

Chapter Seven The Rights of Spouses

Upon examination, we find that the rights of the spouses fall into three categories: the rights of the husband, the rights of the wife and common rights of both spouses. Each shall be explained separately below.

The Rights of the Husband upon His Wife

The foundation upon which the husband's rights over his wife are based is the verse in the Quran,

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا
أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ
اللَّهُ وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ
وَاضْرِبُوهُنَّ فَإِنِ أَطَعْتَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا

“Men are in charge of women by [right of] what [qualities] Allah has given one over the other and what they spend [in support] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [women] from whom you fear defiance, [first] admonish them; [then if they persist] forsake them in their beds and [finally] strike them [lightly]. But if they obey you [once more], seek no means against them” (*al-Nisaa* 34).

Imam Abu al-Fidaa Ismaeel ibn Katheer stated in his commentary to the words, “Men are in charge of women”:

Men are in charge of women “by [right of] what [qualities] Allah has given one over the other.” In other words, [in general] men are superior to women and men are [in general] better than women. This is why prophethood was only given to men. The same is true for the supreme governmental head, as the Prophet (peace be upon him) said, “A people will not prosper whose affairs are [at the controls of] a woman.” Recorded by al-Bukhari.¹ The same is true for judgeship and other positions. [They are also in charge of women] due to “what they spend [in support] from their wealth,” that is, the dower and maintenance that Allah has made obligatory upon them in His Noble Book and in the sunnah of His Messenger (peace be upon him). Man is better than woman in himself and he has preference over her and superiority. Hence, it is most appropriate that he be in charge of her.²

This does not mean that the same is true for each individual. The superiority of one class of beings over another does not mean that each individual of that class is superior to the other class. Therefore, it is not impossible that some women are greatly superior to some men. Looking at their legacy, virtues and great effects on this nation, that fact [that individual women are not always inferior to men] is something that is witnessed in itself.

What Umm Salamah narrated also indicates [the rights of the husband upon her]. She stated that the Messenger of Allah (peace be upon him) said,

أَيُّمَا امْرَأَةٍ مَاتَتْ وَزَوْجُهَا عَنْهَا رَاضٍ دَخَلَتْ الْجَنَّةَ

¹ Number 4425, Book of Military Campaigns, Chapter on the Prophet (peace be upon him) writing to the Emperors of Persia and Rome, and also #7099, The Book on Trials, Chapter on the trial that will emerge like waves on an ocean.

² *Tafseer al-Quran al-Adbeem*, vol. 1, p. 537 (Riyadh: Maktabah al-Salaam).

“Any woman who dies with her husband being pleased with her shall enter Paradise.”¹

The most obvious of the rights of the husband upon his wife are the following:

(1) Obedience

The evidence for this is in what Husain ibn Muhsin narrated: My aunt narrated to me that she said, “I came to the Messenger of Allah (peace be upon him) and he said, ‘Are you married?’ I said, ‘Yes.’ He said, ‘How are you with respect to him?’ She said, ‘I do not fail him in anything except for what I am not able to do.’ He said, ‘See how you are with respect to him for he is your Paradise or your Hell-fire.’”²

The meaning is, “Are you loving towards him, responding to his call or distancing yourself from him, ungrateful with respect to his goodness and favors towards you. You should be very careful for he is the reason for your entering Paradise if he is pleased with you or your entering the Fire if he is displeased with you.”³

And Abu Hurairah narrated that the Messenger of Allah (peace be upon him) said,

إذا صلّت المرأة خمسها وحصّنت فرجها وأطاعت بعلها دخلت من أي
أبواب الجنة شاءت

¹ Number 1171, the Book of Breastfeeding, Chapter on what has been narrated concerning the right of the husband upon the wife. It has supporting evidence in narrations in ibn Maajah and al-Haakim. [According to al-Albaani, this hadith is weak. See Muhammad Naasir al-Deen al-Albaani, *Dhaeef al-Jaami al-Sagheer* (Beirut: al-Maktab al-Islami, 1988), pp. 327-328.—JZ]

