

Fatwa no. 4744

**Q: I am a man who used to smoke cigarettes. My mother gave me one thousand riyals to give up smoking and she conditioned that I should divorce my two wives if I smoke again. So I said: "Both my wives will be divorced if I smoke cigarettes," and took one thousand riyal from my mother under the condition that if I go back to smoking, I will repay her three thousand riyals. However, I am not the kind of husband who may think to divorce his wives. I only desired to take the one thousand riyals and to give up smoking. Provide me with your Fatwa regarding this matter. May Allah reward you with the best.**

A: If the reality of the oath you took is what you have mentioned in the question that your intention was only to avoid smoking and get the riyals, no Talaq (divorce pronounced by a husband) will be counted if you smoke cigarettes.

However, it will be Wajib (obligatory) on you to make a Kaffarah (expiation) for not fulfilling your oath. Such a Kaffarah is to feed ten Miskins (needy persons) on a scale of the average of that with which you feed your family or to give them all five Sa's (1 Sa = 2.172 kg) of wheat, dates, rice, or corn, to clothe them by giving a garment to each one of them, or if you can not do any of the foregoing; you have to observe Sawm (Fast) for three days preferably in succession.

However, if your intention in taking an oath of divorce was to divorce your two wives if you smoke cigarettes; each one of them will be considered to be given one Talaq (divorce pronounced by a husband) and it is permissible for you to take them back in marriage in the presence of two just male witnesses as long as their Iddah (woman's prescribed waiting period after divorce or widowhood) has not expired.

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

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