49666 - He married her on the basis that he would come back to his country after a certain amount of time, then he decided not to go back

the question

A man came to propose marriage to me, and he was working in another country. He agreed with my father that I would travel with him after marriage and stay there with him for no more than three years, and we would come back together after that time was up. I actually did marry him and I traveled with him, and I have two children. Three years went by, and when I asked him to go back, based on the agreement, he went mad and told me that he will never go back; he has migrated and I have to accept this situation. In addition to that, he is a man who does not help me to obey Allaah. He brought a satellite dish into our home and he leaves me alone all day feeling lonely in this foreign land, and I cannot resist watching it. Also, he does not allocate any time to spend with me and relieve my loneliness. All his time is spent at his work or with his friends. When I realized that I could not stand to put up with this situation for the rest of my life, I decided to go back to Egypt and never come back and delegate my affairs to Allaah with regard to this bad marriage. But the problem is that he is accusing me of being a wife who does not obey him and of being disobedient, and he tells me that Allaah will punish me on the Day of Resurrection because I went against my husband’s commands.

Am I really a disobedient wife, or does the fact that he did not adhere to the agreement on the basis of which I married him exonerate me from any blame?.

Detailed answer

Praise be to Allah.

Firstly:

The Muslim is obliged to adhere to the conditions that he set and to fulfil his promises. Among the conditions that are most deserving of fulfillment are those by means of which it becomes permissible for a man to enjoy intimacy with his wife, namely the conditions of marriage.

Al-Bukhaari (2821) and Muslim (1418) narrated that the Messenger of Allaah (peace and blessings of Allaah be upon him) said: “The conditions that most deserve to be fulfilled are those by means of which it becomes permissible for you to enjoy intimacy.”

Ibn Qudaamah said in al-Mughni (7/448):

The conditions of marriage fall into three categories:

1 – Those which must be fulfilled, which are those which benefit the wife, such as the condition that he will not make her leave her house or city, or make her travel with him (i.e., take her to another country).

These must be fulfilled. If the husband does not do that then the wife has the right to annul the marriage, because the Prophet (peace and blessings of Allaah be upon him) said: “The conditions that most deserve to be fulfilled are those by means of which it becomes permissible for you to enjoy intimacy.” End quote.

It is essential to differentiate between that which the husband stated as a condition in the marriage, and a promise that he made after the marriage contract was done. If it was a condition of marriage (i.e., the marriage contract was done on the basis of this condition), then the wife has the choice of waiving that condition or of annulling the marriage, if her husband does not fulfil this condition. In this case she should be given her rights in full.

If it was a promise that he made after marriage, then he has to fulfil his promise if he does not have an excuse. But the wife does not have the right to annul the marriage if he does not fulfil it. This is the ruling on this situation.

We advise the husband to fulfil the condition and to keep his promise, or to ask for his wife’s consent to waive the condition or to delay fulfillment of the promise until a later, stated time. He has to fear Allaah with regard to his wife and not bring haraam things and haraam entertainment into the house.

The sister who asked this question should be more patient and put up with it. She should also try

to get wise people from her family and from his to intervene, in order to resolve the differences between them.

Secondly:

The husband has made a serious mistake by bringing the satellite dish into the home and enabling his wife to see all the sinful content that the dish brings. The one whom Allaah has put in charge of others should be sincere towards them and not be negligent or heedless in his duties towards them.

Thirdly:

The sister made a mistake, because she is not forced to look at the evil scenes brought by the dish, and her being alone is no excuse. She can occupy herself by worshipping Allaah, keeping company with righteous women, doing permissible things, and reading and listening to things that will benefit her in both her religious and worldly affairs.