

Fatwa no. 2091

Q: A person pronounced a major irrevocable divorce (the third and final divorce, after which the man can only remarry the woman if she remarries and that marriage ends lawfully). When his divorcee delivered a baby and finished her `Iddah (woman's prescribed waiting period after divorce), another suitor proposed to her and they concluded a marriage contract but they did not consummate their marriage. Afterwards, he divorced her and she finished her `Iddah. Is it permissible for the first husband to remarry her by concluding a new marriage contract?

A: If a person pronounces a major irrevocable divorce, his ex-wife becomes unlawful for him to remarry until she marries another person lawfully and consummates her marriage. This is because Allah (Exalted be He) says:

And if he has divorced her (the third time), then she is not lawful unto him thereafter until she has married another husband. Then, if the other husband divorces her, it is no sin on both of them that they reunite, provided they feel that they can keep the limits ordained by Allâh.

It was authentically reported in the Two Sahih (authentic) Books of Hadith (Al-Bukhari and Muslim) from `Aishah (may Allah be pleased with her), who said:

"The wife of Rifa`ah Al-Qurazhy came to the Prophet (peace be upon him) and said: I was married to Rifa`ah but he divorced me, making my divorce irrevocable. Afterwards I have married `Abdul-Rahman ibn Al-Zubayr, but all he possesses is like the fringe of a garment (i.e. He is sexually weak). Thereupon Allah's Messenger (peace be upon him) said: Do you wish to return to Rifa`ah? (You) cannot (do this) until you have tasted his sweetness and he (`Abdul-Rahman) has tasted your sweetness."

Tasting the sweetness refers to sexual intercourse.

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

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