

grateful. My e-mail addresses for this purpose are: ahussain1999@doctors.net.uk or ahussain1999@yahoo.co.uk.

I submit this work in the service of Allāh (ﷻ) to the English speaking Muslim brethren hoping that Allāh (ﷻ) will make it beneficial for those seeking knowledge to lead a righteous life.

1. NOTATION SYSTEM USED IN THE BOOK

When writing on a subject such as succession it is necessary to use abbreviations to denote the relationship of the heir to the deceased/propositus. This chapter outlines the system of abbreviation used in this book. All the relationships mentioned in the book are with reference to the deceased unless otherwise specified.

The system used in this book allows very distant relatives to be written in abbreviated form. By inserting the word 'of' between each of the relatives the relationship to the deceased becomes clear and unambiguous. For instance DSSbF would denote the daughter of son of son of full brother of father, this is much clearer than saying the paternal uncle's grandson's daughter which does not give the exact lineage of the claimant.

The difference between the S used for son and the *S* used for sister should be noted. The *S* used to denote sister is always associated with a small letter, for instance *Sf* denotes full sister, *Su* denotes uterine sister and *Sc* denotes consanguine sister.

The word consanguine has been used in this book to denote relatives with the same father but different mothers. This has been borrowed from the French who use the word "consanguin" to denote this relationship. The word

"uterine" has been used to indicate the same mother but different fathers. Where it is necessary to specify that both the parents are the same the word "full", abbreviated by the letter "f", is used.

F	Father
M	Mother
S	Son
D	Daughter
C	Child (male or female)
H	Husband
W	Widow/Wife

Grandparents and Great grandparents

gF	Grandfather
gM	Grandmother
FF	Father of Father
FM	Father of Mother
FFF	Father of Father of Father
FFM	Father of Father of Mother
FMF	Father of Mother of Father
FMM	Father of Mother of Mother
MMM	Mother of Mother of Mother
MMF	Mother of Mother of Father
MFM	Mother of Father of Mother
MFF	Mother of Father of Father

Grandchildren and Great grandchildren

gC	Grandchild (male or female)
SS	Son of Son

DS	Daughter of Son
DD	Daughter of Daughter
SD	Son of Daughter
SSS	Son of Son of Son
DSS	Daughter of Son of Son
DDS	Daughter of Daughter of Son
DDD	Daughter of Daughter of Daughter
SDD	Son of Daughter of Daughter
SSD	Son of Son of Daughter

Siblings

B	Brother (full, uterine or consanguine)
Bf	Full brother
Bc	Consanguine brother
Bu	Uterine brother
Sf	Full sister
Sc	Consanguine sister
Su	Uterine sister

Nephews and Nieces

SBf	Son of full brother
SBc	Son of consanguine brother
SBu	Son of uterine brother
SSf	Son of full sister
SSc	Son of consanguine sister
SSu	Son of uterine sister
DBf	Daughter of full brother
DBc	Daughter of consanguine brother

DBu	Daughter of uterine brother
D $\mathcal{S}c$	Daughter of consanguine sister
D $\mathcal{S}f$	Daughter of full sister
D $\mathcal{S}u$	Daughter of uterine sister

Paternal Uncles

BF	Brother (full, uterine or consanguine) of Father
B $\mathcal{S}f$	Full brother of Father (full paternal uncle)
BcF	Consanguine brother of Father (consanguine paternal uncle)
BuF	Uterine brother of Father (uterine paternal uncle)

Paternal Aunts

$\mathcal{S}F$	Sister (full, uterine or consanguine) of Father
$\mathcal{S}f$	Full sister of Father (full paternal aunt)
$\mathcal{S}cF$	Consanguine sister of Father (consanguine paternal aunt)
$\mathcal{S}uF$	Uterine sister of Father (uterine paternal aunt)

Maternal Uncles

BM	Brother (full, uterine or consanguine) of Mother
B $\mathcal{S}M$	Full brother of Mother (full maternal uncle)
BcM	Consanguine brother of Mother (consanguine maternal uncle)
BuM	Uterine brother of Mother (uterine maternal uncle)

Maternal Aunts

$\mathcal{S}M$	Sister (full, uterine or consanguine) of Mother
$\mathcal{S}fM$	Full sister of Mother (full maternal aunt)

$\mathcal{S}cM$	Consanguine sister of Mother (Consanguine maternal aunt)
$\mathcal{S}uM$	Uterine sister of Mother (uterine maternal aunt)

