# 97125 - Differences of opinion between husband and wife concerning matters where the scholars differed

**the question**

How should we deal with a situation where one of the spouses wants to do something concerning which there is a difference of opinion among the fuqaha', and each of them is supported by a different fatwa?.

**Detailed answer**

Praise be to Allah.

What the wife must do is obey her husband, unless that involves sin or will harm her or deprive her of her rights, in which case she should not obey him.

With regard to matters concerning which the scholars differ, and the wife holds a view other than that of her husband, and he tells her to do something contrary to that which she believes is more correct, the answer varies according to the issue in question.

1 – If it has to do with a particular ruling or manner with regard to her worship – whether it is obligatory or naafil – and that does not affect the rights of the husband, and her doing it does not result in any mistreatment towards him, then she does not have to do that which she is not convinced of, if her husband tells her to do it. An example of that is the zakaah on gold. If she believes that it is obligatory to pay zakaah on gold even if it is kept for adornment – as is the more correct view – then she is not obliged to obey the husband if he tells her not to pay zakaah on her gold, from her own wealth, if he thinks that zakaah does not have to be paid on gold that is kept for adornment.

Shaykh Muhammad ibn Saalih al-'Uthaymeen (may Allaah have mercy on him) said:

Some husbands prevent their wives from paying zakaah on their jewellery, based on the second,

weak view – to which we have referred above. This is haraam; it is not permissible for a husband, father or brother to prevent anyone who wants to pay zakaah on his wealth, and the wife has to disobey her husband in this case and pay zakaah despite what he says, because obedience to Allaah takes precedence over obedience to the husband, and her husband will not be able to save her from the punishment of Allaah on the Day of Resurrection. So for example, if her husband says, 'This is a matter concerning which the fuqaha' differed and I do not believe it is obligatory,' she should say to him: 'You have your view and I have mine; I cannot omit paying zakaah, and in my view it is obligatory.' In this case she has to disobey him and obey Allaah. If she says, 'I am afraid that he will be angry,' we say that there are two answers to that:

1 – We say: Let him be angry, for his anger is nothing in comparison to the pleasure of Allaah.

2 – We say: be diplomatic towards him, i.e., pay the zakaah in such a way that he does not know. Thus you will have paid the zakaah that is required of you and you will be safe from your husband's anger.

But with regard to this matter we say to the husband: Fear Allaah! So long as the wife thinks that it is obligatory, it is not permissible for you to prevent them from paying zakaah. The same applies to fathers, if they say to their daughters: 'Do not pay zakaah because I do not think that it is obligatory.' She (the daughter) has the right to say: 'I will not hear and obey, because hearing and obeying are for Allaah and His Messenger.' But if she is afraid that he will be angry – because some people are weak in mind and religious commitment – then she may be diplomatic and pay it without him knowing.

Jalasaat Ramadaaniyyah 1412 AH, question no. 5.

Another example has to do with the manner of praying, such as going down (for prostration) on the hands or knees first, or holding the hands together after rukoo'. In such issues the wife is not obliged to follow her husband's opinion if it differs from hers, unless she thinks that both views are of equal merit or she becomes convinced of his opinion.

2 – If the issue has to do with naafil acts of worship and obedience that affect his rights, then it is

not permissible for her to do them, rather she is forbidden to do them, as is the case with observing naafil fasts without his permission, or going out of the house to uphold ties of kinship or make permissible visits without his permission, because by doing that she is denying him his rights, and she is not sinning by not doing (the naafil action), rather she will be rewarded for obeying her Lord by giving her husband his rights and refraining from doing it for his sake.

Ibn Qudaamah (may Allaah have mercy on him) said:

He has the right to prevent her from going out for a voluntary Hajj and entering ihraam for it, and there is no difference of scholarly opinion concerning that. Ibn al-Mundhir said: All of the scholars from whom we learned are unanimously agreed that the man has the right to prevent his wife from going out for a voluntary Hajj, because it is a voluntary act that affects the husband's rights, so her husband has the right to prevent her from doing it, like i'tikaaf. If he gives her permission to do it, he has the right to change his mind so long as she has not entered ihraam for it. If she has entered ihraam for it, he does not have the right to change his mind or to make her exit ihraam, because starting the Hajj makes it binding to complete it, so it becomes like that which was originally obligatory.

