8190 - Guardianship over a woman’s marriage and wealth

the question

We know that if a woman wants to get married, she has to have a wali (guardian) who will do the marriage contract on her behalf. But how does she decide who will be her wali? Does the wali have to take care of all the woman’s dealings? Please advise us, may Allaah reward you with good.

Detailed answer

Praise be to Allah.

The ways in which a man may be appointed as a woman's wali for marriage are five: being her owner (if she is a slave); being related to her; being her patron (as when one tribe is patron of another, etc.); being a leader (of the community, etc.); and guardianship (wisaayah). The wali is one of the conditions of the validity of a marriage. It is not permissible for a woman to be a wali in marriage either for herself or for someone else for any reason; she cannot act as a wali for herself, on behalf of another or as the deputy of another. If she does that, the marriage contract is invalid.

A woman who is adult, of sound mind and sensible has the right to manage her own money and to dispose of it however she wishes, whether that is in return for something or not, such as buying and selling, renting, lending, giving in charity or giving gifts, giving all or part of the money. No one has the right to stop her doing that, and she does not need anyone’s permission, whether she is virgin who has a father, or does nit have a father, or is married with a husband.

It is permissible for a mother to dispose of her children’s wealth, food or otherwise, as is also permissible for the father. It is also permissible for a woman to dispose of and eat from her parents’ wealth with regard to things that are permissible for her.

The mother has the right to guardianship over the wealth of her children who are still young or who are insane, because she is more compassionate towards her child than anyone else.

A woman does not have the right to dispose of her husband’s wealth or give any of it in charity without his permission, whether that permission is explicit or is implied by custom and habit.

It is permissible for a woman to have the position of guardianship (wasiyah) over someone else’s money and she may be in control of money over which she has been appointed guardian, so long as she meets the conditions of guardianship, whether she is the mother of the children or is not related to them.

It is permissible for a woman to be in charge of a waqf; she has the right to be the guardian in charge of a waqf and to decide how it should be disposed of. This is according to scholarly consensus.