

## **Alleviating the Difficulties of the Hajj**

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## Foreword by Sheikh `Abd Allah b. `Abd al-Rahmân b. Jibrîn

Praise be to Allah, the Lord of All the Worlds. May His peace and blessings be upon the Seal of the Prophets and upon all of his family and Companions.

I had the opportunity to hear Sheikh Salman al-`Oadah read aloud his initial article entitled “Do So; There is No Difficulty” and was very please with what it had to offer on the topic of making things easy for the pilgrims. The problem of severe overcrowding and congestion now often bring death and serious injury in their wake, not to mention all the problems and suffering that distract the pilgrims from the worship of their Lord. These problems have reached a point where people are missing out on the very wisdom behind why the Hajj has been enjoined upon them, a matter about which the Qur`ân gives such detailed attention.

Therefore, in these times when so many precious lives are being lost, we sincerely feel the need to adopt the spirit of facilitation enshrined in the Prophet’s words: “Indeed, the religion is easy. No one becomes severe in the religion except that it defeats him. Therefore, act with moderation and do things as well as you can.” [*Sahîh al-Bukhârî* (39)]

This meaning is also found in the Allah’s words: “Indeed, along with hardship comes ease.” [*Sûrah al-Sharh: 5*]

I wish to add five comments of my own to this vital work:

1. One’s presence in `Arafah fulfills the obligation of Hajj as long as one is present there at any time between sunrise on the ninth of Dhû al-Hijjah and the start of dawn on the tenth. This is established by the hadîth where the Prophet (peace be upon him) said: “Whoever finds this prayer with us and arrives in `Arafah beforehand, whether at night or during the day, then his Hajj and its rites are fulfilled.” [*Sunan Abî Dâwûd* (1950), *Sunan al-Tirmidhî* (891) *Sunan al-Nasâ’î* (3041), and *Sunan Ibn Mâjah* (3016)]

2. Namrah is within the boundaries of `Arafah. The Plain of `Arafah is very large. `Urnah also falls within its boundaries. The Prophet (peace be upon him) said: “`Urnah is a place of standing, all of it, that is, except for its interior.”<sup>1</sup>

The Prophet (peace be upon him) said: “Keep higher than the interior of `Urnah.” [*Musnad Ahmad* (16797) and *Sunan Ibn Mâjah* (3012)] This is a valley forming a low depression that the Prophet (peace be upon him) prohibited as a place for observing the stay at `Arafah.

The Plain of `Arafah extends to the north roughly five kilometers. Its northern border used to be the date palms of Banû `Âmir, but they are no longer in existence.

It extends eastward to the range of high mountains and westward to a similar range of mountains. The southern border of the plain ends in a line of short, elongated mountains.

<sup>1</sup> *Musnad al-Hârith* (384), Ibn Qâni’s *Mu`jam al-Sahâbah* (1/192-193), and Abû Nu`aym’s *Ma`rifah al-Sahâbah* (1998), all of whom narrate the hadîth from the Prophet (peace be upon him) on the authority of Habîb b. Khamâshah al-Khatmî. One narrator in its chain of transmission is al-Wâqidi. It is narrated authentically as a statement of the Companions Ibn Zubayr and Ibn `Umar in *al-Muwatta`* (772), *Musannaf Ibn Abî Shaybah* (13879), and *Tafsîr al-Tabarî* (3/521).

3. The safest position to adopt regarding the partial emergence from the state of ihrâm is that it requires the completion of two of the three tasks, as decided by the jurists including Sheikh Ibn Bâz in his *al-Tahqîq wa al-Îdâh*. This is what I consider to be the strongest opinion on the matter.

4. We find it reported in the hadîth where a pilgrim said to the Prophet (peace be upon him) that he performed his sa`î between Safâ and Marwah before performing his tawâf around the Ka`bah, to which the Prophet (peace be upon him) said: “There is no problem with this.” [*Sunan Abî Dâwûd* (2015) and *Sahîh Ibn Khuzaymah* (2774)] Though scholars have disagreed regarding the authenticity of this hadîth, the most reasonable opinion is that it is permissible to undertake the sa`î before performing tawâf as long as both are observed on the same day. This appears to be the case with the questioner in the hadîth, since the entire incident seems to have taken place on the tenth of Dhû al-Hijjah.

5. I regard it as a matter of necessity in these times to allow for flexibility in the timeframe for stoning the Jamrahs. In the past, stoning the Jamrahs presented no difficulty whatsoever. The situation now is drastically different.

I ask Allah to bless all the Muslims with success and with guidance and to accept their worship. Indeed, Allah is Most Generous.

And may Allah’s blessings be upon the prophet Muhammad and his family.

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Praise be to Allah who says: “He has chosen you, and has imposed no difficulties on you in religion.” [*Sûrah al-Hajj*: 78]

And may Allah’s peace and blessings be upon our Prophet Muhammad, who possessed the traits of facilitation and of making things easy for others. Whenever he was given a choice between two options, he would always take the option that was easiest, as long as there was no sin involved in it. [*Sahîh al-Bukhârî* (3560) and *Sahîh Muslim* (2327)]

The Prophet (peace be upon him) said: “Make things easy; do not make them difficult. Convey glad tidings and do not scare people off.” [*Sahîh al-Bukhârî* (69) and *Sahîh Muslim* (1734)]

He also said, when asked about various circumstances in the Hajj: “Do so. There is no harm.” [*Sahîh al-Bukhârî* (83) and *Sahîh Muslim* (1306)]

I was very pleased when I read Sheikh Salmân’s article entitled “Do So. There is No Difficulty”, which is the centerpiece of this collection of articles. It is truly a beneficial article, detailing many pertinent rulings of Hajj that, in our present day, require a greater degree of facilitation. These are questions that must be considered in the light of the principle of making things easy that was put forth by the Prophet (peace be upon him) when he said: “Do so. There is no difficulty.” and when he said: “Make things easy; do not make them difficult.”

One of these questions is the permissibility of the pilgrims’ departure from the Plain of `Arafah before sunset, so that remaining to sunset is merely recommended. Another is the permissibility of spending the night outside of Minâ on days of Tashrîq for those who have a legitimate excuse to do so or who simply cannot find a place in Minâ to spend the night. Another is the permissibility of stoning the Jamrahs before the Sun declines from its zenith on the days of Tashrîq on the strength of the Islamic legal principle of making things easy and removing difficulties, and in deference to those esteemed and worthy scholars of the past whose views we can comfortably follow, like Abû Hanîfah and Ahmad b. Hanbal, and like Tâwûs and `Ikrimah from among the Successors.

These are just a few of the many issues dealt with by Sheikh Salmân in this book, who regards the rulings pertaining to the Hajj to be among those that need to be investigated in the context of the Islamic legal principle of making things easy and removing difficulties. This is especially so today with the great number of pilgrims converging upon Mecca, reaching tens of millions. The factors that allow for this increase are becoming more prevalent and varied every day. The place and time of Hajj, however, is unchanging and very restricted, while the means of comfort are made more and more available for those who can afford it at the greater inconvenience of the pilgrims who cannot.

All of these factors justify our applying the principles of flexibility, facilitation, and the removal hardship in these matters as long as our doing so does not conflict with any clear textual evidence from the Qur’ân and Sunnah. Sheikh Salmân al-Oadah has applied these

principles in the following work which should make a valuable contribution to alleviating the difficulties of the pilgrims and which should make the Hajj easier for them.

I wish that Sheikh Salmân had addressed in his book the problem of overcrowding that besets the pilgrims around the Ka`bah and between Safâ and Marwah. I would have liked to know his suggestions about how to alleviate it, since this problem has become almost as serious as the overcrowding around the Jamrahs.

I would, therefore, like to take this occasion to make my own contribution to solving the difficulties of the Hajj and offer my suggestions on this matter. It is possible to expand the area between Safâ and Marwah vertically. This is because the ceiling of the present first tier is nearly twelve meters above the floor and the ceiling of the second tier (the roof) is likewise twelve meters above the first. It is quite possible to introduce a medial tier between each floor and ceiling. This will provide five tiers for the pilgrims to use – each twenty meters wide – since we will have the ground floor, the three tiers, and the roof. There can be no doubt in anyone’s mind that this will be an improvement, and it can be accomplished without any increase in the height or width of the present structure.

A similar solution can be found for the open courtyard surrounding the Ka`bah. Admittedly, certain political exigencies force us to dismiss the possibility of tearing down the Turkish structure with the cupolas on its roof. However, it is quite possible to construct a suspension bridge above that structure to provide auxiliary space for pilgrims to use for making their circuits around the Ka`bah. This solution provides no complications from the standpoint of Islamic Law. Pilgrims presently make use of the galleries and roof of the mosque to make their circuits around the Ka`bah, and this is more distant from the Ka`bah than the bridge I am proposing, which will certainly contribute to a reduction in the crowding in the courtyard around the Ka`bah.

I have presented these proposals to the Custodian of the Two Holy Mosques and recommended that these proposals be studied and implemented, and it is likely that this matter will come to a resolution in the near future. Every year, the situation becomes more and more serious, and it is reaching the point where finding solutions to these problems will be an absolute necessity. In any case, I doubt that any of the scholarly community – whether they are among those responsible for overseeing these matters or any others of the same caliber – will dispute the fact that legal rulings change with changing times and circumstances as long as those rulings realize the objectives of Islamic Law and are in conformity with the Qur`ân and Sunnah.

