



A Critical Analysis of Hadith Narratives on Widows' Remarriage: Ibn Hajar al-Haitami's Fatwa and Its Implications for Islamic Family Jurisprudence

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Abstract

This research examines hadiths concerning the status of women who marry more than once, drawing on Ibn Hajar al-Haitami's fatwa in *Al-Fatāwā al-Ḥadīsiyyah* and its relevance to Islamic family jurisprudence. The study focuses on two main hadiths: the hadith about a woman being with her last husband (*al-mar'atu li ākhiri azwājihā*) and the hadith about the right to choose a spouse in the afterlife (*takhyīr*). This research uses a qualitative approach and library research, integrating hadith analysis, Islamic jurisprudence, and socio-religious studies. The primary source is *Al-Fatāwā al-Ḥadīsiyyah* and classical hadith collections, supported by contemporary scholarly literature. The findings show that the hadith "al-mar'atu li ākhiri azwājihā" lacks a single absolutely authentic chain of transmission, but is supported by several transmission pathways. Meanwhile, hadiths that appear contradictory to it are considered weak. Ibn Hajar al-Haitami understood these hadiths contextually and did not make them a determinative legal basis, instead reconciling different hadiths through the method of *al-jam' wa at-tawfīq*. These findings affirm the importance of an integrative approach in developing Islamic family jurisprudence oriented toward justice and public welfare.

Keywords: Widow, Hadith, Islamic Family Law, Ibn Hajar al-Haitami, Takhyīr.

Introduction

The discourse on women in relation to religious discourse is an interesting theme to examine, given the assumption that religious understanding, particularly of hadith texts, is often considered a trigger for various forms of injustice toward women (Azhary et al., 2025). Therefore, examining how the Prophet positioned women in hadiths is important, given that hadith is the second source of reference after the Qur'an for understanding Islamic teachings.

The discussion regarding the status of widowed women who remarry after being left by their deceased husbands also deserves serious attention. This is due to the persistent fear and doubt among widows about remarrying, especially for those who already have children and bear heavy family burdens. In addition to social stigma and negative perceptions from society, some women also feel concerned about their status in the afterlife, particularly regarding the question of "with which husband will they be in paradise?" Consequently, the status of widows who wish to remarry is often underestimated by certain groups.

The question of "with whom will a woman be in paradise if she marries more than once?" continues to be debated in society. This phenomenon shows the community's interest in theological issues related to household life and rewards in the afterlife. This differs from women who do not remarry (career women or women who choose to live alone), who generally do not face similar issues. Therefore, this study seeks to provide normative understanding, both for women who remarry and those who do not, as a hadith-based response to these realities (Abdi et al., 2026).

In developing social practice, discussions regarding women left by their deceased husbands have focused more on worldly aspects, particularly concerning the laws of iddah and ihdad. In Islam, there are two main obligations that must be fulfilled by a Muslim woman when widowed: observing the iddah period and ihdad (mourning). The iddah period for a non-pregnant woman is four months and ten days, while for a pregnant woman it lasts until childbirth. During this period, women retain freedom in carrying out their activities while still considering the social and cultural values of their community, although there is a testament from the husband to observe iddah at home (Maryati et al., 2026).

In pesantren and Islamic educational institutions, this theme frequently appears in hadith studies, jurisprudence, and religious discussions. Students and laypeople often have different understandings of this issue. Some refer to the hadith "al-mar'atu li ākhiri azwājihā (Al Bukhari, 2003)," while others cite narrations stating that a woman will be with her best husband or given a choice in the afterlife. These differences in understanding suggest that systematic scholarly study has not yet fully clarified the issue (al-Haytami, 1989).

Furthermore, in modern social life, rising divorce and remarriage rates make this theme increasingly relevant. Women who remarry after divorce or widowhood often question their spiritual position in the afterlife (Muhtarom, 2015). Therefore, the study of hadiths and fatwas related to this theme has urgency, not only academically but also socially and religiously (Anggraini et al., 2021). Several previous studies have examined this theme from various perspectives. The article "The Role of Husband and Wife in Maintaining Family Resilience: Study of Takhrij Hadith" employed the takhrīj method to analyze the relationship between hadith transmitters and the roles of husband and wife in the family context. The findings showed that hadiths about spouses have varying sanad qualities and have implications for evaluating marital roles in Islamic family law. Although it did not specifically discuss the hadith "al-mar'atu li ākhiri azwājihā (Al Bukhari, 2003)," this research provided important methodological contributions.

Furthermore, the article "Gender Approach in Islamic Family Law" discussed gender issues in Islamic family law from socio-historical and gender perspectives. This study is relevant because it connects hadith interpretation and Islamic law with issues of inequality and gender bias, which are also important in discussing hadiths about women and spouses in the afterlife (Umami & Puspita, 2023).

Fadiyah Kamilatul Husna and Syabbul Bachri's (2023) research entitled "Pemahaman Istri Cerai Mati dalam Penerapan Ihdad Perspektif 'Urf" examined community understanding of the iddah and ihdad periods in the context of local culture. This study demonstrated the importance of proper understanding of Islamic law in family relations, particularly regarding

the limits of remarriage after a husband's death. However, this research still focused on worldly aspects and did not address the otherworldly dimension (Husna & Bachri, 2023).

In general, previous studies have predominantly discussed worldly legal aspects and women's social status, while discussion of women's position in the afterlife remains relatively limited. Therefore, this research focuses on analyzing hadiths about women who marry more than once in the book *Al-Fatāwā al-Ḥadīsiyyah* by Ibn Hajar al-Haitami and its relevance to Islamic family jurisprudence. Several previous studies have examined hadiths about spouses in paradise from various perspectives. Some focused on takhrīj and sanad criticism of the hadith "al-mar'atu li ākhiri azwājihā (Al Bukhari, 2003)" in major hadith collections. Other studies have examined scholarly differences in interpreting this hadith in theological and eschatological contexts. Other studies link it to family jurisprudence, women's rights, and gender justice issues (Nasrulloh et al., 2025). However, these studies generally have not made a specific fatwa collection the main focus of analysis (Rahmat Syafe'i, n.d.; Oktiviana, 2023).

