82331 - He did the marriage contract with her but she does not have any accommodation and he wants to be intimate with her

the question

I got engaged to a young man two years ago, and one year after the engagement the marriage contract was done, but we were still waiting until the marital home is ready. My problem with him is that he wants us to have marital relations in full but without consummating the marriage. If I refuse he threatens to cheat on me if I do not respond to him.
He has doubts about me to such an extent that he does not let me go out or speak to my friends, and he made me give up work on the grounds that this will protect me from falling into haraam. Please note that I have never thought of what he is thinking of. Similarly he does not respect my family and he always insults them and slanders them, and he accuses them of not having raised me properly. But at the same time he wants me to go to his mother and make her happy, and if she mistreats me I have to apologize to her until she is pleased.
Please note that until now he has not made any preparations in the house and he always makes excuses based on his not being well off. When I was working, I spent nearly half of my salary on him and he made me buy gifts for his family. Does he have any right to do this? Is there any sin on me if I do not do what he is telling me to do?.

Detailed answer

Praise be to Allah.

Firstly:

If the marriage contract has been done, then you have become his wife and it is permissible for a husband to be intimate with his wife however he wants. But she can refuse to let him have his way with her until he gives her the mahr and prepares a suitable marital home for her.

Ibn al-Mundhir (may Allaah have mercy on him) narrated that the scholars were unanimously

agreed that a woman has the right to refuse to let her husband consummate the marriage with her until he gives her the mahr.

Al-Mughni (7/200).

Al-Kasaani said in Badaa'i' al-Sanaa'i' (4/19) that a woman has the right to refuse to let her husband have his way with her until he provides her with a home.

This is the shar'i ruling on this matter.

What we are afraid of is that this man is not serious about providing a home and striving to settle in it and build a family, and that he is content to get his pleasure from meeting you. Hence we advise you not to answer his demand and not to let him be intimate with you, until he provides you with a home. This will encourage him to pay attention and hasten to consummate the marriage, and protect you. For intercourse may take place as the result of pressure on his part and weakness on yours, then pregnancy may occur, and that may lead to bad consequences in the event of divorce or delay of consummation of the marriage and announcement thereof to the people.

Secondly:

If your work is permissible and free of any haraam things, then we do not advise you to give it up, and the husband has no right to prevent you from working so long as he did the marriage contract with you at the time when you were doing this job and he did not stipulate that you should leave it. At the very least you should keep your job even if you take a temporary leave of absence until you find out what your husband is really like.

Thirdly:

Attention must be paid to the religious commitment and character of a husband, and one should find out whether he prays regularly and keeps away from haraam things. From your question it seems to us that this is not a man who is good in these ways, hence it is easy for him to insult your parents and to threaten to cheat on you. We do not know how such things could be said by a wise

man who understands how things are. Is this a proper way of putting pressure on his wife – threatening to commit zina as a punishment to her? This is indicative of a severe lack of religious commitment and intelligence. If we had been consulted about the matter before the marriage contract was done, we would have advised you not to marry him. But as the contract has been done, we say: If he is careless about prayer, then you should advise him time after time. If he does not improve, then separate from him, for there is nothing good for you in marriage to a man who is careless about prayer.

Fourthly:

If it becomes clear to you that he is messing about and is not serious about preparing a home etc, and that he may mistreat you and your family – even if he does pray regularly – then we advise you to leave him, even if you free yourself from the marriage by giving up some of your rights (i.e., khula').

You say that your family and everyone around you thinks that he is not suitable for you. The family's opinion in such matters is usually closest to the truth, because they look at the matter with a measure of wisdom, far removed from emotion which may sometimes blind one to the truth. They also have knowledge and experience of such matters. Hence we think that you should discuss the matter with your family, and do what they advise you, as well as praying to Allaah for guidance (istikhaarah), for He does not betray the one who seeks guidance and the one who asks for advice will not regret it.

We ask Allaah to make things easy for you and to take away your distress and to guide you to good things.

And Allaah knows best.