

Fatwa no. 13406

Q: My wife goes to our next-door neighbors' without telling me. When I returned home from work, I did not find her at home. This has happened many times. I have advised her not to go there, but she does so often. One day, I got angry and took her to her family. I told her father what she was doing and they realized she was mistaken. I told them that if she went to either of those two houses again, she would not be my wife. I do not know whether she has been there again after this talk with her family or not, but when I return home from work now, I find her at home. Please advise me on what I said to her, that if she went to either of these two houses she would not be my wife. Is she unlawful to me? What should I do? Please give me a ruling and may Allah bless you for it.

A: If your intention by saying to your wife, "If you go there, you will not be my wife," was Talaq (divorce pronounced by a husband), and she went, one pronouncement effecting Talaq occurred. You may take her back in marriage, as long as she is still in her 'Iddah (woman's prescribed waiting period after divorce or widowhood) provided you had not pronounced Talaq twice before. However, if your intention from these words was to prevent your wife from visiting the neighbors and not to pronounce Talaq, and she then went to visit them, this is not regarded as a Talaq; rather, it comes under the ruling of a broken oath. The Kaffarah (expiation) that should be made for it is to feed ten poor people, clothe them, or free a believing slave. If you cannot do that, you should observe Sawm (Fasting) for three days. If you do not know whether she went to those two houses or just one of them, it is not sinful for you to have conjugal intercourse with her. This is because the fundamental ruling is that the 'Ismah (the bond of marriage) continues [as long as nothing breaks it].

May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family and his Companions.

The Permanent Committee for Scholarly Research and Ifta'

Deputy Chairman
`Abdul-Razzaq `Afify

Chairman
`Abdul-`Aziz ibn `Abdullah ibn Baz