

Fatwa no. 5455

Q: I am a young man from the Arab Republic of Yemen. Two and a half years ago, I fell under a magic spell conjured by my brothers-in law that made me hate my wife and leave her. This spell was so powerful that our life together became intolerable. We had a big dispute and my wife started to deny me my rights as a husband, and she seemed unaware of the impermissibility of what she was doing. I do not want to speak at length about this matter since the evil effects of magic spell are known to every one. I divorced my wife after I could not endure the suffering and grief I was living into. The manner of Talaq (divorce pronounced by a husband) was as follows: When the Ma'dhun (marriage registrant) came, he asked me whether I wished to divorce my wife, I answered in the affirmative. He told me that I should say, "I deem her unlawful for me now as she was deemed lawful to me before" and I said that. When my wife came, he told her to repeat the same words and she did. Now that I have undergone psychological treatment, as did my wife, we want to return back to each other. However, this is not acceptable to people who have no idea whatsoever of the hard times we went through. I am quite sure that her family is behind this kind of wicked spell, because they live in Bedouin rural villages in which such things are common. I hope that after you study my problem, you will give me a Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard.

A: If the reality is as you mentioned, your declaring your wife unlawful for you is considered as one divorce pronouncement, and you may take her back in marriage as long as she is in her `Iddah (woman's prescribed waiting period after divorce or widowhood). If she has finished her `Iddah, you may still return to her with a new marriage contract and Mahr (mandatory gift to a bride from her groom) and with her consent.

However, if this is the last of the three pronouncements of divorce, she is no longer lawful to you unless she marries another man and consummates the marriage with him. If this person dies or divorces her and her `Iddah ends, you may marry her with a new marriage contract and Mahr along with her consent to return back to you.

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

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