

The Neglected Rights of Women's Inheritance of the Qur'an

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Abstract: The establishment of women's inheritance rights in Islam represents a revolutionary milestone in human civilization, marking a decisive departure from the patriarchal norms that prevailed before its advent. Central to this transformation was Sayyidah Fatimah al-Zahra (as), the revered daughter of Rasulullah (S), whose defense of her right to the property of Fadak stands as a timeless assertion of justice, faith, and women's legal entitlement. Her courageous stance before the ruling authority not only highlighted the sanctity of divine law but also embodied the command of Qur'an to uphold one's rights within the ethical framework of Shariah. The case of Fadak thus symbolizes the foundational principles of socio-economic justice and women's legitimate participation in property ownership as enshrined in the Qur'an. Before Islam, women across ancient societies, including pre-Islamic Arabia, were denied inheritance and ownership rights. The Qur'an abolished this injustice, declaring: "For men is a share of what their parents and kindred leave, and for women is a share of what their parents and kindred leave" (Surah al-Nisa, 4:7). This divine ordinance established equity rather than absolute equality, acknowledging distinct social responsibilities while ensuring women's economic independence through Mahr and Nufuqah. Despite such clear injunctions, contemporary Muslim societies often continue to marginalize women's inheritance rights due to cultural distortions and non-Islamic influences such as the dowry (Jahaz) system. These practices not only contradict Qur'ani justice but also perpetuate social inequality, economic dependency, and emotional suffering among women. Islamic jurisprudence (Fiqh), reinforced by the teachings of the Ahl al-Bayt (as), offers a comprehensive framework for the equitable distribution of property, harmonizing divine justice with social responsibility. However, the persistent denial of women's rights to Wirasat (inheritance) undermines both individual well-being and collective moral integrity. This paper analyzes the implications of granting women full property inheritance rights, emphasizing the necessity of institutional mechanisms, such as specialized courts, to ensure swift adjudication of women's inheritance claims. True restoration of Adl (justice) demands not only awareness but also decisive enforcement of divine laws, thereby dismantling oppressive customs and reinstating women's rightful place as autonomous inheritors and contributors to social and economic progress in accordance with Islamic principles.

Keywords: Sayyidah Fatimah (as), Fadak, Women's Inheritance Rights, Shariah, Qur'an, Wirasat, Islamic Jurisprudence, Fiqh, Jahaz, Dowry, Gender Justice, Adl, Justice.

1. Historical Background:

It was Sayyidah Fatimah (as), the only daughter of Rasulullah(S), who established from the Qur'an the Right of Daughter in inheritance in a manner that till the Qiyamah no one can deny the facts. Soon after the demise the vast estate of Fadak was confiscated and annex under the instruction of the ruler. To establish her Legal Right, the beloved daughter of Rasulullah(S) appeared in the court of the ruler. Ah! Fadak the gifted property of Fatimah (as) was confiscated under instruction of the Ruler. Fatimah (as) came in the court to fight her Right of inheritance and established that "fight for right" is the order of the Shariah. The celebrated writer of "Fatuh al-Buld'an" recorded:

Malik bin Jawuna narrates from his father that Fatimah (as) said to the ruler: Rasulullah (S) bestowed Fadak to me, so return it. Ali (as) testified in her favour, but the authority demanded for another witness, and Umm Ayman (ra) testified in support of Fatimah (as). Upon this, the Khalifah said: O daughter of Rasulullah (S), such testimony is unacceptable unless you have two males or one male and two females, upon hearing this Fatimah (as) left.

Her courageous role and bold step established that women should not leave their "right in succession" even if they are well off; they may take their right in their own hands and donate in charity but should never forgo their right. Islam is most liberal and explicit on the rights of women, particularly inheritance, its injunctions are interpreted in the most traditional manner that strengthens ideology of Adl (justice).

Except for Islam which attained its perfection divinely, no other religion grants and honours the share of women in Wirasat (inheritance). According to the Qur'an and Shariah, Laws which neglect the rights of women in Wirasat, are tyrannical and against the law of nature. Today, the so-called "Liberals", who in general are also called "Reformists" are in fact a group of that class who are ignorant of the Shariah. They raise the slogan of equality in the shares of men and women in Wirasat, which is totally repugnant to the injunction of the Qur'an. These inimical forces of Islam totally forget that neither Christians nor Jews or Hindus grant the Rights of Women in the Wirasat, as is bestowed by Islam. Shariah Laws are no longer difficult to understand in the study of Islam. Today Shariah, its role in political Islam and its impact on the daily lives of Muslim women and humanity has made headlines everywhere. The word "Shariah" literally means "the path on sand created by camels walking to water-spots" but spiritually it means Hidayah (guidance).