² Recorded by al-Nasaai in *Isbrah al-Nisaa* (pp. 1067-109). Al-Mundhiri declared its chain *hasan* in *al-Targheeb wa al-Tarheeb* (vol. 3, p. 53). Al-Haakim also recorded it (vol. 2, p. 189) as did al-Baihaqi (vol. 7, p. 291). Ahmad recorded it in *al-Musnad* (vol. 4, p. 341). [According to al-Albaani, this hadith is *hasan*. See al-Albaani, *Ṣaheeb al-Jaami al-Sagheer*, vol. 1, p. 316.—JZ]

³ See *Faidh al-Qadeer*, vol. 3, p. 60, by al-Munaawi.

“If the woman prayed her five daily prayers, guarded her chastity and obeyed her husband, she will enter Paradise through any gate she wills.”¹

However, the obedience by the wife to her husband is only with respect to those things that are good and acceptable. If he orders her to do something forbidden or to fail to perform an obligatory act, she must refuse to obey him. The Prophet (peace be upon him) has said,

لَا طَاعَةَ فِي مَعْصِيَةِ اللَّهِ إِنَّمَا الطَّاعَةُ فِي الْمَعْرُوفِ

“There is no obeisance in what is an act of disobedience to Allah. Obedience is only with respect to what is good and acceptable (*maroof*).”²

(2) Remaining in the House and Not Going out except with the Husband's Permission

Allah says in the Quran,

وَقَرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ الْأُولَى

“And stay in your houses and do not display yourselves like that during the times of Ignorance” (*al-Ahzaab* 33). In this verse, Allah ordered the wives of the Prophet (peace be upon him), and the women of this Nation also follow them in this order, to remain in their houses as a protection

¹ Recorded by ibn Hibbaan in his *Sabeeh* (#4163), The Book on Marriage: Mention of the prescribing of Paradise for the woman when she obeys her husband as well as fulfills the obligatory duties toward Allah. [This hadith has been graded *sahih* by both al-Albaani and Shuaib al-Arnaoot. See al-Albaani, *Sabeeh al-Jaami al-Sagheer*, vol. 1, p. 174; Ameer al-Deen al-Faarisi, *Al-Ibsaan fi Taqreeb Sabeeh ibn Hibbaan*, Shuaib al-Arnaoot, ed. (Beirut: Muassasat al-Risaalah, 1991), vol. 9, p. 471.—JZ]

² Recorded by al-Bukhari (#4340), Book on Military Expeditions, Chapter on the expedition of Abdullah ibn Hudhaafah al-Sahmi and Alqamah ibn Muharriz al-Mudlaji; Muslim (#1840) Book on Governmental Authority, Chapter on the obligation to obey the ruler on matters that are not acts of disobedience and its prohibition on matters that are acts of disobedience.

for them and a way of guarding the rights of their husbands. They are not to leave their houses except due to true needs.¹

Shaikh al-Islam ibn Taimiyah stated,

It is not allowed for a wife to leave her house except by the permission of her husband. It is not allowed for anyone to take her from him or to prevent her from going to him, even if she be a nursing mother, midwife or of any other type of occupation. If she leaves the house of her husband without his permission, she is being recalcitrant (*naashizah*), disobedient to Allah and His Messenger and deserving of punishment.²

(3) Responding to His Call When He Calls Her to His Bed

This was discussed earlier.

(4) Not Allowing Anyone to Enter His House except with His Permission

It is not permissible for the wife to allow someone to enter her husband's house if that is displeasing to the husband. The Prophet (peace be upon him) said,

وَلَكُمْ عَلَيْهِنَّ أَنْ لَا يُوطِئَنَّ فُرُشَكُمْ أَحَدًا تَكْرَهُونَهُ

“And your right upon them is that they do not allow anyone whom you dislike to sit on your cushion.”³ Al-Nawawi stated,

The preferred interpretation is that permission should not be given to anyone to enter your houses and sit on your

¹ See *Tafseer ibn Katheer*, vol. 3, p. 531.

