

Rules of Iddat

Upon the husband's death, or divorce, or the termination of the marriage contract through Khul'a (divorce at the instance of the wife), or the annulment of the marriage by some other manner, the woman has to remain staying in one house for a specified period of time. Until this period expires, it is not permissible for her to go elsewhere. The act of passing this period is called Iddat.

If the *Iddat* or waiting period is observed following the death of the husband, it is called 'The *Iddat* of Death'. If observed following Talaq (Divorce), Khul'a (divorce at the instance of the wife) or for some other reason, it is called 'The *Iddat* of divorce'. There are some differences in the rules and periods of the two types of *Iddat*.

Iddat of Death

Allah Ta'ala mentions the ruling of this *Iddat* in the Holy Quráan:

For those men who die amongst you and leave behind wives, they (the wives) must confine themselves (Spend Iddat) for four months and ten days. (Baqarah)

A woman whose husband dies should remain in *Iddat* for four months and ten days. She should live in the house she used to live in at the time of her husband's death. Leaving the home is incorrect.

This rule applies equally whether

- a) a woman has had intimacy with her husband during his life-time or not
- b) she had any kind of privacy with him or not
- c) she had come to live with him or not
- d) she menstruates or not
- e) she is old or young
- f) she reached the age of puberty or not.

However if the woman was pregnant at the time of the demise of her husband, she should remain in *Iddat* until the child is born. This applies irrespective of the number of days or months. Even if the child was born just an hour after the husband's death, the *Iddat* will be over.

A woman in *Iddat* may move freely in the house. She does not have to restrict herself to just one room.

If at the time of receiving the news of her husband's demise, a woman was away from the house, for example, to take care of some family chore, or was away visiting neighbours, or visiting her own parents/relatives for a few days (with or without the husband), she

should immediately return home. This rule applies irrespective of where the husband passed away, at home or away.

A woman whose displeased husband had sent her to her parental home should, upon her husband's demise, return to the home of her husband and complete her *Iddat* there. As a rule, *Iddat* is completed in the house which was the permanent residence of the wife at the time of her husband's death. Her temporary residence is not taken into consideration. It is obvious that her visit to her parent's home was temporary.

If the husband died on the first of the lunar month and the woman is not pregnant, she will have to complete the period of four months and ten days in accordance with the lunar calendar. And if the husband died on a date other than the first, she would have to complete the period of one hundred and thirty days (four months of thirty days each and ten days) - Maariful Quráan.

Iddat begins from the time of the husband's death even if the woman is not aware of his death and even though she had made no intention to observe *Iddat*.

If she only received the news of her husband's demise four months and ten days thereafter, her *Iddat* stands completed. She will not have to observe *Iddat* all over again.

If for instance, a woman hears about the death of her husband several days later, but there is uncertainty about the exact date of his death, *Iddat* will be counted from the later date. For example, there is a doubt whether the husband died on the first of November or first of December, the *Iddat* will be counted from the first of December.

The *Iddat* of divorce

When the husband divorces his wife, she will have to spend her *Iddat* in the matrimonial home. She must not leave the house during the day nor at night, nor can she make *nikah* with anyone else. Once she completes three haydh periods, her *Iddat* will be complete and she can now stay wherever she wishes. This rule will apply irrespective of whether the man issued one two or three divorces, and irrespective of whether he issued a *talaaqul baa-in* (irrevocable divorce) or a *talaaq-ur-raj'ee* (revocable *Talaaq*). The same rule will apply in all cases.

The *Iddat* for divorce is only compulsory on the woman who is divorced after her husband had engaged in sexual intercourse with her or, they did not engage in sexual intercourse but they met in privacy and thereafter her husband divorces her. If they did not meet in privacy and the person divorces her; she does not have to observe the *Iddat*.

If a young girl who had not experienced haydh, or an old woman whose haydh had terminated is divorced, then their *Iddat* will be three months.

A young girl who has not experienced haydh as yet was divorced. She therefore commenced her *Iddat* on the basis that it will be three months. However, after a month or two she began experiencing haydh. Her *Iddat* will now be calculated from the time her haydh commences. She will therefore have to remain in *Iddat* until the completion of three haydh periods. Her *Iddat* will not be complete until the completion of three Haydh periods.

If a woman is pregnant and her husband divorces her, she will have to remain in that house until she delivers her child. When she delivers her child, her *Iddat* will expire even if she delivers her child a few days after being divorced.

