

ISLAMIC LAW OF SUCCESSION IN RELATION TO WOMEN

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Abstract

As far as Islam is concerned, the injunctions pertaining to the life of a Muslim are two; 1- Injunctions relating to his or her life and 2- those relating to what happens after his or her death; one of which is known as succession, which in Islam is based on rules and regulations. This paper seeks to explain the position of woman in the Arabian society prior to the advent of Islam, and also bring to bear the position of a woman in Islam as well as the justice accorded her as a mother, wife, sister, or daughter. The paper further explains the basis for inheritance regarding both males and females. The method adopted in this work is that of giving examples as and when necessary to establish the fairness of Islam in its approach to the law of succession. This paper establishes that from whom much is needed much is given; just as to whom much is given much is demanded. So for the male to be given more than the female -though not in all cases-, it reveals the kind of burden put on him as could be found clearly in the Islamic jurisprudence. The conclusion is that Islam does not discriminate between male and female in any way, but rather deals justly between them in all cases which include inheritance. The basis for allocation of anything is the right and the responsibility before an individual.

Keywords: Law, Succession, Islam, Woman

Introduction

The Islamic law of inheritance is one of the most important aspects of Islamic jurisprudence. The importance can be illustrated by the fact that, Allah, the Law Maker, has Himself provided clear rules for the distribution of the property of a deceased Muslim. The Islamic law of inheritance is the most important part of Islamic law and perhaps the most complicated and difficult one¹. For that reason, the Prophet has admonished his *Ummah* (Muslim Community) in the form of command for emphasis to go into acquisition of inheritance knowledge. So the Prophet said:

"تعلّموا الفرائض و علموها الناس فإنه نصف العلم وهو ينسى وهو أول شيء
ينزع من أمتي"

Learn *Fara'id* (the knowledge for distribution of estate) and teach it to the people for indeed, it is the half of knowledge, and it has the potential of being forgotten and it will be the first thing to be taken away from my *Ummah*(nation).

The justification for this study is that although perception of 2:1 ratio with regard to females' share of inheritance is not new and many scholars have written on it, the dimension it is taking in recent times in some places is alarming. Currently there is a boiling issue in Ghana, for instance, on the notion of women being shortchanged in their share of inheritance which has led to the enactment of a law namely: "Intestate Succession Bill 2018". This bill in clear terms seems to suggest that Muslim women are going to be treated in the same way like the non-Muslim women in the issues of inheritance. An issue that did not go down well with the Muslims which led into writing a memorandum to the law makers requesting for a revisit to the act and making provision for Islamic law of inheritance in it. This study will go a long way to push for what the memorandum is seeking to achieve.

General Rules of Succession in Islam:-

After the death of an individual, there are four rights that need to be settled regarding the deceased property. The rights are:

- 1) Payment of funeral and burial expenses as the number one thing to be done.
- 2) Payment of all debts owed by the deceased to his or her creditors.
- 3) Payment of bequests up to 1/3 of the remaining property.
- 4) Distribution of the remaining estate amongst the heirs of the deceased according to Sharia (Islamic law)²

The law of succession applies to all kinds of property whether ancestral, or self-acquired, movable or immovable, big or small³.

Conditions for Succession in Islam

Inheritance in Islamic law has conditions that make a prospect eligible to have a share in a given instance. In those conditions there is no mention of gender or sex as a condition for qualification. This is because male and female, though, not the same biologically and physiologically,

they are the same as far as humanity is concerned. So before any distribution of any estate can take place, the following essential three conditions have to be met, and they are:

- 1). **Death of propositus** (*Al-Murath*المورث) The death must be proven (actual death) or by decree of a court of law (presumption of death).
- 2). **Heir** (*Al-Warith*الوارث) **must be alive**; but if an heir dies before distribution of the estate, his or her portion is inherited by his or her heirs.
- 3). **Estate or property** (*At-Tarikah*التركة) must be available; left by the deceased⁴.

Women in Relation to Inheritance

When the term woman is mentioned generally, it refers to four categories of females. They are: mother, daughter, sister, and wife. As far as Islamic law is concerned, none of these four female categories are denied her share of inheritance. They are allocated a proportion based on their relation and closeness to the deceased. The above mentioned categories of women are among the heirs known in the science of inheritance as *Ashabul-Furud* (the sharers) that is those who have their shares clearly stipulated in the Qur'an and *Sunnah*. As such, whenever they deserve a share in a given situation, they are expected to be given what is due them. Though in certain instances, some of the heirs could be denied their shares, except 5 categories: father; mother; husband; wife; and biological male or female child⁵, meaning that there are three women in the five categories.

