

Islam Question & Answer

General Supervisor:
Shaykh Muhammad Saalih al-Munajjid

4343 - When a Muslim signs papers divorcing his wife in front of a non-Muslim judge

the question

i married a muslim man feb 15, 1997. i was married under islamic law and the laws of the state of virginia. i am christain.

i told him i wanted a divorce and he said he did not want it but he would give it to me if i wanted it.

i went to a lawyer and filed for divorce. he signed the waiver and sent it back to me (he lives in new york) federal express , he said he wanted it done fast. the paper was witnessed by a notery public.

i held the papers for one week. i called him and asked him if he wanted me to hold the paper, he said it did not matter.

i sent the paper back to my lawyer and it was sent to court.

the divorce was finalized nov. 2, 1999.

now he says that we are not divorced.

am i divorced from this man by islamic law?

he belongs to the shafghy school. he is suni.

Detailed answer

Praise be to Allah.

We put the following question to Shaykh Muhammad ibn Saalih al-'Uthaymeen, may Allaah preserve him:

Has a man agreed to divorce his wife or has he already divorced her, if what he said was: "I agree

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to divorce my wife and she is now to be considered divorced”?

He answered:

This is a divorce, and if she has completed her ‘iddah (waiting period of three menstrual cycles following divorce) then she is free to marry someone else. But if they have children together, I advise him to go back to her. He has the right to take her back so long as he issued just one divorce. And Allaah knows best.