Unlike previous studies, this research specifically examines hadiths about women who marry more than once in the context of Ibn Hajar al-Haitami's fatwa in his book *Al-Fatāwā al-Ḥadīsiyyah*. This research examines hadith quality and analyzes the method of *istinbāt* (legal deduction) and its relevance to Islamic family jurisprudence. Thus, this research is expected to contribute new insights to thematic hadith studies and scholarly fatwas (Mahmudulhassan et al., 2023).

This research aims to: (1) analyze the quality and transmission authenticity of hadiths related to widows' remarriage as cited in Ibn Hajar al-Haitami's *Al-Fatāwā al-Ḥadīsiyyah*; and (2) examine the methodological approach employed by Ibn Hajar al-Haitami in reconciling seemingly contradictory hadiths and its implications for contemporary Islamic family jurisprudence.

Literatur Review

The Theory of Al-Jam'u Wa Al-Taufiq

The theory of *al-jam'u wa al-taufiq* represents a fundamental methodological approach in Islamic legal theory for resolving apparent contradictions between legal proofs. Linguistically, *al-jam'u wa al-taufiq* carries two interconnected meanings: "collecting" and "reconciliation." In *ushul fiqh*, it refers to the systematic process of collecting legal proofs that appear contradictory and then reconciling them in a manner justified by Islamic law. The outcome of this reconciliation process becomes the legally binding ruling, demonstrating that apparent contradictions in sacred texts can be resolved through careful methodological analysis rather than resorting to the rejection of one proof over another (Mansour, 2026).

This approach is grounded in the foundational *fiqh* maxim which states: "*al-jam'u awlā min al-ta'tīl*" (الجمع أولى من التعطيل), meaning "applying both proofs is better than entirely abandoning one of them" (al-Jahdhami & Amanullah, 2022). This principle reflects the scholarly commitment to preserving the authority of all revealed texts and, whenever possible, avoiding the dismissal of any prophetic tradition. The maxim establishes a hierarchical preference for reconciliation over other methods of resolving apparent textual

contradictions, such as abrogation (naskh) or preference (tarjīh). Collecting and reconciling two hadiths that appear contradictory requires both hadiths to be equally authentic and sound in transmission and content. Islamic legal theory considers collecting and reconciling contradictory legal proofs highly feasible, as the objective is to eliminate apparent contradictions through careful contextualization and interpretation. In essence, it is very unlikely that divine revelation contains truly contradictory legal proofs, whether in the Qur'an or hadith, because both sources derive from the same divine wisdom (Fadhilah et al., 2025). This fundamental assumption underlies the entire methodology of al-jam'u wa al-taufiq.

However, reconciling two contradictory legal proofs cannot always be performed and justified arbitrarily. Islamic legal theory has established specific criteria that must be met for reconciliation to be methodologically valid. First, each of the contradictory proofs must be strong in its legal authority, meaning it must meet the standards of acceptability (maqbul) in hadith criticism. It is not justified to reconcile two weak proofs because a weak proof cannot serve as a legal basis in Islamic jurisprudence (Nurjanah et al., 2026). The principle of evidentiary quality ensures that only reliable sources contribute to legal rulings. Second, each of the contradictory proofs must have equal quality in terms of strength and reliability. Thus, if one of the opposing proofs is weak while the other is strong, reconciliation is not appropriate. Instead, it is more appropriate to reconsider the matter and select the stronger proof through the method of tarjīh. This principle prevents the dilution of strong evidentiary standards through accommodation of weaker materials, maintaining the integrity of legal reasoning (Nurjanah & Muhamad, 2026). Third, if broad interpretation through ta'wīl is employed to reconcile two proofs, such interpretation must not exceed the limits of linguistic rules and established principles of Arabic grammar. It must also not violate Islamic legal practices and core principles, and must not contradict other divine revelations. The interpretive flexibility inherent in ta'wīl is thus bounded by rigorous constraints that ensure the preservation of textual integrity and legal coherence. Fourth, a qualified mujtahid must perform the process of reconciliation and possess competence, broad perspective, and deep knowledge of Islamic law in its various dimensions. This requirement ensures that reconciliation is conducted by scholars who understand the complexities of textual interpretation, legal reasoning, and the broader objectives of Islamic law (maqāṣid al-sharī'ah) (Azhar et al., 2026). The mujtahid's personal qualifications are essential to prevent arbitrary or uninformed reconciliation. Fifth, the reconciliation performed must not deviate from the underlying wisdom and purpose of Islamic law, must not contradict agreed-upon legal rulings (ijmā'), and must not violate definitive textual proofs (naṣ qat'i) that are unambiguous in their meaning and application. This final criterion ensures that reconciliation remains within the boundaries of established Islamic legal doctrine and does not undermine fundamental religious principles (Nursyahbani et al., 2024). Together, these five criteria establish a rigorous methodological framework for reconciling apparent contradictions in Islamic legal sources, ensuring that the process maintains scholarly integrity and doctrinal consistency.

The Concept of Islamic Family Law

Islamic family law (ahwāl al-syakhshīyyah) is a branch of jurisprudence that discusses laws related to marriage, rights and obligations of husband and wife, divorce, iddah,

and family relations normatively based on the Qur'an, hadith, and scholarly ijtihad (Muhid et al., 2026). In the context of widows' status, Islamic family law provides a clear legal framework regarding the legal status of a woman after divorce or widowhood, as well as its legal consequences in Muslim society (Muslim et al., 2026).

From a jurisprudence perspective, marriage is a legal contract that creates rights and obligations for husband and wife, including rights to maintenance, inheritance, and social status. When a woman becomes a widow, Islamic family law does not release her from the normative dimensions of Sharia related to the right to remarry, iddah, and other legal protections. Contemporary studies view that widows still have full rights to remarry after completing the iddah period, and Islam views marrying a widow as permissible and commendable without prohibition, as long as the marriage contract is conducted legally and justly (M. Ismail et al., 2024a).

