163541 - Does the husband have the right to dispose of his wife’s money?

the question

I have this close friend whose husband recently got married to a 2nd lady; her co-wife has a child from a previous relationship, my friend has 2 children from her husband, she gets benefits from the government and she spends it on her living costs. Her co-wife does the same. Now her husband is demanding her benefits to be transferred on his name because he believes it is not Islamic for her to get money from the the government straight; she should be getting it through him,but he is not asking for his 2nd wife's benefits to be transferred to his name; as an excuse he is saying that she was getting those benefits from before she got into the marriage, so on these grounds he can't ask her. What is correct according to Islam?.

Detailed answer

Praise be to Allah.

The basic principle concerning any wealth the wife owns is that it belongs to her and not to her husband, whether this wealth came into her possession by means of trade or business, or through inheritance, or as part of her mahr (dowry) or from the state. The husband does not have a share in any of that; rather it is her property and none of it is permissible for him unless she gives it to him willingly. If it were the case that the husband owned his wife’s wealth, then his wife’s entire estate when she died would go to the husband and no one else would have a share in it, and that does not happen according to the laws of Allah.

Based on that, the money that comes to this wife as assistance for her from the state belongs exclusively to her and it is not permissible for her husband to take control of it. What he is saying about Islam not allowing the wife to take anything from the government directly has no basis in sharee‘ah; men and women are the same in that regard.

It is not permissible for the husband to take anything from his wife's wealth except what she allows.

Allah, may He be exalted, says (interpretation of the meaning):

"O you who believe! Eat not up your property among yourselves unjustly except it be a trade amongst you, by mutual consent" [An-Nisa 4:29]

"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 Allah has made it lawful)." [An-Nisa 4:4].

In the answer to question no. 3054 we have discussed the evidence from the Quran and Sunnah and scholarly consensus that proves that the husband is obliged to spend on his wife according to his means; he does not have the right to force her to spend on her own maintenance even if she is rich, unless she agrees to that.

For more information on the issue of the wife's salary, please see the answer to question no. 126316

And Allah knows best.