

Lesson 3

- **Abbreviations & Terminology**
- **Agnate & Cognate**
- **Order of heirs**
- **Classification of heirs**

Islamic Laws of **Inheritance**

Dr. Assaina Beary

In this lesson there are few things to be understood and few to learn. Go through this lesson again and again. Things which are not clear to you leave them. You will learn them as you go to the next lessons and things will be more clear.

Understand

- ✓ Understand and use the abbreviations.
- ✓ All abbreviations must be learnt
- ✓ Understand fully the terminology used
- ✓ Understand fully the term agnate, cognate

Learn & remember

- ✓ Learn Order of Heirs
- ✓ Learn names of heirs

Very important to know

- ✓ All Relations mentioned in inheritance are to the person died
- ✓ Person died can be male or female
- ✓ Father means father of the person died, son means son of the person died

Very important to know

If a heir is not alive then he does not inherit.

E.g. A has died leaving 2 sons and 2 daughters. But A had one more son who had died before A's death. Here the dead son does not inherit.

Abbreviations

H	Husband	Bf	Brother full
W	Wife	Bc	Brother consanguineous
D	Daughter	Bu	Brother uterine
S	Son	Sf	Sister full
SS...	Son's son	Sc	Sister consanguineous
SD	Son's daughter	Su	Sister uterine
SSD..	Son's son's daughter	PUf	Paternal uncle full
F	Father	PUc	Paternal uncle consanguineous
M	Mother		
TGF	True grand father	PUu	Paternal uncle uterine
TGM	True grand mother	PufS	Son of Puf
FM	Father's mother	PUcS	Son of PUc
MM	Mother's mother	PA	Paternal aunt

Terminology

Full brother /sister	brothers from same father same mother
Consanguineous brother/sister Paternal half brother/sister,	Same father different mother
Uterine brother/sister maternal half brother/sister,	Same mother different father. This can arise in 2 situations. 1.Mother has married the father after the death of first husband. 2.Father has died and mother has married again.

