

The Quran and its Message

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Joseph A Islam www.quransmessage.com

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Salamun Alaikum (Peace be upon you)

INHERITANCE LAWS IN THE QURAN

Joseph A Islam

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INHERITANCE

By far the primary and most significant prescription in the Quran with regards inheritance is presented by verse 2:180 which is further supported by verse 5:106. These verses provide **unequivocal** and **explicit** evidence for an individual to distribute their wealth according to their reasoned judgments in the presence of witnesses.

However, such a will should account for parents and near relatives (aqrabin) who all have to be apportioned an appropriate share, (4:7) before others are considered (4:8).

002:180

"It is prescribed (**Arabic: kutiba**) for you that when death approaches any of you, if he leaves any goods, **that he makes a will (Arabic: wasiyatu)** for the parents and the near relatives (**Arabic: aqrabin**) with due fairness / reasonable usage (**Arabic: bil-ma'rufin**); this is a **duty** on the righteous ones / God fearing"

005.106

"O you who believe! When death approaches any of you, (take) **witnesses among yourselves when making a will (bequests)**,- two just persons from among you or two others from among others than you, if you are travelling in the land and the calamity of death befalls you; detain both of them (witnesses) after the prayer; then if you doubt (them), they shall both swear by God, (saying): We will not take for it a price, even if he is of a near relative, and we will not hide / conceal the testimony of God (for then) indeed, we should be among the sinners."

004:007

“From what is left by parents and those nearest related there is a share for men and a share for women, whether there is little or much of it, a determinate / obligatory share (Arabic: **nasiban mafrudan**)”

The above verses instructing one to leave a will according to what one considers due fairness / reasonable usage (**bil-ma'rufin**) to those nearest, would almost seem superfluous if the Quran intended to prescribe a specific distribution of one's wealth at the exclusion of all else.

Unfortunately, rather than reconciling verses of the Quran appropriately, popular Muslim thought has argued the '**abrogation**' (nasakh) of verse 2:180 which as a '**concept**' has **no** basis in the Quran.

Consequently, it is asserted that verses of Chapter 4 (Surah Nisa) abrogate / annul the general prescription of verse 2:180 which even from a Quranic perspective is wholly unwarranted.

Please see article [1] below. Please also note that scholarly opinions in the past on the issue of abrogation of verse 2:180 were at times divided. **Please see reference [1] below.**

If one consults the verses of Surah Nisa, one notes its **explicit expectation** only to serve in a secondary capacity **ONLY** after any existing will that the deceased has stipulated is satisfied. Of course, if no existing will has been made by the deceased as per verses 2:180 and 5:106 of the Holy Quran, then verses of Surah Nisa would apply as default.

004:011 (part)

(The distribution stipulated)

"...after (Arabic: **ba'di**) any will (Arabic: **wasiyyatin**) which he has made or any debts ..."

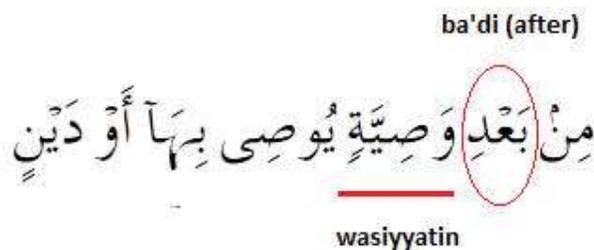


Illustration - Joseph Islam

004:012 (part)

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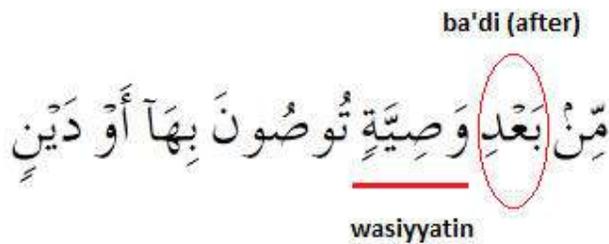


Illustration - Joseph Islam

The above are explicit instructions which make it clear that the verses in Surah Nisa (Chapter 4) are only intended to come into force as a residual or in a secondary capacity. They are not intended to remove the right from an individual to stipulate a will according to what he / she deems appropriate in accordance to verse 2:180.

Furthermore, no individual has any authority to remove this right from the one making the will.