If a woman is divorced while she is in her haydh, this haydh will not be considered. Her *Iddat* will be complete up on the expiry of three haydh periods after the haydh that she is presently experiencing. However, it should be noted that it is a sin to divorce a woman while she is in her *haydh*.

If she is observing her *Iddat* in the same house wherein the man who issued a *talaaqul baa'in* to her is also living, she will have to observe strict *Purdah* with him.

Maintenance during the period of *Iddat*

The maintenance and providing of shelter for a woman observing the *Iddat* of Death are not the responsibility of her in-laws. She also does not have the right to take her maintenance out of the Estate of her deceased husband. However, she will be entitled to her share of Inheritance.

The maintenance and providing of shelter for a woman while she is observing her *Iddat* of divorce are waajib on the very man who divorced her.

***Iddat* in the case of pregnancy or miscarriage**

As stated earlier, the *Iddat* of a pregnant woman ends with the birth of the child. The ruling however differs in the case of a miscarriage. If any body part of the miscarried foetus was formed, e.g. the mouth, the nose or the fingers, the *Iddat* will end upon the miscarriage. If there was no formation of any limb, the woman will be regarded as not being pregnant, and as a result, her *Iddat* will be four months and ten days.

Rules

The maximum period of pregnancy in the Shariah is two years. Shariah does not recognize pregnancy beyond the period of two years. If a woman was pregnant at the time of her husband's demise, but did not deliver the child within two years thereafter, she would be regarded as not been pregnant. Her *Iddat* had ended four months and ten days after the demise of her husband.

In the case of a multiple conception, e.g. twins, Iddat terminates at the birth of the last child.

The death of the husband and the *Iddat* of Talaq

If the Iddat of Talaq expires and the former husband passes away, there is no Iddat of death. Such a divorcee does not inherit from her former husband's estate.

If the husband passes away before the expiry of the *Iddat*, the ruling will be as follows:

- a) If the husband gave his wife a revocable divorce (Talaq-e-rajée) the wife should observe her *Iddat* of Death and she will inherit from his Estate.
- b) If the husband had given his wife an irrevocable divorce (Talaq-ul-Baain) while he was in good health, and the husband dies before the expiry of the *Iddat* of Divorce, the woman will complete the *Iddat* of divorce. She will not observe the *Iddat* of Death nor will she inherit from the husband.
- c) If the husband, with the consent of the wife, gave her an irrevocable divorce (Talaq-ul-Baain) during his final illness (Maradhul Maut) the woman will complete the remaining period of the *Iddat* of Divorce. She will not observe the *Iddat* of Death nor will she inherit from the husband.
- d) If the husband had given his wife an irrevocable divorce (Talaq-e-Baain) during his final illness (Maradhul Maut) without the consent of the wife, then her *Iddat* will be the longer of the two *Iddats*. She will inherit from the husband's estate.

Things not permissible during *Iddat*

A woman observing the Iddat of death should neither go out of the house nor remarry, nor indulge in beautifying herself through make-up. During *Iddat*, all these things are *Haraam* (Forbidden) for her.

Hadith

The Holy Prophet (Sallallahu Alayhi wa sallam) has said that it is not permissible for a believer to mourn for anyone for more than three days, except the widow whose period of mourning (when not pregnant) on the death of her husband is four months and ten days.

Observing a period of mourning is Waajib:

Rules:

- It is necessary (*Waajib*) upon every adult and sane Muslim woman to observe Iddat (mourn) the death of her husband. It is not necessary upon a woman who is a disbeliever, insane or did not attain puberty.

- It is Haraam (strictly prohibited) to make an express proposal of marriage to a woman observing the *Iddat* of Death. It is also Haraam to contract a Nikah with such a woman. Such a nikah will be null and void.
- It is Haraam upon a female observing Iddat to apply perfume, to don ornaments, jewellery or decorations of any sort, to wear eye makeup, such as *Kohl* (antimony) or galena, to chew or apply colour on the lips, teeth or gums, to apply oil on the head, to comb the hair (in order to beautify herself), to use henna, to wear silken or other gaudy dresses.
- It is permissible to bath and wash the hair during *Iddat*.

