



SOCIO-ECONOMIC AND RELIGIO-LEGAL IMPORTANCE OF ESTATE DISTRIBUTION IN ISLAMIC LAW

By

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Abstract

This paper examined Socio-Economic and Religio-Legal Importance of Estate Distribution in Islamic Law. In order to achieve the aim and objectives of this research, the meaning of Islamic inheritance and significance of Islamic rules of inheritance were briefly discussed. The paper adopted a doctrinal method of research by conducting in-depth analysis of the primary and secondary sources of legal research. It specifically examined and analysed Chapter 4 verses 7, 11, 12 and 176 of the Glorious Quran and some prophetic traditions with a view to pointing out economic, social, religious and legal importance of distribution of estate in Islamic Law. The paper found that in pre-Islamic Arabia, daughters, mothers, widows, sisters and minors were excluded from succession, but, with advent of Islam, the moral and social position of women were raised thereby giving them heritable rights. The writer's major finding is that distribution of estate serves as a method of re-distribution of wealth among the heirs and it breaks up the concentration of wealth from the hands of few individuals and spreads it out in the society. The paper recommended that this area of knowledge should be learnt, taught and encouraged among Muslim community through the regular holding of conferences, seminars, workshops and public campaigns to bring about awareness of its importance among the Muslims.

Keywords: Inheritance, Distribution of Estate, Succession, Islamic Law, Islam, Hadith

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1.0 INTRODUCTION

The institution of inheritance is not a new phenomenon among the people and ages. In fact, it is as old as the world itself. Every religion or legal system has its distinct mode of sharing the estate left by its dead subject. The institution occupies a vintage position in any given society whether such society is primitive, developed or developing. Therefore, because of the status of this institution, no society or legal system can afford to close its eyes to the importance of distribution of estate generally and in Islamic Law in particular because it constitutes a major method of acquisition of wealth and property.

It is a truism of Islam and Islamic Law that as regards the relations of the individual and the society, Islam and indeed Islamic Law give to the individual what belongs to the individual and to the society, what belongs to it. The individual and the society have been conceived in Islam not as antithetic but as complementary. The individual realizing himself through the society while the society through the individual. Indeed, in its unique system, Islam and Islamic Law have steered clear of the short comings of both cruel individualism¹ and brutal collectivism, giving man and humanity a synthesis which is natural and rational.²

Distribution of estate is synonymous with inheritance and it takes place when living persons rightfully acquire the dead person's property. It exists in some form wherever the institution of private property is recognised³ as the basis of economic and social system. The actual forms of inheritance and the laws governing them, however, differ according to the ideals of different societies. In Islam, the law of inheritance is governed by Islamic Law of Inheritance.⁴ Therefore as one of the major methods or ways of acquisition cum transfer of wealth and property in Islam, Islam and indeed Islamic Law attach great importance to distribution of estate.

The paper seeks to discuss the meaning of Islamic inheritance and significance of its rules. The paper takes a critical look at and examined the importance of distribution of estate in Islamic Law from economic, social, religious and legal perspectives. The study will conclude with suggestions and necessary recommendations.

¹ Capitalism is pre-supposed here as an economic system in which a country's business and industry are controlled and run for profit by private owners rather than by the government. See Wehmeier, Sally et al (Ed.) *Oxford Advance Learner's Dictionary of Current English*, Oxford: Oxford University Press, 2006, 210.

² Marxism in its brute form, with an iron regimentation bordering on slavery is being referred to here. As a theory of social Atomism, it regards the individual as the primary unit of the Social Whole. But very soon it absorbs him in the concept of class-war and filially drowns his identity in the whirlpool of Social Expediency where the loyalty to the Politbureau overrides all other loyalties, including that to the family-ties. See Al-Qaderi, Fazl-ur-Rahman Ansari "Islam Verses Marxism" 1954, <Marxism.-RevLeft.mhtpdf.www.revleft.com> accessed on 8th May, 2025.

³ This is true of Islam because it allows honest and legal acquisition and ownership of property by individual. It does not however give recognition to Bolshevism – a system which recognizes no individual right of property. See Ali, Maulana Muhammad, *The Religion of Islam*, New Delhi: Taj Company, 1986, 690. See also *Qur'an* Chapter 4 verse 32.

⁴ *Qur'an* Chapter 4 verses 11-12 and a host of other verses and *Hadith* of the Prophet (P.B.U.H.).



2.0 METHODOLOGY

The paper employed a doctrinal research method focusing on a systematic and comprehensive analysis of Islamic legal sources. This approach involved thoroughly analysing primary legal sources, such as *Al-Qur'an* verses, Hadith, scholarly views/observations including academic commentaries, legal textbooks and journal articles. By integrating these sources, the research aimed to interpret, clarify, analyse and evaluate the existing legal framework for the object of this study.

3.0 MEANING OF ISLAMIC INHERITANCE

Inheritance can be defined as an estate in land which descends from a man to his heir.⁵ In its broad sense, the expression inheritance comprises the devolution of property on death whether real or personal property, whether affected by will or by operation of law upon intestacy. In its technical sense, it is derived from latin '*heres*', an heir⁶ Islamic Law has two terminologies for succession: *llmul Mirath* and *llmul Faraid*, that is, the knowledge of succession and that of the ordinances of the distribution of estate respectively.⁷ *Al-faraid* is an Arabic term used technically to mean law of inheritance. It is the plural form of *faridah*, which literally means obligation or a fixed share. Other terms used for the same purpose is *mirath*, from the root word/verb *waritha* which means to inherit or take over,⁸ the sense in which the word is used variously in the *Qur'an*, such as: 'And Sulayman inherited Daawud...'⁹ According to Ambali, *Faraid* refers to the ordinances of Allah in respect of inheritance.¹⁰

From the above two terminologies for succession, it is understood that the law of inheritance is the knowledge of how property left by a deceased is shared by those who are entitled to it. In other words, the science of *mirath* is a set of rules laid down by the *Shari'ah* which guides as to who will inherit, who will not, and who is to be inherited, and what shares go to the heirs.

In Islam, power of absolute disposition of one's property is limited to one's life time. Once a person is dead, subject to rules of legal *wasiyyah* (Islamic Will), the distribution of his wealth is immediately governed by the Islamic law of inheritance. The deceased in that circumstance lacks capacity to determine who takes over his estate, who should not and the shares to be allotted to each heir.

3.1 Significance of Islamic Rules Of Inheritance

The importance of the science of distribution of estate in Islam is emphasized in the following statements of the Prophet, peace of Allah be upon him:

- i. Knowledge is basically three; all others are optional. Knowledge of *Qur'anic* verses, that of *Sunnah* and the knowledge of a just distribution of estate.¹¹

⁵ B. Roger, Osborn's Concise Law Dictionary, 7th Ed. London: Sweet & Maxwell, 1983, 185.

