91975 - Her mother wants to see her but she cannot travel there

the question

I live in the western country for 11 years, away from my parents. My father past away 15 years ago, I have a mother and 4 sisters in Iraq. I have 8 children wa lillahi- al hamd they are all small between the age 0f 2 years to 13. My mother is old, and currently ill, she always calls me and asks me to ge back to my country to see her before she dies. It is hard for me to go back, because I can't leave my children alone and my husband does not agree for me to go back and leave my children, and I don't have a mahram to go back with. I send her money, and I call her very often. I always cry, I know that I have to Please my mother but I just can't leave my children in a caafir country, my husband is working day and night and I don't have any relatives here. I am not sure what to do, should I listen to my mother, leave my children and go back to my country with out my husband permition?? Or should I listen to my husband and stay with my children.??.

Detailed answer

Praise be to Allah.

I ask Allaah to heal your mother and to join you together in goodness and happiness and well being in this world and in the Hereafter.

I give you the glad tidings that as Allaah knows how loving and devoted you are to your mother and how hard you are trying to please her and honour her, He will decree that you will be rewarded for that by His grace and bounty.

The key to the matter is patience, because by means of patience hopes are fulfilled and calamities are lifted. Perhaps Allaah is testing you with this separation to see how patient you will be, then He will relieve it by enabling you to meet in a way that you never thought of, and He will bless you with being close to your mother, even if that is after some time.

But I should point out to you some important Islamic rulings on this matter:

1 – Remember that it is haraam for a woman to travel without a mahram.

Al-Baghawi said:

There is no difference of opinion that a woman cannot travel for anything but the obligatory Hajj except with her husband or a mahram. End quote.

Narrated in Fath al-Baari (4/76).

This has been discussed previously in the answers to questions no. 9370, 25841, 47029, 52703, and 82392.

2 – The husband has the right to forbid his wife to travel to visit her mother if her travelling will result in some negative consequences, such as fear for the children, or fear for the wife's life if it is not safe in the country to which she will go, or if there is no mahram or the husband is too busy with his work. In that case it is not permissible for the woman to go against her husband's wishes and travel without his permission. Ibn al-Mundhir narrated that there was consensus that the man may prevent his wife from taking any journey. They only differed about her travelling to perform the obligatory Hajj. See: Fath al-Baari (4/77). This has to do with journeys that may lead to the negative consequences mentioned above.

If none of these consequences will result from her travelling, it is not permissible for the husband to stop her from travelling to honour her parents and visit them in the way that will achieve the purpose, because honouring one's parents is one of the most important of duties, and that undoubtedly includes visiting one's sick mother who has asked to see her daughter before she passes away when the daughter has been away for such a long time.

It says in al-Mawsoo'ah al-Fiqhiyyah (19/110):

The husband should not stop his wife from visiting her sick parents, because preventing her from doing that is cutting off her ties of kinship with them and making his wife go against him. Allaah

has enjoined treating one’s wife with kindness and this is not kind treatment. End quote.

It says in Fataawa al-Lajnah al-Daa’imah (25/387):

The husband must treat his wife kindly, in obedience to the words of Allaah (interpretation of the meaning): “and live with them honourably” [al-Nisa’ 4:19]. Part of living with them honourably is to give the wife permission to visit her family and keep in touch with them. Misunderstandings, especially about worldly matters, should not be an obstacle to that. But if the wife’s visiting her family will result in some negative consequences, then the husband has the right to stop his wife from visiting them, because warding off evil takes precedence over doing good. End quote.

If the husband insists on not letting his wife visit her parents, is it permissible for her to go against his wishes and go and visit them? The scholars differed concerning this and there are two opinions as mentioned previously in the answer to question no. 83360.

We do not favour the view that the wife may go against her husband’s wishes and leave his house without his permission, because of the serious negative consequences that this will have on the household, the family and the relationship between the couple. Warding off this evil is more important than the interests served by visiting the parents, especially since it is possible to reach an understanding with the husband so that he will allow and help his wife to go and see her mother. With good manners and a nice attitude, Allaah may soften their hearts and enable them to reach an agreement, in sha Allaah.

See also question no. 1426 and 10680.

3 – We would also remind you of what we said in the answers to questions no. 11793, 14235, and 27211, warning against settling in a kaafir country, because of the serious negative effects that that has on one’s religious commitment and morals. We hope that you will read those answers and benefit from them. The Muslim’s religious commitment is the best of his capital and it is not permissible for him to neglect it and lose himself and his children in return for money that he may earn in the kaafir lands.

And Allaah knows best.