Ibn al-Qayyim in his book on Islamic legal theory entitled *I`lâm al-Muwaqqi`în `an Rabb al-`Âlamîn*, asserts that a legal verdict, when it realizes the general welfare, is the Law of Allah.

I wish to conclude with a prayer: O Allah! Make us to recognize the truth and bless us to follow it. Make us recognize falsehood for what it is and bless us to avoid it. O Allah! Reward Sheikh Salmân al-Oadah for this excellent work of his, and let it weigh in his favor in the balance of his good deeds on the Day of Judgment.

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Praise be to Allah. And may Allah's peace and blessings be upon the Messenger, his family, and Companions.

I have read through this book entitled *Allieviating the Difficulties of the Hajj* by our esteemed brother Sheikh Salmân b. Fahd al-Oadah. Though it is quite a brief work, it manages to address a considerable number of pertinent topics regarding the undertaking of Hajj and `Umrah. This timely book shows deep understanding and presents penetrating insights into the problems we are facing at present.

Addressing these problems has become an urgent matter. Things have gone as far as they can be allowed to go. Tragedies have repeated themselves over and over again during the Hajj on account of the overcrowding. Lives have been lost. Also, the image of Islam has been tarnished, since its adherents are seen in a state of pandemonium and disarray. The enemies of Islam – and they are quite numerous – find in this a golden opportunity to criticize and belittle the faith. Both of these problems are serious, and their existence is contrary to the very purposes of Islamic Law as well as to the dictates of reason and good sense.

I have been requested to write a forward to this book, a book which I find to be both enlightening and provocative. It is enlightening in the sense that it shows the way to achieve facilitation in matters of Islamic Law for those who wish to do so, while very clearly giving the evidence for what it says. It is provocative in the sense that it takes up a large number of issues that scholars of Islamic Law need to look into and discuss in light of present circumstances. Coming up with answers to these problems will requires a dialectical approach that applies the general principles and objectives of Islamic Law to the specific scriptural evidences and textual indications.

The true mettle of scholars and the true aptitude of jurists become apparent when they tackle a question of Islamic Law from three essential angles. The first of these angles is to take into consideration all aspects of the present circumstances. In this case, we are dealing with the great increase in the number of pilgrims undertaking the Hajj in limited geographical confines, resulting consistently in the loss of life. The second is to apply the general evidences of Islamic Law, and the third is to apply the specific scriptural evidences that are relevant to the question. In deducing the Islamic ruling, the general and specific evidences of Islamic Law must be weighed so that full consideration is given to the broad and assured objectives of the Law as well as to the purport of the specific scriptural evidences.

This approach is what provides a relatively consistent concordance with the objectives of Islamic Law, and this is precisely the moderation that those who are engaged in issuing Islamic legal verdicts must adhere to, neither falling short in any aspect of it nor going overboard.

## Introduction

Praise be to Allah, and may His peace and blessings be upon Prophet Muhammad, his family, His Companions, and those who follow them in righteousness.

This book presents a collection of short articles that focus on the Hajj and how Islamic Law seeks to make the Hajj easy. I have drawn these articles from my much longer work: *A Commentary on the Book of Hajj from `Umdah al-Fiqh*.

In this present work, I deal with some very pertinent issues that Muslims need to know about. These are issues of general relevance that people frequently ask about and wherein many people face unnecessary hardships.

Some of these articles have previously appeared in a different form, either on the IslamToday website or in various newspapers, where they have been well received by the public. They have also received the recommendation of members of the scholarly community. This positive reception has encouraged me to republish these articles in book form.

We welcome any corrections, emendations, and advice, and pray to Allah to bless those who assist us in this way.

We seek Allah's help in this endeavor of ours. Truly, He is the One who guides to a path that is straight.

– Salmân b. Fahd al-Oadah

## “They Will Witness the Benefits for Themselves”

Many verses in the Qur'ân that stipulate prescribed acts of worship also mention the intent behind them in order to counteract the natural human tendencies of forgetfulness and negligence.

As time draws on, hearts harden and acts of worship become, for some believers, mere procedures and rote habits, activities for which they must go through the motions. Their devotions cease to affect their hearts at all. These people often turn to nitpicking over minor details of outward performance. Then, after completely forgetting the purpose of worship and becoming fully engrossed in superficialities, they might even start adding extraneous and false details to their worship of their own manufacture. This affliction had beset the followers of all the scriptures of the past.

Anyone who realizes this can see why the Qur'ân repeatedly mentions the purpose behind the acts of worship that it prescribes.

With respect to prayer, we find in the Qur'ân: "...and establish prayer, for prayer restrains from shameful and evil deeds..." [*Sûrah al-'Ankabût*: 45] Here, the Qur'ân emphasizes how prayer affects a person's behavior and character.

The Prophet (peace be upon him) emphasized that alms must be taken from the wealth of the believers in order to purify them and to cleanse their hearts. Giving alms had also been a cause for his invoking Allah's grace upon them. Whenever a group of people came with their Zakâh, he would say: "O Allah! Bestow your grace upon them."

When the details of fasting are discussed in the Qur'ân, the wisdom behind performing this act of worship is given. Allah says: "O you who believe! Fasting is prescribed for you as it has been prescribed for those before you, that perhaps you might learn piety and self-restraint." [*Sûrah al-Baqarah*: 183]

With respect to the sacrificial animals offered during the Hajj, Allah says: "It is neither their meat nor their blood that reaches Allah; it is your piety that reaches him." [*Sûrah al-Hajj*: 37]

The whole purpose behind the Hajj itself is to "...celebrate the name of Allah..." [*Sûrah al-Hajj*: 28]

This is why Â'ishah said: "The circuits walked around the House and between Mount Safâ and Mount Marwah and the stoning of the Jamrahs is only to establish the remembrance of Allah." [*Sunan al-Dârimî* (1780)]

We must ask ourselves: when a believer makes his circuits around the House, is he cognizant of this noble meaning, or is he overcome with a feeling of competitiveness, pushing and shoving through the crowd of pilgrims and edging his way through them with his shoulders as if he is on some kind of racetrack? Does he complete his rites keeping his objectives intact, patiently being pushed and shoved by the crowds, taking hours to move the distance that would normally be traversed in minutes? When the Prophet (peace be upon him) departed

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from the plain of `Arafah, he said: "Tranquility, tranquility; for righteousness is not attained through haste."

Attaining righteousness is the purpose of the Hajj, and this cannot be achieved by rushing about. It requires composure and humility. Does the pilgrim keep this in mind when he is stoning the Jamrahs, when no doubt he is aware of the severity of the event and how people often get trampled trying to perform this rite?

These collective acts of worship are a way that Allah gives us to develop our character, wherein we must fulfill our duties correctly and with full sincerity while respecting the rights of others. We must show deference to the elderly and mercy to the young. We must show compassion for strangers and those who are weak, and even those who are ignorant. Allah says: "The months of the Hajj are well known. If anyone undertakes that duty therein, then let there be no obscenity, nor wickedness, nor wrangling in the Hajj." [*Sûrah al-Baqarah*: 197]

The Hajj requires a degree of detachment from worldly pursuits and worldly needs. The pilgrim must abstain from all carnal pleasures, avoiding sex and even sexual play with his wife. Such activities are forbidden during the Hajj. Even conversation with the opposite sex of the kind that stirs up one's passions is forbidden during the Hajj.

The wickedness mentioned in this verse is any disobedience to Allah, and it is most emphatically prohibited for the pilgrim. For this reason, the great jurist al-Awzâ`î ruled that anyone who so much as says a bad word to another during the Hajj has to pay an expiation. Though al-`Awzâ`î's opinion is weak, sinful behavior definitely violates the sanctity of the Hajj and of the sacred mosque, not to mention its being forbidden in and of itself.

As for wrangling, in the context of this verse it means either arguing on false pretenses or on the basis unabashed personal interests with complete disregard for the truth. The great jurist, al-Shâfi`î, used to say: "I see my opinion as correct, but I hold out the possibility that it might be wrong. Likewise, I see the opposing opinion of someone else as wrong, but I hold out the possibility that it is correct."

Another person put it most eloquently: "It is sufficient to say: 'Our opinion is likely wrong, but it just may be true!'"

It is better for a person to swallow his anger than get into a heavy argument with his companion, an argument which neither brings them closer to Paradise or further from Hell, nor results in any enlightenment for anyone.

Everything that Allah has decreed as part of the Hajj, or any other act of worship for that matter, has a benefit for the worshipper in this world and in the Hereafter. We can see it where Allah says about the Hajj: "That they will witness the benefits for themselves..." [*Sûrah al-Hajj*: 28]

These benefits include the rewards of the Hereafter as well as benefits from trade before and after the Hajj, as mentioned by a number of commentators on the Qur`ân.

Al-Tabarî quotes from Mujâhid that the benefits include: "...commerce and what Allah is pleased with from the blessings of this world and the Hereafter."

Then al-Tabarî observes: "What he means is that they will see the benefits from the deeds they do that please Allah and from commerce. This is because Allah has made the benefits general for all of those who are present during the days of the Hajj. The benefits that come to Mecca during these days are both worldly and spiritual. Neither reason nor revelation excludes anything from this general meaning."

Allah has no need for our worship. When the Prophet (peace be upon him) encountered a man who said he had made an oath to embark on the Hajj on foot, he commented: "Allah is in no need of this man punishing himself." [*Sahîh al-Bukhârî* (1732) and *Sahîh Muslim* (3100)].

