72364 - Should he give his wife control over her own wealth as he does not handle money well?

the question

My question is about my father who used to have a lot of wealth, and we lived a good life, but now he does not own anything but two apartments that he registered in my mother's name. Now he has become irresponsible – unfortunately – and he still thinks that he is wealthy and he never thinks of getting a job. He is 55 years old and unfortunately, despite my objections to my mother, she has given him control of the two apartments even though she knows how my father is. When I asked her why she did that, she said: "It is his property and he is free to dispose of it." What should I do? Should I confront him when everyone in his family and others confronted him and opposed him and have given up on him because he lost a lot of wealth? What will he say about me?

She is right, he was good and was never stingy towards her and never withheld anything from her, but she says "If I did not do it he would divorce me." How can I confront him when he is bad-tempered and it is difficult to communicate with him?

What is your opinion – is my mother in the right? Should she get a job and not rely on him, even though she does not want to do that, and she says that he will begin to rely on her? Now he has sold one of the apartments and has spent the money right and left on other people, and he forgets that he has nine children, and even though she reminded him that he lives in one city and we live in another, he remembers for a moment then he forgets his worries and goes back to his dreams. What do you advise us to do before he sells the other apartment and we regret it? She and my father are now having serious arguments because of his careless behaviour, and it may lead to divorce. I want to know whether my father is mentally ill, or what is going on? How should I deal with him? I am confused; please help me for the family is being torn apart.

Detailed answer

Praise be to Allah.

The Prophet (peace and blessings of Allaah be upon him) forbade wasting money and spending it on things that are of no benefit.

It was narrated that al-Mugheerah ibn Shu'bah (may Allaah be pleased with him) said: I heard the Prophet (peace and blessings of Allaah be upon him) say: "Allaah dislikes three things for you: gossip, wasting money and asking too much." Narrated by al-Bukhaari (1407) and Muslim (593).

The scholars regarded bad handling of wealth to be a kind of mischief (fasaad). Imam al-Bukhaari named a chapter on this basis as he said: Chapter: What is forbidden of wasting money and the words of Allaah, may He be glorified and exalted: "and Allaah likes not mischief" [al-Baqarah 2:205].

Fath al-Baari (5/68).

A person may be clever but he does not handle money well, rather he wastes it and spends it on things that are of no benefit. Such a person is described by the scholars as safeeh (foolish), and it is not permissible to give him money, rather he should be prevented from handling it, because Allaah says (interpretation of the meaning):

"And give not unto the foolish your property which Allaah has made a means of support for you"

[al-Nisa' 4:5]

al-Qurtubi (may Allaah have mercy on him) said: This verse indicates that it is permissible to withhold wealth from the one who is foolish, because Allaah enjoins that in the words "And give not unto the foolish your property" and He says: "But if the debtor is of poor understanding [safeeh], or weak" [al-Baqarah 2:282]. So a guardian is to be appointed for the foolish one just as for the weak one. The word "weak" applies to a minor whereas the word "foolish" applies to an adult. End quote.

Tafseer al-Qurtubi (5/30).

Ibn Hajar (may Allaah have mercy on him) said:

With regard to the words of Allaah “And give not unto the foolish your property…”, al-Tabari said, after quoting the views of the mufassireen on what was meant by al-sufaha’ (the foolish): The correct view in our opinion is that it is general in meaning and applies to everyone who is foolish, whether he is a minor or an adult, male or female. The foolish one is the one who wastes wealth and mishandles it. End quote.

He also said:

Withholding in sharee’ah means preventing him from disposing of the wealth, which is sometimes in the interests of the person and sometimes in the interests of the wealth. The majority of scholars are of the view that it is permissible to prevent an adult from disposing of wealth (in such cases). End quote.

Fath al-Baari (5/68).

If your father does not handle money well, rather he wastes it on things that are of no benefit, then he must be prevented from handling it and it is not permissible to give him control of any wealth. Your mother should cancel the power of attorney or control that she gave to him, so as to protect your property from being lost, because you need it.

You have to advise him and bring him back to his senses by reminding him with kind words and exhortation that will make him regret what he has lost of his wealth, and make him be careful with what he has left.

Remind him of the ahaadeeth which will rebuke him for wasting money, and remind him that Allaah has entrusted him with taking care of you, as it says in the hadeeth of the Prophet (peace and blessings of Allaah be upon him): “It is sufficient sin for a man to neglect those for whom he is responsible.” Narrated by Abu Dawood (1692) and classed as hasan by al-Albaani in Saheeh al-Targheeb (1965).

Shaykh ‘Abd al-‘Azeem Abaadi (may Allaah have mercy on him) said:

Al-Khattaabi said: This means the ones for whom he is obliged to provide food, meaning that the

one who wants to give in charity should not give in charity if he does not have anything surplus to the needs of those whom he is responsible to feed, seeking reward thereby, lest that incur sin for neglecting those for whom he is responsible instead of earning reward.

‘Awn al-Ma’bood (5/76).

If this applies in the case of one who is giving charity, then what about the one who wastes money on things that are of no benefit?

And Allaah knows best.