

## Interfaith Muslim Paper

### **“Do Both Genders Have Equal Rights as Quoted in Our Scriptures?”**

This Muslim paper was presented to the Interfaith Search Fiji Monthly Discussion Gathering. It was held in Fiji on 10<sup>th</sup> December 2015 at Tappoo City. There were several other Faiths’ papers also presented on the same topic. Generally, in many communities, girls and women are still not given equal rights to boys and men as a matter of fundamental fairness, even in this modern age.

This disproportionate inequality between genders has been in practice almost from the earliest times of recorded history in so many countries’ different communities.

The same practices of inequality were also found amongst ancient communities, especially those, which had their origins evolving from paganism. Some of these pagan communities elevated the inequality of boys and men, over their girls and women. This elevation favouring men and boys was to such an extent, that the first born son was offered as an ultimate sacrifice to the pagan gods, by his biological parents. This extremely heart-breaking practice was put to a stop when Prophet Abraham (*as*) was interrupted by God and ordered to substitute a fattened lamb *in lieu* of his first born son (Ishmael).

When Prophet Muhammad (*pbuh*) became the prophetic leader of Islam over a period of 23 years, he eradicated the inequality between the genders and he quoted most emphatically several verses from the Holy Qur’an, which all gave clear material evidences that there was no inequality between the genders, as was widely practiced then (around 1,400 years ago). These Quranic quotations have also been materially evidenced in the Six *Sahih* Hadith.

For example, on a contrast, married women in United Kingdom were not permitted to own any property whatsoever. Any property which she owned before her marriage or inherited after her marriage was automatically transferred to her husband’s title. This complicated situation was corrected with the Married Women’s Property Act of 1870. Later more amendments were done and brought about equality of unmarried women to married women with apt changes to the Married Women’s Property Act of 1882.

Islam, since inception allowed girls and women to own and inherit property at any stage of their life. Given below are just a few verses from the Holy Qur’an to this very short article on the topic. Limitation of time and space with Interfaith Search Fiji protocols did not allow full article. It must be noted that “man” and “woman” have been expressly mentioned 24 times each (equal) in several places throughout the blessed 114 Chapters of the Holy Qur’an.

The six topics given below are not all the rights of girls and women, but they have been scoped only as samples for case study; the examples in the Appendix also reflect the magnificence and beauty of the Holy Qur’an in correct proportioning of

inheritance shares, which are mathematically correct, whilst bearing in mind that Prophet Muhammad (*pbuh*) was totally illiterate.

1. **Women are made of the same essence as men.** HQ4:1 “O people, keep your duty to your Lord, Who created you from a single being and created its mate of the same (kind), and spread from these two many men and women. And keep your duty to Allah, by Whom you demand one of another (your rights), and (to) the ties of relationship. Surely Allah is ever a Watcher over you.”

In the first part of the verse, it is common knowledge in almost all communities throughout the world, that the generations of humanity (both male and female) over thousands of years are descendants of the two human prototypes of Adam and Eve<sup>1</sup>. The second part of the verse draws conclusion (in ties of relationship) that widespread procreation of humanity must come only through religiously correct marriages.

2. **Women are equal life partners to men.** HQ30:21 “And of His signs is this, that He created mates for you from yourselves that you might find quiet of mind in them, and He put between you love and compassion. Surely there are signs in this for a people who reflect.”

This verse further strengthens the second part of the previous quotation above (HQ4:1) that there is need for a formal religious marriage between a man and a woman, bonding as equal mates to each other. That bond of relationship is sealed with love and compassion, leading towards a happy and successful family life.

3. **Women have the same moral qualities as men.** HQ33:35 “Surely the men who submit and the women who submit, and the believing men and the believing women, and the obeying men and the obeying women, and the truthful men and the truthful women, and the patient men and the patient women, and the humble men and the humble women, and the charitable men and the charitable women, and the fasting men and the fasting women, and the men who guard their chastity and the women who guard, and the men who remember Allah much and women who remember — Allah has prepared for them forgiveness and a mighty reward.”