Furthermore, Islamic family law also addresses other legal aspects of widows' status, such as the role of a widow's marriage guardian in the marriage contract—which remains a topic of discussion among scholars, especially regarding the practice of marriage guardians and guardianship after divorce. One study states that scholars generally agree that widows still need a guardian in their marriage, although there are differing views among classical schools regarding the guardian's role for widows (Kamruzzaman & Obeid, 2023).

Widows' rights in property division and inheritance are also part of Islamic family law. According to juridical research, widows are entitled as heirs to their husband's property in accordance with Islamic law provisions and the Compilation of Islamic Law (KHI) in Indonesia, so their legal position is protected within inheritance jurisprudence (Nelli & Jaafar, 2023). Socially, widows' status is often also associated with stigma and family life challenges, so contemporary jurisprudence literature and social studies view the importance of protection, empowerment, and welfare for widows in the context of Islamic family law (Hannan et al., 2024).

Thus, the concept of Islamic family law positions widows' status as a legal and social phase that receives special attention in Islamic marriage and family law: they remain individuals who have full rights to marriage, property, and social protection, and remain part of the Islamic family structure within Sharia rules (Sya'roni & Zubaidi, 2026).

Research Method

This research employs a qualitative approach with the library research method, namely research based on analysis of written sources relevant to the research theme (Sugiyono, 2013). Data were obtained from the book *Al-Fatāwā al-Hadīsiyyah* by Ibn Hajar al-Haitami as the primary source, as well as hadith collections, jurisprudence books, ushul fiqh books, and scholarly articles as secondary sources (al-Haytami, 1989).

This research uses an integrated approach that combines hadith, jurisprudence, and socio-religious studies (interdisciplinary). The hadith approach traces the transmission sources of hadiths about women who marry more than once through the *takhrīj* method. In this stage, the author identifies the hadiths in the fatwa book, traces their origins in primary hadith collections,

and analyzes the quality of sanad and matan based on hadith scholars' assessments (al-Bazzār, 1988; al-Ṭabarānī, n.d.).

Furthermore, the jurisprudence approach analyzes how Ibn Hajar al-Haitami used these hadiths as the basis for issuing fatwas. This analysis examines patterns of *istinbāt* (legal deduction), the use of *ushul fiqh* principles, and the relationship between his opinions and the Shafi'i school and other schools. At this stage, the author compares Ibn Hajar's fatwa with other jurisprudence scholars' views to see similarities, differences, and their arguments. Additionally, the socio-religious approach examines the relevance of understanding these hadiths and fatwas in contemporary Muslim life. This approach is conducted through analysis of literature on family jurisprudence, remarriage dynamics, and Muslim community perceptions of husband-wife relationships in the afterlife. With this approach, the research does not stop at the normative aspect but also considers practical and social dimensions (Mustaqim, 2014).

Operationally, this research was conducted through several stages. First, identifying and collecting hadiths related to the theme of women who marry more than once in *Al-Fatāwā al-Ḥadīsiyyah*. Second, conducting *takhrīj* of hadiths by referring to primary hadith collections and tracing scholars' assessments of sanad and matan. Third, analyzing Ibn Hajar al-Haitami's fatwa by examining patterns of argumentation and the method of *istinbāt* used. Fourth, examining the relevance of analysis results to Islamic family jurisprudence and social realities. Fifth, compiling a synthesis of study results descriptively-analytically to produce comprehensive conclusions (Nabilah et al., 2024).

Through this interdisciplinary method, the research is expected to produce a holistic understanding of hadiths about women who marry more than once, from the perspectives of hadith, jurisprudence, and socio-religious studies, as well as their relevance to contemporary Muslim life.

Results/Findings

Analysis of Hadith Quality and Transmission Authenticity Regarding Widows' Remarriage

The research identified two primary hadith narrations frequently referenced in the discourse concerning women who marry more than once in worldly life and their status in the afterlife. These two narrations present distinct theological emphases regarding how a woman's marital history in this world determines her companionship in paradise (Faiz et al., 2026).

The first hadith originates from Anas bin Malik, may Allah be pleased with him, and recounts the story of Ummu Habibah, who asked the Prophet Muhammad, peace be upon him. She asked about a woman who had married two husbands in her worldly life, with both husbands ultimately entering paradise. The central question revolved around which husband the woman would be paired with in the afterlife. The Prophet responded that she would be with the one who had the best character. This response fundamentally establishes that moral excellence and ethical conduct serve as the primary criterion for determining spousal companionship in paradise, rather than mere chronological order of marriage (Khuluqi & Saadah, 2026).

From the perspective of transmission authenticity, this hadith is conveyed through a

specific chain of narrators: Muhammad bin 'Abd al-Rahim transmitted it from 'Ubaid bin Ishaq, who received it from Sinan bin Harun, who heard it from Humaid, who ultimately narrated it from Anas bin Malik himself. In the description of this narration, it is mentioned that this particular hadith is solely transmitted through Sinan bin Harun from Humaid, and Sinan is identified as a narrator originating from Kufa who received the assessment of being "no problem with him" from hadith critics. An examination of the sanad, or chain of transmission, reveals that this hadith is classified as solitary or *āḥād*, meaning it possesses a limited transmission chain that does not reach the level of mass transmission or *mutawātir*. Nevertheless, the critical assessment of Sinan bin Harun as an unproblematic narrator indicates that this hadith can be accepted within the category of *hasan li ghairihi*, which designates a hadith that is considered good due to supporting chains, particularly when corroborated by other narrations that strengthen its standing and reliability. The existence of such supporting evidence elevates the hadith from its individual transmission status to a more credible position within the hierarchy of hadith authentication (Sauqi et al., 2026).

The second hadith originates from Abu Darda', may Allah be pleased with him, and is narrated through his wife Ummu Darda'. This narration provides a poignant context, as Ummu Darda' rejected a marriage proposal from Mu'awiyah bin Abi Sufyan following the death of her husband Abu Darda'. In conveying her decision, she reported that she had heard the Messenger of Allah, peace be upon him, declare that any woman whose husband dies and who subsequently marries after him will be reunited in the afterlife with her last husband. This hadith establishes a principle of chronological priority, asserting that the final marital bond takes precedence in determining spousal companionship in paradise (M. Ismail et al., 2024b).

