**May 12, 1916**

**Islamic Law of Inheritance is Based Upon Principles of Human Equality and Social Justice**

I bear witness that none deserves to be served besides Allah and I bear witness that Muhammad is the servant and messenger of Allah. —

After this, I seek the protection of Allah from the accursed devil.

In the name of Allah, the Beneficent, the Merciful.



“Allah enjoins you concerning your children: for the male is the equal of the portion of two females; but if there be more than two females, two-thirds of what the deceased leaves is theirs; and if there be one, for her is the half. And as for his parents, for each of them is the sixth of what he leaves, if he has a child; but if he has no child and (only) his two parents inherit him, for his mother is the third; but if he has brothers, for his mother is the sixth, after (payment of) a bequest he may have bequeathed or a debt. Your parents and your children, you know not which of them is the nearer to you in benefit. This is an ordinance from Allah. Allah is surely ever Knowing, Wise.” (4:11)



“And yours is half of what your wives leave if they have no child; but if they have a child, your share is a fourth of what they leave after (payment of) any bequest they may have bequeathed or a debt; and theirs is the fourth of what you leave if you have no child, but if you have a child, their share is the eighth of what you leave after (payment of) a bequest you may have bequeathed or a debt. And if a man or a woman, having no children, leaves property to be inherited and he (or she) has a brother or a sister, then for each of them is the sixth; but if they are more than that, they shall be sharers in the third after (payment of) a bequest that may have been bequeathed or a debt not injuring (others). This is an ordinance from Allah: and Allah is Knowing, Forbearing.” (4:12)



“These are Allah’s limits. And whoever obeys Allah and His Messenger, He will admit him to Gardens wherein flow rivers, to abide in them. And this is the great achievement.” (4:13)



“And whoever disobeys Allah and His Messenger and goes beyond His limits, He will make him enter fire to abide in it, and for him is an abasing chastisement.” (4:14)

**The Holy Quran is a Complete Collection of Laws**

The Holy Quran is a complete and comprehensive guide for all of mankind. It provides guidance in all matters with which they have to deal. This includes marital relations, inheritance, social relations, war etc.

**The Comprehensiveness of the Holy Quran Bears Witness to its Divine Origin**

Think about this: Arabian society at the advent of the Holy Prophet had no repository or tradition of knowledge. He himself did not know how to read or write. What was the source that put all these thoughts in his mind and gave him the understanding and direction to gather all these laws in one comprehensive book and present it to the world? There were no laws in Arabia at the time, and certainly no tradition existed to put them in writing. Nor was there any familiarity with laws that existed in other countries. The Holy Prophet could not read and even if he did, where in the world could he find such a comprehensive book that had a collection of all these laws? Nowhere in the world does such a unique and comprehensive work exist — even today. There may be books directed toward specific subjects, but the Holy Quran is unique in amassing all the laws and at the same time giving guidance regarding their implementation. It gives guidance in all matters related to the Creator, while at the same time, discusses in detail and gives guidance on matters relating to human relationships and interaction. This was certainly not the undertaking of the Holy Prophet Muhammad — to have compiled such a comprehensive book. It is the work of the God who is the Creator of mankind and is aware of all his needs and knows well the sources and means that are necessary for his development.

**The Problem of Inheritance and the Revolutionary Changes Brought about by Islam**

These verses discuss the making of a will regarding one’s children. All the shares to be inherited by individuals in the property of a person have been identified. In Arabia, there existed the tradition that the right of inheritance belonged only to individuals who were wage earners and could use the spear. Small children and women who, at that time, stayed in the house, were excluded from inheriting property. It also happened that the eldest son inherited all the property while the other children were left out. The Holy Prophet Muhammad brought about a revolutionary change amongst them. All near relatives, which included parents, spouses, male and female offspring, were apportioned a share in the inheritance.

**Reply to an Objection**

The argument has arisen that Islam is mandating division of inherited property, which has led to its dismemberment into smaller pieces, thereby reducing its utility. This has been debated widely. It is argued that if one person inherited all the property it could better served him. The first thing to remember in this regard, is that the laws of inheritance promulgated by Islam have the principle of equality of the human race as their basis. All near relatives are given consideration in this matter, whether they are males or females. The only difference between the two is that the male relative gets twice the amount of inheritance as the female. Amongst the Arabs, prior to Islam, women were given no share at all. In fact, Islam is the only religion that has mandated this entitlement for women. Men have been given twice the share because they are the wage earners in most circumstances. Women have been apportioned half the share because they are not usually the wage earners and are more frequently dependent upon men for their support. They have both been, however, included in this inheritance.

