

Q: 102 – Title: Can my wife clean my son before going for Tawaaf and Sa'ee?

Question

Me my wife and 16 months son are Inshallah going on Umrah from Dubai to Makkah. We will be in state of Ihram from Dubai when we reach Mikat we make the niyat of Umrah. My son I am planning to put Ihram to him as well. My wife will be in state of Ihram I want to know can my wife clean my sons toilet etc before going for Tawaf and Sae. Is there any rule to a 16 months child in state of Ihram. Is Dam required under these circumstances. Please do let me know.

Answer

In the Name of Allah, the Most Gracious, the Most Merciful.

As-salamu `alaykumwa-rahmatullahi wa-barakatuh.

We commend you on your intention to perform Umrah with your family.

Cleaning and washing one's child during the state of Ihram is not considered as a Jinaayah (religious crime) for which Damm (penalty) is necessary.[1]

However, we advise one to expend some charity (Sadaqah) to cover up for any deficiency that might have occurred during the Umrah.

With regards to your second question pertaining to the rules of a 16 months child in the state of Ihram:

The wali (legal guardian) of a small child is advised to do the following:

1. To clean the child.
  
2. To wash him.
  
3. To clothe him with the two pieces of clothing;
  - i) Lower garment (Izaar)
  - ii) Upper garment ( Ridaa)

4. To caution him against perpetrating that which a Muhrim (person in the state of Ihraam) refrains from in the state of Ihraam.

If a small child does anything contrary to the rules of Ihraam, he will not be held responsible in any way nor will his Wali (legal guardian) be responsible. The reason being that a child is not Mukallaf (Legally obligated to follow the dictates of the Shariah).[2]

And Allah knows best.

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