

163168 - They apostatised and got married, then the husband became Muslim before her; do they need to do a new marriage contract?

the question

When I met my husband, before we got married, we were both Muslim, but we (I seek Allah's forgiveness for that) apostatised from Islam shortly after we met. Then we got married according to British law, and we had a wedding party that was not Islamic (as we were not Muslims at that time). Two years after that, my husband embraced Islam again, but I remained a disbeliever for a few months following that. Then finally I became Muslim again, praise be to Allah, and now we are in the best shape. My question now is: is our marriage valid? If it is not, then what must we do? Please note that everyone around us knows that we are married and that we had a non-Islamic wedding that was attended by people from near and far. But the problem is, as I noted above, that we were not Muslims, and our marriage was according to British law, not according to Islamic sharia.

Detailed answer

If two apostates become Muslim together, then their marriage is recognised, as is the case when two disbelievers who had never been Muslim previously become Muslim. This has been explained previously in the answer to question no. [118752](#).

If one of the spouses becomes Muslim, and the other delays becoming Muslim until the woman's 'iddah has ended, then a new marriage contract must be done, according to most of the scholars.

Ibn Qudamah (may Allah have mercy on him) said: If one of the spouses becomes Muslim, and the other delays becoming Muslim until the woman's 'iddah has ended, the marriage is dissolved according to the view of the majority of scholars. Ibn 'Abd al-Barr said: The scholars did not differ regarding that, except for something narrated from an-Nakha'i, in which he differed from the majority of scholars and no one followed him in that. He claimed that the woman could go back to her husband, even after a long time, because of the report narrated by Ibn 'Abbaas (may Allah be pleased with him), according to which the Messenger of Allah

(blessings and peace of Allah be upon him) sent Zaynab back to her husband Abu'l-'As on the basis of their first marriage contract. This report was narrated by Abu Dawud and cited as evidence by Ahmad. It was said to him: Did he not narrate that he sent her to him on the basis of a new marriage contract? He said: There is no basis for that. And it was said that between the time when she became Muslim and the time when he sent her back to him eight years passed. (End quote from *al-Mughni*, 7/188).

Some scholars favoured the view that the marriage is not dissolved, even if the woman's 'iddah has ended. Therefore if both spouses want to go back to one another after the 'iddah has ended, they may do so, and there is no need to do a new marriage contract.

This view was favoured by Shaykh al-Islam Ibn Taymiyah and his student Ibn al-Qayyim (may Allah have mercy on them). Shaykh Ibn 'Uthaymin also regarded it as more likely to be correct (may Allah have mercy on him).

They quoted as evidence for that the hadith of Abu'l-'As referred to above, and the fact that there is no report in the Sunnah to suggest that the matter is connected to the end of the woman's 'iddah.

See: *ash-Sharh al-Mumti'* (12/245-248).

Based on this view, your previous marriage contract remains valid and there is no need to do a new marriage contract.

We ask Allah to guide you and enable you to do all that is good.

And Allah knows best.