

150659 - He divorced her three times before consummating the marriage

the question

I divorced my wife three times during an argument that was very heated, when I had not consummated the marriage with her and had only done the marriage contract. What is the Islamic ruling: is this considered a divorce, or what should I do?

Detailed answer

Praise be to Allah.

If a man divorces his wife three times in separate words, such as saying: "You are divorced, divorced, divorced" or "You are divorced and divorced and divorced," a before consummating the marriage, it counts as a single irrevocable divorce according to the majority of scholars, because she becomes completely divorced from him with the uttering of the first word of divorce, and the subsequent words serve no purpose because she is not required to observe 'iddah.

See: *Bada'i' as-Sana'i'* (3/137); *Hashiyat Ibn 'Abidin* (3/287); *Mughni al-Muhtaj* (4/482); *al-Mughni* (7/367).

If he divorced her three times in a single phrase, such as saying, "You are thrice divorced," then it counts as three, according to the majority of scholars. Some of the scholars are of the view that it counts as one divorce, and becomes completely divorced from him; however, because she was divorced before consummation of the marriage, she becomes permissible for him to marry with a new marriage contract. This is the view of 'Ata', Tawus, Sa'id ibn Jubayr, Abu'sh-Sha'tha' and 'Amr ibn Dinar. It is the view favoured by Shaykh al-Islam and a number of contemporary scholars, including Shaykh Ibn Baz (may Allah have mercy on him) and Shaykh Ibn 'Uthaymin (may Allah

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have mercy on him).

See: *al-Mughni* (7/282); *Fatawa ash-Shaykh Ibn Baz* (21/430); *ash-Sharh al-Mumti'* (13/40).

Based on that, if you divorced your wife before consummating the marriage, issuing three divorces even if that was in a single phrase, then she is divorced from you, but you can do a new marriage contract with a new mahr, after which two talaqs will remain.

What you must do is beware of taking lightly the matter of issuing divorce (talaq), because of the consequences to which it may lead of ending the marriage and breaking it up without that being the intention of the one who issues the divorce.

And Allah knows best.