

FATWA

Remarrying after divorce.

Q. A person has divorced his wife and within one month he returned to her. Now for the second time, due to some conflict he again divorced her, saying “you are divorced”, for 3 consecutive times. But the husband says that he did not intend 3 divorces, his intention was only one. Two months have passed since this occurred and he again wants to take her back, the wife is also pleased to return to him, knowing that 2 months have passed already. Can they now re-marry? Can the wife marry before the completion of the 3 months, or after?

A. In this case the words of the husband would be considered as 3 divorces, and not one (as he says). Therefore after this divorce, the wife becomes unlawful for the husband in a sense that they are prohibited from husband/wife relations, and they are also prohibited from immediate re-marriage. However, permission to re-marry would only be granted after the wife goes through the process of Tahlil.

In the Shariah, Tahlil means that after a woman has been divorced 3 times from her husband, after the Iddah (waiting period) of 3 menses, she marries a person, then after the consummation of this marriage that person either divorces her or dies. Thereafter she observes the Iddah of 3 menses (in case of a divorce) or 4 months and 10 days (in case of a widow). Upon completion of the waiting period, she is now permitted to re-marry her husband who gave her three divorces.

(Shaami - Vol. 2 – Pg. 293 / Shaami - Vol. 2 – Pg. 410 / Fatawa Darul Uloom Deoband - Vol. 9 – Pg. 292 / Fatawa Darul Uloom Deoband - Vol. 9 – Pg. 303 / Kifayatul Mufti - Vol. 6 – Pg. 75).

And Allah knows best.

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