

The first question of Fatwa no. 14229

Q 1: A Muslim brother has been married for five years and he is used to smoke a lot. As he wants to quit smoking, he has taken an oath saying: "By Allah, my wife will be unlawful for me if I do not quit smoking." However, he cannot quit smoking. He is asking about the ruling on his marital life after repeating the previous statement several times. Does the person's intention have an effect on such situations? He also asks whether the statement he has uttered considered an irrevocable divorce or Zihar (a man likening his wife to an unmarriageable relative). Could you kindly advise? May Allah reward you best.

A: If his intention is to prevent himself from smoking and he does not mean divorce, this divorce is not effective and not counted and he should offer Kaffarah (expiation) for an oath. If his intention is to divorce her if he starts smoking again, his wife will be divorced one time and he can take her back in marriage if this divorce is not the third and she is still in her `Iddah (woman's prescribed waiting period after divorce). He also has to offer Kaffarah for his oath. The Kaffarah is feeding ten needy persons, or providing them with clothing, or emancipating a believing slave. If he cannot afford any of them, he must observe Sawm (Fast) for three days.

May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

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