

## **Women's Right in Islamic Law of Inheritance: Justification and Illustration**

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### **Abstract**

Despite the perfection in the Islamic Law of Inheritance, the Status of Women in Islamic Law of Inheritance has become a subject of attack in present times that Islam the decision for making the share of women half of the share of men is injustice. Also, a woman who is already permanently divorced from her husband has no claim to inheritance, regardless of marital status in this case. The protest against the efficacy of Islamic Law of Inheritance comes from west and even certain Muslims are of similar attitude. They believed that the Islamic law of inheritance is unjust to women. We as Muslims have firm conviction that Allah is a just and there is no injustice towards all His creature is found in His divine law. 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 before an individual. Therefore, such a claim does not shake our beliefs, rather calls for an in-depth clarification and justification of Islamic law of inheritance as stipulated by the Quran and Sunnah. This work shows how Islamic law has treated women and clarifies how it has given protection to them even more than any other legal system of successions in the world. The finding of this research is that estate distribution in Islam is done based on merit rather than sentiment. The paper applies analytical, historical approaches with presentation based on survey of relevant literature, and concludes with useful recommendations.

**Keywords:** Islamic law of succession, women's rights, Justification, Clarification

## **Introduction**

Historically, the idea of succession is as old as the history of humankind. All tribal cultures and all revealed religions have their distinct mode of inheritance. This is because from time immemorial, people inherited properties from their predecessors which paved the way for the continuity of inheritance civilization.<sup>1</sup> Man by nature works hard to acquire wealth for his well-being and his family; and later died irrespective of how much he accumulates and leaves all of it behind; hence there is a need for the law or custom to determine how to distribute the wealth left behind by the deceased. As such, the rule of inheritance, whether religious or customary came up in the history with a view to making material provision for estate distribution of the deceased among his surviving relatives that are tied to him by a certain relationship which should be determined by his cultural or religious factors.<sup>2</sup> This depends on the practice or legal system agreed to be adopted by the deceased during his lifetime.

In the history of Jews, Romans, Israelites, Egyptians, Caledonians, pre-Islamic Arabs as well as most African customs long before the Advent of Islam, the idea of inheritance has featured very well but in these systems all, women were generally disadvantaged. This was aptly captured by Sani Idris thus:

In all the schemes/system of inheritance that existed in the history of mankind prior to the advent of Islam and to some extent even thereafter up to today, women have been placed in a very disadvantaged position. In some systems, they are not only deprived from inheriting any portion, but they themselves are considered chattels capable of being inherited.<sup>3</sup>

According to Mary, F. Radford,

The position under the Judeo-Christian scriptures shows that the Inheritance system under the biblical injunction denies women out rightly from inheritance while a daughter is debarred by any male heir even if it is just one.<sup>4</sup>

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.

## **Justification and Clarification**

Some non-Muslims such as Swami Vivekananda and Winston Churchill have criticized the Islamic law of inheritance and accused it of injustice to the extent of have describing Islam as a misogynist religion.

Mary Radford while commenting on the simplicity of the succession law says. "Islamic law offers an intricately specified system of inheritance rights in contrast to the vague outline that comprise Jewish inheritance law".<sup>5</sup> It is obvious that the distribution method under the traditional System and Statute is not satisfactory. The essence of the law is to ensure that justice is done in every case.

A western scholar in his submission puts the injustice of Sharī'ah against women one of them is Honarvar who said:

“While both a male and female ascendants and descendants can inherit, a woman has half the share of a man... This means that the more female kin a woman has, the less she and they inherit. Also, a woman who is permanently from her husband has no claim to inheritance. Once again, the woman is apparently disfavored, regardless of marital status in this case.<sup>6</sup>”

Contrarily, some others sincere scholars even from the western folk have lent credence to the succession law of Islam and appreciated it for its justice and equity. Professor Almaric Rumsey of King College, London, the author of many works on the subject of Muslim law of inheritance and a Barrister at law is one good example of non-Muslim scholars who appreciate the Islamic system of inheritance. He expressed thus:

The Muslim laws of inheritance comprise beyond question the most refined and elaborate system of rules for the devolution of property that is known to the civilized world.<sup>7</sup>

Another western scholar who also appreciated Islamic inheritance McNaughton also has this to say:

In these provisions, we find ample attention paid to interest of all those whom nature places in the first rank of our affections and indeed it is difficult to conceive any system containing rules more strictly just and equitable.<sup>8</sup>

It is, however, equally pertinent to look at the accusation of inequality between male and female inheritors leveled against Islam by some non-Muslims, which has gained the sympathy of some female Muslims. It would be noticed that Islamic inheritance stipulates that the male heir takes double the share of the female heir. This is considered in some quarters as injustice.

