

Women's Inheritance in Islam

In Islam, men and women have equivalent rights, including but not limited to working, acquiring wealth, possession of property, and the concept of inheritance. The Quran declares:

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ
نَصِيبًا مَّفْرُوضًا

“For men there is a share from what their parents and close relatives leave, and for women there is a share from what their parents and close relatives leave, be it little or considerable; a definite share.”¹

This verse makes it clear that, like men, women inherit and have a definite share. The verses regarding inheritance were revealed to the Prophet (S) at a time that women in the world, and especially among the benighted Arabs, were bereft of worth or status. In the Age of Ignorance, men were ashamed when they heard that their newborn child was a girl and many innocent baby girls were even buried alive.

The possessions of the deceased went to their sons or eldest son only, and girls were deprived of inheritance altogether unless a father determined an amount in his will or his sons took pity upon their female siblings and gave them something. Thus, when the verse of inheritance gave women a *definite share* in the legacy, some people were astonished. Regarding the conditions revolving around this verse's revelation, Imam Fakhr Razi has written:

Ibn ‘Abbas gives account that Aus ibn Thabit Ansari died and left behind his wife and three daughters. Two of his male cousins by the names of Sawid and ‘Arafjah, who were his inheritors, came and took all his possessions. Aus’ wife came to the Prophet (S) and told her story and said, ‘Aus’ two inheritors left nothing for my daughters and I.’ The Prophet (S) said, ‘Return home until I see what God instructs.’ Subsequent to this was the revelation of the aforementioned verse, which shows that both men and women inherit.²

Indeed, by legislating women's inheritance in such times, Islam has honored women and has considered their status as inheritors equal to that of men. However, in Islamic law, the share of women's inheritance is half that of men's. Allah, the Almighty, has stated in the Quran:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمُ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا فَرِيضَةٌ مِّنَ اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

“Allah charges you in regard with your children: a son’s share is equal to the share of two daughters; if the [children] are [only] daughters and two or more, their share is two thirds of the legacy, and if there is only one daughter, her share is half [of the legacy]; and each of the parents inherit one-sixth of the legacy if the deceased had children, and if the deceased had no children and the parents are the only heirs, the mother inherits one-third; if the deceased had brothers, the mother inherits one-sixth; [all this is] after executing the will and settling the debts of the deceased. You do not know which of your parents and children benefit you the most. This is Allah’s injunction; surely Allah is All-knowing, All-wise.” [3](#)

According to Islam, sons inherit twice that of daughters, brothers twice that of sisters, and husbands inherit twice that of wives, except regarding the father and mother of the deceased: if they are living at the time of their child's death, each equally receives one sixth of the deceased's legacy.

Criticism

The law of inheritance has been thus faulted: Why have women been discriminated against, with allotment of half the share of men? Is this not prejudice and oppression?

Response

The difference in the inheritance shares of women and men must not be considered dissociate from other laws and commandments and discussed and judged independently. It is true that, regarding inheritance, Islam has differentiated between men and women. However, this differentiation is due to realistic perception and the financial obligations that men bear. In Islam, men have to bestow *Mihr* upon their wives. All the expenses of a wife and children must be paid for by men. Thus, men must work diligently to provide all living expenses whereas women are not required to work and pay for such living expenses.

If a woman has wealth, she is not required to spend it for her family; she may save it if she desires. All possessions that she gains through work, *Mihr*, gifts, inheritance, or any other legitimate method are solely hers and she can amass it all if she wishes. This is in contrast to men, who are legally and

canonically required, in addition to bestowing *Mihr*, to provide all living expenses of their spouses and all other members of the family.

Thus, women are partners in all the possessions of their husbands, including their husband's inheritances, which are indirectly given to them; while a woman's inheritance is absolutely and unquestionably hers only. Because of this, Islam intended to assist men by formulating the laws of inheritance in this manner.

With regard to this fact, can one still say that Islam discriminates against women in regard to inheritance?

If you fairly examine the matter, you will affirm that not only have women not been treated in a biased manner, they have been supported. Various Hadith indicate this reason. Imam Ridha ('a) has declared:

عن الرضا (ع) قال: علّة إعطاء النساء نصف ما يُعطي الرجال من الميراث؛ لأنّ المرأة إذا تزوّجت أخذت و الرجل يُعطى؛ فلذلك وُفّر على الرجال. و علّة أخرى في إعطاء الذكر مثلي ما تُعطى الأنثى في عيال الذكر إن احتاجت، و عليه أن يعولها، و عليه نفقتها، و ليس على المرأة أن تعول الرجل، و لاتؤخذ بنفقتها إن احتاج فوقّر على الرجل لذلك «....و ذلك قول الله: الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَ بِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ

The reason that women receive half the share of men from inheritance is that when a woman marries, she takes and the man gives; for this reason, men have a larger share. Another reason is that a wife is the dependant of her husband and he must pay for her expenses, but a wife is not required to pay her husband's expenses or financially support him in need. Hence, men have a larger share and this is [the interpretation of] the declaration of Allah: ***Men are the protectors and supervisors of women because of the advantage Allah has given some over others and because they support them from their means***⁴

Hisham ibn Salim narrates:

هشام بن سالم، قال: إنّ أبي العوجاء قال للأحول: ما بال المرأة الضعيفة لها سهم واحد و للرجل القوي المؤسر سهمان؟ قال: فذكرت ذلك لأبي عبدالله (ع). فقال: «إنّ المرأة ليس عليها عاقلة، و لا نفقة، و لا جهاد—و عدد أشياء «غير هذا— و هذا على الرجال؛ فلذلك جعل له سهمان و لها سهم

Ibn Abil'uja' said to Ahwal, 'Why should a weak woman get one share while a wealthy man gets two shares?' He answered, 'I asked this same question of Imam Sadiq ('a), he answered: '*Aqilah* (blood price)⁵, *nafaqah*, and Jihad—and some other things—are not obligatory for women, they are for men; thus, two shares have been designated for men and one for women.'⁶

¹ – Surah Nisa' 4:7.

² – Tafsir-e Kabir, vol. 9, p. 194.

[3.](#) – Surah Nisa’ 4:11.

[4.](#) – Bihar al-Anwar, vol. 104, p. 326; Surah Nisa’ 4:34.

[5.](#) – This is the blood price that must be paid by the family of unaccountable individuals, such as minors or mentally incapacitated persons, due to injuries or fatalities that are caused by such people. [trans.]

[6.](#) – Bihar al-Anwar, vol. 104, p. 327.

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