157644 - She did not form the intention to do ‘Umrah at the Miqaat because of her menses, then she did ‘Umrah because she was too shy to tell her father

the question

I went with my family and my husband to do ‘Umrah in Ramadan when I was menstruating. When we reached the miqaat, I did not form the intention to do ‘Umrah (because I was certain that I would not be able to do ghusl before we were due to return to our city, and I did not tell anyone about that). A few hours before we were due to leave Makkah, my father told me that I had to do tawaaf and sa‘i, even if I had not done ghusl (and he had put on his ihraam garments to accompany me). I felt too shy to tell him that I had not formed the intention to do ‘umrah at the miqaat, and that I had also cut my hair and put kohl on my eyes, and that my husband had engaged in foreplay with me, without having intercourse). Because I was too shy to tell my father, I took a bath, did wudoo’ and went with him (and I did tawaaf and sa‘i, and cut my hair after I finished), and we returned to our city. What is the ruling on everything that I did? What must I do in order to expiate for what I did?

Detailed answer

Praise be to Allah.

Firstly:

There is nothing wrong with what you mention about cutting your hair, putting kohl in your eyes and engaging in foreplay with your husband, because you had not entered ihram for ‘umrah before then.

Secondly:

With regard to what you did of tawaaf and sa‘i, and cutting your hair, it is subject to further discussion:

1.

If you did that without prior intention – in other words, you did not enter ihram or form the intention to do ‘umrah when your father called you to do tawaaf and sa‘i – then these were invalid actions that do not mean anything, and you did not earn the reward of ‘umrah by doing them. But you should have told your father frankly that you had not formed the intention to do ‘umrah, because acts of worship cannot be done except by way of worshipping Allah and seeking to draw closer to him.

2.

If you had formed the intention of ihram – that is, the intention to start ‘umrah – before doing these actions, then this is a valid ‘umrah according to those scholars who do not stipulate that one should be in a state of purity to do tawaaf, as is the view of the Hanafis and of Ahmad according to one report, and is the view favoured by Shaykh al-Islam Ibn Taymiyah and a number of other scholars. But the Hanafis stated that a camel must be offered in compensation for that, and Ahmad stated that a sheep must be offered; Shaykh al-Islam Ibn Taymiyah said that nothing is required in compensation for that. But if you delegate someone to sacrifice a sheep on your behalf in Makkah and distribute the meat to the poor and needy, that will be better for you and more prudent to safeguard your acts of worship.

If someone comes to Makkah without intending to do ‘umrah, then he decides to do ‘umrah, he must go outside the boundary of the Haram zone, to at-Tan‘eem or elsewhere and enter ihram from there. If he enters ihram from where he is, then he must offer a compensatory sacrifice of a sheep, the meat of which is to be distributed among the poor of the Haram. Therefore if you did these actions with the intention of doing ‘umrah, you must offer a sacrifice, because you did not go outside the boundary of the Haram zone.

And Allah knows best.