

Fatwa no. 632

Q: There is a person whose brothers in Yemen wanted him to divorce his wife. He told them that he would do what they wanted. A member of his family then came and asked him, "Have you divorced your wife?" He replied affirmatively. He told him that lest this person would inform his brothers about him. He said that he made two members of his family as witnesses that he took his wife back in marriage in case what he said was regarded as Talaq (divorce pronounced by a husband). What is the ruling on this matter?

A: If the reality is as mentioned; that one of his family members asked him if he had divorced his wife and he said that he had done so, this statement is regarded as Talaq. This is because Allah's Messenger (peace be upon him) said:

"There are three matters which are taken serious whether they are done seriously or jokingly: granting Talaq, freeing one's slave, and revoking the Talaq."

Accordingly, unless this Talaq is the last of three, it is considered a revocable divorce and he can take his wife back in marriage as long as she is still in her `Iddah (woman's prescribed waiting period after divorce). If it is proven by two just witnesses that he took his wife back in marriage while she was still in her `Iddah and he did not divorce her twice before, his revocation of the Talaq is valid.

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

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