

Fatwa no. 2185

Q: On the night of Friday corresponding to 6/10/1398 A.H., I took my wife to a relative's wedding party in a wedding palace. I returned at the time for the Fajr (Dawn) Prayer for my wife and asked her to leave with me. I then sent several people to get her and then I contacted her personally, but she refused to leave the palace until after all the women had left. I then sent a woman to her, asking her to tell her that if she did not leave now, she would be unlawful to me and not enter my house again. The woman contacted her and told me that she refused to come to me. She has not come to my home until now. In fact, she is staying at her father's house until I discuss with him the reason why she refused to leave with me. Please advise me whether it is lawful for me to take her back in marriage or not. Am I sinful for deeming her unlawful to me? Please give me the ruling on this matter, with references, to convince my wife's father.

A: If the situation is as you mentioned, you must make the Kaffarah (expiation) for a broken oath after your wife returns to your home. This is done by feeding ten poor people five Sa's (1 Sa' = 2.172 kg) of wheat, dates, rice, or the like of which you feed your family, giving half a Sa' to each poor person. Otherwise you can clothe ten poor people or free a believing slave. If you cannot do that, you must observe Sawm (Fasting) for three days, and it is preferable to do this on consecutive days as Allah (Exalted be He) says:

O you who believe! Make not unlawful the Tayyibât (all that is good as regards foods, things, deeds, beliefs, persons) which Allâh has made lawful to you, and transgress not. Verily, Allâh does not like the transgressors.

And eat of the things which Allâh has provided for you, lawful and good, and fear Allâh in Whom you believe.

Allâh will not punish you for what is unintentional in your oaths, but He will punish you for your deliberate oaths; for its expiation feed ten Masâkîn (poor persons), on a scale of the average of that with which you feed your own families, or clothe them or manumit a slave. But whosoever cannot afford (that), then he should fast for three days. That is the expiation for the oaths when you have sworn. And protect your oaths (i.e. do not swear much). Thus Allâh make clear to you His Ayât (proofs, evidence, verses, lessons, signs, revelations, etc.) that you may be grateful.

May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family and his Companions!

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