

72269 - Woman in 'iddah moving to her family's house because she is afraid to stay alone

the question

There is a woman whose husband died, and she lives in a rented house in the same area, but far away from her family. There is only one brother but he cannot leave his work and stay with her. She is afraid to stay alone and she cannot pay the rent on the house.

Detailed answer

It is obligatory for the woman whose husband has died to stay in the house in which she was living when he died, because the Prophet (peace and blessings of Allaah be upon him) commanded that. The authors of al-Sunan narrated that the Prophet (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." She said: So I observed 'iddah there for four months and ten (days). Narrated by Abu Dawood, 2300; al-Tirmidhi, 1204; al-Nasaa'i, 200; Ibn Maajah, 2031, classed as saheeh by al-Albaani in Saheeh Ibn Maajah.

This is the view of the majority of scholars, based on this hadeeth, except that they granted a concession to a woman who fears for herself or who does not have anyone to look after her, and she cannot take care of herself – such a woman may observe 'iddah elsewhere than in her house.

Ibn Qudaamah (may Allaah have mercy on him) said: Among those who regarded it as obligatory for a woman whose husband has died to observe 'iddah in her house were 'Umar and 'Uthmaan (may Allaah be pleased with them both). That was also narrated from Ibn 'Umar, Ibn Mas'ood and Umm Salamah, and it was the view of Maalik, al-Thawri, al-Awzaa'i, Abu Haneefah, al-Shaafa'i and Ishaq. Ibn 'Abd al-Barr said: This was the view of the majority of fuqaha' in the Hijaz, Syria and Iraq.

Then he said: If the woman fears destruction, drowning or an enemy, etc, or if the landlord turns her out of the house because it is rented and the lease has ended, or he does not allow her to live there or he does not allow her to rent it, or he asks for more than the going rent, or she cannot find enough to pay the rent, then she may move, because then there is an excuse. If she cannot live where she is supposed to, the requirement is waived, and she may live wherever she wants. End quote from al-Mughni, 8/127.

The scholars of the Standing Committee were asked about a woman whose husband died, and there was no one in their city who could take responsibility for her. Can she observe her ‘iddah in another city?

They replied:

If the situation is as described, and there is no one in the city where her husband died who take responsibility for her affairs, and she cannot take care of her affairs herself, it is prescribed for her to move to another city where she will be safe, and she can find someone who can look after her affairs. End quote.

Fataawa al-Lajnah al-Daa’imah, 20/463

It also says (20/473)

If your sister whose husband has died moved from the marital home to another house during her ‘iddah for an essential reason – such as if she fears for herself if she stays alone – there is nothing wrong with that, and she may complete her ‘iddah in the house to which she has moved. End quote.

Based on that, if this woman is afraid to stay alone or she cannot pay the rent on the house, there is no sin on her if she moves to her family’s house and completes her ‘iddah there.

And Allaah knows best.