107044 - He imagined that his wife was standing in front of him and he spoke to her in a way that he fears constitutes a divorce

the question

I was arguing with my wife about the quality of the food then she left the room while I was lying down on bed. After she left I started imagining the situation happening again, I imagined her standing in front of me and that I shouted at her saying “leave this room” and instead of saying the slang expression that means “leave me alone” I said to her, in my imagination: “your are free of me”. All this happened in my imagination, I was alone in the room, and then I thought that my imagination took me too far. Is what I said considered divorce, although it all happened just imagination even if I said those words. This situation happened years ago, my wife was pregnant then, I love my wife a lot, we do not have any problems, and what should I do now? Is it considered one divorce? If yes, then is having our private relationship together means that she is back to me? Is it necessary to tell her all this or not?.

Detailed answer

Praise be to Allah.

You say, “all of this happened in my imagination”; if what you mean is that you did not utter these words, rather you only imagined it, but no words were actually spoken, then this does not lead to anything, because the Prophet (peace and blessings of Allaah be upon him) said: “Allaah has forgiven my ummah for whatever crosses their mind so long as they do not speak of it or act upon it.” Narrated by al-Bukhaari (5269) and Muslim (201).

Divorce does not take place if one merely intends it, rather it is essential that there be something which indicates that, such as uttering a phrase or writing something down. Hence Qataadah said: “If he divorces to himself (in his mind) then it does not count as anything.”

Ibn Hajar said: “Al-Khattaabi quoted as evidence the fact that there is consensus that the one who

intends zihaar (a jaahili and invalid form of divorce) does not become one who has divorced his wife by zihaar. He said: The same applies to talaaq (divorce). Similarly, if a person thinks to himself of slander he does not become a slanderer. If thinking to oneself affected anything then it would invalidate the prayer. End quote.

See: al-Baari (9/394).

This has also been discussed in the answer to question no. 81726.

But if you uttered these words and you remember that your tongue ran away with you and you spoke the words “You are free of me,” when you actually intended to say the slang expression meaning “leave me alone”, the majority (of scholars) are of the view that a divorce issued by mistake does not count as such, because Allaah says (interpretation of the meaning):

“And there is no sin on you concerning that in which you made a mistake, except in regard to what your hearts deliberately intend”

[al-Ahzaab 33:5]

“Our Lord! Punish us not if we forget or fall into error”

[al-Baqarah 2:286]

Muslim narrated from Ibn ‘Abbaas (may Allaah be pleased with him) that when this verse was revealed, Allaah said, “I have answered (this du’aa’).”

And the Prophet (peace and blessings of Allaah be upon him) said: “Allaah has forgiven my ummah for mistakes and forgetfulness, and what they are forced to do.” Narrated by Ibn Majaah (2045) and classed as hasan by al-Nawawi; classed as saheeh by al-Albaani in Irwa’ al-Ghaleel (1027).

If a person’s tongue runs away with him and he utters the words of divorce without intending to, it does not count as a divorce because the intention was not there.

Ibn al-Qayyim (may Allaah have mercy on him) said: What is meant is that the tongue runs away with a person and he utters the word of divorce without intending that; this means that the divorce does not count as such, according to the majority. End quote.

Ighathat al-Lahfaan fi Hukm Talaaq al-Ghadbaan (. 60)

Al-Ghazaali said, concerning unclear intention when uttering the words of divorce: The first type is when a person's tongue runs away with him; when the words divorce is uttered in conversation or when he is asleep, divorce does not take place. End quote.

Al-Waseet by al-Ghazaali (5/385).

Al-'Adawi said in his Haashiyah (2/102): If a person intends to say something other than the word of divorce but his tongue slips and he says the word of divorce, it does not mean anything, if it is proven that his tongue ran away with him. End quote.

See also: al-Sharh al-Kabeer by Ahmad al-Dardeer (2/366); Haashiyat al-Dasooqi (2/366).

Moreover, your saying "You are free of me" is a metaphorical phrase which does not imply divorce, unless the husband intended divorce by saying these words. So long as you did not intend divorce, no divorce took place.

It seems from your question that no divorce took place because of this incident.

And Allaah knows best.