

In The Name of Allah, Most Merciful.  
We send Salutations upon the Pure Soul of Nabi  
Muhammad, and upon his family and companions.

## IDDAT

In view of the gross neglect of the Islamic injunction of Iddah that we observe today, we deem it imperative that our sisters be made aware of the importance of Iddah, and its rules and regulations. It is for this reason that this treatise has been prepared. We pray to Allah to instill into our hearts the importance and significance of all His Injunctions, and may Allah accept this humble effort from us.

### Definition

*Iddat* (also pronounced **IDDAH**) is a period of waiting that Islam has imposed upon a woman who has been divorced or whose husband has died, after which a new marriage is permissible.

### Origination

*Iddat* is established from The Holy Quran and the Hadith of **Rasoolullah** (*sallallahu alaihi wasallam*). We cite the relevant verses in this regard: In Surah Baqarah Almighty Allah states:

*“And those women who are divorced, should keep themselves in waiting for three periods.”*

This verse establishes the *iddat* for a woman who is divorced, such *iddat* being a period of three *haidh* according to the hanafi mazh-hab. In another verse in Surah Baqarah, Allah Ta’ala says:

*“And those among you who expire and leave behind wives, they (the wives) shall keep themselves in waiting for four months and ten days.”*

This verse clearly explains the *iddat* of the widow. In Surah Talaq, Almighty Allah states:

*“And those women among you who despair of menstruation (i.e. having reached the age of menopause), if you are in doubt then their iddat shall be three months, as well as those women who do not have menstruation. And the pregnant women, their period of waiting is that they deliver their babies.”*

The above verse defines two forms of *iddat*: a) the divorcee who does not experience *haidh* or menstruation, either due to old age or some other medical imbalance, shall pass an *iddat* of three Islamic months; b) the wife who was divorced while expecting a child will have to wait for the delivery of the baby before her *iddat* expires.

More laws and durations of *iddat* in detail shall appear further on.

### THE PURPOSE OF THE IDDAT

There are several reasons why the *iddat* has been ordained. As regards the *iddat* that is calculated according to the cycle of menstruation, the purpose is, firstly, to establish the state of the womb, i.e. to ascertain whether there has been conception prior to divorce or not. When menstruation has been fixed as the basis for *iddat*, it will be a mere formality to establish this, for when the blood of *haidh* flows it is a sure sign that the womb is empty of a fetus. However, one period of menses is insufficient to provide definite evidence of the ‘emptiness’ of the womb, so the Shariah prescribes the elapse of another period for added confirmation. After this second *haidh* it will be conclusively proven that the womb is indeed free of pregnancy. Now that the womb has been certified as free of burden, the third *haidh* or menstruation period is merely a mark of respect for the bond of nikah and to prolong the termination of the nikah thus increasing the chances of reconciliation. The result of all this is an *iddat* consisting of three *haidh* periods. As for those ladies who do not experience *haidh* for reasons already outlined, the straightforward three-month *iddat* prescribed for

them will serve the same purpose as expounded above, beyond any shadow of doubt. Furthermore, the three-month *iddat* is to differentiate between the *iddat* of the free woman and the woman in bondage, whose *iddat* the Shariah has set at two months, or two menstruation periods.

Secondly, a hadith of **Rasoolullah** (*sallallahu alaihi wasallam*) provides us with a very strong reason for observation of a period of waiting called *iddat*. This hadith states:

*“Whoever believes in Allah and the Last Day should not allow his water (semen) to inseminate the plantation (womb) of another.”* (Abu Dawood, Tirmizhi)

The “womb of another” spoken of here means the womb of the divorcee which was probably inseminated by her former husband. We say probably because such an issue is not clear until the *iddat* has in fact passed thus proving the existence or non-existence of a fetus. If the latter then it is clear that in reality the womb was *not* inseminated. Hence the only meaning one can deduce from this hadith is that **Rasoolullah** (*sallallahu alaihi wasallam*) is prohibiting marriage during *iddat*, for marriage is obviously a prelude to intercourse. If there was no waiting period before the next marriage, the possibility was very great that the new husband would have intercourse with the wife while she may be expecting the baby of her former husband. This has been described by the hadith as “inseminating the crops of another”, i.e. depositing semen into a womb that has already been impregnated by another. This one teaching of **Rasoolullah** (*sallallahu alaihi wasallam*) shows the wisdom and knowledge Allah had granted him, for indeed this practice has not only religious complications but is even detrimental for health reasons.

