

The second question of Fatwa no. 18045

Q 2: My father swore by Allah, the Greatest, that his wife will be divorced if he eats any food or drinks anything in his brothers' houses. He said, 'By Allah, by Allah, my wife will be divorced three times if I eat or drink at my brothers' houses.' Your Eminence, he swore this oath several years before his wife died. After her death, he married another woman. Will his oath be effective regarding his second wife whom he married after swearing the oath of divorce or not?

A: If your father means by this oath to prevent himself from eating or drinking at his brothers' houses and does not intend divorce if he breaks his oath by eating or drinking, he has to offer the Kaffarah (expiation) of a broken oath, that is, feeding ten needy people or clothing them or freeing a Muslim slave. If he is unable to do so, he has to fast three days. If your father meant divorce by his oath and broke his oath, it is considered one revocable divorce. It is permissible for him to retain marriage to his first wife if she is alive when he breaks the oath. However, if the wife is dead, there is nothing required by him. This divorce has no effect on the second wife as long as the oath was before concluding her marriage contract.

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

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