159304 - Is Hajj Valid if One Has Intercourse before Tawaf Al-Ifadah?

the question

A pilgrim had intercourse with his wife after stoning Jamrat Al-`Aqabah and shaving his head and the first stage of exiting Ihram, but before doing Tawaf Al-Ifadah. Is his Hajj valid? Does he have to offer a sacrifice? If he has to offer a Fidyah, should it be slaughtered in Makkah or can it be slaughtered in any place and at any time? I hope you can explain in light of the Quran and Sunnah. May Allah reward you with good.

Summary of answer

If a person has intercourse with his wife after the first stage of exiting Ihram and before doing Tawaf Al-Ifadah, he is sinful but his Hajj is not rendered invalid. He should go out of the Haram zone in order to enter Ihram anew, and do Tawaf Al-Ifadah. He also has to slaughter a sheep, and distribute the meat to the poor of the Haram, and not eat any of it himself.

Detailed answer

Praise be to Allah.

If a person has intercourse with his wife after the first stage of exiting Ihram and before doing Tawaf Al-Ifadah , then his Hajj is not rendered invalid by that, but he has committed sin by doing it. He has to repent and seek forgiveness from that, and he should go out of the boundary of the Haram zone in order to enter Ihram anew, and do Tawaf Al-Ifadah .

He also has to slaughter a sheep, and distribute the meat to the poor of the Haram, and not eat any of it himself.

If his wife was in Ihram and had intercourse with him willingly, then she must do the same as him, but if he compelled her to do that, then she does not have to do anything.

It says in Al-Mawsu`ah Al-Fiqhiyyah (2/192):

“(The scholars) unanimously agreed that intercourse after the first stage of exiting Ihram does not invalidate Hajj … but there was a difference of opinion as to the necessary penalty. The Hanafis, Shafi`is and Hanbalis are of the view that he must offer a sheep. They based their view on the fact that the offence is of a lesser degree, because of having passed the first stage of exiting Ihram, in the case of men.

Malik (may Allah have mercy on him) said – and it was also a view held by some of the Shafi`i and Hanbali scholars – : He has to offer a camel. Al-Baji (may Allah have mercy on him) explained that this is because of the seriousness of the sin when one has still (not fully) exited Ihram.

Malik (may Allah have mercy on him) and the Hanbali scholars regarded it as obligatory for the one who commits this offence after the first stage of exiting Ihram and before doing Tawaf Al-Ifadah to go out of the Haram zone, and do (another) `Umrah, because of the words of Ibn `Abbas (may Allah be pleased with him) to that effect … but the Hanafis and Shafa`is did not regard that as obligatory.”

Shaykh Muhammad ibn Ibrahim (may Allah have mercy on him) said:

“Intercourse after exiting Ihram does not invalidate Hajj, whether it was Ifrad (Hajj alone) or Qiran (`Umrah and Hajj together, without exiting Ihram in between). Rather it only invalidates Ihram, in the sense that it is not valid for him to do Tawaf Al-Ifadah until he goes out of the Haram zone, assumes Ihram again, and then comes to Makkah and does Tawaf Al-Ifadah in a valid state of Ihram.

He also has to sacrifice a sheep , to be slaughtered in the Haram and the meat given to the poor; he should not eat any of it. His wife must also offer a Fidyah of another sheep, if she did that willingly, but if she was forced (to have intercourse), then she does not have to do anything.” (Fatawa wa Rasa’il Muhammad ibn Ibrahim, 5/203-204)

Shaykh Ibn `Uthaymin (may Allah have mercy on him) was asked:

A man had intercourse before Tawaf Al-Ifadah, after stoning the Jamrah and shaving his head; what should he do?

He (may Allah have mercy on him) replied:

“He does not have to do anything except offer a sacrifice to be given in charity to the poor. And he has to enter Ihram again from outside the Haram zone, so that can do Tawaf in Ihram.” (Liqa’ Al-Bab Al-Maftuh, 90/17)

If he did not go out of the Haram zone in order to renew his Ihram, we hope that his Tawaf is still valid.

Shaykh Ibn Baz (may Allah have mercy on him) was asked:

A man did not do Tawaf Al-Ifadah and he went back to his country and had intercourse with his wife. What does he have to do?

He (may Allah have mercy on him) replied:

“He has to repent to Allah, may He be Glorified and Exalted, and he has to offer a sacrifice, to be slaughtered in Makkah and given to the poor there. He also has to go back and do Tawaf Al-Ifadah, because his having intercourse with his wife before doing Tawaf Al-Ifadah is not permissible and a sacrifice must be offered for that. The correct view is that a sheep is sufficient, or one seventh of a camel or one seventh of a cow.” (Majmu` Fatawa Ibn Baz, 17/180)

And Allah knows best.