The question still arises whether it is beneficial to keep the property as a whole or divide it into smaller pieces, the smaller pieces thereby being rendered less useful. Islam has, however, taught us that all humans are endowed with similar faculties. Every individual can put his faculties to use and does not have to be dependent upon the earnings of another. This is the greatest distinction of the religion of Islam — that it has heavily stressed the principle of the equality within the human race. If a certain individual uses his faculties and works hard to build up property, why is it then, that those who inherit a portion of his property must be totally dependent upon what they receive? They can likewise make an effort and make the property more productive.

We frequently observe people advancing from a state of poverty to affluence by making full use of their faculties. Similarly, a rich person can become greatly impoverished due to a lack of effort. The truth is that Allah the Most High has endowed us with strengths and faculties. Man benefits from the proper use of these endowments. There also are states of dependency. A person, who is limited in the use of his faculties, becomes dependent on others to the extent of his limitations. For example, a child is dependent upon his parents until he reaches maturity.

**Islamic Way of Life and the Law of Nature**

The truth is that Allah the Most High, who is the Creator of all, has created such means through His beneficence and has endowed man with strengths and faculties that together they can provide a means for his living. Allah tells us that he has made the sun, the moon, and the earth subservient to us. Since these forces of nature have been made subservient to man, he can benefit from them whenever he wants to do so. He should strive to use these faculties and not expect return without making an effort. The law of inheritance in Islam is not based upon the circumstance that if someone has not been endowed with these faculties he should be given all of the inheritance. To make the best use of inheritance, it has also been apportioned amongst near relatives so that one individual does not become totally dependent upon it. He is encouraged to use his faculties and earn for himself. By using their faculties, they can all benefit from it and simultaneously use their own effort to make further gains.

**A Spiritual Lesson**

This division also holds a spiritual lesson for us. Just as we have been given the encouragement, through this division of property, to use our faculties and earn a living with our own effort, similarly in order to get closer to God, we should exert our own spiritual faculties and not rely upon others for our spiritual growth and progress. Just as He has not made us physically dependent upon others, Allah has not appointed mentors and priests over us and made them responsible for our spiritual development. The Holy Quran states: “We have truly shown him the way; he may be thankful or unthankful” (76:3). By using his faculties, man becomes deserving of reward, while neglect and refusal to accept guidance make him subject to punitive measures.

**In Islam Spiritual Mentors are not Responsible for our Salvation**

Just as we can benefit from using our physical faculties, we can also use our spiritual endowments to make progress. Allah has appointed the same type of law for both. In many religions, you will see that on special occasions they cannot do without the presence of a priest or a pundit. For example, in most Christian traditions, without baptism by a padre at some point in one’s life, salvation is not possible.

For a Muslim, salvation is dependent upon one’s individual effort and not upon baptism by a priest. There is an Imam appointed to lead prayers, but if the need arises, there is no harm in allowing others to lead prayers. It is not the case that without the appointed Imam there would be no prayer service.

**The Reason Why Prophets are Sent**

From my discussion, it should not be inferred that I do not believe in prophets. Prophets come to guide in the ways of Allah the Most High. Man, by his very nature, is in need of a role model to follow. In order to even use our physical faculties, we need an example before us. There exists a similar need for guidance of our spiritual faculties in the right direction and when the messenger clearly identifies the path toward God, it becomes our duty to follow it. Prophets and messengers are sent so that they can explain and guide humanity in the ways that invoke Allah’s pleasure.

In short, Islam has set laws based upon equality of the human race and democratic principles. Both physical, and spiritual laws, follow the same pattern. Laws of inheritance encourage division of property amongst near relatives so that individuals can learn to use their faculties and benefit from the inheritance apportioned to them. They are thus given the opportunity to make more out of less. A person who cannot benefit from limited resources is liable to waste it if he is given more.

**Laws of Inheritance and Local Customs**

That is why Islam has apportioned shares for both men and women in the inheritance. Here (in British India) there are customs and traditions that people choose to follow and this is much in vogue in the villages. Based on these traditions and customs, they refuse to give shares to daughters. The government prefers that people follow the laws that they choose for themselves. When Muslims were asked whether they want to follow the law of the Quran or their local customs, they gave preference to their local traditions. These are the difficulties that Muslims face as a consequence of being fettered in their traditional customs. It is a great inequity that almost half of the human race has had its rights usurped as a result of this behavior. People think that by giving inheritance to women, their property goes to those outside the family. They do not realize that if a share goes outside, it also comes in when marriage ties are established outside the family. In the end, a balance is established; but they refuse to pay attention to the Holy Quran.

