

182855 - She got married a second time for the purpose of going back to her first husband

the question

I was married before for 4 years I have one child with my first husband. we got divorced 2 years ago 3 times. I got married again to a second husband in order to get back with my first husband because I was still in love with my first husband and we have a child together.

My second husband did not know I wanted to marry him so I can get back with my second husband. My second marriage was not pre planned by my first husband nor my second husband. it was just my intention to get married again to get divorced and get back with my first husband. before I got married to my second husband my first husband said to me if I ever get divorced again he would marry me. so I got married to my second husband and after being married to my second husband I starting making problems in our marriage for my second husband to give me a divorce. we did have intercourse. after I asked him to give me a divorce. he refused to give me a divorce. so I left his house to go to my parents house. we have got separated for 3 months he did not call me but I realized I made a mistake and for the fear of allah I called him and apologized to him and asked him not to give me a divorce even though I really wanted a divorce from him. so as time went by kept praying to allah and just for allah to do what was best for me.

after 5 months of being separated I heard he was saying negative stuff about me so I called him and said bad things to him and asked him to give me a divorce again. and then after a month later he called my father and told my father he divorced me and had no intention of ever getting back with me.

I have been divorced from my second husband for about one year now. and I want to get back with my first husband whom I have a child with at the age of 4. is it okay for me to get back with my first husband?

does our religion allow for me to get back with my first husband?

Detailed answer

If a thrice-divorced woman gets married to another husband, but has the intention of getting divorced from him so that she can go back to the first husband, there is a difference of opinion among the fuqaha' concerning that. Some of them regard it as coming under the heading of tahleel (a marriage aimed at making it permissible for the woman to go back to her first husband), which is haraam, and some of them say that her intention does not affect anything.

See the answer to question no. 131290, when it says that the opinion that this is haraam is more likely to be correct, and that if the woman gets divorced she does not become permissible for the first husband.

You did right to repent and go back to your husband and ask him not to divorced you, because it is not permissible for a woman to annoy her husband or ask him for a divorce (talaaq or khula') unless there is a reason that makes it permissible to do that, such as if he is mistreating her.

But if this husband divorces you of his own accord or in response to your request because of his mistreatment and his speaking harshly to you, without the intention of making it permissible for you to go back to your first husband, then it seems that once your 'iddah has ended it will become permissible for you to go back to your first husband, with a new marriage contract.

And Allah knows best.