

## Concepts to be Corrected Regarding Inheritance:

﴿فَلِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَّيْنَ﴾

“(Share) for male is equal to the share of two females” [Surah an-Nisa’a 4:11]

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There are verses in the Book of Allah which secularists and enemies of Islam are itching to abolish if they could. Malicious people always direct their arrows of slander and falsehood toward Islam through these verses, and the most prominent of these verses is the saying of Allah (swt), ﴿يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَّيْنَ﴾ “Allah instructs you concerning your children: for the male, what is equal to the share of two females.” [Surah an-Nisa’a 4:11]

We can hear many mouthpieces that accuse Islam of male chauvinism and inequality for women, as it gives only half a share of the man to the woman in inheritance! Some Muslims become confused before these repeated falsehood. They do not know how to respond to these accusations. Had these lying slanderers looked fairly into the reality of the woman in Islam, or even her reality under Western civilisation and compared with what Islam has provided for woman in terms of status and position, they would cut their tongues before they utter some of what they do.

The audacity of some Arab regimes, like Tunisia for example, has reached the extent of passing a law of equal inheritance for the man and the woman in flagrant defiance to the verses of Allah (swt). This law was passed on 23/11/2018. Do these naive people not know that they have denied the great portion of rights to the women, which the Islamic inheritance system has granted them?! Based on this law, the women in Tunisia today inherit little of their shares, which Allah has obliged for them! How is this? Does woman inherit half the share of man in all cases?

Upon scrutinizing the Islamic inheritance system, one will find that it is a system that is based on standards aiming to achieve justice and public welfare. And these standards are devoid of permanent distinction between males and females as Quran did not say, “Allah instructs you concerning your inheritors: for the male, what is equal to the share of two females,” rather it says “Allah instructs you concerning your children.” Hence, this is not the general case of dividing the bequest. Instead, there are specific standards which Shariah looks after in distributing the inheritance.

**First:** The degree of kinship between inheritor, male or female, and the deceased predecessor. Hence, as the relationship gets closer, the share of inheritance is increased. For example, the daughter of the deceased woman gets more share than the deceased woman’s husband. The daughter is closer to the deceased woman than her husband, though the daughter is female, whilst the husband is male. And this affirms that masculinity and femininity are not the original standards upon which Shariah depends for inheritance.

**Second:** The position of the inheriting generation in the chronological sequence of generations. The generations which follow the soul usually have the greater share of

inheritance than the generations that precede the soul. This is regardless of masculinity and femininity of the inheritors. Hence, the daughter inherits more than the mother, while both are females. And the daughter inherits more than the father! And also the son inherits more than father, while both of them are males!

**Thirdly:** The financial burden which the Sharia obliges over the inheritors to undertake for others: this is the standard that yields disparity between men and women. Allah (swt) said, ﴿يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ﴾ **“Allah instructs you concerning your children: for the male, what is equal to the share of two females.”** [Surah an-Nisa’a 4: 11]. This is because the male inheritor here, in case of equal degree of kinship and generation, is responsible for the Nafaqah (نفقة Financial Maintenance) of the woman, whereas the female inheritor’s Nafaqah is obligatory upon the male related to her. The cases of such distinction are very limited, when compared with the total number of inheritance cases. And with this Islamic reasoning, Islam has favored the female over the male in inheritance. This is not to oppress the male, but it is for the financial protection of the female that protects her during emergencies and misfortunes.

Now let’s take a quick look at the cases upon which a woman inherits according to the pure Sharia. Do we find it as an emaciated share, as slanderers falsely claim?

What should be noted is that in Islamic Fiqh, the subject of inheritance extends to thirty-four cases of inheritance, in which a woman inherits in different proportions. Of the thirty-four cases, in eleven cases the woman inherits same share as man. And in another fourteen cases, the woman inherits more of a share than the man. And in five cases, the woman withholds from the man and takes full inheritance. And there are four cases alone, where man inherits the share of two females.

#### **Some of the examples of the equality of women with men in inheritance:**

□ Inheritance by a father and a mother: each parent receives one sixth of the estate, due to the saying of Allah (swt), ﴿وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ﴾ **“And for one's parents, to each one of them is a sixth of his estate if he left children.”** [Surah an-Nisa’a 4:11]

□ Inheritance by siblings of the mother: it is equally divided between males and females. Hence, the male has the same share of the female, when the offspring of the inheritance is missing, due to the saying of Allah, ﴿وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلَّةً أَوْ امْرَأَةً وَهِيَ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ﴾ **“And if a man or woman leaves neither ascendants nor descendants but has a brother or a sister, then for each one of them is a sixth. But if they are more than two, they share a third,”** [Surah an-Nisa’a 4:12]

Why do we not hear any word of this from the mouth of opponents who seek equality in inheritance? Or did they only memorize the verse of the share for the male is the share of two females? I am almost certain that most of them did not go through the inheritance system whatsoever, nor do they know anything about the thirty cases, in which the woman inherits the same as that of the man, or inherits more than him or inherits, while the male inherits nothing. All they want to do is to defame Islam!!