Islam initially restore women's rights by taking the first steps in that desert society by banning female-infanticide, is the intentional killing of baby girls after birth because they are female. It differs from sex-selective abortion, which involves terminating a pregnancy based on the fetus's sex before birth, it refers to the deliberate killing of newborn female children, typically due to a cultural or economic preference for male offspring. It is a severe human rights violation and a major social issue in certain parts of the world. Preventing forcing of women into unwanted marriages, allowing women to retain their fathers' names after marriage, emitting women to be witnesses (albeit their testimony counted as half of a man's) and establishing Haq al-Wirasat-their ownership rights to property and their income. All of these advances in Women's Rights occurred in the Middle East when Europe was in the midst of the Dark-Ages. We will discuss the

Right of Wirasat according to "Fiqh" which literally means Islamic Jurisprudence. Fiqh is human understanding of the Shariah, which further explained as follow:

"Where an explicit command of Allah or His Rasul (S) already exists, no Muslim leader, legislature or any religious scholar can form an independent judgment not even all the Muslims of the world put together, have any right to make the least alteration to it".

Believing so is regarded as the alliance to Islam itself. All books on Shariah Law unambiguously maintain this dictum. The Qur'an and the Ahadith are two of the most important sources of Shariah. From early days to the present so-called civilized period, women have been a victim of injustice. Fourteen centuries have passed and the benedictions of Islam have covered a large part of the world, and now we are in the 15th century, but women are still deprived of their Right of Wirasat. The major reason is ignoring explicit injunctions of the Qur'an and clear interpretation by Rasulullah(S) with his recommendations regarding women rights of Wirasat. It is only the filthy rich selfish class who has set aside the commandments of Shariah so that their property and estate may not get divided, and due to this reason keep their sisters and daughters unmarried. Before the dawn of Islam, daughters, whether old or young, were not given any share in Wirasat. In the days of Jahiliyyah, Arabs did not give their own daughters any Right of Wirasat but adopted a boy as Mutabanna, as their own son and gave him the status of the successor. Islam eliminated this injustice and strongly ordered to distribute the due share of parent's wealth – property to their women. One of the most important differences between the Qur'an and the Bible is their attitude towards female inheritance of the property of a deceased relative.

2. Principle of the Qur'an:

According to 27:1-11(Bible):

"Widows and sisters don't inherit at all. Daughters can inherit only if their deceased father had no sons. Otherwise, the sons receive the entire inheritance."

Prior to Islam, inheritance rights were confined exclusively to male relatives. The Qur'an abolished all these unjust customs and gave all the female relatives their proper share (see Qur'an 4:7, 11, 12 and 176). It is a matter of sorrow and regret that the practice prevalent before Islam still exists and women are bereft of their share in Wirasat still today. To dispel this tyranny Ayah 7 of Surah al-Nisa was sent down by Allah. The principle was fixed divinely so that both men and women become rightful shareholders in Wirasat. Qur'an says:

"For men, there is a share in what their parents and kindred leave behind, and for women a share in what their parents and kindred leave behind, be it little, or be it much: a decreed share".

The cardinal principle of Wirasat is to distribute the wealth among all the near relatives, and not to let it accumulate in the hands of one person, a wise and effective check on concentration of wealth in few hands. It has been clarified in Surah al-Nisa:

"A man would get a share equal to two women".

This law of Wirasat contains a clarification of the shares of a man and a woman and is like other laws of Shariah, conferred by the divine institution of Wahi. It is not a law passed by any parliament, senate, and assembly where drunkard may be approved today or amended next day

and rejected on holiday. After the Wahi, the matter does not rest on the opinion of any human will. The distribution of shares and every right of Wirasat has been fixed by the Divine Law of Shariah. It cannot be amended at will by the so-called enlightened or reformist, whenever they wish to do it, and due to the Wahi, their thoughts and Aqa'id become null and void in which a woman remains deprived of any share in Wirasat.

