

**The Basic Level**

# **FIQH**

**CURRICULUM**

**The second semester**

**FQH 142**

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

## In the Name of God, Most Gracious, Most Merciful

All praise is due to Allah who taught us the knowledge of this Deen and gave us the intellect that can understand the Shar'i rulings and practice them in the correct way that pleases Him. And peace and blessings be upon the master of all creation, Muhammad (PBUH), who is our grand imam and teacher, who taught us this shari'ah by his saying, his actions, and his approvals. May Allah be pleased with him, his family and companions, and their followers until the Last Day.

By the grace of Allah (SWT), I wrote this abridged book to help the students of sacred knowledge in learning the fiqh of fasting, zakat, and pilgrimage. In the first volume of this book, I explained briefly the books of purification and prayer, and hence, this volume completes the worship acts and the five pillars of Islam. Allah (SWT) said: **“and establish prayer and give zakāh.”** [2:110]; and said: **“O believers! Fasting is prescribed for you.”** [2:183]; and also said: **“Pilgrimage to this House is an obligation by Allah upon whoever is able among the people.”** [3:97]. Ibn 'Umar reported God's messenger (PBUH) as saying, **“Islam is based on five things: the testimony that there is no god but God and that Muhammad is His servant and messenger, the observance of the prayer, the payment of zakat, the Pilgrimage, and the fast during Ramadan.”** (Bukhari and Muslim.)

Similar to the first volume, I presented most of the sections of the books of fasting, zakat, and pilgrimage as one may find them in the abridged classical books of fiqh. The main text of the book is written in a simple and brief way





to help the reader to progress easily through it, while the difference in opinion is mainly highlighted in the footnotes to give the reader a broader understanding of the different opinions in the several issues of fiqh. Sometimes this difference is mentioned in the main text if it is a disagreed upon issue. The main text includes mainly the preponderant opinions from the Shafi'e madhhab, and sometimes opinions from the other three madhhabs are mentioned in the footnotes. The proofs and evidence for each opinion are not mentioned, as this book is mainly made for the beginners' level. This book does not aim to choose the most correct opinion in every matter; instead, it shows the variety of opinions, in particular, the preponderant views of each of the four madhhabs of fiqh.

The material of this book is written and summarized from different references, including: the Arabic version of this book written by Dr. M. El-Sa'di (professor in Azhar University); The Fiqhi Kuwaiti Encyclopedia; and the commentary of Umdat-ul-Fiqh by Ibn Qudamah, written by Dr. Hatem al-Haj, in addition to some classic books of Fiqh such as Matn Abi Shuja' and Zaad Al-Mustaqni'; and along with other references mentioned in the Reference section at the end of the book.

The intended learning outcomes of this curriculum can be summarized as follows:

- 1- Understanding how to practice fasting (sawm), giving alms-tax (zakat), and pilgrimage (hajj) according to shari'ah.
- 2- Outlining the main topics under these three books.
- 3- Being familiar with the difference in opinions in various matters relevant to these three books.





- 4- Appreciating the efforts made by the jurists and scholars in the development of fiqh; and
- 5- Gaining some knowledge of the various schools of fiqh.

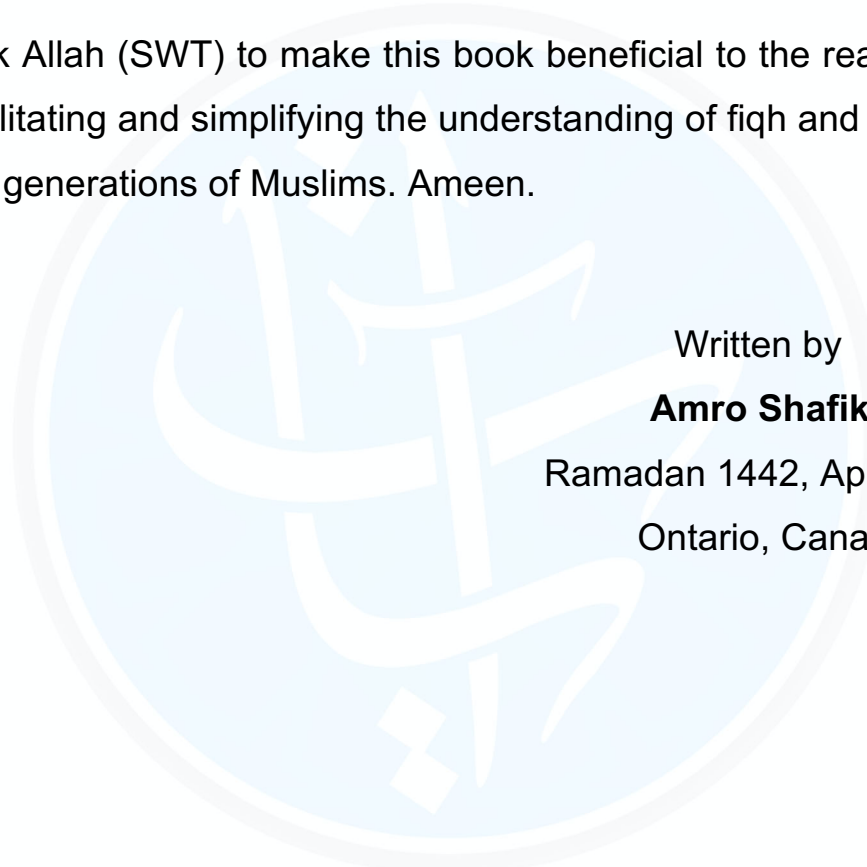
Lastly, I ask Allah (SWT) to make this book beneficial to the reader, and to help us facilitating and simplifying the understanding of fiqh and the deen to the coming generations of Muslims. Ameen.

Written by

**Amro Shafik**

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## Contents

<b>CHAPTER 1: THE BOOK OF FASTING</b>	<b>6</b>
1.1 Introduction	7
1.2 Beginning and End of Ramadan	9
1.3 Conditions of Wujooob	11
1.4 Conditions of Validity	12
1.5 Fasting Pillars	13
1.6 Fasting Nullifiers	14
1.7 Fasting Types	15
1.8 Sunan of Fasting	17
1.9 Makrooh Acts of Fasting	18
1.10 Issues Related to Fasting	19
1.11 I'tikaaf Ruling and Pillars	23
1.12 I'tikaaf Conditions	24
1.13 Recommended Acts of I'tikaaf	24
1.14 Nullifiers of I'tikaaf	25
<b>CHAPTER 2: THE BOOK OF ZAKAT</b>	<b>26</b>
2.1 Introduction	27
2.2 Zakat Types	28
2.3 Zakat-ul-Fitr	29
2.4 Conditions of Wujub of Zakat	32
2.5 Zakat of Money, Gold, and Silver	32
2.6 Zakat of Livestock	33
2.7 Zakat of Grains and Fruits	36
2.8 Zakat of Minerals	37
2.9 Zakat of Rikaaz	38
2.10 Zakat of Trade Goods	38



2.11 Recipients of Zakat	39
2.12 Giving Zakat	41
2.13 Voluntary Sadaqah	42

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### **CHAPTER 3: THE BOOK OF PILGRIMAGE**

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3.1 Introduction	44
3.2 Conditions of Wujub of Hajj and Umrah	46
3.3 Study Map for Hajj	47
3.4 Pillars of Hajj and Umrah	48
3.5 Wajib Acts of Hajj	53
3.6 Sunan Acts of Hajj	56
3.7 Forbidden Acts in the State of Ihram	60
3.8 Sacrificial Blood Types and Causes	62
<b>References</b>	<b>71</b>

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# **FIQH**

## **CURRICULUM**

### **Chapter 1**

# **The Book of Fasting**

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## بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

### Chapter 1: The Book of Fasting

#### 1.1 Introduction

Fasting lexically means to abstain from something or to withhold something. Technically, in juristic terms, it means to abstain whole day (from Fajr to Maghrib) during the month of Ramadan from all things that invalidate fasting with a specific intention. Fasting is a great act of worship in which the slave of Allah practices and improves his mindfulness of Allah (*taqwa*), his devotion, sincerity, and patience. In fasting, we abstain from the main human necessities and needs for a certain time daily for a period of a month. This training period proves to us that if we can abstain from basics like eating and drinking, then it is easier to abstain from sins and acts of disobedience. During this month we learn how to control our desires, lusts, and whims; and how to get ourselves busy with remembrance of Allah (*zikr*), recitation of Quran, prayers, and giving charities. Most of us generally succeed to do good in Ramadan, but the actual challenge is to keep those acts practiced throughout the year.

Ramadan is the month of Quran. Allah (SWT) said: **“Ramaḍān is the month in which the Quran was revealed as a guide for humanity with clear proofs of guidance and the standard ‘to distinguish between right and wrong’.”** [2:185] This is a strong reason to increase one’s share from the Quran during this month, through recitation, memorization, understanding, and implementing the new rules one learns from it.

Ramadan is the month of forgiveness. Abu Hurairah (May Allah be pleased with him) reported: The Prophet (ﷺ) said, **“He who observes fasting during**





the month of Ramadan with Faith while seeking its reward from Allah, will have his past sins forgiven.” [Al-Bukhari and Muslim]. Abu Hurairah also reported: The Messenger of Allah (ﷺ) said, “He who observes optional prayer (Tarawih prayers) throughout Ramadan, out of sincerity of Faith and in the hope of earning reward will have his past sins pardoned.” [Al- Bukhari and Muslim].

Ramadan is the month of great rewards from Allah (SWT). It was narrated from Abu Hurairah that the Prophet (ﷺ) said (that Allah said): “For every good deed that the son of Adam does, he will have (the reward of) ten the like thereof, except for fasting. It is for Me and I shall reward for it.”<sup>1</sup> And when the Most Generous (Allah SWT) rewards, his reward is greater than what we comprehend. In another hadith narrated by Abu Sa`id Al-Khudri (May Allah be pleased with him), he said: I heard the Prophet (ﷺ) saying, “Indeed, anyone who fasts for one day for Allah's Pleasure, Allah will keep his face away from the (Hell) fire for (a distance covered by a journey of) seventy years.” [Al-Bukhari and Muslim]. This is the part of the reward of a voluntary fasting, so who can imagine the great reward of the prescribed fasting of the blessed month of Ramadan?! Moreover, Ramadan has one night in which the rewards for deeds are multiplied by thousands of times. This is the Night of Decree (*Laylat-ul-Qadr*). Allah (SWT) said: “The Night of Decree is better than a thousand months.” [97:3] Also, Ibn 'Abbas (May Allah be pleased with them) reported: The Prophet (ﷺ) said, “(The performance of) 'Umrah during Ramadan is equal to Hajj (pilgrimage).” Or said, “Equal to the performance of Hajj with me.” [Al-Bukhari and Muslim].

<sup>1</sup> Sunan an-Nasa'i, The Book of Fasting, 2219; Grade: Sahih (authentic).





Fasting was prescribed on Muslims in three stages. In the first stage, fasting was only limited to three days a month and the fasting of 'Ashura. Fasting was optional so one may choose to fast or choose to give food for a needy. In the second stage, the fasting became obligatory and only for the month of Ramadan in the month of Sha'baan in the 2AH. Fasting any other days became a voluntary fasting. But in this stage, Muslims could eat, drink, and have intimate relations with their spouses until Isha' time only or until they sleep after Maghrib, whichever comes first. In the third stage, Allah (SWT) prolonged that time until dawn (Fajr time).

The objective of fasting is to attain *taqwa*. Allah (SWT) said: **“O believers! Fasting is prescribed for you – as it was for those before you – so perhaps you will become mindful of Allah”** [2:183]. The objective in this case is broader than just feeling the need of the poor and needy people. Also, if fasting objective was only to feel the poor, as some people think, fasting would not be prescribed on the poor people! And fasting – as an act of worship – should be stopped if we reach a time when poverty ends, which is also not true.

## 1.2 Beginning and End of Ramadan

It is important to know the beginning and the end of the month of Ramadan in order to fulfill the obligatory worship of fasting this entire month. There are three main methods that the jurists follow based on their understanding of the shari'ah texts; namely: local moonsighting, global moonsighting, and astronomical calculations.

Local moonsighting criterion states that Muslims who live in a certain territory need to see the new moon themselves. If they do not see it, they shall complete the thirty days of the month of Sha'baan. There is no need for the





Muslims in this territory to communicate with Muslims in other territories to know if they saw the moon or not. This is the view of the Shaf'ies.

Global moonsighting states that if Muslims in one territory see the moon, then the month commences for them and for all other Muslims in other territories or countries that share the same night with them. If none of them see the new moon, then all shall complete the number of days of Sha'baan. This is the view of jumhoor (Hanafies, Malikis, and Hanbalis). This is also easier to follow these days as the communication means between different countries are available and reliable in the contemporary time.

Astronomical calculations criterion determines the beginning and the end of the month using calculations as the name implies. In this method, sighting the moon is not required at all, and people can know the beginning and the end of the month months or years in advance. This method is old and belong to the first centuries of Islam but was never adopted by any madhhab. Lately, some contemporary scholars see it as the most accurate method due to the accuracy of the calculations and call all jurists to adopt it to unite the ummah in starting and ending the month of Ramadan. More details about the disagreement between these methods can be found in the advanced books and the reports and articles written by contemporary fiqh councils.

The strongest opinion until this point is to combine the global moonsighting and calculations to know the commencement of Ramadan. This means that it is permissible to use the calculation charts and information to help the Muslim in sighting the new moon, but do not depend on the calculations alone and completely overlook the moonsighting.

All the aforementioned methods are followed for both the beginning and the end of Ramadan (or the beginning of Shawwal). However, the number of the





required testimonies for sighting the moon is different for the beginning and end of the month. The beginning of Ramadan requires the sight and testimony of one trustworthy person according to jumhoor<sup>2</sup>. For Shawwal and the rest of the lunar calendar months, two testimonies of two trustworthy persons are required.

After introducing the different methods to know the beginning and the end of a lunar month, the question that arises is which method should one stick to and follow? If a person lives in a Muslim country, he shall then follow the Imam or the announcement of the grand mufti of that country. This is the general rule. If it happens that the Imam announced that the moon was not sighted, however, someone has sighted the moon clearly, then it is wajib for that person to start fasting even if he will fast alone. With regard to Muslim minorities, one should follow the local community if it is united on one opinion. If they are not, then the Imam of the local masjid should be followed, even if he uses a method that one disagrees with. Also, in this case if a person sights the moon, he shall let the Imam know. If the Imam did not consider his sighting, that person shall still fast alone or with his family and those who trust him, but without making any disputes in the community.

### 1.3 Conditions of WujooB

Fasting is wajib on every person meet the following conditions of wujooB:

1. Islam – and this excludes all disbelievers, so it is not wajib on them. They are asked to revert to Islam first, and then, they should fast.<sup>3</sup>

<sup>2</sup> This is according to Hanafis, Shafi'es, and Hanbalis. Malikis required two at the beginning of the Ramadan as well as the other months. Hanafis have more details regarding this. For example, they do not accept one testimony at the beginning of the month if the sky was clear. Several sightings are required in this case.

<sup>3</sup> For an apostate who returned to Islam, he must perform qadaa' for all the days that he did not fast during apostasy.







2. Takleef – which means on every adult and sane person.<sup>4</sup>
3. Ability – and this excludes those who are unable to fast due to a physical<sup>5</sup> or shar'ie<sup>6</sup> reason.
4. Health – and this excludes any sick person that fasting may lead to his death, or to increase the sickness, or prolong the sickness period and delay the recovery.<sup>7</sup>
5. Residence – and this excludes travelers.<sup>8,9</sup>

#### 1.4 Conditions of Validity

The following are the conditions of validity for fasting. If any of them is not met, fasting is deemed invalid according to our shari'ah.

