



178270 - Getting a civil divorce to avoid prison for the husband who has another wife

the question

I have a situation that is causing a dilemma. I married Islamically and registered my marriage in a civil court in America. My husband is muslim and so I am. I recently found out after my marriage that my husband has a first wife and that I am his second wife now. His first wife lives in Jordan and he says he does not have any physical contact with her and he hardly goes to Jordan to see her but it was a family marriage when he was young. We both love each other but are confused as in America our marriage is considered invalid and hence bigamy. We dont want a divorce but it seems if we don't then he might go to jail if they decide to charge him. Can we get a civil divorce but still be married islamically. He says he can't divorce his first wife because of inter-marriages in the family that it will cause more divorces within the family. He also a child with her. I am so confused. I thought I was the first wife but turned out I was the second. Now in America, I am afraid that if they annul my marriage then I will not be married islamically. How can we get out of this situation or will I have to lose my marriage?.

Detailed answer

Praise be to Allah.

Firstly:

You should find out what will result from the civil divorce such as rulings having to do with children, inheritance, mahr and maintenance. If you have a child, will you be able to attribute him to his father? If one of you dies, will the other be able to inherit? How will you be able to prove your rights to maintenance and the deferred portion of the mahr, if there is any?

If you can avoid these negative consequences, and the possibility of your husband going to prison is a real one, then there is nothing wrong with you getting a civil divorce.



Secondly:

If the civil divorce does not involve your husband uttering the words of divorce (talaq), and he signs it or writes it without the intention of talaq, then it does not count as talaq. This has been explained previously in the answers to questions no. [127179](#) and [72860](#)

We advise you to have your marriage and your rights documented in a way that counts, such as doing the marriage contract in the Islamic Centre after the date of the divorce, if that could be of benefit, or documenting it in your original country or in another Islamic country, if that will not result in the problems that may result from documenting your marriage in the American courts.

We ask Allah to make things easy for you and to help you to obey Him.

Our advice to your husband is not to neglect the rights of his first wife and her child, and not to leave her hanging. Rather if he wishes he may divorce her or if he wishes he may keep her and give her her rights, unless she herself agrees to waive them.

And Allah knows best.