

Fatwa no. 498

Q: I pronounced Talaq (divorce pronounced by a husband) to my wife twice in 1353 A.H. Using the phrase: "You are divorced, then divorced," and I returned to her based on a Fatwa (legal opinion issued by a qualified Muslim scholar) that was issued by a judge. I divorced her again in 1391 A.H. When I asked the Imam (leader of congregational Prayer) of the Masjid (mosque) to write the divorce paper for my wife, but he did not write anything for me. A month later, I asked to take her back, as I said, "I do not want to ask to divorce you, so I now want to take you back." This is the end of the question.

The committee found a paper attached to the question that states the following:

On Tuesday, corresponding to 4/5/1393 A.H., I asked A. D. R. K. What his intention was when he said to the Imam of the Masjid, Mihmas, "Write the divorce paper for my wife A. H." He said that his intention at that time was to divorce her once, so he asked Mihmas to write the divorce paper. However, this divorce had been preceded by two separate pronouncements of divorce, which is known by those who witnessed them, and Allah is the best of witnesses. Below are the signatures of two witnesses and A. D., the seal of Al-Bijadiyyah Court, and the seal of Al-Bijadiyyah Judge. This decree was issued at the court.

A: The questioner mentions that he said to his wife, "You are divorced, then divorced." It is mentioned in the attached paper that he had already divorced her twice, on separate occasions, so there is no contradiction between the two accounts. Him saying, "You are divorced, then divorced" is considered as two separate pronouncements of divorce, and there is no doubt in this. He also mentions that he asked the Imam of the Masjid to write the divorce paper for his wife, and although he did not write anything, the questioner's intention was clarified in the attached paper, in the answer that he gave to His Eminence the Judge of Al-Bijadiyyah Court; that he intended to give his wife one pronouncement of divorce and so he asked Mihmas to write the divorce paper.

If the situation is as mentioned, and he took her back in marriage after the first two pronouncements of divorce, while she was still in her 'Iddah (woman's prescribed waiting period after divorce or widowhood), the last pronouncement of divorce is considered as having taken place. Because he said in the question that he told the man to write the divorce paper for his wife and the attached paper shows that his intention was to divorce his wife when he asked the man to write the divorce paper. Therefore, the third and last pronouncement of divorce has taken place. His wife will not be lawful to him until after she marries another man.

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

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