37995 - His young daughter did two circuits of Tawaaf but she did not complete her ‘Umrah because she got sick

the question

I am from the city of Riyadh in the Kingdom of Saudi Arabia. In Ramadaan I went to do ‘Umrah with my wife and three children. My oldest daughter (aged 10) entered ihram and intended to do ‘Umrah, and she did not stipulate any condition [about exiting ihraam]. She was sick, and she did two circuits of Tawaaf but was not able to complete her ‘Umrah, and we came back to Riyadh. Do I have to do anything, and what should I do? May Allaah reward you with good.

Detailed answer

Praise be to Allah.

If your daughter had reached puberty at the time when she stopped her ihraam, then she has to pay the fidyah – which is a sheep to be slaughtered in Makkah and distributed among the poor living in the Haram – according to the majority of scholars. This ruling applies to everyone who is stopped by an enemy or by sickness etc which prevents him from completing the rituals of his Hajj or ‘Umrah, when he did not make a condition.

When entering ihraam, the Muslim may stipulate a condition, if he fears that something may prevent him from completing his ‘Umrah or Hajj, such as sickness or fear etc. So after entering ihraam he may say, “If something prevents me (from continuing), I will exit ihraam from that point.” The benefit of this condition is that if something prevents him from completing his ‘Umrah or Hajj, he may then exit his ihraam without offering the fidyah.

Shaykh ‘Abd al-‘Azeez ibn Baaz (may Allaah have mercy on him) was asked:

If a person who has entered ihraam for Hajj or ‘Umrah passes the meeqaat without having stipulated a condition, then something happens to him, such as illness etc., that prevents him from completing his pilgrimage, what does he have to do?

He replied:

This person is muhsar (prevented) because he did not stipulate a condition then something happened to him that prevented him from continuing. If he can be patient and wait to see if the effects of whatever happened go away so that he can then complete his pilgrimage, then he should wait. If he is not able to do that, then he is muhsar according to the correct opinion, and Allaah says concerning the muhsar (interpretation of the meaning):

“But if you are prevented (from completing them), sacrifice a Hady (animal, i.e. a sheep, a cow, or a camel) such as you can afford”

[al-Baqarah 2:196]

The correct view is that one may be prevented by an enemy or by something other than an enemy. So he should offer the sacrifice, shave or cut his hair, and exit ihraam. This is the ruling on one who is prevented: he should slaughter his sacrifice in the place where he is prevented, whether that is within the Haram or outside, and he should give the meat to the poor in the place where he is, even if he is outside the Haram.

If he cannot find anyone around him, it should be taken to the poor of the Haram or to the poor around the Haram or in any of the villages. Then he should shave his head or cut his hair, and exit ihraam. If he cannot offer a sacrifice then he should fast for ten days and then exit ihraam or cut his hair and exit ihraam.

Tuhfat al-Ikhwaan bi Ajwabah Muhimmah tata’allaq bi Arkaan al-Islam.

If she had not yet reached puberty, some of the scholars are of the view that you and she do not have to do anything. They said that it is not obligatory for a child to complete or resume whatever he entered ihraam for, because a child is not subject to the obligations of Islam, and because this view is kinder to people, as a child’s guardian may think that ihraam is easy for him, then he finds out that this is not the case.

This is the view of the Hanafis and Ibn Hazm, and was the view favoured by Shaykh Muhammad

ibn ‘Uthaymeen (may Allaah have mercy on him) among the later scholars.

And Allaah knows best.