

Lessons From al-Hajjawi's Classic Manual Of Hanbali Fiqh

Zad al-Mustaqni`

These pages are part of a series of lessons from al-Hajjawi's classic manual of Hanbali fiqh, with notes taken from al-Buhuti's commentary *al-Raud al-Murbi`* and other sources. Questions concerning these lessons to hanbali@yahogroups.com will, in sha Allah, will be answered on the Hanbali list (<http://groups.yahoo.com/group/hanbali>).

These lessons have undergone a dramatic change in format. Something noticeable without opening the file is that format is Adobe PDF instead of HTML. This, in sha Allah, frees me of the hassles of worrying about HTML formatting and various incompatibilities, as well as giving more control over format and transliteration. Once the file is opened, one of the more noticeable changes is the lack of Arabic. But the most striking change is the notation format.

The basic text from *Zad al-Mustaqni`* is the default, plain text. The text that is indented,

like this this this and this and all of this and wouldn't you say this and that quick
brown fox who just jumped out the window chasing the yellow dog

are comments. Unless stated otherwise, the comments are from al-Buyuti's *al-Raud al-Murbi`*. Other comments tend to be marked with (musa: ...) unless it is absolutely obvious. I have added marginalia: marginalia on the left are the things one is likely to need quick access to while reading the lessons; those on the right are for oddities, such as ruling mentioned in one place that should have been mentioned elsewhere or must be cross-referenced.

This drastic change, in sha Allah, makes it easier to read the basic text and just the basic text. It is sometimes repetitive, but I have done what I can to reduce this when possible. Another benefit with this format is that I can take more liberties when adding comments since I am less bound by the original structure and word order. The major drawback is that in blocks of commentary it is not always easy to differentiate the basic text from the commentary.

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H THE BOOK OF PILGRIMAGE

[Glossary Of Commonly Use Arabic Terms

Ihram	the state of making Pilgrimage, Hajj or `Umra
Tawaf	Circumambulating the Ka`ba
Hajj	the “greater” Pilgrimage, performed only during certain months
`Umra	the “lesser” Pilgrimage, performed any time of the year
Qiran	Hajj and `Umra simultaneously
Tamat`	`Umra before Hajj
Ifrad	Hajj before `Umra

]

(h.0.1)Who is required to make Pilgrimage

Hajj and `Umra are two obligations for all free, legally responsible, Muslims who are capable of it, during one’s life, once, and immediately.

[When one is able, it is a sin to delay without an excuse.]

The performance counts as the obligatory performance if one ceases to be a slave, insane, or immature during Hajj while at `Arafat, or during `Umra before circumambulating.

[As for Hajj, this is only when two conditions are met: (1) that it ceases before leaving `Arafat, or after leaving `Arafat and then returning to stand on it during its time; (2) that one did not make *sa`a* between Safar and Marwa after making the Greeting Circumambulation.]

Their performance who is immature or a slave is considered supererogatory.

(h.0.2)Being able to perform

Someone is able to perform if he has the capacity to ride; finds provisions and companionship suitable for someone like him; has fulfilled [his] obligations; legally obligatory upkeep; and basic needs.

[Someone is judged “capable” to perform Hajj or `Umra when the following conditions are met:

- (a) One has the capacity to ride transportation suitable for oneself
- (b) One finds provisions and companionship suitable for someone like him
- (c) One has fulfilled all obligations, including loans due or deferred, Zakat, expiations, and oaths
- (d) One can provide the legally obligatory upkeep for himself and for dependents, in a ongoing manner, such as though property, inventories, or manufacturing
- (e) One find supplies for his basic needs, such as books, housing, a servant, clothing for someone like him, covering, and bedding]

If old age or incurable sickness prevents one from going, once they have become obligatory it is required to fund someone to make Hajj and `Umra in one's place. And it suffices, even if one is cured after [the alternate] enters ihram.

In order for Hajj or `Umra to be obligatory for a woman, there is a condition that she be with unmarriageable kin [*mahram*]. Unmarriageable kin are: her husband or someone for whom it is eternally unlawful to marry her because of lineage or a legally permissible cause.

If someone dies while Hajj and `Umra are obligatory, the expenses for the two are removed from his estate.

[This money is used to send someone in his stead.]

(H.0) THE PLACES OF ENTRY

The locations for entering ihram for the people of Medina is Dhu Hulayfa; for the people of Sham, Egypt, and the Maghrib it is al-Juhfa; for the people of Yemen it is Yalamlam; for the people of Najd it is Qarn; and for the people of the East it is Dhat `Irq. These locations are for their residents and anyone who passes through them.

[Someone who lives closer than these sites begins Hajj and `Umra from his house.]

The people of Mecca make Hajj from Mecca and `Umra begins from al-Hall.

The months for Hajj are: Shawal, Dhu al-Qa`da, and the [first] ten days of Dhi l-Hijja.

(H.1) IHRAM

Ihram is to make intention for the rites of Pilgrimage.

[That is: ihram means the intention of initiating the rites, not merely the intention of performing Hajj or `Umra.]

(h.1.1) Sunnas and conditions

It is a *sunna* for someone who intends ihram to make *ghusl*, or *tayammum* if there is a lack; to clean [themselves]; to use fragrance; to remove any sewn clothing; to enter ihram wearing a white waist-wrapper, and a white mantle; doing so immediately after praying *two rak`a*.

Intending ihram is a condition.

It is recommended for him to say: “*Allahumma 'inni 'uridu nusuka kadha fa yassirhu li wa 'in habasani habisun fa mahali haythu habasatni*”.

[It is a sunna for males and females who want to enter ihram to do the following:

- (1) To make *ghusl*, even during menstruation and post-partum bleeding. One makes *tayammum* if there is no water or one has an excuse not to use water.
- (2) To clean oneself, such as trimming the hair and nails, and removing offensive odors.
- (3) For males to apply fragrance [*`utr*] to the body ... It is offensive to apply it to his clothes, though if done he may continue wearing it as long as he does not take it off. If he does take it off, he may not wear the garment until washing the perfume from it.
- (4) To remove sewn clothing.
- (5) To be wearing a white waist-wrapper [*izar*], a white mantle [*rida*], and sandals when entering ihram.
- (6) To enter ihram immediately after praying two voluntary *rak`a*, or immediately after a obligatory prayer

It is a condition that one intend ihram. One does not enter ihram if he just removes sewn clothing or says “*labayk allahumma labayk...*” without making intention to enter into ihram.

It is recommended to say: “*Allahumma 'inni 'uridu nusuka*” then name what one is performing: Hajj, `Umra, or both, “*fa yassirhu li wa tawabalhu minni*”. If one wishes to add the stipulation that they are released from ihram if something obstruct them], he adds: “*wa 'in habasani habisun fa mahali haythu habasatni*”.]

(h.1.2) Combining Hajj and `Umra

The most superior rite is *Tamat`a*: entering ihram for `Umra during the months of Hajj, completing `Umra, and then entering ihram for Hajj that same year. *Ifrad* is entering ihram. A blood sacrifice is obligatory for someone from the distance for shortening the prayer or more. If a woman begins menstruating or she fears missing Hajj, enters ihram for Hajj and performs according *Qiran*.

[The most superior way of performing Hajj is (1) `Umra then Hajj, then (2) Hajj before `Umra, and then (3) Hajj and `Umra simultaneously.

(1) `Umra then Hajj [*Tamat`a*] is entering ihram for `Umra during the months of Hajj, completing `Umra, and then entering ihram for Hajj that same year.

