49029 - He did not complete the tawaaf of ‘Umrah and he is doing Hajj tamattu’

the question

A man entered ihraam with the intention of doing Hajj tamattu’, and he did the tawaaf of ‘Umrah, but he did not complete seven circuits. Then he did saa’i and cut his hair, then he exited ihraam and had intercourse with his wife, then he did all the rituals of Hajj in full after that. Is his Hajj valid?.

Detailed answer

Praise be to Allah.

Tawaaf is one of the essential pillars of ‘Umrah, which is not valid without it. The tawaaf which counts for ‘umrah is seven circuits, starting and ending at the Black Stone, because the Prophet (peace and blessings of Allaah be upon him) did tawaaf in this manner, and he said: “Learn from me your rituals (of pilgrimage).”

Al-Nawawi (may Allaah have mercy on him) said: The condition of tawaaf is that it should be seven circuits, each starting and ending at the Black Stone. If one circuit of the seven is omitted, his tawaaf does not count, whether he stays in Makkah or leaves and goes back to his country, and that cannot be atoned for by offering a sacrifice or by anything else. Al-Majmoo’, 8/21.

Based on that, his ‘umrah was not complete, and he did not exit from ihraam for it, and what he did of exiting ihraam and having intercourse with his wife are forbidden actions that he did when he was still in ihraam for ‘umrah. But he did those forbidden actions thinking that he had finished his ‘umrah and exited from ihraam for it. Hence he does not have to offer any fidyah for these actions. See question no. 36522. Moreover this man entered ihraam for Hajj on the basis that he was doing Hajj tamattu’, but in fact he had not completed his ‘umrah, so he joined Hajj to ‘umrah, thus in effect he was doing Hajj qiraan. Shaykh Ibn ‘Uthaymeen (may Allaah have mercy on him)

was asked about a man who did Hajj tamattu’ and he did an incomplete tawaaf, i.e., only four circuits, then he did saa’i and cut his hair, and he had intercourse with his wife, and then he completed his Hajj.

He replied:

In effect he has done Hajj qiraan, because he joined Hajj to ‘umrah before tawaaf, because his first tawaaf was faulty. Joining Hajj to ‘umrah means that one is doing Hajj qiraan. There remains the issue of his having exited ihraam, put on ordinary clothes and had intercourse, but he was ignorant, so he does not have to do anything (i.e., offer a fidyah). Based on this, his Hajj is complete, but it was Hajj qiraan, not Hajj tamattu’.

Al-Fataawa, 22/178.