If we look at the spirit of Shariah, we will find that the responsibilities of men and women are quite distinct and separate. Their duties and rights are separate and different. Men have been made responsible for supporting women, but not vice-versa. The responsibility of man in regard to the sustenance of woman has been fixed by Islam. A woman has been given half the share of man in wealth/property because there are separate laws for her sustenance, military services and punishment. A woman's special right in the Wirasat is due to Mahr, and the right of Nufuqa (maintenance). If we look at the social order of Islam, we will find that according to the law of Wirasat, a man gets two thirds while a woman gets one third because men are responsible for the expenses of women. Therefore the wealth/property of a woman remains immune from the use or grip of men, while two third share of man is spent on both man and woman. If we consider this point, we find that a woman gets a substantial share in Wirasat as an additional benefit.

3. Fiqh Sources on Women Wirasat:

In his famous book "Da'aim al-Islam", vol. ii., Sayyiduna Al Qadi al-Nauman has mentioned:

Abi Jafar Al-Imam Muhammad al-Baqir (as) and Abi Abdullah al-Imam Jafar al-Sadiq (as) have jointly declared: "Women are not entitled to inheritance in "movable property", but are only entitled to their proper share of Wirasat according to the Law of the Qur'an, the amount being taken for the price of land forming part of the heritable estate.

Thus the woman would get her proper share, not in the shape of the land, but in other forms of property known at that time. Sayyiduna Al Qadi al-Nauman (ra) has explained further:

"This is not a general rule, (unfortunately many Fuqha (Muslim Jurists) still consider it as a general rule and applying the same formula on every case but restricted:

(a) To land which had been dedicated as Waqf for the benefit of men, who had undertaken Jih'ad in defense of the Muslims or

(b) To land dedicated as Waqf for the benefit of one group of persons (namely men) to the exclusion of the other group (women)".

Moveable Property: Moveable Property is generally understood to denote personal property, other than land. It could constitute livestock, goods, furnishings, bridal gifts, such as jewelry, electronic devices, cash, apparels, etc.

Immovable Property: This mainly includes land, and anything permanently affixed to the land, such as buildings, fences, and those things attached to the buildings, such as light fixtures, plumbing and heating fixtures. These would be personal property if not attached.

Inheritance, Gifts, Mahr: It is not uncommon practice to exclude a woman from inheritance on the pretext that her family sold or mortgaged part of their property to arrange for her Jahez.

Gifts at the time of marriage explain non-Islamic Jahez, demanded by force from husband and his family, and inheritance are completely different things.

According to the pre-Islam customary law, females and cognate were excluded from Wirasat. The law of Wirasat conferred by Islam is as follows:

"The husband, wife and females, as well as cognates, are recognized as competent to inherit. Parents and ascendants are given a Right to inherit even when there are male Wurusa who are present. It is a provision of the Qur'an that the daughter is entitled to succeed with the son, as interpreted by the Ahl al-Bait (as) as applicable to all female Wurusa. Fuqha takes the provision of the Qur'an as not restricted to individual instances of the daughter or the sister, but as establishing a new principle for the benefit of the women, which is the most important legal reform introduced by Islam when referring to the rights of women".

4. Exploitation methods to snatch women inheritance:

Rights of women usurped when the lust of money dominate the minds. In result, women lost their socio-religious privilege of inheritance. This inheritance also lead towards hatred and hostility in the same family and makes the female target. Majority of the women leads to cause psychological problems, including anxiety, tension, frustration and loss of confidence. It potentially causes depression to children of the deprived women when they come to know that their mother is not worthy of inheritance. This violation is not limited to illiterate class but also it is common amongst those who never follow the Talim of Islam. The denial of rights to women is highest in Muslim world, problem in keeping contacts with others and the denial of the right to inheritance 100 percent. In other words, in converted Muslim communities here is usually no inheritance for women especially where male offspring exist. There are also incidents of male relatives using force or resorting to murder, when their female relatives approach a court of law to claim their share in inheritance or refuse to give up their legal rights to inheritance. Courts have been upholding the rights of women to inherit property; however, very few cases are actually brought to the notice of courts.

