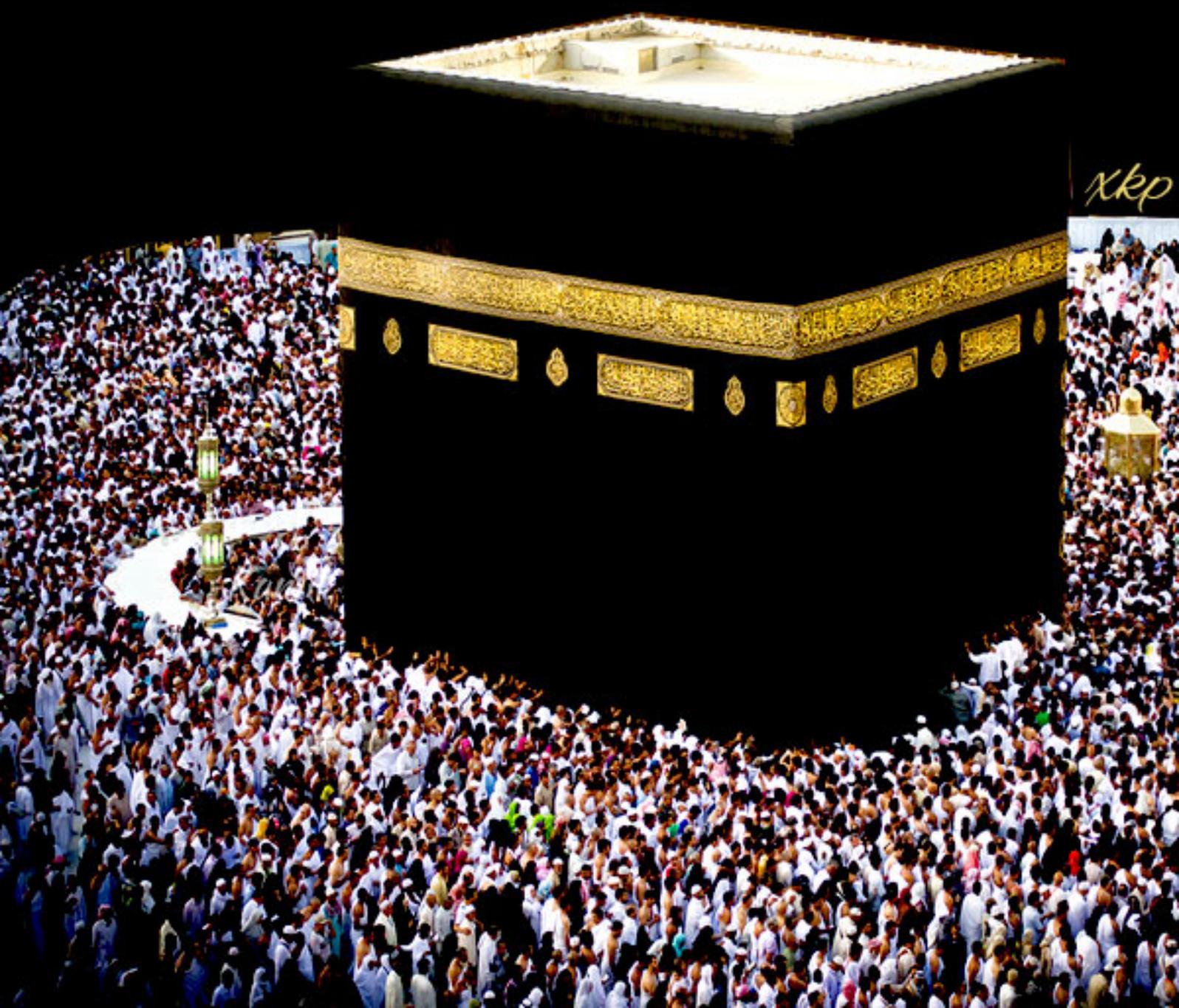


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Manasik al-Hajj



Chapter 1

Introduction

Position of Hajj and its merit

The Hajj in Islamic law is a group of sacred rites and is one of the pillars upon which Islam is established as it has been quoted from Imam al-Baqir (a.): "Islam has been built on five things: salat, zakat, sawm, Hajj and wilayah to the Ahlul-Bait (a.)".

Hajj in its two parts, the wajib and the mustahabb, is of great merit and with an ample reward. Many hadiths have been quoted from the Prophet Muhammad (s.) and his progeny (a.) regarding the merit of Hajj. Imam al-Sadiq (a.) said: "The pilgrim and mu`tamir are the guests of Allah, if they question Him, He will answer them, if they supplicate to Him, He will answer them, if they want to intercede for others, He will accept it, and if they keep quiet, He will be the beginner, and they will be compensated instead of one Dirham, a million Dirhams".

The ruling regarding those who deny the obligation of Hajj and those who neglect it

The obligation of Hajj is a proven subject in the Qur'an and Sunnah and it is among the necessities prescribed in our religion. Its neglect is considered as a great sin if he who neglects it possesses the required characteristics and he knows that it is wajib. Allah the Sublime in the Qur'an said: "Pilgrimage to the House is a duty imposed upon mankind by God, for anyone who can afford a way to do so. Any one who disbelieves will find that God is Transcendent, beyond any need for the Universe". It has been quoted from Imam al-Sadiq (a.) that: "If any one died without performing the Hajj and there was no harmful request, severe illness or preventing sultan, which might have prevented him from doing it, he would have died like a Jew or a Christian".

Types of Hajj

Hajj, performed by the mukallaf, is either for himself or on behalf of another person. The second is called Hajj al-niyabi. The first is either wajib or mustahabb. The Hajj al-wajib is either originally wajib in Islamic

law, which is called 'Hajjat al-Islam', or it is accidentally wajib through a nadhr or if the Hajj had been invalidated.

For each Hajjat al-Islam and Hajj al-niyabi there are conditions, which will be mentioned in the first part within two chapters. Hajj is also divided into Hajj al-tamattu`, ifrad and qiran. The first is the duty of those whose home is located a distance of 60 farsakh (about 90 km or more) away from Mecca al-mukarramah. The second and the third are the duties of those live in Mecca or outside it within this distance.

Hajj al-tamattu` differs from the two other kinds in its manasik and practices which would be cleared up within several chapters in the second part.

Part 1
Hajjat al-Islam and Hajj al-Niyabi

Hajjat al-Islam

1. The Hajj in Islamic law, being wajib upon a mustati` (person having all the required characteristics that makes the Hajj obligatory for him) for not more than once in his entire lifetime, is called Hajjat al-Islam.
2. The obligation of Hajjat al-Islam is immediate; i.e. the Hajj should be performed in the first year of istita`ah (i.e. the year in which, according to the presence of certain personal conditions, the Hajj becomes obligatory) and any delay in it, without an excuse is not permissible. In case of delay he would be a disobedient and the obligation would remain on him, being obligatory for him to perform it the following year, and so on until it is performed.
3. If, in the year of istita`ah, Hajj requires preliminaries, like traveling and its requirements, these should be arranged so that the Hajj could be performed in the same year (of istita`ah). In case the mukallaf was so derelict to the extent that he could not go to Hajj in that year, he would be a disobedient and the obligation of the Hajj would remain on him and it should be fulfilled later on under any conditions, even if the status of istita`ah was lost.

Conditions for the Hajjat al-Islam to be wajib

Several conditions make Hajjat al-Islam wajib:

First: Sanity. Hajj is not wajib on the insane.

Second: Adulthood. Hajj is not wajib on a child or an adolescent, and if they perform the Hajj, it will not replace Hajjat al-Islam, even if it was correct.

1. If a child entered ihram for Hajj then became religiously adult during the wuquf at Muzdalifah (Mash`ar al-haram), and he was mustati`, then his Hajj would be acceptable as the required Hajjat al-Islam.
2. If a child pilgrim commits a prohibited act if it was hunting, its kaffarah would rest with his guardian, while other types of

kaffarahs, apparently, are not wajib on either the guardian or the child.

3. In Hajj of a child, the cost for the sacrifice of a sheep is paid by the child's guardian.

Third: Istita`ah which includes the following types:

- a. Financial istita`ah
- b. Physical istita`ah
- c. Sirbi istita`ah (related to the openness and safety of the route)
- d. Time istita`ah

And here are the details of each:

- a. Financial istita`ah which includes several points:

1- Provisions, baggage and travel costs i.e. what is needed in travel like food, water and other things in addition to the means of transportation.

4. It is not a condition for the mukallaf to own the provisions and the means of transportation themselves but it is sufficient to own the money or other things, which he could spend on obtaining them.
5. Hajj is not wajib upon the person who does not have provisions or the means of transportation or he could not afford them even if he could obtain them through earnings or other means.
6. It is a condition that he should own the cost of the return trip to his home or to any other place if he had previously intended to go there.
7. If one has nothing by which he could afford the Hajj expenses but there is someone in debt to him, the amount of which would cover the Hajj expenses or act as a complement to it, he must reclaim it if it had fallen due, the debtor was rich enough and there was no extraordinary hardship (i.e. extraordinary hardship) on the creditor in the debt being reclaimed.
8. If a woman has a dowry in the debt of her husband which covers her Hajj expenses, she could not ask for it if her husband was not able to afford it and she would not be considered as mustati`. But if the husband was rich, she is obliged to ask for it unless a depravity, like dispute or divorce, would follow in case of her asking. In such a case she is not obliged to ask for it and she would not be considered as mustati`, as well.
9. If one who does not afford Hajj obtains a loan to cover its expenses, he would not become mustati` and the Hajj he performed would not be considered the required Hajjat al-Islam. And such is

still the case if he was sure that he would become mustati` the next year but he obtains the loan and go to Hajj in the same year.

10. One who has a debt and does not have money in excess of his Hajj expenses to repay the debt, then if the debt was on credit and he was confident that he could repay it when the debt fell due, going to Hajj for him would be wajib with his present money. Such is also the case if the debt had fallen due but the creditor had agreed to delay it and one was confident that he could repay it at its time. Apart from these 2 cases, Hajj is not regarded as wajib.
11. One who has only enough money for Hajj and he needs to get married and for whom abstaining from marriage would result in difficulty, contempt or disease or he is afraid of committing a haram act then he would not be considered mustati`. More than that if he spent this money for Hajj, it would not apparently replace the Hajjat al-Islam.
12. If one finds only a means of transportation which costs more than its analogues, then if he could pay the increase without difficulty, he is obliged to pay to go Hajj (because istita`ah is not cancelled with the mere increase in prices) unless he could not pay the increase or it would cause an extraordinary hardship to him. And such is the case in buying or hiring anything needed for the trip or if he could only sell something, so that he might spend its value in Hajj, at a lesser price than its analogues.
13. One who knows that under his financial conditions and Hajj expenses he would not become mustati` if he wants to go to Hajj as others are doing, but thinks that possibly through investigation he could find a way/s to go, he is not compelled to embark on such an investigation because the standard of istita`ah is that which goes with convention. While one who doubts whether or not he has istita`ah it is wajib to take a proper look at his present financial status.

Provision for one's family during trip

1. It is a condition in financial istita`ah that one should be able to meet the expenses of his family (members of the household who are dependant on him) until his return from Hajj.
2. What is meant by family, provision of which must be included in financial istita`ah, is what is conventionally considered as a family, even if they are not dependent on him according to shar` (Islamic law).

Essentials of life and living

1. It is a condition that one should have the essentials of life and what is needed to live in a conventionally suitable social position for him. It is enough to possess money or something else, which could be spent for the needs of life, and not the needs themselves.
2. Conventional affairs may differ from one to another. So one for whom possessing a home is essential or it is suitable for his social position, according to convention, or that living in a hired, borrowed or endowed house may cause an extraordinary hardship or disgrace to him, then possessing a house for him will be a condition for *istita`ah*.
3. One whose living essentials (as home, furniture, vehicle, industrial instruments, etc) have values which are more than what is required for his social position, and he could sell them to buy cheaper alternatives and spend the surplus for the Hajj, without resulting into any extraordinary hardship or disgrace, then he is obliged to do so and is considered as *mustati`*, if the difference earned by this method is enough to cover the Hajj expenses or act as a complement to it.
4. If a *mukallaf* sold a land or other thing to buy a house with its value, then if he was in need of the house or its possession is just suitable for his social position, he would not be considered as *mustati`* by receiving land money, even if it is enough to cover Hajj expenses or to act as a complement to it.
5. For one who has extra equipment which he does not require at the moment (e.g. books) and which if sold would cover Hajj expenses or act as a complement to it, Hajj is *wajib* on him provided that he meets all other conditions.