The justification for the share of male being twice that of female is that Islam has placed a strong financial responsibility on the male members while the females have been exempted from this burden. Islam puts this financial responsibility on male into consideration and therefore doubles the share of a male. According to Imam al-Shāfi'ī, nafaqah (financial expenditure) must be maintained by man for his wife and children. It (nafaqah) includes, food, clothes, house and other necessary things related to wife and children life.<sup>9</sup> In addition, according to Muhammad Zuhaylī, men have the responsibilities to pay mahar as a dowry gift to his bride during marital ceremony. He is also responsible to take care of his own self, wife, children, parents at the old age and near relatives based on his capabilities.<sup>10</sup>

Based on the above discussion, by receiving a double share of inheritance compared to women, men do not really get any extra privilege and it also does not give any kind of hint that men are superior to women with regards to get more inheritance. That is because in Islam, provision for all the needs of an unmarried female that lives with her parents is an obligation of her father. And, in case of the death of her father, the responsibility will be shifted to her brother

until her marriage time. Also after marriage, woman's financial responsibility is transferred to her husband who becomes responsible for her maintenance, which includes her feeding, clothing and residence; all her expenses are to be met by the husband. Even in old age or in case of the death of her husband, the woman's maintenance continues with her male children.

Therefore, it becomes crystal clear that in Islam, a woman has a very few material needs to satisfy her own account as compared with a man who has been saddled with heavy economic obligations and liabilities. This justifies the reason for giving a male a greater part in the estate of inheritance.<sup>11</sup>

In most of the cases, a woman inherits half of what her male counterpart inherits. However, this is not always the case. In case where the deceased left no ascendant or descendent but has left the uterine brother and sister each of the two inherits one sixth. If the deceased has left children, both the parents, father and mother inherit an equal share which is one sixth each. This is a clear case of a situation where a woman inherits equal of what a man inherits.<sup>12</sup>

In certain cases, a woman inherits a share that is double that of male. For example if the deceased is a woman who has left no children, brothers and sisters and is survived only by her husband, father and mother. The husband inherits half of the property while the mother inherits one third (1/3) while the father inherits the remaining one sixth (1/6). In this case the mother has gotten the double share of the father.<sup>13</sup>

The practical illustration below will make the cases clearer the justification with the tables of explanations.

### **Practical Illustration of the Fairness of Islamic Law of Inheritance Regarding Women**

In some of the cases as mentioned above, a woman inherits half of what her male counterpart inherits. However, this is not always the case. For example, in case where the deceased left no ascendant or descendent but has left the uterine brother and sister each of the two inherits one sixth. If the deceased has left children, both the parents, father and mother inherit an equal share which is one sixth each. This is a clear case of a situation where a woman inherits equal of what a man inherits.<sup>14</sup>

In certain cases, a woman inherits a share that is double that of male. For example, if the deceased is a woman who has left no children, brothers and sisters and is survived only by her husband, father and mother. The husband inherits half of the property; the mother inherits one third (1/3) while the father inherits the remaining one sixth (1/6). In this case the mother has gotten the double share of the father.<sup>15</sup>

The details are as follow:

