

## **72439 - Her husband is very bad-tempered and has divorced her three times**

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### **the question**

I have been married for approximately nine years. My husband is a very very bad-tempered person, more than you can imagine. When he gets angry he loses his mind and does things that he does not mean. I am not giving excuses, but this is how it is and Allaah is witness to that. My problem is that on several such occasions he spoke the word of divorce (talaaq) and I want to know: does this count as a divorce or not?

On the first occasion we were travelling abroad and there was a big problem. He said to me: "You are divorced when we go back to our country." He says that this was intended as a threat, to scare me. In fact we came back to our country and he forgot about the matter, but I did not forget. I asked our Shaykh and he said that this did not count as a divorce and he explained that to me.

On the second occasion, following a big problem he beat me then left the house. I did something foolish, and sent him nine messages on his cell phone, all of them insults and put-downs. He sent me a message saying "You are divorced." That happened in the afternoon, and he came back at night and it was as if nothing had happened and we made up. On that occasion I also asked a Shaykh and he said that the divorce sent by message did not count.

On the third occasion, there was another big problem and he got very angry, to such an extent that he did not know what he was doing. He divorced me and I went to my family's home, but he went to the court and the qaadi ruled that the divorce did not count, so he took me back after the family got involved, and I went back to him.

In all these cases he did not really mean to divorce me, and in fact the last of these

incidents took place nearly two years ago. He has not repeated these words since, and his temper has calmed down in general. But my problem is that I always wonder whether I am living with him in haraam? Did the divorce count as such? I do not know if the shaytaan is whispering to me or not?.

### **Detailed answer**

Firstly: we ask Allaah to make things easier for you and to help you and guide you, and to set things straight between you and your husband.

Secondly:

With regard to what you have asked about in these three incidents, the answer is as follows:

1 - In this case your husband said to you, "You are divorced when we return to our country." In this case the divorce took effect when you returned to your country, because this was a clear statement of divorce, i.e., it was not intended to encourage you to do something or prevent you from doing something, or to confirm or deny something.

If we assume that he said: "I meant that I would divorce you after coming back," this cannot be accepted from him either, because his saying, "You are divorced" is clearly one of the words of divorce (talaaq), so it cannot be accepted that he meant it as a threat of divorce.

Shaykh Ibn Baaz (may Allaah have mercy on him) said:

An oath to divorce is a statement of divorce by means of which the person intends to encourage (his wife) to do something, or to prevent her from doing something, or to urge his listeners to believe him or disbelieve him. This is the oath to divorce which is intended to encourage or discourage something, or to confirm or deny something, unlike a statement

of divorce which is intended as such, which cannot be regarded as an oath, such as saying, “When the sun rises, my wife is divorced,” or “When Ramadaan comes, my wife is divorced.” This is not described as an oath (yameen), rather it is simply a statement of divorce in which a condition is stipulated, and when the stipulated event takes place, the divorce comes into effect.

End quote from Fataawa al-Talaaq, p. 129-131

We have already answered a similar matter in question no.

[43481](#)

2 - In this incident, he sent you a message by phone saying, “You are divorced.” This depends on his intention at the time of writing it. If he was determined to divorce you, then it counts as a divorce, but if he wrote that but meant something other than divorce, such as to alarm his family and scare them, then it does not count as a divorce because that was not his intention.

See the answer to question no.

[72291](#).

3 - In this incident, he got so angry that he did not know what he was doing, and he divorced you, then he went to the court and the qaadi ruled that the divorce did not count. What matters here is the ruling passed by the qaadi, because there are some cases of anger in which divorce does not count. From what your husband told him, the qaadi may have realized that his anger was so intense that it means that the divorce does not count. In the answer to question no.

[45174](#) we have mentioned the ruling on a divorce given in a moment of anger.

Our advice to this husband is to fear Allaah and to control his tongue and avoid uttering words of divorce, so that this will not led to the break-up of his family.

We ask Allaah to help and guide you both.

And Allaah knows best.