



WOMEN'S RIGHT OF INHERITANCE IN THE BIBLE AND THE QURAN: A COMPARATIVE STUDY

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ABSTRACT

The purpose of this research paper is to analysis Women's rights of inheritance in the holy book of Bible and the holy Quran. The holy Bible (Old Testament and New Testament) and the holy Quran are considered as revealed books by their respective followers. The paper will enable the readers to know that it was the holy Bible that entitled daughter(s) to inheritance, provided that they had no brothers; although other aspects of women's life i.e. mother(s), sister(s) and wife/wives have not been discussed. However, this gap was filled by the holy Quran, the last and the final revealed book. Thus religion, particularly, the revealed religions, gave women their right of inheritance, according to their role and responsibilities of their time in the society. A comparative study of the topic concerned will enable the readers to understand the similarities and differences between the two. Moreover, the article will enable the readers to understand how religion encourages and endorses the genuine demands of women for their rights. The readers will come to know how the final revealed book i.e. the holy Quran gives equal right of inheritance to women. The research is divided into four parts. Part one explores, what legal inheritance is? And explains a brief background of inheritance. Part 2nd deals with inheritance (both theological and legal) in general, and with women's right of inheritance, particularly, in the holy book of Bible. Part three is about women's right of inheritance in the holy Quran, (Surah Nisaa). The last but not the least is the concluding portion of the paper which discusses the similarities and differences between the Bible and the Quran, in terms of women's right of inheritance, followed by a conclusion.

Keywords: *Inheritance, Women's right in Inheritance, the holy Bible, the holy Quran.*

Statement of the Problem:

The Bible and the Quran are considered revealed books by their respective followers. If both to be acknowledged revealed, then the source of these books indeed is the same. And if the source of these books is the same, then why do they differ in most issues, though have some similarities also? This research deals with understanding the nature of similarities and differences in the holy Bible and the holy Quran, in terms of women's right of inheritance. Furthermore, equal rights for women, is the slogan of the 'Feminists'. Whether Bible and Quran give women their equal rights in terms of inheritance or otherwise? The paper deals with these problems and tries to justify this issue.

Research Questions:

Q.1: What are the similarities and differences in women's right of inheritance in the holy Bible and the holy Quran?

Q.2: Do both, Bible and Quran give the same rights of inheritance to women?

Q.3: Do the Bible and the Quran give equal rights to women with men?

Significance of the Study:

Woman has ever been the companion of sorrow and happiness of man since their history. However, she has always been deprived of even their basic rights. Her life became more miserable whenever she turned widow. In the past, the Indian widow willingly wanted to be burned on the funeral pyre of her husband, known as the custom of "sati", because of her miserable social condition after the death of her husband. Same was almost the case in rest of the world. She couldn't even think about inheritance but by herself was considered the estate of men.

Even today women have reservations and try for equal rights with men. Therefore, it is significant to study and analyze, to what extent the Bible and the Quran, being the revealed books, give women their rights in inheritance? Furthermore, being revealed from the same source, whether there are some similarities between the two, and that what are differences between them, in terms of women's right of inheritance. Through this paper the reader will be able to know what rights Bible and Quran cater to women in terms of inheritance. Furthermore, the readers will be able to understand the nature of similarities and differences of Bible and Quran about women rights of inheritance.

Literature Review:

In the beginning women were not entitled to inheritance, rather the widows were considered as property.

“For the widow no immediate place was found in the succession. So far from being eligible as an heir, she was strictly a part of the property belonging to the inheritance. According to the levirate law, however, when a man died leaving no son his brother or other next-of-kin must marry the widow, and her firstborn son by this marriage became the heir of her previous husband (DL-25).” (1)

“It was the Bible that entitled the daughters to inheritance, provided they had no brothers. Hastings states, that “The provision for the daughter was an innovation as the context shows, but the rest of the rule is in harmony with the ancient laws of kinship” (2)

