

303609 - He kissed his wife when she was in ihram for 'umrah

the question

I had done 'umrah and I had exited ihram, but my wife had not yet exited ihram. When we reached the hotel, I give my wife a kiss, but without any desire. What is the ruling on that? If I have to offer a compensatory sacrifice for this, how should I do it, because I am not one of the residents of Makkah?

Detailed answer

If a husband kisses his wife whilst in ihram for Hajj or 'umrah, there are two scenarios:

1.. It is done with desire. This is one of the actions that are prohibited whilst in ihram, and the one who does that must offer a compensatory sacrifice. Allah, may He be exalted, says (interpretation of the meaning):

{Hajj is [during] well-known months, so whoever has made hajj obligatory upon himself therein [by entering the state of ihram], there is [to be for him] no sexual relations and no disobedience and no disputing during hajj. And whatever good you do - Allah knows it. And take provisions, but indeed, the best provision is fear of Allah. And fear Me, O you of understanding} [al-Baqarah 2:197].

Ibn Katheer (may Allah have mercy on him) said:

The words *{no sexual relations}* mean: the one who enters ihram for Hajj or 'umrah must avoid sexual relations, which means intercourse, as Allah, may He be exalted, says elsewhere (interpretation of the meaning): *{It has been made permissible for you the night preceding fasting to go to your wives [for sexual relations]} [al-Baqarah 2:187].* Similarly, it is prohibited to do anything that leads to intercourse such as touching, kissing and the like, or speaking of such matters in the presence of women." (*Tafseer Ibn Katheer* 1/543).

Abu Bakr al-Jassaas (may Allah have mercy on him) said:

The ummah is unanimously agreed that if a man kisses his wife with desire whilst in ihram, he must offer a compensatory sacrifice. That was narrated from 'Ali, Ibn 'Abbaas, Ibn 'Umar, al-Hasan, 'Ata', 'Ikrimah, Ibraaheem, Sa'eed ibn al-Musayyab and Sa'eed ibn Jubayr, and it is the view of the fuqaha' of all regions.

As what we have mentioned above is proven, it is prohibited to talk to women about sexual matters whilst in ihram, even in an implicit manner, or to touch them, because these are all things that lead to intercourse. This is indicated by the fact that intercourse and the things that lead to it are prohibited for the one who is in ihram." (*Ahkaam al-Qur'an* 1/384).

2.. If the man kisses his wife without desire; rather it is out of compassion or for the purpose of congratulating her and the like. There is nothing wrong with it in this case.

It says in *al-Mawsoo'ah al-Fiqhiyyah al-Kuwaitiyyah* (13/137):

With regard to kissing without desire, such as when it is done to bid farewell or out of compassion, or with the intention of greeting someone who has returned from a journey, that does not invalidate Hajj and no fidyah is to be paid for it, and there is no difference of opinion among the fuqaha' concerning that. End quote.

An-Nawawi (may Allah have mercy on him) said:

It is haraam for the pilgrim in ihram to do engage in foreplay, such as kissing with desire...

As for touching, kissing and the like without desire, that is not haraam and no fidyah is to be paid for it. There is no difference of scholarly opinion concerning that." (*Al-Majmoo'* 7/414).

Shaykh Ibn 'Uthaymeen (may Allah have mercy on him) said, when discussing the actions that are prohibited whilst in ihram:

"Sexual relations" includes the things that lead to intercourse, such as kissing, prodding, and flirting with desire. So it is not permissible for the pilgrim in ihram to kiss his wife with desire, or touch her with desire, or prod her with desire, or flirt with her with desire, and it is not

permissible for her to allow him to do that when she is in ihram. It is also not permissible to look with desire, because one finds pleasure in that, just as in the case of touching.

End quote. <http://iswy.co/e48r1>

For more information, please see the answer to question no. [93234](#).

You stated that you had exited ihram before kissing her, and that the kissing was not with desire, so you do not have to do anything to compensate for that.

But you should have avoided this behaviour, so that you would not put your wife in an uncomfortable situation.

And Allah knows best.