

Fatwa no. 7413

Q: I got married three years ago, but during this time I committed one of the gravest of major sins by having anal intercourse with my wife. I now regret what happened and I turned to Allah. In an attempt to prevent myself from doing it again, I said: "If I have intercourse with her again in her anus, she will be Haram (forbidden) for me." However, I did not tell her what I had sworn not to do. After around two years or more of commitment to my oath, my wife was having her monthly period and I was so sexually excited that I could not control myself and did not have the strength to resist my sexual desire. Although I knew that I had taken an oath not to have anal intercourse with her, I asked her permission to let me do so. She agreed to it just to please me. I then had anal intercourse with her once more. I hope that you will give me a Fatwa (legal opinion issued by a qualified Muslim scholar) on this matter, as I love my wife and we have a child. Since I committed this disastrous deed, I have been very anxious and fearful, but I have not told her anything.

A: First: Having anal intercourse with your wife is one of the major sins. You, therefore, have to make Tawbah (repentance to Allah) and ask Allah's Forgiveness for what you have done. You also have to regret what you did, and firmly resolve not to do it again. This is not regarded as a Talaq.

Second: If by your saying, "If I have intercourse with her again in her anus, she will be Haram (forbidden) for me," you intended to divorce your wife, you have divorced your wife by one pronouncement effecting Talaq (divorce pronounced by a husband), because you did have anal intercourse with her again.

You can revoke the divorce and take her back in marriage as long as she is still in her 'Iddah (woman's prescribed waiting period after divorce or widowhood), unless this Talaq was preceded by two other divorce pronouncements. But if you said it with the intention of preventing yourself from having anal intercourse with her and not to divorce her, it is obligatory on you to perform a Kaffarah (expiation) for a broken oath, as you did have anal intercourse with her after taking the oath not to do. This is done by feeding ten poor people, clothing them, or freeing a believing slave. If you cannot do that, you have to observe Sawm (Fasting) for three days.

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

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