

A Perplexing Question

Question: A man committed adultery with his mother-in-law and is now very remorseful. Although he realises that his wife has become Haraam to him, he is in a great dilemma because his in-laws are gangsters and divorcing his wife for no apparent reason would endanger his life. However, if he discloses the reason, he is in greater danger for having committed the act. In such a grave situation, can he practice on the opinion of Imaam Shaafi'e RAH. , which states that adultery with his mother-in-law will not make him Haraam to his wife?

Answer: When a person asked Rasulullaah SAW. whether he could marry the daughter of a woman with whom he had committed adultery. Rasulullaah SAW. told him that he may not. The man in the question has to divorce his wife and cannot practice on the verdict of Imaam Shaafi'ee RAH. permissible to act on the verdict of another. In Imaam only when there is pressing social need to do so (referred to as Umoom Balwa). Furthermore, this may be done only upon the joint verdict of reputable Ulema and cannot be done in an individual case. Doing so merely for the sake of a woman is dangerous and can lead to a terrible death.

Shaami (Vol.3 Pg.623) reports that when a man belonging to the Hanafi Madh'hab proposed for a girl belonging to the Ghayr Muqallideen. He was told that his proposal would be accepted only if he forsook the Hanafi Madh'hab. He complied. When the news reached the Imaam of the time Imaam Abu Bakr Jurjaani RAH., he remarked, "Whilst the marriage permissible, I fear that he may lose him Imaam when he dies because he had undermined the Madh'hab that he believed was the truth and forsook it for (what will soon be) a decaying corpse.

If the person truly fears for his life, he should leave the place to live elsewhere. And Allaah knows best what is most correct.

Fatawa Rahimiyyah vol.3