INDEX OF ARABIC TERMS

<table>
<thead>
<tr>
<th>Term</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>abū, 81</td>
<td></td>
</tr>
<tr>
<td>'a'in, 218</td>
<td></td>
</tr>
<tr>
<td>Aκdārīyya, 88–90</td>
<td></td>
</tr>
<tr>
<td>'aqq, 215</td>
<td></td>
</tr>
<tr>
<td>'aṣaba, 29, 30, 31, 33, 35, 73, 75, 108, 130</td>
<td></td>
</tr>
<tr>
<td>'aṣaba bi ghayrihā, 42, 72</td>
<td></td>
</tr>
<tr>
<td>'aṣaba bi naftih, 42</td>
<td></td>
</tr>
<tr>
<td>'aṣaba ma'a ghayrihā, 72</td>
<td></td>
</tr>
<tr>
<td>'aṣabiyāya, 29, 135, 143</td>
<td></td>
</tr>
<tr>
<td>'awl, 47–8, 53, 56, 88, 97, 113, 251</td>
<td></td>
</tr>
<tr>
<td>bā'im, 17, 20, 189</td>
<td></td>
</tr>
<tr>
<td>bā'īl-māl, 243*</td>
<td></td>
</tr>
<tr>
<td>bātīl, 26</td>
<td></td>
</tr>
<tr>
<td>dār al-ḥarb, 193</td>
<td></td>
</tr>
<tr>
<td>dār al-Islām, 193</td>
<td></td>
</tr>
<tr>
<td>ḍarar, 20</td>
<td></td>
</tr>
<tr>
<td>dhawā'īl-arḥām, 30, 31</td>
<td></td>
</tr>
<tr>
<td>diyya, 176</td>
<td></td>
</tr>
<tr>
<td>fārd, pl. fardā'īd, 3, 55, 58, 68</td>
<td></td>
</tr>
<tr>
<td>ḍhā fārd, 111</td>
<td></td>
</tr>
<tr>
<td>ahl al-fardā'id, 30, 31, 35, 36, 75</td>
<td></td>
</tr>
<tr>
<td>fāsid, 26</td>
<td></td>
</tr>
<tr>
<td>fatāoā, 147</td>
<td></td>
</tr>
<tr>
<td>Gharrā', 88</td>
<td></td>
</tr>
<tr>
<td>Gharrawāni, 46</td>
<td></td>
</tr>
<tr>
<td>ghirra, 207–8, 212</td>
<td></td>
</tr>
<tr>
<td>ḥārij, 217</td>
<td></td>
</tr>
<tr>
<td>ḥārām, 218</td>
<td></td>
</tr>
<tr>
<td>ḥila, 240, 260</td>
<td></td>
</tr>
<tr>
<td>Ḥummāriyya, 73–7, 127</td>
<td></td>
</tr>
<tr>
<td>'idda, 14, 16–20, 22, 24, 189–90, 209–10, 277, 279</td>
<td></td>
</tr>
<tr>
<td>ṫībīb, 215</td>
<td></td>
</tr>
<tr>
<td>ṫībrār, 11–13</td>
<td></td>
</tr>
<tr>
<td>ḫīḥād, 138, 146, 151</td>
<td></td>
</tr>
<tr>
<td>'ilm, 3</td>
<td></td>
</tr>
<tr>
<td>iqrīr, 26, 272–3</td>
<td></td>
</tr>
<tr>
<td>istihbān, 76–7</td>
<td></td>
</tr>
<tr>
<td>istiḥkāb, 193–6, 198</td>
<td></td>
</tr>
<tr>
<td>kalāla, 65</td>
<td></td>
</tr>
<tr>
<td>khul', 17, 277–8</td>
<td></td>
</tr>
<tr>
<td>Khurāqā', 79–80</td>
<td></td>
</tr>
<tr>
<td>kitābiyya, 16</td>
<td></td>
</tr>
<tr>
<td>lī'ān, 16, 25, 28</td>
<td></td>
</tr>
<tr>
<td>maftūd, 195</td>
<td></td>
</tr>
<tr>
<td>māl, 218</td>
<td></td>
</tr>
<tr>
