

MESSAGE OF THE QUR'AN

Translation and Brief Elucidation

By
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Surah An-Nisa—cont...

(Ayaat 11-14)

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلَّذِ كَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ ۚ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَكَهْنٌ ثُلَاثًا تَرَكَ ۚ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ ۚ وَلَا يُؤْتِيهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا الشُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ ۚ فَإِنْ لَّمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَتْهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ ۚ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ الشُّدُسُ ۚ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ ۚ أَبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا فَرِيضَةٌ مِّنَ اللَّهِ ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا ۝

- (11) "CONCERNING [the inheritance of] your children, Allah enjoins [this] upon you: The male shall have the equal of two females' share; but if there are more than two females, they shall have two-thirds of what [their parents] leave behind; and if there is only one daughter, she shall have one-half thereof. And as for the parents [of the deceased], each of them shall have one-sixth of what he leaves behind, in the event of his having [left] a child; but if he has left no child and his parents are his [only] heirs, then his mother shall have one-third; and if he has brothers and sisters, then his mother shall have one-sixth after [the deduction of] any bequest he may have made, or any debt [he may have incurred]. As for your parents and your children - you know not which of them is more deserving of benefit from you: [therefore this] ordinance from Allah. Verily, Allah is all-knowing, wise."

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَّمْ يَكُنْ لَهُنَّ وَلَدٌ ۚ فَإِنْ كَانَ لَهُنَّ الرِّبْعُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ ۚ وَلَهُنَّ الرِّبْعُ مِمَّا تَرَكَنَّ إِنْ لَّمْ يَكُنْ لَكُمْ وَلَدٌ ۚ فَإِنْ كَانَ لَكُمْ الثَّمَنُ مِمَّا تَرَكَتُم مِّنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ ۚ وَإِنْ كَانَ رَجُلٌ يُورِثُ كَلَّةً أَوْ امْرَأَةً وَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا الشُّدُسُ ۚ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ ۚ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ ۚ غَيْرَ مُضَارٍّ ۚ وَصِيَّةٌ مِّنَ اللَّهِ ۚ وَاللَّهُ عَلِيمٌ حَلِيمٌ ۝

- (12) "And you shall inherit one-half of what your wives leave behind, provided they have left no child; but if they have left a child, then you

shall have one-quarter of what they leave behind, they may have made, or any debt [they may have incurred]. And your widows shall have one-quarter of what you leave behind, provided you have left no child; but if you have left a child, then they shall have one-eighth of what you leave behind, after [the deduction of] any bequest you may have made, or any debt [you may have incurred]. And if a man or a woman has no heir in the direct line, but has a brother or a sister, then each of these two shall inherit one-sixth; but if there are more than two, then they shall share in one third [of the inheritance], after [the deduction of] any bequest that may have been made, or any debt [that may have been incurred], neither of which having been intended to harm [the heirs]. [This is] an injunction from Allah: and Allah is all-knowing, forbearing."

تِلْكَ حُدُودُ اللَّهِ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا ذَلِكَ الْفَوْزُ الْعَظِيمُ

- (13) "These are the bounds set by Allah. And whoever pays heed unto Allah and His Apostle, him will He bring into gardens through which running waters flow, therein to abide: and this is a triumph supreme."

وَمَنْ يُعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا وَلَهُ عَذَابٌ مُهِينٌ

- (14) "And whoever rebels against Allah and His Apostle and transgresses His bounds, His Will He commits unto fire, therein to abide; and shameful suffering awaits him."

Note: All Translations employed are from the work of Muhammad Asad

Epigrammatic Interpretation

These four verses must be taken as a seamless unit in order to understand the subject content and context. The first two verses deal with 'Ahkam' (injunctions) of inheritance, while the latter two expound on the rationale behind the revealed verses and the consequences of acting on them or otherwise.

