49043 - Does offering the fidyah make up for mistakes a person makes during Hajj?

the question

Some pilgrims performing Hajj and ‘Umrah are negligent concerning the things they are obliged to do. They pass the meeqaats without entering ihram, for example, or they omit some of the obligatory duties, relying on the fact that they are going to offer a sacrifice which will make up for their shortcomings. What is the ruling on that?.

Detailed answer

Praise be to Allah.

We have already discussed, in question no. 36522 that the reason for most of the mistakes that pilgrims make during Hajj and ‘Umrah is their ignorance of what is required of them. But what you have mentioned in this question, that some people deliberately commit forbidden acts or are negligent with regard to what is enjoined on them, relying on the idea that the fidyah will make up for those shortcomings, is true ignorance, even if the person who does this thinks that he is aware of the consequences of his actions. No one would dare to transgress the limits of Allah except an ignorant evildoer. Allah says (interpretation of the meaning):

“These are the limits ordained by Allah, so do not transgress them. And whoever transgresses the limits ordained by Allah, then such are the Zaalimoon (wrongdoers” [al-Baqarah 2:229]

No one would dare to transgress the sacred limits of Allah except one who does not truly honour the Symbols of Allah. Allah says (interpretation of the meaning):

“Thus it is and whosoever honours the Symbols of Allah, then it is truly, from the piety of the hearts” [al-Hajj 22:32]

For this reason the companions of the Messenger of Allah (peace and blessings of Allah be upon him) used to say: Every sin that a person commits is due to his ignorance. And Mujaahid said: Everyone who disobeys his Lord is ignorant until he gives up his sin. (Tafseer al-Tabari, 8/89).

In addition to ignorance of what is required of a person, namely honouring the Symbols of Allah and adhering to His limits and not transgressing them, knowledge should be sought in order to act upon it, not to try to find ways to avoid doing that which Allah has enjoined and transgress the sacred limits of Allah. Where do these people stand in the light of the words of the Prophet (peace and blessings of Allah be upon him): “Whoever does Hajj for the sake of Allah, and does not utter any obscenity or commit any immoral action, will go back (sinless) as on the day his mother bore him”? (al-Bukhari, 1521; Muslim, 1350). Ibn Hajar said: “or commit any immoral action” means that he does not do any evil deed or sin.

And the Prophet (peace and blessings of Allah be upon him) said: “From one ‘umrah to the next is an expiation for whatever (sins) come in between, and an accepted Hajj (Hajj mabroor) brings no less a reward than Paradise.” (al-Bukhari, 1773; Muslim, 1349.

Ibn Hajar said: Mabroor means accepted. Others said that it means that with which no sin is mixed; al-Nawawi regarded this as being more correct. Al-Qurtubi said: the interpretations that have been suggested are close in meaning, which is that it is the Hajj that is in accordance with the rulings and fulfills all the requirements in the most complete manner. And Allah knows best.

But here there is some confusion. Perhaps this is the reason why some people do this, i.e., they think that a person has the choice between either doing what is obligatory and avoiding what is forbidden, or offering the required fidyah which is either fasting, giving charity or offering a sacrifice. Shaykh Ibn ‘Uthaymeen said, after mentioning some of the things that are forbidden and the fidyah required for them:

What we have said here applies to what is required of the one who does this. But this does not mean that the matter is easy or lenient in the sense that if he wishes he may do this thing then offer the expiation and make it up, and if he wishes he may not do it. Rather the matter is more

difficult than that, indeed it is a very serious matter, when one dares to transgress the limits of Allah. Allah says (interpretation of the meaning):

“So whosoever intends to perform Hajj therein (by assuming Ihram), then he should not have sexual relations (with his wife), nor commit sin, nor dispute unjustly during the Hajj” [al-Baqarah 2:197]

I would like to take this opportunity to draw attention to a matter in which some people think that they have the option of not doing what is obligatory and offering the fidyah instead.

Some people think that when the scholars said that for not doing an obligatory duty (of Hajj) a sacrifice must be offered, that this gives them the choice between doing that obligatory action or of offering this sacrifice and distributing its meat to the poor.

For example, some people think: “When the day of Eid comes, I will do tawaaf and saa’i, then go home. But I should still stay overnight in Mina and stone the Jamaraat – which are two of the obligatory actions of Hajj – so I will offer fidyah for both of them by sacrificing a sheep…” but this is not the way it is. If it so happens that a person does that, then the fidyah is an expiation for him, but he must repent and seek forgiveness too.

Al-Fatawa 22/168-169.