



The Egyptian Arabic Republic  
Ministry of Endowments  
The Supreme Council for Islamic Affairs

# **MAKING HAJJ EASY**

## **In the light of contemporary novelties**



**Introduced by**

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The ease at which we aim is the ease which is controlled by the standards of Shari'a, coupled with the ability and capacity of the pilgrim himself. Those who are capable of doing Hajj, must do it at the best way possible, in order that they may get the highest degree of merit and reward, and to ensure avoiding negligence that renders the worship void of its supreme authentic aims. Likewise, their attention must not be confined to seeking concessions of all basic rituals as approved in all Fiqh doctrines. Concessions must only be sought in case of necessity and within the limits of ease.

Minister of Al-wqaf

(Endowments)

**In the name of Allah, the Beneficent, the  
Merciful**

**Introduction**

All praise belongs to Allah, Lord of the World, and prayers and peace be upon the seal (last) of His prophets and messengers Muhammad ibn Abdullah, his family, companions, and those who follow his guidance to the Day of Judgment.

Islam, as a whole, is based on ease and lifting hardships, Allah (SWT) says: "Allah wills for you ease, He does not will hardship for you"(2:185), and says: "And (He) placed no hardship in your religion, the faith of your father Ibrahim"(22:78). Our Prophet (PBUH) also says: "Surely, the religion (of Islam) is easy, and whoever makes the religion a rigour, it will overpower him, so, follow a middle course (in worship); if you cannot do this, do something near to it, and give glad tidings, and seek help (of Allah) at morning and at dusk and some part of night".

It is said that Fiqh (sound comprehension) is a license granted by a trustworthy scholar, it is defined by the scholars as "ease based on evidence". None of the scholars said that Fiqh is fanaticism. Allah (SWT) says: "I ask no reward from you for this, nor do I claim to be what I am not" (38:86), Our Prophet (PBUH) also says: "You have to be clement, as clemency only adds beauty to anything to which it is added, and only adds ugliness to anything from which it is removed". The Prophet (PBUH) has only chosen the easiest whenever he was asked to choose from two things, unless it involves sin; if it involved sin, he was the furthest of it".

If Islam as a whole is based on ease and lifting hardships, then, this ease is worthier to be observed in Hajj (pilgrimage). Our Prophet (PBUH) had not made things easier than he did for the pilgrims to Allah's House by his well-known saying: "Do, no harm", and if this ease was granted to that limited number of pilgrims at the time, how should it be for the pilgrims in our current time?

However, the ease at which we aim is the ease which is controlled by the standards of Shari'a, coupled with the ability and capacity of the pilgrim himself. Those who are capable of doing Hajj, must do it at the best way possible, in order that they may get the highest degree of merit and reward, and to ensure avoiding negligence that renders the worship void of its supreme authentic aims. Their attention must not be confined to seeking concessions of all basic rituals as approved in all Fiqh doctrines. Concessions must only be sought in case of necessity and within the limits of ease.

In this book, we address many aspects of ease, making it clear that those who need it can only use it within the limit that helps them avoid unbearable hardships, and to unburden those who have disabilities within the limits that Shari'a allows of ease. Scholars must do their best to make things easy to the people, and people must make things easy for themselves, so that they may not unduly burden themselves nor act negligently.

We do not claim that what we said here is the absolute truth, nor that what others said is wrong, but these are the judgments of some elite specialist scholars that aim at materializing the Shari'a purposes of ease and lifting hardships, without turning down other opinions which are liable to be opposed. The rule is: Adopting a ruling which is not agreed on incurs no blame, but all blame is on adopting a ruling which is unanimously forbidden, or abandoning a ruling which is unanimously commended. Hajj enjoins being far from talking nonsense and from arguing. The opinions and judgments we put forward here are those which Allah has guided us to conclude; other scholars have also their opinions and judgments which are appreciated and respected.

It is my pleasure to extend my sincere thanks and appreciation to those who contributed to authoring, preparing, and producing this book, asking Allah (SWT) to accept our sincere deeds, and make the pilgrims to Allah's House, knowledge seekers, and all lay Muslims to benefit from this book. Allah is our aim, He is

sufficient for us, Most Excellent is He in Whom we trust.

**Prof. Dr. Muhammad Mukhtar Jum'a Mabruk**

**Minister of Al-Awqaf (Endowments),**

**Member of Islamic Research Academy,**

**and Head of the Supreme Council for Islamic Affairs.**

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## **Preface**

All praise belongs to Allah, who prescribed religion as guidance to believers, and made the obedient taste the sweetness of obedience and true belief. Prayers and peace be upon the leader of those who ward off evil, who gave guidance to the world, who made the essence of religion clear, and guided us to the right path.

Hajj (pilgrimage) is one of the pillars of Islam, where Muslims meet every year adorned with the purest, cleanest, and most beautiful emotions, so that they may attain benefits, and mention Allah's name on specified days, on the purest spot which Allah had honored with the Ka'bah, and to which people come from every deep mountain pass, responding to the call of their father Ibrahim (PBUH): "Oh our Lord! I have made some of my offspring to dwell in an uncultivable valley close to Your Sacred House, in order, O our Lord, that they may keep up the prayers. Make people's hearts turn to them, and provide them with produce, so that they may be thankful (14:37).

Hajj is a worship with which people seek to draw closer to their Creator, without having sexual relations,

nor committing sins, nor disputing unjustly with others; matters that purify their souls and hearts, and drive them to meet with love and cordiality, regardless of location and nationality differences.

This article (**Ease in Hajj in the light of modern age novelties**), tackles the rites of Hajj, its secrets, aims, greatness of its rituals, and making it easy to perform, according to the rulings of the Qur'an and the Prophet's tradition (PBUH). Our upright religion is based on the principle of ease and lifting hardships, this is concluded from Allah's saying: "Allah wills for you ease, He does not will hardship for you"(2:185), and the Prophet's response to questions about doing some rituals of Hajj before or after others: "Do, there is no harm".

It is a sufficient honor and success granted by Allah to the pilgrim that he travelled to the Inviolable House leaving his family, homeland, and money behind, and made a spiritual journey to Allah (SWT), with his emotions and all senses. This requires the scholars to elucidate the Shari'a rulings of this prescribed worship, and of the novelties that recently appeared relating to

Hajj. Muslims nowadays are in desperate need to acquire knowledge of moderate Islam, and obtain its precious treasures that made it good for any time and any place, and suitable for dealing with all novelties, without burdening themselves nor acting negligently.

Allah alone we ask for success.

**Prof. Dr. Usama Muhammad Al-'Abd**

**Member of Parliament, Head of the**

**Committee of Religious Affairs and Endowments,**

**and Ex-President of Al-Azhar University.**

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## **Preamble**

### **A brief guide to Hajj Rituals**

Some issues that should be observed before performing Hajj:

He who wants to go to Hajj has to start with repenting to Allah (SW) from any sin he may have committed, asking those whom he mistreated for forgiveness, repaying his due debts, and learning the rulings of Hajj. Prescribed worships make it incumbent on lay Muslims to know their rulings, since such rulings are necessary for the correctness of worship. Allah likes only to be worshipped with that which He prescribed, and what He prescribed should be comprehended. A Muslim has to ask the knowledgeable scholars who entertain contemporary comprehension of Shari'a laws, and are capable of properly applying them.

Rituals of Hajj can be summarized as follows:

First: Rituals of Hajj begin with intension, that is, to deliberately bear in mind that he is going to perform Hajj, Umrah, or combine both of them. Then, after intention, he wears the garbs of Ihram which consist of two parts, preferably white, called Izar, the lower part,

i.e., a sheet worn below the waist, and Rida', the upper part, i.e., a sheet worn above the waist. According to Sunnah, he must wash up and perform ablution, and it is desirable for him to pray two Rak'as of Ihram<sup>1</sup>. Then he must state in words what he intends to do at the appointed place of Ihram (called Miqat). In case he were going to Jiddah, then, it is permissible for him to assume Ihram at this place, if he hadn't done it already. At the Miqat he starts Talbiyah<sup>2</sup>, and keeps saying it as long as he can till the morning of Slaughtering Day.

Second: Intention of Hajj must specify what kind of Ihram he intends to do, as Ihram is of three kinds:

- 1- Ifrad, means that the pilgrim intends to perform Hajj only.
- 2- Tamattu', means that he intends to perform both 'Umrah then Hajj with a break in between.
- 3- Qiran, means that he intends to perform both Hajj and 'Umrah in one Ihram, that is, he does not take off his Ihram before finishing the rituals of both 'Umrah and Hajj and slaughtering an offering; if he

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<sup>1</sup> - Ihram means to intend to perform either Hajj or 'Umrah or combine both of them, and wear the specific clothes of Hajj.

<sup>2</sup> - Talbiyah means saying in Arabic: "Labbaika Allahumma labbaik", which means: "I answer your call My Lord".

could not, he should fast three days in Hajj and seven when he returns home.

The second and third kinds enjoin a lot of thanks to Allah on the pilgrim, that Allah enabled him to perform two rites in one journey, and rewarded him for both.

Third: When he reaches Makkah and sees the Inviolable House, he must receive it with Takbeer<sup>3</sup>, Talbiya, and pray with the Prophet's prayer (PBUH): "Oh Allah, increase the honor, glory, and respect of this House, and increase the honor, glory, respect, and goodness of those who came to it for Hajj or 'Umrah<sup>4</sup>".

Fourth: The pilgrim must begin with doing the rituals of the rite he intended to do:

- 1- In case he intended to perform Hajj alone, he must make Tawaful-Qudum<sup>5</sup>, then keep his Ihram until the last ritual on the Day of Sacrifice, that is, Tawaful-Rukn<sup>6</sup>, then he removes his Ihram.

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<sup>3</sup> - That is, saying Allahu Akbar.

<sup>4</sup> - Al-Baihaqy, Al-unan Al-Kubra (5/118).

<sup>5</sup> - Arrival circumambulation.

<sup>6</sup> - The essential circumambulation.

2- In case he intended to perform Tamattu' ('Umarah and Hajj with a break in between), he must do the rituals of 'Umrah, that is, Tawaf, Sa'i<sup>7</sup>, shaving or shortening his hair, then, removes his Ihram. By so doing, everything becomes allowed to him until he wears Ihram again for Hajj on the 8<sup>th</sup> of Dhul-Hijjah (day of Tarwiyah), then he heads to Mina:

A- He is allowed to spend the night there if he can do it without difficulty.

