

Question 1581) - How do Talaq Raj'i and Bain occur?

A: There are two kinds of divorce with regards wording, sarih [explicit] and Kinavsh [indirect]. Explicit is when the husband says, "You are divorced/you are now a divorcee/ I divorce you." This divorce is Raj'i and only one occurs even if he intended more than one. No attention is paid to whether he actually intended the divorce or not. Amongst those words deemed explicit are, "You are Talaq/You are a divorcee in divorce/ You are a divorcee given a divorce. If he had no intention with these words then it is one Raj'i divorce. If he intended two, then it is still one. However, if he intended three then it is three. If he says, "You are divorced. You are divorced," then it is two Raj'i. Allaah says, "If divorce has been given twice retain her in kindness or leave her in an amicable manner."

The second kind, Kinavsh, is when the words are not explicit. The divorce will not occur except with an intention or an indication of the condition.

~ al-Quduri ~