4037 - Ruling on women spending of their own wealth without their husbands’ permission

the question

I am a working woman, and I have a salary from which I spend on myself and my home, I give some to my family and I give some in charity, and so on. Many of the arguments that I have with my husband arise because of the way I spend my money. Does my husband have the right to object to the way I spend my money? Do I have to ask for his permission when I want to spend any of my money?

Detailed answer

Praise be to Allah.

Undoubtedly the free adult person who is of sound mind and discernment is permitted to dispose of his own wealth with no restrictions as long as he is alive, whether he is buying, renting, giving a gift, establishing a waqf (endowment) or any other kind of transaction. There is no dispute among the scholars on this point.

There is also no dispute among the scholars concerning the fact that the husband does not have the right to object to the way his wife handles her wealth in transactions such as buying, renting, etc., if the woman is of sound mind and there is no reason why she should not handle her own money and she is not one of those who may be tricked.

(Muraatib al-Ijmaa li Ibn Hazm, 162; al-Ijmaa fil-Fiqh al-Islami, Abu Habeeb, 2/566).

But the scholars differed as to whether a woman has the right to give all or some of her wealth in charity or as a gift without the permission of her husband. The details of their opinions are as follows:

The first opinion:

The husband has the right to prevent her from giving if the amount is more than one third of her wealth, but he does not have this right with regard to lesser amounts. This is the opinion of the Malikis and Hanbalis, and one of the two views narrated from Ahmad.

(Sharh al-Khurashi, 7/103; al-Mughni, 4/513; Nayl al-Awtaar, 6/22). The evidence for this is reports and qiyaas (analogy).

Among the reports referred to are the following:

1. The report that Khayrah, the wife of Kab ibn Maalik, came to the Prophet with some jewellery of hers. The Prophet (peace and blessings of Allaah be upon him) said: It is not permissible for a woman [to dispose of] her wealth without the permission of her husband. Have you asked Kabs permission? She said, Yes. So the Messenger of Allaah (peace and blessings of Allaah be upon him) sent for Kab ibn Maalik, her husband, and asked him, Have you given permission to Khayrah to give her jewellery in charity? He said, Yes, so the Messenger of Allaah (peace and blessings of Allaah be upon him) accepted it from her.

(Reported by Ibn Maajah, 2380; its isnaad includes Abd-Allaah ibn Yahya and his father, who are majhool (not known, i.e., not enough information is known about them to ascertain whether they are trustworthy)).

The report narrated from Umar ibn Shuayb from his father from his grandfather that the Messenger of Allaah (peace and blessings of Allaah be upon him) said in a khutbah (sermon) he gave: It is not permissible for a woman to give anything except with the permission of her husband.

(Sunan Abi Dawood, Buyoo, Baab 84; Sunan al-Nisaai, Zakaah, Baab 58; Musnad Ahmad, 2/179; Sunan Ibn Maajah, 2/798). According to another version: A woman has no right to her money if she is married. (Reported by five, except al-Tirmidhi).

These reports are taken as evidence that a woman does not have the right to spend her money

except with her husbands permission, which means that the husbands permission is a condition any time she wants to spend; his right to stop her spending is limited to amounts over one-third of her wealth, because there are reports that indicate that the owner has the right to dispose of one-third or less of his wealth in his will, but he does not have the right to dispose of more than that without the permission of his heirs. This is seen in the famous story of Sad ibn Abi Waqqaas, who asked the Prophet (peace and blessings of Allaah be upon him) if he could give all of his wealth in charity, and he said, No. Sad asked, What about two-thirds? The Prophet (peace and blessings of Allaah be upon him) said, No. Sad said, What about half? The Prophet (peace and blessings of Allaah be upon him) said, No. Sad said, What about a third? The Prophet (peace and blessings of Allaah be upon him) said, [Yes,] a third, but a third is still a lot.

(Agreed upon)

With regard to their using qiyaas (analogy) as evidence, they say that the husbands rights are connected to the wifes wealth, on the basis of the hadeeth: A woman may be married for her wealth, her beauty or her religious commitment.

(Reported by the seven scholars).

Usually a husband increases his mahr because of the wifes wealth, and he will be able to spend her money, and if he cannot afford to spend on her, she will not complain (because she has her own money). This is similar to the rights of heirs in relation to a sick person's wealth.

(al-Mughni, 4/514).

The second opinion:

The husband has the right to stop his wife from spending in all cases, whether it is a small amount or a large amount, except in the case of insignificant things. This is the opinion of al-Layth ibn Sad.