The transmission chain for this hadith follows the path of Bakr transmitting from Muhammad bin Abi al-Sarri al-'Asqalani, who received it from al-Walid bin Muslim, who heard it from Abu Bakr bin 'Abdullah bin Maryam, who ultimately narrated it from 'Atiyyah bin Qais al-Kilabi. In the description of this narration, it is noted that this hadith is exclusively transmitted by al-Walid from Abu Bakr bin Abi Maryam. Critical examination of the sanad shows that Abu Bakr bin Abi Maryam is known among hadith scholars to have had a significantly weakened memory in old age, which casts doubt on the precision and reliability of his transmissions. Consequently, a substantial number of scholars assess this hadith as individually weak or *da'if*, meaning it does not meet the stringent criteria for authenticity when considered in isolation. However, this hadith has several supporting chains, or *shawāhid*, from other companions of the Prophet, including Ummu Salamah and Anas bin Malik, who transmitted similar or corroborating reports. The existence of these supporting narrations leads some scholars to conclude that the hadith can be elevated to the level of *hasan li ghairihi*, thereby achieving a degree of acceptability despite its individual transmission weaknesses (Candra, 2026).

The analysis of both hadiths reveals contrasting theological emphases that create an apparent tension within the textual tradition. The first hadith from Anas bin Malik emphasizes character or *akhlāq* as the determining factor for spousal companionship in paradise, suggesting that moral virtue transcends mere chronological sequence (Abdi et al., 2026). This hadith prioritizes the quality of the husband's character in worldly life, reflecting the Islamic

emphasis on moral and ethical values as having profound eschatological implications (Ghozali, 2026). The hadith's focus on character excellence over chronological order demonstrates Islam's fundamental teaching that moral virtue serves as the primary basis for divine reward and heavenly companionship.

Conversely, the second hadith from Abu Darda' provides certainty that a woman who remarries after her husband's death will be paired with her last husband in the afterlife. This establishes a clear hierarchical principle based on chronological order, articulated through the concept of al-ākhir mu'tabar, or the principle that the last is considered. This hadith's theological emphasis suggests that the final marital bond carries special significance in the divine order of the afterlife, creating a distinct narrative that appears to contradict the first hadith's emphasis on character (Ahmad et al., 2025).

To facilitate understanding of these two primary hadiths and their respective characteristics, the key features of each narration are systematically organized and presented in the following table:

Table 1: Comparative Analysis of Primary Hadiths on Widows' Remarriage

Aspect	First Hadith (Anas bin Malik)	Second Hadith (Abu Darda')
Source	Ummu Habibah's question to the Prophet	Ummu Darda' narrating from Abu Darda'
Key Phrasing	"She will be with the one who had the best character"	"She will be with her last husband"
Transmission Chain	Muhammad bin 'Abd al-Rahim → 'Ubaid bin Ishaq → Sinan bin Harun → Humaid → Anas	Bakr → Muhammad bin Abi al-Sarri → al-Walid → Abu Bakr bin 'Abdullah → 'Atiyyah
Key Narrator Assessment	Sinan bin Harun: "no problem with him" (Kufan narrator)	Abu Bakr bin Abi Maryam: weak memory in old age
Quality Assessment	Ḥasan li ghairihi (good due to supporting chains)	Da'īf individually; can reach ḥasan li ghairihi through shawāhid
Theological Emphasis	Character (akhlāq) as determining factor	Chronological order (al-ākhir mu'tabar)

Source: Compiled from analysis of hadith narrations (Mh & Sakinah, 2026; Afabih et al., 2026; Hannan et al., 2024).

Methodological Approach of Ibn Hajar al-Haitami in Reconciling Contradictory Hadiths

The systematic analysis of *Al-Fatāwā al-Hadīsiyyah* reveals that Ibn Hajar al-Haitami addressed the complex question of women who have multiple husbands by referring to several distinct hadith narrations. Ibn Hajar al-Haitami (full name: Shihāb al-Dīn Aḥmad bin Muḥammad bin ‘Alī bin Ḥajar al-Haytamī al-Sa’dī al-Anṣārī al-Makkī al-Shāfi‘ī) was a renowned scholar of the Shāfi‘ī school of jurisprudence (madhhab) who lived from 909–974 AH (1504–1567 CE). He was a prolific author and a prominent jurist (faqīh) within the Shāfi‘ī tradition, known for his expertise in hadith, fiqh, and theology (Nabilah et al., 2024).

In his comprehensive fatwa, he elucidated two main tendencies that emerge from the textual tradition regarding this theological matter. The first position asserts that a woman will be reunited with her last husband in the afterlife, based on the hadith narrated from Abu Darda', which definitively states that the woman will be with her last husband. This opinion finds reinforcement in the views of earlier scholars, such as Ibn al-Qusyairi, who articulated the principle that the woman belongs to her last husband (Afabih et al., 2026).

Simultaneously, Ibn Hajar al-Haitami also cites the hadith of Ummu Habibah transmitted through Anas bin Malik, which recounts Ummu Habibah's inquiry to the Messenger of Allah about a woman who experienced marriage to two husbands during her worldly existence. The Prophet's response indicated that she would be given the choice and would select the one with the best character among them. Furthermore, al-Haitami mentions the narration of Ummu Salamah, which similarly affirms that she will be given the choice and will select the one with the best character among them. These narrations collectively establish an alternative theological framework emphasizing moral character as the determining factor for spousal companionship in paradise (PUTRI OKTAVIA, 2024).

Rather than prioritizing one narration absolutely over the other, Ibn Hajar al-Haitami employs the methodological approach of al-jam' wa al-taufiq, which involves collecting and reconciling all the proofs to achieve harmonization. According to his integrative framework, a woman who marries more than once can potentially be with her last husband while also maintaining the possibility of choosing the husband with the best character. This approach demonstrates that al-Haitami's utilization of hadiths in his fatwa reflects a moderate, systematic, and comprehensive methodology within the Shafi'i school framework. His commitment to harmonizing divergent textual evidences rather than arbitrarily selecting one over others represents a sophisticated approach to resolving apparent contradictions in the prophetic tradition (Azhary & Abozaid, 2026).

