationship**
 - A. Meaning their inheritance will be the **same** amount as the **person** through whom they are **related** to with the deceased
 - 1. Ex: Full brother's daughter + Paternal uncle's daughter
 - a) The shares are as follows:
 - (1) Full brother's daughter: Gets whatever is remaining (*ta'seeb*)
 - (a) Because the full brother would get this amount
 - (2) Paternal uncle's daughter: 0
 - (a) Because the full brother would **block** the paternal uncle in this case
 - b) Full brother's daughter would get everything in this case
 - B. We do **not** base anything on the **quantity** but just the **relationship**
 - 1. Ex: 3 Sons of Full sister + 4 Sons of Paternal sister
 - a) The shares are as follows:
 - (1) 3 Sons of Full sister: $\frac{1}{2}$ shared between the 3 sons
 - (a) Because a full sister would get $\frac{1}{2}$ in this case
 - (2) 4 Sons of Paternal sister: $\frac{1}{6}$ shared between the 4 sons
 - (a) Because a paternal sister would get $\frac{1}{6}$ in this case
 - b) We will divide it based on 6 shares:
 - (1) 3 Sons of Full sister: 3 shares
 - (2) 4 Sons of Paternal sister: 1 share
 - c) The result is $\frac{4}{6}$ so this requires *radd* because we have **2 extra** shares left
 - (1) We will **decrease** the total number of shares to 4 so that the shares may be **evenly** distributed. The new result will be $\frac{4}{4}$
 - (a) By doing this, we have **increased** the amount of shares for each
 - C. The males and females are treated the same
 - 1. Meaning in the case of such relatives, the males are **not** given twice that of the females. They are all given **equally**
 - 2. Ex: Nephew (Through Sister 1) + Niece (Through Sister 1) + Niece (Through Sister 2)
 - a) The shares are as follows:
 - (1) Sister 1: $\frac{1}{2}$
 - (2) Sister 2: $\frac{1}{2}$
 - b) The shares will be given as follows for \$1000:
 - (1) Sister 1
 - (a) Son: \$250
 - (b) Daughter: \$250
 - (2) Sister 2

(a) Daughter: \$500

- V. If a **spouse** exists among such blood relatives, he/she will **only** take his/her **fixed share** and the **remaining** will go to the relatives
- A. The spouse and such blood relatives **neither** block nor cause 'awl/ towards one another
 - B. Ex 1: Husband + paternal aunt + maternal aunt
 - 1. The shares are as follows:
 - a) Husband: $\frac{1}{2}$
 - b) Maternal aunt: $\frac{1}{3}$ (based on the share of the mother)
 - c) Paternal aunt: whatever is remaining (based on the share of the father)
 - 2. We will divide it based on 6 shares:
 - a) Husband: 3 fixed shares
 - b) Maternal aunt: 2 shares
 - c) Paternal aunt: 1 share
 - C. Ex 2: wife + paternal aunt + maternal aunt
 - 1. The shares are as follows:
 - a) Wife: $\frac{1}{4}$
 - b) Maternal aunt: $\frac{1}{3}$ (based on the share of the mother)
 - c) Paternal aunt: whatever is remaining (based on the share of the father)
 - 2. We will divide it based on 12 shares:
 - a) Wife: 3 fixed shares
 - b) Maternal aunt: 4 shares
 - c) Paternal aunt: 5 shares

Shares of Infants in the Womb

- I. The infant in the **womb** inherits provided **two** conditions:
 - A. The infant is born **alive**
 - B. It is **known** that the infant **existed** at the **time** of the deceased's death
 - 1. Ex: Ahmad has a daughter-in-law named Fatima who is pregnant. Fatima's husband, Zayd, died in a car accident a month earlier. If Ahmad died now, Fatima's child would inherit from his grandfather Ahmad provided the child is born alive
- II. When the child is **born**, we look for **any** of the following or **similar** signs of life. If we find them, then the child is **considered** alive and **will** inherit:
 - A. Crying
 - B. Coughing
 - C. Lots of movement
- III. After birth, if the child **dies** immediately after the following, then this does **not** indicate life, therefore, the child will **not** inherit:
 - A. Small breaths
 - B. Small twitching (i.e. very little movement)
- IV. In general, we **freeze** all shares from distribution **until** the child is **born**. However, if the inheritors **request** their shares **before** the birth of the child:
 - A. We **freeze** the **higher amount** based on the share of either **two males** or **two females**