B- If he spent the night there, he should not leave it before the sunrise of the 9<sup>th</sup> day, or he can go with the group he accompanies, according to the fixed arrangements of moving the groups to Mina on the Day of Tarwiyah (the 8<sup>th</sup> of Dhul-Hijjah). Or he can go straight to 'Arafat on the eve of the 8<sup>th</sup> of Dhul-Hijjah. If he spent the night in Mina he can go to 'Arafat and keeps standing on it praying and sincerely supplicating to Allah, till the time of moving from 'Arafat after sunset, then he completes the rituals of Hajj in Muzdalifa, Mina, and Makkah,

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<sup>7</sup> - Going or walking between the mountains of Safa and Marwa when performing 'Umrah or Hajj.

until he has finished throwing the pebbles at the end of the Days of Tashriq.

- 3- In case he intended to perform Qiran ('Umrah and Hajj in one Ihram), then, he must make Tawaful-Qudum (Arrival circumambulation), so, if he made Sa'i between Safa and Marwa, this Sa'i will be for both 'Umrah and Hajj, and he needs not to make Sa'i again after the essential circumambulation. In case he didn't make the Sa'i first, he can do it after Tawafal-Ifadah (Return from Mina circumambulation), without any consequences on him, then he completes the rituals without removing his Ihram, and does what other pilgrims do for Ifrad or Tamattu' Hajj commencing the Day of Tarwiyah, as all pilgrims go to Mina on their way to 'Arafat.

Fifth: All pilgrims go to Muzdalifah from 'Arafat after sunset, and when they reach it they settle down and combine Maghrib and 'Ishaa prayers. It is permissible for the pilgrim to spend the night in Muzdalifa until the sunrise of the Day of Slaughtering if he could do it without difficulty, then he moves from Muzdalifah after

midnight counting the number of hours between Maghrib and Fajr. After midnight, the ritual of the Day of Slaughtering begin, taking into consideration that the pilgrim can change their order according to his physical abilities, and to what is easy for him to do.

It is permissible for him to start with the Essential Tawaf immediately after midnight, the shaves or shortens his hair, then, removes Ihram, this is the first removal of Ihram, where everything becomes permissible for him except sexual intercourse. The second removal of Ihram takes place after throwing the pebbles of Al-'Aqabah. He, then, may have a rest after Tawaf, and go to Mina to do the other rituals of the Day of Slaughtering.

Sixth: The pilgrim has to stay in Mina during Ayyam At-Tashriq<sup>8</sup>. If he couldn't stay there, he can stay in any place near it. He also can authorize another person to throw the pebbles for him if he couldn't do it himself, he also can combine throwing all the pebbles in one day to avoid the crowd, to leave early, or to join the

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<sup>8</sup> - 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup> of Zhul-Hijja.

group he came with. How can he spend the night in Mina with difficulty, then, it is obligatory for him to spend the night there, and to do the rituals of the Day of Sacrifice himself. He must be lenient and avoid pushing other pilgrims.

Seventh: When he wants to leave Makkah, it is desirable for him to make Tawaful-Wada'<sup>9</sup> if he could. It is obligatory on him to do it if the House was full of pilgrims to the point that he cannot do it, instead, he can intend to combine it with Tawaful-Ifadah or Tawafur-Rukn, and it will be sufficient for him without incurring a blame.

Eighth: If the pilgrim has a doubt about something he has already done, i.e., is it correct in number or not, he should free himself of the doubt without incurring a blame, but if he doubted what he is doing, he must build on the least of what he has done; this is applicable to the Tawaf, Sa'i, or throwing the pebbles.

Ninth: The days of Sacrifice last for two days for those who want to leave early, and three days for those

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<sup>9</sup> - Farewell circumambulation.

who want to complete them. The pilgrim, after that, can stay in Makkah until he leaves for his homeland without incurring a blame for being late after Tawaful-Wada', as long as he didn't intend to stay in Makkah, or to go to Madinahh for visiting the Prophet's Mosque (PBUH) and gaining the honor of greeting the Prophet (PBUH).

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## **The First Issue**

Assuming Ihram from Jeddah

All the scholars agreed that the spatial Mawaqit<sup>10</sup> have been specified by Prophet (PBUH) himself, and it's known that the Prophet (PBUH) had only specified Mawaqit for pilgrims who are coming by land from northern, southern, or east Arabia, these Mawaqit are:

- 1- Zulhulaifah; (Abar 'Ali) for the inhabitants of Madinah, or those who came through it.
- 2- Aljuhfa; for the inhabitants of Syria, Jordan, Palestine, or Lebanon, or those who came through these countries.
- 3- Qarn-el-Manazil; -now called As-Sail- for the inhabitants of Najd who come from the East, and those who come through it.
- 4- Yalamlam; for the inhabitants of southern Yemen, and those who come through it.
- 5- Zhat-'Irq; for the inhabitants of 'Iraq and those who come through it.

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<sup>10</sup> - Singular "Miqat", an appointed place for starting Ihram.

As for those who come from the North there are two Mawaqit: (1): Zulhulaifah; for the people of Madinah, and (2) Aljuhfa; for the people of Syria, Jordan, Palestine, and Lebanon, because the inhabitants of Hijaz used to have a summer commercial journey to these countries. So, in case they intended to perform Hajj or 'Umrah on their way back, they may come through Madinah, and in this case they assume Ihram at Zulhulaifah, or may come through other ways that do not cross Madinah, and in this case they have to assume Ihram in any of the other three Mawaqit, except for Abar 'Ali.

The Prophet (PBUH) had not specified a Miqat (singular of Mawaqit) for those who come from the west, so, its ruling is open for Fatwa.

Scholars, later, specified Aljuhfa for the people of Egypt and Maghrib<sup>11</sup> who come by land, as it was their normal way before digging the Sues Canal.

The Egyptian Fatwa Academy issued in 2009 a Fatwa No. 2002, which allowed those who come by air to assume their Ihram from Jeddah.

Some contemporary scholars, among them Sheik 'Atiyya Saqr, supported this Fatwa, provided proofs for

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<sup>11</sup> - North African countries.

supporting it, and refuted the opponents of this well-established Fatwa.

Among what he said – may Allah's mercy shower him- : "The proper ruling for this issue which entails neither hardship nor detriment is: Those who come by air are not obliged to assume Ihram before their plane have landed in the country through which they will take the land road.

He added: "So long as the international airport through which the pilgrims arrive is in the city of Jeddah, which, in turn, lies in scope of some Mawaqit, then, the Miqat of Ihram for those who come to Jeddah by air for Hajj or 'Umrah, is the city of Jeddah, because they are considered in this case as the inhabitants of Jeddah.

Accordingly, it is permissible for those who come from Egypt and the neighboring countries by air or by sea to assume Ihram from Jeddah according to the Fatwa given by those scholars, without incurring neither blame nor offering a sacrifice for that. He shouldn't be blamed for that because of the jurisprudential rule which says: "No blame is due for doing what is disagreed on,

but blame is due for doing what is unanimously rejected".

## **The Second Issue**

### **Repetition of 'Umrah**

'Umrah can be repeated in one of two ways:

**First,** To be repeated from Makkah the Glorious:

'Umrah has a great bounty, and manifold reward, especially in the month of Ramadan; it is narrated in the authentic Hadith: "'Umrah in Ramadan is equal to one occurrence of Hajj"<sup>12</sup>, and in another narration: "One occurrence of Hajj with me"<sup>13</sup>.

The majority of early or late scholars hold that it is desirable to repeat 'Umrah, based on the surface meaning of the Prophet's saying: "The performance of 'Umrah is an expiation of the sins committed between it and the previous one"<sup>14</sup>.

The surface meaning of the Hadith admits that the repetition of 'Umrah is Sunnah, whether it happened in one or two days, or in one or two months. What supports this meaning is that 'Aishah (RA) performed

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<sup>12</sup> - Narrated in Al-Bukhari, the Book of Hajj, chapter of "'Umrah in Ramadan" Hadith No. 1681.

<sup>13</sup> - Agreed upon.

<sup>14</sup> - Agreed upon.

'Umrah from Tan'eem after she performed Hajj and 'Umrah together, as it was narrated in Sahihain, that is, she performed two 'Umrahs in zul-Hijjah; one with Hajj, and one alone.

Accordingly we say:

It is permissible for those who perform Tamattu'<sup>15</sup> to make a second and third 'Umrah before starting the rituals of Hajj, and they have to offer only one sacrifice, that is, for Tamattu'.

The disagreement between scholars concerns only one thing: In what place shall the pilgrim assume Ihram for the second 'Umrah? Can he do it inside Makkah or should he go to Tan'eem? The majority of scholars say that he should do it outside Makkah, however, no harm is done if he assumed Ihram at his hotel or in any other place in Makkah, but he has to offer a sacrifice. To the contrary, 'Ata' and ibn Hazm (May Allah's mercy be on them) see that he does not have to offer anything<sup>16</sup>.

So, it is preferable to enact 'Ata's opinion for the elderly and sick people who find it difficult to leave

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<sup>15</sup> - Performing Hajj with 'Umrah with a break in between.

<sup>16</sup> -Sahih Muslim with Nawawi's commentary Vol. 4/418, published by: Darul-Hadith, Cairo.

Makkah for Ihram, and it is better for them, according to the opinion of the majority of scholars, to offer a sacrifice if they can afford it.

**Second**, repetition of 'Umrah after finishing Hajj:

The majority of scholars are of the view that it is permissible to repeat 'Umrah more than once in one year<sup>17</sup>.

It's also permissible to repeat 'Umrah in one journey, as there is nothing related to the Prophet (PBUH) that disallows it. To the contrary, 'Aisha (RA) was allowed to perform 'Umrah after Hajj when she said: I said: "O Messenger of Allah, all the people go back with 'Umrah and Hajj, whereas I go back with only Hajj", he said: "Didn't you make Tawaf when we arrived at Makkah?" I said: "No" he said: "Go along with your brother to Tan'eem, and assume Ihram for 'Umrah"<sup>18</sup>.

