

Darul Ifta Caribbean دار الإفتاء كاريبيان

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Question

Our marriage has been disintegrating for a few years. And whenever we have a fight he always brings up divorce ...threatens it and several times has said things like "you are not my wife anymore..only paperwork is left." I don't consider you my wife". And these things were said thru texts. So he didn't just accidentally blurt them put in anger. We also have not slept together in about 6 months. Does that constitute anything toward Islamic divorce

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

Answer:

A marriage is very similar to a business partnership or transaction. Witnesses are needed for the validity of contracts and the statement of only one party isn't taken as proof to make a decision until the other partner gives their side of the story.

Firstly - The words that were used will be considered as "kinaayah" this refers to such wordings whose direct meanings are hidden¹ but may be interpreted according to the language and custom of the people using them.

¹ Haashiya Ibnu Aabideen,pg 514,vol 4

Secondly – Words will be understood with their apparent and literal meanings where possible², if the literal meanings are not applicable then the metaphorical meanings will be used.³

The general and literal meanings of the statements in question usually refer to Talaq (Islamic Divorce), however the intention and environment surrounding the statements MUST also be considered⁴ because these wordings may also be used as an answer to a question or as a curse or abuse towards you in a conversation.

Our Fatwaa is based upon the wording of your question and should not be taken as a final decision concerning the status of your marriage, we do advise that your husband clarifies his statements and also make known his intentions at the time of uttering them, this will be fair to all involved.

Only Allah knows best

Written by Mufti Naieem Mohammad

Checked and approved by Mufti Mohammed Tosir Miah

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² Qawaaid Fiqhiyya,pg 64

³ Qawaaid Fiqhiyya,pg 66

⁴ Haashiya Ibnu Aabideen pg 518,vol 4