**A Point to Ponder in the Use of Arabic Words Pertaining to the Laws of Inheritance**

Wherever inheritance is mentioned in the Holy Quran, the Arabic words, *mima tarak*, meaning *what they leave behind*, are used. For what they carry forward the words, *mima kasab*, meaning *what they earn*, are used. Usually every individual leaves behind something that is distributed amongst his children.

**Prophets do not Leave Behind Inheritance**

People ask the question why prophets do not have inheritance and why it should not be distributed according to the laws laid down in these verses. Prophets do not come into this world with the objective of accumulating and leaving behind wealth when they pass away. It goes against the sanctity of their mission to leave behind anything. They do not leave behind anything that they do not carry forward with them. They do not have a liking for things that are left behind as inheritance. This is the reason for the Holy Prophet’s statement, “We who belong to the group of prophets, do not inherit or leave behind inheritance.” When Hazrat Fatima presented her case before Hazrat Abu Bakr regarding some property belonging to the Holy Prophet, he quoted the very same words of the Holy Prophet, “We who belong to the group of prophets, do not inherit or leave behind inheritance.” All the companions including Hazrat Ali remained silent at that moment and the case was dismissed.

The truth is that leaving behind inheritance is contrary to the dignity of prophethood. At the time of his death, the Holy Prophet specifically asked if there was anything left in the house. He called for the last penny left in the house and gave it away in charity. Hazrat Abu Bakr made a decision based upon a well-known saying of the Holy Prophet and no one at the time questioned his judgment. It would have been quite appropriate to challenge his decision if there was any proof contrary to the saying of the Holy Prophet. This did not happen and all remained silent. People say that when the Holy Quran states, “Allah enjoins you concerning your children,” how, they ask, could the Holy Prophet go against this verse? They do not realize that this verse is meant for those who leave behind something. As prophets do not leave any inheritance behind, this verse does not apply to them.

**The Companions would not have Remained Silent in Order to Support an Erroneous Decision**

A consensus of opinion (*ijmah*) of the companions supports the authenticity of this hadith. None from amongst the companions spoke against it. Unlike Muslims today, the companions of the Holy Prophet did not consider Hazrat Abu Bakr such a spiritual mentor, before whom they were afraid to express their opinion. Even the lowest in rank amongst them was not afraid to speak his mind when he felt an incorrect statement was made. Observe the example of Hazrat Umar. The governors of provinces under his administration felt that Umar had one hand on their upper and the other hand on their lower jaw. They were afraid that if they showed the least discordance with the rules, he would take stern actions against them. People were, however, not afraid to challenge his opinion if they felt it went against the precepts of the faith.

During the Caliphate of Hazrat Umar, Muslims had become quite affluent and were giving large amounts in dowries. Hazrat Umar, who led a very simple life, noticed this, gathered together the people of Madinah, and gave a sermon advising restraint in spending on dowries. An old woman of Madinah stood up and addressed him thus, “O Son of Khattab, who are you to set limits on the dowry when the Quran states: ‘and you have given one of them a heap of gold, take nothing from it’” (4:20). Hazrat Umar, realizing his error, immediately recanted his opinion and remarked, “The women of Madinah are wiser than Umar.” The companions were thus very outspoken, and not afraid to express their opinion if they even noticed the slightest hint of error. They were not like people today who act as if they cannot speak and like dumb animals follow any direction in which they are led. They were not afraid to challenge the greatest of men regarding religious precepts. The silence of all the companions when Hazrat Abu Bakr gave judgment in the case of Hazrat Fatima indicates that they all supported his opinion.

**To Abandon the Consensus of Opinion of the Companions is an Insult to their Integrity**

The most revered amongst Muslim *ummah*, the companions of the Holy Prophet, have reached a consensus of opinion that prophets neither take nor give inheritance. Abandoning their consensus is an insult upon their integrity and akin to calling them (we seek Allah’s refuge) liars. If the Holy Prophet had not made the statement that Hazrat Abu Bakr quoted, then why did the companions not say that he was wrong? Why did Ali not challenge and why did Fatima not oppose it? The fact that all of them accepted it proves that they considered this hadith to be correct. They should have otherwise contradicted it. A lie cannot be attributed to the companions of the Holy Prophet. Any hadith that is traced to a companion of the Holy Prophet has not been called false, particularly one whose authenticity is supported by their consensus of opinion.

**What is the Inheritance of the Prophets?**

The wealth of this world is left behind. The Prophets (peace be upon them) do not leave it behind but take it with them. They spend all they have in the way of Allah and thus prepare for the life hereafter. They do not leave it behind as inheritance. The knowledge that they receive from God certainly stays behind but even that is not meant for here and goes with them in the form of their practice and example. Only those who benefit from it, inherit their knowledge. Their spiritual sons are thus their inheritors.

