WOMEN’S PROPERTY RIGHTS IN ISLAM: AN ANALYTICAL STUDY

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Abstract
Rights, equality and sameness are very different things. It is clear that, women and men are physically very different from one another, although they are equal to each other in other important ways. We have to remember that in Europe until the 19th century, women did not have any right to their own property. When they were married, either it would transfer to the husband or she would not be able to dispense of it without the permission of her husband. In Britain, only by the late nineteenth century the situation has started to improve. After amendment of the "Married Women's Property Act" in 1870, than in 1882 and 1887, married women achieved the right to own property and to enter contracts on a par with spinsters, widows, and divorcees. Later in the Nineteenth Century an authority in ancient law, Sir Henry Maine wrote: “No society which preserves any tincture of Christian Institutions is likely to restore to married women the personal liberty conferred on them by the 'Middle Roman Law'.” But more than 1400 years earlier, that right was clearly established in Islamic law. The Holy Qur’an says, لِلرِّجَالِ نَصِيبٌ مِمَّ اكْتَسَبُوا وَلِلنِّسَاءِ نَصِيبٌ مِمَّا اكْتَسَبْنَ “Whatever men earn, they have a share of that and whatever women earn, they have a share in that” (Surah 4:32). The share will be in religious duties and in property rights. The author will try to explore the meaning of woman’s property rights in Islam, and analyse what are ideals and what are realities. This paper makes an attempt to focus the real picture of our Muslim Society and has an implication to both these terms.

Keywords: Women’s status in early Islamic history, Women’s status in Islam, Women’s property rights in Islam,

Introduction
There are differences of tastes, temperaments, faculties, powers and outlook, not all of which can trace to differences of environment or upbringing. It is apparent that the rights and duties of men and their social position flow from these inborn differences. If sex equality means that the type of mental and bodily faculties, psychological make-up and temperamental equipment, possessed by the two sexes (man & woman), is identically the same and that man and woman exist and have their being not as complements to each other, but as competitors and rivals in a common sphere of action. Then it is an ideal about which most people would disagree. There is a declaration in a comprehensive verse of the holy Qur’an which negates all inequalities due to sex, race, colour, nationality, caste or tribe. The Qur’an says;
This verse is a declaration in plain terms that, in essential human dignity and fundamental rights, all human beings of whatever sex or race or colour or nationality stand on a footing of equality, because they all ultimately spring from a single source. The Qur’an here positively asserts the basic unity of mankind, and incidentally also does away with the idea of ‘castes’ or ‘classes’ as forming a barrier to the common humanity. Allah again says:

وَمَنْ يَعْمَلْ مِنَ الصَّالِحَاتِ مِنْ ذَكَرٍ أَوْ أُنْثَى وَهُوَ مُؤْمِنٌ فَأُولَئِكَ يَدْخُلُونَ الْجَنَّةَ وَلََ

“If any do deeds of righteousness, be they male or female, and have faith, they will enter Heaven, and not the least injustice will be done to them.”

This injunction means that so far as spiritual merits are concerned there is no difference between man and woman.

Woman’s Status in Early Islamic History

In early Islamic history, Muslim women played a variety of public roles and certainly exercised property rights. The Prophet (p) in his farewell sermon spoke of property rights for both man and woman, and his wives held their own separate property. The first convert to Islam Khadijah bint Khuwailid, first martyr among the women in Islam Zainab bint Muhammad, the first to grant refuge to the Prophet (p) at Madinah Umm Kulthum bint Abi Wathila, the first custodian of the first copy of the Qur’an Hafsa bint Umar, the teacher of Hadith literature ‘Aysha bint Abu Bakr, one of the Mujahids with the Prophet (p) as a nurse of the wounded Mujahids(Muslim soldiers) Umm Salamah bint Abd al-Aziz, a famous woman soldier among the companions of the Prophet (p) Umm ‘Umarah bint Zaid, the manager of the first Hospital in the mosque al-Nababi Rahydah, the first Muballigh of Islam among the women of Quraysh Umm Waraqah bint Zaid, one of the Imam appointed by the Prophet (p) to lead the prayers of women Umm Waraqah bint Zaid, they were all women.

The Qur’an asserted the dignity of women by declaring of this verse:

ُلِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ

“They (women) are a garment for you and you are a garment for them.”