1. Islam
2. Sanity
3. Tamyeez (age of discretion)
4. The absence of hayd and nifaas

<sup>4</sup> This means fasting is not a wajib on a young children before the adulthood. However, if a boy or a girl reached the age of discernment (tamyeez), then fasting is valid from them, even though is not a wajib on them yet. It is recommended to ask the children to fast at the age of 7 (lunar years), and to force them to fast when they reach the age of 10, similar to salah.

<sup>5</sup> For example, a very old person who cannot fast, fasting is not wajib on him. However, he must feed a needy person for every fasting day with an amount of *mudd* (~600-700 gm approximately from a food that commonly consumed in the city). Mudd is a measure of volume that equals a two-handful of food.

<sup>6</sup> For example, women during the menstruation or postnatal period. Fasting is not wajib on them, and even if they fast, it is deemed invalid. They should break their fast during their period and make qadaa' later after Ramadan and before the next Ramadan.

<sup>7</sup> For a sick person who has a temporary illness, he must do qadaa' later. If he lives with an everlasting illness, then fasting is not wajib on him nor qadaa'. Instead, he should feed the poor or the needy an amount of mudd for every fasting day.

<sup>8</sup> This travel should be permissible (i.e., not for a sinful purpose); long (the travel distance that makes shortening prayer acceptable); and starts before Fajr (this condition is according to Shafi'es).

<sup>9</sup> Fasting is not obligatory on a traveler; however, it is valid from him if he chooses to fast. With respect to what is better for a traveler, fasting or breaking, that depends on whether the travel is exhausting or not, if not, then fasting is preferred, if yes, then breaking is more recommended.





## 1.5 Fasting Pillars

Fasting has only two pillars that must be performed:

- 1- Intention
- 2- Abstaining from fasting nullifiers<sup>10</sup>

Fasting is an act of worship, so it needs to be performed with an intention. The valid time for the intention is different in the obligatory fasting compared to the voluntary fasting. In the obligatory fasting, the intention should be made before Fajr. If the intention is made at any moment after sunset and until Fajr, then the intention is fulfilled. For voluntary fasting, the intention time is extended until Dhuhur time, if the person did not do any of the fasting nullifiers since Fajr of that day.

Another important point about the intention is the repetition. The question is: Is it wajib to have only one intention for the entire month of Ramadan, or to have a new intention daily? The answer is that the intention should be made every night for the new day because fasting every day is an independent act of worship. This is according to Hanafis, Shafi'ees, and Hanbalis. Malikis said the wajib is to have one intention for fasting the entire month of Ramadan. The best is to practice both, to have the intention to fast the entire month as Malikis said, and to renew or make new intentions for every day separately. So, if someone forgot to make an intention for a day, then his fasting is still valid according to the Maliki madhhab. The intention could be made by

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<sup>10</sup> Abstaining from all nullifiers remembering that he is fasting, and choosing to not do these nullifiers, and knowing that they are nullifiers. Therefore, if one forgets that he is fasting and eats or drinks, his fasting is still deemed valid, and he is not sinful for what he ate. Also, if someone is forced to eat or do any nullifier, his fasting is still valid and qadaa' is not required for that day. Lastly, if someone does not know a nullifier and he did it by mistake, his fasting is also valid if his ignorance is excused (e.g., a new Muslim who lives in a place that does not have people of knowledge that can teach him about nullifiers).



saying it, or by an action that proves it. For example, when someone wakes up before Fajr for suhoor, this is sufficient as an intention.

## 1.6 Fasting Nullifiers

If a fasting person committed any of the following<sup>11</sup> during fasting, intentionally<sup>12</sup>, knowingly<sup>13</sup>, and freely<sup>14</sup>, his fasting would be invalidated, and he will be sinful.

1. Apostasy<sup>15</sup>
2. Hayd, Nifaas, or Childbirth
3. Insanity<sup>16</sup>
4. Unconsciousness (or sleeping) all day<sup>17</sup>
5. Entrance of a substance<sup>18</sup> to a body from a natural opening<sup>19</sup> in the body<sup>20</sup>
6. Intercourse

<sup>11</sup> The first four nullifiers represent the absence of the conditions of validity.

<sup>12</sup> For example, if someone eats forgetfully during a day of Ramadan, his fasting is valid, and he does not need to make qadaa' for that day. Malikis differed here and said qadaa' is wajib for him.

<sup>13</sup> Means he knows that these are nullifiers. This excuse is only applicable to new Muslims who did not have a chance to learn about rulings of fasting, or those who live in places where access to or communication with scholars or people of Islamic knowledge is difficult to be made. The general rule is that learning about worship acts is *fard 'ayn* (individual obligation).

<sup>14</sup> Therefore, if someone is forced to do any of these nullifiers, his fasting is still valid and no qadaa' is required.

<sup>15</sup> Apostasy could be by an act, by saying, by an intention to become an apostate, or by a belief, even if this happens for a moment.

<sup>16</sup> Even if that happens for a moment during fasting.

<sup>17</sup> If a sleeping, fainted, or intoxicated person, gain consciousness for a moment during the day, his fasting becomes valid.

<sup>18</sup> It must be a substance, so air or a smell is excluded because they do not have a substance.

<sup>19</sup> Such as the mouth, the nose, the frontal and rear private parts, and the breast for women. Therefore, if someone puts on any lotions on his skin, this is not a nullifier even if the skin absorbs it completely.

<sup>20</sup> Excluded from this the dust of the road if it enters the nose or the mouth; if a fly entered to his mouth unintentionally, and similar things.



7. Masturbation<sup>21</sup>
8. Vomiting intentionally<sup>22</sup>

All these nullifiers necessitate qadaa' only except intercourse. For intercourse, the following six points results from having intercourse during day in Ramadan:

1. The sin
2. Fasting is void for both the man and the woman
3. One should still behold and abstain for all nullifiers until sunset
4. Qadaa' should be made after Ramadan
5. The judge can issue a punishment against him, called Ta'zeer
6. The major expiation<sup>23</sup> – which includes three acts in order as follows:
  - a. Freeing a Muslim slave<sup>24</sup>. If he cannot, then
  - b. Fasting two consecutive months. If he cannot, then
  - c. Feeding 60 from the poor, a mudd each.

## 1.7 Fasting Types

Fasting could be obligatory, sunnah, makrooh, or prohibited. The obligatory fasting is mainly fasting of the month of Ramadan. In addition, fasting could also be obligatory if it was vowed or it was for an expiation.

<sup>21</sup> Masturbation is the ejaculation of semen, whether it happens by hand or any other mean. This is different from wet dreams, as the latter is unintentional and not by one's choice while the former is an intentional act that he chooses to do. Madhi does not break fasting.

<sup>22</sup> Such as one puts his finger in his throat to vomit. If he vomited unintentionally his fasting is valid. It is noteworthy to mention that one must rinse his mouth after vomiting to remove all traces of it because it is an impurity.

<sup>23</sup> The major expiation is obligatory on the man, not the woman.

<sup>24</sup> This is not available nowadays, so the first option is fasting two consecutive months. If he breaks this period before completing the expiation, then he should start another two complete and consecutive months.







The detested or makrooh fasting is to fast Friday only, Saturday only, or Sunday only.

The prohibited fasting includes fasting the two days of Eid<sup>25</sup>, the three days of Tashreeq<sup>26</sup>, the day of doubt<sup>27</sup>, and the second half of Sha'baan<sup>28</sup>.

The sunnah or recommended fasting can be divided into two groups:

- 1- General, which is any day in the year that shari'ah did not state that this day has a specific virtue or fasting is not a sunnah in it.
- 2- Specific<sup>29</sup>, which can be grouped into three groups:
  - a. Weekly fasting: fasting of Mondays and Thursdays every week.
  - b. Monthly fasting: fasting of the three white days<sup>30</sup> every month.
  - c. Yearly fasting:
    - i. Fasting the day of 'Arafah<sup>31</sup>
    - ii. Fasting the day(s) of Aashoura<sup>32</sup>
    - iii. Fasting the six days of Shawwal

<sup>25</sup> Which are the first day of Shawwal (i.e., Eid-ul-Fitr) and the tenth day of Dhul-Hijjah (i.e., Eid-ul-Adha).

<sup>26</sup> Those are the three days after the day of sacrifice (or Eid-ul-Adha). Therefore, these are the days of eleventh, twelfth, and thirteenth of Dhul-Hijjah.

<sup>27</sup> This is the thirtieth of Sha'baan when some people claim that they sighted the moon, but the judge/Imam/Mufti did not consider their sighting due to their lack of trustworthiness.

<sup>28</sup> However, fasting during the second half of Sha'baan could be permissible and sunnah if it is in agreement with a habit that one used to follow, such as fasting on Mondays and Thursdays.

<sup>29</sup> Please note that the following is not a complete list of the sunnah fasting. There are more that are not mentioned here, such as fasting the first eight days of Dhul-Hijjah, fasting in the sacred months, and in particular, Muharram, fasting during Sha'baan, etc.

<sup>30</sup> They are known by the three white days, but they are actually the days of the three white nights. These nights are white because the moon is in the full phase in them. These are the days of 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> of every lunar month.

<sup>31</sup> The 9<sup>th</sup> day of the month of Dhul-Hijjah. It is called the day of 'Arafah because the pilgrims spend that day on the plain of 'Arafat in Makkah, and this is a pillar of pilgrimage.

<sup>32</sup> 'Ashoura' is the 10<sup>th</sup> day of Muharram. However, the sunnah is to fast it with one day before or after, so 9<sup>th</sup> and 10<sup>th</sup>, or 10<sup>th</sup> and 11<sup>th</sup>. It is also recommended to combine the three days.





## 1.8 Sunan of Fasting

The following are the most important sunan of fasting:

1. Having suhoor<sup>33</sup>
2. Delaying suhoor<sup>34</sup>
3. Rushing iftaar<sup>35</sup>
4. Iftaar by dates, if not, then water
5. Duaa' at iftaar<sup>36</sup>
6. Giving iftaar or inviting people for iftar<sup>37</sup>
7. Praying Taraweeh daily<sup>38</sup>
8. Witr prayer<sup>39</sup>
9. Ghusl for janabah before Fajr time<sup>40</sup>

<sup>33</sup> Suhoor is a meal after midnight and before Fajr prayer. The meal could be just few dates and/or a cup of water.

<sup>34</sup> To make it very close to Fajr prayer, so the time period between suhoor and Fajr adhaan is around the time of reciting 50 (average-length) verses of the Quran.

<sup>35</sup> To break your fast immediately after the commencement of the time of Maghrib prayer. Breaking fast is met by drinking a sip of water or eating a date.

<sup>36</sup> The dua is: "*Allahumma inni laka sumtu, wa 'ala rizqika aftartu, dhahab adhdhama' wa-btallatil 'uruq wa thabatal ajru insha'Allah.*" Translation: O Allah, for Thee I have fasted, and with Thy provision I have broken my fast. Thirst has gone, the arteries are moist, and the reward is sure, if Allah wills.

<sup>37</sup> Giving iftaar can be as simple as giving them little water or a date.

<sup>38</sup> Taraweeh is a night prayer after ishaa' and before Fajr. If a person sleeps after Isha', then wake up and prayed it after midnight or closer to Fajr time, the prayer is called Salat-ul-Tahajjud. Both prayers are sunnah to follow. Taraweeh is 20 rak'aat prayer, prayed in units of two, and then followed by three-rak'aat witr prayer. According to hadith, whoever prays salat-ul-Taraweeh in the entire month of Ramadan, Allah will forgive all his past sins.

<sup>39</sup> It is sunnah to pray Witr daily in Ramadan as well as the other days of the year. However, in Ramadan, Witr prayer has three unique features: 1- prayed in jama'ah, 2- prayed out loud (jahree), and 3- qunut (du'aa) in it during the second half of Ramadan.

<sup>40</sup> This is for a person who became in the state of janabah during night, so it is recommended for him to have ghusl before Fajr to start his fasting day in a state of purity. If he could not have ghusl, his fasting would still be valid. If a person becomes junub (in a state of janabah) during day because of a wet dream, his fasting is also valid and it is also recommended for him to have ghusl as soon as possible, even if the next prayer is after few hours.





10. Recitation of Quran<sup>41</sup>
11. Zikr of Allah<sup>42</sup>
12. Giving Sadaqat<sup>43</sup>
13. I'tikaaf in the last ten days of Ramadan<sup>44</sup>
14. Good deeds in general<sup>45</sup>

### 1.9 Makrooh Acts of Fasting

The makrooh (or detested) acts are what one is rewarded for avoiding them and not sinful for doing them. The following is a list of some of the makrooh acts in fasting.

1. Tasting food without a necessity<sup>46</sup>
2. Cupping<sup>47</sup>
3. Having ghusl by immersing the full body under water<sup>48</sup>

<sup>41</sup> In abundance, and with understanding, pondering and correct recitation. More importantly, to apply what you learn from the Qur'an because it is a book of guidance in faith, sayings, and in actions.

<sup>42</sup> All forms of zikr are recommended. Whether tasbeeh (i.e., saying '*Subhana Allah*'), tahmeed (i.e., saying '*Alhamdulillah*'), takbeer (i.e., saying '*Allahu Akbar*'), tahleel (i.e., saying '*La ilaha illa Allah*'), hawqalah (i.e., saying '*La hawla wala quwwata illa billah*'), hasbalaah (i.e., saying '*hasbiya Allahu wa ni'm al-Wakeel*'), istighfaar (i.e., saying '*Astaghfirul-Ilaha*'), or salah on the prophet (ﷺ) with any of known forms, or simply say '*Allahumma salli 'ala Muhammadin wa 'aali Muhammad*'.  
<sup>43</sup> And the sadaqah given in secret is better than the one given in public. Also, the sadaqah given to relatives and neighbours is better than the one given to others. The Muslim should also try to put sadaqah in different causes to knock all the doors of khayr (goodness).

<sup>44</sup> This is a sunnah mu'akkadah that the prophet (ﷺ) used to do every year until his demise. More details about i'tikaaf will be mentioned later in this chapter.

<sup>45</sup> As mentioned in the introduction, Ramadan is a season in which deeds are multiplied. So, all good deeds that shari'ah came with or supported are recommended in the month of Ramadan, such as strengthening the kinship and neighbourhood ties, spending generously on family, doing righteous deeds, etc.

<sup>46</sup> Tasting only by the tip of the tongue without swallowing. If food is swallowed, fasting becomes nullified. Also, it is detested to taste the food without a necessity during fasting, but it is permissible to taste it for a necessity, e.g., someone works as a chef. In both cases food should not be swallowed, or otherwise fasting becomes invalid.

<sup>47</sup> It is detested to have cupping or to do it to someone else during fasting. Cupping is the suction of the spoiled blood from body.

<sup>48</sup> Such as by diving in a pond, lake, sea, or swimming pool. This form of ghusl is detested during fasting. However, if water is swallowed, fasting is invalidated.





4. Using Miswak after Dhuhr<sup>49</sup>
5. Excessive eating
6. Excessive sleeping<sup>50</sup>
7. Fulfillment of desires<sup>51</sup>
8. Ill talk, lying, backbiting, gossiping, and unmeaningful talks<sup>52</sup>

### 1.10 Issues Related to Fasting

In this section, some common issues related to fasting will be discussed.