T.J. Wray writes that “The daughters feel that it is their right to inherit their father's possession, and they approach Moses to see if he will permit it. Moses consults the Lord and the Lord sides with the daughters.” (3) The author is of the view that Numbers (27:8-9).shows that “Here the daughters are regarded as more important than the uncles, a very un-patriarchal concept.(4) However he writes that “Overall, in both the Hebrew Bible and New Testament, women have less legal rights than men.” (5)

Syed Muzaffar-Ud-Din Nadvi states that:

“.....women before the advent of Islam had no right to inherit anything from the possession of their deceased parents, husbands or other relations. It is Islam which granted them the right to inherit the property of their deceased relatives and fixed appropriate shares for them.” (6)

Introduction:

Inheritance plays a pivotal role in human's life. One who receives a greater amount of inheritance and makes a right use of it can lead a better life than those who receive lesser or nothing. It secures the chances of optimistic und healthy life of the descendants. The concept of inheritance encourages the parents, quite naturally, to do more and more for their near and dear ones, particularly their children, and so on. Therefore, the importance of inheritance cannot be ignored. However, the principles for this important element vary from society to society and from religion to religion. Bible and Quran are the holy books of the Jews and Christians, in case of the former, thought partially, and of the Muslims, as for the holy Quran is concerned, respectively. The followers of both these books claim them as true “Word of God”. If their claim in to be regarded true, and if these are intact, and if their God is the same, then the source of both these books is definitely the one and the same, and if their source is the same, then, there must be some similarities between the two, if universal in nature, however some differences, if historical in context

There might be a lot of things, being similar and contradictory between the two, however, the aim of this paper is to search and analyze only women's right of inheritance, the similarities and differences, between the holy book of Bible and the holy Quran. Whether women are being provided their due rights in inheritance or to what extent this God-given right is practically implemented by their followers is not the concern of this article. Furthermore, the aim of this research is neither veneration, nor disdain of any particular religion or its holy book, but to construct a bridge between the two, if possible. The article merely deals with women's right of inheritance in the holy books of the overwhelming majority of the world's population.

Methodology:

For better understanding, detail textual study of concerned parts of the Bible and the Quran, particularly Numbers and Surah Nisa, has been made. The research is essentially qualitative in nature because it is based on the close reading of the texts of the Bible and the Quran.

Introduction of Inheritance:

According to Oxford Advanced Learner's Dictionary of Current English, 6th edition, inheritance means “the money, property etc. that you receive from somebody when they die. (7) It means that inheritance is a legal term used for property which might be in shape of wealth, land, goods, ornaments, or any artifact of daily use, received from the deceased ancestors by the legal heirs according to the prescribed laws. However, the land had ever been the most important part of the inheritance.

Background of Inheritance:

According to The New Encyclopedia Britannica, the known history of human beings reveals that the ancient food-gatherers and hunters used to destroy the personal belongings such as weapons and bowls of the deceased in order to protect the survivors from being attacked by his spirit. The Papua of New Guinea and the Damara of Namibia gave up or burned the hut of the deceased so that to avoid the disease of which the owner has died. In Southwest Africa the goats of the deceased were slaughtered and eaten on account of this fear and belief that they were affected by his spirit and that he would need them in the realm of spirits. In ancient Egypt, utensils, treasures, slaves and even wives of the dead were buried or burned with the belief that he would need them after his death. In American Indian tribes, as Delaware and the Iroquois, another way of disposing the property of the dead was to distribute it among his remote relatives and friends. However, due to the absence of rules of inheritance, this sort of distribution of property could lead the people to quarrels and violence. (8)

With the passage of time, however, the close relatives were declared as the heirs of the deceased in order to prevent the inheritance from destruction and which seemed more natural than the previous practices. Nevertheless, according to Encyclopedia Americana, The male members were preferred over the female members and the eldest over the youngest. ⁽⁹⁾ Another criterion of getting inheritance was, of being capable of bearing arms. Only those members who could fight were given share in inheritance, and therefore the aged, disabled and the young were deprived of getting inheritance. One thing, almost common among all the above mentioned practices, was that the women were not entitled to inheritance. It might have been on account of two reasons firstly, because they were considered weak as compared to men and secondly that they were dealt as the estate and property of men. However, it was the Bible (Torah), in some cases, which gave women (daughters) their right of inheritance which we are going to discuss in the preceding part of the paper.