#### **NOTE**

The primary and chief reason for observation of *iddat* is the injunction to do so by The Glorious Quran. This is the underlying juristical cause for *iddat*, not the reasons cited above. These reasons are not given by Almighty Allah, but were merely expounded by the Ulema

from the verses of The Glorious Quran. Hence, even if it is possible to determine the state of the womb through scientific instruments or medical procedures, the *iddat will still be waajib*. Since the Quran itself never mentioned any reason, the *iddat* will be based plainly on the categoric command of The Holy Quran. The argument that nowadays doctors are able to ascertain pregnancy through their sophisticated machinery thus negating the need for a three month period of waiting, will not be entertained since the injunction of *iddat* by The Quran is unconditional (i.e., not underlined by any reason or motive). This is purely a ritual command for which no reasons have been stated in The Quran. So even if it is ascertained through any other medium that the womb is free of fetus, observation of the *iddat* as commanded in The Quran will still be compulsory.

For this reason, should the husband and wife (whom had definitely consummated their marriage some time ago) both be secure in the knowledge that prior to talaq there was no conception because sexual intercourse had not taken place, it will still be waajib for her to observe *iddat* after divorce had taken place. There is, however, one occasion where the Shariah has not prescribed any *iddat*, and that is the wife who is divorced before consummation of the marriage, (*O you who believe! when you marry believing women and then divorce them before you have touched them, then no period of Iddah have you to count in respect of them.* Verse 49, Surah Ahzab) In this particular case the Shariah has considered the non-consummation of the marriage as sufficient proof to negate any conception, although here too, such reasons for the *iddat* are not stated.

Another purpose the *iddat* serves is to prolong the termination of the nikah, thus increasing the chances of reconciliation. Whereas, had the Shariah ruled a marriage as over after just one or two periods, the chances of both parties re-uniting would have been drastically reduced.

#### **THE DIFFERENT TYPES OF IDDAT**

Basically there are two types of *iddat*, viz:

- 1) *Iddat-e-wafaat* - *iddat* upon the death of the husband
- 2) *Iddat* after Talaq such as raj'ee, baa-in, *magallazah* or after certain forms of separation, all of which had occurred after consummation of the marriage.

#### **Divorce or separation before consummation of a marriage**

This occurs when immediately after marriage, before consummation, or before *galwat saheeha* (i.e., such privacy between and husband and wife where there exists no impediment from sexual intercourse), the husband divorces his newly wedded bride. In this case there is no *iddat* since there exists no possibility of her being pregnant. This ruling has been taken from verse 49 of Surah Ahzaab quoted above. However if the husband acknowledges that at some stage he did indulge in sex with his bride, it will be necessary for her to observe the *iddat*, because now consummation has been established through their own confession.

#### **IDDAT E WAFaat - UPON THE DEATH OF THE HUSBAND**

The *iddat* of *wafaat* or death commences from the date of death of the husband. Hence, if the wife only learns of his death a few days later, she is still obliged to calculate her *iddat* period from the day he died, not from the day she learnt of his death. It should be remembered that in the *iddat-e-wafaat* consummation of marriage is not a necessity. So even if the husband passes away immediately after marriage, before coming together with his wife, she still has to observe the *iddat-e-wafaat*. In this case the *iddat* has been imposed as a period of mourning and grief, not to determine any state of the womb.

#### **Duration of this *iddat***

The *iddat-e-wafaat* is four months and ten days. If she is pregnant then her *iddat* expires as soon as she delivers her child. (See details of a pregnant woman's *iddat* under a separate heading further on.) It should however be noted here that delivery of the baby will only

be considered as termination of the *iddat* if the wife was already pregnant at the time of her husband's demise. If this was not the case, and the pregnancy only became apparent after the husband's death then she will have to observe *iddat* of three months, which is the *iddat* of a woman who does not menstruate. This is because during pregnancy a woman does not have her menses. Her *iddat* will, therefore, be three months.

#### **IDDAT AFTER TALAAQ OR SEPARATION**

The *iddat* of Talaq begins immediately upon the Talaq being issued by the husband, whether the wife knows of it or not. If Talaq is written out then too, *iddat* will commence the moment the husband writes the divorce, not when the wife receives the note. However, if in a letter addressed to the wife, the husband states the following: "*The moment you receive this letter you are divorced*" or any sentence conveying a similar meaning then *iddat* will only begin when the wife receives the letter, for that is when Talaq occurs in this particular case. To ensure easy and correct calculation of the *iddat* period for the wife it is preferable to make a note of the date in a written Talaq.

