

# The Issue of Gender in the Islamic Inheritance Code

## Outlines

Let me first look at the law as a fact sheet:

- Basically, the Islamic law of inheritance does not equate the shares of males and females: daughters and sons; wife and husband; Sisters and brothers; and, mother and father (with no children). These are most frequent cases.
- Yet, in a few cases males and females are equal: Mother and father (when the deceased is survived by children); maternal sisters and brothers; and, paternal grandfather and any grand mother.
- Interestingly we have one case where a male takes five times as much as a female: mother and father with at least two siblings,
- Also interesting is the case where a female prevents a male from getting any thing: full sister with paternal brother.
- There are also cases where it pays to be a female: when the deceased is survived by parents, husband and one child; if the child is male he takes  $5/12$  ( $= 65/256$ ) while she gets  $6/13$  ( $= 72/256$ ) if the child is female. The difference is even larger in the case of two children; if they were two girls, each gets  $4/15$  ( $= 16/60$ ) but two boys get only  $5/12$  to both of them ( $= 12.5/60$  each).
- There are numerous cases in which a closer female gets more than a farther male: daughter with more than one brother, mother with more than five sons, wife with more than three brothers, etc.

Why are these differences?

First: simply because of the texts themselves mainly in the Qur'an, and

Second: There is a clear correlation between the inheritance code and family and property laws in Islam:

A few points help understand the Islamic view point:

Marriage in Islam is a civil contract: Not eternal, and not religious

The Mahr (Sadaq) as a mandatory gift to the wife

Absolute and complete financial responsibility is on the man (husband, father, son, brother) in the family

No hand of husband on wife's properties

Independent properties of husband and wife

Financial responsibility after Marriage: Divorce gift and alimony

Law and actuality in the Muslim world

Inheritance laws in the Arab countries

Agricultural land in history: the Amiri domain

Inheritance law of other agricultural and non agricultural lands in contrast with actual distribution in rural areas.

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