Verse 11 starts with the emphatic statement, 'Allah (SWT) enjoins upon you regarding your children', indicating what is to follow shall be of prime importance in the everyday lives of individuals, structure of the family and the fabric of the society at large. The Qur'an uses such accentuation whenever a message of profound importance is to be delivered to mankind. This section is an epitome of the eloquence and comprehensiveness of the word of Allah, where the entire law of Inheritance as envisioned by Islam has been outlined in merely four Ayat. Muslim commentators and jurists have expounded these verses and the laws contained therein to write volumes on Islamic laws of

inheritance. The inclusive and comprehensive nature of these verses not only testify to the miracle of Qur'anic articulacy, but also serve as a basis for understanding the significance of women's rights as espoused by Islam. One has to remark that these verses in which the rights to life, property, inheritance and dignity of women have been championed by Islam were revealed 1400 years ago, at a time when women were generally treated as slaves or worse, in the east and the west alike.

The verse explicates important injunctions placed in reference to the Islamic laws of inheritance and states their rationale. From the onset, it draws attention of people towards the responsibility to their blood relatives, particularly the young, weak or vulnerable, particularly children.

It would be useful to mention that the reader must note of the following important rules when endeavoring to understand and interpret the injunctions regarding Islamic laws of inheritance.

- The share of inheritance for males is ordained to be twice that of the females. This cardinal principle runs like a thread through the entire subject, whereby in all following instances the *Islamic universal ratio* of two to one holds. Therefore, a son gets twice the share of a daughter; a father gets twice the share of a mother; a brother gets twice the share of a sister and so on. This generic ratio is the underpinning principle for dealing with all matters of inheritance.
- The Qur'anic injunctions on inheritance have to be understood and interpreted as mathematical equations, expressed in steady progression. The implication is that while in its simplest form setting the underlying rules for all subsequent interpretation, merely two variables (relations) i.e., son(s) and daughter(s), pairs of variables (relations) are added, extrapolated in subsequent parts of the same verse or in following verses to achieve closure.
- Certain variables (relations) are added further and explained in the Hadith rather than the Qur'an itself. Therefore, the knowledge present in the body of relevant authentic hadith must also be taken into consideration.
- The big picture can only be understood and correct calculations made once all relevant verses of the Qur'an and additional decrees from the hadith have been put together as

an integrated and seamless whole.

- As mentioned in the present verse, all calculations for shares of relatives are made only after any willed bequest (Wasiah) of the deceased, no more than one-third of the total inheritable value, has been bequeathed and any outstanding loan has been settled.

The injunctions about inheritance in this verse and the practical implications in Islamic jurisprudence are as follows:

- 1- The son(s) will inherit from a share of two-thirds of the deceased while the daughter(s) will get from the remainder one-third, if there are no other relatives. Hence, if all other things remain constant, son(s) of the deceased will inherit twice that of the daughter(s).
- 2- If the deceased has left only daughters (plural) and no sons, then the share of these daughters, two or more, will not exceed two-third of the total inheritance, in the absence of any other relatives. The remaining one-third will go to others, which are described in more detail in another place in the Qur'an and in the body of ahadith.
- 3- If the deceased has left only one daughter (singular) and no sons, then the share of the daughter will not exceed one-half of the total inheritance, in the absence of no other relatives. The remaining one-half will go to others, which are described in more detail in another place in the Qur'an and in the body of ahadith.

Note on points 2 and 3: If the deceased did have other relatives such as brothers, sisters, mother or father, etc., then they would become part of the inheritance calculation and will claim their respective shares following the *Islamic universal ratio* of male to female.

- 4- If the deceased has left only one son and no daughters, then he will inherit all. This is in conformity to the basic guideline of 'two-thirds for male and one-thirds for female', as in case of only one daughter, she gets one-half of the inheritance. The son, therefore, gets twice that of the daughter, which in this case happens to be the whole.

The subsequent section of the verse pitches two additional pairs of variables, namely, mother and father and brothers and sisters.

- 5- If, in addition to his/her progeny, the deceased's parent are alive, then they will get one-sixth of the total inheritable value, in the ratio two for father to one for mother.
- 6- If the deceased has left neither offspring nor any other relatives except parents, then the whole inheritable value will be shared amongst his/her father and mother in the ratio two to one.
- 7- If the deceased has left neither offspring nor other relatives except parents and siblings, then the mother will claim one-sixth (and the father one-third), while the remaining one-half will be shared between the brother(s) and sister(s) of the deceased in the ratio two to one.

