204827 - He did one of the circuits of tawaaf in Hajj going through the Hijr, then he went back to his country

the question

I went for Hajj a long time ago, and during tawaaf al-ifaadah, in one of the circuits I entered the Hijr, not knowing that it is part of the Ka‘bah. Because I was unsure about that, I asked the people who were with me, and one of them said that the tawaaf was valid, as I had done six circuits correctly, and this is the madhhab of Abu Haneefah. After that I did a number of ‘umrahs in different years. I asked one of the information offices around the Haram about my tawaaf and the shaykh said that it was valid but I should make sure I do it correctly next time. I asked a number of scholars in fatwa centres on the Internet, and the responses varied between suggesting that I have to repeat the tawaaf and offer a sacrifice for having had intercourse with my wife, to another who said that I have to offer a sacrifice only for falling short in some obligatory part of the rituals. And another one said that I do not have to do anything, because I did not do that deliberately. What should I do?

Detailed answer

Praise be to Allah.

Firstly:

The majority of fuqaha’ – the Maalikis, Shaafa‘is and Hanbalis – are of the view that for tawaaf to be valid, it is essential that one should go around the entire Ka‘bah, and that if a person does tawaaf going through the Hijr, his tawaaf does not count, because he has not gone around the entire Ka‘bah as Allah, may He be glorified, enjoined in the verse (interpretation of the meaning): “and circumambulate the Ancient House (the Ka‘bah at Makkah)” [al-Hajj 22:29].

The one who does tawaaf going through the Hijr is only circumambulating part of the Ka‘bah, because the Hijr is part of the Ka‘bah. Based on that, the circuit in which he went through the Hijr

is not to be counted.

The view of these scholars is also that tawaaf does not count unless it is seven circuits. If a person omits a circuit, then his tawaaf is not valid.

According to this view, you have to do a number of things:

1.You have to go back to Makkah and do tawaaf al-ifaadah.

2.You have to do the sa‘i of Hajj if you were doing tamattu‘ (‘umrah followed by Hajj, exiting ihram in between), because your sa‘i was done after a tawaaf that was not valid, so it does not count. The same applies if you were doing ifraad (Hajj on its own) or if you were doing qiraan (‘Umrah followed by Hajj without exiting ihram in between,) and you did not do sa‘i after tawaaf al-qudoom.

3.You have to offer a sacrifice for having had intercourse with your wife. According to the Hanbalis you have a choice between slaughtering a sheep, or feeding six poor persons, giving each one a mudd of wheat or half a saa‘ of some other foodstuff, or fasting for three days. A mudd is approximately 750 grams, and half a saa‘ = two mudds.

Al-Mudawwanah (1/425); Mawaahib al-Jaleel (3/70, 72, 73); al-Majmoo‘ (8/32); al-Mughni (3/189); Kashshaaf al-Qinaa‘ (2/530)

Ibn Qudaamah (may Allah have mercy on him) said: … The Hijr should be included in one’s tawaaf, because the Hijr is part of the Ka‘bah. Rather that is so because Allah, may He be exalted, enjoined us to circumambulate the Ka‘bah in its entirety, when He said (interpretation of the meaning): “and circumambulate the Ancient House (the Ka‘bah at Makkah)” [al-Hajj 22:29], and the Hijr is part of it. If a person does not circumambulate it (in its entirety) then his tawaaf is not valid. This is the view of ‘Ata’, Maalik, ash-Shaafa‘i, Abu Thawr and Ibn al-Mundhir. The ashaab ar-ra’y said: If he is in Makkah, he should make up what remains; if he has gone back to Kufah, he has to offer a sacrifice.

End quote from al-Mughni (3/189)

Secondly:

The Hanafis are of the view that the one who has done most of the circuits of tawaaf has fulfilled the obligation of tawaaf. “Most of the circuits”, in their view, means three circuits and most of the fourth circuit.

In their view, the one who does all of the circuits going through the Hijr has done most of tawaaf and has omitted one quarter of it, because the Hijr is one quarter of the Ka‘bah. Based on that, if a person does six circuits, or he did all of his circuits or some of them going through the Hijr, then he goes back to his country, he has the choice between two options:

1.Going back to Makkah, entering ihram and doing the remaining circuit, and giving charity for the (incomplete) circuit by feeding a poor person, giving him two mudds of wheat

2.Or sending a sheep or appointing a proxy to sacrifice a sheep on his behalf in Makkah, to be given to the poor of the Haram.

The one who had intercourse with his wife after doing this tawaaf does not have to do anything, according to them, because that happened after a valid tawaaf that counts as such.

See: al-Mabsoot (4/43, 46); Badaa’i‘ as-Sanaa’i‘ (2/132).

As-Sarkhasi (may Allah have mercy on him) said: If a person does the obligatory tawaaf in Hajj and ‘Umrah from inside Hateem (Hijr), he should make up what he omitted, if he is still in Makkah. If he has gone back to his family, then he has to offer a sacrifice, because what was omitted is less (than what he did do), as he only omitted to go around the Hateem.

As we have explained, the one who omits the lesser part of the circuits of tawaaf has to repeat what he omitted. If he does not repeat it, then he has to offer a sacrifice, in our view, and this (the case in question here) is similar to that. However, the best in our view is for him to repeat tawaaf from the beginning, so that he will be paying attention to the sequence established by the Sunnah. But if he repeats it by going around the Hateem only, that is acceptable, because he will have done that which was omitted.

End quote from al-Mabsoot (4/64)

Thirdly:

The more correct view concerning this matter is the view of the majority of fuqaha', because the evidence for it is strong. We have mentioned some of this evidence above; there is also the words of the Prophet (lettings and peace of Allah be upon him): "Learn from me your rituals (of Hajj)." This is an explanation of the verse in which Allah, may He be exalted, says (interpretation of the meaning): "and circumambulate the Ancient House (the Ka'bah at Makkah)" [al-Hajj 22:29]. The Prophet (blessings and peace of Allah be upon him) circumambulated it seven times, all of them going around the Hijr, which indicates that this is what is obligatory and is required of everyone.

Fourthly:

You are currently still in ihram, so it is not permissible for you to have intercourse with your wife until you have exited ihram completely by doing tawaaf and sa'i.

Fifthly:

The Hanafi view on correcting this tawaaf should not be followed except in the case of one who is unable to go back to Makkah; in his case following this view will give him a way out. So if you cannot go back to Makkah, there is nothing wrong with you following the view of the Hanafi madhhab, which requires you to slaughter a sheep to be distributed to the poor of the Haram, as stated above.

Please see the answers to questions no. 106544 and 46597

Sixthly:

The individual has to learn the rulings on acts of worship before doing them, and he should ask scholars about anything he is confused about. He should not ask just anybody, regardless of his level of knowledge and piety. If the person who you asked at that time and who told you about the view of Abu Haneefah was a person who is qualified to issue fatwas, or he was the leader of the

group with whom you did Hajj, and you believed that he had a sufficient level of knowledge that qualified him to do that, then you do not have to do anything further and there is no blame on you for following his view and fatwa.

We ask Allah to help and guide us and you.

And Allah knows best.