290646 - Can a Father Use His Son’s Money for Hajj?

the question

I live and work in Britain, but my salary is only enough to cover the essentials. I have children, so they [the government] give me enough money to meet the needs of my children, and I save some money. This is only available to those who have children, otherwise life here is hard. I was thinking of going for Hajj this year, but I am not sure whether the money with which I want to do Hajj belongs to me or to my three small children, all of whom are under the age of seven. Please advise me, to what extent can I make use of this money? May Allah make us and you among the people of Paradise.

Summary of answer

The majority of scholars are of the view that it is only permissible for the father to take from his child’s wealth on condition that he is in need of food, drink, clothing and the like. Based on that, he does not have the right to take money in order to do Hajj.

Detailed answer

Praise be to Allah.

Who Owns the Money: Parent or Child?

If the state gives you money to take care of your children, as appears to be the case from what you have said, then the money belongs to you and you may spend whatever is surplus to your needs and those of your dependents on whatever you like. In fact, you must go for Hajj if you can afford the costs of Hajj in addition to what you spend on your needs and those of your dependents.

But if the state gives the money to the children, and makes you in charge of spending on them, then the money belongs to them. Can you take something from their money in order to do Hajj?

The Hanbali View: Father May Use Son’s Wealth

There is a difference of opinion among the jurists concerning that.

- The Hanbalis are of the view that the father may take whatever he wants from his son’s wealth whether there is a desperate need for it or not, so long as that is not detrimental to the son’s interests. Based on that, you may take some of your children’s money to do Hajj.

They quoted as evidence for that the hadith narrated by Ahmad (6678), Abu Dawud (3530) and Ibn Majah (2292) from `Amr ibn Shu`ayb, from his father, from his grandfather: A man came to the Prophet (blessings and peace of Allah be upon him) and said: O Messenger of Allah, I have wealth and children, and my father is in need of my wealth. He said: “You and your wealth belong to your father. Your children are among the best of your earnings, so you may take from your children’s earnings and make use of it and enjoy it.” There are other chains of narration and corroborating reports which mean that it is authentic. See: Fat-h Al-Bari (5/211) and Nasb Ar-Rayah (3/337)

- The majority of scholars are of the view that it is only permissible for the father to take from his child’s wealth on condition that he is in need; in other words, that he is in need of food, drink, clothing and the like.

Based on that, he does not have the right to take money in order to do Hajj.

They quoted as evidence the general meaning of the texts which prohibit taking the wealth of someone else except with his willing consent, and the fact that permission to take from one’s child’s wealth is limited to cases of need.

It was narrated that `Aishah (may Allah be pleased with her) said: The Messenger of Allah (blessings and peace of Allah be upon him) said: Your children are a gift from Allah to you. He bestows upon whomever He wills females and He bestows upon whomever He wills males, so they and their wealth belong to you, if you need it. (Narrated by Al-Hakim, 2/284 and Al-Bayhaqi, 7/480. The Hadith was classed as authentic by Shaykh Al-Albani in As-Silsilah As-Saheehah, 2564)

Key Conditions: Fairness and No Harm

Ibn Qudamah (may Allah have mercy on him) said:

The father may take whatever he wishes from his son's wealth and take possession of it, whether the father needs what he takes or not, and whether the child is a minor or an adult, subject to two conditions:

- Firstly, that he does not treat his son unfairly or cause harm to him, and he does not take anything that the son needs.
- Secondly, that he does not take money from one son and give it to another. This was stated by Ahmad according to a report narrated by Isma`il ibn Sa`id. That is because it is prohibited to single out one of his children for gifts from his own wealth, so it is more appropriate that it should be forbidden to single out one of his children for a gift taken from the wealth of another child.

Abu Hanifah, Malik and Ash-Shafi`i said: it is not permissible for him to take anything from his son's wealth except as much as he needs, because the Prophet (blessings and peace of Allah be upon him) said: "Indeed your blood and your wealth are sacred to you, as sacred as this day of yours in this month of yours." (Narrated by Al-Bukhari and Muslim)

And because the son has complete ownership of his own wealth, so it is not permissible for the father to take it away from him, such as taking away something that the son needs." (End quote from Al-Mughni 6/320)

What Is the Preferred View?

We have previously stated on our website that the favoured few is the view of the majority of scholars, and that the father does not have the right to take anything from his son's wealth when he has no need for it.

For a better understanding, check the following answers: (59874, 223524, 36841, 83191, 36637,

40023)

And Allah knows best.