166912 - If a Husband Ignores His Wife, What Should Be Done?

the question

I have been married for five years and I have two children. He taught me about Islam and he taught me a great deal, praise be to Allah. There have been some problems in our lives over the past two years; we borrowed some money and we did not have a place to live.

There were some problems with my husband, and at work, and he could not leave the UK and did not see his family for eight years. I was learning Islam, and in particular how to be patient and how to deal with my husband.

I was always impatient, and I used to insist that he bring me what I want. My husband has changed a great deal, and now I do not ask him for anything except that he should spend time with his family, but he does not care.

There is no physical contact (intercourse) between us; he does not kiss me or touch me or talk to me, and it seems that he does not want to come home because of me and because of the children.

My husband does not only want to leave us; he does not care about us either. I hope that you can give me some advice, because he does not answer my questions. I am trying to be patient and to ignore his bad behaviour, but I also have physical needs and I have rights that he is not giving to me.

Summary of answer

1- The wife has rights over her husband and the husband has rights over his wife.
2- Marital problems should be resolved in an atmosphere of mutual understanding, frankness, affection and love.

Detailed answer

Praise be to Allah.

Rights of wife in Islam

The wife has rights over her husband , namely: kind treatment, maintenance, accommodation, enabling her to maintain her chastity and meeting her emotional needs. All of these rights are supported by the evidence of the Quran and Sunnah.

Rights of Husband in Islam

By the same token, the husband has rights over his wife, namely: kind treatment, and obedience with regard to that which is right and proper, allowing him to be intimate with her, serving him, and not going out of the house except with his permission.

The remedy for marital problems begins with each partner knowing his or her rights or duties, then after that both spouses are called upon to show kindness and treat one another in a reasonable manner, as Allah, may He be exalted, says (interpretation of the meaning):

“And live with them in kindness.” [an-Nisa 4:19]

“And due to the wives is similar to what is expected of them, according to what is reasonable.” [al-Baqarah 2:228]

If the husband falls short in his duties, or if the wife falls short in her duties, then there will be problems and the relationship between them will be spoiled.

You have mentioned that your husband is distant from you and from your children, and he does not give you your rights with regard to intimacy. Undoubtedly this is clearly wrong, because it is contrary to the kind treatment that Allah has enjoined, and because it is depriving the wife of her right to intercourse and upholding chastity.

It says in al-Mawsu‘ah al-Fiqhiyyah (30/127):

“One of the rights that the wife has over the husband is that he should maintain her chastity, by having intercourse with her. The majority of fuqaha – Hanafis, Malikis and Hanbalis – are of the view that it is obligatory for the husband to have intercourse with his wife.”

Guidelines on intercourse with wife

The scholars differed concerning the guideline according to which the husband must have intercourse with his wife . The soundest view is that it should be according to her need and his ability.

Shaykh al-Islam Ibn Taymiyyah (may Allah have mercy on him) was asked about a man, if he does not have intercourse with his wife for a month or two months, is there any sin on him or not? Should the husband be required to do that?

He replied:

“The husband must have intercourse with his wife on the basis of what is reasonable; this one of the most important rights that she has over him; it is more important than feeding her. It is said that the obligatory frequency of intercourse is once every four months, or that it is according to her need and his ability, just as he feeds her according to her need and his ability. This is the more sound of the two views.” (Majmu‘ al-Fatawa (32/271)

Shunning or forsaking the wife is haram unless she is nashiz, i.e., willfully disobedient towards him.

How to fix marital problems

Marital problems should be resolved in an atmosphere of mutual understanding, frankness, affection and love. Each spouse should listen to the other, in order to understand the problems and their causes, and the ways in which to solve them, and to find out who is falling short in his or her duties. Thus matters may be rectified and their children can be given a sound upbringing in a good atmosphere.

You may have done some things that are the cause of this problem, but this does not mean that your husband can carry on shunning you and falling short in his duties.

We advise you to speak frankly to your husband and try to reach an understanding, and to apologize for any mistakes that you may have made. If your husband refuses to sit down with you and discuss the issue, then you can seek the help of a righteous person from among his family or yours, or someone whom you know in the Muslim community, as Allah, may He be exalted, says (interpretation of the meaning):

“And if you fear dissension between the two, send an arbitrator from his people and an arbitrator from her people. If they both desire reconciliation, Allah will cause it between them. Indeed, Allah is ever Knowing and Acquainted [with all things].” [an-Nisa 4:35]

Then this arbitrator can listen to both of you, understand where both of you may be falling short, and advise you to do that which will be beneficial and good for both of you.

When to seek divorce

If the husband persists in shunning his wife for no justifiable reason, and he refuses to give her her rights to intimacy, it is permissible for her to seek divorce, so as to ward off harm from herself and so that she may be able to marry a man who will give her her rights and take care of her.

But the woman should not be hasty in seeking divorce; rather it is better for her to be patient and to try to work things out with her husband, in the hope that Allah, may He be exalted, will set things right between them, so that there will be a harmonious atmosphere in the home and the family may remain together.

We ask Allah, may He be exalted, to reconcile between you and bring you together in an atmosphere of righteousness and piety.

And Allah knows best.