

Fatwa no. 754

Q: A man married a Muslim woman who was previously a Christian. He doubted her conversion to Islam, and problems began to arise between them. This doubt was later confirmed by her going to churches and monasteries when he was absent. She unexpectedly left his house in Tanta and traveled to Cairo. She phoned him from Cairo and requested divorce, but he did not respond to her. Her brother came and asked him to divorce her. He told him that she has been unlawful for him for three years due to her conversion to Christianity. Is she unlawful for him according to the ruling of Shari`ah (Islamic law)? What is the legal stance on her apostasy without his knowledge? It should be noted that she lived with him for five years and he was not aware of her apostasy.

A: If the reality is as mentioned, the wife has become unlawful for him because of her apostasy, and she will not be lawful for him (in marriage) unless she makes Tawbah (repentance to Allah) and returns to Islam. Allah (Exalted be He) says:

Likewise hold not the disbelieving women as wives and

And whosoever disbelieves in Faith [i.e. in the Oneness of Allâh and in all the other Articles of Faith i.e. His (Allâh's) Angels, His Holy Books, His Messengers, the Day of Resurrection and Al-Qadar (Divine Preordainments)], then fruitless is his work; and in the Hereafter he will be among the losers.

Her marriage is part of her deeds that has turned worthless as she apostatized. The ruling of Shari`ah on her is that she should be killed unless she makes Tawbah and returns to Islam. That is because the Messenger of Allah (peace be upon him) said:

"If somebody (a Muslim) discards their religion, kill them."

This ruling applies to her whether the husband has known about her apostasy or not. However, he is excused for having intercourse with her and enjoying her during the period in which he was unaware of her apostasy. A Muslim is only permitted to ask about the legal stance on her apostasy by referring to a Muslim legal body. That is because seeking judgment from other than the revealed laws of Allah (Exalted be He) constitutes Kufr (disbelief), injustice, and Fisq (flagrant violation of Islamic law).

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

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