#### 1.10.1 Injection during fasting

There are multiple opinions from scholars about injection during fasting. Some see injection as a nullifier while others deem it permissible. The most correct opinion from the Shafi'e scholars is that if the substance that is injected to body is a nutrient, then injection in this case invalidates fasting regardless of if it is injected in vein or muscle. If the substance is not a nutrient, then injection of this substance invalidates fasting if it is injected in vein, but it does not invalidate it if it is injected in a muscle. Therefore, the only case that injection does not validate fasting is an intramuscular injection of a non-nutrient substance.

#### 1.10.2 Hayd ends during the day

If a woman's hayd period ends during a day of Ramadan, it is recommended for her to avoid any of the fasting nullifiers until Maghrib as a fasting person.

<sup>49</sup> This is according to Shafi'es only. This is based on the hadith which mentioned that the smell of the mouth of a fasting person is better in Allah's Sight than the smell of musk. Shafi'es said: and the Miswak (or toothbrush) removes the smell of the mouth.

<sup>50</sup> That means any sleeping longer than normal sleeping hours. If someone sleeps from Fajr to Maghrib without any awakening even for a moment, then his fasting becomes invalid.

<sup>51</sup> All forms of desires, one should only focus on his needs and abandon delving into desires.

<sup>52</sup> These are also known as spiritual nullifiers that takes away the reward of fasting or decrease it.







However, it is not a wajib to do that, and hence, she is not sinful if she chose to eat or drink during the rest of the day; it is a detested act not haram. Whether she abstains from nullifiers or not, in both cases she has to repeat the day (qadaa') after Ramadan.

### 1.10.3 The pregnant and breastfeeding women

Some women wonder if they are allowed to break their fast because of their pregnancy or because of nursing a baby. That is permissible if they worried<sup>53</sup> about harming themselves or their babies. However, different cases result in different rulings as follows:

1- Qadaa' only:

- a. If a woman is worried about harming herself
- b. If a woman is worried about harming herself and her baby

2- Qadaa' and expiation:

- a. If a woman is worried about harming her baby only

The expiation in the last case is to give a *mudd*<sup>54</sup> of food commonly consumed in the city where one lives to a poor person.

### 1.10.4 Swallowing water during ghusl

It is important that one ensures that no water is swallowed during ghusl. However, if some water is swallowed unintentionally, the jurists gave different rulings for the different types of ghusl as follows:

<sup>53</sup> This worry should not be based on desires. A consultation with a physician or a doctor or a personal experience that she had will support this claim.

<sup>54</sup> Mudd is the amount of food that fills the two palms put side by side; if this is a difficult measure, then around of 600-700 grams of food will be sufficient for one mudd.





- 1- If ghusl was required as a wajib ghusl<sup>55</sup>, there are two cases based on the method of the ghusl:
  - a. if ghusl was made by a normal shower or pouring water over body, in this case only the water that was swallowed unintentionally does not invalidate fasting.
  - b. If ghusl was made by completely immersing the body under water, then the swallowed water invalidates fasting.
- 2- If ghusl was sunnah<sup>56</sup> or permissible<sup>57</sup>, the swallowed water would invalidate fasting regardless of the method (by pouring or by immersing in water).

#### 1.10.5 Swallowing phlegm

Swallowing phlegm invalidates fasting only if it reaches the mouth<sup>58</sup> and is not spitted out. If it does not reach the mouth but reaches the throat, then swallowing it in this case does not nullify fasting.

#### 1.10.6 Excessive rinsing

Excessive rinsing of mouth and nose is detested during fasting. But if water is swallowed due to excessive rinsing, in this case the fast is nullified.

#### 1.10.7 Iftaar before time by mistake

Iftaar before time by mistake invalidates fasting even if it happened a minute or two before Maghrib time, and he must repeat the fasting of this day after

<sup>55</sup> Wajib ghusl is like ghusl from janabah, hayd, or nifaas.

<sup>56</sup> Such as the ghusl for Jummah or Eid prayers.

<sup>57</sup> Such as having a shower to cool the body.

<sup>58</sup> The mouth starts from the articulation point of the letter khaa خ. This means if phlegm reaches any point beyond that, such as the articulation point of the letter haa ح, and swallowed, that does not invalidate fasting.



Ramadan (qadaa'). One must not break his fast until he is certain that sun completely sets.

### 1.10.8 Eye drops during fasting

Eyes according to Shafi'e madhhab is not among the natural openings to the body cavity, but in other madhhabs it is. Therefore, according to those who see it an opening, eye drops nullify fasting, while according to the opposite view, it does not. Contemporary medicine proved that eye is an opening to the body cavity, and thus, it is very recommended to not use eye drops during fasting, and instead only using it after Maghrib and before Fajr.

### 1.10.9 Other contemporary nullifiers

The following table lists many of the contemporary nullifiers as well as other things that people have doubts about whether they nullify fasting or not. This table is mainly according to Shafi'e madhhab.

Cigarette	Break	Tasting food (without swallowing)	Does not break
Hookah	Break	Smelling fragrance/ perfumes	Does not break
Asthma spray	Break	Donating blood	Does not break
Enema (Anal injection)	Break	Cupping	Does not break
Any substance enters from both private parts	Break	Ointment, creams, lotions and skin medications	Do not break
Gastroscopy	Break	Eye drops	Does not break (contemporary scholars: Break)
Any substance enters from nose or mouth	Break	General anesthesia	Break (if it is all day long)
Urinary Catheter	Break	Toothpaste	Break (if swallowed)
Ear drops	Break	Swimming	Break (if swallowed)



Gum	Break	What is left between teeth	Break (if swallowed intentionally)
Lip Balms	Does not break	Wet Dream	Does not break
Oxygen nasal sprays (no wet drops reach cavity)	Does not break	Intramuscular Injections	Does not break
Kuhl/Surmah (eye cosmetic)	Does not break	Unintentional eating/drinking out of forgetfulness	Does not break

### 1.11 I'tikaaf Ruling and Pillars

I'tikaaf lexically means to isolate oneself and to adhere or stick to something. In jurists' terms, i'tikaaf is a specific setting for a specific person in a specific place with a specific intention. Specific setting means a setting with some conditions that should be met; specific person means that the person should also fulfill some conditions; specific place is a masjid, so i'tikaaf must be in a masjid; and the specific intention is the intention for i'tikaaf, because it is an act of worship that needs an intention.

I'tikaaf is a sunnah mu'akaddah that the prophet ﷺ practiced until his demise in the last ten days of Ramadan. I'tikaaf could be wajib only if it vowed (as all other recommended acts of worship). I'tikaaf could happen any time in the year, but it is more rewarded in Ramadan, and better in the last 10 days of it.

I'tikaaf has three pillars:

- 1- The intention
- 2- The stay<sup>59</sup>

<sup>59</sup> The minimum stay is the time of saying a single tasbeeh, or the time of staying motionless in salah at rukoo', sujud, or sitting between the two sujoods. Therefore, if someone enters a masjid





3- To be in a masjid

### 1.12 I'tikaaf Conditions

I'tikaaf has the following six conditions that should be fulfilled so that i'tikaaf becomes valid:

1. Islam<sup>60</sup>
2. Sanity
3. Intention<sup>61</sup>
4. In a masjid<sup>62</sup>
5. Staying for a period longer than a time of one tasbeeh
6. Purity from the major hadath<sup>63</sup>

### 1.13 Recommended Acts of I'tikaaf

The following acts are recommended in i'tikaaf:

1. To be performed in a masjid where Jummah prayer is performed<sup>64</sup>
2. To do i'tikaaf for a complete day and night
3. To be done while fasting<sup>65</sup>

and walked back and forth without staying motionless for a moment and then left, his i'tikaaf is invalid.

<sup>60</sup> It is forbidden for a disbeliever to enter a masjid except with a permission from a Muslim or the imam of the masjid, and if safety and security is taken into account. It is forbidden under all circumstances to allow a disbeliever to enter the sacred mosque of Makkah (al-masjid-ul-haraam).

<sup>61</sup> It is recommended that whenever one enters a masjid for prayer or any other reason (such as attending classes or so) to have the intention of i'tikaaf as long as he remains in the masjid. This is more recommended in Ramadan and during the last ten days of it. One may say: (*Nawaytu al-I'tikaaf fi hadha al-masjidi ma dumtu fihi lillahi ta'ala*). Translation: I intend to do i'tikaaf in this masjid as long as I am staying in, for Allah (SWT).

<sup>62</sup> So i'tikaaf in a prayer room (musallah), at home, or at any other place is invalid.

<sup>63</sup> I'tikaaf is not valid from a woman in hayd or nifaas period, or from a man or a woman in janabah. It is mentioned in the chapter of purification that it is forbidden for a person in a state of the major hadath to sit or stay in the masjid.

<sup>64</sup> Therefore, one does not need to leave the i'tikaaf to go to another masjid to pray Jummah. Remember that Jummah is fard and i'tikaaf is sunnah.

<sup>65</sup> As aforementioned, fasting is not a pillar for i'tikaaf in the Shafi'e madhhab, however, it is a recommended act for i'tikaaf.

4. To be busy with Zikr, acts of worship, and Quran recitation
5. To avoid the detested acts of i'tikaaf<sup>66</sup>

### 1.14 Nullifiers of I'tikaaf

I'tikaaf has six nullifiers, each of them invalidates and breaks the i'tikaaf period.

1. Insanity and unconsciousness<sup>67</sup>
2. Intoxication
3. Hayd
4. Apostasy
5. Janabah that nullifies fasting<sup>68</sup>
6. Leaving the masjid intentionally without a necessity<sup>69</sup>

<sup>66</sup> The detested acts of i'tikaaf are not mentioned here in a separate section, but they mainly include avoiding or doing the opposite acts of the aforementioned sunan.

<sup>67</sup> Unconsciousness here means fainting, not sleeping. Sleeping does not invalidate i'tikaaf. It is also important to mention that if someone becomes insane his i'tikaaf is nullified whether he stays in the masjid or leaves afterwards. However, if a fainted person remains in the masjid, it still considered from the i'tikaaf.

<sup>68</sup> Which includes all forms of janabah except the one caused by a wet dream; or namely, intercourse and masturbation.

<sup>69</sup> This is if someone leaves the masjid completely, knowing that this invalidates his i'tikaaf, and choosing freely to do so, in this case his i'tikaaf is nullified. But if he leaves for a necessity, such as having ghusl due to a wet dream janabah, going to washroom if the masjid washroom is closed, or getting some food for iftaar and suhoor...etc.

# FIQH

## CURRICULUM

### Chapter 2

# The Book of Zakat

أكاديمية آيات  
Ayaat Academy





## Chapter 2: The Book of Zakat

### 2.1 Introduction

Zakat lexically means to purify or to increase. Technically in fiqh, zakat means giving from certain types of wealth according to certain conditions with a specific intention to certain groups of people. According to this definition, zakat is not wajib in all types of wealth, but only certain types. Also, zakat becomes wajib only if certain conditions are met, if any of them is not fulfilled, then zakat shall not be a wajib. Furthermore, zakat is an act of worship, thus it requires an intention before giving it, or otherwise, it is not considered a zakat. Lastly, zakat can only be given to certain groups of people who also have certain conditions. Giving money to any other groups will not be considered as zakat according to Islamic shari'ah.

Zakat is also called Sadaqah, which comes from trustfulness, because zakat is a sign of the trustfulness of the faith of the slave of Allah, he gives from what Allah has given him and does not fear poverty. He believes that his wealth will not decrease due to giving, instead it will be blessed and increased. Sadaqah has two types: an obligatory sadaqah, which is a synonym for zakat and an obligatory for those who meet its conditions; and a voluntary sadaqah, which is a recommended act for all Muslims.

Zakat is the third pillar of Islam. It was prescribed in 2 AH. The obligation of this act of worship is combined with prayer in many verses in the Quran. Allah (SWT) said: **“And establish prayer and give zakāh (alms-tax)”**. From the materialistic point of view, zakat is a money taken from a person, which means that his wealth decreases when zakat is paid. However, in Islam zakat does not decrease the wealth. Abu Kabshah Al-Anmari (May Allah be pleased with him) narrated that the Messenger of Allah (ﷺ) said:





“There are three things for which I swear and narrate to you about, so remember it.” He said: “The wealth of a slave (of Allah) shall not be decreased by charity...”<sup>70</sup> [Tirmidhi]. Allah (SWT) said: “Take, [O Muḥammad], from their wealth a charity by which you purify and bless them [cause them increase]; and pray for them.” [9:103]. Therefore, zakat in the Islamic perspective increases, purifies, and blesses the wealth and the payer of zakat; and those meanings also come from the linguistic meaning of ‘zakat’ as aforementioned.

Zakat has many wisdoms that positively change the Islamic society. Zakat offers help to the poor and the needy, strengthens the social solidarity in the Muslim community, reduces the envy that some of the needy may have towards those who are tested with wealth, and decreases crime rate in the society and bad conducts such as bribery, robbery...etc.

Zakat will be discussed in this chapter according to the following points:

- Zakat-ul-Fitr
- The conditions of wujub for the payer and the wealth
- The six types of wealth that zakat is prescribed on
- The amount of zakat for each type
- The recipients of zakat and their conditions
- The voluntary sadaqah

## 2.2 Zakat Types:

Zakat (or the obligatory sadaqah) has two types: Zakat-ul-Fitr and Zakat-ul-Maal. Each of these types has its own conditions of wujub and different amounts to be paid.

<sup>70</sup> Jami` at-Tirmidhi 2325, Grade: Sahih (Authentic)







Zakat-ul-Maal is wajib in six types of wealth, as follows:

- 1- Money, gold, and silver
- 2- Livestock or cattle
- 3- Goods and tradeable commodities
- 4- Grains and fruits
- 5- Minerals
- 6- Buried wealth

Also, each of those types has different conditions and different amounts to be paid.

### 2.3 Zakat-ul-Fitr

Zakat-ul-fitr, Sadaqat-ul-fitr, or Zakat-ul-Abdan<sup>71</sup> is a name given to the zakat the person gives by the end of the month of Ramadan and before Eid-ul-fitr. Zakat-ul-fitr was prescribed in 2 AH. It serves two main purposes: it purifies the fasting person from any indecent act or speech; and it supports the needy by providing him food so he can have something to eat on the day of Eid. Ibn 'Abbas (RAA) narrated, **“The Messenger of Allah (ﷺ) enjoined Zakat-ul-fitr on the one who fasts (i.e., fasted during the month of Ramadan) to purify him from any indecent act or speech and for the purpose of providing food for the needy...”**<sup>72</sup>. This zakat shows the social solidarity within the Muslim community, so while Muslims celebrate Eid-ul-Fitr, they need to support those who are in need so the entire ummah can celebrate this blessed day. Zakat-ul-fitr should be given to the needy in the same city where the payer of zakat lives.

<sup>71</sup> Abdan (pl., singular is badan) means bodies.

<sup>72</sup> Abu Dawud 1609, Ibn Majah 1827, Al-Haakim 1/409; Grade: Hasan, but Al-Haakim said Sahih.





### 2.3.1 Ruling and conditions for zakat-ul-fitr

Zakat-ul-fitr is wajib on every person meets the following three conditions:

- 1- He is a Muslim
- 2- He (and anyone he sustains and will pay the zakat for) lived a portion of Ramadan and a portion of Shawwal.
- 3- He had an extra food than what is sufficient for him and his family for the day of Eid and its night.

If these three conditions are met, a person must pay zakat-ul-fitr for himself and for every person he sustains and spends on.