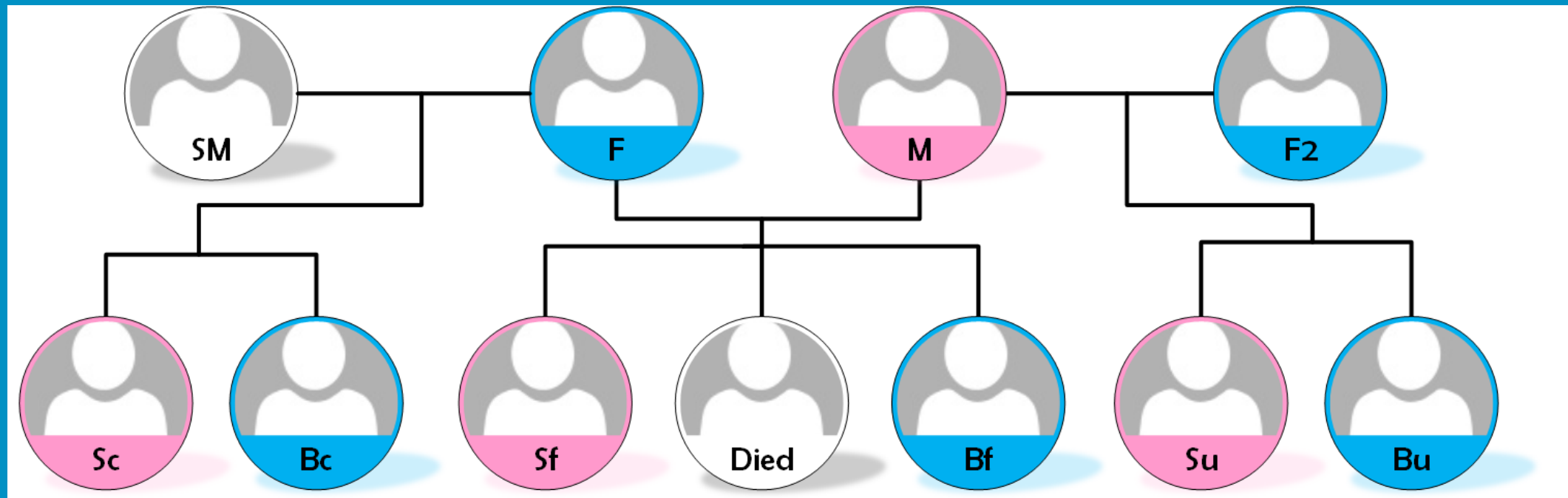
Terminology Full & consanguineous

F = father, M = mother, SM = stepmother father's second wife,

F2 = mother's previous husband before getting married to father,

Sf = sister full, Bf = brother full,

Sc, Bc = sister and brother consanguineous, Su, Bu = sister and brother uterine



Agnate = a person is called agnate when he /she can be traced to the deceased (or the person whose inheritors are to be decided) without a female link. Person died can be male or female and the heir can be male or female but the link in between must be males only.

Only the link should be males

Agnatic Ascendants : male - F, FF, FFF

: female - FM, FFM

Agnatic descendants : male - S,SS, SSS

: female - D, SD, SSD

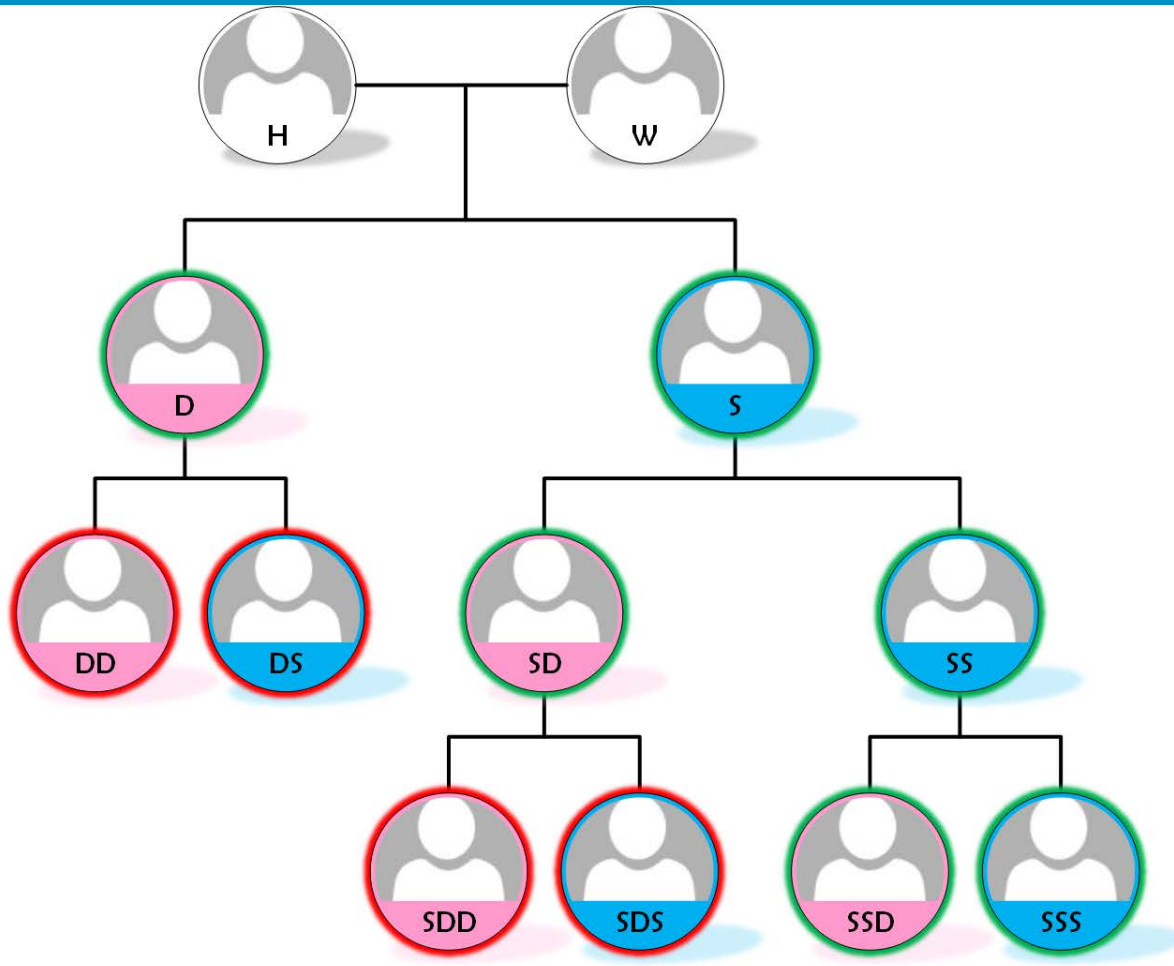
Agnatic Collaterals : male - Bf, Bc, BfS, BcS, PUf, PUc, PUS

