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## THE STATUS OF FEMALES IN THE ISLAMIC SYSTEM OF INHERITANCE: FOCUS ON THE ADVANTAGES THEY HAVE OVER MALES

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### Abstract

*This paper attempts to look at, as well as bring out the noble status that females have in the Islamic system of inheritance. The objectives are to bring into the open the just nature of this system of succession and enlighten those non-Muslim scholars who label it as anti-females on the various advantages which females have in the distribution of inheritance. The method employed by this paper is descriptive, where data is elicited through document analysis, in which primary materials on Islam, both published and unpublished, electronic and print are consulted. The result discovered by the paper is that female heirs, inherit as daughters, mothers, wives, etc., and also inherit at double or triple capacity. For instance, a female heir can inherit her husband both as his wife and as his mistress if the husband happened to be a slave and she bought him and emancipated him. Moreover, almost all the heirs of the first category (As-hab al-furud) who are considered first when the distribution is to take place are females. For, instance, uterine sister and uterine brother enjoy equal shares. Moreover, females could get not only equal but also twice, triple or even quadruple the share of males. A case in point is where the heirs are daughter, son's daughter, full sister and consanguine brother. The female heirs in this case exhaust the entire estate and exclude the consanguine brother who is a male.*

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## INTRODUCTION

Distribution of inheritance and execution of wills, among several others, are examples of those *Ahkam* in Islam which become functional after death. In the then Arabian Peninsula where strength, force, and masculinity were the major considerable and recognized grounds of inheritance, where being minor, old, or female were considered impediments to inheritance, and where adopted children inherited at the expense of the real children rose the fragrance of

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Islam's justice with regard to the distribution of inheritance. Relatives of all gender and age, by consanguinity and by affinity could henceforward inherit their deceased relatives and their spouse relics. Not only that, but also child in the womb should now inherit so long as it meets the stipulated requirements. Females could inherit as well as males and minors could also inherit as well as majors, regardless of usefulness or non-usefulness to the clan, tribe or society. When in several parts of the world it was debated on whether females had a soul or not and whether their souls are similar in value and status to those of males, Islam declared that both males and females are raiments to each other and that they all originate from the same parents, their difference in form and nature is manifestation of their divinely assigned responsibilities and obligations. These are some of the distinguishing features of the Islamic system of inheritance.

This paper examines this system of succession with a view to bringing out the noble status of females, as well as, some of the advantages they have over males in various cases of distribution. The aim is two-fold: to enhance the awareness of Muslim men and women on the just nature of Islam towards females as reflected in its system of inheritance and to ward off the baseless allegations of gender bias that some non-Muslims and Muslim liberals label against Islam. A brief explanation is given of the distinguishing features of the Islamic system of inheritance, which is then followed by an expose of the various advantages that female heirs have over male ones in various instances.

## **METHOD AND MATERIALS**

The design which this paper employed as its fabric is descriptive. Data was generated through primary and secondary sources using the instrument of document analysis. In the former, primary published books on Islamic jurisprudence in the Arabic language were consulted out of which the information gathered was translated into English language and molded in such a way as to suit the purpose of the paper. Moreover, the text of the Qur'an and some major compendia of Hadith, particularly the famous six most authentic ones, were used for relevant *Ayats* and sayings of the Prophet, may Allah bless him and grant him peace, respectively. M.A. and Ph.D. theses and dissertations on inheritance were also consulted. As for the secondary source, relevant print, electronic and online materials in both Arabic and English languages were perused for the purpose of this paper. Some scholars were also visited for clarification and elaboration on some related issues.

### **Technical term of the system**

The technical term for the Islamic system of inheritance is *Mirath* or *Ilm al-fara'id*. It refers to the branch of Islamic jurisprudence which deals with the devolution of dead person's estate among his/her eligible and qualified heirs. It is the science that leads to the knowledge of the share of each heir from the property of the deceased person (Al-Tasawwuli: 2018) and also the science of the practical rulings of *Shari'ah* relating to the devolution of wealth after its owner has actually died or is presumed dead by a court of law.