#### **Duration of this *iddat***

There are three different durations prescribed by The Shariah for this type of *iddat*, and each period applies to different types of women. These are as follows:

- a) For a woman who menstruates
- b) For a woman who does not have monthly menses.
- c) For a woman who is pregnant

#### **IDDAT FOR A MENSTRUATING WOMAN**

For a woman who experiences her monthly menses the *iddat* is three separate haidh or menstruation periods. If a woman was divorced during haidh then too the *iddat* begins immediately. However, in this case the duration of three haidh will only be calculated from the

following haidh. This means she will have to wait for the current haidh to end, pass one *tuhar* (clean period), and thereafter start counting three separate haidh periods. The haidh during which Talaaq was issued is not counted.

**Note:** It is haraam for the husband to divorce his wife during her menstruation, although, in spite of this being haraam, such a divorce is still valid and counted.

The *iddat* of a woman who has a fixed monthly period under ten days, will only expire after she has had a complete bath, or after the complete time of one salah elapses upon the end of the third haidh. Before then she will still be regarded as being in *iddat*. However, if during the third haidh blood flows for full ten days then this will signal the termination of her *iddat*. In this case the *iddat* expires immediately upon the completion of the ten-day period. Here the expiry of *iddat* does not depend on the lapsing of a complete salah time, nor upon her having a bath. If the blood continued for more than ten days then she will revert to her fixed monthly flow. This means that she disregards all the extra days during which she bled and her *iddat* would then have terminated after her fixed period, after the passing of a complete salah time, or after taking a bath.

#### **An example to illustrate the above rules:**

A woman experiences a fixed monthly haidh flow of five days. She was divorced and began her *iddat* of three haidh. Upon the end of the five days during her third haidh her *iddat* will only expire once she had taken a bath or one full salah time elapses. If however, during the third haidh she suddenly started to bleed for longer than the normal five days (which was her fixed period every month), and the bleeding continued for up to ten days then the entire ten days will be considered haidh. In this case her *iddat* ends at the end of the tenth day. The expiry of *iddat* in this case is not dependent upon her having a bath or the passing of one complete salah time. If the blood-flow exceeded ten days then she reverts to her normal monthly flow which was five days. Her

*iddat* would therefore be long over since her haidh period was only five days.

#### **THE *IDDAT* OF A WOMAN WHO DOES NOT MENSTRUATE**

The duration of *iddat* for such a woman is three months. This applies to a woman who has had her menopause, which according to the ruling of the Ulema occurs at the age of fifty-five years. Similarly, if a woman has undergone an hysterectomy as a result of which she does not experience haidh any more, or due to medication she does not menstruate, the *iddat* for her will also be three months.

#### **THE *IDDAT* OF A WOMAN WHO HAS IRREGULAR BLOOD-FLOW**

Sometimes due to irregularity in her cycle a woman does not have menses for several months. For such a woman who experiences prolonged *tuh* or clean periods the Ulema have ruled that her *iddat* will last for one full year. After the passing of one year she will be considered out of her *iddat* and may remarry if she so wishes. In such an *iddat* if her haidh resumes at any stage during the year, she will revert to the *iddat* of three haidh. This could sometimes mean an extended *iddat* period, especially if her menses resumed towards the end of the year. Should the woman who has stopped menstruating once again experience resumption of her menses, the *iddat* will revert to three haidh, i.e. the *iddat* for a menstruating woman.

#### **NOTE**

Another form of irregular flow is the inconsistency some women experience in their cycles, even well before the menopause. For instance, a woman has a flow for perhaps three days, after which it stops, then continues for another three days. Then after twelve or thirteen days there appear some spots or a few drops, and again for the next few days there is no further discharge. This causes considerable difficulty in not one but several areas of the woman's Deeni life. If such

a lady has to observe *iddat*, it will be necessary to contact the Ulema and provide them in writing with her entire menstrual history so that they may formulate an answer. Due to the intricacies and variances of such a situation it will be very confusing to enlist the laws here which may apply to such a woman. Therefore, rather contact the local Ulema when the need arises to get a specific answer on one specific situation. Furthermore, woman should remember that it is *wajib* for them to keep track of the changes in their flow as well as the fixed cycle. Failing to do so is sinful and a careless attitude towards Deen.

