

127280 - He said to his wife: It's over between us, go to your family. But he forgot what he intended by that

the question

I am a young man who has been married for four months. One day I had an argument with my wife and I told her: It's over between us, go to your family on Tuesday. Then straight after that, I reconciled with her but two months later, we argued again and I said to her: You are divorced. Then I reconciled with her. The next day I said to her: You are divorced, and I reconciled with her. In all three cases, she was in a state of purity and I had had intercourse with her, and I did not know at that time that divorce takes place as soon as one utters the word and it counts as a divorce (talaaq). Rather I thought that divorce takes place either when the 'iddah is complete or else in the court, and at that time it is counted as a divorce. With regard to the first incident, I do not remember what my intention was. Hence I consulted three shaykhs about the three instances, and they told me that divorce took place in the second and third instances, but they did not say so about the first instance because I could not remember what my intention was. I have read that there is a difference of scholarly opinion concerning the innovative divorce (talaaq al-bid'ah) and that Ibn Taymiyah said that it does not count as a divorce and that in most cases his view turned out to be the correct one. I want to know the truth whatever it is. Please advise me, may Allah reward you with good.

Detailed answer

Firstly:

Your saying to your wife, It's over between us, go to your family, is a kind of implicit divorce which does not count as such unless it is intended as such. If you do not know what is your intention was or you have forgotten, the basic principle is that no divorce has taken place.

Secondly:

With regard to your divorcing your wife on the second and third occasions, the ruling is as you were advised by those muftis.

Thirdly:

You should beware of using the word of divorce lightly, because of the consequences that result from that, which may adversely affect the husband, his wife and his children. It is clear from the question that you take this serious matter lightly, because you divorced her one day and took her back, then the next day you divorced her again. This is a transgression of the sacred limits of Allah and a person like this deserves to have his talaaq counted everytime, as 'Umar (may Allah be pleased with him) did when the people began to take the threefold divorce lightly.

And Allah knows best.