Islamic law in general and law of inheritance in particular, deal with woman with kindness. Allah gave her half of man's share in inheritance and mandated the man to take charge of her sustenance as well as that of their children. On the other hand, when the man was given double of the woman's share, he was burdened with the responsibility of sustaining the family. Which means the man's share is shared among the family, while that of the woman is especially for her. The question that is being asked is that, which kindness on earth is greater than this? And which leniency is bigger than this? The woman has all these, in addition to the right given to her to inheritance, which she suffered denial of before the advent of islam⁶.

Women and Inheritance in the Pre-Islamic Era

Islamic law came when the Arabs were oppressing women and denying them everything from the legacy of their husbands and fathers with the claim that they (women) do not fight the enemy. Then, the Islamic law through a declaration decided for them a right to inheritance. Allah is quoted as saying:

لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ
وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا [النساء: 7]

For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much - an obligatory share. Q4:7

However, that did not go down well with the Arabs, they wished the new injunction was abolished or forgotten because it contradicted their usual practice⁷.

Ibn Jarir related from Ibn^cAbass who said: when the verses of inheritance was revealed, in which parents, male and female children were given their shares, some people objected to the idea and said: are we going to give the women one quarter and one eighth and give the girl child a half and also give the young boy whereas none of these people can fight the enemy and for that matter does not gain possession of war spoils. So, they urged themselves not to be talking about the issue, probably the Prophet would forget about it, or we plead to him to change it. Then one of them approached the Prophet and asked: “so the Prophet, are we going to give the young lady half of her father’s legacy when she does not ride the horse, and does not fight the enemy, we give the young boy a share, when he does not add up to anything in the family? They were disturbed, because, something they were used to was all of a sudden being scratched away”⁸.

According to Al-Qurtubi, there are three benefits in the aforementioned verse of inheritance which are: 1- Giving the reason for inheritance i.e. the relation, 2- The generality of relation, be it close or extended, 3- The summing up of the proportioned share. The verse under review thus serves as a preamble for incoming detailed injunction and also the annulment of that evil idea of suppressing the vulnerable (female and child)⁹. After Allah the Almighty has made mention of the issue of inheritance in a brief manner, He (the Almighty) on the other hand explains the injunctions in detail in the following verses:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ 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 وَأَبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا فَرِيضَةٌ مِنَ اللَّهِ إِنْ اللَّهُ كَانَ عَلِيمًا حَكِيمًا (11) وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلِكُمُ الرُّبْعُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ يُوصِيَنَّ بِهَا أَوْ دَيْنٍ وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكَنَّ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ وَإِنْ كَانَ رَجُلٌ يُورِثُ كَاللَّاهِ أَوْ امْرَأَةٌ وَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ مِنْ بَعْدِ وَصِيَّةٍ يُوصَى بِهَا أَوْ دَيْنٍ غَيْرِ مُضَارٍّ وَصِيَّةً مِنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ (12) تِلْكَ حُدُودُ اللَّهِ وَمَنْ يُطِعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا ذَلِكَ الْفَوْزُ الْعَظِيمُ (13) وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا وَلَهُ عَذَابٌ مُّهِينٌ (14) [النساء: 11-14]

(Allah instructs you concerning your children: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [or sisters], for his mother is a sixth, after any bequest he [may have] made or debt. Your parents or your children - you know not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever Knowing and Wise. And for you is half of what your wives leave if they have no child. But if they have a child, for you is one fourth of what they leave, after any bequest they [may have] made or debt. And for the wives is one fourth if you leave no child. But if you leave a child, then for them is an eighth of what you leave, after any bequest you [may have] made or debt. And if a man or woman leaves neither ascendants nor descendants but has a brother or a sister, then for each one of them is a sixth. But if they are more than two, they share a third, after any bequest which was made or debt, as long as there is no detriment [caused]. [This is] an ordinance from Allah, and Allah is Knowing and Forbearing. These are the limits [set by] Allah, and

whoever obeys Allah and His Messenger will be admitted by Him to gardens [in Paradise] under which rivers flow, abiding eternally therein; and that is the great attainment. And whoever disobeys Allah and His Messenger and transgresses His limits - He will put him into the Fire to abide eternally therein, and he will have a humiliating punishment. Q4: 11-14).

