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ABANDONING THE MARITAL HOME FOR NO VALID SHAR'I REASON

Question

Please advise! Was it correct for the parents to have taken their daughter with the two little children from their home without the husband's consent? The following had happened:

Assalaamualaikum -An incident recently occurred in a family where whilst the husband was at work, the family of the wife came and snatched the wife and children (both under 2) away without informing anyone, when the husband came home there was no one.

Prior to this, the couple had an argument and the husband gripped the wife's face, he did not punch or slap her but rather gripped her face, the reason for this being, she was in contact with a young moulana, first through his wife but sometimes he would answer her directly. Her husband had warned her against contacting this couple because he had discovered that the moulana is also replying, but she disobeyed him and called this young moulana directly, hence her husband done what he done.

The wife would forward all her husband's chats to his young moulana even if he came home from work and had a mood, or if he was not happy with the food, this moulana would come to know. All small irrelevant details were being taken out of the house by someone who is not even senior.

The family of the girl now refuses to take any calls or even reply to any texts from the distraught husband and his family. They've only been fed what the daughter has told them but haven't heard both sides of the story. The husband's family has been trying for 4 days now, but to no avail. Does the Quraan not state that a mediator should be

appointed on his side and on her side? How can this be done if her family snatched her and the kids away and refuses to answer any calls or messages? The boys father had tried numerous times to contact her father but he refuse to answer. Please advice, JazakAllah

ANSWER

What advice is there for these unscrupulous, jaahil parents who snatch their daughter and the children from the marital home? They – the parents and the wife – are guilty of grievous sins. Their conduct is reprehensible and haraam. If they believed that their daughter had been treated unjustly and had been assaulted, they should have acted in accordance with the Qur'aan Shareef which commands that such issues be resolved by mediators from both parties.

The wife was in fact committing major sins having dialogue with the young maulana. Such dialogue is intolerable for the *Imaani Ghairat* of a husband. Only a rascal *dayyoos* man tolerates the 'zina' dialogue his wife has with another male, be that male a young or an old maulana. The man's 'maulana' status is not a licence for dialogue with another man's wife. This maulana should shame himself for his 'zina' dialogue. She is decidedly evil for exposing all the irrelevant home issues to the young maulana or to even the wife of the maulana.

The *La'nat* of Allah Ta'ala settles on the wife and her parents, and the *La'nat* (Curse) will remain as long as she is away from the marital home without her husband's consent.

The husband's anger was fully justified. His only error was hurting his wife by grabbing her face. But this was no justification for her to desert her husband and to incur the *La'nat* of Allah Ta'ala.

Cases of this nature are not rare. The parents of the wife should understand that they have absolutely no right to snatch and take their daughter and the children from the marital home. In most such cases there is no valid Shar'i reason for abandoning the marital home. The women and her parents are accursed for such haraam action. The *La'nat* and *Ghadb* of Allah Ta'ala settle on them.

The only valid reason is if life or limb is threatened. If the husband is perhaps a scoundrel drug addict who assaults his wife, then there will be justification for removing the wife and children from the marital home. But, to resort to the haraam accursed action of 'kidnapping' the wife and children merely because the husband in anger had slapped her, is haraam.

It is also disgraceful for wives to have verbal conversation and dialogue directly with maulanas from whom they seek advice. Even if the maulana is an elderly, senior Buzrugh/Wali who can perform miracles, then too the wife has no right to speak directly with the ghair mahram molvi nor does the Buzrug have such a right.