93230 - Husband falling short in his duties towards his wife because of physical and mental illness

the question

I have been married for approximately two and a half years but my husband does not become intimate with me except every three or five months approximately. He always gives excuses such as sickness or being bewitched (sihr), or the lack of financial stability. He does not show me any affection at all. Every time I speak frankly to him about the matter he comes up with ready-made excuses. Please note that he does not suffering from any (physical) problem, as he says, and he refuses to go to the doctor. In the end I told his family about the matter and they spoke to him, but it was of no benefit . He is putting pressure on me to seek treatment in order to become pregnant and I do not know how it can happen. I am fed up and I do not know what to do. If my family find out about my situation this will definitely result in divorce. Please note that we have been to a number of religious shaykhs, all of whom confirmed that the evil eye is involved, but nothing has helped us. To be frank, I am afraid that I may fall into immoral actions.
I hope that you can explain to me what I have to do, and in the case of divorce, what are my rights?.

Detailed answer

Praise be to Allah.

Allah has enjoined upon the husband to treat his wife decently and with kindness, as He says (interpretation of the meaning):

“And live with them honourably”

[an-Nisa’ 4:19].

This is one of the rights that are common to both spouses; each must treat the other decently and with kindness.

Each spouse has rights over the other. We have discussed in detail the rights of the spouses over one another in the answer to question no. 10680

One of the rights that the wife has over her husband is that he should keep her chaste by means of intercourse with her. This is obligatory for the one who is able to do it. This is the view of the majority of scholars.

It says in al-Mawsoo'ah al-Fiqhiyyah (30/127):

One of the rights of the wife over her husband is that he should keep her chaste by having intercourse with her. The majority of fuqaha' – Hanafis, Maalikis and Hanbalis – are of the view that it is obligatory for the husband to have intercourse with his wife. End quote.

The scholars differed with regard to the limits within which the husband must have intercourse with his wife. The most correct opinion is that it should be in accordance with her need and his ability.

Shaykh al-Islam Ibn Taymiyah (may Allah have mercy on him) was asked about a man who does not have intercourse with his wife for one or two months; is there any sin on him or not? Is the husband required to do that?

He replied:

The man should have intercourse with his wife according to what is reasonable. It is the most important right that she has over him and is more important than providing her with food. It was said that obligatory intercourse is once every four months, or whatever is in accordance with her need and his ability, just as he should feed her according to her need and what he can afford. This is the more correct of the two scholarly opinions.

Majmoo' al-Fataawa, 32/271

Your husband may be suffering from some mental or physical illness and this may be what is causing him to refrain from intercourse or showing affection. You cannot be certain that this is not

happening in his case, especially since you say that the shaykhs who have examined your situation think that he has been affected by the evil eye. It is not far-fetched to say that that the evil eye may be what has caused the change in his behaviour.

Dr. ‘Abdullah as-Sadhaan – who is a specialist in matters of ruqyah and whose doctoral thesis was entitled Diraasah Muqaarinah ‘an ar-Ruqyah ash-Shar‘iyyah (A Comparative Study of Ruqyah as prescribed in Islam) was asked:

Can the evil eye cause physical sickness or financial or social problems?

He replied:

Yes, the evil eye can cause a lack of healing from many physical problems and may even make them worse. It may also cause financial and marital problems, breakdown in relationships and a lot of calamities. How can it be otherwise, when the Prophet (blessings and peace of Allah be upon him) said: “Death among my ummah is mostly caused, after the will and decree of Allah, by the evil eye.” So whatever occurs of calamities that are less serious than death are more likely to be caused by the evil eye.

Majallat ad-Da‘wah, issue no. 2018, 15 Shawwaal 1426 AH/17 November 2005 CE

One of the duties of the righteous wife is to stand by her husband in such situations, because he is in the greatest need of someone to support him and help him in treating his disease until Allah decrees that he should be healed. If what has befallen him is caused by his material circumstances and social interactions, then you can win his heart by beautifying yourself for him, and treating him in a loving and kind manner, for you are his source of tranquillity. Allah has created between the spouses love and compassion that will make it easy for you to reach his heart and reduce the pressure that he is suffering because of his circumstances.

You should understand that the man is not like the woman; the woman can respond to her husband’s sexual needs in all circumstances unless she is sick, menstruating or bleeding following childbirth. But a man cannot do that unless he has energy and the desire for intercourse. Hence

Islam does not oblige him to treat his wives (in the case of plural marriage) equally in terms of intercourse, because that depends on energy, desire and strength. For the same reason also there is a warning against refusing to share the marital bed on the part of the wife but not the husband.

With regard to your saying that you are afraid of falling into immoral actions, you should be patient and forbearing, and help your husband until Allah heals him. If you are not able to be patient then you have the right to ask for a divorce.

Your husband should hasten to seek treatment for himself; he should not hesitate to do so or be heedless or lazy about it. According to what you say, he is neglecting the rights of his wife and the wife has the right to be kept chaste. If he is able to do it then he should do so, otherwise he should divorce her and let her go in a good manner, if she cannot be patient during her husband's illness.

In the answer to question no. 11359 we have described how to protect oneself against the evil eye and to remedy the matter.

We think that it is best to refer your case to an Islamic judge (qaadi), because he will be able to establish the facts of your husband's case and seek medical reports, after which he will be able to issue a verdict on matters of divorce and rights.

We advise you to be patient in putting up with the situation in which you find yourself and to support your husband during his illness and do your part to seek a remedy for it, whether that is with doctors or psychologists, or with trustworthy shaykhs, so that you can find out the cause of his problem, as he may indeed have been affected by the evil eye.

We ask Allah to set your affairs straight.

And Allah knows best.