95225 - Her husband promised that he would divorce her after her period ended

the question

A problem happened between my husband and I. He beats me for every small and big matter. So I went to my neighbour and refused returning to him. He said to me: “return to your home for one month, until you get purified of your menstruation period then I will divorce you”.

I returned for this reason, but later he said that he does not intend to divorce me and that he said what he said only to let me know the Islamic ruling on divorce; that it should be after one menstruation period if he does not have an intercourse with me. I refuse what he says because he promised me and gave me a word when I was at the neighbour’s house, that he will divorce me after the period. Is this considered divorce or not?.

Detailed answer

If a man says to his wife: “Go back to your house and children for a month, until your period comes then after it ends I will divorce you,” this does not count as a divorce (talaaq), because it is only a promise of divorce. Divorce does not take place unless the husband actually issues a divorce after the period.

A person may decide to divorce, then change his mind, and perhaps that is better for you and your children.

It is essential that the relationship between the spouses be based on kindness. It is not permissible for the husband to beat his wife except in the case of her being wilfully defiant (nushooz) and not responding to his exhortations and advice or forsaking her in bed. But he does not have the right to beat her on her face or beat her in a way that causes severe pain. Allaah says (interpretation of the meaning):

“Men are the protectors and maintainers of women, because Allaah has made one of them to excel the other, and because they spend (to support them) from their means. Therefore the righteous women are devoutly obedient (to Allaah and to their husbands), and guard in the husband’s absence what Allaah orders them to guard (e.g. their chastity and their husband’s property). As to those women on whose part you see ill-conduct, admonish them (first), (next) refuse to share their beds, (and last) beat them (lightly, if it is useful); but if they return to obedience, seek not against them means (of annoyance). Surely, Allaah is Ever Most High, Most Great”

[al-Nisa’ 4:34].

We ask Allaah to set your affairs straight.

And Allaah knows best.