84849 - Should he marry a woman who got divorced for his sake?

the question

I am a man who has been married for 13 years and I have three children. About two years ago I left my wife’s bed because my wife had gotten very fat and does not take care of herself.
One and a half years ago I got to know a married woman, and this woman fell deeply in love with me, to such an extent that she left her husband and two daughters and got divorced. Since her divorce she has been very attached to me. So much so that she came from her city to marry me here and visit me and stay with me for a few days (my family are in another city). She calls me every day and gets in touch via e-mail. We agreed several times to get married, but I changed my mind every time out of fear for my children and the breakup of my family. But at the same time I feel very sorry for her, because she sacrificed her life and her daughters for the sake of our happiness together (even though I did not ask her to get divorced). I want to marry this woman, but at the same time I cannot forget that she was the wife of another man before me and she had sex with him. Now I have become religiously committed since Ramadaan, and I do not miss any opportunity to pray in the mosque, and I read Qur’aan and I give charity; my attitude has become excellent compared to what it was before. She has also become much better. But I am afraid before Allaah that I may have been the cause of her first family breaking up, and I want to live with her as a second wife. I am also afraid for my own children if my family breaks up, and I am afraid that I will not be able to forget her first marriage.
I hope that you can advise me because the sense of guilt is killing me and it is affecting my worship. Please note that I can afford to get married.

Detailed answer

Praise be to Allah.

Firstly:

It is very strange to see people who insist on following the path that leads to doom and

destruction.

It is very strange to see people who will sink to any depths for the sake of a fleeting moment of physical pleasure or illusionary happiness.

A person whom Allaah has blessed with a family and children, then he or she is not content with that, and rather tries to break up other people's families and destroy their happiness.

That makes me wonder, what type of happiness is that person seeking, and what sort of whims and desires is he or she following?

And here you are …you can no longer see anything in your wife and the mother of your children, except that she has gotten very fat and dos not look after herself!

How strange it is that the shaytaan can make attractive to people that which Allaah has forbidden, and divert them by all means from that which Allaah has permitted to them.

For whom should your wife look after herself, when you have forsaken her bed for such a long time and you did not stop there, rather you decided to go and live in one city when your wife and children are living in another.

Is this how families should be? Is this how you take care of your family whom Allaah has entrusted to your care?

If it so happens that a man is not satisfied with one wife, or she falls short in her duties towards him, then Allaah has made it easier for us Muslims and has permitted us to take four wives, one of whom may make up for the shortcomings of another, in return for the husband looking after them and their children, and treating them all fairly.

Meeting one's needs is not done by looking at that with which Allaah has blessed other people, or in which He has favoured them over us, whether that is in terms of a wife, children or wealth.

"And wish not for the things in which Allaah has made some of you to excel others. For men there is reward for what they have earned, (and likewise) for women there is reward for what they have

earned, and ask Allaah of His Bounty. Surely, Allaah is Ever All-Knower of everything”

[al-Nisa’ 4:32]

As Allaah has blessed us with enough of that which is permissible, then what need do we have of immoral ways for the purpose of gratification, unless all a man cares about is pursuing his rrational desires?

It was narrated from Abu Hurayrah (may Allaah be pleased with him) that the Messenger of Allaah (peace and blessings of Allaah 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-Albaani in Saheeh Abi Dawood.

Abu Dawood (5170) also narrated that Abu Hurayrah said: The Messenger of Allaah (peace and blessings of Allaah be upon him) said: “Whoever corrupts a man’s wife or slave is not one of us.” Classed as saheeh by al-Albaani in Saheeh Abi Dawood.

Shaykh ‘Abd al-‘Azeem Abaadi (may Allaah have mercy on him) said:

“turns a woman against her husband” means by mentioning the husband’s bad qualities in to his wife, or mentioning the good qualities of a stranger (non-mahram man) to her.

‘Awn al-Ma’bood (6/159).

And he said: “The one who corrupts a man’s wife” means he turns her (against her husband) or makes the idea of divorce attractive to her so that he can marry her or arrange her marriage to someone else, and so on.

‘Awn al-Ma’bood (14/52).

Shaykh al-Islam Ibn Taymiyah (may Allaah have mercy on him) was asked about an imam (leading people in prayer) who turns a woman against her husband so that she will leave him and he can be alone with her – can people pray behind him? What is the ruling on him?