When Allah mentions the sacrificial animals, He says: "It is neither their meat nor their blood that reaches Allah; it is your piety that reaches him." [*Sûrah al-Hajj*: 37]

It can be most startling to see how many pious Muslims are completely oblivious to the values and objectives of the Hajj and of the effects it should have on a person's soul. The Hajj should bring about positive changes in a person's life and a person's behavior. If scholars were asked about these matters as much as they were asked about the details of how to perform the Hajj, it would be for the better.

## Performing the Hajj More Than Once

The Hajj is an obligation upon every Muslim who is capable of undertaking it when the conditions of it being obligatory are all met. This is a point of consensus (*ijmâ`*) among Muslims. Indeed, the Hajj is one of the five pillars upon which Islam is built. To deny the obligatory nature of the Hajj is tantamount to unbelief.

We also know that performing voluntary worship is something good. Allah says: “And whoever does good of his own accord, indeed Allah is Thankful, All-Knowing.” [*Sûrah al-Baqarah*: 158]

However, among the voluntary acts that we carry out are those that confer all of their benefits upon the individual who carries them out, such as our voluntary prayers and fasts. In most cases, carrying out these voluntary acts of worship poses no harm or inconvenience to others, just like it provides them with no direct benefit.

Other voluntary acts of worship provide benefits for people besides those who perform them, like spending in charity and doing good deeds for people. Usually, with this kind of voluntary act, the more such deeds are performed the better it is for the worshipper and for others. There is a saying that goes: “There is no excess in doing good.” However, this is not correct all of the time.

We see that when Sa`d b. Abî Waqqâs bequeathed all of his wealth, the Prophet (peace be upon him) commanded him to retain some of it for himself, and that his doing so would be better for him.

We also have where Ka`b b. Mâlik said: “O Prophet of Allah! As part of my penance, I will not speak except a true word and rid myself of all my wealth by giving it away in charity to Allah and His Messenger.”

The Prophet (peace be upon him) replied: “Retain some of your wealth for yourself. That will be better for you.” [*Sahîh al-Bukhârî* and *Sahîh Muslim*]

Then there is a third type of voluntary worship that implicates others besides the one offering it, because of limited space and other factors. The Hajj is one of these. The grounds in which the Hajj is performed are limited in space and can accommodate only so many people. Likewise, there is a specific time of year when the Hajj is to be carried out. The Hajj can neither be performed a bit early nor postponed.

Anyone who exhibits even a little probity will realize that if just 1% of the Muslims who have never performed the Hajj were to do so in a single year, it would mean no less than 12 million people. They would never find the room to stand. Most of them would end up missing out on the Hajj for that reason alone. At the same time, their crushing numbers would cause many of them to injure each other. This is why only one-tenth of one percent of the world’s Muslim population is permitted to perform the Hajj in a given year. At this rate, it would take Indonesia’s 200 million Muslims presently alive 1000 years to all perform the Hajj. This, of course, is a purely hypothetical situation.

We must also consider the difficulties that presently result from the extreme crowding, on account of which every year many people lose the spiritual meaning and the sacredness of the Hajj in all the shouting, shoving, wrangling, and fighting. Annually, we see hundreds who die trampled under the feet of their fellow Pilgrims, though all of them are engaged in one of their obligatory rites of worship. This is a deeply grievous situation.

We will take it as a given that the reason people undertake the Hajj is on account of their faith. Therefore, we can ask how those who live nearby to the sacred precincts can be heedless of the difficulties they impose upon their brethren by performing the Hajj year after year, or even, for that matter, every second year. Do they not consider their brethren who are coming from far away to fulfill their religious obligations and not merely some voluntary act of devotion? Among those people are the elderly, the infirm, the destitute, and women who are frail. Do they not pay any heed to the sufferings of such people? Is their habit of performing Hajj every year more important to them?

In order to perform the Hajj more often, some people resort to forging documents, telling lies, borrowing money, and leaving their families with needs. For others, the Hajj becomes a welcomed vacation trip, taken annually with a group of bosom friends.

The agencies responsible for the Hajj do not permit a person to participate in it more often than once every five years. This policy is taken from a resolution passed by the Council of Scholars in Saudi Arabia. This resolution was passed in order to facilitate the management of the Hajj and give relief to the people around the world who wish to perform it.

There is a hadîth – though its authenticity is disputed – whereby the Prophet (peace be upon him) is reported to have said: “Indeed a servant whose body is healthy and whose means of livelihood are ample, if he goes five years without going forth for the Hajj, then he has been denied (blessings).” [*Mu`jam al-Tabarânî, Musnad Abî Ya`lâ, Sunan al-Bayhaqî, and Sahîh Ibn Hibbân*] This hadîth has been declared as weak by a number of scholars.

If the person’s own health and comfort of means are to be taken into consideration, then this means by implication that the rights and needs of others must also be considered. These others include the person’s dependents as well as the person’s fellow pilgrims who, like himself, wish to perform the Hajj.

Many people rationalize their decision to perform the Hajj on a frequent basis by saying: “What harm could my presence pose? I’m just one person among millions. How would my absence make any difference?”

This is faulty logic. It is such thinking that causes people to lose sight of their common human concerns and their individual responsibilities towards one another. If everybody thought and acted in this way, there would be dire consequences.

If, on the other hand, everyone who reads these words and intended to offer a voluntary Hajj instead donated the cost of his voluntary Hajj in charity – and likewise offered up in charity the space that his body would have occupied in Mecca during the Hajj – this would contribute

considerably to lessening the congestion in the sacred precincts. It would make things easier for the pilgrims and lessen the confusion and the deaths that result from the crowding.

Giving charity to the value of the Hajj expenses is better than undertaking a second Hajj in these times and under present circumstances. People are in need of money these days. There are natural disasters, famines, and decades-long wars bringing devastation to many people. These people truly need to be helped.

Ahmad b. Hanbal was once asked: “Is it better for a person to perform a voluntary Hajj or cement ties of kinship?”

Ahmad replied: “If those kinfolk are in need, I prefer that he cements the ties of kinship.” [quoted by: Ibn Muflih, *al-Furû`* (2/497)]

Ahmad also said: “One of you says ‘I’ll perform the Hajj. I’ll perform the Hajj.’ But he has already done so! Rather, cement ties of kinship, or give charity to someone in dire need, or do some good for your neighbor.” [*Kitâb al-Zuhd*]

Ibn al-Jawzî writes in *Sifah al-Safwah*: “Charity is better than the Hajj and fighting in defense of the faith.”

Wakî` relates from Sufyân that Abî Miskîn said: “They regarded that it is better for a person who has repeatedly performed Hajj to give charity instead.” This was also the opinion of Ibrâhîm al-Nakha`î.

Ibn Taymiyah writes in *al-Fatâwâ al-Kubrâ*: “Performing the Hajj in a lawful manner is better than giving charity that is not obligatory. However, if he has needy relatives, it is better to spend on them. The same is true if there are people in desperate need.”

These days, we must consider all of the problems that people face carrying out the rites of Hajj on account of overcrowding, mismanagement, people’s ignorance, and other reasons. These problems make the matter of undertaking a second Hajj more clearly less preferable.

The Prophet (peace be upon him) said to `Umar: “You are a strong man, `Umar, so do not jostle people at the Stone, because you will injure those who are weak. If you find an opening, then touch it. If not, then simply face it and say ‘There is no God but Allah’ and say ‘Allahu akbar’.” [*Musannaf `Abd al-Razzâq* (8910) and *Musnad Ahmad* (190)]

Ibn `Abbâs said: “If you find there is crowding at the Yamânî Corner, keep moving. Do not stop.” [*Musannaf `Abd al-Razzâq* (8908) and *Musnad al-Shâfi`î* (494)]

Manbûdh b. Abî Sulaymân relates that his mother was with `Â`ishah when one of her wards came to her and said: “O Mother of the Believers! I circumambulated the Ka`bah seven times and touched the Corner twice or thrice!”

`Â`ishah replied: “May Allah not reward you for jostling with men. It would have been best if you said ‘Allahu akbar’ and kept going.” [*Musnad al-Shâfi`î* (495) and *Sunan al-Bayhaqî* (5/81)]

`Â`ishah, the daughter of Sa`d b. Abî Waqqâs, relates that her father said: “If you find a gap in the crowd, then go and touch it. Otherwise, just say ‘Allahu akbar’ and go on.” [*al-Umm* (2/258) and *Sunan al-Bayhaqî* (5/81)]

Ibn `Abbâs said: “He used to hate people crowding at the Black Stone where you either injure another Muslim or get injured yourself.” [*Musannaf Ibn Abî Shaybah* (13164)]

Sa`id b. `Ubayd al-Tâ`î said: “I saw al-Hasan approach the Black Stone. He saw how crowded it was, so he did not go and touch it. He simply uttered his supplication, then went to the Station of Abraham and offered two units of prayer.”

These considerations are not restricted to the Yamânî Corner and the Black Stone. We have here a general rule that whatever brings about hardship or difficulties for others must be avoided.

Admittedly, there are some people who should perform a second Hajj – or who might have to do so – even though they have already fulfilled their obligatory Hajj. This is the case for a man who goes to accompany his wife or female relative as her chaperone, or who goes to assist his elderly parents. The same can be said for those who are there to do work that secures the religious or material welfare of the other pilgrims. Nevertheless, the majority of those who crowd the Hajj with their repeated attendance are not from the above-mentioned categories.

