

Saying Talaa instead of Talaaq

Question: During the heat of an argument with his wife, a man called an old neighbour as a witness and divorced his wife thrice. Another two women and a man also heard the divorces and everyone in the town knew well that the two were divorced. When some men from the Jamaa'ah saw that he still maintained contact with her, they enquired the reason from him. He told them that when the incident took place, he was only threatening her with divorce and used the word Talaa rather than Talaaq. Is the divorce effective?

Answer: There is no difference in using the word Talaa instead of Talaaq when issuing a divorce. The divorce will be effective either way. While the matter of intention may hold in the court of Allaah, the court of a Muslim judge will rule that divorce has taken place on the grounds of the stated words. A judge will not rule according to the man's intentions. However, if he summoned two witnesses beforehand and told them that the words he intends stating are only as a threat, the judge will hear their testimony and rule that no divorce has taken place.

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