178227 - Ruling on one who says “Harramt (she is haraam to me)” but does not intend to divorce

the question

I hope that you can advise me about one who says “Harramt (she is haraam to me)” but does not intend it as divorce.
I know some Sudanese people who say “Harramt (she is haraam to me)”, intending divorce thereby. I am not Sudanese, but I live with them and I have picked up some of their culture. One day, I was having anargument with a friend of mine from the Sudan, and he said to me: You will never let any Sudanese ride in your car after today. Without thinking, I said: “Harramt (she is haraam to me)”, meaning Yes indeed; I had no intention whatsoever of divorce or anything of that nature – Allah forbid. I did my marriage contract two months ago and have not yet consummated the marriage.
Since that day I have been very worried. I have read some of the fatwas on the Islamweb and Tareeq al-Islam websites, and according to the fatwas, this phrase depends on the intention at the time it was spoken; some of them said that it is regarded as an oath and the expiation for it is the same as the expiation for breaking an oath (kafaarat yameen).
I have asked Allah a great deal for forgiveness and I have promised Allah that I will not do it again. I also fasted for three days as the expiation for breaking an oath. But I wanted to write to you and explain to you what happened so that you could put my mind at rest.

Detailed answer

Praise be to Allah.

What you have mentioned about uttering the word “Harramt” is subject to further discussion:

1 - If you said this word without thinking and without intending what it means, then you do not have to do anything.

2- If you meant what you said, then there is a difference of opinion among the fuqaha' concerning this word. Some of them regarded it as zihaar (a jaahili form of divorce in which a man said to his wife: You are to me as my mother's back), and some of them regarded it as talaaq.

The most correct opinion concerning this matter is: if he intended it as talaaq, zihaar or an oath, then it is as he intended. If he did not intend anything, then he has to offer expiation for breaking an oath. This is the view of Imam ash-Shaafa'i (may Allah have mercy on him).

See also the answer to question 81984

So long as you did not intend talaaq (divorce) or zihaar, then expiation either is or is not required; as you have offered expiation for your oath, you do not have to do anything else now.

And Allah knows best.