Discussion and Analysis

Women's Right of Inheritance in the Bible:

The major shift in the previous practices of inheritance was brought about by the religious laws. One of the chief characteristics of almost every religion has been to maintain justice. Various laws regarding inheritance were introduced and reduced to writing by different religions for maintaining justice among the people. Like other books of religions, Bible also contains certain laws of inheritance.

The term inheritance is used more than two hundred times in the Bible but essentially in metaphorical sense rather than legal. The term is frequently used in Numbers, Deuteronomy, Joshua and Psalms but mostly in theological sense. For example God promises Abraham that “The Lord appeared to Abram and said: “To your offspring I will give this land”. ⁽¹⁰⁾

In the book of Joshua (chapter 13), when Canaan was conquered by the Israelites they divided the land among the tribes like an inheritance which became their un-transferable possession. But this cannot be regarded as legal inheritance because legal inheritance takes place only when the owner of the property dies and leaves it for his legal heirs.

Legal inheritance has been discussed in Proverbs 13:22, Deuteronomy 21:15-17 and Ezekiel 46:16-18 etc. Examples of legal inheritance are available in Genesis 21:9-11, 25:5-6 and 2.Chronicles 21:3 also. But these discussions and examples are regarding sons. Only in Job 42:13, Prophet Job who had 7 sons and 3 daughters, gave share in inheritance to his daughters also, as mentioned in the Bible; “Nowhere in all the land were there found women as beautiful as Job's daughters, and their father granted them an inheritance along with their brothers.” ⁽¹¹⁾

The only book in the Bible which discusses inheritance of women [daughter(s)] is Numbers:

“Say to the Israelites, “If a man dies and leaves no sons, give his inheritance over to his daughter. If he has no daughter, give his inheritance to his brothers. If he has no brothers, give his inheritance to his father's brothers. If his father had no brothers, give his inheritance to the nearest relative in his clan, that he may possess it” (12)

These lines of Numbers actually form the legal law of inheritance for the followers of Bible. According to this law the sons precedes daughters; the daughter precedes the brothers of the deceased; the brothers of the deceased precede his father's brothers and that the father's brothers precede the other nearest relatives.

This law has actually a background which is worthy of mentioning. A man, by the name of Zelophehad, died in a desert. Since he had no sons except five daughters, therefore his relatives were entitled to inheritance, according to the custom. The daughters of Zelophehad approached Moses (A.S) and the assembly of the Tent of Meeting (Synagogue) and asked for their right. Moses (A.S) brought their case before the God who said, “What Zelophehad's daughters are saying is right. You must certainly give them property as an inheritance among their father's relatives and give their father's inheritance over to them.” (13)

Moses explained the divine law but the heads of the clan came to Moses and the leaders of the assembly, and asked, “Now suppose they marry men from other Israelite tribes; then their inheritance will be taken from our ancestral Inheritance and added to that of the tribe they marry into.” (14) Moses (A.S) brought the case again to God and received the commandment that, “they may marry anyone they please as long as they marry within the tribal clan of their father, No inheritance in Israel is to pass from tribe to tribe, for every Israelite shall keep the tribal land inherited from his forefathers.”(15) Therefore the daughters of Zelophehad “married their cousins on their father's side. They married within the clans of the descendants of Manasseh son of Joseph, and their inheritance remained in their father's clan and tribe.” (16)

This indicates that according to Bible, daughters are only entitled to inheritance when they do not have brothers. Furthermore, in case of having no brother(s) they can get inheritance but cannot marry outside their clan, however, within the family they may marry whom they want to. Except the inheritance of daughter(s), Bible does not discuss the inheritance of other aspects of women's life like mother(s), sister(s) and wife/wives.

