



83283 - How should they share out the rent of a house that they inherited together?

the question

Is the money that comes from renting out a house that was inherited by brothers and sisters subject to the principle that each male gets a share like that of two females?.

Detailed answer

Praise be to Allah.

Firstly:

If the deceased left behind sons and daughters, then we start with the father, mother, husband and wife, who take their shares, then the rest of the estate is divided among the children as Allaah has enjoined, with each male getting a share like that of two females. Allaah says (interpretation of the meaning):

“Allaah commands you as regards your children’s (inheritance): to the male, a portion equal to that of two females”

[al-Nisa’ 4:11]

Similarly, if his full brothers and sisters, or his siblings through his father, inherit from him, their share of the estate should be divided among them, each male getting a share like that of two females. Allaah says (interpretation of the meaning):

“if there are brothers and sisters, the male will have twice the share of the female”

[al-Nisa’ 4:176]

This is agreed upon among the scholars.



Ibn 'Abd al-Barr (may Allaah have mercy on him) said: With regard to the words of Allaah at the end of Soorat al-Nisa' (interpretation of the meaning): "if there are brothers and sisters, the male will have twice the share of the female", there is no difference of opinion among the Muslim scholars of the past and present that the inheritance of siblings through the mother is not like that. Their consensus indicates that the siblings mentioned in this verse are siblings of the deceased through his father and mother [full siblings] or through his father (only). End quote from al-Tamheed (5/200). See also al-Mughni (6/162).

Fataawa al-Lajnah al-Daa'imah (16/530).

With regard to siblings through the mother, they inherit equal shares, with no distinction being made between male and female, because Allaah says (interpretation of the meaning):

"If the man or woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third"

[al-Nisa' 4:12]

Kalaalah (translated here as "has left neither ascendants nor descendants") means one who has no father or child. A brother on the mother's side may inherit subject to this condition: that the deceased left no ascendant or descendent who could inherit, and his share is one-sixth. If there are more than one, male or female, or both males and females, then they get one-third, which is to be divided equally among them.

Secondly:

With regard to the rent that they get for the house that they inherited together, this rent should be shared among them according to whatever share of the house each of them owns. If they own the house on the basis of each male having a share like that of two females, then the rent should also be shared out in the same manner.

And Allaah knows best.