

Fatwa no. 16733

Q: I am a married man and I have a daughter. I live in the Kingdom of Saudi Arabia and I am late in repaying some of my debts. Once some creditors quarreled with me about this deferred payment and I took an oath of Talaq (divorce pronounced by a husband) not to provide for my wife. After a while, I sent her money. I took that oath in a fit of temper; would Talaq be effective? I performed Tawbah (repentance to Allah) as I considered taking an oath of Talaq an act of Shirk (associating others with Allah in His Divinity or worship). What is the ruling on that?

A: An oath of Talaq is not a permissible oath, and anyone who takes an oath of Talaq to bind themselves not to carry out an obligatory act must offer the Kaffarah (expiation) for breaking an oath. If by taking an oath of Talaq you intended to prevent yourself from providing your wife with Nafaqah (obligatory financial support), you are required to carry out this obligatory task and offer Kaffarah for an oath. This Kaffarah is to emancipate a believing slave, to feed ten Miskins (needy persons), or to provide them with clothing. If you cannot afford any of these, you must observe Sawm (Fast) for three days. However, if you took the oath of Talaq with the intention of divorcing your wife in case you broke your oath, and then you broke it, it would be considered a single pronouncement of Talaq. In this case, it is permissible for you to take her back in marriage as long as she is still in her `Iddah (woman's prescribed waiting period after divorce), unless this is the third pronouncement of Talaq. The oath of Talaq cannot be considered an act of Shirk. Rather, it is considered an oath if its purpose is to prevent oneself from doing a certain thing.

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

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