Cousins

SB $\mathcal{S}fF$	Son of full paternal uncle
SBcF	Son of consanguine paternal uncle
SBuF	Son of uterine paternal uncle
$\mathcal{S}\mathcal{S}fF$	Son of full paternal aunt
$\mathcal{S}\mathcal{S}cF$	Son of consanguine paternal aunt
$\mathcal{S}\mathcal{S}uF$	Son of uterine paternal aunt
SB $\mathcal{S}fM$	Son of full maternal uncle
SBcM	Son of consanguine maternal uncle
SBuM	Son of uterine maternal uncle
$\mathcal{S}\mathcal{S}fM$	Son of full maternal aunt
$\mathcal{S}\mathcal{S}cM$	Son of consanguine maternal aunt
$\mathcal{S}\mathcal{S}uM$	Son of uterine maternal aunt
DB $\mathcal{S}fF$	Daughter of full paternal uncle
DBcF	Daughter of consanguine paternal uncle
DBuF	Daughter of uterine paternal uncle
D $\mathcal{S}fF$	Daughter of full paternal aunt
D $\mathcal{S}cF$	Daughter of consanguine paternal aunt
D $\mathcal{S}uF$	Daughter of uterine paternal aunt
DB $\mathcal{S}fM$	Daughter of full maternal uncle
DBcM	Daughter of consanguine maternal uncle
DBuM	Daughter of uterine maternal uncle
D $\mathcal{S}fM$	Daughter of full maternal aunt
D $\mathcal{S}cM$	Daughter of consanguine maternal aunt
D $\mathcal{S}uM$	Daughter of uterine maternal aunt

- ⊗ Propositus/deceased
 (R) Residue or Residuary
- Claimants/heirs that are alive are shown in **bold** in the figures
- g denotes grand e.g. gM denotes grandmother
 s denotes plural e.g. Ds signifies two or more daughters,
 Ss signifies two or more sons, Cs signifies children
 t true e.g. tgF signifies true grandfather
 h.l.s. however low soever
 SS h.l.s. includes SS, SSS, SSSS, SSSSS and so on
 DS h.l.s. includes DS, DSS, DSSS, DSSSS and so on
 Agnatic grandchild h.l.s. includes both SS h.l.s. and DS h.l.s.
 Agnatic sister means full or consanguine sister
 h.h.s. however high soever
 FF h.h.s. includes FF, FFF, FFFF, FFFFF and so on
- 1 D₁ signifies daughter no. 1,
 W₁ signifies first wife/widow,
 2 D₂ signifies daughter no. 2 and so on
 W₂ signifies second wife/widow and so on
 2 2D signifies 2 daughters,
 3D signifies 3 daughters and so on
 = signifies marriage when used in figures of family trees
- AH Anno Hegirae
 CE Christian Era (used instead of AD, Anno Domini)
 Excl. Excluded/ exclusion
 ﷺ Mentioned with Allāh's Name. Means that

- He is exalted above weakness and dignity.
- ﷺ Mentioned with Prophet Muḥammad. Means, may Allāh's peace and blessings be upon him.
- ﷺ Mentioned with Prophets. Means, peace be on him
- ﷺ Mentioned with a male Companion of the Prophet Muḥammad (رضي). Means, may Allāh be pleased with him.
- ﷺ Mentioned with a female Companion of the Prophet Muḥammad (رضي). Means, may Allāh be pleased with them.
- ﷺ Mentioned with two Companions of the Prophet Muḥammad (رضي). Means, may Allāh be pleased with her.
- ﷺ Mentioned with a past Islamic scholar or righteous Muslim. Abbreviation for *Rahimahu'llāh*. Means may Allāh have mercy on him.
- رحمهم الله Mentioned with past Islamic scholars or righteous Muslims. Abbreviation for *Rahimahumullāh*. Means may Allāh have mercy on them.



2. HISTORICAL BACKGROUND

To understand the Islāmic laws of succession as a whole it is useful to first consider the system of succession that operated within the Arabian Peninsula prior to the revelation of the Qur'ānic Injunctions on succession. Although we do not have the exact details of the system that operated prior to the Qur'ānic revelations, we do know that the system of inheritance was confined to the male agnates (*'Aṣabah*) relatives of the deceased.

The object and purpose of the old customary system of inheritance amongst the Arabs was the maintenance of the goods within the family. Heirship amongst the early Arabs was determined by consanguinity, adoption or contract. Like other ancient societies, the old Arab society enjoyed the complete freedom of testamentary disposition

In this old customary system women not only had no share in the inheritance they themselves like other ancient systems were themselves inheritable. Uterine relations such as uterine siblings were also completely excluded.