<td>Mālīkiyya, 87</td>
<td></td>
</tr>
<tr>
<td>manṣa'a, 220</td>
<td></td>
</tr>
<tr>
<td>marād al-maut, 250–79</td>
<td></td>
</tr>
<tr>
<td>marād, 259–79</td>
<td></td>
</tr>
<tr>
<td>maqūf, 245</td>
<td></td>
</tr>
<tr>
<td>Minbarīyya, 47–8</td>
<td></td>
</tr>
<tr>
<td>Mu'ādda, 44, 64, 85–6</td>
<td></td>
</tr>
<tr>
<td>mu'allaq alā sharīf, 223</td>
<td></td>
</tr>
<tr>
<td>mubārā', 19</td>
<td></td>
</tr>
<tr>
<td>mubātāt, 270–1</td>
<td></td>
</tr>
<tr>
<td>mukhawwīf, 263</td>
<td></td>
</tr>
<tr>
<td>Muhāṣṣara, 86</td>
<td></td>
</tr>
<tr>
<td>Mūṣṭara, 74</td>
<td></td>
</tr>
<tr>
<td>mut'a, 17, 127</td>
<td></td>
</tr>
<tr>
<td>nasab, 22, 172</td>
<td></td>
</tr>
<tr>
<td>nikāb, 10, 17</td>
<td></td>
</tr>
<tr>
<td>qabūl, 215</td>
<td></td>
</tr>
<tr>
<td>qadīf, 25, 81</td>
<td></td>
</tr>
<tr>
<td>qarāba, 92, 98–107, 108–10, 167–71, 175</td>
<td></td>
</tr>
<tr>
<td>dhu' qarāba, 111</td>
<td></td>
</tr>
<tr>
<td>qatl bi'l-mubahara, 179</td>
<td></td>
</tr>
<tr>
<td>qatl bi'l-tasbīb, 179</td>
<td></td>
</tr>
<tr>
<td>qiṣāṣ, 176</td>
<td></td>
</tr>
<tr>
<td>qiyyās, 35, 76, 120</td>
<td></td>
</tr>
<tr>
<td>radd, 47, 49–51, 56, 70, 103, 135–20, 139–43, 175, 243</td>
<td></td>
</tr>
<tr>
<td>rajī', 17, 20</td>
<td></td>
</tr>
<tr>
<td>rāshīd, 217</td>
<td></td>
</tr>
<tr>
<td>rastīl, 217, 245</td>
<td></td>
</tr>
<tr>
<td>Shīhī al-Mālikiyya, 87–8</td>
<td></td>
</tr>
<tr>
<td>siyyāsā, 137</td>
<td></td>
</tr>
<tr>
<td>sunna, 4, 6, 130, 138, 151–2, 213</td>
<td></td>
</tr>
<tr>
<td>ṭalāq, 18–21, 276</td>
<td></td>
</tr>
<tr>
<td>taflīq, 137, 140, 182, 194, 221</td>
<td></td>
</tr>
<tr>
<td>ta'ṣīb, 41–2, 46, 52, 53, 55–9, 67, 69–71, 84, 88, 160</td>
<td></td>
</tr>
<tr>
<td>tamyīṭ, 217</td>
<td></td>
</tr>
<tr>
<td>tanzil, 92–7, 105–7, 112, 151, 167–70, 175</td>
<td></td>
</tr>
<tr>
<td>tawlīd, 136–8, 146</td>
<td></td>
</tr>
<tr>
<td>'Ummariyyatān, 45–6, 54, 60, 127, 131–2</td>
<td></td>
</tr>
<tr>
<td>Umm al-furūkh, 69</td>
<td></td>
</tr>
<tr>
<td>wala', 10</td>
<td></td>
</tr>
<tr>
<td>wakalād, 66, 132</td>
<td></td>
</tr>
<tr>
<td>al-wakalād li'l-firāsh, 23</td>
<td></td>
</tr>
<tr>
<td>waqf, 221, 268</td>
<td></td>
</tr>
<tr>
<td>waṣīyya, 215</td>
<td></td>
</tr>
<tr>
<td>zinā, 23, 25</td>
<td></td>
</tr>
</tbody>
</table>

