

Fatwa no. 771

Q: My husband divorced me by saying: "You are divorced." Then he abstained from having sex with me for more than three Months. Later on, he took me back in marriage by himself without a new contract or Mahr (mandatory gift to a bride from her groom). I was not pregnant at the time of divorce and did not get pregnant until now. Three full menses and four purification periods passed then he divorced me again by saying: "You are divorced." He took me back again in marriage after twenty days then divorced me another time by saying: "You are divorced." Is it permissible to go back to him in marriage and how should this happen?

The following statement is mentioned in the question: "Three full menses and four purification periods passed then he divorced me again."

A: If the matter is as mentioned by the questioner; that her husband divorced her by saying:

"You are divorced" and she was not pregnant, then he took her back in marriage after she had three menses and four periods of purity, then taking her back in marriage is not valid or considered according to the Shari`ah.

His enjoyment with his wife after taking her back in marriage is considered having sex with the doubt of marriage, if they are ignorant about the matters of divorce and taking one's wife back in marriage. They are mistaken for not asking the scholars before resuming their marriage.

As for the second and the third times of divorce they are idle talk because the questioner became an Ajnabiyyah (a woman lawful for the man to marry) by the end of her `Iddah (woman's prescribed waiting period after divorce or widowhood) of the first divorce, so his second and third times of divorce are nonsense. If both spouses want to have a sound marriage, they have to conclude a new marriage contract with a new Mahr.

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

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