

Chapter 9: Inheritance

“God directs you in regard to your children’s inheritance: to the male, a portion equal to that of two females.” (4:11)

Fatma: In Islam, is the distribution ratio of inheritance only applicable to children?

Sayyid: The area of inheritance, like most of the subjects we have covered, is once again governed and administered according to the case; therefore, the distribution ratio is not applied to every case of inheritance.

There are many factors that need to be considered before an inheritance may be distributed. In all cases, it depends on who the deceased was, and on who are the nearest living relatives, such as if the deceased left a wife, children, parents, sisters, brothers, or no descendants. After establishing the line of descendants, then the proper portions may be distributed.

Hypothetically, if the parents died and left behind only daughters, then the distribution would be in equal shares among them. In the case where an only child survives a deceased father, and there was no surviving wife or parents of the deceased, then that child, irrespective of gender, inherits everything of the deceased father’s estate; no other relative may claim rights to the inheritance. Therefore, the laws of inheritance are not all governed by the fact that males may receive a portion double to that of females.

There are other areas in which a woman’s portion is equal to that of a man’s. A mother, in most cases, is entitled to the same share of her son’s inheritance (one-sixth), as is the father.

Specifically, regarding the verse which you cited¹, if the children were of both genders and the estate was their parents’, then the ratio would apply. The son receives two-thirds and the daughter acquires one-third of the inheritance.

Fatma: Why is it that, within the immediate family, sons acquire more of their parents’ inheritance than daughters?

Sayyid: The basis of distribution is not a reflection of gender preference but on the fundamental Islamic

injunction that men are financial responsible for maintaining the family; therefore, monetary compensation is the main reason as to why the inheritance ratio was set.

Sons are financially responsible for their living mother and dependent siblings; hence, sons, as a means to provide financial sustenance for the family, could use the assets of the deceased father. It is a type of savings account that gives sons the responsibility of being the distributor and maintainer of the family.

Sons, unlike daughters, have the responsibility to maintain and financially support their immediate families. Muslim women, whether they are daughters, sisters, wives, or mothers, are free from financially supporting themselves and others.

What they earn and receive is theirs to keep. They are not obligated to maintain or support anyone. Muslim women are entitled to inherit as a daughter, mother, wife, and sister; consequently, they may, in certain cases, become financially stronger than men.

Fatma: Could property be transferred to any person during the life of the testator?

Sayyid: The testator can transfer ownership of his or her estate during his lifetime to anyone. Meaning, the testator can legally change entitlement of ownership from his name to the name of the other party. Hypothetically, the testator may transfer all of his assets during his lifetime and leave nothing for inheritance.

Fatma: Could the testator will one-third of his or her inheritance to any person?

Sayyid: In a written will, the testator may allocate one-third of the inheritance to any person, institute, or organization he or she chooses.

Fatma: Parents these days are more ready and willing to distribute their inheritance among their sons and daughters evenly. Would this be considered a transgression of Qur'anic doctrine?

Sayyid: If parents document a written will (to be executed after their deaths) stating an even distribution of inheritance between their sons and daughters, then it would be a transgression of Qur'anic injunctions. In the several verses regarding distribution of inheritance, the Qur'an forewarns those who do not adhere to the commandments:

These are settled portions ordained by Allah. (4: 11)

Thus is it ordained by Allah. (4: 12)

Those are limits set by Allah; those who obey Allah and His Messenger and transgress His limits will be admitted to a fire, to abide therein: And they shall have a humiliating punishment. (4: 14)

However, parents are permitted, during their lifetime, to legally transfer ownership of their property, assets, or funds to certain children, which may be deliverance to some parents who have flagrantly

disobedient children. Suppose parents had an unrighteous son and a righteous daughter.

Presumably, parents would fear that if the disobedient son inherited their estate that he might abuse or dispose of the inheritance unlawfully, as opposed to the daughter who had tended to her parents, assisted and honored them, and would preserve and maintain their assets rightfully. As an option, parents may legally transfer ownership of some or all of their property to any one of their children during their lifetime, even if that child is their daughter.

Fatma: Some Islamic literature claims that because a woman is exempted from war, it entitles her to less inheritance, is this accurate?

Sayyid: That would not be considered a valid justification.

Fatma: Are there any other issues regarding Muslim women that would be important to elucidate here?

Sayyid: The issues regarding Muslim women are endless. However, the most important is that Muslim women should educate themselves concerning their religious rights. Muslim women have the right to be informed of their choices and opportunities that Islam provides for them. By knowing their rights they can secure their future.

1. Qur'an 4:11

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