91962 - Getting married with the intention of divorce and the bad consequences of that

the question

I have a problem with my marriage. I converted to Islam 12 years ago, before I met and married my husband. I am his second wife. The problem is that my husband has a habit of getting married in secret (to a third wife) without informing any of his relatives or me and the first wife. He likes to keep the third wife secret because usually she is not muslim. He might stay with this woman for a year or two until they split up and then in time he will find someone else. Since I have been with him he has had 3 other woman. I find out that he is with someone when he starts not coming home at night or he travels abroad without telling anyone. He just disapears for 1 or 2 weeks without informing his family. Dispite this he will deny to everyone that he is with another woman. I get so depressed cause I never know whem my husband is gonna stay the night in my house and I know his first wife feels like I do too. I have seen some scholars say that this kind of secret marriage is halal but how can it be when the husband has to lie so much and the wives end up being so deppressed. Don,t woman have the right to know how many wives their husbands have. When my husband only has me and his first wife he is so nice and equal and we are so happy but things change when he gets married in secret again. Please note that he never has documents for the marriages. Please can you help me with this. I need to know if what he is doing is wrong. I know that there are many other woman in my situation because scholars have said these marriages are halal so now lots of men are doing it. But it just encourages men to lie and be unfair and women feel depressed and it really damages the family unit. I have 6 small kids and it has affected us all.

Detailed answer

Praise be to Allah.

The husband is not obliged to tell his wives that he is going to get married, but if he does get

married he is obliged to tell them, because not telling them may make them suspect that he is having illicit relationships, and because they have the right to ask him to be just in dividing his time. When she knows that he has taken another wife, she will understand that the new wife has the same rights as the wives he married before her.

Secondly:

The husband has to fear Allaah and treat his wives equally. The justice that is required between all his wives has to do with maintenance, accommodation and staying overnight.

Shaykh Saalih al-Fawzaan (may Allaah preserve him) said:

The sharing that is required has to do with spending the night. So you have to divide your time between them. The same applies to maintenance, accommodation and clothing. It is essential to be fair in these matters, by giving each of them sufficient accommodation, food, drink and clothing. You must also divide your time fairly among your wives. This is the justice that is enjoined by Allaah in the verse (interpretation of the meaning):

"…then marry (other) women of your choice, two or three, or four; but if you fear that you shall not be able to deal justly (with them), then only one …"

[al-Nisa' 4:3]

al-Muntaqa min Fataawa al-Shaykh al-Fawzaan (5/question no. 384)

For more information please see the answer to question no. 10091.

Thirdly:

Men must fear Allaah with regard to women, and they must remember that people trust them because of their outward religious commitment and adherence to the Sunnah. When one of them asks for a woman, she is given to him on the basis of his outward righteousness and religious commitment. So let him beware of taking advantage of these outward Islamic practices to toy with people's honour by taking their daughters then giving them back when he has fulfilled their

desires. Let him beware lest he becomes the cause of some of them apostatizing or becoming sick or following a path of deviation. We do not think that any of these men would agree to anyone doing that to his daughter or sister, so how can he agree to that being done to other people's daughters?

Let him beware of exploiting people's weakness and need by offering money and tempting her family with it. This is contrary to chivalry and good morals. We do not think that these people would be able to do the same with the daughters of prominent figures or the daughters of their paternal uncles or other relatives. If the marriage was legitimate then it did not work out and he divorced her, we would not denounce their actions, but if the marriage is for the purpose of satisfying desires, with the aim of changing her after a while, this is a kind of fooling around which is not approved of in Islam; it is a mut'ah marriage or virtually mut'ah marriage. Hence you will not find these people looking for women who are religiously committed, rather they will marry a woman for her beauty even if she is has not completed her 'iddah, or even if she is well known for her immoral ways, then he will fulfil his desire with her in a hotel for three days and this playboy will not pay any attention to her religious commitment or honour, and she will never be his permanent wife or the mother of his children, so why worry?

There follows a fatwa issued by the scholars of the Standing Committee responding to such actions and explaining the ruling on such marriages:

The scholars of the Standing Committee were asked: It has become common among young men to travel abroad to get married with the intention of getting divorced, and this marriage is the purpose for which they travel, based on a fatwa that deals with this issue, but many people misunderstand the fatwa. What is the ruling on this?