He replied:

In al-Musnad it is narrated that the Prophet (peace and blessings of Allaah be upon him) said: “He is not one of us who turns a woman against her husband or a slave against his master”. So the man’s attempt to separate a woman from her husband is one of the gravest of sins; this is what the practitioners of witchcraft try to do all the time, which is one of the worst deeds of the devils, especially if he turns her against her husband in order to marry her, as well as persisting in being alone with her, and especially if circumstantial evidence shows that. Such a man should not be appointed as imam of a mosque unless he repents, and if he repents, Allaah will accept his repentance. If it is possible to pray someone else who is of good character then people should pray behind him and not pray behind the one who commits immoral actions openly for no need. And Allaah knows best.

Majmoo’ al-Fataawa (23/363).

Ibn al-Qayyim (may Allaah have mercy on him) said:

The Messenger of Allaah (peace and blessings of Allaah be upon him) cursed the one who does that, and disavowed him, and it is a major sin. If the Prophet (peace and blessings of Allaah be upon him) forbade a man to propose marriage to a woman to whom his brother has already proposed, or to outbid him, then how about one who tries to separate a man and his wife or slave woman in order to get be with them. Lovers of physical outward beauty and the pimps who help them do not see that as a sin, because the lover’s seeking to be with the one whom he loves and to share her with her husband or master is a kind of sin and transgression against the rights of others, and that is no less serious than committing the immoral action itself, if not worse. But the rights of others are not waived by repenting from immoral actions; although the rights of Allaah are waived when one repents, the rights of other people remain in effect and they will have the right to demand them on the Day of Resurrection. If the husband has been wronged by the corruption of his beloved (wife) and she has been led to betray him, that is a greater wrong than taking all of his wealth. Hence this is more upsetting for him than if his wealth was taken and there is no pain greater than that except shedding his blood. What a grave sin that is greater than

committing the immoral action itself. If this transgression is done to someone who is out on campaign (for the sake of Allaah), then the sinner will be made to stand on the Day of Resurrection, and it will be said to him (the victom): Take from his hasanaat whatever you wish, as the Prophet (peace and blessings of Allaah be upon him) told us, then he said: What do you think? i.e., what do you think will be left of his hasanaat? If in addition to that the one who was wronged was a neighbour, or a blood relative, then the wrongdoing is compounded, and the wrongdoing includes severing ties of kinship and harming a neighbour, and no one who severs ties of kinship will enter Paradise, and neither will one from whose harm his neighbour was not safe.

Al-Jawaab al-Kaafi (p. 14).

Turning a wife against her husband does not only mean pushing her to demand a divorce; rather trying to play with her emotions and causing her to fall in love with you is one of the worst kinds of corruption and wrongdoing.

Yes, you did something serious when you got to know this woman and kept in touch with her until you destroyed her family, and she also did something serious when she fell in love with someone other than her husband, and asked him for a divorce, so she destroyed her family herself, and asked for something that was not permissible for her.

It was narrated from Thawbaan (may Allaah be pleased with him) that the Prophet (peace and blessings of Allaah be upon him) said: “Any woman who asks her husband for a divorce for no reason, the fragrance of Paradise will be forbidden to her.”

Narrated by al-Tirmidhi (1187), Abu Dawood (2226) and Ibn Majaah (2055); classed as saheeh by al-Albaani in Saheeh Abi Dawood.

We hope that by means of this stern rebuke Allaah will stir the conscience of everyone who reads this answer and so that they will think about the evil consequences of transgressing the set limits and taking lightly the matter of contacting the opposite sex and speaking to them. We have quoted several times the view of the scholars that this is haraam.

See: 26890, 52768, 66266 and 59907.

We also hope that this will prompt both of you to repent sincerely to Allaah and ask Him for forgiveness for what has happened, and finally to restore people's rights.

You should note that Allaah accepts repentance from His slaves if it is sincere, and that the door of His mercy is open and will not be shut until the sun rises from the west. In many cases a person is better after sinning and repenting from it than he was before.

Allaah says (interpretation of the meaning):

"Say: "O 'Ibaadi (My slaves) who have transgressed against themselves (by committing evil deeds and sins)! Despair not of the Mercy of Allaah, verily, Allaah forgives all sins. Truly, He is Oft-Forgiving, Most Merciful.

54. "And turn in repentance and in obedience with true Faith (Islamic Monotheism) to your Lord and submit to Him (in Islam) before the torment comes upon you, (and) then you will not be helped"

[al-Zumar 39:53-54]

"Truly, Allaah loves those who turn unto Him in repentance and loves those who purify themselves"

[al-Baqarah 2:222]

Secondly:

The conditions of sincere repentance include restoring people's rights to them, for the accountability is not waived until the rights are restored and the person who was wronged takes what is rightfully his in this world, before the Hereafter.

