

Question 1731) - Explain the Masail of maintenance of wives.

A: They are as follows:

1. It is Wajib for a man to maintain his wife, be she Muslim, Christian or Jew; when she has surrendered herself in his home. He is also obligated to feed and clothe her. Both of their conditions are taken into account for this, whether the husband is rich or poor.
2. If she is disobedient and does not surrender herself to his home, then he is not obligated to maintain her until she returns home.
3. If she refuses to give herself over to him until he pays her Mahr, then she is still entitled to maintenance.
4. If the wife is so small that she cannot be sexually enjoyed, then she is not entitled to maintenance even if she hands herself to him.
5. She is an adult and hands herself to him. He is a minor, incapable of sex. She will still receive maintenance from his wealth.
6. If a woman is detained because of debts or is forcibly kidnapped, then she is not entitled to maintenance.
7. If she journeys for Hajj with someone besides her husband then she is not entitled to maintenance.*
8. If she is ill in the husband's home, then he must maintain her.
9. A man marries a slave-girl. Her owner lets her stay with him. He must maintain her.
10. A slave marries a freewoman with his owner's permission. Her maintenance will be a debt against which the slave can be sold; unless the owner pays from his wealth.

* If she travels with him, he must maintain her. He will pay for her food as per when they are at home, not as per travel. He is not responsible for her fees and travel expenses. [al-Bahr ar-Raiq (197 /4)]

~ al-Quduri ~