337756 - Does Intercourse With Wife Using Condom Break the Fast?

the question

What is the ruling on one who had intercourse with his wife during the day in Ramadan, using a condom, and his wife obeyed him, on the basis of a fatwa that the husband had heard from a seeker of knowledge to the effect that the condom prevents one circumcised part from touching the other, so it is not regarded as intercourse?

Summary of answer

If intercourse with your wife takes place using a condom, then ghusl becomes obligatory, your fast is broken and your ihram is nullified. You have to repent to Allah, make up that day, and offer kaffarah.

Detailed answer

Praise be to Allah.

Can you have sex while fasting?

It is haram for the fasting person to have intercourse with his wife during the day in Ramadan , because Allah, may He be exalted, says (interpretation of the meaning):

“It has been made permissible for you the night preceding fasting to go to your wives [for sexual relations]. They are clothing for you and you are clothing for them. Allah knows that you used to deceive yourselves, so He accepted your repentance and forgave you. So now, have relations with them and seek that which Allah has decreed for you. And eat and drink until the white thread of dawn becomes distinct to you from the black thread [of night]. Then complete the fast until the sunset.” [al-Baqarah 2:187]

And Allah, may He be exalted, said in a hadith qudsi: “He gives up his food, his drink and his desire for My sake. The fast is for Me and I shall reward for it, and a good deed brings a tenfold reward.” (Narrated by al-Bukhari, 1894)

Can you use a condom to have sex with your wife?

Whoever has intercourse using a condom undoubtedly fulfils his desire. If intercourse takes place using a condom, then all the related Shar‘i rulings are applicable, namely that ghusl becomes obligatory, the fast is broken and ihram is nullified, if that happens before the first stage of exiting ihram.

It is also haram to have intercourse with a menstruating woman using a condom, and this act results in taking back a revocably-divorced woman, and so on.

An-Nawawi (may Allah have mercy on him) said in *ar-Rawdah* (1/82):

“If a man wraps a piece of cloth around his penis and penetration occurs, ghusl becomes obligatory, according to the most correct scholarly view, but it does not become obligatory according to the second scholarly view. A third view states that if the cloth is thick and prevents the moisture of the vagina reaching the penis, and prevents the feeling of the warmth of one of them reaching the other, then ghusl does not become obligatory, otherwise it does become obligatory.

I say: The author of *al-Bahr* said: All these ways mentioned above would lead to invalidation of Hajj, and all other rulings (connected to intercourse) also become applicable. And Allah knows best.”

It says in *Tuhfat al-Muhtaj* (3/397):

“… and the fasting person should refrain from intercourse, according to scholarly consensus. Therefore it breaks the fast, even if no ejaculation occurs.”

Ash-Sharwani said in his commentary on *Tuhfat al-Muhtaj*: “Therefore it breaks the fast,” that is,

even with a barrier, as is quite clear.”

It says in *Kashshaf al-Qina‘* (1/201), concerning the prohibition on having intercourse with a menstruating woman: “Even if intercourse takes place with a barrier wrapped around the penis, or a bag that is placed on it.”

This fatwa is a mistake on the part of the one who suggested it, and it makes the fast meaningless. If a wise person reflects on this matter, it will become clear to him how reprehensible and evil this fatwa is. If someone refrains from eating and drinking, then has intercourse with his wife every day, using a barrier, what kind of fasting is that?! The matter may be even worse if someone said to him that ejaculation does not invalidate the fast, so in this case he does both, intercourse and ejaculating, then he says: I am fasting!

This is a kind of nonsense that the teachings of Islam should be protected from.

If someone followed this view and had intercourse with a woman who is not his wife, and says that he did not commit zina because intercourse did not take place, what would this mufti say to him?!

Hence no attention should be paid to the notion that penetration is not regarded as intercourse if a barrier (condom) is used, regardless of whoever among the jurists says that, especially with these thin barriers that do not prevent pleasure, so they are not like wrapping a piece of cloth around the penis as mentioned by the fuqaha.

What to do if you use condom to have sex with wife while fasting

Fatwas can only be taken from those who are qualified to give them. Hence the one who has done this thing must do the following:

1. Repent to Allah, may He be exalted, from having committed this unlawful action.
2. Make up that day’s fast which he invalidated by having intercourse.
3. Offer expiation (kaffarah), by manumitting a slave; if that is not possible, he must fast for two consecutive months; if he is not able to do that, then he must feed sixty poor persons. It

makes no difference whether he ejaculated or did not.

In *al-Mawsu'ah al-Fiqhiyyah* (35/55) it says:

"There is no difference of opinion among the jurists regarding the fact that it is obligatory to offer expiation for one who had vaginal intercourse during the day in Ramadan, deliberately, with no excuse, regardless of whether he ejaculated or not."

For more, please see these answers: 38287 , 1051 , 279524 , 37679 , and 21806 .

And Allah knows best.