### 2.3.2 Time for giving zakat-ul-fitr

Zakat-ul-fitr can be given during the time of permissibility and should be given before Eid prayer. The time for giving zakat-ul-fitr can be divided into five times as follows:

- 1- Time of permissibility: it starts from the 1<sup>st</sup> day of Ramadan and until the sunset of the last day of Ramadan.<sup>73</sup>
- 2- Time of wujub: this time starts after the sunset of the last day of Ramadan and before the Eid prayer.<sup>74</sup>
- 3- Recommended time: after Fajr and before Eid prayer on the day of Eid.<sup>75</sup>
- 4- Detested time: after Eid prayer on the day of Eid.
- 5- Prohibited time: after the Eid day.<sup>76</sup>

<sup>73</sup> This is the time of permissibility according to Hanafis and Shafi'ees. Malikis and Hanbalis said time of permissibility of giving zakat-ul-fitr starts only couple of days before Eid-ul-fitr.

<sup>74</sup> This is the time of wujub according to Shafi'ees and Hanbalis only.

<sup>75</sup> This is the wujub time according to Hanafis and Malikis.

<sup>76</sup> It is important to know that if someone does not pay zakat-ul-fitr on the Eid day, he will be sinful, and that he still must pay it afterwards. Zakat will be as a debt on him that he needs to fulfill.





### 2.3.3 Amount of zakat-ul-fitr

The amount that should be given for every person in zakat-ul-fitr is a sa'<sup>77</sup> of the common food<sup>78</sup> (or better) in the city where the payer of zakat lives. Zakat-ul-fitr should be given as food according to the jumhoor<sup>79</sup>.

Some contemporary scholars tried to estimate the amount in the contemporary units such as kilograms. According to them sa' is less than or around 3 Kg of food. Please remember that sa' and mudd are actually volume measures, not weights, and therefore, the approximate weight for one sa' can be different from type to another. The following table shows the approximate weight for 1 sa' for some common food types.

Type	Approximate weight for one sa'
Rice	2.15 Kg
Lentils	2 Kg
Dates	1.5 Kg
Raisins	1.5 Kg
Wheat	2 Kg
Corn	1.9 Kg
Beans	2.6 Kg

<sup>77</sup> Sa' is a volume measure at the time of the prophet ﷺ. One sa' = 4 mudd; and 1 mudd is a handful (the two palms combined) of food.

<sup>78</sup> This is the view of Malikis and Shafi'ies. Hanafis and Hanbalis mentioned certain types of food. Hanafis said the food has to be one of these four types: wheat (or its flour), barley (or its flour), dates, or raisins. Hanbalis said the food given in zakat-ul-fitr should be one of the following types: dates, raisins, wheat, barley, or cheese; if not, then whatever is considered the common food of the city of residence (such as: rive, corn, lentils...etc.)

<sup>79</sup> The jumhoor here is Malikis, Shafi'ies, and Hanbalis. Only Hanafis said that it is permissible to give the equivalent monetary value (cash money) of this food to the needy.





## 2.4 Conditions of Wujub of Zakat

The conditions of wujub for zakat-ul-maal can be summarized in the following four points:

1. Islam
2. Freedom<sup>80</sup>
3. Ownership<sup>81</sup> of the nisaab<sup>82</sup>
4. The completion of hawl<sup>83</sup>

## 2.5 Zakat of Money, Gold, and Silver

Gold and silver were the two main forms of currency for the majority of the history of the Islamic nation. The coins made of gold are known by Dinaar; and the ones made of silver are known by Dirham. In the recent time, the paper currency is the basic form of money. Zakat of money, gold, and silver have the following three conditions<sup>84</sup>:

- 1- The wealth surpasses the nisaab,
- 2- This wealth is owned for a complete lunar year (hawl), and

<sup>80</sup> This excludes slaves and any enslaved person because a slave does not own anything. It is important to mention that slavery does not exist in our time, but this point is mentioned here for the general benefit and to understand the fairness of the Islamic shari'ah.

<sup>81</sup> This means if the wealth one has belongs to someone else, then zakat is not wajib on the person who currently has the wealth, but it is wajib on the person who has the ownership of that wealth.

<sup>82</sup> Nisaab is the certain amount of wealth that shari'ah stated that if one owns it, then zakat becomes obligatory on him. If he owns less than this amount even by few dollars, zakat is not wajib on him. This amount is different based on the type of wealth as will be explained later.

<sup>83</sup> Hawl is an Arabic term for a lunar year. Zakat, as all other Islamic laws, are based on the lunar or the Islamic year, which has less days than the Gregorian year. This point means that if someone is a free Muslim who owns the nisaab (or more) for less than a year, then zakat will not be wajib on him. An example for that is if one owns \$6,500 in Ramadan 1442 AH (which is higher than the nisaab, as nisaab is ~\$6,000 CAD), then in Sha'baan (for example) he had to buy something equals to \$2,000, in this case when the Ramadan (1443 AH) comes, he will have \$4,500 only owned for the hawl (year), which is less than the nisaab. In this case, zakat is not wajib on this person.

<sup>84</sup> The first two conditions are for money, gold, and silver, and the last condition is for gold and silver only.





- 3- The gold and silver are not for personal use (such as jewellery that women wear)

To know if these conditions are met or not, the nisaab has to be known. The following is the nisaab for each of them:

1. Nisaab for gold: 20 mithqal (dinaar), which equals 85 grams for pure gold (24 Karats)
2. Nisaab for silver: 200 dirhams, which equals 595 grams of pure silver.
3. Nisaab for money is the value of money that equals the nisaab of gold<sup>85</sup> (85 grams of pure gold).<sup>86</sup>

If the nisaab (or more) is owned for a complete hawl, then 2.5% of this wealth should be given as zakat.<sup>87</sup>

## 2.6 Zakat of Livestock

The second type of wealth is the livestock or the cattle. This term include only the following three types of animals:

1. Camels
2. Cows and buffalos
3. Goats and sheep

<sup>85</sup> For example, 1 gram of pure gold equals \$70.186 CAD today. Therefore, nisaab = 85 x \$70.186 = \$ 5,965.81 CAD. If this value (or more) is owned for a complete lunar year, the person must pay zakat from it. If during the year the money decreases than this value, then zakat is not wajib anymore. If the money increases and reaches this value again, then a new lunar year should start from that moment, and so on.

<sup>86</sup> Some scholars said that it is also permissible to calculate the nisaab for money based on the nisaab of silver, however, this is not the strongest view. If someone follows the opinion of calculation the nisaab based on the nisaab of silver, then this example can be followed: 1 gram of silver today equals \$1.01 CAD. Therefore, nisaab = 595 x \$1.01 = \$600 CAD. In this case, if a person owns only \$600 for a complete year, he should pay zakat for this wealth.

<sup>87</sup> For example, if someone have \$10,000 CAD (which is more than nisaab) for a complete lunar year (hawl), then \$250 CAD should be paid as zakat.





If a person has any of these animals in his farm, he must learn if zakat is wajib on him for this type of wealth or not. To know that, the following conditions shall be considered, and if they are all met, then zakat should be paid from this type of wealth.

The conditions for the zakat of livestock are:

- 1- The ownership of the nisaab (or more)
- 2- This ownership should be maintained for a hawl
- 3- The cattle must be grazing in an open field<sup>88</sup>
- 4- The cattle should not be used for work<sup>89</sup>

The nisaab for the livestock is 5 for camels, 30 for cows, and 40 for sheep.<sup>90</sup>

### 2.6.1 Amount of zakat for livestock

The following tables show the amount of zakat that should be given for each of the cattle according to the number of cattle owned for a lunar year.

Amount of zakat for cows:

Number	Zakat
30-39	1-yr old cow (called: <i>Tabee'</i> or <i>Tabee'a</i> )
40-59	2-yr old cow (called: <i>Musinnah</i> )
60	2 (1-yr old cow)
More?	For every 30, 1-yr old cow; and for every 40 a 2-yr old cow.

<sup>88</sup> This means that the owner of the cattle does not spend on their food. Instead, they always eat from a naturally grown grass and vegetation. If he buys their food supplies more than couple of days throughout the year, zakat will not be wajib on him for these cattle.

<sup>89</sup> Works such as irrigation, harvesting, carrying goods, riding them ... etc.

<sup>90</sup> This means if someone owns 4 camels or 29 cows, or 39 sheep for a lunar year, zakat is not a wajib on him because nisaab is not owned yet.



Amount of zakat for sheep:

Number	Zakat
40-120	1-yr old sheep (or 2-yr old goats)
121-200	2 (1-yr old) sheep
201-399	3 (1-yr old) sheep
400	4 (1-yr old) sheep
More?	For every 100, a 1-yr old sheep

Amount of zakat for camels:

Number	Zakat
5-9	1 sheep (1-yr old; or a 2-yr old goat)
10-14	2 sheep
15-19	3 sheep
20-24	4 sheep
25-35	1-yr old camel (called: <i>Bint makhaad</i> )
36-45	2-yr old camel (called: <i>Bint laboun</i> )
46-60	3-yr old camel (called: <i>Hiqqah</i> )
61-75	4-yr old camel (called: <i>Jidh'ah</i> )
76-90	2 (2-yr old) camels
91-120	2 (3-yr old) camels
121-129	3 (2-yr old) camels
130	2 (2-yr old) + 1 (1-yr old) camels
More?	For every 40, 2-yr old camel; and for every 50 a 3-yr old camel.





Note: the 1-yr old sheep is called: *Jidh'at da'n*; and the 2-yr old goat is called *Thaniyyat ma'z*. These Arabic names are used in the books of fiqh, so one should be aware of them.

### 2.6.2 Zakat calculation examples

1) For 70 cows owned for a lunar year:

$70=30+40$ ; so, 1 (1-yr old) and 1 (2-yr old) cows

2) For 100 cows owned for a lunar year:

$100=30+30+40$ ; so, 2 (1-yr old) and 1 (2-yr old) cows

3) For 500 sheep owned for a lunar year:

Zakat should be 5 sheep

4) For 140 camels owned for a lunar year:

$140=50+50+40$ ; so, 2 (3-yr old) and 1 (2-yr old) camels

5) For 150 camels owned for a lunar year:

$150=3 \times 50$ ; so, 3 (3-yr old) camels

6) For 160 camels owned for a lunar year:

$160=4 \times 40$ ; so, 4 (2-yr old) camels

And so on.

### **2.7 Zakat of Grains and Fruits**

This type of zakat includes all grains that are consumed and also can be stored, such as wheat, barely, corn, rice ...etc. With respect to fruits, we have mainly two kinds that are consumed and can be stored: dates (which should be in the form of dried dates, known as *tamr*) and grapes (which should be in the form of raisins).





This type of zakat does not require hawl as a condition of wujub. This means if the nisaab is owned, zakat should be given from it immediately. The wujub time for this type of zakat is when the grains grow hard and the fruits ripen, they should be harvested, and fruits should be dried, then zakat should be given.

The nisaab for this type of zakat is around 825 Kg.<sup>91</sup> The amount that should be given in zakat depends on the irrigation type of the land. For a natural irrigation<sup>92</sup>, 10% should be given in zakat; but for an aided irrigation<sup>93</sup>, only 5% is the wajib amount. If the land is irrigated with a mix of the two types (the natural and the aided), in this case 7.5% is the wajib amount.<sup>94</sup>

## 2.8 Zakat of Minerals

Zakat is also wajib on minerals that are extracted from mines. In the Shafi'e madhhab, this zakat is only for two minerals, gold and silver. The nisaab for this zakat is the same nisaab of gold and silver; and the amount of this zakat is also 2.5%. The main difference between this type of zakat and the zakat of gold and silver is that in this type, gold and silver are extracted from earth, and hawl is not a condition for this zakat, which means zakat should be paid immediately after extracting these minerals.

<sup>91</sup> According to shari'ah, nisaab for zakat of grains and fruits is 5 *wasqs*, and 1 *wasq* = 60 *sa'*, and 1 *sa'* is approximately 2,750 gm. Accordingly, 5 *wasqs* = 300 *sa'* = 825 Kg approximately. Please be reminded that these measures are originally volume measures, not weight measures, so you may find different weights or Kgs in different books of fiqh and for different types of grains and fruits.

<sup>92</sup> Such as irrigation by rains, flowing of water from the tip of mountains to a valley, or from a flowing river, and the likes. In this type, the owner of the land exerts no effort in taking care of the land irrigation.

<sup>93</sup> This includes any form of irrigation that cannot be considered natural, such as using machines, animals, labour work...etc.

<sup>94</sup> For example, for 1000 Kg of dates, zakat will be 100 Kg (for a naturally irrigated land), and 50 Kg (for a land that is irrigated by efforts), and 75 Kg (for a land that sometimes irrigated naturally and sometimes irrigated with efforts).





## 2.9 Zakat of Rikaaz

Rikaaz is a buried wealth of the disbelievers from the pre-Islamic period of ignorance. The following are the conditions of wujub for this type of wealth according to the Shafi'e madhhab:

- 1- The found wealth reached or exceeded the nisaab
- 2- The wealth is made of gold or silver
- 3- The wealth must belong to the era of the pre-Islamic period of ignorance<sup>95</sup>
- 4- The wealth must be found in a land under one's possession or in *ard-mawaat*.<sup>96</sup>

Hawl is not a condition in this type of zakat as well. Therefore, zakat should be paid immediately after this wealth is found. The nisaab for rikaaz is the same nisaab for gold and silver, which is 85 grams of pure gold and 595 grams of pure silver, respectively. The zakat amount for this wealth is 20%, which is the highest percentage in all types of wealth.

## 2.10 Zakat of Trade Goods

The last type of zakat is the zakat on the wealth that is in the form of goods and commodities. These goods and commodities should be allocated for trading purposes and with the aim of making profit, because in this case, trade goods are growing money, which makes it among the types of wealth that zakat is wajib on. If someone owns some goods for personal use, this excludes these goods from zakat calculations.

<sup>95</sup> This can be known by any signs on the found pieces. The signs could be a name of king, a name of a city, or a date. If this treasure belongs to the Islamic period, it has different rulings in the Islamic shari'ah.

<sup>96</sup> *Ard-mawaat* is any land located away from habitation whose owners are not traceable, or the lands which were never occupied by anybody.







Zakat of tradeable commodities has the following conditions of wujub:

- 1- The wealth should be in the form of goods, not cash.<sup>97</sup>
- 2- Intention of doing trade, not for personal use or for savings.<sup>98</sup>
- 3- Intention is on time of possession, and hawl starts therein.<sup>99</sup>
- 4- Possession is by money exchange, not as a gift or inheritance.
- 5- The monetary value of the trade does not decrease than nisaab during the hawl.

The nisaab is the monetary value that equals the nisaab of gold (85 grams of pure gold), and the zakat amount is 2.5%.

Zakat of the trade goods should be calculated as follows if the monetary value of the goods reached nisaab and did not decrease than nisaab for a hawl:

1. The monetary value of goods should be their values at the completion of hawl (not the purchase value).
2. All goods should be included, whether in store(s) or housing(s).
3. All profit gained from this trade should be added.
4. Then, 2.5% of this total value is to be paid for zakat in the form of cash (not goods).

## 2.11 Recipients of Zakat

Allah SWT stated the recipients of zakat in one verse in surat-ul-Tawbah.

Allah said: **“Alms-tax is only for the poor and the needy, for those**

<sup>97</sup> If the wealth is cash, then zakat will be paid according to the rules mentioned in the zakat of money.

<sup>98</sup> The intention should not change during the hawl from using the goods in trade to having them for personal usage.

