
How Islam Promotes Equity Than Equality In Inheritance

In 2012, an elderly Muslim woman who lives in Canberra, Australia had left will after her death for her three sons and half shares to her five daughters. One of her daughters, Fatma Omari fought for a bigger share in court claiming that her mother has dementia upon writing her will and ultimately won the case. Unfortunately, this case had sparked a misconception among the community in Australia that Islamic law of inheritance is unfair for women. In the Quran, Allah says in An-Nisa' verse 11, "Allah commands you regarding your children. For the male a share equivalent to that of two females"

Islam does not discriminate between male and female children but rather have a strong reason why male children get double the share. It does not mean that women are worth less than men. Instead, a female entitlement to inheritance, is for her personal use only which contradicts with male child who has the responsibility to his mother, his wife, children and his unmarried sisters. It is also a fact that not each inheritance that a woman gets half of the shares of her brothers. It depends varily on the amount of siblings, wives, and other heirs. Not only that, it also depends on whether they had contributed to the fortune as well. For some cases, if a woman deserves more, she is allowed to take the case to a court, because Islam has leniency and is fair for its believers.

Hence, it is important to note that fortune comes with a great responsibility and control. As an addition, when a muslim woman marries a man, her husband will provide for her and their children because she does not have to provide sustenance for her family. Ayatullah Mahdi Hadavi Tehrani mentioned in his book "Faith and reason", "these responsibilities are on the shoulders of men, whereas we see that women are exempted from paying any living expenses, including their own ". Hence, this makes up for the deficiency in what she has inherited from her deceased parents.

Comparing to the times of Jahilliyah, woman has zero rights in inheritance when her husband died. In fact, the woman itself is a part of inheritance. When a man dies in Jahilliyah era, all of his property will be divided to his male relatives that are eligible to fight in a war. Wives, daughters and young sons are not allowed any part of shares. A verse that was sent down during that time, finally protect children and women that were oppressed from receiving any inheritance. The verse is from the Quran, An Nisa, verse 7 where it mentioned that there is a share for every man and woman, whether the share is small or big.

Allah also has raised the status of a muslim woman by bestowing them with rights of inheritance when she becomes a widow. According to Naser Makarem Shirazi in his book "A summary of rulings", "when his husband dies and he does not leave any children, his permanent wife will inherit a quarter of the property and the remainder is for the remaining heirs. When he has children from this wife or another wife, his wife will inherit an eight of the property and the remainder is for the remaining heirs". This Islamic rule of inheritance again, shows that women is not undervalued in islam. Woman is extremely valued in Islam for always having someone to cather for her financially which is her father before marriage and her husband, during her marriage. Therefore, Islam truly cares for its believer, especially woman and children.