: female - Sf, Sc, BfD...

Cognate = female link between the person and the deceased

e.g.: DD, Mother's father, sisters son

Agnate



Female
Agnate



Male
Agnate



Female
Cognate



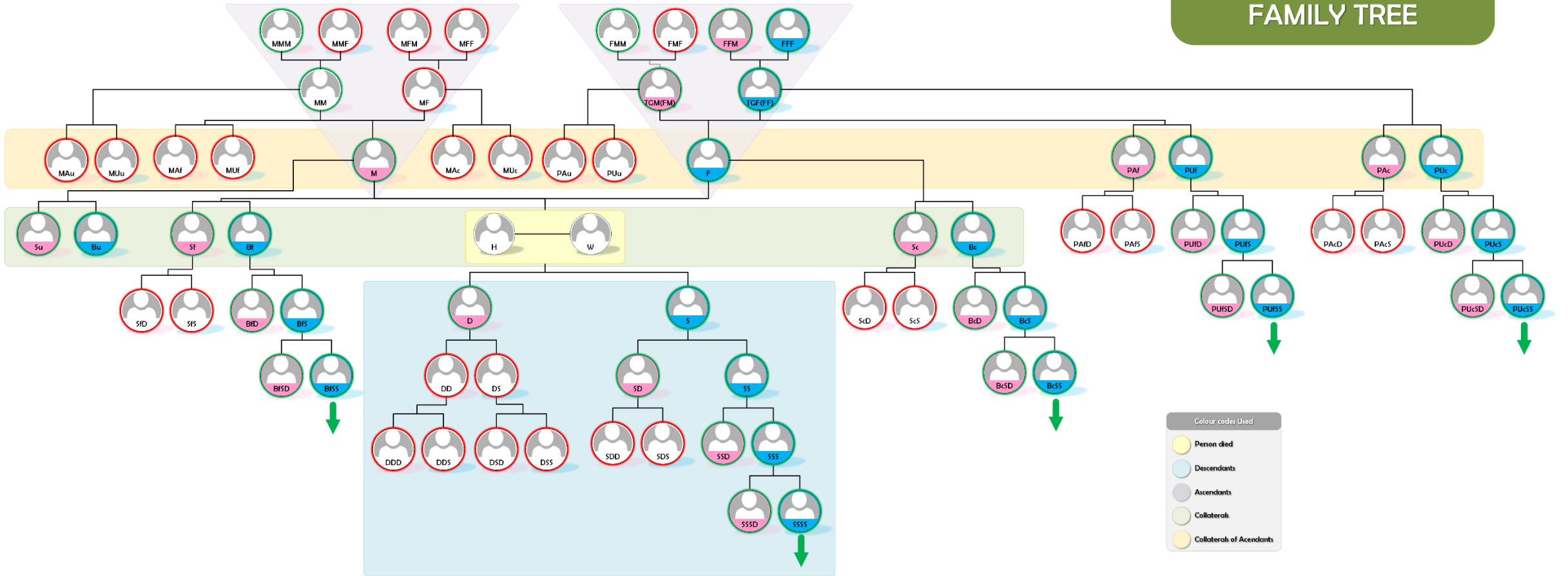
Male
Cognate

Understanding of this in a family tree is required for the following reasons

1. It decides the persons for residual shares - Asaba
or balance heirs. All male agnates are in this category
2. It is required in calculation of shares of H, W, F, M, TGF