(2) Hajj then `Umra [*Ifrad*] is entering ihram for Hajj, completing Hajj, and then entering ihram for `Umra .

(3) Hajj and `Umra simultaneously [*Qiran*] is (a) entering ihram for both Hajj and `Umra, or (b) first entering ihram for `Umrah and then before making the `Umrah's Tawaf adding the intention for Hajj.

One's performance of `Umrah is not valid if one first enters ihram for Hajj and then adds `Umrah to it.

A blood sacrifice is obligatory if one enters ihram for `Umra then Hajj or Hajj and `Umra simultaneously (above, 1 and 3) from a place far enough from Mecca that one is entitled to shorten prayers if traveling from there to Mecca.

A woman making `Umra then Hajj [*Tamat`a*] (above, 1) begins menstruating before circumambulation, or fears missing Hajj, she makes intention to perform Hajj and then performs Hajj and `Umra simultaneously (above, 3).

If one's intention was not specific when entering ihram, it is considered valid for whatever one chooses.]

(h.1.3)The dhikr

When one alights his mount, he says: "*Labayk allahumma labayk, labayka la sharika lak, labayka 'inn al-hamda wa al-ni`mata laka wa al-mulk, la sharika lak*". Men raise their voices while women lower theirs.

[The soundest opinion is that immediately after entering ihram, one begins saying: "*Labayk allahumma labayk, labayka la sharika lak, labayka 'inn al-hamda wa al-ni`mata laka wa al-mulk, la sharika lak*". Men raise their voice when saying this. Women lower their voice so that it is audible to her companions; it is offensive to raise her voice more than this out of fear of causing *fitnah*.

It is not offensive to say the above litany for the sighting of the new moon.]

(H.2)WHAT IS FORBIDDEN DURING IHRAM

Nine things are forbidden while in ihram.

(a-b) Shaving [the head] and trimming nails [are forbidden], and anyone who shaves or trims three must make a blood indemnity [*fidya*].

(c) Whoever covers his head with something that sticks to it must make a blood indemnity.

(d) If a male wears stitched clothing he must make a blood indemnity.

(e) If one perfumes his body or clothes, applies oil, smells fragrance, or fumigates the above with [burning] `ud [wood] or the like, then he must make a blood indemnity.

(f) If one hunts edible land game, or what is borne from edible land game and something else, or it perishes while in his possession, then he must fulfill an expiation for it. However, domesticated animals, hunting sea animals, killing something unlawful to eat, or killing something attacking are not unlawful.

(g) It is unlawful to contract a marriage; the contract is invalid and there is no blood indemnity. However, it is valid to take back a wife.

(h) If someone in ihram has sexual intercourse before the first [partial] release from ihram has occurred, the pilgrimage is spoiled and he must complete it and make it up the next year.

(i) It is unlawful to engage in foreplay. If one does and ejaculates, it does not spoil the Hajj although he must slaughter a camel, however one reenters ihram from the *hill* in order to perform the essential circumambulation

[Nine things are forbidden during 'ihram.

(a-b) It is forbidden to shave the hair from any part of the body or to trim or cut the nails from the hands and feet – unless there is an excuse.

Blood expiation

Anyone who shaves a single hair, or part of one, must feed one poor person; or two hairs, or part of two hairs, must feed two poor people; and for three hairs, must make a blood expiation.

Anyone who trims one nail must feed one poor person; or for two nails, two poor people; and for three he must make a blood indemnity.

The *blood expiation* is performing one of three things: slaughter one sheep, feed six poor people, or fast three days.

It is recommended that one make a blood expiation if he runs his hands through his hair and suspects that something may have fallen.

(c) If a male covers his head with someone sticking to it - whether it be typical, like a turban or the hood of a burnus, or atypical - he must make a blood expiation.

(d) If a male wears sewn clothing he must make a blood expiation

(e) If one perfumes his body or clothes, applies oil, uses *kohl* or snuff, applies fragrance to himself or intentionally smells it, or fumigates with *`ud* [wood smoke] or the like, then an expiation is obligatory.

(f) If one hunts edible land game, or what is born from them and another animal, or one perishes in his hands and by his direct connection to it or because of him, then he must fulfill an expiation for it.

However, domesticated animals, hunting sea animals, killing something unlawful to eat, or killing an attacking animal are not unlawful because of being in ihram or being in the Sacred Precinct.

(g) It is unlawful to contract a marriage. Such a contract is invalid, and there is no blood expiation. It is, however, valid to return a wife who was divorced by not irrevocably so.

(h) If one has sexual intercourse while in ihram and before the first (partial) release from ihram (see [HajjRelease](#), p99), the pilgrimage is spoiled. It is spoiled even if this occurred after standing on *`Arafat*. There is no difference whether it was intentional or absentminded. One who has done this must complete the pilgrimage and make it up the following year.

(h) It is unlawful to engage in foreplay. If one engages in it and ejaculates, or ejaculates from fondling, kissing, repeatedly looking, touching with desire, or masturbation, it does not spoil the Hajj - although he must slaughter a camel and reenter ihram from the *hill* in order to perform the essential circumambulation. And if he does engage in foreplay but does not ejaculate, then one must do what is required for a blood indemnity for the sake of injury [*adha*] (see [_](#)).

In all of this, one who erred is the same as one who intended, and a woman who did this while sexually excited is the same as a man.]

(h.2.1) A woman's 'ihram

A woman's ihram is the same as a man's, except for the clothes; avoiding wearing a long veil that leaves the eyes exposed, gloves, and covering her face.

[The things that a woman must avoid during ihram are the the same as what a man avoids but with the following exceptions:

(a) It is not unlawful for her to wear sewn clothing or to cover her head.

(b) She must avoid wearing a long veil that leaves the eyes exposed, gloves, and covering her face. What she does instead is put a swatch of cloth on her head and then lower it to cover her face whenever men pass in front of her nearby.

(musa: this last one needs a requires a bit of research. Is it even necessary during Hajj or `Umra that she cover her face? If she is forced to do so, does she have to make the indemnity or does it fall on them? Is it permissible for her to use a brimmed hat? I remember reading an opinion from Ibn Taymiyya that it is permissible to just use cloth without attaching it to something like a stick or a brim.)]

It is lawful for women to wear jewelry.

(h.2.2) Other things that one avoids

[One must avoid talk that is lewd or immoral, and arguing. It is a sunna to speak little except concerning that which is useful.]

(h.3) BLOOD EXPIATION

For the blood expiation [*fidya*] for shaving, trimming nails, covering the head, using fragrance, and wearing stitched clothing, one chooses between: fasting three days; feeding six of the impoverished, giving each one a single *mudd* of wheat or one half *sa`* of dates or barley; or slaughtering one sheep.

The expiation for hunting it is: something its like if there is one; paying its value in silver and using it to buy food for the impoverished - giving each individual one *mudd*, or fasting one day for each *mudd*. If there is nothing like it, he chooses between feeding and fasting.

The obligatory blood expiation for `Umra First then Hajj and Hajj and `Umra simultaneously (see [\(h.1.2\)](#)) is a *hady* (see [\(h.9\)](#)). If there is none, he fasts ten three days during pilgrimage — and it is best that the last of them be the Day of `Arafat – and seven when he returns to his family.

Someone who is obstructed and does not find a *hady* fasts ten days and is then released.

The obligatory expiation for sexual intercourse during Hajj is one camel [*badana*], but during `Umra, one sheep. If his wife complies then it is required of her.