They replied:

Getting married with the intention of divorce is a temporary marriage, and a temporary marriage is an invalid marriage, because it is mut'ah, and mut'ah is haraam by consensus. Valid marriage is where a man gets married with the intention of keeping his wife and staying with her if she proves

to be a good wife and he gets along with her, otherwise he may divorce her. Allaah says (interpretation of the meaning): “either you retain her on reasonable terms or release her with kindness” [al-Baqarah 2:229].

And Allaah is the Source of strength. May Allaah send blessing and peace upon our Prophet Muhammad and his family and companions.

Shaykh ‘Abd al-‘Azeez ibn ‘Abd-Allaah Aal al-Shaykh, Shaykh ‘Abd-Allaah ibn Ghadyaan, Shaykh Saalih al-Fawzaan, Shaykh Bakr Abu Zayd.

Fataawa al-Lajnah al-Daa’imah (18/448, 449).

There are scholars who issued fatwas allowing that to people studying or working in western countries who feared that they may commit haraam actions, so such a person may get married even if he has the intention of getting divorced. But Allaah may decree that they have children and he may grow attached to them and their mother. Allaah may decree that they get along well so the marriage lasts. The fatwa is not aimed at those who travel with the purpose of getting married. The fatwa is not aimed at those who go for two nights to a poor land and take the virginity of one or more females. If a person cannot control himself during a two-day trip – some of which is for da’wah and charity work – then it is haraam for him to travel at all. Let the wise scholar look at the implications of what he says in his fatwas and what he does, and the effects that that will have on Islam, for Islam is not distorted by its enemies so much as it is distorted by the deeds and attitudes of its own followers.

The Muslim to whom Allaah grants one wife or more should praise Allaah and be grateful to Him. He must pay attention to them and his children, so that he will give them a proper Islamic upbringing and education. He should not show ingratitude for this blessing by leaving his wives and children with no guidance and education, looking for fleeting pleasures that do not lead to the establishment of a family or happiness, let alone leading to him wronging himself, his wives and his children.

There is no reason why he should not get married in the proper manner, because Islam allows him

to marry four wives, but he should also remember that Islam encourages marrying religiously-committed women, because she will be his honour, the mother of his children, the protector of his household and wealth, and the one who will raise his children. It is not befitting for a Muslim to forget the aims and rulings of marriage and go looking to satisfy his desire here and there, then have the audacity to attribute his actions to Islam!

This husband should look at the effects of his actions – he is lying, not giving his wives their rights, not treating them and the one whom he marries fairly. He should also examine his motives in choosing the wife whom he intends to divorce. If he makes a good choice then he should look at the impact he will leave behind on her and her family. He should remember that he is a Muslim who represents Islam and Islamic rulings and morals, especially if the matter has to do with trust based on his appearance or his outwardly seeming to be righteous, for he will be the cause of people no longer trusting others like him, even if it does not lead to something worse than that.

We have heard of the bad effects of marrying with the intention of divorce, which makes the Muslim feel certain that even if the scholars say that it is permissible in some cases, they should disallow it or at least stop saying that it is permissible. Some of these wives have had their honour impugned after they were married to men who appeared outwardly to be righteous, but when they had satisfied their desires in a hotel in her country, they gave her the second part of the mahr or a little bit of money and sent her back to her family, divorced. In some cases, the family trusted this "outwardly righteous man" and gave their daughter – and their honour – to him without any official marriage contract, trusting that he would do the proper contract in his own country. Then he fulfilled his desire with her and sent her back to her family as a previously-married woman after taking her as a virgin. Now look at the situation of the family: how can they face their neighbours and relatives? What will they say to them? Has honour become like a car to be rented then given back at the end of the stipulated period? Do these people not fear that Allaah will punish them with regard to their daughters and sisters?

When some of these women find out that their time with this husband is up, they plead with the husband not to divorce them and to take them to his home land – as he made them believe – as

his servant or as a servant for his wives and children. They say that if they go back they will be faced with mistreatment from their relatives and neighbours, which may end with their being killed. But this “outwardly righteous man” refuses these requests and pays no attention to her weeping and pleas.

One woman found that her time was up and her husband divorced her, so she called her brother to take her to her family, and all she could do was tell people that he had died in a car accident, so as to protect her honour from being impugned. And Allaah is the One Whose help we seek and in Whom we put our trust.

And Allaah knows best.