Based on the analytical examination of al-Haitami's argumentation, a discernible pattern of istinbāt or legal deduction emerges that is integrative between hadith and jurisprudence. In this framework, hadith is not positioned primarily as a direct basis for practical legal rulings or amaliyyah, but rather as theological information or ikhbārī concerning the conditions of the afterlife (Amin, 2026). This is reflected in his explicit statement that there is no contradiction because it remains possible to reconcile between them.

This declaration demonstrates that al-Haitami prioritized harmonization of evidences rather than rigidly treating hadiths as a source for practical legal rulings. His approach reflects the jurisprudential principle that theological matters concerning the unseen or *ghaybiyyāt* should be understood through reconciliation of texts rather than through strict legal determination (Husna, 2021).

In the process of *istinbāt*, al-Haitami prioritized the principle of harmonizing evidences by avoiding contradiction between narrations. When encountering differences in hadith phrasing, he chose the path of meaning reconciliation through the approach of *al-jam' wa at-tawfiq*. This is evident in his explanation that the first interpretation refers to one who died while still under a husband's guardianship, and the second interpretation refers to one who married several husbands and then they divorced her. In other words, each hadith is placed according to its specific context, allowing them to coexist without contradiction. This approach reflects a moderate and contextual method of *tarjīh* or preference, not by rejecting one narration but by contextualizing the differing circumstances to which each hadith applies. Al-Haitami demonstrates that apparent contradictions can be resolved by carefully distinguishing between the various situations addressed by each prophetic statement (Arifin, 2019).

Furthermore, al-Haitami employed rational principles in determining legal positions by considering the presence of strengthening factors or *murajjih*. This is evident from his statement that there was no weighting factor for any of them, so the choice or *takhyīr* was appropriate due to the absence of a weighting factor. This statement demonstrates that legal decisions are based on objective analysis of the status of marital bonds, rather than on subjective considerations. The principle of *takhyīr* emerges precisely when no legal evidence provides preferential weight to one husband over another, demonstrating al-Haitami's commitment to objective legal reasoning grounded in textual evidence and rational analysis (Qadri et al., 2026). Al-Haitami further emphasized that the concept of *takhyīr* has a direct basis in hadith itself, rather than being the result of personal *ijtihād*, stating that *takhyīr* is explicitly mentioned in the hadith. This strengthens the character of his *istinbāt* which is based on textual evidence, yet still developed systematically through careful reasoning. Al-Haitami demonstrates that even when employing rational analysis, he remains firmly grounded in scriptural authority and prophetic tradition (Shaleh et al., 2026). In the ethical dimension of his analysis, al-Haitami also considers the values of justice and public welfare or *maṣlaḥah*. He does not interpret hadiths about spouses in paradise as a form of moral judgment against women who marry more than once, but instead places them within the framework of divine mercy and justice. This is evident from his normative conclusion that Allah, glorified and exalted, knows best what is correct, showing an attitude of scholarly caution and acknowledgment of human limitations in understanding Allah's will (Rohmah, 2021).

Al-Haitami's thought regarding the status of women who marry more than once in the afterlife is fundamentally based on efforts to harmonize hadiths that appear contradictory. The approach he employs is the method of *al-jam' wa at-tawfiq*, which involves reconciling various narrations so they can be understood harmoniously. Al-Haitami affirms that differences in hadith phrasing are not a form of substantive contradiction, but rather represent differences in context of application. Each hadith possesses its own scope of application

according to the specific conditions of the subject being discussed. This principle is fundamental to his entire approach, as apparent contradictions only arise when texts are read without attention to their specific contextual circumstances (Lola, 2026). In developing his reconciliation framework, al-Haitami categorizes the status of women who marry more than once into two primary conditions with distinct determinations. The first condition concerns women who die in a marital bond, meaning those who die while still being the wife of their last husband, or whose last husband dies first and she does not subsequently remarry. In this condition, the last marital relationship is still considered legally and meaningfully ongoing. Therefore, in the afterlife she will be reunited with her last husband, as the continuing bond serves as a strengthening factor or *murajjih* that establishes priority (Nabilah et al., 2024).

The second condition concerns women whose all marriages ended in divorce, meaning those who were married to several men and all of these marriages concluded in divorce. In this condition, all marital bonds have been completely severed, and with no continuing bond, no husband possesses inherent priority over the others. In al-Haitami's view, the determination of a spouse in the afterlife is based on the presence or absence of a strengthening factor or *murajjih*. If there remains a continuing marital bond, the last husband possesses greater right and priority. However, if all bonds are severed, no party is stronger than the other, and the absence of *murajjih* becomes the basis for granting the right of choice or *takhyir*. This principle demonstrates al-Haitami's application of jurisprudential reasoning to eschatological questions, utilizing the presence or absence of legal continuity as the determining factor in afterlife companionship (Sattar et al., 2026).

If no strengthening factor is found to favor one party over another, the woman is granted the right of *takhyir*, which involves choosing one of her former husbands based on moral considerations, particularly focusing on character or *akhlāq*. This concept is not the result of personal *ijtihad*, but possesses a direct basis from the hadiths of Ummu Habibah and Ummu Salamah. The concept of *takhyir* represents a significant development in al-Haitami's thought, as it provides a mechanism for resolving apparent textual contradictions while respecting the authority of all relevant hadiths. Rather than dismissing the hadiths about character preference or those about the last husband, he creates a comprehensive framework that accommodates both through contextual specification (Kamruzzaman & Obeid, 2023).

To facilitate understanding of al-Haitami's reconciliation framework, his categorization of women's marital conditions is systematically presented in the following table:

Table 2. Al-Haitami's Reconciliation Framework for Women's Marital Conditions.

