36595 - Hajj Without Husband’s Permission

the question

There is a married woman whose husband promised to take her to Hajj, but he did not keep his promise. Her family came to her on their way to Makkah and took her with them without the husband’s knowledge or approval. Is her Hajj valid?

Summary of answer

It is not permissible for a Muslim woman to go to Hajj without her husband’s permission.

Detailed answer

Praise be to Allah.

Can a woman go out without her husband’s permission?

Shaykh Muhammad ibn Salih al-‘Uthaymin (may Allah have mercy on him) said: “Before replying, I would like to point out that it is not permissible for a woman to go out without her husband’s permission , even if that is in the same city, so how can she go for Hajj without his permission?

Can a woman go to Hajj without her husband’s permission?

It is not permissible for a wife to go to Hajj without her husband’s permission . The husband who promised to take his wife for Hajj has to fulfil his promise and take her for Hajj, especially since this promise is stated as a condition in the marriage contract.

The Prophet (peace and blessings of Allah be upon him) said: “The most deserving of conditions to be fulfilled are those by means of which intimate relations become permissible for you.” (Narrated by al-Bukhari, 2729; Muslim, 1418)

If this promise was made after the marriage contract, the scholars differed as to whether it should be fulfilled. The correct view is that it must be fulfilled so long as that will not cause harm to the one who made the promise, because the Prophet (peace and blessings of Allah be upon him) described breaking promises as one of the attributes of the hypocrites, as a warning against breaking promises.

Reference:

Dalil al-Akhta allati yaqa'u fiha al-Haj wa'l-Mu'tamir by Sh. Ibn Uthaymin.

For more, please see these answers: 3482 and 3098 .

And Allah knows best.