14299 - Revocably divorced woman staying in her husband’s house until her ‘iddah is over

the question

Can a woman who has been revocably divorced (first or second talaaq) stay in her husband’s house, or should she go to her father’s house until her husband takes her back?.

Detailed answer

Praise be to Allah.

A woman who has been revocably divorced has to stay in her husband’s house, and it is haraam for her husband to ask her to leave, because Allah says (interpretation of the meaning):

“And turn them not out of their (husband’s) homes nor shall they (themselves) leave, except in case they are guilty of some open illegal sexual intercourse. And those are the set limits of Allah. And whosoever transgresses the set limits of Allah, then indeed he has wronged himself” [al-Talaaq 65:1]

What the people do nowadays, when a woman is revocably divorced and she goes straight to her family’s house, is wrong and is haraam, because Allah says (interpretation of the meaning):

“And turn them not out of their (husband’s) homes nor shall they (themselves) leave ” [al-Talaaq 65:1]

No exception is made unless the woman has committed a blatant act of immorality. Then after that Allah says (interpretation of the meaning):

“And those are the set limits of Allah. And whosoever transgresses the set limits of Allah, then indeed he has wronged himself” [al-Talaaq 65:1]

Then He explains the wisdom behind the woman being obliged to stay in her husband's house, as He says:

"You (the one who divorces his wife) know not it may be that Allah will afterward bring some new thing to pass (i.e. to return her back to you if that was the first or second divorce)" [al-Talaaq 65:1]

So her staying in the marital home may be the cause of the husband rescinding the divorce and taking her back, which is what is desired by sharee'ah.

The Muslims have to pay attention to the limits set by Allah, and adhere to what Allah has enjoined upon them. They should not take customs and traditions as a means to go against the commands of sharee'ah. What matters is that we are obliged to pay attention to this matter. The woman who is revocably divorced should want to stay in her husband's house until her 'iddah ends. In this case whilst staying in her husband's house she is permitted to uncover in front of him, and to adorn herself and put on makeup and perfume, and speak to him and sit with him, and do everything apart from intimacy and intercourse – which can only take place after he takes her back. He may take her back verbally, by saying: "I take my wife back," or by actions, such as having intercourse with her with the intention of taking her back.