I sincerely hope from our prominent scholars and Islamic workers, and I especially hope from the Grand Mufti of Saudi Arabia, that they give this matter the attention that it deserves. They need to emphasize to the people – and especially the people of Saudi Arabia – that it is best for them to help their fellow Muslims by donating the cost of their second Hajj in charity. This is especially true now that the Supreme Council of Scholars has issued a resolution calling for the stricter management of the Hajj.

Our Lord will surely credit them for their good intentions and their giving preference for their fellow Muslims who have not yet had the chance to undertake the Hajj. This is better than the possibility that their offering a voluntary Hajj will result in their sinning by indirectly preventing others from undertaking the Hajj or by contributing to the crowding that results in people’s deaths. We must always consider the general objectives of Islamic Law in enjoining these acts of worship upon the people. This will keep us from carrying out supererogatory acts that result in greater harm for others.

It is contrary to the dictates of brotherhood for us to disregard the problems and concerns of our fellow Muslims. Those Muslims who we crowd out at the Black Stone or while circumambulating the Ka`bah, or while walking between Safâ and Marwah, or while stoning the Jamrahs, they are the same Muslims that we grieve for when we see on television their suffering from hunger and displacement.

## **Alleviating the Difficulties of the Hajj**

The problem is not with those who undertake the Hajj repeatedly and who, by doing so, provide benefit to many other pilgrims because of the instruction or services that they provide to the pilgrims. The problem is with those who merely add their numbers to the crowds and contribute to the problems.

## “Do So; There is No Difficulty”

One of the most important objectives of the Hajj is for the people to learn how to do away with their comforts and their indulgence in permitted luxuries. This is why a pilgrim wears the sparest of clothing – a waistcloth and a shoulder cloth without any decoration or embellishment.

This is a reminder of the truth of our absolute poverty – that we will leave this world just as we came into it. This reminder calls us to prepare ourselves to meet Allah.

From this, we see that there are a number of things prohibited to a pilgrim during the Hajj while he is in a state of ritual sanctity (*ihrâm*). He may not wear cologne. He may not clip his fingernails or cut his hair. He may not have any form of sexual contact with his wife, nor may he engage in anything that relates to such contact, like contracting a marriage. In spite of all this, we find that Allah has placed greater flexibility in the Hajj than we find in any of the other prescribed acts of worship. We can see this during the Prophet’s farewell pilgrimage when they were in Minâ and people were coming to the Prophet (peace be upon him) and asking him about a number of different situations.

One man came and said: “I did not realize what I was doing, and I shaved my head before sacrificing my animal.”

The Prophet (peace be upon him) replied: “Sacrifice the animal. There is no difficulty.”

Another man came and said: “I did not realize what I was doing, so I slaughtered my camel before stoning the Jamrah.”

The Prophet (peace be upon him) replied: “Stone it. There is no difficulty.”

Whatever problem the people came to him with concerning the rites of Hajj, he told them: “Do so. There is no difficulty.” [*Sahîh al-Bukhârî* (83) and *Sahîh Muslim* (1306)]

Therefore, scholars should adopt this as a general policy for legal verdicts where there is no specific text, since this is a categorical ruling from the Prophet (peace be upon him) that he applied in many different circumstances: “Do so. There is no difficulty.”

The Sunnah of our Prophet (peace be upon him) brings together all the concessions and facilitations that we find dispersed throughout the various books of Islamic Law. This is because one scholar will adopt a certain concession found in the Sunnah but not recognize another, while a second scholar will do the opposite. The Sunnah, however, accommodates both.

We find that a person can perform the prescribed acts of the Day of Sacrifice – which is the tenth day of Dhû al-Hijjah – in any order he chooses, without any problem. This flexibility is not found in any other prescribed act of worship. If a worshipper were to prostrate in prayer before bowing, or sit before standing, everyone would agree that his prayer would be invalid.

We find that the Hajj is unique even when it comes to the intentions for it. Our intentions, as we know, are the most essential condition of all acts of worship. However, with the Hajj, if one intends to offer it as an obligation, it brings no harm if it is actually a voluntary act of worship. Likewise, if someone says: “I will make this Hajj as a voluntary act, so I can practice for my obligatory Hajj which I will make in the future.” That person’s Hajj will still fulfill the person’s obligation, and his intention to the contrary will have no effect.

Also, if a person had performed a Hajj in the past he was dissatisfied with – maybe his heart was not in it or he was negligent and wasteful – and he says: “I will make that one a voluntary Hajj and make the one I am offering this year my obligatory Hajj”, it will not take effect as he intended. Rather, his first Hajj will remain the one that fulfils his obligation and the second one will occur as a voluntary act of worship.

In some cases, a person will intend to offer Hajj on behalf of someone else, but it will occur instead for that person who is carrying it out. This is the case for a person who has never before performed Hajj for himself yet intends to perform Hajj for someone else. Ibn `Abbâs relates that the Prophet (peace be upon him) heard a man declaring his intentions to perform Hajj on behalf of someone named Shubrumah, he asked: “Who’s Shubrumah?” The man replied that he was either a brother or relative. The Prophet (peace be upon him) then asked the man if he had previously performed Hajj for himself. When the man said that he had not done so, the Prophet (peace be upon him) said: “Perform Hajj for yourself, then at some other time do so on behalf of Shubrumah.” [*Sunan Abî Dâwûd* (1811) and *Sunan Ibn Mâjah* (2903)]<sup>1</sup>

It is a well-known matter of disagreement among scholars whether a person can perform Hajj on behalf of someone else before performing Hajj for himself.

Likewise, a person can enter into the state of ihram with an ambiguous intention that does not specify exactly the type of Hajj being undertaken. This is what `Alî did. He had come from Yemen for Hajj, and the prophet asked him: “What intention did you declare upon entering into the state of ihram?”

`Alî replied: “That it will be whatever the Prophet (peace be upon him) has undertaken.” Then the Prophet (peace be upon him) informed `Alî that if he had not brought his sacrificial animal with him, he would already have left the state of ihram.” [*Sahîh al-Bukhârî* (1558) and *Sahîh Muslim* (1250)]

We even find flexibility when it comes to the acts that are specifically prohibited in the Hajj. Shaving the head, for instance, is prohibited by the Qur`ân and Sunnah, and its prohibition is a matter of consensus (*ijmâ`*). Nevertheless, if it is necessary for someone to shave his head for some reason, he may do so and offer expiation. We see this in the case of Ka`b b. `Ajjah who tells us [*Sahîh al-Bukhârî* (4190) and *Sahîh Muslim* (1201)]:

The Prophet (peace be upon him) approached me during the time of Hudaibiyah while lice were crawling all over my face. He asked me: “Are you suffering from the lice on your head?”

<sup>1</sup> There is some doubt about the attribution of this hadîth. It is likely that it is actually the statement of the Companion who narrated it.

I said: “Yes.”

He then said: “Shave your head. Then you must fast for three days, or feed six poor people, or offer a sacrifice.”

We see another concession in wearing a stitched waistcloth, as long as it is not worn the way pants are worn, and this is by sewing up the waistband of the pants and letting the cloth hang down without separating the two legs. Indeed, Ibn Taymiyah states that there is consensus on the permissibility of doing so.

The basis for the prohibition of wearing sewn articles of clothing is the hadîth where a man asked the Prophet (peace be upon him) what a pilgrim must wear in the state of ihram, to which he replied: “He should not wear a shirt, nor a turban, nor pants, nor a cloak. He should not wear cloth that has been dyed with *wors* or saffron. If he cannot find sandals, then he can wear leather socks, but he should cut them so they do not cover his ankles.” [*Sahîh al-Bukhârî* (134) and *Sahîh Muslim* (1177)]

The phrases “sewn clothing” and “stitched clothing” are not found in the Qur’ân and Sunnah. When scholars say that sewn clothing is prohibited, they are referring to articles of clothing that are sewn so as to wrap around the limbs of the body, like a shirt or a pair of pants. Some people misunderstand these terms and assume that it is prohibited for the clothing worn during the pilgrimage to have stitching founding the cloth. This is not the case at all. Therefore, if the waistcloth or shoulder cloth worn by a pilgrim gets torn, there is no prohibition against mending the tear by sewing it. All scholars agree that it is perfectly acceptable to stitch the hole and continue wearing the cloth.

There is great flexibility in Islamic Law regarding what can be worn as a waistcloth in Hajj, even an article that is a sewn piece of clothing. The ruling is that whatever a person can call a waistcloth can be worn by a man in the state of ihrâm. Ibn Taymiyah writes in *Sharh al-Umdah*: “If a pair of pants is cut open, it becomes the equivalent of a waistcloth. There is scholarly consensus that it can be wrapped around the waist and worn even when proper waistcloths are available.”

He also writes: “That which is sewn or connected for purposes other than to go around a limb and that are not sewn in the shape and size of a limb can be worn – for instance, a waistcloth or shoulder cloth that is sewn up or that has patches sewn into it. This is because the ruling refers to articles of clothing that are designed to fit the limbs of the body. Such articles are those that are sewn into sleeves and other limb-covering features – the normal clothing that we wear.”

We find very similar statements in al-Nawawî’s *Majmû`* (7/263) and Ibn Qudâmah’s *Mughnî* (3/127).

