

Fatwa no. 789

**Q: A man told his wife that if she went out without his permission, she would be divorced. She went out without his permission and he mentioned that he did not know anything about that. One Friday, she told him that he had previously warned her not to go out without his permission or else she would be divorced, but despite this, she did. Therefore, she was no longer his wife. He asked her whether or not she wanted Talaq (divorce pronounced by a husband), and she confirmed her request. Consequently, he told her that she would be divorced. Now he is asking about the permissibility of taking her back in marriage.**

**A:** If the reality is as mentioned, that he has not known about her going out without his permission after warning her and that she has not told him about her going out without his permission, he has not broken his oath because he has granted her Talaq at her request. Accordingly, if this Talaq has not been granted in return for some consideration or has not been the third one, it is considered a revocable Talaq.

In this case, it is permissible for the husband to take his wife back in marriage as long as she is still in her `Iddah (woman's prescribed waiting period after divorce).

However, if this Talaq has been granted in return for some consideration or has been a revocable Talaq but the woman has already finished her `Iddah, he can take her back in marriage with a new contract and Mahr (mandatory gift to a bride from her groom), after obtaining her consent, along with fulfilling the pillars and conditions of marriage.

However, if this has been the third Talaq, she becomes unlawful for him until she marries another person with a sound marriage contract, not for the purpose of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple), and then this marriage ends lawfully.

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

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