Return to Competence

1. Return to competence is a condition in financial *istita`ah* (it is clear that this condition is not considered in Hajj *al-badhli* as it will be detailed). It means that after returning from Hajj one should have a source of income sufficient to him and his dependent family and suitable for his social position (like trade, agriculture, industrial activity, job or a property for benefit as a farm, a shop, or others). For Islamic science students (may Allah help them) it is enough to return to *khums* money, which is given to them by Islamic seminaries (*hawzahs*).
2. A woman also should return to competence. If she has a husband and she went to Hajj during his life, she could return to the legal maintenance she has on her husband, while a woman who does

not have a husband, her return to a financial income sufficient for living and suitable for her social position is one of the conditions for her *istita`ah*, in addition to Hajj expenses, without which she would never be considered as *mustati`*.

3. If one has no luggage or means of transport but they have been guaranteed to him by another person (i.e. he said to him: 'go to Hajj and I will pay the expenses'), Hajj would become *wajib* on him and he should accept it. This type of Hajj called Hajj al-badhli, in case of which return to competence is not a condition; in addition it is not a condition for the contributor to offer the luggage or the means of transport themselves but to pay their value.
4. Hajj al-badhli is a valid substitute for Hajjat al-Islam and it is not *wajib* to go to Hajj another time if one becomes *mustati`* later.
5. Hajj al-badhli is not applied to one who is invited to go to Hajj by an institution or a person if a condition is made that he must perform a certain work for the invitation.

Miscellaneous issues in financial *istita`ah*:

1. When the due time arrives that the money must be spent for going to Hajj, it is not permissible for the *mustati`* to get himself out of the statues of *istita`ah*. Moreover, it is based on *ihtiyat al-wajib* not to do so even before that time.
2. It is not a condition for financial *istita`ah* to be already ascertained in the country of the *mukallaf*. It is sufficient to be acquired even at the *Miqat*. So for one who would become *mustati`* at his arrival to *Miqat*, Hajj will be *wajib* on him and it is valid to replace Hajjat al-Islam.
3. Financial *istita`ah* is also considered as a condition if one becomes able to perform Hajj on his arrival at *Miqat* (e.g. the servants in the caravans), in case that he has also all the other conditions for *istita`ah* (as maintenance, essentials of life and suitable living for his social position and return to competence). In such a case, Hajj becomes *wajib* on him and replaceable for Hajjat al-Islam; otherwise his Hajj is only *mustahabb*, and if *istita`ah* is acquired later, Hajjat al-Islam will be *wajib*, then.
4. If one is hired as a servant in the way of Hajj with a fee enough to obtain *istita`ah*, Hajj would be *wajib* on him if he accepted the hiring. Nevertheless it is not *wajib* on him to accept it.
5. One who was not financially *mustati`* and hires himself for Hajj al-niyabi, then he becomes *mustati`* after he made the contract for the hiring (i.e. not with the money of the hiring) Hajjat al-Islam, then,

becomes wajib on him to perform in the same year. Then if hiring was for Hajj in the same year, it becomes void; otherwise he must perform Hajj al-niyabi the next year.

6. If a mustati` goes to the Hajj al-mustahabb inattentively or purposely, although with the intention of practicing the manasik of Hajj to perform them better the next year or because he thought that he was not mustati` and then becomes aware that he was, there is a doubt that his Hajj is valid and, based on the precaution, it is wajib for him to repeat it in the future. However, if he had intended to obey the real order of the Divine Legislator by imagining that it was the mustahabb order, then his Hajj would be valid in the place of Hajjat al-Islam.

b- Physical istita`ah which means physical health and ability. Hajj is not wajib on the sick or old or those who are either unable or would have extraordinary hardship to go to Hajj.

7. Maintenance of physical istita`ah is a condition. If one falls sick during his journey, before ihram, then if it was his istita`ah year and the sickness had prevented him from continuing the journey, he would not be physically mustati` and not obliged to do istinabah. While one who goes to Hajj after it has already settled on him, and the sickness disabled him from continuing the journey and he becomes hopeless that he will be able to perform Hajj without extraordinary even in the next years, then he is obliged to do istinabah, while if he does hope that he would be able to perform Hajj, Hajj will remain in his debt. If one becomes sick after ihram, he has special rules to be applied on him.

c- Sirbi istita`ah It means the route to Hajj being open and safe. Hajj is not wajib if the route is closed in such a way that one could not reach Miqat or complete his manasik. Hajj also would not be wajib if the route was open but unsafe i.e. there is a danger to oneself, his body, his honor or his money.

d- Time istita`ah It means that there should be enough time to go to Hajj after the acquirement of istita`ah. So Hajj is not wajib if time is short i.e. one cannot go to Hajj in the correct time or he can but with great difficulties and extraordinary hardship.

Miscellaneous issues:

1. It is wajib on the mustati` to perform Hajjat al-Islam first, i.e. he is not allowed either to go as a na'ib (Hajj al-niyabi) on behalf of another or to perform Hajj al-mustahabb for himself before it, and if he did so, his Hajj would be void.

2. Permission of the husband is not a condition in Hajj al-wajib. Thus the wife should perform Hajj even if her husband disagreed.
3. Permission of parents is not a condition for the Hajjat al-Islam of the mustati` to be valid.
4. If one neglects the performance of Hajj after the conditions of istit- a`ah have been obtained, Hajj will settle in his debt and he must perform it later by any means possible.

Hajj al-Niyabi

Before showing the conditions required in the na'ib and the one who hired him we may mention some areas in which istinabah and willing Hajj could be applied and the related rules:

1. If Hajj becomes wajib on somebody and due to old age, sickness or extraordinary hardship, which may result, he could not perform it and he becomes hopeless of doing it, even in the following years, without extraordinary hardship, then istinabah becomes wajib on him. While that on whom Hajj is not wajib, istinabah is not wajib on him.
2. When the na'ib performs Hajj, the excused hiring person would be free of the obligation of Hajj, and he does not have to repeat Hajj himself even if the excuse is removed later. However, if the excuse is removed during the na'ib's Hajj, the one who hired him should repeat the Hajj because the Hajj of the na'ib, would not be valid.
3. If one, on whom Hajj is already settled, dies during the way, then if he dies after ihram and entrance of the Haram, this Hajj would be valid in the place of Hajjat al-Islam. While if death happens before ihram, then it is not valid. For someone who dies after ihram and before entering the Haram, it is based on ihtiyat al-wajib that is it not valid.
4. One who dies with Hajj already settled in his debt and he did not leave enough bequest for Hajj, qada' of Hajj on his behalf is not wajib, but if the bequest is enough for Hajj (even Hajj al-Miqati), istinabah on his behalf from the original bequest would be wajib unless he had already willed that it must be obtained from the third (thulth) in which case it should be obtained and given priority over the willing for mustahabb thing. Nevertheless, if it is not enough, the remainder should be obtained from the original bequest.

5. In situations in which istinabah is legitimate, direct hastening to it is wajib whether on behalf of a living or a deceased person.
6. It is not wajib on the living person to do istinabah from his country but it is sufficient for him to do it from the Miqat. For a deceased person on whom the obligation of Hajj is settled, it is sufficient to perform Hajj on his behalf from the Miqat, and if istinabah could not be done but from his county or another city, then it is obligatory to do it and the additional expenses should be obtained from the original bequest. However, if he had willed to perform Hajj from his country, then the will should be executed and the excess over the wage enough for Hajj al-miqati should be obtained from the third of the bequest.
7. If a deceased person willed Hajj al-mustahabb be performed on his behalf, its expenses would be obtained from the third.
8. If the heirs or the legatee become certain that Hajj had been already settled on the deceased person and they doubt about whether it had been performed or not, it is wajib to do qada' on his behalf. While if they do not know whether it had been settled or not and he had not willed it, then they are not obliged to do anything.

Conditions to be present in the na'ib

It is a condition for the na'ib to have some characteristics:

First: Adulthood (based on ihtiyat), since the Hajj of child is not valid on behalf of another to replace Hajjat al-Islam, and even the Hajj al-wajib in general.

Second: Sanity, since Hajj is not accepted from an insane person whether his sickness is permanent or comes in attacks (if he performs Hajj during the attack).

Third: Belief. The Hajj of a non-believer on behalf of someone else is invalid.

Fourth: Be acquainted with practices rules of Hajj in the way that he could perform the manasik correctly, even if he does that with a guide who teaches him each practice at its time.

Fifth: His debt if free of Hajj al-wajib for himself in this year.

Sixth: Not to be excused from some of the Hajj practices.

This condition and the rules will result from it will be cleared up in other issues when dealing with the practices of Hajj.

1. To satisfy with istinabah it is a condition to be confident that the na'ib had performed the Hajj on behalf of him who hired him. But

after certainty is acquired that he had done it, it is not a condition to investigate its correctness. It is sufficient to ensure correctness in general.

Conditions to be present in that who hired the na'ib

It is a condition for the hiring person to have some characteristics:

First: Being Muslim. It is not true to perform Hajj on behalf of a non-Muslim (kafir).

Second: The hiring person should be either dead or unable to perform the Hajj by himself (i.e. if the istinabah is for his Hajj al-wajib) due to old age, sickness or extraordinary hardship and he has lost hope that he could perform it without extraordinary hardship even in the following years. While in Hajj al-mustahabb istinabah is valid on behalf of others absolutely.

And here are some issues:

1. Similarity between the na'ib and the hiring person is not a condition i.e. it is valid for a woman to represent a man, and vice versa.
2. It is permissible for a sarurah (person who is going to Hajj for the first time) to represent a sarurah or others whether the na'ib or the hiring person is a man or a woman.
3. Adulthood and sanity are not conditions for the person who hired the na'ib.
4. For Hajj al-niyabi to be correct it is a condition to intend the niyah and determine the hiring person, even generally, but it is not a condition to mention his name.
5. It is incorrect to hire a person whose duty is to shift from completing the actions of Hajj al-tamattu` to Hajj al-ifrad, due to lack of time. However, if he hired him and accidentally his time becomes limited, he should shift and it will be valid instead of Hajj al-tamattu` and he deserves the wage.
6. If the hired person dies after the ihram and entrance of the Haram, he deserves a full wage, if the hiring was for the purpose of freeing the debt of the hiring person as it was clear from the generalization of hiring during the agreement process i.e. it had not been restricted by a condition that all actions be done.
7. If one had been hired to perform Hajj with a wage which appeared later to be insufficient to cope with his expenses, the hiring person is not obliged to complete it. And so if it exceeds, he has no right to regain the excess.

