
Can a woman dispose of her wealth without her husband's permission?

Adapted for www.albaanee.com from an article translated by Isma'eel Alarcon [al-Asaalah Magazine, Issue no.19]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Question: Is it permissible for a woman to freely dispose of her own money without the permission of her husband? And what if she knows prior to that, that her husband does not agree with her disposing of her money, even if it is for charity? And also, what about giving away her jewellery which she bought with her own money, without his permission. What is the ruling concerning this?

Answer: Shaykh al-Albaanee (رَحْمَةُ اللَّهِ)¹: The ruling on this matter is clear from the hadeeth of the Prophet (صلى الله عليه وسلم)²: "It is not permissible for a woman to freely dispose of her wealth except with the permission of her husband."

This is a hasan Saheeh hadeeth, hasan by itself and Saheeh based on its various routes of narration. And as for all the reports that it is thought present a contradiction to this hadeeth, then it is not correct to rely on that or claim that they contradict the hadeeth. As for the hadeeth in which the women gave their rings and earrings away in charity, as is reported in the Saheeh, then this has been responded to from many different angles:

One of them is that it was probable that these charitable donations were given with the permission from the husbands of these women. And it is also possible that this event occurred before this ruling that occurs in the hadeeth became firmly established. So due to this, we advise every Muslim woman that adheres to acting on the Qur'aan and the Sunnah to not give away from her wealth without the permission of her husband. This is because it will be a cause and a reason for the occurrence of disputes between the couple, and the end result of that will be very bad.

But in the case where a husband is mean and oppressive to his wife (by not granting her permission), she can take her case to the legal jurisdiction. And this is especially the case since today, the legal jurisdictions are in favour of the women. And in a more particular example, in cases like these, all of the judges are in agreement that the woman may freely dispose of her money without the permission of her husband. So if the matter is taken up to the court and the judge rules that this action was a violation on the part of the husband to his wife and he rules that she can give away her money, (she may do so). But if her husband objects and holds that by her doing so, she will be squandering money, at that point the judge can prevent her because, even though he bases it on the rule that it is allowed for her to spend from her wealth, he cannot permit her to give away in charity that which is considered excessiveness and a squandering of money. And Allaah knows best.

¹ (رَحْمَةُ اللَّهِ)(rahimahullaah) May Allaah have mercy on him

² (صلى الله عليه وسلم) May the peace and blessings of Allaah be upon him