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# سفينة النجاة

في الفقه الشافعي

# متن أبي شجاع

كتاب الحج

## The book of Hajj

الحج لغة: القصد

Hajj linguistically: To intend

الحج اصطلاحاً: هو القصد إلى بيت الله الحرام لأداء النسك

Hajj technically: To intend to go to the house of Allah to perform certain rituals.

Hajj is obligatory from the Quran and Sunnah and by consensus of the Muslims and the one who denies it is a disbeliever.

فِيهِ آيَاتٌ بَيِّنَاتٌ مَّقَامُ إِبْرَاهِيمَ وَمَنْ دَخَلَهُ كَانَ آمِنًا وَاللَّهُ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنْ  
اسْتَطَاعَ إِلَيْهِ سَبِيلًا وَمَنْ كَفَرَ فَإِنَّ اللَّهَ غَنِيٌّ عَنِ الْعَالَمِينَ

*In it are clear signs [such as] the standing place of Abraham. And whoever enters it shall be safe. And [due] to Allah from the people is a pilgrimage to the House - for whoever is able to find thereto a way. But whoever disbelieves - then indeed, Allah is free from need of the worlds. [3:97]*

The one who denies it becomes a disbeliever because it is something that is known by necessity.

### *The conditions for Hajj to be obligatory are 7:*

If the person is missing any one of these conditions then he does not have to do Hajj.

#### **1. Islam**

Allah does not accept the actions of a disbeliever until he becomes Muslim. A disbeliever also does not have correct intentions in Islam so none of his actions can be considered.

#### **2. Puberty**

Hajj is not obligatory until a person reaches the age of puberty.

If a person before the age of puberty performs Hajj then it is correct but he must still perform the حَجَّةُ الْإِسْلَام obligatory Hajj.

#### **3. Sanity**

This is because the insane person has no intention.

#### **4. Freedom**

This means he is not a slave. If he is a slave and he performs Hajj then it is accepted but if he becomes free he must perform the obligatory Hajj still.

## **5. A riding beast and provisions**

The riding beast must be something that can get them to Hajj according to the customs of the people.

For example if a person has a horse today then we do not expect they will go to Hajj with it so it is not obligatory for them to go Hajj because they have a horse.

The custom today is to go by airplane so if he cannot then it is not obligatory on him.

Provisions means enough wealth to provide and sustain you for your journey there and back.

This must be wealth that is extra and surplus from the wealth which is for your needs.

## **6. The path being clear**

This means there are no highway robbers etc.

In the past the pathway to Hajj was a dangerous path, people would be robbed.

## **7. The ability to get there**

This means you have enough time to get there.

If you just got enough money to go Hajj but there is not enough time to get there then it is not obligatory to go.

The last 3 conditions are from the verse and come under *إِسْتِطَاعَة* ability.

## *The pillars of Hajj are 5:*

### **1. الإِحْرَام Al-Ihram**

الإحرام: نية الدخول في النسك

Ihrām: Intention to enter into the rituals of Hajj or Umrah

There are 3 different intentions that can be made for performing Hajj:

- إِفْرَاد (Al-Ifrād) This is to do Hajj by itself.

According to the Shafiee Madhab this is the best type of Hajj and was chosen by Umar (r).

- التَّمَتُّع (At-Tammatu') This is to intend to do Hajj and Umrah with two different Ihrāms.

The Hanabilah say this is the best type of Hajj.

A person goes to the Meeqāt, makes his intention and does Umrah in the months of Hajj, then he leaves his Ihrām and enters back into Ihrām and performs Hajj when the days of Hajj enter, the 8<sup>th</sup> day of Dhul-Hijjah.

The word التَّمَتُّعُ (At-Tammatu') literally means to enjoy because of the period between the two Ihrāms.

- القِرَانُ (Al-Qirān) This is to perform Umrah and Hajj together in one Ihrām.

This is the Hajj the Prophet ﷺ did and the Hanafi opinion is that this is the best type of Hajj.

The Shafi'iyyah chose إِفْرَادٌ (Al-Ifrād) because Umar (r) chose it and he chose it because he wanted people to travel for Hajj by itself and to travel for Umrah separate to venerate it.

The Hanabilah say التَّمَتُّعُ (At-Tammatu') is best because it has more actions so a person is doing more.

The Ahnāf say القِرَانُ (Al-Qirān) is the best because the Prophet ﷺ did it.

Ibn Taymiyyah's opinion is that the best Hajj depends on the person.

If a person brings an animal with them then القِرَانُ (Al-Qirān) is best.

The Prophet ﷺ said if he had not brought an animal with him he would have done Umrah and shaved his head meaning he would have done التَّمَتُّعُ (At-Tammatu').

The Hanabilah say based on this that التَّمَتُّعُ (At-Tammatu') is the best.

A person who is entering late then اِفْرَاد (Al-Ifrād) is best for them.