Moreover, a number of Salaf<sup>19</sup> allowed it, among them is ibn abi Shaibah who related to Jabir that he was

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<sup>17</sup> - See, Raddul-Muhtar 2/472, Al-Majmu' 7/149, and Kashshaful-Qina' 2/520.

<sup>18</sup> - Al-Bukhari (1561). Muslim (1211).

<sup>19</sup> - The companions of the Prophet (PBUH).

asked about making 'Umrah during the three days after Hajj, and he saw no harm in doing it, and said: "No sacrifice must be offered for it"<sup>20</sup>.

An-Nawawi said in Al-Majmu': "All the year is a time for 'Umrah, so, it is permissible to assume Ihram for 'Umrah at any time of the year, and it's not disliked to do it at any time, whether in the months of Hajj or otherwise. It is not disliked to make 'Umrah twice or thrice or more in one year, to the contrary, it is unanimously preferable to make as many 'Umrahs as you can<sup>21</sup>.



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<sup>20</sup> - Musannaf ibn abk Shaibah (7/130).

<sup>21</sup> - Al-Majmu' (7/147-150). unanimously among the Shafi'i scholars.

### **The Third Issue**

#### **Doing Sa'i before Tawaf**

It is acknowledged by Shari'a that Tawaf and Sa'i between Safa and Marwa are requirements for the completion of Hajj and 'Umrah and their rituals. However, the scholars disagreed on the description of each.

The original order – in normal situation – is to do Sa'i after Tawaf, but in case of necessity stemming from crowd, weakness, lack of knowledge, or forgetfulness, the scholars permitted doing Sa'i before Tawaf due to what Abu-Dawud related to Usama ibn Shuraik that he said: "I went out with the Prophet (PBUH) for making Hajj, the people came to him, one of them said: O! Allah's Messenger, I did Sa'i before Tawaf, or did something before another, or did something after another, and the Prophet (PBUH) used to answer: "Do, no harm"<sup>22</sup>. So, this Hadith, on the face of it, permits doing Sa'i before Tawaf.

This Hadith also shows that the man asked the Prophet (PBUH) about doing Sa'i first, without

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<sup>22</sup> - Abu-Dawud, Book of Manasik (2015). Authentic Hadith.

mentioning Tawaf explicitly, however, the answer was: " Do, no harm", it means that Tawaf in the question refers to obligatory and non-obligatory Tawaf, and the conclusion is: it is permissible to do Sa'i before Tawaf under any circumstances.

If we admit that it is obligatory to do Tawaf before Sa'i- according to whomever says that- then, it is permissible to do Tawaf before Sa'i in case of heavy crowd, for the sake of keeping people's lives, and this would be a concession that must be implemented, parallel to the permissibility of eating of the dead animal in case of necessity to save the people's lives, and it would be within the frame of the rule that says: "If a matter becomes restrained, it grants license" (إذا ضاق الأمر اتسع).

The heavy crowd nowadays is one of the reasons that justify doing Sa'i before Tawaf, since it is related to the Prophet (PBUH) that he considered heavy crowd as a reason for ease in the rituals of Hajj, and allowed weak people to leave early from Muzdalifah before the rush of the pilgrims<sup>23</sup>.

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<sup>23</sup> - Fahul-Bari: 7/326.

It is related to 'Aisha that she said: "We arrived at Muzdalifah, and Sawda asked permission from the Prophet (PBUH) to leave before the rush of the people, as she was a slow woman, and he permitted her to do so"<sup>24</sup>.

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<sup>24</sup> - Al-Bukhari: 1681, Muslim: 1290.

### **The Fourth Issue**

The ruling for sleeping the night in Mina

Sleeping the night in Mina could be on the Day of Tarwiyah (the eve of Arafat) or on the three appointed days, here are the details:

First: The ruling for sleeping the night in Mina on the Day of Tarwiyah:

The Day of Tarwiyah is the 8<sup>th</sup> of Zhul-Hijjah and the night meant here is the night of 'Arafat. The scholars are unanimous that it is neither obligatory nor a must o sleep the night of the Day of Tarwiyah in Mina, but it is a Sunnah<sup>25</sup>. It is known that whoever performs Sunnah is rewarded for it, but is not punished for not doing it. In case Sunnah is in conflict with doing obligatory rituals, or led to perishing in crowd or leaving the group with whom the pilgrim came to Hajj, it becomes unwanted.

Second: The ruling for sleeping the night on the three days:

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<sup>25</sup> - Badaai' As-Sanaai' by Kasani: 2/125, Az-Zakhirah by Qarafi: 3/254, dited by Muhammad Hijji, published by Darul-Gharb, Beirut, 1994. Al-Majmu' Sharhul-Muhazzab by Nawawi: 8/287, Darul-Fikr. Mughil-Muhtaj: 2/265, published by Darul-Kutub Al-'Ilmiyyah, 1994. Al-Mughni by Ibn Qudamah: 3/365, published by Maktabatul-Qahirah, 1968.

Surveying the scholars' opinions shows that: The ruling for sleeping the night in Mina on the three days differs according to the existence or non-existence of genuine excuses during performing the rituals. The details are:

1- In case of excuses:

It is permissible to leave it to avoid hardships, comparable to the rulings for shepherds, water carriers, elderly and sick people whom the Prophet (PBUH) allowed not to do it on the days of throwing pebbles. It is narrated that Al'Abbas (RA) sought and got permission from the Prophet (PBUH) to sleep the nights of Mina in Makkah so that he could attend to his functions as provider of drinking water to the pilgrims. It is also related to 'Ikrimah that Ibn 'Abbas (RA) said: "If you have thrown the pebbles, you may sleep the night wherever you wish". It is also narrated that 'Ataa said: "There is no harm if a man slept the nights of Mina in Makkah if this was his habit"<sup>26</sup> On parallel bases, these very excuses allow for not sleeping in Mina on the day of Tarwiyah, following the principle of "ease". Ash-Shawkani

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<sup>26</sup> - Al-Bukhari, 'Umdatul-Qari 9/275, Dar Ihiaa At-Turah Al-'Arabi.

said: " It is permissible for whomever has an excuse similar to that the Prophet (PBUH) admitted, not to do it; this is the opinion of the majority of scholars<sup>27</sup>.

Among the excuses that allow for not sleeping the nights of the three days in Mina is not having a place to sleep in Mina, so, in this case the pilgrim can sleep outside, near it, or far from it according to his ability without incurring penalties, as Allah (SWT) says: " Be pious to Allah as best as you can" (64: 16).

2- In case of no excuses:

The Malikis<sup>28</sup> disliked leaving the sleep in Mina, but they disagreed on the necessity of offering a sacrifice for not doing it<sup>29</sup>. The Shafi'is said; Sleeping in Mina is preferable but not obligatory like sleeping the night of 'Arafat<sup>30</sup>. The Hanifis said that it is a Sunnah that incurs reward for whomever does it for the sake of following the Prophet (PBUH), as long as he has no excuse.

The Hanbalis, however, although they say that it is obligatory to sleep in Mina<sup>31</sup>, and leaving it incurs

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<sup>27</sup> - Ash-Shawkani: Nailul-Awtar, 5/95, 1993.

<sup>28</sup> - Al-Mudawwanah: 1/249, 1994.

<sup>29</sup> - Az-Zakhirah by Al-Qarafi, 3/254.

<sup>30</sup> - Ash-Shirazi in At-Tanbih: 1/78, 'Alam Al-Kutub.

<sup>31</sup> - Kashshaful-Qina': 2/605.

offering a sacrifice, they subdued it to the ability, so, if the pilgrim cannot do it due to different excuses, he is relieved from doing it according the purposes of Shari'a and its summative rules.

It is known that the existence of excuses is no longer an individual case, but it is a general state that relates to the whole Islamic situation, and all pilgrims. The strong person becomes weak in the crowd due to the dangers that threaten him, and accidents that lead to death in crowds because of hard pushing do not differentiate between young and old, or weak and strong. This is among the novelties that must be considered to attain the right Shari'a ruling.

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### **The Fifth Issue**

The time a pilgrim should stay at Muzdalifah

The scholars are unanimous that the time of staying at Muzdalifah comes after standing at 'Arafat; the greatest pillar of Hajj. Staying at Muzdalifah starts at the time of leaving 'Arafat or moving away from it, that is, after sunset of the beginning of the night of Sacrifice. This timing is not strict as to its beginning or its end, but it is open for every group to spend as much time as they can, then continue walking to Mina to do the rites of the Day of Sacrifice.

The duration of stay that each pilgrim must spend at Muzdalifah is as follows: The Malikis said it is enough for the pilgrim to stay there for praying Maghrib and 'Ishaa (shortened and combined), and to have a short rest<sup>32</sup>. There is no strict limit for the time for doing

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<sup>32</sup> - Hashiyat Ad-Dusouqi 'ala Ash-Sharh Al-Kabir 2/4, published by Al-Halabi.

this, but it is left to the pilgrim's circumstances and ability.

If he found out that staying longer at Muzdalifah will make him liable to be exhausted by the crowd, he is eligible to leave even if he didn't stay there more than a second, i.e., if he felt that staying there will threaten his life, or will distract him from concentrating on his worship, he is allowed to leave immediately. Moreover, he is entitled to only pass by it without staying there at all. This is the opinion of the Malikis and Shafiis<sup>33</sup>.

The Hanifis said: It is obligatory to be there before the dawn of the Day of sacrifice for any stretch of time<sup>34</sup>. The Malikis', and of those who agree with them, quote Allah's saying: "When you surge down from 'Arafat, remember Allah at the sacred place" (2: 198).

The significance of this verse is that it is enough to stop there even for just the time of putting down his luggage or even less. Allah didn't ask the pilgrim to do more than remembering Him at the sacred place, which

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<sup>33</sup> - op.cit. 1/499.

<sup>34</sup> - Fathul-Qadir by Al-Kamal ibn Al-Humam: 2/169, and Allubab by Al-Musili: 1/168.

will take only a short time. Al-Qurtubi says<sup>35</sup>: "Remembering Allah requires only the time it takes, that is, the necessary time for staying at Muzdalifah is the time of remembering Allah no more, according to the meaning of the Glorious Verse". The scholars are unanimous that leaving remembering Allah does not render the Hajj null and void, as in the case of passing by it while asleep or unconscious, thus, what is meant by the Verse is the time of remembering Allah not remembering Allah per se<sup>36</sup>. So, if we know that the time of passing by the place is enough for remembering Allah and more, it becomes clear that this time is enough.