Amongst the male agnates there were rules of priority, which determined which of the surviving male agnates were entitled to inherit. It is likely that the rules of priority that operate amongst the *'Aṣabah* in *Shari'* law are a carry-over of the old customary agnatic system.

The revelation of the Qur'ānic Verses on inheritance introduced a new set of heirs. Of the nine relatives specifically mentioned in the Qur'ān regarding inheritance, six are female. The other three are male relatives who would not have otherwise inherited at all

2. Historical background

(husband and uterine brother) under the old customary system or been excluded by a nearer male relative (father being excluded by the son).

By specifying clear cut entitlement and specific shares of female relatives Islām not only elevated the position of women but simultaneously safeguarded their social and economic interests as long ago as 1400 years. The Islāmic system of inheritance also has the effect of breaking up the concentration of wealth amongst a few hands, thereby ensuring the socio-economic welfare of the society at large.

As we shall see the Qur'ān does not expressly state the share of the male agnate relatives as such, although it does enact that the share of the male is twice that of a female. Those who ask the question why daughters only get half the share of the son need to understand the whole system of Islāmic law, of which inheritance law is only a part, to appreciate this difference.

The Sunni jurists take the view that the intention of the Qur'ānic injunctions was not to replace the old customary agnatic system entirely but merely to modify it with the objective of improving the position of female relatives. The Sunni Islāmic law of succession is thought to be an amalgamation of the Qur'ānic law superimposed upon the old customary law to form a complete and cohesive system. The rights of the *'Aṣabah* were recognised by the Prophet Muḥammad (ﷺ) himself.

'Abdullāh bin 'Abbās (رضي الله عنه) reported that the Prophet Muḥammad (ﷺ) said, "Give the *Farā'id* (the shares of the inheritance that are prescribed in the Qur'ān) to those who are entitled to receive it. Then whatever remains, should be given to the closest male relative of the deceased." (Ṣaḥīḥ Al-Bukhārī).

Islām has also imposed a clear cut restriction on the testamentary powers of a Muslim to dispose of his property.

The Qur'ān contains about 35 Verses referring to succession and these are known as *Ayāt Al-Mawarith*. At least seven Verses refer directly to testamentary disposition (2:180-182, 2:240, 4:33, 5:106-107). There are only three Verses (4:11, 4:12 and 4:176) which give specific details of inheritance shares. The other Qur'ānic Verses deal with the subject of succession in passing.

Using the information in these Verses together with the traditions of the Prophet Muḥammad (ﷺ) as well as methods of juristic reasoning, the Muslims jurists have expounded the laws of succession in such meticulous detail that large volumes of work have been written on this subject in Arabic.



3. *SHARĪ'AH*: THE ISLĀMIC LAW

Key points:

- ◆ The Arabic word *Shari'ah* is literally translated as "the way to a watering hole", it means the path to be followed.
- ◆ The *Shari'ah* is the ideal and pure way of life.
- ◆ The term *Shari'a* is often used to refer to Islāmic law, however, it has a much wider scope than any ordinary legal system. *Shari'ah* covers all aspects of human life.
- ◆ The primary source of *Shari'ah* (Islāmic law) is the Qur'ān and the secondary source is the *Sunnah*.
- ◆ *Sunnah* refers to the actions and statements of the Prophet Muḥammad (ﷺ) as well as tacit approval of statements and actions of others.
- ◆ The Qur'ān and the Prophet Muḥammad (ﷺ) were sent down by Allāh (ﷻ) for the benefit of the whole of mankind for all time.
- ◆ *Shari'ah* is the divinely revealed law and only the Creator can consider every aspect of human life and give laws which will work for all times.
- ◆ It is not always possible for human beings to explain or completely understand the laws of Allāh (ﷻ). This is because Allāh (ﷻ) has endowed man with only limited knowledge.
- ◆ In following the command of the Almighty there should be no compromise.
- ◆ Muslims have to abide by all the aspects of the *Shari'ah*. One is not allowed to pick and choose according to one's

circumstances.