<sup>99</sup> Hawl starts for this type of wealth once one buys the products for the intention of trade. If he bought them for other purposes, and afterwards he decided to use these goods in a trade, then hawl will only start at that time, not the time of purchase or the time of possession.



employed to administer it, for those whose hearts are attracted to the faith, for freeing slaves, for those in debt, for Allah's cause, and for needy travellers. This is an obligation from Allah. And Allah is All-Knowing, All-Wise." [9:60].

According to the verse, the eight categories that are the only eligible recipients of zakat are:

- 1- The poor
- 2- The needy<sup>100</sup>
- 3- The administrators<sup>101</sup>
- 4- Those whose hearts are attracted to faith<sup>102</sup>
- 5- Freeing slaves<sup>103</sup>
- 6- Indebted<sup>104</sup>
- 7- Jihaad<sup>105</sup>

<sup>100</sup> The difference between the poor and the needy is that the poor has less than what he needs, while the needy has more than half of what he needs but what he gets does not fulfill his needs (e.g., if someone needs \$1000 per month for food, housing, and clothing, he gets only \$500 or less, this person is defined as a poor person; if he gets more than half, such as \$700 or \$800, then he is defined as a needy person). These definitions based on the Shafi'e madhhab. Other madhhabs have different definitions, and in some schools the needy has less than the poor, which is opposite of what the Shafi'es said.

<sup>101</sup> The administrators are those who are appointed to collect the zakat, distribute it, or record and report its details, in particular, if this is their full-time job.

<sup>102</sup> This group includes those who embraced Islam, but they have a weak faith; and those who are not Muslims yet but they are attracted to Islam so they may embrace Islam and hence their followers or fellows also embrace Islam.

<sup>103</sup> Liberation of slaves who had an agreement with their masters to free them for a certain amount of money. Zakat can be paid to these masters to help those Muslim slaves to be free. This type of slavery does not exist anymore. Also ransoming of the prisoners of war held by the enemy may be included under this type.

<sup>104</sup> If the debt he had was not for a sin; or if it was for a sin but that person repented to Allah; zakat can be paid to him to pay his debt if he is unable to.

<sup>105</sup> Any needs relating to the defense and protection of faith and supremacy of the word of Allah SWT. If the soldiers have a regular salary from the government, then they are not eligible for zakat. It is mainly for those who volunteer to fight for the sake of Allah and do not have any regular salary for joining the army, and they left their jobs to join that army. Those are the eligible people for this zakat.



## 8- Needy travelers<sup>106</sup>

There are three groups excluded from these eight categories:

- 1- The family of the prophet ﷺ<sup>107</sup>
- 2- People that one sustains<sup>108</sup>
- 3- Disbelievers<sup>109</sup>

## 2.12 Giving Zakat

Giving zakat is wajib and should be given immediately once all conditions are met. The payer of the zakat can be one of the following:

- 1- The owner of the wealth
- 2- A deputy that the owner assigns to pay the zakat for him
- 3- A custodian in the case of giving zakat from the wealth of a youngster or an insane person.

The place where zakat should be given is based on the main type of zakat:

- 1- Zakat-ul-fitr: should be given in the place of residence<sup>110</sup>
- 2- Zakat-ul-maal: should be given in the place of wealth<sup>111</sup>

<sup>106</sup> If a traveler lost his money, even if he is rich in his country or city, zakat can be given to him to help him to return to his country.

<sup>107</sup> If one belongs to the family of the prophet ﷺ he should not take money from zakat, and if the giver of the zakat is aware that a person belongs to the prophet's family, he should not give him. However, this rule is disputed over in the contemporary time because the family of the prophet were prohibited from the zakat but instead Allah legislated for them other shares. Given that those shares are not distributed to the family of the prophet ﷺ anymore, many scholars said they should be given then from zakat in this case.

<sup>108</sup> It is not allowed to give zakat to a spouse or children that one sustains, even if they are poor, because it is wajib to spend on them anyways.

<sup>109</sup> Zakat must be given to believers only. One can still help the disbelievers by other voluntary Sadaqat if he makes sure that he is not supporting him with things that harm him, support his disbelief, or use them against Muslims.

<sup>110</sup> This means if someone from Turkey but lives in Canada, zakat-ul-fitr should be distributed in Canada.

<sup>111</sup> This means if someone lives in Canada but runs a business or have a wealth in Morocco, the zakat for this money should be given to any of the eight kinds in Morocco, not Canada.





The Shafi'e madhhab states that the eight groups should be included in zakat, which means if someone only gives to the poor and ignore the other seven groups, that is not sufficient. However, the contemporary scholars and the other madhhabs said giving to any of the eight groups is sufficient. It is agreed upon that zakat should not be given to other than these eight groups.

### 2.13 Voluntary Sadaqah

Giving a voluntary sadaqah is recommended for those who are already paying zakat or the others who did not meet yet the conditions of wujub of the zakat. The voluntary sadaqah is better to be in secret rather than in public. Also, spending on relatives<sup>112</sup> and neighbours is better than spending on others. It is more rewarding to spend from the beloved portions of wealth<sup>113</sup>, and also more rewarding to give the sadaqah in the blessed places, days and times,<sup>114</sup> and during the times of difficulty and public need<sup>115</sup>.

<sup>112</sup> Relatives here excluding the members of the family that one is obliged to sustain and take care of them, such as wife and young children.

<sup>113</sup> This means that when one gives sadaqah, he should choose from the good things that he owns, and from what he loves among them. This is more rewarding than giving things that one does not want to have, and which he gives so he gets rid of them.

<sup>114</sup> The blessed places are like Makkah, Madinah, and Quds. The blessed times are like Ramadan and the sacred months. The blessed days are like Jummah and the first ten days of Dhul-Hijjah.

<sup>115</sup> During the times of difficulty, such as the times of epidemics, financial crises, war, or starvation ...etc. During those times, people tend to be selfish and save their wealth. However, Islam teaches us and encourages us to help others more in the times of difficulties than the times of ease.



# **FIQH**

## **CURRICULUM**

### **Chapter 3**

# **The Book of Pilgrimage**

أحكام الحج والعمرة  
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## Chapter 3: The Book of Pilgrimage (Hajj)

### 3.1 Introduction

Hajj lexically means to intend, and technically means to intend to do the sacred rituals at the Sacred House of Allah, in a specific time and place, and with a specific intention. Umrah linguistically means to visit, but in juristic terms it means to visit the Sacred House of Allah to do the rituals.

Hajj according to majority of the scholars was prescribed in the 6<sup>th</sup> year AH. Some scholars mentioned that it was legislated in the 9<sup>th</sup> AH, but this is a weak opinion. The prophet (ﷺ) performed hajj once in the 10<sup>th</sup> AH, which is known by 'Hajjat-ul-Wada', or the Farewell pilgrimage. It is called so, because the prophet (ﷺ) gave his farewell speech to people in it, and shortly after, the prophet (ﷺ) left our world. However, the prophet (ﷺ) performed umrah four times, in the 6<sup>th</sup> AH (which is known by 'Umrat-ul-Hudaybiyah'), and in which he was blocked and not allowed to enter Makkah; in the 7<sup>th</sup> AH (known by 'Umrat-ul-Qada'); in the 8<sup>th</sup> AH (known by 'Umrat-ul-Ji'irranah'); and in the 10<sup>th</sup> (which was included in his hajj).

The ruling of hajj and umrah is wujub if the conditions of wujub are fulfilled. This obligation is supported by Quran, Sunnah, and Ijma' (consensus) of the scholars. The following two Qur'anic verses are evidence for this obligation:

**“Pilgrimage to this House is an obligation by Allah upon whoever is able among the people.”** [3:97], and

**“And complete the ḥajj and ‘umrah for Allah.”** [2:196]

Scholars mentioned many virtues for hajj, some of these virtues are mentioned in the hadiths. For example, 1- hajj is an expiation for all sins and removes poverty. Ibn 'Abbas (may Allah be pleased with them) said: The





Messenger of Allah (ﷺ) said: **“Perform Hajj and 'Umrah consecutively; for they remove poverty and sin as the bellows removes impurity from iron.”**<sup>116</sup>. 2- Its reward is paradise. Abu Hurairah (May Allah be pleased with him) reported: The Messenger of Allah (ﷺ) said, **“(The performance of 'Umrah is an expiation for the sins committed between it and the previous 'Umrah; and the reward of Hajj Mabrur<sup>117</sup> (i.e., one accepted) is nothing but Jannah.”** [Al-Bukhari and Muslim]. 3- The acceptance of dua' and forgiveness. It was narrated from Abu Hurairah that the Messenger of Allah (ﷺ) said: **“The pilgrims performing Hajj and 'Umrah are a delegation to Allah. If they call upon Him, He will answer them; and if they ask for His forgiveness, He will forgive them.”**<sup>118</sup>.

In addition to the aforementioned virtues, hajj has other unique characteristics when compared to other pillars of Islam. An entire chapter<sup>119</sup> in Qur'an is named after this great worship act. Many details of this obligation are mentioned in the Qur'an, as compared to Salah and Zakat. This worship is the only pillar in Islam that requires all Muslims performing it to be together in certain places at certain times. It also requires certain type of clothing, and during it, many lawful things become unlawful (as compared to other pillars like Salah or Sawm). This pillar is the longest in terms of the time it requires, and the most difficult as well. Also, its obligation is fulfilled if it is performed

<sup>116</sup> Sunan Ibn Majah, Chapter on Hajj Rituals, 2887; Grade: Sahih (authentic); Sunan an-Nasa'i, The Book of Hajj, 2630; Grade: Hasan (good/fair); Jami' at-Tirmidhi, 810; Grade: Hasan; and in Musnad Ahmad, Musnad 'Umar ibn Al-Khattab (RA), 167; Grade: Sahih Lighairihi.

<sup>117</sup> The Mabrur hajj is defined by scholars as the accepted one; and some scholars added: it is the hajj in which a pilgrim did not commit any sin or made any violation since the beginning of ihram and until the ihram ends (also known as: tahallul). Some other scholars said: it is the hajj in which a pilgrim observe all pillars, wajib acts, and all sunan since ihram and until the end of hajj (i.e., until tahallul).

<sup>118</sup> Sunan Ibn Majah, Chapter on Hajj Rituals, 2892; Grade: Hasan.

<sup>119</sup> Surat Al-Hajj, or Chapter 22 in the Holy Qur'an.



once in a lifetime. This pillar is considered the biggest gathering for Muslims in the world, and one can confidently say it is the biggest gathering of mankind in our world today with over than 2 million people spending few days together in certain places. This gathering reminds us with the gathering after resurrection, in particular, because of the simple white clothes that men pilgrims wear which resembles the shroud. This could be a reason for why Surat-ul-Hajj starts with verses about the signs of the Hour. Hajj is also a worship act that was practiced before Islam, then Islam approved the right rituals in it and replaced the altered rituals<sup>120</sup> with the correct ones.

### 3.2 Conditions of Wujub of Hajj and Umrah

The conditions of wujub for Hajj and Umrah are five:

- 1- Islam<sup>121</sup>
- 2- Sanity<sup>122</sup>
- 3- Puberty<sup>123</sup>
- 4- Freedom<sup>124</sup>

<sup>120</sup> Some rituals of hajj were altered by the pagans such as pagans did not walk between Safa and Marwa hills and did not gather at the plain of Arafat. Some pilgrims would make tawaf naked and some would maintain silence during hajj. They also would not eat from the sacrifice, and they changed the months and days, so some of them would perform hajj in Dhul-Qi'dah! All of these are just some examples of how the pagans shifted from the pure hajj rituals.

<sup>121</sup> This excludes a disbeliever, so hajj is not a wajib on him by default, but he is requested to be a Muslim first, then the wujub of hajj and umrah will take place afterwards if the other conditions of wujub are met.

<sup>122</sup> This excludes an insane person or a person who lost his consciousness

<sup>123</sup> This excludes youngsters; however, this is a condition of wujub, not a condition of validity. Therefore, if a youngster performs hajj and/or umrah with his parent/guardian, his hajj is valid, and he and his parent/guardian are rewarded for doing it. Furthermore, this hajj is not sufficient for that person to fulfill the wujub of hajjatul-Islam (the obligatory hajj for a Muslim, which is once in a lifetime once all conditions of wujub are fulfilled). He is still asked to fulfill the wujub of hajj, if he meets the conditions of wujub, after puberty.

<sup>124</sup> This condition excludes slaves and prisoners.



## 5- Ability<sup>125</sup>

### 3.3 Study Map for Hajj

To make it easy for the reader to navigate through the following sections, this section is added to list the main topics that the jurists address in the book of hajj in the books of jurisprudence. These topics are four:

- 1- Pillars<sup>126</sup>
- 2- Wajib acts
- 3- Sunan
- 4- Forbidden acts

Therefore, rituals or acts of hajj are of one of three types: pillars, wajib acts, or sunan acts. While the forbidden acts are the ones that should be avoided during hajj or umrah and during the state of ihram.

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<sup>125</sup> Ability is the condition mentioned explicitly in the verse of wujub of hajj in the Qur'an (3:97). This ability is of two types: financial ability and physical ability. Financial ability includes having the expenditures for performing hajj such as visa costs, roundtrip airfare tickets, lodging and boarding costs during hajj, in addition to all expenditures for one's family that he leaves behind during the entire period of hajj. Physical ability includes one's ability to walk and see, or have an assistant to help him in doing the rituals, the ability to ride the transportation means to reach the sacred places, the safety of the road or the way to hajj, and having enough time to reach the hajj sites. For women, physical ability includes the presence of a Mahram or the company of trustworthy women. If someone is not able to perform hajj, but he decided and planned to still perform hajj, his hajj will be valid, because ability is a condition of wujub, not a condition of validity. Scholars also ability can be a personal ability, or an ability by someone else. A personal ability means one can go, himself, to hajj, but needs assistance. For example, if someone is blind, but has enough money to hire an assistant to help him doing the rituals, he should hire him. An example of the ability by someone else is if someone unable to perform hajj, he may have a deputy, and he may give him money, to perform hajj on his behalf, or to give a permission to someone who is willing to perform hajj for him, even if it is completely voluntary.

<sup>126</sup> Pillars (or arkaan in Arabic) are generally addressed as the Wajib or Fard acts in the Shafi'e madhhab. However, in the book of hajj, Shafi'es distinguish between the Pillar and the Wajib. The difference is the pillar is what makes hajj valid, and if any of them missed hajj becomes null, such as staying in Arafah. However, wajib acts are required but if any of them is missed without an excuse, hajj would still be valid, but pilgrim would be sinful and must offer a sacrifice as will be explained at the end of this chapter. Sunan are additional acts that if performed, the pilgrim will be rewarded, and if not performed, he would not be sinful. Thus, sunan are related to the perfection of hajj and receiving extra reward.





### 3.4 Pillars of Hajj and Umrah

The most important acts during hajj and umrah are the pillars. Hajj or umrah is to be considered invalid and null if any of the pillars is not fulfilled. In this section, pillars of hajj and umrah will be explained.

#### 3.4.1 Pillars of hajj

The pillars of hajj are six:

- 1- Ihram (the intention)<sup>127</sup>
- 2- Staying in Arafah
- 3- Tawaf<sup>128</sup> al-Ifadah
- 4- Sa'ee<sup>129</sup> between Safa and Marwa
- 5- Shaving or shortening the head's hair
- 6- The order in most<sup>130</sup> of the pillar.

#### 3.4.2 Pillars of umrah

The pillars of umrah are five:

- 1- Ihram (intention)
- 2- Tawaf
- 3- Sa'ee
- 4- Shaving or shortening
- 5- The order in all of them.