We can briefly conclude that according to Bible:

1. Women are not entitled to inheritance. Only sons are entitled to inheritance and that the firstborn son will inherit a double portion of the belongings of his father.⁽¹⁷⁾
2. Daughter(s) are entitled to inheritance, provided that they do not have brothers. In such a case they are bound to marry whosoever they want to but within the clan of their father.
3. Daughter(s) have equal right of inheritance. ⁽¹⁸⁾ But this was done by Job as in an exceptional case. Hastings states that: “At first a daughter could not succeed (the inheritance of the daughters of Job [Job 42]! is noted as exceptional).”⁽¹⁹⁾

Women Rights of Inheritance in Quran

According to the Muslims' belief, Quran is the last and final among the revealed books and is meant for the whole humanity of all ages and space. Its teachings are regarded universal in nature. However, it is impossible for a religious or any other book to discuss each and every matter in detail. Therefore sunnah or hadith, being the explanation of the holy Quran, are considered as the primary source of Islamic jurisprudence. Moreover, to cope with the changing world and new challenges, the experts of Quran and Sunnah are allowed to do 'Ijtihad' so that to meet the issues in the light of Quran and Sunnah. Therefore 'Ijma' and "Qiyas (analogical deduction of rules) have ever been the pillars of Islamic Jurisprudence.

Quran discusses the matters, sometimes briefly and sometimes in detail depending upon their importance. Since women have an important role in society, therefore, a complete 'surah' has been revealed about them. Women right of inheritance has ever been an important matter which is discussed in detail in the holy Quran in “Surah Nisa” or the “chapter of women”.

The issue of the entitlement of women to inheritance in Quran has almost the same background as that in the Bible. Mufasssireen narrates that the widow of Sa'd-bin-rubai came along with her two daughters to the holy Prophet and said, “O Messenger of Allah, here are the daughters of Sa'd who participated with you in the battle of Uhd and got martyrdom. Their uncle has taken possession of the whole of his property and has not left a single penny for them. Now who is going to marry them after this?”⁽²⁰⁾ The holy Prophet (PBUH) replied that it will be decided by Allah Almighty, and the following verses were revealed:

﴿وَإِذَا حَضَرَ الْقِسْمَةَ أُولُو الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينُ فَارْزُقُوهُمْ مِنْهُ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا﴾ (8) وَلِيَحْشَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعَافًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا (9) إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ

نَارًا وَسَيَصْلَوْنَ سَعِيرًا (10) يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ لِأَبَائِكُمْ وَأَبْنَاؤِكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا فَرِيضَةٌ مِنَ اللَّهِ إِنْ اللَّهُ كَانَ عَلِيمًا حَكِيمًا (11) وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلَكُمْ الرُّبْعُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ يُوصِيَنَّ بِهَا أَوْ دَيْنٍ وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكَتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكَتُمْ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ وَإِنْ كَانَ رَجُلٌ يُورِثُ كَلَالَةً أَوْ امْرَأَةٌ وَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ غَيْرَ مُضَارٍّ وَصِيَّةً مِنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ (12) ﴿٢١﴾

“But if at the time of division other relatives, or orphans or poor, are present, feed them out of the (property), and speak to them words of kindness and justice. Let those (disposing of an estate) have the same fear in their minds as they would have for their own if they had left a helpless family behind: Let them fear Allah, and speak words of appropriate (comfort). Those who unjustly eat up the property of orphans, eat up a Fire into their own bodies: They will soon be enduring a Blazing Fire!

Allah (thus) directs you as regards your Children's (Inheritance): to the male, a portion equal to that of two females: if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half. For parents, a sixth share of the inheritance to each, if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased Left brothers (or sisters) the mother has a sixth. (The distribution in all cases ('s) after the payment of legacies and debts. Ye know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah; and Allah is All-knowing, Al-wise. In what your wives leave, your share is a half, if they leave no child; but if they leave a child, ye get a fourth; after payment of legacies and debts. In what ye leave, their share is a

fourth, if ye leave no child; but if ye leave a child, they get an eighth; after payment of legacies and debts. If the man or woman whose inheritance is in question, has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies and debts; so that no loss is caused (to any one). Thus is it ordained by Allah; and Allah is All-knowing, Most Forbearing.”

