200668 - He spent on his siblings so that they could get married; can his father allocate something of the estate to him?

the question

I would like to ask about someone who helped his four sisters to get married, so that his father did not have to sell any of his properties. Can his father bequeath part of his properties to him? Is it essential that the sisters should agree to that? Or can the father bequeath something to him without their agreement?
If the sisters do not agree to him allocating something to their brother, is there any sin on the father if he allocates something to him?
If the father dies before allocating something to him, is what the father leaves behind regarded as inheritance for all of them? Or can the young man take back what he spent on his sisters' trousseaux, then what is left may be distributed as inheritance?

Detailed answer

Praise be to Allah.

Undoubtedly what the brother did of helping to arrange his sisters' marriages was a righteous deed and an act of obedience for which he will be rewarded. What the brother did must be one of two things:

1. Either he did it by way of voluntarily helping his father to prepare his sisters for marriage, or he did it as an act of kindness and upholding ties of kinship with his sisters. In this case it is not permissible for the son to ask his father or his sisters for anything of that by way of compensation for what he spent, whether it is directly from the father's wealth or from his estate after he dies, because he only did that by way of kindness and giving a gift, not by way of seeking compensation. Al-Bukhaari (2589) and Muslim (1622) narrated that Ibn 'Abbaas (may Allah be

pleased with him) said: The Prophet (blessings and peace of Allah be upon him) said: “The one who takes back his gift is like the dog that vomits then goes back to its vomit.”

The father likewise has no right to favour him in gift-giving because of that, because the son only did that by way of kindness, and there is nothing to indicate that he should favour him in terms of gift-giving over the rest of his siblings.

Ibn Qudaamah (may Allah be pleased with him) said: The individual must treat his children fairly in terms of gift-giving, so long as there is no specific reason in the case of any one of them that makes it permissible to give him or her precedence. If he does single one of them out for a gift or give more to one than the others, then he is sinning, and he must treat them all equally in one of two ways, either by taking back the extra he had given to some and not others, or by making it up to the others. Tawoos said: That is not permissible, even if it is the matter of a burnt loaf of bread. This was also stated by Ibn al-Mubaarak, and something similar was narrated from Mujaahid and ‘Urwah.

End quote from al-Mughni (5/387)

Please see also the answer to question no. 22169

The scholars of the Standing Committee (16/207) were asked:

I fear Allah and I know that death is real and inevitable, but my mother owns a small house, which I rebuilt, and I have a brother who did not join me in that at all, but he upsets my mother and my father great deal, and he has been treating them badly all his life, until now. Now he lives outside the home, and my mother got angry and decided to register the house in my name. I argued with her a great deal, but she is insisting on registering it in my name. Now I am wondering: is my mother committing any sin by registering the house in my name and depriving my brother of it? Will I be committing any sin if I accept this from my mother?

They replied:

If the situation is as you describe, then it is not permissible for your mother to give you the house

and not your brother, because the Prophet (blessings and peace of Allah be upon him) said: “Fear Allah and treat your children justly.” And there are other, similar hadiths.

If she does what is mentioned, then she will be sinning and you will be sinning, because by accepting that from her, you are participating with her in the sin and transgression. Allah, may He be glorified and exalted, has forbidden that, as He says (interpretation of the meaning):

“Help you one another in Al-Birr and At-Taqwa (virtue, righteousness and piety); but do not help one another in sin and transgression” [al-Maa’idah 5:2].

She has to take back this gift or give the other son something equivalent to it. If you see that she is insisting on not including him with you, then there is no reason why you should not accept the gift and give half of it to your brother, so that you will have done what is required of you, if she does not have any children other than you two.

Standing Committee for Academic Research and Issuing Fatwas

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‘Abdullah ibn Qa ‘ood… ‘Abd ar-Razzaaq ‘Afeefi… ‘Abd al-‘Azeez ibn ‘Abdullah ibn Baaz

2. Or this brother spent on them with the intention of claiming it back, so the father may give him some of his wealth, or leave instructions in his will that he be given as much as he had spent, even if he does not give the other siblings something similar, and even if the other siblings do not agree to this giving, because what the father gives in this case does not come under the heading of gift-giving or favouring one child over the others; rather it is a kind of paying off a debt and repaying the one who gave something as much as is due.

The scholars of the Standing Committee (16/205) were asked:

I have a father who is elderly, approximately seventy-five years old, and he is still living. He had a house built of mud which is old and in a good location. I demolished the house and rebuilt it with reinforced concrete at my own expense; I have rented out the house and from the rent I am

paying instalments to some people to whom I still owe money. Please note that I did not borrow anything from the real estate development bank. My father wants to transfer ownership of this house to one of my children, who is over seven years old. Please note that my father has me and five daughters, and one of his daughters is older than me, and the rest are younger. I am the one who has been sponsoring my father and my mother for no less than fifteen years.

They replied:

Having reflected on what you mentioned about your son, to whom ownership of the house will be transferred by your father, not being in need of it at present, and that you promised your father, if he gives the house to your son, that you will build a another house for your siblings at your own expense, and that you have five sisters who are married, and that you previously rebuilt at your own expense your father's house that he intends to give to your son – this indicates that his real intention is to give the house to you, and to single you out for that to the exclusion of your siblings. Rather he named your son as the recipient as a kind of trick. Therefore it is not permissible for your father to give the house to your son, because the Prophet (blessings and peace of Allah be upon him) said: "Fear Allah and treat your children justly." With regard to what you said about spending on your father's house, if you did that voluntarily and willingly at the time of spending, then Allah will reward you, and you do not have the right to claim it back from your father.

But if you spent on it with the intention of claiming it back, then you have the right to do that, but it is better for you not to call your father to account for it and not to feel that what you spent on him was too much, for your reward with Allah, may He be glorified and exalted, will be greater than you expect, if you are sincere towards Him, may He be glorified and exalted.

And Allah is the source of strength. May Allah send blessings and peace upon our Prophet Muhammad and his family and companions.

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And Allah knows best.