Another flexible ruling is the permissibility of a man wearing leather socks if he cannot find a pair of sandals. Scholars disagreed regarding whether the pilgrim is supposed to cut the leather socks so that they do not cover his ankles. The opinion recognized in the Hanbalî school of thought is that he is not supposed to cut the socks, while the other schools of thought agree that he has to cut them. The Hanbalîs cite as evidence the hadîth narrated by

both Ibn `Abbâs and Jâbir, the Prophet (peace be upon him) said: “Whoever does not find sandals should wear leather socks.” [*Sahîh al-Bukhârî* (1841) and *Sahîh Muslim* (1178)] He argues that the hadîth says nothing about cutting the socks so they will be below the ankles. The prophet (peace be upon him) made this statement on the plain of `Arafah, where many of the people in attendance would not have heard what he had said previously in Madînah about cutting the socks. This indicates that the ruling not to cut the socks abrogates the earlier ruling, since the ruling not to do so is in accordance with the last statement he made on the matter.

They also cite `Alî’s statement: “Cutting the leather socks is an act of destruction. Wear them as they are.” It also conforms to a number of other rulings, since the soft leather shoes are permitted out of need. They can be compared to wearing pants out of need. Cutting them up is destruction of property.<sup>1</sup>

There are things that some pilgrims tend to avoid, some of which might be mentioned by a few jurists without there being any evidence for avoidance. In all such matters, the general ruling is one of leniency.

One such matter is the mistaken tendency for a person in the state of ihrâm to avoid bathing. One of the Companions said: “I bathed seven times in one day while I was in the state of *ihrâm*.”

Yal`â b. Umayyah relates the following that took place during the Hajj in the reign of the Caliph `Umar [*al-Muwatta`* (704), *Musnad al-Shâfi`î* (535), and *Sunan al-Bayhaqî* (5/63)]:

`Umar b al-Khattâb was bathing near a camel and I was screening him with a cloth. He said: “Ya`lâ, should I pour water over my head?”

I replied: “The Commander of the faithful knows best.”

So `Umar said: “I swear by Allah that water only increases the disheveled state of the hair.” Then he mentioned Allah’s name and poured the water over his head.

When `Umar mentioned that water only increases the disheveled state of the hair, he was emphasizing the idea that washing the hair with water is not the same as applying perfume. It is merely an act of cleanliness.

Ibn `Abbâs said: “I assisted `Umar b. al-Khattâb to bathe by fully submerging himself in water while at Juhfah while we were both in the state of ihrâm.” [*al-Muhallâ* (7/174)]

We also know that Ibn `Abbâs and Ibn `Umar used to bathe by fully submerging themselves in water when they were in the state of ihrâm. [*Sunan al-Bayhaqî* (5/62) and *al-Muhallâ* (7/174)] In fact, they had engaged in a contest as to which of them could hold his breath underwater the longest.

<sup>1</sup> For these arguments, refer to the following Hanbalî sources: *al-Mughnî* (3/275), *Sharh al-`Umdah* (3/21, 40) and *Majmû` al-Fatâwâ* (21/191-193).

`Abd Allah b. `Umar relates that `Âsim b. `Umar and `Abd al-Rahmân b. Zayd went into the sea, dunking each other's heads under the water with `Umar watching them without making any objection. [*Sunan al-Bayhaqî* (5/62) and *al-Muhallâ* (7/74)]

We see in this a degree of from the Caliph `Umar with youths like Ibn `Abbâs who showed sensitivity to the needs and feelings of young people. He showed sound judgment regarding the need to build strong relationships between the generations so that there would be no generation gap between the elders and the youth.

It should not be seen as strange that the Companions would behave in this way while they were in the state of ihrâm and not see anything wrong with it. The Companions were just as Ibn Mas`ûd described them: "the least pretentious of people". [*Jâmi` al-`Ulûm wa al-Hikam* (1810)]

They opened up the world, brought justice, and by the grace of Allah, established the community of faith. They were, in all of this, natural and relaxed in their behavior. Today, so many of our teachers, educators, and others have lost sight of this. Some of them even consider avoiding all informality to be an expression of faith or see jocular behavior as a sign of weakness or frivolity.

`Abd Allah b. Hunayn relates the following about washing the head while in the state of ihrâm [*Sahîh al-Bukhârî* (1840) and *Sahîh Muslim* (1205)]:

`Abd Allah b. `Abbâs and al-Miswar b. Makhramah had a disagreement while they were at al-Abwâ'. Ibn `Abbâs was saying that a pilgrim in the state of ihrâm should wash his hair. Al-Miswar was saying that he should not do so. So Ibn `Abbâs sent me to ask Abû Ayyûb al-Ansârî about it. I found him bathing at the well, screened behind a sheet. I greeted him and he asked me who I was. I said: "I am `Abd Allah b. Hunayn. I was sent by Ibn `Abbâs to find out from you how the Prophet (peace be upon him) used to wash his head when he was in the state of ihrâm."

Abû Ayyûb pushed down the sheet with his hand until his head could be seen. Then he said to the man who was with him: "Pour water." The man poured water on his head and Abû Ayyûb rubbed over his head, moving his hands back and forth. Then he said: "This is how I saw him wash his head."

All of this shows leniency. Other matters that people unnecessarily feel they must avoid are: smelling aromatic herbs, wearing rings, wearing a belt-pouch, taking medicine, and entering a bathhouse

In his *Sahîh*, al-Bukhârî informs us that Ibn `Abbâs said: "A pilgrim in the state of ihrâm can smell aromatic herbs. He can look in the mirror. He can take medicines from things that can be eaten, including oil and fat."

Al-Bukhârî informs us that `Atâ' said: "He can wear a ring and a belt-pouch."

Ibn `Umar tied a cloth around his waist as a belt while he circumambulated the Ka`bah.

ʿĀʾishah saw nothing wrong with her litter-carriers wearing sleeveless undergarments. The permissibility of men wearing these underclothes that cover only the most private areas is a matter of disagreement among scholars. Ibn Hajar comments in *Fath al-Bâri* (3/397): “This seems to have been ʿĀʾishah’s opinion. However, most scholars do not differentiate between these undergarments and pants, and regard them as impermissible.”

ʿUthmân was asked whether a pilgrim can enter a garden, to which he replied: “Yes he may do so, and he may smell the fragrant plants.” *Muʿjam al-Tabarânî al-Saghîr, Sharîʿah al-Ājurî* (103) and *Târîkh Dimashq* (15/249)]

Ibn ʿAbbâs entered the bathhouse at al-Juhfah while he was in the state of ihrâm and said: “Allah hasn’t any use for your filth.” [*Musannaf Ibn Abî Shaybah* (14791) and *Sunan al-Bayhaqî* (5/63)]

Ibn ʿAbbâs also said: “A pilgrim in the state of ihrâm can smell fragrant plants and enter the baths.” [*Sunan al-Dâraquṭnî* (2/232) and *Sunan al-Bayhaqî* (5/63)]

A pilgrim is as encouraged as anyone else to be clean and to pay attention to his bodily hygiene. He is also allowed to use cold water to cool himself down and to avail himself of air-conditioning and electric fans. He can sit in the shade of a tree, a car, a canopy, or an umbrella. All of this is good. Nothing in Islamic Law even remotely encourages the avoidance of these things.

If a pilgrim carries something on his head, this does not affect his ihrâm, since carrying something on the head is not the same as wearing a head covering.

A man once asked al-Shaʿbî: “Is it permissible for a pilgrim in the state of ihrâm to scratch his skin?” Al-Shaʿbî replied that it was. So the man asked: “To what extent can he do so?”

To this al-Shaʿbî gave the amusing reply: “Until he reaches the bone!”

Another way that Islamic Law shows its flexibility is in the fact that it gives three options for how to perform the Hajj: *tamattuʿ*, *ifrâd*, and *qirân*. There is juristic consensus, or at least almost unanimous consensus, on this matter. [*al-Mughnî* (3/238) and *Sharh al-Nawawî ʿalâ Sahîh Muslim* (8/134)]

Al-Albânî holds the view that the only valid option is *tamattuʿ*. He attributes this view to Ibn ʿAbbâs and others. I do not regard the attribution of this view to Ibn ʿAbbâs to be correct. Ibn ʿAbbâs did not mean this categorically. He did not regard ʿUmrah as being for the inhabitants of Mecca. What this means is that the inhabitants of Mecca could not opt to perform *tamattuʿ*.

Some scholars have said that all three ways of performing the Hajj are equally meritorious. However, it is more accurate to say that *qirân* is better for a pilgrim who brings his sacrificial animal with him. Also, in the case of a pilgrim who performs ʿUmrah during the months of Hajj and then returns home, it is best for him to offer his Hajj as *ifrâd*. This is essentially what the scholars have to say about this matter.

What matters is that we recognize that there is flexibility in this. There is no blame on anyone in these matters. Scholars and students of knowledge should take the pilgrims' circumstances into consideration and they should make their rule of thumb "Do so. There is no difficulty" as long as the issue at hand is one where there is leeway and room for concessions.

A scholar must also recognize the disagreements that exist among people and the different backgrounds that they are coming from. The scholars of different countries adopt various opinions and follow different schools of thought. It is difficult to the point of impossibility to insist that everyone adopts the same viewpoint. The flexibility of Islamic Law does not allow for restricting people to one school of thought in certain particulars of the Law.

## Considerations of Ease With Respect to the Pillars of Hajj

Scholars agree that there are two essential pillars of Hajj: being present in the plain of `Arafah and circumambulating the Ka`bah for *Tawâf al-Ifâdah*. They disagree as to whether other elements of the Hajj should be regarded as essential pillars.

