

## Question 26: Philosophy of Halalah

**(Woman remarrying first husband after being divorced by second one)**

**Question:** The man who has divorced his wife three times if he wants to marry again with her, why it is necessary that the lady should marry another man first?

**Answer:** Following the Holy Qur'an, Muslim theologians are unanimous that if a person, under certain special conditions, divorces his wife thrice, he person can marry her again only after she marries some other man first. If that man gives divorces willingly then that woman and the first husband can marry for the fourth time and till this is not performed, the woman is unlawful to her first husband.

The logic behind this is apparent and by it Islam wishes that the number of divorces should come down and remedies this aspect that the parties concerned should not take divorce as a mere plaything. And whenever one wishes can get married and whenever one wishes can separate. Because:

(1) When a man attempts to divorce the third time and he is aware that taking her for the fourth time will depend on this it is possible that he does not divorce at all, because to attempt or initiate divorce between man and woman is usually dependent on the hope of reconciliation and this hope becomes very little (less) on the third divorce, because nobody can force the other person to divorce and it is possible that both of them parties may become so much conducive that they may accommodate each other.

They may agree to continue the marriage, or by the least the other husband (first one) may not be ready to divorce. This fear proves very effective on many people and prevents them from divorcing the third time.

(2) In the fourth marriage, the dissolution of the marriage of third time being necessary and causes man to be envious or awakens his sense of honor so that, he gives up the idea of divorce. Because the sense of honor and special feeling of marital relation is negated by this act that one woman who has lived the life with him for a period of time, after divorce, goes in the possession of some other man, though it may be in a lawful way.

And by putting the question of dissolution Islam has tried to create the feeling of man for the benefit of women and that the marital relation continues. And with this correct and acceptable way has prevented the magnitude of divorces.

In the end this point also should be discussed that in certain cases marriage with another person causes great inclination from the first husband, because at times the second marriage is not harmonious to the wishes or desires of the woman.

And the comforts and convenience, which was available in the house of the first husband, is not accessible to her in the house of the second husband. In majority cases it also happens that, she finds the loving behavior of the first husband was much better. Keeping these events in mind and comparing the two husbands, she gets in herself a spiritual revolution and she now understands how valuable and priceless her precious life was.

However she decides with her heart, with regret and repentance, that if the situation reverses and if she again could marry with her previous husband, then as far as possible she will try to make the life pleasant and wholesome and she will keep away neglecting small things and with patience and stability she will end her non-harmonious way of life.

---

**Source URL:**

<https://www.al-islam.org/philosophy-islamic-laws-naser-makarem-shirazi-jafar-subhani/question-26-philosophy-halalah#comment-0>