<sup>127</sup> Ihram here means the intention, not wearing the Ihram clothes or starting Talbiya or any other acts related to Ihram. The pillar is the intention of Ihram.

<sup>128</sup> Tawaf is the circumambulation around the Ka'bah.

<sup>129</sup> Sa'ee literally means to try or to run, but technically is to walk between the hills of Safa and Marwa.

<sup>130</sup> The order (i.e., tarteef) is between most of the pillars, not all of them. Ihram must precede all the pillars; and staying in Arafah must precede Tawaf al-Ifadah and Shaving and shortening. Sa'ee could be made after Tawaf al-Ifadah and could be made after Tawaf al-Qudum (the arrival Tawaf). In case of doing Sa'ee after Tawaf al-Qudum, Sa'ee will precede staying in Arafah and Tawaf al-Ifadah, and that's permissible in hajj without any expiation required.







The difference between the pillars of hajj and umrah is that in umrah there is no staying in Arafah and the order of all the pillars must be observed and followed.

### 3.4.3 Ihram modes

Ihram is the intention to start the rituals of hajj and/or umrah. In case of hajj, one may choose to have one of the following three intentions to start the rituals:

- 1- Iffrad: literally means singling something out, and technically means performing hajj only.<sup>131</sup> The pilgrim performing this hajj is called “mufrid”.
- 2- Tamattu’: literally means entertaining or enjoying<sup>132</sup> something, and technically means starting with ihram for umrah, then doing tahallul, then making ihram again for hajj. This type of pilgrimage requires that the pilgrim offers or slaughter a sacrificial animal (known as hadi). The pilgrim performing this hajj is called “mutamatti”.
- 3- Qiraan: literally means combining two things together. Technically, it means combining the intentions of hajj and umrah; or making intention for umrah then merging hajj with it before he starts tawaf. The pilgrim in this type must offer hadi as well.<sup>133</sup> The pilgrim performing this hajj is called “qaarin”<sup>134</sup>.

<sup>131</sup> According to the Shafi’e madhhab, Iffrad means to perform hajj first, then do Tahallul (i.e., ending ihram) then performing umrah in the same year.

<sup>132</sup> Even though the word enjoying sounds out of context here in hajj, however, it refers to the break of ihram between hajj and umrah. It also refers to privilege of performing the rituals of hajj and umrah in one journey.

<sup>133</sup> Pilgrims performing Qiraan or Tamattu’ must slaughter a sacrificial animal, also known as hadi, as a token of gratitude for the concessions granted to them by Allah. No hadi is required for a pilgrim in Iffrad mode.

<sup>134</sup> According to the authentic reports, the prophet (ﷺ) performed his hajj in this ihram mode.





In simple words, Ifrad means ihram for hajj only in one journey, Tamattu' means performing hajj and umrah in the same journey but with two ihrams, and Qiraan means performing hajj and umrah combined with one ihram and in one journey.

If the intention is for hajj<sup>135</sup>, a pilgrim should have the intention in his heart and say quietly: Nawaytu al-hajj wa ahramtu bihi lillahi ta'ala, labbayka allahumma bi hajjah.<sup>136</sup>

If the intention is for umrah<sup>137</sup>, a pilgrim should have the intention in his heart and say quietly: Nawaytu al-umrah wa ahramtu biha lillahi ta'ala, labbayka allahumma bi umrah.<sup>138</sup>

If the intention is for both of them combined<sup>139</sup>, a pilgrim should have the intention in his heart and say quietly: Nawaytu al-hajj wal umrata wa ahramtu bihima lillahi ta'ala, labbayka allahumma bi hajjatin wa umrah.<sup>140</sup>

Scholars also said that a pilgrim may start the rituals with the intention of Italq (i.e., making unrestricted intention, then decide later the intention for hajj or umrah), or ta'leeq (i.e., suspending the intention and relating it to someone else's intention<sup>141</sup>).

<sup>135</sup> In case of Ifrad, or phase two in Tamattu'.

<sup>136</sup> Translation: I make the intention of performing hajj, and I enter the state of ihram for it for the sake of Allah (SWT). Here I am at Your service, O Allah, for hajj.

<sup>137</sup> In case of performing umrah only, or in phase one of Tamattu'.

<sup>138</sup> Translation: I make the intention of performing umrah, and I enter the state of ihram for it for the sake of Allah (SWT). Here I am at Your service, O Allah, for umrah.

<sup>139</sup> In case of Qiraan.

<sup>140</sup> Translation: I make the intention of performing hajj and umrah, and I enter the state of ihram for both of them for the sake of Allah (SWT). Here I am at Your service, O Allah, for hajj and umrah.

<sup>141</sup> For example, one says my ihram is as Zaid's ihram, and therefore, if Zaid's ihram is for hajj, that person's ihram will be for hajj too, if Zaid's ihram is for umrah, that person's ihram will be also for umrah.





### 3.4.4 Staying in Arafah

Staying in Arafah is the greatest and most important pillar for hajj. If someone misses it, he misses hajj. The prophet (ﷺ) said: **“Hajj is Arafah”**.<sup>142</sup> The period for staying in Arafah starts from the Zawal time (i.e., the Dhuhr prayer time) on the 9<sup>th</sup> of Dhul-Hijjah and until the dawn of the 10<sup>th</sup> day. This pillar is fulfilled by staying in Arafah for at least a moment, whether a pilgrim is riding or walking, or even sleeping. It is recommended for a pilgrim to be busy with Zikr during this pillar.

### 3.4.5 Tawaf and its conditions

The pillar is called Tawaf al-Ifadah<sup>143</sup>. Allah (SWT) said: **“Then let them end their untidiness and fulfill their vows and perform ṭawāf around the ancient House.”** [22:29]. Any Tawaf, whether in hajj or umrah, and whether this tawaf is a pillar, wajib, or sunnah, it requires ten conditions to be fulfilled so the tawaf becomes valid. These conditions are:

- 1- Covering ‘awrah
- 2- Purity from the minor and major hadaths
- 3- Purity of body, clothing, and place
- 4- To have Ka’bah at one’s left side
- 5- To start each circle from the black stone
- 6- To align one’s body to the black stone

<sup>142</sup> Sunan Ibn Majah, Chapter on Hajj Rituals, 3015; Grade: Sahih (authentic); Sunan an-Nasa’i, The Book of Hajj, 3016; Grade: Sahih; and Jami’ at-Tirmidhi, The Book on Hajj, 889; Grade: Sahih.

<sup>143</sup> Tawaf al-Ifadah is also called Tawaf al-Rukn or Tawaf al-Fard, and Rukn means a pillar. It is called so because this tawaf is the only tawaf that is a pillar, or because it is one of the pillars of hajj. It is also called Tawaf al-Ziyarah, and Ziyarah means a visit. It is called so because a pilgrim goes to Makkah to perform this tawaf and returns to Mena and does not reside in Makkah.





- 7- Completion of seven rounds<sup>144</sup>
- 8- To be inside the masjid
- 9- To be outside the Ka'bah<sup>145</sup>
- 10-The intention to be only for tawaf

#### 3.4.6 Sa'ee and its conditions

Allah (SWT) said: **“Indeed, ‘the hills of’ aṣ-Ṣafā and al-Marwah are among the symbols of Allah. So whoever makes ḥajj [pilgrimage] to the House or performs ‘umrah - there is no blame upon him for walking between them. And whoever volunteers good - then indeed, Allah is Appreciative and Knowing.”** [2:158]. Sa'ee has four conditions of validity:

- 1- To be preceded by Tawaf
- 2- The completion of seven strokes<sup>146</sup>
- 3- Starting the first and odd strokes from Safa
- 4- Starting the even strokes from Marwa; and ending the Sa'ee at Marwa.

#### 3.4.7 Shaving or shortening

Shaving the head's hair completely is better than shortening it. Allah (SWT) started with those who shave and mention the others who shorten after. Allah (SWT) said:

<sup>144</sup> If a pilgrim is not certain, he should consider the minimum number that he is certain about, and then finish the seven complete rounds. If these doubts arose after ending tawaf, there is no harm and nothing shall be performed.

<sup>145</sup> Tawaf must be made outside of Ka'bah, and this means it should be made outside of al-hijr and al-shadherwan too because they are parts of the Ka'bah. Al-hijr (known by hijr Isma'il, or al-hateem) is a semi-circle wall built on the North side of Ka'bah) and al-shadherwan is a small, inclined surface at the bottom of the Ka'bah, and in which the clothing of Ka'bah (i.e., Al-Kiswah) is fixed in.

<sup>146</sup> A complete stroke is from Safa to Marwa or the vice-versa. Therefore, a pilgrim will start from Safa and will return to it three times only in his sa'ee, not six times.





**“Allah willing, you will surely enter the Sacred Mosque, in security—some with heads shaved and others with hair shortened—without fear.”** [48:27] Also, the prophet (ﷺ) **invoked blessing on the occasion of the Farewell Pilgrimage three times for those who got their heads shaved and once for those who got their hair clipped.** [Sahih Muslim]. The minimum to take is three hairs, whether to pluck, shave, trim, or to burn them. If pilgrim prefers to shorten, it is recommended to shorten all head’s hair.

### 3.5 Wajib Acts of Hajj

The following are the wajib acts of hajj:

1. Ihram from Miqaat<sup>147</sup>
2. Staying overnight at Muzdalifah<sup>148</sup>
3. Stoning the pillar of Jamrat-ul-‘Aqabah<sup>149</sup>
4. Stoning the three pillars<sup>150</sup> in the Days of Tashreeq<sup>151</sup>
5. Sleeping over in Mena in the nights of the Days of Tashreeq<sup>152</sup>
6. Farewell Tawaf (or: Tawaf al-wada’)

<sup>147</sup> Miqaat is the designated places from which ihram should be made. These places are mentioned in the hadith of the prophet (ﷺ). They will be mentioned in the next subsection. If a person intends to perform hajj or umrah and passed the miqaat without Ihram, he must return to it and do ihram from miqaat, otherwise, he must offer an animal sacrifice (Damm) as expiation.

<sup>148</sup> This takes place after midnight to the dawn of the 10<sup>th</sup> day of Dhul-Hijjah. The wajib amount is to stay in Muzdalifah during this period at least for a moment after midnight.

<sup>149</sup> Stoning this pillar happens during the 10<sup>th</sup> days of Dhul-Hijjah. The period for stoning this pillar starts by the midnight of the 10<sup>th</sup> day and ends by the sunset of the 13<sup>th</sup> of Dhul-Hijjah.

<sup>150</sup> The three pillars are the pillar that is towards masjid-ul-Kheef, the middle pillar, and the pillar of al-‘Aqabah, which is towards Makkah.

<sup>151</sup> The period starts by the Dhuh time of the Day of Tashreeq and ends by the sunset of the 13<sup>th</sup> of Dhul-Hijjah. Every day of the Days of Tashreeq the three pillars should be stoned by 7 pebbles for each.

<sup>152</sup> Sleeping over in the nights, i.e., the time between Maghrib and Dawn, in the nights of the Days of Tashreeq. The wajib is to be in Mena more than half of the night, e.g., if the night is 12 hours, pilgrim should be in Mena for more than 6 hours.







### 3.5.1 Miqaat

Temporal miqaat (i.e., miqaat zamani) for hajj is the 10<sup>th</sup>, 11<sup>th</sup>, and the first ten nights of the 12<sup>th</sup> month in the Islamic calendar (i.e., months of Shawwal, Dhul Qi'dah, and the first ten days/nights of Dhul Hijjah). The temporal miqaat for umrah is all year.

Locative miqaat (i.e., miqaat makani) for hajj and umrah can be summarized as follows:

Traveling from or across	Miqaat	Distance to Makkah
Medina	Dhul-Hulayfah <sup>153</sup>	450 Km
Najd	Qarn Al-Manazel <sup>154</sup>	75 Km
Shaam, Egypt, and the West	Juhfah <sup>155</sup>	183 Km
Yemen	Yalamlam <sup>156</sup>	92 Km
Iraq	Dhat 'Irq <sup>157</sup>	94 Km

Miqaat for the people of Makkah, or within 82 Km from it, is from home for hajj, and from the closest unsacred place for umrah.

<sup>153</sup> Also known as Abyar Ali, around 18 Km southwest of al-Masjid an-Nabawy. This is the best miqaat because the prophet (ﷺ) performed Ihram from it. This is the miqaat for anyone going to Makkah from Medina, regardless of his main country of residence.

<sup>154</sup> Also called: As-Sayl Al-Kabeer. This miqaat is also for people coming from UAE, Oman, Pakistan, Singapore, Malaysia, and Australia.

<sup>155</sup> Also known as: Rabigh. This miqaat is also for people coming from North America, Europe, Turkey, Syria, Jordan, Palestine, Lebanon, Egypt, Libya, Sudan, Tunisia, Algeria, Mauritania, and African countries.

<sup>156</sup> Also called: As-Sa'diyyah. This miqaat is also for people coming from South Africa, Nigeria, or any country when crossing this miqaat.

<sup>157</sup> This is the miqaat for people coming from Iraq, Iran, China, Russia, and Central Asia.





### 3.5.2 Boundaries of haram

The sacred land of haram is larger than the size of the sacred mosque of Makkah (Al-Masjid-ul-Haraam). Haram is the sacred boundary of Makkah within which certain acts are forbidden while being lawful elsewhere. The closest unsacred place (i.e., adna al-hill<sup>158</sup>) is Tan'eem. The list of the boundaries of haram is as below.

Limits of the haram	Distance to haram
Tan'eem (Masjid Aisha)	8 Km
Wadi Nakhlah	11 Km
Hudaibiyah (Masjid Alhudaibiyah)	16 Km
Adhah Laban	11 Km
Arafah	11 Km
Ji'irranah (Masjid Ji'irranah)	14 Km

### 3.5.3 Days of hajj

At this point, the reader should be familiar with the names of the days of hajj. These names are used frequently in the chapter of hajj.

Days of Dhul-Hijjah	Day Name
8 <sup>th</sup>	Tarwiyah
9 <sup>th</sup>	Arafah
10 <sup>th</sup>	Nahr
11 <sup>th</sup> , 12 <sup>th</sup> , and 13 <sup>th</sup>	Three Days of Tashreeq

<sup>158</sup> Al-hill is the region between the boundaries of miqaats (or mawaqit) and boundaries of haram.





### 3.6 Sunan Acts of Hajj

Sunan of hajj and umrah are too many. For the sake of brevity, the main sunan will be mentioned in this section. The sunan are listed in groups relating to pillars or wajib acts of hajj.

#### 3.6.1 Sunan of ihram

The following are the main sunan of ihram:

- 1- Ihram from the beginning<sup>159</sup> of the miqaat
- 2- Cutting nails, removing the armpit and pubic hair
- 3- Taking shower and applying fragrance
- 4- Wearing a white and clean two garments (Izaar and Ridaa')<sup>160</sup>
- 5- Praying two rak'aas for Ihram<sup>161</sup>
- 6- Saying Talbiyah<sup>162</sup> abundantly with a loud voice<sup>163</sup>

It is recommended for pilgrims to repeat Talbiyah until Tahallul (i.e., ending Ihram). In hajj, a pilgrim may recite Talbiyah since the commencement of Ihram and until the commencement of one the following acts: 1) Stoning the pillar of al-'Aqabah, 2) Shaving or trimming,

<sup>159</sup> The sunnah is to perform Ihram from the beginning of miqaat. The wajib is to perform Ihram from miqaat, or to not pass the miqaat without ihram. This is the difference.

