

11 Introductory Points to the study of Farāid (inheritance)

11 Introductory Points to the study of Farāid (inheritance)

Electronic Edition - Version 1.00
Wednesday 20 July, 2022

Copyright © 2022 - Madeenah.com

2

All Rights Reserved*

No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior written permission of the copyright owner; *Except for one who wishes to charitably print and freely distribute this publication, "as is" - strictly without change, solely seeking the Pleasure of Allaah (وَلَا تَبْتَغُوا فِيهَا فَسَادًا يَحْتَسِبُ).

فَمَنْ كَانَ يَرْجُوا لِقَاءَ رَبِّهِ فَلْيَعْمَلْ عَمَلًا صَالِحًا وَلَا يُشْرِكْ بِعِبَادَةِ رَبِّهِ إِنَّ

**“So whoever hopes for the Meeting with his Lord,
let him work righteousness and associate none
as a partner in the worship of his Lord.”**

The Noble Qur.aan - Soorah al-Kahf, Aayah 110

Compiled by

Abu Taymiyyah Muhammad
Abul Abbaas Naveed Ayaaz

Publisher

Madeenah.com
al-Madeenah an-Nabawiyah
Saudi Arabia
eMail: admin@madeenah.com

madeenah.com

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

3

“

*There are ten key
introductions which
give the student
an insight to any
branch of knowl-
edge.*

”

4

In the name of Allāh, the Most Merciful, the Bestower of Mercy.

There are ten key introductions which give the student an insight to any branch of knowledge. These ten key introductions have been summarized in the following lines of poetry.

إِنَّ مَبَادِيَّ كُلِّ عِلْمٍ عَشْرَةٌ الْحَدُّ وَالْمَوْضُوعُ ثُمَّ الثَّمَرَةُ
وَفَضْلُهُ وَنِسْبَةُ وَالْوَاضِعُ وَالِاسْمُ الْإِسْتِمْدَادُ حُكْمُ الشَّارِعِ
مَسَائِلُ وَالْبَعْضُ بِالْبَعْضِ اكْتَفَى وَمَنْ دَرَى الْجَمِيعَ حَازَ الشَّرْفَا

The ten key introductions are:

- 1. Al-Ḥadd:** The technical definition of the branch of knowledge being studied. If it is one of the Islamic sciences, the Shar'ī definition is stated. Any definition must be concise, precise and comprehensive.
- 2. Al-Mawdū':** The subject matter which is being studied within the branch of knowledge. For example, the subject matter of the study of medicine is: human physiology, diseases and cures.
- 3. Ath-Thamarah:** The benefits and fruits of studying the particular branch of knowledge.
- 4. Al-Fadl:** The virtue and merits of this branch of knowledge, over the other sciences.
- 5. An-Nisbah:** The relationship between this particular branch of knowledge to the other various sciences.
- 6. Al-Wādi':** The founder(s) of the branch of knowledge as an independent science. Often, there is no one founder however there are personalities who have influenced its evolution through authorship, tutorship and the defining of principles.
- 7. Al-Isim:** Its name(s) by which it is known, and differentiated from other sciences.
- 8. Al-Istimdād:** The roots of this branch of knowledge, and its dependency on the other sciences.

“

These ten key introductions have been summarized in the following lines of poetry...

”

5

9. Al-Ḥukm: The ruling of the Sharī'ah with regards to its teaching and studying. This ranges from it being Mubāḥ (permitted) which is often the case with secular sciences, to Wājib (obligatory) such as the study of Tawḥīd and aspects of Fiqh.

10. Al-Masā'il: The individual issues studied within Farāid.

In order to enable a more complete insight into the science, an 11th introductory point has been added which is "al-Maṣādir" i.e. relevant resources and major works which can be used as a reference point for students of knowledge.

This article will provide an insight to the knowledge of Farāid by applying the above 11 introductory points to this science.

1. Definition

The technical definition of the knowledge of Farāid is:

عِلْمٌ يُعْرَفُ بِهِ مَنْ يَرِثُ وَمَنْ لَا يَرِثُ وَمِقْدَارُ مَا لِكُلِّ وَارِثٍ

A branch of knowledge which enables a person to determine who inherits [the wealth of the deceased], and who does not inherit, and the amount of inheritance entitled to each heir.¹

2. Subject matter

The wealth and property of the deceased, and the rights of the heir(s), to ensure that the right amount is distributed to those who are entitled.