The verse would mean, therefore, that men and women protect each other from sin and dishonesty or it may mean that woman lends dignity and adds beauty to the existence of man, as man does the same to woman. Men and women are each other’s garments. They are for mutual support, mutual comfort, and mutual protection, fitting into each other as a garment fits the body. A garment also both for show and concealment. The word “libas” literally is the covering of anything. Husband and wife are called garments (لباس), because each embraces the other, or because each goes to the other for rest and each get united with the other.

emphasizes the fact of their interdependence in life, the one being incomplete without the other. It means expressive of close intimacy, identity of interests, mutual comfort and confidence, mutual upholding of each other’s reputation and credit, mutual respect of one another’s secrets, mutual affection and mutual consolation in misfortune. They are sharing each other’s joys, sorrows, glories and shames. Similarly, Allah announced in the holy Qur’an:

وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دِرْجَةٌ

“And women shall have rights similar to the rights against them, according to what is equitable;”

In plainer language, women have rights quite similar to those of men. Islam grants full dignity to woman as a human being. Each sex means to complement the other. Woman is not sub-human. The true relation between the sexes is of interdependence. This bold and explicit declaration of the rights of women, centuries before Mill dreamt of writing on the ‘Subjection of Women,’ has no parallel in the pages of other Divine Scriptures. Prophet Muhammad (p) said, “The most perfect believers are the best in conduct and best of you are those who are best to their wives in conduct.” He said more, “The best of you is the best to his family and I am the best among you to my family”. And “The best of you is the best to their wives”. It means that wife is a real witness of her husband’s life and conduct. It is more scientific to learn and have information about a person from his wife properly and perfectly. Therefore, a husband has to be good in manners towards his wife. In this reason, the conjugal life shall become happy and understandable. From the above discussion it is clearly meant that the status of women in Islam is more modern and scientific. A non-Muslim scholar says, “women are more protected in Islam than in Christianity or any other religion. In Al-Qur’an the laws about women are more just and liberal”.

Women’s Status in Islam

Before the advent of Islam women were no better than animals or cattels. In many countries of the East as well as the West women were generally regarded as slaves or domestic servants whose chief function was to serve men day and night and afford personal satisfaction to them. They had no right, no privilege and no status. When Islam appeared in Arab, women held a very low position in society. They were treated not only as social inferiors, but like slaves and cattle. They were sold and bought in the open market. When a man died, having many

12 حكيماً خيركم لأهلها ونآ خيركم لأهلي ; Ibn Majah, Kitabun Nikah,vol.6, No.1968, p. 120.
15 Nadawi, Human Rights and Obligation, 1966, p.98
17 Shafiqul Islam, Dr. Md., Hadith Charchay Mohila Sahabider Abadan, I.F.B., 2005, p. 118
wives, the latter were inherited by his sons like movable property. About the shameful activities. Allah says:

وَلاَ تَنْخَخَوا مَا نَكَحَّ أَبَأَكُمْ مِنَ النِّسَاءِ إِلَّا مَا قدْ سَلَفَ إِذْ كَانَ فَاحْشَةً وَمَقْتًا وَنَبَاسًا

“And wed not of women those whom your fathers have wedded, except what has already passed. Verily that has been an indecency and an abomination and an evil way.”

It was very much shameful activities in Pagan Arabia of pre-Islamic days. All human beings must hate that. Widows in Pagan Arabia, along with the estate of the deceased, passed on to the eldest son, and he very often married any of them (step mothers) he liked. It was a mark of dishonour for any man to have a daughter, and many did not want to be a father of daughter and preferred to bury alive their female children rather than to face social opprobrium. Allah asks us to remember what had actually been done to the alive daughter. Allah says in the holy Qur’an,

وَإِذَا بُشِّرَ أَحَدُهُمْ بِالُّنْثَى ظَلَّ وَجْهُهُ مُسْوَدًَا وَهُوَ كَظِيمٌ يَتَوَارَى مِنَ الْقَوْمِ مِنْ سُوءِ مَا بَدَأَ مَعْيَهُ بِأَيْضَةٍ عَلَى هُوَانٍ أَمْكَنَّ فِيهِ

“And when news is brought to one of them, of (the birth of) a female (child), his face darkens, and he is filled with inward grief! He hides himself with shame from the people, because of the bad news he has had! Shall he retain it on (sufferance and) contempt, or bury it (alive) in the dust? Ah! What an evil (choice) they decide on”?