Although the Hanbalis said that it is obligatory to sleep the night there following what the Prophet (PBUH) did in the Hadith narrated by Jabir (RA) that when the Prophet arrived at Muzdalifah, he combined the prayers of Maghrib and 'Isha, then he slept till dawn, we say that this is bound by the pilgrims' ability, which became very dear nowadays. It is so difficult to do this now due to the heavy crowds that increase every year, which may

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<sup>35</sup> - Al-jami' li Ahkam Al-Qur'an by Al-Qurtubi: 2/426. The General Egyptian House of Book.

<sup>36</sup> - op. cit.

lead to the death of some pilgrims. Allah (SWT) didn't legislate Hajj to make the people push and kill each other, but to be a worship with which they draw nearer to Him.

Therefore, those who adopt this opinion didn't apply it to the weak, disabled, and whomever has a genuine excuse, but held that it is permissible for them to leave Muzdalifah to Mina before facing the threat of the sweeping crowds. What was permissible at the time for the weak, became applicable to all people nowadays, the weak and strong altogether. Sweeping crowds lead people to push each other, be him strong or weak, and all the pilgrims become prone to be victimized<sup>37</sup>.

Those who accompany the weak and sick people are included in the same ruling of ease, they are permitted to overlook sleeping at Muzdalifah. They are also permitted to leave it after midnight without incurring penalties. Likewise, those who were late to reach 'Arafat until dawn, and stopping on 'Arafat delayed them from stopping at Muzdalifah, are also permitted to only pass through it without incurring penalties<sup>38</sup>.

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<sup>37</sup> - Al-Mughni by Ibn Qudama, op.cit.

<sup>38</sup> - Idahul-Manasik, by: Nawawi p. 221, and Al-Mughni by: Ibn Qudama 5/379.

This ruling is based on what is related to ibn 'Umar (RA) that the Prophet (PBUH): "Gave permission to the weak to leave Muzdalifah at night"<sup>39</sup>. And what is related to 'Aisha (RA) that she said: "Sawda was a fat slow woman who asked and got permission from the Prophet (PBUH) to leave Muzdalifah at night"<sup>40</sup>.

Summary:

What is incumbent on the pilgrim to stay at Muzdalifah is the time for putting down his luggage, that is, the time necessary for praying Maghrib and 'Isha together at any time from the beginning of the night of the Day of Sacrifice to its dawn.



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<sup>39</sup> - As-Sunan Al-Kubra, by An-Nasa'I 4/168, and Musnad by: Ahmad, 8/494.

<sup>40</sup> - Sahih Muslim.

## **The Sixth Issue**

The beginning and end of the Day of Sacrifice

The Day of Sacrifice begins at midnight after leaving Muzdalifah, according to what is related to 'Aisha that she said: "The Prophet (PBUH) sent Ummu-Salama at the night before the Day of Sacrifice, so, she threw the pebbles, then left Muzdalifah, this was on her day with the Prophet (PBUH)"<sup>41</sup>.

The Hadith that is related to 'Abdullah, the servant of Asmaa, that she stayed at Muzdalifah by night, then, she stood up for (offering) the prayer, and offered the prayer for some time, then asked me: O my son! Has the moon set? I said: "No" She prayed again for another period, then asked me: O my son! Has the moon set? I said: "No" She prayed again for another period, then asked me: Has the moon set? I said: "No" She prayed again for another period,, then asked me: Has the moon set? I said: "Yes" So, she said that we should set out (for Mina) and we departed and went on till she threw pebbles at the Jamrah (Jamratul-'Aqabah), and then she returned and prayed Fajr in her dwelling, and said: "The

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<sup>41</sup> - Sunan by Abu-Dawud, book of Manasik, 1942.

Prophet (PBUH) gave permission to the women to do so"<sup>42</sup>.

These two Hadiths prove that setting out of Muzdalifah starts at midnight before the day of Sacrifice. Midnight is the middle time between the time of Maghrib prayer and Fajr (dawn) prayer. This might be at 10, 11, or 12 O'clock of that night. Asmaa combined Maghrib and 'Isha prayers and prayed for three hours after she has arrived at Muzdalifah, until the moon has set; the time the moon sets on the 10th of Zul-Hijjah is normally the point of midnight. The meaning of "midnight" is open to include most of the night; it is not defined by minute and second, but it means "almost midnight", not "exactly midnight". Accordingly, any of Hajj rituals that should be done on the Day of Sacrifice including Essential Tawaf can legitimately be done during this period of time.

The end of the Day is based on its beginning, so, the time the Day of Sacrifice begins is the time of the end of the preceding day.

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<sup>42</sup> - Agreed upon.

## **The Seventh Issue**

### **The rituals of the Day of Sacrifice**

The rituals of the Day of Sacrifice are: Throwing Jamratul-'Aqabah, slaughtering for those who should do it, shaving or shortening the hair, and the Essential Tawaf, or Tawaful-Ifadah. This is based on what Anas related to the Prophet (PBUH) that he "Arrived at Muzdalifah, threw the pebbles, then went to his dwelling in Mina, slaughtered, and shaved his hair"<sup>43</sup>.

Ibn 'Umar (RA) said that the Prophet (PBUH): "Went down to Makkah on the Day of Sacrifice, then came back and prayed Dhuhur (noon) prayer in Mina"<sup>44</sup>. Jabir (RA) related that the Prophet (PBUH): "Went to the slaughtering house, slaughtered, rode to the House, made Tawaf, and prayed Dhuhur prayer"<sup>45</sup>.

Jabir (RA) described the Hajj of the Prophet (PBUH) and what he did on the Day of Sacrifice saying: "He began with throwing the pebbles, slaughtering, shaving, then performing Tawaf"<sup>46</sup>.

We conclude from these hadiths that:

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<sup>43</sup> - Sahih Muslim.

<sup>44</sup> - Agreed upon.

<sup>45</sup> - Sahih Muslim.

<sup>46</sup> - Al-Mughni by Ibn-Qudamah: 3/446.

The rituals of the Day of Sacrifice are four: Throwing, slaughtering, shaving, and performing Tawaf. Performing Tawaf on the Day of sacrifice is unanimously preferable as mentioned in Al-Bahr by Imam Mahdy, and as repeated by Ash-Shawkany<sup>47</sup>. It can be delayed until the end of the three days.

Scholars are also unanimous that whoever does not follow the order of these rituals, does not incur any penalty, except for Hanifis who say that it is obligatory to follow<sup>48</sup>.

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<sup>47</sup> - Nailul-Awtar by Shawkani, op cit.

<sup>48</sup> - Badai' As-Sanai' by Al-Kasani, vol.2 2/140.

## **The Eighth Issue**

The suitable order for contemporary ease

The basis of following that order is the pilgrim's ability, whether following it was preferable, according to the majority of scholars, or obligatory according to the Hanifis. So, in case the pilgrim is unable to follow that order, it becomes void, and the pilgrim is free from following it. The pilgrim, in this case, is free to do whatever feasible for him of these four rituals, in order to avoid the crowd at Tawaf, or at throwing the pebbles. He has the choice to start with whatever easy for him, so that he can concentrate on his worship. So, he can start with doing Tawaf before dawn, so that he can avoid the crowd that may threaten him and distract him from sincerely supplicating to Allah, and enjoy the sweetness of obeying Allah (SWT).

What proves that the pilgrim's ability is the cornerstone of ordering the rituals of the Day of Sacrifice, and that they must be combined on that day, is the following:

1- From the Ever-Glorious Qur'an:

Allah's saying: "Allah does not burden any soul with more than it can bear, each gains whatever good it has done, and suffers its bad. O Our Lord, do not take us to

task if we forget or make mistakes. O Our Lord, do not burden us as You burdened those before us. O Our Lord, do not burden us with more that we have strength to bear. Pardon us, forgive us, and have mercy on us. You are Our Protector, so, help us against the disbelievers" (2: 286). This verse, among others, showed that the basis of the religious obligations is the ability of the person entrusted to do them. So, if he couldn't do them according to the required full description, he is permitted to do it according to the concessions delineated by Shari'a, because Allah likes His servants to benefit from His concessions as he likes them to do His full worship. So, concessions that require only doing what is possible stand for doing the full worship in case a person cannot do the full worship, or may experience a hardship that may end up in perishing. Accordingly, the scholars hold that: Hardships grant ease, so, those who cannot follow the prescribed order of rituals, are permitted to overlook it.

2- From honorable Sunnah:

The Hadith that Al-Bukhari related to 'Abdullah ibn 'Abbas (RA) that the Prophet (PBUH) was asked about slaughtering, shaving, throwing the pebbles,

and Tawaf, which should be done first and which should be done last, and he answered: "Do, no harm". In another narration; a man asked him: "I shaved before slaughtering", he said: "Slaughter, no harm", another asked him: "I threw the pebbles after night", he said: "Do, No harm". In another narration: A man said to the Prophet (PBUH): "I made Tawaf before throwing the pebbles, he said: "No harm", the man said: "I shaved before slaughtering", he said: "No harm", the man said: "I slaughtered before throwing", he said: "No harm"<sup>49</sup>.

In another version: "I surged down before shaving", he said: "Shave or shorten your hair, no harm", another man came and asked: "I slaughtered before throwing", he said: "throw, no harm"<sup>50</sup>. In a narration by Muslim that 'Abdullah ibn 'Umar (RA) said: "I haven't heard him (PBUH) answering the people who asked about ordering the rituals, except saying: "Do, no harm"<sup>51</sup>.

Also, the Hadith narrated by Abu-Dawud, relating to 'Uthman ibn Abi-Shaibah, relating to Usama ibn

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<sup>49</sup> - Al-Bukhari, the book of Hajj, chapter: Slaughtering before shaving.

<sup>50</sup> - At-Tirmidhi in his Sunan, book of: Hajj, and said: Good authentic Hadith.

<sup>51</sup> - Muslim, the book of Hajj, chapter: Who threw before slaughtering, or slaughtered before throwing.