### **Distinguishing Features of *Mirath***

Some of the features of Islamic system of inheritance which make it different from other systems of succession are as follows: 1) Inheritance is for those qualified and eligible heirs who

are related to the dead person by consanguinity, affinity, or clientage. In other words, only those who are blood relatives of the dead person or are marriage partners (Husband or wife) will inherit. 2) Wills and bequests are only for those who are not eligible heirs. Qualified and eligible heirs are not beneficiaries of wills. 3) Deciding who is to inherit and who is not to lie with Allah alone. A person, therefore, has no right to make another person his heir by means of a written will, for example, or to disinherit an eligible heir. 4) Male and female, young and old, weak and strong, a just delivered baby and even a child in the womb have equal rights to inheritance. 5) Females inherit different shares at different capacities. For instance, they may get half the share of males, equal, double or even triple, depending on the situations and circumstances. They inherit as wives, mothers, sisters, daughters, granddaughters, grandmothers, etc. Some of them may even prevent the males from inheriting. 6) Males may get twice the share of females, equal share with that of females or even a share which is less than that of females. In some situations, males may even be excluded from inheritance by females. 7) Exclusion from inheritance may affect females as well as males, depending on cases and situations. 8) Human beings are not among inheritable items (Yahya: 2004).

## RESULTS AND DISCUSSIONS

### **The principle of males inheriting twice the share of females**

It is widely alleged, particularly by a substantial number of female and male feminists, including some Muslim apologists, both local and international, that Islam belittles the female gender with this kind of distribution and that the faith should either attune to the modern trend or risk being relegated to the debris of the dark ages. They allege that allotting to females half of what is apportioned to males is tantamount to injustice and gender discrimination and that it is grossly irrational and 'repugnant to natural justice'. This principle of distribution is based on the fact that females in Islam are not duty-bound to shoulder as many financial obligations as that males due to the following reasons:

Males are the ones on whom Islam lays the responsibility of standing firm in women's business, protecting their interests, and looking after their affairs. The Qur'an (4:34) says:

“Men are the protectors and maintainers of women because Allah Has given them more (strength) than others, and because they support them by their means. Therefore, the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part you fear disloyalty and ill-conduct, admonish them (first), (Next), refuse to share their beds, (and last) beat them (lightly); but if they return to obedience, seek not against them means (of annoyance): for Allah is Most High, Great (above you all)”.

It is therefore the male who should give out the dower in marriage:

“And give the women (on marriage) their dower as a free gift; but if they, of their own good pleasure, remit any part of it to you, take it and enjoy it with right good cheer”. (Q4:4)

It is the male who should cater to the wife:

“Let the man of means spend according to his means: and the man whose resources are restricted, let him spend according to what Allah Has given him. Allah puts no burden on any person beyond what He Has given him. After a difficulty, Allah will soon grant relief”. (Q65:7)

It is also the male who should provide for the mother and the children:

“The mothers shall give suck to their offspring for two whole years if the father desires to complete the term. But he shall bear the cost of their food and clothing on equitable terms. No soul shall have a burden laid on it greater than it can bear. No mother shall be treated unfairly on account of her child. Nor father on account of his child, an heir shall be chargeable in the same way. If they both decide on weaning, by mutual consent, and after due consultation, there is no blame on them. If you decide on a foster mother for your offspring, there is no blame on you, provided you pay (the mother) what you offered, on equitable terms. But fear Allah and know that Allah sees well what you do”. (Q2: 233)

Before marriage, any gift given by the woman’s fiancé is her own and her husband has no legal right to claim on it even after marriage; on marriage, the dower exclusively belongs to her; any income a wife earns belongs to her; any deferred part of dower left unpaid becomes due immediately after divorce; divorce women must be maintained during *'Iddah* (the waiting period); blood money for unintentional murder committed by a woman is raised by her male relatives only, to the exclusion of females.

A scholar has this to say in this regard:

“...Man in Islam is fully responsible for the maintenance of his wife, his children and, in some cases, his needy relatives, especially the females. This responsibility is neither waived nor reduced because of his wife's wealth or because of her access to any personal income gained from work, rent, profit or any other legal means. Woman, on the other hand, is far more secure financially and is far less burdened with any claims in her possession. Her possessions before marriage do not transfer to her husband and she even keeps her maiden name. She has no obligation to spend on her family out of such properties or out of her income after marriage...” (Ahmad: 2017).