1. Meaning we will **calculate both possibilities** and freeze the one with the **higher** number. The number will **vary** based on the **situation** because in some familial situations the two males will have a higher share while in others the two females will receive the higher share
 - a) Ex: A husband dies and leaves behind the following relatives:
 - (1) Pregnant wife + Father + Mother
 - (a) Since we do not know the number or sex of the baby, we will calculate two possibilities:
 - (i) **Possibility one:** Wife + Father + Mother + 2 Sons
 - (ii) **Possibility two:** Wife + Father + Mother + 2 Daughters
 - (b) If the 2 sons have the higher share, then we will choose and freeze that amount, but if the 2 daughters are the ones that have the higher share, then we will choose that amount to freeze
- B. Those who are **not** blocked in **any** way will be given their **full** share
 1. Ex: if a husband leaves behind a son and a pregnant wife, the wife will receive $\frac{1}{8}$ **regardless** because she is **not** impacted in any way. She would have received $\frac{1}{8}$ whether she was pregnant or not due to the **existence** of the **first child**
- C. One who gets a **reduced** share due to the existence of the baby in the womb will be **given** his/her **reduced** share because the pregnancy is **certain**
 1. Ex: a deceased's mother receives $\frac{1}{3}$ if the deceased does not have any children, however, if the the wife of the deceased is pregnant, then the mother would get a reduced share of $\frac{1}{6}$
- D. If the deceased's pregnant wife is a Jew or Christian, then she does **not** inherit from him, therefore, it is **possible** to imagine a scenario where calculations are based on the **absence** of the wife while at the same time taking the pregnancy into account
 1. Ex: A husband leaves behind a **pregnant** Christian wife + Mother + Father
 - a) In this case, we will calculate the inheritance of two possibilities and go with the **higher** number:
 - (1) **Possibility one:** Mother + Father + 2 Sons
 - (2) **Possibility two:** Mother + Father + 2 Daughters
- E. When the child is actually born:
 1. He/she takes its share and anything **extra** remaining is **returned** to the rest of the inheritors
 - a) Ex: if the freeze was based on having two daughters but only one was born
 2. If the child's share is **short**, then the other inheritors **must** return part of their shares to **complete** the share
 - a) Ex: if the freeze was based on having two sons but three were born
- V. The one who **kills** the person he/she is supposed to inherit from will be **blocked** from inheriting
 - A. It does **not** matter whether the killing was accidental, intentional, or he/she participated without directly getting involved

1. The **only exception** to this rule is if the person works as an executioner for the government and the family member was killed due to *qisas*
 - a) *Qisas* is when a murdered victim's family requests execution for the killer (i.e. life for a life)
- B. If a pregnant wife killed her husband, then she will be **blocked** and calculations will treat her as if she does not exist
 1. Ex: A husband leaves behind a **pregnant** wife + Mother + Father. The wife killed her husband
 - a) In this case, we will calculate the inheritance of two possibilities and go with the **higher** number:
 - (1) **Possibility one**: Mother + Father + 2 Sons
 - (2) **Possibility two**: Mother + Father + 2 Daughters

VI. Inheritance of slaves

A. Normal slave

1. This type of slave **never** inherits

B. *Mukaatab* slave

1. This is a type of slave that is in a contract with its master to free him
2. This type of slave **never** inherits

C. Partly freed and partly enslaved

1. He/She inherits according to the part of him/her that is free

- a) Ex: a person is 50% owned and 50% free

(1) In this case, he/she will inherit only 50% of what he/she is owed

(a) Ex: if the person was owed 4 shares from an inheritance, he/she will only be given 2 shares

- b) He/She will also **block** another from inheritance according to the level of his/her freedom

(1) Ex: if a father is a slave but his kids are free, then one of the kids dies. Generally, a father blocks the deceased's siblings from inheriting, however, in this case he will only block part of it. For example, if the father was 50% free and was owed 10 shares and the deceased's siblings 0, then in this case the father will be given 5 shares and the remaining would go to the siblings