[When making a blood expiation for shaving more than two hairs, paring more than two nails, covering the head, using fragrance, and wearing stitched clothing, one chooses between:

- (1) Fasting three days.
- (2) Feeding six of the impoverished, giving each one a single *mudd* of wheat or one half *sa`* of dates or barley.

One *mudd* is the amount contained when one holds both hands together in order to use them as a scoop, approximately 0.51 liters.

One *sa`* equals four *mudd*.

- (3) Slaughtering one sheep.

When making an expiation indemnity for hunting, once chooses between:

- (1) Slaughtering a similar animal, if there is one.
- (2) Assessing the animal's value in silver at the locality where it perished. One then buys food of the same value for the impoverished, giving each individual one *mudd*, or fasts one day for each *mudd*.

When no similar animal is available, one chooses between feeding and fasting.

The obligatory blood indemnity for performing `Umra before Hajj, and Hajj and `Umra simultaneously (see [\(h.1.2\)](#)) is one *hady* (see [\(h.9\)](#)). If one lacks a *hady* or the money to buy one, one fasts ten days. He fasts three of these days during the pilgrimage; it is best that the last of the three be the Day of `Arafat. One fasts the remaining seven days upon returning to his family. It is not obligatory that one fasts these days consecutively.

If someone who is obstructed (see [\(h.8\)](#)) does not find a *hady*, he fasts ten days and is then released from pilgrimage.

The obligatory expiation for sexual intercourse during Hajj before the first (partial) release is a camel. The indemnity for intercourse during Hajj after the first release or during `Umra is a sheep. If his wife complied in having intercourse, an indemnity is required of her; none is required if she was compelled.]

(h.3.1) Section.

Whoever repeated something prohibited that is of one type and did not make an expiation for it makes a single expiation, in contrast to hunting. Whoever does prohibited things of different types makes one blood expiation for each one, whether or not he has refused his ihram.¹⁰

¹⁰ *Kashshaf al-Qina`* 2:459.

The blood indemnity for clothes or fragrance, and covering the head are voided by forgetfulness; but not the indemnities for sexual intercourse, hunting, cutting, and shaving.

Every *hady* or feeding goes to the impoverished of the Sacred Precinct.

The blood expiation for injury, clothing, and the like, and the blood sacrifice for being held back is done wherever its cause occurred. The fast suffices wherever it is performed..

The blood sacrifice is a sheep, one seventh of a camel [*budna*], and a cow suffices for it.

[Whoever repeated something prohibited that is of one type (such as by repeating one of the following: shaving, paring the nails, wearing sewn clothing, using fragrance, or having intercourse) and did not yet make an expiation for it, makes one single expiation, whether he did them consecutively or separately.

If one makes an expiation for the first occurrence and then repeats the same offense, he makes a second blood indemnity. But in the case of hunting, the number of indemnities is according to the quantity of offenses, even if they are simultaneous.

Whoever does prohibited things of different types (such as combining shaving, paring his nails, and wearing sewn clothing) makes one single blood expiation for each one. This applies whether or not one has refused his ihram¹¹ since release from ihram occurs through one of three things: (1) completing its actions; (2) release occasioned by obstruction (see (h.8)), or (3) an excuse that one stipulated when entering ihram. Nothing other than these causes release. Thus, if one intends release, he would not be released and the pilgrimage it is not rendered invalid by simply rejecting ihram: ihram remains and one must adhere to its rulings.

The blood expiation for wearing sewn clothes, fragrance, and covering the head (for men) are voided by forgetfulness, ignorance, or being compelled. But the indemnity for sexual intercourse, hunting, cutting, and shaving is not.

(musa: It seems that if a woman is not required to cover her face while making pilgrimage, then her being compelled to do so should be analogous to the ruling that there is no expiation if a male is forced to cover his head. But is it?)

Every slaughtered *hadya* or feeding associated with the Sacred Precinct or because of being in ihram is given to the impoverished located within the Sacred Precinct.

The place for performing the blood indemnity for shaving one's head for medical reasons [*adha*], wearing sewn clothing, using fragrance, covering the head, doing something forbidden while outside of the Sacred Precinct, and the blood sacrifice for being held back is – is wherever its cause occurred.

Fasting and shaving in any place suffices.

The general blood indemnity is a single sheep or one seventh of a camel. A cow suffices in place of a camel.]

(H.4)THE EXPIATION FOR HUNTING

[In general, the compensation for hunting is to give its equivalent – meaning: something similar, but not necessarily identical to it - if there is one is available, and if not to give its value.]

A camel is for an ostrich.

A cow is for a zebra, non-domesticated cow, camel, wild goat, and mountain goat.

A ram is for a hyena.

A goat is for a gazelle.

A four month goat [*jufra*] is for: a hyrax, young goat, and *ajerboa*.

A female baby goat younger than four months [*anaq*] is for a rabbit.

A sheep is for a pigeon.

¹¹ *Kashshaf al-Qina`* 2:459.

(H.5) HUNTING IN THE SACRED PRECINCT

(h.5.1) Mecca

It is unlawful for the pilgrim and non-pilgrim to hunt the Sacred Precinct's game. The ruling of hunting its game is the same as the ruling of a pilgrim hunting. Pilgrims are not required to expiate twice.

[One expiation being for hunting while being a pilgrim, and the other for hunting within the Sacred Precinct].

It is unlawful to cut its trees and grass except for *idhkhar*.

[It is permissible to make use of what has fallen or broken by non-human action, even if the cause is not clear].

(h.5.2) Medina

The game of Medina is unlawful, and requires no expiation.

Its grass is lawful for grazing, and to use as tools for cultivation and the like.

Its sacred precinct is from Mount `Eir up to Mount Thaur.

(h.5.3) Keeping (muja'wira) close to Mecca and Medina

[Keeping in the proximity of Mecca is recommended, and it is superior to Medina... Rewards and punishments for actions can be compounded because of the excellence of a particular time or place.]

(H.6) ENTERING MECCA AND WHAT IS ASSOCIATED TO IT; MAKING TAWWAF AND SA`A

It is a *sunna* to enter Mecca from its highest point, to enter the mosque from the door of Bani Shayba, and when one sees the Ka`ba to raise his hands and say what is related

[It is a *sunna* to enter Mecca from its highest point and to exit from its lowest) and to enter the mosque from the door of Bani Shayba. While entering, it is a *sunna* to say, "*bismillah, wa mina llah, wa ila llah, allahumma iftah li abwab fadlik*". When one sees the the Ka`ba, he should raise his hands and say with the voice raised: "*allahumma anta s-salam, wa minka s-salam, hayyina rabbana bi-s-salam, allahumma zid hadha l-bayt ta`ziman wa tashrifan wa takriman wa muhabatan wa barra, wa zid min `azmihi wa sharafih wa mimman hajjahu wa-tamarahu ta`ziman wa tashrifan wa takriman wa muhabatan wa barra, al-hamdu lillahi rabbi l-`alamin kathiran kama huwa ahluhu wa kama yanbaghi lkarami wajhihi wa `izzi jalalihi, wa-l-hamdu lillahi l-ladhi balaghani baytahu wa ra`ani li dhalika ahlani, wa-l-hamdu lillahi `ala kulli hal, allahumma innaka da`uta ila hajji baytika l-harami wa qad ji`tu lidhalik, allahumma taqabbal minni wa-fu `anni wa aslih li sha`ni killahu, la illaha illa ant*".]

(h.6.1) Circumambulation

He then circumambulates the Ka`ba, after putting the middle of his cloak under his right shoulder, and its edges over his left shoulder. Someone making `Umra begins with the `Umra Circumambulation, and the one performing Hajj and `Umra simultaneously or Hajj before `Umra does the Arrival Circumambulation.

