

Property ownership: the case of muslim women

[Sociology](#), [Women](#)



Abstraction

Property ownership has been extremely debated in recent old ages particularly when it comes to adult females. The instance of Muslim adult females has been dismaying in certain Muslim states because though adult females are allowed to have belongings some traditions when set together with some Islamic Laws are extremely curtailing adult females 's ownership belongings. Property in this light includes land, house and other touchable belongings.

This paper based on exemplifying the different beginnings of belongings acquisition which has been hindered due to, in most instance calculated confusion of Islamic Torahs and customary Torahs which had restricted the ownership of belongings by Muslim adult females in different Islamic parts.

Introduction

Womans in many states still face inequality at place, in their communities and the society at big. They are normally left in the background because of province Torahs, customary Torahs and spiritual beliefs. This inequality besides affects their right of belongings ownership. The rights of adult females to have, inherit, manage and dispose of belongings whether touchable or intangible has been minimized by persons, imposts and Torahs in many states of the universe today. These adult females who most frequently constitutes a greater population of the state, are non give the chance to ain land, houses, autos, bank history, cowss, harvests and many other signifiers of belongings. Women 's right to belongings most frequently depends on the relationship they portion with work forces around them.

Religion excessively has besides had an impact on the ownership of belongings by adult females when set together with customary beliefs. These two when put together in utmost instances greatly limits the right of a adult females to ain belongings. Religion has been interpreted to the hurt of the Islamic adult female but to the advantage of the Islamic adult male. These several reading of Islam under different customary Torahs has reduced the rights of adult females to ain belongings.

This paper hence brings out the function of Muslim faith on the ownership of belongings by Muslim adult females. Analyze what the Islamic faith says about adult females having belongings and what is the existent state of affairs at manus. That is how the Islamic faith is integrated with tradition and province jurisprudence and its impact on the ownership of belongings by Muslim adult females in Muslim parts.

The Role of Islam in Property Ownership amongst Muslim Women

Historically, the Quran acknowledges the right of adult females to ain belongings. The Quran explains of import station held by adult females during the period of the prophesier which made them to get belongings. In general footings the Islamic jurisprudence allows adult females to keep, usage and dispose of belongings but when you go into inside informations the footings become really complicated and this therefore restrict these adult females. The Islamic jurisprudence acknowledges the fact that a adult female should be given what she earns and which can be a adult male 's when she volitionally transfers it to the adult male. But when we consider the fact that Muslim adult females are suppose to be really reserve, their right of belongings ownership which can be gained merely when they are exposed is

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restricted. To have a belongings in any signifier means you need to pull off this belongings and this direction can non be adequately established in the private infinite you need the public infinite. The undermentioned analyses discuss the different ways in which belongings can be acquired but which adult females are being restricted in societies where Islam and tradition are being practiced in extremes.

Inheritance

In Islam the adult male is considered the caput of the household and has the right to ain belongings. Inheritance which is a signifier of belongings ownership extremely favors the adult male. Though adult females have the right to inherit belongings of a asleep member of their household, their ain portion is normally half of what the adult male inherits. Though adult females have the right to inherit from their male parent, it is normally two portions for work forces and one for adult females. They believe that adult females do non hold any duty to take attention of the household as the work forces do, therefore the work forces should be given more. In most traditional Muslim states the combination of customary and Muslim jurisprudence against adult females refering this issue makes adult females to be wholly refused the right of belongings ownership. For them since these adult females do non take attention of the household, they should non be given the right to have any belongings. Besides in most jurisprudence tribunals like in Northern Nigeria where Islam is practiced, the right of adult females to inherit belongings is denied by some Judgess though Islam accepts these rights.

Most frequently, the heritage is done in theory and non in patterns. The adult females are merely told that they have been assigned this part of belongings

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which in most instances is ne'er given to them. Property ownership is consider as a adult male 's concern since adult females are considered to be dependent and weak and needs the support of a adult male to manage belongings issues. Annelies Moors (1995) besides explains that while in Islamic jurisprudence adult females have heritage rights, these so are by and large more limited than those of work forces. This she explains that, looking into the portions of the widows and girls, the male penchant is normally really clear. This is because, in the instance where the hubby dies it is hard for the adult female to inherit the hubby 's belongings because she can acquire married to another adult male or better still she is suppose to remain under the protection of the work forces in the hubby 's household be it her boies or the hubby 's brothers. Harmonizing to Islam, married womans are entitled to one-eighth of the belongings of their hubbies when the deceased hubbies have kids and to one-fourth if they are childless while girls on the other manus are entitled to merely half the portion of their brother 's portion. Besides, when there is an lone girl she gets half of the asleep male parent 's belongings and the remainder goes to the male parent 's male relations while an lone boy gets the full belongings of the asleep male parent demoing a biased against these adult females. This is because the belongings the adult female with kids owns goes to her kids particularly if they are male childs and if she does non acquire married, she is given less and most frequently refused because she can be remarried. The instance of a childless adult female is worst because she is left with nil as belongings even if she contributed in the acquisition of the belongings.