## The months of Hajj are Shawwal, Dhul-Qa'dah and Dhul-Hijjah

الْحَجُّ أَشْهُرٌ مَّعْلُومَاتٌ فَمَنْ فَرَضَ فِيهِنَّ الْحَجَّ فَلَا رَفَثَ وَلَا فُسُوقَ وَلَا جِدَالَ فِي الْحَجِّ  
وَمَا تَفَعَّلُوا مِنْ خَيْرٍ يَعْلَمُهُ اللَّهُ وَتَزَوَّدُوا فَإِنَّ خَيْرَ الزَّادِ التَّقْوَى وَاتَّقُونِ يَا أُولِي الْأَلْبَابِ

*Hajj is [during] well-known months, so whoever has made Hajj obligatory upon himself therein [by entering the state of ihram], there is [to be for him] no sexual relations and no disobedience and no disputing during Hajj. And whatever good you do - Allah knows it. And take provisions, but indeed, the best provision is fear of Allah. And fear Me, O you of understanding. [2:197]*

يَوْمُ التَّرْوِيَةِ (Yawm-ut-Tarwiyah) is the 8<sup>th</sup> day of Dhul-Hijjah and the first day of Hajj.

The pilgrims stay in Mina and pray Dhuhr and 'Asr combined and Maghrib and 'Isha combined whilst also shortening.

### 2. الوقوف بالعرفة Standing at 'Arafah

On the 9<sup>th</sup> day of Dhul-Hijjah after زَوَال (Zawāl), after Dhuhr they go to 'Arafah. This is the second pillar.

When they come to 'Arafah they stand there till Fajr time.

This is the most important pillar of Hajj.

عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَعْمَرَ، قَالَ شَهِدْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَاتَاءَ نَاسٍ  
فَسَأَلُوهُ عَنِ الْحَجِّ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " الْحَجُّ عَرَفَةُ فَمَنْ أَدْرَكَ لَيْلَةَ  
عَرَفَةَ قَبْلَ طُلُوعِ الْفَجْرِ مِنْ لَيْلَةٍ جَمَعَ فَقَدْ تَمَّ حَجُّهُ " . {سنن لنسائي}

*It was narrated that Abdur-Rahman bin Yamur said: "I saw the Messenger of Allah when people came to him and asked him about Hajj. The Messenger of Allah said: 'Hajj is Arafat. Whoever catches up with the night of Arafat before dawn comes on the night of Jam (Al-Muzdalifah), his Hajj is complete.'"*

If a person misses it and does not stand there even for one moment on the 9<sup>th</sup> day then they have missed Hajj.

### 3. طواف بالبيت Tawāf

This is called طَوَافُ الْإِفَادَةِ (Tawāf-ul-Ifada). This is a pillar. It is also called طَوَافُ الْحَجِّ (Tawāf-ul-Hajj)

There are many types of Tawāf in Hajj like طَوَافُ الْقُدُومِ which is Sunnah. There is طَوَافُ الْوَدَاعِ (Tawāf ul-Wadā') which is an obligation.

The طَوَافُ الْإِفَادَةِ (Tawāf-ul-Ifada) is the one mentioned in the verse:

ثُمَّ لِيَقْضُوا تَفَثَهُمْ وَلِيُوفُوا نُذُورَهُمْ وَلِيَطَّوَّفُوا بِالْبَيْتِ الْعَتِيقِ

*Then let them end their untidiness and fulfill their vows and perform Tawaf around the ancient House." [22:29]*

It is done on the 10<sup>th</sup> day which is **يَوْمُ النَّحْرِ**. This is Eid for everyone who is not performing Hajj.

The pilgrims on this day are on their 3<sup>rd</sup> day of Hajj where they do the majority of the acts of worship like slaughtering, stoning the **جَمْرَةَ** (Jamarah), shaving their heads and **طَوَافُ الْإِفَاضَةِ** (Tawāf-ul-Ifada).

#### 4. **Sa'y between Safa and Marwa** بين الصفا والمروة

The pilgrim begins at Safa and walks to Marwa this is one and then they go back and forth 7 times till they end in Marwa.

Some people mistakenly do 14 rounds because they think that to go from Safa to Marwa and back to Safa counts as one. This is incorrect.

Doing the **السَّعْيِ Sa'y** after the **طَوَافُ الْإِفَاضَةِ** (Tawāf-ul-Ifada) is the pillar.

### *The Wājibāt of Hajj are 3:*

If you miss these then your Hajj is still correct but you must pay a penalty.

وَأَتِمُّوا الْحَجَّ وَالْعُمْرَةَ لِلَّهِ فَإِنْ أُحْصِرْتُمْ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ وَلَا تَحْلِفُوا رُءُوسَكُمْ حَتَّىٰ يَبْلُغَ الْهَدْيُ مَحَلَّهُ فَمَنْ كَانَ مِنْكُمْ مَّرِيضًا أَوْ بِهِ أَذًى مِنْ رَأْسِهِ فَفِدْيَةٌ مِنْ صِيَامٍ أَوْ صَدَقَةٍ أَوْ نُسُكٍ فَإِذَا أَمِنْتُمْ فَمَنْ تَمَتَّعَ بِالْعُمْرَةِ إِلَى الْحَجِّ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ فَمَنْ لَمْ يَجِدْ فَصِيَامًا ثَلَاثَةَ أَيَّامٍ فِي الْحَجِّ وَسَعَةَ إِذَا رَجَعْتُمْ تِلْكَ عَشْرَةٌ كَامِلَةٌ ذَلِكَ لِمَنْ لَمْ يَكُنْ أَهْلَهُ حَاضِرِي الْمَسْجِدِ الْحَرَامِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ شَدِيدُ الْعِقَابِ

