

Sibling Inheritance in Sharia' System: Is it Equitable in Modern Life

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Inheritance in Sharia

- Contrary to popular understanding, the share of females is not always half that of males
- The proportion of inheritance is based on three criteria:
 1. Responsibility for males on household spending, considering females' monies as non-fiduciary
 2. The distance of kinship relation
 3. Generation, where the younger generation takes priority over the older one
- The sex two-to-one principle applies to several cases, the most critical of which is siblings who inherit from an immediate root.

In modern societies...

- The classical justification for males' share is their financial responsibility toward the females of the family *and* kin
- Incongruence with modern structures:
 - The structure of money earning activities favor males in general.
 - But the modern service economy favors females
 - Geographical dispersion in areas with differences in income levels and the cost of living
 - Modern lifestyle sharply increased marriage startup cost
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- Could the Sharia original model still be feasible within current realities?

Connecting *Mahr* to Inheritance

Point of investigation: Is it rational for women to receive *mahr* earlier in her life against less inheritance later?

Simplifying Assumptions

- It will be assumed that:
 1. A lady and her brother get married at the same time.
 2. That he will pay for *mahr* the same amount that she is going to receive as *mahr* from her husband.
- We will compare the value of the *mahr* plus her share of inheritance with the male's share of inheritance.

A Financial Model

1. Each of a sister and a brother gets/pays the same amount of *mahr*.
2. At the moment of the marriage the inheritor child will:
 - either pay *mahr* now and get full share of inheritance in the future.
 - or receive *mahr* now and get half share of the inheritance in the future.
3. The *mahr* is invested at the time of marriage.
4. We calculate how much the inheritance amount should be to have both of them accrue the same amount of wealth at the time of inheritance.

Basic Application

- A female and male twins get married at age of 25; parents' age is 50.
- She receives a *mahr* of \$5000 and he pays a *mahr* of \$5000.
- She invests her *mahr* at 5% for 20 years
- Inheritance occurs after 20 years of marriage.

The Financial Value of Time

- Let us assume that the inheritance amount is \$30,000 →
He gets \$20,000 and she gets \$10,000
- The sister's financial worth =
Inheritance amount + Mahr + Return on investment
She = $10,000 + 5,000 + 8,266 = 23,266$
- The brother's financial worth =
Inheritance amount - Mahr - Forgone income
He = $20,000 - 5,000 - 8,266 = 6,734$

One Brother & One Sister Case

She = Inheritance amount + Mahr + Return on investment

He = Inheritance amount - Mahr - Forgone income

- Inheritance amount = 60,000; Return on investment 5%
She = $20,000 + 5,000 + 8,266 = 33,266$
He = $40,000 - 5,000 - 8,266 = 26,764$
 - Inheritance amount = 79,599; Return on investment 5%
She = $26,534 + 5,000 + 8,266 = 39,800$
He = $53,066 - 5,000 - 8,266 = 39,800$
 - Inheritance amount = 90,000; Return on investment 5%
She = $30,000 + 5,000 + 8,266 = 43,266$
He = $60,000 - 5,000 - 8,266 = 46,734$
- Advantage differs in relation to inheritance brackets

The Effect of Number of Siblings

- The minimum inheritance amount to cancel female advantage in inheritance:

Years	1 M 1 F	1 M 3 F	3 M 1 F	3 M 2 F
20	79,599	132,665	185,731	212,264

- Any inheritance amount less than the above, male siblings will accrue less wealth than females

The Effect of Timing

- The number of years between receiving mahr and *irth*, and the required *irth* to cancel female advantage:

	The sex combination of siblings			
Years	1 M 1 F	3 M 1 F	1 M 3 F	3 M 2 F

20	79,599	185,731	132,665	212,264
21	83,579	195,017	139,298	222,877
22	87,758	204,768	146,263	234,021
23	92,146	215,007	153,576	245,722
24	96,753	225,757	161,255	258,008
25	101,591	237,045	169,318	270,908

Breakeven Point and the Number of Males

The amount of inheritance at which males catch-up with females

	The sex combination of siblings			
Years	1 M 1 F	2 M 1 F	3 M 1 F	4 M 1 F
20	79,599	132,665	185,731	238,797
21	83,579	139,298	195,017	250,737
22	87,758	146,263	204,768	263,273
23	92,146	153,576	215,007	276,437
24	96,753	161,255	225,757	290,259
25	101,591	169,318	237,045	304,772
<i>R1</i>		167%	140%	129%

- Female safety-net increases with a larger number of male siblings.
- The *rate* of increase in male resp. decreases with the number of male siblings (*R1*).

Breakeven Point and the Number of Females

The amount of inheritance at which males catch-up with females

	The sex combination of siblings			
Years	2 M 1 F	2 M 2 F	2 M 3F	2 M 4F
20	132,665	159,198	185,731	212,264
21	139,298	167,158	195,017	222,877
22	146,263	175,516	204,768	234,021
23	153,576	184,291	215,007	245,722
24	161,255	193,506	225,757	258,008
25	169,318	203,181	237,045	270,908
<i>R2</i>		<i>120%</i>	<i>117%</i>	<i>114%</i>

- The *rate* of increase in the safety-net decreases with the number of female siblings (*R2*)

The Breakeven Point Relationship to the Safety-Net

- Safety-net considers the cases of female advantage as desirable for protecting her at situations that are likely to make her vulnerable
- One brother may overwhelm one female sister. With more brothers, exploitative coalition is harder to form and it is more likely to find sympathizers and block outright deprivation of sisters' rights.
- R1 (relates to males' responsibility) decreases with the increase in their numbers because the general welfare of females is established by larger relative female portions
↔ Do not overtax males
- With a fixed number of brothers, the increase of the number of sisters does not radically burden brothers
- R1 variation is steeper than R2 variation ↔
The forming of an unjust coalition among sisters to deprive their brothers from inheritance is less likely to form than among brothers

Additional considerations

- Inflation was ignored in the model, and it works in favor of females
- Males' advantage that shows in larger inheritance amounts (richer families) can be conceivably offset by the negotiation power of the bride at the time of marriage
- Fairness could be guarded if deferred *mahr* is tied to a financial index

Conclusions

- In a society where males pay *mahr* and females receive half the share of their male siblings' inheritance from parents, the following could be said:
 1. Females in poorer families are better-off receiving *mahr* and getting half of their brothers' share of inheritance.
 2. In families with more males, female siblings are better-off receiving *mahr* and getting half of their brothers' share of inheritance.
 3. Generally, in big families it is more advantageous to receive *mahr* than to receive double shares.
- Sharia-prescribed shares are generally robust in equalization

Empirical Generalizations

- Married women have more obstacles for working early in life as compared to men
- Most cultures find it functional to assign men a priority in the responsibility for providing for the family
- Income and/or productive capacity tend to rise then decline in the life cycle
- ✓ Therefore, *mahr could* constitute an effective safety-net for older age wife's whose breadwinner husband departed.

Where is the Problem?

- Not treating children equally during life
- Not inheriting females in the first place!
- Not giving control to females over their monies
- Financial customs/education: managing *mahr* (spending on luxuries versus investing it)
- Neglecting the concept of *nihla*: exclusive grant
- ❖ The fact that females inherit equal shares when it is not from a root (which occurs usually later in life) testifies for the plausibility of our major assumptions; i.e., making the connection between *mahr* and inheritance.