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Is Men's Share In Inheritance Twice That Of Women In Islam?

Inheritance regulations in Islam are collection of rules and processes which can be understood after paying careful attention to the different scenarios. It will be absolutely clear after careful consideration to the issues of inheritance that the men's portion are at times twice that of women; in some other situations the women's portion are more than those of men; and in some situations the shares of men and women are the same.

The Noble Prophet (peace be upon him and his progeny) of Islam proceeded to enact inheritance rights for women, which the people of Arabia did not recognize before then. Before that women were disinherited in numerous territories like Iran, during the period of Sasanian dynasty.

Famous writer "Saeid Nafisi" in the book "*Social History of Iran*" writes about this period as follows:

"When the daughter got married she was disinherited from her father's wealth, and she had no right to choose her husband."

For further explanation about the system of inheritance in Islam, we will discuss some of the applicable dimensions.

Classifications Of Relatives' Heritage

On the basis of regulation and provisions of Islam regarding heritage, the people who inherit through relationships are classified into three groups:

First group:

First group consists of father, mother and descendants of the deceased and if there is no child the heritage goes down to the grandchildren, great grandchildren, any descendants or anyone who is closer to the dead person is the inheritor. As long as there is even one single person of this group present, he

or she has priority over the others, except the wife or the husband on some conditions.

Second group:

Second group are grandfathers, grandmothers, brother and sister of the deceased person and if there is no brother or sister, or their children or grandchildren, whoever that is closer to the dead person, will be the inheritor. As long as even one person of this group exists, there will be no inheritor among the third group; but if he had a wife, according to the general regulations of inheritance, she will inherit her portion of heritage.

Third group:

Third group includes uncles, aunts, maternal uncles, and maternal aunts. They will be the inheritors but if they do not exist, their children will inherit.

Inheritance by the First Group

In a nutshell, it will be sufficient to address the various questions related to this group by giving some examples

- If the inheritor of the dead person is from the first group, for example a son or a daughter, all the properties of the dead person belongs to her/him. If there are several sons or daughters, all the inheritance is shared equally among them and if there are both, sons and daughters, the heritage is divided in such a way that each son receives two portions and each daughter one.

In this situation the portion of man is twice that of woman.

- If the inheritor of the dead person is father, mother and a daughter, then each one of the father and mother receives one-sixth and the daughter three-sixth of the portion. The reminder, that is one-sixth of the portion, is divided amongst them in the same proportions.

In this situation, the woman's portion (the daughter of the deceased person) is three times that of the man (the father of the deceased person).

- If the inheritor of the deceased person is just the father and a daughter, or mother and a daughter, the heritage is divided into four shares; the father or the mother gets one portion and the daughter three portions.

In this situation also, the woman's portion (the daughter of dead person) is three times the man's portion (the father of the deceased person).

Heritage of the Second Group

Here, we refer to some of the questions regarding the portions of heritage among the second group and

provide some examples:

- If the inheritor is just a brother or a sister of the deceased person, all the properties are inherited by him/her. In the situation where there are, several brothers or sisters from the same father and mother as the deceased, the inheritance will be in such proportion that the share of each brother will be twice that of each sister.

In this situation, the men's portion (the brothers) is twice that of the women (the sisters).

- If the inheritor is only one maternal sister or one maternal brother but not from the same father (step brother or step sister) of the deceased person, all the properties go to him/her or is divided equally between them. Whereas if there are some maternal brothers or some maternal sisters or combination of both, each of them shares equally the property of the deceased

In this situation, the women's portion (the sisters) is equal to that of the men (the brothers).

Heritage of the Third Group

Third Group includes paternal and maternal uncles and aunts and their off springs. If there is no one existing from the first and second groups, they will inherit the deceased person's property. We now refer to some possible scenarios from this group.

- If the inheritor is a single paternal uncle or aunt, he/she inherits all the properties. If there are several paternal uncles or aunts, the uncles inherit twice that inherited by aunts.

In this situation, the men's portion (the uncles) is twice that of the women (the aunts).

- If the inheritor is a single maternal uncle or aunt, he/she inherits all the properties. If there are maternal uncles and aunts (whether they are all from a single father and mother or different father or mother), all properties are shared equally amongst them.

In this question, the man's portion (the maternal uncles) and the woman's (the maternal aunts) is equal.

- If the inheritor of the dead person is a maternal uncle and one paternal aunt, all the properties are divided into three parts, one portion goes to maternal uncle and two portions go to paternal aunt.

In this situation, the woman's portion (the paternal aunt) is twice that of the man (the maternal uncle).

From the above examples, it is clear that the claim of some writers that the men's portion is always twice that of the women is not correct. This is because of lack of knowledge regarding heritage regulations in Islam. As can be seen, in some cases, women's portion is twice or three times that of men, in some cases, men's portion is twice that of the women; and sometimes, both of them share equally.

Therefore, the preference in Islamic inheritance rules is not based on gender, but it is based on the

relationship of the deceased to the inheritors. Accordingly, it changes the portions of men and women – sometimes men get more, at time they get less and in some situations their shares are equal.

It therefore has to be clearly understood that the claim of those who say: when discussing Islamic inheritance that Islam grants more portion to men because of masculinity and less portion to women because of femininity”, is unacceptable, incorrect and unfair.

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