This verse takes into comparative consideration the ten essential and common features of regular human life, as rolled out in the verse. It also shows that both girls and women stand on equal levels of fundamental rights to boys and men in all common functions of daily life.

4. **Both women and men are entitled to work and equally earn their living.** HQ3:195 “So their Lord accepted their prayer saying: I will not suffer the work of a worker among you to be lost, whether male or female, the one of you being from the other.” HQ4:32 “And do not hanker after what Allah has given some of you above others. For men is the benefit of what they earn. And for women is the benefit of what they earn. And ask Allah of His grace. Surely Allah is Knower of all things.”

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<sup>1</sup> Islam does not accept the common belief by some other communities that Adam’s partner Eve was created from a rib torn out of the rib-cage of Adam. In this regard Islam accepts that their body material and essence of their creation are the same. However, it is a matter of correctness of interpretation: Eve was close to Adam’s heart by way of love and compassion between them. This point has been validated at HQ 30:21.

Both of the verses draw common conclusions, whether in peace times or during any war, both men and women have equal rights to work and earn their living. In addition, men are to work and earn whatever employment is on offer within their means and women are to work and earn whatever employment is on offer within their means. Regardless of gender, the wages should be the same on the same terms of equal employment. There is also an Ordinance (at **HQ4:32**) that men and women are allowed to keep their earnings, which at the same time also concludes that women are not compelled to surrender their earnings to men. However, in a marriage situation, there may be some mutual cooperation between the husband and wife to run the household amicably towards common goals in their married life, bearing in mind that their children shall be products of their marriage and that legacy is expected to continue.

5. **God will apply equal judgement to all, whether men or women. Men and women are equals in Muslim fraternity.** **HQ9:71-72** *“And the believers, men and women, are friends one of another. They enjoin good and forbid evil and keep up prayer and pay the poor-rate, and obey Allah and His Messenger. As for these, Allah will have mercy on them. Surely Allah is Mighty, Wise. Allah has promised to the believers, men and women, Gardens, wherein flow rivers, to abide therein, and goodly dwellings in Gardens of perpetual abode. And greatest of all is Allah’s goodly pleasure. That is the grand achievement.”*

This verse was revealed when Muslims were being double-crossed by hypocrites; these hypocrites were mainly as practitioners of paganism and idolatry. The hypocrites’ hypocritical attitudes and practices set them apart from Muslims; hence the use of the expression “believers” is taken to refer to Muslims in the verse. Both Muslim men and Muslim women were leading their lives following the correct paths as required of them in the Holy Qur’an, which in the main were as the identifiable pillars of Islam. That also concludes that Islam requires both Muslim boys and men and Muslim girls and women to lead and practice the common template of Islam as prescribed in the Holy Qur’an. The Holy Qur’an sets the standard that regardless the people are boys and men or girls and women, they will all definitely get fair and balanced judgements according to their performances, without any favour or unfairness on the great Day of Judgement.

6. **Women are equally entitled to receiving inheritance (3 stages)** **HQ4:7** *“Men shall have a portion of what the parents and the near relatives leave<sup>2</sup>, and women shall have a portion of what the near relatives leave, whether there is a little or much of it.”* **HQ4:11** *“Allah commands you concerning your children: for the male is the equal of the portion of two females; but if there are more than two females, two-thirds of what the deceased leaves is theirs; and if there is one, for her is the half. And as for his parents, for each of them is the sixth of what he leaves, if he has a child; but if he has no child and (only) his two parents inherit him, for his mother is the third; but if he has brothers,*

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<sup>2</sup> Islam allows the flexibility that the law of inheritance is not limiting only to the eldest son in the family, as was the practice widely throughout the world before the advent of Islam. Both sons and daughters in the family have rights to inheritance not only from their parents but also from other relatives within their generation.

