

175897 - He divorced his wife (talaq) five times!

the question

After 21 years of marriage we have had major problems for the last 4 years. Basically I have discovered some reasons for our marriage taking place originally which are not nice, I am pretty sure people arranging the marriage thought about personal gain when it comes to overseas marriages etc and not thought too much about me, she has basically said she wants to arrange the marriage of our children and she will decide where and to whom. In October 2010 I said to my wife "From me you have Talaq, its over" (No Witnesses). In December 2010 she forced herself on me and I did respond. In February 2011 I said "you have my second talaq" (No Witnesses), she said "one is enough". In March 2011 In the heat of the moment I said "You are not my wife" (Children were present) . In May 2011 "I said you have my third Talaq" (In front of most family) and since that time we have been completely separate in different houses. In August I wrote "I divorce you" then signed it and gave it in front of whole family but next day I admitted to my children I did not mean it. Since January to August 2011 due to a lot of factors including lack of sleep and an illness I was not 100% mentally well, I was having obsessive jealous thoughts about someone else and I was obsessed with our problems ie going over them over and over again each day. For the first talaq I was of sound mind but depressed, For the later ones I was in extreme uncontrollable anger especially the one I had written down, I was shaking with anger and saying many things to my brothers, aunts, uncles etc. Since August 2011 I am of sound mind as I have made sure I sleep properly, I have got medical treatment and have distanced our problem from my mind, so I can make a decision about it in the long distance future. I am worried about my children so would be grateful for an answer. Are we islamically divorced? Can we get back together, she still wants to.

Detailed answer

Firstly:

We have previously discussed the ruling on divorce issued in a state of anger, and we have stated that divorce issued in a state of extreme anger in which a person does not have control of himself does not count as such.

See the answer to question no. [22034](#) and [45174](#)

Based on that, if the second, third, fourth and fifth divorces (talaafs) were all issued by you in a state of extreme anger, they do not count as such.

The divorce that does count as such is only one, namely the first divorce that you issued when you were not angry. And you can resume life with your wife in a natural manner, whilst striving to gain self-control, and so not hasten to utter the word of divorce every time there is a difference of opinion or argument.

Secondly:

If a man said to his wife, “You are not my wife”, this is a kind of implicit divorce and it counts as such if he intended divorce thereby.

Thirdly:

Bringing witnesses to witness the divorce is mustahabb because Allah, may He be exalted, says (interpretation of the meaning):

“Then when they are about to fulfil their term appointed, either take them back in a good manner or part with them in a good manner. And take for witness two just persons from among you (Muslims)”

[at-Talaaf 65:2].

But that is not an essential condition of the divorce being counted as such or being regarded as valid. If a man utters the word of divorce (talaaf) then his divorce counts as such, even if that divorce is not witnessed by anyone.

This has been discussed previously in the answer to question no. [170606](#).