[281]
INDEX OF CASES

“Analogy with Malik’s Rule”, 87–8
“Computation”, 85–6
“Confounding Rule”, 88–90
“Deceit”, 88
“Divided Inheritance”, 74
“Donkey”, 73–7, 127
“Hen and her Chicks”, 69
“Lucky and Unlucky Kinsman”, 55–7, 69–71
Malik’s Rule”, 87, 158
Narontakari v. Parakhial (1922), 45 Mad. 986, 190
“Pulpit”, 47–8
Rahmatullah v. Magsood Ahmad, 1950
I.L.R. All. 713, 174
“Restricted Female”, 86
“S’a’d’s Estate”, 29–30, 130, 132
“Tatters”, 79–80
“Two Deceivers”, 46
“Two Decisions of ‘Umar”, 45–6, 127, 131–2

INDEX OF COUNTRIES

ALGERIA, 5
CEYLON, 5
EGYPT, 5
bequests: acceptance of, 233; capacity of testator, 217–8, 226; conditional, 223; improper motive for, 224; proof of, 216; to heirs, 255–8; usufructory, 221 daughter’s right of inheritance, 7 difference of domicile as bar to succession, 193–4, 231 divorce, 21 embryos, determination of rights of inheritance of, 212 grandchildren as obligatory legatees, 143–57 grandfather inheriting with collaterals, 158–61 homicide as impediment to succession, 182–3, 230 legitimacy, 27 marriageable age, 12 missing persons, judicial decree of death of, 211 registration of marriage, 12 “return” to spouse relict, 139

IRAN
childless wife’s right of inheritance, 114 daughter’s right of inheritance, 7 death-sickness, 267, 279 missing persons, judicial decree of death of, 211 school of law applied, 5 temporary marriage, succession rights in, 17

IRAQ
bequests: acceptance of, 233; capacity of testator, 217, 226; existence of legatee, 228; proof of, 216; revocation of, 225; to heirs, 255–8 daughter’s right of inheritance, 140–3

[ 282 ]
### Index of countries

283

**IRAQ (cont.)**
- divorce, 21
- domicile, difference of, as a bar to succession, 211
- grandfather inheriting with collaterals, 161
- homicide as impediment to succession, 184, 230
- legitimacy, 28
- marriageable age, 13
- polygamy, 15
- Treasury, as heir, 244

**JORDAN**
- divorce, 21
- grandfather inheriting with collaterals, 158
- legitimacy, 28
- marriageable age, 13
- missing persons, judicial decree of death of, 211

**LEBANON, 153**

**MALAYA**
- capacity to marry, 14
- school of law applied, 5

**MOROCCO**
- divorce, 21
- grandchildren as obligatory legatees, 143–57
- grandfather inheriting with collaterals, 158
- legitimacy, 27
- marriageable age, 13
- polygamy, 15

**PAKISTAN**
- bequests to heirs, 258
- daughter’s right of inheritance, 7, 157
- death-sickness, 264
- divorce, 20, 21
- grandchildren inheriting by representation, 150–7
- grandfather inheriting with collaterals, 158
- homicide as impediment to inheritance, 184–5
- legitimacy, 28
- marriageable age, 13
- missing persons, judicial decree of death of, 211
- polygamy, 15
- registration of marriage, 12
- “return” to spouse relict, 139

**SAUDI ARABIA**
- paternity, cases 00, 24
- school of law applied, 5

**SOUTH YEMEN, 5**

**SUDAN**
- bequests to heirs, 255–8
- capacity to marry, 13
- divorce, 21
- grandfather inheriting with collaterals, 158–61
- “return” to spouse relict, 139

**SYRIA**
- bequests: acceptance of, 233; capacity of testator, 217, 226; conditional, 223; proof of, 216; to heirs, 258; usufructory, 221
- domicile, difference of, as bar to succession, 193–4, 231
- embryos, determination of rights of inheritance of, 212
- grandchildren as obligatory legatees, 143–57
- grandfather inheriting with collaterals, 158–61
- homicide as impediment to succession, 182–3, 230
- legitimacy, 27
- marriageable age, 13
- polygamy, 15
- “return” to spouse relict, 139–40

