

## Inheritance — Interfaith

1. I am the only Muslim in my family. Both my parents are dead. I have several brothers and sisters, but they are all Christian. I was married, but my marriage did not produce any children. My parents had adopted a girl whom they considered as their daughter, and she is a Muslim. I would like to know whether, having no one to inherit me, might I leave any portion of my property to this sister of mine, who is my sister only by adoption.

2. I read a Hadith in Al-Bukhari's Sahih that it is not permissible for non-Muslim to inherit from a Muslim or vice versa. On the other hand, I have got a reply to a question stating that a child can inherit from its non-Muslim parent. Could I inherit from my father who is not a Muslim?

1. The sister our reader talks about is a Muslim by choice, but she was not born to the same parents. In other words, she is not her real sister. Islam does not allow adoption in the legal sense of the word. It encourages its followers to look after orphans and needy children, and to bring them up, giving them a family atmosphere, but it does not allow them to claim them as their own sons and daughters. That is a false claim and it cannot be sanctioned under Islamic law. This means that this adopted sister, though a Muslim, is a stranger to our reader. As such, she may not inherit her.

What the reader can do is to bequeath by will a portion of her property, not exceeding one third of its total value. This is open to anyone to do, leaving one third of one's property to relatives, needy people, or charitable purposes. But other than this, she cannot give her adopted sister any portion of her property by way of inheritance. The other option that is open to her is to give her sister gifts during her own lifetime. For example, she may pay for her sister's education, since she is still at school. When she equips her sister with good education, that may be more beneficial to her than any money she may leave her after her own death. May God bless both our reader and her sister.

2. The ruling, which the Hadith states, is that the followers of two different religions may not inherit each other, even though they may be father and son. This is an aspect of the total separation of the Muslim community from other communities. This applies to the system of inheritance, which assigns certain portions to different heirs. However, if a non-Muslim parent makes a will to a Muslim child, the will is valid and the beneficiary may receive what is assigned to him or her.

May I also say that the Hadith preventing inheritance when the deceased belongs to a different religion is very clear. It is the ruling of most scholars. However, some scholars, notably Ibn Taimiyah, say that a Muslim may inherit his non-Muslim parent. They rely on the Hadith that says: "Islam increases and never decreases." I rely on when I say that a Muslim may take a bequest left to him or her by their non-Muslim parent.

One of the factors that block inheritance between members of the same family is that they belong to different religions. The Prophet, peace be upon him, makes it clear that the followers of different faiths may not inherit each other. Thus the reader may not inherit anything from her brothers and sisters, nor may they inherit any portion of her property. There is an exception defined by scholars, which allows a Muslim son or daughter to inherit their non-Muslim parents. But even in this case, the exception is not unanimous.

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