45519 - Can a woman whose husband has died travel for Hajj during the ‘iddah?

the question

There is a woman whose husband has died, and she wants to travel for Hajj during the ‘iddah. Is that permissible for her? Please note that she has already performed the obligatory Hajj.

Detailed answer

Praise be to Allah.

The woman whose husband has died must observe ‘iddah for four months and ten days, because Allaah says (interpretation of the meaning):

“And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten days”

[al-Baqarah 2:234]

During the ‘iddah she must mourn for her husband.

Al-Bukhaari (1280) and Muslim (1486) narrated that Umm Habeebah (may Allaah be pleased with her) said: I heard the Messenger of Allaah (peace and blessings of Allaah be upon him) say: “It is not permissible for a woman who believes in Allaah and the Last Day to mourn for anyone who dies for more than three days, except for a husband, for whom she should mourn for four months and ten days.”

In the answer to question no. 13966 we have stated the things that the woman whose husband had died must avoid during the ‘iddah period.

These include: going out of the house.

She should not go out during the day except in cases of need, and she should not go out at night except in cases of necessity.

Her going out for Hajj is not regarded as a necessity, especially since the woman asked about here has already performed the obligatory Hajj.

Rather the scholars (may Allaah have mercy on them) have stated that it is not permissible for her to go out to perform the obligatory Hajj.

Ibn Qudaamah (may Allaah have mercy on him) said in al-Mughni (11/303-305):

The woman who is observing ‘iddah following the death of her husband has no right to go out for Hajj or for any other purpose. That was narrated from ‘Umar and ‘Uthmaan (may Allaah be pleased with them). It was also the view of Sa’eed ibn al-Musayyib, al-Qaasim, Maalik, al-Shaafa’i, Abu ‘Ubayd, ashaab al-ra’y and al-Thawri.

If she went out and her husband died on the road, she should go back if she is still close to home, because she comes under the ruling of one who is not travelling. If she is far from home, she may continue her journey. Maalik said: She should go back so long as she has not entered ihraam.

The fact that she should go back if she is close to home is indicated by the report narrated by Sa’eed ibn Mansoor from Sa’eed ibn al-Musaayib, who said: Some husbands died, whose wives were performing Hajj or ‘Umrah, and ‘Umar sent them back from Dhu’l-Hulayfah so that they could observe ‘iddah in their houses…

If a woman has not yet performed the obligatory Hajj and her husband dies, she is still obliged to observe ‘iddah in her house, even if she misses Hajj, because ‘iddah in the house is a one-off event for which there is no alternative, whereas Hajj may be done another year. End quote.

It says in al-Mawsoo’ah al-Fiqhiyyah (29/352):

The majority of Hanafi, Shaafa’i and Hanbali fuqaha’ are of the view that it is not permissible for a woman who is observing ‘iddah following the death of her husband to go out for Hajj, because the

opportunity for Hajj will come again, whereas ‘iddah is a one-off event. End quote.

Shaykh Ibn ‘Uthaymeen (may Allaah have mercy on him) was asked about a woman whose husband died and the opportunity to perform the obligatory Hajj came when she was still in mourning, but she was able for it and could afford it, and she had a mahram. Should she perform Hajj or not?

He replied:

She should not perform Hajj, rather she should stay in her house. In this situation Hajj is not obligatory for her, because Allaah, may He be exalted, says (interpretation of the meaning):

“And Hajj (pilgrimage to Makkah) to the House (Ka‘bah) is a duty that mankind owes to Allaah, those who can afford the expenses (for one’s conveyance, provision and residence)”

[Aal ‘Imraan 3:97]

This woman is not able to do it according to sharee’ah, even if she has a mahram, so she should delay it for one or two years, according to what she is able to do. End quote.

Majmoo’ Fataawa Ibn ‘Uthaymeen, 21/68.