152481 - Is it permissible to rent an apartment to two Christian women, with whom there is a Christian man who is not related to them?

the question

There is an apartment that is rented by two Christian women, with whom is a Christian man, who is not related to them (i.e., he is not their mahram). Is the rent halaal or haraam, and is it permissible to use that money for ‘umrah? Is it permissible to rent to them in the first place?

Detailed answer

Praise be to Allah.

It is not permissible to rent property to someone of whom it is known from his circumstances, or it is thought most likely, that he will use the place to commit sin or help others in doing so. That is because Allah, may He be exalted, says (interpretation of the meaning):

“And cooperate in righteousness and piety, but do not cooperate in sin and aggression”

[al-Maa’idah 5:2].

If he does that, the rental contract is invalid, and the landlord cannot keep the rent; rather he must give it in charity, because it is unlawful wealth that is not permissible for him.

Shaykh al-Islam Ibn Taymiyah (may Allah have mercy on him) said: It is not right to sell to one who intends to do haraam with (the purchased items), such as juice which will be used to make wine, if he knows that is the case, as is the view of Ahmad and others, or if he thinks that this is likely, which is one of the two views. This is supported by the view of his companions, who said: If the landlord thinks that the renter is renting the house for sinful purposes, such as selling alcohol and the like, it is not permissible for him to rent that house out to him, and the rent contract is not valid. Selling and renting are the same. End quote from al-Fataawa al-Kubra (5/388).

If he rented the apartment to them as a residence, and he did not know that they wanted it for

sinful purposes, then there is no sin on him, and the rent is lawful for him, but after that, if he finds out that they are committing sin in the apartment, he should tell them not to do that, and when the rental period expires, he should not renew the rental contract with them.

As-Sarkhasi (may Allah have mercy on him) said: There is nothing wrong with a Muslim renting a property to a dhimmi for the latter to live in, then if he drinks alcohol there, or worships the cross, or bring pork into it, there is no sin on the Muslim for any of that, because he did not rent it out for that purpose; the sin is the action of the tenant, and his action was not intended by the landlord, so there is no sin on the landlord in that case. End quote.

Al-Mabsoot (16/39).

The scholars of the Standing Committee for Issuing Fatwas were asked:

Is it permissible to rent houses to the people of the Book and to evildoers among the Muslims? Because some of the scholars regard that as haraam, based on the fact that the kitaabi will disbelieve in Allah in this house, and he will worship the cross there, and eat pork and drink alcohol; and based on the fact that the evildoer will drink alcohol there, and he will listen to music.

They replied:

The basic principle is that it is permissible to rent houses to people of the Book who have a covenant with the Muslims and are under Muslim protection, but if the landlord knows or thinks it most likely that this place will be used for things that Allah has forbidden, such as selling alcohol, gambling and the like, then it is haraam [to rent the place to them], because that comes under the heading of helping or cooperating in sin and transgression, whether the tenant is a disbeliever or a sinner, and whether what is rented to him is a house, or a shop, or anything else. That is because Allah, may He be exalted, says (interpretation of the meaning):

“And cooperate in righteousness and piety, but do not cooperate in sin and aggression”

[al-Maa’idah 5:2].

End quote.

Fataawa al-Lajnah ad-Daa’imah (14/487-486].

Shaykh Ibn ‘Uthaymeen (may Allah have mercy on him) said:

If someone rents a house from you, intending to put a stage in it for idle entertainment, then renting it to him is haraam. But if he rents it from you to live in it, then he puts a stage in it for idle entertainment, then renting it to him is not haraam. The difference is that in the first case, he rented it for the purpose of committing an unlawful action, and in the second case he rented it for a permissible purpose, but then he committed an unlawful action in it. End quote.

Sharh al-Kaafi (4/15).

Based on that, in the first scenario, in which the rent is haraam, it is not permissible for the landlord to keep it or benefit from it, or to use it for ‘umrah; rather he must give it in charity.

In the second scenario, in which the rent is halaal, there is nothing wrong with him using it for ‘umrah.

And Allah knows best.