⁶ Encyclopedia Britannica London: William Benton Publisher, 1968, 356.

⁷ M. A. Ambali, *The Practice of Muslim Family Law in Nigeria*, Princeton Publishing Company, Lagos, 3rd Ed., 2014, 340.

⁸ Mas'ud Adebayo Oniye, *The Distribution of Estate in Islam*, The Law and Practice Kewud'amilola Publishing Ventures, Ilorin, 2021, 1.

⁹ Qur'an 27:16.

¹⁰ M. A. Ambali, (n 7) 340.

¹¹ Ismail bin Kathir Ad-damasqi, *Tafsir Ibn Kathir*, Issa Al-Babi Al-Halabiy and Co., (ND) (1), 457.



- ii. Acquire and teach the knowledge of inheritance, because it is half of knowledge. It is easy to forget because it slips away easily and it is the first set of knowledge that will escape my people.¹²
- iii. Certainly, Allah, the Most High did not assign the distribution of your estates to any close angel nor did He delegate it to any appointed Messenger; but, He Himself, takes charge of the distribution and explains the distribution in details. There should be no Will in favour of an heir.¹³

The above three *Hadiths* have indeed emphasise the importance of Islamic Law of inheritance to Muslim *Ummah* who are greatly encouraged to learn, acquire and teach the knowledge of inheritance because it is half of knowledge that can be easily forgotten and the one that will escape the Muslim *Ummah*. What underscores the significance of Islamic Succession Law is that it is Allah himself who takes charge of the distribution of estate of a deceased person and explains in details what to inherit, who will inherit, who will not inherit and the shares that go to those who will inherit.¹⁴ In addition to this, Islamic Law of inheritance solidifies family relationship if it is applied correctly in accordance with the laid down rules of inheritance in the *Qur'an* and *Sunnah*. In this manner, all heirs will receive their just and legitimate shares with full satisfaction, happiness and clean-heart.¹⁵ All major rulings on inheritance are traceable to the Glorious *Qur'an*, that is why Allah warns that there is a severe punishment for whoever disobeys His and His Messenger's decisions regarding the distribution of estate.¹⁶

4.0 THE ECONOMIC IMPORTANCE OF DISTRIBUTION OF ESTATE

In Islamic Law, the importance of distribution of estate cannot be over-emphasised nor can it also be under-estimated because it serves as a method of re-distribution of wealth¹⁷ among the heirs, who invariably are part and parcel of the Islamic community (*Ummah*) at large. That is, it breaks up the concentration of wealth from the hands of few individuals and spreads it out in the society. In essence, distribution of estate in accordance with Islamic Law of Inheritance serves as a very powerful and effective tool in checking accumulation of wealth in a few hands as well as in spreading it out amongst the larger section of the society. In accordance with the law, the estate of the deceased is divided among many of his near relations which include his parents, sons, daughters, sisters, brothers among others. Thus, if a person dies with no relations, the deceased's estate will go to the State (*Baytul-Mal*) for the benefit of all citizens. The Law of inheritance is unequivocally stated in the Glorious *Qur'an* in the following words: 'There is a share for men and a share for women from what is

¹² Ibid.

¹³ As-Shaykh Ahmad bin Ghunaim Al-Azhariy, Al-Fawakihud Dawwani, 3rd Edition, Mustafa Al-Babi Al-Halabiy & Sons Press Limited, (II), 1374/1955, 334.

¹⁴ See Qur'an 4:11, 12 and 175.

¹⁵ Abdullahi Liman Nuhu, *Islamic Law of Inheritance*, Malthouse Press Limited, 2018, 7.

¹⁶ See Qur'an 4:13 and 14

¹⁷ All wealth and property belong to Allah. Man is a mere trustee of such wealth and property. This fact notwithstanding, Allah recognizes the individual right to property that one may have acquired by lawful means as He states in *Qur'an*, chapter 4 verse 32 that: "...For men there is the reward for what they have earned, (and likewise) for women there is reward for what they have earned..."



left by parents and those nearest relatives, whether, the property be small or large – a legal share.’¹⁸

The principle enunciated in the verse above forms the basis for the distribution of estate in Islamic Law. By this verse, children and near relatives, or failing to these, distant relatives, are lawful heirs, and the whole estate does not go to one¹⁹ or a few of the sons or daughters. The shares of son(s), daughter(s), parents, husband, wife/ves and of other members of family are clearly defined in the *Qur’an* as follows:

Allah commands you as regards your children’s (inheritance); to the male, a portion equal to that of two females; if (there are) only daughters, two or more, their share is two thirds of the inheritance; if only one; her share is half.²⁰

By the term females, as used in the verse above, it is meant the female children. However, when the daughters are the sole heirs, they are entitled to a share of two-thirds. The share of two-thirds to which more than two daughters are entitled remains the same even when the daughters are only two; a single daughter being entitled to half of the total estate of the deceased.

On the other hand, parents of the deceased, if alive, are also entitled to share in the estate. Their share is described in the following words:

For parents, a sixth share of inheritance to each if the deceased left children; if no children, and the parents are the (only) heirs; the mother has a third: if the deceased left brothers or (sisters), the mother has sixth. (The distribution in all cases is) after the payment of legacies he may have bequeathed or debts. You know not which of them, whether your parents or your children, are nearest to you in benefit, (these fixed shares) are ordained by Allah. And Allah is Ever All-Knower, All-Wise.²¹

The portion of the verse quoted above, deals with inheritance when the deceased is survived by parents. In this case, the parents take their respective shares first, and the rest goes to the children (if there are any) failing which, the share of the parents is increased. But in case the deceased has brothers, the mother receives the same share as she would have received if the deceased had children. It is worthy at this juncture to point out that in all cases; the payment of bequests and debts take precedence over the shares of the heirs.

The wife or wives²² as (a) sharer get(s) a share from the estate of her/their deceased husband, which is expressed in the words of the Glorious *Qur’an* as follows:

¹⁸ *Qur’an* Chapter 4 verse 7. See also *Qur’an* 4:33.

¹⁹ In very rare cases an heir may end up taking the whole estate. For example, where a deceased son dies and is survived by only his father, in this situation, the father takes the whole estate as a residuary heir. See Sheikh Uthman Danladi, Keffi, 1990/1410 A.A., *Some Aspects of Islamic Law of Succession*, Kano City: Rukhsa Publications, 15-16.

²⁰ *Qur’an*, Chapter 4 verse 11.