In the chart below blue colour indicates male agnates and pink indicates female agnates

FAMILY TREE



Colour codes Used

- Person died
- Descendants
- Ascendants
- Collaterals
- Collaterals of Ascendants

1. Fixed share Heirs-12 in number-detail follows
2. Balance share heirs- male agnates- details see next
3. Radd – fixed heirs as balance heirs if group 2 are not there
4. Distant blood relatives- in the absence of above 1&2 – All blood relatives excluding 1 & 2 groups are included here
5. Spouse in the absence of above
6. One who freed the slave
7. Successor by contract
8. Acknowledged kinsmen
9. One who was given more than 1/3 as waseeyat
10. Baithul maal

Classification of Heirs

Based on importance

Primary Heirs: Always inherit –e.g. H, W, F, M, S, D

Never excluded

Secondary Heirs: Excluded by other heirs e.g. Bf, SS

Based on nature of relationship

1. Relations by blood
2. Relations by affinity - marriage

Classification of Heirs

Principle Classes - of prime importance

Secondary Classes - of less importance

Baithul Maal - Govt. treasury in Islamic country

Classification of Heirs

Principle Classes - of prime importance

1. Fixed share Heirs
2. Residuary Share Heirs
3. Distant Kindred

Classification of Heirs

Secondary Classes - of less importance

1. Freeing of a slave
2. Successor by contract
3. Acknowledged kinsmen
4. One who was given $>1/3$ as waseeyat

Classification of Heirs

Secondary Classes - of less importance

1. Freeing of a slave

If a slave who has been freed dies and there are no residuary to take the balance then the master who freed the slave becomes a residuary. Some place this class above the distant kindred.

In the present day this is of no significance

Classification of Heirs

Secondary Classes - of less importance

1. Freeing of a slave

2. Successor by contract

A successor by contract is a person with whom the deceased has made a contract to inherit his property after his death for some consideration

Shafei, Maliki and Hanbali do not recognize

Secondary Classes - of less importance

3. Acknowledged kinsmen

Here the deceased has acknowledges some one else from a different family as his kinship. E.g.. Person recognizes someone as his brother (kinship through father) or as uncle (kinship through grandfather). Acknowledgement of kinship through oneself like accepting someone as son is not considered as acknowledged kinsmen

Imam Shafei do not recognise this

Classification of Heirs

Secondary Classes - of less importance

1. Freeing of a slave
2. Successor by contract
3. Acknowledged kinsmen

4. One who was given $>1/3$ as waseeyat

In the absence of above all if there are no one then the person who has been mentioned in the waseeyat or the will takes the inheritance

Classification of Heirs - on order of priority

1. Quranic sharers - fixed shares
2. Asaba or residuary heirs (Agnatic heirs) - They take the balance
3. Shares to excess - Fixed sharer in the absence of class 2 except spouses
4. Distant relations
5. Spouse who become heirs to excess
6. One who freed the slave
7. Successor by contract
8. Acknowledged kinsmen
9. One who was given $> 1/3$ as waseeyat
10. Baithul maal

Inheritors

	Fixed Shares	Balance shares
Males	<ol style="list-style-type: none"> 1.Husband 2.Father 3.True grand father 4.Brother Uterine 	<ol style="list-style-type: none"> 1.Son 2.Son's son... 3.Father 4.True grand father 5.Brother full 6.Brother consanguineous 7.Brother full's son 8.Brother consang.'s son 9. Paternal uncle full 10. Paternal uncle consg. 11.Pat.uncle full's son 12.Pat.uncle consg's son 13.Releaser of a slave
Females	<ol style="list-style-type: none"> 5. Wife 6. Mother 7. Daughter 8. Son's daughter 9. Sister full 10. Sister consang. 11. Sister uterine 12. True grand mother 	<ol style="list-style-type: none"> 1.Daughter 2.Son's daughter 3.Sister full 4Sister consanguineous 5.releaser of a slave

