

FIQH
ISLAMIC JURISPRUDENCE

HAJJ
&
SACRIFICE

HAJJ

Hajj is a fundamental pillar of Islam which was instituted in the sixth year of Hijrah: “And complete the Hajj and Umrah in the service of Allah”: (Quran: 2: 194).

وَمِنْ حَيْثُ خَرَجْتَ فَوَلِّ وَجْهَكَ شَطْرَ الْمَسْجِدِ الْحَرَامِ وَإِنَّهُ
لَلْحَقُّ مِنْ رَبِّكَ وَمَا اللَّهُ بِغَافِلٍ عَمَّا تَعْمَلُونَ ﴿١٤٩﴾

HAJJ

Hajj is a form of Jihad and the reward for it is Paradise. The Prophet (pbuh) said to Aisha that the best jihad for you is Hajj Mabroor. It wipes off sins. The Prophet said: “He who performs Hajj for the pleasure of Allah and avoids all lewdness and sins will return after Hajj free from all sins as he was the day his mother gave birth to him.”

OBLIGATION

Hajj is obligatory only once in a lifetime of every Muslim who fulfils the following conditions:

1. Being a Muslim
2. Adult
3. Sane
4. Free
5. Having the necessary means

“Pilgrimage is a duty men owe to Allah” (Q. 3: 96-97) –those who can offer the journey must:

إِنَّ أَوَّلَ بَيْتٍ وُضِعَ لِلنَّاسِ لَلَّذِي بِبَكَّةَ مُبَارَكًا وَهُدًى لِّلْعَالَمِينَ ﴿٩٦﴾

OBLIGATION

فِيهِ آيَاتٌ بَيِّنَاتٌ مِّمَّا مَكَامُ إِبْرَاهِيمَ ^{صَلَّى} وَمَنْ دَخَلَهُ كَانَ آمِنًا وَلِلَّهِ عَلَى النَّاسِ
حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا وَمَنْ كَفَرَ فَإِنَّ اللَّهَ غَنِيٌّ عَنِ
الْعَالَمِينَ ﴿١٧﴾

- Be healthy and physically fit
- Ensure the journey to be safe and secure from danger
- Leave adequate provision for the family left behind

IS IS WAJIB TO HAVE A MAHRAM WITH A WOMAN?

Mahram refers to individuals to whom it is legally impossible to get married to (protecting women's interest is implicit in its meaning).

Among the Shafi scholars, the commonly accepted views are: travelling with her husband, Mahram, group of trustworthy women or even one such trusted woman companion. According to Al-Karabisi, a woman may travel by herself if it is safe to do so. Despite there is a Hadith that states Ibn Abbas - I heard the Prophet (SAS) saying:

“Whoever believes in Allah will never sit down with a stranger woman unless there is a mahram with her.”

The reason being to ensure their interest is being protected as is illustrated in the following Hadith in Bukhari from Adi ibn Hatim, who says:

“I was with the Prophet (SAS) when a man came to him and complained of poverty and another about highway robbery. Thereupon the Prophet (SAS) said”:

“ Adi! Have you seen the city of Hira in Iraq?” I said: “No, but I have heard of it.” The Prophet (SAS) said: “If you lived long enough, you will see that a woman will travel from Hira and will perform Tawaf round the Ka’bah and she will have no fear except that of Allah.”

This opinion is further emphasised by Umar by giving permission to the wives of the Prophet (SAS) to perform Hajj while being accompanied by Uthman and Abdur-Rahman bin 'Awf. Uthman would ask the people to avoid coming close to their camels or looking at them.

A group of scholars hold that an old woman may travel without a Mahram.

(Subul as- salaam). However, the version from the Hadith by Adi shows that the fatwa of Umar and the action of Uthman and Abdur Rahman bin Awf are proofs of the permissibility of a Muslim woman being away from home without a Mahram when it is safe without discrimination to one's age. Ibn Taimiyyah said: "Hajj of a woman without a mahram is valid and it is the same for a person who is financially not able to perform it.

ETIQUETE OF IHRAM

Ihram is the intention to perform Hajj or Umrah or both and putting on Hajj garb.

1. Cleanliness – Shave and clip nails, take bath. For women who are pregnant, experiencing Haid or Nifas are unable to perform Tawaf
2. Hajj garb with no sewn clothes for men
3. Perfume
4. Praying 2 Rak'ahs (Kafirun & Iklas)

KINDS OF IHRAM

1. Qiran (combining both Umrah and Hajj)
2. Tamattu (combining both Hajj and Umrah with a break in between)
3. Ifrad (Hajj only)

SACRIFICE

HUKM (LEGAL STATUS)

The scholars differ regarding the hukm of sacrifice.

According to Imam Malik and Imam Shafi its sunnah. Abu Haneefa says that its wajib except for a traveller. However his students Abu Yusuf and Muhammad disagree with him.

UPON WHOM IT IS DUTY (WAJIB)

- A) Upon the Qarin and Mutamatti
- B) Sahibu nisaab – resident
- C) Sacrifice that relates to a vow in which case the entire meat is given to the needy (according to the Hanafee, animals bought for sacrifice should be sacrificed).
- D) It is obligatory for a pilgrim who misses out an essential aspect of hajj (e.g. ihram at the miqaat, throwing the pebbles etc.)
- E) A pilgrim committing a forbidden act except sexual intercourse
- F) A pilgrim committing a crime within the sacred precincts e.g. hunting, cutting trees

SACRIFICIAL ANIMALS

1. One person for a sheep or goat
2. Seven persons for a cow, buffalo or camel
3. Age - a sheep/goat - 1 year old (six months old is acceptable for a sheep if its fat and healthy)
4. Healthy animal is required (not a defective one - blind, lame or one that lost its eyes or tail. It is reported that the Prophet (pbuh) sacrificed a horned plump and fat ram which had a black face, black legs and a black ring around its eyes (Abu Dawood))