

# Lesson 12

- **Radd**
- **Awl**

## Islamic Laws of Inheritance

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The **order of distribution** is:

1. **Fixed share heirs**
2. **Balance share heirs.**

If there are no fixed share heirs the balance goes to balance heirs.

When fixed shares are allotted three situations can arise.

1. **Shares add up to unity** = no balance.
2. **Shares add up to less than unity** or 1 = Balance goes to
  - a) balance shares
  - b) If no balance heirs -- **Radd**
3. **Shares add up to more than unity** or 1 = **Awl**

## Excess share = Radd

- If a) **nobody is alive to take balance share.**
  - b) after the **fixed share is given there is balance left.**
- Then it is called as excess share and is returned to the people with fixed share. This is called **Radd = Return.**
- **H & W are not eligible for Radd** except when distant relatives are not there.
- Eligible heirs for Radd are:
  - ✓ **M, TGM, D, SD, Sf, Sc, Su, Bu**
- **Umer, Ali, most sahabies, Hanafi, Hanbali, agree with Radd.**
- **Shafei** school agree **if baithul maal is not functioning.**
- But not **Maliki**. He is **against Radd** based on Zaid b. Thabith

# Radd – Difference of Opinions

There are different opinions about Radd

1. Radd is **not to be given**. Property should go to baithul maal.
2. Radd is **not allowed**. But if properly functioning baithul maal is not there then Radd is allowed.
3. Radd is **allowed in the absence of balance heirs**. H & W are also included.
4. Radd is **allowed but excluding H & W**.

**Last one is accepted by most.**

## Points against Radd

1. Quran mentions a fixed share to heirs. Hence it is against Quran to give balance to fixed heirs.
2. Quran or sunnah has not made any provision for fixed heirs to get balance. Hence it should go to Baithul maal.
  - Most scholars in Shafei school also agree with this, only if properly functioning baithul maal is present. In the absence of baithul maal Radd is allowed by them.
  - Usman b. Afwaan feels that H & W are also eligible for Radd as they are subject to awl also.
  - Ali R.A feels that TGM is not eligible for Radd

## Points in favour of Radd

1. Quranic verse “Near blood relations are eligible for more shares between them” is the basis
2. Once one lady came and told prophet S.A. that she donated one servant to her mother and later her mother died. Prophet said you will get reward for what you have donated, at the same time you can take the servant as your inheritance.
3. Saad b abivakhas was ill. Prophet s.a. visited him and allowed only  $\frac{1}{3}$  as waseeyat. He had only one daughter. If D gets only  $\frac{1}{2}$  prophet would have allowed  $\frac{1}{2}$  as waseeyat.
4. Property goes to baithul maal if there is nobody to inherit
5. Prophet (SAS) gave entire property to Mula’anaat when her son died. If excess share is not to be given prophet would not have ordered this.

## A. **When H/W is present**

- 1) Allot the shares to Quranic heirs and the balance is reallocated to those eligible for Radd in proportion to their Quranic shares.
- 2) The whole balance after the spouses share is given to those remaining in proportion to their Quranic shares.

## B. **When H/W is not there** then the whole balance is allotted to Quranic heirs in proportion to their Quranic shares.



# Radd - Steps

1. Calculate the balance share (b) available for heirs who is eligible for Radd. If H/W is there it is after their share is given.

$b = 1 - H/W$ . If H/W is not there then  $b = 1 - 0 = 1$ .

This is the share available for division among Quranic heirs

2. Find out the ratio of shares of those heirs. This is done by making the denominator common. Eg.;  $1/2 : 1/6 = 3/6 : 1/6$ . The ratio is 3:1.
3. Now add up the ratio. The idea is to make the denominator equal to the numerator.  
 $3 + 1 = 4$ .  $3/6 : 1/6$  becomes  $3/4 : 1/4$
4. Now multiply the balance b with this new fraction, which gives the share in proportionate to their Quranic shares.

**Learn and remember this well**

# Radd - Example

## W, D, M

1. Balance =  $1 - W = 1 - 1/8 = 7/8$
2.  $D = 1/2, M = 1/6, 3/6:1/6$ . Ratio 3:1
3.  $3+1=4$ . New ratio is  $3/4:1/4$  i.e.  $D=3/4, M=1/4$
4.  $D=b*3/4=7/8*3/4=21/32, M=b*1/4=7/8*1/4=7/32$   
 $W=1/8=4/32$

# Radd - Problem Solving

Now solve the following cases. Living heirs are given.