**TUNISIA**
- bequests: acceptance of, 233–4; capacity of testator, 17–18, 226; proof of, 216; to heirs, 258; usufructory, 221
- capacity to marry, 13
- daughter’s right of inheritance, 7, 141–3
- divorce, 22
- domicile, difference of, as a bar to succession, 231
- embryos, determination of rights of inheritance of, 212
- grandchildren as obligatory legatees, 143–57
- grandfather inheriting with collaterals, 158
- homicide as impediment to succession, 184, 230
- legitimacy, 27
- missing persons, judicial decree of death of, 211
- polygamy, 15
- registration of marriage, 12
- “return” to spouse relict, 140
- Treasury as heir, 244

**TURKEY, 136**

**YEMEN, 5**

**ZANZIBAR**
- school of law applied, 5
- Treasury, succession rights of, 50
INDEX OF LEGISLATION

EGYPT
Criminal Code, 1937: 182–3
Law of Divorce, 1929: 27, 211
Penal Code, 1875: 182

INDIA
Caste Disabilities Removal Act, 1850 (xxi of 1850): 190–1
Dissolution of Muslim Marriages Act, 1939 (viii of 1939): 20, 190–1
Evidence Act, 1872 (I of 1872): 28, 210–12
Majority Act, 1875 (ix of 1875): 217
Penal Code, 1860 (xlv of 1860): 184

IRAQ
Civil Code, 1931: 17, 114, 173, 202, 211, 267–8, 279

INDEX OF NAMES

‘Abbās b. Abī Ṭalib, 47
‘Abbāsids, 123, 126
Abū Bakr, 60, 80–2
Abū Ḥanīfa, 100, 196, 205, 251
Abū Imāma, 214
Abūl-Khaṭṭāb, 97
Abū Mūsā, 54
Abū Yūsuf, 92, 100–5, 158, 162–3, 189, 196, 205
Abū Zahra, Shaykh Muḥammad, 148
al-Adawi, 46, 54
Ahmad b. Ḥanbal, 200

‘Alt, 47, 82–3, 123–4, 128, 158–61
Anderson, J. N. D., 135, 158, 160, 161
Bailie, N. B. E., 246
Faruki, Kernal, 135, 150–1, 156
Fāṭima, 126–7
Friedman, W. G., 126
Fysee, A. A. A., 246, 260
Hamilton, C., 274
Ibn ‘Abbās, 44–6, 48–9, 69, 113
Ibn al-Qayyim, 223–4
Ibn Ḥazm, 146
Ibn Mas‘ūd, 54, 58–9, 71, 80

© Cambridge University Press 2023
www.cambridge.org
INDEX OF SUBJECTS

Acknowledgment

Bankruptcy

Bequests

Blood-money

Brother

Capacity

Cousin

Divorce

Donatio mortis causa

Embryo

Entrepreneur

English law

Failure

Goods, transfer of

Heirs

Incapacity

Inheritance

Index of names

Ibn Qudāma

Ibn Taymiyya

al-Jabarti

Ja’far al-Sadiq

Linant de Bellefonds, Y.

Mahmud, Dr I.

al-Malibari

Muhammad, the Prophet

Mu‘jam Nāji‘

Query, A.

Quraysh

al-Ramlī

Roussier, Jules

Sa’d b. Abī Waqqās

Sa’d b. Mālik

al-Sā‘ī, J.

Schacht, J.

