

Husband swearing to divorce his wife if she ever swears by the life of his children again

Q 2: One day, my wife swore saying, "By the life of my children". I got angry and said, "If you swear by the life of the children again, you will be divorced and driven out of the house." I regretted it later, because I had no intention to divorce her.

Until now, she has not sworn again in front of me, but I want to cancel this oath lest she forget and swear again one day. What should I do? May Allah reward you best.

A: Swearing by the life of the children is an ineffective oath, because it is swearing by other than Allah (Exalted be He). This is impermissible; it is even an act of minor Shirk (associating others with Allah in His Divinity or worship). It was authentically reported that the Prophet (peace be upon him) said:

"A person who swears by anyone other than Allah is a Kafir (disbeliever) or a Mushrik (one who associates others with Allah in His Divinity or worship)." (Related by Abu Dawud and Al-Tirmidhy).

It was also authentically reported that he (peace be upon him) said:

"Allah forbids you to swear by your fathers. If one has to swear, they should swear by Allah or otherwise keep silent." (Agreed upon by Al-Bukhari and Muslim).

If the oath of Talaq (divorce pronounced by a husband) which you have taken is meant to prevent your wife from swearing by other than Allah (Exalted be He), it will be considered an oath that necessitates Kaffarah (expiation) if she ever swears by the life of her children while remembering the oath you have taken.

However, if your intention is to divorce her, one pronouncement of Talaq will be effective if she swears by the life of her children intentionally; whereas if she swears forgetfully, Talaq will not take place. This is based on the following Ayah (Qur'anic verse):

Our Lord! Punish us not if we forget or fall into error.

It was authentically reported that the Messenger of Allah (peace be upon him) said:

"Allah (Glorified be He) said: I have done (.E. Granted you what you have asked for)."

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

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