² *Majmoo al-Fatawaa*, vol. 32, p. 281.

³ Recorded by Muslim in his *Sahih* (#1218), The Book on the Pilgrimage, Chapter on the pilgrimage of the Prophet (peace be upon him); it is part of the farewell speech of the Prophet (peace be upon him).

furnishings whom he [the husband] dislikes. This is regardless if the one given permission is a non-related man, a woman or one of the wife's relatives. The prohibition extends to all of them. The wife is not to permit any man, woman, relative or otherwise [to enter into her husband's house] unless she knows or believes that the husband does not dislike that person [to enter].¹

Sahih Muslim also contains the hadith of Abu Hurairah who narrated that the Messenger of Allah (peace be upon him) said,

لَا تَأْذَنُ فِي بَيْتِهِ وَهُوَ شَاهِدٌ إِلَّا بِإِذْنِهِ

“[The wife] is not to allow anyone into his house while he is present except with his permission.”² In *al-Fath*, ibn Hajr made the following comments:

The condition, “while he is present,” is not meant to imply anything to the contrary but is simply stated as what is the normal case. In other words, simply because the husband is not present does not mean that the wife is now allowed to permit anyone she wishes to enter his house. In fact, the prohibition in that case is even more stressed based on other confirmed hadith with prohibit her from allowing those to enter while he is not present.³

Al-Imam al-Nawawi wrote that this indicates that she cannot usurp the authority of the husband by permitting anyone to enter into his house except with his permission. This is applied to those cases where the wife does not know of the husband's non-objection to a specific person. If she knows that her husband is pleased with a person, there is no harm upon her [if she allows that person to enter his house], such as when it was the custom of the husband to allow his guests to enter a

¹ See *Sharh Saheeb Muslim*.

² *Saheeb Muslim* (#1026), the Book of Zakat, Chapter on what a slave can spend from the wealth of his master.

³ *Fath al-Baari*, vol. 9, p. 296.

specific part of the house, regardless of whether he is present or absent. In that case, she is not in need of specific permission from the husband to allow them to enter.

(5) Serving the Husband

From the rights of the husband upon the wife is that she must serve him in such matters as bringing up the children, preparing his food, taking care of the clothes and so forth. This is proper as a result of his being in charge of the affairs and it is one of the goals of a sound marriage. In this way, the structural make-up of the household and the affairs of the household will be according to what is natural. The wife should neither disdain nor be too proud to serve her husband if she has the ability to do so and he wants that from her.

In the *Sahih*s of al-Bukhari and Muslim it states that Faatimah, the daughter of the Messenger of Allah (peace be upon him), went to the Prophet (peace be upon him) to complain about the harm her hand was receiving from the stone handmill. She had heard that the Prophet (peace be upon him) had just received some slaves. However, she did not find the Prophet (peace be upon him), so she told Aishah about the matter and when the Prophet (peace be upon him) came, Aishah informed him about Fatima's request. Ali ibn Abu Taalib said, "So he came to us when we had gone to bed. We were going to get up for him but he said, 'Stay in your places.' He came and sat between us and I could feel the coldness of his feet upon my stomach. He said, 'Shall I not guide you to something that is better than what you have asked for? When you go to your beds, extol Allah's perfection thirty-three times [by saying *subhaanallah*], praise Allah thirty-three times and extol Allah's greatness thirty-four times. That is better for you than a servant.' I never abandoned that practice afterwards." He was asked, "Not even on the night of the Battle of Siffeen?" He replied, "Not even on the night of the Battle of Siffeen."¹

¹ *Sahih al-Bukhari* in a number of places, including (#5361), the Book on Expenditures, Chapter on the wife working in the house of her husband; *Sahih Muslim* (#2182), Book on Greeting, Chapter on the permissibility of giving a lift to a