- ◆ In this book the term *Shari'ah* is used to mean Islāmic law

3.1 *Shari'ah* and *Fiqh*

- ◆ After the death of the Prophet Muḥammad (ﷺ) situations arose which required the interpretation and meaning of the Qur'ān and *Sunnah* for application to new situations.
- ◆ This understanding and application of *Shari'ah* is called *Fiqh*.
- ◆ *Fiqh* literally means true understanding of what is intended but it is usually used to refer to the science of deducing Islāmic laws from evidence found in the Qur'ān and *Sunnah*.
- ◆ *Shari'ah* is Islāmic law found in the Qur'ān and *Sunnah*. It is the divine law which is fixed and unchangeable forever.
- ◆ *Fiqh* refers to the body of Islāmic law deduced from *Shari'a* and covers situations not specifically dealt with by the *Shari'ah*.
- ◆ Muslim scholars and jurists as well as using the Qur'ān and the *Sunnah* as the primary and secondary sources of Islāmic law have also used *Ijmā'* (consensus of opinion of scholars) and *Qiyās* (analogical deduction) in situations where it has been deemed necessary in the development of *Fiqh*.
- ◆ Islāmic scholars have arrived at slightly different opinions and this has led to different schools of *Fiqh*.
- ◆ The juristic discourse in the Islāmic school of jurisprudence is called a *Madhhab* (plural *Madhāhib*, dual form *Madhāhan*)

- ◆ There are four main *Sunni Madhāhib* (*Hanafi*, *Māliki*, *Shāfi'i* and *Hanbali*) which I have referred to in this book.
- ◆ The development of the different schools of *Fiqh* occurred during the time period 750-850 CE.

3.2 *Shari'ah* and Succession laws

- ◆ The basic principles of succession law were revealed in the Qur'ān. Although there are about 35 *Āyāt* in the Qur'ān referring to succession. There are only three *Āyāt* (4:11-12 and 4:176) in the whole of the Qur'ān giving specific details of inheritance shares.
- ◆ The precise details have been worked out based on the practice of the Prophet Muḥammad (ﷺ) and his Companions as well as by interpretation and analogy.
- ◆ Muslim jurists have derived at slightly different opinions regarding certain aspects of Islāmic law pertaining to succession partly due to differences in the interpretation of the primary sources of the *Shari'ah*.

3.3 *Shari'ah* and Man-made laws

- ◆ Man with his limited knowledge and wisdom as well as lack of foresight can only produce laws which are likely to be incomplete and defective.
- ◆ Man-made laws are often short-sighted, materialistic, nationalistic and biased towards a particular group as well as being time bound.
- ◆ The laws of the Almighty take every aspect of human life into consideration, past, present and future as well as the interests of the whole of humanity.
- ◆ The laws revealed by the Lord of the Universe are broad principles and He has endowed man with the freedom

and intelligence to apply them in every age in the way suited to the situation and conditions.

- ◆ This is why Muslims should apply *Shari'ah* law to every aspect of their lives.



4. ISLĀMIC SCHOOLS OF JURISPRUDENCE

Key points:

- ◆ There are four main Sunni schools of jurisprudence (*Fiqh*)
- ◆ These four schools of jurisprudence (*Fiqh*) or schools of thought called *Madhāhib* are named after their founders, Imām Abū Ḥanīfah (رضي الله عنه), Imām Mālik (رضي الله عنه), Imām Shāfi'ī (رضي الله عنه) and Imām Aḥmad bin Ḥanbal (رضي الله عنه).
- ◆ *Madhhab* denotes the total sum of the legal religious opinions of its original founder, his students and other scholars of the same school. The personal view of the founder has in certain cases been superseded by the consensus of later jurists of the same *Madhhab*. Occasionally there may be differing opinions on a particular matter within the same *Madhhab*.
- ◆ The founders of the schools were *A'immah* (plural of *Imām*) and were recognised as *Mujtahidūn* by the Muslims.
- ◆ The period of these four great Imāms was between 750 CE and 850 CE.
- ◆ All the *Madhāhib* agree on the fundamental principles of Islām, they differ only on certain details to which unfortunately a great deal of attention has been given.
- ◆ All the *A'immah* (Imāms) considered the Qur'ān as the primary and the unquestionable source of Islāmic law.
- ◆ All the Imāms considered the *Sunnah* as the second most important source of Islāmic law.

