10680 - Rights of Husband and Rights of Wife in Islam

the question

What are a wife's rights on her husband according the Quran and Sunnah? Or what are a husband’s duties to his wife and vice-versa?

Summary of answer

The wife has financial rights over her husband which are the mahr , spending and accommodation. And she has non-financial rights such as fair division between co-wives, being treated in a decent and reasonable manner, and not being treated in a harmful way by her husband.

Detailed answer

Praise be to Allah.

Islam has enjoined upon the husband duties towards his wife, and vice versa, and among these duties are some which are shared by both husband and wife.

We will mention – by the help of Allah – some of the texts of the Quran and Sunnah which have to do with the duties of the spouses towards one another, quoting also from the commentaries and views of the scholars.

Rights of wife in Islam

The wife has financial rights over her husband which are the mahr (dowry), spending and accommodation.

And she has non-financial rights such as fair division between co-wives, being treated in a decent and reasonable manner, and not being treated in a harmful way by her husband.

1- Financial rights of the wife

(a) The mahr (dowry)

This is the money to which the wife is entitled from her husband when the marriage contract is completed or when the marriage is consummated. It is a right which the man is obliged to pay to the woman . Allah says (interpretation of the meaning):

“And give to the women (whom you marry) their Mahr (obligatory bridal-money given by the husband to his wife at the time of marriage) with a good heart.” [al-Nisa 4:4]

The prescription of the mahr demonstrates the seriousness and importance of the marriage-contract, and is a token of respect and honour to the woman.

The mahr is not a condition or essential part of the marriage contract, according to the majority of jurists; rather it is one of the consequences of the contract. If the marriage contract is done without any mention of the mahr, it is still valid, according to the consensus of the majority, because Allah says (interpretation of the meaning):

“There is no sin on you, if you divorce women while yet you have not touched (had sexual relation with) them, nor appointed unto them their Mahr (bridal-money given by the husband to his wife at the time of marriage).” [al-Baqarah 2:236]

The fact that divorce is permitted before consummation of the marriage or before stipulating the mahr indicates that it is permissible not to stipulate the mahr in the marriage contract.

If the mahr is stipulated, it becomes obligatory upon the husband; if it is not stipulated, then he must give the mahr that is given to women of similar status to his wife.

(b) Spending

The scholars of Islam are agreed that it is obligatory for husbands to spend on their wives, on the condition that the wife makes herself available to her husband. If she refuses him or rebels, then she is not entitled to that spending.

The reason why it is obligatory to spend on her is that the woman is available only to her husband, because of the marriage contract, and she is not allowed to leave the marital home except with his permission. So he has to spend on her and provide for her, and this is in return for her making herself available to him for his pleasure.

What is meant by spending is providing what the wife needs of food and accommodation. She has the right to these things even if she is rich, because Allah says (interpretation of the meaning):

“but the father of the child shall bear the cost of the mother’s food and clothing on a reasonable basis.” [al-Baqarah 2:233]

“Let the rich man spend according to his means; and the man whose resources are restricted, let him spend according to what Allah has given him.” [al-Talaq 65:7]

The Prophet (peace and blessings of Allah be upon him) said to Hind bint ‘Utbah – the wife of Abu Sufyan – who had complained that he did not spend on her: “Take what is sufficient for you and your children, on a reasonable basis.”

‘Aishah said: “Hind bint ‘Utbah, the wife of Abu Sufyan, entered upon the Messenger of Allah (peace and blessings of Allah be upon him) and said, ‘O Messenger of Allah, Abu Sufyan is a stingy man who does not spend enough on me and my children, except for what I take from his wealth without his knowledge. Is there any sin on me for doing that?’ The Messenger of Allah (peace and blessings of Allah be upon him) said, ‘Take from his wealth on a reasonable basis, only what is sufficient for you and your children.’” (Narrated by al-Bukhari, 5049; Muslim, 1714)

Jabir narrated that the Messenger of Allah (peace and blessings of Allah be upon him) said in his Farewell Sermon:

“Fear Allah concerning women! Verily you have taken them on the security of Allah, and intercourse with them has been made lawful unto you by words of Allah. You too have rights over them, and that they should not allow anyone to sit on your bed [i.e., not let them into the house] whom you do not like. But if they do that, you can chastise them but not severely. Their rights

upon you are that you should provide them with food and clothing in a fitting manner” (Narrated by Muslim, 1218)

(c) Accommodation

This is also one of the wife’s rights, which means that her husband should prepare for her accommodation according to his means and ability. Allah says (interpretation of the meaning):

“Lodge them (the divorced women) where you dwell, according to your means.” [al-Talaq 65:6]

2- Non-financial rights

(i) Fair treatment of co-wives

One of the rights that a wife has over her husband is that she and her co-wives should be treated equally , if the husband has other wives, with regard to nights spent with them, spending and clothing.

(ii) Kind treatment

The husband must have a good attitude towards his wife and be kind to her, and offer her everything that may soften her heart towards him, because Allah says (interpretation of the meaning):

“…and live with them honourably.” [al-Nisa 4:19]

“And they (women) have rights (over their husbands as regards living expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable.” [al-Baqarah 2:228]

Abu Hurayrah (may Allah be pleased with him) said: “The Messenger of Allah (peace and blessings of Allah be upon him) said: ‘Be kind to women.’”(Narrated by al-Bukhari, 3153; Muslim, 1468).

How Prophet Muhammad treated his wives

There follow examples of the kind treatment of the Prophet (peace and blessings of Allah be upon him) towards his wives – for he is the best example:

1. Zaynab bint Abi Salamah narrated that Umm Salamah said: “I got my menses when I was lying with the Prophet (peace and blessings of Allah be upon him) under a single woollen sheet. I slipped away and put on the clothes I usually wore for menstruation. The Messenger of Allah (peace and blessings of Allah be upon him) said to me, ‘Have you got your menses?’ I said, ‘Yes.’ Then he called me and made me lie with him under the same sheet.”

She said: And she told me that the Prophet (peace and blessings of Allah be upon him) used to kiss her when he was fasting, and the Prophet (peace and blessings of Allah be upon him) and I used to do ghusl to cleanse ourselves from janabah from one vessel.(Narrated by al-Bukhari, 316; Muslim, 296)

2. ‘Urwah ibn al-Zubayr said: “ ‘Aishah said: ‘By Allah, I saw the Messenger of Allah (peace and blessings of Allah be upon him) standing at the door of my apartment when the Abyssinians were playing with their spears in the Mosque of the Messenger of Allah (peace and blessings of Allah be upon him). He covered me with his cloak so that I could watch their games, then he stood there for my sake until I was the one who had had enough. So you should appreciate the fact that young girls like to have fun.’” (Narrated by al-Bukhari, 443; Muslim, 892)

3. ‘Aishah, the Mother of the Believers (may Allah be pleased with her), narrated that the Messenger of Allah (peace and blessings of Allah be upon him) used to pray sitting down; he would recite Quran when he was sitting down, then when there were thirty or forty ayahs left, he would stand up and recite them standing up. Then he did ruku’, then sujud; then he would do likewise in the second rak’ah. When he had finished his prayer, he would look, and if I was awake he would talk with me, and if I was asleep he would lie down. (Narrated by al-Bukhari, 1068)

(c) Not harming one's wife

This is one of the basic principles of Islam. Because harming others is haram in the case of strangers, it is even more so in the case of harming one's wife.

'Ubadah ibn al-Samit narrated that the Messenger of Allah (peace and blessings of Allah be upon him) ruled, "There should be no harming nor reciprocating harm." (Narrated by Ibn Majah,, 2340)

This hadith was classed as sahih by Imam Ahmad, al-Hakim, Ibn al-Salah and others. See Khulasat al-Badr al-Munir, 2/438.

Among the things to which the Lawgiver drew attention in this matter is the prohibition of hitting or beating in a severe manner.