Condition	Marital Bond Status	Strengthening Factor (Murajjih)	Afterlife Determination
Woman dies while still married to her last husband	Continuing marital bond exists	Present	Will be with her last husband

Woman's last husband dies and she does not remarry	Continuing marital bond exists	Present	Will be with her last husband
Woman whose all marriages ended in divorce	All marital bonds severed	Absent	Granted the right of choice (takhyīr) to select among former husbands based on character

Source: Adapted from al-Haitami's reconciliation framework in Al-Fatāwā al-Ḥadīsiyyah (Nabilah et al., 2024).

In the study of ushul hadith, scholars resolve two seemingly contradictory proofs through established methodological stages. Scholars establish that the first step to be taken is reconciliation or jam', with the understanding that it is impossible for truly contradictory proofs to exist in Islamic revelation. However, this stage applies only when the contradictory proofs are still classified as maqbūl, meaning they are hadiths that are authentic or ṣaḥīḥ, good or ḥasan, or good due to supporting chains, or ḥasan li ghairih. Hadiths that are significantly weak cannot serve as a valid basis for reconciliation and should be abandoned in favor of stronger evidence (Siswadi & Najihah, 2025).

In the specific context of hadiths about the status of women who marry more than once in the afterlife, two narrations appear to present contradictory claims. The first hadith states that a woman will be with her last husband, as expressed in the phrasing that the woman is for her last husband. This hadith lacks a single absolutely authentic chain, but is narrated through numerous paths, supported by shawāhid (supporting narrations), and reinforced by mutābi'āt (corroborating chains). Consequently, scholars such as Ibn Hajar al-Haitami, al-Sakhawi, and al-Manawi assess it as ḥasan li ghairih, thus classifying it as a maqbūl hadith that can serve as a valid basis for legal argumentation (Mushthofa & Aminah, 2025).

The second hadith originates from the narration of Ummu Salamah, mentioning that the woman will be given the right to choose among her husbands, particularly selecting the one with the best character. This hadith is also subject to sanad discussion, as some chains contain weak narrators and do not reach the level of authenticity. Therefore, the majority of hadith scholars assess it as a weak hadith or da'īf. Thus, the contradiction in this case is not between an authentic hadith and a weak hadith absolutely, but rather between a hadith assessed as ḥasan li ghairih and a hadith whose quality is disputed among scholars (Kamruzzaman & Obeid, 2023).

In Ibn Hajar al-Haitami's perspective, both hadiths can still be considered in the process of istidlāl or legal argumentation. This reflects his methodological character as a faqīh-hadīthī scholar, meaning a scholar who not only focuses on sanad criticism but also considers shawāhid, companions' traditions or āthār, madhhab tradition, and ushul fiqh principles in an integrated and comprehensive manner. Textually, both hadiths do show apparent contradiction, with the last husband hadith being deterministic while the takhyīr hadith is open and provides freedom of choice. In hadith terminology, this condition is called ta'āruḍ ḡāhirī, meaning a contradiction that appears only on the surface rather than in the substance of meaning. The contradiction is resolved by recognizing that each hadith applies

to different circumstances and situations (Motiejune, 2025).

Based on the fundamental assumption that the Prophet's statements cannot fundamentally contradict each other, Ibn Hajar al-Haitami seeks to eliminate this apparent contradiction through contextual specification or *taqyīd al-aḥwāl*. He distinguishes women's conditions into two primary categories. First, a woman who dies while still being a wife will be with her last husband. Second, a woman who has been divorced by all her husbands before death, so she is no longer bound to anyone, is granted the right to choose in the afterlife. In this way, each hadith applies to different conditions, and the apparent contradiction is resolved through contextual differentiation (Samin & Malik, 2025).

This method falls into the category of *jam' tafṣīlī* or *jam' taqyīdī*, which involves reconciliation by detailing circumstances and limiting the scope of proof application. In *ushul fiqh*, this approach represents a form of applying general principles to specific cases or *ḥaml al-'āmm 'ala al-khāṣṣ*, as well as distinguishing conditions or *tafrīq al-aḥwāl*, which involves dividing cases so that no legal contradiction occurs. This methodological approach demonstrates al-Haitami's sophistication in integrating textual analysis with contextual reasoning.

However, methodologically, this approach is not mutual reinforcement or *ta'yīd* between hadiths, but a reconciliation effort through contextual specification. Therefore, its success heavily depends on the quality of the proofs used in the reconciliation process. In hadith science, a fundamental principle holds that weak hadiths cannot be used to specify, or *takhṣīs*, or restrict stronger hadiths. Thus, if the *takhyīr* hadith is assessed as weak, then strictly speaking, it cannot be used to restrict the *hasan* or authentic hadith. This methodological limitation raises important questions about the technical soundness of al-Haitami's reconciliation from a purely hadith-critical perspective (Fadhilah et al., 2025).

From the perspective of pure traditionists or *muhaddithūn*, the method employed by Ibn Hajar al-Haitami in this case can be assessed as potentially problematic, because one supporting hadith does not meet the ideal chain strength standard to serve as a valid basis for reconciliation. The technical weakness in *sanad* quality suggests that the reconciliation may not be methodologically rigorous according to strict hadith standards. However, from the perspective of *madhhab* jurisprudence, this approach can still be understood, because it aims to maintain legal consistency, accommodate existing narrations, and avoid completely abandoning proofs that have some evidentiary value. The jurisprudential interest in maintaining comprehensive legal coherence sometimes requires methodological flexibility that strict hadith criticism might not permit (Mahmudulhassan et al., 2023).

Thus, the *jam' wa tawfiq* performed by Ibn Hajar al-Haitami reflects a *faqīh-hadīthī* approach that emphasizes integration between *sanad* criticism, textual meaning, *madhhab* tradition, and legal rationality. This approach can be accepted within the Shafi'i jurisprudence framework, but it remains open to criticism in contemporary hadith studies that are stricter on the *sanad*. The tension between jurisprudential comprehensiveness and hadith-critical rigor represents a persistent methodological challenge in Islamic legal theory that continues to be debated among scholars (Muhtarom, 2015).

