147889 - He said to his wife: If you talk about this matter it will be the last thing between me and you… And he is not sure about his intention

the question

During quarreling with my wife, I told her: "I swear by Allah The Almighty if you re-talk in this matter again, it would be the last thing between us." After a while, a question is raised within myself feeling unrest: what did I mean by saying "the last thing between us"? A little afterwards, my wife did re-talk in that matter, then I closed her mouth with my hand saying to her: Haven't I sweared not to re-open this matter again? I left her and went to the sitting room talking to myself that divorce is due now. After calming down and considering, I am sure I have not intended real divorce but just to prevent her from opening that matter again. I didn't mean divorce anyway, just wanted to keep her away from discussing this matter, as I know divorce depends on intention. Please clarify me.

Detailed answer

Praise be to Allah.

Your saying to your wife, “I swear by Almighty Allah that if you speak about this matter again it will be the last thing between me and you” is not an explicit statement of divorce; rather it comes under the heading of implicit statements that may be understood as referring to divorce or may be understood otherwise.

The basic principle with regard to implicit statements is that they do not count as divorce unless there was the intention of divorce, even if they are spoken during an argument or in a moment of anger, according to the more correct opinion.

Based on that, if you did not intend divorce when you spoke these words, then no divorce has taken place.

But if you did intend divorce by these words when you said that, then divorce has taken place if she spoke about that matter, and it counts as one divorce. If she did not speak about it then nothing has happened.

If a person says words that imply divorce but he is not sure whether he intended divorce or not, then it does not count as a divorce because the basic principle is that no divorce has taken place.

As you are not certain whether there was any intention of divorce; rather you think it most likely that you did not have any such intention, then no divorce has taken place.

And Allah knows best.