This was done to abolish the evil system put in place in *Jahiliyyah* period which sought to deny the woman as well as the child, while allocating shares for people who don't even deserve it¹⁰.

The Turning Point

To end the slavery, oppression and humiliation meted on woman, and to make her significant in any given family, which then translates into the larger society and the nation at large, the aforementioned verse in Qur'an 4:7 was revealed where Allah treated all the same in terms of having a share from any inheritance.

Shaykh Abdul Hamid Kishk relates from Sa'id Ibn Jubair and Qatadah both of whom were among the *Tabi'un* (the followers of the companions of the Prophet) who said: the *Mushrikun* (polytheist) used to give inheritance only to elderly men without taking cognizance of women, let alone children. Then Allah put a stop to that by the advent of Islam with the above mentioned verse.

What the verse simply connotes is that, all are the same in relation to the injunctions of Allah pertaining inheritance ideally, even though they differ based on the proportion given to each of them by Allah regarding the relation between a person and the deceased in terms of closeness, or marriage or loyalty¹¹. Shaykh Kishk goes on to say that:

وهكذا اقتضت عدالة الإسلام : أن يكون للرجال نصيب من الميراث وأن يكون للنساء نصيب أيضا ، سواء أكان ماتركه الميت قليلا أو كثيرا، وسواء أكان الوارث ذكرا أو أنثى، صغيرا أو كبيرا، حتى ولو كان حملا في بطن أمه وهذا النصيب الذي شرعه الله مفروض ومشروع.¹²

(And that is how the justice of Islam demanded, that, men have their share of inheritance, and women have their share also, whether what the deceased left is much or less, and whether the heir is male or female, minor or a grown up. Even if the heir is an embryo in the womb of its mother.

And this share that Allah has legislated is mandatory and legitimate.).

Assa “is buttresses what his colleague scholars have said when he submits by saying: “this is the position of Islam in relation to woman. It elevated her, gave her share of inheritance when she was not recognized before and made provision for her a proportioned share, against the will of men”¹³. As-Sabuni in *Al-Mawarith* points to the fact that; with the aforementioned verses about inheritance, Allah has lifted oppression over the two vulnerable (the woman and the child) and dealt with them with mercy and justice and given back to them their rights to inheritance by legitimizing for men and women and did not differentiate between the young and old or the male and female. Rather, He gives everyone a share of inheritance, whether the estate is little or large. This goes with or without the consent of the propositus. Islam has given back to woman and child their dues and prohibit oppression and cheating regarding them¹⁴.

Woman’s Share of Inheritance in Islam:

Islamic law of inheritance is law put in place by Allah the Creator of life and death as well as male and female. He proportioned for the male and female what they deserve in equity. Unfortunately, the “critics” of Islam continue to throw dust in the eyes of the ignorant especially the Muslim woman in making her to believe that Islam has short changed her and has not been fair to her, which made some Muslim women to be contesting the laws of Allah in relation to inheritance. As-Sabuni in his book *Al-Mawarith* discussed the issue when he said: They say: “Islam has withheld the woman what is due to her, in other words, it has not given her, her share in inheritance in full. And that Islam has given her half of what it has given the man. In their claim, they do that, so as to prevent oppression against her and make her be equal with the man in inheritance. Meanwhile, the motive behind all that is to make the woman agitate against the teachings of Islam and seek for equality”¹⁵.

As Assa is submits, giving preference to man over the woman in terms of inheritance is among the issues being raised every now and then to score points against Islamic law by claiming that it oppresses woman and has not been fair to her and has given preference to man over her. It is obvious that these claims do not hold water based on the fact that, Islam has been fair to woman and held her in high esteem, because she was nothing before the advent of Islam and had no share in inheritance. Rather

she was inherited as estates were inherited¹⁶. Ibn Abass comments on the verse of the Qur'an that says:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَجِلْ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا... [النساء: 19]

("O you who have believed, it is not lawful for you to inherit women by compulsion", Q4:19), saying that before Islam, if a man dies, the closest relation to him would be entitled to his wife in the sense that, if one of them wishes, he marries her, and if they wish, they marry her out to another person, and if they wish, they keep her. For they are entitled to her, than her relatives. So, Allah revealed the above verse to abolish that evil act. Islam came and is fair to woman by taking away oppression over her and making her a shareholder in the issue of inheritance with a specified share¹⁷.