One completely makes himself parallel to the Black Stone, puts his hand on the Black Stone and kisses it. If this is difficult, he kisses his hand. If it is difficult to touch the Black Stone, he points to it. He says what was is related.

He puts the House on his left.

He circumambulates seven times. Someone coming from far away runs three cycles and walks four. It is a *sunna* to touch the Stone and the Yemeni Corner each time.

The mantle during circumambulation

[He then circumambulates the Ka`ba. It is recommend that during the seven cycles he puts the middle of his mantle under his right shoulder, and its edges over his left shoulder; he removes this upon completing circumambulation.

Circumambulation:
`Umra and
Arrival

Since circumambulation is the greeting for the Haram Mosque, one performing `Umra begins with the `Umra Circumambulation, and one performing Hajj and `Umra simultaneously or Hajj before `Umra [respectively: *Qiran* and *Ifrad*] does the Arrival Circumambulation.

One makes oneself completely parallel to the Black Stone, puts his right hand on it, and kisses it; if this is difficult, he reaches out to it with his hand and kisses his hand. If it is difficult to touch, one points to it but does not kiss his hand. While facing the Black Stone and reaching for it one says “*bismillah, wa llahu akbar, allahumma imanan bika wa tasdikan bi kitabika wa wafa'an bi `ahdika wa-ttiba`an li sunnati muhammadin sull allahu `alayhi wa sallam*”.

He puts the House on his left side.

He circumambulates seven times (counter/anti- clockwise). Someone coming from far away runs three cycles and then walks four cycles. Running is not a sunna for someone encumbered by a load, women, and those who entered ihram in or near Mecca. One does not make up running if missed during the first three cycles. Running is superior to being near the Ka`ba.

It is not a sunna to put the middle of his mantle under his right shoulder and its edges over his left shoulder, or to run except during this tawaf.

It is a *sunna* to touch the Black Stone and the Yemeni Corner every time one is parallel to them; if it is difficult to touch them, one points to them. It is not a *sunna* to touch or point to the the Shami Corner (the first corner one passes), or the Maghribi Corner (which is the one that follows). Between the Yemeni Corner and Black Stone one says, “*rabbana atina fi d-dunya hasanatan wa fi l-akhirati hasana, wa qina `adhaba n-nar*”, and during the rest of the tawaf: “*allahumma-j`alhu hajjan mabruran wa sa`yan mashkuran wa dhanban maghfura, rabbi-ghrfir wa-rham wa-hdini s-sabil al-aqwam, wa tajawaz `amma ta`lam, wa anta al-a`azzu l-akram*”.

It is a *sunna* to recite Quran during circumambulation.]

(h.6.2)Conditions for Circumambulation

Circumambulation [*tawaf*] is not valid if one omits a part of it, does not intend it or its ritual, circumambulates on Shatharwan or on the walls of the Ka`ba, is naked, or filthy.

[Circumambulation is is not valid if one:

- (a) Omits even a small part from one of the seven cycles
- (b) Does not intend circumambulation or its ritual
- (c) Circumambulates on Shatharwan, the area in excess to the walls of the Ka`ba, or on the walls of the Ka`ba itself
- (d) Is naked
- (e) Is filthy
- (f) Is in a state of ritual impurity

It is a sunna to make the remaining rites while in the state of ritual purity.

If a male circumambulates while wearing sewn clothing, the circumambulation is valid and he must make a blood expiation.]

(h.6.3)(Praying at the Station)

One then prays two *rak`a* behind the Maqam of Ibrahim (peace be upon him).

[One then prays two *rak`a*. One should recite surat al-Kafirun after al-Fatiha in the first *rak`a*, and surat al-Ikhlis in the second *rak`a*. If one prays an obligatory prayer instead, it fulfills this sunnah. The prayer may be done anywhere, though behind the Maqam of Ibrahim (peace be upon him) is best.]

(h.6.4)Section. Sa`y between Safa and Marwa

Then, one touches the Black Stone, exits to Safa from its door, climbs Safa until he sees the House, says “*allahu akbar*” three times, and says what is related. He then descends, walking to the first indication. He then walks very quickly to the other indication. He then walks and ascends Marwa and says what he said at Safa. He then descends and walks where he walked and runs where he ran up to Safa.

He performs this seven times. Going is one time and returning is one time. If one starts with Marwa, the first time is nullified. When doing it, it is a *sunna* have ritual purity, be covered, and to do it consecutively.

Then, if one is performing `Umra before Hajj and does not have a *hady* with him, he trims his hair and is released from ihram. Otherwise, one is released from ihram when making Hajj.

Someone performing `Umra before Hajj interrupts his chanting “*Labayk...*” upon commencing circumambulation.

[Then, after praying, one returns to the Black Stone and touches it, and exits to Safa from its door. One climbs Safa until seeing the Ka`ba. He faces the Ka`ba, says “*allahu akbar*” three times, and says the following three times: “*al-hamdu lillahi `ala ma hadana, la ilaha illa llah wahdahu la sharaka lah, lahu l-mulku wa lahu l-hamd, yuhyi wa yumit, wa huwa hayun la yamut, bi yadihi al-khayr, wa huwa `ala killi shay`in qadir. La ilaha illa llaha wahdahu la sharika lah, sadaq wa `dah, wa nasara `abdah, wa hazama al-ahzab wahdah*”. He prays with whatever he desires, but does not make “*labayk allahumma labayk...*”.

One then descends from Safa, walks at a normal pace to the first indication, and then walks very quickly to the second indication. One then walks and ascends Marwa and says what he said at Safa. One then descends for Safa; he walks and runs in the same places where he did so when coming to Marwa from Safa.

One does the above seven times. When one goes it is considered one time, and when one returns it is considered one time. One begins the seven times with Safa and ends them with Marwa. Each time, it is obligatory that one completely encompass what lies between Safa and Marwa.

The first time is nullified if one begins from Marwa.

One should make much supplication and remembrance during his *sa`y* between Safa and Marwa. Imam Ahmad (Allah grant him mercy) said that when Ibn Mas`ud (Allah be pleased with him) made *sa`y*, between Safa and Marwa he would say, “*rabbi-ghfir wa-rham wa-`fu `amma ta`lam, wa anta al-a`zazu wa al-akram*”.

The conditions for *sa`y* are: making intention, doing the seven time consecutively, and it takings place after a rite's circumambulation – even if the rite itself was a *sunna*.

The *sunas* of *sa`y* include: having ritual purity, being covered, and that it be consecutive to circumambulation.

It is not a *sunna* for women to climb Safa or Marwa, or to make the *sa`y* quickly.

It is a *sunna* for one making `Umrah to circumambulate immediately.

Then, if one is performing `Umra before Hajj and does not have a *hady* with him, he trims his hair. He should not shave his head so that his hair is ample for when he performs Hajj. He is now released from ihram since he has finished `Umra. But if one is not performing `Umra before Hajj, his release from ihram is when he makes Hajj.

Someone performing `Umra before Hajj his chanting “*Labayk...*” upon commencing circumambulation.]

(H.7) DESCRIPTION OF HAJJ AND `UMRA

(h.7.1) Beginning Hajj, Mina, and `Arafa

It is a *sunna* for those present in Mecca to initiate Hajj from Mecca, on the 8th of Dhi l-Hijja, before the zenith. One stays the night in Mina, and when the sun rises travels to `Arafa, all of which a place to stand, except for Batn `Urna.

