

Fatwa no. 20663

Q: Some women come to the office (of Da`wah (call to Allah)) seeking Islam, while they are still married to non-Muslims. It is known that the marriage of a Muslim woman to a Kafir (disbeliever) husband is prohibited. Should these women be informed of this before or after pronouncing the Shahadah (Testimony of Faith)? Especially that this ruling may lead to their hesitation in embracing Islam or backing away from it depending on when they are informed of this. What is the opinion of Shari`ah (Islamic law) on someone who says that a woman should not be informed of this until she becomes deeply attached to Islam, claiming that staying with a non-Muslim is Haram (prohibited), but her apostatizing from Islam or rejecting it is Kufr (disbelief), thus in this case, the greater evil is to be warded off by a lesser one represented in the staying of a Muslim woman with her kafir husband to ward off her apostasy or rejection of Islam. I hope that your Eminence would clarify the Shar`y (Islamically lawful) ruling in this case.

A: If a woman embraces Islam while her husband is a Kafir, it becomes impermissible for her to stay married to him, due to the Saying of Allah (Exalted be He):

...then if you ascertain that they are true believers, send them not back to the disbelievers. They are not lawful (wives) for the disbelievers nor are the disbelievers lawful (husbands) for them.

Thus, she is to be informed that her 'Iddah (woman's prescribed waiting period after divorce or widowhood) starts from the time she embraces Islam, and if her husband embraces Islam during her `Iddah, she may return to him, but if the `Iddah expires while he is still a Kafir, their marriage would be abrogated and she will be lawful for another man, and Allah will facilitate good for her as He (Exalted be He) says:

And whosoever fears Allâh and keeps his duty to Him, He will make a way for him to get out (from every difficulty).

And He will provide him from (sources) he never could imagine.

This is a Shar`y ruling that should be clarified and applied, and should not be prevented lest she should apostatize. May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

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