Before the revelation of these verses of the holy Quran, only the sons were entitled to inheritance. Parents could get only on the will of their children. With the revelation of these verses of inheritance every close relative got his/her share. In the light of these verses, we will discuss the share of women in terms of daughter (s), mother(s), wife/wives and sister(s) in the subsequent lines.

Daughter(s)' right of inheritance

Daughter(s) are entitled to inheritance in three different ways:

1. I daughter(s) has/have brothers then she/they will get half of a brother.
2. If a daughter is the sole child of her deceased then she will receive half of the inheritance.
3. If they are two or more than two, having no brothers, then they will get two-third of inheritance.

Mother's right of inheritance

Mother is entitled to inheritance in two ways:

1. If the deceased has children or brothers and sisters, the mother will get one-sixth of the inheritance.
2. If the deceased has died childless or has left not more than one brother or sister, then the mother will receive one-third of the inheritance.

Wife's right of inheritance

Wife is entitled to inheritance in two ways:

1. If the deceased has left children then the wife will receive one-eighth the inheritance.
2. If the deceased has no children then the widow will receive one-fourth of the inheritance.

Sister's right of inheritance

Sisters and brothers might be of three kinds: full or real (from the same parents) consanguine (from the same father but different mothers and half or uterine from one

and the same mother but different fathers. All have different rights in inheritance according to different conditions.

All commentators are agreed that this part of the verse, And if the deceased whether man or woman leaver no children and no parents behind but has one brother or one sister alive each of the two will be entitled to one-sixth of the whole but in case the brothers and the sisters are more than one then the total share of all of them will be one-third of the whole.... (Surah Nisa 4:12) is about "uterine. In such a case, if there is only one sister, she will get one-sixth of the inheritance provided that the deceased has left no children, and parents behind him. If the sisters are more than one then collectively they will receive one-third of the inheritance.

About the full brother(s) and sister(s)', the rule of inheritance is given at the end of the 'surah Nisa' in verse 176:

"People seek your verdict on (the inheritance left by) a childless person. Say, Allah gives His verdict: if a person dies childless and leaves behind a sister, she shall get half of his inheritance and if the sister dies childless, her brother shall inherit her property: and if the deceased leaves behind two sisters, they shall inherit two third of the inheritance. And if the number of the brothers and sisters is more than two, the share of each brother shall be double that of each sister. Allah makes his commandments plain to you lest you should go astray: Allah has perfect knowledge of everything" (22)

From the verse above, it becomes clear that if the deceased leaves no children, (grandson, father, grandfather), but a sister only, she will receive half of his inheritance. If they are more than one, then they collectively will get two-third of his inheritance. And if they have brothers too, then each sister will get half to the share of each brother.

The issue of "consanguine" sister(s) is also like that of "full sister(s) and will get half of the inheritance if she is alone; if they are two or more than two, then they collectively will get two-third, provided that the deceased has left no son, grandson, father, grandfather and full brother. In case of full brother such sisters will become residuaries.

Similarities between the Bible and Quran, in terms of Inheritance

From the discussion above we can highlight some similarities between the two:

1. The background of the right of inheritance provided to the daughters is the same. In case of the Bible the orphan daughters of Zelophehad approach Prophet Moses (A.S) who makes them entitled to inheritance after receiving commands from the God. Similarly in the holy Quran the widow of Sa'd Bin Rubai along with her two daughters come and ask Prophet Muhammad

(S.A.W.W) for their right. The Prophet Muhammad (S.A.W.W) makes them entitled after receiving revelation from the Allah Almighty.

2. Both revealed books give preference to daughters: over uncles.
3. Both encourages/endorse the genuine and rightful demands of women.
4. It is interesting to note that Bible discusses the right of inheritance in “Numbers”, the fourth book of the Bible. The holy Quran discusses the same issues in “Surah Nisa” the fourth surah of the holy Quran. Furthermore, Bible discusses it in verses “8 to 11” of chapter 27 of the “Numbers” and the holy Quran, discusses it in verses “8 to 12” of the “Surah Nisa”. Again, the concluding portion of “Numbers” i.e. chapter “36” discusses again the issues of inheritance. Similarly, the concluding verse i.e. “176” of the holy Quran is about inheritance.

