269212 - He entered ihram for ‘umrah, then he got tired and cancelled his ihraam out of ignorance; he has done ‘umrah and Hajj since then. What should he do?

the question

Eight years ago, my wife was in Makkah with her sister and father, and I was going to visit them. I formed the intention to do ‘umrah, and I entered ihraam at the miqaat, and headed towards Makkah, but before entering al-Masjid al-Haraam, I felt tired so I went to the house and cancelled my ihraam, and sat with my family. Please note that one year after that, I did ‘umrah, and I have done Hajj twice. Is there any sin on me for the first ‘umrah for which I entered ihraam but did not go to al-Masjid al-Haraam, and I went home out of ignorance?

Detailed answer

Praise be to Allah.

Firstly:

It is obligatory to complete Hajj and ‘umrah for the one who begins them, and it is not permissible for him to cancel them, because Allah, may He be exalted, says (interpretation of the meaning):

“And complete the hajj and 'umrah for Allah”

[al-Baqarah 2:196].

The muhrim [pilgrim in ihraam] does not have the right to cancel his ‘umrah unless he stipulated a condition to that effect [when entering ihraam], and something happened to him to prevent him from completing his ‘umrah, or he was prevented from doing so by an enemy or sickness.

Stipulating a condition means saying when entering ihraam, “O Allah, my exiting ihraam will be in

the place where You prevented me [from continuing].”

If someone enters ihraam then cancels his ‘umrah, this cancellation does not count according to the consensus of the fuqahaa’, and he remains in a state of ihraam for his ‘umrah, from which he cannot exit except by completing ‘umrah.

Al-Hattaab al-Maaliki said:

Cancelling ‘umrah is nonsense and does not count.

End quote from Mawaahib al-Jaleel (3/48).

It says in al-Mawsoo‘ah al-Fiqhiyyah al-Kuwaitiyyah:

Cancelling ‘umrah is nonsense according to scholarly consensus, and does not mean that one has exited ihraam or exempt a person from the rulings thereof.

End quote (2/177).

See also the answer to question no. 101688

Secondly:

The one who cancelled ‘ihraam must take off his tailored garments immediately and put the ihraam garments back on; he must also avoid the things that are prohibited whilst in ihraam, such as wearing perfume, cutting the hair and nails, doing a marriage contract, having intercourse and doing any of the things that lead to it, and so on. And he must go back to Makkah to complete his ‘umrah from the point at which he stopped.

As the questioner did ‘umrah several times after that, then the first of these ‘umrahs is regarded as having completed the ‘umrah that was cancelled and not completed. This was stated in a fatwa issued by the Permanent Committee for Iftaa’.

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We have quoted the fatwa of Shaykh ‘Abd ar-Rahmaan al-Barraak (may Allah preserve him) concerning that in the answer to question no. 273955.

With regard to the prohibited actions that you did during this period because you were unaware of the ruling, there is no sin on you for what you committed of such actions, because Allah, may He be exalted, says (interpretation of the meaning):

“And there is no blame upon you for that in which you have erred but [only for] what your hearts intended. And ever is Allah Forgiving and Merciful”

[al-Ahzaab 33:5].

See also the answers to questions no. 36522 and 104178.

And Allah knows best.