Using Beauty Aids as Medicine

Rules:

1. If there is a need to apply oil to the head because of a headache or lice, only such oil may be used that has no scent.
2. If there is a need to use *Surma* (antimony) as a balm for the eyes, it will be permissible. In such a case it should be applied at night and cleared in the morning.
3. A female in Iddat will be excused to wear silken clothes due to itchy skin.

Leaving the home due to necessity

1. It is compulsory upon the divorcee or widow to complete the *Iddat* in the same home which was her permanent residence at the time of divorce or her husband's demise. However, if does not have enough money to pay basic needs, shelter and food, she will be excused to leave the house during daytime to work. She should ensure that she adheres to the laws of Hijaab and spends the nights at her house. It is also imperative that, during the day, she returns home immediately upon being free from her work. Spending any time outside the house over and above that which is necessary is not permissible. If her employment takes up some part of the night as well, she will be excused, but she should spend the major part of the night at her own home.
2. A woman who owns a cultivated land, farm, property or business which requires her personal attention and management and there is no family member available to assist her, she will be excused to leave the house.

If such a place is equivalent to the distance of Safar (88 kms. or more), then she may travel there with her *Mabram* (person with whom marriage is permanently unlawful).

3. If a woman observing the *Iddat* of Death is ill and it is not possible to arrange for a house-call by a physician, or if there arises an emergency for her admission to hospital, it will be permissible to take her to hospital or another city if there is a need.

Shifting residence during *Iddat* under compelling circumstances

Rules:

A woman may move to another home in order to complete the *Iddat* in the following situations:

- a) If the house was rented and she does not have the means to pay the rent.
- b) If her share of the house which she had inherited from her husband is insufficient for her to live in and the other inheritors do not allow her to use their share.
- c) If she cannot observe *Purdah* in the home.
- d) Any such situation in which her life, wealth or chastity are not safe.
- e) If the house in which she is observing *Iddat* collapses, or there be the danger that it will.
- f) If there is a strong apprehension that she is likely to lose her honour, life, property or health if she stays there.
- g) If she fears living alone and she does not have a trustworthy person to live with her. If the fear is not severe, then it will not be permissible to move out of the house.
- h) Similarly, if the house in which she is passing her *Iddat* be haunted and she has a strong fear of demons, so much so that she cannot bear the very thought of living in a haunted house, or there is some open evidence of harm caused by such evil presence.

In a situation where shifting from the house of *Iddat* is permissible, it is necessary the woman shift to the closest possible house where her life, wealth and chastity are safe. Unless necessary, she should not move to a more distant house. She should pass the remaining days of her *Iddat* in the house to which she shifted.

A woman on journey at the time of her husband's demise.

Different situations have different rulings, the details of which follow:

1. If a woman receives the news of her husband's death, whilst she is on *Safar* and was within 88 km from her hometown, she should immediately return home and complete her *Iddat* there, irrespective of how far her destination is. This applies whether or not she has a *Mabram* with her.
2. If she had already covered 88km, then
 - 2.1. If her destination is within 88 km, she may continue her *Safar* and upon reaching the destination, she should complete her *Iddat* there. Whether or not she has a *Mabram* with her.
 - 2.2. If her destination is more than 88 km away and
 - 2.2.1. if the place is uninhabited she has the choice of either returning to her hometown or continuing her journey to her destination and complete her *Iddat* there. It is advisable for her to return to her hometown.

2.2.2. if it is an inhabited place where she could stay, she should remain there.

3. If in case no. 2.2.1, en route to her hometown or her destination, she passes by such an inhabited town where she could stay and her life, wealth and modesty are safe, she should stay there and complete her *Iddat*.

Negligence of *Iddat*

Many widows and divorced women do not observe the laws of *Iddat*. Going out openly, visiting Bazaars and attending social functions are activities undertaken in absolute disregard to this injunction of the Shariah. That is a major sin.

Leaving the house without a Sharfi reason

The excuses under which going out of the house during *Iddat* are permissible have been listed earlier on. If a situation of a different nature arises under which going out of the house appears to be necessary, the situation should be discussed with a trustworthy Aalim in order to ascertain the Shar'ee validity of the excuse.

Many women observing *Iddat* leave the house on flimsy excuses, such as to show up at a meeting, ceremony, function, etc.

Going out in *Iddat* without valid excuse does not annul the *Iddat*

Some people assume that the *Iddat* of a widow who comes out of the house without a valid excuse breaks the *Iddat* and it would be necessary for her to commence her *Iddat* again. That is incorrect.

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