Jabir narrated that the Messenger of Allah (peace and blessings of Allah be upon him) said in his Farewell Sermon:

"Fear Allah concerning women! Verily you have taken them on the security of Allah, and intercourse with them has been made lawful unto you by words of Allah. You too have rights over them, and that they should not allow anyone to sit on your bed [i.e., not let them into the house] whom you do not like. But if they do that, you can chastise them but not severely. Their rights upon you are that you should provide them with food and clothing in a fitting manner" (Narrated by Muslim, 1218)

Rights of husband in Islam

The rights of the husband over his wife are among the greatest rights; indeed his rights over her are greater than her rights over him, because Allah says (interpretation of the meaning):

"And they (women) have rights (over their husbands as regards living expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable, but men have a degree (of responsibility) over them." [al-Baqarah 2:228]

al-Jassas said: Allah tells us in this verse that each of the spouses has rights over the other, and that the husband has one particular right over his wife which she does not have over him.

Ibn al-'Arabi said: this text states that he has some preference over her with regard to rights and duties of marriage.

These rights include:

(a) The obligation of obedience

Allah has made the man a qawwaam (protector and maintainer) of the woman by commanding, directing and taking care of her, just as guardians take care of their charges, by virtue of the physical and mental faculties that Allah has given only to men and the financial obligations that He has enjoined upon them. Allah says (interpretation of the meaning):

"Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend (to support them) from their means." [al-Nisa 4:34]

'Ali ibn Abi Talhah said, narrating from Ibn 'Abbas: "Men are the protectors and maintainers of women" means, they are in charge of them, i.e., she should obey him in matters of obedience that Allah has enjoined upon her, and obey him by treating his family well and taking care of his wealth. This was the view of Muqatil, al-Suddi and al-Dahhak. (Tafsir Ibn Kathir, 1/492)

(b) Making herself available to her husband

One of the rights that the husband has over his wife is that he should be able to enjoy her (physically). If he marries a woman and she is able to have intercourse, she is obliged to submit herself to him according to the contract, if he asks her. That is after he gives her the immediate mahr, and gives her some time – two or three days, if she asks for that – to sort herself out, because that is something that she needs, and because that is not too long and is customary.

If a wife refuses to respond to her husband's request for intercourse , she has done something haram and has committed a major sin, unless she has a valid shar'i excuse such as menses,

obligatory fasting, sickness, etc.

Abu Hurayrah (may Allah be pleased with him) said: “The Messenger of Allah (peace and blessings of Allah be upon him) said: ‘When a man calls his wife to his bed and she refuses, and he went to sleep angry with her, the angels will curse her until morning.’” (Narrated by al-Bukhari, 3065; Muslim, 1436)

(c) Not admitting anyone whom the husband dislikes

One of the rights that the husband has over his wife is that she should not permit anyone whom he dislikes to enter his house.

Abu Hurayrah (may Allah be pleased with him) narrated that the Messenger of Allah (peace and blessings of Allah be upon him) said: “It is not permitted for a woman to fast when her husband is present without his permission, or to admit anyone into his house without his permission. And whatever she spends (in charity) of his wealth without his consent, ….” (Narrated by al-Bukhari, 4899; Muslim, 1026)

Sulaymaan ibn ‘Amr ibn al-Ahwas said: my father told me that he was present at the Farewell Pilgrimage (Hajjat al-Wada’) with the Messenger of Allah (peace and blessings of Allah be upon him). He [the Prophet (peace and blessings of Allah be upon him)] praised and glorified Allah, then he preached a sermon and said: “Treat women kindly, for they are (as) prisoners and you have no other power over them than that, if they are guilty of open lewdness, then refuse to share their beds, and hit them, but not severely. But if they return to obedience, (then) do not seek means (of annoyance) against them. You have rights over your women and your women have rights over you. Your rights over your women are that they should not let anyone whom you dislike sit on your bed and they should not let anyone whom you dislike enter your house. Their rights over you are that you should feed and clothe them well.” (Narrated by al-Tirmidhi, 1163 – he said this is a sahih hasan hadith. Also narrated by Ibn Majah, 1851)