Shuraik that he said: I set out to Hajj with the Prophet (PBUH), and the people came to ask him, some said: "O, Messenger of Allah, I made Sa'i before Tawaf, or made something before the other, and the Prophet used to say: "Do, no harm, no harm, except for a man who violated the sanctity of another Muslim, and was unjust to him, this really is the one to blame, and may he perish"<sup>52</sup>

The significance of these Hadiths is:

They clearly showed that it is permissible for the pilgrim to start with any ritual that is feasible to him, and ensures his safety, in order that he may accomplish his worship as perfect as he can. They also prove that performing the rituals in order is not obligatory.

3- Consensus:

The scholars are unanimous that it is permissible to do some rituals before others. This is mentioned by Ibn Qudamah in Al-Mughni, and Ash-Shawkani in Nailul-Awtar<sup>53</sup>.

This means that doing first whatever the pilgrim can do is proven by the Qur'an, Sunnah, and consensus.

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<sup>52</sup> - As-Sunan, by Abu-Sawud.

<sup>53</sup> - Al-Mughni by Ibn Qudamah, and Nailul-Awtar by Ash-Shawkani p. 4.

The rationale behind lifting hardship by overlooking the order of the rituals of the Day of Sacrifice:

The rationale behind the instructions of the Prophet (PBUH) to the pilgrims to do whatever feasible to each of them according to his physical ability without following a strict order that gathers all the pilgrims in one place at one time, is to scatter them in more than one place to avoid making big crowds that may cause harm and casualties. Allah (SW) says: "And do not kill yourselves, for Allah is merciful to you" (4: 29).

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## **The Ninth Issue**

### **Throwing the pebbles before noon**

Three prominent scholars hold that it is permissible to throw the pebbles before noon; they are: ('Ataa), the scholar of Makkah, rituals, and one of the post-followers of the Prophet (PBUH), (Tawus), the scholar of Yemen, and one of the post-followers of the Prophet (PBUH), and (Ja'far As-Sadiq), one of the Imams of Alul-Bait<sup>54</sup>.

Some more recent scholars of the four renounced doctrines hold the same opinion.

What supports that the aim of Throwing pebbles is remembering Allah (SW) is the Hadith related to 'Aishah (RA) that the Prophet said: "Throwing the pebbles and Sa'i are prescribed for the sake of remembering Allah (SW)": (Narrated by Abu-Dawud, and Tirmidhiy who said: Good authentic Hadith".

Some scholars concluded support for this opinion from Allah's saying: " Remember Allah on an appointed number of days, if anyone is in a hurry to leave after two days, there is no blame on him, nor there is any blame on anyone who stays on, so long as they are pious

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<sup>54</sup> - Alul-Bait: The Prophet's family.

to Allah. Be pious to Allah, and remember that you will be gathered to Him" (2: 203).

The day unanimously begins at dawn, or after sunrise. The Prophet (PBUH) has thrown the pebbles afternoon, but he has not forbidden throwing them before that.

Among the Shari'a rules that support this understanding are the rules that say: "Religious mandates are determined by ability", "Hardship grants ease", "If a matter becomes restrained, it grants license", and "Necessities know no laws".

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## **The Tenth Issue**

### **The consequences of the Removal of Ihram**

The removal of Ihram is of two kinds: First (minimal) removal of Ihram, and Second (final) removal of Ihram. The first removal of Ihram releases the pilgrim from putting on the garbs of Ihram and all other restrictions except for approaching women sexually.

The second removal of Ihram makes everything permissible for him including approaching his wife sexually. It takes place after doing the essential Tawaf, or Tawaful-Ifadah. This is concluded from the Hadith narrated by 'Aishah that the Prophet (PBUH) said: "When you have thrown, and shaved, you are permitted to wear perfume, put on regular cloths, and everything except for women"<sup>55</sup>. It excluded approaching women from the first removal of Ihram. Ash-Shawkani said: It is unanimous that after throwing and shaving all that is restrictions by Ihram is permitted for except women, which is not permitted before Tawaf<sup>56</sup>. There are other Hadiths that show the same meaning.

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<sup>55</sup> - Narrated by Imam Ahmad, in his Musnad, 42/40

<sup>56</sup> - Nailul-Awtar, 5/130, Badai' As-Sanai' by: Kasani, op.cit., Ash-Sharh As-Saghir, 2/59, and Mughnil-Muhtaj, 1/502.

## **The Eleventh Issue**

### **Combing the Essential and Farewell Tawafs**

Tawaful-Ifadhah is preferred to be done earlier on the Day of Sacrifice, or be delayed to the end of Hajj, and in this case, the Maliki and Hanbali scholars hold that, it stands for Farewell Tawaf if the pilgrim intended to combine them. This is the view of Ibn Rushd, who related it to the majority of scholars<sup>57</sup>.

This opinion is supported by some evidences, among them:

- The prophet's(PBUH) saying to 'Abdur-Rahman ibn Abi-Bakr: "Go along with your sister out of Makkah and let her assume Ihram for 'Umrah, then you both finish your Tawaf"<sup>58</sup>. The Hadith doesn't sat that the Prophet directed her to do Farewell Tawaf having done Tawaf and –Sa'i for 'Umrah.
- Ibn Bitāl said in his comments on Sahihul-Bukhari: "The scholars are unanimous on the case that if a person performing 'Umrah did Tawaf and went back home, he is not obliged to do Farewell Tawaf. As 'Aishah did".

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<sup>57</sup> - Al-Mudawwanah: 1/424, Ash-Sharhul-Kabir: 2/53, Al-Mughni by Ibn Qudamah: 3/237, and Al-Insaf: 4/50.

<sup>58</sup> - Sahih by Imam Muslim.

- Ibn Hajar said in his book Fathul-Bari: "It is concluded from 'Aishah's (RA) story that if Sa'i took place after the essential Tawaf, we may say that the essential Tawaf stands for the Farewell Tawaf if Sa'i took place between Tawaf and leaving the House<sup>59</sup>.
- What supports this opinion is that the farewell Tawaf is not intended for itself, but intended to be the last ritual performed in the House.
- In the commentary of Dusouki on Ash-Sharhul-Kabir, we find: "The Farewell has materialized by Tawaful-Ifadhah and Tawaf of 'Umrah, that is, they stand for it, and the pilgrim will gain the reward of the Farewell Tawaf if he intended to combine them"<sup>60</sup>.




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<sup>59</sup> - Fathul-Bari: 3/612.

<sup>60</sup> - Hashiyatd-Dusouki: 2/53.

## **The Twelfth Issue**

### **Authorization for performing Hajj**

Authorization: means the license given to a person to do something on behalf of another. The authorized is the person who does something on behalf of another person<sup>61</sup>. In Hajj, it relates to the following matters:

First: The bases of authorization for doing Hajj:

The scholars have laid down a rule for defining the worships that can be done on behalf of others, including Hajj. The rule is: If the worship included an act that should be done by the worshipper himself, such as faith, praying, and fasting, the worshipper has to do it himself, and cannot authorize another person to do it on his behalf. But if it included an act that must be done, regardless of who does it, such as returning

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<sup>61</sup> - Al-Forouq by Qarafi: 2/205. The one hundred and tenth difference.

consignments, distributing alms, paying penances, slaughtering votive offerings, etc..., it, unanimously, can be done on behalf of others, because it is meant for the benefits of others; a matter that can be achieved by the worshipper himself or by anyone else on behalf of him<sup>62</sup>.

On the basis of this rule:

The scholars are unanimous on the permissibility of doing the pure financial worships on behalf of others, such as: Slaughtering the sacrifice, distributing alms, and returning consignments. They are also unanimous that the worships that must be done by the worshipper himself cannot be done on behalf of others, such as standing on 'Arafat and Muzdalifah, as the pilgrim can attend them even if he were asleep, or unconscious, and shaving or shortening the hair.

Although the Hajj is a physical worship, it includes spending money, therefore, the scholars considered it as combining financial and physical aspects, hence, they

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<sup>62</sup> - Fathul-Qadir by: Al-Kamal ibn Al-Humam, 3/143, 1389H. Ad-Dusouki's commentary on Ash-Sharhul-Kabit: 2/121, published by Al-Halabi, Sharh Rawdatuk-Talibin, 3/18, published by: Al-Maktabul-Islami, and Al\_mughni by: Ibn Qudamah: 5/97, Ar-Riyad Bookshop.

disagreed on the permissibility of doing it on behalf of others. There are two opinions:

Those who consider it a physical rather than a financial worship hold that it cannot be done on behalf of others. The other group who consider that the financial aspect is the basis for performing it, rather than the physical aspect hold that it can be done on behalf of others. All these opinions are valid in normal circumstances, where ability and choice are available, not in cases of hardships and sufferings. So, if the competent person suffered a physical disability or weakness that impeded him from travelling or performing the rituals, he can authorize another person to do it on his behalf.

The evidences for the permissibility of authorization for performing Hajj in cases of difficulty or disability:

Those who permitted doing Hajj on behalf of others in case of physical disability or suffering hardships quoted many Hadiths:

1- 'Abdullah ibn 'Abbas narrated that a woman from Khath'am said: O, Allah's Messenger, my father was

an old man, and he cannot sit firm on the back of his camel when Hajj was enjoined by Allah, the Prophet (PBUH) said: " Perform Hajj on his behalf"<sup>63</sup>.

2- 'Abdullah ibn 'Abbas (RA) narrated that a woman from Juhainah came to the Prophet (PBUH) and said: "My mother vowed to perform Hajj, but she died before doing it, may I perform it on her behalf?" He said: "Yes, do it on her behalf. If your mother was indebted, would you repay her debt? Repay Allah's debt, Allah's debt is worthier to be paid". Ahamad's and Al-Bukhari's narrations are similar to this narration<sup>64</sup>. Many other Hadiths ascertain this meaning.

The significance of these Hadiths is:

They clearly show that performing Hajj on behalf of others is explicitly permissible, and they are closely relevant to the subject matter, and narrow the scope of the general texts that are quoted to prove the prohibition of performing Hajj on behalf of others, which include Allah's saying: "And that man shall have nothing except that for which he has endeavored (to achieve)" (53: 39).

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<sup>63</sup> - Sahih Muslim: 2/974.

<sup>64</sup> - Sahih Al-Bukhari: 3/23, Musnad Ahmad: 1/240.

Saying that worship requires full submission to Allah, supplication between His hands, and attendance with attentive heart and organs is true, but it is subject to ability and strength. So, in case of suffering disability, a pilgrim is only asked to do what he is able to do. Allah (SW) says: "Be pious to Allah as much as you can" (64: 16). He (SW) ascertained that His piety is limited by man's ability.