### **THE *IDDAT* OF A PREGNANT WOMAN**

For one who is pregnant the *iddat* lasts till she delivers her baby, no matter how long it takes. The *iddat* of a pregnant woman will expire immediately she delivers the child, which in this particular case means the birth of the entire child. As long as the whole baby has not yet totally emerged from the mother, the *iddat* is not over. The expiry of *iddat* is not dependent upon her taking a bath for purification from nifaas (afterbirth impurity), even if the nifaas lasts for only a few seconds after birth. Nor is it necessary to wait for the expiry of the nifaas period. If the baby is born a few minutes after divorce then too, her *iddat* will expire and she may marry again. This *iddat* therefore has no specific duration. It all depends on the length of the pregnancy. The moment the wife completes her term of pregnancy, the *iddat* ends.

If the wife gives birth to a child that is partially formed, or a still-born, such a birth is enough to terminate the *iddat*. If she suffers a miscarriage before four months of pregnancy (120 days) the *iddat* will not be over. This is because according to the Shariah the fetus which is less than four months is not considered a baby. She must now sit out the *iddat* of either three *haidh* if she menstruates, or three months if she is not a menstruating woman.

If the wife is bearing more than one child (twins, triplets, etc.) then the *iddat* only expires upon the birth of the last child. All laws of *iddat* that apply to a normal birth or a natural miscarriage will apply to

abortions. So, an abortion performed within four months would not terminate the *iddat*, while an abortion after four months would bring an end to the *iddat*.

### **NOTE**

It is *haraam* to have an abortion after four months of pregnancy, since according to the hadeeth shareef the *rooh* is instilled into the fetus after this period. Within four months this will be permissible if the woman has a valid reason, such as ill-health or rape, for example. Once the *rooh* has entered the fetus it is now considered to be a human being, hence there can be no justification for taking the life of this human, which is what abortion represents. *Rasoolullah sallallahu alaihi wasallam* termed this *Al wa'dul khafiy*, i.e. lesser degree infanticide.

### **CALCULATION OF AN *IDDAH* PERIOD**

Besides a complete term of pregnancy and three *haidh* periods, the *iddat* is sometimes calculated according to months and sometimes according to days. A menstruating woman undergoes three *haidh* periods before her *iddat* can expire, while the pregnant wife has to deliver her child in order to complete her *iddat*.

The *iddat* for a woman who does not experience monthly menstruation has been given as three Islamic months. If the beginning of this *iddat* coincides with the start of an Islamic month then it will only expire when the new moon for the fourth month has been sighted. Similarly, in the *iddat-e-wafaat* if death occurred at the beginning of a lunar month then four months and ten days will be calculated accordingly. That means that the *iddat* will expire on the tenth day of month number five. For example, the husband died on the first of Muharram, so her *iddat* ends on 10 Jumaadal Ula. However, If the *iddat* had to be commenced somewhere in the middle of a lunar month then the *iddat* will be calculated in days. So in this case a three-month *iddat* will actually be 90 days (3 x 30, with each month being regarded as thirty days). For example, if her *iddat* had to begin on 10 Rabiul

Owwal, then she would count 90 days from that date onwards, irrespective of whether the subsequent months have 29 or 30 days.

The same applies to *iddat* after death. If the husband died on 20 Muharram, for example, the duration of the *iddat* will be regarded as 130 days in total (4 x 30 + 10). There is now no need to consider how many days the following months have. Also note that the *iddat* will end at the exact time of day that it began. For instance, if the husband died at ten o'clock during the day, the *iddat* will also end at ten o'clock on the 130th day if it was calculated in days. If the *iddat* went according to months then it would end at ten o'clock on the tenth day of the fifth month. If Talaq was issued at 8.00 a.m. then for a non-menstruating woman the *iddat* will end at 8.00 a.m. on the 90th day, or on the first day of the fourth month where the *iddat* had to be calculated according to months. In all cases the count begins from the next day, i.e. the day after death or Talaq. In other words, the first day of *iddat* is not counted to ensure a complete *iddat* period. Otherwise, by including the first day in our calculations the *iddat* will end one day prematurely. For example, if death occurred at ten in the morning, the first day of *iddat* ends at ten the following morning, the second day at 10 a.m. the following morning, and so forth. Day number one will actually be counted from the following morning. In this case the *iddat* will end also at ten. In short, the *iddat* always ends at the same time of day that it began. It is, therefore, important to make a note of the exact time of death or divorce. However, in matters pertaining to *iddat* it is preferable to play safe. If the wife is not sure as to the exact time her *iddat* will end, rather wait a few more hours or even days before considering the *iddat* as over.