Shāfi‘ī

Shaybānī

‘Umar

‘Umar Abdallāh

Umayyads

‘Uthmān

Zaid b. Thābit

Cousins, rights of succession of, 33, 35, 77–8, 95–7, 104–5, 110, 123–4, 162–3

Daughter, rights of succession of, 38, 41–2, 114, 141–3, 157

Divorce

by judicial decree, 19–20

by mutual consent, 19; during death-sickness, 277–9

by repudiation, 18; during death-sickness, 276–7

Documentary evidence

bequests, of, 216

cause of action, required for, 137

Domicile, difference of, as bar to succession, 193–4, 231

Entrepreneur

capacity of ultra vires bequests, for, 245–8

testator, of, 216–18, 226

Cousin, rights of succession of, 33, 35, 77–8, 95–7, 104–5, 110, 123–4, 162–3

Bankruptcy

bequests made during, 216

creditors’ claims in, 49

incapacity arising from, 247, 249

acceptance of, 231–4

conditions relating to legatee, 227–31

declaration of, 215–18

failure of, 224–7

obligatory, 143–57

substance and terms of, 218–24

Blood-money

embryo, for destruction of, 207–8

homicide, sanction for, 176, 179, 185

succession to, 181

Brother


uterine, rights of succession of, 37, 39, 65–77, 119–22

Daughter, rights of succession of, 38, 41–2, 114, 141–3, 157

Divorce

by judicial decree, 19–20

by mutual consent, 19; during death-sickness, 277–9

by repudiation, 18; during death-sickness, 276–7

revocable and irrevocable, 17

Documentary evidence

bequests, of, 216

cause of action, required for, 137

Domicile, difference of, as bar to succession, 193–4, 231

Donatio mortis causa

Embryo

bequests to, 227–8

rights of inheritance of, how determined, 204–12

English law

criminal law, 179

device and bequest, 218

Index of names

al-Ramlī, 79, 176

Roussier, Jules, 140

Sa’d b. Abī Waqqās, 214

Sa’d b. Mālik, 214

al-Sā‘ī, J., 262–3

Schacht, J., 125, 127

Shāfi‘ī, 146, 189, 192, 200

Shaybānī, 92, 99, 100–5, 112, 151, 158, 162, 189, 196

‘Umar, 45, 47, 73–4, 79, 80, 127, 202

‘Umar Abdallāh, 180–1

Umayyads, 126

‘Uthmān, 80

Zaid b. Thābit, 84–6, 158–61

Acknowledgment

of debt, 272–4

of kinship, 139–40

of paternity, 26–7, 274

al-Jabarti’s rule, 33–5, 43, 73, 78

Apostasy, 177, 186

as a bar to inheritance, 188–92

as termination of marriage, 189–92

Arbitration councils in Pakistan, 15, 21

Aunt, rights of succession of, 93–4, 96, 122–3

Capacity

ratification of ultra vires bequests, for, 245–8

testator, of, 216–18, 226

Cousin, rights of succession of, 33, 35, 77–8, 95–7, 104–5, 110, 123–4, 162–3

Daughter, rights of succession of, 38, 41–2, 114, 141–3, 157

Divorce

by judicial decree, 19–20

by mutual consent, 19; during death-sickness, 277–9

by repudiation, 18; during death-sickness, 276–7

revocable and irrevocable, 17

Documentary evidence

bequests, of, 216

cause of action, required for, 137

Domicile, difference of, as bar to succession, 193–4, 231

Donatio mortis causa

Embryo

bequests to, 227–8

rights of inheritance of, how determined, 204–12

English law

criminal law, 179

device and bequest, 218
## Index of subjects

<table>
<thead>
<tr>
<th>English law (cont.)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Inheritance (Family Provisions) Act, 1938, 2</td>
<td>Impediments to, 14–16</td>
</tr>
<tr>
<td>Philosophy of succession law, 1</td>
<td>Invalidity of, 16, 25–6</td>
</tr>
<tr>
<td>Presumption of survival, 202</td>
<td>Polygamy, 14–16</td>
</tr>
<tr>
<td>Equity</td>
<td>Registration of, 12</td>
</tr>
<tr>
<td>“is equality”, 49, 231</td>
<td></td>
</tr>
<tr>
<td>Parallel principle of Islamic jurisprudence, 77</td>
<td></td>
</tr>
<tr>
<td>Father, rights of succession of, 38, 43–6, 62–3, 116</td>
<td></td>
</tr>
<tr>
<td>Gift</td>
<td></td>
</tr>
<tr>