Jabir said: [the Prophet] (peace and blessings of Allah be upon him) said:

“Fear Allah concerning women! Verily you have taken them on the security of Allah, and intercourse with them has been made lawful unto you by words of Allah. You too have rights over them, and that they should not allow anyone to sit on your bed [i.e., not let them into the house] whom you do not like. But if they do that, you can chastise them but not severely. Their rights upon you are that you should provide them with food and clothing in a fitting manner.” (Narrated by Muslim, 1218)

(d) Not going out of the house except with the husband’s permission

One of the rights of the husband over his wife is that she should not go out of the house except with his permission.

The Shafi'is and Hanbalis said: she does not have the right to visit (even) her sick father except with the permission of her husband, and he has the right to prevent her from doing that… because obedience to the husband is obligatory, and it is not permitted to neglect an obligatory action for something that is not obligatory.

(e) Discipline

The husband has the right to discipline his wife if she disobeys him in something good, not if she disobeys him in something sinful, because Allah has enjoined disciplining women by forsaking them in bed and by hitting them (lightly and if there is any benefit in that), when they do not obey.

The Hanafis mentioned four situations in which a husband is permitted to discipline his wife by hitting her (lightly). These are: not adorning herself when he wants her to; not responding when he calls her to bed and she is tahirah (pure, i.e., not menstruating); not praying; and going out of the house without his permission.

The evidence that it is permissible to discipline one's wife includes the ayahs (interpretation of the meaning):

“As to those women on whose part you see ill-conduct, admonish them (first), (next) refuse to share their beds, (and last) beat them (lightly, if it is useful).” [al-Nisa 4:34]

“O you who believe! Ward off yourselves and your families against a Fire (Hell) whose fuel is men and stones.” [al-Tahrim 66:6]

Ibn Kathir said:

Qatadah said: “You should command them to obey Allah, and forbid them to disobey Allah; you should be in charge of them in accordance with the command of Allah, and instruct them to follow the commands of Allah, and help them to do so. If you see any act of disobedience towards Allah, then stop them from doing it and rebuke them for that.

This was also the view of al-Dahhak and Muqatil: that the duty of the Muslim is to teach his family, including his relatives and his slaves, that which Allah has enjoined upon them and that which He has forbidden them.” (Tafsir Ibn Kathir, 4/392)

(f) The wife serving her husband

There is a great deal of evidence (dalil) for this, some of which has been mentioned above.

Shaykh al-Islam Ibn Taymiyah said:

She is obliged to serve her husband according to what is reasonable among people of similar standing. That varies according to circumstances: the way in which a Bedouin woman serves (her husband) will not be like the way of a town-dweller, and the way of a strong woman will not be like the way of a weak woman. (al-Fatawa al-Kubra, 4/561)

(g) Submitting herself to him

Once the conditions of the marriage contract have been fulfilled and it is valid, then the woman is obliged to submit herself to her husband and allow him to enjoy her (physically). This is because once the contract is completed, he is allowed in return to enjoy her, and the wife is entitled to the compensation which is the mahr.

(h)The wife should treat her husband in a good manner

Allah says (interpretation of the meaning):

“And they (women) have rights (over their husbands as regards living expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable.” [al-Baqarah 2:228]

Al-Qurtubi said:

“It was also narrated from him – i.e., Ibn 'Abbas – that this means: they have the right to good companionship and kind and reasonable treatment from their husbands just as they are obliged to obey the commands of their husbands.

And it was said that they have the right that their husbands should not harm them, and their husbands have a similar right over them. This was the view of al-Tabari.

Ibn Zayd said: You should fear Allah concerning them just as they should fear Allah concerning you.

The meanings are similar, and the ayah includes all of that in the rights and duties of marriage.” (Tafsir al-Qurtubi, 3/123-124)

And Allah knows best.