8. In situations where the Hajj of a na'ib is ruled to be of no substitute for that of the hiring person, then it is wajib on the na'ib to give back the wage to the hiring person if the hiring process was conditioned in that year; otherwise he must perform the Hajj, on his behalf, later.
9. It is not permissible to hire a person who is excused from doing some of the practices of the Hajj (the excused is that person who cannot perform the same duty of him who has the choice, a matter which leads to a defect in some of the Hajj practices). Then, if the excuse would not lead to that (as if he becomes excused only in committing some of the prohibited acts during ihram), his niyabah is correct.
10. If the excuse which occurs during Hajj al-niyabi would lead to a defect in the na'ib's practices, the invalidity of hiring is not remote. So, in this case it is based on ihtiyat al-wajib to reconcile about the wage and repeat the Hajj on behalf of the hiring person.
11. The niyabah of those who are excused from normal wuquf at Mash`ar al-Haram is invalid and if they are hired like that, they would not deserve the wage, for example: a caravan's servants who are forced to accompany weak persons or perform some of the caravan's duties and stream out from the Mash`ar to Mina after midnight. Then, if one of those mentioned should be hired for Hajj al-niyabi, he would be obliged to attend the normal (ikhtiyari) wuquf and perform the Hajj.
12. The Hajj of an excused na'ib is invalid no matter whether he is hired or a volunteer or whether the na'ib or the hiring person was ignorant about the excuse. And so it the case if one of them was ignorant that this excuse would be impermissible for niyabah e.g. if one was ignorant that it is invalid to satisfy the compulsory wuquf at Mash`ar al-Haram.
13. If the na'ib had done ihram and entered Mecca but then he became aware that he was mustati`, his ihram, then, is void and he must return back to Miqat and to ihram again for himself for `Umrat al-tamattu`, unless he had done ihram with the niyyah of the real duty, in which case his ihram is correct.
14. The na'ib is obliged to act according to his duty whether regarding taqlid or ijtihad.
15. If the na'ib has died after ihram and entering the Haram, this will be valid for the hiring person, while if he died before entering the Haram, it is invalid according to ihtiyat al-wajib. In this rule there

is no difference whether the na'ib is a volunteer or is hired or whether his niyabah is for Hajjat al-Islam or other types of Hajj al-wajib.

16. It is based on ihtiyat al-mustahabb for a na'ib who had not performed the Hajjat al-Islam for himself, to perform `Umrah al-mufradah for himself after finishing his Hajj al-niyabi practices as long as he is in Mecca if he was able.
17. After finishing the practices of Hajj al-niyabi the na'ib is allowed to do tawaf for himself or on behalf of others, more over he is also allowed to perform `Umrah al-mufradah.
18. As the belief of the na'ib is a condition, it is also a condition for all the manasik in which niyabah is permissible, like tawaf, ramy and hady.
19. Based on ihtiyat, it is wajib on the na'ib to do, by himself, the practices for which he had accepted to do niyabah.

Part 2
Practices of Hajj and `Umrah

Introduction: Types of Hajj and `Umrah

It has been mentioned that Hajj has three types, Hajj al-tamattu` (which is the duty of those whose home is 16 farsakhs (nearly 90 km) far from Mecca and both Hajj al-qiran and Hajj al-ifrad which are the duty of those who live in Mecca or outside it within a distance lesser than that mentioned. Hajj al-tamattu` differs from the other two in being a single worship composed of one `Umrah and one Hijjah, in which `Umrah is performed first, followed by a separating period during which the person takes off his ihram and is allowed to do some acts which are prohibited for the muhrim (the person who is in a state of ihram). This is before putting on ihram again for Hajj. For this reason, it is called Hajj al-tamattu`. So `Umrah is a part of Hajj al-tamattu` and called `Umrat al-tamattu` and the Hijjah is the second part and both must be performed in the same year. This is different from Hajj al-qiran or Hajj al-ifrad because each worship consists of a Hijjah only while `Umrah is a separate worship called `Umrah al-mufradah. Thus, `Umrah al-mufradah could be performed in one year and Hajj al-ifrad or al-qiran in another year. Both types of `Umrah have common rules which will be mentioned showing the differences between them before explaining the general method of each type of Hajj and its `Umrah.

Here are some issues:

1. `Umrah like Hajj is wajib sometimes and is mustahabb other times.
2. In Islamic law, `Umrah like Hajj, is wajib on the mustati` only once during his lifetime and istita`ah for it is just like that in Hajj. It also becomes directly wajib, like Hajj, and it is not a condition for its obligation to have istita`ah for Hajj as well, but istita`ah for it is sufficient. The reverse is also true i.e. if one becomes mustati` for Hajj only, it becomes wajib sparing `Umrah. That is the case for those whose home is in Mecca or lesser than 16 farsakhs away from it, while those living further than that and whose duty is Hajj

al-tamattu`, their istita`ah should include Hajj and `Umrah because both should be performed in the same year.

3. The mukallaf is not allowed to enter Mecca al-mukarramah without ihram. So one who wants to enter it outside the time of Hajj, he is obliged to do ihram for `Umrah al-mufradah. Two situations should be excluded:
 - a. One whose work requires frequenting Mecca
 - b. One who gets out of Mecca, after he had completed the practices of Hajj al-tamattu` or `Umrah al-mufradah, is allowed to return back without ihram before the month of his previous ihram for `Umrah is lapsed.
4. Like Hajj, it is mustahabb to repeat `Umrah and it is not a condition to separate them by a certain period, although, based on ihtiyat, a one month delay in between is better if both `Umrahs were for himself. If they were on behalf of two persons or one was for him and the other was not, separation would not be important. Thus, if the second `Umrah is for niyabah, the na'ib is allowed to take the wage for it and is valid in the place of the wajib `Umrah al-mufradah.

The method of Hajj al-tamattu` and its `Umrah

Hajj al-tamattu` is composed of two parts, the `Umrah (which advances the Hajj) and the Hajj. For each there are special practices.

Practices of `Umrat al-tamattu`

- 1- Ihram: from one of the miqats
- 2- Tawaf around the Ka`bah
- 3- Salat al-tawaf
- 4- Sa`y between Safa and Marwah
- 5- Taqsir

Practices of Hajj al-tamattu`

- 1- Ihram from Mecca al-mukarramah
- 2- Wuquf at Arafat from noon to maghrib on the 9th of Dhu'l-hijjah.
- 3- Wuquf at Mash`ar al-haram on the night before the 10th of Dhu'l-hijjah (from maghrib of the 9th to sunrise of the 10th).
- 4- Ramy at jamrat al-`Aqabah on the day of `Eid al-ad-ha (10th of Dhu'l-hijjah).
- 5- Hady
- 6- Halq or taqsir
- 7- Mabit (passing the night) at Mina on the night before the 11th day.
- 8- Ramy of the three jamarat on the 11th day.
- 9- Mabit at Mina at the night before the 12th day.

- 10- Ramy of the three jamarat on the 12th day.
- 11- Tawaf al-Hajj.
- 12- Salat al-tawaf
- 13- Sa`y
- 14- Tawaf al-nisa'
- 15- Salat al-tawaf

Hajj al-ifrad and `Umrah al-mufradah

The mentioned of Hajj al-ifrad is the same as Hajj al-tamattu` except that the hady in Hajj al-tamattu` is wajib while it is mustahabb in Hajj al-ifrad. `Umrah al-mufradah is like `Umrat al-tamattu` except in the following:

1. Taqsir is wajib in `Umrat al-tamattu` while in `Umrah al-mufradah one has a choice in doing taqsir or halq i.e. for men. Women, in general, are obliged to do taqsir.
2. Tawaf al-nisa' and its salat are not wajib in `Umrat al-tamattu`, although, based on ihtiyat, it is better to do them with the intention of attaining prosperity while they are wajib in `Umrah al-mufradah.
3. `Umrat al-tamattu` could not be done but in the months of Hajj (i.e. Shawwal, Dhu'l-qi`dah and Dhu'l-hijjah), while `Umrah al-mufradah could be done in all months.
4. In `Umrat al-tamattu` it is wajib to do ihram in one of the miqats (that will be mentioned), while the miqat of `Umrah al-mufradah is adnal-hill (the boundaries of the Haram of Mecca), although there is no problem to do ihram for it from one of the miqats.

Hajj al-qiran

It is like Hajj al-ifrad in its method but in Hajj al-qiran the pilgrim is obliged to slaughter his hady (animal for sacrifice) since he is obliged to take it with him at the time of ihram.

Also, ihram in Hajj al-qiran could be achieved by ish`ar and taqlid in addition to talbiyah, while in Hajj al-ifrad it is achieved by talbiyah only.

General rules of Hajj al-tamattu`

Something is considered as conditions in Hajj al-tamattu`:

First: Niyyah, which is the intention of performing a particular type of Hajj at the time of doing ihram for `Umrah; otherwise it would not become correct.

Second: The sum of the time of one's `Umrah and Hajj must fall during the month of Hajj.

Third: Both Hajj and `Umrah should be performed in the same year.

Fourth: Both Hajj and `Umrah should be performed by one person and

on behalf of one person. So if two persons are hired to perform Hajj al-tamattu` on behalf of a dead person in such a way that one of them is for `Umrah and the other for Hajj, it would not be valid.

1. In normal conditions, one whose duty is Hajj al-tamattu` is not allowed to shift from it to Hajj al-ifrad or al-qiran.
2. One whose duty was Hajj al-tamattu` who becomes aware that there is no time to complete `Umrah and perform the Hajj in its time, whether before or after engaging in `Umrah, is obliged to shift from Hajj al-tamattu` to Hajj al-ifrad then perform `Umrah al-mufradah after completing its practices.

Part 3

Practices of `Umrah

Miqats

They are the sites determined for doing ihram, they are the following:

First: Masjid al-Shajarah. It is located in the region of Dhi'l-halifah near Medina al-munawwarh and it is the Miqat of the people of Madinah and those who want to go to Hajj through it (Medina).

1. It is not permissible to delay ihram from masjid al-Shajarah to Juhfah unless there is a necessity like illness, weakness or other excuses.
2. It is invalid to do ihram from outside masjid al-Shajarah. However, it is valid to do it from all parts of the masjid even those new parts.
3. A woman with an excuse (e.g. during her periods) must do ihram at the time when she crosses the masjid, if the crossing would not entail staying in it. If staying is necessary (due to crowding or something else) and she could not delay the ihram till the excuse is over, she must do ihram from Juhfah or one of the parallels. She is also allowed to do ihram by nadhr from any other place before the Miqat.
4. If the husband is absent, it is not a condition to obtain his permission for the achievement of the nadhr of his wife for her ihram before the Miqat. But if he is present, it is based on ihtiyat al-wajib to obtain his permission; otherwise her nadhr will be invalid.

Second: Wadi al-`aqq, which is the Miqat of Iraqi and Najd people and those who want to pass these places for `Umrah which has three portions: Maslakh, its first portion; Ghamrah, the middle; and Dhatu`irq, the last portion. Ihram at any of these portions is valid.

Third: Juhfah. It is the Miqat of the people of Syria and the surrounding, Egypt, Maghrib and those want to pass them for `Umrah. Ihram is valid either from the masjid or other places there.

Forth: Yalamlam, which is the Miqat of the people of Yaman and those who pass it. It is a name of a mountain. Ihram is valid from any site in it.

Fifth: Qarn al-Manazil, which is the Miqat of the people of Ta'if and those who pass it for `Umrah. Ihram is valid either from the masjid or from other places there.

The places parallel to the previous Miqats: If one did not pass from one of the previous Miqats but reached a place just parallel to one of them, he could do ihram from there. Parallel means to reach a point, on his way to Mecca, in which the miqat lies to the right or the left of him in such a way that if he went forward, the Miqat will be inclined behind him.

The mentioned Miqats are those from which one should do ihram for `Umrat al-tamattu`, while the Miqats of Hijjat al-tamattu`, qiran and ifrad are:

First: Mecca, which is the Miqat of Hijjat al-tamattu`.

