

Muslim's inheritance from a Kaafir 2

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Question:

This letter is sent by some Dutch women who have embraced Islam, praise be to Allah, and who have many inquiries concerning the issue of inheritance, as our parents are non-Muslims, and a Muslim must not inherit a Kaafir (disbeliever). Our parents asked us to tell them how to share their property after their death, which falls into many categories: First, a house, as the money will only be available when the house is sold after their parents' death; we cannot take part of this money during their lifetime. Is it permissible for the parents to make a grant contract with their children during their lifetime, by paying an annual sum of money that can only be reclaimed after they die and the children sell the house? Is it permissible for the parents to make a grant contract with their children, so that the latter are the real owners of the house during the lifetime of the parents, and after their death each one takes their right? If a Kaafir mother has two daughters, one of whom is a Muslim and the other is a Kaafir, is it permissible for the mother to make a will for her Kaafir daughter to grant half of her inheritance to her Muslim sister? It is said that no bequest must be made to an heir. If we are not entitled to inherit, is it permissible to make a will for us with one third of the money? Second, jewels and valuable objects. Is it permissible for the Kaafir parents to distribute such items among their children during their lifetime as a grant, provided that the children use them during their fathers' lifetime, and after their death these things are returned to the children as agreed upon in the grant? Third, trivial objects and things of low value, such as clothes, mugs and furniture. Is it permissible for us to take them and use them after their death? Is it permissible for us to give them to some Muslims or Kaafirs, or simply get rid of them? If the mother dies, and the father is still alive, is it permissible for their daughter to accept her father's offer and take her mother's things such as clothes?

Answer:

A Muslim does not inherit a Kaafir, neither does a Kaafir inherit a Muslim, according to the saying of the Prophet (صلى الله عليه وسلم)¹, **Neither a Muslim inherits a Kaafir, nor does a Kaafir inherit**

¹ (صلى الله عليه وسلم) (sallallaahu 'alayhi wa sallam) May the peace and blessings of Allaah the Most High be upon him

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a Muslim. Agreed upon by Al-Bukhaaree and Muslim in the Hadeeth reported from Usamah (رضي الله عنه)². However, it is permissible for the Muslim children to accept the grants, gifts and wills from their Kaafir parents. They can also make contracts with them according to the Shar`y (Islamically lawful) regulations. However, it is impermissible for them to inherit their parents. If the Kaafir parents deprive their Muslim children from their inheritance and dedicate all of it to their Kaafir children, the Muslim children have no right to claim any of their parents' property, as this claim only takes the form of inheritance, which is a compulsory right. It is known that a Muslim does not inherit a Kaafir. May Allah grant us success!

May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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² (رضي الله عنه) (rad iyallaahu `anhu) May Allaah the Most High be pleased with him