151734 - He said to his wife: If you have problems with me I will send you your papers; does this count as divorce (talaaq)?

the question

Me and my wife gets into argument quiet often...during a big fight having...i asked her if she wants and she has problems with me i can send her papers and she can sign it and send back since i work in dubai...but my intention neither was and never is to do it...it was just general talking...does that construct divorce? can thinking about it makes it happen...because it was only thinking not decided? even though i and her never intend to do it...never used or said those words...can thinking about it in a general way or one of the ways...makes it happen?.

Detailed answer

Praise be to Allah.

What you said to your wife does not count as divorce, for two reasons:

1. You did not clearly utter the word of divorce (talaaq). The most that can be said is that it was a metaphor, and metaphors do not count as divorce unless they are uttered with the intention of divorce.

2. Even if you clearly uttered the word of divorce, it does not count as such, because it is speaking of something in the future that has not yet happened. If the husband says to his wife: “If you have problems with me, I can send you the divorce papers”, this does not count as a divorce unless he actually sends the divorce papers.

We should point out with regard to the divorce papers that when they are sent to the wife, that counts as a divorce, whether the wife signs them or not. It is not a condition of divorce that the woman gives permission or approves of it.

We should also point out that thinking to oneself about divorce or deciding to do it does not count

as anything, so long as the word is not uttered.

For more information please see the answer to question number 34164.

And Allah knows best.