

130775 - Can a woman who is observing `iddah following divorce go out of the house for errands and other valid reasons?

the question

Can a divorced woman go out during the `iddah period to study religion, go shopping and go for a walk to get some fresh air, especially if she is living overseas where she has no family to help her, so long as she observes proper hijab? Also, can she go out to teach children Arabic? I hope you can help me by giving a detailed explanation about `iddah, because it is difficult to stay on my own in the house.

Detailed answer

Firstly:

A woman who has been revocably divorced must observe `iddah in her husband's house, and it is not permissible for the husband to force her to leave, unless she is guilty of manifestly immoral conduct, and it is not permissible for her to leave unless he forces her to leave, because Allah, may He be Exalted, says:

{O Prophet [and believers], when any of you want to divorce women, then divorce them at a time when their prescribed `iddah period can properly start, and keep an accurate count of the `iddah period; and fear Allah your Lord. Do not turn them [divorced women] out of their houses [during the `iddah period], nor should they themselves leave, unless they are guilty of manifestly immoral conduct}[At-Talaq 65:1].

In the case of the irrevocably divorced woman, who is a woman who has been divorced for the third time, she may observe the `iddah in her family's house, or she may observe `iddah in her husband's house, if it is possible for them to avoid being alone together.

Secondly: the jurists differed with regard to the woman who is observing `iddah following divorce staying in her house [and not going out]. The majority said that she is like the one who is observing `iddah following the death of her husband: she should not go out at night except in the

case of necessity, but she may go out during the day to do errands. Others said that she does not have to adhere to that, and she may go out like any other wife.

It says in *Sharh Muntaha al-Iradat* (3/206): With regard to the revocably divorced woman, she must stay in the house of the husband who has divorced her [and not go out], like one whose husband has died – but she does not have to mourn –, because Allah, may He be Exalted, says: {Do not turn them [divorced women] out of their houses [during the 'iddah period], nor should they themselves leave} [at-Talaq 65:1]. This applies whether her husband gives her permission to leave or not, because that is one of the rights of the woman during the 'iddah; it is a right ordained by Allah, may He be Exalted, so the husband has no right to deprive her of any of her rights, just as he has no authority to waive the 'iddah. End quote.

See: *Fat-h al-Bari*, 4/343; *Mawahib al-Jalil*, 4/164; *Mughni al-Muhtaj*, 5/106.

Shaykh Ibn 'Uthaymin (may Allah have mercy on him) said: Also, she is different from other wives in other matters, such as: she must stay at home. It is obligatory for her to stay at home, like one who is recently widowed, so she should not go out except in the case of urgent necessity at night or for errands during the day. As for other wives, they are not required to stay at home [and not go out], so a wife may go out to visit her relative or to visit her friend, and the like. Thus the obligation to stay at home [and not go out] is more stringent [for a woman during the 'iddah] than it is for regular wives. The custom is that from the moment she is divorced, a woman goes to her family, but this is prohibited and is not permissible. The evidence for that is the verse in which Allah, may He be Exalted, says (interpretation of the meaning): {Do not turn them [divorced women] out of their houses [during the 'iddah period], nor should they themselves leave, unless they are guilty of manifestly immoral conduct} [at-Talaq 65:1]. So the wife should not leave the home until her 'iddah ends, even with the husband's permission, except for errands during the day or urgent necessity at night. This is our view.

The second view is that she does not have to stay at home [and not go out]; rather she is like other wives, because Allah, may He be Exalted, calls him a husband, so she is still a wife, and so long as she is still a wife, she is like any other wife, and she may go out of the house by night or by day, and is not obliged to stay there.

As for what they quote as evidence for that from the verse, {nor should they [wives] themselves leave}, what is meant is them leaving the house [and not coming back], not going out for a reason or errand. This view is the correct view. (*Ash-Sharh al-Mumti'*, 13/187).

The view of the majority is supported by the report which Muslim (1483) narrated from Jabir ibn 'Abdullah (may Allah be pleased with him), who said: My maternal aunt was divorced and she wanted to harvest her date palms. A man rebuked her for going out, so she went to the Prophet (blessings and peace of Allah be upon him) and he said: "No, go and harvest your date palms, for perhaps you will give charity or do an act of kindness."

It says in *Subul as-Salam* (2/296): The hadith indicates that it is permissible for a woman who is observing 'iddah following an irrevocable divorce to go out of her house during the day if she needs to, but it is not permissible for her to go out unnecessarily. This was the view of a number of the scholars, who said: It is permissible for her to go out for a need or a reason at night and during the day, such as fear that the house may collapse. And it is permissible for the husband to let her leave if the neighbours are causing annoyance to her or she is causing annoyance to them, because Allah, may He be Exalted, says: {Do not turn them [divorced women] out of their houses [during the 'iddah period], nor should they themselves leave, unless they are guilty of manifestly immoral conduct} [at-Talaq 65:1]. What is meant by immoral conduct is being rude to her in-laws and others.

Other scholars were of the view that it is permissible for her to go out during the day without restrictions, but not at night, because of the hadith quoted above, and by analogy with the 'iddah of a woman whose husband has died. It is clear that the hadith quoted mentions the reasons why it is permissible for her to go out, by stating that there is the hope that she may give charity or do an act of kindness. This is a reason to go out. But if there is no valid reason, then that hadith does not support that. End quote.

Conclusion: It is permissible for you to go out during the day to do errands, such as buying items that you need, or going to work or to your job teaching and the like, or to attend the classes that you must attend. As for going out for leisure and to have fresh air, that is not allowed.

And Allah knows best.