

Fatwa no. 20091

**Q: I married my wife according to the Hanafy Madh-hab (School of Jurisprudence), and I divorced her three times. Can I marry her again with a new Mahr (mandatory gift to a bride from her groom) and a new contract according to another Madh-hab without a Muhallil (a man who marries an irrevocably divorced woman for the sole purpose of making her lawful for her ex-husband to remarry)? A Muslim brother told me that this is the Ra'y (personal opinion) of Abu Is-haq.**

**A:** If a man divorces his wife three separate times, this is considered 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). It is unlawful for him to marry her again until she marries another man with a sound marriage contract, not for the purpose of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple). They must consummate the marriage, and then he must divorce her out of his own wish. This is according to the Ijma` (consensus of scholars), and there is no controversy about this, as it is mentioned by Allah in the Qur'an in His saying,

**The divorce is twice, after that, either you retain her on reasonable terms or release her with kindness.**

Until His Saying,

**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.**

If a person says otherwise, this is not taken into consideration, as it is contrary to the Ijma` of scholars and the text of the Qur'an, and there can be no Ijtihad (juristic effort to infer expert legal rulings) if there is a clear, definitive text.

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

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