

My answers to the following questions are based on my limited knowledge and readings of scholarly books. I am not a scholar, imam or lawyer; just a Muslim programmer. You should consult your imam or do your own research before making a decision that can affect the well being of your heirs. God knows best.

1. What does "irth" mean?

"Irth" is an Arabic word that means legacy. It always has the connotation of a treasured possession. As the prophet, peace be upon him, was explaining pilgrimage rituals to muslims on the farewell pilgrimage, he said "You are on an 'irth' from your father Ibrahim."

2. I assume that funeral expenses and such are paid off the top before dividing the estate. Is this correct?

Yes. Whenever "estate" is mentioned here it means the *net estate* after deduction of legal fees, funeral and burial expenses and payment of all debts.

3. Who can inherit?

Categories of eligible heirs are specified by the Quran, the Sunna and the scholars. They are the categories you see on the IRTH program's main page. Any heir that does not belong to any of these categories is *not* an eligible heir, e.g., aunts. Each and all of these heirs must be muslim and must not have been convicted of murder of the testator.

4. What about adopted children?

They do not inherit, but they can be given a bequest. The sum of all bequests cannot exceed 1/3 (one third) of the estate.

5. What about children of deceased relatives?

They have the same eligibility as if their parents were alive. Simply enter them in the program if their category is listed regardless of whether their parents are alive.

6. Can non-muslim relatives inherit from a muslim, e.g., a non-muslim wife?

No. But they can be given a bequest. The sum of all bequests cannot exceed 1/3 (one third) of the estate.

7. What about relatives not listed?

They do not inherit, e.g., consanguine aunts (sisters of father), but again they can be given a bequest. The sum of all bequests cannot exceed 1/3 (one third) of the estate.

8. Can a muslim inherit from a non-muslim?

I am not aware of any ruling that forbids it if the law of the land grants it. You should, however, check with your imam.

9. What is Islamic Treasury?

It's a translation of the Arabic phrase "Bayt-ul Mal". If this is not officially established in your country, then consider charitable muslim organizations.

10. What is a bequest?

A bequest is a gift to a non-heir. The sum of all bequests cannot exceed 1/3 (one third) of the estate.

11. How much can I bequest?

The sum of all bequests cannot exceed 1/3 (one third) of the estate.

12. Why can't I bequest more than one third?

The portion of one third is the maximum allowed by the prophet, peace be upon him, when Saad Ibn Abi Waqqaas consulted him about giving two thirds of his money to charity. Saad had a daughter. The prophet rejected the two thirds suggestion. Saad then suggested one half. The prophet rejected that too. Finally, Saad suggested one third. The prophet reluctantly approved. He said, "A third then and a third is still too much."

13. Can I bequest to an heir?

No. Bequests are for non-heirs only.

14. Can I use a bequest to compensate for missed prayers, fasting, Zakah or pilgrimage?

A man came to the prophet, peace be upon him, and told him that his mother had died and she had missed fasting days. He asked the prophet if he could fast for her. The prophet answered, "If she owed a debt, would you pay it for her?" The man answered "of course!" The prophet said "God's debt has more priority."

While scholars differ on whether missed religious duties can be compensated in kind, I find the above hadith a compelling evidence that they can and should be. Missed Zakah must be deducted from the estate before the estate is distributed. Missed fasting can always be compensated with money or food. That's what fidya-tus-siyam is, so it can also be deducted from the estate. I have no opinion on whether missed pilgrimage can be compensated with money and I find no evidence that missed prayers can be compensated with money either. But both prayers and pilgrimage if missed can, in my humble opinion, be compensated in kind by a relative or a friend. So, a testator may state in his or her will that he or she missed pilgrimage or prayers and hope that one or more of the relatives will be generous enough to make them up for him or her.

15. I ran the IRTH program and some of my heirs, e.g., my uncles, did not get any shares. I would like to give them something. Can I bequest to them?

Bequests are not for heirs. You should, however, check with your imam.

16. I don't know my juristic school. Which one should I choose?

You can choose the default, which does not favor any juristic school.

17. How are these shares computed?

The rules of dividing up an estate are mentioned in the Quran, the Sunna and by the scholars. The IRTH program implements these rules as they were so well documented in Sayyed Sabeq's book, Fiqh-us-Sunna "Jurisprudence of the Sunna".

18. How do I know the computed shares are correct according to Islamic law?

The IRTH program has been reviewed and tested by knowledgeable scholars and lawyers since 1989. It has been verified against all cases listed in ISNA's booklet "Last Will And Testament". You are encouraged to test it and report any errors or bugs to [the author](#). You can also double check the computed shares with your imam, if you wish. You can follow the logic behind the computation by selecting the preference "Show details" before you click the Calculate button.

19. I live in a non-muslim country, how do I make sure my estate is divided up according to Islamic law?

You should consult an attorney who specializes in wills, probate and estate planning. He or she can prepare a will for you where you specify how you want your estate divided and will have it legally binding. You can reference the IRTH program, if you wish, as a way to ensure the correct division of your estate by including its Internet address, <http://www.IslamicSoftware.org/irth.html>

20. Is a will necessary?

A will conveys your wishes, in a legally binding way, of how you want your estate divided. Without a will, you leave the decision of how to divide your estate to the probate court of your state!

Prior to the revelation of inheritance verses, the prophet, peace be upon him, said that it was unlawful for a muslim to let three nights go by without making a will. Obviously this underscores the importance of wills. If you live in a country that does not recognize Islamic inheritance law, then I would say that the prophet's hadith applies to you.

21. Why are there differences between scholars about estate division?

The Quran and the Sunna do not spell out every conceivable heir situation, rather they provide guidance on the key rules to use. The scholars did their best in figuring out how to divide up an estate in heir situations that lend themselves to differing interpretations of the rules. These situations are rare and there is remarkable consensus of the scholars on the majority of heir situations. An example of differing opinions is the remainder redivision rule when the sum of shares falls short of the estate. Uthman includes spouses in the redivision because they are named heirs, all other scholars do not include spouses in the redivision because they are not blood-related to the testator. Two different and sensible viewpoints. You may choose either one.

22. Can I copy the IRTH program to my computer or to my web site? Can I distribute it to my friends?

Yes, you can, if you keep the credit statements to the author and if you distribute the program at cost only. The IRTH program is *not* to be sold for profit. The main page has a link that you can use to download the program.

Having said that, it is actually not a good idea to copy the program, because you will miss out on future improvements, bug fixes and additions. The whole idea behind porting this program to the web was to have a central resource and thus avoid the software update problem. It is a much better idea to link to the program's Internet address instead, <http://www.IslamicSoftware.org/irth.html>

23. Please explain the preferences "Show results only", "Show Details", "Show debugging statements" and "Show Results in a table".

After the program calculates the shares, it outputs them in a new window. Internet Explorer also shows the results on the main page next to the number of heirs. If you choose the preference "Show results only", the default, a regular report is written to the results window. If you choose "Show Details", a detailed report is written to the results window showing how the share calculation was arrived at. If you choose "Show debugging statements", a detailed report is written in addition to many debugging statements. This option is useful if you discover a bug in the program and want to report it to the author. Lastly, if you choose "Show results in a table",

the regular report is written as a table. This option is especially handy if you run the "All tests" test.