

Fatwa no. 791

Q: A man had a dispute with his wife and as a result he told her, "You should know that you are divorced," but his father scolded him and told him that he surely did not mean this. However, the son repeated what he said twice to verify to his father that he meant Talaq (divorce pronounced by a husband).

He is asking whether, in this case, he is entitled to take his wife back in marriage or not.

A: If the reality is as mentioned that he said to his wife, "You should know that you are divorced," then his father scolded him and told him that he surely did not mean this, but he insisted on divorcing her twice in order to verify to his father that he actually meant it; this is considered a revocable divorce provided that this Talaq is not the third one and is not in return for a consideration.

Accordingly, he has the right to take her back in marriage as long as she is still in her `Iddah (woman's prescribed waiting period after divorce). This is because his intention was to confirm Talaq the first time by repeating it the second time.

However, if her `Iddah has already expired, or the Talaq has been pronounced in return for a consideration, he can take her back in marriage with a new marriage contract and Mahr (mandatory gift to a bride from her groom), provided that she gives her consent to remarry him and the pillars and conditions of marriage are fulfilled.

However, if this is the third Talaq, she becomes unlawful for him unless she marries another man, not for the purpose of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple), and consummates the marriage with him, and this marriage ends lawfully.

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

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