72326 - Is it permissible for a husband to give a gift to his wife and not to the rest of his heirs?

the question

Does the wife have the right to ask her husband to transfer half of his personal property to her? The husband is refusing to do that on the grounds that it is a trick to deny the inheritance to those to whom Allaah has granted it. My Lord has been testing me with childlessness for 19 years. He did agree to give me an apartment as an unconditional gift. Please note that I am his only wife and his parents are still alive.

Detailed answer

Praise be to Allah.

In question no. 72320 you told us that your husband has agreed to put the apartment in your name, and that your mother refused to put the apartment in your husband's name or your name. We explained that there is no sin on your husband in that, and that your mother has no right to stop him from putting the apartment in your name.

Whatever the case, as your husband has no other wife which could cause problems if he were to give something to you and not to her, there is no sin on him if he gives it to you.

If he has willed half of his possessions to you, there is nothing wrong with that, so long as he has done it willingly without any pressure on your part and so long as he has not done that to cause hardship to the other heirs, because so long as a man is healthy and is not terminally ill, he may give whatever he wants of his wealth to his wife or anyone else.

Based on this, you do not have the right to pressurize your husband to put some of his property in your name, because he may do that out of shyness towards you and unwillingly, and that will be haraam for you.

But it is better for your husband not to do that, because it may cause arguments between him and his parents and be a cause of the severing of family ties, so it is better to leave things as they are. Moreover it is not known who will inherit from whom. And Allaah knows best.

We ask Allaah to bless you with righteous off spring and to reconcile between you and your husband.

And Allaah knows best.