82550 - She had an argument with her husband and went to her family’s house for three months

the question

I had an argument with my wife and she left the house and went to stay with her daughter, and she did not speak to me despite my many efforts. Then her parents came and took her with them, without referring to me or meeting me to talk about what happened or to try to bring about a reconciliation. Now it has been three months with no contact or asking about her children. What is the ruling – is she still my wife or is she considered to be divorced?.

Detailed answer

Praise be to Allah.

Firstly:

It should be noted that one of the main causes of problems between husbands and wives, which may lead to very bad consequences, is the lack of knowledge on both sides of the rights that each spouse has over the other. Islam came to establish these rights and to make each spouse adhere to them, as Allaah says (interpretation of the meaning):

“And they (women) have rights (over their husbands as regards living expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable, but men have a degree (of responsibility) over them”

[al-Baqarah 2:228]

The rights of each spouse are matched by duties that they owe to the other. This achieves balance between them, which leads to stability in family life. Ibn ‘Abbaas (may Allaah be pleased with him) said concerning this verse: This means that women are entitled to kind and decent treatment from their husbands, just as they are required to obey them in matters in which they are enjoined to

obey their husbands. Al-Qurtubi said: The verse includes all marriage rights and duties.

These duties include overlooking insignificant matters and mistakes, especially words and actions by which no harm was meant. According to the hadeeth of Anas (may Allaah be pleased with him), the Prophet (peace and blessings of Allaah be upon him) said: “Every son of Adam is prone to error, and the best of those who err are those who repent.” Narrated by al-Tirmidhi (2499); classed as hasan by al-Albaani in Saheeh al-Tirmidhi.

Both husband and wife have to put up with one another, for everyone makes mistakes and the one who deserves most tolerance is the one who is with you most of the time. Neither party should respond in kind if the other is angry. If one spouse sees the other being irritable, he should restrain his anger and not respond directly to the irritation. Hence Abu’l-Darda’ (may Allaah be pleased with him) said to his wife: “If you see me angry, try to calm me down and if I see you angry I will try to calm you down, otherwise we cannot live together.” The Imam of Ahl al-Sunnah, Imam Ahmad, (may Allaah have mercy on him) married ‘Abaasah bint al-Mufaddal, the mother of his child Saalih, and he used to say of her: “Umm Saalih stayed with me for twenty years, and we never differed concerning anything.”

One of the greatest duties is that each spouse should advise the other to fear Allaah. In a saheeh hadeeth it is narrated that Thawbaan said: “When the verse ‘And those who hoard up gold and silver’ [al-Tawbah 9:34] was revealed, we were with the Prophet (peace and blessings of Allaah be upon him) on one of his journeys, and some of his companions said: ‘There has been revealed concerning gold and silver what has been revealed; if we knew what kind of wealth is better we would seek it.’ He (peace and blessings of Allaah be upon him) said: ‘The best of it is a tongue that remembers Allaah, a heart that is grateful and a believing wife who helps him in his faith.’” Narrated by Ahmad (21358) and al-Tirmidhi (3094). It is also narrated in Saheeh al-Jaami’ (5231).

Moreover a man should not hate his wife if he sees in her something that he dislikes, because if he dislikes one characteristic in her, he will be pleased with another, so the one will make up for the other. According to the hadeeth, the Prophet (peace and blessings of Allaah be upon him) said: “Let not a believing man hate a believing woman; if he dislikes one characteristic in her he will be

pleased with another.” Narrated by Muslim (1469).

One of the greatest things that will help to create a good relationship between spouses is a good attitude. Hence Islam attaches great importance to it. It was narrated from Abu Hurayrah (may Allaah be pleased with him) that the Prophet (peace and blessings of Allaah be upon him) said: “The most perfect of the believers in faith are those who are best in attitude, and the best of you are those who are best to their womenfolk.” Narrated by al-Tirmidhi (1162); classed as saheeh by al-Albaani in Saheeh al-Tirmidhi.

Part of kind treatment is forbearance, not following up on all matters, small or great, and not rebuking or scolding for everything, except with regard to the rights of Allaah.

Secondly:

The fact that your wife left the house without your permission and has been away for so long, does not mean that she is divorced, rather she is still your wife, and she is not divorced unless you divorce her.

But this leaving is counted as nushooz (wilful defiance) and she is sinning thereby, and she forfeits her right to maintenance, so long as she has no excuse for leaving, such as any harm or wrongdoing that you may have done to her. But her continuing to stay away from the home for this length of time, and her keeping away from her husband and children, are a sin that cannot be approved of, and her family should not help her in that. This staying away is one of the greatest means that the Shaytaan will use to destroy the household and create enmity. Hence a wise man, and a family that understands the consequences, will not approve of this staying away, rather they will strive to bring people together, discuss the matter and solve the problem in an atmosphere of kindness and love, so as to preserve the respect and love between the spouses.

Hence our advice to you is to get in touch with your wife, and admonish her and remind her of Allaah and of her duties towards her husband and children. If this advice does not succeed, then seek the help of good and righteous people among her relatives and others whom you know.

Our advice to the wife is to fear Allaah and beware of disobeying her husband and making him angry, and giving her family precedence over the interests of her home and children.

Both spouses should realize that stubbornly clinging to their own opinions will not solve the problem that exists between them, rather it will only make it worse. The one who is big hearted is the one who hastens to reconcile, and understands the importance of reconciliation. So be the big hearted one, and let that motivate you to seek an understanding and a solution to the problem. That will only raise you in status before Allaah, may He be exalted, and before His creation. The Prophet (peace and blessings of Allaah be upon him) said: “Allaah only increases a person in status if he forgives, and no one ever humbles himself before Allaah but Allaah will raise him in status.” Narrated by Muslim (2588).

So hasten to get in touch and ask after her. Take the first step towards reconciliation and bringing the family back together, and your reward will never be lost with Allaah.

We ask Allaah to guide you both.

And Allaah knows best.