(Nayl al-Awtaar, 6/22).

The third opinion:

The woman is not allowed to spend anything of her wealth at all, except with the permission of her husband. This is the opinion of Taawoos (Fath al-Baari, 5/218). Ibn Hajar said in al-Fath, and Taawoos used as evidence, the hadeeth of Umar ibn Shuayb, It is not permissible for a woman to give anything of her own wealth except with the permission of her husband. This was reported by Abu Dawood and al-Nisaai. Ibn Battaal said: The hadeeth narrated in this chapter are more sound.

The fourth opinion:

The woman has the right to spend her own money in all circumstances, whether in a transaction or otherwise, whether this involves all of her wealth or part of it. This is the opinion of the majority, and is the opinion of the Hanafis, Shaafais and Hanbalis, and of Ibn al-Mundhir.

(al-Mughni, 4/513; al-Ansaaf, 5/342; Maaani al-Athaar, 4/354; al-Baari, 5/318; al-Awtaar, 6/22).

This is the soundest opinion, and is most in accordance with the Quraan, the Sunnah and common sense.

In the Quraan, Allaah says (interpretation of the meaning):

And give to the women (whom you marry) their Mahr (obligatory bridal money given by the husband to his wife at the time of marriage) with a good heart, but if they, of their own good pleasure, remit any part of it to you, take it, and enjoy it without fear of any harm (as Allaah has made it lawful).[al-Nisa 4:4]

Allaah allows the husband to take what his wife gives him willingly.

Allaah also says (interpretation of the meaning):

And if you divorce them before you have touched (had a sexual relation with) them, and you have appointed unto them the mahr (bridal money given by the husband to the wife at the time of marriage), then pay half of that (mahr), unless the women agree to forego it[al-Baqarah 2:237]

Here Allaah allows women to give up as much of the mahr as they wish if their husbands divorce them, without them having to ask permission from anybody. This indicates that women have the

right to decide what to do with their own money, and that a woman has rights to her wealth just as a man has rights to his wealth.

(Sharh al-Maaani al-Athaar, 4/352).

Allaah says (interpretation of the meaning):

And try orphans (as regards their intelligence) until they reach the age of marriage; if then you find sound judgement in them, release their property to them [al-Nisa 4:6]

This clearly means that when the female orphan becomes wise and discerning, she is allowed to handle her own wealth.

Similarly, when the women gave their jewellery in charity after the Prophet (peace and blessings of Allaah be upon him) had addressed them during his Eid sermon, this was an indication that they are allowed to dispose of their wealth without asking permission from anybody.

(See Ittihaaf al-Khilaan bi Huqooq al-Zawjayn fil-Islam by Dr. Fayhaan ibn Ateeq al-Mutayri, pp. 92-96).

It says in Nayl al-Awtaar: the majority of scholars agreed that women are allowed [to handle their own wealth] with no restrictions and without having to ask their husbands permission, so long as they are not foolish, but if they are foolish, it is not permitted. It says in al-Fath: The majority have a lot of evidence in the Quraan and Sunnah.

The majority of scholars argued against those who used as evidence the hadeeth It is not permissible for a woman to give anything except with the permission of her husband.

(Reported by Abu Dawood, 3079; Saheeh al-Jaami, 7265; some of its narrators have already been mentioned). The majority of scholars said that this has to do with the good manners and proper etiquette required of the wife because of the rights her husband has over her, and because of his status, experience in life and wisdom. Al-Sindi said in his commentary on al-Nisaai with regard to the hadeeth quoted: According to the majority of scholars, this has to do with good manners and

making the husband feel good. It was reported from al-Shaafai that the hadeeth was not proven, so how can we use it as evidence when the Quraan, Sunnah, other reports and common sense indicate the opposite? Maymoonah freed a slave before the Prophet (peace and blessings of Allaah be upon him) knew anything about it, and he did not tell her off. This and other reports indicate that if this hadeeth is true, it is to be interpreted as being the matter of good manners, and the wife has the option either to ask her husbands permission or not.

So the Muslim woman is encouraged to seek her husbands permission but it is not obligatory for her to do so and she will be rewarded for doing that. Abu Hurayrah said: The Messenger of Allaah (peace and blessings of Allaah be upon him) was asked, Which woman is the best? He said, The one who makes [her husband] happy when he looks at her, who obeys him when he tells her to do something, and who does not oppose him in a manner he dislikes with regard to herself and her wealth.

(Reported by al-Nisaai, 3179; Saheeh al-Jaami, 3292).

And Allaah knows best