175080 - He divorced his wife three times in a state of extreme anger

the question

I embraced Islam recently then I got married. Then I had a big argument with my wife. I got extremely angry and said to her: You are divorced (talaaq) three times. Now I regret that very much but I do not know what my intention was at the time; did I intend to divorce her or not? I looked for a ruling on this divorce and I found out that the Hanafi madhhab, which is the madhhab of my country, regards that as an irrevocable divorce. Some websites regard the threefold talaaq as an innovation (bid‘ah) and say that it should be counted as one divorce, but others say that divorce does not count as such if there are no witnesses to it. Which view is correct?.

Detailed answer

Praise be to Allah.

Firstly:

For divorce to count as such, it is not stipulated that there should be witnesses to it; rather divorce (talaaq) may occur without any witnesses.

Secondly:

When divorce is issued in anger, in some cases it counts as such and in some cases it does not. The anger in which divorce does not count as such is extreme anger in which a person does not think straight and utters the word of divorce without meaning or wanting to. For a detailed discussion on that, please see the answer to question no. 45174

Thirdly:

The threefold divorce counts as one talaaq, according to the correct view.

See the answer to question no. 170606 and other questions referred to therein.

Fourthly:

If a man clearly utters the word of divorce (talaaq), then it counts as such, whether he intended it or not, because there is no stipulation that the intention be present in the case of a clear statement, unless he was forced to issue the divorce or he was in a state of extreme anger, in which case his divorce does not count as such.

See also the answer to question no. 174341.

If you have consulted a scholar whom you trust, you should accept his opinion and not look for another view.

And Allaah knows best.