Inheritors

Males	Females
1. Son	1. Wife
2. Son's son...	2. Mother
3. Father	3. Daughter
4. True grand father	4. Son's daughter
5. Brother full	5. Sister full
6. Brother consanguineous	6. Sister consanguineous
7. Brother full's son	7. Sister uterine
8. Brother consang.'s son...	8. True grand mother - father's mother
9. Paternal uncle full	9. True grand mother - mother's mother
10. Paternal uncle consang.	10. Releaser of a slave
11. Pat.uncle full's son	
12. Pat.uncle consang's son...	
13. Husband	
14. Brother uterine	
15. Releaser of a slave	

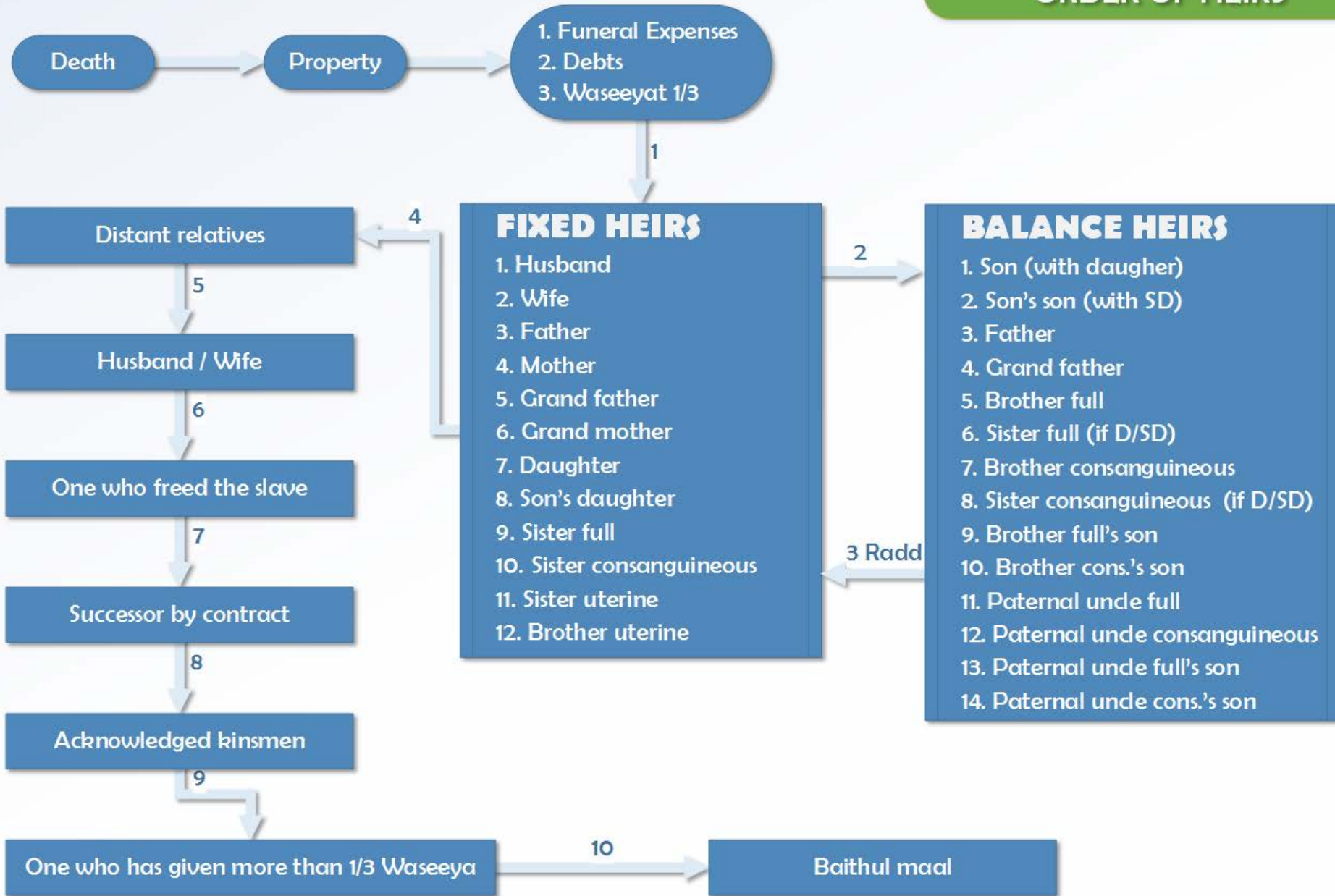
Black = Balance Heirs Green = Fixed heirs

