

## Marrying woman who repented from fornication

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

**Question:** Honourable Shaykh! can I get married with the woman with whom I had illegal sexual intercourse? Knowing that she repented to Allaah. But she committed fornication with another man before she repents, and this led to the loss of her virginity. May Allaah reward you with good.

**Answer:** It is not permissible to marry a woman with whom we fornicate save with two conditions:

1. **The first condition:** the sincere repentance for each one, and this, by leaving this sin and the other sins and to regret this sin and all other previous sins, and to resolve to not do it again in the future in accordance with Allaah's عزَّ وجلَّ saying:

يَا أَيُّهَا الَّذِينَ آمَنُوا تَوْبُوا إِلَى اللَّهِ تَوْبَةً نَّصُوحًا عَسَىٰ رَبُّكُمْ أَن يُكَفِّرَ عَنْكُمْ سَيِّئَاتِكُمْ وَيُدْخِلَكُم جَنَّاتٍ تَجْرِي مِن تَحْتِهَا الْأَنْهَارُ

[O you who believe! Turn to Allaah with sincere repentance! It may be that your Lord will remit from you your sins, and admit you into Gardens under which rivers flow (Paradise)]<sup>1</sup>

If they repent, they are no more called fornicators, as the Prophet صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said: "**The one who repents from sin is like the one who did not sin**"<sup>2</sup>, but if they do not repent, it is forbidden to a believer to marry a fornicatress and it is forbidden to marry one's daughter to a fornicator. Allaah عزَّ وجلَّ says:

الرَّانِي لَا يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً وَالزَّانِيَةُ لَا يَنْكِحُهَا إِلَّا زَانٍ أَوْ مُشْرِكٌ وَحُرِّمَ ذَلِكَ عَلَى الْمُؤْمِنِينَ

[The adulterer marries not but an adulterous or a Mushrikah and the adulteress none marries her except an adulterer or a Mushrik [and that means that the man who agrees to marry (have a sexual relation with) a Mushrikah (female polytheist, pagan or idolatress) or a prostitute, then surely he is either an adulterer, or a Mushrik (polytheist, pagan or idolater, etc). And the woman who agrees to marry (have a sexual relation with) a Mushrik (polytheist, pagan or idolater) or an

<sup>1</sup> Soorah at-Tahreem[66:8]

<sup>2</sup> Reported by: Ibn Maajah, chapter of "Asceticism" (hadeeth 4250), Al-Baihaqee (hadeeth 21150) and At-Tabaraanee in "Al-Mu`jam Al-Kabeer" (hadeeth 10281) from the hadeeth of `Abd Allaah Ibn Mas'ood رَضِيَ اللهُ عَنْهُ. Ibn Hajar said in «Fath Al-Baaree» (13/557): "Its chain of narration is Hassan (good)". Al Albaanee judged it as Hassan (good) in "Saheeh Al-Jaami" (hadeeth 3008).

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adulterer, then she is either a prostitute or a Mushrikah (female polytheist, pagan, or idolatress, etc.)). Such a thing is forbidden to the believers (of Islaamic Monotheism)]<sup>3</sup>

2. **The second condition:** wait one menstrual cycle in order to ascertain that she is not pregnant before concluding the marriage contract. If it turns out that she is pregnant, it will be not permissible to conclude the marriage contract until she gives birth to the baby. Besides, according to the majority of scholars' opinion, the illegitimate child is not attributed to the fornicator, contrarily to Ibn Taymeeyah رحمه الله; in accordance to the Prophet's صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ hadeeth: "**The child goes to the (owner of the) bed<sup>4</sup>, and the fornicator gets nothing but deprivation (lit., stones)**"<sup>5</sup>.

The perfect knowledge belongs to Allaah سبحانه وتعالى. Our last prayer is all praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon our Prophet, his Family, his Companions and his Brothers till the Day of Resurrection.

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<sup>3</sup> Soorah an-Noor [24:3]

<sup>4</sup> Bed is used metaphorically to indicate a woman. Translator's note.

<sup>5</sup> Reported by: Al-Bukhaaree, chapter of "Commercial transactions" (hadeeth 2053), Muslim, chapter of "Suckling" (hadeeth 3686), Aboo Dawood, chapter of "Divorce" (hadeeth 2275), An-Nasaa'ee, chapter of "Divorce" (hadeeth 3497), Ibn Maajah, chapter of « Marriage » (hadeeth 2082), Maalik (hadeeth 1424), Ahmad (hadeeth 25717) and Ad-Daaraqutnee (hadeeth 3895) from the hadeeth of `A'ishah رضي الله عنها.