115985 - A Christian woman is close to becoming Muslim and is married to a (Muslim) man who does not pray. What is the ruling on her marriage?

the question

There is a Christian woman who lives in Canada and is married to a Muslim man. She wanted to find out about Islam, and she has learned a lot at close hand and wanted to embrace it some day, but she was frustrated because she sees that her husband is careless about prayer, and the matter is so bad that he stopped praying a few months ago, until now. After he lost his job, he started to stay at home and his wife is the one who works and spends on household expenses. He just sits at the computer, talks to women and watches permissive movies on the net. To make matters worse, the wife found out about that by means of spy programs.
What advice can you offer them? Please note that scholars differ as to whether the one who does not pray is a kaafir. I hope that you can explain this issue to us according to both views. May Allaah bless you. And I hope that you could send us the answer in both Arabic and English. May Allaah reward you with good.

Detailed answer

Praise be to Allah.

Firstly:

The scholars are unanimously agreed that the one who does not pray because he denies that it is obligatory is a kaafir who is doomed to remain eternally in the fire of Hell if he dies in that state, but they differed concerning the one who does not pray, not because he denies that it is obligatory, but because he is lazy and heedless. The majority of them said that he should be asked to repent, and if he repents all well and good, otherwise he is to be executed as a hadd punishment. Others said that he should be given a disciplinary punishment (ta'zeer) and imprisoned until he starts to pray. So there are three opinions concerning this issue:

The first opinion: that the one who does not pray is a kaafir, without differentiating between the one who denies it and the one who is lazy. This is the view of the Sahaabah, and no difference of opinion is known among them. Among those who hold this view are: Imam Ahmad (may Allaah have mercy on him) according to the more correct of the two opinions narrated from him, Ibn al-Mubaarak, Ishaaq ibn Raahawayh and Mansoor al-Faqeeh among the Shaafa'is. It was also narrated from Abu'l-Tayyib ibn Salamah among the Shaafa'is.

The second opinion: that the one who does not pray because he is lazy and heedless, not because he denies it, is one of the evildoers among the Muslims, but he is not a kaafir. However, he should be asked to repent -- although they differed concerning the time that should be allowed for that -- then if he repents, all well and good, otherwise he is to be executed as a hadd punishment! Like the married adulterer, but he should be executed with the sword. This is the view of Maalik and his companions, and it is the view of al-Shaafa'i and most of his companions.

The view that someone like this should be executed as a hadd punishment is subject to further discussion. We have explained the error of this opinion in the answer to question number 6035.

The third opinion: that the person who does not pray deliberately, because he is lazy and heedless, although he acknowledges that it is obligatory, is not a kaafir and should not be executed, rather he should be given a disciplinary punishment (ta'zeer) and imprisoned until he begins to pray.

This is the view of Imam Abu Haneefah (may Allaah have mercy on him) and his companions, and of a number of the people of Kufah, Sufyaan al-Thawri, and of al-Mazani the companion of al-Shaafa'i, but it is the weakest of the opinions.

Many practical rulings are based on the difference in opinion on the ruling on one who does not pray, such as: whether he inherits, inheritance from him, whether he is to be washed and buried in the Muslim graveyard, whether the funeral prayer is to be offered for him, ruling on meat slaughtered or hunted by him, whether his marriage remains valid and other rulings.

For those who say that the one who does not pray is a kaafir -- even if he does not deny it is

obligatory -- all the rulings on apostates apply to him. So he cannot inherit or be inherited from, he cannot be washed (after he dies), he cannot be buried in the Muslim graveyard, the funeral prayer cannot be offered for him, meat slaughtered by him is not halaal and his marriage contract becomes invalid.

For those who ruled that he is not a kaafir, the rulings mentioned above do not apply to him; rather he is regarded as an evildoer among the Muslims and one who is committing a major sin, but the majority of them say that he should be asked to repent, then if he does not pray, he is to be executed as a hadd punishment! Similarly -- in their view -- if he is married to a Christian or Jewish woman, then his marriage contract is deemed to be valid, and is the marriage contract between a Muslim man and a woman from the People of the Book.

The more correct of these two opinions is the first one, because of the apparent meaning of the evidence from the Qur'aan and Sunnah, and because of the consensus of the Sahaabah (may Allaah be pleased with them) concerning that.

This is what was stated in fatwas by shaykhs such as: Muhammad ibn Ibraaheem, ‘Abd al-‘Azeez ibn Baaz, Muhammad ibn Saalih al-‘Uthaymeen, the scholars of the Standing Committee and others, despite the difference of opinion concerning the hadd punishment which the one who does not pray is thought to deserve.

Based on that: the marriage contract between this man and that woman is a marriage contract between an apostate and the Christian woman -- if she is still following her religion -- and her situation is less serious than his, because she is a woman of the People of the Book, whilst he is an apostate from his religion.

See also the answers to questions number 2182, 5208, 33007 and 10094.

Secondly:

With regard to the woman asked about, if she has become Muslim, it is not permissible for her to stay with a man who does not pray. The ruling on that has been discussed above in detail.

But if she is still a nonbeliever, then their are no rulings that have to do with her marriage to him, because they are both not Muslim. Neither of them is Muslim so that the rulings of sharee'ah would apply to their marriage.

We advise her to leave this man and marry a man who is really a Muslim. Because he does not pray, he is not regarded as a Muslim, and the evils and sins that he commits are not part of the Muslim's attitude. Moreover, as seems to be the case to us from the question, he is lacking in chivalry and decency, because he agrees to his wife going out to work and bearing the burden of earning a living, whilst he sits at home. By Allaah, his attitude would be wrong even if he were staying home to read Qur'aan and pray, whilst his wife goes out to work and support him, so what should we say about him when he is staying home to commit sin and evil?

What we say to this wife is: O female slave of Allaah, do not look at the religion on the basis of its people or on the basis of one of them; rather look at what there is in it of truth, goodness, honesty and righteousness. As for the people, if your husband is as you describe, then among the Muslims there are people who adhere to its etiquette, rulings and morals and manners apart from this man. There are still people, among both Muslims and non-Muslims, who are sincere, righteous and decent, and there are some who are not like that. But the attitude of the Muslim, if he still follows his religion properly is more sublime and more righteous and purer than the attitude of others. Think about it and you will find that this is true. Remember that most of the Muslims around you are interested in worldly gains and greed, and they have gone against the rulings of their religion which forbid living in the lands of the kuffaar for the sake of worldly gains and greed, so what kind of attitude do you expect from them? Very few of them adhere to the commands of their religion, or they are living there for a reason which makes that permissible.

O female slave of Allaah, hasten and do not delay; do not let people and their attitudes be a barrier between you and light from your Lord. Every soul is a pledge for that which it has earned, and people will be called to account on the Day of Resurrection one by one, and no soul will bear the burden of another: it will get what it deserves, good or bad. So come to the light that you have seen, and beware of delaying, lest darkness overwhelm you and the light of guidance disappear.

If there is something that is keeping you away from the light, remove it from your eyes no matter what it is, and hasten towards your Lord on His straight path.

And Allaah knows best.