To summarize the methodological analysis of al-Haitami's reconciliation approach,

various aspects of his framework are systematically assessed in the following table:

Table 3. Methodological Assessment of Al-Haitami's Reconciliation Framework.

Aspect	Hadith on Last Husband	Hadith on Takhyīr (Choice)
Source	Narrated from Abu Darda' through Ummu Darda'	Narrated from Ummu Habibah and Ummu Salamah
Key Phrasing	"The woman is for her last husband"	"She will be given the choice and will select the one with the best character"
Transmission Quality	Multiple chains; assessed as <i>ḥasan li ghairih</i> (acceptable)	Contains weak narrators; assessed as <i>da'īf</i> (weak) by majority
Classification	Maqbūl (acceptable)	Disputed; tends toward <i>da'īf</i>
Nature of Contradiction	Ta'arūḍ ṣāḥirī (apparent contradiction, not substantive)	Ta'arūḍ ṣāḥirī (apparent contradiction, not substantive)
Method Employed	Jam' tafṣīlī / jam' taqyīdī (contextual specification)	Jam' tafṣīlī / jam' taqyīdī (contextual specification)
Key Principle	Presence or absence of strengthening factor (<i>murajjih</i>)	Presence or absence of strengthening factor (<i>murajjih</i>)
Strength	Integrative and contextual; maintains legal consistency	Provides mechanism for resolving textual contradictions
Weakness	One supporting hadith is weak; open to sanad criticism	Technical weakness in sanad quality according to strict hadith standards

Source: Compiled from analysis of al-Haitami's *Al-Fatāwā al-Ḥadīsiyyah* (Nabilah et al., 2024).

Discussion

Methodological Integration and the Problem of Evidentiary Hierarchy

The findings demonstrate a significant methodological tension between pure hadith criticism and jurisprudential reasoning in al-Haitami's reconciliation framework. From the perspective of traditionists (muhaddithūn), Ibn Hajar al-Haitami's method presents a technical problem because one supporting hadith does not meet the ideal chain-strength standard to serve as a basis for reconciliation. The technical weakness in sanad quality suggests that the reconciliation may not be methodologically rigorous according to strict hadith standards, which require that only proofs of equal strength can be reconciled (Barazangi, 2016).

This tension aligns with the theory of al-jam'u wa al-taufiq criteria, which requires that "each of the contradictory proofs must be strong in its legal authority" and "each of the

contradictory proofs must have equal quality in terms of strength and reliability" (Rahmat Syafe'i, n.d.; Oktiviana, 2023). Applying these criteria to al-Haitami's reconciliation raises questions about methodological validity, as the "last husband" hadith (*hasan li ghairih*) and the "takhyr" hadith (*da'if* according to the majority) do not have equal strength.

From a madhhab jurisprudence perspective, however, this approach can still be understood as it aims to maintain legal consistency, accommodate existing narrations, and avoid completely abandoning proofs (Rahmat Syafe'i, n.d.; Oktiviana, 2023). This reflects what Khuluqi and Saadah (2026) identify as the formation of classical Islamic law through tracing the development of legal sources, methodologies, and madhhabs—where jurisprudential comprehensiveness sometimes requires methodological flexibility that strict hadith criticism might not permit.

The Concept of Jam' Tafṣilī and its Theoretical Foundations

Al-Haitami's approach falls into the category of *jam' tafṣilī* or *jam' taqyīdī*—reconciliation by detailing circumstances and limiting the scope of proof application. In *ushul fiqh*, this represents a form of applying general principles to specific cases (*ḥaml al-'āmm 'ala al-khāṣṣ*) or distinguishing conditions (*tafrīq al-aḥwāl*)—dividing cases to prevent legal contradiction. This methodology reflects the foundational *fiqh* maxim: "*al-jam' awlā min al-ta'tīl*" (الجمع أولى من التعطيل), meaning "applying both proofs is better than entirely abandoning one of them" (Mansour, 2026).

The principle of *takhyr* (choice) emerging precisely when no legal evidence provides preferential weight to one husband over another demonstrates al-Haitami's commitment to objective legal reasoning. His statement that "there was no weighting factor for any of them, so the choice was appropriate" aligns with the rational principle in *ushul fiqh* that legal decisions should be based on objective analysis of legal status, not subjective considerations (al-Haytami, 1989). This reflects the methodological requirement that reconciliation "must not deviate from the underlying wisdom and purpose of Islamic law" and "must not contradict agreed-upon legal rulings (*ijmā'*)" (Rahmat Syafe'i, n.d.; Oktiviana, 2023).

Theological and Ethical Dimensions

The findings highlight significant theological implications regarding divine justice and human character. Al-Haitami's recognition that a woman's status in the afterlife is not determined by a single rigid rule but by contextual factors provides a framework for understanding the spiritual dimensions of remarriage. This understanding can alleviate the anxiety and uncertainty experienced by widows and divorced women who contemplate remarriage.

The emphasis on character (*akhlāq*) as a determining factor resonates with the Qur'anic emphasis on moral virtue as the basis for divine reward. This aligns with Sya'rani and Zubaidi (2026), who describe the importance of ethical considerations in Islamic family law. The concept that "the one with the best character" has priority in the afterlife reflects the

broader Islamic principle that moral excellence transcends formal status, supporting the view that relationship quality should be prioritized over mere chronological order or formal marital status.

From the perspective of contemporary Islamic family jurisprudence, al-Haitami's approach supports the position that women who remarry should not face spiritual insecurity or social stigma. This aligns with the broader Islamic legal principle that marriage is a means of achieving *sakīnah* (tranquility), *mawaddah* (love), and *rahmah* (mercy) as described in the Qur'an (30:21). Muhid et al. (2026) similarly emphasize the importance of bridging *maqāṣid al-sunnah* in contextual hadith commentaries, suggesting that the purposes of prophetic traditions should inform their interpretation.

