175218 - If a married son does not live with his mother, is he regarded as being disobedient towards her?

the question

I have been living with my husband’s mother and sister for two years. The problem is that his mother is married and her husband lives with us, which exposes me to a lot of haram situations such as being alone with him, or his entering upon me suddenly when I am not wearing hijab. This communal living situation also prevents us from fully enjoying intimacy with one another and it deprives me and my husband of many of our rights. I knew from the beginning that I would be living with my husband’s family, but I did not realise that the matter would be so difficult and that it would cause me psychological problems and a sense of deprivation. Now I have begun to want separate accommodation, as does my husband, but his mother objects on the grounds that she is sick and needs him. Please note that she is still working despite her sickness and she is living her life normally most of the time. Her younger daughter also lives with her and her older daughter lives nearby in a house that she gave to her, and she visits her all the time. She also has three other houses that are rented out, but she refuses to give us one of them and refuses to let us live anywhere except with her. She regards our desire for a separate home to be a betrayal on my part and disobedience on my husband’s part. What is the solution?.

Detailed answer

Praise be to Allah.

Accommodation is one of the rights of the wife that is obligatory upon the husband according to scholarly consensus, because Allah, may He be exalted, has decreed that the husband is obliged to provide accommodation for the woman who is revocably divorced, as He says (interpretation of the meaning):

“Lodge them (the divorced women) where you dwell, according to your means”

[at-Talaq 65:6].

So it is more appropriate that he be required to provide accommodation to the one who is still married. Moreover, Allah has enjoined kind and honourable treatment between spouses as He says (interpretation of the meaning):

“And live with them honourably”

[an-Nisa 4:19].

Part of living with them honourably, as enjoined, is providing the wife with accommodation in which she and her wealth are secure. The wife cannot do without accommodation so as to shield her from prying eyes, and so that she can have her privacy and keep her wealth. Hence accommodation is one of the rights that she has over her husband.

The majority of Hanafi, Shafi‘i and Hanbali fuqaha are of the view that the wife has the right to accommodation separate from her husband’s relatives, and that she has the right to refuse to live with his father and mother or one of them.

See: al-Mawsoo‘ah al-Fiqhiyyah, 25/109

Please see also the answer to question no. 7653

If the wife agrees to live with the husband’s family, there is nothing wrong with that, because it is a yielding of her rights on her part. But that is subject to the conditions that she is safe from falling into haram situations with regard to being alone with a non-mahram or looking, and she has the right to change her mind about this agreement at any time, because her right to separate accommodation is not waived as a result of her giving it up.

What you mention about the possibility of being alone with one who is not permissible for you, and the possibility of him catching you unaware when you are not wearing hijab, confirms the necessity of hastening to find separate accommodation. It is not obligatory to obey his mother in this case, because obedience is only in that which is right and proper, and your staying in this

family accommodation has two obvious negative outcomes:

1. It is impossible to relax and enjoy time together which both spouses want

2. There is a risk of falling into haram

So our advice to your husband is to hasten to find separate accommodation for you both, and to strive to please his mother with kind words, frequent visits, checking on how she is, gifts, and so on. And he should understand that his leaving his mother’s house is not regarded as disobedience towards her.

And Allah knows best.