**1. There are four cases where a male gets double of what a female gets**  
**The detailed as follows:**

1. If the deceased left behind a daughter and a son, or a son’s son or a son’s daughter.<sup>16</sup>

Heirs	Origin
	3
Daughter	1
Son	2

Heirs	Origin
	3
Son’s Daughter	1
Son’s Son	2

2. If a person dies and leaves a father and mother and has no children, husband or wife.

Heirs	Fractional Shares	Origin
		4
Father	R	2
Mother	1/3	1
Wife	¼	1

Heirs	Fractional Shares	Origin
		6
Father	R	2
Mother	1/3	1
Husband	½	3

3. If the deceased has full sisters and brothers.

Heirs	Origin
	3
Full Sister	1
Full Brother	2

4. If a person dies and leaves paternal half-sisters as well as brothers.

Heirs	Origin
	3
Paternal Sister	1
Paternal Brother	2

## 2. There are about eleven cases where a female will inherit equally together with a male

### Cases Where Women Have a Share Equal to Men.

1. If a dead person leaves a father, a mother, and a son's son.<sup>17</sup>

Heirs	Fractional Shares	Origin
		6
Father	1/6	1
Mother	1/6	1
Son's Son	R	4

2. If the deceased left behind a uterine brother and uterine sister.

Heirs	Origin
	2
Uterine Brother	1
Uterine Sister	1

3. If a person died and leaves full sisters, uterine brothers and uterine sisters.

Heirs	Fractional Shares	Origin
		2
Full Sister	1/2	1
Uterine Brother	R	1
Uterine Sister		

4. If a person died and left behind a daughter, a brother or a nearest residuary ['Asabah] to the father and there is no one to exclude from inheritance for example:

Heirs	Fractional Shares	Origin
		2
Daughter	1/2	1
Brother	R	1

5. If the deceased left behind a father, a maternal grandmother as well as a son's son.

Heirs	Fractional Shares	Origin
		6
Father	1/6	1
Maternal Grandmother	1/6	1
Son's Son	R	4

6. If the deceased left behind a husband, a mother, two uterine sisters and one full brother like the following case.

Heirs	Fractional Shares	Origin	Al-Awl
		6	8
Husband	$\frac{1}{2}$	3	3
Mother	$\frac{1}{6}$	1	1
2 Uterine Sisters	$\frac{1}{3}$	2	2
Full Brother	$\frac{1}{3}$	2	2

In addition, in accordance with Caliph 'Umar's judgment concerning the above case: two uterine sisters and full brothers were given one third equally.

7. A woman will entitle to the whole estate in the cases where she is the only heir. For example, the daughter will inherit half of the property as an only sharer and she will take the remainder by the method of return (Ar-Radd).

In another example, if the deceased left behind only a mother, she will inherit one-third as an only sharer and she will take the remainder by the method return (ArRadd).

8. If a wife died and left behind her husband and one full sister, her full sister will inherit the same as the male (husband).

Heirs	Fractional Shares	Origin
		2
Husband		1
Full Sister	$\frac{1}{2}$	1

In another example, if she left behind her husband and her sister, the husband will take half while the sister will take the remaining half.

Heirs	Fractional Shares	Origin
		2
Husband	$\frac{1}{2}$	1
Full Sister	R	1

9. If a wife leaves a husband, mother, uterine sister, and a full brother, the husband is entitled to half of the property, the mother is entitled to one sixth, the uterine sister is entitled to one sixth, and the remainder (one sixth) goes to the full brother as residuary.

Heirs	Fractional Shares	Origin
		6
Husband	$\frac{1}{2}$	3
Mother	$\frac{1}{6}$	1
Uterine Sister	$\frac{1}{6}$	1
Full Brother	R	1

10. If a deceased leaves the distant relatives (Dhawul-Arham) and there are no sharers or residuary, then the distant relatives are the heirs. In this case, the estate will be divided among them equally. For instance, if the deceased left behind a daughter's daughter, a daughter's son, a maternal uncle and a maternal aunt, each of them receives the same share.

Heirs	Origin
	4
Daughter's Daughter	1
Daughter's Son	1
Uterine Uncle	1
Uterine Aunt	1

11. In the matter of exclusion, there are three men who can never fully be excluded from inheritance: three men namely: the husband, the son, and the father, see below example.

Heirs	Fractional Shares	Origin
		12
Husband	$\frac{1}{4}$	3
Son	R	7
Father	$\frac{1}{6}$	2

Also there are three women who can never fully be excluded from inheritance; they are the wife, the daughter, and the mother as follows:

Heirs	Fractional Shares	Origin
		24
Wife	$\frac{1}{8}$	3
Mother	$\frac{1}{6}$	4
Daughter	$\frac{1}{2}$	12

#### 4. We have more than ten cases where a woman takes more than that a male counterpart, below is the detail.<sup>18</sup>

1. If the deceased left behind a husband and a daughter

Heirs	Fractional Shares	Origin
		4
Husband	$\frac{1}{4}$	1
Daughter	$\frac{1}{2}$	2+1 (Radd)

