

The second question of Fatwa no. 6905

Q 2: A man disputed with his wife and then he asked her for sexual intercourse. She agreed if he would divorce her and he said that he would think about it, but because she insisted, he agreed without really meaning it. He said he never intended divorce or thought about it; rather, he just wanted to have intercourse and foreplay with her so that her anger would cool. She allowed him to have intercourse with her, but later he doubted that divorce might have taken place since he said that he had agreed to her request. He asked the shaykhs in the Court of Tabuk about that. Some of them said it counted as one pronouncement of divorce; others held that it did not count. The man was later obsessed by doubts, so he considered it one pronouncement of divorce so as to dismiss these doubts and thoughts. He then took her back in marriage. What is the ruling of Shari`ah (Islamic law) on this case? What are its consequences?

A: If the reality is as mentioned, his agreement to her request is a promise of divorce, not an actual divorce. This is so provided that he did not give her one pronouncement of divorce after hearing the different opinions of the shaykhs in Tabuk in order to eliminate his doubts. If he did, the divorce would count.

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

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