This opinion is built on prohibiting performing Hajj on behalf of others either in case of ability or disability and unbearable hardships. Hence, this opinion is deemed weak and unacceptable, and opposes the purposes of Shari'a that prompts ease in cases of disability or hardships.

Second: The prerequisites to authorization for doing Hajj:

- 1- The person who authorizes another to do Hajj on his behalf must be unable to bear the sufferings of travel, or performing the rituals of Hajj in crowds, or be seriously sick and doesn't expect to gain recovery before Hajj time<sup>65</sup>. Man is trusted for what he tells about himself.

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<sup>65</sup> - Al-Majmu' by An-Nawawi: 7/99, Al-Mughni: 3/245, Fathul-Qadir: 3/151, and Bidayatul-Mujtahid: 1/273 publish by Al-Maktabah At-Tijariyyah.

- 2- The authorized person must be able to do what he is authorized to do without suffering hardships or difficulties, be it a man or a woman. If he is unable to do it, it is prohibited to authorize him. Therefore, authorizing one person to do Hajj on behalf of more than one person was allowed only under this condition, in order that he can perfectly do it.
- 3- The authorized person must have done for himself what he is authorized to do on behalf of others. But the Hanafi and Maliki scholars said that this is a preferable, not obligatory, condition<sup>66</sup>.

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<sup>66</sup> - Fathul-Qadir: 3/151, Ad-Dusouki's commentary on Ash-Sharhul-Kabit: 2/20, , Al-Mughni, by Ibn Qudamah: 3/233, the two commentaries by Qalyubi and 'Umairah 2/91.

## **The Thirteenth Issue**

### **Practical applications of authorization for doing Hajj**

#### **1- Authorization for throwing the pebbles:**

Throwing the pebbles is one of the essential rites of Hajj. This ritual is normally difficult to do due to crowd, especially if the pilgrim was sick, weak, or young and cannot endure pushing in crowds.

Therefore, the majority of scholars hold that if the hardship that impedes a pilgrim from throwing the pebbles was due to a reason which may hold until the end of the three days, he is allowed to authorize someone to do it on his behalf. This is the opinion of Shafi'i and Hanbali scholars<sup>67</sup>, and the one chosen for Fatwa.

The evidences they submit are:

A-From Sunnah: The Hadith narrated by Jabir ibn 'Abdullah, that he said:"We set out to Hajj with the Prophet (PBUH), and with us were women and young boys; we recited Talbiyah and threw the pebbles on behalf of the young boys"<sup>68</sup>. This Hadith shows that

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<sup>67</sup> Al-Majmu' by An-Nawawi: 8/184, and Al-Mughni by Ibn Qudamah: 3/254.

<sup>68</sup> - Narrated by Tirmidhi: 3/226, and Ibn Majah: 2/1010.

it is permissible to throw on behalf of young boys for their weakness, and this applies to any weak person who cannot do it by himself.

B- From the consensus: What is narrated by Ibn Al-Mundhir that he said: All the scholars who taught me hold that throwing on behalf of young boys or any weak person is permissible"<sup>69</sup>.

C- From analogy: An-Nawawi narrated that: If it is permissible to authorize someone for doing the Hajj as a whole, then, it is permissible to authorize someone to do one or more of its rituals<sup>70</sup>. Hence, authorizing someone for throwing the pebbles is permissible, without incurring any blame".

2- Authorization for doing Tawaf:

If the pilgrim cannot do Tawaf by himself for any valid reason, he is entitled to authorize another person to do it on his behalf.

This is supported by analogy with unconscious person, who is entitled to authorize another to do it on his behalf. Likewise, the sick and old people have the

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<sup>69</sup> - Narrated by At-Tirmidhiy, and Ibn Majah in his Sunan: 2/1010.

<sup>70</sup> - Al-Majmu' by: An-Nawawi 8/168.

same ruling. Inability to do Tawaf by himself, or to hire some people to carry him for doing it, renders him "unable". Allah does not burden people with more than they can bear, and He says: "Be pious to Allah as much as you can" (64: 16).

If he can hire some people to carry him, he must do it, and does not have the right to authorize others for doing Tawaf on his behalf. This is concluded from the general rules, and following what the Prophet (PBUH) did when he performed Tawaf in his Farewell Hajj riding a camel, and pointed a bent-headed stick towards the Corner (Black Stone)<sup>71</sup>.

Also, what is related to Ummu-Salamah that she said: "I informed the Prophet (PBUH) that I was suffering a pain" He said: "Perform Tawaf while you are riding behind the people"<sup>72</sup>.

These two Hadiths, among others, show that whoever can do Tawaf riding he must do it, and is not entitled to authorize others for doing it.

3- Throwing the pebbles in one time:

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<sup>71</sup> - Fathul-Qadir, *Al-Ijma'* by Ibnul-Munthir p. 53. Al-Bukhari narrated this Hadith in his *Sahih*.

<sup>72</sup> - Al-Bukhari: P. 312, No. 1619.

The scholars are known have two opinions on this question:

The first opinion is that throwing the pebbles during the three days is Sunnah. The other says that it is obligatory. The disagreement is based on the fact that the pilgrims at the time had a wider scope of facilities, choice, and a more space for moving easily, due to their small numbers and to the vast places available for them to perform the rites. It is also based on whether the three days altogether are a time for throwing, on analogy with the day, since it is a time for the five prayers, or the pilgrim should throw on each single day.

The majority of scholars hold the first opinion, and say that the three days as a whole are a time for throwing<sup>73</sup>. This view is a wide door of ease for those with valid excuses, especially in the case of sweeping crowds that we witness nowadays, which lead to a state of pushing and shoving that knows no difference between strong and weak, or young and old. All become alike and liable to be victimized.

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<sup>73</sup> - Fathul-Qadir: 3/60, Bidayatul-Mujtahid: 1/465, Mughnil-Muhtaj: 1/508.

The Shafi, Hanbali, and Muhammad ibn Al-Hassan from the Hanafi scholars hold that distributing throwing on the three days is a Sunnah, whomever does it is rewarded, and whoever overlooks it is not to be blamed. So, whoever throws all the pebbles in one day is deemed right and incurs no blame.

This is their opinion for the normal circumstances, which should be more relevant for the abnormal circumstances, for the sake of saving souls, deterring calamities, and giving the pilgrims a chance for concentrating on their worship. This is supported by the Hadith that says that the Prophet (PBUH) permitted the shepherds to throw in one day. Likewise, those who have genuine excuses, and who care for them within the group they accompany are permitted to throw in one day. This is also supported by the rule: "Warding off evil is prior to obtaining interest", and prompted by the fact that sincerity in worship is a prerequisite to its validity.

4- Authorization for slaughtering the Sacrifice:

The scholars are unanimous on the permissibility of authorization for slaughtering the sacrifice with an excuse or without. Accordingly, if the pilgrim is able to slaughter by himself, it is recommended for him to do it, since slaughtering is a worship, and doing worship by oneself is better for the worshipper than authorizing another person to do it. It reflects the worshipper's submission.

They quoted some evidences for supporting their opinion, among them:

A- 'Ali (RA) said: "The Prophet (PBUH) directed me to bring up a camel and offer its meat and skin as Sadaqah"<sup>74</sup>. This Hadith approves the authorization for slaughtering.

B- The description of the Prophet's (PBUH) Hajj gives another evidence for it. "The Prophet (PBUH) threw the pebbles down the Valley, then went to the slaughtering house, and slaughtered sixty three animals with his hand, then gave the knife to 'Ali to slaughter the rest"<sup>75</sup>.

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<sup>74</sup> - Authenticated by Muslim: 2/954, Hadith No. 1317.

<sup>75</sup> - Authenticated by Muslim, Chapter: The Prophet's Hajj 2/891, No, 1218.

This Hadith supports the permissibility of authorization for slaughtering, although it is recommended to do it by oneself.

Moreover, many people, strong or weak, young or old, cannot slaughter animals by themselves, so, obligating them to slaughter by themselves entails subduing them to unbearable hardship, whereas the Shari'a is based on ease and lifting hardships<sup>76</sup>.

This disagreement does not nullify the permissibility of authorization for slaughtering, nor gaining the rewarded of slaughtering.

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<sup>76</sup> - Al-Bidayah: 3/164, Kashshaful-Qina': 3/8.

## **The Fourteenth Issue**

### **Doubting doing some Hajj rituals**

There are some rules that govern the problem of doubting doing some Hajj rituals; they are:

First: If the pilgrim doubted after finishing the rituals, whether he doubted doing it or doubted its number, he should forget about it, and he is deemed not obliged to do it again.

Second: If he doubted the rite he is doing while doing it, he must build on the minimal number he is sure he has done. So, if he doubted whether he has done four or five rounds of Tawaf, he must build on four, and if he doubted whether he has done three or four rounds of Sa'i, he must build on three, and finish the remaining number of rounds.

Among the applications of this rule to Hajj are:

1- Doubting Tawaf or Sa'i:

The scholars hold that if he doubted the number he has done of Tawaf or Sa'i, he should build on the minimal number he is sure of.

It has been mentioned in Al-Majmu' "If he doubted the number of rounds of Tawaf or Sa'i, he is obliged to consider the minimal number, even if is almost sure of a

bigger number, he is obliged to build on the minimal certain number"<sup>77</sup>.

Ibn Qudamah said in Al-Mughni: " If he doubted how many rounds of Tawaf he has done, he is obliged to build on the minimal certain number. This is unanimously related to all the scholars"<sup>78</sup>. This is supported by the Prophet's (PBUH) saying: "If any of you doubted how many Rak'as he has prayed, three or four, he must rid himself of the doubt, and build on what is certain"<sup>79</sup>.

The Prophet (PBUH) ordered in this Hadith to disregard the doubt and to build on what is certain, i.e., the minimal number. Tawaf and Sa'i are analogously treated as prayer.

But if the doubt occurred after finishing Tawaf or Sa'i, it should be disregarded, since the doubt after doing the worship has no effect<sup>80</sup>.

2- Doubt in throwing:

The scholars hold that: Doubting throwing after finishing it is to be discarded, since the doubt after

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<sup>77</sup> - Al-Majmu': 8/29.