- A girl that becomes baalig at the age of fifteen and has not experienced proper haidh (that means she may have had one or two days flow, not the full three days), will also have to observe *iddat* in months if she was divorced. Such a girl who has become baalig through any way besides haidh, also has to wait

one year from date of divorce, after which she will observe an *iddat* of three months.

- A woman who reaches the age of 30 years and has yet not had a proper haidh (i.e three full days of flow), must also observe an *iddat* of three months.
- A woman who has reached the menopause age which the Ulema have set down as fifty five, must as least have had a cessation of haidh for six months, and only then will it be declared that she has reached the age of menopause.
- The woman who at a young age suddenly has a cessation of haiz, will only begin to calculate her *iddat* in months when the cessation of haidh lasts for at least one full year.

### **RESTRICTIONS PERTAINING TO THE *IDDAT***

Here we mention certain prohibitions upon the wife which come into force during the *iddat*.

#### **1. LEAVING THE CONFINES OF THE HOME**

The confines of the home in this context include the front and backyard.

a) A woman who has been divorced is not allowed to leave the confines of her home during the *iddat* for whatever reason, be it to visit friends or relatives or to attend the funeral of even her parents. If however, there is some danger to life or limb and leaving the home becomes necessary then she is allowed to leave but must return as soon as the danger is over. Similarly, if a spiteful husband evicts her from the house then too, she is allowed to go and spend her *iddat* elsewhere, preferably at her parents home. In this case the husband is guilty of a major sin, since he is flouting a law of The Holy Quran. Allah has commanded the husbands in Surah Talaq: “*Do not evict them (from the home) nor should they emerge (on their own).*”

b) A woman who has lost her husband is allowed to emerge from the home to earn a living if there is no one to support her, in which case she may go out during the day but must be back by sunset. However, if she does have an income or there is someone to support her then even

the widow is not allowed to leave the home. Besides earning a living when there are no other means of income, the widow is not allowed to go anywhere else during the *iddat*, as stated in (a) above. Furthermore, if she can operate her business or earn her livelihood from within the confines of the home then also she is not allowed to emerge.

c) The woman in *iddat* may go into the front or backyard of the home. She may not proceed beyond this area.

d) Hajj is not fardh upon a woman who is in *iddat* even though she may have a substantial amount of funds. Hence she is not allowed to go for Hajj or Umrah.

### **IMPORTANT NOTE**

*It must be remembered well that to emerge from the home during iddat for no valid reason is indeed a severe crime in Islam. The same prohibition and reprimand for this violation appear in the hadith for a woman (married or spinster) who leaves the confines of her home for no Shar'ee reason. Allah commands in the first verse of Surah Talaaq: "Do not evict them from their homes, nor should they leave on their own accord, except if they bring forth an open act of lewdness." In the tafseer of this verse Hazrat Abdullah bin Umar (radhiyallahu anhu) comments: "Her leaving the home prior to the expiry of iddat is an act of open lewdness." This is similar to the hadith of **Rasoolullah** (sallallahu alaihi wasallam) which states that a woman who applies perfume and goes out into public is like an adulteress. We can therefore see how serious a matter this is. Today our ladies have abandoned these important and compulsory teachings of Islam. No wonder that they are having such a great difficulty in following the Shariah. In this era, a woman is divorced today, and tomorrow she is once more out on the street. Since they have become so used to being outside the home, it is asking too much of them to remain indoors for three months, a period which for some seems a lifetime!*

### **THE WORKING WOMAN AND IDDAT**

*Some women work, hence they do not observe iddat for fear of losing their jobs. Has material gain become so crucial to us that we are prepared to sacrifice the Law of Allah? Surely we need to think and ponder carefully over the state of our Deeni affairs. Where Allah discusses the laws of iddat, it is significant that He emphasis the qualities of taqwa and tawakkul. He says: "And whosoever will adopt taqwa, Allah will open up a way for him and will grant him sustenance from avenues which he himself will not perceive. And whoever will have trust in Allah, Allah will suffice for him." (Surah Talaaq) In another verse Almighty Allah specifically assures the couple who are divorced: "And if the two separate, Allah will enrich each one of them from His Bounty." Our sisters should therefore realise that they too are required to inculcate taqwa and trust in Allah. These are injunctions of Shariah, so at which stage of our lives will we practice on these teachings? Surely these teachings apply to us as it does to the rest of the Ummat. There must be some time in our lives where a small sacrifice is made solely and sincerely for the sake of Allah. In return, the rewards for such sacrifices are immense. Allah has Himself promised to provide income to the divorcee.*

