

Fatwa no. 5170

Q: A divorced woman has to stay in her husband's house until the `Iddah (woman's prescribed waiting period after divorce) expires. How come that a divorcée stays in the same house of her husband until her `Iddah expires?

A: When the husband pronounces a revocable divorce, like the case when he divorces his wife once after the consummation of the marriage with no compensation conditioned, the wife has to remain at her husband's house. It is unlawful for her to leave the husband's house as long as the term of the `Iddah has not expired yet. Likewise, it is unlawful for the husband to drive her out of the house until her `Iddah expires unless a clear act of immorality has been committed. This is because a revocable divorced woman is still considered to be a wife. During the period of `Iddah, the husband has the right to take her back in marriage, even if she does not agree, provided that this is done in the presence of two just witnesses. Neither a new marriage contract nor Mahr (mandatory gift to a bride from her groom) is required from the husband. However, if the husband pronounces an irrevocable divorce, like the case when he divorces her prior to or after the consummation of the marriage while conditioning a compensation for the divorce, she becomes unlawful for him. He may take her back in marriage with a new marriage contract and a new Mahr provided that she gives her consent to remarry him. Pronouncement of irrevocable divorce makes it impermissible for the husband to sit in Khulwah (being alone with a member of the opposite sex) with his ex-wife or to see any part of her body which a non-Mahram (not a spouse or an unmarriageable relative) is not allowed to see.

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

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