It is a *sunna* to join between Zuh and `Asr, and to stop — while mounted — at the *Sakharat* and the Mountain of Mercy. He makes much supplication with that which was related.

Hajj is only valid from someone who stands, even for a moment, from the dawn of `Arafa until the dawn of the Day of Slaughter, while being qualified to do so. Whoever stands during the day and sets off before sunset without returning before sunset, must do a blood expiation; whoever stands for the night only, does not.

[Initiating Hajj

It is a *sunna* for those present in Mecca or nearby to initiate Hajj on the 8th day of Dhi l-Hijja, Yaum al-Tarawih, before the zenith, and to pray Zuhr at Mina with the Imam.

It is a *sunna* to initiate Hajj from Mecca, with the most superior being under the *mizab*. Entering ihram from the remainder of the Sacred Precinct suffices. Entering ihram while outside of the Sacred Precinct also suffices, without a necessary blood expiation.

It is a *sunna* for someone performing `Umra before Hajj who lacks a *hady* and wants to fast, to initiate Hajj on the 7th of Dhi l-Hijja so he fasts the three days while performing pilgrimage rites.

One stays the night in Mina. It is recommended that one prays with the Imam. When the sun rises on the day of `Arafa one travels from Mina to `Arafa, and stands at Namira until noon. There the Imam or his deputy makes a short speech; he begins by saying “*allahu akbar*” and teaches them about standing on `Arafa, its time, departing it, and staying the night at Muzdalifa

All of `Arafa is a place to stand, except for Batn `Urna.

It is a *sunna* to join between Zuh and `Asr in Zuh's time if one is entitled to do so, and to stop — while mounted — and face the qibla at the *Sakharat* and the Mountain of Mercy. He makes much supplication, such as saying: “*la ilaha illa llah, wahdahu la sharika lah, lahu l-mulku wa la lahu l-hamd, yuhyi wa yumit, wa huwa al-hay la yamut, bi yadihi al-khayr, wa huwa `ala kulli shay'in qadir, allahumma-j`al fi qalbi nuran wa fi barasi nuran wa fi sam`i nuran, wa yassir li amri*”. One should ask forgiveness copiously, be humble, submissive, and show much weakness and being in need. One should be insistent when supplicating, but without being impatient for its answer.

Hajj is only valid from someone who stands, even for a moment, from the dawn of `Arafa until the dawn of the Day of Slaughtering [Yaum al-Nahr], while being qualified to do so. The qualifications are: being Muslim; ihram; and not being drunk, insane, or unconscious.

Whoever stands on `Arafa during the day and sets off before sunset without returning before sunset must make a blood expiation of one sheep because he has omitted an obligatory part of Hajj. Whoever stands for the night only needs not make a sacrifice.]

(h.7.2)Muzdalifa

Then, after sunset, one sets out to Muzdalifa, calmly, but speeds up at the breeches. At Muzdalifa one joins between Maghrib and `Isha', and stays for the night. He may set off after the first half of the night. There is a blood expiation for leaving before the first half has passed, as there is for arriving to Muzdalifa after sunrise — but not if one arrives before sunrise.

When one wakes in the morning he prays Fajr and goes to *Mash`ar al-haram*. He climbs the mountain or stops at its base. One praises Allah, says “*allahu akbar*”, recites the two verses beginning with “*fa idha afadhtim min `arafat*”, and supplicates until departing.

[Then, after sunset, one sets out to Muzdalifa with the Imam or his deputy. One walks with calmness, but speeds up at the breeches. It is a *sunna* for anyone setting out from `Arafa to delay praying Maghrib until arriving at Muzdalifa, and for anyone entitled to join prayer to do so at Muzdalifa before making camp. If one prayed Maghrib on the way, he has neglected the *sunnah* and the prayer suffices.

It is obligatory to stay the night at Muzdalifa. One may depart after the first half of the night has passed. If one departs before this, one must make a blood indemnity, and there is no difference whether one knows or is ignorant of the ruling, and whether one's departure was intentional or unintentional. However,

there is no indemnity for those who leave Muzdalifa in order to fetch water or attend to animals. Those who arrive at Muzdalifa after sunrise must make an expiation; there is no indemnity for arriving after the first half of the night yet before sunrise.

Upon waking in the morning, one prays Fajr and then departs for Mash`ar al-haram, a small mountain close to Muzdalifa. He climbs the mountain or stops at it. He praises Allah, says “*allahu akbar*”, and recites the two verses beginning with: “*fa idha afadhtim min `arafat*” (Qur'an, 2:_.). He supplicates until departing.

When dawn arrives, he departs before sunrise, with calmness.]

(h.7.3)Mhassiran

Upon reaching Muhassir Valley, he hurries the distance one can throw a pebble and gathers pebbles. The number of pebbles is seventy, and their size ranges between the size of *binduq* and chickpeas.

[Upon reaching Muhassir Valley, located between Muzdalifa and Mina, he hurries the distance one can throw a pebble and gathers pebbles. Throwing is the greeting for Mina, so one does nothing before it.

The number of pebbles is seventy. Their size ranges between the size of *binduq* and chickpeas, so ones that are very small or very large do not suffice.

(musa: Seventy pebbles? Seven for today, and then seven pebbles for each of the three Jamarat for three days, so: $7 + ((7 * 3) * 3) = 70$)

It is not a sunna to wash the pebbles.]

(h.7.4)Mina

When one arrives at Mina, which is from Muhassir Valley up to `Aqaba Jamara, he throws seven stones at it, one after the other. He raises his right hand until the whiteness of his armpits shows, and he says “*allahu akbar*” with each pebble. It does not fulfill to throw something else, or throwing twice. He does not stop [at the jamra]. One interrupts chanting “*labayk...*” before stoning. He stones after sunrise; after the middle of the day is sufficient. He then sacrifices a *hady* if he has one. He shaves or cuts from all of his hair; a woman trims the length of the last finger joint.

After this, all things forbidden by ihram become lawful, except those associated with women.

Shaving and trimming are a rite. No blood sacrifice is not required for delaying it or for doing it before throwing and slaughtering.

[When one arrives at Mina, located from Muhassir Valley up to `Aqaba Jamara, he throws seven stones at the Jamara. He throws the stones one after the other; if one stones them simultaneously, it does not suffice. One raises his right hand high until the whiteness of his armpits shows, and with each pebble he says “*Allahu akbar, allahumma-j`alhu hajjan mabruran wa sa`yan mashkuran wa dhanban maghfura*”. It does not fulfill to throw something other than pebbles, or throwing the same stone twice. One does not stop at the Jamrah after stoning it, since the place is narrow. One interrupts chanting “*labayk...*” before stoning. It is recommended to stone after sunrise, though it is sufficient to do so after the middle of the day.

Upon stoning, one sacrifices a *hady* if he has one.

He shaves or trims all of his hair. However the hair is shortened suffices, even plucking or removing it with depilatory cream since the goal is to remove the hair. But the sunna is to shave or trim. A woman trims a length less than or equal to the last finger joint. It is a sunna to do this while facing the qibla, and to begin with the right side.

It is a sunna for one who has shaved or trimmed to trim their nails and beard, and to shave their pubic and underarm hair.

Once one has stoned the Jamara and shaved or trimmed their hair, everything that was forbidden because of ihram returns to being lawful, except those

Partial and Complete Release

associated with women: intercourse, fondling, kissing, touching for arousal, and contracting a marriage.

Shaving - and trimming for one who does not shave - is a rite. Omitting them requires a blood expiation. No blood expiation is required for delaying it or for doing it before stoning and slaughtering.