The verse then draws attention of people to their duty, including share in inheritance, towards their parents and children. It ends by providing the rationale for fixed shares of inheritance declaring that Allah, the Omniscient, maintains justice and objectivity in matters more than the subjectively-motivated human beings can ever do. The divisions and shares of inheritance for offspring, parents, siblings and other relatives predetermined by Allah, the Most Wise, are above any bias towards one or the other.

Verse 12 continues the subject and expounds the share of inheritable value of the spouses as another variable (relation) in the inheritance equation. Points 8 and 9 relate to the share of inheritance of the husband while points 10 and 11 detail that of the wife (wives).

- 8- If the deceased woman has left no offspring, then her husband will claim one-half as his share of the inheritable value, and the rest will be claimed by her siblings and other relatives according to their respective shares, keeping the *Islamic universal ratio* of male to female intact.
- 9- If the deceased woman has left offspring, then her husband will claim no more than one-fourth of the inheritable value and the rest, after satisfying the share of offspring, will be claimed by her siblings and other relatives according to their respective shares, keeping the *Islamic universal ratio* of male to female intact.
- 10- If the deceased has left no offspring, then his wife (wives) will claim one-fourth as share of the inheritable value, and the rest will be claimed by his siblings and other relatives according to

their respective shares, keeping the *Islamic universal ratio* of male to female intact.

- 11- If the deceased has left offspring, then his wife (wives) will claim no more than one-eighth of the inheritable value and the rest, after satisfying the share of offspring, will be claimed by his siblings and other relatives according to their respective shares, keeping the *Islamic universal ratio* of male to female intact.
- 12- The last category of claimants to inheritance is explained in context of the circumstances of the deceased himself/herself, with reference to his/her genealogy. If the deceased has left inheritance with no living offspring or parents, s/he is referred to as 'Qalala' translatable as 'without any inheritor'. It must be noticed that in Islamic Jurisprudence, the legal term 'Qalala' is limited to the inclusion of parents, offspring and spouses only and does not entail siblings or other blood or naturalized relations. The relations that constitute 'Qalala' are then subdivided as 'Usool' (from *root*) and 'Frooh' (from *progeny*). While 'Asal' refers to the roots of a person, i.e., his/her parents, 'Frooh', refers to his/her offspring. Together, the roots and the progeny constitute the primary benefactor of inheritance. Add the relation of spouse(s) and the resulting triad formulates the first circle of inheritors. Irrespective of gender, the deceased can be called 'Qalala' if s/he has either a half-brother or a half-sister alive. Verse 176 of the same Surah elaborates that only the brothers or sisters from the mother's lineage fall in the definition of 'Qalala', hence dealing with the share in inheritance of 'stepbrothers' and 'stepsisters'. In contemporary legal terms, children sharing common parents are called blood siblings, while those having one of the two parents, either mother or father common, are called stepsiblings or half siblings. In Islamic Jurisprudence the three possible scenarios are dealt with separately with different taxonomical labels. Blood siblings, with common parents, are called 'Aaini' brothers and sisters. When the siblings share a common father but not mothers, they are called 'Alati' siblings. Lastly, when they share a common mother but not fathers, they are called 'Akhyafi' brothers and sisters. In cases where parents are common or the father is common, the

children are eligible for their share in inheritance of their deceased parent automatically. The case of 'Qalala', applies only to this last category, i.e., 'Akhyafi' stepsiblings, in which according to Islamic law the mother is common, thus preserving and protecting the rights of women to an unparalleled degree. The application is such because Islam considers the seed of the father to be the identifying factor for organizing a cohesive family structure and social fabric. This proves that the choice of origin for lineage does not stem from discriminatory view towards women or patriarchal tendencies as professed by critics of Islam, but is for purely administrative reasons alone. The rule of thumb for the 'Akhyafi' siblings' claim to the share of inheritance is states below:

- 13- If the deceased has left no other blood relatives but 'Akhyafi' siblings (his/her offspring), then each will claim no more one-sixth, with a total share for the 'Akhyafi' siblings not exceeding one-third of the inheritable value, keeping the *Islamic universal ratio* of male to female intact.

