219686 - She hates her husband and is asking whether he or her father have the right to force her to stay with him, and what are his rights over her if she resents him??

the question

1)is it ALLOWED for a father and husband to keep a woman forcefully in a marriage? even though i told both of them i need a divorce.I also told them that its haram and I will ask you both infront of Allah about this crime.because both of them unite and force me to stay in this marriage even I tell them on their face yet they ignore it.

2)if due to these circumstances a woman goes on the wrong path.falls into haram relationships who is responsible?
3) if such a husband calls her wife to bed,and wife doesnt accept him as a husband. what should she do? would it be haraam if she says NO to him? and even if she says yes. she goes through mental and physical torture.who is responsible for it?
4) if i dont listen to my husband is it right or wrong?what kind of behaviour should i have with him while im being forced to live with him?
5) is it allowed for me to make Dua from ALLAH that Allah should make me get rid of my husband because of his behavior with me for 9 years and marry someone who respects me and love me and my kids.
6)is it also allowed that even if i stay married to my husband all my life.i can make Dua that if ALLAH grants me JANNAH out of his Mercy , then i should be with someone else in jannah?

Detailed answer

Praise be to Allah.

Firstly:

If a woman hates her husband’s attitude, such as if he is harsh, cruel or quick to anger, or if she

dislikes his physical appearance, such as if he has a physical defect or is ugly or is lacking some physical faculty, or there is strong resentment between them, and she cannot live with him honourably, then she may ask for separation from him (khula‘). This has been discussed previously in fatwa no. 1859.

Secondly:

The father has no right to force his daughter to stay with a husband she does not want to stay with, and it is not permissible for the husband – according to the most correct opinion – to refuse to allow khula‘. If he refuses, it is permissible for the authorities to force him to grant it. This has been discussed in fatwa no. 152402.

Thirdly:

It is not permissible for a woman, so long as she is still a wife, to refuse to share her husband’s bed even if she dislikes him, because allowing him to be intimate with her is a right that is granted by sharee‘ah. Hence it is not permissible for her to refuse that. But if she dislikes him and is put off having marital relations with him, then Islam has given her a respectable way out by means of khula‘. So she should hasten to separate from him by means thereof.

For information on the ruling on a wife’s refusal to share her husband’s bed if she dislikes some of his actions, please see fatwa no. 118326.

Similarly, it is not permissible for her so long as she is still a wife, to refuse to obey him in that which is right and proper, because this is also one of the rights that he has over her. This has been discussed in fatwa no. 10680.

Fourthly:

It is permissible for her to pray against her husband if he mistreats her, asking Allah to replace him with someone better than him. The ruling on praying against a husband has been discussed in fatwa no. 139410. However it is better and preferable to pray for him to be guided and for their affairs to be set straight.

Fifthly:

With regard to matters of the hereafter and what will happen after admittance to Paradise, you should not worry about that. If you remain his wife until death, and Allah, may He be glorified, blesses you both with admittance to Paradise, then there will be no grudges or resentment in Paradise. Allah, may He be glorified, will remove from the hearts of the people of Paradise all grudges and resentment. Allah, may He be glorified, says (interpretation of the meaning):

“And We shall remove from their hearts any (mutual) hatred or sense of injury (which they had, if at all, in the life of this world); rivers flowing under them, and they will say: ‘All the praises and thanks be to Allah, Who has guided us to this, never could we have found guidance, were it not that Allah had guided us!’” [al-A‘raaf 7:43].

In Tafseer al-Baghawi (3/229) it says: “And We shall remove from their hearts any (mutual) hatred or sense of injury” that is any ill feeling that resulted from deceit or enmity between them in the former world, and We shall make them brothers facing one another on couches. They will not envy one another for anything that Allah has bestowed exclusively upon some of them. End quote.

Sixthly:

Hating the husband and resenting him does not make it acceptable for the wife to transgress the limits set by Allah, may He be glorified, or to fall into that which is prohibited. If she does that then she is sinning. Allah, may He be exalted, says (interpretation of the meaning): “No person earns any (sin) except against himself (only)” [al-An‘aam 6:164]. It says in Tafseer al-Qurtubi (7/156): That is, no one will be accountable for sins committed by anyone except himself. End quote. In Tafseer al-Aloosi (4/312) it says: Each soul will have to bear whatever it has earned of sin, and that burden will not be placed on anyone else. End quote.

But you should not let yourself reach that limit; rather as soon as you feel that you are unable to stay with him and fulfil his rights, then you should separate from him by khula‘ and not stay with him. Seek the intervention of good people who are smart and wise, to help you achieve that. There is no blame on you if you refer the matter to the (shar‘i) courts, for Allah, may He be exalted, says

(interpretation of the meaning):

“But if they separate (by divorce), Allah will provide abundance for everyone of them from His Bounty. And Allah is Ever AllSufficient for His creatures need, AllWise” [an-Nisa’ 4:130].

And Allah knows best.