105285 - She Vowed to Fast Nine Days of Dhul-Hijjah but Her Husband Refused: What Should She Do?

the question

A woman made a vow about three years ago, before she got married; she vowed to Allah, may He be exalted, that she would fast the first nine days of the month of Dhul-Hijjah every year. She was not aware that making vows is *makrooh* (disliked) and she does not remember whether she made an exception, saying that she would stop after she got married, or would refer the matter to her husband, or not.

But now she has got married and her husband does not let her fast, because it is a *nafl* (supererogatory) fast and it is not permissible for her to observe this fast without his approval. Moreover, she is not able to fast for health reasons. She is asking whether she is obliged to continue with this vow to fast in the face of her husband's opposition and her poor health, or does she have to offer an expiation for breaking an oath (*kaffaarat yameen*) and rid herself of this obligation, or does she have to make it up later on at some other time, not fasting the days consecutively, or what should she do?

Summary of answer

1. If a wife makes a vow to fast the first nine days of Dhul-Hijjah on a permanent basis, it is a vow to do an act of obedience and she is obliged to fulfill it.
2. The husband does not have the right to prevent her from doing that, because her husband may only prevent her from observing voluntary fasts. Please see the details below.

Detailed answer

Praise be to Allah.

"Firstly:

It should be pointed out that making vows is *makrooh* or *haraam*, because it obliges the Muslim to do something that he may not be able to do, or it may be very difficult for him to do when he is fine without it.

The Muslim should do good deeds, such as fasting and other acts, without making vows, when he has the option of not doing it if he so wishes. But if he makes a vow, he is obliging himself and making it obligatory to fulfill his vow, if it is a vow to do an act of obedience. This is because the Prophet Muhammad (blessings and peace of Allah be upon him) said: "Whoever makes a vow to do an act of obedience to Allah, let him do it"; and he said: "Fulfill your vows."

Allah, may He be exalted, says (interpretation of the meaning):

"They (are those who) fulfill (their) vows" [Al-Insaan 76:7];

"Then let them … perform their vows" [Al-Hajj 22:29];

"And whatever you spend for spendings (e.g., in *Sadaqah* - charity, etc. for Allah's Cause) or whatever vow you make, be sure Allah knows it all" [Al-Baqarah 2:270].

If a person does make a vow, and it is a vow to do an act of obedience, then he is obliged to act upon it. But if he has not already made a vow, the Muslim should not oblige himself or make a vow.

What the questioner mentions, about having made a vow to fast the first nine days of Dhul-Hijjah on a permanent basis, is a vow to do an act of obedience and she is obliged to fulfill it.

Her husband does not have the right to prevent her from doing that, because her husband may only prevent her from observing voluntary fasts. But in the case of obligatory fasts that are connected to a specific time, it is not permissible for her husband to prevent her from doing it.

She made a vow to fast these specific days, so she must fulfill that vow. If she says that she is not able to do it for health reasons, if what she means is that it is difficult for her, that does not mean that she should not do what has become obligatory, even if it is difficult for her.

So she should fast, because she has obliged herself to do that. It is well-known that fasting may be difficult even for one who is strong.

But if what she means is that she cannot fast, then in the year in which she is not able to fast because of sickness or physical weakness, she must offer expiation for breaking an oath (kaffarat yameen). Then if she becomes stronger in the following year, she must fast, and so on.

Therefore, it is not permissible for her to not do what she vowed to do, because she has obliged herself to do that.

The Muslim should not take the matter of vows lightly, making a vow and obliging himself to do something, then after that looking for ways out and tricks to avoid doing it. This is not permissible, because what one vows to do becomes an obligatory duty, and it is not permissible to not do it without a legitimate *Shar'i* reason.

If those days coincide with her monthly period, then she is excused for not fasting them, because this is a legitimate *Shar'i* excuse, such as if she falls sick. This excuse waives the obligation of fasting on those days, but if those days come and she has no legitimate *Shar'i* excuse, in the sense that she is in good health and is not menstruating, then she must fast them." (*From Majmu` Fatawa Al-Shaykh Salih al-Fawazan*, 1/90)

Almighty Allah knows best.