<sup>160</sup> This is for men only. Women can wear normal stitched clothes. Izaar is the garment that wraps around the waist and covers the lower part of the body. Ridaa' is the garment that is draped over the shoulder, covering the upper part of the body.

<sup>161</sup> It is recommended to recite Surah Kafiroon in the first rak'aa and Surah Ikhlas in the second after Fatiha.

<sup>162</sup> Talbiyah is to say: لَبَّيْكَ اللَّهُمَّ لَبَّيْكَ، لَبَّيْكَ لَا شَرِيكَ لَكَ لَبَّيْكَ، إِنَّ الْحَمْدَ وَالنِّعْمَةَ أَنتَ وَالْمَلِكُ، لَا شَرِيكَ لَكَ (transliteration: Labbaika al-lahumma labbaika, labbaika la sharika laka labbaika, inna al-hamda walni'mata laka wal-mulk, la sharika lak) [Translation: O my Lord, here I am at Your service, here I am. There is no partner with You, here I am. Truly the praise and the provisions are Yours, and so is the dominion and sovereignty. There is no partner with You.]

<sup>163</sup> Loud voice for men only. Women should do Talbiyah quietly and they may raise their voices if they are not accompanied by men or where they will not hear them.





3) Tawaf al-Ifadah. In umrah, Talbiyah ends by the commencement of Tawaf.

A pilgrim may also stipulate a condition<sup>164</sup> in Ihram to be free from Ihram where he is detained. If he does that, he will do Tahallul only by shaving and trimming. If this condition is not stipulated, a pilgrim must also offer a sacrificial animal (Damm).

### 3.6.2 Sunan of tawaf

The following are the main sunan of tawaf:

- 1- Perform tawaf on foot
- 2- Ramal<sup>165</sup> in the first three rounds (if Sa'ee will be made after this tawaf)
- 3- Idtiba'<sup>166</sup> (if Sa'ee will be made after this tawaf)
- 4- Being closer to Ka'bah<sup>167</sup> and able to reach the black stone<sup>168</sup>
- 5- Succession between the rounds of tawaf
- 6- Praying two rak'aas after tawaf
- 7- Praying these two rak'aas behind Maqam Ibrahim
- 8- Supplications during tawaf

It is recommended to invoke supplications at al-Multazam<sup>169</sup> and Hateem.

<sup>164</sup> This condition is to say: *اللَّهُمَّ مَجِّئِي حَيْثُ حَبَسْتَنِي*, (Transliteration: Alahumma mahillī ḥaithu ḥabastanī), [Translation: O Allah, I shall be free from Ihram where you detain me.]

<sup>165</sup> Ramal refers to the practice of walking quickly, while keeping the feet close to one another (i.e., maintaining a short footsteps), and without jumping. Ramal happens in any tawaf that is followed by Sa'ee and in the first three rounds of tawaf only. The other four rounds should be with a normal pace. This sunnah is for men only.

<sup>166</sup> Idtiba' is to uncover the right shoulder (men only) and to take the end of the Rida from right shoulder and throw both ends on the left shoulder. This sunnah is for the entire duration of tawaf (i.e., the seven rounds) if this tawaf will be followed by Sa'ee.

<sup>167</sup> If being closer to Ka'bah prevents a pilgrim from performing Ramal, it will be better for him to be further from Ka'bah and perform Ramal.

<sup>168</sup> It is a sunnah to reach and kiss the black stone. If this is difficult, one may point out towards it and then kiss his own hand.

<sup>169</sup> Al-Multazam is the part of the Ka'bah between the black stone and the door of the Ka'bah.





There are some supplications which one may say when seeing Ka'bah<sup>170</sup>, at the beginning of tawaf<sup>171</sup>, during tawaf<sup>172</sup>, and between<sup>173</sup> the two Yemeni corners<sup>174</sup>.

### 3.6.3 Sunan of sa'ee

The following are the main sunan of sa'ee:

- 1- Idtiba'
- 2- Succession between tawaf and sa'ee
- 3- Succession between the strokes of sa'ee
- 4- Walk faster<sup>175</sup> between the two green signs<sup>176</sup>
- 5- Supplications during sa'ee

There are some supplications that one may say during sa'ee as well.

<sup>170</sup> This supplication is: اللَّهُمَّ زِدْ هَذَا الْبَيْتَ تَشْرِيفًا وَتَعْظِيمًا وَتَكْرِيمًا وَمَهَابَةً وَبِرًّا، وَزِدْ مَنْ شَرَّفَهُ وَكَرَّمَهُ مِنْ حَجَّةٍ أَوْ اعْتَمَرَةٍ (Transliteration: Allahumma zid haḍā al-baīta taṣhīfān wata'ẓīmān watakrīmān wamhābatān wabirrā, wazid man ṣarrafahu wakarmahu memmn ḥḡḡahu āu i'tmrahu taṣhīfān wata'ẓīmān. Allhumma ānta As-Salām waminka as-salām, fa ḥīynā rabbanā bis-Sālām), [Translation: O Allah, increase this house glory and dignity, and increase whoever visits it and glorifies it (whether for Hajj or Umrah) honor and nobility. O Allah, You are Peace, and from You comes peace, so grant us peace.]

<sup>171</sup> This supplication is: بِسْمِ اللَّهِ، وَاللَّهُ أَكْبَرُ، اللَّهُمَّ إِيمَانًا بِكَ، وَتَصَدِيقًا بِكِتَابِكَ، وَوَفَاءً بِعَهْدِكَ، وَإِتِّبَاعًا لِسُنَّةِ نَبِيِّكَ مُحَمَّدٍ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ (Transliteration: Bismillahi, wāllhu ākbar, allhumma īimānan bika, wataṣḍīqān bikitābika, wawafā'an bi'ahdika, wāttiba'an lisunnati nabīika Muḥammad ṣalla Allahu 'alāihi wa sallam.) [Translation: By the name of Allah, Allah is the Greatest. [Doing so] believing in You, and Your Book, and following the sunnah of Your Messenger (pbuh)]

<sup>172</sup> This supplication is: اللَّهُمَّ إِنَّ الْبَيْتَ بَيْتُكَ وَالْحَرَمَ حَرَمُكَ، وَالْأَمْنَ أَمْنُكَ، وَهَذَا مَقَامُ الْعَائِذِ بِكَ مِنَ النَّارِ (Transliteration: Allahumma inna al-baīta baītuka, wāḥrama ḥaramuk, wāl'āmna āmnuk, wa haḍā maqāmu al-'ā'īḍi bika mena an-nār), [Translation: O Allah, indeed, the house is Yours, the sanctuary is Yours, and the safety is Yours, and this is the status of the seeker of refuge in You from fire.]

<sup>173</sup> The supplication between the Yemeni corner is: رَبَّنَا آتِنَا فِي الدُّنْيَا حَسَنَةً وَفِي الْآخِرَةِ حَسَنَةً وَقِنَا عَذَابَ النَّارِ (Transliteration: Rabbana ātinā fiduniā ḥasanaatan wafil 'ākhirati ḥasanaatan waqinā 'aḍāba an-nār), [Translation: Our Lord! Grant us the good of this world and the Hereafter and protect us from the torment of the Fire.]

<sup>174</sup> Ka'bah has four corners: the Yemeni corner (towards Yemen), the Shami corner (towards Sham or the Levant), the Iraqi corner (towards Iraq), and the corner that has the black stone. The Yemeni corner and the black stone corners are both towards South, and they are also called the Yemeni corners. It is a sunnah to reach the Yemeni corner as well.

<sup>175</sup> Also known as Harwalah.

<sup>176</sup> This sunnah is for men only. Women shall walk in modesty.







These supplications include what to be said on<sup>177</sup> the hills of Safa and Marwa<sup>178</sup>, what may be said at Safa and Marwa<sup>179</sup>, and what may be invoked between them<sup>180</sup>.

### 3.6.4 Sunan of wuquf

The following are the main sunan of wuquf in the plain of Arafat:

- 1- To combine Dhuhr and Asr prayers jam' taqdeem<sup>181</sup>
- 2- To combine between day and night in wuquf<sup>182</sup>
- 3- Supplication, Zikr, and Tahleel
- 4- To offer a sacrificial animal if one leaves Arafat before sunset.

<sup>177</sup> The hills are surrounded now with glass walls, so one will not be able to step on the hills. This supplication may also be made at these glass doors.

<sup>178</sup> This supplication is: *إِنَّ الصَّفَا وَالْمَرْوَةَ مِنْ شَعَائِرِ اللَّهِ فَمَنْ حَجَّ الْأَيْتَةَ أَوْ اعْتَمَرَ فَلَا جُنَاحَ عَلَيْهِ أَنْ يَطَّوَّفَ بِهِمَا وَمَنْ تَطَوَّعَ خَيْرًا فَإِنَّ اللَّهَ شَاكِرٌ عَلِيمٌ*, (Transliteration: Inna al-ṣawfā wāl Marwata min ša'ā'iri Allahi faman ḥağğa al-ba'ita āwi a' tamara falā ġunāḥa 'ala'īhi ān yaṭṭawwawfa bihimā waman taṭawaw'a khaīrrā faīnaw Allah Šākīrun 'Alīm.) [Translation: Indeed, 'the hills of' Safa and Marwah are among the symbols of Allah. So whoever performs the pilgrimage or minor pilgrimage, let them walk between 'the two hills'. And whoever does good willingly, Allah is truly Appreciative, All-Knowing.]

<sup>179</sup> This supplication is: *اللَّهُ أَكْبَرُ اللَّهُ أَكْبَرُ، اللَّهُ أَكْبَرُ وَتِلْكَ الْحَمْدُ، اللَّهُ أَكْبَرُ عَلَى مَا هَدَانَا وَالْحَمْدُ لِلَّهِ عَلَى مَا أَوْلَانَا، لَا إِلَهَ إِلَّا اللَّهُ (وَحْدَهُ لَا شَرِيكَ لَهُ، لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ يُخَيِّ وَيَمِيتُ، بِيَدِهِ الْخَيْرُ، وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ، لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ، صَدَقَ وَعْدُهُ، وَنَصَرَ عَبْدَهُ، وَأَعَزَّ جُنْدَهُ، وَهَزَمَ الْأَحْزَابَ وَحْدَهُ، لَا إِلَهَ إِلَّا اللَّهُ، وَلَا تَعْبُدُ إِلَّا إِلَهًا مُخْلِصِينَ لَهُ الدِّينَ وَلَوْ كَرِهَ الْكَافِرُونَ) ٣ مرات*, (Transliteration: Allahu akbaru Allahu akbar, Allahu akbar walillahi al-ḥmad, Allahu akbaru 'ala mā hadānā wālḥmadu lillahi 'ala mā āwlanā, lā ilāha ilā Allahu waḥdahū lā šarīka lahu, lahu al-mulku walahu al-ḥamadu yuḥuyi wayumītu, bīadihi al-khaīr, wahuwa 'al kulli šaī' qadīr, lā ilāha ilā Allahu waḥdahū, ṣadaqa wa'dah, wanaṣara 'abdah, wa'ā'azza ġundahu, wahazama al-'āḥzāba waḥdah, lā ilāha ilā Allah, walā na'budu ilā ṭyyāhu mukhliṣīna lahu al-ddīna walaū kariha al-kāfirūn.) [Translation: Allah is greater, Allah is greater, Allah is greater. To Allah belongs all praise. Allah is greater for what He has guided us to. Praise be to Allah for what He has granted us. There is no god but Allah. He is Alone and has no partner. To Him belongs sovereignty and to Him belongs all praise. He gives life and causes death; in His hands is all good; and He has power over all things. There is no god but Allah; he fulfilled His promise, assisted His slave, and defeated the tribes on His own. There is no god but Allah, and we worship none but Him, performing our religion sincerely for Him, even if the disbelievers dislike it. – to say it 3 times].

<sup>180</sup> This supplication is: *اللَّهُمَّ آتِنَا فِي الدُّنْيَا حَسَنَةً وَفِي الْآخِرَةِ حَسَنَةً رَبِّ اغْفِرْ وَارْحَمْ، تَجَاوَزَ عَمَّا تَعْلَمُ، إِنَّكَ أَنْتَ الْأَعَزُّ الْأَكْرَمُ.* (Transliteration: Rabbi-ghfir wa-rham, tajawazz amma ta'lam, wa Anta-I-A'azzu-I-Akram. Allahumma atina fi-d-dunya hasanah, wa fi-l-akhirati hasanah, wa qina adhaba-n-Nar.) [Translation: O my Lord, forgive, have mercy, and pardon that which You know. Truly You are the Most Mighty, the Most Noble. Oh Allah, grant us good in this world and in the Hereafter, and protect us from the punishment of Hellfire.]

<sup>181</sup> I.e., to pray Asr after Dhuhr during the time of Dhuhr prayer

<sup>182</sup> I.e., to leave to Muzdalifah after sunset





Pilgrims should be busy with Zikr and supplication during the blessed day of Arafah. The prophet (ﷺ) said: **“The best invocation is that of the Day of Arafat, and the best that anyone can say is what I and the Prophets before me have said:<sup>183</sup> None has the right to be worshipped but Allah Alone, Who has no partner. His is the dominion and His is the praise, and He is Able to do all things.”<sup>184</sup>.**

### 3.6.5 Other Sunan

The following are some other sunan that belong to other pillars and wajib acts:

- 1- To start with tawaf al-Qudum (arrival) after entering Makkah
- 2- To be in Mena on the Day of Tarwiyah and to sleepover there
- 3- To have a shower before moving to ‘Arafah
- 4- To shave completely<sup>185</sup>
- 5- To pray Fajr at Muzdalifah<sup>186</sup>
- 6- Takbeer with every Ramy<sup>187</sup>
- 7- To follow the order of Ramy, Slaughtering, Shaving, and Tawaf.<sup>188</sup>

### **3.7 Forbidden Acts in the State of Ihram**

The following acts are unlawful during ihram, whether one is performing hajj or umrah.

<sup>183</sup> The supplication in Arabic: لا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ (Transliteration: Lā ilāha ilā Allahu waḥdahū lā šarīka lahu, lahu al-mulku walahu al-ḥamdu, wahuwa ‘ala kulli šai’ qadīr).

<sup>184</sup> Muatta’ Malik, The Chapter of Qur’an, Hadith 504, Grade: Sahih.

<sup>185</sup> For men only

<sup>186</sup> Women, weak, and elderly people are excluded.

<sup>187</sup> Ramy is the Arabic word for stoning the pillars. It is known as: Ramy Al-Jamarat

<sup>188</sup> There is no harm if someone cannot follow the order. However, this order is better and sunnah to be followed.





1. Covering head and wearing Muheet<sup>189</sup> for men<sup>190</sup>
2. Covering face and wearing gloves for women
3. Clipping nails and shaving, cutting, or removing hair
4. Sexual relations<sup>191</sup>
5. Applying fragrances
6. Applying lotions, oils, or creams<sup>192</sup>
7. Hunting a land game
8. Cutting vegetation of the haram

In case of committing any of these forbidden acts unknowingly or unintentionally, scholars said if the forbidden act was related to entertainment or adornment<sup>193</sup>, the person would be excused; and if it was from the acts related to causing damages<sup>194</sup>, the person would not be excused.

