



مہینہ لک کنالہ

POSITION PAPER # 10

Performance of Hajj
and Observance of Eid-ul-Adha

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ABOUT THE MAJLIS UL ULAMAA (MAJLISTT)

The Majlis ul Ulamaa is a forum to facilitate the collaboration of Islamic Scholars resident and active within Trinidad and Tobago. It seeks to define the authentic Islamic position as it relates to Islam and the Muslim community of the country, considering the various scholastic positions and schools of law. To this end, it deliberates on issues of importance, and defines the Islamic position. The due process is meticulous, spanning the issuing of a draft position paper, inviting stakeholders and public comment and consultations before a final position is issued.

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Bismillaahir Rahmaanir Raheem
Allahumma salli alaa sayyidinaa Muhammadin wa baarik wa sallim

Concerns Regarding the Performance of Hajj **and Observance of Eid-ul-Adha**

Majlistt notes some concerns that arise around the issue of the performance of Hajj by persons from Trinidad and Tobago. As well, there are lingering concerns regarding the Day of Arafat and the performance of Qurbani. These concerns in part relate to theological issues, and in part speak to the behaviours by some persons related to Hajj as service providers, as pilgrims and as members of the Muslim community. Specifically, we note the following areas in this paper:

1. On the Issue of Women making Hajj without a Mahram
2. Some Hajj Tour Operators promise a package that they don't deliver
3. Hajj Tour leaders berate other tour leaders to gain a sale
4. Day of Arafat
5. Qurbani

1. On the Issue of Women making Hajj without a Mahram (Any male to whom marriage is permanently forbidden for her)

Some questions that arise on this matter include if women have the financial means but doesn't have mahram, is Hajj fard? Hajj becomes fard on a woman when all the conditions are met. The requirement of mahram is for a woman who is required to travel.

We note that the position of the Hanafi scholars is that women require a husband or mahram as a necessary condition to perform Hajj where travel is required. Other schools of fiqh suspend this requirement of a mahram for a woman to perform Hajj, but maintain that certain conditions are met - specifically including that she is in the company of other women and their safety is assured.

Majlistt subscribes to the present position maintained by the Saudi Arabian Ministry of Hajj, which states the following:

“All women are required to travel for Hajj with a Mahram. Proof of kinship must be submitted with the application form. Women over the age of forty-five (45) may travel without a Mahram with an organized group. They must, however submit a no-objection letter from her husband, son or brother authorizing her to travel for Hajj with the named group. This letter should be notarized.”

Majlis reminds the Hajj Tour Operators to ensure that all conditions are met before a person goes for Hajj.

Workarounds

There are reports of instances where a couple got married to facilitate travel for Hajj. In this instance, the condition of mahram for Hajj is fulfilled. However, if the intention of the marriage is only to facilitate Hajj, it is unfortunate and not advisable / strongly discouraged. (Quran 2:196). We remind persons that actions are based on intention and the basis for performing Hajj should be taqwa and piety.

- Persons lie to state themselves as mahram for other travelers in the group

Lies are prohibited in Islam, and this action is condemned. (Quran 22:30). We remind persons that actions are based on intention and the basis for performing Hajj should be taqwa and piety. Majlis advises that the onus is on the Hajj Tour Operator to ensure that all conditions are met before a person goes for Hajj.

2. Some Hajj Tour Operators promise a package that they don't deliver

Majlis advises that the Hajj Tour Operator should prepare a contract of offer, and whatever is promised to be provided should be delivered. If the requirements cannot be met because of circumstances beyond their control, they should be fair in their resolution.

Related to this, people are told that if they complain their Hajj would not be accepted, etc. This is condemned. It is not a complaint, but a demand for fair rights based on the Hajj contract. The onus is on the provider of the service to deliver the service promised. Persons are reminded that they have recourse from the Saudi Ministry of Hajj to complain and seek recourse.