The partial (first) release from ihram occurs when one has done two of the following: shaving, throwing, tawaf. The full (second) release occurs when one has done the third and performed *sa`y* between Safa and Marwa.

The Imam makes a sermon at Mina on the Day of Slaughtering, (Yaum al-Nahr). He begins it with saying "*allahu akbar*" and teaches them about the sacrifice, departing from Mina, and throwing pebbles at the Jamarat.]

(h.7.5)Fasl Mecca

One then goes forth to Mecca. Someone performing Hajj and `Umra simultaneously or Hajj before `Umra does a Visitation Circumambulation. The time for this circumambulation begins after the first half of the night of the Day of Slaughtering. It is a *sunna* to circumambulate during the Day of Slaughtering, though one may delay it.

One then quickly travels between Safa and Marwa if he is performing `Umra before Hajj or has not yet done *sa`y* between Safa and Marwa with the Arrival Circumambulation. He is released from everything.

[One then goes forth to Mecca. Someone performing Hajj and `Umra simultaneously or Hajj before `Umra does a Visitation Circumambulation, also called the Going Forth Circumambulation [*tawaf al-'ifada*]. One specifies the type of circumambulation with intention. Circumambulation is an integral; without it Hajj is incomplete.

The time for this circumambulation begins after the first half of the night of the Day of Slaughtering for those who already stood on `Araf. For others, it does not begin until standing on `Arafa. It is a *sunna* to circumambulate during the Day of Slaughtering, though one may delay it until after the days of Mina since its final time is not specified, just like the *sa`y* between Safa and Marwa.

One then quickly makes *sa`y* between Safa and Marwa if he is performing `Umra before Hajj or did not already do so with the Arrival Circumambulation.

One has now made a complete release from ihram, so everything forbidden because of ihram - including the things associated with women - are permissible.]

(h.7.6)Zamzam

One then drinks Zamzam water for whatever one desires, gorging themselves with it, and makes the related supplication.

[One then drinks Zamzam water for whatever one desires, gorges themselves with it, splashes it on their body and clothes. One then faces the qibla, breathes three times, and supplicates saying: "*bismillah, allahumma-j`alhu lana `ilman nafi`an wa rizqan wasi`an rayan wa shub`an the shafa'an min kulli da', wa-ghsil bihi qalbi wa-mlahu min khashyatik*".]

(h.7.7)Mina and throwing stones

One then returns to Mina and stays for three nights. One stones the first Jamara, located next to al-Khayf mosque, with seven pebbles. He puts the Jamara on his left, steps back a little and makes a long supplication, then does the same with the Middle Jamara, and then *Jamara `Uqba*. He puts *Jamara `Uqba* on his right and stands in the middle of the valley and does not stop after stoning. He does this on each of the Days of Tashriq, after the zenith, while facing the qibla, and in order.

If he stones all of them on the third Day of Tashriq, it suffices. He makes intention for each day in order. One must make a sacrifice if one delays stoning past the third Day of Tashriq or does not stay for its night.

Whoever is hasty by leaving after two days must leave before sunset; otherwise he is required to stay the night and stone the next day.

[One then, after circumambulating and making *sa`y* between Safa and Marwa, returns from Mecca to Mina. One prays Zuhr of the Day of Slaughtering (Yaum al-Nahr) at Mina, and stays in Mina for three nights.

One stones the first Jamara, located next to al-Khayf mosque, with seven pebbles. He puts the Jamara on his left, steps back a little so the stones not hit him, and raises his hands while making a long supplication. One then does the same with the Middle Jamara. One then stones *Jamara `Uqba*, putting it on his right while standing in the middle of the valley. One does not stop at the Jamara.

On each of the three Days of Tashriq, one stones the three Jamarat, following the mentioned order and method, facing the qibla. Stoning is done after the zenith. It does not suffice to do it before the zenith or at night, except for those fetching water and attending to animals. It is best to stone before praying Zuhr.

If one does all of the stoning on the third Day of Tashriq, by throwing all seventy stones for the three Jamarat, it suffices. One makes intention for each day, in order.

One must slaughter if one delays stoning past the third Day of Tashriq or does not stay that night in Mina. Spending the night at Mina is not obligatory for those fetching water or attending to animals.

On the second day of Tashriq, the Imam gives a speech wherein he teaches the rulings of leaving hastily, delaying, and departing.

Whoever is hasty by leaving after two days must leave before sunset. Otherwise he is required to stay the night and stone the Jamarat the next day, after the zenith.]

(h.7.8)The Farewell (h. h00

When one wants to leave Mecca, one does not exit until making a Farewell Circumambulation. If one stays or does trade after performing it, he repeats it. Anyone – other than menstruating women – who omits it return in order to perform it. If it is difficult to return or one does not return, he makes a blood sacrifice. If one delays Visitation Circumambulation and makes it when departing, it suffices for the Farewell Circumambulation. Anyone who is not menstruating stands between the [Black Stone's] corner and the door and makes the supplication that has been narrated. A Women who are menstruating stand at the door and make the same supplication.

[When one wants to leave Mecca, one does not exit until making a Farewell Circumambulation.

If one stays or does trade after performing it, he must repeat it.

Anyone - other than menstruating women - who omits the Farewell Circumambulation must return to perform it. One does not make ihram if their place of return was not far from Mecca. But if their place of return is far from Mecca, one must make ihram for `Umrah, the `Umra Circumambulation, then make *sa`y* between Safa and Marwa, and then perform the Farewell Circumambulation. Is necessary to slaughter if it is difficult to return or one simply does not return.

If one delays the Visitation Circumambulation and makes it when departing, it suffices for the Farewell Circumambulation.

Women during menstruation or post-partum bleeding are not required to make the Farewell Circumambulation, unless she becomes pure before departing the city limits.

(musa: These rulings concerning women being prohibited from doing certain things during menstruation and post-partum bleeding is not because women are intrinsically filthy or filthy during those times. Rather, the rulings have to do with the fact that blood is filthy once it exits from the body, and that a woman in those states would be carrying filth which is forbidden to bring into the mosque.

As evidence for this, Imam al-Bukhari related a hadith wherein Abu Hurayra (Allah bless him and give him peace) relates that once in Medina he was in the

state of major ritual impurity, and upon seeing the Prophet (Allah bless him and give him peace) draw near he went off to make ghusl. When he returned the Prophet (Allah bless him and give him peace) asked where he had been, and so Abu Hurayra (Allah be pleased with him) told him. The Prophet (Allah bless him and give him peace) replied that Muslims do not ever become filth.

Further evidence can be seen by comparing the rules of women who have chronic vaginal bleeding: once they remove the filth, put something to keep it from spreading, and make wudu, they can pray, enter the mosque, touch the Qur'an, circumambulate the Ka`ba, and anything else requiring wudu.

Some women seek out opinions that permit them to circumambulate even during menstruation and post-partum bleeding. The reason they give is seeking reward. What they fail to realize is that one is rewarded for obeying Allah. His command for men and women who are free of menstruation and post-partum bleeding is enter the Holy Sanctuary and circumambulate. This is not His order for those women who cannot enter; His order for them is to remain outside of the mosque and make their farewell supplications at the door. When they do this, they obey the Divine Command; not when they enter while in this state.

This is similar to women not being required to cover their face during Hajj, even though they would be required in similar circumstances. One interested in obeying Allah realizes that the order to cover the face outside of Hajj is no different than the order to uncover during Hajj. And Hajj is a time for hardship, sacrifice, and going against one's habits. People who have trouble with women uncovering their face during Hajj should ask themselves whether it is the Divine Command that drives them, or undivine custom, jealousy, or misogyny.)

