146862 - He agreed with his father that he would pay the Hajj expenses for his mother, then his father died before he could take her

the question

My father wanted to take my mother for Hajj and he asked me to pay all the expenses for my mother’s Hajj, and I agreed. After Hajj and before I could pay the expenses of my mother’s Hajj, my father died. Are the Hajj expenses now regarded as inheritance for my siblings or can I give them in charity so that the reward will reach him? If giving them in charity is permissible, can I give them to my younger brothers so that they can build a house with them because they do not own a house, or can I help them get married with this money?.

Detailed answer

Praise be to Allah.

If there was an agreement between you and your father that he would take your mother for Hajj and you would pay him the expenses of Hajj, and he did that, then the expenses are a debt that you owe to your father and should be added to his estate like the rest of his wealth and any debt that was owed to him by other people, and the estate should be divided among all the heirs, of whom you are one.

Including debts that are owed to the deceased by others with the estate is something on which the fuqaha’ are unanimously agreed.

See: al-Mawsoo‘ah al-Fiqhiyyah, 11/208

Based on that, these expenses should be worked out and divided among the heirs, with each heir taking the share allotted to him according to sharee‘ah.

And Allah knows best.