In addition, some groups spend the 11th – 13th in their hotel in Azizia, missing recommended practices of the Hajj – especially that of spending the nights of the 11th and 12th of Zul Hijja in Mina. The public should note that the requirements of Hajj contain the following steps through completion of Hajj:

1. Arrive to Makkah from the point of entry
2. At Makkah, make umrah
3. Put on ihram and make intention for Hajj
4. 8th Zul Hijja. Leave Makkah, journey to Mina, arriving at time of Zuhr
5. Perform Zuhr, Asr, Maghrib, Isha, and Fajr at Mina
6. Leave Mina after sunrise, journey to Arafat
7. Stand on Arafat making zikr and dua from Zuhr until sunset (read Zuhr and Asr there)

8. Immediately after sunset, leave Arafat to Muzdhalifa without performing Maghrib salaah
9. Spend the night in Muzdhalifa and perform maghrib and isha together; collect the pebbles for rami. (The Hanafi school says make wuqoof between fajr and sunrise at Muzdhalifa)
10. After fajr (after sunrise for Hanafi school), head to Mina. Stone the Jamaratul Aqaba 7 times
11. Hanafi school says next should be the Qurbani. Shave head or cut hair short (men) / clip hair (women)
12. Remove the ihram
13. Perform Tawaf Ifada (anytime before sunset on 12th of ZH)
14. Return to Mina – spend the 11th and 12th nights and days in Mina. During this period, it is Wajib to stone the three Jamarat after Zuhr (7 times each on each day). Those who complete this can leave before the sunset of the 12th. If they remain after sunset, they have to spend the night and stone the 3 Jamarat next day (13th) and then they can leave.
15. Your Hajj is now complete
16. After that, it is wajib for persons to perform a Tawaful Wadaa (Farewell tawaf) before leaving Makkah.
17. Hajj Mabroor

3. Hajj Tour leaders berate other tour leaders to gain a sale

This practice, where conducted, is condemned outright. Each group leader should offer a package, and it is up to the individual customers to subscribe to the package of their choice.

We note the guidance in Hadith where Abu Huraira (may Allah be pleased with Him) reported: The Messenger of Allah (peace be upon him) said, “**Do not envy each other, do not outbid each other, do not hate each other, do not turn away from each other, and do not outsell each other. Rather, be servants of Allah as brothers. The Muslim is the brother of another Muslim. He does not wrong him, nor humiliate him, nor look down upon him. Righteousness is here,**” and he pointed to his chest three times. The Prophet (peace be upon him) said, “**It is enough evil for a man to look down upon his Muslim brother. The entirety of the Muslim is sacred to another Muslim: his life, his wealth, and his reputation.**” Sahih Muslim, Book 32, Number 6219

4. Day of Arafat

Majlis is aware of the concerns that people have regarding the Day of Arafat, and specifically the variance in the days on which the 9th of Zul Hijja fall across countries and regions where the Islamic calendar varies from that of Saudi Arabia. The concern typically expressed relates to the observance of fasting, and the day of Eid-ul-Adha.

Majlis addressed this issue previously in the paper on Moon Sighting, and reiterate its position herein for reference. Majlis understands universal sighting to be when a community in one location sees the moon, all other communities can act based on this single instance of moon

sighting. Majlistt further recognises that the Shariah basis for justification of this is the reference that the Muslim community globally is but one Ummah. Majlistt recognises that there is a case made for universal sighting based on Muslim community being one Ummah. Majlistt also notes that in the time of the Holy Prophet Muhammad (peace be upon him) different locations within Arabia marked different days for the transition of months in the Islamic calendar, and therefore in some places a new month had started whereas in others the month had not yet started.

It is proven from Ibn Abbaas (may Allah be pleased with him) that when Kurayb told him that the people of Syria had started fasting on a Friday, Ibn Abbaas (may Allah be pleased with him) said: We saw it on the night before Saturday, and we will carry on fasting until we see the new moon or we complete thirty days. He did not follow the sighting of the people of Syria, because Syria is far away from Madinah, and there may be a difference in moon sighting between the two.

In a Fatwa given by Shaykh Abdul Azeez bin Baaz, he wrote as follows:

You have to stay with the people of your country. When they fast, then fast with them, because the Prophet (peace be upon him) said. The fast is the day when you fast, and the breaking of the fast (al iftaar) is the day when you break the fast, and the sacrifice (al-adha) is the day when you offer sacrifice. And because dissent is evil, so you have to be with the people of your country. So when the Muslims in your country break the fast, then break the fast with the, and when they fast then fast with them. (Fataawa wa Maqaalaat Mutanwwiah (15/100-103)

In this regard, it is the position of Majlistt that the days of fasting and the day of Eid-ul-Adha would be observed in different countries based on their local sighting of the moon. There is no requirement that the days must coincide with the dates observed in Saudi Arabia.

