

The fifth question of Fatwa no. 6759

Q 5: What is the ruling on a husband saying to his wife: "You are Haram (forbidden) to me"?

A: If by declaring his wife to be Haram to him he intended to divorce her, this is considered as one pronouncement effecting Talaq (divorce pronounced by a husband). He can revoke the divorce and take back his wife with whom he consummated the marriage, as long as she is still in her 'Iddah (woman's prescribed waiting period after divorce or widowhood), and this declaration of forbidding his wife to himself was not the last and third irrevocable pronouncement of Talaq. In such a case, she will not be lawful to him until after she marries another man and that marriage ends lawfully. As for a wife with whom he has not yet consummated the marriage, it will not be lawful for him to take her back in marriage unless through a new marriage contract, a new Mahr (mandatory gift to a bride from her groom), and with her consent.

If by declaring his wife to be Haram to him he did not intend to divorce her, this is not considered to be a Talaq, and he has to make Kaffarah (expiation) for Zihar (a man likening his wife to an unmarriageable relative) by freeing a believing slave. If he cannot do that, he has to observe Sawm (Fasting) for two successive months. If he cannot do that, he has to feed sixty poor people.

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

The Permanent Committee for Scholarly Research and Ifta'

Member
`Abdullah ibn Qa`ud

Deputy Chairman
`Abdul-Razzaq `Afify

Chairman
`Abdul-`Aziz ibn `Abdullah ibn Baz