The verse has clearly painted the real picture of the Pagan Arabs. When a female infant was born, the house became a house of mourning. The face of the father was darkened by intense sorrow. He hid himself because of shame. It was customary with them that when the girl child became six years old the father would dig a pit, and order the daughter’s mother to bathe and clothe her in beautiful raiment. He would then take her with him, push her inside the pit, and bury her in it. Then the Prophet of Islam developed humanity in the people and placed the woman on a high pedestal and engendered in the hearts of her parents sentiments of love, affection, mercy and sacrifice. Therefore, it was the real phenomena that female children used to be buried alive by the Pagan Arabs. The proof of this activities by a Hadith that after embracing Islam Qayes b. ’Asim at-Tamimy(τ) came to the Prophet(p) and said that he buried his eight daughters alive in the period of Jahiliyah. It was an evil choice to decide on. They keep the poor girl as a thing of sufferance and contempt, bringing disgrace on the family, or to get rid of it by burying it alive. It was cruel and indefensible. In addition, as part of a description of various events on the Day of Judgment. The Qur’an mentions;

وَإِذَا نُوْمَوَتْ بَأَيْ نَذُبْ قَلِتُنَّ

“And when the female (infant) buried alive (as the pagan Arabs used to do) is questioned-for what crime was she killed?”

In that situation Allah inspires the father of daughter in the holy Qur’an, He says;

 buttocks. Now, what is that daughter who is pregnant and bears the child?"

He bestows (children) male or female according to His will (and plan).”

22 Hossain, Status of Women in Islam, p. 127.
It means that the female child is a gift as well as a male child from almighty Allah. Therefore, all the fathers must be happy to hear the birth of female children and take care of them. The believers must love their infant daughters as same as their infant sons in the light of the teaching of Islam, though they kiss them. They must not hide himself with shame from the people and must not bury them alive. But they feel better that they can enter the paradise because of bringing up their daughters.

**Women’s Property Rights**
From the historical analysis, women before the advent of Islam had no right to inherit anything from the possessions 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. Islam does not make distinction between man and woman as far as their rights of property are concerned. The women enjoy equal rights in this field and their position is in no way inferior to that of men. The Qur’an declared the rights of property of men and women;

للرجال نصيبًا مما ترك الوالدان والأقارب، وللنساء نصيبًا مما ترك الوالدان والأقارب

“From what is left by parents and those nearest related there is a share for men and a share for women, whether the property becomes small or large, a determinate share.”

Islam believes in equality between men and women. Equality does not mean identity, it means equity. Islam presents the roles of men and women as complementary, not contradictory nor conflicting. Women were not being deprived of sharing that which their parents and near relatives left in the period of Islam. This is the first property rights reflecting the law of inheritance, here is declared the women’s share in their parents and relatives’ property which they left. Before this law of Muslim inheritance, women were deprived from the sharing of property, which their parents and relatives left. An American Judge says, “Mohammad was probably the greatest champion of women’s rights the world has ever seen. Islam has conferred upon the Muslim wife property rights and juridical status exactly the same as that of her husband.”

Property is a matter of implicit and explicit bargaining and negotiation within the family. The shares of women’s property are divided as a mother, as a wife, as a daughter and as a sister. So, the property rights of women in Islam give us above four different categories.

**Mother’s Property Rights**
If a person dies and leaves behind mother and son or brothers or sisters (or one brother and one sister), mother will get one-sixth of inheritance, otherwise she will be entitled to one-third thereof. About the principles of inheritance law for mother are laid down in the Holy Qur’an; Allah says,

ولأبوينكما نصيبًا لكل منهما ما تركك إن كان له ولد فإن لم يكن له ولد ووريثه أبواه

“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

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brothers (or sisters) the mother has a sixth, (the distribution in all cases is) after the payment of legacies and debts.”  

In this verse mother’s share is sixth/third, that was scientific and realistic, avoiding the Old Home conception.