ORDER OF HEIRS

difference of opinion among scholars

	Accepted by all	Some accept / reject
Fixed heirs	√	
Balance heirs	√	
Radd		*
Distant Relatives		*
Radd for spouse		*
Freeing slave		*
Successor by contract		*
Acknowledged kinship		*
More than 1/3 waseeyat		*
Baithul maal	√	

ORDER OF HEIRS



Names mentioned in Quran and confirmed by prophet (sas)

- ✓ They are first to be considered
- ✓ Total 12 in number
- ✓ Males 4 and females 8
- ✓ Out of which 5 are primary heirs- They are not excluded

Share fractions

1/2	1/4	1/8	1/3	2/3	1/6
D	H	W	M	D 2+	F
SD	W		B+S Ut >2	SD2+	TGF
S-f				S-f 2+	M
S-c				S-c 2+	SD
H					Sc
					B/S-Ut
					TGM

Fixed Share Heirs

Males	Females
Husband	Wife
Brother Uterine	Mother
Father	True grand mother
True grand father	Sister Uterine
	Sister full
	Sister Consang
	Daughter
	Son's daughter

Black = Fixed share only
Green = Fixed and/or balance Dual
White = Fixed or balance

Fixed share Heirs

Three groups

1. Only fixed shares : 6 – H, W, M, TGM, Bu, Su
2. Either fixed or balance shares : 4 – D, SD, Sf, Sc
3. Both fixed and/or balance share : 2 – F, TGF