Second: The mukallaf's house, which is the Miqat of those who live nearer to Mecca from the mentioned Miqats, which is also the Miqat for People of Mecca, so they are not obliged to return back to one of the mentioned Miqats for doing ihram. And here are some issues:

1. If one could not locate the Miqat or its parallel, it could be located by legal evidence i.e. by the testimony of two just witnesses or the publicity which ensures confidence, and it is not wajib to investigate it. If all evidences are lost, it is enough to suffice with the suspicion obtained from the saying of anyone who knows the region.
2. Doing ihram before Miqat is invalid, unless one did a nadhr for ihram before the Miqat in a certain place e.g. Madinah or his country. Then he is obliged to do ihram from there and it is valid.
3. If one, ignorantly or due to an excuse, had passed the Miqat without ihram, then if he could return to the Miqat, he would be obliged to return and do ihram from it, no matter whether he was inside or outside the Haram. While if he could not and he was inside the Haram, then if he could get out of it, he would be obliged to do that and it is, based on ihtiyat al-wajib to go as near as possible to the Miqat and do ihram from there. If one could not get out due to shortage of time or other causes, he should do ihram inside the Haram from the point at which he becomes free of his excuse.
4. In normal conditions it is not permissible to delay ihram beyond the Miqat whether there was another Miqat beyond or not.
5. One who has been prevented from doing ihram from one of the Miqats would be allowed to do it in another one.
6. One who, deliberately and purposely, did not do ihram from the Miqat and could not return due to time limitations or another

excuse and there is no other Miqat beyond until time becomes short to do it, he would miss the `Umrah and his Hajj would be void, and he is obliged to repeat the Hajj the next year, if the Hajj was settled on him or he was mustati`.

7. Jaddah is neither a Miqat nor a parallel region. Thus, doing ihram for `Umrat al-tamattu` in it, in normal conditions, is incorrect and one must go to any Miqat to do ihram, as long as he could. Otherwise, based on ihtiyat, he should do ihram by nadhr in Jaddah itself.
8. If a muhram, after passing the Miqat, became aware that his ihram was incorrect, if, then, he could return to it, he is obliged to. While if he could not do so but by passing through Mecca al-mukarramah, he must do ihram from adna'l-hill and enter Mecca for `Umrah al-mufradah. Then, after performing it he should return back to one of the Miqats to do ihram for `Umrat al-tamattu`
9. Apparently it is allowed for someone who is confident that he will not miss the Hajj to get out of Mecca after he becomes freed of ihram of `Umrat al-tamattu`, although, based on ihtiyat al-mustahabb, it is better not to get out but for urgency and need. Again, it is based on ihtiyat to do ihram for Hajj in Mecca before getting out unless it would cause extraordinary hardship for him. One who wants to apply this ihtiyat and who is compelled to get out of Mecca one or more times, e.g. the workers of caravans and the likes, he can perform `Umrah al-mufradah first to enter Mecca and delay `Umrat al-tamattu` until the time he could perform it just before Hajj practices. At that time he would do ihram for `Umrat al-tamattu` from the Miqat and after finishing it he would do ihram for Hajj in Mecca.
10. What is meant by getting out of Mecca between `Umrat al-tamattu` and Hajj is to get out of the contemporary Mecca al-mukarramah. Thus to go to a place which is now regarded inside Mecca is not considered as getting out, even if it was outside before.
11. It is based on ihtiyat al-wajib not to perform `Umrah al-mufradah between `Umrat al-tamattu` and Hajj, although performing it will not harm either the validity of one's previous `Umrah or that of Hajj.

Chapter 6

Ihram

Obligations of Ihram

First: Niyyah (intention)

In which several things to be observed: a- Purpose: Which is the purpose to perform the particular nusk (rite) whether Hajj or `Umrah, e.g. one who wants to perform `Umrat al-tamattu` he should intend to do it at the time of ihram.

1. In purpose it is not necessary to know the detailed picture of the nusk but it is enough to know it in general i.e. one could purpose to do the obligations of it in general and then he learns and does them step by step.
2. For the validity of ihram it is not necessary to intend not to commit the prohibited acts of ihram. Moreover, determining to do some of these acts would not harm the validity of it. However, purposing to do some acts which would void the `Umrah or the Hajj, like intercourse in some of its situations, does not conform with the purpose of performing the nusk and even it is against the purpose of ihram.
b- Approach and sincerity to Allah the Sublime, because `Umrah and Hajj and all of their manasik are worship and purposing to perform any of them should be accompanied with the purpose to approach to Allah by such an act.
c- To specify ihram is for `Umrah or Hajj; that the Hajj is Hajj al-tamattu`, ifrad or qiran; that it is for himself or on behalf of another; and that it is Hajjat al-Islam, Hajj al-nadhri or Hajj al-nadbi (Hajj al-mustahabb).
3. It is not a condition for the niyyah to be pronounced verbally or to keep it in mind, but it will be achieved by determining to do the practice.
4. Niyyah must accompany ihram. So a previous niyyah will not be valid unless it is continued till the time of ihram.

Second: Talbiyah

Its form is as such: "Labbaykallahumma labbayk, labbayka la sharika laka labbayk" (Here I am, O Allah. Here I am. You have no partners. Here I am).

If one is satisfied with this, his ihram would be correct, although it is based on ihtiyat al-mustahabb to say after these mentioned four talbiyahs:

"Innal-hamda wan-ni`mata laka wal-mulk, la sharika laka labbayk" (Truly all praise, all favours and the kingdom belong to You. You have no partner, Here I am).

And if more ihtiyat to be regarded, one could add:

"Labbaykallahumma labbayk, innal-hamda wan-ni`mata laka wal-mulk, la sharika laka labbayk" (Here I am, O Allah. Here I am. Truly all praise, all favours and the kingdom belong to You. You have no partner, here I am).

1. What is wajib in talbiyah is to say it once only, although it is mustahabb to repeat it as much as possible.
2. The wajib phrase of talbiyah should be pronounced correctly according to the Arabic manner of pronunciation. Thus, reading it with grammatical mistakes is invalid if one could pronounce correctly, even by learning or dictation. If he could not learn it due to time limitations, and he could not say it correctly by dictation, he should pronounce it with any possible manner and it is based on ihtiyat to combine between saying it with any possible manner and translating it to one's own language, although it is better to do istinabah for that.
3. The rule of one who neglects talbiyah purposely is just like the mentioned rule if he neglects to do ihram from the Miqat purposely. Thus, he is obliged to return back to Miqat and repeat his ihram, and in case he could not do so, due to time limits or other excuses and there is no other Miqat ahead, his Hajj would be void and he would be obliged to repeat the Hajj the next year if Hajj has been settled on him or he was a mustati`. On the other hand if he forgot talbiyah and remembered it after he had finished the manasik, between the two wuqufs or at any place in which he could not repeat the Hajj, then, his Hajj is correct. Apparently the ignorant is subject to the same rule of one who forgot. It is based on ihtiyat al-mustahabb to repeat Hajj the next year in both cases of ignorance and forgetting.

4. The rule of one, who did not pronounce talbiyah correctly and was not excused, is just like one who neglected talbiyah purposely.
5. It is wajib to stop talbiyah of `Umrat al-tamattu` when the old or new buildings of Mecca al-mukarramah appear. Also talbiyah of Hajj must be stopped at the time of zawal (noon) of the day of `arafah.
6. Ihram for Hajj al-tamattu` and its `Umrah, Hajj al-ifrad and `Umrah al-mufradah would not be achieved but by talbiyah, while in Hajj al-qiran ihram is achieved by either talbiyah, ish`ar or taqlid. Ish`ar is specified for a camel while taqlid includes a camel and other types of sacrifices.
7. Ish`ar is to puncture the side of the hump of the camel and stain it with the blood to make it clear that it is the hady. While taqlid is to hang a string or a sandal (a shoe) in the neck of the animal to make it clear that it is the hady.

Third: Wearing

Wearing of the two pieces of cloth, the wrapper and the dress, after one had put off all cloths which are prohibited for muhram to wear. He ties the first around his waist and puts the second over his shoulders.

1. If one pronounced the talbiyah before wearing the cloths, he is not obliged to repeat it after that, although it is based on ihtiyat al-mustahabb to do so.
2. It is not a condition for the wrapper to cover the navel and the knees, but it is sufficient to be in the conventional form.
3. It is not allowed to tie the wrapper around the neck but there is no objection to attach it with a pin or likes or to tie it end to end as long as it still be considered as a wrapper. While there is no objection at all, to tie the dress as long as it still be considered as a dress.
4. It is based on ihtiyat al-wajib to wear the two cloths with the intention of approaching Allah the Sublime.
5. The two cloths should meet those conditions regarded in the prayer cloths i.e. it is invalid to wear pure silk, cloth taken from non-edible animals, usurped cloths, or cloths that are impure (najis) with that kind of najasah which is not excused in prayer.
6. It is a condition for the wrapper not to be transparent to the extend that the skin could be seen through it, while this is not a condition for the dress unless it will not be considered really as a dress.

7. Wearing of the two cloths is specifically wajib for men, while women are allowed to wear their usual cloths whether they are sewn or not while observing the mentioned conditions of the cloths for prayer.
8. It is a condition for women's cloths in ihram not to be made of pure silk.
9. It is not a condition for the two cloths to be textiles, i.e. it is valid to do ihram with leather, nylon or plastic as long as they are really considered as cloths and they are conventionally wearable. In addition there is no objection in doing ihram with matted wool or hair.
10. If one purposely and consciously, did not take off his sewn cloths during doing ihram, the validity of his ihram would not be free of doubt.
11. It is not a condition for the correctness of ihram that the person should be pure of the minor and the major hadath.

Prohibited acts during ihram

These things and practices are haram for the muhrim to do during ihram:

- 1- Women: i.e. sexual intercourse, kissing, mutual caressing, looking at them with passion and even any delight or enjoyment with them.
- 2- Masturbation.
- 3- Using perfume.
- 4- Making a marriage contract (ʿaqd) for himself or for others.
- 5- Wearing sewn cloths, for men.
- 6- Applying black salve (kuhl) to the eyes.
- 7- Looking into a mirror.
- 8- Wearing footwear that covers the entire back of the foot for men.
- 9- Fusuq which includes lying, insulting, boasting and self-exaltation.
- 10- Dispute (jidal) which means saying "No, by Allah" and "yes, by Allah" for an oath.
- 11- Adornment like wearing rings and using henna for such a purpose.
- 12- Wearing jewelry for women.
- 13- Anointing the body with oils or ointments.
- 14- Removing body hair whether for oneself or for others, and whether they are muhrim or not.
- 15- Covering the head for men.
- 16- Covering the face for women.
- 17- Shading the head while traveling during the day for men.
- 18- Causing blood to gush out from the body.

- 19- Clipping the nails.
- 20- Extracting teeth (according to a saying).
- 21- Hunting land animals.
- 22- Killing of those creatures that live on the body.
- 23- Uprooting trees or plants present inside the Haram.
- 24- Carrying weapons.

And here are some details:

1- Enjoyment of women:

whether by sexual intercourse, kissing, playing at courtship, looking to them with passion and even any delight or the enjoyment of them, in addition to enjoyment of women with men.

1. If a person, during ihram of Hajj, had sexual intercourse consciously and purposefully, then if it was after wuquf at Mash`ar al-Haram and before tawaf al-nisa', his Hajj would not be void and he should do the kaffarah.
2. If one mutually caressed his wife until he ejaculated, he is obliged to slaughter a camel as a kaffarah.
3. If one kissed his wife with passion, its kaffarah would be a camel, while if without passion, a sheep.
4. Apparently it is not haram to kiss women other than ones wife like a mother or daughter and there is no kaffarah for it.

2- Masturbation:

it is haram whether by ones hand or any other means.

1. If one had masturbated inattentively or ignorantly until he ejaculated, there is no kaffarah on him and he must ask Allah for forgiveness, while if he did it consciously and purposefully, its kaffarah would be a camel and if he could not afford it, then a sheep.
2. If he masturbated during the ihram for Hajj, before wuquf at Muzdalifah, until he ejaculated, he is obliged to complete his Hajj and repeat it the next year, in addition to what had been mentioned in the previous issue, and so is the case if he masturbates with his wife, based on ihtiyat al-wajib.

3- Using perfumes:

1. It is based on ihtiyat al-wajib to avoid smelling anything has a scent even if it is not conventionally considered as a perfume, like flowers.
2. If one is compelled to eat or wear something with scent, he is allowed to do so but it is based on ihtiyat not to smell it.
3. The obligation of kaffarah for using a perfume is not known, although it is based on ihtiyat to slaughter a sheep as a kaffarah.

4. If kaffarah is to be done after using perfume then it would not be repeated upon repeat usage during the same time i.e. if it is conventionally considered as a single usage; otherwise kaffarah should be repeated upon repeated usage even if the kaffarah is done between the two usages.