²¹ *Ibid.*

²² On condition that the wife or wives is/are Muslim(s) like the husband and she/they is/are not the architect of the death of the deceased husband, otherwise she/they will not be entitled to inherit the



In that which you leave, their (your wives) share is a fourth if you leave no child; but if you leave a child, they get an eighth of that which you leave after payment of legacies that you may have bequeathed or debts.²³

The verse above deals with the share of the wife/wives when the husband dies with or without child(ren). The wife/wives take(s) her/their share first, as in the case of parents and the residue goes to the child(ren) as the case may be. Like in the case of the wife/wives, the husband is also entitled to a share in the estate of his deceased wife. The law relating to this is stated thus:

In that which your wives leave, your share is a half if they have no child; but if they leave a child, you get a fourth of that which they leave after payment of legacies that they may have bequeathed or debts.²⁴

The purport of this verse is that when the wife leaves a husband with or without child(ren), the husband takes either of his shares as the case may be, first and the residue goes to the children. All these come after payment of legacies and debts as the case may be. After all the above categories of beneficiaries of the estate of a deceased Muslim, comes another class of beneficiaries referred to as *Kalalah*.²⁵ For ease of explanation, their share is determined from two perspectives of either *Kalalah* Sister or *Kalalah* Brother. Thus, if *Kalalah* has one or two sisters, their share will be determined as stated in the *Qur'an* as follows:

They ask you for a legal verdict, Say: Allah directs (thus) about Al-Kalalah (those who leave neither descendants nor ascendants as heirs). If it is a man that dies, leaving a sister, but no child, she shall have half of the inheritance. If (such a deceased was) a woman, who left no child, her brother takes her inheritance. If there are two sisters, they shall have two-thirds of the inheritance.²⁶

The purport of this verse is that if the *Kalalah* leaves behind only one sister, she will inherit half of the estate of the deceased but if there are two sisters, they will inherit two-thirds of the estate of the deceased. On the other hand, if the *Kalalah* has a

deceased husband because these two issues identified constitute basis of total exclusion to inheritance in Islam. The Prophet is reported to have said: "A Muslim does not inherit from an infidel and an infidel from a Muslim". See Al-Hafiz Ibn Hajar Al-Asqalani, *Bulugh Al-Maram Min Adillat Al-Ahkam*, (Pt. 2), Chapter 20, Al-Fara'id (The Shares of Inheritance), Riyadh-Saudi Arabia: Dar-us-Salam Publications, *Hadith* No. 806 1996/1416, 334. See also *Hadith* No. 814, 336-337 where the Prophet is reported to have said: "One who kills a man cannot inherit anything from him".

²³ *Qur'an*, Chapter 4 verse 12.

²⁴ *Ibid*.

²⁵ *Kalalah* is one who has neither parents (how high so ever) nor children (how low so ever). The term is ascribed two meanings. The first is the person who has no children whether he has parents or not while the second is the person who has neither parents nor children. See Zubair, 'Abdul-Qadar 'AL-Kalalah And AL-Mushtarakah in Islamic Law of Inheritance', in Zubair, 'Abdul-Qadir (Ed.), *Discourse on Islamic Law of Inheritance and Waqf*, Kano: Department of Islamic Law, B.U.K., 1998, 46-47.

²⁶ *Qur'an*, Chapter 4 verse 176.



brother or a sister, each will get sixth of the estate left behind by the deceased as directed in the *Qur'an* in the following words:

If the man or woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone). This is a Commandment from Allah; and Allah is Ever All-Knowing, Most-Forbearing.²⁷

In this situation, a brother or a sister of the deceased will each receive one-sixth but if there are more than two persons to share the estate, then they will all share in one-third of the estate of the deceased. The list of beneficiaries of the estate of a Muslim in Islamic Law is long and the above list and their shares are not exhaustive. The brief overview provided here is just to substantiate the assertion that distribution of estate in accordance with Islamic Law of Inheritance helps to prevent concentration of wealth in a few hands or individuals. In a nutshell, from the above analysis, one can authoritatively assert that estate distribution in accordance with Islamic Law of Inheritance does not allow wealth to accumulate in a few hands. Rather, it helps in increasing the circulation and distribution of wealth amongst the largest numbers of any given Muslim community. Therefore, distribution of estate in accordance with Islamic Law helps to uproot the very basis of capitalist system in a few generations by distributing the wealth of the deceased among his near and distant relatives and poor neighbours.

Distribution of estate in accordance with Islamic Law rules is one of the means through which wealth circulates in the society, because Islam does not want wealth to be concentrated in the hands of few in the society as stated in the Glorious *Qur'an* thus: 'in order that it (wealth) may not become a fortune used only by the rich among you.'²⁸ It is also one of the means through which poverty is eradicated and also narrows the gap between the rich and poor.²⁹

Discussion on the economic importance of distribution of estate in Islamic Law would not be complete without reference to the *Hadith* which provides for quantum of estate that one can dispose by the deceased through bequest. The relevance of this *Hadith* here is not to serve as a basis for making Will but to depict that Islamic Inheritance is tilted towards economic buoyancy of heirs. The *Hadith* in question provides that:

Sa'd b. Abi Waqqas reported that: "The Prophet came to visit me in the year of the farewell pilgrimage when I was afflicted with a severe illness". I said to him: "O Prophet, you see how ill I am. I have property and no heir except my daughter. Shall I then give away two-thirds of my property as alms?" He replied "No", I said: "A half then?" He still said No". I then asked "A third?" He replied: A third. And

²⁷ *Qur'an*, Chapter 4 verse 12.

²⁸ *Qur'an* 59:7.

²⁹ Mas'ud Adebayo Oniye, (n 8) 12.



a third is much. **It is better that you leave your heirs rich than that you should leave them destitute, begging from their neighbours.**³⁰ (Emphasis mine).

One of the purports, among others, of this *Hadith* is that it is better a deceased person leaves substantial part of his estate for his heirs to share in order to live a comfortable life than leaving them with nothing or little to share. The last sentence of the *Hadith*³¹ shows that the more the estate available for distribution, the more the heirs' economic buoyancy since two-thirds of the estate is always available as of right to all the entitled heirs for distribution and utilization.

5.0 SOCIAL IMPORTANCE OF DISTRIBUTION OF ESTATE

Individuals make up a family and through legal and legitimate means of procreation,³² man establishes a family which metamorphoses into chains of families which culminates into communities, societies and nations as a result of inter-families marriages. The economic buoyancy of a majority of families in any given community or society translates into enhanced social well being of a given community or society while the poverty status of a majority of families in any given community or society would certainly affect the social status of such a given society.³³ In other words, the social well being of a community is dependent on the economic buoyancy of members of such community.

