

304371 - Different religions and guardianship

the question

What effect does following different religions have on the question of guardianship in marriage?

Detailed answer

Difference of religion (i.e. Islam as opposed to kufr) prevents a person from being a guardian (wali) for marriage purposes, according to the consensus of the scholars. A kaafir man cannot be the wali in the marriage of a Muslim woman, and a Muslim man cannot be the wali in the marriage of a kaafir woman, because Allah says (interpretation of the meaning): “And those who disbelieve are allies to one another...” [al-Anfaal 8:73] and: “Your Wali (protector or helper) is Allah, His Messenger, and the believers...” [al-Maa'idah 5:55]

The scholars made one exception, which is the case of a Muslim master acting in the marriage of a kaafir woman slave, but this is because it has to do with ownership, not guardianship. Similarly, the Muslim ruler or his deputy may play this role in the marriage of a kaafir woman who does not have her own wali for some reason.

In cases where people are of different religions and neither is Muslim, such as a Christian woman making a Jew her guardian, or vice versa, some scholars say that it is allowed, and some say that it is not allowed. The matter is similar to the case of a kaafir inheriting from a kaafir relative when they follow different religions, such as when one is a Jew and the other is a Christian.

And Allah knows best.