13772 - Does stealing prevent a person from inheriting?

the question

What is the ruling with regards to inheritence for a daughter who has run away from her(widowed) mother and taken her mothers money and other possesions.She was not raised Islamically and is disobedient to her mother.
The Mother does not wish to have anything to do with her daughter whatsoever.Would the daughter still be entitled to inheritence.

Detailed answer

Praise be to Allah.

Firstly: The things that prevent a person from inheriting are three:

1 – Killing. The killer does not inherit anything from his victim, because of the hadeeth of Abu Hurayrah (may Allaah be pleased with him) who said: The Messenger of Allaah (peace and blessings of Allaah be upon him) said: “The killer does not inherit.” (Narrated by al-Tirmidhi, 2109; classed as saheeh by al-Albaani in Saheeh al-Tirmidhi, 1713).

Al-Tirmidhi said: Based on this, according to the scholars, the killer does not inherit whether the killing was deliberate or accidental. Some of them said that if the killing was accidental, then he can inherit. This is the view of Maalik.

2 – Difference of religion. A Muslim cannot inherit from a kaafir, and kaafir cannot inherit from a Muslim, because the Prophet (peace and blessings of Allaah be upon him) said: “The Muslim does not inherit from a kaafir and the kaafir does not inherit from a Muslim.” (Narrated by al-Bukhaari, 6764; Muslim, 1614).

3 – Slavery. If the father is a slave and the son is free, there are no rights of inheritance between them, because the slave does not possess anything and his wealth belongs to his master, and if

the slave inherits something, it will go to his master who has no connection with the deceased.

See al-Tahqeeqaat al-Murdiyyah by al-Fawzaan, p. 45.

Based on this, a thief is not prevented from inheriting, but he is to be asked to return whatever he stole. If he does not return it then the approximate value of what he stole should be factored in to the calculation of the inheritance and the total amount that he stole should be deducted from his share of the inheritance. If there is anything left of his share after that, it may be given to him, otherwise he should not be given anything, and he remains guilty of the sin of stealing and disobeying his parents.

Secondly:

This is an example of the consequences that usually come to parents as a result of their negligence in raising their children in this world, before they are brought to account by Allaah on the Day of Resurrection. Allaah has made the father and mother responsible for their children. It was narrated that ‘Abd-Allaah ibn ‘Umar said: I heard the Messenger of Allaah (peace and blessings of Allaah be upon him) say: “Each of you is a shepherd and is responsible for his flock. The ruler is a shepherd and is responsible for his flock. The man is the shepherd of his family and is responsible for his flock. The woman is the shepherd of her husband’s household and is responsible for her flock. The servant is the shepherd of his master’s wealth and is responsible for his flock. A man is the shepherd of his father’s wealth and is responsible for his flock. Each of you is a shepherd and is responsible for his flock.” (Narrated from al-Bukhaari, 853; Muslim, 1829).

And Allaah commands them (parents) to protect themselves and their families from the Fire. Allaah says (interpretation of the meaning):

“O you who believe! Ward off yourselves and your families against a Fire (Hell) whose fuel is men and stones, over which are (appointed) angels stern (and) severe, who disobey not, (from executing) the Commands they receive from Allaah, but do that which they are commanded”

[al-Tahreem 66:6]

What we see nowadays of disobedience towards parents is one of the results of parental failure to give children a proper Islamic upbringing. Children are brought up in a manner far removed from the rulings of sharee'ah, so they do not know their parents' rights, let alone the rights of Allaah. So how can fathers and mothers hope that their children will be good when they have taken them far away from the straight path in the way they have raised them and cared for them?

In the case of those who have not fallen short in caring for their children and raising them in a proper Islamic manner, but then the children are not following Islamic guidance, this is a test from Allaah for the fathers and mothers. For those who were negligent, it is a kind of punishment.

Thirdly:

Cutting off all ties with the daughter may not always be the means of setting things straight. It is more akin to taking revenge and punishing and may lead to bad results that are the opposite of what was hoped for. It is far better for the girl to stay with her family than for her to run away or be thrown out of the house, because the evil that results from a girl leaving her family home is far greater than the evil that may result when she is with her family.

Hence it is not prescribed in our religion to forsake a person for the sake of forsaking them; it is prescribed only when doing so will lead to positive results. If it will lead to a greater evil then it is not prescribed.

And Allaah knows best.