Men and women who are not menstruating or have post-partum bleeding stand between the corner where the Black Stone is located and the door, pressing on the walls with with the face, chest, forearms, and open hands, and makes the related supplication: *"allahumma hadha baytuka wa ana `abduka wa-bnu `abdika wa-bnu amatika hamalatni `ala ma sakhkharta li min khalqika, wa sayyartani fi biladika hatta ablaghtani bi ni`matika ila baytika wa a`natani `ala ada' nusuki, fi in kunta radayta `anni fa-zdid `aani rida, wa illa fa min al-an tan'a `an baytika dari, wa hadha awanu-nsirafi in anta adhanta li ghayr mustabdil bika wa la bi baytika wa la raghib `anka wa la `an baytik. Allahumma fa-shabni al-`afiyata fi badani wa al-sihhata fi jismi wa al-`ismata fi dini, wa ahsin munqalibi wa-rzuqni ta`ataka ma abqaytani, wa-jma` li bayn khayrayi d-dunya wa l-akhira, innaka `ala kulli shay'in qadir".*

Women who are menstruating or have post-partum bleeding stand at the door of the mosque and make the same supplication.]

(h.7.9) Visiting the Prophet (Allah bless him and his family and give him peace)

It is recommended to visit the grave of the Prophet (Allah bless him and his family and give him peace) and the graves of his two companions (Allah be well pleased with them both).

[It is recommended to visit the grave of the Prophet (Allah bless him and his family and give him peace) and the graves of his two companions Abu Bakr and `Omar bin al-Khattab (Allah be well pleased with them both).

One greets him with *"al-salamu `alaykum"* while facing him. One then faces the qibla, puts the room on his left, and supplicates for whatever he loves.

It is unlawful to circumambulate around the grave.

It is offensive to wipe one's hands on the room surrounding the grave, and to raise one's voice in its presence.

When one turns and faces his land he says, *"la ilaha illa llah, ayibun ta'ibun `abudin li rabbina hamidun. sadaqa allahu wa`dahu wa nasara `abdahu wa hazama l-ahzaba wahdah".*]

(h.7.10) Description of `Umra

The description of `Umra is that one enters ihram for it from one of the points of entry, or from the closest place for a Meccan or his like - but not from within the Sacred Precinct. When one has

circumambulated, performed *sa`y* between Safa and Marwa, and shaved or trimmed his hair, he is released. `Umra is permissible to do at all times, and at all times it fulfills the required `Umra.

[The description of `Umra is to enter ihram for it from one of the points of entry (see [\(h.0\)](#)) as one passes by. Meccans and others at the Haram enter ihram from the closest place, like Tan`im. It is not permissible to enter ihram from within Sacred Precinct, though it does become in affect and one must make a blood sacrifice.

When one has circumambulated the Ka`ba, performed *sa`y* between Safa and Marwa, and shaved or trimmed his hair, he is released from `Umrah.

`Umarah is permissible to do at all times, and at all times it fulfills the required `Umra, `Umrat al-Islam.]

(h.7.11)Hajj: its h1) hWb. his` hexand quWWhW

The integrals of Hajj are: ihram, standing, the Visitation Circumambulation, and *sa`y* between Safa and Marwa.

The obligatory actions of Hajj are: ihram from the relevant entry point; standing on `Arafa until sunset; staying the night in Mina for those not fetching watering or tending to animals; staying in Muzdalifa until after half of the night; stoning; shaving; and the Farewell Circumambulation.

Everything else is a *suna*.

[The four integrals of Hajj are:

- (a) ihram
- (b) standing at `Arafat
- (c) the Visitation Circumambulation
- (d) and *sa`y* between Safa and Marwa

The seven obligatory actions of Hajj are:

- (a) ihram from the relevant entry point
- (b) standing on `Arafa until sunset
- (c) staying the night in Mina for those not fetching watering or tending to animals
- (d) staying the night in Muzdalifa until after half of the night
- (e) stoning the three Jamarat in order
- (f) shaving or trimming the hair
- (g) the Farewell Circumambulation

Everything else is a *sunna*, including

- (1) the Arrival Circumambulation
- (2) staying the night at Muzdalifa on the night of `Arafa
- (3) putting the middle of one's cloak under the right shoulder and its edges over the left shoulder, and running during their places
- (4) kissing the Black Stone
- (5) the litanies and supplications
- (6) ascending Safa and Marwa]

(h.7.12) `Umra: its s1) hWb. his` hexand quWWhW

The integrals of `Umra are: ihram, circumambulation, and *sa`y* between Safa and Marwa.

Its obligatory actions are: shaving, and making ihram from its entry points.

[As with Hajj, one may trim instead of shave the head.]

(h.7.13)Omitting Actions

One's rituals are not in affect if he has omitted ihram.

One's rituals are incomplete if he omits the performance of or intention for any other integral.

One must slaughter if he omitted something obligatory.

Nothing is required for omitting a *sunna*.

[As for omitting something obligatory: This even if the omission was due to forgetfulness. If one cannot slaughter, he must fast as one fasts for performing `Umra before Hajj.]

(H.8) BEING LEFT BEHIND OR OBSTRUCTED

Whoever misses standing on `Arafa has missed Hajj, and is released by performing `Umra. One must make it up and sacrifice a *hady* if he did not stipulate release for being obstructed.

Anyone whom the enemy obstructs from the House sacrifices a *hady* and is then released. If one lacks a *hady*, he fasts ten days and is then released.

If one is obstructed from `Arafa, he is released by performing `Umra.

Anyone obstructed by sickness, or lack of funds, remains in ihram if he did not stipulate release.

[If one has not stood on `Araf before the sun has risen on the Day of Slaughtering (Yaum al-Nahr) has missed standing on `Araf, and has thus missed Hajj. If one decides to not remain in ihram in order to perform Hajj the next year, he is released from ihram by performing `Umra, and must make up the missed Hajj and sacrifice a *hady* if he did not stipulate release for obstruction at the beginning of ihram. But if he did stipulate release for obstruction at the beginning of ihram by saying “and if something restrains me then I am released wherever it restrained me,” there is no need to sacrifice a *hady* and no need to make up the Hajj unless its performance was obligatory.

If everyone is mistaken and they stand on `Arafa on the 8th or 10th of Dhi l-Hijja, it fulfills standing on `Arafa for them. But if just some people are mistaken, they have missed Hajj.

Anyone who enters ihram and the enemy obstructs from the House leaving them no path to make Hajj, sacrifices a *hady* and is released from ihram. If one lacks a *hady*, he fasts ten days and then is released.

If one is obstructed from `Arafa but not the House, he is released by performing `Umra.

If one is obstructed by sickness, lack of funds, or becomes lost, he must remain in ihram until reaching the House if he did not stipulate release.]

(H.9) THE HADY, SACRIFICES, AND `AQIQAS

The most superior sacrifice is a camel; then a cow; and then a sheep. Nothing fulfills it except for: a six month old goat or a *thani* equal to it, a five year old camel, a two year old cow, a one year old goat, or a half-year old sheep. A sheep fulfills for one person, and a camel or cow for seven.

An animal does not suffice if it is one eyed, thin, cannot walk, missing its front teeth, *jada'*, sick, or missing most of its ear. But an animal does suffice if it is lacking a tail originally, hornless, has its testicles cut but not its penis, or less than half of its ear or horn has been cut.