3. Benefits

Through the study of Farāid, a person is able to distribute the wealth of the deceased according to the laws of the Sharī'ah. This is in addition to the attainment of reward for studying and teaching Islamic knowledge.

4. Virtues

Through the study, teaching and implementation of Farāid, the Sharī'ah is preserved and its laws are applied, thus ensuring justice and the removal of oppression. From the particular virtues of this science, is that reconciliation often occurs between disputing parties within families, thus the ties of kinship are preserved.

“

In order to enable a more complete insight into the science, an 11th introductory point has been added which is “al-Maṣādir” i.e. relevant resources and major works which can be used as a reference point for students of knowledge.

”

1 At-Taḥqīqāt al-Mardiyyah fī al-Mabāḥith al-Fardiyyah by Ṣāliḥ al-Fawzān.

6

The Prophet ﷺ said, “Ensure the inheritance reaches its [deserving recipients]...”²

“Learn the laws of inheritance and teach it, for it is half of knowledge, but it will be forgotten. This is the first thing that will be taken away from my nation.”³

5. Its relation to other sciences

Farāid is a branch of Fiqh; however accepting the appropriateness and fairness of the laws of Farāid is an aspect of ‘Aqīdah.

6. Founder(s)

Since Farāid is a branch of Fiqh, with its evidences in the Qur’ān and Sunnah, it has no “founder” except Allāh, and then His Messenger ﷺ as the one who conveyed its rulings. However there are various people who played a major role in its evolution as a science such as the Companions of the Prophet ﷺ, especially the Rightly Guided Caliphs.

7. Name(s) of the science

This branch of knowledge is known through various names, including

- “Al-Farāid”
- “Al-Mawārīth”
- “Fiqh at-Tarikāt”.

All the above names portray the same meaning i.e. the laws of inheritance.

8. Its roots

The roots of Farāid stem from Fiqh, and Fiqh is rooted in the evidences of the Qur’ān and Sunnah. The laws of Farāid were also influenced by the Ijtihād [judgements and rulings] of the Ṣaḥābah, especially the Rightly Guided Caliphs.

“

Learn the laws of inheritance and teach it, for it is half of knowledge, but it will be forgotten. This is the first thing that will be taken away from my nation.

”

2 Narrated by Ibn ‘Abbās; Collected by al-Bukhārī & Muslim.

3 Narrated by Abu Hurayrah; Collected by Ibn Mājah, at-Tirmidhī, al-Ḥākim, al-Bayhaqī and others; Graded Da‘īf by Albānī in Irwā al-Ghailī.

7

A person requires the knowledge of Tafsīr to understand the Āyāt relating to inheritance; some understanding of the Arabic language, and there is an assumption of a person's abilities to carry out simple math's equations such as fractions.

9. Its Islamic ruling

Its ruling differs depending upon the role of the person:

- It is Fard 'Ayn i.e. an individual obligation in terms of implementing the laws of Farāid. Every Muslim is obligated to accept the distribution of inheritance, and implement it according to Islām.

- Its learning is Fard Kifāyah i.e. a communal obligation upon the students of knowledge and scholars, to ensure the laws are applied correctly by the Muslim Ummah.

10. Its issues

The issues which the science of Farāid revolves around are: knowing the people who are entitled to inheritance, and those who are not, knowing the amount each is entitled to, and the conditions of inheritance.

11. Beneficial references

The science of Farāid is based upon three Āyāt in the Qur'ān, all in Šūrah an-Nisā. They are Āyāt no. 011, 012 and the last Āyah 176.

As for the Aḥādīth which explain the above Āyāt, and the judgements and rulings of the Šaḥābah, they are found in the various compilations of Ḥadīth.

There are other works which have become a reference point for this science, three particularly beneficial ones are:

- "Ar-Raḥbiyyah fī 'ilm al-Farāid"; a poem composed by Imām Muwaffaq ad-Dīn Muḥammad ar-Raḥbi.

- "Talkhīs al-Farāid" by Imām Ibn 'Uthaymīn.

- "At-Taḥqīqāt al-Mardiyyah fee al-Mabāḥith al-Fardiyyah" by Shaykh Šāliḥ al-Fawzān.

Allāh knows best, may peace and salutations be upon the Prophet, his family and companions.

“

The issues which the science of Farāid revolves around are: knowing the people who are entitled to inheritance, and those who are not, knowing the amount each is entitled to, and the conditions of inheritance.

”