

Fatwa no. 61

Q: I said to my wife, "You are divorced" when I was in a state of anger, then I took her back. I divorced her again before the legal court. Some years later, I returned to her by contracting a new marriage, then once again I told her, "You are divorced", and we wrote a non-official divorce document. At that time, she was pregnant, and she gave birth to a baby boy at her brother's home. Is it legally permissible to take her back in marriage?

A: You mention that you divorced her while you were in a state of anger, then divorced her again and remarried her with a new contract, and then divorced her when she was pregnant. As for the second and the third pronouncements of divorce, they are effective. As for the first pronouncement of divorce, if you reached a state of anger so that you became unaware of what you were saying, and you have evidence on that, this pronouncement of divorce will not be effective. In this case, you may take your wife back in marriage with a new marriage contract if she consents to it. However, if you do not have evidence to prove that you were too angry to be aware of what you were saying, she is not lawful to you until she marries another man, consummates her marriage to him, he divorces her, and her `Iddah (woman's prescribed waiting period after divorce or widowhood) comes to an end.

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

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