

The will, and the shares of inheritance

The Qur'an fixes the shares as fractions, not amounts. A will can only move the third that was left free — and not towards an heir.



★ A share, obligatory

وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ

“For men is a share of what the parents and close relatives leave, and for women is a share... be it little or much — an obligatory share.”

Qur'an 4:7

★ Have it written now

“It is not for a Muslim who has something to bequeath to pass two nights without his will written and kept with him.”

Sahih al-Bukhari 2738

★ A third, and a third is much

Sa'd offered half his property, then a third. He رضي الله عنه said: “One third — and one third is much.” That is the ceiling people have used ever since.

Sahih al-Bukhari 2744

★ No bequest to an heir

إِنَّ اللَّهَ قَدْ أَعْطَى كُلَّ ذِي حَقٍّ حَقَّهُ إِلَّا لَا وَصِيَّةَ لَوَارِثٍ

“Allah has given every rightful one his right; so there is no bequest to an heir.” The free third goes outside the fixed shares, not on top of them.

Sunan Ibn Majah 2714 · sahih

★ The children

For a male, the like of the share of two females. Two or more daughters alone: two thirds between them. One daughter alone: one half.

Qur'an 4:11

★ The parents

Each parent a sixth where the deceased left children. Where there are no children and the parents inherit, the mother a third — reduced to a sixth if there are siblings.

Qur'an 4:11

★ The spouse

A husband: one half where there is no child, one quarter where there is. A wife: one quarter where there is no child, one eighth where there is.

Qur'an 4:12

★ Debts and bequests first

مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دِينَ

The verses repeat it themselves: “after any bequest he may have made, or debt.” Both are cleared before a single share is counted.

Qur'an 4:11 · 4:12

★ Then the nearest male

أَلْحِقُوا الْفَرَائِضَ بِأَهْلِهَا، فَمَا بَقِيَ فَهُوَ لِأَوْلَى رَجُلٍ ذَكَرَ

“Give the fixed shares to those entitled to them; then whatever is left is for the nearest male relative.”

Sahih al-Bukhari 6732