

The Ahkam of the acts of Hajj and Umrah according to the four mathahib of Fiqh

Despite the fact that some claim one may never be able to do it properly or that scholars are available in Makkah to give you help when and where you need it, learning the rulings of Hajj ahead of embarking on the journey is probably the single most important act of preparation for it. The comparative-ruling table provided should make your learning easier and more creative. *Hajj Mabroor.*

By Dr. Hamdi Shalabi



DEPARTMENTS

4 EDITOR'S NOTE

6 STRAIGHT TALK

8 LETTERS

10 HEART TALK

Hearts swinging between hope & fear.

12 PATHS TO PARADISE

Do you know that Muslims are required to run all of their religious and worldly affairs by means that employ consultation as a main tool of management?

14 CHARACTER

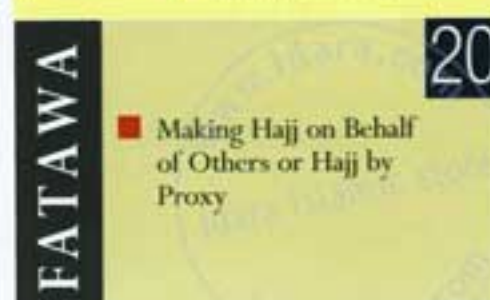
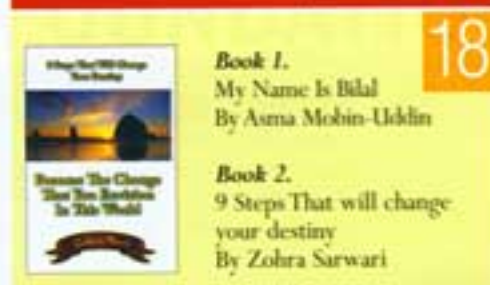
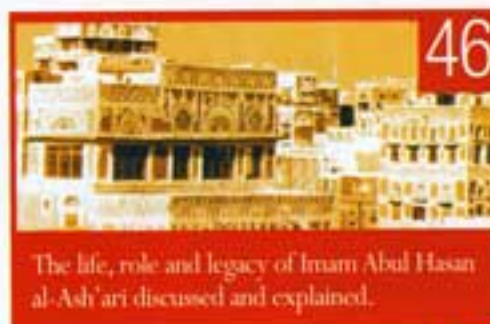
Hope is not a luxury that makes our life better. It is an obligation upon Muslims. It is a part of our faith.

16 YOUTHFUL HORIZONS

To every love, there are signs which indicate it. What is the one sign that truly indicates one's love of Prophet Muhammad?

36 LETTERS FROM THE BACKWOODS

A young Muslim writer's contemplation of what happens after death and his observation on how an eminent English essayist and novelist entertained the same question.



DEPARTMENTS

38 SCIENCE UPHOLDS FAITH

On the consciousness in the human cell-part 7 in the series.

40 QUR'AN AND LIFE

It is not sin that Satan is after in man. It is denaturing of him that Satan desires, in order to de-spiritualize him.

44 MADARIJ-US-SALIKEEN

Translation series of Ibnul Qayyim's classic manual of Islamic Spirituality: Madarij-us-salikeen (Steps of the Seekers).

64 REFLECTIONS

On situations where comfort can never be felt by thinking of what comprises Islam, but found only in trusting Allah's infinite Mercy.

FAMILY LIFE



50 PARENTING

On answering questions about how well we know our children.

54 WOMEN'S ISSUES

Motherhood offers many wonders and blessings; yet, it can make women feel depressed, unattractive, and inadequate. Here are some tips for regaining your body (and spirit) months and even years after becoming a mom.

58 HEALTH MATTERS

If you are tested with tobacco, read this article.

61 PLAY AND LEARN

Puzzle and Matching List

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The following is a list of the scholars who answered this month's questions:

Khalid ibn Salih Al-Mu'yni
Member of the Supreme Court
of Makkah

Making Hajj on Behalf of Others or Hajj by Proxy

Granted that making Hajj on behalf of others is legally permitted, what should the agent say in ihram on behalf of his client? Is he obliged to perform Hajj the way specified by the client? Will the maker of such Hajj get a reward for doing it? And is he obliged to make a specific dua'a for his client?

