

Shaykh Mashhūr Hasan Āl Salmān
(hafīdhahullāh)

ON INSTANCES WHEN WOMEN CAN INHERIT MORE THAN MALE RELATIVES¹

“...SOME TEACHERS, AND EVEN SOME OF THOSE WHO ASCRIBE THEMSELVES TO KNOWLEDGE...THINK THAT A WOMAN IS ALWAYS TO TAKE HALF OF THE INHERITANCE THAT A MAN DOES – THIS IS INCORRECT. A WOMAN TAKES HALF OF WHAT A MAN DOES IF SHE IS A SISTER [WITH OTHER BROTHERS]. YET IF SHE IS AN ONLY-DAUGHTER AND THE OTHER PEOPLE TO INHERIT ARE BROTHERS [OF THE DECEASED] THEN SHE WILL TAKE MUCH MORE THAN HER PATERNAL-UNCLES.”

This brother asks:

“What is the ruling on dividing the inheritance while the father is still alive?”

Answer from Shaykh Mashhūr:

Dividing the money while the father is still alive is to be deemed as a [financial] gift rather than inheritance. If you want to give something to your children then first of all the male is like the female there is no difference. Giving gifts to your children while you are still alive does not differentiate between male and female, based on what has been verified in the Two Saheehs from

¹ From our Shaykh’s Q and A session at Masjid Maraj ul-Hamām, Ammān, Jordan, dated Saturday 8 February 2014 CE, see 17:30 here:

<http://www.youtube.com/watch?v=fQ6-I4flkuE>

the hadeeth of Nu'mān ibn Basheer (*radi Allāhu 'anhu*) that he went to the Prophet (*sallallāhu 'alayhi wassallam*) and said: "O Messenger of Allāh, I gave one of my children a date-palm tree", and in another narration "a gift". The Prophet (*sallallāhu 'alayhi wassallam*) said: "Did you do the same for the rest of your children?" This is because Allāh says,

﴿يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ﴾

“Allāh instructs you concerning your children (i.e. their portions of inheritance): for the male, what is equal to the share of two females.”

{*an-Nisā* (4): 11}

The word 'Awlād' is to be applied to both male and female. An-Nu'mān replied: "No." The Prophet (*sallallāhu 'alayhi wassallam*) said: "I do not bear witness to transgression, I do not bear witness to oppression." Thus, giving gifts to children, in this life, then the children, if he wants to divide among those who bequeath him, both male and female are to be deemed as equal. Some people however do not think about this and they want to do away with [the financial responsibility of] their daughters, such a person does not have any mercy in his heart. By Allāh your daughter having a life wherein she is concealed takes precedence over just abandoning your children. Your son may be able to deal with the difficulties in life, but a female is not like that. Some of the brothers say "my daughter married a man who was distant and not known", yet you also give your money to the wife of your son! She is also to be deemed as "distant and not known".

Why do you reject Allāh's ruling? You are at the end of your life so try and get the reward, the Prophet (*sallallāhu 'alayhi wassallam*) said: "That you leave your children wealthy is better than them being poor having to beg from people."² So O you father, if you have wealth then know that the Prophet (*sallallāhu 'alayhi wassallam*) instructed a man to leave after his death wealth to those who will inherit from him, and he gave precedence to leaving wealth to those who will inherit from him over giving charity to the poor and destitute. So father, when you die and you leave behind children you will have a reward greater than that of giving charity to the poor and destitute.

² [TN]: from Sa'd ibn Abī Waqqās (*radi Allāhu 'anhu*) in Saheeh Bukhārī.

And know that it is your Lord who has made this division of wealth among the children, your Lord, Mighty and Majestic, is the Most Just of those who are just, there is not to be any oppression of women. Some people unfortunately err in this topic, some Khutabā' [sermonizers], some teachers and even some of those who ascribe themselves to knowledge, as they think that a woman is always to take half of the inheritance that a man does – this is incorrect. A woman takes half of what a man does if she is a sister [with other brothers]. Yet if she is an only-daughter and the other people to inherit are brothers [of the deceased] then she will take much more than her paternal-uncles. For instance, a man dies and he has ten brothers and two daughters and a wife, how are we to distribute the inheritance? The two daughters get two-thirds, the wife an eighth and the rest goes to the ten uncles. So how much do the daughters get in relation to the paternal-uncles? Over double the inheritance. There is a view, for which Allāh has not Revealed any authority, and is widespread among people, which claims that a woman always takes half of what a man does in inheritance. This is lie on Allāh's deen and incorrect. The woman takes half of what a man does if she is a sister [with other brothers], just when she has brothers. As for when she is an only-daughter with ten paternal-uncles, how much will the daughter take in inheritance? Half! And the ten brothers [of the deceased] how much do they take in inheritance? The remaining half, so in this case she takes more than all of the men, and so forth. So if you want to divide the inheritance you have to be just.