99059 - He spoke the words of divorce because his wife yells at her daughter

the question

I woke up scared one day when my wife was shouting at my daughter because she made her school uniform dirty. ,br> I became angry with my wife’s loud voice in this early time of the day and said to her: “you will be divorced if you scream or say any other word to the girl” she disobeyed me and said some things to my daughter after this. What is the ruling on this? Did this divorce take place? If yes, is it considered one or final divorce? What should I do now?.

Detailed answer

Praise be to Allah.

Firstly:

The husband should be cautious and careful, especially when speaking the words of divorce, so that he will not regret it at the time when regret will be to no avail. It is unwise for a man to divorce his wife because she yelled at her daughter or raised her voice.

Secondly:

The scholars call this a conditional divorce, and the correct view concerning the ruling thereon is that if the husband indeed intended that divorce should take place, then it takes place when the wife goes against his wishes, and it counts as one talaaq only.

In this case you should take her back (if this was a first or second talaaq) by saying: “I take you back” It is mustahabb that you should have your divorcing and taking back witnessed.

But if your intention was only to stop her yelling, and you do not intend to divorce her, then this comes under the same ruling as an oath, and you have to offer the expiation for breaking an oath, and this does not count as talaaq. See the answer to question no. 82400.

For detailed information on the expiation for breaking an oath, please see the answer to question no. 45676.