49027 - Different Types of Fidyah in Hajj

the question

Some people think that if a person does one of the actions that are forbidden in Ihram, that he has to offer a sacrifice, or fast for three days, or feed six poor persons, and that he can choose whichever of these three he wants.

Summary of answer

If the pilgrim does any of the restrictions of Ihram deliberately with no excuse, he has sinned and the violation is of three types:
1. That for which there is no Fidyah, which is entering into a marriage contract.
2. That for which the Fidyah is to sacrifice a camel, which is having intercourse before the first stage of exiting Ihram.
3. That for which the Fidyah is to fast for three days, which may be done consecutively or separately, as he chooses; or to sacrifice a sheep of a type that is acceptable for the `Eid sacrifice, or one-seventh of a camel or of a cow instead, and to distribute its meat among the poor and not eat any of it himself; or to feed six poor persons, giving each one half a Sa` of staple food. He is given the choice between these three options if he removes any hair or nails, puts on perfume, touches a woman with desire (but without having intercourse), if a woman puts on gloves or a face-veil, or if a male puts on form-fitting clothes or covers his head.

Detailed answer

Praise be to Allah.

What takes you out of Ihram?

It is prohibited for the pilgrim who is in Ihram for Hajj or `Umrah to shave his hair, cut his nails or cover his head with something that is attached to the head, to wear form-fitting clothes (for men),

to wear the face-veil and gloves (for women), to wear perfume on the body or clothes, to hunt game, to enter into a marriage contract, and to have intercourse or engage in foreplay.

Different types of Fidyah for violating Ihram in Hajj

“If the pilgrim violates Ihram by committing any of its restrictions, then one of the following scenarios must apply:

1. He did it because he forgot, or was unaware of the ruling, or he was forced to do it, or he was asleep – in which case he does not have to do anything (i.e., offer any Fidyah)
2. He did it deliberately, but with an excuse that made it permissible to do something that is ordinarily forbidden, in which case there is no sin on him but he has to offer the Fidyah for doing that. We will explain this in more detail below.
3. He did it deliberately with no excuse, in which case he has sinned and must offer a Fidyah , of which there are three types:

- That for which there is no Fidyah , which is entering into a marriage contract.
- That for which the Fidyah is to sacrifice a camel, which is having intercourse before the first stage of Hajj before exiting Ihram .
- That for which the Fidyah is to fast for three days , which may be done consecutively or separately, as he chooses; or to sacrifice a sheep of a type that is acceptable for the `Eid sacrifice, or one-seventh of a camel or of a cow instead, and to distribute its meat among the poor and not eat any of it himself; or to feed six poor persons, giving each one half a Sa` of staple food. He is given the choice between these three options if he removes any hair or nails, puts on perfume, touches a woman with desire (but without having intercourse), if a woman puts on gloves or a face-veil , or if a male puts on form-fitting clothes or covers his head.

1. That for which the Fidyah is to offer something equivalent, namely hunting game. If the game hunted has an equivalent, then he is given the choice of three options:

- Slaughtering the equivalent and distributing its meat to the poor

- Finding out its value and giving food of an equal value to the poor, giving each poor person half a Sa’
- Fasting instead, one day for each poor person he should feed

If there is nothing equivalent to the game that was hunted, then he is given the choice between two things:

- Finding out the value of the game that was killed and giving the equivalent in food to the poor, giving each poor person half a Sa’
- Fasting instead, one day for each poor person he should feed.” (Fatawa Ash-Shaykh Ibn ‘Uthaymin, 22/205-206)

And Allah knows best.