It is also observed that:

“...Normally it is the man who shoulders the financial burdens of his family, including his wife, a woman, not as an act of grace but as a moral obligation...And if he should refuse her (wife) this allowance or should he be miserly in proportion to his income she can lodge a complaint against him in the court and force him to give her the sustenance allowance or get free from him”. (Qutb: 2013).

While one non-Muslim scholar acknowledges that "...the Qur'an, on the contrary, gave to women their legitimate share" (Gaudefroy, 2018), another non-Muslim testimony to the just nature of the Islamic system of inheritance goes as follows:

“Women's right to own and manage her (sic) own property was further enhanced and acknowledged by the Qur'anic verses of inheritance (Q4: 7, 11-12,176) which granted

inheritance rights to wives, daughters, sisters, and grandmothers of the deceased in a patriarchal society where all rights were traditionally vested solely in male heirs. Similar rights would not occur in the West until the nineteenth century...however, Qur'anic reforms in inheritance strengthened the right of individual family members, especially women. Now rules of inheritance were superimposed on existing practices. The Qur'an gave the right of inheritance to wives, daughters, sisters, and grandmothers of the deceased, all of whom had no rights. These new 'Qur'anic heirs' received a fixed share from the estate, before the inheritance passed to the nearest male relatives of the deceased. Only after these Qur'anic claims were satisfied was the residue of the estate awarded to the senior male. (Esposito, 2018)

The beauty of the Islamic system of inheritance and its justice towards females is attested to and summed up by an atheist scholar, Annie Besant. She admits that:

“...The law of Islam in relation to women was until lately, when parts of it have been imitated in England, the most just law, as far as women are concerned to be found in the world. Dealing with property, dealing with rights of succession, and so on...was far beyond the law of the West in the respect that was paid to the rights of women...In Al-Qur'an the law about women is more just and liberal. It is only in the last twenty years (she was saying this in 1932) that Christian England has recognized the right of a woman to property, while Islam has allowed this right from all times...” (Besant, 2019).

**In some instances where females inherit equal or more than the share of males  
Where a female gets an equal share with a male**

However, it is important to note that this principle does not always apply. There are cases where a female gets an equal share with a male even if they are of the same degree. A uterine sister and a uterine brother, for example, get an equal share in spite of the fact that one is a male and the other is a female and they are of the same degree of relationship to the deceased.

Table 1. An example here is of a deceased who is survived by a wife, a full brother, a uterine brother, and a uterine sister.

W	FB	UB & US
1/2	R	1/3
3	5	4
<b>12</b>		

The wife gets (1/4), which is (3), because there is no son or daughter or son's son or son's daughter, how low so ever. The uterine brother and the uterine sister get (1/3), which is (4), because they are more than one and there is nobody present to exclude them. The full brother will inherit the remainder, which is (5), as an agnate. Here, the uterine brother and the uterine sister will share their portion (4) equally among themselves, where the male gets (2) and the female gets (2) also.

Another example is that of a male and a female who jointly own a slave and jointly manumit or emancipate him (Table.2). They will jointly inherit the slave as agnates and equally share his inheritance if he dies and leaves no heirs or no agnatic heirs. For instance, a former

slave dies and is survived by a daughter a uterine sister, and his former master and mistress who jointly owned and emancipated him.

Table 2. a male and a female who jointly own a slave and jointly manumit or emancipate him

D	US	MR	MRS
1/2	1/6		R
3	1		2
6			

*MR* – Master

*MRS* - Mistress

The daughter gets half (1/2), which is (3), because there is no other daughter and there is no son. The uterine sister gets (1/6), which is (1) because there is no other uterine sister or uterine brother and there is no heir who is present to exclude her. Because the deceased leaves no agnatic heir his former master and mistress inherit the remainder (2) as agnates. They will therefore share the remainder (2) equally among themselves, where the male gets (1) and the female also gets (1).