*Another aspect of emergence during iddat which must be considered, is the interaction of the practice of hidaad and observance of iddat. This practice, which is outlined in detail later on, entails the abandonment of beauty and jewellery. This too is wajib during iddat. But if a woman emerges from the home during iddat, she is forced to neglect the practice of hidaad for she will most certainly adorn herself and apply cosmetics, which is haraam during iddat. Hence, coming out of the home during iddat leads to other haraam acts being committed. This is another reason why a woman must not leave her home during iddat. For the working woman we must stress that during iddat the husband has to provide for his divorced wife, as he would for her during their nikah. If he fails to do so then in cases of dire need, the women may*

leave the home to earn a living. However, she must return to the house before sunset.

There is also the great danger that through her emergence from the home in *iddat* a woman is exposing herself to the glances and advances of menfolk. Allah forbid, this can lead to *zinaa* (adultery), for it becomes known that this is a divorcee (and experience has shown that such people are more prone to elicit affairs than those who have yet to taste married life). If not *zinaa*, then there is the possibility of marriage that may arise during *iddat*, which is also a *haraam* act. **A nikah performed during the *iddat* of a woman is not valid, and the couple that marry in this way are living in sin.** So a host of evils are created just through the neglect of a basic *Shar'ee* injunction, the command to remain indoors for the duration of the *iddat*. Several cases have been brought to our attention, of women entering into marriage while the *iddat* is still in progress. Only Allah knows whether these marriages were repeated again (to legalise it) after the *iddat* ended.

## 2. THE PRACTICE OF HIDAAD

a) Hidaad means: to avoid beauty and adornment. A woman in *iddat* is not allowed to do the following:

She is not allowed to apply perfume, to wear jewellery and ornaments, to apply surma or cajel to the eyes, to wear flowers, to wear attractive clothing, to apply henna (mehndi), to apply cosmetics, to apply oil to the head, to comb the hair, or to resort to any other form of adornment women normally do to make themselves attractive.

All the above are *haraam* during the *iddat* for a widow or a woman who has been given three *Talaaq* or one *baa-in Talaaq*. (*Baa-in talaaq* is a type of divorce that breaks the *nikah* with immediate effect and the couple can only reconcile by making a new *nikah*.) Except for a woman who has been given *Talaaq Raj'ee*, this practice of *hidaad* is *wajib* upon every other woman in *iddat*. (*Raj'ee talaaq* means a divorce after which the couple can still reconcile and come back to each other without

making a new *nikah*.)

b) Combing the hair will be allowed if it is done out of necessity, such as to avoid knots and tangles in the hair, but not for attraction and appeal. (Also see note 'f' further down)

c) The purpose of *hidaad* is to dispel any intentions men may have of marriage, since it is *haraam* to marry while in *iddat*. So when a woman adorns and beautifies herself, she is inviting the attentions of men, especially now that she is without a husband. Such is the strict ruling of the *Shariah* about marriage during *iddat* that Allah has forbidden all such activities that may directly or indirectly lead to marriage while the divorcee or widow is still in her *iddat*. So much so, that the *Quran* has even forbidden a proposal of marriage in *iddat*, as well as any negotiations about *nikah* with the woman. These are all indications of how serious a crime it is to contract a *nikah* with a woman who is in *iddat*.

d) A woman who has been given *Raj'ee Talaaq*, i.e. the husband has the right to take her back without a new *nikah* in the *iddat*, does not need to avoid beauty and adornment since the *Shariah* encourages reconciliation. Perhaps through her adornment and beautification, the husband will be persuaded to take her back. In this type of *Talaaq* the *nikah* is still intact, so this divorcee is not bound by the practice of *Hidaad*.

e) Besides the above type of divorcee, all other women as well as those who have lost their husbands, must compulsorily observe *hidaad*.

f) She is allowed to use medication, and to bath and clean herself. If oil or surma has to be used for medicinal purposes then this is allowed provided she uses oil which has no fragrance and applies the surma at night and wipes it off in the morning. Similarly if the need arises to comb the hair (such as in the case of lice) then this too is permissible. In short, these prohibitions become lawful if there is a pressing need, such as illness for example. Otherwise, these activities will not be permissible.

g) Upon the death of any other close relative (besides husband), it

is permissible, with the husband's permission only, to observe the practice of hidaad as an act of mourning. But this will be done for only three days and it is haraam to observe this practice for longer than three days. And if the husband forbids the wife then it will not be permissible at all.

