

Answer to Question:

The Iddah of a Widow

To: Waseem Sajjad

(Translated)

Question:

Assalam u Alaikum - A Teacher of Sociology has raised a question regarding the Edat (time break after a woman's husband dies which is 4 month and 10 days). He says that as the philosophy behind this time is to come to know about a woman's pregnancy after her husband's death so if medically it is proved that a widow is not pregnant then the time of Edat should be reduced accordingly? Need your answer and guidance.

Answer:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

1- The origin of Iddah (waiting period) of a widow (woman whose husband dies) is the saying of Allah (swt) ﴿وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذُرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَلَا جُنَاحَ عَلَيْكُمْ فِي مَا فَعَلْنَ فِي أَنْفُسِهِنَّ بِالْمَعْرُوفِ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ﴾ **“And those who are taken in death among you and leave wives behind - they, [the wives, shall] wait four months and ten [days]. And when they have fulfilled their term, then there is no blame upon you for what they do with themselves in an acceptable manner. And Allah is [fully] Acquainted with what you do.”** [Al-Baqarah: 234]

It is clear from this Ayah that the Iddah of a woman whose husband dies is four months and ten days, and this is a general text in every woman whose husband dies, whether she was pregnant or not.

2- There is another noble Ayah: ﴿وَأُولَاتِ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ﴾ **“And for those who are pregnant, their term (Iddah) is until they give birth.”** [At-Talaq: 4]

Which specifies the generality of the previous verse in a woman whose husband has not died, i.e. the Iddah of a woman whose husband has not died is four months and ten days, whereas the of iddah of a woman whose husband died ends when she gives birth... Therefore, if it is proven that the woman whose husband died is not pregnant, then her Iddah is four months and ten days, one saying. i.e. the one who said to you that if a woman is not pregnant, then there is no Iddah on her, he has reversed the ruling. So, either he is ignorant who does not understand how the rulings are taken and extracted, or he is a secular who conspires against Islam by changing the rulings out of deception.

3- We have shown this in *The Islamic Personality* Vol. 3, **Section: The Status of the Sunnah to the Quran, (page 77, Word file):**

(Specifying the general text ('Aamm) of the Quran: The Qur'an contains general texts, and the Sunnah specified these general texts... such as the saying of Allah (swt): ﴿وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذُرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا﴾ **“And those who are taken in death among you and leave wives behind - they, [the wives, shall] wait four months and ten [days].”** [Al-Baqarah: 234]

This verse evidenced the Iddah of a widow, and this verse was specified by the Hadith of Subay'ah Al-Aslamiyah, as she gave birth twenty-five days after the death of her husband,

so, the Prophet (saw) told her that her Iddah has finished, which indicated that the verse is specific to a non-pregnant woman.)

4- We also said in the same book, Section: **Takhsees (The specification of a general text) from Quran by Quran, (page 256, Word file):**

(Takhsees of one verse from Quran can be done by another verse of the Quran, because both of them came through the revelation in word and meaning, so it is permissible that one of them to be a specifying agent to the other, and because Takhsees has actually occurred in the Quran by other verse of the Quran, such as in His (swt) saying: ﴿وَأُولَاتِ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ﴾ **“And for those who are pregnant, their term (Iddah) is until they give birth.”** [At-Talaq: 4]

This ayah specifies the saying of the Almighty: ﴿وَالَّذِينَ يَتُوفُونَ مِنْكُمْ وَيُذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا﴾ **“And those who are taken in death among you and leave wives behind - they, [the wives, shall] wait four months and ten [days].”** [Al-Baqarah: 234].

5- That is, the widow whose husband dies should observe Iddah of four months and ten days, and if she is pregnant, then her term of Iddah ends when she gives birth. This is the view of the Jumhoor, i.e, the majority of the Scholars. There is an unlikely view narrated by some of the fuqaha, that the iddah in this case is the longer of the two terms, i.e. delivery or four months and ten days... As for what that person said to you that if a woman proves that she is not pregnant then there is no Iddah for her to observe, it is not valid in any case, but as we said earlier (i.e. the one who said to you that if a woman is not pregnant, then there is no Iddah on her, he has reversed the ruling. So, either he is ignorant who does not understand how the rulings are taken and extracted, or he is a secular who conspires against Islam by changing the rulings out of deception.)