2. If the deceased left behind a husband and two daughters.

Heirs	Fractional Shares	Origin
		4
Husband	$\frac{1}{4}$	1
2 Daughters	R	3

3. If the decease left behind a daughter and two or more maternal uncles.

Heirs	Fractional Shares	Origin
		2
Daughter	$\frac{1}{2}$	1
Maternal Uncle	R	1

4. If a woman dies leaving behind her husband, father, mother and two daughters, the share of the two daughters is  $\frac{2}{3}$ , below is the illustration

Heirs	Fractional Shares	Origin	Al-Awl
		12	14
Husband	$\frac{1}{4}$	3	3
Father	$\frac{1}{6}$	1	1
Mother	$\frac{1}{6}$	2	2
2 Daughters	$\frac{2}{3}$	8	8

Consequently if she dies leaving behind two sons instead of two daughters, the two sons inherit the remainder because the two daughters inherit two-thirds as sharers, while the two sons take the rest as residuary, below is example:

Heirs	Fractional Shares	Origin
		12
Husband	$\frac{1}{4}$	3
Father	$\frac{1}{6}$	1
Mother	$\frac{1}{6}$	1
2 Sons	R	7

5. If a woman dies leaving behind her a husband, two full sisters, and her mother, then the two sisters will take two-thirds of the property. If she left

behind two brothers instead of two sisters, they will take the remainder of the property after the share of the husband and the mother.

Heirs	Fractional Shares	Origin	Al-Awl
		6	8
Husband	½	3	3
2 Full Sisters	2/3	4	4
Mother	1/6	1	1

Heirs	Fractional Shares	Origin
		6
Husband	½	3
Mother	1/6	1
2 Full Brothers	R	2

6. Similarly, if is leaving behind two paternal sisters, they will inherit more than two paternal brothers.

Heirs	Fractional Shares	Origin	Al-Awl
		6	8
Husband	½	3	3
Mother	1/6	1	1
2 Paternal Sisters	2/3	4	4

Heirs	Fractional Shares	Origin
		6
Husband	½	3
Mother	1/6	1
2 Paternal Brothers	R	2

7. If a woman dies leaving behind her husband, father, mother, and one daughter, then the daughter inherits half of the property, but if she is leaving behind one son instead of one daughter, then he will receive a lesser share, because the daughter inherits as a sharer while the son inherits as a residuary. Sharers must be given their share first and then the residuary.

Heirs	Fractional Shares	Origin	Al-Awl
		12	13
Husband	¼	3	3
Father	1/6	2	2
Mother	1/6	2	2
Daughter	½	6	6

8. If a woman dies leaving behind her husband, mother, and full sister, then the full sister inherits 1/2. But if is leaving behind a full brother instead of a sister, he only inherits as a residuary, whereas the sister inherits as a sharer, like the husband and the mother. In this case, the full sister has inherited more than double of the share of a full brother.

Heirs	Fractional Shares	Origin	Al-Awl
		6	8
Husband	1/2	3	3
Mother	1/3	2	2
Full Sister	1/2	3	3

Heirs	Fractional Shares	Origin
		6
Husband	1/2	3
Mother	1/3	2
Full Brother	R	1

9. If a man dies leaving behind a wife, mother, two uterine sisters, and two full brothers, then the two uterine sisters who are the furthest relatives of the deceased will inherit one third, while the two full brothers will inherit the remainder.

Heirs	Fractional Shares	Origin
		12
Wife	1/4	3
Mother	1/6	2
2 Uterine Sisters	1/3	4
2 Full Brothers	R	3

10. If a woman dies leaving behind a husband, uterine sister, and two full brothers then the uterine sister will take one-third of the estate, while the two full brothers will take the remainder as residuary. Thus, the uterine sister who is the furthest relative of the deceased has received a share which is four times of the share the full brother

Heirs	Fractional Shares	Origin
		6
Husband	1/2	3
2 Uterine Sisters	1/3	2
2 Full Brothers	R	1

11. If a woman dies leaving behind her father, mother, and husband, the husband inherits half, the mother is entitled to one-third and the remaining one-sixth will be given to the father. The father in this case inherits half of the share of his wife.

Heirs	Fractional Shares	Origin
		6
Father	R	1
Mother	1/3	2
Husband	1/2	3

12. If a woman dies leaving behind her husband, mother, uterine sister, and two full brothers, then the uterine sister inherits half of the estate, while each brother receives as residuary. This means that the share of the uterine sister is double share of the full brother.