4- Making a marriage contract (ʿaqd):

1. It is prohibited for the muhrim to make a marriage contract, whether permanent or temporary (mut`ah), whether for himself or on behalf of another, and whether that person is muhrim or not.

5- Wearing sewn cloths:

1. It is not permissible for the muhrim to wear a shirt, amour, trousers, jacket or the like which are assembled by sewing, as well as cloths with buttons. It is even not allowed to wear what is considered as one of the mentioned cloths even if it was not sewn, i.e. if they are assembled with wearing, sticking or the like.
Cloths with buttons are those cloths which could not be worn without buttons and wearing of which is prohibited even if they do not have any collar (i.e. would not surround the neck) or sleeves, although the prohibition is not due to the presence of the buttons themselves but to their buttoning, i.e. buttons do not have a specificity, more than that if there is something in the cloths that would play the role of the buttons, it is also haram. Also what is haram is wearing them i.e. there is no objection in sitting on, or covering with them. However, it is not permissible for a man to cover his head with it according to what will follow.
2. It is not haram to wear sewn things other than cloths like typical those belts or belts with purses, for keeping money, and so is the case for those belts used in artificial hands or legs and there is no kaffarah for them.
3. If one is compelled to wear prohibited clothing due to cold, sickness or anything else, he is allowed to do so but it is based on ihtiyat to do kaffarah after that.
4. The kaffarah for wearing sewn cloths is a sheep, which should be repeated if the act is repeated.

6- Applying black salve (kuhl) to eyes:

It is haram to apply black salve to the eyes for adornment purposes, while if one did not purposefully apply the adornment, since the salve itself is conventionally considered as an adornment, it is based on ihtiyat al-wajib to avoid it, and so is the case with non-black salve if it is to be regarded as adornment even if one did not intend it to be so.

1. There is no kaffarah for the application of salve.
2. The prohibition of the application of salve is not specific for women, but for men as well.

7- Looking into a mirror:

It is haram to look into a mirror for purposes of adornment; otherwise it is not haram such as when the driver looks into the car mirror.

1. There is no difference in the prohibition of looking into the mirror between men and women.
2. There is no kaffarah for looking into a mirror.

8- Wearing footwear that covers the entire back of the foot:

It is haram, for men only, to wear such things like slippers and socks. If one is compelled to wear it, he should open it from the front.

1. There is no kaffarah for wearing things that cover the entire back of the foot.

9- Fusuq:

Fusuq is haram and it is not restricted to lying but includes insulting and boasting even if it will not entail contempt or detraction to others.

10- Dispute (jidal):

Dispute is haram, that is to say "No, by Allah" or "Yes, by Allah" for the purposes of making oaths.

1. It is haram for both muhrim man and woman to dispute.
2. It would not be considered as a dispute if one swore with holy things other than Allah and His names.
3. Dispute is not restricted to false oaths, but even to true ones.
4. It is allowed to swear by Allah the Sublime in "situations other than confirming or disproving something like an oath of adjuration, i.e. to say I adjure you by God to... ."
5. Dispute is allowed when necessary, i.e. to confirm the truth or to disprove the false.

11- Adornment:

It is haram to adorn oneself, i.e. wearing rings or using henna for such a purpose and there is no difference in the prohibition between men and women.

1. There is no kaffarah in the previously mentioned two cases.
2. It is based on ihtiyat al-wajib for both men and women not to wear rings or use henna if these things are conventionally considered as adornment, even if they do not have that purpose. More than that it is not remote that it is wajib during ihram to avoid anything that would be considered as adornment especially with the intention of

adorn with it. However, excluded from this is wearing that which is recommended or wearing rings for special purposes.

3. It is based on ihtiyat to avoid wearing eyeglasses for adornment, unless it is for a medical purpose or to avoid sun light.

12- Wearing jewelry:

It is haram for women to wear jewelry for adornment purposes and it is based on ihtiyat al-wajib to avoid it if it is to be considered as an adornment even without intending it. To be excluded from this jewelry she used to wear before ihram. However, it is haram to expose it to men even her husband.

1. There is no kaffarah in wearing jewelry for adornment, jewelry although she would commit a haram act.

13- Anointing:

It is not permissible for the muhrim to anoint his body or hair with oil for the purposes of adornment or to soften the skin.

1. There is no kaffarah in anointing unless it was with a scent, in such a case it is based on ihtiyat to slaughter a sheep as a kaffarah, although it is not remote that the kaffarah is not wajib.

14- Removing body hair:

It is haram for the muhrim to remove hair from any part of his or another's body even if the other was not muhrim and by whatever method used i.e. shaving, plucking or by using other methods. There is no difference whether the hair is dense, scanty or even a single hair.

1. It is not a problem if the hair fell during wudu' if it was not with the purpose of removing it.
2. If, outside wudu', one touches the hair of his scalp or beard and one or two hairs fell down, then it is based on ihtiyat al-mustahabb to give a handful of wheat, flour or the like as a charity (sadaqah).
3. If the muhrim shaves his head consciously and deliberately, the kaffarah for it would be a sheep.

15- Covering the head for men:

1. The handle of a water skin (bond) and head bandage (used in headache) would be excluded from prohibited coverings.
2. It is permissible to cover one's head with his hand or another part of his body.
3. The face is not considered as part of the head, thus one can cover it while sleeping or so.
4. There is no objection in putting one's head on a pillow or the like during sleep.

5. There is no objection in drying the head with a handkerchief or the like unless it would cover the whole head.
6. The kaffarah for covering the whole head is, based on ihtiyat, a sheep, while covering some of it would entail nothing unless it would be considered, conventionally, as covering the head e.g. if one put a small hat on the middle of his head.
7. It is based on ihtiyat to repeat the kaffarah after each act of covering the whole head.
8. It is haram to immerse the entire head in water, while the impermissibility of this act with regards to part of the head has not been prescribed.
9. If one immerses the entire head in water, it is based on ihtiyat to slaughter a sheep as a kaffarah.

16- Covering the face for women:

It is not permissible for muhrim women to cover their faces with a veil, a hand fan or the like.

1. It is haram for women to cover the entire face. However, there is no objection in covering part/s of it in such a way that it would not apply correctly to the covering of the face whether it was during prayer or other acts and whether this part was the upper, lower or other parts .
2. It is permissible for a muhrim woman to let her head covering hang down over her face, i.e. to let what is on her head e.g. veil or likes, to hang down as far as the level of her nose or even the lower frontal part of the neck to veil herself from non-mahram men.
3. There is no objection in drying the face with a handkerchief unless it will lead to covering of the entire face.
4. There is no kaffarah for covering the face.

17- Shading:

Shading is haram for men only, not for women and children.

1. Apparently, shading for the muhrim is specifically haram during the day. So there is no objection to it during the night, although it is based on ihtiyat to avoid it at night as well. This ihtiyat not to be neglected, on rainy or cold nights if the shading is to escape from rain or cold.
2. The prohibition of shading is specifically haram for the head, i.e. it would not include the shoulders and other parts of the body.
3. There is no difference in the prohibition whether the shade is provided by a roofed car, train, plane, ship etc. However, one can

shade himself with his hand. It is based on ihtiyat al-mustahabb to avoid being shaded with things that are not over the head e.g. walking or sitting beside a car or a ship.

4. With respect to this prohibition there is no difference between a walker or a rider.
5. The prohibition of shading is specific for situations where one is traveling a distances. So if one stayed in a plane like Mina, `Arafat or elsewhere, he can shade himself by a ceiling, tent or an umbrella no matter whether he was standing still or walking. Thus, it is allowed for those in Mina to go shaded with umbrella to the slaughter - house or to the place of ramy of Al-Jamarat.
6. It is permissible for the muhram to shade himself while covering a distance if an excuse exists like hot weather, severe cold, heavy rain or due to the absence of uncovered means of transportation. Nevertheless kaffarah would not be neglected.
7. If while traveling, one stopped for a while to have rest, visitation (reading ziyarah) or something else, he would be allowed to shade himself.
8. It is allowed during travel to pass beneath a fixed roof or shade like a bridge, a tree, a tunnel etc. Thus, one can pass through tunnels while traveling from Mecca al-mukarramah to `Arafat or Mina, even if there is another way without a tunnel.
9. It is allowed to shade oneself inside contemporary Mecca for him who did ihram for Hajj in the Masjid al-Haram or did it for `Umrah, unless he came out of it, because Mecca is like other places for the muhram that he could move about inside it using a roofed car or shaded with an umbrella.
10. The kaffarah for shading is a sheep no matter whether one was in a state of ihram for Hajj or for `Umrah, or whether he was excused or not.

18- Causing blood to gush out from the body:

It is haram to cause blood to gush out from the body for both men and women, even if it is done by scratching, using a miswak (tooth-pick) or other methods.

1. It is not haram for one to cause the blood to gush from other's body by extracting a tooth, cupping (hijamah) or injecting with syringe.
2. There is no kaffarah for causing bleeding even if it was not for a necessity or need, although slaughtering a sheep as a kaffarah is better according to ihtiyat.

19- Clipping the nails:

It is haram to clip or cut the nails whether all or some of them, whether on the hand or foot, and whether with a clipper or by other means.

1. If one had cut all the finger nails and some of the toe nails, he is obliged to slaughter a sheep as a kaffarah for finger nails and to give one mudd of food (750 gm.) for each toe nail, while if he did the reverse, then the reverse would be correct.

20- Extracting teeth:

According to a saying, it is haram to extract a tooth without bleeding, although it is more likely that it is not haram for a muhram and would not entail kaffarah. If one is compelled to extract a tooth and bleeding happened, then it is based on ihtiyat al-mustahabb to slaughter a sheep as a kaffarah.

Rules of kaffarahs

1. Kaffarahs should be paid to the needy persons.
2. The kaffarah for hunting is `Umrah must be slaughtered in Mecca al-mukarramah, while in Hajj, it must be in Mina if one was able to do that. More than that it is based on ihtiyat to do so with the other kaffarahs. If one neglected the slaughtering in Mecca or Mina and did it in his country or elsewhere, then it would be valid.
3. The conditions applied to the animal for hady would not be applied to that for kaffarah. However, belief is a condition for the person doing the slaughtering, unless he is a representative (wakeel) for the slaughtering process only, and the muhram (the person who appoints the representative) should himself have the intention to slaughter the animal of kaffarah.

Tawaf

It is the second obligation of `Umrah. If one had done ihram for `Umrah, he must go towards Mecca to perform all the practices of `Umrah. First of these is the tawaf around the Ka`bah seven times.

Tawaf has conditions and obligations:

Several matters to be regarded in tawaf as conditions:

First: Niyyah

Second: Being tahir from hadath (anything that breaks the state of taha-rah)

Third: Being tahir from khabath (najis thing on ones body or cloths)

Fourth: Circumcision, for men

Fifth: Covering the private parts of the body

Sixth: Muwalat

First: Niyyah.

That is deciding to perform tawaf for `Umrah or Hajj with the intention of getting close to Allah the Sublime. Tawaf would not be valid without this decision even a little distance of the round i.e. any distance of the round walked without niyyah is not valid.

1. Closeness and sincerity to Allah the Sublime is a condition in niyyah i.e. one should perform the practice in the intention of obeying Allah's commands; otherwise if he did it with dissimulation, he would disobey and his act would be void.
2. It is a condition in niyyah to demonstrate that the tawaf is for `Umrah al-mufradah, `Umrat al-tamattu`, Hajjat al-Islam, Hajj al-nadhri or Hajj al-nadbi (Hajj al-mustahabb). Also if one was na'ib in this Hajj, he must make the niyyah accordingly.
3. Verbal pronunciation of the niyyah or keeping it in mind are not conditioned. Niyyah would be achieved by the decision to do the act.

Second: Being tahir (ritually pure) of the manor and major hadaths

(minor hadath is that which needs wudu' to be removed while major one is that which could not be removed without ghusl).

