245408 - Can a Wife Refuse Intimacy If Husband Neglects Support?

the question

My question is as follows: If a husband doesn't provide for his wife, meaning, if he doesn't maintain her, by not working and not earning any money, because of laziness, does she have in return the right to sexually refuse him?

Since the main obligation of a husband is to maintain his wife, which is in return for her sexual enjoyment, and since, if a wife refuses him sexually to spend the night with her, she forfeits her right of maintenance, doesn't the reverse case come into effect then as well, when the husband refuses to maintain her?

I know that the wife has the right to ask for a divorce, if the husband doesn't maintain her. But instead of going this final step, wouldn't it be better and less grave to first refuse him sexually, before asking for a divorce? So that the husband has a chance to change, before he gets divorced?

Summary of answer

If a husband fails to provide the obligatory financial maintenance, the wife is not obligated to allow intimacy. Scholars explain that intimacy is a right given in return for maintenance; if that is withheld, she may refuse intimacy or even leave his home. However, she should exercise this right wisely to avoid worsening the situation or damaging the marriage.

Detailed answer

Praise be to Allah.

The Husband’s Obligation to Provide Maintenance

The husband is obliged to spend on his wife’s maintenance , on a reasonable basis, because Allah,

may He be exalted, 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.} [An-Nisa'; 4:34]

{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. Allah puts no burden on any person beyond what He has given him.} [At-Talaq 65:7]

Prophetic Hadith on a Husband's Duties Toward His Wife

It was narrated that Mu`awiyah Al-Qushayri (may Allah be pleased with him) said: I said: O Messenger of Allah, what are the rights of the wife of one of us over him? He said: "That you feed her as you feed yourself, clothe her as you clothe yourself, do not strike the face, do not disgrace her and if you want to shun her (by way of disciplining her) do not leave home." (Narrated by Abu Dawud, 2142 and Ibn Majah, 1850; classed as authentic by Al-Albani in *Sahih Abu Dawud.*)

What If the Husband Fails to Provide Financially?

If the husband fails to spend on his wife's maintenance, then she has the choice of leaving him or putting up with him.

If she chooses to put up with him, in the hope that he will change, if he is withholding her maintenance out of miserliness and stinginess, or until his financial situation improves, if he is not well off, then she is not obliged to allow him to be intimate with her .

Is Intimacy Still Obligatory Without Maintenance?

Ash-Shirazi Ash-Shafi`i (may Allah have mercy on him) said in *Al-Muhadhdhab fi Fiqh Al-Imam Ash-Shafi`i* (3/155):

If she chooses to stay after he becomes unable to spend on her, she is not obliged to allow him to

be intimate with her , and she may leave his house, because allowing intimacy is in return for maintenance, so it is not obligatory when there is no maintenance. End quote.

Muhammad Najib Al-Muti`i (may Allah have mercy on him) said in his *Sharh Sahih Al-Bukhari* (20/169):

If it is proven that the husband is no longer able to spend on her, she has the choice of three options: she may annul the marriage; she may stay with him and allow him to be intimate with her, and it is her right that she should spend on her whatever he is able to spend; or she may remain married to him, without having to allow him to be intimate with her – rather she may leave his house, because allowing intimacy is only obligatory upon her when he spends on her maintenance, but he is not doing so in this case, but she is not entitled to maintenance when she is keeping herself away from him, because maintenance is only enjoined in return for allowing intimacy , but in this case she is not allowing him to be intimate with her. (End quote)

Al-Bahuti (may Allah have mercy on him) said in *Kashshaf Al-Qina`* (5/477):

She has the right to remain in the marriage and not allow him to be intimate with her, so she does not have to allow intimacy or reside in his house, and he must not detain her; rather he should let her earn money, even if she is well off, because he has not given her anything in return for intimacy with her. (End quote)

Exercising Rights with Wisdom and Caution

However we should draw the wife's attention to the fact that refusing intimacy with the aim of making him mend his ways, correcting his behavior and the like is a means of amending and correcting someone's behavior in which attention should be paid to the husband's condition and character, and the negative outcomes that may result from that, as well as the hoped-for benefits. It may make some husbands escalate the quarrel and become stubborn and get angry with his wife if she does such a thing, and he would forget his own shortcomings and the wife's aim of reforming him, to the point that he ends up destroying the marriage.

So be very careful, lest you make matters worse between yourself and your husband when you are trying to put things right. Look carefully at your husband’s situation and what you think will have a positive impact on him; if you have a right over him, be wise and prudent in exercising your rights.

And Allah knows best.