Differences between Bible and Quran in terms of Inheritance

Apart from some similarities, there are some differences between the two:

1. Bible gives right in inheritance to the daughters, provided that they do not have brothers. Whereas Quran gives them their right even then if they have brothers.
2. Bible has not apportioned their share, whereas Quran has declared their proper share.
3. Bible is silent about the right of mother(s), wife/wives and sister(s), whereas Quran has apportioned the share of all these aspects of women's life.

In case of the Bible there are some complications in understanding this law. For example, if a person dies and leaves a daughter and also a daughter of his deceased son (grand-daughter), now, who will get the inheritance? The Bible is silent about such issue, however, according to Mishna II (The Babylonian Talmud) the daughter of the deceased son (grand-daughter) will get the inheritance and the descendant daughter will get nothing. ⁽²³⁾

One other important issue is, that Bible mentions about the inheritance of the daughters only. Inheritance of a mother, sister(s) and wife etc has not been discussed at all. In the Bible, there is neither negation nor permission to give or get from these relations. However, Talmud deals with such issues which are worth mentioning here. Talmud is actually the collection of ancient rabbinic writings on Jewish law and tradition and which constitutes the basis of religious authority in Judaism. The Talmudic literature that deals with law and with the interpretation of the laws on the Hebrew Scriptures is known as Halakah. The Babylonian Talmud, in Chapter VIII, explains the law of bequeath (a gift of personal property by will) and inheritance. According to the Babylonian Talmud, “There are those that bequeath at the death and also inherit at the death of their relatives. There are those who inherit but do not bequeath, and also those who neither bequest nor inherit. The father, his children,

and also the brothers of the father may both bequeath and inherit to and from each other. The son from his mother, and the husband from his wife, and also the children of sisters inherit, but the former do not bequeath to the latter. The woman to her children, her husband and her brothers bequeaths, but does not inherit from them. The brothers of the mother, however, neither bequeath to nor inherit from her. ⁽²⁴⁾ To simplify it more in terms of women only, we may say that:

1. The son can inherit from his mother but the mother cannot inherit from her son, similarly the son can bequeath from his mother but cannot bequeath to his mother.
2. The husband can inherit from his wife but the wife cannot inherit from her husband. Similarly, the husband can bequeath from his wife but he cannot bequeath to his wife.
3. The children of sisters can inherit but sisters cannot.
4. A sister can bequeath to her brothers but cannot inherit from them.
5. The brothers of the mother (means when she is married and has children) cannot bequeath to her (their sister) nor can they inherit from her (their sister).

Thus, Talmud discusses about the inheritance of mother, wife and sister, but does not give them right in inheritance. However, there are ample proofs that the Jewish women were entitled to inheritance. T.J. Wary writes, "Evidences from outside the pages of the Bible also support the notion that women could inherit property. Documents uncovered from a Jewish military outposts in Elephantine. Egypt (sixth to fourth century BCE), clearly shows that women are allowed to buy and sell property. In some cases, women even inherit land over and above their male siblings. Archaeologists found similar documents dating from 93 to 132 CE. Often referred to as the Babata archives, these documents, thirty-five in all, were discovered in 1960-1961 in the "Cave of Letters" in Nahal Hever in southern Israel. Forced to flee Romans, seventeen people hid in the cave and perished there. Along with their skeletons the archaeologists found various artefacts, including what is essentially the purse, wrapped into neat bundles, were Babata's (mostly) legal documents, including marriage certificates (Babata was married twice), various lawsuits, and property transactions that indicate that Babata had Inherited land from her mother as well as from her second husband. ⁽²⁵⁾

Apart from many others, such evidences make the authenticity of the Bible doubtful. Furthermore it indicates that share in inheritance to mother(s), sister(s) are wife/wives are also natural which has only been provided now by the last and final revealed book, i.e. the holy Quran.

