

CSS-2017

Q. Write a comprehensive note on the right of inheritance granted to women by Islam.

Introduction:

Islam provides clear and significant rights to women, including the right to inherit property. These rights were revolutionary at the time of their introduction, given that women in many societies had little to no legal standing in inheritance matters. According to the Quran, Islamic law (Shariah), and the teachings of Prophet Muhammad (PBUH) collectively establish the inheritance rights for women.

"The reason why, in inheritance, men get twice the share of a woman is because the financial burden is laid on the man, even if the woman is rich.

She need not spend a penny on the household"

(Dr. Zakir Naik)
(Islamic Scholar and Speaker)

Date: ___/___/20___

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2. Historical Context of Right of Inheritance Granted to Women:

Before the advent of Islam, women in many societies, including pre-Islamic Arabia were often excluded from inheriting property. Inheritance was largely a privilege reserved for men, and women were often seen as part of the property to be inherited. Islam changed this dynamic by introducing a just and equitable system of inheritance for both genders.

"For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much - an obligatory share" (Sulah Al-Nisa)

3. Division of inheritance :

According to the Quran prescribes specific portions for women, depending on their relationship with the deceased.

i- Role of Daughters :

If a woman is the only child, she is entitled to half the estate.

If there are multiple daughters, they collectively inherit two-thirds.

ii- Role as a wife :

A widow is entitled to one-fourth of the deceased husband's estate if they have no children and one-eighth if they do have children.

iii- Role of Mothers :

A mother is entitled to one-third of the estate if the deceased has no children and one-sixth, if there are children.

"For Parents, a sixth share of inheritance to each, if the deceased left children".

(Surah Al-Nisa)

4. Rationale for Different Shares:

In some cases, women inherit a smaller share compared to men, such as when a brother and sister inherit from a parent. A common example is that a son inherits twice the share of a daughter. This division takes into account the financial responsibilities imposed on men in Islamic law. Men are obligated to financially support their families, including wives and children. While women are not required to bear financial responsibilities, even though they have the right to own and ^{manage} their property.

"The difference in shares is rooted in the financial responsibility that men bear in the household whereas women's wealth remains entirely their own"

(Imam Al-Qurtubi)

5. Protection of women's Property

Rights :

Islam safeguards a woman's right to her inheritance. Once a woman inherits property, it is solely hers to use or manage. No one, not even her husband, can claim ownership or control over it without her consent.

The law also ensures that women are treated fairly in the distribution of assets, prohibiting any manipulation or coercion by family members.

"Prophet Muhammad (PBUH) reinforced the importance of inheritance rights for women through his saying and actions."

6. Contemporary Relevance of Women's Inheritance Rights in Islam :

The right of inheritance granted to women by Islam continues to play a significant role in Muslim societies. However, the implementation of these laws can vary. In some regions, cultural practices may interfere with the fair application of Islamic inheritance laws, depriving women of their rightful shares. Efforts to educate people about Islamic inheritance laws are essential to ensure justice for women in such situations.

Conclusion:

Islam granted women the right to inherit centuries ago, establishing a system that promotes fairness and financial security for women. According to the Quran, the teaching of Prophet Muhammad (PBUH); provide a clear and just framework, ensuring that women are recognized as rightful heirs. Despite cultural challenges, the Islamic inheritance system remains a progressive model for women's financial rights in the modern world.