### 3.7.1 Ending ihram (tahallul)

There are two stages of tahallul: the first and the second. They are defined by the following three acts:

<sup>189</sup> Muheet means any wearable object that surrounds any part of the body, or the entire body. The more popular term used in this context is Makheet, which is any stitched clothing. Muheet is a more general term than Makheet. Thus, any wearable object surrounds body or any part of it is unlawful whether it is stitched or not. However, wearing a ring is permissible because the prophet (ﷺ) used to wear a ring and it is not reported that he removed it during ihram. Slippers are also permissible if the heels and toes are not covered; if they are covered the slippers will be a Muheet (i.e., surrounds feet), and hence, become impermissible. Wearing watches is disagreed upon. Some of the contemporary scholars said if the watch has a band that can be completely untied, then it is permissible to wear. If not, it is considered a Muheet, and hence, it becomes unlawful to wear it during ihram.

<sup>190</sup> It is lawful for women to wear stitched clothing.

<sup>191</sup> This includes marriage, sexual intercourse, and foreplay.

<sup>192</sup> It is unlawful to apply oils, creams, and lotions on hair or beard, but it is lawful to use them on the rest of the body.

<sup>193</sup> These acts are applying fragrances, oils, and lotions, wearing stitched clothes or Muheet, covering face, wearing gloves, foreplay, and intercourse.

<sup>194</sup> These acts are clipping nails, shaving or trimming hair, hunting, and cutting vegetation.





- 1- Stoning the pillar of 'Aqabah (a wajib act)
- 2- Shaving or trimming (a pillar)
- 3- Tawaf al-Ifadah (a pillar)

The first tahallul happens after finishing two of these three acts. By this tahallul, all forbidden acts of ihram become permissible except what is relevant to women, i.e., marriage, intercourse, and foreplay. After finishing the third act, the second or the complete tahallul is acquired, making all forbidden acts of ihram permissible.

### 3.7.2 Consequences of intercourse during ihram

If one has intercourse during ihram intentionally, knowingly, and freely, this will result in the following:

- 1- He becomes sinful
- 2- His hajj/umrah is nullified
- 3- Qada' is wajib next year<sup>195</sup>
- 4- Completion of the rituals is wajib
- 5- He must offer the great fidya (i.e., the major expiation)<sup>196</sup>
- 6- The imam/judge may punish him with Ta'zeer<sup>197</sup>

## **3.8 Sacrificial Blood Types and Causes**

In the chapter of hajj, when blood (i.e., Damm in Arabic) is mentioned, it means slaughtering a sacrificial animal for Allah (SWT) and its food to be given to the poor people of Al-Haram.

<sup>195</sup> Even if the hajj that he is performing is a nafliyah (not hajjat-ul-Islam), it becomes wajib on him to perform hajj again next year, if he cannot, then it will be wajib on him to fulfill as soon as he becomes able to do it.

<sup>196</sup> This fidya will be discussed in detail in the next section.

<sup>197</sup> Ta'zeer is a punishment decided by the judge or the imam. It is a form of discretionary laws.





### 3.8.1 Causes of slaughtering/blood

There are two causes for offering a sacrificial animal in hajj. These causes are:

- 1- Leaving a wajib act
- 2- Committing a forbidden act

Another main cause is performing Ihram for hajj tamattu' or qiraan. If the intention was for ifrad, no hady, or blood, required from the pilgrim.

### 3.8.2 Types of blood

Scholars categorized blood in four categories:

- 1- Damm Tarteeb and Taqdeer
- 2- Damm Tarteeb and Ta'deel
- 3- Damm Takhyeer and Ta'deel
- 4- Damm Takhyeer and Taqdeer

Tarteeb means with the established or legislated order

Taqdeer means according to the legislated amount

Ta'deel means by estimation and calculation

Takhyeer means by choice

#### *3.2.8.1 Damm tarteeb and taqdeer*

This type of blood is associated with all the following:

1. Tamattu' or qiraan
2. Missing staying in Arafah<sup>198</sup>

<sup>198</sup> In case of missing staying in Arafah, pilgrim must do tahallul with an umrah, i.e., to make tawaf and sa'ee (if he didn't do sa'ee after tawaf al-qudoom), then to shave, and must expiate with this blood, and he must also do qada' next year (whether his hajj is a fard or a nafl one).







3. Missing stoning with 3 pebbles or more<sup>199</sup>
4. Abandoning staying overnight in Muzdalifah
5. Abandoning staying overnight in Mena<sup>200</sup>
6. Missing the farewell tawaf without an excuse<sup>201</sup>
7. Passing miqaat without ihram<sup>202</sup>
8. Not fulfilling a vow.<sup>203</sup>

If a pilgrim commits any of these acts the expiation should be according to this order:

- 1- Slaughtering a sheep<sup>204</sup>
- 2- Fasting 3 days in hajj and 7 in the pilgrim's city of residence

It is not allowed to choose between these two expiations because the expiation here is not optional. He must offer a sacrificial animal. If he is not able to, because there is no animal to sacrifice, or because he does not have enough money to do that, then the second expiation becomes wajib on him. This is the reason for calling this blood "Damm tarteeb". It is also called taqdeer because Allah (SWT) legislated specific amounts and number of

<sup>199</sup> If someone misses only one pebble, he should feed a mudd, if missed two, then feed 2 mudds. (a mudd is 700 grams)

<sup>200</sup> Abandoning staying in Muzdalifah or Mena without an excuse. If he missed one night only in Mena, he must pay 1 mudd, if he missed 2 nights, he must pay 2 mudds.

<sup>201</sup> For a woman in her menses, if she missed Tawaf al-Wada' for that reason, there is nothing on her.

<sup>202</sup> If the pilgrim decided to not return to miqaat and do ihram from there. If he returns, then nothing is on him.

<sup>203</sup> The vow is such as vowing to make a hajj on foot but could not fulfill that vow; or vowed to make hajj riding a mount but could not fulfill it. In such cases, this blood is wajib on him.

<sup>204</sup> The sheep should be qualified for udhiyah with regards to each age and each conditions. Its meat should be distributed in haram (i.e., the sacred land). If sheep cannot be found, then fasting 3 days in Makkah before the day of Nahr, and 7 after the person returns to his home.



days for fasting. The pilgrim can not choose less than these amounts/numbers.

### 3.2.8.2 Damm tarteeb and ta'deel

This type of blood is associated with all the following:

- 1- Intercourse<sup>205</sup>
- 2- Ihsaar<sup>206</sup>

The expiation for committing intercourse is the following in the same order. If a pilgrim cannot do the first expiation, he must move to the second, and so on. If he is able to do the first in the following order, but chooses the fourth (i.e., to fast) for example, his expiation will not be fulfilled.

1. Offer a slaughtered camel or a cow<sup>207</sup>
2. Offer 7 sheep
3. Feeding the poor of the haram with an equal amount<sup>208</sup>
4. Fasting number of days equal to the number of mudds of that sacrificial animal<sup>209</sup>

<sup>205</sup> This is the nullifying intercourse, which is the one before the first tahallul.

<sup>206</sup> Ihsaar means being blocked or not allowed to go to Makkah and sacred places for hajj after entering the state of ihram and passing the miqaat; or being prevented to complete hajj or umrah by any external mean. A pilgrim must slaughter a sheep where Ihsaar happens, then to shave with the intention of tahallul. Intention should be made for tahallul for both slaughtering and shaving, but slaughtering should be done first. If the muhsir (the one blocked in ihsaar) stipulated the condition of tahallul محلي حيث حبستني, then there is no blood on him, and he makes tahallul by shaving only.

<sup>207</sup> Must be 5-year-old camel, in not, then a 2-year-old cow to be slaughtered.

<sup>208</sup> if the 7 sheep are not available, the pilgrim should estimate the monetary value of the camel/cow meat and buy with the same value food to be given to the poor of the haram.

<sup>209</sup> If food is not available, the pilgrim should fast a day for every mudd from that amount (mudd is 700 gm). This fasting can be anywhere.



The expiation for ihsaar is the following in the same order:

1. Slaughter a sheep<sup>210</sup>
2. Feeding the poor of the haram with an equal amount<sup>211</sup>
3. Fasting number of days equal to the number of mudds of that sheep<sup>212</sup>

The reason for calling this blood tarteeb is because the order should be followed, and the reason for calling it ta'deel is because of the estimation of its monetary value and the estimation of the number of mudds that the sacrificial animal would give if the other expiations in order cannot be fulfilled.

### 3.2.8.3 Damm takhyeer and ta'deel

This type of blood is associated with all the following:

- 1- Hunting an edible<sup>213</sup> land game
- 2- Cutting the vegetation<sup>214</sup> of haram

The expiation for hunting is the following:

- a) If a similar<sup>215</sup> animal exists:

<sup>210</sup> The meat may be distributed in the place of Ihsar and can also be taken to the poor people of haram. It is also allowed to pay someone who would slaughter and distribute the meat in the haram.

<sup>211</sup> If sheep is not available, then the pilgrim must estimate its monetary value, and buy food with the same monetary value and distribute the food to the poor people.

<sup>212</sup> if he is unable to feed, he should estimate the equal amount of that sheep in mudds, and fast a day for each mudd.

<sup>213</sup> Some of the animals may be killed during ihram. The prophet (ﷺ) said: Five are the vicious beasts which should be killed even in the state of Ihram: scorpion, rat, kite, crow, and voracious dog. [Sahih al-Bukhari 3314; Sahih Muslim 1198]

<sup>214</sup> The plant of Al-Idhkhair is excluded. Allah's Messenger (ﷺ) said, "Allah has made Mecca a sanctuary ... Its game should not be chased, nor should its trees be cut, nor its vegetation or grass uprooted, ..." Al-Abbas said, "Except the Idhkhair, O Allah's Messenger (ﷺ), as it is indispensable for blacksmiths and houses." On that, the Prophet (ﷺ) kept quiet and then said, "Except the Idhkhair as it is lawful to cut." [Sahih al-Bukhari 4313; Sahih Muslim 1353a]

<sup>215</sup> Similar here means similar in the creation and in attributes. It does not mean the same. This similarity is either indicated by the prophet (ﷺ), his companions, or by two trustworthy and expert





1. Slaughtering: sacrifice that similar animal and offer it to the poor of the haram
2. Feeding: estimate the monetary value of the similar animal and buy food with this value and feed it to the poor of the haram
3. Fasting: fast a day for every mudd of that amount

b) If similar animal does not exist<sup>216</sup>:

1. Feeding the poor of the haram with an equal monetary value of the animal
2. Fasting a day for every mudd of that amount

The expiation for cutting vegetation is the following:

1. Slaughtering<sup>217</sup>
2. Feeding: estimate the monetary value of the sacrificial animal and buy food with this value and feed it to the poor of the haram
3. Fasting: fast a day for every mudd of that amount

The reason for calling this blood ta'deel is because of the estimation of the monetary value and the estimation of the number of mudds that the sacrificial animal would give still exist. It is also called takhyeer because the pilgrim may choose each of the expiations without following the order.

men. For example, a camel or a cow is a similar animal to an ostrich, a cow is for a wild donkey, a sheep is for a deer.

<sup>216</sup> Locusts as an example.

<sup>217</sup> slaughter a cow for a big tree and a sheep for a small tree ( $1/7^{\text{th}}$  of the big tree or more). If the tree is very small (less than the small), he may choose either to estimate its price and feed with that price or fast a day for each mudd.





### 3.2.8.4 Damm takhyeer and taqdeer

This type of blood is associated with all the following:

- 1- Shaving or trimming hair<sup>218</sup>
- 2- Clipping nails<sup>219</sup>
- 3- Wearing Muheet or stitched clothing
- 4- Using oils or creams on head's hair
- 5- Applying fragrance
- 6- Foreplay<sup>220</sup>
- 7- A not nullifying intercourse<sup>221</sup>

The expiations for any of these acts are:

1. Slaughtering a sheep
2. Fasting 3 days
3. Feeding 6 people by 3 sa's<sup>222</sup>

This blood is called takhyeer because the pilgrim may choose each of the expiations without following the order. It is also called taqdeer because the amounts here are legislated by Allah (SWT), so one cannot fast less than 3 days, or feed less people than the legislated number and feed them with less than the legislated amount.

<sup>218</sup> Cutting three hairs or more, at the same time and place. If one hair only is cut/trimmed, then one should feed a mudd, if two hairs, then he should feed two mudds. If three hairs or more, one should choose one of the expiations for this type of blood. This is applied to all hair, on head, face, arms, chest...etc.

<sup>219</sup> Clipping three nails or more, at the same time and place, if one nail only is clipped, the pilgrim should feed a mudd, if two nails, he should feed two mudds.

<sup>220</sup> Foreplay is called Mubasharah, which means kissing, hugging, or touching with a lust.

<sup>221</sup> Not nullifying intercourse is the second intercourse after a nullifying one, or an intercourse between the two tahalluls.

<sup>222</sup> This expiation is known as fidyah of Azaa (means harm). In the Shafi'e madhhab, every expiation amount is mudd, except the fidyah of Azaa, it is half of a sa' (or two mudds).







### 3.8.3 Sacrificial animals

The sacrificial animal is given different names in our shari'ah according to the cause of it. Hadi is a name given to a sacrificial animal offered during hajj. Hadi is an Arabic term linguistically means to be gifted. Udhiyah is a name given to a sacrificial animal that is offered in the Day of Nahr (or the Days of Tashreeq) for anyone who is not in hajj. Aqeeqah is a name given to a sacrificial animal that is offered for a childbirth.

#### *3.8.3.1 Rulings about hadi*

Hadi is wajib for a pilgrim in the tamattu' or qiraan mode of hajj. If not fulfilled because of the inability, the pilgrim must fast 3 days in hajj and 7 days after returning home, as mentioned in the previous section.

Hadi one sheep for one person or one cow or camel for seven people. The animal must be free of flaws and must exceed the prescribed ages of 1 year for a sheep, 2 years for a cow or a goat, and 5 years for a camel.

It is not permissible for the one offering hadi to eat from it if it is a wajib hadi. Slaughtering must take place after staying in Arafah and could be slaughtered in Mena or in Makkah. Hadi must be given to the poor of the haram.

#### *3.8.3.2 Rulings about udhiyah*

Udhiyah is a sunnah mu'akkadah that the prophet (ﷺ) performed every year since its legislation. It is recommended to follow this sunnah<sup>223</sup> if one can afford the price of udhiyah.

<sup>223</sup> Hanafis said the ruling is wajib if the person has a wealth that reached or exceeded the nisab.





One sheep is sufficient for a man and his household, and a cow or a camel is sufficient for seven people. The sacrificial animal must be free of flaws and must exceed the prescribed ages as aforementioned.

One can eat and share from his udhiyah. The best practice according to scholars is to divide it into three portions, a portion to eat, another to gift, and the third to donate to the poor and the needy.

Udhiyah must be slaughtered after Eid-ul-Adha prayer, or its time, and during the Day of Nahr and the Days of Tashreeq, in any place. The sunnah is to give the meat in a raw form.

#### *3.8.3.3 Rulings about aqeeqah*

Aqeeqah is a sunnah mu'akkadah to be given for a childbirth. The sunnah is to slaughter 2 sheep for a male child and 1 sheep for a female child. The sacrificial animal must be free of flaws and must exceed the prescribed ages as mentioned above.

The one who is offering aqeeqah may eat and share its meat. The sunnah is to slaughter it on the 7<sup>th</sup> day of a newborn, if not, then on the 14<sup>th</sup>, if not, then on the 21<sup>st</sup>. It can be slaughtered in any place similar to udhiyah and different than hadi. The sunnah is to give the meat in a cooked form.

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## THIS BOOK

This book summarizes the main topics in Islamic jurisprudence in the chapters of Zakat, Fasting, and Hajj. The book presents the different views within the four madhabs with some useful details in the footnotes.

This book includes most of the sections that could be find under these three chapters in the classic books of Fiqh, which would give students a complete image about the Fiqhi topics in these chapters.

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