6- **This has been stated in the considered interpretations, and will only mention one of them:**

It is stated in the interpretation of Ibn Katheer when interpreting the honorable verse: ﴿وَالَّذِينَ لَمْ يَحْضُنْ وَأُولَاتِ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ﴾ “and [also for] those who have not menstruated. And for those who are pregnant, their term (Iddah) is until they give birth.” [At-Talaq: 4]

And His (swt) saying ﴿وَأُولَاتِ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ﴾ **“And for those who are pregnant, their term (Iddah) is until they give birth.”** [At-Talaq: 4] Allah says (interpretation of the meaning): the pregnant woman's Iddah ends when she gives birth, whether in the case of divorce or death of the husband, according to the agreement of the majority of scholars of the Salaf and later generations.

This is based upon this honorable Ayah and what is mentioned in the Prophetic Sunnah. It was narrated that Ali and Ibn Abbas, may Allah be pleased with them, said that the Iddah period of a widow lasts until the end of the longest among the two prescribed periods, giving birth or the months in accordance to this Ayah, which is in Surat Al-Baqarah.

Al-Bukhari said: (Sa`d ibn Hafs told us, Shayban told us, Yahya said: Abu Salamah told me: A man came to Ibn Abbas while Abu Hurayrah was sitting with him and said, “Give me your verdict regarding a lady who delivered a baby forty days after the death of her husband”. Ibn Abbas said, “Her Iddah period lasts until the end of the longest among the two prescribed periods”. I said: ﴿وَأُولَاتِ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ﴾ **“And for those who are pregnant, their term (Iddah) is until they give birth.”** [At-Talaq: 4] Abu Hurayrah said, “I agree with my cousin (Abu Salamah).” Then Ibn Abbas sent his slave Kurayb to Umm Salamah to ask her. She replied, “The husband of Subay’ah Al-Aslamiyyah was killed while she was pregnant, and she delivered a baby forty days after his death. Then she received a marriage proposal and Allah’s Messenger married her to somebody. Abu As-Sanabil was

one of those who proposed to her”). This is how Al-Bukhaari narrated this hadeeth in this short form.

Muslim narrated it in the following words:

(Ibn Tahir told me, Ibn Wahab told us, Younis bin Yazid told me, from ibn Shihab, Ubaydullah bin Abdullah bin Utbah told me: that his father wrote to Umar bin Abdullah bin Al-Arqam Az-Zuhri, requesting that he go to Subay`ah bint Al-Harith Al-Aslamiyyah to ask her about the matter in question, and about what Allah's Messenger said to her when she sought his verdict. Umar bin Abdullah wrote to Ubaydullah bin Abdullah bin Utbah informing him that Subay`ah told him that she had been married to Sa`d bin Khawlah, and he was one of those who participated in the battle of Badr. He died during the Farewell Pilgrimage, while she was pregnant. Soon after his death, she gave birth. When she passed the postnatal term, she beautified herself for those who might propose to her. Abu As-Sanabil bin Ba`kak came to her and said, "Why do I see you have beautified yourself? Do you wish to remarry? By Allah, you cannot marry unless four months and ten days have passed."

Subay`ah said, "When he said that, I dressed myself in the evening and went to Allah's Messenger and asked him about his verdict. He gave me a religious verdict that I was allowed to marry after I had given birth to my child, saying I could marry if I wish.")

In summary:

Iddah (the waiting period) of a woman whose husband dies is shown in the Book of Allah and the Sunnah of His Messenger (saw), which is:

1- If she is not pregnant then her Iddah is four months and ten days according to the Ayah of Surat Al-Baqarah: ﴿وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا﴾ **“And those who are taken in death among you and leave wives behind - they, [the wives, shall] wait four months and ten [days].”** [Al-Baqarah: 234]. And if she is pregnant then her term of Iddah ends when she delivers, in accordance with the Ayah of Surat At-Talaq: ﴿وَأُولَاتٍ﴾ **“And for those who are pregnant, their term (Iddah) is until they give birth.”** [At-Talaq: 4] In a manner which we have shown above.

2- As for the one who said to you that if a woman is not pregnant, then there is no Iddah on her, he has reversed the ruling. As we said earlier, either he is ignorant who does not understand how the rulings are taken and extracted, or he is a secular who conspires against Islam by changing the rulings out of deception...

Your brother,

Ata Bin Khalil Abu Al-Rashtah

7th Sha`ban 1440 AH

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The link to the answer from the Ameer's Facebook page:

<https://web.facebook.com/AmeerhtAtabinKhalil/photos/a.122855544578192/1039005512963186/?type=3&theater>