<sup>78</sup> - Al-Mughni: 3/344.

<sup>79</sup> - Authenticated by Muslim, the book of Mosques, Chapter: Forgetting in prayer and prostrating for it.

<sup>80</sup> - Look op. cit., Al-Mughni: 3/378, and Hashiatud-Dosouki: 2/33.

doing the worship has no effect. But if it occurred during throwing, the pilgrim must finish it building on the minimal certain number<sup>81</sup>.

The evidence to this is what is related to Ibn 'Umar that he said: "I don't care whether I threw seven or six"<sup>82</sup>.

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<sup>81</sup> - Al-Majmu': 8/270.

<sup>82</sup> - Authenticated by Ibn Abi-Shaibah: 4/280.

## **The Fifteenth Issue**

The ruling for staying in Makkah, buying, and selling after Farewell Tawaf

The Hanafi scholars hold that: No harm in staying in Makkah after the Farewell Tawaf, as long as the pilgrim didn't intend to stay there forever, even if he stayed there for a year, because the meaning of the Prophet's Hadith "None of you should leave the House before doing the Farewell Tawaf"<sup>83</sup> is that Farewell Tawaf should be the last rite of Hajj, no matter if the pilgrim stayed in Makkah for a longer time, and prayed all his prayers in the House.

Likewise, the pilgrim incurs no blame if he stayed in Makkah after the Farewell Tawaf for buying and doing whatever necessary for his journey, since doing such things requires staying for a while in Makkah after the Farewell Tawaf, a matter which is permissible. Buying and selling are also among the benefits that are combined with Allah's mentioning, in the Verse: " To attain benefits, and mention Allah's name, on specified days, over the livestock He has provided for them, feed yourselves and the desperately poor from them" (22: 28).

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<sup>83</sup> - Narrated by Muslim, also, see: *Badai'us-Sanai'*: 2/140.

## **The Sixteenth Issue**

### **The rituals of 'Umrah**

The definition, rulings, prerequisites, and merits of 'Umrah

1- The definition of 'Umrah:

'Umrah lexically means "visit"

In terms of Shari'a, it means: The visit of the Inviolable House in a special manner, assuming Ihram, and performing Tawaf, Sa'i, and shaving or shortening the hair.

2- Its rulings:

Some scholars hold that it is a Sunnah; to be done once in lifetime<sup>84</sup>. They quoted the Prophets saying when he was asked about 'Umrah: Is it obligatory? "No", he replied, "but it is better for you to do it"<sup>85</sup>.

Another group of scholars hold that it is obligatory once in lifetime, quoting Allah's saying: "Complete the Hajj and 'Umrah for the sake of Allah" (2: 196), as He combined Hajj and 'Umrah, but the preponderant opinion is that it is a Sunnah.

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<sup>84</sup> - Al-Hidayah: 1/136, Hashiyatud-Dosouki, Al-Umm: 2/179, Al-Mughni: 3/160, published by Darur-Rayyan.

<sup>85</sup> - Authenticated by At-Tirmidhi, book of Hajj. Chapter: 'Umrah is incumbent.

3- Its prerequisites:

Islam, adulthood, sanity, ability or capability.

4- Its merits:

Many Hadiths acknowledged its merits, among them is the Prophet's saying: "The performance of 'Umrah is an expiation for the sins committed between it and the previous one, and the reward of devoted hajj (to Allah) is nothing but Paradise"<sup>86</sup>.

5- The pillars of 'Umrah:

'Umrah has four pillars:

- 1- Ihram: It means holding the intention for doing 'Umrah at the time of arriving at Miqat.
- 2- Tawaf; it begins and ends at the Black Stone.
- 3- Sa'i; it means walking seven rounds between Safa and Marwah, it begins at Safa and ends at Marwah.
- 4- Shaving or shortening; shaving means taking the whole hair off from the roots. Shortening means cutting only some hairs. The 'Umrah doer becomes free of Ihram by doing one of these two. Shaving is

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<sup>86</sup> - Authenticated by Al-Bukhari and Muslim, book of the merits of Hajj and 'Umrah.

better than shortening. He does not have to stand on 'Arafat, as in Hajj.

There is no specific time for doing 'Umrah, since it can be done at any time, but it is more rewarding in Ramadan, according to the relevant Hadiths<sup>87</sup>.

Some manners of staying in the two Sacred Houses

Mosques in general have sanctity and veneration, and the two Sacred Houses, in particular, entertain more sanctity, reverence, and manners that should be observed. Among the manners that should be observed during staying in them are:

1- Do not speak but good words:

One must shun and stay clear of backbiting and calumny, as they are strictly prohibited, and are more prohibited in the two Inviolable Houses. Talking, other than mentioning Allah, in mosques dissipates the rewards of good deeds. So, how could it be in the two Inviolable Houses? Beware my brother pilgrim

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<sup>87</sup> - Look Sahihul-Bukhari and Sahih Muslim, book of Hajj.

of doing this in them, and observe the reverence of the House in which you stay.

- 2- Do not sleep in them: When one sleeps he may spell out some gases, which renders him impure while staying there, or he may have a wet dream, which renders him in a state of major ritual impurity, or may turn aside while asleep and unintentionally uncover his private organs due to the nature of Ihram garbs. Surely, the angels get hurt from that which hurts human beings.

Women also may be caught during sleep by menstruation, which renders them in a state of major ritual impurity, and men may pass through their places, whether they are asleep or awake, a matter which is difficult to avoid in the Inviolable House, so, how could the situation be if she slept and uncovered some parts of her body?

- 3- Do not be selfish: Some people while sitting in the House may exert every possible effort to entertain everything, and sit comfortably looking at Kaa'bah, and may stretch their legs. When another pilgrim

asks them to move a little in order that he can find a space for praying, they show discontent and anger, and sometimes, may attack the other man and accuse him of blindness and carelessness, insisting on depriving him the space he needs. In fact, the situation requires some altruism, and mildness towards the old and the weak.

- 4- Self-restraint: Some people in the House persistently follow those who distribute dates, food, juice, or tea, and stretch their hands to them. This behavior contradicts the Prophet's (PBUH) saying: "Allah will provide for Whomever seeks self-restraint, and whoever seeks self-sufficiency Allah will grant it to him".

Moreover, some people doesn't feel content with what he takes, but asks for more and more, and fills his pockets, and accumulate things next to him. Then, he eats the best of food, and drinks little juice, and throws the rest in dustbins, only because it's free. He, thus, ignores that he will be asked about it before His Lord; "On that Day, you will be asked about your pleasures"

(102: 8), and that by so doing he may deprive another person who maybe in more need to it. Also, some people may leave food remnants in any place, which may hurt other people in a place where it is strictly forbidden to hurt anyone. The sanctity of the place, rather, urges people to show mercy to others, help one another to do what is right and good in general, keep the place clean and tidy, and help the weak in particular.

5- Praying a lot, mentioning Allah, supplication, reciting Qur'an, chanting prayers and peace on the Best of mankind, looking at Kaa'bah, keeping physical and spiritual purity, helping the weak, staying away from (blocking) the place of Tawaf or Sa'i, refraining from using the phone or taking pictures which distracts him from devoting himself to worship.

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## **Summary**

Facilitating Hajj rites in the light of contemporary novelties

The following is a summary of the most important novel phenomena, and the judicial rulings for the ease in Hajj rites in contemporary reality:

First: Crowd is one of the most important novelties that enjoin ease:

Crowds and rushing are among the most important reasons that enjoin ease nowadays, they may end up in killing pilgrims in the sacred places who fall under the feet of others.

Crowd means the gathering of a group of people in a place which does not accommodate them.

Rushing is the output of crowd when one or more persons want to do something or to reach another place quickly at the same time.

Crowds became very heavy in the sacred places. It became the most important reason behind pushing and rushing, which ends in killing many people who fall under the feet of others. Travelling to the sacred places became very easy and available to each Muslim all over the world, whereas the places are limited, and the

extensions added to them cannot accommodate the increasing numbers of pilgrims every year; a case which prompts precaution and enjoins ease.

Second: Killing oneself for doing the rites is prohibited:

The sound understanding of the ordinance of Shari'a, prompts that worship cannot be a reason for killing oneself, or for casting oneself into perdition, since keeping oneself is worthier in Allah's sight than performing a worship. Performing worship is Allah's right, and His right is built on forgiveness and pardon, however, if a worship was beyond a person's ability, he is exempted from doing it. Allah (SW) says: "Allah does not burden any soul with more than it can bear, each gains whatever good it has done, and suffers its bad, Lord, do not take us to task if we forget or make mistakes, Lord, do not burden us as You burdened those before us, Lord, do not burden us with more than we have strength to bear, pardon us, forgive us, and have mercy on us, You are our Protector, so, help us against the disbelievers" (2: 286), and says: "You who believe, do not wrongfully consume each other's wealth but trade by

mutual consent. Do not kill each other for Allah is merciful to you" (4: 29), and because burdening with more than can be borne is disallowed.

Third: The company of the weak and those with valid excuses are like them regarding ease:

Abating burdens of the sick, old, and people with excuses, is not confined to them alone, but it is extended to their company, whether they were relatives or members of the group with whom they travelled. So, those also benefit from the rulings that ordain ease for them when they travel and when they settle down; since the weak is the master of the caravan. This is concluded from Shari'a by religious intuition, and sound understanding of its rulings. Without doing so, the people who have excuses would be vulnerable by hardships, and the purpose of Shari'a that ordains ease for them would be lost.

Fourth: The indispensability of warding off the causes of rushing:

Crowd is known to be a reason for distracting people from devoting themselves to worship, and from performing it sincerely for Allah's sake (SW). When a pilgrim is swamped by crowd his attention gets wholly distracted from devoting his worship to Allah, to thinking of himself and of taking whatever necessary precautions to keep himself safe, and to protect himself, his family or parents from falling on the ground.

This engagement may preoccupy him and make him forget completely the worship he is doing, and lose its purpose. Therefore, any measures that lead to warding off this situation, and help the people to devote themselves to worship is deemed obligatory, and must be taken, for the sake of the soundness of worship, and for instating the Shari'a according to its priorities.

