

98032 - He made divorce conditional upon something that his wife does not know about

the question

My aunt's husband swore that his wife will be considered divorced if she comes to our home. She does not know about this, and she came to our home for womb relation and reconciliation reasons. We do not know exactly when he swore that she does not go to our home. By the way, my father, may Allah guide him, swears always by talaq, and my mother does not have except one more talaq to be haram for him. So what is the ruling on this? Also to be honest they are always fighting, every time they fight it just destroys our life more and more.

Detailed answer

In the answer to question no. [82400](#) we have stated the ruling on conditional divorce and discussed the scholarly points of view on the matter in detail. There is also a warning against hastening to divorce or using divorce as an oath.

Your aunt should understand that it is not essential that she know about her divorce being conditional upon her doing something, and it is not essential that she hear her husband utter the divorce, but her husband should have told her what he had done. Not telling her what he said about her divorce being conditional upon her entering her sister's house shows that he did not intend to stop her, rather he intended that the divorce should take place. If he had wanted to stop her, he would have made sure she heard what he said or he would have told her afterwards.

Whatever the case, it seems that he intended that the divorce should take place, and she became divorced when she entered her sister's house, even if she did not know what he had said.

See also the answer to question no. [43481](#).

And Allaah knows best.