65683 - She drinks wine in front of him and he is afraid that if he divorces her, she will take the children, and she is a kaafir

the question

I'm married to a christain women & I have two kids from her In Ramadan while I'm eating breaking my fast she drink wine with the food & I can't say no cause if I keep pushing her for that she might get a divorce & take the kids then it will be hard to make them Muslims. Is it haram for me in ramadan to set with her while she's drinking & her family too & I don't drink.

Detailed answer

Although marriage to a kitaabi woman – a Jewish or Christian woman – is permissible, there is a great deal of risk involved in that, the most serious of which is the danger to the religious commitment of the children and offspring, because she may try to corrupt their religious commitment, especially if she lives in a non-Muslim country.

How can you convince your children that drinking alcohol is haraam, when they see their mother drinking it?

Many scholars are of the view that if a Muslim man marries a kitaabi woman, he may stop her drinking wine and eating pork. This is the view of the majority of Shaafa'i and Hanbali fuqaha' and it is the view of a number of Hanafis.

It says in al-Bahr al-Raa'iq (3/111), quoting from some of the Hanafis: The Muslim may forbid his dhimmi wife from drinking wine, as he may prevent his Muslim wife from eating garlic and onions if he dislikes that. This is the truth as is obvious. End quote.

It says in Mughni al-Muhtaaj (4/314): The kitaabi woman who is married is like a Muslim woman with regard to spending, division of time (in the case of plural marriage) and divorce. She should be made to do ghusl after menses, nifaas and janaabah, and she should not eat pork according to the more correct (scholarly) opinion. Both she and a Muslim wife should be forced to wash off any impurity that gets onto their bodies. End quote.

It says in al-Insaaf – a Hanbali book – (8/352): The dhimmi wife should be prevented from drinking any intoxicant to the point of intoxication, but he does not have the right to forbid her to drink amounts that do not intoxicate, according to the correct view. This was stated by Imam Ahmad. And it was narrated from him that she should not be allowed to drink it at all. It says in al-Targheeb: the same applies to her eating pork. End quote.

The Maalikis are of the view that he does not have the right to stop her drinking wine or eating pork, as it says in al-Taaj wa'l-Ikleel (5/134).

If you are not able to stop her, because of what you said about the fact that she may ask for a divorce and take the children, then you must explain to your wife that it is part of kindness and good treatment among spouses not to drink wine openly in front of you. If she insists, then you should keep away from their gatherings, as a sign of denouncing evil, as Allaah says (interpretation of the meaning):

"And it has already been revealed to you in the Book (this Qur'aan) that when you hear the Verses of Allaah being denied and mocked at, then sit not with them, until they engage in a talk other than that; (but if you stayed with them) certainly in that case you would be like them. Surely, Allaah will collect the hypocrites and disbelievers all together in Hell"

[al-Nisa' 4:140]

This general principle applies to everyone who is unable to take action against an evil; he must leave the place where the evil is being committed if he is able to, otherwise he will be a partner in the sin.

You have to be patient and do everything you can to call your wife to Islam; make her love Islam by your attitude and actions. We advise you to make du'aa' for it is the greatest of weapons. May Allaah guide her and her family at your hands.

And Allaah knows best.