

Fatwa no. 304

Q: A man quarreled with his wife and said to her, "I will send your divorce document to your family. Cover your face and send for your family to come and take your luggage." He said that he uttered this statement unintentionally. He did not send the divorce document to her family, but he only intended to frighten her. He wants to know the ruling on what he said to his wife.

A: The statements "cover your face" and "send for your family to come and take your luggage" indicate indirect expressions of divorce. The preceding statement "I will send your divorce document to your family" and the succeeding statement, "Send for your family to come and take your luggage," explain the intention behind the statement, "Cover your face," which is to divorce his wife. As a result, this is regarded as one pronouncement of divorce. If he did not divorce her twice before, he can take her back in marriage as long as she is in her `Iddah (woman's prescribed waiting period after divorce). If her `Iddah has expired before taking her back in marriage, she will not be lawful for him except with a new Mahr (mandatory gift to a bride from her groom) and a new marriage contract provided that she gives her consent to marry him. If this Talaq is the third one, he will not be able to take her back in marriage until she marries another person - not for the purpose of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple) - and this person divorces her lawfully or he dies.

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

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