Heirs	Fractional Shares	Origin
		6
Husband	1/2	3
Mother	1/6	1
Uterine Sister	1/6	1
2 Full Brothers	R	1

13. If a man dies leaving behind his wife, father, mother, one daughter and his son's daughter, then the share of his son's daughter is 1/6, whereas if he had left a son's son instead of a son's daughter, he would only inherit as a residuary.

Heirs	Fractional Shares	Origin	Al-Awl
		24	27
Wife	1/8	3	3
Father	1/6	4	4
Mother	1/6	4	4
Daughter	1/2	12	12
Son's Daughter	1/6	4	4

Heirs	Fractional Shares	Origin
		24
Wife	1/8	3
Father	1/6	4
Mother	1/6	4
Daughter	1/2	12
Son's Son	R	1

14. If the deceased left behind a mother, maternal grandmother, and paternal grandmother, then the mother inherits one-sixth as a sharer and the remainder by the method of return (Ar-radd). But if he left behind a father instead of a mother; meaning a father, a maternal grandmother, and a paternal grandmother, then the maternal grandmother will inherit one-sixth and will not be excluded. The mother inherits the whole estate. But if the father assumes her position he will only inherit as a residuary which means that she the mother inherits more the father. Below is the illustration:

Heirs	Fractional Shares	Origin
		6
Mother	1/6	1+5 (Radd)
Maternal Grandmother	-	-
Paternal Grandmother	-	-

Heirs	Fractional Shares	Origin
		6
Father	R	5
Maternal Grandmother	1/6	1
Paternal Grandmother	-	-

##### 5. The fifth case is where a woman inherits a share, while the man will not inherit anything<sup>19</sup>

1. If a woman dies and left behind her husband, father, mother, daughter, and son's daughter, then the son's daughter inherits one-sixth as below:

Heirs	Fractional Shares	Origin	Al-Awl
		12	15
Husband	¼	3	3
Father	1/6	2	2
Mother	1/6	2	2
Daughter	½	6	6
Son's Daughter	1/6	2	2

Similarly, if the woman dies leaving behind a son's son instead of a son's daughter, he will then inherit zero, because he is a residuary who would inherit the remainder but no remainder.

Heirs	Fractional Shares	Origin	Al-Awl
		12	13
Husband	¼	3	3
Father	1/6	2	2
Mother	1/6	2	2
Daughter	½	6	6
Son's Son	R	-	-

2. If a woman passes away leaving behind her husband, full sister, and paternal sister, then the paternal sister inherits one-sixth and if there is a paternal brother instead, he will get nothing. The husband takes half of her estate and the full sister take half, and nothing] goes to the paternal brother as residuary.

Heirs	Fractional Shares	Origin	Al-Awl
		6	7
Husband	1/2	3	3
Full Sister	1/2	3	3
Paternal Sister	1/6	1	1

Heirs	Fractional Shares	Origin
		2
Husband	1/2	1
Full Sister	1/2	1
Paternal Brother	-	-

3. If the deceased left behind a maternal grandfather and maternal grandmother, then the maternal grandmother will take the whole estate and also receive one-sixth as a sharer in addition to the residue by the method of return (Ar-radd), while the maternal grandfather will not get anything, because he has excluded the grandfather.

Heirs	Fractional Shares	Origin
		6
Maternal Grandmother	1/6	1+5 (Radd)
Maternal Grandfather	-	-

4. Similarly, when a man dies leaving behind a maternal great-grandfather and maternal great-grandmother. The maternal great-grandmother will take the whole estate, because she inherits one-sixth as a sharer and the remainder by the method of return (Ar-radd), whereas the maternal great-grandfather will take nothing because he is not entitled as a grandfather.

Heirs	Fractional Shares	Origin
		6
Maternal Great-Grandmother	1/6	1+5 (Radd)
Maternal Great-Grandfather	-	-

Finally, by critically looking at the above illustrations we have estimated more than thirty cases where a woman inherits the same as a man more than him, or where a woman receives and man receives nothing. In contrast in the above, there are no more than four cases where a woman inherits half the share of a man. These are the clarifications and illustration as a result of examining the cases and issues in the law of inheritance concerning the women which I believe to the certain extent that can make this misconception very clear.

### **Conclusion and Recommendations**

An objective examination of the succession laws of the Legal Systems discussed in this work without doubt reveal to us that females generally are engendered species in this aspect of Islamic law of inheritance. Traditionally, most of legal systems regard them as objects of property and thus; part of the estate to be inherited.

