98193 - Woman in ‘iddah moving to another land because she fears for her life

the question

A woman’s husband in Baghdad was killed because his name was “Umar”, and they took his home. Her husband’s family wants to move to Syria taking her children with them. Is it permissible for her to go with them, or she has to complete the ‘iddah of her husband’s death in Baghdad? Knowing that she fears for herself and her children.

Detailed answer

Praise be to Allah.

Firstly:

We ask Allaah to cause Islam and its people to prevail, and to make things easier for our brothers in Iraq, and to be kind to them, and to console their broken hearts, for He is able to do that.

We ask Allaah to restrain the evil of those hypocrites who transgress against our Muslim brothers and cause their plots to backfire, and to send upon them His punishment which no one can prevent from befalling the evildoers.

Secondly:

The basic principle is that a woman should observe ‘iddah in the house in which news of her husband’s death came to her, because of the report narrated by the authors of al-Sunan, that the Prophet SAWS (peace and blessings of Allaah be upon him) said to Furay’ah bint Maalik: “Stay in the house in which the news of your husband’s death came to you, until your ‘iddah is over.” Abu Dawood (2300), al-Tirmidhi (1204), al-Nasaa’i (200) and Ibn Majaah (2031); classed as saheeh by al-Albaani in Saheeh Sunan Ibn Majaah.

But if she fears for her life by staying there, because of the presence of an enemy and so on, then

it is permissible for her to move and observe her ‘iddah in another place or another land.

Ibn Qudaamah (may Allaah have mercy on him) said: Among those who regarded it as obligatory for a newly-widowed woman to observe ‘iddah in her house were ‘Umar and ‘Uthmaan (may Allaah be pleased with them). That was also narrated from Ibn ‘Umar, Ibn Mas’ood and Umm Salamah, and it was the view held by Maalik, al-Thawri, al-Awzaa’i, Abu Haneefah, al-Shaafa’i and Ishaaq. Ibn ‘Abd al-Barr said: This was also the view of a number of fuqaha’ in the regions, in Hijaaz, Syria and Iraq.

Then he said: If she fears the collapse (of her house) or drowning or an enemy and so on, then she may move, because she is excused in that case … and she may live wherever she wants. End quote from al-Mughni (8/127).

The Scholars of the Standing Committee for Issuing Fatwas was asked: What is the ruling on a woman whose husband dies in her home and she wants to complete her ‘iddah in another city because there is no one who can take care of her affairs in the city where her husband died?

They replied:

If the situation is as described and she has no one in the city where her husband died who can take look after her affairs, and she cannot look after her own affairs, then it is permissible for her to move to another city where she can be safe and can find someone to look after her affairs. End quote from Fataawa al-Lajnah al-Daa’imah (10/463).

It also says (20/473): If your newly-widowed sister moves from the marital home to another house during the 'iddah because of some essential need, such as if she fears for her life by staying there alone, then there is nothing wrong with that, and she may complete her ‘iddah in the house to which she moved. End quote.

Based on that, there is nothing wrong with this woman moving to Syria and completing her ‘iddah there.

And Allaah knows best.