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## Gradation in the provisions of inheritance between the Meccan and the civil eras

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### Abstract

The science of obligatory duties is a great science related to the rights of people among themselves, and in it is the strengthening of bonds of love and affection between people. For the sake of sciences, the knowledge of the obligatory duties is considered dangerous, the highest in rank, and the greatest in reward, and because of its importance, God Almighty has taken over the estimation of the obligatory duties himself. Third: God Almighty took over the division of inheritances himself and did not leave them to any of his creation, because no matter how human beings want to achieve justice, they will not reach or reach it in the fullest manner, and they will not be able to come up with such things. Justice, because they are ignorant of the matter of fathers and sons and do not know which of them is closest to them. The issue of gradualism in rulings has taken a wide space in the minds of scholars, because of its important impact on the nation, in which it facilitates, relieves embarrassment and relieves people. As for what is due by lineage, they did not inherit the young or the female, rather they inherited the one who fought and took the booty. As for the reason by which they inherit, it is two things: one is the oath and the contract, and the other is adoption. Then Islam came and they left for a while as they were, then it was abrogated.

**Keywords:** Inheritance, Meccan, civil, embarrassment, inheritance, generosity, Gradation

### Introduction

Praise be to God, who created man and his generosity and favor over many of those who created a preference and taught him what he did not know, who says in his dear book **نَحْنُ نَحْنُ**: **نَحْنُ نَحْنُ** And prayers and peace be upon our master Muhammad, his family, companions, followers and those who followed them from among the jurists and scholars who supported the religion, and exerted themselves in deriving rulings and clarifying what is permissible and what is forbidden. Science; Because the Prophet, may God's prayers and peace be upon him, made it clear in the authentic narrations that the first of the sciences to disappear and disappear is the science of inheritance, or the knowledge of the ordinances, and the people of the Pre-Islamic era were unjust in their rulings, so they oppressed women and children, they were not bequeathed except to the one who could bring the spoils, - meaning: The fighter - and he is an adult man, so they do not inherit women, nor boys, so the Shariah came to explain the inheritance of the fetus in its mother's womb. These and other reasons were the impetus for writing in this science. As for the reason for choosing this topic ((gradualization in the provisions of inheritance)), what happens from goals that all start with a simple matter and progress until you reach the desired goal. In obedience and worship, we see that gradualism to enter into obedience is a legal matter, so the Messenger of God, may God bless him and grant him peace, taught us how to teach our children to pray when they are seven years old, and to strike it when they are ten years old, and his statement, may God's prayers and peace be upon him, is that this religion is solid, so we have to go into it gently And other evidences on the year of gradualism are many. My methodology in the research includes three sections, which are as follows: The first topic: the reality of gradualism according to scholars, and includes the following demands, the first requirement: the definition of gradation linguistically and idiomatically, and the second requirement: the evidence for the legality of gradualism Transferability and rationality, the third requirement, the reasons for gradualism and the wisdom of it, the second topic: the reality of inheritance and includes the following demands. The first requirement: the definition of inheritance linguistically and idiomatically. The second requirement: evidence of the legitimacy of inheritance, the third requirement: the reasons for inheritance. The third topic: the status of the distribution of inheritance in the Meccan and civil covenants and the balance between them, and includes the following demands.

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circumstances, souls and conditions, with the demolition of the unjust foundations on which the people of the Jahiliyyah had in their inheritance system, such as cases of oppression against women, children and the weak and the establishment of a just alternative system, by enacting detailed provisions for succession, achieving the final transition to permanent and eternal provisions that are suitable for survival with different circumstances Man and Place [18]. As for the importance of gradualism in inheritance, there are touches that came in mentioning the verses of inheritance in the Holy Qur'an, including: 1). The first touch: A Qur'an roll to sweeten the souls towards these duties. There are those whose fatherly affection pushes them towards the children of the children over the fathers, because the innate weakness towards the children is greater. And among them are those who overcome this weakness with moral and ethical feelings and tend to prefer fathers. And among them are those who are confused and vacillate between innate weakness and literary feeling. Likewise, the environment, with its customary logic, may impose certain directions, such as the one with which some of them faced legislation on the day it was revealed, so God Almighty wanted to pour into hearts the comfort of contentment and submission to God's command. The department closest to them is the issue 2). The second touch: to determine the origin of the issue, the issue is not a whim or an educational interest - it is the issue of religion and the issue of Sharia. It is also the interest based on knowledge and wisdom. God He judges because he is knowledgeable - and they do not know, and God imposes because he is wise - and they follow whims. Thus, these comments follow before the completion of the inheritance provisions, to return the matter to its original axis. Its creedal axis, which determines the meaning of (religion), is to resort to God, to receive duties from Him, and to be satisfied with His judgment [19].