Under the Roman and English law (historically), the primogeniture rule is strictly upheld. Female has no right of inheritance. In the pre-Arabian society which depicts the practice in the Middle East, women are also seen as object of property. They have no right of inheritance no matter how little it may be. Biblically (and as also as applicable under the Jewish law), women have no right of inheritance. A daughter can only inherit if no male heirs exist. A mother is not an heir at all while the father is. Under our indigenous system, women are forbidden from inheritance most especially among the Igbos. Female child and widows have no right of inheritance in Igbo land. For the widow, she is regarded as a property.<sup>20</sup>

The first ever legislation to recognize the right of women to inheritance ever known in this world is found in Islamic Law of inheritance. Over One Thousand Four Hundred years ago (1400), women have been given a guaranteed right of inheritance in the Islamic Law. The Qur'an is the first legislation on the earth that affirms the inheritance right of women.<sup>21</sup>

It will also be realized that in the distribution of estate under these various statutes, the protection given to women were restricted in scope. For instance, according to Al-Hibri, A. Y. (2001, p45): mothers, uterine sisters, consanguine sisters were not really considered in the scheme.<sup>22</sup> The situation is different in Islamic law of inheritance as we have discussed above. The mother has a fixed share from the estate. The uterine sisters, consanguine sisters and full sisters all have their prescribed share. As a matter of fact, the heirs with prescribed shares are entitled to inheritance first in Islamic law of inheritance.

On this note one could conclude that, women were given more representation in Islamic law of inheritance than other forms of distribution as we have in the various statutes. A cursory look at the distribution under the western scheme and indigenous system, like Yoruba, women placed the male and female on equal footing. This means that they inherit an estate on equal basis. This system is apparently unjust and unfair to the male folk. The reason is not far-fetched. The female is usually catered for by a man in all of her

categories, when she gets married. She will eventually inherit from the estate of her husband. Man on the other hand is placed with numerous financial burdens of the wife, children and other relations. It is obvious that giving such a man and a woman an equal share in such a case is definitely be unfair. It is on this basis that we can conclude that the Qur'anic injunction of giving a male in at least some instance twice what of a female is correct, just and fair in all sense. 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.<sup>23</sup>

It is obvious from this work, that it is absolutely wrong and in fact ironical for anybody to allege that Islamic law has been unfair to women in matter of inheritance because, it has been lucidly established that there is no legal system whether past or present that gives protection, elevation and priority to women in matter of inheritance than Islam.<sup>24</sup>

Therefore, it is recommended that the scheme of inheritance under Islamic law should be adopted under the Statute laws or at the least be made applicable. This is based on its simplicity, comprehensiveness and its wholesomeness. The Muslim Scholars, Muslim organizations worldwide as well as government parasternal should always organize seminars and workshop on the Islamic distribution scheme

## References

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<sup>1</sup> See Hussain, A. (2008) *The Islamic Law of Succession*, (Riyadh, Darus-salam, 2005).33

<sup>2</sup> See Khan, M. M.A.,(1988) "A case for Teaching *Mīrath* as an independent course" *Islamic law in Nigeria Application and teaching* Edited by Khalid Rashid Jan.( Lagos, Kaduna, Ilorin Bauch Islamic publications Bureau,1988) .182

<sup>3</sup> Sani Idris, (2007, p.8) Idris, S. (2007) "An Appraisal of Women's Right of Inheritance under Islamic Law" in A. B. U. J. I. L., vol. iv-v,(Kongo, Zaria, Faith Printers International.

<sup>4</sup>See Mary, F. Radford, Mary, F. Radford, 'The inheritance Rights of Women under Jewish and Islamic law', [http://www.bc.edu/bc.org/arp/law/lwsch/journals/bcicl/23\\_2/01\\_TXT.htm](http://www.bc.edu/bc.org/arp/law/lwsch/journals/bcicl/23_2/01_TXT.htm) accessed on 30/7/2922

<sup>5</sup> See Saracen: 'Islam: A Misogynist Religion? A Look at Family Law, Inheritance and Divorce Rights in Islam' 2007. 9

<sup>6</sup> Honarvar, N. 'Behind the Veil: Women's Rights in Islamic Societies', Journal of the American Academy of Religion, 1988 .20