This aspect is explained with worked examples in the Appendix to this short article.

for his mother is the sixth, after (payment of) a bequest he may have bequeathed or a debt. Your parents and your children, you do not know which of them is the nearer to you in benefit. This is an ordinance from Allah. Surely Allah is ever Knowing, Wise.” **HQ4:12** “And yours is half of what your wives leave if they have no child; but if they have a child, your share is a fourth of what they leave after (payment of) any bequest they may have bequeathed or a debt; and theirs is the fourth of what you leave if you have no child, but if you have a child, their share is the eighth of what you leave after (payment of) a bequest you may have bequeathed or a debt. And if a man or a woman, having no children, leaves property to be inherited and he (or she) has a brother or a sister, then for each of them is the sixth; but if they are more than that, they shall be sharers in the third after (payment of) a bequest that may have been bequeathed or a debt not injuring (others). This is an ordinance from Allah, and Allah is Knowing, Forbearing.” **HQ4:176** “They ask you for a decision. Say: Allah gives you a decision concerning the person who has neither parents nor children. If a man dies (and) he has no son and he has a sister, hers is half of what he leaves, and he shall be her heir if she has no son. But if there are two (sisters), they shall have two-thirds of what he leaves. And if there are (both) brothers and sisters, then for the male is the like of the portion of two females. Allah makes clear to you, in case you go astray. And Allah is Knower of all things.”

The Holy Qur’an sets the template that both men and women have equal rights to own property and to dispose of property as each may decide. Property may have been acquired by the wife before her marriage and shall remain to be hers at all times, without any force or compulsive insistence by her husband, to transfer the property to his name or for that matter to have that property jointly owned. Any change in the ownership of such property shall be with mutual consent and blessings between the spouses.

Girls and women are most safely protected under the law of inheritance as stipulated in the Holy Qur’an. A girl has cumulative inheritance rights at three stages: When she is an unmarried daughter, later when she is married as a wife and in much later life when she is a mother to her children. Hence in her lifespan, a girl gains cumulative inheritance and this has been explained in detail in the Appendix to this paper. *Please refer to the Appendix for additional details from footnotes.*

As a measure of unique excellence, the Holy Qur’an has an Ordinance, which stipulates that all division of inheritance shall eventuate only after all of the testator’s debts and taxes have been fully settled by the executor. This therefore leaves the way clear for the inheritors (especially girls and women) not to be frustrated paying off debts and taxes of the testator, after their inheritance of the properties.

### **Recommendations:**

1. Muslims must ensure that the enshrined rights of girls and women are not wilfully distorted or wilfully misinterpreted.
2. Muslims must make their regular habit of reading the Holy Qur’an and the correct co-relationships to the Six *Sahih* Hadith and seek further assistance of clarity from independent reliable religious experts; and not depend on unreliable elements from within communities.
3. A Muslim mother is the first teacher to her children and she must endeavour to teach correct Islamic teachings to her children, in sufficient simplicity for the children to grasp well throughout their formative years.

## Appendix Giving Detailed Explanations

Footnote 2

The life-cycle of a Muslim girl covers in the main at three phases. First phase is her early years as a daughter in her parents' home. Then in second phase she becomes a wife after her marriage. In third phase she becomes a mother of her children. At each phase of her life-cycle, she is entitled to inheritance according to the Ordinances of the Holy Qur'an. In a nutshell a Muslim girl acquires cumulative inheritances at all three stages.

An important point to note is that nowhere the Holy Qur'an states a general caveat that after a Muslim girl's marriage, she must relinquish her inheritance entitlement, which was due to her before her marriage. A Muslim girl is not sold off to her husband in marriage as his freehold property. She remains as the daughter of her parents at all times.

Before her marriage, a Muslim girl is entitled to inheritance from her father's property. After her marriage, she may become a widow and inherit from her husband's assets, or, if she is not widowed but her unmarried son dies, then as his mother she also gets inheritance from her son's assets in addition to what she will inherit from her husband.

The practices of disenfranchisements of inheritance to girls after their marriages are unsubstantiated fabrications by people and communities; and such disenfranchisements immediately upon a girl's marriage are definitely not stated anywhere in the Holy Qur'an.

Prior to the advent of Prophet Muhammad (pbuh) and consequently revelation of the Holy Qur'an and Islam, the eldest son in the family by default, took sole possession of the assets of the family upon the death of his father, leaving his mother and siblings at his mercy. Islam corrected this inappropriate practice with Ordinances in the Holy Qur'an.