### 1. Being present on the Plain of `Arafah

This is an essential pillar of the Hajj by the unanimous consensus of the Muslims, as attested to by Ibn al-Mundhir, al-Kâsânî, Ibn al-`Arabî, Ibn Qudâmah, al-Nawawî, al-Dâbûsî, Ibn Taymiyah, and many others.

This pillar is fulfilled by being present on the Plain of `Arafah for even a moment. Some scholars go so far as to say that it is enough to fly through the sky of `Arafah in an airplane.

Most scholars regard it as permissible for the pilgrim to depart from the Plain of `Arafah before sunset. Only Mâlik disagreed about this. The Mâlikî jurist Ibn `Abd al-Barr states: “I know of no one in the scholarly community to have agreed with Mâlik on this issue.” [*al-Kâfî* (143) and *al-Istidhkâr* (6/37)]

Some scholars have gone as far as to say that a person must offer a sacrifice to expiate for opting to leave `Arafah before sunset. The more likely opinion is that no expiation is required. The proof for this is the following hadîth related by `Urwah b. Mudarris al-Tâ`î [*Sunan Abî Dâwûd* (1950), *Sunan al-Tirmidhî* (891) *Sunan al-Nasâ`î* (3041), and *Sunan Ibn Mâjah* (3016)]:

I went to the Prophet (peace be upon him) in Muzdalifah at the time of prayer and said: “O Messenger of Allah! I came from the Tayy Mountains. I lost my way with my steed and wore myself out. By Allah, there is not a mountain that I did not stop upon. Do I have the Hajj to my credit?”

The Prophet (peace be upon him) said: “Whoever finds this prayer with us and arrives in `Arafah beforehand, whether at night or during the day, then his Hajj and its rites are fulfilled.”

This is proof that if a pilgrim departs from `Arafah before sunset, there is no expiation upon him.

If the people are mistaken as to their reckoning of the days of Hajj and accidentally observe their standing at `Arafah on the eighth or the tenth of Dhû al-Hijjah, believing it to be the ninth, then this will be accepted from them as long as the Muslims are united in this matter. Ibn Taymiyah writes: “It will be the Day of `Arafah for them, both superficially and in substance, whatever day it is that they observe their standing.” [*Majmû` al-Fatâwâ* (22/211)]

The Prophet (peace be upon him) said: “Your `Îd of breaking the fast is the day when the people break their fasts, and your `Îd of sacrifice is the day when the people offer their

sacrifices.” [Sunan al-Tirmidhî (697), Sunan Abî Dâwûd (2324) and Sunan Ibn Mâjah (1660)]

This is what we say: Whatever the people come together upon and agree to as the day, then it is what Islamic Law recognizes and intends, even if it turns out that the reckoning of the people regarding the date is in error.

## 2. Tawâf al-Ifâdah

This is the second essential pillar of Hajj. It is also known as the tawâf of Hajj. This tawâf can only be observed after standing on the Plain of `Arafah and spending the night in Muzdalifah. This is, as far as I know, a matter of consensus.

It is also what the Qur`ân clearly states: “Then let them complete the rites prescribed for them, perform their vows, and circumambulate the Ancient House.” [Sûrah al-Hajj: 29] The verse makes the tawâf the last of these rites.

Sheikh Siddîq Hasan Khân erred in *al-Rawdah al-Nadiyyah* (1/261) when he mistook the tawâf mentioned in a hadîth referred to *Tawâf al-Ifâdah* and concluded that *Tawâf al-Ifâdah* can be performed before going to `Arafah. The hadîth that he relied upon is a narration with ambiguous wording found in *Sahîh al-Bukhârî*. However, a hadîth can be narrated by meaning or in an abbreviated form, and therefore various narrations need to be correlated to accurately ascertain the meaning.<sup>1</sup>

The timeframe for Tawâf al-Ifâdah begins halfway through the night of Muzdalifah, since this is the time when those who have an excuse – like women, those who are weak, and those who are accompanying them – can depart from Muzdalifah. Scholars disagree as to whether people can start making Tawâf al-Ifâdah after the middle of the night or whether they have to wait until dawn. Since scholars express two opinions on the matter, and since there is no specific textual evidence to resolve the question one way or another, it should be treated as something flexible.

It is possible to postpone offering Tawâf al-Ifâdah until the end of the Hajj, so that a single performance of tawâf can count as both Tawâf al-Ifâdah and the farewell tawâf. This can relieve a lot of difficulties, and reduce the severe overcrowding around the Ka`bah. It is possible to postpone the tawâf until the end of Dhû al-Hijjah. Indeed, even if it is offered after the month of Dhû al-Hijjah is over, it will still be valid.

Al-Nawawî states in *Sharh Sahîh Muslim* (8/193) that if a person forgets to make tawâf al-Ifâdah and circumambulates the Ka`bah upon his departure from Mecca with the intention of only making his farewell tawâf, then it will count for him as both. The same ruling applies to someone who does not know that Tawâf al-Ifâdah is obligatory.

This ruling is a very good one, and it brings about an easing of hardships and provides a concession for the pilgrims.

<sup>1</sup> Refer to al-Albânî’s gloss on *al-Rawdah al-Nadiyyah* (2/114-116) for a detailed discussion on this matter.

Another important concession, and one that is firmly established in the Sunnah, is that a menstruating woman is excused from making the farewell tawâf. Ibn `Abbâs relates: “The people were commanded that their last activity (in the Hajj) should be at the House, except that this injunction was relaxed for menstruating women.” [*Sahîh al-Bukhârî* (1755) and *Sahîh Muslim* (1328)]

### **Is ritual purity a condition for the validity of tawâf?**

The majority of scholars require that a person performing tawâf must be in a state of ritual purity. This means that if the pilgrim is in a state of minor ritual impurity requiring wudû’, then he must make wudû’. Likewise, if he is in a state of major ritual impurity where he needs to take a full bath, then he must take a bath.

Abû Hanîfah permitted tawâf without ritual purity. This opinion has also been narrated from Ahmad b. Hanbal and is the preferred opinion of Ibn Taymiyah and Ibn al-Qayyim. Sheikh Ibn al-`Uthaymîn also ruled that a person making tawâf does not have to be in a state of ritual purity.

Adopting this opinion also contributes to lessening the problem of overcrowding, especially considering the difficulty of getting to the wudû’ facilities on that day.

The hadîth being used to prove that wudû’ is essential for tawâf is the following related from `Â’ishah [*Sahîh al-Bukhârî* (305) and *Sahîh Muslim* (1211)]:

We left with the Prophet (peace be upon him) thinking about nothing but the Hajj. When we reached Sarif, I began to menstruate. The Prophet (peace be upon him) found me crying. He asked: “What makes you cry?”

I said: “I wish, by Allah, that I did not make Hajj this year.”

The Prophet (peace be upon him) surmised: “Perhaps you are menstruating?”

I said: “Yes.”

The Prophet (peace be upon him) said: “That is something that Allah has decreed for the daughters of Adam. You should do everything that a pilgrim does, except that you should not circumambulate the House until after you become clean.”

This is not conclusive evidence that ritual purity, like wudû’, is a condition for tawâf.

Though we say that a pilgrim should observe this act of worship in a state of ritual purity, if he offers tawâf without wudû’, or breaks his wudû’ during tawâf and does not renew his wudû’, his tawâf will be valid.

What about a woman whose menstrual period is protracted and will not come to an end until after the scheduled date of departure for her Hajj party? This is a situation that can cause serious hardship for many women. Ibn Taymiyah and Ibn al-Qayyim that she should wear

something to safeguard against the blood and offer her tawâf in the state that she is in, due to the dire necessity that her circumstances entail. This appears to be the correct ruling. It conforms with the opinion of Abû Hanîfah and a well-known narration from Ahmad b. Hanbal.

## Considerations of Ease in the Matter of Stoning the Jamrahs

We find aspects of ease and facilitation in the rulings concerning the stoning of the Jamrahs. This ritual of Hajj is regarded by the majority of scholars as something obligatory, since the Prophet (peace be upon him) engaged in this ritual and said: “Take from me the rites of Hajj.” [*Sahîh Muslim* (1297)]

Also, he was given pebbles the size of slingshot pellets and said: “Ones like these should be thrown.” [*Musnad Ahmad* (1754), *Sunan al-Nasâ’î* (3057, 3059) and *Sunan Ibn Mâjah* (3029)]<sup>1</sup>

One of the narrations related from Mâlik is that it is an emphatic Sunnah to do so. This opinion was also expressed by `Â’ishah. However, the strongest opinion on the matter is that stoning the Jamrahs is obligatory

### 1. Considerations of ease with respect to the object of stoning

The object of stoning is the pile of stones that the Jamrahs are within. It makes no difference whether this is within the basin-like structures or what surrounds them of stones. Those basins did not exist during the time of the Prophet (peace be upon him) nor during the time of the Rightly-Guided Caliphs.

There is disagreement concerning when those basins were built – was it during the Umayyad period or some time thereafter. Specialists have written extensively on the question.

The Hanafî jurist al-Sarakhsî writes in *al-Mabsûr* (4/67):

If the pilgrim stones the Jamrah from afar and his stoned do not actually hit the Jamrah but fall near to it, this will suffice. This is because a greater degree of precision is something that it is not possible to achieve or ascertain, especially when there is a lot of crowding. If the stone falls far afield of the Jamrah, it will not be a valid throw.

This is a very good observation, especially for our situation today when the stoning of the Jamrahs has become a problem of immense proportions. Rarely does a year pass without dozens or even hundreds of people falling and being trampled underfoot in a panic. Their corpses are a mute testament to the gravity of this situation.

