

Question:- (2017).

Write a comprehensive note on right of inheritance granted to women by Islam. (20).

ANSWER:-

1. OUTLINE

I. Introduction.

I.a. women in pre-Islamic arab.

I.b. Islamic inheritance laws - background.

II. Women Inheritance rights on basis of Quran.

II.a. Inclusive nature of law.

II.b. Rights of women as daughters.

II.c. Rights of women as spouses.

II.d. Rights of women as siblings.

III. Women Inheritance rights illustrated by story of Martyr Said Ibn Ar-Rabi.

IV. Principles underlying Women's Inheritance rights:

IVa:- Equality and Justice.

IVb:- Socio-economic Responsibilities.

IVc:- Protection and Empowerment.

IVd:- Fixed sharing and flexibility.

V. Common Criticism and Response.

VI. Conclusion.

I. INTRODUCTION:-

The verses and guidelines by Allah were revealed to Prophet Muhammad (ﷺ) at a time when women in the world, generally and Arab, specifically, were bereft of and status. In Age of Ignorance, men were assumed newborn child or girl and innocent girls were buried.

Islamic inheritance laws are a significant part of a just legal system, reflecting its commitment to fair and equitable treatment of individuals whether it be men or women. These laws are primarily derived from Quranic verses and Ahadees.

Detailed Exploration is as follows:-

II. WOMEN'S INHERITANCE RIGHTS - IN LIGHT OF QURAN :-

II.a. - INCLUSIVE NATURE OF ISLAMIC LAWS:-

"For men is a share of what his parents and close relatives leave, and for women is the share of what the parents or close relatives leave, be it little or much - an obligatory share".

- SURAH NISA (4:7)

This verse establishes the fundamental principle that both men and women are entitled to inheritance. Signifying Inclusive nature of Islamic inheritance law.

II.b. - INHERITANCE LAWS FOR WOMEN AS DAUGHTER:-

"Allah commands you regarding your children: for the male what is equal to the share of two females. But if there are only daughters, two or more, for them it is two third of ones estate. If there is only one, for her is half of ones estate."

- Surah Nisa (4:11)

In this verse Allah specifies the share between male and female children. While a male's share is equivalent to two females, it is due to his socio-economic responsibilities.

II-C. INHERITANCE LAWS FOR WOMEN AS

SPOUSE/WIFE:-

'And for you is half of what your wife leaves if they have no child. But if they have a child, for you is one fourth of what they leave, after any bequest they may have or debt. ~~of five~~
For the wives is one-fourth of what is left behind if they leave no child. But if they leave a child, then for them it is one-eighth of what you left after any bequest they may have or debt.

• Surah Nisa. (4:12).

→ This verse specifies the inheritance share of spouses, ensuring that both, husband and wife, to leave a portion of their estate behind.

II-D. INHERITANCE LAWS FOR WOMEN AS

SISTERS:-

'They ask you for legal verdict. Say: Allah directs (them) about those who leave no descendants or ascendants as heirs. If a man that dies, leaving a sister but no child, she shall have half the inheritance. If (such a deceased) was woman, who left no child, her brother takes her inheritance. If there are two sisters, they shall receive two thirds of inheritance (between them). If there are brothers and sisters - (they share), the male having twice the share of female. Thus Allah has made it

clear to you (the Law), lest you err. He is All knowing.
- Surah Nisa. (4:176).

This verse clearly explains the division and inheritance among siblings, ensuring sisters receive their due rights.

III. THE STORY OF SA'AD ibn AR-RABI - AN ILLUSTRATION OF WOMEN'S RIGHTS OF INHERITANCE

Narrated by ~~Abu~~ Jabir ibn Abdullah

"The wife of Sa'ad ibn Ar-Rabi came to Prophet (PBUH) with her two daughters from Sa'ad.

She said "O Messenger of Allah (SAW), there are two daughters of Sa'ad ibn Ar-Rabi, who was killed as a martyr (in a battle) with you. Their uncle has taken all that Sa'ad left and nothing has been given to them. They cannot be married unless they have something. The messenger of Allah (PBUH) said "Allah will decide regarding this". Then the verses of inheritance were revealed and Prophet (PBUH) sent for their uncle and said "Give the two daughters of Sa'ad two-thirds, and their mother one-eighth and whatever remains, it's yours."

Sunan Abi Dawood.

→ This Hadith illustrates the practical application of Quranic laws of inheritance - Ensuring justice and fairness in women.

IV. PRINCIPLES UNDERLYING WOMEN INHERITANCE LAWS:-

IVa:- EQUALITY AND JUSTICE.

Islamic inheritance laws aim to ensure equality and justice between males and females. It protects women's rights of inheritance while maintaining balance between heirs.

IVb:- Socio-Economic RESPONSIBILITIES:-

Differential shares in inheritance (eg. male receiving twice the share than female) are based upon the socioeconomic responsibilities of the man who is supposed to provide for the women and family.

IVc:- PROTECTION AND EMPOWERMENT:-

By providing a share in inheritance, Islam empowers women economically and ensures their protection. Allows financial independence of women. It is a significant departure from pre-Islamic practices where women were deprived of basic right to live even.

IVd:- FIXED SHARES AND FLEXIBILITY:-

Fixed shares proscribed in Quran ensure women's rights are upheld. Additionally, the system allows for flexibility in distributing the remainder of estate among other relatives; maintaining balance between fixed entitlement and discretionary distribution.

V CRITICISM AND RESPONSE:-

The common criticism faced regarding Inheritance laws of women is why the women been discriminated against, with allotment to half share of men?

Response:-

It is true that regarding inheritance Islam has differentiated between men and women, but this differentiation is based on realistic grounds. The realistic perception and financial obligations that men bear.

In Islam Men have to bestow Mahr upon their wives. Expenses of a wife and children must be paid by man. Thus Islam requires men to work diligently and pay for comfortable living of their family. Hence the ease created by Allah in men having a larger part of inheritance.

On the other hand, if a woman has wealth it is not her responsibility, as per Islam, to spend it on the provision of family - she may save or use it as she desires. All possessions she gains through Mahr, work, gifts, inheritance or any other legitimate method, are solely hers and she can amass it or spend, as she wills.

VI :- CONCLUSION :-

The right to inheritance granted to women is a testament to Islam's commitment to justice, equality and empowerment of women. Detailed guidelines provided by Ahadith and Quranic verses ensure fair share of women in inheritance. These provisions highlight the progressive nature of Islamic law.