Besides, having a belongings means giving the adult female an upper manus and altering her private infinite to a public infinite. A adult female is suppose to be really modesty in her private infinite and non exposed by having belongings to the public infinite which is considered a adult male 's infinite. This perceptual experience is different with urban and rural Muslim adult females. Annelies Moors (1995) , discusses that although the adult females in both country knew their rights of belongings ownership, some those in the urban countries accepted their ain portion of the estate but most in the rural countries stayed retrained from geting their ain portions. Thisl believewas the consequence of their customary jurisprudence in those rural countries which prohibited them.

Education

Education is a signifier of belongings acquisition because when you are educated you are exposed to issues of cognizing your rights. In most parts of Africa where Islam is practiced, the figure of miss traveling to school has been comparatively low compared to the Christian countries. The people do non see the demand of educating the miss kid since she is believed to be the belongings of the adult male. Education is non a precedence but early matrimonies are encouraged. Traveling to school is meant for the male childs who will finally go a household caput and needs instruction and belongings to take attention of the household. This is really common with Muslims particularly in the rural countries who strongly believe in their customary and Islamic Torahs. Most of them are non cognizant of any province jurisprudence or international human rights Torahs or even the Islamic which give them the right to ain belongings. Vanessa Maher (1974) ,

explains that Berbers in Morocco equivalent of privacy, and continuing household award integral in maintaining their miss kid at place since schools are considered as a corrupting influence and giving entree to the populace sphere doing instruction really irrelevant.

Work

Harmonizing to the Islamic jurisprudence, adult females are allowed to work but this is normally under certain fortunes and under really rigorous conditions. In many Islamic states, occupation chances for adult females and work forces are non the same. They are non given equal chances because adult females are extremely restricted from public life. A adult female is non supposed to work entirely with a adult male because harmonizing to the Quran they might be tempted. A adult female is non supposed to make any occupation that will expose her award of muliebrity but she is supposed to stay modest. Islam by and large recommends that adult females stay at place and take attention of the place. When Vanessa Maher carried out her field work on Women and Property in Morocco in 1974, she pointed out that adult females do non work for rewards because their engagement in the 'public domain ' is considered immoral. This alone prohibits these adult females from making anything that will do them get belongings. Besides the adult male has is oblarged harmonizing to Islam to continue his duty of keeping the adult female. The hubby is responsible for keeping his married woman and the full household non the other manner round even when the married woman has the agencies, so this besides discourages Muslim adult females from working.

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Even the dowry and care gift in which the adult female is entitled to be given to her for matrimony is merely owned by her in theory and non in pattern.

Annelies Moors 1995 when she carried out her research in Palestine explained that `` younger small town adult females seldom expressed an involvement in selling their gold (which was their dowry) to purchase productive belongings ; they would instead put it in their hubby and his house ". This is because when she gets married to the adult male this belongings automatically goes back to the adult male since he is supposed to command the household 's resources. At times the dowry and care gift are orally given through promises and the adult female ne'er receives it.

The dowry is bit by bit losing its value because most modern-day Muslim adult females will prefer their hubbies to put his resources in the up support of the household. They do non truly care about the dowry particularly in the urban countries. More so, in instance of divorces since the married woman

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does not hold any right of belongings compensation or sharing all what was given to her as dowry is taken by the hubby. This is because, during matrimony the belongings she contributes to the household are not regarded as hers but the hubby's belongings. Annelies Moors (1995), in her research in Palestine explains that adult females no longer sell their gold dowry to purchase productive belongings because independent female ownership of such belongings clashes with their definition as dependent married women. They alternatively use it to put in their households therefore cutting down their entire access to belongings.

Decision

Though attempts are being made to heighten belongings ownership by Muslim adult females, this issue is more complicated in the rural countries since there are strong customary laws which restrict adult females. When these customary laws are put together with the Islamic laws, these adult females are wholly isolated in the ownership of belongings. This is because there is a calculated confusion between Islamic laws and customary jurisprudence by work forces which suppress a adult female's right of having belongings doing the customary jurisprudence to rule. Actual control of belongings has still remained in custody of the work forces. Women's less right of belongings harmonizing to Islamic ideas is seen to be compensated with the fact that they are under the detention of the work forces. Property is considered as power, and the more belongings you own the more powerful you are.

Mentions

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