



## **261464 - Is it valid to take back one's wife before divorce happens, or to say, "Every time I divorce you, I take you back"?**

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### **the question**

Approximately three years ago, I had an argument with my wife because of her insisting on plucking her eyebrows, so I swore an oath, saying, "By Allah, if you pluck your eyebrows again, then you are divorced." I intended divorce in a true sense, and it was not just a threat.

Approximately two weeks after that, I was worried in case she did that without informing me, then her `iddah would end and we would fall into zina without me realizing. So I said to myself - without telling her -: If she plucks her eyebrows, then divorce will take place, but I will take her back straight away. Two days ago, I noticed that she had removed some of her eyebrow hair, so I asked her about that and she admitted that she had plucked them. I asked her about the first time she had done that after I had sworn my oath, and she admitted that it was approximately three months ago. Please note that when I found out about that, she had her period, and it was the third menses since she had plucked her eyebrows. During that time, we were estranged and nothing happened between us. As soon I found out, I informed her guardian, and he asked me to take her back on the grounds that she was still in her third menstrual cycle. I told him that I had already taken her back. Is either of the two takings-back valid? Please note that no one knows about the first taking back, and it happened before she plucked her eyebrows, and the second taking back was in her third menstrual cycle. My wife is also very careless about some Islamic issues such as not plucking her eyebrows, paying attention to prayer and doing it without rushing, doing wudu' properly, not watching TV shows, and other matters such as taking care of herself and keeping the house clean. I have advised her many times, forsaken her in bed and hit her, but she does not listen to my advice. I hope that you can advise me about the best way to deal with her, and is it better to divorce her?



## Detailed answer

Praise be to Allah.

Firstly:

*Raj`ah* (taking back) means taking back a revocably-divorced wife and resuming the relationship without doing a new marriage contract. (*Kashshaf al-Qina`*, 5/341).

Ash-Shirbini al-Khatib, who is one of the *Shafa`is*, defined it as taking back the wife and resuming the marriage after a revocable divorce, specifically during the `iddah.

(End quote from *Mughni al-Muhtaj*, 3/335.

See also *Al-Mawsu`ah al-Fiqhiyyah*, 22/104)

It is not valid to take one's wife back except after divorce (*talaq*).

It is not valid to connect that to a condition, such as saying, "Every time I divorce you, I take you back."

Ibn Qudamah (may Allah have mercy on him) said: It is not valid to connect taking back of the wife to a condition, because taking her back means that intimacy becomes permissible, so it is like marriage. If the man says: "I will take you back if you wish," that is also not valid. If he says: "Every time I divorce you I take you back," that is not valid either. That is because it is taking her back before it is the right time to take her back, so it is like issuing a divorce (*talaq*) before marriage.

(End quote from *Al-Mughni*, 7/525).

Based on that, the first taking back does not count.

As for the second taking back, which occurred during the third menstrual cycle after the divorce, it is a valid taking back, because it took place during the `iddah.



The `iddah of a revocably-divorced woman is three menstrual cycles, because Allah, may He be exalted, says: {Divorced women should wait concerning themselves for three menstrual cycles} [al-Baqarah 2:228]. This applies to a divorced woman who is not pregnant, if she is of childbearing age.

The jurists are agreed that in the case of a woman of childbearing age, her `iddah is three menstrual cycles, because of the verse quoted above. But they differed regarding what is meant by the word *qar'* (translated here as menstrual cycle): does it refer to the menses (bleeding) or to the time of purity (when there is no bleeding).

What the evidence indicates – and this is the view of the Hanafis and Hanbalis – is that the *qar'* is the menses (bleeding).

Based on that, when her third menses ends and she does ghusl, then her `iddah comes to an end.

See *Al-Mughni* by Ibn Qudamah, 8/81-84.

Secondly:

The husband should not connect divorce to something hidden that he may not know about unless his wife tells him, for fear that she will conceal it and her `iddah will end without him taking her back.

However, if that happens, and he had intercourse with her during the `iddah, then his having intercourse with her is regarded as taking her back according to some of the jurists, despite his being unaware of the divorce.

It is narrated in *Musannaf Ibn Abi Shaybah* (17787) from al-Hasan al-Basri that he was asked about a man who said [to his wife]: “If you enter the house of So-and-so, then you are divorced once (one talaq),” then she went there without him realizing.

He said: If he has intercourse with her during the `iddah, then his having intercourse with her is regarded as taking her back.



Otherwise, she becomes completely revocably divorced with one talaq.

Thirdly:

You should continue to advise your wife and call her to what is good, protect her from evil, be patient with her, and do not hasten to leave her, because divorce should be the last thing that you think of, especially if you have children with her.

See also the answer to question no. [98624](#).

And Allah knows best.