4.1 The *Hanafi Madhhab*

- ◆ Named after its founder Imām Abū Ḥanīfah (رضي الله عنه) whose real name was Nu'mān bin Thābit bin Zutā' Al-Kūfi. He was born in Basrah in 80 AH (703 CE) and died in Baghdad in 150 AH (767 CE), He became the most outstanding scholar of Kufāh and he was a great jurist.
- ◆ Imām Shāfi'ī's (رضي الله عنه) most frequently quoted comment on Abū Ḥanīfah (رضي الله عنه) was, "Regarding jurisprudence, people are like dependent children before Abū Ḥanīfah." Imām Abū Ḥanīfa (رضي الله عنه) He was offered the position of judge which he refused and was consequently punished for his refusal.
- ◆ He had two renowned students who also became great scholars themselves, Imām Muḥammad bin Al-Hasan Al-Shaybānī (رضي الله عنه) (749-805 CE) and Imām Abū Yūsuf Ya'qūb bin Ibrāhīm (رضي الله عنه) (735-795 CE) who were the main personalities to expound the *Hanafi Fiqh*. In some cases the opinion of the great Imām Abū Ḥanīfah (رضي الله عنه) has been superseded by the views of his students with the consent of other jurists.
- ◆ The 'Uthmāniyyah empire adopted the *Hanafi Fiqh* to codify Islāmic law and hence the *Hanafi Madhhab* became widespread. It is prevalent in Asia and the Middle East.

4.2 The *Māliki Madhhab*

- ◆ Named after its founder Imām Mālik bin Anas bin 'Āmir (رضي الله عنه), who was born in Madinah around 93 AH (715 CE) and died in 179 AH (795 CE). He was a personal acquaintance of Imām Abū Ḥanīfah (رضي الله عنه). He was severely punished by the governor of Madinah for not issuing *Fatawa* to his liking but Imām Mālik (رضي الله عنه) refused to change his decision.

- ◆ It is reported that Imām Shāfi'ī (رضي الله عنه) said: "Whenever the 'Ulamā' are mentioned, Mālik out shines them all (in knowledge). No one has ever done me a greater favour than Mālik bin Anas."
- ◆ Imām Mālik wrote *Al-Muwatta'* which is the first book of authentic traditions of the Prophet Muḥammad (ﷺ).
- ◆ Notable students of Imam Malik include Abū 'Abd Al-Raḥmān bin Qasim (رضي الله عنه) (745-813 CE) and Abū 'Abdullāh bin Wahab (رضي الله عنه) (742-819 CE).
- ◆ Followers of the *Māliki Madhhab* are found in Africa and the Middle East.

4.3 The *Shafi'i Madhhab*

- ◆ Named after its founder Imām Muḥammad bin Idrīs Al-Shāfi'ī (رضي الله عنه). He was born in 150 AH (767 CE) and died in Cairo in 204 AH (820 CE).
- ◆ Imām Al-Shāfi'ī (رضي الله عنه) memorised the Qur'ān by the age of 7 and *Al-Muwatta'* by the age of 10. He travelled to Makkah where he studied under Imām Mālik (رضي الله عنه). He also travelled to Baghdad where he studied under Imām Muḥammad bin Ḥasan Al-Shaybānī (رضي الله عنه) and put forward the viewpoints of the traditionalist school of Imām Mālik (رضي الله عنه). He gained knowledge about both the *Hanafi* and *Māliki Fiqh* and made great contributions to the science of Islāmic jurisprudence. He later went to Egypt where he died.
- ◆ 'Abdullāh, the son of Imām Aḥmad bin Ḥanbal (رضي الله عنه), once asked his father: "What sort of person was Al-Shāfi'ī? I hear you frequently praying for him." "Al-Shāfi'ī, may God bless him," said his father, "was like the sun to the world, and like good health to people. Can you think of any substitute or compensation for these

two vital necessities?"

- ◆ Notable students of Imām Shāfi'ī (رحمته) include Ismā'il bin Yaḥyā Al-Muzanī (رحمته) (791-876 CE), Al-Rabī'a Al-Marādī (رحمته) (790-873 CE) and Yūsuf bin Yaḥyā al-Buwaytī (رحمته). Aḥmad bin Ḥanbal (رحمته) and Al-Zuhairi (رحمته) were also students of Imam Shāfi'ī (رحمته).
- ◆ The followers of *Shāfi'ī Madhhab* are found in Egypt, Indonesia, Malaysia and Sri Lankah etc.

4.4 The *Ḥanbalī Madhhab*

- ◆ Named after its founder Imām Abū 'Abdullāh Aḥmad bin Ḥanbal Al-Shaybānī (رحمته) who was born in Baghdad in 164 AH (780 CE) and died in 241 AH (855 CE). He was a great traditionalist. He studied under Imām Shāfi'ī (رحمته).
- ◆ Imām Shāfi'ī (رحمته) had such a high regard for Aḥmad bin Ḥanbal (رحمته) that he would not mention his name but would refer to him as "the reliable and trustworthy one" amongst his colleagues. Imām Aḥmad bin Ḥanbal's (رحمته) book the *Musnad* contains over 29 000 traditions.
- ◆ He had several eminent pupils including Ismā'il Al-Bukhārī (رحمته) and Imām Muṣlim (رحمته).
- ◆ The principles of the *Ḥanbalī* school and *Shāfi'ī* school are very similar. The majority of followers of the *Ḥanbalī Madhhab* are found in Saudi Arabia.



