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## Rights of Women in Inheritance Division Process in Islam

Islam is a religion that explained human life procedure. For example, Islam mentioned the subject of death as the last procedure that all people should die no matter of age, religion, culture, a tradition or color. However, Islam mentioned four important duties that should be fulfilled after one's death. The payment for the funeral, the debt of him or her, the will of him or her and the sharing of the dead person's estate to his or her heirs, and there are special systems for the wealth distribution that calls as an inheritance that Muslim people all follow it.

Inheritance is the process of distributing wealth and prosperity of a dead person to his/her relatives. It is the fact that the Koran highlighted the amount of wealth that a male and female successor should receive. It has been argued why a male successor receives double share alone but two female successors receive half together. However, Koran answered this question in this way.

Firstly, by making female to be a co-sharer with the father, brother, and husband.

Secondly, husband or man is the one that should provide needs to his wife and children.

Third, despite having a general theory of inheritance in Koran, Sunni and Shi'ite schools follow exactly two different paths. The sunny school follows male agnatic blood relative of deceased whereas Shi'ite follow a system that they divide blood relative family into three groups.

Fourth, Sunni school allows a testator to make a bequest even though they accept male agnatic blood relative of deceased. Therefore, inheritance system and providing double share for male by Koran is because a man should provide his wife and child's need. Otherwise, man gets an equal share with a woman if they discharge their wife. Also, school of thoughts developed the Koran system and created another system that might cause inequality of how much male successor receive versus female successor. For example, Sunni created bequest system whereas Shi'ite reject spouse from receiving wealth.

Different amount of wealth given to male and female heir does not mean Koran treated them differently and unequally. However, it has been mentioned in the Koran that this issue refers back to the subject of women's right that any woman's need should be fulfilled by their husband plus, woman is a co-sharer with father, husband, and brother, so woman have more source of inheriting wealth in comparison to man(Saleh, page,40). In other words, any man has the responsibility to maintain his wife according to the Koran.

The clearest difference between shi3i and Sunni school of thoughts is on the subject of inheritance. The Sunni schools follow the male agnatic blood relative of deceased which goes into the category of superimposition theory whereas the shi3i school Highley reject that. The difference is that Imami rejects the judgment that benefits the male, and Imami thinks that all heirs are equal if they are male/female, and agnatic or not agnatic. Also, all of them have the ability to reject other successors or they can transfer it to other heirs. Also, the practice of unmitigating male agnatic has been received from Jahili and it is the fact that koran's mitigation of agnatic is with clarification toward women and not to challenge them( Kimber, page,292).

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As we mentioned above Sunni follows male agnatic blood relative of deceased. However, in case, if a family died and they only left one daughter, she will receive half of the wealth and the other half will immediately go to a cousin. Harsher than that, if that daughter got married and have a small child, she will be excluded from receiving the wealth. ( Anderson, page,850) this rule is accepted in history in the time of tribal societies and families, but now it is hard to be accepted, but it can be said that Sunni support tribal system of society. Even though Sunni school made this rule, they have another rule that they give the right to testator to make a bequest to the heir and not an heir in their own will. However, the shi'3i laws of inheritance are different than Sunni and it follows a different path.

According to Aderson in the Recent Reforms in the Islamic Law of Inheritance, "they divided all blood relatives into three classes-the first consisting of children and grandchildren together with the father and mother, the second of brothers and sisters and their children together with grandparents and great-grandparents, and the third of uncles and aunts and their children, followed by great uncles and aunts and their children-and provided that any member of class one would exclude all claimants in a lower class, and any member of class two would be preferred to any claimant in class three"(Page, 851).

This basically means that the shi3i system gives the first handed opportunity to the family, and they did not mention the tribal family. However, they only permit tribal relative to receive the wealth in absence of one of the heirs. It can be said that this system is harsh as well because the immediate family will exclude their relative of the third class. therefore, the main distinction between the Sunni and shi3i system of inheritance is that Shi'is rejected to appreciate the quranic role that gives the right to the spouse to receive an inheritance, they excluded the spouse and close relative members (Anderson, page,851)

Sunni bequest system goes against inheritance system that means individual will versus god will. Koran has complete inheritance system but Sunni created bequest as well, these two systems like inheritance and bequest are not two different systems. inheritance system that comes from the Koran is a god's will and Muslim should follow it where a bequest is individual's last will. In a bequest system, it is the right of the testator to leave anything for anyone he or she wants, but there will be a small reminder of God's requirement. However, in inheritance system, the testator should follow a detailed requirement according to Koran. from this point, god's device perception is prior than individual's will, so it is not necessary for the testator to make a bequest. (Powers, page286)

The fact that the male gets a double share and two female gets half, meaning each of them to get a quarter does not mean that man is superior to women. This basically means that men should spend their money on providing their wife and child's need according to Koran and this never lead to the subject of women's subordination or inferiority(Shah, page,896) also, men do not always get the double share automatically and there are situations that they might get equal amount with women. According to Shah, in the article of Women's Human Rights in the Koran: An Interpretive Approach, " if men do not discharge their economic responsibility, or if women contribute equally to family income, then women must get an equal share in inheritance"(Shah, page,896) also, there are many other cases that male is not directly receive double amount, or they are the subject of proportional distribution when "a woman dies leaving no children or grandchildren. Her only survivors are her husband and her full sister. Her estate is distributed so that her husband gets one-half and her sister gets another half. This illustrates a situation where both male and female get equal shares. In another example, a woman dies leaving her

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husband, one daughter, and one full brother. The husband receives one-fourth of her estate, the daughter receives one-half, and the remaining one-fourth goes to the full brother. In this case, a female has taken twice the share of her father's and uncle's individual shares"(Shah, page,897).

In conclusion, inheritance never make women inferior according to the evidence provide by koran, it gives more rights to women economically and make them a co sharer. Also, it is the schools of thoughts like Sunni and shi'ite that follows different path from each other, and it might be the fault of sunni school that give the testator a right to make a bequest. The bequest gives the right to testator to leave the last will and transfhere the will to her or non heir as well. also, shi'ite take out spouse from receiving wealth. Therefore, it is not Koran that supports women's inferiority, it is rather the school of thoughts that follow different systems.

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