

Fatwa no. 129

Q: A misunderstanding took place between my wife N. `A. B. And me so I sent a letter to her father saying to him: "Consider your daughter divorced." Then I wrote a paper saying: "I, `A. F. B., acknowledge that I gave Talaq (divorce pronounced by a husband) to my wife N. `A. According to Sunnah (whatever is reported from the Prophet) on 09/03/1392 A. H." However, in 20/04/1392 A. H. I revoked the Talaq and wrote to my father-in-law: "I thereby revoke the Talaq that I have given to my wife."

We brought the questioner and asked him about the Talaq that he mentioned to his father-in-law in the concerned letter: Is it a different Talaq from the one that was written on the paper? He replied that he gave only one Talaq according to Sunnah because the paper was just to explain the sentence that was mentioned in the letter, i.e. "Consider your daughter free."

A: Since the questioner mentioned that he only gave one Talaq because the Talaq that he wrote on the paper was to explain the sentence that was mentioned in the letter, i.e. "Consider your daughter free", this Talaq is considered one Talaq only. If this Talaq is not the third Talaq to be given, it is permissible for the concerned husband to revoke the Talaq as long as his wife is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood). If her `Iddah has already expired, he is only permitted to go back to her in marriage by making a new contract and giving her a new Mahr (mandatory gift to a bride from her groom) subject to her consent. However, if her `Iddah has not expired and the husband has fair evidence that he revoked the Talaq; such a revocation is valid and there is no need to seek his wife's consent or to conclude any new contract. Finally, if the Talaq in question is the third one; the divorcee is not lawful to her ex-husband until she gets married to another man, consummates the marriage, is given Talaq by her second husband, and her `Iddah expires, provided that this second marriage is not done for Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple).

May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

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