

344065 - He said to his wife at night: “If you don’t leave and come home with me, then it’s valid,” and they left together in the morning

the question

Me and my husband had an argument at my parents house and we had been arguing from 10 pm and it escalated to him saying “if you don’t leave with me and walk out that door and come home with me then it’s valid” he didn’t verbally say what I knew he meant but he made it clear to me without saying the word ‘divorce’. We ended up leaving the next day early in the morning. Later on that day, I had asked him what he exactly meant he told me it was just for that night he wanted me to come home with him. did a divorce take place as we left the next day together? And does it count any other time? For an example, if I stayed at my parents and he had left to go home on his own.

Detailed answer

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Firstly:

If a man says to his wife “It’s valid”, does that count as a divorce (talaaq)?

Your husband’s saying “It’s valid” is not one of the words of divorce (talaaq), although it could mean that. It depends on his intention. If he intended divorce thereby, then divorce takes place when the condition is broken, but if he did not intend divorce thereby, then nothing happens, even if the condition is not met.

For information on metaphors for divorce, please see the answer to question no. [246965](#) .

Secondly:

Making divorce dependent upon a condition

With regard to his saying, “If you don’t leave with me and walk out that door and come home with me, then it’s valid,” if we assume that what he meant by the words “it’s valid” was divorce, then the divorce is dependent upon a condition, which is your not leaving with him.

There are two possible scenarios in this case:

1.. If he wanted to urge you and threaten you, and did not intend divorce, then this comes under the ruling on oaths, and if you did not leave with him, then he must offer expiation for breaking an oath (kafaarat yameen).

2.. If he intended divorce, then if you did not leave with him, it counts as one divorce (talaaq).

For more information on the divorce that is dependent upon a condition, please see the answer to question no. [82400](#) .

Thirdly:

You said that you left with him early in the morning, so reference should be made to what he meant when he said, “If you don’t leave with me and walk out that door and come home with me.” Did he mean leaving straight away, or during the night, or did he mean that he would not leave unless you were with him, even if that was on the following day?

In the first case, he has broken his oath, so he must offer the expiation for breaking an oath, or it counts as one divorce (talaaq), according to the details discussed above.

In the second case, there are no consequences, because he fulfilled what he meant, and did not break his oath.

Thus it becomes clear that the intention in this case with regard to three things:

1.. What he meant when he said, “It’s valid.”

2.. When he made the divorce dependent upon a condition, was his aim merely to threaten you, or did he really intend divorce?

3.. Regarding the time of departure, did he mean that it should happen straightaway or during the night, or was it more general in meaning than that, such as if it happened on the following day?

Fourthly:

This oath is connected to this visit only, and is not applicable to subsequent visits. If it so happens after that that you stay in your family’s home and he leaves, that does not result in any consequences.

Our advice to your husband is to control his tongue and avoid uttering the word of divorce except in the case that he really does want to end the marital relationship. Our advice to you is to not discuss anything with your husband when he is angry, and to postpone that until he has calmed down.

And Allah knows best.