Fifth: Novelties of ease for warding off the peril of crowd and rushing:

In the light of the novel state of affairs, and for the sake of instating the supreme purpose of Shari'a which assures that Islamic Shari'a is good for any time and any place until Allah inherits the earth and all who are on it, following the Prophet's Sunnah in applying ease, and

Allah's saying: "Allah wills for you ease, He does not will hardship for you"(2:185), and that the Prophet (PBUH) has only chosen the easiest whenever he was asked to choose from two things, unless it involves sin"<sup>88</sup>.

Based on these Shari'a principles, the novel rulings of ease are to be applied to the following cases:

1- Assuming Ihram in Jeddah:

It is permissible to assume Ihram in Jeddah for those who arrived at it from their homeland for Hajj without assuming Ihram. Jeddah is a Miqat for those who come through it, hence, whoever comes through it is treated as its inhabitants, and is entitled to assume his Ihram in it, without incurring any penalty. This question was disputed by scholars, and they have two opinions on it, so, the pilgrim is entitled to adopt any of the two opinions. What is prohibited is to do something which the scholars are unanimous on its forbiddance.

2- Doing Sa'i before Tawaf:

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<sup>88</sup> - Narrated by Al-Bukhari and Muslim.

It is permissible to do Sa'i before Tawaf to avoid crowd, and to avoid falling under other's feet around Kaa'bah, since the area designated for Tawaf there is limited, and the number of pilgrims is unlimited. If they gathered to do Tawaf in the same time and in the order defined by some scholars, it might end in a disaster. Keeping souls is worthier in Allah's sight than keeping the order of Tawaf and Sa'i. The Prophet (PBUH) considered crowd as a reason for enjoining ease, when he allowed the weak to leave Muzdalifah earlier before the crowd.

3- The ruling for repeating 'Umrah from Makkah:

It is permissible for the inhabitants of Makkah to do 'Umrah more than once. Rather, it is preferable to them according to some scholars who concluded this ruling from the Prophet's saying: "The performance of 'Umrahs is an expiation for the sins committed between it and the previous one"<sup>89</sup>. So, if there was a crowd that threatens people, especially the weak, and a pilgrim intended to reduce the crowd, and to stay in the House,

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<sup>89</sup> - Al-Bukhari: Book of Hajj, and Muslim: Book of the merit of Hajj and 'Umrah.

the reward of staying in the House for praying, mentioning Allah, supplication, and reading Qur'an is not less than the reward of doing the rite, if he devoted his worship only to Allah (SW).

The Miqat of 'Umrah for those who live permanently in Makkah is Tan'im, according to many scholars. However, 'Ataa, Ibn Hazm Adh-Dhahiri, and others hold that it is permissible for the inhabitants of Makkah, who are unable to go to Tan'im, to wear Ihram in their own dwellings, without incurring any penalty according to Allah's saying: "Allah does not burden any soul with more than it can bear" (2: 286).

4- Sleeping the night in Mina on the Day of Tarwiyah and the Three days:

A- Sleeping the night in Mina on the Day of Tarwiyah:

All the scholars hold that sleeping the night in Mina on the Day of Tarwiyah is not obligatory, but it is Sunnah, whoever does it is rewarded, and whoever overlooks it does not incur blame.

If doing Sunnah would end up in perdition, it should be overlooked. To the contrary, whatever deters calamities should be done.

B- Sleeping the night in Mina on the Three days:

It is permissible to overlook sleeping the night in Mina in the three days if the pilgrim has a genuine excuse. This is the opinion of the majority of scholars as narrated by Ash-Shawkani and others.

Among the genuine excuses is lack of a place to sleep the night in Mina, a case which allows him to spend the night in Makkah, Aziziyyah or any neighboring place, to avoid the improper and inhuman scenes of sleeping on the streets of Mina, violating man's dignity which Allah has entrusted us to preserve it.

It is recommended for the pilgrim to follow the Prophet's (PBUH) Sunnah and sleep the night in Mina if he doesn't have a valid excuse, and has a place to sleep at in Mina,.

It is evident that excuses became common to all the pilgrims in Hajj, and are no longer an individual case, and entail the permissibility of sleeping outside Mina,

even if the pilgrim is strong and able to do it. It is axiomatic that overlooking the permissible to lift hardships is highly recommended, since deterring evil is prior to procuring benefits, and deterring evil is obligatory, whereas procuring benefits is recommended; the obligatory is prior to the recommended.

5- The time to stay in Muzdalifah:

Staying in Muzdalifah comes after standing on 'Arafat. The time of staying in Muzdalifah starts once the pilgrim arrives at it, and ends by leaving it. Therefore, The duration of stay there is relatively short due to the successive waves of pilgrims who arrive there in big numbers with their transports. Therefore, the time available to a pilgrim to stay there is limited and depends on the circumstances of each pilgrim, so, he is recommended to stay there for just putting down his luggage and praying Maghrib and 'Isha together if he could do it, otherwise, it is enough for him to only pass through it, because Allah has only ordered the pilgrims to remember Him there by saying: "Remember Allah at

the Sacred Place" (2: 198). Remembering Allah does not take more than a few minutes.

6- The time to leave Muzdalifah:

It is permissible to leave Muzdalifah after midnight, to avoid crowd and to benefit from the concession the Prophet (PBUH) has given to the people with excuses, and to get ready for the works of the Day of Sacrifice. Midnight is the point of time between the first half of night which starts immediately after the time of Maghrib prayer, and the second half which ends immediately before the time of Fajr (dawn) prayer. So, it can be counted by the number of hours between Maghrib and Fajr prayers, if it were eight hours, for example, midnight would be four hours after Maghrib prayer. It might be at 10 or 11 o'clock, not necessarily at 12 o'clock.

7- The order of rituals of the Day of sacrifice:

The rites of the Day of sacrifice are known to be four: Throwing pebbles of Al-'Aqabah Al-Kubra, slaughtering for those who should slaughter, shaving or shortening, and Tawaful-Ifadhah at the Inviolable

House. It is recommended to do these rituals in the order the Prophet (PBUH) did, as he started them in Mina and ended them with doing Tawaf, however, it is not obligatory to follow this order. This ruling is concluded from the Prophet's saying to those who asked him about doing something before or after something else: "There is no harm", and for avoiding the crowds that enjoin ease. It must be noticed that slaughtering can be done on behalf of the pilgrim through buying the known coupon from the outlets advertised there, but shaving or shortening must be done by the pilgrim himself.

Accordingly:

It is permissible to go directly from Muzdalifah to the Inviolable Mosque before it is crowded by the circumambulators, then do the Essential Tawaf together with the people of excuses who accompany him if he passed by it after midnight, then, shave or shorten, and make the first removal of Ihram. Afterwards, he is

entitled to have some rest, then go to Mina unexhausted to throw pebbles of Al-Jamratul-Kubra.

8- Removal of Ihram:

When a pilgrim has done Tawaf in the beginning of the Day of Sacrifice, and shaved or shortened, he can entertain the first removal of Ihram. He, then, takes the cloths of Ihram off, and does all that which was restricted for him, except for approaching his wife sexually, as it can only be permitted after having finished all the three rituals of the day of Sacrifice, that is, Tawaf, shaving, and throwing. When he has done two of them, he can enjoy the first removal, and when he finishes the third, he can have the second removal, which makes anything permissible for him, including approaching his wife sexually. This is the opinion of the majority of scholars if the pilgrim did Tawaf first.

9- Combining the Essential Tawaf and Farewell Tawaf:

It is permissible to intend combining Farewell Tawaf and Essential Tawaf, in case he couldn't do Farewell Tawaf alone due to the crowds. So, he can combine them, since, Farewell Tawaf is not prescribed

per se, but it was meant to be the last ritual a pilgrim does in the House, which is materialized by Tawaful-Ifadhah. Whoever combines them, gets the reward of both according to Ad-Dosouki in his Hashiyah, and to Ibn Qudamah in Al-Mughni.

10- Authorization in Hajj and its rites:

It is permissible for those who have the financial ability, but not the physical ability, to authorize others to perform Hajj on their behalf. The authorized person must have done Hajj for himself, and must be physically able to accomplish what he is authorized to do. Authorization may be given for doing the following rites:

A- Throwing pebbles:

Authorization for throwing pebbles is permissible for those who cannot do it by themselves due to crowds or physical impairment. A person may be authorized by more than one for throwing pebbles, so, he does it for himself first, then for those who authorized him.

B- Combining throwing the pebbles:

Whoever finds it difficult to throw pebbles on every single day of the three days, he is permitted to combine throwing all of them in one day without incurring penalties. This ruling is held by Shafi'i, Hanbali, and Muhammad ibn Al-Hassan from the Hanafi scholars. They hold that it is Sunnah, not obligatory, to throw on every day.

C- Authorization for slaughtering the sacrifice:

A pilgrim is permissible to authorize another person to slaughter the sacrifice, whether he has an excuse or not, and it is sufficient for him to buy a coupon of sacrifice from the official outlets, after making sure that the sellers are officially authorized for selling it. But if the pilgrim wanted to attend the slaughtering by himself without suffering any hardship, he is recommended to do it.

11- Staying in Makkah after Farewell Tawaf:

It is not incumbent on the pilgrim who finished Hajj rites and made Farewell Tawaf to leave Makkah immediately after finishing the Tawaf. He is permitted to stay some days there or even a year, since the meaning of the Prophet's saying: "No one is permitted to leave Hajj before the Farewell Tawaf" doesn't forbid

staying in Makkah, but urges the pilgrims to finish their rites before leaving. So, if a pilgrim stayed in Makkah even for year, and prayed all his prayers in the House, he incurs no penalties, and doesn't have to make Farewell Tawaf again.

12- The rites of 'Umrah:

Wearing Ihram with the intention of doing 'Umrah, Tawaf, Sa'i, and shaving or shortening; standing on 'Arafat is not a rite of 'Umrah.

13- Doubt in the rituals or some of them:

Doubt in doing the rituals of Hajj, their conditions, or their number may occur before or after doing them:

A- If it occurred after performing them, it has no impact whatsoever.

B- If it occurred during doing them, he builds on the minimal certain number, and completes the rest.

If he doubted the conditions of the worship after he has finished it, such as purity for example, he assumes that he was pure, and his doubt doesn't entail any effect on the soundness of his worship, provided that he is not preoccupied by doubt; if he is preoccupied by doubt, his doubt doesn't affect his worship whether it occurred before or after doing it.

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