The social importance of distribution of estate in Islamic Law therefore lies in the fact that it fosters the collective social spirit because it favours the distribution of property among many heirs and checks the concentration of wealth in a few hands.³⁴ The Islamic system of distribution of estate or inheritance is not confined to either the male children alone nor exclude the female. Rather, it confers the right of inheritance on a larger number of heirs without discriminating between the male and the female thereby creating a broad based pattern of distribution.

A comparison of the number of those qualified to inherit the estate of a deceased person prior to the advent of Islam and Islamic Law with the number of those now qualified to be heirs after the advent of Islam in accordance with Islamic Law of Inheritance, would enable us properly appreciate the social importance of distribution of estate in Islamic Law. All over the world,³⁵ prior to the advent of Islam and Islamic

³⁰ Al-Hafiz Ibn Hajar (Al-Asqalani, *Bulugh Al-Maram Min Adillat Al-Ahkam*, 1996/1416, (Pt. 2), Chapter 21, *Al-Wasaya* (The Wills And Testaments), Riyadh-Saudi Arabia: Dar-us-Salam Publications, *Hadith* No. 819, 339.

³¹ Under examination which I have bolden for emphasis.

³² The Prophet (P.B.U.H.) is reported to have said: "...Mary and procreate for I shall be proud of you on the Day of Judgment..." See Ansari, Muhammad Tufail, *Sunan Ibn-i-Maja* by Imam Abu Abdullah Muhammad B. Yazid Al-Qazwini, (English Version with Arabic Text) 2005, (3) (3rd. Ed.), Book of Marriage, New Delhi: Nusrat Ali Nasri For Kitab Bhavan, *Hadith* No. 1846, 112.

³³ This scenario probably accounts for the Yoruba adage that says *Olowo kan ninu Jotosi mefa, otosi di meje* meaning one rich person out of six poor persons produces seven poor persons because the demands of the other six poor persons would weigh the only rich person down to make seven poor persons.

³⁴ Hammudah 'Abd al 'Ati, *The Family Structure in Islam, Lagos*: Islamic Publications Bureau, Lagos, 1982, 252.

³⁵ Even in modern societies, the laws of inheritance have so many evils inherent in them. For instance in English Common Law, all the real property held by a woman at the time of her marriage became the



Law, heirs are determined by either the whims and caprices of the individual or the society or a combination of the whims and caprices of man and man-made law resulting in limiting inheritance right to a very few number of persons.

In order to bring to the fore the social importance of distribution of estate in Islamic Law, one needs to state the conditions in existence prior to the advent of Islam in Arabia. Before the era of Islam, the Arabian Peninsula had been populated predominantly by nomads operating as traders between Asia, Africa and the Middle East. The pre-Islamic Society of Arabia then was based on kinship. The clan was an extension of the family and most importantly, an individual's legal rights were vested in the family and the clan. Each could, and did, represent the individual in legal matters such as claiming his rights, avenging his wrongs, inheriting his property, and answering for his crimes. All these practices, coupled with the Arabs' hobby-like custom of a particular clan waging war against another in order to avenge or claim the rights of a member, necessitated the application of agnatic or patrilineal rule of inheritance with ability to wield the sword as the chief qualification. So in the pre-Islamic Arabia, like in other parts of the world, the system of inheritance was not far from being referred to or described as a system controlled by human whims and caprices because the system of inheritance then, is summarily described as:

Inheritance was based on the principle of comradeship "in arm". The chief criterion of eligibility was the ability to contribute to the strength of the individual tribe through effective participation in the popular sport of tribal war fares. This resulted among other things, in the exclusion from inheritance of women, minors of both sexes, and invalids as well as in the preference of the paternal to the maternal lines.³⁶

From the above description of the practice or the law of inheritance in Arabia before the advent of Islam and Islamic Law, one could deduce that the feminine gender had been cut-off completely from the scheme of inheritance. The female was not only excluded from the scheme of inheritance, but regarded as part of the distributable chattel of the deceased.³⁷

Even within the males, only able-bodied men who were capable of participating in tribal wars qualified to inherit. The male minor, the old and the infirmed, the weak and the sick persons are all not eligible to inherit. The sole criterion was that 'he alone

property of her husband. He was entitled to the rent from the land and any profit that might be made from managing it. This was the position in Europe up till late 1870s when married women achieved the right to enter contracts and own property. In France too, this right was not recognised until 1938 whereas as at 670th C. E, Islam had recognised property right for women. See Ara, Anjuam, 'Inheritance Law in Islam and Women', <http://www.e://jimediaDigestInheritanmceLawinIslam and Women.htm> accessed on 18th March, 2025.

³⁶ Hammaudah 'Abdal 'Ati, above n.34, 250. See also Hitti, Philips K, *History of the Arabs*, London: Macmillan Press Ltd; 1970, 3.

³⁷, Abdul Hamid Siddiqui, 'The System of Inheritance in Islam' <http://www.readingIslam.com.htm> accessed on 27th February, 2025. See also Hussain, Abid 'Islamic Law of Inheritance', <http://www.islam101.com/Sociology/inheritance.htm> accessed on 15th February, 2025



is entitled to inherit who wields the sword.’³⁸ The end result of all these eliminations is that only a very few persons are actually left to inherit the estate of a deceased person thereby producing a narrow base distribution system.³⁹

On the other hand, upon the birth of Islam and the coming into operation of Islamic Law,⁴⁰ all those persons⁴¹ who had been precluded from the scheme of inheritance, become eligible and entitled to inherit. The *Qur’an*, through its verses on inheritance, introduced new set of heirs. These heirs, as provided by the *Qur’an* mentioned nine relatives specifically, of which six were female⁴² and three were male. *Qur’an* also included other male relatives like husband and half-brothers from mother’s side.

Summarily, the lists of major beneficiaries of the estate of a deceased Muslim in Islamic Law of Inheritance are: the males as well as the females, the husband, the wife, the parents (father and mother), the sons, the daughters, the sisters, the brothers, the uncles and a host of other distant relations. From the above brief analysis, it is obvious that the number of beneficiaries of the estate of a deceased Muslim outnumber those beneficiaries prior to the advent of Islam and Islamic Law and under other systems of inheritance. Therefore, distribution of estate in accordance with Islamic Law qualifies to be described as a system of inheritance that confers right of inheritance on a larger number of heirs without discrimination between males and females and with a broad based pattern of distribution which fosters collective social

³⁸ Abdul Hamid Siddiqui, above n. 37. See also Sheikh Uthman Danladi Keffi, *Some Aspects of Islamic Law of Succession*, Rukhsa Publications, Kano, 1990, ix, x.

