

The first question of Fatwa no. 13002

Q 1: A man gave his wife a conditional Talaq (divorce), saying, "If you do not take the television out of the house by 12:00 pm, you are divorced." The wife took the television and put it on the veranda, outside the window of the house, which is not under the roof of the house but is joined to it. Is the Talaq effective and is it Haram (prohibited) for him to live with her?

A: If the husband intended to divorce his wife if she does not take the television out, and she does not take it out, this counts as one pronouncement of Talaq. He can take her back in marriage during her 'Iddah (woman's prescribed waiting period after divorce or widowhood), if this was not the third pronouncement of Talaq. On the other hand, if the husband intended to urge his wife and compel her to remove the television and did not intend divorce, no divorce will take place if she does not remove it. The ruling that applies here is that of breaking an oath, which necessitates a Kaffarah (expiation) for the broken oath, rather than Talaq. The man should feed or clothe ten poor people or free a believing slave. If he can not afford this, he should observe Sawm (Fasting) for three days.

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

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