## 2. Topic: The reality of inheritance

The science of inheritance is the science of the Qur'an [20, 21], which God Almighty took over and determined his shares by himself, so he did not leave much room for diligence in it [22], and it is the only science of jurisprudence that is concerned with the state of a person's death, while the other sciences are concerned with the state of his life. [23], and this is why the Messenger of God (peace be upon him) described it as half of knowledge and that it is forgotten and caught. He urged him, peace and blessings be upon him, to learn and teach it, when it was narrated on the authority of Al-Araj on the authority of Abu Hurayrah (may God be pleased with him) that he said: The Messenger of God (peace and blessings of God be upon him) said: O Abu Huraira, learn the obligations and teach them, for it describes knowledge while it is forgotten, and it is the first thing to be taken away from my nation." [24]. Based on this, the meaning of it being half the knowledge is half the knowledge of the laws, and the other half is the knowledge of the taboos. Teaching it and encouraging its memorization, because since it was forgotten and was the first thing to be taken away from knowledge, taking care of it is more important and knowing it for that is the best. Especially the knowledge of the statutes of what was previously forgotten, and the first to be removed [25]. The meaning of the half is either considering the conditions of life and death, and this knowledge is specific to the case of death and others in life, or considering the causes of ownership, they are forced or

optional, so the first is inheritance [26]. Imam Ibn Abidin said: (He (peace be upon him) called it half of knowledge because it is proven by the text and nothing else, and as for other than it, it is sometimes by the text and by analogy at other times.

To clarify the importance of this science, this topic has been divided into three demands, as follows:

### ▪ Requirement: The concept of inheritance

Inheritance in language: inheritance and inheritance are one substance, and the origin of the hamza is waw because he who inherited [28], and so-and-so inherited money from him and from him inherits, and his money became to him after his death., and his saying" Inherited": that is, they inherited from each other [29]. Inheritance either comes in the sense of the infinitive or in the sense of a noun object [30]. Which comes in the sense of the infinitive [30]. Which comes in the sense of the infinitive: it is one of its sources and he inherited the thing. The source has two meanings:

One of them: from him is the name of God, the Most High, the heir, because He, the Most High, said **أَقْدَمَ كَيْدَكَ كَيْدًا**:

**أَقْدَمَ كَيْدَكَ كَيْدًا** answer beard lest why? To attack swiss hidden mm success sleep **هَجَّ هُمُومًا** (φ yea **يَجَّ يَمًا**) [31].

And His saying, the Most High: **لِي مَا مِمَّنْ لَمْ** [32] that is: the remainder after the annihilation of his creation [33]. And the second: The transfer of a thing from one people to another people. Which comes in the sense of the name of the effect, agrees with heritage and inheritance and is called the origin and the rest [34]. Inheritance in terminology: jurists defined inheritance with close definitions. Show it in turn: the Hanafis knew him, and they said: (It is the transfer of the money of others to others for the sake of the caliphate) [35].

And the Malikis knew him and said: (It is a right that is indivisible, proven to its rightful one after the death of whoever had it due to kinship between them). The Shafi'i knew it and said: (What the deceased leaves from money, right or specialization) [37]. And the Hanbalis knew it and said: (And it is the right it is clear to us from the definitions of the jurists of inheritance that they are unanimously agreed that the heir deserves his share, which is legally determined by the death of the bequeathed. It is established in the Qur'an, Sunnah and consensus [39].

### ▪ Requirement: Evidence for the legitimacy of the inheritance has been proven by many evidences detailed in the book

Holy Quran **أَكِي كِي لَمْ**. On the left **أَكِي كِي لَمْ** I want **بِمَ بِي** get out hilarious shy away **تَمَّ جَدَّ** **حَمَّ حَمَّ** **سَخَّ سَخَّ** **صَخَّ صَخَّ** **ضَخَّ ضَخَّ** **طَخَّ طَخَّ** **عَخَّ عَخَّ** **غَخَّ غَخَّ** **فَخَّ فَخَّ** **كَخَّ كَخَّ** **كَا كَا** to the rooster lest why? To attack swiss hidden mm Naj we [40].

The people of the Jahiliyyah used to give all inheritance to males without females, so God Almighty commanded that they be equal in the principle of inheritance, and differentiated between the two types, so He made (the male equals the share of two females), and that is due to the man's need for the provision of alimony and costs and the suffering of trade and earning and enduring hardships, so it is appropriate to be given twice as much What does the female take?

The verse indicates the male and female share of the





**Margins**

1. Surah Al-Isra: Verse; p. 106.
2. See: Al-Wajeez fi Usul Al-Fiqh Al-Islami: Professor Dr. Muhammad Mustafa Al-Zuhaili, Dar Al-Khair for Printing and Distribution, Damascus - Syria, 2, 1427 AH - 2006 AD, 2/233.
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17. See: The revelation of the Qur'an and its care during the era of the Prophet, peace be upon him: Abd al-Wadud Maqbool Hanif, King Fahd Complex for the Printing of the Noble Qur'an in Medina, p. 21.
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31. Surah Al-Hijr: Verse; p. 23.
32. The choice for the chosen explanation; p. 5/92.
33. See: Al-Durrah Al-Bahiya by investigating Al-Rahbiah Investigations with the book Sharh Al-Rahbiah: Imam Muhammad bin Ahmed bin Badr Al-Din, Al-Shafi'i, Sibt Jamal Al-Din Abdullah bin Khalil bin Youssef bin Abdullah, Al-Mardini, and with him Al-Durrah Al-Bahiya book by Al-Rahbiah Investigations: Muhammad Muhyi Al-Din Abdul Hamid. Al-Saada Press - Egypt R;

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