

Darul Ifta Caribbean

دار الإفتاء كاريبيان

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Question

Husband says "I am considering giving you a divorce". Wife says "Does that mean you've given me one?" Husband says "Yes"

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah, the Most Gracious, the Most Merciful

Answer:

The above incident is a very simple conversation with a serious impact. Islam considers the meanings of the words uttered by the human being as long as a clear and real meaning can be understood or benefitted from it. The literal meaning of all speech is initially considered in the shariah¹ and if a literal meaning is not possible or beneficial then a metaphorical meaning is attributed to it.²In this incident, the literal meanings will be taken into account and not any metaphorical possibility.

It is absolutely clear that the wife had asked if the husband had given her a Talaaq. Her question was a response to the earlier statement of the husband, and his reply to her question was confirmation that Talaaq was given. His reply of "yes" will be enough to confirm a Talaaq. All statements will be considered as connected and not separate.³

¹ Qawaaid ul Fiqhiyyah,pg 64,#45

² Qawaaid ul Fiqhiyyah,pg 66,#46

³ Qawaaid ul Fiqhuyyah,pg 69,#50

One Talaq,Raji' (revocable) will be considered in this case.

Only Allah knows best

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