The *Yatimatan* case is another example in this regard. It is where a deceased is survived by a husband and a full sister or a husband and a consanguine sister. The husband will get half (1/2), which is (1), because there is no son or daughter or son's son or son's daughter, how low so ever. The full sister or the consanguine sister gets (1/2) also, which is (1), because there is nobody to exclude her or convert her into an agnate. Here, the husband, a male, gets an equal share with the full sister or the consanguine sister, who are all females.

#### **Where a female gets twice or more than twice the share of a male**

There are cases where a female not only gets an equal share with a male but also twice or even more than twice the share of a male. For example, a deceased is survived by a daughter, a mother, a husband, and a son's son. Her daughter gets (1/2), which is (6), because there is no other daughter and there is no son to convert her into an agnate. The mother gets (1/6), which is (2), because there is a daughter and there is a son's son. The husband gets (1/4), which is (3), because there is a daughter and there is a son's son. The son's son gets the remainder (1) because he is an agnate. Here the daughter, a female, gets six times the share of the son's son, who is a male. The daughter also gets twice the share of the husband, who is another male. The mother, also a woman, gets an almost equal share of the husband, a male, and twice the share of the son's son, who is another male.

There are several cases where female heirs get more than the shares of male ones. It is vital at this juncture to examine the rationale, and Allah knows best, behind the Islamic principle of inheritance distribution when it involves male and female heirs of the same degree.

#### **Some advantages females have under the Islamic system of inheritance**

Females enjoy many advantages that males do not. Some of these are as follows; 1) Females constitute the majority of heirs who enjoy first consideration in the distribution of inheritance. These heirs are called '*As-hab al-furud*' or simply the 'Qur'anic Heirs'. They are the first category of heirs to be considered in distribution even if they may exhaust the entire estate or the property of the deceased person. Their total number is thirteen out of which nine

are females. They are as follows: daughter; son's daughter; mother; mother's mother; father's mother; full sister; consanguine sister; uterine sister; wife; husband; uterine brother; father; father's father. 2) Most of the specified fractions are enjoyed by females. These specified fractions are six. They are half (1/2), one-quarter (1/4), one-third (1/3), one-sixth (1/6), two-thirds (2/3), and one-eighth (1/8). Four out of the five heirs who are beneficiaries half are females. They are daughter, son's daughter, full sister, consanguine sister, and husband.

Table 3. showing beneficiaries of (1/2) fraction

<b>Males</b>	<b>Females</b>
Husband	Daughter Son's daughter Full sister Consanguine sister

3). One-fourth (1/4) is enjoyed by a male, (husband) and a female (wife).

Table 4. showing beneficiaries of (1/4) fraction

<b>Males</b>	<b>Females</b>
Husband	Wife

4). Out of the three heirs who inherit one-third (mother, uterine sister uterine brother and father's father, in one of his cases with brothers and sisters) two are females.

Table 5. showing beneficiaries of (1/3) fraction

<b>Males</b>	<b>Females</b>
Father's father Uterine brother	Mother Uterine sister

5). One-sixth has greater female beneficiaries because six out of nine are females (mother, mother's mother, father's mother, son's daughter, consanguine sister, uterine sister, father's father, father, and uterine brother).

Table 6. showing beneficiaries of (1/6) fraction

<b>Males</b>	<b>Females</b>
Father Father's father Uterine brother	Mother Mother's mother Father's mother Son's daughter Consanguine sister Uterine sister

6). Two-thirds (2/3), which is the largest among the specified fractions, is enjoyed by females (Daughter, son's daughter, full sister, and consanguine sister). A female (wife) is the sole beneficiary of one-eighth (Maibushira, 2018).

Table 7. shows beneficiaries of (2/3) fraction

Males	Females
	Daughters
	Son's daughters
	Full sisters
	Consanguine sisters

7). Females inherit at double capacity. A daughter, who bought and emancipated her slave father, inherits him both as a daughter and as a mistress. A full sister in a similar situation inherits her brother both as a sister and as a mistress. Similarly, a consanguine sister inherits her consanguine brother both as a consanguine sister and as a mistress. A uterine sister who bought and emancipated her uterine brother inherits him as a uterine sister and as his former mistress. A wife who bought and emancipated her husband inherits him both as a wife and as a former mistress. A former slave master and a former slave mistress inherit the entire estate of their former slave if he or she leaves no heirs at all and they inherit him or her as agnates if the slave has no agnatic heirs (Al-Mardini: 1997, 31-32).

