143089 - She had a miscarriage after entering ihraam for ‘umrah of Hajj tamattu‘; can she do tawaaf, and how should she complete her Hajj?

the question

If a woman in the early months of pregnancy starts bleeding, and it is not regular menstrual bleeding, rather it is a miscarriage, and she is doing tamattu‘ [‘umrah followed by Hajj, exiting ihraam in between], what should she do when she has already entered ihraam for ‘umrah? Can she do tawaf? Is her Hajj regarded as not being valid? Please note that she has come from a distant country and must return to her country by plane on a certain date, accompanied by her husband.

Detailed answer

Praise be to Allah.

Firstly:

If a woman has a miscarriage, and that was after human features had appeared in the foetus, then the bleeding that occurs because of that is regarded as nifaas. If it happens before human features appear in the foetus, then the bleeding is regarded as istihaadah [non-menstrual bleeding], which does not prevent her from praying or doing tawaaf.

Human features do not appear in the foetus before eighty days of pregnancy. See the answer to question no. 37784.

Based on that, with regard to this woman who had a miscarriage, if the miscarriage occurred before eighty days of pregnancy, then the bleeding is not nifaas; rather it is istihaadah, so it does not prevent her from praying or doing tawaaf, but she must do wudoo’ for each prayer.

If the miscarriage occurred after the soul had been blown into the foetus – i.e., after one hundred and twenty days of pregnancy, then the blood is definitely nifaas.

If the miscarriage occurred after eighty days and before one hundred and twenty days, then the foetus should be examined; if human features can be seen, then the bleeding is nifaas, but if there are no human features, then the bleeding is istihaadah.

Secondly:

If the bleeding is nifaas, and she had already entered ihraam for ‘umrah, then she cannot circumambulate the Ka‘bah (tawaaf) according to the majority of fuqahaa’; rather she must wait until she becomes pure [i.e., her nifaas ends] – even if that happens before forty days. If she does not become pure before ‘Arafah, she should enter ihraam for Hajj, and will then be doing qiraan [‘umrah followed by Hajj without exiting ihraam in between]. She should do everything that the pilgrims do, namely standing [in ‘Arafah], stoning the Jamaraat and staying overnight in Mina, but she should not do tawaaf until she becomes pure. This is the view of the majority of scholars.

If she cannot stay in Makkah until she becomes pure, then she may take medicine to stop the bleeding, so that she will be able to do tawaaf when she is in a state of purity. ‘Abd ar-Razzaaq narrated in his Musannaf (1/318) that Ibn ‘Umar (may Allah be pleased with him) was asked about a woman whose menstrual bleeding was lengthy in duration, and she wanted to take medicine to stop the bleeding. Ibn ‘Umar did not see anything wrong with that, and he recommended araak water [that is, he prescribed that medicine for her]. Mu‘ammar said: I heard Ibn Abi Nujayh being asked about that, and he did not see anything wrong with it.

It was narrated from ‘Ata’ that he was asked about a woman who was menstruating, then she was given some medicine to stop her menses before it ended naturally; could she do tawaaf? He said: Yes, if she sees the tuhr (white discharge signalling the end of menses). But if she sees traces of blood, and does not see the white tuhr, then she should not do tawaaf.

What is meant by traces is a little blood or light bleeding when the menses has nearly ended.

If she cannot take this medicine or she fears that she may be harmed by it, then Shaykh al-Islam Ibn Taymiyyah (may Allah have mercy on him) was of the view that if she cannot stay in Makkah because she is part of a group that will leave soon, and she cannot come back in order to do

tawaaf, then in that case she has no choice, so she should take measures to prevent the blood from falling onto the ground, and do tawaaf. Some of the scholars have issued fatwas to this effect.

The Permanent Committee for Iftaa' was asked: A woman came in ihram for 'umrah, and after reaching Makkah she got her menses. Her mahram has to leave immediately and she does not have anyone in Makkah. What is the ruling?

