

## **183616 - He divorced her via text message several times, and when she was menstruating, and when he was angry**

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### **the question**

I am from American and I have a question about my marriage.

I got married three years ago, very ignorant about "talaq" and how many times your supposed to say it and when you are suppose to say it. Somebody told me that I am suppose to say it three times in order to get divorced with someone and in my mind I thought you were suppose to say it three times in one sitting in order to divorce your spouse.

The first time I said it was with text message and this was when my wife was in India and I cant exactly remember why I text her and I text her twice, talaq. I also cannot remember if I intended divorce or not towards her. Her brother asked a Hafiz and he said the text message is invalid it does not count.

I also said it two differnet times and both times I was angry to the point where I really had a hard time controlling my behavior. The first time I said it two times and the second time I said it three times.

I also read online about menstruation and that talaq is invalid during menstruation.

Another thing I would like to state is that me and my wife always had sexual relations between each menstrual cycle and I also saw a video online posted by a scholar that a man cannot have sexual intercourse with his wife and divorce her when he wakes up because he still has feelings for her.

In addition, I also have doubts about the implicit divorces and what exactly what my intention was when I said it.

My wife saying were still married because she did not hear me tell her talaq when I was angry and that we need witnesses.

Recently, I came across Hanifa fiqh of divorce online and one scholar said if you say it 3 times, you guys are divorced but I was reading fatwa at the same time from your website and it said otherwise.

Can you please clear up my doubts and confusion.

### **Detailed answer**

Firstly:

Divorce issued in writing or via e-mail or text message counts as such so long as the intention to divorce is present or it is accompanied by signs that point to intention to divorce.

But if that is written in order to show his handwriting or with the intention to make his wife worry, but without the intention to divorce her, then it does not count as such.

But if you are uncertain about your intention when you wrote the message, or you forgot what your intention was, the divorce does count as such.

See the answer to question no. [72291](#)

In order for divorce to be valid, it is not stipulated that the wife should hear it or that witnesses should be present.

Secondly:

Divorce during the wife's menses or during a period of purity in which a man has had intercourse with his wife, does not count as such according to the more correct opinion. See the answer to question no. [72417](#)

Thirdly:

Divorce issued in a state of extreme anger does not count as such. See the answer to question no. [96194](#)

The threefold divorce counts as one divorce, according to the more correct opinion, whether one says: “You are divorced, you are divorced, you are divorced”, or he says: “You are thrice divorced” or “You are three-times divorced.”

If a man divorces his wife and she begins the ‘iddah, then he divorces her again before taking her back, the second divorce does not count according to the more correct opinion, because divorce can only be valid after doing the marriage contract or after taking the wife back.

Shaykh Ibn ‘Uthaymeen (may Allah have mercy on him) said: The more correct view concerning this entire issue is that there is no threefold divorce at all, unless he issues a divorce then takes her back, or makes a new marriage contract otherwise the threefold divorce does not count as such. This is the view favoured by Shaykh al-Islam Ibn Taymiyah (may Allah have mercy on him), and it is the correct view. End quote from ash-Sharh al-Mumti‘, 13/94

Based on the above, you can work out the number of divorces that you issued.

Husbands have to fear Allah, may He be exalted, and not take the verses of Allah in jest, or toy with divorce and use it for purposes other than those for which it was ordained.

And Allah knows best.