1. Taharah is, absolutely, a condition in tawaf al-wajib, while in tawaf al-mustahabb it is not (as it would be followed).
2. If one with major or minor hadath had performed the tawaf, his tawaf would not be correct, no matter whether he was ignorant or forgetful. More than that he must repeat his tawaf and its salat even if he did not notice the problem but after completing the practices of `Umrah or Hajj.
3. Taharah is not a condition in tawaf al-mustahabb, but its salat would not be correct without it. However, junub and ha'id are not allowed to enter Masjid al-Haram.
4. If the minor hadath occurs during tawaf, then the following issues would be applied:
 - 1- If the hadath occurs before reaching the middle of the fourth round (i.e. before the third corner of the Ka`bah), one must discontinue the tawaf and repeat it again after getting tahir (ritually pure).
 - 2- When hadath occurs after the middle and before the end of the fourth round, one should discontinue the tawaf and complete it after getting tahir unless it would destroy the conventional muwalat (sequence), in case of which he should repeat it with the intention of itmam and tamam (to intend completing the defective tawaf as well as making new, complete one). Also he could neglect it all and repeat it again from the beginning.
 - 3- When the hadath occurs after completing the fourth round, one must discontinue the tawaf, get tahir and complete it after that, unless it would harm the conventional muwalat; otherwise and according to ihtiyat, it is better to complete it then repeat it again. More than that he could, also, neglect his previous tawaf to perform a new one, or to perform seven rounds with the intention of itmam and tamam.
5. If the major hadath occurs during tawaf, one should leave the Masjid al-Haram immediately. If this had happened before reaching the middle of the fourth round, one's tawaf would be void and it must be repeated after getting ghusl. While if it occurred after that point and before completing the fourth round, one should continue the tawaf after ghusl unless conventional muwalat would be destroyed; otherwise and according to ihtiyat, it is better to complete it and repeat it again. One can also perform a full

tawaf with the intention of itmam and tamam or neglect the previous rounds to start a new tawaf after making ghusl. While if it had happened after the end of the fourth round, then its rule would be just like that of the minor hadath mentioned before.

6. One who is excused from doing wudu' or ghusl, must do tayammum instead.
7. One whose duty is tayammum or wudu' al-jabirah and he performed tawaf and its salat without the mentioned taharah due to ignorance about the rule, is obliged to repeat them by himself if he can; otherwise he should make istinabah.
8. If a woman had menstruated after she had done ihram for `Umrah al-mufradah and she could not wait to complete her manasik after getting taharah, she is then obliged to make istinabah for tawaf and its salat, while with respect to sa`y and taqsir, she must perform them by herself. In this way she can be freed of ihram. The rule is just as if she had done ihram while she was in her periods.
9. If before commencing tawaf one is in doubt whether he was tahir or not, then if the previous state was that of taharah and he is in doubt about whether the hadath had happened or not, he should assume the state of taharah; otherwise he must get tahir for the tawaf.
10. If, during tawaf, he falls in doubt about his taharah, then if his previous state was that of taharah, he should consider it so and disregard his doubt; otherwise he must get tahir and repeat the tawaf from the beginning.
11. If he falls in doubt of his taharah after had finished his tawaf, he should disregard his doubt. Nevertheless getting tahir is wajib for the subsequent practices for which taharah is a condition. (e.g. salat al-tawaf).

Third: Taharah of the body and the cloths of khabath.

1. The amount of blood which is excused in salat would not be excused in tawaf. However, taharah is not a condition in socks, cap and the like in addition to the handkerchief and ring.
2. It is based on ihtiyat not to carry a najis thing during tawaf, although apparently, this is permissible for things other than cloths, especially when they are najis with khabaths other than blood.
3. If najasah accidentally comes into contact with someone during tawaf, then if he is able to change his cloths in his place and continue the tawaf, he is obliged to do so and his tawaf would be correct; otherwise he must discontinue his tawaf, leave to purify his

body or cloths and return immediately to complete his tawaf from the point of discontinuation. The rule is just the same if he becomes sure about najasah just during tawaf.

4. One who forgot the najasah on his body or cloths and became aware of it after or during tawaf, based on ihtiyat al-wajib, he should repeat the tawaf after getting tahir.

Fourth: Circumcision.

Circumcision is a condition for the tawaf of men, not women, to be correct. Tawaf of the uncircumcised is void whether he is an adult or a child.

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Fifth: Covering of one's private parts.

1. For tawaf to be correct, it is a condition to cover the private parts according to ihtiyat al-wajib.
2. If, during tawaf, a woman had not covered all of her hair or she had uncovered a part of her body, her tawaf would be correct, although she would have committed a prohibited act.

Sixth: Muwalat

1. It is based on ihtiyat al-wajib that conventional muwalat between the parts of the tawaf is a condition. To be excluded from this is the discontinuation of tawaf after passing its first half (i.e. 3 1/2 rounds) for offering salat or something like that.
2. One who discontinues his tawaf al-wajib for offering an obligatory salat, then if this was after completing the first half, he would continue it later from the point of discontinuation. But, if it was before that, then if a long gap had lapsed, observing ihtiyat would necessitate repeating the tawaf; otherwise it is not remote that this ihtiyat is not wajib, although, however, ihtiyat is better. In this issue there is no difference whether the salat was individually performed or in congregation (jama`ah) or whether the time was limited or sufficient.
3. It is permissible to discontinue tawaf al-mustahabb and the wajib, as well, although, according to ihtiyat, it is better not to discontinue the wajib one in such a way that the conventional muwalat would be destroyed.

The obligations of the tawaf

Seven things should be regarded as conditions in tawaf:

First:

Beginning from the corner of the Hajar al-Aswad of the Ka`bah, i.e. to begin parallel with it. It is not a condition to begin from its beginning, i.e. to pass the entire body in front of all its parts, but a conventional beginning is sufficient. So beginning from any point is correct. However, one must terminate his tawaf at the point from the Hajar al-Aswad where he began.

Second:

Termination in each round with the Hajar al-Aswad.

200. It is not obligatory to stop at each round and continue again. It is sufficient to circumambulate seven rounds without interruption stopping to terminate the seventh round at the point where the first one had begun. However, there is no objection in adding a distance, based on ihtiyat, so that one could be certain he had terminated at the point he began from. If this extra distance is to be walked, then it should be done with the niyyah of ihtiyat.

Third:

Doing tawaf on the left side i.e. during tawaf the Ka`bah should be on the left of the pilgrim to determine the direction of rotation.

1. What is meant by putting Ka`bah on the left is the conventional meaning not reasonable precision. So a little tilling, upon reaching the Hijr Isma`il (a.) or the four corners, would not harm the tawaf, and there is no need to tilt one's shoulder towards them.
2. If one walks a distance against the convention e.g. to face Ka`bah during his tawaf to kiss it or has been compelled due to crowdedness to face it or to put it towards his back or to his right, his tawaf is void and only this distance must be repeated.

Fourth:

Fourth: Including the Hijr Isma`il (a.) in the tawaf and circumambulating behind it.

1. If one performed his tawaf from the inside of the Hijr Isma`il (a.) or its wall, his tawaf is void and must be repeated. If only one round had been done from inside it, only this round would be void.
2. 204. If he purposely performed his tawaf from inside the Hijr, his rule is just like one who had purposely neglected the tawaf, and if he did that inattentively, his ruling would be like one who had inattentively neglected the tawaf. Details of these will be follows.

Fifth:

Circumambulating outside the Ka`bah or its base at the lower part of its wall which is called "shadhrwan".

1. It is not a matter if one puts his hand on the wall of the Hijr Isma`il (a.) or that of the Ka`bah.

Sixth:

According to the most popular, it is a condition that the tawaf should be performed between the Ka`bah and the Maqam Ibrahim (a.) and within the same distance which separates them on the other sides. But it is more likely that this is not a condition, so it is permissible to perform it beyond these limits of the Masjid al-Haram especially if the crowdedness prevents the pilgrim from doing so. However, it is better for the pilgrim to perform the tawaf within the mentioned 1st path if crowdedness would not prevent him.

1. It is not remote that doing tawaf in the space between the base and the level parallel to the roof of Ka`bah is valid although it would be against ihtiyat.

Seventh:

Circumambulating seven rounds.

Here are some issues about neglecting tawaf, deficiency in it and doubt during it:

1. Tawaf is a rukn which would make `Umrah void if it is neglected purposely until the end of its time, no matter whether one was aware of the rule or ignorant of it.
2. The end of the time of tawaf is that time in which one becomes unable to perform tawaf and other practices of `Umrah to attain the normal wuqf at `Arafat.
3. If one had invalidated his `Umrah, whether by the previous method or other methods that will be mentioned, then it is based on ihtiyat for him to shift from it to Hajj al-ifrad then to perform `Umrah al-mufradah after it, but he should perform `Umrah and Hajj in the next year.
4. If he forgetfully neglected the tawaf and remembered it before the end of its time, he could perform it with its salat then repeat sa`y after them.
5. If he forgetfully neglected the tawaf and he remembered it after the end of its time, he is obliged to perform it as qada' with its salat at any possible time. If he remembered after returning to his country, then if he could return to Mecca without extraordinary hardship and difficulty, he is obliged to do so; otherwise he

should do istinabah and it is not wajib to repeat the sa`y after doing qada' of the tawaf and its salat.

6. One who purposefully or forgetfully neglected the tawaf, then those things and practices which would otherwise not be halal but by performing the tawaf, would become halal for him if he or his na'ib performs the tawaf. The case is the same for someone who inattentively makes his tawaf deficient.
7. For someone who could not perform the tawaf before its time limit even if he was aided by another person, due to a disease, a fracture or the like, it would be wajib to carry him to perform the tawaf if possible; otherwise istinabah would be wajib.
8. If someone, after finishing his tawaf and leaving entertained doubt about the number of rounds he had done i.e. more or less than seven, he could ignore his doubt and the tawaf would be ruled to be correct.

Salat al-tawaf

It is the third obligation of `Umrah.

1. It is wajib after tawaf to offer two rak`ahs of salat for one's tawaf and one has the choice to recite it loudly or quietly. Also determination is wajib in niyyah, as it has been mentioned in the niyyah of the tawaf in addition to seeking nearness and sincerity.
2. There must not be a gap between the tawaf and its salat. The gap is determined according to the convention.
3. Salat al-tawaf is just like that of subh. One can read any surah after al-Fatihah, except the four surahs of `aza'im which include a wajib prostration. It is mustahabb in the first rak`ah to recite surat al-Tawhid after al-Fatihah and in the second surat al-kafirun.
4. It is wajib to pray behind the Maqam Ibrahim (a.) and near to it unless one is crowded out. If one could not, he can pray in the Masjid al-Haram behind the Maqam even for some distance. It is even not remote that offering salat at any site in the Masjid al-Haram would be valid.
5. If one deliberately neglects salat al-tawaf, his Hajj would be void. But if the neglect was and the return to Masjid al-Haram to offer it at its particular place was not hard for him, he would return and pray it there, while if he remembered it after he had left Mecca, he should do it at that place at which he remembered it.
6. The rule of ignorance (whether he was unaware about the rule or he was aware but he could not get the answer or whether he was

aware but he dealt with the matter carelessly) in the previous issue is the same as that of forgetfulness.

7. If someone during sa`y remembered that he had neglected the salat al-tawaf, he should discontinue his sa`y and offer the prayer in its particular place then return to complete the sa`y from the point of discontinuation.
8. If a man offered his salat parallel with a woman, then if he was ahead, even a little, there would be no doubt about the validity of their salat (both). The case is the same if they were separated even by no more than a span.
9. It is not known whether praying the salat al-tawaf as jama`ah is lawful or not.
10. It is wajib upon each mukallaf to learn the correct salat to perform his duty in the right way especially for those who want to go to Hajj.

Sa`y

Sa`y is the fourth obligation of `Umrah.