Answer by Khalid ibn Salih Al-Mu'yni

In determining the legal validity of making Hajj on behalf of others the following cases are to be considered:

1. Hajj made on behalf of one who is physically able to perform Hajj himself. Imam Ibnul Munthir, in his book *al-Ijma'* (the Consensus), said, "Scholars are unanimous that one who is physically able to perform the acts of Hajj is not allowed to appoint another person (of course and pay his expenses) to make the obligatory Hajj on his behalf."

A situation that branches from the case at hand is one where a person desires to make a voluntary Hajj (beyond his/her obligatory one) and seeks to do it through proxy: is it allowed/valid or not? Here, the majority of scholars also concur that one is not allowed to appoint someone else to do it for him. Hanafi and Hanbali *madhabs*, however, maintained, in one narration from

them (thus lowering the consensus to a majority situation), that voluntary Hajj could, in fact, be delegated. But I am of the opinion that the view of the majority is weightier (in terms of evidence) than that of this narration from Hanbalis and Hanafis.

2. Performing Hajj on behalf of ones who are old and infirm and those who are terminally ill.

It is the view of the majority of the scholars that if a person is physically infirm due to age or illness, he or she is *legally required* to appoint someone to make Hajj on his or her behalf (of course the condition of financial ability still applies such that if he/she does not have the money to pay for the proxy then he/she is not obligated to do it). The Malikis, however, opined that delegation of Hajj is not allowed except on behalf of anyone who died before making the obligatory Hajj. But the opinion of the majority on this issue is stronger because of the hadeeth

narrated by Bukhari and Muslim in which a woman from the tribe of Khath'am said to the Prophet, *sallallahu alayhe wa sallam*, during the Prophet's fare-well Hajj: "O Messenger of Allah! My father is advanced in age such that he cannot make the obligatory Hajj. Can I do it on his behalf?" The Prophet, *sallallahu alayhe wa sallam*, answered, "Yes you can."

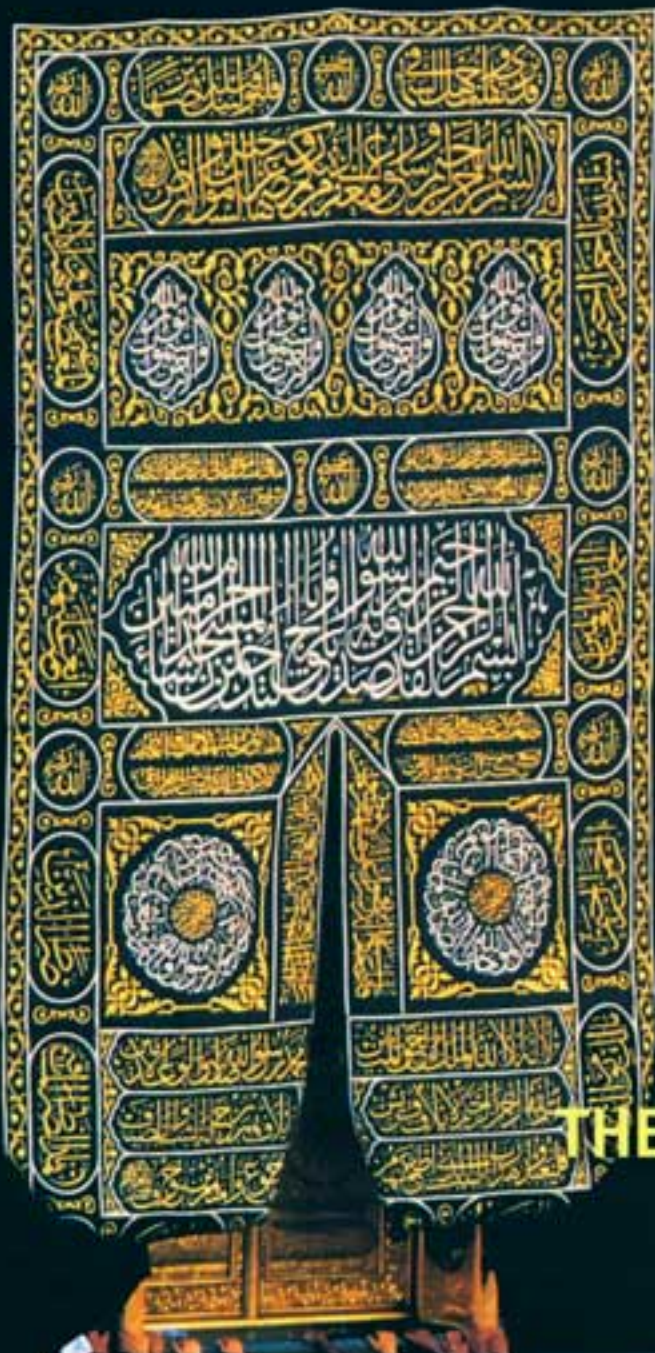
3. Making Hajj on behalf of a sick person who is expected to recover from his illness.

