50732 - Does a man have to ask his wife for permission to observe a voluntary fast as is required of her?

the question

A woman has to ask her husband's permission to fast, I mean apart from the month of Ramadaan, and that is because of his right to have intercourse with her whenever he wants, and she is obliged to obey him. Does she also have the right for him to ask her permission to fast?.

Detailed answer

Firstly:

The Prophet (peace and blessings of Allaah be upon him) forbade wives to observe voluntary fasts when their husbands are present without their permission.

It was narrated from Abu Hurayrah (may Allaah be pleased with him) that the Prophet (peace and blessings of Allaah be upon him) said: "It is not permissible for a woman to fast when her husband is present except with his permission." Narrated by al-Bukhaari, 5195; Muslim, 1026.

A version narrated by Ahmad (9813) says: "No woman should fast a single day when her husband is present except with his permission, except Ramadaan."

Classed as saheeh by al-Albaani in Saheeh al-Targheeb, 1052.

Al-Nawawi said:

This is to be understood as referring to voluntary and recommended fasts for which there is no specific time. This prohibition implies that it is haraam. The reason for that is that the husband has the right to enjoy his wife on all days, and his right must be responded to immediately and not cancelled out by a voluntary fast or an obligatory fast that could be done some other time.

Sharh Muslim, 7/115

Secondly:

The reason why this prohibition is addressed to women and not to men may be explained as follows:

1 – The husband's right over his wife is stronger than her right over him, so it is not correct to draw an analogy between husband and wife on this point.

Ibn Qudaamah said in al-Mughni, 7/223:

Thus the husband's right over the wife is greater than her right over him, because Allaah says (interpretation of the meaning):

"but men have a degree (of responsibility) over them"

[al-Baqarah 2:228]

And the Prophet (peace and blessings of Allaah be upon him) said: "If I were to command anyone to prostrate to anyone else, I would have commanded women to prostrate to their husbands, because of the rights that Allaah has given them over them." Narrated by Abu Dawood.

End quote.

Shaykh al-Islam Ibn Taymiyah said in al-Fataawa al-Kubra (3/144):

After the duties she owes to Allaah and His Messenger, no right is more binding on a woman than the rights of her husband. The Prophet (peace and blessings of Allaah be upon him) said: "If I were to command anyone to prostrate to anyone else, I would have commanded women to prostrate to their husbands, because of the greatness of the rights that he (the husband) has over her."

End quote.

2 – The husband is usually the one who initiates intercourse, and the woman is the one who is sought. So usually it is he who pursues her, so it is appropriate that she should ask his permission before observing a naafil fast, because he may want to have intercourse with her.

3 – Men's desire is greater than women's, hence it is permissible for a man to marry up to four wives. This does not apply in the case of women. Hence men are less able to be patient in refraining from intercourse than women are. This is why women are required to ask permission to fast, and it is why a strong warning is issued to women not to refuse intercourse when their husbands call them.

The context of the hadeeth supports this reason. The Prophet (peace and blessings of Allaah be upon him) forbade women to observe voluntary fasts without permission when a woman's husband complained about her and said that he wanted to have intercourse with her, but she fasted a great deal and his rights were not being fulfilled.

It was narrated that Abu Sa'eed (may Allaah be pleased with him) said: A woman came to the Prophet (peace and blessings of Allaah be upon him) when we were with him, and said: "O Messenger of Allaah, my husband, Safwaan ibn al-Mu'attal, hits me when I pray and he makes me break my fast when I am fasting, and he does not pray Fajr until the sun is rising." Safwaan was with him, and the Prophet (peace and blessings of Allaah be upon him) asked him about what she had said. He said: "O Messenger of Allaah, as for saying that I hit her when she prays, she recites two soorahs and I told her not to." He said: "If it is one soorah, that is sufficient for people." He said: "As for her saying that I make her break her fast, she goes ahead and fasts, and I am a young man and I cannot be patient." The Messenger of Allaah (peace and blessings of Allaah be upon him) said on that day: "No woman should fast except with her husband's permission." "As for her saying that I do not pray until the sun is rising, we are a household who are used to that, and we cannot wake up until the sun is rising." He said: "When you wake up, then pray."

Narrated by Abu Dawood, 2459.

Classed as saheeh by Ibn Hibbaan, 4/354; al-Haafiz ibn Hajar in al-Isaabah, 3/441; al-Albaani in Irwa' al-Ghaleel, 7/65

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

One of his rights over her is that she should not do anything that detracts from his right to complete enjoyment of her, even if that is a voluntary act of worship, because the Prophet (peace and blessings of Allaah be upon him) said: “It is not permissible for a woman to fast when her husband is present except with his permission, or to allow anyone into his house without his permission.”

Huqooq da’at ilayha al-Fitrah wa Qararat-ha al-Shar’iyyah, p. 12

It is not permissible for a woman to observe a voluntary fast when her husband is present except with his permission, because he has the right to intimacy and intercourse with her. If she fasts and denies him his rights, it is not permissible for her to do that, and her naafil fast is not valid unless she does it with his permission.

Al-Muntaqa min Fataawa al-Shaykh al-Fawzaan, 4/73, 74

4 – Fulfilling the husband’s rights, raking care of the house and raising the children are all duties of the wife. The husband may think that there is a conflict between these duties and observing naafil fasts. It is well known that women – and some men –when they fast, become tired and neglect their household duties, hence it is required for them to seek permission to observe naafil fasts, but not obligatory fasts.

5 – The husband usually goes out to work and earns a living, unlike the wife whose work is in the home. It is not prescribed for the husband to ask permission because there is no need for that, unlike the woman who has to ask permission.

Whatever the case, the commands and prohibitions of sharee’ah are all wise, and the Muslim must say “We hear and we obey.” The basic principle is that rulings apply equally to both men and women except in cases where Allaah has differentiated between them for a reason that has to do with the nature of women or to test people so that the sincere believer may be distinguished from other people.

And Allaah knows best.