³⁹ This narrow based distribution system is not peculiar to Arabian people, it is also being practiced by other people and communities of the World. For example, in Europe (Italy and France) a spouse (widow) has more power on inheritance matters, while in India, father of the deceased who is in class ii (Hindu system) gets nothing when there are children. In Ghana, the family line is matrilineal in that it passes through the mother to her children. The children belong to the mother’s family. The man is strongly related to his mother’s brothers, likewise in the republic of South Sudan, daughters and parents of the deceased are totally excluded where there is a male child which is similar to pre-Islamic Arabia patriarchal and patrilineal customs/practices where succession was confined exclusively to the male relations who were capable of bearing arms. See Abdullahi Liman Nuhu (n 15) 5. Also, A. D. Ajjola, *Introduction to Islamic Law*, International Islamic Publishers, Karachi, 1981, 218. In Nigeria for instance, in some communities, primogeniture rule applies in Bini in respect of the house which a deceased person makes his permanent home before his death, known among the Binis of Edo State as *Igiogbe*, passes to his eldest surviving son under Bini Native Law and Custom upon the eldest son completing the customary burial rites of his deceased father. See *William Agidigbi v Danaha Agidigbi & Ors* (1996) 6 S.C.N.J. 105 at 120. See also T. O. Elias, *Land Law in Nigerian*, (4th Edn.), London: Sweet & Maxwell, 1971, 120. See also *Gbadamosi Rabi v. Silifatu Abasi* (1996) 7 S.C.N.J. 53 where the Supreme Court held that in accordance with Yoruba Customary Law, real property is to be inherited by surviving child or children of deceased person who survive him or her to the exclusion of all other blood relations. As opposed to the rule of primogeniture, the rule of ultimo geniture applies among the *Markis* group of the Verbe of Northern Nigeria. By this rule, inheritance is by the youngest son and the rule bars other heirs of the deceased land owner. See Onuoha, Reginald Akujobi ‘Discriminatory Property Inheritance Under Customary law in Nigeria: NGOs to the Rescue’, *The International Journal of Not-for-Profit Law*, (10) (2). A Quarterly Publication of the International Centre for Not-for-Profit Law, April, 2005), 25.

⁴⁰ See the provisions of *Qur’an* Chapter 4 verses 11, 12 and 176.

⁴¹ These are the females, the minors, the weak and sick adults and the infirmed.

⁴² Within the class of females are daughters, wife/ves, mothers and sisters. They are not only entitled to inheritance, their shares are specifically stated. By this, the *Qur’an* has elevated the status of women and provided them security and safeguard in the society. See <http://www.learndeen.com/jm/deen-islam.../106-inheritance-law-in-islam.html> accessed on 13th May, 2025.



spirit within the community. In addition to this, Islamic Law of inheritance solidifies family relationship if it is applied correctly in accordance with the laid down rules of inheritance in the *Qur'an* and *Sunnah*. In this manner, all heirs will receive their just and legitimate shares with full satisfaction, happiness and clean-heart.

In terms of utility, sociologically, distribution of estate in Islamic Law permeates the entire Muslim *Ummah* in general and individual families in particular.⁴³ It caters for the needs of members of a bereaved family and the society in general. For instance, where a person dies and leaves behind a “fat estate” with very few or no heirs at all, the excess or the whole estate as the case may be, goes to *Baytul-Mal* (Islamic Public Treasury) for the general use and benefit of the entire community. In other words, it could be said that distribution of estate in Islamic Law reflects the structure of family ties and the accepted social values and responsibilities within the Muslim community. Macnaghtan, in appreciation of *Qur'anic* provision on inheritance, observes that:

In these provisions we find ample attention paid to the interests of all those whom nature places in the rank of our affection; and indeed it is difficult to conceive any system containing rules more strictly just and equitable. The obvious principle of preferring the nearer kindred to claimants whose relation to the deceased is not so proximate, seems to have been adopted as the invariable standard for fixing the portion; and the rules for the Succession of several heirs and the order of preference assigned to the different degrees of consanguinity seem to be exactly what would be most consonant to the general inclination of mankind.⁴⁴

Similarly, an Indian jurist, Mahmood J. in *Dayal v Inayatullah* has these to say on the reform of Islamic system of succession over the existing systems: ‘The Koranic reform came as a superstructure upon the ancient law; it corrected many social and economic inequalities then prevalent.’⁴⁵

6.0 RELIGIOUS IMPORTANCE OF DISTRIBUTION OF ESTATE

The word “religion” is some how difficult to define. The difficulty is not as a result of being an abstract word but lies in the fact that it can be defined from numerous perspectives. These include theological, philosophical, anthropological, sociological and psychological phenomena of human beings. This leads to a variety of definitions which focus on a very narrow picture of religion that matches the individual’s own religion.

⁴³ Aminu Muhammad Gurin, *An Introduction To Islamic Law of Succession* (Testate/Intestate), Zaria: Jodda Press Ltd, 1405A.H./1998, 4-5.

⁴⁴ Macnaghten, Sir William H., (n. d.), *Principles of Muhammadan Law*, Lahore: Premier Book House, V.

⁴⁵ Mahmood, J. in *Dayal v Inayatullah* (1885) 7 All at pp 782-3, in Mas’ud Adebayo Oniye (n 8) 13 and 14.



Therefore, since no single definition will suffice to encompass the varied sets of traditions, practices and ideas which constitute different religions, for the purpose of discussing the subject matter under consideration, reliance would be placed on the narrow based method of definition of religion by defining Islam from the perspective of statement credited to the Prophet (P.B.U.H.). It was reported that the Messenger of Allah (P.B.U.H.) said:

Islam is to testify that there is no god but Allah and Muhammad is the Messenger of Allah, to perform the prayers, to pay the zakat, to fast in Ramadhan, and make the Pilgrimage to the House if you are able to do so.” He said: “You have spoken rightly,” Jibrael (Gabriel).⁴⁶

On a close analysis of the above *hadith*, it would be seen that Islam has been defined from its five major pillars. These five pillars form Islam and its basis. As a complete way of life, it touches upon the primary purpose of man on earth, his relationship with His Creator, his relationship with other creatures, his individual affairs and trans-communal activities, All these are found in the *Qur'an* and other source of Islamic Law.

