96455 - Her family are objecting to her living with her husband’s family

the question

I got married four months ago, and I promised my wife that she would have her own place to live, but because it was so difficult to find suitable accommodation in my city, I asked her to let us live with my family temporarily.
Is it permissible for her parents to object to us moving in with my family?.

Detailed answer

Praise be to Allah.

Accommodation is one of the wife’s rights that the husband is obliged to provide, according to scholarly consensus, because Allaah has given the woman who is revocably divorced (first or second talaaq) the right to accommodation provided by her husband, as He says (interpretation of the meaning):

“Lodge them (the divorced women) where you dwell, according to your means”

[al-Talaaq 65:6] .

So the right to accommodation is even more certain in the case of one who is still married, because Allaah has enjoined kind treatment between spouses as He says (interpretation of the meaning): “and live with them honourably” [al-Nisa’ 4:19]. Part of living with them honourably is providing one’s wife with accommodation where she feels safe. Similarly, a wife cannot do without accommodation to conceal her from the gaze of others and where she can relax and feel that her property is safe. Hence accommodation is a right that she has over her husband.

The majority of Hanafi, Shaafa’i and Hanbali fuqaha’ are of the view that the wife has the right to accommodation that is separate from her husband’s relatives, and she has the right to refuse to live with his father or mother or both.

The Maalikis are of the view that a distinction is to be made between a wife of noble status and a wife of lowly status. They said that it is not permissible to make a wife of noble status live with one's parents, but that is permissible with regard to a wife of lowly status, unless making the wife of lowly status live with the parents will cause her harm. See: al-Mawsoo'ah al-Fiqhiyyah (25/109), al-Sharh al-Sagheer 'ala Mukhtasar Khaleel (2/737).

But what is meant by accommodation according to the fuqaha' is providing her with a room that has a door and a lock, along with a bathroom and kitchen, unless they are poor and are content to share a kitchen and bathroom.

Ibn 'Aabideen said in his Haashiyah (3/600): The phrase "a separate house" means a place to spend the night, which is a separate, specific place. It seems that what is meant by separate is a place that is hers alone and she does not share it with anyone else in the household. "With a lock" means that which is locked and opened with a key. "… bathroom and kitchen" means a washroom and a place for cooking which are inside the room or the house, and she does not share them with any other member of the household. I (Ibn 'Aabideen) say: And that should be the case with regard to people who are not poor, so that each person has his own room and some shared facilities such as the bathroom, oven and well.

See also question no. 7653.

Secondly:

If the wife agrees to live with your family, there is nothing wrong with that, because she is giving up her right. Her parents have no right to object to that, so long as she is an adult of sound mind.

She has the right to withdraw this agreement, because her right to separate accommodation is not forfeited by her giving it up.

Thirdly:

The wife's living with her husband's family should be free of any haraam things such as the husband's brothers, paternal uncles etc being alone with her or looking at her.

It is well known that it is not permissible for a woman to be alone with, shake hands with or uncover any part of her ‘awrah in front of her husband’s brothers, because they are strangers to her like any other non-mahrams; rather there should be even more caution in their case, because the Prophet (peace and blessings of Allaah be upon him) said: “Beware of entering upon women.” An Ansaari man said: O Messenger of Allaah, what about the in-law? He said: “The in-law is death.” Narrated by al-Bukhaari (4934) and Muslim (2172). al-Layth ibn Sa’d said: The in-law is the brother of the husband and similar relatives of the husband such as his cousin and the like.

Narrated by Muslim.

That depends on the situation of both the wife and of the husband’s family, and whether both parties can put up with sharing accommodation and living space. It seems that nowadays married life is affected greatly by such circumstances, and many problems between both parties are caused by sharing accommodation, to such an extent that it is very rare to find a happy and calm married life when sharing living space with the husband’s family. Perhaps it is because all people have seen such things that your wife’s family have objected to your moving in with your family, out of concern for your marriage, and they are not being stubborn or trying to control you and your family.

We ask Allaah to help you to do that which is good and to help you and your family and your wife.

And Allaah knows best.