002:181

"If anyone changes the bequest after hearing it, the guilt shall be on those who make the change. Indeed, God is All-Hearing, All Knowing"

However, if one feels any wrongdoing on the part of the individual making the will (testator), then they have been granted the right to mutually consult the matter with the concerned party.

002.182

"But whoever fears any error or sin on the part of the testator, then reconciles between them (the parties concerned), then there is no sin on him. Indeed, God is Oft-Forgiving, Most Merciful"

Such an understanding from the Quran also removes the need for unwarranted complex ancient jurisprudence and a plethora of opinions which are oft asserted as 'religiously binding', yet only serve to obfuscate the clear directives of the Quran's guidance.

However, it is to be fully appreciated from the Quran's perspective that a will (**wasiyya**) should be made with **due fairness / reasonableness (bil-ma'rufin)** in mind and arguably in the spirit of the Quran's other narratives and overarching guidance. It should not intend to hurt, injure or compromise (**ghayra mudarrin 4:12**) other beneficiaries. Depriving kinsfolk, especially those closest of their legitimate rights of inheritance through stipulating unfair / unreasonable bequests are arguably examples of causing undue harm (**ghayra mudarrin 4:12**).

In the end, it is only God that knows which relative such as parents or children are nearer to one in benefit.

004:011 (part)

"...you know not which of them is nearer to you in benefit ..."

Therefore, the Quran provides an individual the right to make careful judgments about their legacy and how they should distribute their wealth to those closest and needy without causing any undue harm to any particular relative.

This allows for much flexibility and takes into consideration individual capacity and circumstances.

The illustration below attempts to best capture the inheritance directives in the Quran **after any existing will has been satisfied** (*min ba'di wasiyyatin* - 4:11-12). It is left for the reader to consult the verses mentioned and scrutinise them with a view to understand the topic deeply. The illustration merely intends to provide an overview and a cue for self verification and further study on the part of the reader.

Please see the illustration below:

<http://quransmessage.com/charts%20and%20illustrations/inheritance/inheritance%20FM2.htm>

Related Article:

(1) [Abrogation - A False Doctrine](#)

REFERENCE

[1] KOHLBERG. E, AND AMIR-MOEZZI. M. A, Revelation and Falsification, The Kitab al-qira'at of Ahmad b. Muhammad al-Sayyari, Brill NV, Leiden, The Netherlands, Notes 97, Page 92

"For the abrogation of the "bequest verses" (Q 2:180, 2:240) by the "inheritance verse(s)" see Coulson, *Succession*, p.213; Powers. *Studies*, pp. 143-188, See also Zuhri, *Nasikh*, p.20; Muqatil, I, p.95 (Q 2:180 abrogated by Q 4:11); Abu 'Ubayd, *Nasikh*, pp.80-83 (with Burton's commentary, pp.146-148 of the English section); Tabari, II pp. 116-120 (citing views for and against abrogation); Maturdi, II, pp.17-18; Nahhas, *Nasikh*, p.21 (Mujahid states that Q 2:180 is abrogated by Q 4:11); Samarqandi, I, p.120; Zamakshari, I, p.334; Suyuti, *Itqan*, III, p.73. Al-Tabrisi (II, p.105) defends the position that Q 2:180 is not abrogated (*wa-huwa l-sahi 'inda l-muhaqqiqan min ashabina*); and this is also the position of al-Rawandi (Fiqh, II, pp.299-200, 306), Ibn Idris (Sara'ir, III, p.186), Ibn al-Ata'iqi (*Nasikh*, pp.30-31) and al-Ardabili (*Zubda*, pp. 469-470). Al-Bara' b. Ma'rur, who dies one month before the Prophet emigrated to Medina, asked to be buried facing the Prophet (see Ibn Babawayh, *'Illal*, p.301, no.1). He also bequeathed to him one third of his estate (see EI2, art. "al-Bara' b. Ma'rur" [K.V. Zettersteen]; Powers, *Studies*, p.129) and this became the accepted custom (*sunna*) (Kulini, III, pp. 254-255, no. 16; Ibn Babawayh, Faqih, IV, p.137, no.479; idem, *Khisal*, p.175, no. 267 > *Bihar*, LXXXI, pp.231-232, no.4)."

[Joseph Islam](#)

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