

Inheritance

Inheritance is another “bull of inequity” with some real meat. Time and again I have heard that a 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.
When it comes to your parents
and your children,
you do not know which of them
is really the best to you
and the most beneficial.
This is God's law.
God is Omniscient, Most Wise.
(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 same principle is applied in the two verses that follow the one quoted above, regarding the inheritance for spouses and people without families.

From this it is 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.

In fact, a will would not be necessary if we were just going to follow 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 and books 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 of what the parents
and the relatives leave behind.
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.