### **THE *IDDAT* OF A WOMAN WHO IS AWAY FROM HOME**

**NOTE:** The home of the wife will mean any house owned or rented by the husband, in which they were residing at the time of death or divorce.

#### **Upon Death or divorce:**

- 1) If a woman is divorced or her husband dies while she is visiting someone, she should return immediately to begin the *iddat* in her home.

#### **If she is on a journey then the following laws will apply:**

- 2) If the Talaq or death occurs at such a stage of the journey that between her present location and her home town the distance is less than the forty eight miles (which is the *Shar'ee* qualification for a *Musaafir*), while between her and her destination (towards which they were heading) there is a distance of over forty eight miles then it is incumbent upon her to return home immediately on learning of the Talaq/death.
- 3) If there is a distance of more than forty eight miles between her location on the journey and her home town, while towards her destination the distance is less than forty eight miles, she should continue with her journey to spend *iddat* at her destination if possible (as will be explained later). The above laws indicate that at all times she must not begin a travel distance of forty-eight miles. Hence, she will always opt for the distance which is less than forty-eight miles, be it towards her home or in the direction of the destination which they were heading when death of talaq occurred.

- 4) If she finds herself at such a stage of the journey that either direction she goes, the distance is greater than forty eight miles, be it towards her intended destination or towards home then she has the choice of continuing or returning home, with the latter option being more preferable since this is in keeping with the original *Shar'ee* ruling that she should spend her *iddat* in the home where she always lived with her husband.

- 5) In the above case if the woman happens to be in a city or any area where she can live comfortably for the duration of the *iddat* period then it is compulsory upon her to remain there if she has no mehram to accompany her back home. This is the unanimous ruling of all the Hanafi Jurists. However, according to Imam Abu Hanifa she is allowed to stay there even if she has a mehram, while the other Ulema maintain that in such a case she must go back home.

In the event that she decides to return home, if she comes across a place where she can live comfortably and safely, she should spend the *iddat* there on the basis of the above difference regarding a mehram. Living comfortable in this context means that she is safe, has no fear and finds the necessities of life in order to subsist, while being able to remain confined to her dwellings.

- 6) A common situation that arises is when the husband dies while his wife is on Hajj in Makka Mukarrama. Let us determine the *Shar'ee* ruling on the basis of what was mentioned above. It is obvious that returning home means she has to initiate a journey that will render her a *Musaafir*, which is what she is not allowed to do. Furthermore, it is clearly possible for her to stay where she is without any difficulty at all, since she has already prepared herself for a lengthy stay in the Holy City of Makka. And according to Imam Abu Hanifa even if she does have a mehram with her, she can continue living where she is. So, in such a case it will be lawful for the bereaved widow to spend

her *iddat* in Makka until her family and mahram decide to return.

- 7) The next question is: Can she perform her Hajj while in *iddat*? We explained earlier that one of the conditions for Hajj being fardh in the case of a woman is that she must not be in *iddat*. However if she does perform the Hajj in this state it will be valid (i.e. the Hajj will be discharged), but doing so is sinful. It therefore means that if she has to spend *iddat* in Makka, Hajj will not be fardh upon her, and accordingly, it will not be permissible for her to do the Hajj since this entails violation of her *iddat* restrictions.
- 8) When it is time for the return journey home from Makka, the wife in *iddat* will leave along with her mehram and other family relatives (in view of her travel arrangements, it will not be possible for her to stay any longer), and spend the rest of her *iddat* at home, In such a case, because of the above facts, she will be allowed to travel home, even though the journey back home is obviously more than 48 miles, but *iddat* resumes as soon as she reaches home.

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**May Allah grant our sisters the ability to practice on these laws  
when the need arises. Aameen**

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**RULES AND  
REGULATIONS  
OF THE ~~IDDAT~~**

**IMPORTANCE OF THE  
IDDAT IN ISLAM**

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