

Woman marrying disbeliever, embraced Islam by words

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

The ruling concerning a Muslim woman marrying a disbeliever who embraced Islaam by words without deeds

Question: I am a married woman; my husband has French origin and nationality. He embraced Islaam shortly before we got married and he believed in all Islaamic requirements whether regarding words or deeds. But after three years of marriage, he did not apply anything he believed in. Is he considered a Muslim? And am I allowed to ask for a separation from him, knowing that we have a daughter together?

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.

Verily the first compulsory thing enjoined on the religiously responsible person is the Sha'ha'dah – the confession of a Muslim: None has the right to be worshipped but Allaah, and Muhammad صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ is the Messenger of Allaah. The doer of this testimony is apparently a Muslim. He is ordered to perform acts of worship and avoid evil deeds and prohibitions. His truthfulness to Allaah should be known hurrying to submission and obedience. When a disbeliever embraces Islaam, Ghusl (major ablution) and circumcision will be compulsory on him even if he is old. Al-Bukhaaree reported that the Messenger of Allaah said: “**Ibraaheem (Abraham) Khaleel Ar-Rahmaan (the intimate friend of the Most Gracious) did his circumcision with an adze at the age of eighty**”¹. As he must fulfil all the compulsory obligations that are upon the Muslim as the articles of faith, the principles of Islaam and the ways of Ihsaan (beneficence). So if he ignores them, he has to learn things that correct his creed, worship and behaviour. He has to fulfil them in the right way. If he does so, then he will truly come with the testimony he uttered, particularly the manifestation of the hidden deeds with those of the parts of the body, such as prayer, fasting, Zakaat, Hajj and others from the subdivisions or branches (i.e. parts) of faith that follow the deeds of the hearts and that are linked to them. For his part, the one who abandons obligatory acts is considered a believer by virtue of his faith, but a wrongdoer because of his disobedience, according to all Ahl-As-Sunna (the adherents to Sunnah)..

¹ Reported by Al-Bukhaaree, chapter of “The Prophets”, concerning Allaah's statement: [وَاتَّخَذَ اللَّهُ إِبْرَاهِيمَ خَلِيلًا] [And Allaah did take Ibraaheem (Abraham) as a Khaleel (an intimate friend)!] Soorah an-Nisaa' [4:125], (hadeeth 3178), by Muslim, chapter of “The Merits”, concerning the merits of Ibraaheem Al-Khaleel (hadeeth 6141), by Ahmad in Al-Musnad (hadeeth 8082) and Al-Baihaquee in As-Sunan Al-Kubra (hadeeth 18062) on the authority of Aboo Hurayrah رَضِيَ اللهُ عَنْهُ.

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However, whoever abandons all the acts is not a Muslim, because there is no faith without actions that support it. The one who abandons the type of the deed is not considered to belong to the fold of Islaam since there is no faith that does not match a deed in the Sharee'ah. This comes only from someone whose heart is full of hypocrisy and not from a heart full of sincere faith. When someone declares his faith without supporting it with the required acts, he is considered a disbeliever, however if he declares that he has the faith and he performs the required acts but without a good intention, then he is considered a hypocrite. If he remains abstaining from performing the compulsory duties and from doing good righteous acts of worship after getting knowledge, he will be definitely judged as an apostate, cast out of Islaam - we seek refuge with Allaah -. The relation between the spouses will be invalid and all the rights which result from it, as heritage, guardianship, etc... It will not be allowed- in this condition - for the wife to stay with him as long as it is impossible to correct him because the apostate has no religion. Apostasy imposes the separation between the husband and the wife and it is considered as a nullification not a divorce. The apostate has other rulings. Al-Qurtubee already mentioned the consensus of the scholars stating that a Mushrik (idolater) cannot marry a woman believer in any way because of total disregard for Islaam². As Allaah تعالى says:

وَلَا تُنكِحُوا الْمُشْرِكِينَ حَتَّىٰ يُؤْمِنُوا

[And give not (Muslim women) in marriage to Mushrikoon (polytheists, pagans, idolaters and disbelievers in the Oneness of Allaah and His Messenger Muhammad صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ till they believe (in Allaah Alone)]³

He تعالى also says:

لَا هُنَّ حِلٌّ لَّهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ

[They (Muslim women) are not lawful (wives) for them (the disbelievers) not are the disbelievers (husbands) for them]⁴,

that is to say, a Muslim woman is not lawful for a disbeliever nor is a believer's marriage to an idolatress lawful.

It is worth to warn that when a disbeliever embraces Islaam there should be a sort of caution and watch before dealing with him in marriage matters and others so that his good intention and will would be known and the truthfulness of his faith would manifest in performing the symbols of Islaam, offering prayer, paying Zakaat and other acts of worship ahead observing him with advice, guiding and instruction.

The perfect knowledge belongs to Allaah عَزَّ وَجَلَّ. Our last prayer is all praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon our Prophet, his Family, his Companions and Brothers till the Day of Resurrection.

Algiers, Jumaada Al-Oola 26th, 1421H. Corresponding to: August 26th, 2000.

² See: Tafseer Al-Qurtubee (72/3).

³ Soorah al-Baqaraah [2:221]

⁴ Soorah al-Mumtahanah [60:10]