By analogy, Islamic Law presupposes the law culminating from the religion of Islam. As a religious law, it is said to be unique among all other religious laws because it is not predicated on either a particular tribal structure or on a specific state format. It is a universal religious law applicable universally. Therefore, any body that professes to be a Muslim is expected to accept, observe and practice all the five pillars of Islam and live an Islamic way of life as provided for by the religion. So, one is either a Muslim or a non-Muslim because there is no “half-religion” in Islam. A Muslim cannot say I shall observe the five daily prayers but I will not observe other pillars of Islam. Likewise, as a Muslim, one cannot say I am a Muslim but I am not bound by its laws. This is not possible in that the two go together because they are inseparable. So, needless to say, Muslims must follow all the commandments of Allah (S.W.T.) as He, the Almighty says:

It is not for a believer, man or woman, when Allah and His Messenger have decreed a matter that they should have any option in their decision. And whoever disobeys Allah and His Messenger, he has indeed strayed in a plain error.⁴⁷

As a Muslim therefore, man’s sojourn in life begins with one’s birth⁴⁸ and ends with one’s death.⁴⁹ Upon man’s death, his estate becomes due for distribution in

⁴⁶ M. O. A. Abdul, *The Selected Traditions of AL-NAWAWI* (Arabic Text, Transliteration & Commentary) (Book 4), Lagos: Islamic Publications Bureau, 1974, *Hadith* No. 2, 20-23. See also Bin Sharaf Ul-Deen, Yahya An-Nawawi, *An-Nawawi’s Forty Hadiths*, *Hadith* No. 2 <http://www.dartmouth.edu/> accessed on 12th April, 2025.

⁴⁷ *Qur'an*, Chapter 33 verse 36.

⁴⁸ *Qur'an*, Chapter 4 verse 1. See also part of *Hadith* No. 4 of *An-Nawawi’s Forty Hadiths* where creation of man is described thus: “Verily the creation of any one of you takes place when he is assembled in his mother’s womb; for forty days (he is) a drop, then he becomes a clot, in the same way, and then in the same way a mass...” See further the *Hadith* that says: “After the sperm and ovum drop has been in the uterus forty-two days, Allah sends it an angel that gives it form and fashions its hearing, sight, skin, flesh, and skeleton” http://www.livingislam.org/n/hfhl_e.htm#1 accessed 22nd June, 2025.



accordance with the rules of Islamic Law of estate distribution. In order to achieve this, man requires the knowledge of the rules and principles guiding estate distribution in Islam. In this regard, the Prophet (P.B.U.H.) is reported, in number of *Hadiths*,⁵⁰ to have said: ‘Learn the knowledge of inheritance and teach it to people, because it amounts to half of all knowledge. It will be forgotten, and it is the first thing that will be taken away from my Ummah.’⁵¹

The Prophet (P.B.U.H.) is equally reported to have stated that: ‘Learn the *Qur’an* and the rules of inheritance and teach them to people, because I will surely be taken away (by death).’⁵² In yet another *Hadith*, the Prophet (P.B.U.H.) was reported to have said: ‘Knowledge is of three types, and anything beyond that is unnecessary: a clear *ayah*, an established *sunnah*, or a just rule (of inheritance)’⁵³ while according to another *Hadith*, the Prophet (P.B.U.H.) said:

Learn the rules of inheritance and teach them to the people. Indeed, I will be taken away (by death); and indeed, the knowledge will be taken away and tribulations will become paramount so that when two people differ about a rule of inheritance, they will not find anyone to arbitrate between them.⁵⁴

⁴⁹ “We have Ordained death among you...” *Qur’an*, 56 verse 60. The Prophet is reported to have said: “Be in this world as a stranger or as awayfarer” to show that death is eminent. See M. O. A., Abdul, *The Selected Traditions of AL-NAWAWI (The Forty Traditions of AL-NAWAWI Arabic Text, Transliteration, Translation & Commentary)* (Book 4), Lagos: Islamic Publication Bureau, 1974, 86-87.

⁵⁰ These *hadiths* are said to have been verified and described as weak. See Al-Jibaly, Muhammad, (n. d.), *Inheritance Regulations & Exhortations* (2nd Ed.), London: Al-Kitaab & As-Sunnah Publishing, 27-29. Apart from being described as weak, it is also argued that Islamic injunction on acquisition of knowledge is not specifically limited to the field of Inheritance and its rules alone but rather generally broad-wide. In support of this contention, are the provisions of the *Qur’an* and *Hadith*. From the *Qur’anic* perspective, the *Qur’an* provides in Chapter 9 verse 122 that: “And it is not (proper) for the believers to go out to fight (Jihad) all together. Of every troop of them, a party only should go forth, that they (who are left behind) may get instructions in (Islamic) religion, and that they may warn their people when they return to them, so that they may beware (of evil)”. While on the hand, the Prophet (P.B.U.H.) said: “See for knowledge even if it is in China”. In another *hadith*, the Prophet is reported to have said: “To acquire knowledge is the duty of every Muslim man and woman”. Abi Abdullah Muhammad bin Yazid al-Rab ‘I Ibn Majah al-Quzwayni, *al-Sunan*, Abwab al-Fara’id, Bab al-Hathu’ala l’alimi al-Fara’id, 2000, *Hadith* No. 1224. For a more detailed discussion, see “An Islamic Perspective on Seeking Knowledge”, <http://www.AnIslamicPerspectiveseekingknowledge.htm> accessed on 22nd April, 2025. See also <http://www.wefound.org/texts/knowledgefiles/knowledges2.htm> visited on 3rd July, 2025.

⁵¹ Abi Abdullah Muhammad bin Yazid al-Rab ‘I Ibn Majah al-Quzwayni, *al-Sunan*, Abwab al-Fara’id, Bab al-Hathu’ala l’alimi al-Fara’id, 2000, *Hadith* 2719. See also At-Tirmidhi in *as-Sunan*, (4) *Hadith* No. 2091, 413, an-Nasa’I in *as-Sunan*, (4) *Hadith* No. 6306, 63. See further Majah Shaukani, Muhammad Bin Ali Bin Muhammad, *Nail al-Awtar*, (6) Cairo, 1978, 57.

⁵² Abu Abdullah Muhammed b. Yazid Ibn Majah, *Sunan Ibn Majah*, Cairo, 1372H/1952, 63.

⁵³ Ismail’ b. Kathir Ad-damasqi, *Tasfir Ibn Kathir*, (1) Cairo: Issa Al-babi Al-Halabiy and Co. n. d. 457.

⁵⁴ Muhammad Bin Ali Bin Muhammad Shaukani, *Nail al-Awtar*, (6), Cairo, 1978, 58.