This is a shame upon us all. We as Muslims, whether we are rulers, scholars, or members of the general public, need to do what we can to resolve this crisis. How many more Muslims must die before we wake up and realize, in our shame at the crass loss of life, that something needs to be done urgently? How long must we wrangle over minute details that are legitimate matters of disagreement and turn a blind eye to the clear and general outrage going on right in front of us?

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<sup>1</sup> See also *Sahîh Muslim* (1299).

The death of a Muslim is something very grave before Allah. How much worse it is for that death to be brought about in the sacred precincts where even the life of a bird is inviolable?

ʿAbd Allah b. ʿUmar relates that he saw the Prophet (peace be upon him) circumambulating the Kaʿbah and saying: “How good you are and how good is your very air. How great you are and how great is your sanctity. I swear by Him in whose hand is Muhammad’s soul, the sanctity of a believer is greater to Allah than yours is –that goes for his wealth, his blood, and that we should think nothing but what is good about him.” [*Sunan Ibn Mâjah* (3932)]<sup>1</sup>

The Prophet (peace be upon him) also said: “The loss of all the world is more trivial to Allah than the murder of a Muslim.” [*Sunan al-Tirmidhî* (1395) and *Sunan al-Nasâ’î* (3987)]

I appeal to my brothers who are scholars: Do you not regard the lives of the people more worthy of protection and more deserving a matter for our criticism?

Why are people still boasting about how they stoned the Jamrahs while their hands were on the basin? In what book is it written that this should be achieved, especially when there originally was no basin to speak of?

The purpose for the ritual of stoning is clear. As ʿĀ’ishah said: “The tawâf around the House, walking between Safâ and Marwah, and stoning the Jamrahs were prescribed merely for the remembrance of Allah.” [*Sunan al-Dârimî* (1780)]

Where is the remembrance of Allah for one who is preoccupied with saving himself from the midst of a crushing and tempestuous flood of people? None of these people have any control of their own movements, since they are wading through piles of sandals, clothing, and stones – and sometimes corpses. We beseech Allah to spare us.

I can say for certain that if the Prophet (peace be upon him) could see how many people today are undertaking the Hajj, this would please him very much. At the same time, if he could witness the anarchy that goes on during the hajj – and especially at the Jamrahs – this would grieve him sorely, since such bad conduct is diametrically opposed to the teachings and guidance that he came with.

Making certain about whether all seven stones have hit their target is something that exposes the pilgrim to doubts and misgivings. He begins to wonder if he threw six or seven or whether a pebble fell into the basin instead of meeting its mark. The strict rulings that he may have heard regarding the stoning can cause him a lot of anxiety.

Sa’d b. ʿAbî Waqqâs said: “We returned from the Hajj along with the Prophet (peace be upon him) and some of us were saying that they had thrown seven stones and others that they had thrown six. No one criticized anyone else.” [*Musnad Ahmad* (1362) and *Sunan al-Nasâ’î* (3077)]

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<sup>1</sup> The chain of transmission for this hadîth contains Nasr b. Muhammad, who has been regarded as a weak narrator. Ibn Hibbân, in *al-Thiqât*, declares him to be reliable. All the other narrators in its chain of transmission are reliable narrators.

By contrast, we see some writers saying things like “If a bird snatches up the pebble...” as if a bird is really going to snatch a flying pebble out of the air!

There are others writers in Islamic Law who speculate about what happens if the pebble hits the ground but then ricochets off another pebble and hits its target!

These are but examples of the types of wild speculations we read about that have no basis in the Qur’ân, the Sunnah, or the guidance of the Companions.

## 2. Considerations of ease with respect to the time of stoning

A pilgrim is allowed to carry out the ritual of stoning at night. This was the opinion of `Abd Allah b. `Umar and the one adopted by the Hanafî school of thought. The opinion is also found in the Mâlikî and Shâfi`î schools. This ruling was adopted by the Muslim World League during its inaugural session under the chairmanship of Sheikh `Abd al-`Azîz b. Bâz, at the time when crowding at the Jamrahs had become a serious problem.

The evidence for this ruling is where somebody told the Prophet (peace be upon him): “I stoned the Jamrahs after nightfall.”

He said: “There is no problem with it.”

The man said: “I shaved my head before offering my sacrifice.”

Again the Prophet (peace be upon him) said: “There is no problem with it.” [*Sahîh al-Bukhârî* (1723)]

The pilgrim may also stone the Jamrahs on all the days before the Sun reaches its zenith. This opinion is narrated from Ibn `Abbâs. It was the view of Tâwûs, Muhammad al-Bâqir, and one of the two opinions narrated from `Atâ`. The view is also related from Abû Hanîfah, but is not the one adopted by the Hanafî school of thought. The view was adopted by Ibn `Aqîl and Ibn al-Jawzî from among the Hanbalî scholars and by the Shâfi`î scholar al-Râfi`î.

Contemporary scholars who have adopted this view include `Abd Allah b. `Âl Mahmûd, Mustafâ al-Zarqâ`, and Sâlih al-Bulayhî, among others. This view was also confirmed by `Ad al-Rahmân al-Sa`dî.

They cite as evidence a hadîth where the Prophet (peace be upon him) made a concession for the herdsmen to stone the Jamrahs at night or at any hour of the day they wished to do so. [*Sunan al-Dâraqutnî* (2/276)]<sup>1</sup>

Ibn Qudâmah writes in *al-Kâfi* (1/195): “This applies to everyone who has an excuse like sickness or fear for oneself or for one’s wealth as is the case for herdsmen, since they all come under essentially the same meaning.”

<sup>1</sup> There is weakness in this hadîth’s chain of transmission. There are corroborative narrations from Ibn `Abbâs and Ibn `Umar, but neither of these is free from weakness.

They cite the hadîth related by `Abd Allah b. `Amr b. al-`Âs that during the Prophet's farewell pilgrimage while he was in Minâ, people came to the Prophet (peace be upon him) and asking him about a number of different situations.

One man came and said: "I did not realize what I was doing, and I shaved my head before sacrificing my animal."

The Prophet (peace be upon him) replied: "Sacrifice the animal. There is no difficulty."

Another man came and said: "I did not realize what I was doing, so I slaughtered my camel before stoning the *Jamrah*."

The Prophet (peace be upon him) replied: "Stone it. There is no difficulty."

Whatever problem the people came to him with regarding what they performed early or postponed of the Hajj rites, he told them: "Do so. There is no difficulty." [*Sahîh al-Bukhârî* (83) and *Sahîh Muslim* (1306)]

Another argument in favor of this ruling is that there is no clear-cut evidence prohibiting the stoning of the Jamrahs before the Sun reaches its zenith. There is nothing in the Qur'ân and Sunnah that explicitly says so. Such a restriction is not a matter of juristic consensus, and it is not supported by juristic analogy.

With respect to the Prophet (peace be upon him) having stoned the Jamrahs after the Sun's decline from its zenith, that is the same as his remaining at `Arafah from after the time of the Sun's decline from its zenith up until sunset. It is well-known that the time for visiting `Arafah is not restricted to this timeframe. The timeframe for `Arafah extends throughout the night.

If it were prohibited to carry out the ritual of stoning in the morning, the Prophet (peace be upon him) would have made sure to expound upon the prohibition when he answered that pilgrim's question about throwing the stones before slaughtering his camel. It is not permitted for a Prophet to withhold an explanation about a matter of religion at the time when that explanation is needed.

Then we have Allah's words: "Remember Allah during the appointed days." [*Sûrah al-Baqarah*: (203)]

The ritual of stoning is one aspect of this remembrance. We see this in `Â'ishah's statement: "The tawâf around the House, walking between Safâ and Marwah, and stoning the Jamrahs were prescribed merely for the remembrance of Allah." [*Sunan al-Dârimî* (1780)] This means that the entire day is allotted for carrying out these remembrances, which includes the throwing of the stones.

`Â'ishah's statement is almost a decisive verdict on the matter, if we think about it. Her statement was cited as evidence by `Abd al-Rahmân al-Sa`dî among others.

Then there is the answer Ibn `Umar gave when he was asked about the time of throwing the stones. He said: “When your leader throws his stones, then you do so.” [*Sahîh al-Bukhârî* (1746)] If he had considered the timeframe to be restricted to after the Sun begins to decline from its zenith, he would have said so much to this questioner.

Except for the stoning that is carried out on the day of `Îd, a pilgrim may postpone the stoning of the Jamrahs up until the last day. This is supported by the hadîth narrated by `Âsim b. `Adiyy that Allah’s Messenger permitted the camel herders to encamp for the night outside of Minâ and to stone on the Day of Sacrifice (i.e. the day of `Îd) and then to stone the next day and the day after for the two days, and then to stone on the day of departure. [*al-Muwatta’* (815), *Sunan al-Tirmidhî* (955), *Sunan Abû Dâwûd* (1975), *Sunan al-Nasâ’î* (3079), and *Sunan Ibn Mâjah* (3037)]

Therefore, it is permissible for pilgrims in a situation comparable to that of those herdsmen – like those who are engaged in work that they cannot leave unattended and those who are encamped a difficult distance away from the Jamrahs – to postpone their stoning until the last of the days of Tashrîq. What is not permitted is to postpone the stoning until after the thirteenth day of Dhû al-Hijjah, which is the last day of Tashrîq. As long as he stones the Jamrahs before then, he will be doing so on time. All three days of Tashrîq are like a single day.