5. MATHS FOR MĪRĀTH

- ◆ For the purposes of distribution of inheritance (*Mīrāth*) one should be proficient in dealing with fractions. Although there is the Arabic system of distribution of *Mīrāth* which avoids the use of fractions, this method for someone who has never come across it before, is not so straightforward. There are several rules which have been learnt for the Arabic method.
- ◆ Since all children are taught fractions at school it is easier to use fractions to calculate shares of heirs. This chapter will serve as a revision for most readers. I have only covered those aspects of fraction arithmetic which are needed for calculating shares for inheritance purposes.

Definition of a fraction

- ◆ A fraction generally denotes a part of a whole and consists of two numbers and it can also be thought of as the ratio of one number to another.
- ◆ The bottom number is called the denominator and it tells us how many parts the whole has been divided into.
- ◆ The top number is called the numerator and tells us how many parts are being considered.



$1/2$ (The whole is divided into 2 parts and we take one part.)



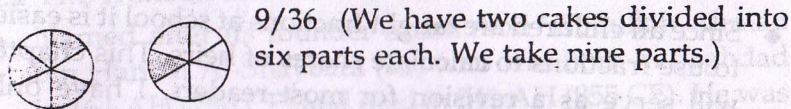
$2/3$ (The whole is divided into 3 parts and we take two parts.)



$5/12$ (The whole is divided into 12 parts and we take five parts.)

Proper and improper fractions

- ◆ A proper fraction is one in which the numerator is less than the denominator. The value of such a fraction is less than one.
- ◆ If the numerator and the denominator are equal the value of the fraction is one.
- ◆ An improper fraction is one where the numerator is equal to or greater than the denominator. This means that the value of the fraction is either one or greater than one:



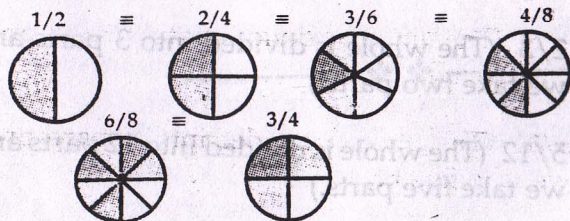
- ◆ An improper fraction can be written as a mixed fraction (or mixed number) which consists of a whole number and a proper fraction, thus:

$$7/4 \equiv 1^{3/4}$$

$$15/12 \equiv 1^{1/4}$$

Equivalent fractions

- ◆ If the denominator and numerator of a fraction can be divided by a common number or if they are multiplied by the same number the actual value of the fraction does not change.
- ◆ These fractions are called equivalent fractions because their value is the same, thus:



Fraction in its lowest form

- ◆ When the numerator and denominator do not have a common divisor the fraction is said to be reduced to its lowest or simplest form. Thus:

$$3/15 \text{ reduced to its lowest form is } 1/5$$

$$15/120 \text{ reduced to its lowest form is } 1/8$$

$$16/24 \text{ reduced to its lowest form is } 2/3$$

Addition and subtraction of fractions

- ◆ In order to add or subtract fractions the denominators need to be the same, that is to say the fractions must have a common denominator. Fractions with a common denominator are called like fractions.
- ◆ Therefore, before addition or subtraction of fractions is undertaken we must find the lowest common multiple for the denominators. As a result, some or all of the fractions will be converted into equivalent fractions with a common denominator.
- ◆ Once the denominators are the same we simply add or subtract the numerators leaving the denominator unchanged, thus:

$$1/2 + 1/4 = 2/4 + 1/4 = 3/4$$

If we convert this into words it makes sense. One quarter plus two quarters is three quarters.

Similarly:

$$1/8 + 1/2 + 1/6 = 3/24 + 12/24 + 4/24 = 19/24$$

$1/2 + 2/3 + 1/6 = 3/6 + 4/6 + 1/6 = 8/6 = 4/3$ or four thirds is an improper fraction and its value is greater than one.

