

I had misunderstanding with my father-in-law and he reminded me that I owed a right to my wife. My uncle told me to take her or give her a Talaq (divorce pronounced by a husband). I said, "May Allah provide for her. Come to me to get her Talaq paper." I did so believing that this would absolve me of the right that I owed to my wife and from paying Nafaqah (obligatory financial support) for our young daughter. The disputes between us lasted for a long time, and when they pursued me, demanded the Talaq paper and refused to absolve me from the right I owe my wife and the Nafaqah and they asked me for it, I refused to write the Talaq paper and stayed away from my wife for one year. I then gave her one revocable Talaq after which I took her back. What is the ruling on taking her back in marriage?

A: If the matter is as you mentioned, that the uncle told the man to take his wife or give her a Talaq, and the husband asked Allah to provide for her and said that they should come to him to get her Talaq paper, without there being a mutual agreement on Khul' (divorce initiated by a wife for a consideration); rather, this was the husband's one-sided assumption, so perceived by only one party - the divorcing one.

Moreover, the husband's statement, "May Allah provide for her. Come to me to get her Talaq paper," counts among the implicit Talaq phrases, which when pronounced no Talaq takes place unless the husband intends that or there are clear evidence indicating that he does intend and wants Talaq with it; for instance, if the husband makes an indirect pronouncement of Talaq after it has been requested from him.

In the case in question, as the husband asked Allah to provide for her and told them to come to him to take his wife's Talaq paper directly after a request for Talaq was made, this indirect pronouncement is considered as a Talaq.

The husband said that he stayed away from his wife for one full year, and then gave her a revocable Talaq. It is most likely that the 'Iddah (woman's prescribed waiting period after divorce) of his wife following the indirect pronouncement of Talaq ended without him taking her back.

If that was the case, the second pronouncement does not apply to her, because she became an Ajnabiyyah (a woman other than a wife or unmarriageable female relatives) to him once her 'Iddah ended.

If the indirect Talaq he made was not a third pronouncement, it would have been permissible for him to return to his wife with a new marriage contract and a new Mahr (mandatory gift to a bride from her groom) with her acceptance, if the marriage fulfilled the pillars and conditions of a marriage.

As the wife did not agree to renounce the right that her husband owed her or the Nafaqah for his daughter in return for Talaq, they continue to be his responsibility.

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

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