The Cause for Revelation of verses of Inheritance

It was reported that the wife of Sa'd Ibn Rabi^c came to the Prophet with two of her daughters and said: O Messenger of Allah, these are two daughters of Sa'd Ibn Rabi^c, their father was killed in the battle of *Uhud* as a martyr. Their uncle took their money without leaving anything for them and they would not be married except with money. Then, the Prophet said: Allah will adjudicate in that. Thereafter, the verses of inheritance were revealed, then the Prophet sent a message to their uncle by saying: give the two daughters of Sa'd two third ($\frac{2}{3}$), their mother one eight ($\frac{1}{8}$) and whatever is left is for you¹⁸. That is the system of inheritance in the Islamic law which the Muslims are proud of. Indeed, there is an assertion that, the system has become a general principle for inheritance in the world, even though it has not been the primary source for the modern constitutions¹⁹.

The verses on inheritance mentioned, consist of rights of the children males and females and the rights of the parents, the married couples, the uterine and consanguine brothers,²⁰ as well as blood brothers and sisters²¹. The verses started with the children and gave them a larger proportion of inheritance because they deserve more of compassion and support. Also the parents may be having other person to rely on apart from the deceased in terms of sustenance or they may still be active to fend for themselves. More so, they expectedly have shorter life time to spend as compared to children who are just growing.²² Az-Zamakhshari affirms that Allah has imposed regulations pertaining to inheritance based on His wisdom. If that should be left to humans to decide, they would not have been able to know the best thing for them and they would have put the money in the wrong place²³.

2-Brotherhood: The Prophet would arrange brotherhood between every two from the men, and that was made a cause for inheritance. Then later on, these two causes were abrogated with a new injunction where Allah says:

...وَأُولُو الْأَرْحَامِ بَعْضُهُمْ أَوْلَىٰ بِبَعْضٍ فِي كِتَابِ اللَّهِ مِنَ الْمُؤْمِنِينَ وَالْمُهَاجِرِينَ إِلَّا أَنْتَفَعُوا لِأَوْلِيَٰكُمْ مَعْرُوفًا كَذَلِكَ يَكْتُمُ اللَّهُ السُّورَةَ [الأحزاب: 6]

(And those of [blood] relationship are more entitled [to inheritance] in the decree of Allah than the [other] believers and the emigrants, except that you may do to your close associates a kindness [through bequest]. That was in the Book inscribed. Q33:6).

Then finally the issue of inheritance after the revelation of injunctions, stabilized on three causes as follows: 1- Relation, 2- Marriage, 3- Loyalty²⁵.

Shaykh Kishk further gave his analysis on the phrase *يُوصِيكُمُ اللَّهُ فِي* *أُولَادِكُمْ لِلذَّكَرِ مِثْلَ حَظِّ الْأُنثِيَّيْنَ*... that, it means: Allah commands justice to be done amongst children. For in the era preceding Islam, the whole of the property was given to only the males. When Islam came, Allah ordered for equality in entitlement of inheritance, but different proportion of share to each sex. Then Allah gave the male double of the female's share, due to the burden and responsibilities on him²⁶.

Analyzing the above clause, Shaykh Kishk states that:

واختيار هذا التعبير ولم يقل للأنثى نصف حظ الذكر إيماء إلى أن إرث الأنثى كأنه مقرر معروف. وللذكر مثله مرتين، وإشارة إلى إبطال ما كانت عليه العرب في الجاهلية من منع توريث النساء²⁷

(This expression was chosen, in which Allah did not say: for the female, half the share of the male, and that is to give a signal to the fact that, the female's share appear to be confirmed and known, so that the male has two times of it. Also it is a sign to abolish what the Arabs were practicing in the pre-Islamic era (*Jahiliyah*) by preventing women from their share of inheritance.).

In the words of Allah: "... فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ..."

("But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half." Q4:11). There is an

indication that the biological daughter (who is a woman) has three circumstances:

- 1) Inherit half of her biological brother's (blood brother) share.
- 2) To inherit $\frac{2}{3}$ when they are two or more without a male.
- 3) To inherit $\frac{1}{2}$ if she is alone.

The wife (who is also a woman) she has two situations²⁸.

And again Allah is quoted as saying:

...وَلَهُنَّ الرُّبُعُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ...

(And for the wives is one fourth if you leave no child. But if you leave a child, then for them is an eighth of what you leave, after any bequest you [may have] made or debt. Q4: 12.).

The verse is very explicit on the possible situations of wife which are:

- 1) To inherit $\frac{1}{4}$ when there is no child, whether with her or with another woman.
- 2) To inherit $\frac{1}{8}$ if there is a child with her or with another woman.