They replied: If the matter is as described, that the woman got her menses before doing tawaaf, and she is still in ihram, and her mahram has to leave immediately, and she has no mahram or husband in Makkah, then the condition of being in a state of purity and free of menses in order to enter the mosque and do tawaaf is waived in her case, out of necessity, and she should put on a sanitary pad and do tawaaf and sa'i for her 'umrah, unless it is easy for her to leave and then come back with her husband or mahram because she does not live too far away and it is easy for her to come back. In that case, she should leave and come back as soon as her menses ends in order to do the tawaaf of her 'umrah in a state of purity. Allah, may He be exalted, says (interpretation of the meaning):

"Allah intends for you ease and does not intend for you hardship"

[al-Baqarah 2:185]

"Allah does not charge a soul except [with that within] its capacity"

[al-Baqarah 2:286]

"[Allah] has not placed upon you in the religion any difficulty"

[al-Hajj 22:78]

"So fear Allah as much as you are able"

[at-Taghaabun 64:16].

The Messenger of Allah (blessings and peace of Allah be upon him) said: “If I instruct you to do a thing, do as much of it as you can.” And there are other religious texts which confirm that making things easy and avoiding hardship are religious objectives. What we have mentioned was also indicated in fatwas issued by a number of scholars, including Shaykh al-Islam Ibn Taymiyyah and his student, al-‘Allaamah Ibn al-Qayyim (may Allah have mercy on them both). End quote from Fataawa Islamiyyah (2/238).

Shaykh Ibn ‘Uthaymeen (may Allah have mercy on him) was asked: A woman got her menses when she had not done tawaaf al-ifaadah, and she lives outside the Kingdom (Saudi Arabia). The time has come for her to leave the Kingdom; she cannot delay her departure and it is impossible for her to return to the Kingdom once more. What is the ruling?

He replied: If the matter is as described, a woman has not done tawaaf al-ifaadah, and she has got her menses and cannot remain in Makkah or come back to it if she leaves before doing tawaaf, then in this case she may take one of two measures: either she may have an injection to stop the bleeding, and then do tawaaf; or she may put on a sanitary pad to prevent the blood contaminating the mosque, and do tawaaf, as this is a case of necessity. The view that we have mentioned here is the most correct view, and is the one that was favoured by Shaykh al-Islam Ibn Taymiyyah. Or the other alternative is to do one of two things: either to remain in whatever state of ihram she is in, in which case she is not permissible for her husband, and it is not permissible for a marriage contract to be done with her if she is not married; or she is to be regarded as being like one who was prevented from reaching the Ka‘bah, so she should offer her sacrifice and exit her ihram. In that case, her Hajj will not count. Both of these options are difficult, so the correct view is that of Shaykh al-Islam Ibn Taymiyyah (may Allah have mercy on him) regarding such cases of necessity. Allah, may He be exalted, says (interpretation of the meaning):

“[Allah] has not placed upon you in the religion any difficulty”

[al-Hajj 22:78]

“Allah intends for you ease and does not intend for you hardship”

[al-Baqarah 2:185].

But if this woman is able to travel then come back when she has become pure, there is nothing wrong with her leaving, then when she becomes pure (following the end of her menses), she may come back and do the tawaaf of Hajj. But during the intervening period, she cannot be intimate with her husband, because she has not completed the second stage of exiting ihram. End quote from Fataawa Islamiyyah (2/237).

Thirdly:

If this woman thinks it most likely that her bleeding will not stop before ‘Arafah, in addition to knowing that she will not be able to stay in Makkah until she becomes pure, then she should do tawaaf for ‘umrah and exit ihraam therefrom, then enter ihraam again for Hajj, and her Hajj will be valid. However, it is better for her to do what is mentioned above, namely joining Hajj to ‘umrah, so that she will be doing qiraan. It may so happen that she becomes pure one or two days after ‘Arafah, in which case she will be able to do tawaaf when she is in a state of purity.

And Allah knows best.