Simply stated, the correct opinion in this situation is that such a person is not allowed to appoint someone to make Hajj on his behalf. This should be clear by comparing this situation to the first.

4. Making Hajj on behalf of someone who dies before making the obligatory Hajj.

The correct opinion from among the

فِي ذَلِكَ لِحُكْمِ اللَّهِ
وَلَعَلَّكُمْ تَتَّقُونَ



THE AHKAM OF THE ACTS OF HAJJ AND UMRAH ACCORDING TO THE FOUR MATHAHIB OF FIQH

BY DR. HAMDİ SHALABI

The following are the definitions of the Arabic legal terms used in the chart:

1- **Hukm** = legal status or value of an act

2- **Rukn** = Pillar (An act whose omission will invalidate one's Hajj)

3- **Wajib** = Obligatory (An act whose omission will not invalidate the Hajj but the perpetrator is required to atone for the omission or mishandling of the Wajib act by sacrificing an animal, fasting or paying a specified amount of money. However, it should be noted that contrary to the three other Mathahib, the Maliki school, uses the term Wajib interchangeably with the term pillar)

4- **Shart** = condition.

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she ran. We stone the symbolic pillars where Isma'il pelted Satan, who sought to stir him to disobedience against Allah and Ibraheem.

Yet above all, we ritually sacrifice a lawful gift-animal, to feed the world's poor and ourselves, for the sake of

Allah, in celebration of His deliverance of Isma'il from ritual death in the great test of faith faced and passed by Ibraheem, Friend of God.

Hajj thus becomes an individual obligation upon every adult Muslim who has the means to make it there. It is

noteworthy that good physical and mental health forms part of that obliging condition. For Allah knew that Hajj would entail health hardships and physical rigors that its pilgrims had to be prepared to meet.

So on to preparation.



THE THREE HAJJ CHALLENGES TO PHYSICAL WELLBEING

To maximize the benefit of Hajj, the would-be pilgrim should account for four physical factors: Physical ability, mental strength, the environment, and medical conditions, existing and potential.

All valid worship involves two components: Intention and action, in that order. Sincere purpose is the precondition Allah has set for His acceptance of any of our acts of devotion. Physical

adequacy is an essential part of actualizing that intention and performing it optimally.

In some ways, Hajj is unique among the obligatory rituals of worship. It challenges our physical competency in a succession of rites that place increasing demands upon our bodies and pose increasing "logistical" corporal difficulties.

In spite of our sincere intention, we may be unable to complete its rites (at least on our own), if we suffer one or another physical inadequacy. It is, therefore, crucial—prior to embarking on Hajj and while on pilgrimage—that we honestly inventory our physical condition, that we pay it due attention, and that we maintain it, remediate it, or manage it in the best possible way. This is the single most significant step we can take in secur-

Tested with Tobacco

BY ELIZABETH ANNE RIBBECK, RN, CNM

"Have we not opened your breast for you (O Mohammad)? And removed from you your burden. Which weighed down your back? And have we not raised high your fame? Verily, along with every hardship is relief, Verily, along with every hardship is relief. So when you have finished (your occupation), devote yourself for Allah's worship. And to your Lord (Alone) turn (all your) intentions and hopes." The Noble Qur'an, Surah 94, Ash-Sharh.

A brisk fall day, the fog collects ahead. My sight is limited by fluffy, white clouds of moisture congregating near the ground. A yellow-green yard of grass speckled with reddened patches stretches ahead between the puffy, woolen clouds. As I enter indoors, a wink of yellow sun begins to melt away the haze. As the afternoon progresses, I anticipate the woody smell of the embracing oaks outside. I envision the orange, yellow, and brown deciduous leaves of a pecan tree; the crispy-crunch of playfully marching over piles of shed leaves that once provided shade. I look through the glass-paned door as I leave the warmth