172162 - He divorced her three times when she was menstruating

the question

Me and my husband had an argument where i end up asking him to divorce me. he bought two witnessess and in front of them he divorced saying talaaq talaaq talaaq with the intentio of divorcing me thrice and that day i had my periods. after onsultation with my parents we follow hanabi where iddat period is mandatory so they considered this divorce as one. his family follows hanafi where this talaaq s considered thrice and now there is a lot of confusion . i prayed to allah (swt) for what to do i keep on having this dream where i am not able to get married to anyone else. what does it mean. should i accept this divorce and move on but my dreams keeps on haunting me?.

Detailed answer

Praise be to Allah.

If your husband went to the court or consulted a scholar whom he trusts, and that scholar ruled that the threefold divorce counts as such, then the matter is as he ruled, and you are not permissible for your (ex-)husband.

But if he did not consult anyone or go to the court, then the reliable ruling in our opinion is that divorce issued at the time of menses does not count as such, either as one (talaaq) or more, and that the threefold divorce -- if it is issued during the time of purity (i.e., when the woman is not menstruating) is counted as one divorce. If you husband follows this fatwa, or he himself consulted a scholar who says that it does not count as a divorce, you are still married and no divorce has taken place.

If he consulted a scholar who says that divorce issued at the time of menses counts as such, but he regards the threefold divorce as one, then you have been divorced once (one talaaq) and he

may take you back so long as the ‘iddah has not ended.

See the answers to questions no. 72417, 36580, 147987 and 96194 for the scholarly fatwas that we have referred to.

And Allah knows best.