182868 - Divorcing (talaaq) three times based on a belief that it is obligatory

the question

Me and my wife have had a rough couple of years. We got divorced when we both had little knowledge of this religion. For the first time she is willing to work out are marriage and I thank Allah that she has been thinking about this. It is imperative that this question be answered for me because it involves a family being united or seperated. When we first got seperated someone told her that you have to give talaq 3 times, so i gave her the first talaq willingly from my heart. After that we tried to work it out, But someone told her that it is obligatory to give the 2nd talaq even if one does not want to after 3 months and a 3rd one is obligatory after 6th months. So I was angry and didnt bother researching and asking about this. So when the 3 months were over i gave the second talaq without really wanting to but i thought i had to. When the 6 month came, i thought it was a sin upon me if i did not give it to her because this is what a view ignorant people told her and myself. So i waited longer then the 6 months sad that i was forced to give her the last one knowing she will not be available to me unless she marries, so out of anger and sadness i gave her the third talaq because i was told it was obligatory on me to do so. After that we were apart for a year since then but i always wanted to work it out. When i started studying fiqh under shayukh and in the masjid they told me to relate to them how i did my talaq. I told 3 or 4 people and they said subhanallah you may still be married if you thought you had to give the third. So now i relate my question to a proper scholar. We both now want to work it out, but this one last steps in the way. We live far apart now and I havent seen my son in 2 years because of no travel money and the only way to see him is to live with her and him again. So I wanted to know if she is still lawful for me because we both want to work it out. No shaykh has answered my question and i need an answer quickly, and i fear i may follow my desires if i do not get a response because i havent found any answer related to my situation.

Detailed answer

Praise be to Allah.

If you only uttered the word of divorce (talaaq) on the second or third occasion because you believed that it was obligatory, as you had been told, then this talaaq does not count as such according to the more correct opinion, because if a person bases his talaaq on a reason, then finds out that that reason was not valid, his talaaq does not count as such.

Shaykh Muhammad ibn Ibraaheem (may Allah have mercy on him) said: We have received your letter in which you ask about your divorce (talaaq) of your wife and you said that you heard something about her and you got angry and divorced her three times (threefold talaaq), then after that you found that the news you had heard was false and you became certain that it was not true, and you are asking whether this divorced counts as such or not, because it turned out that she is innocent of what was said about her.

Answer:

If the situation is as mentioned and you only divorced her based on this false news, then the correct scholarly opinion is that this divorce does not count as such. Based on that, the divorce is invalid and your wife is permissible to you on the basis of the first marriage contract. There is no need to go through the process of taking her back or do a new marriage contract.

End quote from Fataawa Muhammad ibn Ibraaheem, 11/ question no. 3159

See also question no. 36835

The one who told you that made a serious mistake and spoke about Allah without knowledge.

For a woman who menstruates, her ‘iddah is three menstrual cycles, not three months. If her husband gives her a revocable divorce and does not take her back during the ‘iddah, she becomes completely divorced and is not permissible for him except with a new marriage contract.

As it has become clear that your second and third talaaq do not count as such, but you did not take your wife back during her ‘iddah following the first talaaq, then she has become completely

divorced from you and cannot go back to you except with a new marriage contract that fulfils the necessary conditions.

And Allah knows best.