The deceased is survived by a uterine sister, a mother, and a wife, who also happens to be his former mistress. The origin of the problem is (12), out of which the uterine sister gets (1/6), which is (2) because there is no other uterine sister and there is no uterine brother, the mother gets (1/3), which is (4), because there is no son or daughter or son's son or son's daughter, how low so ever, and there are no up to two brothers and or sisters. The wife inherits (1/4), which is (3), because there is no son or daughter or son's son or son's daughter, how low so ever. There being no agnatic heir, the wife, being her husband's former mistress, inherits the remainder (3) as an agnate.

Table 8. receive inheritance

M	2UB	W	D / MSTRS
1/6	EX	1/8	1/2 + R
4		3	12 + 5
		24	

In the above example, the heirs are a mother, two uterine brothers, a wife and a daughter. The mother gets (1/6), which is (4), because of the daughter and the two uterine brothers. The wife gets (1/8), which is (3), because of the daughter. The two uterine brothers are excluded by the daughter. The daughter gets (1/2), which is (24), because there is no other daughter and there is no son to convert her into an agnate. She also inherits the remainder (5) as a former mistress of her father. Therefore inherits him as an agnate because there is no agnatic heir among the heirs

Table 9. hereditary heir

H	MM	US/MISTRESS
1/2	1/6	1/6+R
3	2	2+1 = 3
	<b>12</b>	

In the above case the deceased is survived by a husband, a mother's mother and a uterine sister who also happens to be his former mistress. The husband inherits (1/2), which is (3),



because there is no son, no daughter, no son's son and no son's daughter, how low so ever. The mother's mother gets (1/6), which is (2), because there is no one to exclude her. The uterine sister gets (1/6), which is (2) because there is no other uterine sister and there is no uterine brother. However, being a former mistress of her deceased uterine brother and there being no agnatic heir, the uterine sister inherits the remainder (1) as an agnate.

8). Females inherit in a situation where males do not. If, for instance, the heirs are son, a son's son, and a full brother, only the son inherits but the son's son and the full brother are excluded (Fig. 8 and 9). On the other hand, if a daughter, a son's daughter, and a full sister are the heirs, all of them will inherit. The daughter will get half; the son's daughter will take one-sixth and the full sister will inherit the remainder (Al-Baghdadi: nd). In this case both the son's son and the full brother are excluded by the son.

Table 10. 'Asabah ma'al ghair, because there is a daughter who gets

D	SD	FS
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1/2	1/6	R
3	1	2

6

In the above example, unlike in the one immediately before it, all the heirs inherit. The daughter inherits (1/2), which is (3), because there is no other daughter and there is no son to convert her into an agnate. The son's daughter gets (1/6), which is (1), because there is only one daughter and there is no son or higher son's son to exclude her and there is no son's son to convert her into an agnate. The full sister inherits the remainder (2) as 'Asabah ma'al ghair, because there is a daughter who gets (1/2).

9). Whereas a male has to discard his status in order to inherit, a female doesn't have to. If the heirs are a husband, a mother, two uterine sisters and a full brother the estate i.e., the item to be inherited, will be divided into six.

Table 11. the heirs are a husband, a mother, two uterine sisters and a full brother the estate

H	M	2US	FB
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1/2	1/6	1/3	R
3	1	2	0

6

Out of this, the husband gets half, which is three, because there is no son or daughter or son's son or son's daughter, how low so ever. The mother gets (1/6), which is one because there are more than one brother and sister. The two uterine sisters get (1/3), which is two, because they are more than one and there is no heir present to exclude them. The full brother should get the remainder as an agnate, but there isn't any. He therefore brings himself down to the level of a uterine brother and be counted as one in order to inherit something. This case is called *Mushtarikah* or *Hajariyyah* or *Himariyyah*. The case will be different if it is a full sister instead of a full brother as the following example indicates:

Table 12. a full sister instead of a full brother

H	M	2US	FS
1/2	1/6	1/3	1/2
3	2	2	3

## 6

The full sister will get (1/2), which is 3 because there is no heir present to exclude her, there is no other full sister and there is no full brother to convert her into an agnate. The husband will get (1/2), which is 3 because there is no son or daughter or son's son or son's daughter. The mother will inherit (1/6), which is 2 because there are up to two or more brothers and sisters. The two uterine children will get (1/3), which is 2 because they are up to two and there is no heir present to exclude them. The full sister will therefore need not come down to the level of uterine children in order to inherit. This is another advantage females have over males (Al-Shanshuri, 2016).

10). More male heirs are affected by the Deprivation Exclusion (Hajb Hirman) than female heirs. Exclusion (*al-Hajb*), within the context of the Islamic system of inheritance, means the partial or complete hindering of an eligible heir from inheriting by the presence of a most deserving heir (Ibn Rushd: nd, 65). It is divided into two. They are: 1) Deprivation: Hindering an heir completely from inheriting; 2) Transferral: Hindering an heir from inheriting his maximum share.

The total number of heirs who are affected by the deprivation exclusion is eighteen. Out of this number, twelve are males and only six are females. They are as follows: son's son; father's father; full brother; consanguine brother; uterine brother; full brother's son; consanguine brother's son; full uncle; consanguine uncle; full uncle's son; consanguine uncle's son; master of a slave. The affected females are as follows: son's daughter; full sister; consanguine sister; a uterine sister; grandmother; mistress of a slave.

11). A divorced woman inherits her former husband but he will not inherit her. If a husband dies of the sickness in which he divorced his wife, she will inherit him, regardless of whether her *Iddah* (waiting) period expires or not. On the other hand, if it were the wife dies while her former husband is in the sickness in which he divorced her, he will not inherit her (Al-Mufshi: 1997, 58). Similarly, if a husband dies before marriage is consummated, the wife will inherit him. This is also another advantage for women.

12). A child born out of Zina (Adultery or fornication) will inherit his mother and his uterine brothers and sisters and they will inherit him. However, there is no inheritance between the child and his fornicating or adulterant father.

13). A child over whom *li'an* (mutual imprecation) occurred will inherit his mothers and his uterine brothers and sisters and they will inherit him. However, there is no inheritance between the child and the imprecating father.

14). A woman who brought up a picked-up or lost child whose mother is not known will inherit him and he will inherit her if his biological mother could not be located after the child dies. The Prophet, may Allah bless him and grant him peace, is reported to have said:

تحوز المرأة ثلاثة مواريث عتيقها و لقيطها و الوالد الذي لاعنت عليه

*A woman enjoys three types of inheritance: that of her emancipated slave, that of the child she picked up and that of her child over whom she is involved in mutual imprecation.*

15). The principle of 'to male is twice the share of a female' applies only to some cases and situations. According to this principle, male and female heirs of the same degree of relationship e.g., son and daughter, full brother and full sister, consanguine brother and consanguine sister, etc., share in such a way that if a male gets two a female will get one (Binlis: nd, 116).

16. *Females get twice or more the share of males, depending on the situation and the circumstance.* This becomes clear in the following examples

Table 13. The deceased is survived by a daughter, mother, husband and a son's son. Distribution will be in this manner

D	M	H	SS
$\frac{1}{2}$	$\frac{1}{6}$	$\frac{1}{4}$	R
6	2	3	1
12			

Out of the estate, which is twelve, the daughter gets six, the mother gets two, the husband gets three and the son's son inherits the remainder which is one. Here, the daughter, a female, got twice the share of a male (the husband) and six times the share of another male (the son's son). Similarly, the mother got twice the share of the son's son. The combined share of the mother and the daughter is eight while that of the husband and the son's son is four. This is another advantage females have over males.

17. In as much as male heirs exclude female heirs in some cases female heirs also exclude male heirs in other cases. If, for instance, a deceased is survived by a husband, a daughter, a full sister and a consanguine brother, distribution will be as follows.