5. Qurbani

Majlistt recognizes another important practice of the month of Zul Hijja is the Qurbani, or animal sacrifice. There are some concerns with how Qurbani is practiced. Qurbani is wajib on every sane, adult Muslim male or female on whom zakaat is fard. It can be performed on the day of Eid-ul-Adha after the Eid salaah, or the two days following.

5.1: Having Qurbani done in another country

Majlistt notes that this option has two-fold benefit – if done correctly the entire animal benefits poverty-stricken persons in the country selected (typically countries in the Eastern Hemisphere), and it is usually offered at a lower cost per person than if the animal is sacrificed locally. It is important to note that Qurbani must be done after the person performing the Qurbani for himself or on behalf of someone else, has performed the Eid-ul-Adha salaah in his location.

In a hadith, Jundab (may Allah be pleased with him) narrated that he witnessed the Holy Prophet (peace be upon him) on the Day of Nahr. The Holy Prophet (peace be upon him) offered prayer and then delivered a sermon saying, "Whoever slaughtered his sacrifice before offering prayer, should slaughter another animal in place of the first; and whoever has not yet slaughtered any, should slaughter a sacrifice and mention Allah's Name while doing so." Bukhari 6924

5.2: Manners (Proper Adab) of Qurbani

Muslims are reminded that the sacrifice is for the sake of Allah Ta'ala only, and to this end they should maintain proper conduct in their interaction with others. The Holy Quran reminds us: "It is not their meat nor their blood that reaches Allah, it is your piety that reaches Him. He has thus made them subject to you, that you may glorify Allah for His guidance to you and proclaim the good news to all who do good." (Quran 22:37)

5.2.1 Some people are unwilling to witness or question the need for the Qurbani

Persons are unable or unwilling to witness the sacrifice (for whatever reason) should be encouraged to do so. However, even if they are not present, the Qurbani done on their behalf is still valid.

We remind Muslims that Qurbani is a demonstration of total submission to Allah Ta'ala and a proof of complete obedience to Allah Ta'ala's will or command. The Holy Quran mentions this: "Indeed, this was a clear trial. And We ransomed him with a great sacrifice, And We left for him [favorable mention] among later generations: "Peace upon Abraham. Indeed, We thus reward the doers of good." (Quran 106-110)

We are obligated to perform the Qurbani once we have the means to do so. It is reported by Hazrat Abu Hurairah (may Allah be pleased with Him) that the Holy Prophet (peace be upon him) said, "He who has the means and does not perform Qurbani, he should not approach our musalla (place of performing Eid Salaah)" (Sunan Ibn Majah, pg.226 #3123).

Hazrat Aaisha (may Allah be pleased with Him) reports that the Holy Prophet (peace be upon him) said, "The son of Adam does not perform any action on the day of Nahr (Eid-ul-Adha) which is more beloved to Allah Ta'ala than causing the blood (of the Qurbani animals) to flow" (Mishkaatul Masaabih Vol.1 Pg.128).

In another hadith, Hazrat Ali (may Allah be pleased with Him) reports that the Holy Prophet (peace be upon him) said to Hazrat Fatimah (may Allah be pleased with Him) "O Fatimah! Go and witness your Qurbani, because the first drop of blood that falls from it causes all your sins to be forgiven. On the Day of Qiyyamah, this animal will be brought with its blood and flesh and will be placed on your scale increasing it seventy times more."

It is meritorious to sacrifice the animal with one's own hand, as was the Sunnah of the Holy Prophet (peace be upon him). In a hadith Anas (may Allah be pleased with Him) reported that Allah's Messenger (may peace be upon him) sacrificed with his own hands two horned rams which were white with black markings reciting the name of Allah Ta'ala and glorifying Him (saying Allah-o-Akbar). He placed his foot on their sides (while sacrificing). Sahih Muslim Book 22.

5.2.2 Proper care for and treatment of the animals for Qurbani.

Islam stipulates strict guidelines regarding where the animal should be kept, how it should be transported and treated, the instruments used in the sacrifice and the manner in which the sacrifice should be performed. All involved should ensure that these requirements are met fully in performing the Qurbani.

May Allah Ta'ala accept all our efforts and sacrifices.