

## **181583 - He divorced her five times on various occasions**

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### **the question**

I have been divorced by means of conditional talaqs after twenty years, but I hope that you can advise me so that I do not have to wait. The first divorce was when he said, in a state of anger when he was aware of what he was saying: "You are divorced." The second divorce was a conditional talaq ("If you go out of the house you are divorced"), and I went out, and I do not remember the intention. At the time of the third divorce I was collapsing, because he betrayed me and I spoke to him on the phone and said, "I will kill your children if you do not divorce me." According to what my husband says, he said to himself, "By Allah I do not intend divorce, by Allah I do not intend divorce, by Allah I do not intend divorce," but he said "You are divorced" to make me calm down, because he feared for his children, as I was not in my right mind. The fourth divorce was a conditional talaq ("If you complain to anyone about our problems again you will be divorced"). I do not remember if I had complained to anyone. The fifth divorce was when I was asleep and he swore to my daughter: "If your mother opens the door to you and takes you in, she will be divorced." My daughter told me after I opened the door that his intention was to threaten me. As for the last divorce, he swore to me, "You should go today to your father in your city, and if you do not go you will be divorced." And I did not travel, but his intention was divorce.

Please advise me, because my husband is careless about the life of his children and family, even though he has high academic qualifications; he hates me and he changed towards me after he took another wife. I have been patient for the sake of my children, despite the way he treats me, which is with resentment and hatred. But now, after what has happened, he does not come to the house and he does not ask about us, except on rare occasions. Please advise me. Please note that he does not want to come back to me, and if I go back I will be living in limbo as I was after he married the other wife.

### **Detailed answer**

Firstly:

We should point out with regard to the divorces mentioned that whatever the shar'ī court had ruled to be valid is valid, or if you already asked a scholar whatever he told you was valid is valid.

Secondly:

If there is no court ruling or scholarly verdict concerning these divorces, then what appears to us to be the case is the following:

The first divorce: if this divorce was issued in a state of extreme anger that drove him to divorce, and without that anger he would not have issued that divorce, then it does not count as such according to the more correct opinion, even if the husband was aware of what he was saying when he was in that state of anger. See the answer to question no.

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The second divorce: this comes under the heading of a conditional divorce in which reference should be made to the husband's intention. If he intended it as a divorce then it counts as such, but if he intended thereby to threaten and stop you doing something, then he has to offer expiation for breaking an oath (kafaarat al-yameen). If he cannot remember what his intention was, then it counts as a divorce.

The third divorce: if the husband was truly afraid that you would kill the children or do them some obvious harm, then his divorce does not count as such, because it was a divorce under compulsion.

The fourth divorce: this comes under the heading of conditional divorce and does not count as such unless you did complain about your problems to anyone, and the husband did intend divorce by what he said.

The fifth divorce: also comes under the heading of conditional divorce. If the husband intended it as a divorce then it counts as such.

Based on that, if you find out the kind of anger that accompanied the first divorce, then you will know the ruling on it.

By referring to the husband and asking him about his intention, the ruling on the second divorce will become clear.

He should also be asked about the third divorce, in order to find out the ruling on it.

If your husband did not take you back after the final divorce and your 'iddah has ended, then this is an irrevocable divorce and you cannot go back to him except with a new marriage contract, on condition that the number of divorces that counted as such did not reach three.

And Allah knows best.