

## Husband forcing his wife to have intercourse

Is it permissible for a man to force his wife or slave to have intercourse if she refuses?.

Praise be to Allaah.

The woman does not have the right to refuse her husband, rather she must respond to his request every time he calls her, so long as that will not harm her or keep her from doing an obligatory duty.

Al-Bukhaari (3237) and Muslim (1436) narrated that Abu Hurayrah (may Allaah be pleased with him) said: The Messenger of Allaah (peace and blessings of Allaah be upon him) said: “ If a man calls his wife to his bed and she refuses, and he spends the night angry with her, the angels curse her until morning. ”

If she refuses with no excuse, she is disobeying and is being defiant (nushooz), and he is no longer obliged to spend on her and clothe her.

The husband should admonish her and remind her of the punishment of Allaah, and forsake her in her bed. He also has the right to hit her, in a manner that does not cause injury. Allaah says (interpretation of the meaning):

“ As to those women on whose part you see ill-conduct, admonish them (first), (next) refuse to share their beds, (and last) beat them (lightly, if it is useful); but if they return to obedience, seek not against them means (of annoyance). Surely, Allaah is Ever Most High, Most Great ”

[al-Nisa ' 4:34]

Shaykh al-Islam Ibn Taymiyah (may Allaah have mercy on him) was asked what a husband should do if his wife refuses him when he asks for intimacy.

He replied:

It is not permissible for her to rebel against him or to withhold herself from him, rather if she refuses him and persists in doing so, he may hit her in a manner that does not cause injury, and she is not entitled to spending or a share of his time [in the case of plural marriage]. ” Majmoo ’ al-Fataawa, 32/279.

And he was asked about a man who has a wife who is rebellious and refuses intimacy – does she forfeit the right to maintenance and clothing, and what should she do?

He replied:

She forfeits her right to maintenance and clothing if she does not let him be intimate with her. He has the right to hit her if she persists in being defiant. It is not permissible for her to refuse intimacy if he asks for that, rather she is disobeying Allaah and His Messenger (by refusing). In al-Saheeh it says: “ If a man calls his wife to his bed and she refuses, the One Who is in heaven will be angry with her until morning comes. ”

From Majmoo ’ al-Fataawa, 32/278. The hadeeth was narrated by Muslim, 1736.

So the wife should be admonished first, and warned against defiance (nushooz) and of the anger of Allaah and the curse of the angels. If she does not respond, then the husband should forsake her in her bed, and if she does not respond to that, then he may hit her in a manner that does not cause injury. If none of these steps are effective, then he may stop spending on her maintenance and clothing, and he has the right to divorce her or to allow her to separate from him by

khula ' in return for some financial settlement, such as giving up the mahr.

Similarly a slave woman does not have the right to refuse her master ' s requests unless she has a valid excuse. If she does that she is being disobedient and he has the right to discipline her in whatever manner he thinks is appropriate and is allowed in sharee ' ah.

And Allaah knows best.