Notwithstanding the fact that these aforementioned *Hadiths* have been labeled weak (*da'if*),⁵⁵ there is no doubt that they stress the importance of the field of inheritance and acquisition of its knowledge. The particular religious importance of distribution of estate in Islamic Law is therefore obvious from the verses immediately following those verses giving specific details on inheritance shares.⁵⁶ Allah, in the Glorious *Qur'an* states that:

These are limits (set by) Allah (or ordainments as regards laws of inheritance), and whosoever obeys Allah and His Messenger will be admitted to Gardens under which rivers flow (in Paradise), to abide therein, and that will be great success". "And whosoever disobeys Allah and His Messenger, and transgresses His limits, He will cast him into the Fire, to abide therein; and he shall have a disgraceful torment."⁵⁷

The combined effect of these verses and the Prophetic *Hadith*, though classified as weak, couple with the analysis flowing there from, one can postulate that the religious importance of estate distribution lies in acquiring its knowledge because without a thorough knowledge of same, there cannot be a proper and correct distribution. Without proper and correct distribution, a Muslim cannot be said to have complied with the commandments of Allah to avoid the serious consequence of disobedience categorically and clearly stated in *Qur'an* chapter 4, verses 13 and 14. Therefore, from religious stand point, the importance of the subject lies in the strong belief of Muslims that it consists of half of useful knowledge and the faith Muslims have in this statement explains why we have always followed it tenaciously to the extent that in spite of operations carried out on other aspects or branches of Islamic Law as a result of colonization, most countries till today have refused to liberalize and rationalize this aspect of Islamic Law.

7.0 LEGAL IMPORTANCE OF DISTRIBUTION OF ESTATE

Generally, Law, including Islamic Law, is said to be a system of rules society sets or adopts to maintain order and protect harm to persons and property. Law is ancient, dating as far back to the code of Hammurabi, written by an ancient Babylonian King around 1760 BC. Today, most countries have tens or hundreds of thousands of pages of Law. These laws are enforced by the Police, supported by the Court and Prison system. Laws are enacted by Legislators, such as senators and congressmen. Unlike the British parliamentary system, under the Nigerian or American System, the Constitution and not the legislature is Supreme.⁵⁸

However, under Islamic law, *Qur'an* is supreme, it was revealed to the Prophet Muhammad to explain all things, including Islamic rules of inheritance as a guide and mercy from Almighty Allah. He says thus: 'And we have sent down to you the Book

⁵⁵ The Hadith is considered 'weak' in rating. See Muhammad bin Ahmad Al-Qurtabi, *al-Jamih li-ahkamil Qur'an*, Dar Bidaya (NP) 2012, 3, (52).

⁵⁶ These are the verses prescribing the shares of heirs. They are verses 11-12 of *Qur'an* Chapter 4.

⁵⁷ *Qur'an*, Chapter 4 verses 13 – 14.

⁵⁸ See section 1(3) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).



explaining all things, a Guide, a Mercy and Glad tidings to Muslims'.⁵⁹ Therefore, the fact that *Al-Qur'an* is the supreme law, Almighty Allah enjoins mankind to obey and follow its rules as laid down in the Glorious *Qur'an*. Allah said: 'We made for you a law, so follow it, and not the fancies of those who have no knowledge.'⁶⁰ Therefore, the Prophet (SAW) was assigned to explain the *Qur'an* including the Islamic rules of inheritance as revealed to Him. He says: 'And we have sent down unto You the Reminder that you may explain clearly to men what is sent for them and that they may give thought.'⁶¹

The *Qur'an* makes copious provisions, for shares allotted to the specific or fixed sharers known as *Qur'anic* heirs.⁶² It is to be stated that there are different types of heirs, these heirs have to be identified and one category satisfied before the other. The *Qur'anic* heirs with fixed shares namely: husband, father, father's father, uterine brother, wife, daughter, son's daughter, germane sister, consanguine sister, uterine sister, mother and mother's mother must be satisfied first by taking their shares before the residuary/agnatic heirs take what remains of the estate. There is another category of heirs known as Agnatic heirs (Asabah) or residuary heirs who are the class of heirs who receive after the *Qur'anic* heirs have taken their shares. There is also the class of heirs known as *Dhawul-Arham* (Distant kindred) who are mainly the relatives that are neither *Qur'anic* heirs, nor agnatic heirs. Apart from these categories of heirs, there is another called 'special heirs' such as the Embryo (Al-Haml), male or female; missing person and Hermaphrodite (khuntha Mushkil). Each of these special heirs is accorded recognition and treated with their peculiar attendant problems in the science of Islamic intestate succession.

Much legal discussion on Islamic law of succession (Mirath) revolves around the provisions of the *Qur'an*, which serve as the fulcrum upon which the whole laws of *Mirath* rest. Three verses discuss beneficiaries of intestate succession. These are verses 11-12 and 176 of chapter 4 of the Glorious *Qur'an*. Verse 11 mentions two categories of beneficiary: the children – male and female, and parents. These are the ascendants and descendants of the deceased. Verse 12 mentions two categories: The spouses and siblings (from mother side only) while verse 176 discusses one category: siblings (full and half siblings from father side). These shares are not simply allotted but defined and meticulously calculated to precision.

It is therefore, no exaggeration to say that it is the only developed and comprehensive system that caters for both foreseen and unforeseen problems with the highest degree of precision. The Western system of inheritance, for instance, has no mandatory rules of inheritance hence its rules are exclusive and can be very discriminatory. The use of Wills in the Western system of inheritance can greatly disadvantage heirs as a total stranger can take hundred percent of the deceased's estate whereas the rules of Islamic Law of Inheritance is inclusive of both testate and intestate. This singular quality has compelled nearly all modern writers (Muslims and non-Muslims alike) on the subject to concede to its importance not only because of the logical perfection and

⁵⁹ *Qur'an* 16:89. See also *Qur'an* 3:3, *Qur'an* 3:85, *Qur'an* 3:110

⁶⁰ *Qur'an* 45:18.

⁶¹ *Qur'an* 16:44.

⁶² *Qur'an* 4:11-12.



precision with which all situations are dealt with, but also for its formal excellence in putting such situations under perfect control. In order to substantiate the legal importance and superiority of estate distribution in accordance with Islamic Law over all other forms of estate distribution, the following remarks of some writers on the subject expressing their admiration for the system, even though they are non-Muslims, becomes handy. Foremost among these writers is the observation of Coulson wherein he states that:

Juristically, the law of Succession is a solid technical achievement, and Muslim Scholarship takes a justifiable pride in the Mathematical precision with which the right of the various heirs in any given situation can be calculated.⁶³

Rumsey in appreciation of estate devolution in accordance with Islamic Law, says: '*The Mohammedan Law of inheritance comprises beyond question the most refined and elaborate system of rules for the devolution of property that is known to the civilized world.*'⁶⁴ Anderson, writing on the excellent nature of estate distribution in accordance with Islamic Law, observes that: 'There is no aspect of (Muslim) Law in which the logical and technical excellencies of the Islamic system are more advantageously displayed than in the law of inheritance.'⁶⁵

Still on legal importance of estate distribution in accordance with Islamic Law, Jones, in appreciating the system observes that: 'I am strongly disposed to believe that no possible question could occur on the Muhammadan Law of Succession which might not be rapidly and correctly answered'.⁶⁶ Fitzgerald, another non-Muslim writer on the subject, observes that:

To Muslims, the Sharia Law of inheritance is ideally perfect, founded on the sure rock of divine revelation and worked out in the utmost detail by that mental ingenuity which God gave man for the purpose of understanding revelation. The logical strength of the system is beyond question...⁶⁷

In his book 'The Arab Civilization', the French Polymath, Gustare Le Bon observes:

The principles of inheritance which have been determined in the Qur'an have a great deal of justice and fairness. The person who reads the Qur'an can perceive these concepts of justice and fairness in terms of inheritance through the verses I quoted. I should also point out the great level of efficiency in terms of general laws and rules derived from those verses. I have compared British, French and Islamic Laws of inheritance and found that Islam grants the wives

⁶³ N. J. Coulson, *Succession in the Muslim Family*, Cambridge; Cambridge University Press, 1971, 3.

