280555 - Ruling on tawaaf al-ifaadah for someone who formed the intention to do it a few steps after coming in line with the Black Stone

the question

I already asked this question, but I want to clarify my question further, and I hope for an answer. In tawaaf al-ifaadah on the first level, I passed the green marker (the Black Stone) and did not form the intention to do tawaaf until after approximately four steps. I said takbeer, and I know that the takbeer is Sunnah, but the intention to do tawaaf began with the takbeer, after I had passed the green marker. I intended to interrupt the tawaaf, because I had delayed forming the intention to begin tawaaf, and I regarded the first circuit as invalid, and the second circuit as the first. But after the first circuit and after beginning the second circuit I thought that I should regard it as the first circuit, but I did not repeat the first circuit, and I did the second circuit, thinking that I should regard it as the first, but I completed all the circuits, and was intending to add an eighth circuit to replace the first, but I completed the seven circuits. It is the circuit that I intended to interrupt invalid? Likewise, is the circuit in which I was thinking whether it should be the first or the second also invalid, and should I regard myself as having done five circuits only?

Detailed answer

Praise be to Allah.

The fuqaha' differed concerning tawaaf and whether a specific intention is required at the beginning thereof, or is the intention to do 'umrah or Hajj when entering ihram sufficient. There are two views:

The first view is that it is stipulated that there be a specific intention when coming in line with the Black Stone. This is the view of the Hanbalis.

Ibn Qudaamah (may Allah have mercy on him) said: The description of this tawaaf is the same as that of tawaaf al-qudoom, except that he should intend it as tawaaf az-ziyaarah, and form a

specific intention for it. There is no raml (walking at a rapid pace in the first three circuits) in it, and no idtibaa' (wearing the upper ihram garment in such a way as to leave the right shoulder bare). Ibn 'Abbaas said: The Prophet (blessings and peace of Allah be upon him) did not do raml in the seven circuits of tawaaf al-ifaadah. The intention is a necessary condition of this tawaaf. This is the view of Ishaaq, Ibn al-Qaasim the companion of Maalik, and Ibn al-Mundhir.

Ath-Thawri, ash-Shaafa'i and ashaab ar-ra'y said: It is acceptable, even if he did not form the intention to do the obligatory tawaaf that he is required to do.

End quote from al-Mughni (3/391).

Based on that, if someone formed the intention after taking four steps, if he was still in line with the Black Stone, there is no problem. That is because the issue of being in line with the green marker is an approximate matter, and people may be a few steps ahead or a few steps behind, and all of them think that they are in line with the Black Stone.

But if he is certain that he did not form the intention until after he passed the Black Stone, in the sense that he was near the green marker, and took a few steps beyond it, then formed the intention, then according to this view, this circuit is not valid.

Based on that, he must go back to the correct starting point, or dismiss this circuit and add an eighth circuit.

The second view is that no specific intention is required for tawaaf, and the intention to do the rituals (Hajj or 'umrah) is sufficient. This is the view of the majority of Hanafis, Maalikis and Shaafa'is.

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

The third issue concerning the intention of tawaaf.

Our companions said: If the tawaaf is not part of Hajj or 'umrah, then it is not valid without an intention, and there is no difference of scholarly opinion concerning that, as is the case with all

other acts of worship such as prayer, fasting and so on.

If it is part of Hajj or ‘umrah, then he should form the intention to do tawaaf.

If he did tawaaf without forming the intention, then there are two well-known views, which the author mentioned with their evidence:

The sounder of the two views is that it is valid. This was stated definitively by a number of scholars, including Imam al-Haramayn.

End quote from al-Majmoo‘ (8/16).

He said in (8/18): … with regard to the intention in the tawaaf of Hajj or ‘umrah.

We have stated above that the sounder opinion in our view is that the intention is not essential. This was stated by ath-Thawri and Abu Haneefah.

Ahmad, Ishaaq, Abu Thawr, Ibn al-Qaasim al-Maaliki and Ibn al-Mundhir stated that it is not valid except with the intention. End quote.

As-Suyooti (may Allah have mercy on him) said: With regard to acts of worship that are composed of a number of actions, it is sufficient to form the intention when commencing the act of worship, and there is no need to form an intention at the beginning of each action, because that is includd in the intention at the beginning, such as wudoo’ and prayer, and also Hajj. There is no need to perform a specific intention for tawaaf, sa‘i and standing [in ‘Arafah], according to the more correct view.

End quote from al-Ashbaah wa’n-Nazaa’ir, p. 27

See also: al-Mawsoo‘ah al-Fiqhiyyah (29/125).

Shaykh Muhammad al-Ameen ash-Shinqeeti (may Allah have mercy on him) said, explaining that the view of the majority is more likely to be correct:

It should be noted that the most correct scholarly view, in sha Allah, is that tawaaf does not need a specific intention, because the intention of doing Hajj is sufficient. That also applies to all the other actions of Hajj, such as the standing in ‘Arafah, staying overnight in Muzdalifah, sa‘i, and stoning the Jamaraat. None of them requires a (specific) intention, because the intention to do Hajj includes all of them. This is the view of the majority of scholars.

The evidence for that is clear, because the intention to do an act of worship includes all of its parts. Just as there is no need for a specific intention for every bowing and prostration in the prayer, because the intention to pray includes all of that, by the same token there is no need for a specific intention for each of the actions of Hajj, because the intention to do Hajj includes all of them.

One of the things that they quoted as evidence for that is the fact that if a person stands in ‘Arafah not realizing that he is in ‘Arafah, that is still acceptable, according to scholarly consensus. This was stated by an-Nawawi.

End quote from Adwaa’ al-Bayaan fi Eedaahal-Qur’an bi’l-Qur’an (4/414).

Shaykh Ibn ‘Uthaymeen (may Allah have mercy on him) said:

This is an important matter. The intention comes when first starting to do an act of worship, and it is mustahabb to bear it in mind and remember it in all parts of the prayer. This is what is best, so that the intention may accompany the action in all parts. This is what is best, but if it slips one’s mind during the prayer, does that affect it or not? No, it does not matter, because your initial intention is still valid.

Based on that, many of the scholars, including Shaykh Muhammad ash-Shinqeeti (may Allah have mercy on him), understood that it is not essential to form a specific intention for tawaaf or for sa‘i, because tawaaf and sa‘i are part of the act of worship. Just as you do not form a specific intention to bow or prostrate in the prayer – rather the general intention to pray is sufficient – by the same token, when it comes to tawaaf, sa‘i and all the parts of the act of worship, from the moment you said Labbayk ‘umratan at the miqaat, you had intended to do all the actions of ‘umrah.

In this there is some leeway for people. Many people, especially on days when it is very crowded, come to the mosque and start to do tawaaf, and it does not occur to them that they should form the intention to do the tawaaf of ‘umrah or whatever tawaaf it is. If we say that tawaaf and sa‘i are akin to bowing and prostration in prayer, and that the general intention includes both of them, that will make things much easier for people.

This is the view of many of the scholars, and it is the view that we favour, because in fact many people get overwhelmed, especially when they see the large numbers of people, so they begin with the intention of doing tawaaf, but they are not aware whether it is for Hajj or ‘umrah, but they intend to do tawaaf because they have come to do tawaaf, so they do tawaaf.

End quote from Ta‘leeqaat ash-Shaykh ‘ala al-Kaafi (1/348).

Based on this view – which is more likely to be correct – your tawaaf is valid, praise be to Allah, so you do not need to worry about it, and you should beware of waswasah [intrusive thoughts from the Shaytaan] concerning it.

And Allah knows best.