227680 - A woman’s rights over her husband include clothing, separate accommodation and payment of the mahr in full

the question

My sister and I married two brothers. We live in a small apartment and we do not have any privacy at all. We asked them for separate rooms for the children, but they are stingy and do not spend on us apart from providing food only. There are problems between me and my sister because of everything. Please note that they went through some financial difficulties and we lent them our engagement gold, but up till now they have not given it back to us. We hope that you can advise us how to solve these problems.

Detailed answer

Praise be to Allah.

Firstly:

Giving the wife separate accommodation that is appropriate to her situation and that of the husband is one of the rights that she has over her husband. Allah, may He be Exalted, says:

{Accommodate them where you also reside, according to your means, and do not harass them in order to make their lives difficult} [At-Talaq 65:6].

The husband does not have the right to make her live in shared accommodation with his family, whether that is his mother, his brothers, his sisters or any of his other relatives. Rather what is required is to give her separate accommodation that is not shared with anyone else, in a place that is suitable for her to live and sleep in, equipped with basic facilities such as a kitchen, bathroom and so on. This has been explained in the answer to question no. 7653.

The way you are living all together in your house – as you describe it – is something that is

prohibited and is not permissible, because it will inevitably lead to unlawful mixing, exposing of `awrahs, being alone with a non-mahram and other things that could incur the wrath and anger of Allah, may He be Exalted.

The Prophet (blessings and peace of Allah be upon him) warned against being alone with women and entering rooms where they are in general terms, and he emphasized the warning in the case of the husband's relatives, because they are able to be alone with the woman and they have means of committing evil and immoral deeds that are not available to others.

It was narrated from `Uqbah ibn `Amir that the Messenger of Allah (blessings and peace of Allah be upon him) said: "Beware of being alone with a woman." A man from among the Ansar said: "O Messenger of Allah, what about the in-law?" He said: "The in-law is death." (Narrated by Al-Bukhari, 4934 and Muslim, 2172).

The in-law is the husband's relative. It is may be noted that the Sahabi wanted the husband's relatives to be excluded from this ruling, but the warning was made more emphatic in his case, because an in-law's entering the house and being alone with a woman is not regarded as odd by people.

An-Nawawi (may Allah have mercy on him) said: With regard to the Prophet's words, "The in-law is death", what is meant is that the fear in his case is greater, evil is to be expected from him, and the temptation is greater, because he is able to reach the woman and be alone with her without anyone objecting to that, unlike one who is a stranger (a non-mahram). What is meant by the in-law here is all the relatives of the husband apart from his father and sons, who are mahrams for the wife and she is allowed to be alone with them; they are not described as "death." It refers to the brother, nephew, uncle, cousin and other relatives of the husband who are not mahrams, and people customarily treat this matter lightly, so a man may sit alone with his brother's wife. That is why the in-law is likened to death, and he is the foremost among non-mahram men who should be prevented from what is mentioned above.(*Sharh Muslim*, 14/154).

Secondly:

One of the rights that a woman has over her husband is that he should provide her with clothing. It was narrated from Hakim ibn Mu`awiyah al-Qushayri that his father said: I said: O Messenger of Allah, what are the rights of the wife of one of us? He said: “That you should give her food when you eat, clothe her when you clothe yourself, do not strike her on the face, do not revile her and if you shun her, do not leave the house.” Narrated by Abu Dawud, 2142.

This hadith indicates that maintenance is one of the rights of the wife that the husband is obliged to fulfil. What is required in terms of maintenance is ensuring that the wife has sufficient food, drink and clothing.

This hadith indicates that maintenance is one of the rights of the wife that the husband must provide. What is required in terms of maintenance is to provide what is sufficient for the wife in terms of food, drink and clothing.

Shaykh Ibn `Uthaymin (may Allah have mercy on him) said, commenting on this hadith: What is meant is do not spend on clothing yourself and exclude her, and do not spend on feeding yourself and exclude her. Rather she is your life partner, and you must spend on her as you spend on yourself, to the extent that many of the scholars say that if a man does not spend on his wife, and she asks the judge for an annulment of the marriage, the judge may annul the marriage, because he has fallen short in fulfilling one of her rights.(*Sharh Riyad as-Salihin*, 3/131).

Ibn Qudamah said in *Al-Mughni* (8/199): It is obligatory for him to clothe her, according to scholarly consensus… to the extent of that which is sufficient for her, which is not a specific amount stated by Islamic teaching… Reference should be made concerning that to what the judge decides is appropriate, so that he may allocate to her as much as is sufficient for her, commensurate with how well off the couple are, and in accordance with what is customary for people of their standing in terms of clothing… So the judge may decide for a well-off woman who is married to a well-off man clothing of the best quality in the city, and for a woman who is not well-off and is married to a man who is not well-off, he may rule that she should have rough cotton and linen, and by the same token, he may rule that for a woman who is of moderate means and is married to a man of moderate means [she should be given clothing of medium quality], and increase the number of

garments in accordance with what is customarily worn, that a woman cannot do without, not that which is worn for adornment. End quote.

Thirdly:

The engagement jewellery that is given to the woman is part of the mahr, and the mahr belongs solely to the woman, as Allah, may He be Exalted, has granted it to her and has instructed husbands to give it to their wives. Allah, may He be Exalted, says: {And give the women [on marriage] their dowry graciously; but if they, of their own accord, choose to give up to you a part of it, you may enjoy it with a clear conscience} [An-Nisa' 4:4].

Based on that, whatever your husband took from you of the engagement jewelry and sold it to meet his needs is a debt that he owes, and he must pay it back when Allah enables him to do so.

Summary of the answer:

This living situation, and residing in one apartment, is not acceptable according to Islamic teachings. Even if they had stated and stipulated that from the beginning, such a condition is invalid and is not supported by anything in the Book of Allah, especially since you moved there from the first accommodation in which you got married and where you lived initially, to a place that is smaller and worse than it. What you and your sister must do is try to talk to your husbands and explain the Islamic ruling on this situation to them, and try to urge your husband to pay attention to what is appropriate for the family, in accordance with the rulings and etiquette of Islam. There is nothing wrong with asking some sincere people among your family and relatives to mediate in order to solve this problem. Until that can be done, you should strive hard to do what you are able to do, and cover your hair when your husband's brother is there, and do not sit on your own with him, because Allah, may He be Exalted, says: {So fear Allah as much as you are able} [At-Taghabun 64:16].