

Fatwa no. 757

Q: A husband gave his wife Talaq (divorce pronounced by a husband) by saying: "You are divorced, divorced, divorced." Nevertheless, he mentioned that he only intended by the second and third pronouncements of Talaq to emphasize the first. Such a Talaq was pronounced in 26/04/1394 A. H. But it was revoked in 04/05/1394 in the presence of two just male witnesses. Is the revocation of the Talaq mentioned above valid?

A: If the matter is exactly as what is mentioned by the questioner that he said to his wife: "You are divorced, divorced, divorced", that he intended by repetition to emphasize the first pronouncement of Talaq, this Talaq is neither the third one to be given nor for a consideration; such a Talaq will be revocable.

Accordingly, it will be permissible for the questioner to take his ex-wife back in marriage provided that her `Iddah (woman's prescribed waiting period after divorce or widowhood) is still operative.

However, if Talaq is for consideration or is not revoked before the expiry of `Iddah and it is not the third Talaq to be given; it will be permissible for her ex-husband to remarry her by the conclusion of a new marriage contract and the payment of a new Mahr (mandatory gift to a bride from her groom) subject to her consent provided that all other conditions and Rukns (essential elements) of marriage are fulfilled.

Finally, if the concerned Talaq is the third one to be given, it will not be permissible for the questioner to revoke it until his ex-wife gets married, first to another man in the Shar`y (Islamic legal) way not in Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple).

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

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