It has been authentically narrated from Asmaa bint Abu Bakr al-Siddeeq that she said, "I used to serve al-Zubair ibn al-Awwaam— her husband— concerning all of the matters within the house. He used to have a horse that I used to take care of and give it its fodder. I would feed the horse and draw water for it." She would also sew the waterbucket and prepare the dough. She used to carry the dates upon her head from [al-Zubair's] land which was about two miles away from her house.¹

Shaikh al-Islam ibn Taimiyah said:

The scholars have disputed over whether or not it is obligatory upon her [the wife] to serve him [the husband] in things like taking care of the household items, serving the food, drink, bread, flour, food for his slaves and his animals, such as preparing fodder for his horse and so on. Some say that such service is not obligatory. That opinion is weak, like the weakness of those who say that it is not obligatory upon him to have intimacy and sexual relations with her. This [not serving the husbands] means she is not treating him in a good manner. In fact, the companion on a journey, who is similar to a person and his mate in a household, if he does not help in doing what is needed has not treated his companion in the proper way.

It is said— and it is correct— that such service is obligatory. The husband is described as her master [or lord, *sayyid*] in the Book of Allah.² She is like his captive as described in the sunnah of the Messenger of Allah

non-related woman if she is exhausted on the road. Siffeen is a place on the banks of the Euphrates wherein took place the famous battle between Ali and Muawiyah (may Allah be pleased with both of them) in the year 37 A.H. (*Mujam al-Buldaan*, vol. 3, p. 414).

¹ See *Sabih al-Bukhari* (#5224), *Sabih Muslim* (#2182), *Musnad al-Imaam Ahmad*, vol. 6, pp. 437 and 452.

² He is referring to the verse, "They both found her master at the door" (*Yousuf* 25).

(peace be upon him).¹ It is obligatory upon the captive and the slave to serve. That is what is well-known and accepted. Then there are some who say that light service is what is obligatory upon her while others say that the service that is customary and accepted is what is obligatory upon her. [The latter opinion] is the correct opinion. She must serve her husband according to what is customary for someone like her with respect to someone like him. The situation differs under different circumstances. The serving by the bedouin woman is not like that by the city woman. The serving by the strong woman is not like that by a weak woman.²

Ibn al-Qayyim wrote:

Those who say that her serving [her husband] is obligatory cite as an argument the fact that such was the customary practice among those whom Allah addressed with His speech. Furthermore, the dower is in exchange for the right to sexual intercourse. But each spouse fulfills his [or her] desire with the other. Therefore, Allah has obliged the man to maintain her, clothe her and give her housing in exchange for being able to enjoy her and for her serving him. And this has been the normal custom among the spouses. And again, the contracts that are left

¹ He is referring to the hadith which states, "Fear Allah with respect to women for they are like captives among you." Recorded by al-Tirmidhi (#1163), the Book on Fostering, Chapter on the right of a woman over her husband, ibn Maajah (#1851), Ahmad, vol. 5, pp. 72-73 and others. [The narration in al-Tirmidhi begins with the words, "I advise you to treat women well." According to al-Albaani, this hadith is *hasan*. See al-Albaani, *Sabeeh Sunan al-Tirmidhi*, vol. 1, p. 341. Many commentators do not go as far as ibn Taimiyah in interpreting said hadith. For example, the Maliki jurist Abu Bakr ibn al-Arabi stated, in his commentary to *Sunan al-Tirmidhi*, that the wife is a captive only in the sense that she is not allowed to leave her house without her husband's permission and she is not free to spend of his wealth without his permission. See Abu Bakr ibn al-Arabi, *Aaridhat al-Ahwadhi bi-Sharh Sabeeh al-Tirmidhi* (Beirut: Dar al-Kutub al-Ilmiyyah, n.d.), vol. 5, p. 108.—JZ]

² See *Majmoo al-Fataawa*.