## Examples of woman inheriting more than man:

In some cases of inheritance, we can find that the woman inherits more than the man according to the saying of Allah (swt) **﴿فَإِنْ كُنَّ نِسَاءً فَوْقَ ائْتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ﴾** **“But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children”** [Surah an-Nisa'a 4:11]. Examples for the above is:

□ If a person dies and leaves one daughter and father, then the share for the father is the sixth, and this is very little to the share of daughter or daughters. Moreover, no one says that the dignity of father is deficient with this inheritance.

□ Also another example of this is when a person dies and leaves one daughter and two full brothers. The daughter will inherit half due to her being a single daughter and absence of siblings for her. The two full brothers will have the remaining half as a share, as siblings, which is equally divided between the two. Hence the share of each full brother is fourth and so, again, the share of the male is less than the female.

□ Similarly, if a person dies while having two daughters and two full paternal uncles, the two daughters will inherit two third, divided equally between them due to their being more than one and the absence of other siblings than them. Hence, each of the two daughters will have one third of the inheritance. And the two full paternal uncles will take the remainder as a share, as siblings. Hence the share for each uncle is one sixth. And so, again, the share of the male is less than the female.

□ Similarly, if a woman dies while having a husband and one daughter, the daughter will inherit half the inheritance and the husband will inherit one fourth. Hence the daughter inherits double that of her father.

**And there are cases in which the woman inherits, while a man inherits nothing,**

Examples of which are:

□ If a person dies while having a son, a daughter and two full brothers: The son and daughter will take all the bequest, with the share of the male the same as the share of two females. And the two full brothers will not inherit anything, as they are preceded Al-Far'a Al-Waarith (الفرع الوارث Direct Heirs) (i.e. the son and the daughter). Hence, the daughter inherits and the full brother does not inherit.

□ If a man dies while only having the 'mother of the mother' and the 'father of the mother' i.e. his maternal grandmother and grandfather, the mother of mother i.e. his maternal grandmother will inherit all the bequest. And it is known in the 'Ilm (علم Knowledge) of inheritance that the Saheehah (صحيحة Valid in Inheritance) grandmother inherits a sixth of the share as direct relations and she takes the rest as reversion. So, nothing is inherited by his maternal grandfather i.e., the 'father of his mother,' even though the maternal grandfather is husband to the grandmother and despite his degree of relation to the deceased. The portion is all inherited by maternal grandmother as she belongs to the AsHaab ul Furood (أصحاب الفروض People of Direct Relations) whilst the maternal grandfather belongs to the AsHaab ul ArHaam (أصحاب الأرحام People of Kindred). It is noted that People of Kindred do not inherit along with

the People of Direct Relations. Upon studying the principle of inheritance for the grandfather and grandmother, we find the following: the Saheeh (صحيح Valid in Inheritance) grandfather is the one whose portion from the deceased does not include the mother. For example, the father of the mother or the father of the mother's mother is a Fasid (فاسد Invalid in Inheritance) grandfather (i.e. non-inheritor).

These are some examples for the equity of Islam towards woman. People of knowledge and fairness have witnessed to this.

**Thus, the summary of inheritance cases is as follows:**

1- The woman inherits half the share of the man in four out of the thirty-four cases, which is the equivalent of 11.76% of the total of inheritance cases. This is along with the obligation of the man to financially maintain the woman, whereas it is not obliged on the woman to financially maintain the man.

2- The woman inherits inheritance equal to that of the man. This occurs in eleven out of the thirty-four cases, which is equivalent to 32.35% of the total of inheritance cases.

3- The woman inherits inheritance more than that of man. This occurs in fourteen out of the thirty-four cases, which is equivalent to 41.18% of the total of inheritance cases.

4- The woman inherits, while the man inherits nothing and has no right over the inheritance. This occurs in five out of the thirty-four cases which is equivalent to 14.71%.

Glory be to Allah who dignified this Deen. Many, who sold themselves, their intellect and their Hereafter for the West, neglect it and so they lost in this world and hereafter.

Do the rulers of Tunisia know now how many of their women and daughters have lost out by their law? Do they know that they rob the women's wealth and rights completely, just as the rulers of Jahiliyaa did before Islam? Allah has said the Truth: ﴿الشَّيْطَانُ يَعِدُكُمُ الْفَقْرَ وَيَأْمُرُكُم بِالْفَحْشَاءِ وَاللَّهُ يَعِدُكُم مَّغْفِرَةً مِّنْهُ وَفَضْلًا وَاللَّهُ وَاسِعٌ عَلِيمٌ﴾ **“Satan threatens you with poverty and orders you to immorality, while Allah promises you forgiveness from Him and bounty. And Allah is all-Encompassing and Knowing.”** [Surah al-Baqarah 2:268].

The woman before Islam did not have rights of inheritance. Neither did she have financial protection, nor even the rights of living, for she was buried alive. Then Islam came to dignify her and forbade her killing. It obliged men to take care of her and her Nafaqah (نفقة Financial Maintenance). It gave her rights with which she was elevated over all other women on the earth.

Hence, we absolve ourselves before Allah over what the evil rulers and the agent followers do to us and to our Deen. O Allah! We ask that You like what Your beloved Prophet (saw) asked of You, of not afflicting us in our Deen. O Allah (swt) dominate by your honorable Shariah to shine upon our lives under the Khilafah state that halts the oppression of every oppressor and restores every right to its owner. Indeed, You are All-Hearer and All-Responding.