Subtraction is just as easy:

$$2/3 - 1/6 = 4/6 - 1/6 = 3/6 = 1/2$$

$$1 - 7/12 = 12/12 - 7/12 = 5/12$$

Multiplication and division of fractions

- ◆ Multiplication of fractions is easy, we simply multiply the numerators of the fractions together to derive at the numerator and we multiply the denominators together to derive at the denominator. Thus:

$$1/2 \times 1/2 = 1/4$$

$$2/3 \times 1/6 = 2/18$$

2/18 reduced to its lowest form is 1/9

- ◆ It is sometimes useful to mentally substitute the multiplication sign "x" with "of" to give the calculation some meaning in one's mind. So $1/2 \times 1/2$ is read as half of a half is a quarter and similarly two-thirds of one-sixth is one ninth.
- ◆ Division of fractions is also easy. We invert the fraction following the division sign so the numerator becomes the denominator and the denominator becomes the numerator. If there are only two fractions involved then it does not matter which fraction is inverted. Then we multiply the two fractions as above. Thus:

$$1/2 \div 1/4 = 1/2 \times 4/1 = 4/2 = 2$$

$$3/8 \div 2/3 = 3/8 \times 3/2 = 9/16$$

Ratios

- ◆ For inheritance purposes we also need to understand the concept of ratios for the doctrine of *Radd* (chapter 46).
- ◆ Ratios are used in daily life, for instance the ratio of one inch to one foot is 1 to 12, written as 1:12.
- ◆ Simple ratios involving two numbers can be written as a fraction.

- ◆ A ratio of 1:2 can be written as $1/2$.
- ◆ A ratio of 2:3 can be written as $2/3$.
- ◆ Sometimes it is necessary to divide an estate or property amongst individuals in a fixed ratio. Consider the following examples:
 - Divide six apples amongst Munir and Munirah so that Munir has twice the number of apples as Munirah. We could also say divide six apples amongst Munir and Munirah in a ratio of 2:1. Or we could say divide six apples amongst Munir and Munirah so that the male gets the portion of two females.
One way of calculating this problem is to add the numbers in the ratio.
So we add: $2 + 1 = 3$
The share of Munir is two parts out of three and Munirah's share is one part out of three. Thus:
Munir gets $2/3$ of $6 = 4$
Munirah gets $1/3$ of $6 = 2$
 - Divide 24 apples between Bilal, Omayre, Rabiah and Nadiyah so each boy gets twice as much as each girl.
We assign each boy (Bilal and Omayre) two portions each and each of the girls (Rabiah and Nadiyah) one portion each. The total number of portions is 6. We divide the total number of apples to be shared into 6 portions. Each portion is thus worth four apples. We give each of the boys two portions (eight apples) and each of the girls one portion each (four apples).
 - Let's look at something a little more difficult.
Divide 60 apples amongst Javed, Khalid and Rashid in a ratio of 3:4:8.

We add all the ratio numbers:

$$3+4+8 = 15$$

$$\text{Javed's share is } 3/15 \text{ of } 60 = 12$$

$$\text{Khalid's share is } 4/15 \text{ of } 60 = 16$$

$$\text{Rashid's share is } 8/15 \text{ of } 60 = 32$$

iv. Maryam has been given $1/8$ of a cake, Khadijah has been given $1/2$ and Muneeb $1/4$ of the cake. Divide the remaining cake amongst Maryam, Khadijah and Muneeb according to their original portions.

The ratio of Maryam to Khadijah to Muneeb's share of the cake is $1/8$ to $1/2$ to $1/4$. This is equivalent to $1/8$ to $4/8$ to $2/8$ which gives a ratio of 1:4:2.

The remaining cake is:

$$1 - 1/8 - 1/2 - 1/4 = 8/8 - 1/8 - 4/8 - 2/8 = 1/8$$

We need to divide $1/8$ amongst Maryam, Khadijah and Muneeb in a ratio of 1:4:2. Therefore, we divide the $1/8$ into seven parts ($1+4+2$), we give one part to Maryam, 4 parts to Khadijah and 2 parts to Muneeb.

$$\text{Maryam gets } 1/7 \text{ of } 1/8 = 1/7 \times 1/8 = 1/56$$

$$\text{Khadijah gets } 4/7 \text{ of } 1/8 = 4/7 \times 1/8 = 4/56 \equiv 1/14$$

$$\text{Muneeb gets } 2/7 \text{ of } 1/8 = 2/7 \times 1/8 = 2/56 \equiv 1/28$$

Maryam's total share is thus:

$$1/8 + 1/56 = 7/56 + 1/56 = 8/56 \equiv 1/7$$

Khadijah's total share is thus:

$$1/2 + 1/14 = 7/14 + 1/14 = 8/14 \equiv 4/7$$

Muneeb's total share is thus:

$$1/4 + 1/28 = 7/28 + 1/28 = 8/28 = 2/7$$

To check our calculation the final shares should add up to one:

$$1/7 + 4/7 + 2/7 = 7/7$$

And it can be seen that the final ratio of shares of Maryam to Khadijah to Muneeb is 1:4:2 which is the same as the original ratios.

