

Marrying Kafirs

The first question of Fatwa no. 784

Q 1: A Christian woman who is married to a Christian man has embraced Islam but he has not accepted Islam yet. They are old now and no longer have sexual intercourse; is it permissible for her to remain with him or should the marriage contract be cancelled? How long should her `Iddah (woman's prescribed waiting period after divorce or widowhood) be? What is the ruling on the Mahr (mandatory gift to a bride from her groom)? Is it permissible for him to take her back if he embraces Islam?

A: If a Christian woman embraces Islam while married to a Christian man, the marriage contract becomes invalid, and she is to give back the Mahr she received. Allah (Exalted be He) states:

...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. But give them (the disbelievers) that (amount of money) which they have spent [as their Mahr] to them.

Accordingly, it is not permissible for her to remain with him, even if they are old and are no longer engaged in sexual intercourse. To be safe, she is to observe the three months `Iddah of a divorcee since she has passed the age of menstruation. Allah (Exalted be He) states:

And those of your women as have passed the age of monthly courses, for them the `Iddah (prescribed period), if you have doubt (about their periods), is three months.

However, if he embraces Islam, it is permissible for him to take her back with a new contract if her `Iddah has expired and she has not married another man.

This is because the Prophet (peace be upon him) gave back his daughter Zaynab in marriage to her husband when he embraced Islam a few years after her, and she was not remarried at that time.

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

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