

Fatwa no. 321

Q: A misunderstanding took place between a husband and his wife, driving the wife to take hold of his hand in the street and ask for Talaq (divorce pronounced by a husband). He divorced her by saying, "You are divorced." He could not remember how many times he repeated his words. He brought two of his neighbors as witnesses that he took his wife back in marriage.

A: If the reality is as mentioned; that the husband is not sure whether Talaq has been pronounced one time or more, it will be considered a single Talaq as long as there is no one to bear witness to the number of pronouncements of Talaq, given that the husband admits it. Any other supposition regarding the number of pronouncements of Talaq will be doubtful and cannot overrule the original state of affairs, which states that it is only one pronouncement of Talaq. Accordingly, if this Talaq is not the third, and is not granted in return for some consideration, and it is proven that the husband has taken his wife back in marriage during her `Iddah (woman's prescribed waiting period after divorce), the revocation of the Talaq is valid. However, if her `Iddah has already expired, or he has granted her Talaq in return for some consideration, but it is not the third time of Talaq, he is permitted to marry her again with a new marriage contract and Mahr (mandatory gift to a bride from her groom) along with her consent. Otherwise, if it is the third time of Talaq, she is unlawful for him 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), and this marriage ends lawfully.

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

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