It should however be noted that, if there are more than one wives (i.e. one, two, three and four), they share the $\frac{1}{4}$ or $\frac{1}{8}$ amongst them equally²⁹.

Criteria that regulate Inheritance in Islamic Law

The disparity between the shares of heirs (males and females) in Islamic law of inheritance is controlled by three criteria:

- 1) The degree of relation between the heir (male or female) and the propositus; the more the closeness of relation, the higher the share one gets and the farther the relation, the lesser the share one gets.
- 2) The position of a generation in terms of their time. If they belong to a new generation that is approaching life and preparing to take the mantle of life, normally their share is larger than that of the generation that is living life behind and preparing their departure.
- 3) Financial burden or responsibility; which is mandated by Islamic law on the male heir towards others³⁰.

The Wisdom behind the Disparity between the Share of the Male and that of the Female

Shaykh Kishk summarizes the wisdom in some few words when he made mention that, the wisdom lies in the support of sustenance of the male

needs for himself and his family. But the female feeds herself only and when she gets married her sustenance becomes the responsibility of her husband³¹. Similarly, Al-La'im is of the view that, the wisdom in giving the male more than the female lies in the fact that:

- 1- The man is more capable of developing the money- by way of investment which is something Islam encourages on.
- 2- The man needs money more than the woman due to his responsibilities mandated on him by Islam.
- 3- The woman under Islamic law, is taken care of, but for the man, he is responsible for himself and whoever is under his care.
- 4- The man's money is consumed whereas that of the woman is abundant and continue to grow³².

As-Sabuni posts a question as to why woman is to be given half the share of man's own share, when she is weaker than him and needs money the most. Then he (As-Sabuni) explained by saying that, Islamic law has differentiated between the two in terms of inheritance for numerous reasons, some of which are:

- 1- The woman's need has been taken care of as her sustenance is mandatory on her son or her father or her brother and we add her husband when she gets married.
- 2- The woman is not mandated to take care of anyone, unlike the man who has been mandated to sustain his family, relations and others, whose sustenance has to be taken care of by him.
- 3- The expenditure of the man is so big and his responsibilities are large, for that reason his need of money is greater than that of the woman.
- 4- The man pays *Al-Mahr* (Dowry) to his wife and is responsible for her shelter, feeding and clothing as well as their children.
- 5- Children's school fees, hospital bills for the wife and children are born by the man and not the woman³³.

If, therefore, Islam has put these entire burdens upon the shoulders of man, and mandated him to abide by the rules, then, the logical conclusion that can be drawn is that, from whom much is needed, much should be given.

The right of woman to inheritance is attached to her right to sustenance, and the measurement between the two rights is an accurate divine measurement so that, her share does not become smaller than that of the male except when a strong guarantee is available for her. And she takes equal share with him (male) or more than him when the issues of

guarantee lessen.³⁴ It would therefore be wrong to generalize that the woman's share in Islamic law is half the share of the man, without considering the conditionality specified. Woman has four circumstances in terms of her share:

- 1). A situation where she takes half of that of the man in the circumstance where a person died and left behind a son and a daughter.
- 2) A situation where she takes the same as the man takes. For instance, a person dies leaving behind a daughter whose share is half of the estate, and the father whose share is $\frac{1}{6}$ th in addition to the remainder which in all become half.
- 3) A situation where she takes more than the man which is found when a person dies and leaves behind a daughter and ten brothers, here the woman takes half of the estate and the remaining half is shared among the brothers of the deceased.
- 4) A situation where she inherits whereas the man does not and this is a condition in which a person dies and leaves behind a daughter, blood sister and a consanguine brother, the share of the daughter is half and the remaining half goes to the blood sister, and nothing is to be shared the man.³⁵

The law of succession applies to all kinds of property whether ancestral, or self-acquired, movable or immovable, big or small³⁶. Likewise the law of succession affects and applies to all individuals without discrimination against a particular group of people, males or females, young or old.

Conclusion

The finding of this research is that estate distribution in Islam is done based on merit rather than sentiment. What one deserves is what one is given among the eligible heirs. Nobody has the right to deny anybody his or her share. If a woman could be barred from inheritance, a man also could be barred just like a woman, depending on the prevailing circumstances. Thus, if a woman is barred from inheritance in the law of inheritance, it will not be because she is a woman, rather it would be because she is not eligible, and the same could apply to a man. One would recommend that Islamic inheritance law should be studied holistically in all its complexities by concerned sharers, rather than haphazard picking and choosing that may end up with injustice.

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