1. After salt al-tawaf it is wajib to do sa`y between Safa and Marwah i.e. walking from one to the other on the condition that one must start from Safa and terminate the first course at Marwah, then walk the second course from it to Safa and so on till he terminates the seventh course at Marwah. It is not correct to start from Marwah and terminate at Safa.
2. Niyyah is a condition in sa`y, in addition nearness, sincerity and determination also should be regarded in it just as in the niyyah for ihram.
3. In sa`y it is not a condition for one to be tahir from hadath and khabath.
4. Sa`y should be performed after the tawaf and its salat. It is incorrect to perform it before them.
5. It is not permissible for someone, under normal conditions, to delay his sa`y until the next day after the tawaf and its salat. While there is no objection in delaying it until the night.
6. The full distance between Safa and Marwah should be covered in each course. However, mounting them is not wajib.
7. It is wajib during the sa`y towards Marwah to face it and so is the case with Safa. If one walks backward towards them, his sa`y is incorrect. However, turning the face towards both sides or to the back would not harm the sa`y.
8. The sa`y should be performed on the conventional path prepared for it.
9. Sa`y in the upper stairs is incorrect unless certainty is obtained that it is located on a level between the two mountains and not above them.
10. It is permissible, during sa`y, to sit or sleep on Safa and Marwah or between them to take a rest, even without an excuse.

11. It is a condition that one should perform the sa`y by himself if possible and he is allowed to do it by walking, riding or by being carried, although walking is better. If all of them are impossible, he should do istinabah.
Here are general issues about neglecting the sa`y, adding to it, or subtracting from it:
12. The sa`y, like tawaf, is a rukn and the ruling for neglecting it, whether purposely or inattentively, is just like that of the tawaf which has been mentioned.
13. One who inattentively neglected the sa`y and becomes free of the ihram of `Umrah, if he made an intercourse with his wife, he is obliged to do kaffarah with a cow, according to ihtiyat al-wajib, in addition to performing the sa`y.
14. If a course is added to the sa`y, inattentively, then the sa`y would be correct and nothing would remain upon the pilgrim. One who is ignorant of the rule is just like the one who forgets.
15. One who adds seven courses to the sa`y with the niyyah that it is part of sa`y, i.e. he was thinking that every to and fro is equal to one course, is not obliged to repeat it and his sa`y is correct. The ruling is the same if he noticed this during the sa`y and it is better to discontinue the added part from the point he became aware of it.
16. One whose sa`y is inattentively made deficient, is obliged to complete it whenever he becomes aware. If he remembered this after he had returned to his country, he must go back to complete it unless there is difficulty, in which case he must do istinabah.

Taqsir

Taqsir is the fifth obligation of `Umrah.

1. Taqsir is wajib after finishing sa`y. It means cutting some of the hair on the scalp, beard or mustache or cutting some of the of the hands or feet nails.
2. Taqsir is a ritual for which niyyah is wajib with the conditions mentioned in the niyyah for ihram.
3. Shaving of the hair of the head is invalid as an alternative to taqsir to get free from the ihram of `Umrat al-tamattu` i.e. taqsir is wajib. Then if one had shaved before taqsir, he must do kaffarah with a sheep if he had done it deliberately and consciously.
4. Plucking the hair is invalid as an alternative to get free from the ihram of `Umrat al-tamattu` i.e. taqsir is wajib. If one had done so, it would be invalid and he must do the kaffarah of plucking if he had done it deliberately and consciously.
5. If one who was ignorant of the ruling plucked his hair instead of taqsir then he performed Hajj, his `Umrah is void and the performed Hajj will shift to ifrad. Then if his Hajj was wajib, it is based on ihtiyat al-wajib to perform `Umrah al-mufradah after its manasik and then to perform `Umrat al-tamattu` and its Hajj the next year. The rule is the same for someone who shaved his hair out of ignorance.
6. It is not wajib to hasten to do taqsir directly after sa`y.
7. If one deliberately or ignorantly neglected taqsir and did ihram for Hajj, it is more likely that his `Umrah would be void and his Hajj would be changed to ifrad, and it is based on ihtiyat al-wajib to perform `Umrah al-mufradah afterward and repeat the `Umrah and Hajj the next year.
8. If he inattentively neglected taqsir and did ihram for Hajj, his ihram would be correct and so would be his `Umrah and Hajj, and there is nothing left upon him. However, it is mustahabb for him

to do kaffarah with a sheep. More than that it is, better according to ihtiyat, not to neglect this kaffarah.

9. After taqsir of `Umrat al-tamattu` every thing which was haram for someone, becomes halal even women.
10. Tawaf al-nisa' in `Umrat al-tamattu` is not wajib, however, according to ihtiyat, it is better to perform it with its salat with the hope of being required. While if a man had done ihram for `Umrah al-mufradah, women would not become halal for him until after doing tawaf al-nisa' and its salat after the taqsir or halq. The manner and rulings of tawaf al-nisa' are the same with that of `Umrah.
11. It is apparent that for each `Umrah al-mufradah and Hajj there must be a separate tawaf al-nisa', e.g. if one performed two `Umrah al-mufradahs or Hajj with `Umrah al-mufradah, it is wajib for each to perform a separate tawaf al-nisa'. However, it is not remote that women may become halal after one common tawaf.

Part 4

Practices of Hajj

Chapter 10

Ihram

Ihram is the first obligation of Hajj and the same as that of `Umrah regarding conditions, manner, prohibited things during it, rules and kaf-farahs. It differs only in niyyah, i.e. one should intend to perform the practices of Hajj. All things considered in the niyyah of ihram for `Umrah would be observed here as well. Ihram would be achieved with niyyah, then if one intended Hajj and did talbiyah, his ihram would be achieved. However, ihram of Hajj has some particularities which will be mentioned in the following issues:

1. The Miqat of ihram for Hajj al-tamattu` is Mecca al-mukarramah and it is better that it be done in the Masjid al-Haram. It is valid, also, to do ihram at any place in Mecca even the new ones, although ihtiyat prefers it be done in the old places. However, if one is in doubt whether this place is within Mecca or not, it is incorrect to do ihram from this place.
2. It is wajib to do ihram before the time of zawal (noon) of the 9th of Dhu'l-Hijjah to attend the normal wuquf of `Arafat, and the best time for ihram is at the zawal of the Day of Tarwiyah (the 8th of Dhu'l-Hijjah). It is permissible to do ihram before that time especially for the old and sick if they are afraid of crowdedness. It had been mentioned that ihram for Hajj could be advanced for those who want to get out of Mecca for some purposes after performing the `Umrah.
3. One who forgot ihram and set off for Mina and `Arafat he is obliged to go back to Mecca and do ihram. If this was impossible because of time limitations or due to another excuse, he could do ihram at his place and his Hajj would be correct. Apparently ignorance is considered to have the same rules as forgetfulness.
4. If one forgot ihram until he finished the Hajj rituals, his Hajj would be correct. Ignorance of the ruling will be considered just like that of forgetfulness. However, it is based on ihtiyat al-

mustahabb to repeat the Hajj the next year, whether he was ignorant or forgetful.

5. One who, consciously and deliberately, had neglected ihram until he could not attain wuquf at `Arafat and Mash`ar, his Hajj is void.
6. One, who is allowed to advance the rituals of Mecca before the two wuqufs, is obliged to perform them with ihram and if he had done them without it, he must repeat them with ihram.

Chapter 11

Wuquf at `Arafat

Wuquf at `Arafat is the second obligation of Hajj. `Arafat is a known mountain, the boundaries of which are from the inside of `Urnah, Thuwayyah and Nimrah to Dhi'l-Majaz, and from Ma'zamain to the extreme limit of the wuquf area. These limits are considered outside the area of `Arafat.

1. Wuquf at `Arafat is a worship for which niyyah is wajib with its conditions mentioned in ihram.
2. What is meant by wuquf is the general meaning of attendance at that place no matter whether one was riding, walking, sleeping or standing.
3. It is based on ihtiyat to stay there from the zawal of the 9th day until the legal sunset, i.e. the time of the salat of maghrib. It is not remote that it is permissible to delay the wuquf a little bit after zawal time for a time just enough for the performance of salat of zuhr and `asr together with their preliminaries.
4. The mentioned wuquf is wajib, however, the rukn of it is just the strict meaning of staying even for 1-2 minutes. So if a person under normal conditions neglects this strict meaning of staying, his Hajj is void, and if he did it only and neglected the remainder or delayed wuquf until afternoon, his Hajj would be correct, although he had committed a sin if he did that purposely.
5. It is haram to stream out from `Arafat before maghrib. So if a person did that intentionally or got out of its limits and did not return, he is considered as a disobedient and is obliged to do kaffarah with a camel. Nevertheless, his Hajj is correct. If he could not slaughter a camel, he should fast for 18 days. It is based on ihtiyat to slaughter the camel on the day of the `Eid at Mina although it is not remote that being in Mina is not determined. If one returned to `Arafat, then there would be no kaffarah for him.

6. If he, forgetfully or ignorantly, streamed out from `Arafat before maghrib, he is obliged to return if he noticed this before the time was over, and if he did not return, he would have disobeyed, although there is no kaffarah on him. While if he did not notice this until the time was over, then there would be nothing on him.

Wuquf at the Mash`ar al-Haram (Muzdalifah)

Wuquf at the Mash`ar al-Haram (Muzdalifah) is the third obligation of Hajj, which means the attendance at that known place after streaming out from `Arafat at maghrib the night before `Eid to set off towards the Mash`ar al-Haram.

1. Wuquf at Mash`ar is a worship for which niyyah is wajib according to the conditions mentioned concerning niyyah for ihram.
2. The time period of wuquf al-wajib is from dawn until sunrise on the day of nahr (sacrifice), however, it is based on ihtiyat, that one should stay there with the niyyah of wuquf from the time arrival there at night after streaming from `Arafat.
3. It is wajib to stay at Mash`ar from the dawn till sunrise, however, its rukn is the strict meaning of staying even for only 1-2 minutes. Then if one did the rukn and neglected the reminder purposely, his Hajj would be correct although he would have committed a haram act, while if he neglected the rukn without excuse, his Hajj would be void.
4. It is permissible to stream out from Mash`ar to Mina the night before `Eid after staying for a period for women, the weak, children and old persons and these with an excuse, like fear or sickness to rest, in addition to those who are responsible for transporting and looking after them.

Note: there are many points to be observed about the attendance of the pilgrim in one of wuqufs or both whether normally or compulsorily; consciously, ignorantly or forgetfully; and whether single or collectively. These points can be referred to in detailed sources.

Chapter 13

Ramy

In **Ramy** several conditions must be regarded.

First: Niyyah with its conditions as mentioned in ihram niyyah.

Second: Second: Ramy being with things that could be considered as pebbles. It is incorrect to do Ramy with small things like sand or big like rocks.

Third: Third: The time period is from sunrise on the day of `Eid to maghrib on the same day, if possible.

Fourth: Fourth: The pebble must strike the jamarah. So if it did not strike it or one was in doubt about it, it must be disregarded and another pebble should be thrown instead. It is also insufficient to throw it just in the circle around the jamrah.

Fifth: Fifth: To throw seven pebbles.

Sixth: Sixth: To be thrown successively i.e. throwing them all at once will be considered as one pebble even if all the pebbles had struck the jamrah.

1. It is permissible to throw the jamrah after it had been covered with cement and so is the case about the new parts of it as long as it would be conventionally considered as parts of it.
2. Apparently it is permissible to do Ramy from the upstairs, although, according to ihtiyat, it is better to do it from the previously known place.

Criteria regarding the pebbles:

First: Being from the Haram. It is invalid to bring them from outside.

Second: They should not be from pebbles that had been already thrown correctly even from the previous years.

Third: It is impermissible to do Ramy with stolen pebbles or those taken by violence. However, taharah of pebbles is not a condition.

1. Women and weak persons - who are allowed to stream out from Mash`ar al-Haram to Mina after midnight - are allowed to do Ramy at night if they were excused from doing it during the day.

More than that, women, in general, are allowed to do it at night. While the accompanying person (with them) if he was excused, could do Ramy at night; otherwise Ramy during the day for him is wajib.