Fixed share Heirs

A) Heirs by Affinity

1. Husband 2. Wife

B) Ascendants

3. Father 4. Mother 5. TGF 6. TGM

C) Descendants

7. Daughter 8. Son's daughter

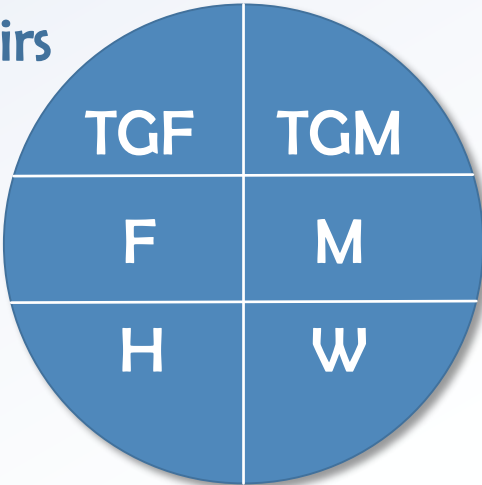
D) Collaterals

9. Sister full 10. Sister consang. 11. Sister uterine 12. Brother uterine.

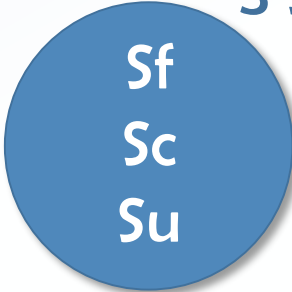
Easy To Remember

FIXED HEIRS

3 Pairs



3 Sisters

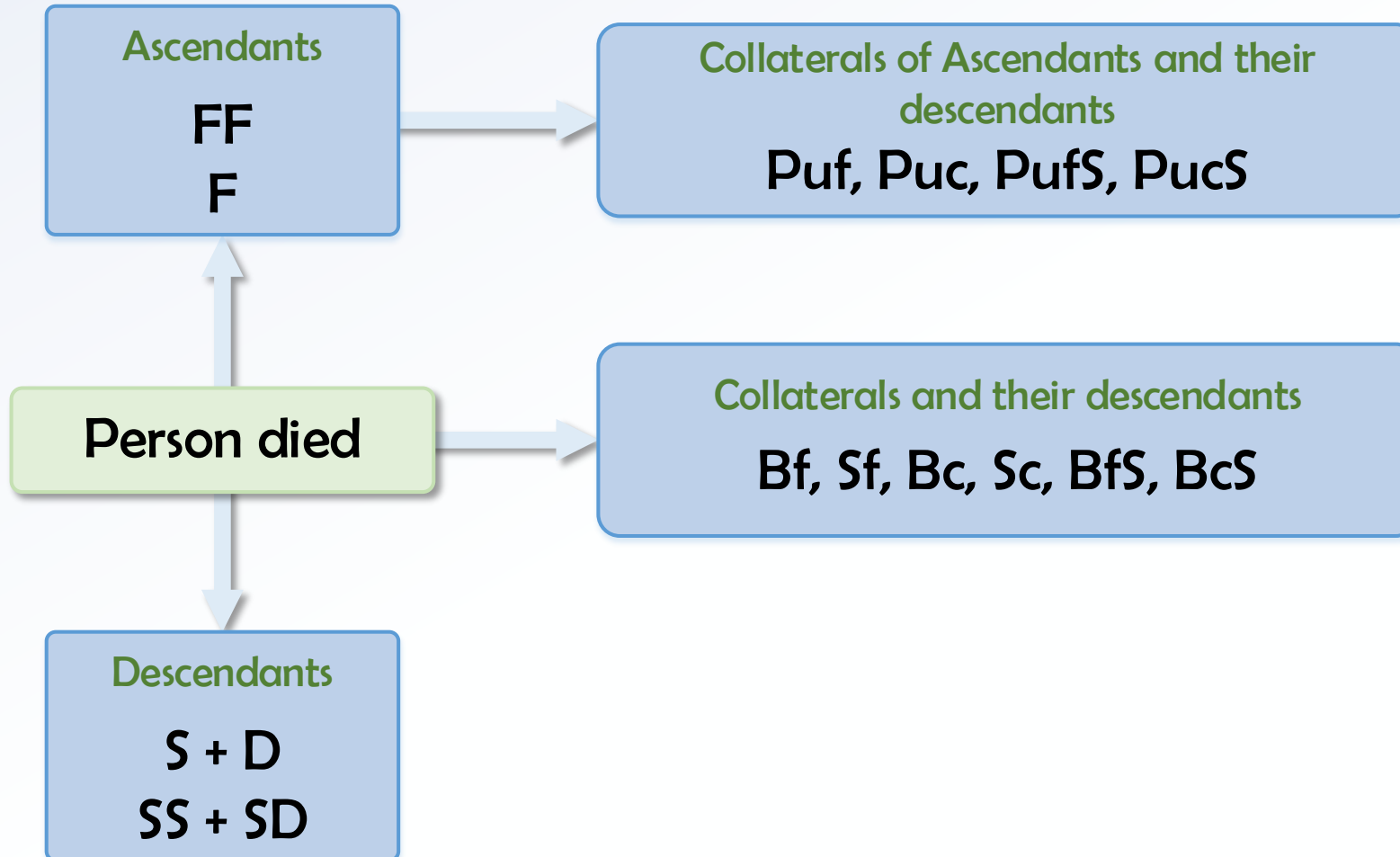


Balance Heirs

	Balance shares	
Males	1. Son	9. Paternal uncle full
	2. Son's son...	10. Paternal uncle consang.
	3. Father	11. Pat.uncle full's son
	4. True grand father	12. Pat.uncle consang's son
	5. Brother full	13. Releaser of a slave
	6. Brother consanguineous	
	7. Brother full's son	
	8. Brother consang.'s son	
Females	1. Daughter	
	2. Son's daughter	
	3. Sister full	
	4. Sister consanguineous	
	5. Releaser of a slave	

Easy to remember

BALANCE HEIRS



Each Sharer - Characteristics

- Primary or Secondary
- Excluded by e.g.; FM excluded by F
- Excludes e.g.: S excludes all B & S
- Share fraction and the conditions favouring them
- Effect on other sharer e.g.; S and D reduce spouse's share
- Effect of other sharers on the person e.g.; M share reduced by 2 or more B/S
- Special occasions

الْحَمْدُ لِلَّهِ

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

اللهم صلِّ وسلِّم وبارك على عبدك ورسولك محمد سيد الأولين

والآخرين، وعلى آله وصحبه أجمعين