22680 - He left the house and went away. Is this counted as a talaaq (divorce)?

the question

A husband has left a wife on three occasions. In all these occasions, he simply walked out the door, no utterance of divorce. After about a month or so for two of these occasions, the wife received a letter stating the condition if he were to return, as well as stating that if these conditions weren't met, he would divorce her. Are these two occasions classed as talaqs, also, are they 2 separate talaqs, noting that the wife did not realise that it was a talaq if it was intended. The third occasion was clearly a talaq. Furthermore, the husband is on some sort of heart medication which the wife feels has made him unstable in thought. She still wishes to be his wife and wants to care for him but according to the imaams, he has divorced her three time. She wishes for this to be resolved. Was she talaq-ed three times?

Detailed answer

Praise be to Allah.

A divorce does not happen simply by intention, because the Prophet (peace and blessings of Allaah be upon him) said: “Allaah has forgiven my ummah for what crosses their minds, so long as they do not act upon it or speak of it.” (Narrated by al-Bukhaari, 5269; Muslim, 127)

Rather talaaq (divorce) happens in one of two ways: either by speaking or by writing. (Fataawa al-Talaaq by Ibn Baaz, 53-54)

On this basis, talaaq did not take place on the first and second occasions, because the husband did not speak or write the words of talaaq .

As for the third occasion, if he said, as stated in the question, “that he would divorce her if these conditions were not met”, this too is not counted as a talaaq, rather it is a threat of talaaq. Whether the conditions were met or not, this does not mean that a talaaq has taken place,

because of threat of talaaq does not mean that a talaaq has actually taken place. (Fataawa al-Talaaq by Ibn Baaz, 56).

And Allaah knows best. May Allaah send blessings and peace upon our Prophet Muhammad and upon all his family and companions.