2. One who is excused from doing Ramy on the day of `Eid, he is allowed to do it the night before or after. The same will be applied to those who are excused from Ramy on the day of the 11th or the 12th i.e. they could do it the night before or after that day.

Chapter 14

Hady

Hady is the 5th obligation of Hajj and the 2nd practice at Mina.

1. It is wajib on the pilgrim in Hajj al-tamattu` to do hady with one of the three types of animals i.e. camels, cattle, and sheep, whether male or female, and the best are camels. It is invalid to slaughter any animal other than these.
2. Hady is a worship for which niyyah is a condition with the same conditions mentioned in the niyyah for ihram.
3. Conditions to be regarded in the animal to be slaughtered as Hady are:

First: Age. For a camel it is a condition that it should have entered the 6th year of age, while for a cow and goat the 3rd year according to ihtiyat al-wajib. For sheep entering the 2nd year is a condition according to ihtiyat al-wajib. It is invalid to slaughter a younger animal, while an older one is alright.

Second: Being healthy and physically sound

Third: Should not be slim

Fourth: All body parts must be in fact and complete. A defective animal, like a castrated one, is invalid, however, an animal with traumatized tests is alright unless it has reached the state of castration. Also it is invalid to slaughter an animal with a cut tail, one eye lost, a limp, an amputated ear or a broken internal part of horn. The rule is the same with those with congenital defects.

However, one with broken external horn (the covering sheath over the internal horn) or with a torn or pierced ear is alright.

4. If one had slaughtered an animal thinking it was sound and discovered later that it was diseased or defective, he is obliged to slaughter another hady whenever he becomes able.
5. It is based on ihtiyat to delay the hady after the ramy of jamarat al-`Aqabah.

6. It is based on ihtiyat al-wajib and under normal conditions not to delay hady after the day of `Eid. One who delays it deliberately, inattentively or ignorantly, whether due to an excuse or not, based on ihtiyat al-wajib should slaughter it during the days of tashriq, if possible otherwise, on any day of the month of Dhu'l-Hijjah with no difference, apparently, between the day and the night.
7. The site of slaughtering is Mina. If one is prevented from slaughtering there, he could do it at the present place prepared for it.
8. It is based on ihtiyat al-wajib that the man doing the slaughter is a believer (mu'min). However, it is not remote that belief is not a condition if one would do the niyyah the wajib practice by himself and appoint a na'ib as a representative (wakil) for slaughtering only.
9. It is a condition that one should slaughter with his hand or appoint another as a wakil. If somebody had slaughtered on his behalf without his previous approval, the slaughtering is doubtful. So it is based on ihtiyat not to suffice with it.
10. The slaughtering tool must be made of iron or stainless steel. If one had doubts about that, he should make sure of it. Otherwise, slaughtering with it would be invalid.

Chapter 15

Taqsir or Halq

Taqsir or Halq is the sixth obligation of Hajj and the 3rd practice at Mina.

1. After hady it is wajib to do halq (shaving of the head) or taqsir (to cut some of the hair or nails). Taqsir is strictly wajib on women for whom halq only is invalid and it is based on ihtiyat for them to combine cutting the hair and nails. For men, and according to ihtiyat, halq is obligatory in case he was performing Hajj for the first time; otherwise he is free to do halq or taqsir.
2. Both halq and taqsir are worships for which niyyah is wajib which must be free of hypocrisy and to intend obedience to Allah the Sublime. Then if one did halq or taqsir without the said niyyah, he would not become free from things freedom from which is dependent on these practices.
3. If one is helped in doing taqsir or halq by another person, he must do niyyah by himself.
4. It is based on ihtiyat al-wajib to do halq or taqsir during the day of `Eid; otherwise if he did not, he must do them the night before the 11th day or later on and it would be valid.
5. For someone who had delayed the Hady after the day of `Eid for some reason, it is not wajib for him to delay halq or taqsir. More than that it is not remote that doing it is wajib on the day of `Eid for which ihtiyat is not to be neglected - while performing the tawaf of Hajj and the other 5 practices of Mecca before hady is a matter of doubt.
6. In normal conditions halq or taqsir must be done at Mina and no other place.
7. If one, deliberately, forgetfully or ignorantly, did halq or taqsir outside Mina and then performed the other practices, he must return to Mina for it and repeat the other dependant practices. The rule is the same if he had neglected them and left Mina.

8. On the day of `Eid it is wajib first to do ramy of jamarat al-`Aqabah, hady i.e. if one is able to do it on this day at Mina, and then taqsir or halq. If one deliberately disturbed this succession, he would be disobedient, although apparently it is not wajib to repeat them in succession. Nevertheless if one could, repetition goes with ihtiyat. The rule is the same in case of ignorance and forgetfulness. However, if one was not able to do hady there on the day of `Eid, then if he could to it on that day in the slaughter-house present nowadays outside Mina, it is based on ihtiyat al-wajib also to put hady ahead before the halq or taqsir. While if this also was difficult, it is based on ihtiyat al-wajib to do halq or taqsir on the day of `Eid and get free of ihram but to delay the practices of Mecca after performing Hady.
9. After halq or taqsir the muhrim becomes free to do or enjoy everything that was haram for him during ihram except women and using perfume.

Chapter 16

Practices of Mecca al-mukarramah

The wajib practices at Mecca are 5:

1- Tawaf al-Hajj (called visiting tawaf);

2- Its salat al-tawaf;

3- Sa`y between Safa and Marwah;

4- Tawaf al-nisa'; and 5- Its salat al-tawaf.

1. It is permissible, even mustahabb, after completing the practices of the day of `Eid to return to Mecca the same day to perform the remaining practices of Hajj i.e. the 2 tawafs, their salats and sa`y. It is also permissible to delay them until last day of tashriq or even to the last day of the month of Dhu'l-Hijjah.
2. The method of the 2 tawafs, their salats and sa`y are the same as those of `Umrah and differ only in niyyah i.e. here one must intend to perform them for Hajj.
3. Under normal conditions, it is not permissible to put these practices ahead before the wuquf at `Arafat and Mash`ar and the practices of Mina. However, it is permissible to advance the 2 tawafs and their salats for some groups:
First: Women, if they are afraid that their menses or puerperium (nifas) might happen after returning to Mecca and they would not be able to wait till they were purified.
Second: Men and women who are unable to perform the tawaf after returning to Mecca due to crowdedness or those who would never be able to return to Mecca at all.
Third: Sick persons who are unable to perform the tawaf after returning to Mecca due to crowdedness or even the fear of such.
4. If one of the mentioned groups had put the 2 tawafs, their salats and sa`y ahead and the excuse ceased to exist after that, they are not obliged to repeat them, although repetition goes with ihtiyat.
5. Whoever advances the practices of Mecca for an excuse, like the above mentioned groups, using perfume and women for him

would never be halal but after halq or taqsir, i.e. after doing them all haram things will be halal for him.

6. Tawaf al-nisa' and its salat are wajib but not considered as rukns i.e. if one neglects them deliberately, his Hajj would not be void but women, then, would not be halal for him.
7. Tawaf al-nisa' is not only for men, but for women and others as well. So if a man neglected it, women would not be halal for him and vice versa.
8. Under normal conditions it is not permissible to advance sa`y before the tawaf al-Hajj or its salat. It is again impermissible in these conditions to advance tawaf al-nisa' before them or before the sa`y. So if one breaks this succession, he should repeat it.
9. If one, inattentively neglected tawaf al-nisa' and went back to his country, then if he could return and do it without difficulty, he should do it; otherwise he should do istinabah. For such a person women; would not become halal unless tawaf and its salat had been performed by himself or by the na'ib. The rule is the same if tawaf had been neglected deliberately.
10. The same things and practices which become haram during ihram for `Umrah are haram during ihram here and getting free from them is gradual and in 3 steps:
First: After halq or taqsir everything becomes halal for the pilgrim except women and using perfume. Even hunting would become halal in general, although it is haram to do it inside the Haram.
Second: After sa`y using perfume becomes halal.
Third: After tawaf al-nisa' women becomes halal.

Mabit (passing the night) at Mina

Mabit (passing the night) at Mina is the 12th obligation of Hajj and the 4th practice at Mina.

1. It is wajib to pass the night at Mina on the nights before the 11th and 12th of Dhu'l-Hijjah. Thus if one went to Mecca on the day of `Eid to perform the tawafs, salats and sa`y, he is obliged to return and pass the night at Mina.
2. Three groups are to be excluded from observing mabit at Mina who are:
 - A. Sick persons, those who are looking after them and any one who has an excuse with which mabit there would be difficult.
 - B. One who is afraid that his valuables or money might be lost or stolen at Mecca i.e. if it was a good amount of money.
 - C. One who stayed at Mecca occupying himself with worship till fajr time and did not do anything else other than necessary eating and drinking and renewing his wudu'.
3. Mabit at Mina is a worship for which niyyah is wajib with the mentioned conditions.
4. Mabit from the time of maghrib till midnight is sufficient, and it is based on ihtiyat al-wajib for those who without excuse did not observe mabit in the first half of the night to observe it on the second half although it is not remote that in normal conditions observing mabit in the second half of the night only is sufficient.
5. Whoever neglects the wajib mabit at Mina without occupying himself for worship at Mecca, must do kaffarah with a sheep for each night. There is no difference in this rule, according to ihtiyat, between those excused and others or between the ignorant, the forgetting and others.
6. Whomsoever is allowed to stream out on the 12th day, is obliged to stream out after zawal and not before it.

Ramy of the three jamarat

Ramy of the three jamarat is the 13th obligation of Hajj and the 5th practice at Mina. Ramy of the 3 jamarat being the same in its method and conditions, as the mentioned Ramy of jamarat al-`Aqabah (the big) on the day of `Eid.

1. It is wajib to throw the three jamarat (the first, the medium and the `Aqabah), during the days after those nights on which, mabit is wajib.
2. The time limit of Ramy is from sunrise till maghrib. Thus it is impermissible, in normal conditions, to do it during the night. From this ruling those who look after others and anyone with an excuse, like fear about his money, his life or his honor, being excluded. Weak individuals like women, old men and children who are afraid of heavy crowds are also excluded and all of them are allowed to do Ramy at night.
3. One who is only excused from doing ramy during the day, is not allowed to do istinabah but he must do Ramy by himself on the night before or the night after that day. While those who are excused from Ramy even at night, e.g. sick persons, are allowed to do istinabah. However, it is based on ihtiyat al-wajib, to do Ramy by oneself on the next night if the excuse no longer exists.
4. If an excused one did istinabah for Ramy and the na'ib had done it then the excuse no longer exists before the time limit of Ramy is over, in such a case if while making istinabah he was hopeless about the disappearance of the excuse till the na'ib had done the Ramy, the Ramy would be valid and he is not obliged to repeat it. While one who was hopeful that the excuse may have disappeared, must repeat it by himself if the excuse is off even if he was allowed to do istinabah.
5. Ramy of the 3 jamarat is wajib but it is not a rukn in Hajj.

6. Succession in Ramy is obligatory i.e. to start with the first jamarah then the medium and finally the `Aqabah. One should throw each jamarah with seven pebbles with the method previously mentioned.
7. If one forgot the ramy of the 3 jamarat and left Mina, then if he remembered during the days of tashriq, he would be obliged to return to Mina and do ramy by himself if he was able; otherwise istinabah would be obligatory. While if he remembered after those days or he had deliberately delayed ramy until the days of tashriq had lapsed, it is based on ihtiyat al-wajib to return and do ramy by himself or do istinabah, then to do qada' of ramy the next year even by istinabah. If one forgot ramy of the 3 jamarat until he left Mecca, it is based on ihtiyat al-wajib to do its qada' the next year even by istinabah.
8. It is permissible to throw stones at the 3 jamarat from their four sides and it is not a condition to face the qiblah during throwing the first and the medium, or to put one's back to the qiblah in throwing the stones at the jamarat al-`Aqabah (the big).

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