

Period after Divorce or Death of the Husband

Allah has ordered a waiting period for a woman, who has been divorced or widowed, during which she cannot remarry.

Quran: Surah Talaq - Ayat 4:-

"As for those women who have had menopause, and in case you have doubt, the prescribed period (of waiting) is three months, as also for those who haven't yet started menstruating. For pregnant women the prescribed period (of waiting) is until the delivery. Allah will make things easy for him who is heedful of HIS commandments."

Quran: Surah Baqra -Ayat 234: -

"Widows should wait (after their husband's death) for four months and ten days, after that they are free (to remarry) but they must observe proper behaviour, and Allah is aware of all that you do"

Quran: Surah Talaq -Ayat 1: -

"O prophet⁽¹⁾ (tell the Muslims) that when you divorce your wives, calculate the time period (of abstinence from remarriage) and fear Allah who is your sustainer. In this period such women should not leave their homes, nor should you turn them out, unless they are guilty of adultery."

Quran: Surah Baqra -Ayat 228: -

"Divorced women have to wait till three monthly periods have passed; and she who believes in Allah and the last day should not keep it a secret if Allah makes her pregnant. The husband would do well to take her back in such a case, if they both wish to be reconciled. Women have rights similar to men, though men have an advantage over them. But Allah is ALMIGHTY and ALL WISE."



Hadees - Bukhari: -

"The revered Al-Miswas bin Makhrama⁽²⁾ said that a few days after her husband's death the revered Subia Alsalamya⁽²⁾ gave birth to a child and then she went to the prophet⁽¹⁾ of Allah and asked permission to remarry. She was given permission and she remarried (Mishkat tr, Robson p.709)"
Imam Malik, Shafei & Behaqi: -

The revered Umer bin Khattab⁽²⁾ has stated that if a widow delivers a child her waiting period is over, even if the husband's body is yet to be buried.

The majority of the revered companions⁽²⁾ of the prophet⁽¹⁾ of Allah held the above opinion. The revered Abdullah bin Umer⁽²⁾ was asked his opinion on this matter and he replied. "The waiting period is over at the birth of the child." Most of the revered companions and other scholars agree with the above statement including Imam Malik, Imam Shafei, Abdul Razaq, Ibn Abu Shaiba, Ibne Almanzar, Abu Huraira⁽²⁾, Abu Masood Badri⁽²⁾ and Ayesha⁽²⁾.

Mufti Al Muhtaj: -

The followers of Imam Shafei point out that in case of multiple birth, the waiting period will end on the birth of the last child, even if one or all are still born.

In case of miscarriage, if the attending doctors or nurses confirm this, then the waiting period will be considered as over at that time.

Badai-as-Sana & Alinsaf:-

They differ in the case of miscarriage in as much as that the products of miscarriage must clearly look like the remains of a baby, and there should not be complete dependence on midwives or nurses alone.

It seems reasonable to trust qualified doctors in the modern day but not all uneducated midwives can be trusted to make this decision.



The revereds Ali⁽²⁾ and Abdullah bin Abbas⁽²⁾ have said that the waiting period of the divorced pregnant woman is over at the birth of the child, however the pregnant widow will have to wait the period that is longer when both periods are compared i.e. for the pregnant divorcee and the pregnant widow. This means that if the child is born before four months ten days then the waiting period will continue up to the four months ten days and if her delivery is later than this then the waiting period will extend to the delivery of the baby. The Imamia also agree with this opinion.

Hadees: Bukhari, Ch. 201, p. 160, 307: -

"The revered Umme Habiba⁽²⁾ and Zainab⁽²⁾ daughter of Jahsh⁽²⁾ reported the prophet⁽¹⁾ of Allah as saying 'It is not lawful for a woman, who believes in Allah and the last day, to observe mourning for any one's death for more than three days, except in the case of the death of her husband, in which case the mourning is four months and ten days'"

Hadees, Abu Dais & Nasai:-

Mishkat (English translation) Ch. XV1 p.710)

"She (the revered Umme Salma⁽²⁾) reported the prophet⁽¹⁾ of Allah as saying. "A widow (during her waiting period) must not wear (colourful) garments dyed with saffron and clay colour, red or put on jewelry; also she should avoid (make-up), like henna or collyrium."

(1) *May Allah bless with eternal peace*

(2) *May Allah be Pleased*

