100997 - He said to her: You are not my wife and I will never come back to you

the question

After an argument my husband said to me ‘you are not my wife, I will never come back to you’ however the same day in the evening I became ill, he done ruqya on me and told me he was sorry for what he said, later I asked him and he said I had no intention of divorce when I said that. Has divorce taken place by saying ‘you are not my wife’? This happened some take ago, I have read books and some say it is necessary to say divorce others say different. Now and again I get waswaas what if our nikah has been nullified. I have 2 daughters with him and alhamdulilah we have never had such an argument again. Please advise.

Detailed answer

Praise be to Allah.

If a husband says to his wife: ‘You are not my wife and I will never come back to you’, this is a metaphor for divorce, because divorce may be either explicit or implicit. Explicit divorce counts as such regardless of intentions, and implicit divorce only counts as such if there was the intention of divorce.

As your husband did not intend to divorce you by saying that, then it does not count as a divorce.

In al-Insaaf (8/468) and Kashshaaf al-Qinaa’ (5/250) it says that if a man says to his wife, ‘You are not my wife’ and other words that imply divorce, if he intended to divorce her then it counts as a divorce, and if he did not intend to divorce her then it does not count as a divorce.

It says something similar in Tuhfat al-Muhtaaj (8/6) and Tabyeen al-Haqaa’iq (2/218).

We ask Allaah to reconcile between you and to bring you together in obedience to Him.

And Allaah knows best.