400548 - He did not do sa‘i for Hajj, then he did ‘umrah after that; is his Hajj complete?

the question

I have a question about Hajj. If someone who is a resident of Makkah did Hajj ifrad [i.e., Hajj on its own, without ‘umrah], and after stoning Jamrat al-‘Aqabah he did tawaf al-ifadah and did not do sa‘i, because he thought that residents of Makkah do not have to do sa‘i , then he exited ihram completely and had intercourse with his wife, should he have done sa‘i, or is it indeed the case that the residents of Makkah do not have to do sa‘i? If he should have done sa‘i, and there is no difference between the residents of Makkah and others, then what is the expiation for that? How can he make up for the shortcoming in his Hajj? Please note that he did ‘umrah after that, and did another Hajj. With regard to his having had intercourse with his wife, does the fact that he did tawaf al-ifadah only, and not sa‘i, and that was after stoning Jamrat al-‘Aqabah, mean that he is regarded as having exited ihram completely, or must sa‘i be done with tawaf in order to exit ihram? Does he have to offer any kaffarah (expiation) or fidyah (ransom)?

Detailed answer

Praise be to Allah.

Firstly:

The pilgrim (whether he is doing ifrad, qiran or tamattu‘) must do sa‘i, going back and forth between as-Safa and al-Marwah. That is one of the pillars or essential parts of Hajj, without which it is not complete. There is no differentiation in that regard between the residents of Makkah and others.

Shaykh Ibn Baz (may Allah have mercy on him) was asked: We are residents of Makkah. I did Hajj last year; I did tawaf but I did not do sa‘i. What is the ruling on that?

He replied: You must do sa‘i. What you did was wrong, because sa‘i is essential, whether you are one of the residents of Makkah or not. It is essential to do sa‘i after tawaf. After coming down from ‘Arafah, you must do tawaf and sa‘i, and the one who failed to do sa‘i must do it now."(*Fatawa ash-Shaykh Ibn Baz* 17/341).

Secondly:

With regard to exiting ihram completely, that can only be achieved by doing tawaf and sa‘i. So if someone did tawaf but did not do sa‘i, he has not exited ihram completely, so what he must do is refrain from having intercourse with his wife.

Shaykh Ibn ‘Uthaymin (may Allah have mercy on him) said: The second stage of exiting ihram cannot be regarded as complete until after doing tawaf al-ifadah and sa‘i, whether the pilgrim is doing tamattu‘ or qiran or ifrad, if he did not do sa‘i when he did the tawaf of arrival."(*Fatawa Arkan al-Islam* p. 541).

If he thinks that he exited ihram and had intercourse with his wife, then we hope that he will be excused because of his being unaware of the ruling, and he does not have to do anything else. But if he is able to slaughter a sheep and distribute its meat to the poor of the Haram, that will be more prudent and more appropriate.

Please see the answer to question no. 104178 .

Thirdly:

If someone still owes the sa‘i of Hajj then enters ihram for ‘umrah, this ihram for ‘umrah is invalid, because he is still in a state of ihram for Hajj. So the sa‘i that he did thinking that it was for ‘umrah counts for his Hajj, and by doing it he has completed his Hajj.

Ad-Dardir said in *ash-Sharh al-Kabir* (2/27): The actions that he did as ‘umrah, become invalidated if that follows Hajj, because ‘umrah is of a lower status and Hajj is of a higher status. End quote.

We asked Shaykh ‘Abd ar-Rahman al-Barrak (may Allah preserve him) about a woman who did

‘umrah and forgot to cut her hair, then she went and entered ihram for another ‘umrah, and she did tawaf and sa‘i, then cut her hair.

He replied: Doing one ‘umrah after another is something that is not known to the jurists of the Muslims. Therefore the second ‘umrah is invalid, and her cutting her hair counts for the first ‘umrah. End quote.

The fact that he intended this sa‘i to be for ‘umrah and not for Hajj does not matter, because the correct scholarly view is that it is sufficient to have the intention of doing sa‘i, and it is not stipulated that it should be intended specifically for Hajj.

See: *ash-Sharh al-Mumti‘* (7/403).

See also the answer to question no. 280967 .

And Allah knows best.