However, the Holy Qur'an has stated in several verses as logical reminders, that the proportioning of inheritances must not eventuate until all debts and taxes owed by the testator have been paid up and resolved to full clearances by the executor.

It must be noted by the reader that all relatives' titles used below for inheritance must be actual relatives; and not some peoples within the brotherhoods of communities, where the relative-type titles may be used as mark of respect:

- a) If a man dies and leaves behind his widowed wife and a daughter, then wife and daughter each gets half share of what he leaves behind.
- b) If a man dies and leaves behind his widowed wife and two daughters, then wife and two daughters each gets a third of what he leaves behind.
- c) If a man dies and leaves behind his widowed wife and more than two daughters, then the wife still gets a third and the balance of two thirds gets equally proportioned by the number of daughters he leaves behind.

- d) If a man dies and leaves behind his widowed wife and a mix of sons and daughters, then the wife gets a third and the balance of two thirds gets equally proportioned by the number of sons and daughters he leaves behind in the ratio of two shares for males and one share for females.
- e) If a man dies and leaves behind his widowed wife only without any child and he also has his surviving parents, then his mother, father and his widowed wife gets a third each of what he leaves behind.
- f) If a man dies and leaves behind his widow and a child, but also has surviving parents, then his wife gets a third, the child gets a third and his parents get a sixth each ( $1/6^{\text{th}} + 1/6^{\text{th}} = 1/3^{\text{rd}}$ ).
- g) If a man (unmarried) dies and he has neither a wife nor a child, neither a brother nor a sister, but both his parents survive him, then his mother gets a third and his father gets two thirds of what he leaves behind.
- h) If a man (unmarried) dies and leaves behind his parents and he has brothers, then his mother gets a third, his father gets a third and his brothers equally proportion the remaining third.
- i) If a man has neither parents nor children and he dies, but he has a sister then she inherits half of what he leaves behind and his widow inherits the other half. If however, there are two or more sisters, then the widow inherits one third and the remaining two-thirds are inherited by all the sisters in equal proportions. Conversely, if a woman has neither parents nor children and she dies, but she has a brother then he inherits half of what she leaves behind and her husband the other half.
- j) If the wife dies and she had no child, then the widower husband inherits half of what she left behind and their parents (both sides) inherit the balance of half in the proportioning of one-eighth ( $1/8^{\text{th}}$ ) to each parent. If however, the deceased wife had a child then the widower husband's proportion is reduced to a quarter and the child inherits the other quarter.
- k) If either a man or a woman who has neither parents nor children dies, but has a brother or a sister, then for each of them is a sixth and the spouse retains the balance.
- l) However, if either a man or a woman who has neither parents nor children dies, but has several brothers and sisters, then a third of the inheritance is proportioned in the ratio of two shares for males and one share for females and the survivor spouse takes balance of two thirds to what has been left behind.
- m) In the extreme case of a married couple, who neither have parents (both sides) nor a brother or a sister and also do not have a child, then in the event of death of either spouse, the survivor spouse takes all of residual inheritance after deductions of debts and taxes.

- n) Girls and women are adequately protected and bestowed their rights as heirs to the inheritance not any less favourable than boys and men.
- o) If however, both parents have died and the children are left as orphans, no longer having a testator, it shall be the responsibility of the executor or guardian of the orphans ensuring that the properties of the orphans are neither substituted with worthless things nor abused by the executor or guardian as own property. The executor or guardian is required to give the orphans good education and keep records of all expenditures incurred, till each orphan reaches age of marriage; and at all times speak to them most kindly.

The Holy Qur'an reminds several times that before the executor commences the proportioning of inheritance, the executor must foremost ensure that any debt or other liability and any taxes owed by the testator are paid up in full first and then the proportioning must commence, only from the net balance of the inheritance. Debts, liabilities and taxes owed by the testator must never be transferred by the executor to the heirs of the inheritance.

The above are Ordinances in the Holy Qur'an for close following and at same time ensuring that girls and women are equally inherited and not in any way under-privileged because of their gender.

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