

## Obligation upon the woman observing 'Idda

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

*The obligation upon the woman observing 'Idda (prescribed waiting period) from a revocable divorce to stay at the marital house unless she is involved in a flagrant indecency*

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**Question:** I got married since four years; however, there was no stability in our marital life except on rare occasion. My wife used to ask me divorce for trivial reasons, and commits, because of that, significant stupidities as to attempt throwing herself from the roof of the house, until some members of the family prevent her from doing so. And the straw that broke the camel's back is that she brandished a knife at me and threatened to kill me or to kill herself if I don't divorce her (knowing that she does not suffer from any nervous illness). Accordingly, I divorced her and took her to her parents' home. Then, I learnt that Al-'Idda of the pregnant woman is that she stays at the marital house until she lays down, but I am afraid for myself and my child or one of my family members. Is she allowed to observe her 'Idda at her parents' home? And may Allaah bless you.

**Answer:** All praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon whom Allaah sent as a mercy to the Worlds, upon his Family, his Companions and his Brothers till the Day of Resurrection.

The basic principle is that the divorced woman has to observe Al-'Idda at the marital house until her 'Idda comes to an end. Further, her husband is not allowed to force her to leave her home. She too must not leave home; and if she left it, she is obliged to return to it, unless that she is not guilty of a manifest abominable act, if she did so, she has to leave home. And what is meant by manifest abominable act is any dispraised wrong deed, disobedience and bad qualities among which adultery as stated by Ibn Mas'ood and Ibn 'Abbaas رضي الله عنهم. The term Faahisha (abominable act) also encompasses the woman's recalcitrance (disobedience to her husband) or the fact that she speaks in a rude way with her husband's family or shows unacceptable behaviour towards them as stated by Ubay Ibn Ka'b and Ibn 'Abbaas<sup>1</sup> رضي الله عنهم. Indeed, the mentioned case does not go beyond this meaning. Allaah تعالى says:

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<sup>1</sup> See these interpretations in: "Tafseer At-Tabaree" (28/121), "Tafseer Al-Qur'aan Al-'Adheem" by Ibn Katheer (8/165), "Al-Musannaf" by Ibn Abee Shayba (14061), "Al-Musannaf" by 'Abd Ar-Razzaaq As-San'aanee (12101) and "As-Sunan Al-Kubraa" by Al-Baihaqee (15775).

## Obligation upon the woman observing 'Idda

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ وَاتَّقُوا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَحِشَةٍ مُبَيَّنَةٍ وَتِلْكَ حُدُودُ اللَّهِ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ ۗ

[O Prophet! When you divorce women, divorce them at their 'Idda (prescribed waiting period) and count (accurately) their 'Idda. And fear Allaah your Lord (O Muslims). And turn them not out of their (husband's) homes nor shall they (themselves) leave, except in case they are committing an open indecency. And those are the set limits of Allaah. And whosoever transgresses the set limits of Allaah, then indeed he has wronged himself]<sup>2</sup>

The perfect knowledge belongs to Allaah عزَّ وجلَّ; and our last prayer is all the praises and thanks are to Allaah, the Lord of the Worlds, and prayers of Allaah are to Muhammad and his Family, Companions and Brothers until the Day of Resurrection.

Algiers on: Rabee' Ath-Thaane the 18th, 1428 H. Corresponding to May the 6th, 2007 G.

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<sup>2</sup> Soorah at-Talaaq [65:1]