*And complete the Hajj and 'umrah for Allah. But if you are prevented, then [offer] what can be obtained with ease of sacrificial animals. And do not shave your heads until the sacrificial animal has reached its place of slaughter. And whoever among you is ill or has an ailment of the head [making shaving necessary must offer] a ransom of fasting [three days] or charity or sacrifice. And when you are secure, then whoever performs 'umrah [during the Hajj months] followed by Hajj [offers] what can be obtained with ease of sacrificial animals. And whoever cannot find [or afford such an animal] - then a fast of three days during Hajj and of seven when you have returned [home]. Those are ten complete [days]. This is for those whose family is not in the area of al-Masjid al-Haram. And fear Allah and know that Allah is severe in penalty. [2:196]*

The Shafi'iyah do not have the classification of Rukn and Wājib in most chapters of Fiqh except in the chapter of Hajj they do differentiate in them.

### **1. الإِخْرَامُ مِنَ الْمَيْقَاتِ **Ihrām from the Meeqāt****

It is an obligation to make the Ihrām at the Meeqāt.

If you go past the Meeqat and then make Ihrām without going back then the Hajj is still correct but it is a sin and there is a penalty.

The pillar is to make the Ihrām while the place in which you do it is the Wājib.

The Meeqāt is two types:

- مِيقَاتِ الزَّمَانِي

These are the months of Hajj. You cannot do Ihrām outside these months.

- مِيقَاتِ الْمَكَانِي

This is the place which you are not allowed to go past without doing Ihrām.

عَنْ ابْنِ عَبَّاسٍ، قَالَ إِنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَقَّتَ لِأَهْلِ الْمَدِينَةِ ذَا الْحُلَيْفَةِ،  
وَلِأَهْلِ الشَّامِ الْجُحْفَةَ، وَلِأَهْلِ نَجْدِ قَرْنِ الْمَنَازِلِ، وَلِأَهْلِ الْيَمَنِ يَلْمَلَمَ، هُنَّ لَهُنَّ وَلِمَنْ أَتَى  
عَلَيْهِنَّ مِنْ غَيْرِهِنَّ، مِمَّنْ أَرَادَ الْحَجَّ وَالْعُمْرَةَ، وَمَنْ كَانَ دُونَ ذَلِكَ فَمِنْ حَيْثُ أَنْشَأَ، حَتَّى  
أَهْلُ مَكَّةَ مِنْ مَكَّةَ. {البخاري}

*Narrated Ibn `Abbas: Allah's Messenger (ﷺ) (p.b.u.h) made Dhul-Huiaifa as the Miqat for the people of Medina; Al-Juhfa for the people of Sham; Qarn-al-Manazil for the people of Najd; and Yalamlam for the people of Yemen; and these Mawaqit are for the people at those very places, and besides them for those who come thorough those places with the intention of performing Hajj and `Umra; and whoever is living within these boundaries can assume Ihram from the place he starts, and the people of Mecca can assume Ihram from Mecca.*

The Meeqāt of the people of Shām and anyone from that direction is جُحْفَةَ (Juhfah).

The Meeqāt of the people of Madinah is ذُو الْحُلَيْفَةِ (Dhul-Hulayfah).

The Meeqāt of the people of Yemen is يَلْمَم (Yalamlam).

The Meeqāt of the people of Najd (Riyadh, Kuwait, Dubai) is قَرْنُ الْمَنَازِل (Qarn-ul-Manāzil).

These are the 4 mentioned in the Hadith. There is a fifth mentioned which is ذَاتُ عِرْقٍ which is for the people of Irāq.



## 2. رَمِي الْجَمَارَاتِ thrice Stone the Jamarāt

This takes place on the 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup>, every day after Dhuhr the pilgrim throws stones at the 3 Jamarāt. 7 stones at each Jamrah.

The 13<sup>th</sup> is optional for the one who stays.

On the 10<sup>th</sup> day only the big Jamrah is stoned.

### 3. الحَلْقُ Shaving the head

The man must either shave or shorten.

The woman must shorten her hair the length of the end of the finger. They are not allowed to shave.

The author mentions as a Sunan to stay in Muzdalifah at night but this is a Wājib.

On the 9<sup>th</sup> at Arafah, from Isha to Fajr the pilgrim must stay the night at Muzdalifah. This is a Wājib.

Another obligation the author mentions as a Sunan is to stay in Mina on the 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> night. The pilgrim must stay in Mina for the majority of the night for these days. It is an obligation.

Some scholars say  $\frac{1}{3}$  of the night.

### 4. طَوَافُ الْوَدَاعِ The farewell Tawāf

This is the Tawāf done before leaving Makkah and the last thing which the pilgrim does.