Wife’s Property Rights

During marriage, woman is entitled to a marital gift (Muhr) from the husband which is entirely hers and she does not have to give this gift to her husband or father and she doesn't have to spend it on the household but she can do anything lawful with it. This marital gift (Muhr) symbolises love, affection and commitment. The Qur’an says;

وَآَتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةا فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسَاا فَكُلُوهُ هَنِيئاا مَرِيئاا

“And give the women (on marriage) their dower as a free gift; but if they, of their own good pleasure, remit any part of it to you, take it and enjoy it with right good cheer”. It means that it is compulsory for a husband to give Muhr to his wife during marriage. If they (wives) are kind enough to remit any portion of it of their own accord, and then enjoy it, and much good may it do to you.

If the woman happened to own any property prior to marriage, she retains that property after marriage. It remains under her control. In theory, a woman's access to property and land will come at various stages of life, most notably through her “rights” to dower and maintenance. Dower (Muhr) is a payment, whether in cash or as property, which the husband pays (known as prompt dower), or promises to pay (deferred dower) to the wife as a consequence of marriage. It is not disputed that a wife is legally entitled to sufficient maintenance during the subsistence of her marriage. This marital gift (Muhr) symbolizes love, affection and commitment and it is an obligation imposed by the law on the husband as a mark of respect for the wife.

Which is entirely hers and she does not have to give this gift to her husband or father and she can do anything lawful with it. The dower is a compulsory requirement. At the time of marriage, given by man to woman, but Nowadays Muslims give a small token amount of Muhr just for names’ sake, and a major portion of dower is being in due, in most of our Muslim society it has not been paid, and wife did not demand it during living together, and the other hand, the more educated and richer the man demands the higher dowry. Islam requires that the man gives dower to the woman according to his economic condition, which will not be a burden on him but it is not being followed in Muslim society. In practice, a wife could lose her right to maintenance under several circumstances including the controversial justification of lack of obedience to the husband.

The wives’ (if more than one) share from her husband’s property is declared in the Holy Qur’an;

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الْمَهْرُ وَاجِبٌ شَرْعًا إبَانَةً لِشَرَفِ الْمَحَل

الْمَهْرُ وَاجِبٌ شَرْعًا إبَانَةً لِشَرَفِ الْمَحَل
“And 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.”

In the case of a plurality of wives, that one-fourth or an eighth will be equally divided. An authentic hadith related to the property rights of wife and daughter is shown here:

\[\text{H}ād\text{i}jat Jabir b. ‘Abdillah® reported that the wife of Sa’ad b. Rabiy’a came with her two daughters of Sa’ad to the Prophet (p); She said, “O Messenger of Allah! They are the two daughters of Sa’ad. Their father was martyred with you on the day of Uhud, and their uncle has occupied all the properties which their father left, and it is true that a woman cannot be married unless they have some property. The Prophet (p) kept silent until the verse of inheritance was revealed. Then the verse of inheritance was revealed, as soon as the Prophet (p) called the brother of Sa’ad b. Rabiy’a and said, give the two daughters of Sa’ad two-thirds of his property and give his wife one-eighth, and take (you) the rest.”

Daughter’s Property Rights

If a person is survived by one daughter, and no son, she will inherit half of the property of the deceased. In case there are two or more daughters they will collectively get two-thirds thereof. However, if the deceased leaves behind a son or sons in addition to daughter or daughters, the latter will be entitled to half the share of sons. The holy Qur’an describes the shares of mother, daughters and sons as follows:

\[\text{يَوْصِيكُمُ اللهُ فِي أَوْلََدِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الُْْنْثَيَيْنِ فَإِنْ كُنَّ نِسَاءً فَوَقَ اثْنَتَيْنِ فَلَهُنَّ الرُّبُعُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ L

“Allah enjoins you (concerning their inheriting property) in the matter of your children: the male will have equivalent of the portion of two females, but if they be females (i.e. daughter) more than two, then they will have two-thirds of what he has left, and if only one, she will have a half, and as for as his (deceased’s) parents, each of the twain will have a sixth of what he has left (inheritance) if he has a son; and if he has no son and his parents be his heirs, then his mother will have one-third; but if he has brethren, then his mother will have the sixth; all after paying a bequest he may have bequeathed or debt (hath been paid).”

The Islamic Law of Inheritance comprises beyond question the most refined and elaborated system of rules for the devolution of property that is known to the civilised world. Then the inequality between the share of a son and that of a daughter in the law of Islam is more apparent than real. The share of the daughter is determined not by any inferiority inherent in her but in view of her economic opportunities, and the place she occupies in the social structure of which she is a part and parcel.

