

Fatwa no. 5045

Q: My wife left my house and went to visit her family without asking for my permission. After she had left, some guests came to the house. I went to bring her with me to extend hospitality to our guests, but she refused to come. A fierce argument broke out between my wife and me and also between my mother-in-law and me, as her mother refused to let her come with me or to return to her house. As a result, I uttered one pronouncement of Talaq (divorce pronounced by a husband). I said, "I will divorce you if you do not come with me." But she did not come with me. However, I took her back in marriage after that. A short time after her return to my house, there was an argument between my cousin and me, as he had insulted me and hit me. I said, "It is Haram (forbidden) for me to return evil with evil and my wife is Haram for me"? Please give me a Fatwa (legal opinion issued by a qualified Muslim scholar) on this.

A: First: If the reality is as you mentioned and you did not intend by saying to your wife who refused to go with you, "It is upon me to divorce you if you do not come with me," to divorce her by such a statement if she did not comply with you, and you said it only to urge her to go with you, then no divorce occurred because of it. Rather, you have to make Kaffarah (expiation) for a broken oath, according to the more correct of the two opinions of the scholars. On the other hand, if you did intend to divorce her by saying so, in case she refused to comply with you, she is divorced due to that, through one pronouncement of Talaq. Your taking her back in marriage is valid as long as she was in her 'Iddah (woman's prescribed waiting period after divorce or widowhood) and you had not had divorced her twice previously.

Second: You have to make Kaffarah for your broken oath for saying, "My wife is Haram (forbidden) for me if I return evil with evil," as long as you did not carry out what you said. You also have to make Tawbah (repentance to Allah) from this action, as it is not permissible for Muslims to declare Haram what Allah has made Halal (lawful) for them. The Kaffarah you have to perform for your broken oath is to feed ten poor people, clothe them, or free a believing slave. If you cannot do that, you have to observe Sawm (Fasting) for three days. The amount of food that must be given as Kaffarah is half a Sa' (1 Sa' = 2.172 kg) of the usual food of your country, according to the Sa' of the Prophet (peace be upon him) or what is equivalent to it. Half a Sa' is 1.5 kg and should be given to each of the ten poor people.

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

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