This is the view adopted by the Shâfi`î and Hanbalî schools of thought, as well as by the Hanafî scholars Abû Yûsuf and Muhammad b. Hasan, and their opinion is the one that has been adopted by the Hanafî school of thought. It has also been adopted by al-Shinqîfî.

Postponing the throwing of the stones in this way can be done to avoid the overcrowding and the difficulties and death that the overcrowding causes. This is one of the greatest possible justifications for doing so. The lives of the people are certainly more deserving of being safeguarded than the livestock that the herdsmen were granted their concession to attend to. We must never forget that safeguarding life is one of the five universal principles that all scholars agree must be taken into consideration in matters of Islamic Law.

### **3. Considerations of ease in appointing others to stone the Jamrahs**

Women and those who are weak can, without any objections, appoint others to stone the Jamrahs on their behalf.

Jâbir relates: “We went for Hajj with Allah’s Messenger (peace be upon him) along with women and children. We pronounced the entry into the state of ihrâm on behalf of the children and carried out the stoning on their behalf.” [*Sunan Ibn Mâjah* (3038)]

In another narration, it reads: “... We pronounced the entry into the state of ihrâm on behalf of the women and we carried out the stoning on behalf of the children.” [*Sunan al-Tirmidhî* (927)]

Ibn al-Mundhir declares: “Everyone from whom I have acquired knowledge permits stoning the Jamrahs on behalf of a child who is unable to carry out the stoning himself. This is what

Ibn `Umar used to do. It was the opinion of `Atâ', al-Zuhrî, Mâlik, l-Shâfi`î, and Ishâq.”  
[quoted in *al-Mughnî* (3/207)]

It is surprising when men who are generally so jealous that they do not allow their women to visit the markets when they need to or even to visit friends, these same men insist that their wives go and stone the Jamrahs where they will be pressed into the bodies of other people, where their headscarves and cloaks can be pulled off, and where bodies are sometimes trampled underfoot. We ask Allah's mercy.

Some people try to lay the blame on the victims, accusing them of being ignorant for not knowing the roads and the right time to carry out the stoning – the time when most people are involved in something else. It is as if these people want to make an in-depth knowledge of the roads and of the movements of the pilgrims a condition for undertaking the Hajj!

## Considerations of Ease in the Matter of Emerging from Ihrâm and Regarding Where a Pilgrim Stays the Night

One aspect of this consideration is that the pilgrim's partial emergence from the state of ihrâm takes place immediately upon stoning Jamrah al-'Aqabah on the tenth of Dhû al-Hijjah. This means that everything that is specifically prohibited to a pilgrim while in the state of ihrâm becomes lawful for him again, except for conjugal relations.

This was the view of the Mâlik, Abû Thawr, and Abû Yûsuf. It was also the opinion of 'Alqamah, 'Atâ', and Khâriyah b. Zayd b. Thâbit. The opinion had also been expressed at one point by both Ahmad b. Hanbal and al-Shâfi'î.

Ibn Qudâmah asserts in *al-Mughnî* (3/225): "This is the correct opinion on the matter, Allah willing."

Ibn Hazm goes so far to say in *al-Muhallâ* (7/139) that the pilgrim's preliminary emergence from the state of ihrâm happens when the time for stone Jamrah al-'Aqabah comes in, even if the pilgrim has yet to stone the Jamrah.

This opinion was also the one adopted by Sheikh Ibn Bâz at the end of his life.

The evidence for this ruling comes in the hadîth narrated by Ibn 'Abbâs that Allah's Messenger (peace be upon him) said: "When you stone the Jamrah, then everything becomes lawful for you again except for women." [*Musnad Ahmad* (2090, 3204), *Sunan al-Nasâ'î* (3084), and *Sunan Ibn Mâjah* (3041)]

Also, there is the hadîth narrated by 'Â'ishah that Allah's Messenger (peace be upon him) said: "When you stone Jamrah al-'Aqabah, then everything becomes lawful for you again except for women." [*Sunan Abî Dâwûd* (1978)]

Both of these narrations suffer from some weakness in their chains of transmission. Nevertheless, some contemporary hadîth specialists, including al-Albânî<sup>1</sup>, have determined these hadîth to be authentic. The authenticity of these hadîth is also supported by the verdicts given by a number of Companions, and by the hadîth of Umm Salamah that conveys essentially the same meaning [*Musnad Ahmad* (25321) and *Sunan Abî Dâwûd* (1999)]

## Where a Pilgrim Spends the Nights of Tashrîq

The Prophet (peace be upon him) and his Companions spent the nights of Tashrîq in Minâ. Some of the scholars from among the Companions considered it obligatory for every person who is capable of spending these nights in Minâ to do so, as long as he can find a space in Minâ that was suitable for his circumstances. This view has been adopted by the majority of scholars.

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<sup>1</sup> al-Albânî, *al-Silsilah al-Sahîhah* (239).

This being the case, the evidence shows that a person who cannot find a suitable place in Minâ to spend the night is exempted from doing so without any expiation being needed from him. He may spend the night anywhere he wishes in the environs of Mecca, Muzdalifah, `Azizîyah, or elsewhere. He is not obligated to remain within the boundaries of the Minâ encampment.

We must realize that the passageways between the tents, the walkways in front of the bathroom facilities, the curbsides of the roads, and the rocky slopes of the mountains are not suitable places for *any* human being to encamp. Such places are not conducive to the spirit of worship that is required of the pilgrim in the noble act of worship that he is undertaking.

The following is some of the evidence that exempts certain people from spending the night at Minâ:

Ibn `Umar related: “`Abbâs sought the permission of Allah’s Messenger (peace be upon him) to remain in Mecca during the nights of Minâ in order to engage in the work of providing water to the pilgrims. Allah’s Messenger (peace be upon him) permitted him to do so.” [*Sahîh al-Bukhârî* (1745) and *Sahîh Muslim* (1315)]

`Abbâs was permitted to remain outside of Minâ to carry out this noble task, even though there was plenty of space in Minâ for him to spend the night. Therefore, it is even more appropriate that a person who cannot find a suitable place to stay in Minâ should be allowed to sleep outside of its boundaries.

Allah’s Messenger permitted the camel herders to encamp for the night outside of Minâ and to stone on the Day of Sacrifice (i.e. the day of `Îd) and then to stone the next day and the day after for the two days, and then to stone on the day of departure. [*al-Muwatta`* (815), *Sunan al-Tirmidhî* (955), *Sunan Abû Dâwûd* (1975), *Sunan al-Nasâ`î* (3079), and *Sunan Ibn Mâjah* (3037)]

Those who cannot find a suitable place to spend the night in Minâ are clearly more entitled to such a concession than these camel herders were.

Ibn `Abbâs gave the ruling: “If a man’s provisions are in Mecca and he fears that they might be lost if he remains the night in Minâ, then there is no objection on his spending the night in Mecca with his provisions.” [*al-Tamhîd* (17/263)]

Scholars apply this ruling to all people who have wealth that they fear the loss of, and those who are waiting for something important, and those who are sick and either need care or will suffer from serious hardships if they have to stay in Minâ.

This ruling applies equally to the situation of those who cannot find an appropriate place in Minâ to spend the night. They are in even greater need of the concession to spend the night elsewhere. The same can be said for those who go to Mecca to perform tawâf and then cannot get back to Minâ in time because of the overcrowding. In their case, their failure to spend the night in Minâ is on account of external factors that are outside of their control, and not on account of their own actions.

## Considerations of Ease in the Requirement of Expiation by Sacrifice

One means of facilitation in this matter is that a pilgrim should not be expected to offer a very large number of blood sacrifices. The ruling that is sometimes given requires a pilgrim to offer a sacrificial animal every time he fails to perform an obligatory rite of the Hajj.

This ruling is based on the statement of Ibn `Abbâs: “Whoever forgets or fails to perform anything of the rites of Hajj must offer a blood sacrifice.” [*al-Muwatta`* (940) and *Sunan al-Bayhaqî* (5/30, 152)]

This narration is authentic. However it is a ruling given by Ibn `Abbâs on the basis of his own juristic discretion (*ijtihâd*). Many others from among the Pious Predecessors did not require this. Rather, they would take the circumstances of the individual pilgrim into account, like whether he was rich or poor.

We can see where Islamic Law exempts pilgrims in certain circumstances from observing some of the obligatory rites of Hajj. The Law exempts them from these rites without requiring any expiation from them. Menstruating women are exempted from performing the farewell tawâf. Herdsmen and others like them are permitted to forego spending the night in Minâ. These matters are clearly established by the Sunnah.

With respect to the commission of acts that are prohibited to a person during the Hajj, we have the case of Ka`b b. `Ajrah who tells us [*Sahîh al-Bukhârî* (4190) and *Sahîh Muslim* (1201)]:

The Prophet (peace be upon him) approached me during the time of Hudaybiyah while lice were crawling all over my face. He asked me: “Are you suffering from the lice on your head?”

I said: “Yes.”

He then said: “Shave your head. Then you must fast for three days, or feed six poor people, or offer a sacrifice.”

He was allowed to shave his head, though its prohibition for a person in the state of ihrâm is a matter of consensus (*ijmâ`*), but he was not required to expiate for it with a sacrifice.

There is no established textual evidence in the Sunnah where the Prophet (peace be upon him) obligated a blood sacrifice upon a pilgrim who fails to perform an obligatory rite of Hajj. There is scope in Islamic Law to take people’s circumstances into consideration in this matter.