Al-Mughni (3/572)

And he (may Allaah have mercy on him) said concerning the husband forbidding his wife to visit her parents when they are sick:

The husband has the right to prevent her from going out of his house for something that she has to do, whether she wants to go and see her parents, or visit them when they are sick, or attend the funeral of one of them. Ahmad said concerning a woman who has a husband and a sick mother: Obedience to her husband is more obligatory upon her than obedience to her mother, unless he gives her permission.

Because obedience to the husband is obligatory, whereas visiting the sick is not obligatory, so it is not permissible to forsake that which is obligatory for that which is not obligatory and it is not permissible for her to go out without his permission. But the husband should not prevent her from

visiting her parents if they are sick or going to see them, because that is cutting of ties of kinship with them and may make his wife disobey him. Allaah has enjoined us to live with them honourably, and this is not living with them honourably.

Al-Mughni (8/130).

3 – With regard to everything that is permissible for her, he has the right to prevent her from doing it or make her follow his opinion if he thinks it is haraam, and she must accept that if her doing it will cause harm to her husband and expose him to humiliation or disrespect. For example, covering the face is an issue concerning which the scholars differed, but there is no one who says that it is haraam to cover the face. If she thinks that it is acceptable to uncover the face, he has the right to prevent her from showing it before non-mahrams, and he has the right to make her follow his opinion, which is that it is obligatory to cover the face – which is the more correct view – and she does not have the right to go against him. She will be rewarded for doing that if she seeks reward for obeying her Lord by obeying her husband and does that which is more concealing.

4 – Whatever the wife thinks is obligatory, haraam or bid'ah (innovation), she does not have to obey the husband by refraining from what is obligatory or by doing that which is haraam or bid'ah.

We have mentioned above an example of something that is obligatory, namely zakaah on gold. An example of something that the wife thinks is haraam and that the husband thinks is permissible is covering the face – the opposite of the scenario mentioned above. If she thinks that it is haraam to uncover her face in front of non-mahram men, her husband does not have the right to tell her to uncover it on the basis that he thinks it is permissible for her to uncover her face.

The scholars of the Standing Committee were asked:

Can I disobey my husband if he asks me to uncover my face in front of non-mahrams? Do the words "There is no obedience to any created being if it involves disobedience towards the Creator" apply in this case? Please note that there is a difference of opinion among the scholars concerning the ruling on covering the face. Is it permissible for me to uncover my face when I am in my house

if my husband’s male relatives are present, or when I open the door for the electrician or gas technician, or when I go out on the balcony to hang out laundry, if I wear full hijab without covering the face?

They replied:

It is haraam for the wife to obey her husband with regard to something that Allaah has forbidden, because there is no obedience to any created being if it involves disobedience towards the Creator. That includes uncovering the face in front of non-mahram men, whether they are his relatives or her relatives or anyone else, inside the house, outside the house, and on the balcony, or when opening the door to the electrician or guests. Hijaab is not complete unless one adheres to what has been mentioned.

Shaykh ‘Abd al-‘Azeez ibn Baaz, Shaykh ‘Abd al-Razzaaq ‘Afeefi, Shaykh ‘Abd-Allaah ibn Ghadyaan.

Fataawa al-Lajnah al-Daa’imah (17/257, 258)

Here we should point out a few things:

(a)

Kind treatment of spouses is obligatory upon both parties.

(b)

It is not permissible for the spouses to mock one another for their views.

(c)

Both spouses must follow the most knowledgeable and religiously committed of those whom they refer to for fatwas, and they must avoid following whims and desires when looking for concessions.

(d)

In issues that are broad in scope it is not permissible for the husband to put pressure on his wife, but in issues that are broad in scope it is better and preferable for the wife to follow the husband’s opinion.

(e)

We advise both spouses to seek knowledge, and look for the truth, and stop arguing on the basis of falsehood. Each party should seek the truth.

(f)

The happy family is the one in which there is love, compassion and understanding between all family members. You are not in a university or college and do not have to base things on debates. Be a good example to your children in following the truth and do not differences lead to arguments.

And Allaah knows best.