177636 - He is intimate with his wife and his ex-wife in the same bed

the question

I am desperately hoping that in sha Allah you will be able to give me some advice. I am a new Muslimah and am still learning about the laws of Islam and am in a situation where I do not know whether what my husband is telling me to do is haram/makrooh/zina. He will be remarrying his ex-wife as soon as she gets divorced from her estranged husband. This past week, she came over to stay so that we could meet. His plan is that we will all live in one house. They have a son together. We get along well, Alhamdulillah! He had us all three lying in bed together and both of us cuddled up to him, while he insisted that we were naked. There were times when he made us expose our nakedness to each other and he would kiss and caress us in front of each other in this state. He also made us touch each other. He talks about us all sharing one bed three nights a week when we live together.
My question is: Is any of this haram/zina? I want to please my husband, but I do not want to anger Allah to do it.
I am also deeply concerned about him at this stage, whilst they are both not married to each other, but married to other people and they are doing everything but penetration (he says then it is not adultery).
Please answer my question. I have searched everywhere for answers on intimate relations with co-wives in the same bed and can find nothing. I know that intimacy between two women (lesbianism) is zina, but where does this stand?

Detailed answer

Praise be to Allah.

If the ‘iddah (waiting period following divorce) of a revocably-divorced wife ends, she becomes a “stranger” to the husband like any other women who are not related to him; it is not permissible for him to touch her, look at her or be alone with her, and if she gets married to another man, the matter becomes more serious and more abhorrent.

Based on that, so long as your husband has not done a marriage contract with this woman, what he is doing of embracing her, touching her or kissing her is one of the gravest of evil actions. We do not know how any Muslim can do such a thing. If he has decided to marry her, how can he not have any patience to avoid what is haram, until she becomes permissible to him?! We ask Allah to keep us safe and sound. If this woman is still married to her (current) husband or he has divorced her but she is still in the ‘iddah (waiting period), then it is even more serious and more abhorrent, as stated above, and she is betraying her husband.

Whatever the case, what your husband is doing with this woman is blatant immorality and it is a kind of zina (adultery). Zina is of varying degrees, some of which incur the hadd punishment, namely intercourse in the vagina, and some are less serious than that, such as looking, touching and so on. But all of them are haram and one leads to the other, darkness upon darkness. We ask Allah to keep us safe and sound by His grace. Al-Bukhari (5744) and Muslim (4801) narrated from Abu Hurayrah that the Prophet (blessings and peace of Allah be upon him) said: “Allah has decreed for the son of Adam his share of zina which he will inevitably fall into. The zina of the eyes is looking, the zina of the tongue is speaking, the nafs (self) wishes and longs, and the private part confirms that or denies it.”

And he (blessings and peace of Allah be upon him) said: “Any woman who takes off her clothes anywhere but in her husband’s house, has torn the screen that was between her and Allah.”

Narrated by Ibn Majah, 3750; classed as saheeh by al-Albani

If your husband is encouraging this woman to get divorced from her (current) husband so that she can go back to him, then he has fallen into another sin, which is ruining her and spoiling her for her husband. It was narrated that Abu Hurayrah (may Allah be pleased with him) said: The Messenger of Allah (blessings and peace of Allah be upon him) said: “He is not one of us who turns a woman against her husband or a slave against his master.” Narrated by Abu Dawood, 2175; classed as saheeh by al-Albani in Saheeh Abi Dawood.

Abu Dawood also narrated (5170) that Abu Hurayrah (may Allah be pleased with him) said: The

Messenger of Allah (blessings and peace of Allah be upon him) said: “Whoever turns a man’s wife or slave against him is not one of us.” Classed as saheeh by al-Albani in Saheeh Abi Dawood.

سا-Shaykh ‘Abd al-‘Azeem Abadi (may Allah have mercy on him) said: “Whoever turns… against” means whoever deceives and corrupts.

“a woman against her husband” by mentioning the husband’s bad qualities in front of his wife, or the good qualities of another man in front of her.

End quote from ‘Awn al-Ma‘bood, 6/159

And he said: “Whoever turns a man’s wife against him” means ruining and corrupting her, or making the idea of divorce seem good to her, so that he could marry her or someone else can marry her, and so on.

‘Awn al-Ma‘bood, 14/52

Some scholars are of the view that if a man turns a woman against her husband, it is permanently haram for him to marry her, and his marriage to her is not valid.

Please see the answer to question no. 84849

To sum up, what your husband is doing in front of you is a great evil, and it is not permissible for you to approve of it or keep quiet about it, let alone take part in it. What you have to do is exhort your husband and advise him, and explain to him that what he is doing is abhorrent and haram. If he stops, then praise be to Allah, but if he persists in this action it is not permissible for you to be present when this evil is being committed. You can threaten to expose him and disclose what he is doing. Then if he persists in that, it is permissible for you to ask for a divorce, because of his evildoing and sin.

Secondly:

Being together with two wives in one bed is permissible subject to three conditions:

(i) That it be with their consent, because the wife has a right to separate accommodation and her jealousy may prevent her from allowing another wife to share her bed.

(ii) Neither of them should uncover her ‘awrah in front of the other. The ‘awrah of one woman in front of another is the area between the navel and the knee. It is haram for a woman to look at the ‘awrah of another woman.

(iii) He should not have intercourse with one of them in the presence of the other. Please see the answer to question no. 26265

Thirdly:

If a woman touches another woman with desire, that is haram; if there is no desire, then there is nothing wrong with it.

Fourthly:

One of the rights that the wife has over her husband is that he should give her her own accommodation, and she has the right to refuse to live with her co-wife.

We ask Allah to guide us and you and to make us steadfast.

And Allah knows best.