<td>Bequest, analogous to, 229–30, 236</td>
<td></td>
</tr>
<tr>
<td>During death-sickness, 267–70</td>
<td></td>
</tr>
<tr>
<td>Future and contingent, 222</td>
<td></td>
</tr>
<tr>
<td>Ratification of ultra vires bequest treated as, 244–50</td>
<td></td>
</tr>
<tr>
<td>Granddaughter</td>
<td></td>
</tr>
<tr>
<td>Rights of succession of, 38, 54–9, 101–12, 115</td>
<td></td>
</tr>
<tr>
<td>Under current law in Middle East and Pakistan, 143–57</td>
<td></td>
</tr>
<tr>
<td>Grandfather, rights of succession of, 38, 53–4, 79–90, 102, 118–19, 120–2, 158–61</td>
<td></td>
</tr>
<tr>
<td>Grandmother, rights of succession of, 38, 60–4, 102, 118–19, 120–2</td>
<td></td>
</tr>
<tr>
<td>Grandson</td>
<td></td>
</tr>
<tr>
<td>Rights of succession of, 38, 52–3, 101–2, 115</td>
<td></td>
</tr>
<tr>
<td>Under current law in Middle East and Pakistan, 143–57</td>
<td></td>
</tr>
<tr>
<td>Homicide</td>
<td></td>
</tr>
<tr>
<td>As bar to inheritance, 180–5</td>
<td></td>
</tr>
<tr>
<td>As bar to taking a bequest, 229–30</td>
<td></td>
</tr>
<tr>
<td>General law of, 176–9</td>
<td></td>
</tr>
<tr>
<td>Illegitimate persons</td>
<td></td>
</tr>
<tr>
<td>Inheritance by, 173–4, 210</td>
<td></td>
</tr>
<tr>
<td>Inheritance from, 174–6</td>
<td></td>
</tr>
<tr>
<td>Imamate, Shi‘i doctrine of, 129–30</td>
<td></td>
</tr>
<tr>
<td>Lunatics</td>
<td></td>
</tr>
<tr>
<td>Bequest, no capacity for, 217</td>
<td></td>
</tr>
<tr>
<td>Homicide, liability for, 179–84</td>
<td></td>
</tr>
<tr>
<td>Marriage</td>
<td></td>
</tr>
<tr>
<td>Capacity for, 11–14</td>
<td></td>
</tr>
<tr>
<td>Death-sickness, during, 274–6</td>
<td></td>
</tr>
<tr>
<td>Dower in, 16</td>
<td></td>
</tr>
<tr>
<td>Formalities of, 10</td>
<td></td>
</tr>
<tr>
<td>Guardianship in, 11–12</td>
<td></td>
</tr>
<tr>
<td>Homicide</td>
<td></td>
</tr>
<tr>
<td>Inheritance by inner family in Sunnī law, 38–9</td>
<td></td>
</tr>
<tr>
<td>Inheritance by outer family in Sunnī law, 92–100</td>
<td></td>
</tr>
<tr>
<td>Inheritance in Shi‘i law</td>
<td></td>
</tr>
<tr>
<td>Qur‘ān, 4, 6, 29, 33, 129–34, 138, 151–2</td>
<td></td>
</tr>
<tr>
<td>Legal texts of, relating to: bequests, 145–6, 213</td>
<td></td>
</tr>
<tr>
<td>Doctrine of radd, or “return”, 50</td>
<td></td>
</tr>
</tbody>
</table>

Cambridge University Press  
978-0-521-08807-7 - Succession in the Muslim Family  
N. J. Coulson  
Index  
More information
Qur’ān, (cont.)
legal texts of, relating to
inheritance by brothers and sisters, 65, 132, 143
inheritance by children, 41
inheritance by parents, 43, 45, 117, 132

Reduction
of portions of daughters and sisters in Shī‘i law, 49, 113
proportionate, of all Qur’ānic portions in Sunni law, 47–8
Religion, difference of, as a bar to succession, 156, 185–93, 231

Representation
basis of succession by outer family in Shī‘i and Ḥanbali law, 92–8
current law of, in the Middle East and Pakistan, 143–57
determines quantum of entitlement in Shī‘i law, 111–12
distinguished from substitution, 52, 150
“Return” of residue to:
daughter in Tunisia, 142–3

spouse relict in modern law, 139–40
Sale during death-sickness, 270–2
Sister
uterine, rights of inheritance of, 39, 65–77, 119–22
Son
eldest, rights of in Shī‘i law, 114
rights of succession of, 38, 41–2
Spouse relict
basis of succession right, 10
rights of succession of, 38, 41, 50–1, 97, 108, 112–14, 139–40
Testamentary liberty
bequests to heirs in Egypt, Sudan, Iraq, 255–8
limitations upon, 213–14
restriction of, by obligatory bequest system, 156–7
Treasury
claiming property of apostates, 188
succession by, as legal heir or by escheat, 49–50, 142, 175, 243–4
Uncle, rights of succession of, 33, 77–8, 94, 122–4