

Fatwa no. 772

**Q: A dispute took place between my wife and me. I got angry and told her twice, "You should know that you are divorced." The third time, I told her, "Return to your father." The first time I intended Talaq (divorce pronounced by a husband). When I found that she took my words too lightly, I repeated the sentence angrily intending a second Talaq. When I said to her, "Return to your father," I intended to upset her; not to divorce her. This took place on 10 Dhul-Hijjah, 1393 A.H. and I took her back in marriage on 3 Muharam, 1394 A.H. Two people bore witness that I took her back in marriage. When I divorced her, I took her back in marriage, at once, without any witnesses, but someone told me to get witnesses to testify to this. Therefore, I called him to witness that I had taken her back in marriage. This was on the eve of `Eid-ul-Adha (the Festival of the Sacrifice). Her father asked me whether I divorced her and I told him that I did not. Some people asked me the same question and I said, "That is right, but I only intended the first two pronouncements of Talaq." Kindly, guide me.**

**A:** If the reality is as you mentioned that you said to her, "You should know that you are divorced," one after another, and, "Return to your father," and that you meant by the first sentence Talaq and by the second another Talaq, and you did not intend Talaq by the third, then you have divorced your wife twice.

Therefore, if you did not divorce her before, and Talaq was not in return for a consideration, your taking her back in marriage is valid, provided that it was during the `Iddah (woman's prescribed waiting period after divorce).

If you divorced her once before these two pronouncements of Talaq, she would not be lawful for you until she marries another man with a sound marriage contract and this marriage ends lawfully. If the two pronouncements of Talaq were in return for a consideration, she would only be lawful for you with a new marriage contract, a new Mahr (mandatory gift to a bride from her groom), and with her consent.

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

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