

Divorsing a Wife to Remarry

Question: I have been married for 15 or 16 years. My wife is ill with tuberculosis and is at her parents home for the past two years. She can do no work and can have no children either. Although I have called her back several times, but she refuses to come. I have a weak old mother at home and none else. I now intend remarrying, but my new in-laws insist that I can marry only if I divorce my wife. What is then ruling of the Shari'ah in this regard?

Answer: While it is a sin to divorce a wife for no reason other than to hurt her, your case is quite different. Because you are forced to do so, you will not be sinful. It is however wrong of your new in-laws to insist on the divorce. Rasulullah SAW. stated. "No woman should demand the divorce of her husband to have her plate for herself because she will get only what has been decreed for her. And Allaah knows best what is most correct.

Fatawa Rahimiyyah vol.3