

How Long After the Passing of the Wife Can a Man Marry Her Sister?

Darulifta Ahlesunnat (Dawateislami)

Question

What do the noble scholars and jurists of Islamic law say about the following: A person's wife passed away. Can he immediately get married to his late wife's (biological) sister, or does he have to wait for a certain period? Such as in the case that one divorces his wife, he has to wait until the 'iddah period; then he is permitted to marry her sister.

Answer

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

According to sharī'ah, it becomes permissible for one to marry his sister-in-law immediately after the passing of his wife. It is not necessary to wait for any specific duration. Even if he marries his sister-in-law the day after his wife's passing, this is permissible and valid according to sharī'ah. However, doing so is considered inappropriate according to social customs and norms and becomes a cause for criticism. Therefore, a person should avoid things that go against the norm as much as possible, unless there is an urgent need.

The detail of this ruling is that it is impermissible and Haram for a person to be married to two sisters at the same time, as is explicitly mentioned in the Noble Qur'an. If the wife is still in his nikah, it is clear that it is Haram for him to marry her sister. But if he divorced her and her 'iddah is ongoing, it is still impermissible and Haram for him to marry her sister. This is because some rulings of nikah remain in effect until the end of the 'iddah, such as nafqah, etc., and it is as if the nikah is not completely dissolved. Therefore, getting married to her sister at this time also falls under the Qur'anic prohibition. However, if the wife passes away, the nikah is completely dissolved immediately, and there are no remaining effects of the nikah. In this case, the permissibility for him to marry his sister-in-law is immediately established after his wife's passing.

Being married to two sisters at once is Haram. Allah Almighty states:

﴿وَأَنْ تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ﴾

Translation (Kanz-ul-Irfan): (Forbidden for you to marry) and two sisters together. (Part 4, Surah al-Nisa', Verse 23)

'Allamah Zayla'ī رحمه الله تعالى عليه states in Tabyeen al-Haqa'iq:

لا يحل له ان يتزوج باختها

(Tabyeen al-Haqa'iq, Vol. 3, p. 32, Publ. Cairo)

The Imam of Ahl-us-Sunnah, The Master, Imam Ahmad Raza Khan رحمه الرحمن states:

بوجودی زوجہ سالی سے نکاح حرام ہے۔

Translation: It is Haram to marry the sister-in-law in the presence of the wife. (Fatawa Razawiyah, Vol. 11, p. 317, Publ. Raza Foundation, Lahore)

If one divorces his wife, it is impermissible for him to marry her sister until she is in her 'iddah. Allamah Burhan-Uddin Abul-Hasan 'Ali Bin Abu Bakr al-Marghinani عليه الرحمة states in al-Hidayah:

وإذا طلق امرأته طلاقاً بائناً أو رجعيّاً لم يجز له أن يتزوج بأختها حتى تنقضي عدتها --- ولنا أن نكاح الأولى قائم لبقاء بعض أحكامه كالنفقة والمنع (Al-Hidayah, Vol. 1, p. 218, Publ. Dar 'Ihya al-Turas al-'Arabi, Beirut)

The Imam of Ahl-us-Sunnah عليه الرحمة was asked:

عالم حیاتِ زوجہ میں حقیقی سالی یا رشتہ کی سالی سے نکاح جائز ہے یا نہیں؟

Translation: Is it permissible for one to marry his biological sister-in-law or sister-in-law (in relation) while his wife is alive? Or is it impermissible?

He عليه الرحمة answered:

تاحیاتِ زوجہ جب تک اُسے طلاق ہو کر عدت نہ گزر جائے اُس کی بہن سے جو اس کے باپ کے نطفے یا ماں کے پیٹ سے یا دودھ شریک ہے، نکاح حرام ہے۔ قال اللہ تعالیٰ "وَأَنْ تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ"

Translation: Whilst his wife is alive, it is Haram for one to marry his wife's sister, who was conceived by her father's sperm, was in the womb of her mother, or they are milk related, until she (his wife) is divorced and has completed her 'iddah. Allah Almighty states: (Forbidden for you to marry) "two sisters together." (Fatawa Razawiyah, Vol. 11, p. 314-315, Publ. Raza Foundation, Lahore)

It is permissible for one to marry his sister-in-law after the passing of his wife without needing to wait for the 'iddah or any other duration. It is stated in Majma' al-Anhur Sharh Multaqa al-Abhur:

لومات المرأة فتزوج بأختها بعد يوم جاز

(Majma' al-Anhur Sharh Multaqa al-Abhur, Vol. 1, p. 324, Publ. Dar 'Ihya al-Turas al-'Arabi, Beirut)

Allamah Ibn 'Abideen al-Shami رحمه الله تعالى عليه states:

ماتت امرأته له التزوج بأختها بعد يوم من موتها كما في الخلاصة عن الأصل وكذا في المبسوط لصدور الإسلام والمحيط للسرخسي والبحر والتتارخانية وغيرها من الكتب المعتبرة وأما ما عزی الى التتف من وجوب العدة فلا يعتد عليه

(Radd al-Muhtar, Vol. 3, p. 38, Publ. Dar al-Fikr, Beirut)

One should avoid any such action that is against social customs and norms. It is stated in a hadith:

اياك ومايسوء الاذن

Translation: Avoid those things which don't sound pleasant to the ears.

(Musnad Ahmad Bin Hanbal, Vol. 7, p. 7, Hadith No. 17,156, Publ. Dar al-Kutub al-'Ilmiyah, Beirut)

It is stated in Fatawa Razawiyah:

عادت قوم کی مخالفت موجب طعن و انگشت نمائی و انتشار ظنون و فتح باب غیبت ہوتی ہے۔۔۔۔۔ ائمہ دین فرماتے ہیں: الخروج عن العادة شهرة ومکروه

Translation: Going against the customs of people will bring about criticism, pointing fingers, assumptions, and opening the gate to backbiting... The scholars state: Going against norms brings about notoriety and is Makruh. (Fatawa Razawiyah, Vol. 7, p. 416, Publ. Raza Foundation, Lahore)

وَاللّٰهُ اَعْلَمُ عَزَّوَجَلَّ وَرَسُوْلُهُ اَعْلَمُ صَلَّى اللّٰهُ تَعَالٰى عَلَيْهِ وَاٰلِهٖ وَسَلَّم

(Allah Almighty knows best and His Messenger صَلَّى اللّٰهُ عَلَيْهِ وَاٰلِهٖ وَسَلَّم knows best.)

Answered By: Mufti Muhammad Qasim Attari

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