374733 - A father shares out his salary equally between his two wives and his children, both those who are minors and those who are grown-up, males and females. Is he being unfair?

the question

My father is still alive, praise be to Allah. He has two wives, three sons and three daughters. He shares out his salary equally between his young and grown-up children and his two wives. Is it right that a five-year-old child should be treated the same as one who is a student in the university? I want to know whether my father is being unfair to his older children by treating all his children the same when dividing his salary, or does he have the freedom to distribute his money as he sees fit?

Detailed answer

Praise be to Allah.

Firstly:

It is obligatory to treat one’s children fairly when giving

It is obligatory to treat children fairly when giving them anything and when giving them gifts, because of the reports narrated by al-Bukhaari (2587) from ‘Aamir, who said: I heard an-Nu‘maan ibn Basheer (may Allah be pleased with him) saying on the minbar: My father gave me a gift, and ‘Amrah bint Rawaahah [his mother] said: I will not accept that unless you ask the Messenger of Allah (blessings and peace of Allah be upon him) to bear witness to that. So he went to the Messenger of Allah (blessings and peace of Allah be upon him) and said: I have given a gift to my son from ‘Amrah bint Rawaahah, but she told me to ask you to bear witness to it, O Messenger of Allah. He said: “Have you given something similar to the rest of your children?” He said: No. He said: “Fear Allah and treat your children fairly.” So he returned and took back his gift.

According to another report also narrated by al-Bukhaari (2650), [the Prophet (blessings and peace of Allah be upon him) said:] “Do not ask me to bear witness to injustice.”

The ruling on spending on children’s maintenance is different from the ruling on giving gifts

As for spending on children’s maintenance, each child should be given according to his need. So spending on an adult child is not the same as spending on one who is still small, and spending on one who is studying in university is not like spending on one who is studying in elementary school. The child who has reached marriageable age and needs to get married is not like one who has not reached that age, or one whohas reached that age but does not need to get married.

It says in *Kashshaaf al-Qinaa‘* (3/309):

The father and mother, and other relatives, must show fairness when wanting to give gifts to those who may inherit from them because of blood ties, children or other relatives – such as the father, mother, brother, nephew, paternal uncle and paternal cousin – by giving according to their shares of inheritance. … It is not obligatory to show fairness in that manner when giving gifts of little value, because such things are usually overlooked as they do not affect anything. But in the case of maintenance and clothing, it is obligatory to give each one what is sufficient for his needs, and not give according to their shares of inheritance. End quote.

Shaykh Ibn ‘Uthaymeen (may Allah have mercy on him) said, pointing out the difference between gifts and maintenance:

We may understand from the author’s words about giving gifts that when it comes to maintenance, it should not be worked out on the basis of their shares of inheritance; rather it should be according to their needs. So it is essential to be fair when it comes to maintenance, which means spending on the child according to his need. If it so happens that the female is poor and the male is rich, then in this case he should spend on the female, and he does not have to give the same amount to the male, because spending in this case is to meet a need. Thus when it

comes to maintenance, treating children fairly and equitably means giving each child enough to cover his or her needs. So if we assume that one of them is going to school and needs money to cover the costs of his education, such as books, notebooks, pens, ink and the like, and the other child is not studying, and he is older but does not need anything, if [the father] gives to the first child, is he obliged to give something similar to the other one?

The answer is: he does not have to do that, because being fair with regard to maintenance means giving each child what he or she needs.

For example, if the boy needs a ghutrah (headcover) and cap, the value of which is one hundred riyals, and the daughter needs earrings, the value of which is one thousand riyals, what is fair?

The answer is: what is fair is to buy the ghutrah and cap for the boy for one hundred riyals, and to buy the earrings for the girl for one thousand riyals, which is ten times what is spent on the boy. This is what is fair.

Another example is if one of the children needs help to get married, and the other does not need that. What is fair?

The answer is: he should give to the one who needs to get married and not give anything to the other one. Hence it is regarded as wrong what some people do when they help the children who have reached marriageable age to get married, and also have younger children. In such a case, the father may write in his will: I bequeath to my children who are not yet married money from the one third of my estate to enable each of them to get married. This is not permissible, because helping one’s child get married comes under the heading of meeting a need, and these children [who are still minors] have not yet reached marriageable age. So making this bequest to them is haraam and it should not be executed. In fact, it is not permissible for the heirs to execute this bequest, except in the case of one who is an adult of mature age, if he is willing to do that. There is nothing wrong with that, but he must do it from his own share of inheritance." (End quote from *ash-Sharh al-Mumti‘* 4/599).

Based on that, what this father is doing by giving equally to all of his children is clearly wrong,

because spending on their maintenance should be commensurate with what they need, and maintenance of a child who is still small is not like maintenance of a child who is grown-up. What the younger child receives that is surplus to his needs is regarded as a gift, and gifts must be given fairly, and that is not happening in this case.

So if he gives each child five hundred pounds, for example, and the maintenance of the young child costs one hundred pounds, whilst that of other child who is grown-up costs three hundred, then in effect he has given the younger child a gift of four hundred pounds, whereas he has given the grown-up child the gift of two hundred pounds. This is an unfair way of giving gifts.

Regarding the way to be fair when giving gifts to males and females there is a difference of scholarly opinion. There are two views, the first of which is that the female should be given the same as the male. This is the view of the majority.

The second view is that the female should be given half of what the male receives. This is the view of the Hanbalis.

With regard to giving gifts to his wives, he may give them whatever he wants, and he should treat them equally in this regard.

Conclusion:

You should advise your father and explain to him the difference between maintenance and gifts, and that it is forbidden to be unfair when giving gifts to children. If he spends on all his children and gives them what they need of maintenance, each according to his or her situation, then he wishes to distribute the rest of his salary, or whatever he has of wealth, among them, he may do that, on condition that he is fair on the basis of what we have noted above.

For more information, please see the answer to question no. 374766 .

And Allah knows best.