⁶⁴ Rumsey, Almaric, *The Muslim Law of Inheritance*, London: W. Allen & Co.; Preface, 1980, 1

⁶⁵ Tyabji, F. B., *Muslim Law*, Bombay: N. M. Tripathi Private Ltd; 1969, 69.

⁶⁶ Ibid, 98.

⁶⁷ Syed K. Rasheed, *Muslim Law, Lalbagh*: Eastern Book Co; 1979, 229.



(women) the right of inheritance, which our laws are lacking.⁶⁸

Roberts' and Similar remarks that:

The enactments of the Qur'an concerning the distribution of a deceased person's estate are, on the whole, equitable, and show a great advance upon the unjust, and indeed cruel customs which obtained among the Arabs in pre-Islamic times.⁶⁹

On the whole, the above observations and comments do not only appraise the importance of estate distribution in accordance with Islamic Law but, also helps to demonstrate the superiority of Islamic Law as a divine law over and above any other divine law and man made laws.

8.0 CONCLUSION AND RECOMMENDATIONS

In the foregoing research work we have given an exposition of the Islamic Law of inheritance, the meaning and significance of its rules to Muslim *Ummah*. It has been pointed out that the law of inheritance is a set of rules laid down by the *Shari'ah* which states who will inherit, who will not and what shares go to those who will inherit from the property left behind by the deceased. The paper has carefully discussed and examined the importance of estate distribution in Islamic Law from economic, social, religious and legal perspectives. It has been shown with aid of textual authorities that distribution of estate in accordance with Islamic rules of inheritance breaks up the concentration of wealth from the hands of few individuals and spreads it out in the society. Even, where a Muslim dies with no relation, his estate will go to the State or Muslim public treasury (Bayful-Mal) for the benefit of all the citizens. In this research work, reference has been specifically made to *Qur'an* 4 verses 7, 11, 12 and 176 which spell out the shares allotted to each heir which in turn show how the distribution of estate in Islam is equally a means through which poverty is eradicated and also narrows the gap between the rich and poor.

The study has shown the social importance of distribution of estate in Islamic Law that it fosters the collective social spirit because it favours the distribution of property among many heirs and checks the concentration of wealth in a few hands. Research has shown that in pre-Islamic Arabia, inheritance was based on the principle of "comradeship in arms". The chief criterion of eligibility was the ability to contribute to the strength of the individual tribe through effective participation in the popular sport of tribal warfare. As a result, daughters, mothers, widows, sisters and minors were generally excluded from inheritance because they were considered weak and

⁶⁸ It was quoted by the Nigerian Supreme Council for Islamic Affairs (NSCIA) in its letter to the National Assembly in response to the recent Disparity Bill.
<http://www.nscia.com.ng/index.php/component/content/article/16-info-portal/article-releases-and-publications/121-re-consideration-of-disparity-bill-on-inheritance-by-the-senate-council-for-islamic-affairs-nscia>.

⁶⁹ Hammudah Abd al 'Ati (n 34) 253.



could not defend the family at war front. Wives and slaves were treated as part of the property to be shared. Inheritance was also based on compact (*Halaf*).

With the advent of Islam, the moral and social position of women were raised giving the widows, the mothers, the sisters and the daughters heritable rights. All those persons who had been precluded from the scheme of inheritance, become eligible and entitled to inherit. The *Qur'an*, through its verses on inheritance, introduced new set of heirs. The research has disclosed that *Shari'ah* has taken care of the shares of the parents, children, spouses, collaterals, uncles, etc with no exclusion except where exigently necessary.

Religious importance of distribution of estate have been discussed and reference has been made to several *Hadiths* which stress the religious importance of estate distribution in Islam especially the saying of the Prophet (S.A.W.) that the laws of inheritance should be learnt and taught to the people because the law is one half of useful knowledge. The study also revealed the importance of distribution of estate from legal perspective. With aid of textual authorities, the author has made reference to the copious *Qur'anic* provisions on shares allotted to the specific or fixed sharers known as *Qur'anic* heirs, residuary or agnatic heirs and distant kindred (Dulharam). The study has shown that the legal importance of estate distribution is revealed in the *Qur'an* 4 verses 7, 11, 12 and 176 which allotted shares to each heir.

The writer's major finding is that distribution of estate serves as a method of re-distribution of wealth among the heirs and it breaks up the concentration of wealth from the hands of few individuals and spread it out in the society. It further found that distribution of estate in accordance with Islamic rules of inheritance serves as a powerful and effective tool in checking accumulation of wealth in a few hands as well as in spreading it out amongst the larger section of the society. It is hereby suggested that the study of *mirath* should be made a compulsory course for all the students of common and Islamic Law in Universities and other tertiary institutions.

Consequently, it is recommended that this aspect of knowledge should be thoroughly learnt, widely taught and greatly encourages among Muslim community. In fact, Muslim preachers and *Imams*⁷⁰ should emphasise the learning of this area of knowledge in their sermons to make the Muslims realize the need for them to acquire the knowledge and to equally allow the laws of Allah to govern their affairs. It is further recommended that conferences, seminars, workshop should be regularly organized where experts and scholars who have sound knowledge of Islamic Law of succession and distribution of estate in Islam will be invited to deliver lectures and present papers on different aspects of the knowledge.

Apart from the foregoing, there should be more public campaign to bring about awareness among the Muslims with respect to their social, economic, religious and legal rights and other benefits they may derive if they stick to this aspect of law. In addition to this, with sound knowledge of *mirath* law, competent hands will be able to handle the distribution of estate accurately and justly as prescribed by Islamic Law of

⁷⁰ The person who leads Muslim prayers in the mosque.



succession. If these recommendations are implemented, certainly, the estate distribution will eradicate the poverty among the Muslim community and will also narrow the gap between the rich and poor among them.