What this woman must do is go back, and try to apologize to her former husband through some of the people who are close to him. If the matter has to be referred to a qaadi (judge) he would not

allow any marriage contract with this woman, until she repents and goes back to her husband.

It says in al-Mawsoo'ah al-Fiqhiyyah (5/251):

The fuqaha' stated clearly that pressure should be put on him and he should be rebuked. The Maalikis confirmed that the woman who was turned against her husband is permanently haraam for the one who turned her against her husband, so as to give him the opposite of what he was trying to achieve and to serve as a deterrent, lest people take that as a means to corrupt wives.

A marriage that begins with disobedience towards Allaah will usually never be successful, and it will become a punishment and a burden for the one who did that.

If the husband forgives her, then praise be to Allaah, but if he refuses and does not agree to take his wife back, then there is nothing wrong with you two getting married in that case, as long as you feel regret and ask Allaah for pardon and forgiveness.

The majority of scholars say that the marriage of a man who turned a woman against her husband so that he would divorce her and then marries her himself is valid, despite the sin of turning a woman against her husband – which is the correct view, although some Maaliki and Hanbali scholars disagreed and regarded such marriages as invalid.

In al-Iqnaa' (3/181), which is a Hanbali book, it says:

He said concerning a man who turns a wife against her husband: he should be punished severely, and his marriage is invalid according to one of the two scholarly opinions in the madhhabs of Maalik, Ahmad and others, and they must be separated. End quote.

It says in al-Mawsoo'ah al-Fiqhiyyah (11/19, 20):

The Maalikis are the only ones who mentioned the ruling on this issue, which is when a man corrupts the wife of another man in such a way that it leads to her being divorced from him, then the one who corrupted her marries her.

They stated that the marriage should be nullified, whether consummation has taken place or not,

and there is no difference of opinion concerning that; the only thing concerning which they differed is whether or not the woman is permanently forbidden for marriage to the one who corrupted her. They mentioned two opinions concerning that:

1 – The well known view, which is that the prohibition is not permanent. If she goes back to her first husband and he divorces her or he dies, then it permissible for the one who corrupted her to marry her.

2 – That the prohibition is permanent. This view was mentioned by Yoosuf ibn ‘Umar, as it says in Sharh al-Zarqaani, and more than one of the later scholars in Fez issued fatwas on this basis.

However, fuqaha’ who are non-Maaliki did not issue any clear ruling on this issue, but the ruling on it, which is that it is forbidden, may be known from what has been stated above. End quote.

In Kutub A’immah al-Da’wah al-Najdiyyah (7/89) it says:

Shaykh ‘Abd-Allaah ibn al-Shaykh Muhammad (may Allaah have mercy on them both) was asked about a man who turned a woman against her husband and married her.

He replied:

The marriage of the second man, who turned her against her husband, is invalid and he must leave her, because he disobeyed Allaah by doing that. End quote.

We hope that if you repent properly and are sincere towards Allaah, then you will be able to marry this woman, if she first tries to set right what was corrupted in her marriage with her first husband.

As for worrying about the fact that she had another husband, and they did together what a man and wife do, this is an idea that is worthless. What is off-putting for a man with dignity is if a woman soiled herself by having haraam intimate relations. As for that which Allaah has prescribed and permitted for His slaves, there is no reason it should be regarded as off-putting!

Allaah says (interpretation of the meaning):

“It may be if he divorced you (all) that his Lord will give him instead of you, wives better than you ___Muslims (who submit to Allaah), believers, obedient (to Allaah), turning to Allaah in repentance, worshipping Allaah sincerely, given to fasting or emigrants (for Allaah’s sake), previously married and virgins”

[al-Tahreem 66:5]

Allaah says that there is blessing in marriage to a previously married woman as much as in marriage to a virgin.

With regard to what you fear of your children suffering, it is something that may happen when you marry another wife after your first marriage. What we hope is that if you marry this woman or any other, that you will not build a new home on the ruins of your first family, including your first wife and children. Rather the one who wants to indulge in this experience must have wisdom and smartness to organize his household affairs and deal with those under his care; he must treat his wives fairly and give everyone their rights, so that no one could hold him accountable for any wrongdoing before his Lord.

An Arab man who had several wives was asked how he was able to keep them together. He said: When we were youthful, that helped by making them patient with me, then I accumulated wealth that made them continue to be patient, then what is left is kindness and good treatment. That is what is left and is keeping us together.

‘Uyoon al-Akhbaar (1/396)

We ask Allaah to forgive and guide us and you two.

And Allaah knows best.