<sup>7</sup> See Professor Almaric Rumsey in Rumsey, A., 'Mohammudan Law of Inheritance (1880), preface iii, cited by Hussain A., (*supra*). 1988. 18-25)

<sup>8</sup> The Revival, "Under Islamic law, why is a woman's share of the inherited wealth only half that of a man" [www.therevival.co.uk](http://www.therevival.co.uk), published on 27 january, 2014. Assessed on 16/2/2022

<sup>9</sup> See Al-Shaf'ī, Abu Abdullah Muhammad bin Idrīs ibn al-'Abbās bin Uthmān bin Shafī' bin Abd al-Muttalib bin Abd Manāf, (1990) *al-Matlabi al-Qarshī al-Makkī*. Al-Umm. (Bayrūt: Dār al-ma'rifah 1990, vol. 5). 94

<sup>10</sup> See Al-Zuhaylī, M. *Al-Mar'ah al-Muslimah al-Mu'āsirah Makānatuhā-Huqūquhā-Ahkāmuhā*. (1st ed.) Dimashq: Dār al-Fikr.2008).,95

<sup>11</sup> Khan, M. M.A.,(1988, p.182) Khan, M. M.A. "A case for Teaching *Mīrath* as an independent course" *Islamic law in Nigeria Application and teaching* Edited by Khalid Rashid Jan.( Lagos, Kaduna, Ilorin Bauch Islamic publications Bureau,. Khan, M. M.A. 1988,) . 182

<sup>12</sup> Muhammad, S. O. *Inheritance as it Affects You*, (Ilorin: Olalomi printers 2005),10-11)

<sup>13</sup> See Al-Hibri, A. Y. Muslim women's rights in the global village: challenges and opportunities. *Journal of Law and Religion*, 15, 37-66. <https://doi.org/10.2307/1051514>(Al-Hibri, A. Y. 2001).112

<sup>14</sup> See As-Sābūnī, M. A. *Mawārīth fī 'sh-Sharīcati 'l-'Islāmiyyah calā daw'il-Kitāb was-Sunnah*. (Damshiq: Darul-Qalam.1981.14-15

<sup>15</sup> See Al-Hibri, A. Y.. Muslim women's rights in the global village: challenges and opportunities. *Journal of Law and Religion*, 15, 37-66. <https://doi.org/10.2307/1051514> 2001).88

<sup>16</sup> See **Zakir Naik**, "Women and Inheritance Law in Islam"C:\Users\User\Desktop\Women and Inheritance Law in Islam.mht(2019). Accessed on 2/8/2022

<sup>17</sup> Fatwa, 2020, Do Women take Unequal Shares of Inheritance in Islam? C:\Users\User\Desktop\Do Women take Unequal Shares of Inheritance in Islam.htm. Accessed on 20/8/2022

<sup>18</sup> Fatwa, 2020

<sup>19</sup> Fatwa, 2020

<sup>20</sup> See Obi, S.N.C, Ibo Law of property: (cited in Ezeilo, J., *op. cit.*,) .12

<sup>21</sup> See As-Sabuni, (1981.Pp14-15) As-Sābūnī, M. A.,(2005) *Mawārīth fī 'sh-Sharīcati 'l-'Islāmiyyah calā daw'il-Kitāb was-Sunnah*. (Damshiq: (Darul-Qalam.2005). 2-4

<sup>22</sup> Al-Hibri, A. Y. Muslim women's rights in the global village: challenges and opportunities. *Journal of Law and Religion*, 15, 37-66( [https://doi.org/10.2307/1051514\(2001\)](https://doi.org/10.2307/1051514(2001)). 45):

<sup>23</sup> See Abu-Al-Hamid, M. M. '*Ahkāmu 'l-Mawārīth fī 'sh-Sharīcati 'l-'Islāmiyyah 'ala 'l-madhāhibi 'l-'a'immati 'l-'arbacah*. (Beirut: al- Maktabah al-Asriyyah. .(2004) [https://en.wikipedia.org/wiki/Criticism\\_of\\_Islam](https://en.wikipedia.org/wiki/Criticism_of_Islam). assessed on 20/10/2017.

<sup>24</sup> See Olatoye K 'Inheritance in Muslim Family; The Nigerian Experience', A Digest on Islamic Law and Juisprudence:Essays in Honour of Hon. Justice Umar faruk Abdullahi (PCA), Abuja: .NAMLAS Abuja Publication 2003) . 65