- ◆ There is a shortcut to solving problem (iv). If we look at the share of each individual as equivalent fractions with the same common denominator, as we do when adding the fractional shares, thus:

$$\text{Maryam } 1/8 \equiv 1/8$$

$$\text{Khadijah } 1/2 \equiv 4/8$$

$$\text{Muneeb } 1/4 \equiv 2/8$$

The total sum is $7/8$. We now change the denominator which is 8 to the sum of the numerators which is 7, while the numerators remain the same. The end result is:

$$\text{Maryam } 1/8 \equiv 1/8 \text{ increased to } 1/7$$

$$\text{Khadijah } 1/2 \equiv 4/8 \text{ increased to } 4/7$$

$$\text{Muneeb } 1/4 \equiv 2/8 \text{ increased to } 2/7$$

- v. Aminah has been given $1/8$ of a cake, 'Ā'ishah has been given $1/2$ of the cake and Zainab has been given $1/6$ of the cake. Divide the remaining cake amongst 'Ā'ishah and Zainab according to their original portions.

The ratio of 'Ā'ishah to Zainab's share of the cake is $1/2$ to $1/6$. This is equivalent to $3/6$ to $1/6$ which gives a ratio of 3:1. The remaining cake after deducting Aminah's, 'Ā'ishah's and Zainab's share is:

$$1 - 1/8 - 1/2 - 1/6 = 24/24 - 3/24 - 12/24 - 4/24 = 5/24$$

We need to divide the remaining $5/24$ between 'Ā'ishah and Zainab in a ratio of 3:1. Therefore, we divide the $5/24$ into four parts ($3+1$), we give three parts to 'Ā'ishah and one part to Zainab.

'Ā'ishah gets $\frac{3}{4}$ of $\frac{5}{24} = \frac{3}{4} \times \frac{5}{24} = \frac{15}{96} \equiv \frac{5}{32}$

Zainab gets $\frac{1}{4}$ of $\frac{5}{24} = \frac{1}{4} \times \frac{5}{24} = \frac{5}{96}$

'Ā'ishah's total share is thus:

$$\frac{1}{2} + \frac{5}{32} = \frac{16}{32} + \frac{5}{32} = \frac{21}{32}$$

Zainab's total share is thus:

$$\frac{1}{6} + \frac{5}{96} = \frac{16}{96} + \frac{5}{96} = \frac{21}{96} \equiv \frac{7}{32}$$

Aminah's share remains $\frac{1}{8}$.

To check our calculation the final shares should add up to one:

$$\frac{21}{32} + \frac{7}{32} + \frac{1}{8} = \frac{21}{32} + \frac{7}{32} + \frac{4}{32} = \frac{32}{32}$$

It can be seen that the final ratio of shares of 'Ā'ishah to Zainab's $\frac{21}{32}$ to $\frac{7}{32}$ that is 3:1, the same as the original ratios.

- ◆ There is a short cut to solving problem (v). However, if you understand the long hand method it can be applied to more complex situations.

After Aminah has been given her share of $\frac{1}{8}$ we divide the remaining cake which is $\frac{7}{8}$ in a ratio of 3:1, thus:

'Ā'ishah's share is $\frac{3}{4}$ of $\frac{7}{8} = \frac{21}{32}$

Zainab's share is $\frac{1}{4}$ of $\frac{7}{8} = \frac{7}{32}$



6. CONDITIONS NECESSARY FOR SUCCESSION

Before any distribution of an estate can take place certain conditions have to be met. The following conditions are essential:

1. Death of propositus

- ◆ Death must be proven (actual death) or by decree of a court of law (presumption of death). See chapter 42 on missing heir/person.

2. Heirs must be alive

- ◆ Only heirs alive at the time of death of the propositus can inherit.
- ◆ If an heir dies before distribution of the estate his portion is inherited by his heirs.
- ◆ An embryo will only inherit if it is born alive. The share that should be reserved for the embryo is discussed in detail in chapter 28.

3. Estate or property must be left by the deceased

- ◆ The law of succession applies to all kinds of property whether ancestral or self-acquired, movable or immovable.
- ◆ Jurists differ as to what constitutes property.
- ◆ According to the *Ḥanafī Fiqh* the concept of property excludes rights such as contracts and these rights lapse with the death of the individual. The other *Fiqh* are of the opinion that these rights are inheritable.
- ◆ The property no matter how small must be distributed amongst the heirs.