The final fragment of verse 12 and the whole of verse issue a warning note to all that the conditions of justice set forth by Allah must not be transgressed and no one should be harmed by denial of their legal claim to inheritance. Furthermore, the set shares are declared to be the 'boundaries and limits of Allah', which only disbelievers digress. In cases where the limits of Allah have been transgressed, the consequential injustice must be rectified. An example of transgression of the limits of Allah would be a bequest made by a father for his own son, because the son's share has already been fixed by Allah, the Most Wise, and such 'Wasiah' will be deemed void ab initio. The bottom line is that the share of inheritable value fixed by Allah (SWT) for the mentioned relations, male and female, must be observed under all circumstances. It is prohibited to make bequest for offspring, parents, siblings, spouses and other relatives to a maximum of a third of the wealth, after settling any outstanding debt, with specific shares of inheritance fixed in Islamic law. Bequests are supposed to be for the general good and welfare of the people and could include a donation for charity, for orphans, for some destitute distant relatives and so on. Allah gives stern warning to those who alter His ordinances and that He the All-Knower and All-Wise.

Muslims we must be careful in matters of everyday life and ensure that the decrees and ordinances of Allah are followed in letter and spirit, particularly in cases where the limits have been declared vividly.

It was a common observation that Muslims in pre-partition Indian subcontinent used to pledge in British courts for their inheritance matters to be sorted according to custom, rather than Shariah Law. The sorry tale continues on in present-day Pakistan, India and Bangladesh, where a vast majority of the population still shows a tendency of preferring custom to Shariah law.

Verse 14, therefore urges Muslims to obey the limits of Allah and gives glad tidings to those who submit to the ordinances of Allah and His messenger. The verse says that these successful people, whose faith reflects in their practice, will enter gardens with rivers flowing underneath, which will be their eternal abode. It also warns those who disobey Allah (SWT) and His messenger and trample the limits placed by Allah (SWT), they will enter the hellfire, which will be there eternal abode.

Addendum

Prior to our explanation starting from verse 15 in the next issue, it is imperative to add and examine the crucial notion of Inheritance that Islam as a Deen lays such great emphasis on. It must be noted that the first mention of 'Inheritance' and hence its first directive is to be found in the verses of the 22nd section of Surah Baqara, which incidentally happens to precede Surah An-Nisa. The verses outline the injunctions for inheritance in the case where death catches up with a person in sojourn. If the soon to be deceased (by Allah's decree) is leaving some willable and hence inheritable property or wealth for the heirs to share, **must** make a solemn pledge in the presence of judicious witnesses in favor of his/her parents, relatives and other heirs, keeping the Islamic universal ratio of male to female intact, and allowing for any bequest that has been bequeathed, not more than a third of the willable amount and after accounting for any outstanding debt.

The importance that both the Qur'an and the Sunnah (Hadith) give to the concept and application of laws of inheritance in itself is proof enough to understand the kind of social justice Islam as a Deen wants to enforce in its dominion. For example, by following the injunctions

about the division of inheritance between men and women, wealth can never be accumulated in the hands of a specific gender. Similar is the case with the rights of the money-lender sans interest. Islam also encourages philanthropic activities and a portion of the inheritable value may be set apart, as an option, to charities and other works of human welfare. The Islamic laws of Inheritance take into account relationships as heirs both in terms of off-springs and parents, near and dear ones and distant ones, thus providing justice to all. As stated in the last edition, the verses regarding laws of inheritance were revealed progressively and kept vigil of the strongly tribal Arab Bedouin culture. Naturally, therefore, in the versesw of Surah Al-Baqara, the portions of inheritance were not fixed per se. The general rule of making a Wasiah (Will) was however decreed (made Farz) and in addition, both men and women were included in the process of division. The verses also make mention of the share of relatives, poor, needy, orphans and encouraged bequests and paying off any outstanding debt. It was in Surah An-Nisa that the entire subject of inheritance was explained openly and in such detail that no jot was left out. We shall thus say that the verses of Surah Al-Baqara regarding the laws of inheritance stand abrogated (no longer valid) by the later revelation on the same subject in Surah An-Nisa. One must however mindful of the injunctions laid about the subject in the Sunnah (Hadith), which is why the whole body of the subject to be found at various places in the Qur'an and the Sunnah (Hadith) must first be compiled before issuing a religious degree on such matters. The pensive reader is advised to read the earlier section of this discourse published in the previous issue of Hikmat-e-Qur'an.