The "feminists" might say that Quran does not give women equal rights in inheritance as the daughter is entitled to inheritance half to her brother; the share of

mother is half to the deceased's father etc. But this is not the case altogether. When a daughter receives share in the inheritance of her deceased father, she has to receive share when becomes mother, she has share in the inheritance of her deceased husband; she has the opportunity to inherit from her brothers also. Thus in some cases she might receive more than her brothers, Furthermore the responsibilities of a woman, is also upon her father, brother, husband or her son, not on her. Therefore this division is more than equal in terms of women given by the holy Quran.

Conclusion:

We can conclude that religion provided women their right in inheritance when they themselves were distributed among the property. We can see that the holy Bible entitled daughters to inheritance, though conditionally, which might have been an innovation for the people then. Therefore it might have been quite according to the time and the responsibilities of men and women. As we see that later on, Jewish women, both as daughter and wife were entitled to inheritance, discussed by T.J. Wray in his book, "What the Bible Really Tells Us: The Essential Guide to Biblical Literacy at page 136. Although, the rest of the aspects of women's life have not been discussed by Bible, but this gap was filled by the holy Quran which not only entitled women but apportioned their legal share in inheritance."

We can also see that religion encourages and endorses the genuine demands of women regarding their rights, but the supreme power is Allah who has to decide what their rights are, which are given in his last and the final book i.e. the holy Quran. Therefore the shares apportioned by the holy Quran are based on the principle of justice and equality according to the role and responsibilities of men and women in society. In the end, we can conclude that the revealed books have some similarities because of their universality as well as some differences because of their historical context. Therefore, we need to pay respect to all books of religions, particularly the revealed, by considering them from the one and the same source. We must reconstruct those parts of these books which are similar in nature, keeping in view this verse of the holy Quran:

﴿يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ إِنَّ امْرَأَتَهُ لَبِئْسَ لَهُ وَاكِلَةً وَأَخْتٌ فَالَهَا نِصْفُ مِمَّا تَرَكَ وَهُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَاكِلٌ فَإِنْ كَانَتْ ابْنَتَيْنِ فَلَهُمَا الشُّلْبَانِ مِمَّا تَرَكَ وَإِنْ كَانُوا إِخْوَةً رِجَالًا وَنِسَاءً فَلِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ يُبَيِّنُ اللَّهُ لَكُمْ أَنْ تَضِلُّوا وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ﴾ (26)

"People seek your verdict on (the inheritance left by) a childless person. Say, Allah gives His verdict: if a person dies childless and leaves behind a sister, she shall get half of his inheritance and if the

sister dies childless, her brother shall inherit her property: and if the deceased leaves behind two sisters, they shall inherit two third of the inheritance. And if the number of the brothers and sisters is more than two, the share of each brother shall be double that of each sister. Allah makes his commandments plain to you lest you should go astray: Allah has perfect knowledge of everything"

It becomes very clear that a woman's share in inheritance is not determined by underestimating her gender, but one of her most important strategies is the division of duties and responsibilities between men and women.

It should also be kept in mind that a man gets only a share in inheritance and a woman gets not only a share in inheritance but also a dowry and a woman has a right in her husband's property and possessions. If a woman is earning in the form of a job or a business, if she wants to give some of her earnings to her husband, spend some on her children, or use it at home, it is at her own discretion. Yes, but it is not his legal responsibility. A woman is the sole owner of her livelihood. If he invests his money in business, he deserves the same profit. Even her husband has no legal right to dispose of her personal wealth. She is the sole owner of her earnings and has no financial responsibility to take care of her husband, children or other family members; it is the father's responsibility.

If a person tries to understand this issue from the heart without any prejudice, he will unhesitatingly accept that there is no room for any objection to this law of Islam. If he takes into account the economic, social and other responsibilities of men and women and the whole situation, he will also understand that the distribution of inheritance in Islam is not on the basis of gender but on the basis of specific responsibilities, and this division of inheritance is a matter of justice. It remains to be seen how much favor Islam has bestowed on women and how much importance it has given to them that no financial responsibility has been placed on them but still not only a share in inheritance but also capital for them. Determined several means of acquiring and protecting it and made it fully autonomous in the use of its 'safe capital'. She even banned her husband from using her capital without her permission, while the wife is allowed to spend from her husband's property as needed.

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