

The second question of Fatwa no. 1685

Q 2: A husband has written to his wife:

"I hereby pronounce that I have divorced my wife according to the Sunnah (whatever is reported from the Prophet." Although he has delivered the paper to her, he now wants to take her back in marriage. Can a woman be forced to return to her ex-husband even if she does not agree to this? Does revocation of Talaq (divorce pronounced by a husband) depend on her consent? Are there any conditions for revocation of Talaq? Please advise.

A: If the reality is as mentioned, that the husband has divorced his wife according to the Sunnah, he is permitted to revoke the Talaq as long as the woman is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood) and the revocation is done in the presence of two just witnesses.

This does not require the woman's permission, but it does require that the Talaq has not been the third or has not been granted in return for a consideration.

On the other hand, if the woman has already finished her `Iddah or the Talaq has been granted in return for a consideration and it has not been the third Talaq, the man may take his divorced wife back in marriage with a new marriage contract and Mahr (mandatory gift to a bride from her groom) and her consent will be required in these two cases.

In either case, the Talaq counts as one pronouncement of Talaq.

If this has been the third Talaq, the woman will not be lawful for him until she marries another husband according to the Shari`ah (Islamic law) and their marriage is consummated. If the second husband divorces her or dies, it will become lawful for her first husband to marry her with a new marriage contract and Mahr after her `Iddah expires and her consent will be required. The `Iddah of a pregnant woman expires when she delivers, whether she is a divorcee or a widow. The `Iddah of a widow who is not pregnant is four months and ten days. If she is divorced, her `Iddah will be three menstrual periods if she menstruates or three months if she is in her menopausal years or is below the age of menstruation.

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

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