

160830 - He divorced his wife three times in a moment of anger

the question

The Incident of Divorce: I have been suffering from chronic sleeping disorder for about last 16 years and have been treated by various psychiatrists and psychologists for many times and over many years but no avail. I have been requesting my wife to go back to native country for short time till our baby starts better sleep. The same way in the early morning of August 21, 2009, I again deeply requested to my wife to go back for short time but she replied that unless I say her that she is not my wife she will not go back. I went in extreme anger and without pre-planned intention, I pronounced to my wife "you are divorced, you are divorced second time and you are divorced third time" in one go. The following were the prevailing conditions at the time of pronouncements:

- i) Pronouncements were mainly due to my chronic sleeping disorder and continued bad mental condition due to sleeplessness especially after our baby birth.
- ii) The anger was so intense that my eyes were closing and blurring. I faced such an extreme angry state second time in my life. Although I was aware of what I am saying but anger was so intense that it compelled me to do so and almost have lost my control over brain.
- iii) I have had intercourse with my wife before pronouncement of divorces during her ongoing purity period.
- iv) The pronouncements were mainly based on the general perception taken from the media or the society that people divorce the wife by three pronouncements.
- v) After the incident I read the procedure of divorce given in the Quran. I repented a lot that if I had known the procedure and commandments of Allah (SWT) about divorce or had been told by the religious person who taught my Nikah then it did not happen so.
- vi) I swear to Allah (SWT) that if I had known the procedure of divorce explained by Qur'an and if I had known that three pronouncements in one go are counted as three irrevocable divorces and is a great sin and person left no chances of reconciliation then I must had not acted so (pronounced thrice).

We have already resumed our marital relations based on Qura'nic verses, view point of various Ulema and Fatwa of Islamic Sharia Council.

Seeking Ruling/Fatwa: Although many Fatwas go in my favor, however, still doubts came in my mind. Therefore at present I am away from my wife till your Fatwa/Ruling based upon Quran and Ahadiths.

Detailed answer

We have previously published on this website a number of fatwas about divorce (talaaq) issued in anger, in which we explained that anger is of three levels:

-1-

Mild anger, in which the husband is annoyed and upset by what his wife has done, but that does not prevent him from thinking rationally and deciding what is the best thing to do.

In this case, the divorce counts as such, according to all scholars.

-2-

Extreme anger in which the person loses control and does not know what he is saying or doing, and he becomes like one who is insane or crazy. Divorce issued in this case does not count as such according to all scholars, because he is like one who has lost his mind.

-3-

Extreme anger in which the person does not lose control and is aware of what he is saying and doing, but he cannot stop himself because the arguments, insults and fighting have gone on for too long.

This is the type of anger concerning which the scholars differed as to whether a divorce issued in this state counts as such. The most correct view is that it does not count as such, as was stated by Shaykh al-Islam Ibn Taymiyah and his student Ibn al-Qayyim (may Allah have mercy on them).

Ibn al-Qayyim said:

Anger is of three types:

-1-

That in which the person loses his mind and is not aware of what he is saying. Divorce does not count as such in this case, and there is no scholarly difference of opinion concerning that.

-2-

That which is not so intense as to affect a person's understanding the implications of what he is saying. In this case divorce counts as such.

-3-

That which is intense and strong, but not to the point of losing his mind completely; however it is so intense that he does not realize the implication of what he is saying, and he regrets what he did once the anger passes. This is a matter that is debatable and the view that suggests that the divorce does not count as such is strong and valid.

End quote from Zaad al-Ma'aad fi Hadiy Khayr al-'Ibaad, 5/215.

See also the answers to questions no. [22034](#), and [45174](#).

What appears to be the case from your question is that the divorce you uttered was of this type, in that you could not control yourself or what you were saying, even though you were aware of what you were saying and understood what it meant.

Hence your divorce does not count as such according to the more correct scholarly opinion concerning this matter.

But if your anger was of the first type — and you know better about your situation than we do — then it counts as one talaaq.

Your uttering the word of divorce three times only counts as one talaaq according to the more correct opinion. This has been discussed previously in the answer to question no. [96194](#) .

To sum up: if you issued the divorce in a state of extreme anger, it does not count as such. But if it was a case of ordinary, mild anger, then it counts as one talaaq.

And Allah knows best.