

Fatwa no. 684

Q: I have been married to my paternal cousin for seven years now and my sister is married to her brother. One day I said, "If he divorces my sister and lets her daughters stay with her, my wife will receive a triple divorce (three simultaneous pronouncements of divorce) when my sister completes her `Iddah (woman's prescribed waiting period after divorce)." Yet my cousin has refused to divorce my sister. Thus, I have regarded the conditions I laid down as not fulfilled and I have remained with my wife based on that. However, some people have told me that I have committed a sin and that my wife has been divorced since then. Please give us your Fatwa (legal opinion issued by a qualified Muslim scholar).

A: If the reality is as you mentioned, that you have made divorcing your wife dependant on your cousin divorcing your sister, approving to let her daughters stay with her, and her completion of the `Iddah, and that all of these conditions have not been fulfilled, you have not broken your oath of Talaq (divorce pronounced by a husband).

Your wife is still married to you and it is lawful for you to have sexual intercourse with her, as long as the conditions on which Talaq is suspended have not been fulfilled.

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

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