261023 - He did not utter the word of divorce or write it down, but he asked the lawyer to issue the wife a threat of divorce

the question

Please can you issue guidance on the following matter
My wife and I married in 2005 in XXX, we did not register the marriage in XXX, some years later in 2011 we parted due to several reasons, things progressed to court and she issued divorce proceedings in XXX, I opposed them on the grounds the XXX court had no jurisdiction on the matter as we were both from XXX & marriage was conducted in XXX We have 3 young children, I did not want to go down the divorce route instead I wanted some form of Arbitration, leading to reconciliation So I approached the legal system in XXX as that's where the Nikah was performed, again they tried in vain to make contact , nothing positive was achieved I even at one point pleaded for the sake of the children At no point did I ever utter the words Thalaaq verbally or intentionally write them down as such, but I did ask my counsel in XXX to issue a letter to pressurize my wife to reconcile for the sake of the children or face the Court with the threat of Divorce, again no response came In 2015 the XXX court issued a degree on grounds of unreasonable behaviour and told me to seek legal advice We have since reconciled and would like to know that from an Islamic Shariah perspective we are not committing any sin please could you help as I have performed Umrah since and we are both Allah Fearing ,We want to start living together but don't want to be committing Zina

Detailed answer

Praise be to Allah.

If you did not utter the word of divorce verbally or in writing, and you did not instruct the lawyer to issue a divorce, then no divorce has occurred on your part. If you instructed the lawyer to issue a threat of divorce to your wife, and he did that, that does not count as a divorce either, because a threat of divorce is simply a threat, and does not count as anything unless you carried out your

threat and issued a divorce.

The fact that your wife was far away from you during this period, or that she wanted a divorce, or that she went to the court to seek a divorce, does not matter. None of these things constitutes an actual divorce.

Based on that, your marriage is still valid.

But we advise each of you to pay attention to the rights of the other, and to strive to reach an understanding and deal with any matters that may cause dispute.

Allah, may He be exalted, says (interpretation of the meaning):

“And live with them [wives] in kindness”

[an-Nisa’ 4:19]

“And due to the wives is similar to what is expected of them, according to what is reasonable. But the men have a degree over them [in responsibility and authority]”

[al-Baqarah 2:228].

And the Prophet (blessings and peace of Allah be upon him) said: “Treat women well.” Narrated by al-Bukhaari (3331) and Muslim (1468).

And he said: “The best of you are those who are best to their wives, and I am the best of you to my wives.” Narrated by at-Tirmidhi (3895) and Ibn Maajah (1468). Classed as saheeh by al-Albaani in Saheeh at-Tirmidhi.

And he (blessings and peace of Allah be upon him) said: “If I were to instruct anyone to prostrate to anyone else, I would have instructed women to prostrate to their husbands, because of the rights that Allah has given them over them.” Narrated by Abu Dawood (2140), at-Tirmidhi (1159) and Ibn Maajah (1852). Classed as saheeh by al-Albaani in Saheeh Abi Dawood.

And he (blessings and peace of Allah be upon him) said: “If a woman prays her five (daily prayers), fasts her month (of Ramadan), guards her chastity and obeys her husband, she will enter Paradise by whichever of its gates she wishes.” Narrated by Ibn Hibbaan (4163). Classed as saheeh by al-Albaani in Saheeh al-Jaami‘ no. 660.

We ask Allah to guide you both.

And Allah knows best.