**The Duty of Making a Bequest**

In this section, portions have been fixed for sons, daughters, sisters, and brothers. I do not want to go into the details of this. I do however want to draw your attention toward an important matter. It has been stated: “You leave after (payment of) a bequest you may have bequeathed.” This shows that for those who leave behind wealth, Islam also requires the making of bequests as necessary. This is clearly supported by another verse of the Holy Quran.

“It is prescribed for you when death approaches one of you, if he leaves behind wealth for parents and near relatives, to make a bequest in a kindly manner, it is incumbent upon the dutiful.” (2:180)

The example of the companions of the Holy Prophet also supports the making of bequests. Almost every companion made bequests out of whatever wealth he had in his possession. It is also important that you make some amount of bequest from your possessions. What were these bequests made for? From a study of the history of the companions of the Holy Prophet, we find these bequests were made in the way of Allah, for the upkeep of orphans, the needy, and for the propagation of Islam. They would separate a portion from their wealth for this purpose that was not considered as part of their inheritance.

**What Should be the Amount of Bequest?**

An incident is narrated about a companion of the Holy Prophet who was sick. The Holy Prophet visited him to inquire about his health. He related to the Holy Prophet that he had a significant amount of wealth and only one daughter. Should he make a bequest to give all of it away? The Holy Prophet said, “No.” “Should it be two thirds,” he asked? To this, the Holy Prophet again said, “No.” He then asked for half and the Holy Prophet advised him to make a bequest of one third of his holdings. The Holy Prophet also said that it was better that he make a bequest of one third and it was better that he leave his inheritors well taken care of rather than in a state of dependence. This is the path of moderation that Islam prescribes for its adherents!

**Take Some of Your Assets with You**

Those of you who own property and have abundance of wealth should make a bequest for the service of your religion besides leaving it for your inheritors. What you leave behind for your inheritors stays here and will not go with you in the hereafter. Your bequest to Islam is what you take with you for the hereafter when you leave this world. What you leave behind may not necessarily remain preserved. We are witness to the fact that people left behind large amounts of properties that were needlessly wasted by those who inherited them. You have no knowledge of what will happen to your properties when you pass away.

**Follow the Path of Contentment Rather Than Regret**

If an individual, who leaves behind substantial holdings when he dies, were to find out how they were wasted, he would certainly have a feeling of great regret. In view of this uncertainty, would he not prefer to take a small portion with him so that it may be of some benefit to him in the life hereafter? His hope is that the inheritance he leaves behind will benefit his children and they live comfortable lives. The reality on the ground is contrary to this. We have observed large holdings wasted by those who inherit them.

**Nothing Goes to Waste with Allah**

Allah the Most High states: “What is with you passes away and what is with Allah is enduring” (16:96).

So give something while you are alive and make bequests so that they serve to propagate Islam. In this way, it won’t be what you leave behind (*mima tarak*) but what you earn (*mima kasab*) and take with you.

**The Chastisement for Disobeying the Laws of Inheritance**

The Holy Quran states:

“And whoever disobeys Allah and His Messenger and goes beyond His limits, He will make him enter fire to abide in it, and for him is an abasing chastisement.” (4:14)

Those who prefer customs over the commandments of the Holy Quran should be fearful of this message. Why should the Quran and God be concerned whether women get their share or not and warn of abasing chastisement to those who disobey? It is to your benefit that men and women have equal rights and equal opportunities to make progress. Daughters are deprived of their right to inheritance with the excuse of substantial spending in arranging their marriages although such expenditures are common for the son’s marriage also. The shares of both sons and daughters in the inheritance should therefore be safeguarded. The rights to good education and teaching of excellent morals to daughters should also be recognized.

The Holy Prophet woke up one night and remarked, “How many evils descended upon the earth on this night?” “Wake up! Those ones residing in the apartments (reference to his wives). Any who are covered in this world will be exposed in the hereafter.”

Much attention is given these days to material comfort but no one worries about adornment and serenity of the spirit. Much attention is paid to the external adornment of daughters, but little effort is put into nurturing inner qualities of goodness in them. The daughters cannot be blamed for this, for much of the blame lies with parents. It is the duty of parents to make their children so capable that they are not held responsible for them. Provide them with such garments that they are not the ones exposed in the hereafter and have a place of honor and covering. Those who desire to seek the pleasure of Allah should study the Holy Quran and encourage others to do so. In this way, they can avoid being held responsible for providing cover for their daughters in this world but being negligent in exposing them in the hereafter.