191865 - Is it permissible for a Muslim man to give accommodation to a man who is a stranger or to host him in the marital home?

the question

As a husband, in Islam is it allowed to stay with a Muslim man in my marital house under one roof ,without my wife's consent and what is the ruling regarding that?

Detailed answer

Praise be to Allah.

The husband is obliged to provide his wife with separate accommodation that will shield her from people’s view and protect her from cold and heat, in which she can take care of her private affairs without anyone disturbing her. The husband does not have the right to force his wife to live with anyone, because that is harmful to her and impinges upon her right to private accommodation which is guaranteed to her by Islam.

Al-Kasani (may Allah have mercy on him) said: if the husband wants her to live with her co-wives or with one of her in-laws such as the husband’s mother, sister, daughter from another wife or other relatives, and she refuses to do so, then he has to provide her with separate accommodation, because living with others may cause her annoyance and harm, and her refusal is indicative of annoyance and harm. Moreover, he needs to be able to be intimate with her at any time, and that is not possible if there is a third person present with them. But if there are several rooms in the house and he allocates one room to her and puts a lock on the door, they said: She does not have the right to ask him for separate accommodation.

End quote from Badai‘ as-Sanai‘, 4/23

We have previously discussed the wife’s right to separate accommodation and the opinions of the scholars concerning that. Please see fatwa no. 167997.

With regard to this question, the answer to that depends according to the nature of this man's stay in the house.

If his stay is temporary, such as if he is a guest for example, then this is the husband's right and the wife has no right to object to that, so long as she has a place in the house where she can sleep and her privacy is assured, without the guest being able to see her. A woman's living with a man who is a stranger (non-mahram) to her is permissible subject to two conditions:

1. That there be a mahram or husband present with her

2. That there be several rooms and enough space so that the stranger cannot see the woman.

It says in al-Ghurar al-Bahiyyah fi Sharh al-Bahjah al-Wardiyyah by Shaykh Zakariya al-Ansari (4/364): From this the issues of living in the same accommodation and khalwah become clear; it is known that it is permissible for a man to be alone with a non-mahram woman if a mahram (of hers) is present, and that it is not allowed for him to live in the same accommodation as her unless there are a number of rooms or the house is spacious enough so that they cannot see one another. End quote.

One of the indications that it is permissible for a man to host a guest in his house is the report narrated by al-Imam Muslim in his Saheeh, no. 2084, from Jabir ibn 'Abdillah (may Allah be pleased with him), according to which the Messenger of Allah (blessings and peace of Allah be upon him) said: "A bed for the man, a bed for his wife, a third for the guest, and the fourth is for the shaytan."

This hadeeth indicates that there is nothing wrong with a man having a bed ready for one who comes to stay with him as a guest. In Fayd al-Qadeer Sharh al-Jami' as-Sagheer (4/424) it says: With regard to the bed for the guest, that is something that should be prepared by the host, because that is part of honouring him and giving him his due, and because he cannot sleep with him and his family in the same bed. What the hadeeth means is that if a man wants to have more than one bed, then the limit is three and the fourth is unnecessary, so it is an extravagance. End quote.

In fatwa no. 117957 we explained that the wife does not have the right to object to her husband hosting a guest in his house so long as that does not cause her direct harm.

But if this man is going to stay in the house permanently or long-term, then in that case it is permissible for the wife to object to that, and it is not permissible for the husband to force her to accept it, because she will be harmed by the presence of a non-mahram in the house. It is also contrary to her right to separate accommodation.

With regard to the rulings on this matter, khalwah between the guest or lodger and the wife should be avoided (i.e., they should not be alone together), and lowering the gaze and other matters of Islamic etiquette should be adhered to. For information on the ruling on khalwah or being alone with a non-mahram woman, please see fatwa no. 94019

With regard to the wife serving her husband's guests, this is a matter concerning which there is a difference of opinion among the scholars. The Malikis and those who agreed with them are of the view that the wife is not obliged to serve her husband's guests even in situations where she is obliged to serve her husband.

It says in ash-Sharh al-Kabeer by ash-Shaykh al-Dardeer and Hashiyat ad-Dasooqi (2/511): If the wife is not able to do housework or she is able, and the husband is poor, then she must do basic housework such as making dough, sweeping, tidying up and cooking for him, but not for his guest.

End quote.

Some scholars think that it is obligatory for the wife to serve the guests on a reasonable basis. Al-'Ayni (may Allah have mercy on him) said:

The child and wife are obliged to serve the guest as the head of the household is obliged.

End quote from 'Umdat al-Qari Sharh Saheeh al-Bukhari, 5/101

The more correct view is that the wife is obliged to serve her husband's guests on a reasonable basis. ash-Shaykh Ibn 'Uthaymeen (may Allah have mercy on him) was asked about a woman

whose husband asked her on some nights of Ramadan to make food for his guests, but when she did that she felt very exhausted and was not able to pray qiyam on those nights – is she obliged to obey him in that regard, if that goes on for most of the nights of Ramadan? He said: What is required is for the wife to treat her husband in a fair and kind manner and for the man to treat his wife in a fair and kind manner. Allah, may He be exalted, says (interpretation of the meaning): “Live with them in accordance with what is fair and kind” [an-Nisa ‘4:19]. It is not part of being fair or kind for the man to make his wife exhausted with serving him at such times and in such situations. But if he insists then what his wife should do is obey him, and if she is too tired to pray qiyam, or it is too difficult for her, then Allah, may He be exalted, will record for her what she intended and wanted to do, because she only failed to do it because of the excuse of doing what she was obliged to do of obeying her husband.

End quote.

And Allah knows best.