Integration of Maqāṣid al-Sharī'ah and Contextual Interpretation

Al-Haitami's approach integrates *maqāṣid al-sharī'ah* (the higher objectives of Islamic law) into hadith interpretation. His concern for justice (*al-'adl*) and public welfare (*maṣlaḥah*) reflects a recognition that legal rulings should serve human welfare and protect women's dignity. This is evident in his statement: "And Allah, glorified and exalted, knows best what is correct" (al-Haytami, 1989)—showing scholarly caution and acknowledgment of human limitations in understanding Allah's will. This hermeneutic humility reflects the broader Islamic scholarly tradition's recognition that theological matters ultimately rest on divine wisdom (Siswadi & Najihah, 2025).

The concept of *takhyīr*, which is mentioned in the hadiths of Ummu Habibah and Ummu Salamah, represents a significant development in al-Haitami's thought as it provides a mechanism for resolving apparent textual contradictions while respecting the authority of all relevant hadiths. Rather than dismissing the hadiths about character preference or those about the last husband, he creates a comprehensive framework that accommodates both through contextual specification. This approach aligns with the methodological principle that reconciliation must be performed by a qualified *mujtahid* "who possesses competence, broad perspective, and deep knowledge of Islamic law in its various dimensions" (Rahmat Syafe'i, n.d.; Oktiviana, 2023).

Implications for Contemporary Islamic Family Law Development

This research has significant implications for contemporary Islamic family law. First, al-Haitami's contextual and reconciliatory approach offers a model for addressing legal and theological questions arising from the complexities of modern family life—including increased divorce rates, blended families, and changing gender roles. Contemporary Islamic family law development should adopt an integrative approach that combines textual analysis, historical context, and social realities (Khuluqi & Saadah, 2026).

Second, the principle of *takhyīr* based on moral character rather than mere chronological order supports contemporary emphasis on the quality of relationships over formal status. This perspective aligns with modern understandings of healthy relationships, where mutual respect, kindness, and justice are recognized as essential components of

successful marriages. The emphasis on character (akhlāq) as a determining factor resonates with Arifin and Kholis's (2025) research on integrating Islamic ethics across domains.

Third, the relevance to the Compilation of Islamic Law (KHI) in Indonesia lies in the emphasis on justice and maṣlaḥah (public welfare). Al-Haitami's fatwa supports the position that women who remarry should not face spiritual insecurity or social stigma. This aligns with the KHI's provisions regarding widows' rights to remarry and receive inheritance, as well as the broader Islamic legal principle that marriage is a means of achieving tranquility, love, and mercy. This finding also resonates with research on protecting women's rights in Islamic law (Amrulloh, 2015).

Methodological Limitations and Scholarly Debate

The findings also reveal ongoing scholarly debate regarding the appropriate methodology for resolving contradictory hadiths. From the perspective of pure traditionists (muhaddithūn), the method used by Ibn Hajar al-Haitami can be seen as problematic because one supporting hadith does not meet the ideal chain-strength standard to serve as a basis for reconciliation. However, from the perspective of madhhab jurisprudence, this approach reflects a faqīh-hadīthī approach that emphasizes integration among sanad, meaning, madhhab tradition, and legal rationality. This approach can be accepted within the Shafi'i jurisprudence framework, but remains open to criticism in contemporary hadith studies that are stricter regarding the sanad aspect (Ramadhan, 2020).

This tension between jurisprudential comprehensiveness and hadith-critical rigor represents a persistent methodological challenge in Islamic legal theory (Ghozali, 2026). The reconciliation performed by al-Haitami raises questions about the limits of reconciliation methodology and the conditions under which weak hadiths can be used to restrict or specify stronger hadiths. In hadith science, there is a principle that weak hadiths cannot be used to specify (takhṣīs) or restrict stronger hadiths. Thus, if the takhyīr hadith is assessed as weak, then strictly it cannot be used to restrict the hasan or authentic hadith (Rahmat Syafe'i, n.d.; Oktiviana, 2023).

The discussion demonstrates that Ibn Hajar al-Haitami's approach to reconciling hadiths about women's status in the afterlife reflects a sophisticated integration of textual analysis, contextual reasoning, and ethical considerations. While his reconciliation methodology faces technical challenges from the perspective of strict hadith criticism, his approach provides valuable insights for contemporary Islamic family law development, particularly in addressing the spiritual dimensions of remarriage and protecting women's dignity. The findings suggest that contemporary Islamic legal scholarship can benefit from al-Haitami's integrative methodology while remaining attentive to the methodological requirements of hadith criticism and the broader objectives of Islamic law (maqāṣid al-sharī'ah) (A. M. Ismail & Baharuddin, 2025).

Conclusion

The analysis yields two main conclusions. First, hadiths on widows' remarriage have varying sanad qualities. The "last husband" hadith lacks a single authentic chain but is supported by multiple pathways, earning a *hasan li ghairih* assessment. The *takhyīr* hadith remains disputed and is generally considered weak by most scholars. Second, al-Haitami employed *al-jam' wa al-tawfiq* rather than absolute *tarjīh*, reconciling contradictory narrations by distinguishing between women who die in a marital bond and those whose marriages ended in divorce. His *istinbāt* integrates hadith and jurisprudence, positioning hadith as theological information interpreted through madhhab principles, ushul fiqh, and *maṣlaḥah*.

Methodologically, al-Haitami's reconciliation meets several criteria for proof harmonization but remains vulnerable due to reliance on a weak supporting hadith, making his approach open to criticism in contemporary hadith studies.

This study has three main limitations. First, it focuses solely on al-Haitami's fatwa without comparing his methodology with other scholars, limiting generalizability. Second, it relies entirely on textual sources without empirical data from Muslim communities, leaving the socio-religious dimension unexplored. Third, the use of a weak hadith to restrict a stronger one raises methodological concerns from a strict *muhaddith* perspective.

Future research should: (1) compare al-Haitami's method with scholars from other madhhab traditions; (2) conduct empirical studies on how contemporary Muslim communities understand and apply these hadiths regarding remarriage; (3) pursue interdisciplinary approaches integrating hadith criticism, jurisprudence, gender studies, and sociology; and (4) undertake comparative studies across Muslim societies to identify contextual factors influencing fatwa implementation.

Declaration of Conflicting Interest

The authors declare no conflict of interest in this work.

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