69790 - Her mother gave her brother a gift to the exclusion of his siblings. Is this gift permissible?

the question

My father put the house which he built in my mother’s name, without giving her any money. My mother has put an apartment in my brother’s name, and all he did was some finishing work in it. She gave him a big store which my brother is benefiting from by renting it out, and she gave him a place to work underneath the stairs. She said that this was a gift for her son, and after my father died, she will not agree to give me any part of the house. She said that it is in her name and I have no right to it until after she dies. Please note that my father has not left behind anyone but me (a daughter), my brother and my mother. What does Islam say about this?.

Detailed answer

Praise be to Allah.

Firstly:

It is permissible for a husband to give his wife whatever he wants of his wealth, and he does not have to be fair between her and his children, but that is subject to the condition that he does not aim to harm his heirs by doing that.

Allaah has enjoined upon fathers and mothers to be fair towards their children in giving gifts. It is not permissible for them to give to one and not the others. If they do that, they must either take back what they gave, or give the rest something as well so as to be fair.

What your mother has done by giving an apartment, a store and another place to your brother is something that is haraam. What she must do is to treat you both fairly.

It was narrated from al-Nu’maan ibn Basheer (may Allaah be pleased with him) that his father brought him to the Messenger of Allaah (peace and blessings of Allaah be upon him) and said, “I

have given this son of mine a slave.” He said, “Have you given a similar gift to all of your sons?” He said, “No.” He said, “Then take it back.” Narrated by al-Bukhaari, 2446; Muslim, 1623. According to another version narrated by al-Bukhaari (2587): “Fear Allaah and treat your children fairly.” He said: So he went back and took back his gift.

In the answer to question no. 67652 we have stated that it is obligatory for a mother to treat her children fairly in gift giving, and that fairness in gift giving means that the male gets the share of two females, because there is nothing more just than the shares allocated by Allaah.

And Allaah knows best.