36 Abu Dawud, Kitab al Fara’d} 2891, Ibn Majah, Kitab al Fara’d} 2711, Tirmidhi, Kitab al Fara’d} 2018
38 Mahmudullah, The Muslim Law of Inheritance, Preface, p.i: Allahabad, 1934
39 Iqbal, Reconstruction of Religious Thought in Islam, p. 216.
Sister’s Property Rights

In the light of Islamic law of inheritance, sister has right to have a share in the deceased’s property if the deceased person has no direct heirs. In the holy Qur’an, Allah says:

وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلََلَةً أَوِ امْرَأَةٌ وَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِنْهُمَا السُّدُسُ فَإِن كَانُ أَكْثَرَ مِن ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِّ مِنْ بَعْدِ وَصِيَّةٍ يُوصَى بِهَا أَوْ دَيْنٍ غَيْرَمُضَارٍّ وَصِيَّةً مِنَ اللهَ ﷺ

“And if a man or a woman who leaves the heritage has no direct heirs but has a brother or a sister, each of the twain will have a sixth; and if more than one, then they will have equal shares in one-third after paying a bequest they may have bequeathed or a debt without prejudice: an ordinance this from Allah,” 40

This equality of shares between males and females is an exception to the general rule of giving a male twice as much as a female. So, why the women in the modern world criticize against the inheritance of women’s property rights in Islam? Of course, it is more scientific and more dynamic.

Conclusion

Before fourteen centuries, the Holy Qur’an and the Prophet (ﷺ) granted the property rights, economic rights and freedom of using property to the woman. Islam has given equal rights to woman, but did not disrupt the basis of her domestic life, nor did it instigate the wives and daughters to revolt against their husbands and fathers. Islam brought about a great revolution, but did so calmly and safely. It delivered woman from the slavery of man, in the house as well as in the field, and took off from her shoulders every obligation to meet her own or her family expenses. According to the Islamic point of view, she has every right to earn money, to keep it safe and to develop her wealth, but at the same time, she should not be put under the pressure of the compulsions of life, which may ruin her beauty and vanity, which always go hand-in-hand with mental satisfaction. However, alas! The eyes and ears of some of our writers are so closed and blocked that they are unable to perceive the most obvious historical facts and philosophical truths regarding the property rights of women.

Many Muslim societies did not give woman the complete property rights because of wrong interpretation of the Holy Qur’an and Sunnah. If they analysed and understood the Qur’an and Sunnah they must realised that women’s property rights are modern and scientific. In the contrary, Islam is the first religion which has conferred upon woman the property rights of inheritance. The Qur’an makes daughters along with sons heirs to property left by their parents. In the same way, a mother is made an heir to her sons’ and daughters’ property and a wife is made an heir to her husband’s property. When a brother becomes an heir of his deceased brother’s property, a sister is also an heir to that property. No religion before Islam had so clearly and firmly established a woman’s property rights of inheritance and her rights to possess property. A woman is absolute owner of her own property and her husband cannot obtain any control over it by virtue merely of their relationship, she has full liberty to deal with her property as she chooses. In the past not only in Arabs but also in many parts of the ancient world womanhood or childhood, sex or infancy shall be no bar to the inheritance. Before this, women and helpless children might be disinherit by the adult male heirs, and thus be reduced to absolute penury, for no fault but of being widows and orphans. There can be no question that, in strict pursuance of this conception of marriage, all the wife’s property passed at first

absolutely to the husband, and became fused with the domain of the new family. This Islamic law of inheritance is a landmark in the history of legal and social reform. In Pre-Islamic Arabia, women of all ages, and minor boys, had no share in their husbands’ and their fathers’ inheritance, on the principle that they alone had the right to inherit who could bear arms. Thus, wives, daughters and sisters were excluded altogether, and so were minor sons and brothers. In Islam the cardinal principle of inheritance is to distribute the property among all near relatives, and not to have it centred in the hands of the eldest son, a wise and effective check on capitalism. The reality in Muslim Society of Bangladesh, all over this sub-continent, is very much unethical and it is based on misconception of Islamic law. Here married woman doses not demand their share of property after their parents’ death. They do not want to dissatisfy their brothers. This is why their brothers deal the whole property. This is the real scenario in our Muslim society. A few women take their share of the deceased’s property, which was being left. However, it is neither mentionable nor remarkable.

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