

Fatwa no. 11639

Q: A person concluded the marriage contract with a girl, but they did not consummate their marriage. After a period of time, the girl called and told him that she could not make him happy and that she did not want to be his wife. The husband tried to convince and guide her, but she insisted on asking for Talaq (divorce pronounced by a husband). He told her that she first had to tell her father and brothers. Afterwards, her brothers asked him about his opinion but he did not give one. They told him that she was their half sister and they could not force her to do anything. The husband replied that they were neighbors and acquaintances. Thereupon, one of the wife's brothers advised him to divorce her. The husband said that he would divorce her once so that she might reconsider the matter and agree to return to him in marriage. Thus, the husband divorced his wife by saying, "I admit that I have granted wife one pronouncement of Talaq at her request before the consummation of our marriage."

My questions are:

- 1. Is it permissible for the husband to revoke the Talaq before the expiry of her `Iddah (woman's prescribed waiting period after divorce)?**
- 2. Is it permissible for him to take back the Mahr (mandatory gift to a bride from her groom)?**

It is worth mentioning that he did not talk with her brothers about the Mahr because they were neighbors and it was not a matter of money. He also hoped that the wife might reconsider the matter, regret her decision, and agree to return to him. He felt that it was not a matter of money, but a matter of emotions.

I hope Your Eminence would advise me. May Allah help you.

A: If a wife is divorced before the consummation of the marriage, she has no `Iddah. This is because Allah (Exalted be He) says:

O you who believe! When you marry believing women, and then divorce them before you have sexual intercourse with them, no `Iddah [divorce prescribed period, see (V.65:4)] have you to count in respect of them.

Accordingly, the husband cannot revoke the Talaq. If he wishes to remarry her and she agrees, he has to conclude a new marriage contract and pay a new Mahr. Regarding the Mahr he has already paid and wishes to take back, this matter should be settled by court.

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

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