Confirm that they are correct by looking at the answers in the next slide

1.	M, D, SD	5.	W, 2Su, TGM
2.	H, D	6.	W, 4D, TGM
3.	W, DS	7.	Sf, TGM
4.	H, 3D	8.	M, 7D

In problem solving cases relations mentioned are to the person died (male/female).

E.g. H, F, D means lady has died leaving the husband, father and daughter.

# Radd - Problems - SOLUTIONS

No.	Question	Answer
1.	M, D, SD	$M = 1/5, D = 3/5, SD = 1/5$
2.	H, D	$H = 1/4, D = 3/4$
3.	W, DS	$W = 1/4, DS = 3/4$ (distant relative)
4.	H, 3D	$H = 1/4, 3D = 3/4$
5.	W, 2Su, TGM	$W = 1/4, 2Su = 1/2, TGM = 1/4$
6.	W, 4D, TGM	$W = 1/8, 4D = 28/40, TGM = 7/40$
7.	Sf, TGM	$Sf = 3/4, TGM = 1/4$
8.	M, 7D	$M = 7/35, 7D = 28/35$

*Note: Actual shares may vary, after considering other heirs.*

*Shares vary when Radd or Awl is required to be applied.*

When fixed shares are allotted three situations can arise.

1. Shares add up to unity = no balance.
2. Shares add up to less than unity or 1 = goes to balance or Radd.
3. Shares add up to more than unity or 1 = Awl.

Awl = increase. Actually shares are reduced for each heir.  
Only the fractions are increased.

This happens only if D / Sister class heirs are present.

Steps: 1. Reduce the fractional shares to common denominator.

2. Add the numerator.

3. Change the denominator to that of numerator.

4. Allot the shares now.

E.g.: H , 2Sf

$$H=1/2, 2Sf=2/3, \quad 1) 1/2+2/3=3/6+4/6= 2) 7/6$$

$$7/6 \text{ becomes } 7/7 \quad 4) H=3/6 \text{ becomes } 3/7 \quad Sf=4/6=4/7$$

There is a difference opinion as to who first introduced Awl

1. Umer (R.A): A lady died leaving H, 2Sf. The case was brought to him. He consulted with all sahabies. Abbas R.A. suggested awl as his answer. It was accepted.
2. Ali (R.A): Was delivering a sermon. He was asked about share of a widow whose husband died leaving F,M,2D. Immediately Ali r.a. replied wife's  $\frac{1}{8}$  becomes  $\frac{1}{9}$ .

Fiqh scholars have grouped divisions in shares as 7 groups.

2, 3, 4, 6, 8, 12, 24. Awl is applicable to only 6, 12, 24

<b>6 Becomes</b>	<b>7</b>	H, Sf, Sc
	<b>8</b>	H, Sf, 2Su
	<b>9</b>	H, Sf, Sc, 2Su
	<b>10</b>	H, Sf, Sc, 2Su, M
<b>12 Becomes</b>	<b>13</b>	H, 2D, M
	<b>15</b>	H, 2D, M, F
	<b>17</b>	W, 2Sf, M, 2Su
<b>24 Becomes</b>	<b>27</b>	W, 2D, F, M



رَبَّنَا تَقَبَّلْ مِنَّا إِنَّكَ أَنْتَ السَّمِيعُ الْعَلِيمُ

وَتُبَّ عَلَيْنَا إِنَّكَ أَنْتَ التَّوَّابُ الرَّحِيمُ

اللهم اغفر لنا، يا أرحم الراحمين

رَبَّنَا آتِنَا فِي الدُّنْيَا حَسَنَةً وَفِي الْآخِرَةِ حَسَنَةً وَقِنَا عَذَابَ النَّارِ

رَبَّنَا ظَلَمْنَا أَنفُسَنَا وَإِن لَّمْ تَغْفِرْ لَنَا وَتَرْحَمْنَا لَنَكُونَنَّ مِنَ الْخَاسِرِينَ

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