

Fatwa no. 4586

Q: Due to a quarrel that took place between my wife and me, I said to her, "I divorce you." I did not mean to divorce her; it was just the effect of anger. She answered me saying, "I will not leave my children and if you want to leave, you may go." So we stayed in the same house with the children. I have doubted the lawfulness of this matter since then. Could you kindly advise me in this regard? May Allah benefit us and you.

A: If the reality is as you mentioned, your pronouncement of divorce is considered a one time divorce. You may take her back in marriage, as long as she is still in her `Iddah (woman's prescribed waiting period after divorce), but in the presence of two just witnesses. The `Iddah is three menses for women who have menses. As for pregnant women, their `Iddah lasts until delivery. The `Iddah for non-pregnant women who do not have menses is three months. If this is the third pronouncement of divorce, she is not lawful for you unless she marries another man who must consummate his marriage with her then divorce her or die and her `Iddah ends. Only then, she will be lawful for you with a new marriage contract and a new Mahr (mandatory gift to a bride from her groom) provided that she gives her consent. You have committed a sin when you stayed with her in the same house conditions because she was divorced. Therefore, you must seek Allah's forgiveness, make Tawbah (repentance to Allah), do not repeat this act again, and know the rulings of your Din (religion) of Islam.

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

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