

II

In the name of the Allah, The Beneficent, The Merciful

I would greatly appreciate your input regarding inheritance from non-Muslims (I am a convert, and only child, and my father is still a Christian -- may Allah guide him). *On the face of it, Mufti TaqiUsmani's interpretation is very clear (see Albalagh website Q&A) that I will not be able to inherit my father's estate.* My father has transferred ownership of many assets to me. However this doesn't include things such as the family home and my father's own investments which, ordinarily, I would inherit upon his death. Other sources seem to indicate that as long as Dad's will states specifically what goes to me -- as a named beneficiary -- I can inherit. I have up to now relied heavily on Mufti Taqi Usmani's guidance and do not wish to start picking and choosing, but this matter weighs heavily upon me at present. *Is there no way that I can legitimately/Islamically receive -- on my father's passing -- his estate which he has bequeathed to me, and with which I have been intimately concerned since I was a child?*



4th Rabi' al-Thaani 1429 AH
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الجواب حامدًا و مطليًا و منه الصدق و الصواب

There are principally two types of laws that relate to the estate of a propositus, viz. the laws of inheritance and the laws of bequests. According to the laws of inheritance non-Muslim heirs of a Muslim propositus will not inherit the latter's estate, whether they are born non-Muslims or are apostates. Similarly, a Muslim cannot inherit from a non-Muslim propositus, provided that the latter was born non-Muslim. If the propositus was an apostate, the property owned by him before his apostasy will be distributed amongst his Muslim heirs. If a woman apostates, all her property, whether acquired before of after apostasy, will be distributed amongst her Muslim heirs.

ففى الدر المختار: (واختلاف الدين) إسلاما وكفرا. (كتاب الفرائض، 505:10)
وفى رد المختار: قوله: (إسلاما وكفرا) قيد به لأن الكفار يتوارثون فيما بينهم وإن اختلفت مللهم عندنا، لأن الكفر كله ملة واحدة. قوله: (وأما المرتد فيورث عندنا) أى من كسب إسلامه وكسب رده فىء للمسلمين. وقالوا:
للوارث المسلم ككسب المرتدة. (كتاب الفرائض، 505:10)

According to the law of bequests, a non-Muslim legator may, in principle, bequeath his property in favour of a Muslim legatee, and similarly, a Muslim legator may, in principle, bequeath his property in favour of a non-Muslim legatee.

ففى بدائع الصنائع: وأما إسلام الموصى فليس بشرط لصحة وصيته، فتصح وصية الذى بالمال للمسلم والذمى فى الجملة؛ لأن الكفر لا ينافى أهلية التمليك. ألا ترى أنه يصح بيع الكافر وهبته، فكذا وصيته. (كتاب الوصايا، مطلب وأما الذى يرجع إلى الموصى، 335:7)
وفى الهداية: قال: (ويجوز أن يوصى المسلم للكافر والكافر للمسلم). (كتاب الوصايا، 657:4)

Thus, whilst you cannot qualify as a legal heir of your father's estate according to Islamic law, if your father nominates you in his will as a beneficiary of his estate, according to Islamic law, you are entitled to his estate in your capacity as legatee but not as an heir.

And Allah knows best.
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Chair, Al-Qalam Shariah Panel