



The Islamic Ruling on *al-Wilayah* in Non-Muslim Lands

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OVER THE YEARS, many of our sisters have inquired about the issue of *al-wilayah* (guardianship for marriage), specifically those who have no paternal Muslim male relatives. In these instances, they have either sought guardians from their local *masajid* or Islamic centers or have chosen *awliya* from family members or family friends. Some, however, did not choose a *wakil* for themselves. Instead, their intended husbands chose one for them (often one of his companions). This has oftentimes resulted in disorder and confusion, leaving sisters vulnerable to abuse and mistreatment. Then, when one of them seeks assistance from her “wakil,” he is either nowhere to be found or is unwilling to help. “I don’t want to get involved,” he says, more concerned about offending his companion than making sure his “ward” receives her rights. This brings her to the *masjid* for support. Yet, when asked “Who is your *wali* or *wakil*?” she is embarrassed to say, “My husband’s friend” or, even worse, “I am not sure. My husband appointed someone.” How self-serving. Both husband and “wakil” will be asked about this before their Lord.

All praise is for Allah; the Islamic Legislation has clarified the rules of *wilaya* (guardianship). A woman’s *awliya* come from her paternal Muslim male relatives. If she has no such relatives, the *sultan* (ruler) or an Islamic judge assumes the responsibility. In the absence of either an Islamic ruler or a judge, the *wilayah* is handed over to those in charge of the Islamic center in the woman’s locale. This is the ruling of several preeminent scholars of the Religion, based upon evidence found in the Divine Revelation.

The noble *Shaykh* ‘Abd al-Aziz b. Baz (رحمته الله) was asked about those who contract marriages without a *wali*, particularly those living in non-Muslim countries. After clarifying the invalidity of such marriages, he stated,

If a woman does not have a *wali*—no father, no brother, no paternal cousin—then the *hakim* (ruler) serves as the *wali*, based upon the Prophet’s (صلى الله عليه وسلم) statement,

السُّلْطَانُ وَلِيُّ مَنْ لَا وَلِيَ لَهُ

“The *sultan* is the *wali* of one who has none.”¹

So, the ruler marries her off or appoints someone to marry her off.

If she lives in a land that does not have a [Muslim] ruler or a judge, as in the case of Muslim minorities in non-Muslim countries, then the director of the Islamic center marries her off, if there is an Islamic center present, because [the head of the Islamic center] functions as a leader for them. So, the person in charge of the Islamic center looks into her affair and marries her off, if she does not have a *wali* and there is no [Islamic] judge present.²

¹ Collected by Ibn Majah in his *Sunan* (no. 1524). It is authenticated by al-Albani in *Sahih Sunan Ibn Majah*.

² See <https://binbaz.org.sa/fatwas/11074/>

The Permanent Committee of the Kingdom of Saudi Arabia was asked a similar question and clarified that if a woman does not have a Muslim guardian, “the head of her local Islamic center is responsible for the marriage contract,” as he is considered a leader in his locale. They, too, base this upon the Prophet’s (ﷺ) statement, “The *sultan* is the *wali* of one who has none.”³

Further, on the 6th of *Safar*, 1440 AH, our brother Ihsan b. Dawud, a student in the Islamic University of Madinah, asked the noble *Shaykh* ‘Abd al-Muhsin al-‘Abbad (حفظه الله) the following:

In our land, in America, women enter Islam and may not have a paternal [Muslim] male relative. Perhaps they have a brother on their mother’s side who is Muslim or a maternal uncle who may be a Muslim. Is he allowed to be her *wali*?

Shaykh ‘Abd al-Muhsin al-‘Abbad: No, absolutely not. He cannot be her *wali*.

Questioner: So, *Shaykh*, she must return to the Islamic center?

Shaykh ‘Abd al-Muhsin al-‘Abbad: Yes, she must return to the Islamic center.

Questioner: What about a woman who entered Islam and perhaps has a family friend or someone who is close to her who is Muslim, can she choose him to be her *wali*?

Shaykh ‘Abd al-Muhsin al-‘Abbad: No, absolutely not.

So, it is clear from the verdicts of *Shaykh* Ibn Baz, the Permanent Committee, and *Shaykh* ‘Abd al-Muhsin al-‘Abbad, in accordance with the Prophet’s (ﷺ) hadith, that the Muslim woman who does not have a *wali* from her family, the *sultan* or Islamic judge is her *wali*. If, however, she lives in a non-Muslim land that has no Islamic ruler or judge, the head of her local Islamic center assumes the responsibility.

In conclusion, we must fear Allah concerning *al-wilayah* (guardianship) and properly fulfil the conditions of marriage, as the Messenger of Allah (ﷺ) said,

إِنَّ أَحَقَّ الشُّرُوطِ أَنْ يُؤْفَى بِهِ , مَا اسْتَخْلَلْتُمْ بِهِ الْفُرُوجَ

“The worthiest of conditions to be fulfilled are those that make the private parts lawful for you.”⁴

We ask Allah to grant us good understanding and right conduct. Indeed, He is Oft Forgiving, Hearer of Supplication.



³ *Fatawa al-Lajnah al-Da’imah* (no. 5377)

⁴ Collected by Bukhari (no. 2572) and Muslim (no. 1418).