[The most superior sacrifice [*adhiya*] is a camel; then a cow; and then a sheep. The best of each type is the fattest, then the most expensive, then the whiter, then yellow, and then black.

Nothing fulfills it except for:

- (1) a six month old goat or a *thani* equal to it
- (2) a five year old camel
- (3) a two year old cow
- (4) a one year old goat
- (5) a one half year old sheep

A sheep suffices one person, his household, and dependents. A camel or cow suffices seven persons, their households, and dependents. One complete sheep is better than a seventh of a camel or cow.

An animal with one of the following defects does not suffice:

- (1) obviously one eyed
- (2) thin
- (3) unable to walk
- (4) missing front teeth
- (5) *jada'*

- (6) obviously sick
 - (7) missing most of its ear or horn
- however animals with the following do suffice:
- (1) being born without a tail or it being cut off
 - (2) small eared
 - (3) hornless
 - (4) one with cut testicles, but not a cut penis

It suffices but is offensive when less than half or just half of its ear or horn has been torn, ripped, or cut.]

(h.9.1)How it is slaughtered

The *sunna* for a camel is to cut the neck while standing with its left leg hobbled; it is stabbed with a spear in the vein near the base of the neck and chest. Other animals are cut on the throat, though it is permissible to do the opposite. One says: “*Bismillah wa allahu akbar allahumma hadha minka wa lak*”.

The one offering the sacrifice does them continuously or commissions a Muslim while attending it.

[The *sunna* for slaughtering a camel is to cut the neck while standing with its left leg hobbled. It is stabbed with a spear or the like in the vein near the base of the neck and chest.

The *sunna* for other animals is to cut the throat, while it is lying on its left side, facing the *qibla*.

It is permissible to do the opposite, that is: to cut a camel's throat instead of the neck, and to cut a non-camel on the neck instead of the throat.

When moving one's hand, it is obligatory to say: “*Bismillah*”, and it is recommended to say: “*wa allahu akbar*” and to say: “*allahumma hadha minka wa lak*”.

Whoever offers sacrifices slaughters them himself, consecutively; or commissions a Muslim while attending it. It is permissible, though offensive, to appoint a non-Muslim citizen of the Islamic state to do the slaughtering.]

(h.9.2)Its time

The time for slaughtering is after `Eid prayer or the once its time elapses, up until two days after the prayer. It is offensive during the two nights after `Eid. If one misses the time, he makes up any sacrifice that is obligatory.

(h.9.3)Section. Rulings for the Hady

A *hady* and a sacrifice is declared by one saying: “this is a *hady*” or “a sacrifice [*adhhiya*]” but not by intention.

If one declares a *hady* or sacrifice, it is not permissible to sell the animal or give it as a gift unless he exchanges it with something better.

One shears its wool and the like if it is more beneficial for the animal, and gives it as charity. One does not give the butcher his wages from it. One does not sell its skin or any part of the animal, but instead benefits from it.

If the animal becomes defective, one slaughters it. It suffices unless it was obligatory or already owed [fi *dhimmatihi*] before declaring it.

[A *hady* or sacrifice is declared by saying: “this is a *hady*” or “a sacrifice [*adhhiya*]” but not by simply intended it when buying or shopping for it.

If one declares a *hady* or sacrifice, it is not permissible to sell the animal or give it as a gift unless he exchanges it with something better.

One shears its wool, hair, fur, and the like, if it is more useful for the animal, and gives it as charity. One does not give the butcher his wages from a portion of the animal, though it is permissible to give him some of it as a gift or as charity). One does not sell its skin or any portion of the animal, but instead benefits from it or gives it as charity.

If the animal becomes defective after declaring it a *hady* or sacrifice, one slaughters it. It fulfills unless it was obligatory or already owed [*fi dhimmatihī*] before specifying it. But if the animal perished or became defective through one's own action or negligence, he must replace it, like any other thing left for safekeeping.]

(h.9.4)(Making a sacrifice)

Sacrificing is a *sunna*. It is better to slaughter than to give its value in charity. It is a *sunna* to eat, give as gifts, and give as charity in thirds. If he ate all of it except for a small amount and gave it as charity, it is permissible, otherwise he guarantees it. It is unlawful for someone who does the sacrifice to remove any of his hair or from his body during the ten days of Dhi l-Hijja.

[Sacrificing is a *sunna*, though is obligatory because of a vow. It is better to slaughter than to give the same value in charity.

It is a *sunna* to eat, give as gifts, and give as charity in thirds: one third for him and his household to eat, a third given as gifts, and a third given as charity... One does not eat from a sacrifice that he has made obligatory through a vow or declaration. If he ate the entire sacrifice except for a small amount [*'uqiya* = ¼ ritl = 37 grams in Egypt; or in Aleppo a bit more than 300 gr] and gave that small amount as charity, it suffices; otherwise he must guarantee that small amount.

It is unlawful for someone who does the sacrifice or has it done for him to remove any of his hair, trim his nail nails, or remove anything from body during the first ten days of Dhi l-Hijja.]

(h.9.5)Section (the feast for a birth (b: `Aqiqa))

It is a *sunna* to sacrifice for a newborn: two sheep for a male and one for a female. The sacrifice occurs on the seventh day and if he misses then on the 14th, and if he misses then on 21st. The limbs are separated, but one does not break the bones. Its ruling is the same as a sacrifice, except that it does not suffice to share in blood.

[It is a *sunna* for the father to make an *'aqiqa*: to sacrifice an animal for a newborn. If the father is poor, he should take a loan. Two sheep are sacrificed for a male, and one for a female.

The sacrifice occurs on the seventh day after the child's birth.

On the seventh day it is a *sunna*

(1) to shave the head of a boy – not a girl – and to give the hair's weight in silver as charity

(2) to name the child. It is a *sunna* to give a good name. Unlawful names include *`Abd al-Ka'ba* and *`Abd al-Nabi*. Offensive names include *Harb* and *Yasar*. The best names are *`Abdallah* and *`Abd al-Rahman*.

(*musa: Nail al-Ma'arib* adds that it is not offensive to use the names of the Prophets (peace be upon them all). The custom in some parts of the Middle East of abandoning certain names – like *Ilyas* – on the grounds that it is a “Christian” name is of no consequence since it is a custom that clashes with the *Shari'a*.)

and if he misses this on the 7th, he does it on the 14th. If he misses again, he does it on 21st. After this, intervals of seven are no longer considered, so the *'aqiqa* is done whenever one wants...

When butchering the animal, the limbs are separated without breaking the bones.

The rulings concerning the *'aqiqa* are the same as a sacrifice [*adhiya*] with respect to what is sufficient, recommended and offensive; eating from the animal, and giving portions as a gift or as charity are the same as a sacrifice (see [\(h.9.3\)Section. Rulings for the Hady](#)). But there are differences: the skin, head, and *sawaqit* can be sold, with the value given in charity; and it is not sufficient to split an animal, and so a camel or cow does not fulfill unless it is complete.

The author of *al-Nihaya* says that the best animal for an *'aqiqa* is a sheep]

Slaughtering a camel's firstborn is not a *sunna*, nor is slaughtering in Rajab.

[Slaughtering a camel's firstborn [*fara`a*] or slaughtering specifically for the month of Rajab [*`atira*] are not sunnas. Abu Hurayra (Allah be pleased with him) related that the Prophet (Allah bless him and give him peace) said: "there is no *far`* and no *`atira*". However, they are not offensive because what is intended by the report is a negation of their status as sunnas.]