

## 13 Inheritance

Inheritance provides another critical women's issue. Time and again I hear a Muslim woman gets half the inheritance the man gets. How can anyone consider such a division equitable?

Yes, the Quran says men should provide for the family, as we saw in Chapter 6. And in the culture of most Muslim societies single women usually become part of the household of a brother once the parents die. But what happens to a single woman in Western society? What about a woman who sacrificed her own life to provide care for her aging parents while her brother went off and made a life of his own?

Many told me the Quran requires this division of the inheritance. It made me sad, but at last I found proof of the Quran's unfairness to women. Or so I thought.

Again culture tricked me. I assumed the way other people understand the verses on inheritance make up the only way to read them. When I read the verses in Rashad Khalifa's translation I found 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....***  
(Quran: The Final Testament 4:11- emphasis added)

Please note the section of the above verse highlighted in bold. This shows the portions assigned provide 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 much the same thing, but I did not grasp it. It was not until I read Rashad Khalifa's translation that I realized the portions assigned handle only what remains after the distributions specified in the will or where someone dies without leaving a will. The verses describing the testimony of the witnesses of a will emphasize this. If the first set of witnesses proves biased, others should be found (5:106-108). If the will acted simply as a reiteration of 4:11 no concern would exist about bias in the witnesses.

Perhaps what I had heard about the Torah affected my view of this issue. I always understood only men inherited according to the Law of Moses. However, Numbers 27:8 says if a man dies without leaving sons, his daughters inherit from him.

In the society of the time this made sense since if both brothers and sisters lived, the brothers cared for the sisters until they married. By the time of the revelation of the Quran, human society had evolved enough that women needed their own share of inheritances and the deceased's personal will took care of individual situations.

The Quran says a believer should write a will to fit the circumstances of his or her individual family. So if the situation warrants more of the money going to the daughter(s) than the son(s) that should happen. A will would not become necessary if God intended us just to follow the divisions given in Verse 4:11. However, the Quran tells us specifically to write a will:

*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 we have a “duty” to write an equitable will. This gives a clear commandment to take care of our special circumstances.

While there may not be a great deal of money involved in an estate, personal belongings will exist. For those who loved the deceased such simple things as clothing, books, and other personal items can provide comfort as they grieve for their loved one. Though it has been many years since my mother died, when I am missing her I still wrap her shawl around my shoulders and feel her closer. I know that comfort exists only in my mind; my mother cannot have come closer to me. But the ties of love go beyond the separation of death and simple physical reminders of that love can bring comfort.

For that reason alone I think everyone close to the deceased, including the women, should get some of the inheritance, no matter how small:

*The men get a share.... 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)

Gender makes no difference; we should all get something when our parents and relatives die. I believe we need to consider this as we write our own wills.

We have not discussed one last aspect of inheritance. Quranic laws highlight a mother’s important role in inheritance.

Because men have the responsibility for the women of the family their share of the inheritance becomes twice that of the women, unless a will specifies otherwise, except for one’s parents. In the parents’ case, the mother gets the same share 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 the understanding the man always gets twice the inheritance the woman gets is incorrect. First, this division applies only to the remainder of the inheritance after the distribution of a customized will. Second, under certain circumstances the mother gets the same inheritance as the father.

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*Most young people do not think much about inheritance. As we age it becomes more real for us as we face the fact our parents will not live forever and neither will we. The following story shares some of the issues Muslims often face when making their wills.*

### **Inheritance**

When I was first reading the Quran I was confused by the verses in Chapter 4 concerning inheritance. I was single and feeling pressure to write a will that would benefit my brother and sister and niece and nephew. I read about the male getting twice the share of the female, one-sixth going to the parents, children getting one-fourth, two siblings getting one-sixth.... It made my head spin! I heard others talking about trying to figure out all the percentages and that it never worked out to one hundred percent. Did that mean God made a mistake, that His math was faulty? That certainly didn't seem logical.

Somehow I missed the important phrase tucked into all the verses on inheritance: "All this, after fulfilling any will the deceased has left." This was the critical phrase. It didn't mean I had to write a will leaving one-sixth to my parents, or one-sixth to my mother since I had siblings, and one-sixth to my brother and sister with my brother getting twice the share of my sister, etc., etc. I could write any will I wanted to, leave whatever I chose to whomever I chose. God not only gives me that right; He insists on it:

*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)*

He tells me it's my duty to write a will. If I don't leave a will, or if I don't designate all of my estate in the will, then it falls on someone else to distribute my worldly goods, and God gives a guideline formula to follow in that event.

What a relief. Like everything else in Islam, I discovered that if something is difficult it's because we've made it so. God makes everything easy, and fair. In my case, my parents didn't need or want anything from me; they would have been irritated to have been mentioned in my will. My niece was starting a family and a farm and had more needs than my nephew. It would have been unfair to leave him twice what I left to her just because he was the male.

I thank God for the straightforward, understandable translation of the Quran by Rashad Khalifa which clarifies so many things, including what should happen to our goods when we've gone back to God.

—Lydia, U. S. A.

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*This next story shares an example of a situation where someone abused the will and a sister was cheated out of her inheritance.*

### **Example of Why God Requires a Will**

I know of a sister who was cheated out of her fair share of the inheritance from her parents. Her brother who decided that as the oldest he could dictate who got what after the last of their parents died, essentially cheated a dear spiritual sister of mine out of much of her inheritance. Because he was the executor of the will and its terms were fairly inexact he was able to do this.

She, being a Muslim, knows that ultimately God controls everything. Also, taking her brother to court would have probably cost more than the inheritance was worth and she did not want to create terrible trouble in the family, so she submitted. However, God has provided for her in other amazing ways and I am sure her brother has not enjoyed his ill-gotten gains, and certainly will not enjoy them on the Day of Resurrection.

To me, seeing this has made it very clear how important the Quranic injunction to write a will is. And not only should a will be made, but it should be written in such a way that the kind of thing that happened to my friend cannot happen when we die.

Thinking about such things is never especially pleasant, but the Quran tells us why we must do so: *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 2:180)*

Since none of us know when we will die and in truth death is always approaching, we should all have at least a simple will.

—*Iman, U.S.A.*

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You have read in this chapter of the material inheritance all women should receive. However, for me, my real inheritance from my parents proves much more valuable. What am I referring to? All of the good traits they modeled for me, the lessons they taught me, and the wonderful memories I have of them, and the things we did together.

Those are the real gifts, which God provided for me through my parents. The material things have value only in the memories they evoke or the bits of my parents' lives they illustrate.

I treasure my mother's turquoise shawl, not for its monetary value but for the memories it brings back to me of Mama wearing it around her lovely shoulders, her face alight with the bright joy it so often wore. I also have some photos of her as a beautiful young woman dancing in a modern dance troop in Minnesota where she grew up. The

grace she always moved with shows clearly in those photos. But her true grace was in the way that she lived and grew old; I pray that I might age with the same dignity and poise.

All of my father's artwork blesses me in the way that it opens a window into his life as a young man in art school and his early years in Tucson, my hometown. He made his living there as a hand silkscreen printer and I have some of the amazing work he produced. I remember him cutting stencils for the screens to print some of that work. I also have some of his wood sculptures and many of his oil paintings. Each piece brings back different memories.

Probably most of us have memories of our families we would not sell at any price. To me, these form our true inheritances. And the passing of time only seems to make them more precious.