

126407 - Could he be a wali (guardian) to the daughter of his wife who was born as a result of an illegitimate relationship?

the question

I'm married to a woman who has a daughter from a previous marriage and she lives with us. Her daughter is from zina which I think is important to note. Am I her wali? Am I the one who gives her away to a husband? I've heard the hadith about how daughters will be a shield for they're father from the Fire on the Day of Judgement. Do I qualify for that benefit?.

Detailed answer

Firstly:

A child born as a result of zina (illicit relationship) is not to be named after the zaani (the man who committed zina), as previously explained in the answer to question no. [117](#)

So this daughter is like one who has no relatives on the father's side and has no wali for marriage among her relatives, so her wali is the Muslim ruler – if she is living in a Muslim country. This is indicated by the report narrated by Abu Dawood (2083) and al-Tirmidhi (1102), according to which the Prophet (blessings and peace of Allah be upon him) said: “The ruler is the wali of the one who has no wali.” Classed as saheeh by al-Albaani in Irwa’ al-Ghaleel, 1840

If she is in a non-Muslim country, the director of the Islamic Centre takes the place of the Muslim ruler, so he is her wali for marriage.

Some scholars – such as Imam Abu Haneefah (may Allah have mercy on him) – give precedence to relatives on the mother's side over the ruler with regard to guardianship, such as the maternal uncle or grandfather, because they are closer and more compassionate than the ruler.

As for the husband of the mother, he cannot be a wali for the girl in marriage, because he is not one of her male relatives on the father's side or other relatives.

Secondly:

With regard to your saying: “I’ve heard the hadeeth about how daughters will be a shield for their father from the Fire on the Day of Judgement”,

It was narrated from the Prophet (blessings and peace of Allah be upon him) that children who die when young will intercede for their parents on the Day of Resurrections.

This daughter is not your child, so it is not permissible for her to be named after you.

But you will be rewarded, in sha Allah, for bringing her up, spending on her and looking after her affairs. Allah, may He be glorified and exalted, say (interpretation of the meaning):

“So whosoever does good equal to the weight of an atom (or a small ant) shall see it.

8. And whosoever does evil equal to the weight of an atom (or a small ant) shall see it”

[al-Zalzalah 99:7-8].

And Allah knows best.