Table 14. a deceased is survived by a husband, a daughter, a full sister and a consanguine brother

H	D	FS	CB
$\frac{1}{4}$	$\frac{1}{2}$	R	EX
1	2	1	

In this case, the husband gets ( $\frac{1}{4}$ ), which is (1), because there is no son, no daughter, no son's son, and no son's daughter, how low so ever. The daughter inherits ( $\frac{1}{2}$ ), which is (2), because there is no other daughter and there is no son to convert her into an agnate. The full sister inherits the remainder (2) as '*Asabah ma'al ghair*', because there is a daughter who gets ( $\frac{1}{2}$ ). The consanguine brother, a male, is therefore excluded, in this case, by the full sister, who is a female.

18) . If all male heirs are present only three inherit, whereas if all female sharers are present, five of them inherit.

Table 15. all male heirs

S	SS	F	FF	FB	CB	UB	FBS	CBS	FU	CU	FUS	CUS	H	SM
	EX		EX	EX	EX	EX	EX	EX	EX	EX	EX	EX		EX

As this example shows, out of the fifteen male heirs that are all present only three inherit. These are the son, the father, and the husband.

Table 16. out of the fifteen male heirs that are all present only three inherit

D	SD	M	MM	FM	FS	CS	US	W	SM
1/2	1/6	1/6	EX	EX	R	EX	EX	1/8	EX
12	4	4			1			3	

In this example, despite the fact that their number is less than that of the male heirs, five of them will inherit. These are the daughter, the son's daughter, the mother, the full sister, and the wife. This means that if all the ten female heirs are present half of them will inherit. The mother's mother and the father's mother are excluded by the mother. The consanguine sister and the slave mistress are excluded by the full sister who will inherit as an agnate. The uterine sister is excluded by the daughter and the son's daughter. The daughter gets (1/2), which is (12), because there is no other daughter and there is no son to convert her into an agnate. The son's daughter will inherit (1/6), which is (4), because there is a daughter who gets half and there is no higher son's daughter or higher son's son who would have excluded her and there is no son's son of her degree to convert her into an agnate. The mother gets (1/6), which is (4), because of the daughter and the son's daughter. The wife gets (1/8), which is (3), because of the daughter and the son's daughter. The full sister inherits the remainder (1) as *'Asabah ma'al ghair*, because there is a daughter who gets (1/2).

## CONCLUSION AND SUGGESTION

Despite being in the 21<sup>st</sup> century where it is assumed that human civilization has reached the zenith of development, progress, and awareness, as is supposedly epitomized by Europe and the US, a myriad of bizarre and strange systems of inheritance which place females at a disadvantage abound. This includes considering an intestate system of inheritance as unnatural as a result of which even dogs and cats are made to inherit a deceased person at the expense of children and relatives. Parents in the so-called civilized world disinherit their children and relatives at will and, in some instances, prefer to bequest their entire property to not only humans but also animals' or even birds' orphanages. Disparities in salaries and emoluments between males and females still exist. Moreover, numerous struggles, sit-ins, fights, and countless legal actions were expended before even this neo-anti-female status is arrived at in such parts of the world. In other cultures, women are always the first suspects when their husbands, fathers or male relatives died. Their main task is therefore proving their innocence through several absurd ways, in addition to the fact that they never inherit. Islam, on the other hand, bestows upon females a unique status that has never been witnessed in recorded human

history. In the distribution of inheritance, both male and female heirs inherit. The latter inherit as mothers, daughters, granddaughters, sisters, wives and so on. Male heir inherits twice the share of females if they are of the same degree of relationship to the deceased person. Examples are son and daughter, grandson and granddaughters, brothers and sisters, etc., all of whose levels and degrees of relationship to the deceased person are the same. Besides these, a male heir does not get twice the share of a female one except under some circumstances. Similarly, this principle does not apply to uterine brothers and uterine sisters, even though the former is male while the latter is female.

