

Fatwa no. 8731

Q 1: I proposed to my maternal aunt's daughter and concluded a marriage with her. There was a year and a half between the conclusion of the marriage contract and the consummation. During that period, I was afflicted with a psychological illness that shook my soul and destroyed my happiness, and I would have committed suicide, had I not feared Allah. The illness that I suffered from was the feeling that I lacked sexual drive, so I went to some psychiatric hospitals for treatment. I was very anxious, and began to masturbate to test my sexual capability, but I was tormented by this. So I took an oath of triple divorce (three simultaneous pronouncements of divorce) if I masturbated again, but I did it again. I repeated the oath and masturbated again for a second time, when I was under a dreadful psychological stress during which I was about to lose my mind. Is this divorce in effect or not?

A: First: Practicing masturbation is Haram (prohibited).

Second: If you intended by the above-mentioned oath to prevent yourself from masturbating and not to divorce your wife, you have to make Kaffarah (expiation) for each of your broken oaths. This is done by feeding ten poor people, clothing them, or freeing a believing slave.

If you cannot do any of this, you should observe Sawm (Fast) for three days. If the intention behind your oaths was to divorce your wife, you have divorced your wife twice, making one pronouncement of divorce by each oath, if you had consummated the marriage with her. If you did this before consummating the marriage, you have divorced her once. In this case, you can remarry her through a new marriage contract and a new Mahr (mandatory gift to a bride from her groom), according to the conditions required in Shari'ah (Islamic law). You also have to make Tawbah (repentance to Allah) for your sin and ask Allah for forgiveness.

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

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