5. Restoring Justice to Women through Inheritance Laws

It is imperative that our religious scholars - Ulama take active responsibility in educating and guiding the public on the true Islamic teachings regarding women's inheritance - Wirasat. The neglect of this issue has perpetuated social injustice for generations. Until and unless scholars represent Islam not only through their words but through the application of its laws in all aspects of life, the hope of restoring justice for women will remain minimal. It is high time for scholars to realize that it is not their titles that qualify them for salvation, but their deeds, the degree to which they implement the Shariah in their own lives that determines their rank in Jannah. Social transformation is a gradual process. Legal reforms must progress in harmony with shifts in attitudes and behaviors, not outpacing the moral understanding of society. Advocates for women's rights must invest time in understanding local traditions, their origins, and rationales working with communities to envision change within an Islamic framework rather than through confrontation.

Islam has completely eradicated injustices that existed against women in pre-Islamic societies regarding inheritance. The double share for men in inheritance is based on their financial obligations, as men are responsible for providing for their families. A wife's share in inheritance is balanced with her rights to Mahr (dowry given to her) and Nafaqah (maintenance) from her husband. If the matter of inheritance were based solely on economic considerations, Islam would not have established any distinction between male and female shares. It is time for Muslim scholars to move beyond sermons and written papers and stand shoulder to shoulder with women who are denied their rightful inheritance. Only through practical support and advocacy can the Ulama maintain their credibility and fulfill their responsibility. Breaking centuries-old customs influenced by non-Islamic traditions is not easy, but it is necessary. These Hindu-influenced practices that deprive women of their rights must be replaced with the laws of Islam to restore justice and balance in our society. Qur'an says:

"Depriving girls of their share of inheritance is an act of ignorance. The people of ignorance used to deprive their daughters and children of inheritance, saying: Only the one who fights and protects the tribe deserves to inherit. This was a grave mistake.

Allah revealed the Qur'an and sent His Rasul (S) with comprehensive Shariah, declaring that: 'For the male is a share equal to that of two females.'"

(Surah al-Nisa, 4:11)

To deprive women of their rightful inheritance is to disobey Allah and His Rasul (S). It corrupts the system of Adl in this world and invites severe punishment in the Hereafter. The restoration of women's inheritance rights is not merely a legal issue, it is a moral and religious duty. Every scholar, leader, and believer must play a role in implementing the divine law. By doing so, we will revive Adl, strengthen families, and uphold the dignity that Islam has guaranteed to every woman.

6. Conclusion:

The struggle of Sayyidah Fatimah (as) for her rightful inheritance to the estate of Fadak stands as an eternal symbol of justice, courage, and the defense of women's rights in Islam. Her bold stand not only established the legitimacy of a daughter's right to inheritance as prescribed by the Qur'an, but also demonstrated that standing up for one's lawful rights is a command of Shariah, not an act of defiance. Islam, from its very inception, redefined the status of women in society by granting them dignity, independence, and legal recognition, privileges that were denied in most pre-Islamic and contemporary societies. The Qur'an explicitly ordains that both men and women have decreed shares in inheritance, thus abolishing the unjust tribal customs that deprived women of property and economic security. The laws of Wirasat (inheritance) are divinely revealed, immutable, and rooted in the principles of Adl (justice) and Hidayah (guidance). Any attempt to alter or ignore these divine injunctions is not only a legal transgression but a moral and spiritual violation.

However, despite clear directives of Qur'an, many Muslim societies continue to deny women their rightful inheritance, often justifying it under cultural customs or misinterpreted traditions. This deprivation has caused deep social, emotional, and economic harm, undermining the very essence of Islamic justice. Furthermore, the replacement of inheritance rights with un-Islamic practices such as Jahaz (dowry) has perpetuated oppression, financial exploitation, and

emotional suffering for countless women and families. The restoration of justice demands a return to the true teachings of the Qur'an and Sunnah. Scholars and Ulama, community leaders, and families must collectively act to re-establish women's inheritance rights and eradicate customs that contradict divine law. This is not merely a social reform, it is a religious obligation and an act of obedience to Allah and His Rasul (S). When every daughter, sister, and wife receives her rightful share as decreed by Allah, society will once again reflect the balance, compassion, and equity that Islam envisions. Upholding women's inheritance rights is not only a matter of law, it is the revival of Adl, the restoration of dignity (Karamah), and the reaffirmation of Iman in the divine order of Shariah. In essence:

To deny women their share of inheritance is to deny the command of Allah.

To restore it is to uphold the spirit of Islam itself.

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