They inherit the same share. Females, as revealed in this paper, not only inherit an equal share with males but may also inherit twice or triple, or even quadruple the share of males, depending on the circumstances and situations. This paper, therefore, has the potential of enhancing the awareness of Muslims, particularly females, on the comprehensive and just nature of the Islamic system of inheritance and facilitate the elimination of the inferior complex before the wrong and faulty advocacies of amoral and ignorant elements. The paper could also help towards clearing the mote in the eyes of subjective non-Muslims, as well as brainwashed Muslims (who seem to consider anything modern/Western as natural, good, and right) which blinds them from seeing the noble and just nature of the Islamic system of inheritance.

## REFERENCES

- Ahmad, K. (2017). *Islam its meaning and messages*. (3<sup>rd</sup> Ed) Lagos, Nigeria: Islamic Publications Bureau.
- Al-Baghdadi, A.M. (nd) *Irshad al-salik Ila ashraf al-masalik fi fiqh al-Imam Malik*. Al-Shirkah al-Ifriqiyyah Li al-Tiba'ah wa al-Nashr.
- Al-Baihaqi, A.H. (2014). *Sunan al-baihaqi al-kubra* (Verified by Muhammad 'Abdul-Qadir 'Ata). Makkah, Kingdom of Saudi Arabia: Maktabah Dar al-Baz.
- Al-Mardini, S. (2017) *Al-rahbiyyah fi 'Ilm al-Mirath bi sharh sabt al-mardini* 8<sup>th</sup> Ed. Cairo: Dar al-Qalam.
- Al-Mufshiy, M. B. (2018) *Al-Jami' Al-Hadith fi 'Ilm Al-Mirath wa Al-Mawarith fi Al-shari'ah al-Islamiyyah wa Qanun Al-Ahwal Al-Shakhsiyyah Ala Al-madhahib Al-Arba'ah* 2<sup>nd</sup> ed. Beirut: Dar al-Kutub al-'Ilmiyyah.
- Al-Shanshuri, A.M. (2016) *Al-durrah al-mudiyyah fi sharh al-faridiyyah*. (1<sup>st</sup> Ed.) Damascus, Syria: Al-Maktab al-Islami li al-Tiba'ah wa al-Nashr.
- Al-Tasawwuli, A.A. (2018) *Al-bahjah fi sharh al-tuhfah* Vol. II, 1<sup>st</sup> Ed. (Verification by Muhammad Abdul Qadir Shahin). Beirut, Lebanon: Dar al-Kutub al-'Ilmiyyah.
- Baihaqi, A.A. (2020). *Sha'b al-Iman*. Vol. VI, 1<sup>st</sup> Ed. (Verification by Muhammad Sa'id Bisayuni Zughlul) Beirut, Lebanon: Dar al-Kutub al-'Ilmiyyah.
- Besant, A. (2022). *The life and teachings of Muhammad*. Madras

- Binlis, Muhammad Ahmad (nd) *Buhjah al-basar fi sharh fara'id al-mukhtasar: kitab fi al-tarikaat wa al-mawarith*. (Verified by Muhammad Mahaddah). 'Ain malilah, Algeria: Dar al-Huda
- Esposito, J.L. (2018). *Islam the straight path*. New York, USA: Oxford University Press.
- Gaudefroy, D.M. (2018). *Muslim institutions*. (4<sup>th</sup> Ed.) London, UK: George Allen and Unwin Ltd.
- Hakim, M.A. (2020). *Al-mustadrak 'ala al-sahihain* (Verified by Mustafa 'Abdul-Qadir 'Ata). Beirut, Lebanon: Dar al-Kutub al-'Ilmiyyah.
- Ibn Majah, M.Y. (nd). *Sunan Ibn Majah*. Vol. II. (Verification by Muhammad Fu'ad AbdulBaqi). Beirut, Lebanon: Dar el-Fikr.
- Maibushira, I.M. (2018). Distribution of inheritance in Islam and its application in Kano State. (Unpublished M.A. Dissertation). Bayero University Kano.
- Qutb, M. (2023). *Islam a Misunderstood religion*. Pakistan: Press Syndicates.
- Yahya, A. (2004). 'The status of females in Islam with regard to Inheritance: Analysis of the favours conferred on them, a case study of some selected court cases in Kano state (Unpublished M.A Dissertation). Department of Islamic Studies: Bayero University Kano