

Inheritance

Inheritance is another “bull of inequity” with some real meat. Time and again I have heard that a Muslim woman gets half the inheritance that the man gets. Now if that is not inequality, I don’t know what is!

Yes, the men are supposed to be the bread earners, as we saw in a previous chapter. And in the culture of most Muslim countries, a single woman will generally become part of the household of her brother, once her parents have died. But what about a single woman in our society? How about a woman who has sacrificed her own life to provide care for her elderly parents, while her brother had gone off and made a life of his own? Where is the fairness there?

I was told this division of the inheritance was a requirement in the Quran. Sadly, at last I had found proof that the Quran is unfair to women. Or so I thought.

Again, I was tricked by my old friend culture. I had just assumed that the way other people understand the verses on inheritance is the only way they can be read. Actually, when I read the verses in Rashad Khalifa’s translation, I found that the Quran takes care of all of these unfair situations in the following verse:

*God decrees a will for the benefit of your children;
the male gets twice the share of the female.
If the inheritors are only women, more than two,
they get two-thirds of what is bequeathed.
If only one daughter is left, she gets one-half.
The parents of the deceased get one-sixth
of the inheritance each,
if the deceased has left any children.*

*If he left no children, and his parents
are the only inheritors,
the mother gets one-third.
If he has siblings, then the mother gets one-sixth.
All this, **after fulfilling any will**
the deceased has left,
and after paying off all debts...
(Quran: The Final Testament 4:11-emphasis added)*

Please note the section of the above verse that I have highlighted in bold. This section shows that the portions assigned are only for the remainder of the estate after a customized will has been applied and all debts paid. Yusuf Ali translates the same phrase as “*after the payment of legacies*” which means basically the same thing, but it was not clear to me. It was not until I read Rashad Khalifa’s translation that I realized that the portions assigned are only for anything left over after the distributions specified in the will or where someone dies intestate (without leaving a will). This fact is emphasized by the verses that describe the testimony of the witnesses of a will. If the first set of witnesses is found to be biased others should be found (Quran 5:106-108). If the will were simply a reiteration of 4:11, there would never be any question about the witnesses being biased.

Perhaps my perceptions about this issue were affected by what I had always heard about the Torah. I always understood that only men inherited according to the law of Moses. I was incorrect though. According to Numbers 27:8, if a man died without leaving any sons, his daughters inherited from him.

In the society of the time, this probably made sense, since if there were brothers and sisters, the sisters were cared for by the brothers until they married. However, by the time of the revelation of the Quran human society had evolved enough that women needed their own share of any inheritance, and individual situations were taken care of by the personal will left by the deceased.

In fact, the Quran makes it clear that a believer should write a will to fit the circumstances of his or her individual family. So, if circumstances warrant more of the money going to the daughter(s) than the son(s), there is no reason for that not to be the case. Again, a will would not be necessary if we were just to follow the divisions given in verse 4:11. However, the Quran tells us specifically to write a will in the following verse:

It is decreed that when death approaches, you shall write a will for the benefit of the parents and relatives, equitably.

This is a duty upon the righteous.

(Quran: The Final Testament 2:180)

God thus tells us that it is a “*duty upon the righteous*” to write an equitable will. To me this is a clear commandment to take care of any special circumstances in your situation.

There may not be a great deal of money involved in an estate. However, there will be personal belongings. For those who loved the deceased, such simple things as clothing, books and other personal belongings can be a great comfort as they grieve for their loved one. For example, though it has been many years since my mother died, when I am especially missing her, I still wrap her shawl around my shoulders and feel her closer. I know that it is an illusion; my mother is not closer to me. But the ties of love go beyond the separation of death, and simple physical reminders of that love are very comforting.

For that reason alone, everyone close to the deceased should get some of the inheritance, no matter how small it is. This is exactly what I understand the following verse to say:

The men get a share....

The women too shall get a share of what the parents and relatives leave behind. Whether it is a small

or a large inheritance, (the women must get) a definite share.

(Quran: The Final Testament 4:7)

It makes no difference what our sex. We should all get part of the inheritance when our parents and relatives die. I believe that should be taken into consideration as we write our own wills.

Finally, there is one more aspect of inheritance that I would like to discuss. That is the way that the Quranic laws of inheritance highlight the mother's important role.

(Please note that the details of how mathematically the division of the estate works out are beyond the scope of this discussion.)

Because the men are responsible for the women of the family, their share of the inheritance is usually twice that of the women, unless a will is left that specifies otherwise. However, that is not the case with one's parents. The mother gets the same share that the father gets if the deceased left children. Let's look at that part of the verse again:

...The parents of the deceased get one-sixth of the inheritance each, if the deceased has left any children.

If he left no children, and his parents are the only inheritors, the mother gets one-third.

If he has siblings, then the mother gets one-sixth.

(Quran: The Final Testament 4:11)

Thus we see that the understanding that the man always gets twice the inheritance that the woman gets is incorrect. First, this division applies only to what is left after the distribution of a customized personal will. Second, under certain circumstances, the mother gets the same inheritance as the father. Still, this is one area where many people question whether men and women are equal.



Inheritance is not something that we tend to think much about as younger people. As we get older it becomes more real to us as we face the fact that our parents will not live forever, and neither will we. The

following story shares some of the issues Muslims often face when making their wills.

Inheritance

When I was first reading the Quran I was confused by the verses in Chapter 4 concerning inheritance. I was single and feeling pressure to write a will that would benefit my brother and sister and niece and nephew. I read about the male getting twice the share of the female, one-sixth going to the parents, children getting one-fourth, two siblings getting one-sixth.... It made my head spin! I heard others talking about trying to figure out all the percentages and that it never worked out to one hundred percent. Did that mean God made a mistake, that His math was faulty? That certainly didn't seem logical.

Somehow I missed the important phrase tucked into all the verses on inheritance: *"All this, after fulfilling any will the deceased has left."* This was the critical phrase. It didn't mean I had to write a will leaving one-sixth to my parents, or one-sixth to my mother since I had siblings, and one-sixth to my brother and sister with my brother getting twice the share of my sister, etc, etc. I could write any will I wanted to, leave whatever I chose to whomever I chose. God not only gives me that right; He insists on it:

It is decreed that when death approaches, you shall write a will for the benefit of the parents and relatives, equitably. This is a duty upon the righteous.
(Quran: The Final Testament 2:180)

He tells me it's my duty to write a will. If I don't leave a will, or if I don't designate all of my estate in the will, then it falls on someone else to distribute my worldly goods, and God gives a guideline formula to follow in that event.

What a relief. Like everything else in Islam, I discovered that if something is difficult it's because we've made it so. God makes everything easy, and fair. In my case, my parents didn't need or want anything from me; they would have been irritated to have been mentioned in my will. My niece was starting a

family and a farm and had more needs than my nephew. It would have been unfair to leave him twice what I left to her just because he was the male.

I thank God for the straightforward, understandable translation of the Quran by Rashad Khalifa which clarifies so many things, including what should happen to our goods when we've gone back to God.

– *Lydia, U. S. A.*