178554 - He divorced her for a third time because he thought that she had been spying on him, but the second divorce came during a period of purity when he had had intercourse with her

the question

At the beginning of my marriage, there was a problem between me and my husband; we argued and he said: You are divorced.
Sometime after that there was another problem, and this time I remember it vividly, because one week after my monthly period we had intercourse twice, then six days after that, because of the mother, there was a very big problem and he said to me: You are divorced. One week after that my period should have come, but it did not come. I told my husband and he took me to the doctor, and when we went there she told me that I was pregnant.
The last time, my husband and I were sitting down for lunch, then we went to rest. In the bedroom his mobile phone rang but he did not answer it. Then it rang again and he went out of the room and shut the door, and went to the sitting room. When he had finished talking and came back to the room, he wanted to go out. Then I had some doubts about my husband, and when he came back I said to him: Where are you going? He said: I have work. I exploded at him and said to him: I followed you to the sitting room and I heard who you were talking to!
He went crazy and what I said shocked him. He said: How dare you spy on me after all this kind treatment! Did you come to listen out from behind the wall and spy on me? You are divorced!
As soon as I heard these words I collapsed and I swore by Allah that I never came out and I never heard anything of the conversation. I swore on the book of Allah that I did not do that. After checking with other household members and becoming certain that I had not come out and that I was telling the truth, he calmed down and said: I swear by Allah that if I had not been certain that you are innocent, I would not have forgiven you. I said to him: Why did you divorce me this third time?
He said to me: No, this is the second time. I said to him: But I am certain, and I reminded him of the time when we had that problem and that one week afterwards I had gone to the hospital and

they told me that I was pregnant. He got angry and said: I remember that problem but I am sure that I did not divorce you; I only threatened to divorce you. Anyway, who is the one who issues the divorce, is it me or you? I know what I said, and you do not know more than me!
Is it true to say that the second divorce does not count as such because it came during a period of purity in which he had intercourse with me? What is the ruling on the last divorce?
What should I do? No one knows my situation except Allah. I do not want to leave my husband and my house and my children. By Allah I am suffering a great deal at every moment. Please note that the mufti appointed by the government told me that there is no problem in me following those who say that the innovated divorce (talaaq bid'i) does not count as such.

Detailed answer

Praise be to Allah.

Firstly:

If a man divorces his wife during a period of purity in which he had intercourse with her, it is an innovated divorce (talaaq bid'i), and does not count as a divorce according to the correct scholarly opinion. Please see the answer to question no. 106328. This applies so long as the matter has not been referred to a shar'i court which ruled that the divorce does count as such, or so long as the husband who issued the divorce had consulted a scholar who issued a fatwa saying that the divorce counts as such, then he acted on the basis of that fatwa and counted it as a divorce. In such cases he does not have the right, after issuing another divorce, to have second thoughts about the previous divorce. We have discussed this in the answer to question no. 158115.

Secondly:

If a man divorces his wife for a specific reason, then it becomes clear that this thing did not happen, his divorce does not count as such, according to the more correct opinion – for example, if he believed that she was spying on him, so he divorced her, or he heard something bad about her, so he divorced her, then it became clear that she was innocent of that. This has been discussed

previously in the answer to question no. 36835.

Based on that, if your husband only issued the third divorce because of your spying on him – as he thought or believed – then it became clear that you were not spying on him, this divorce does not count as such.

Your husband has to fear Allah, may He be exalted, and refrain from uttering words of divorce.

We ask Allah to set your affairs straight and reconcile your hearts.

And Allah knows best.