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HAJJ AND 'UMRAH

AL-RISALAH: A TREATISE ON MĀLIKI FIQH



'Abdull h ibn Ab Zayd al-Qayrawani
[310/922 - 386/996]

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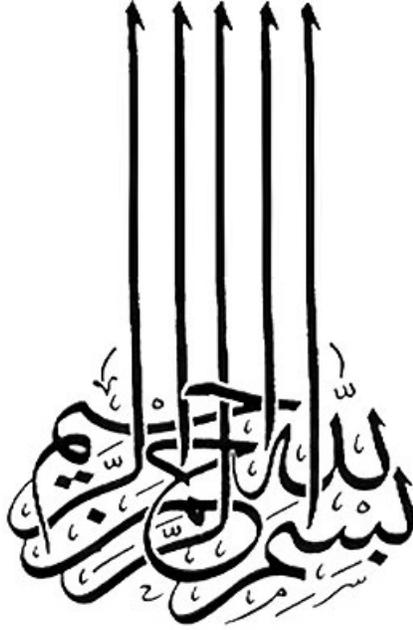
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28.1 The obligation of the Hajj

28.1a. The meaning of Hajj

Each word has a linguistic and technical meaning. Linguistically, *Hajj* means to aim for something once or to do something time after time or a simple intention. This usage is like the words of the Almighty,

‘And when We made the House a place to return to, a sanctuary for mankind.’¹

Its technical usage designates an act of worship which contains ihram, standing, Tawaf, Sa'y and other things.

Linguistically *'Umrah* means to visit. Linguistically it designates an act of worship which has ihram, standing, Tawaf, Sa'y which begins like the Hajj.

28.1b. The word Bakkah

Going on Hajj to the Sacred House of Allāh, situated in Bakkah,

‘Bakkah’ is used to honor it.

28.1c. Preconditions of its obligation

It is an obligation for every free adult Muslim, who is able to find a way to do it, once during his lifetime.

- **Ability;** It is obligatory when five preconditions are meant. He indicates on of them: who is 'able to find a way to it', i.e. to the House of Allāh.
- **Islām;** Islam is a precondition for the obligation. That is what Ibn al-Hajib and the author of the *Mukhtasar* say. It is a precondition for its validity. According to the first, disbelief is a barrier to its obligation, and according to the second, to its validity.
- **Freedom;** The third precondition is freedom.
- **Adulthood;** The fourth is adulthood. The precondition of adulthood is not confined to the Hajj.

¹ Sūrāh al-Baqarah, ayāh 125

- **Sanity;** The final precondition remains, which is sanity. The Hajj is not obliged for someone who is insane. Hajj is obligatory for the one who is legally responsible and meets the preconditions. If someone who is not legally responsible makes the Hajj, his Hajj is valid but the obligatory Hajj is not achieved for him.

Its obligation is indicated by the Book, Sunnah and consensus. Whoever denies that it is obligatory is an unbeliever. If anyone affirms its obligatory nature but refuses to do it, will be called to reckoning by Allāh. Hajj is obligatory on the one who meets the preconditions once in his lifetime by consensus.

28.1d. The meaning of 'way'

What is meant by 'way' is a safe route, sufficient provisions to reach Makkah, sufficient strength to be able to get to Makkah and a good state of health.

This expression covers four things:

- It must be a safe route. If he fears for himself, it is agreed that the obligation is cancelled. If he fears for some of his property and injury, it is cancelled for him. If he would not be injured, it is cancelled for him by one statement.
- Provisions. Apparently he only considers what will enable him to reach it. That is what al-Lakhmi said. He qualified that by saying, "Unless he knows that if he remains there, he will die and he fears for himself. Then he considers what is adequate for the return journey to the nearest place he can stay in it and sell to buy provisions and other things.
- Physical ability. The third is the strength to arrive on foot or riding. When the blind person finds someone to guide him and there is no enormous difficulty, then it is obliged for him.
- Health. Some say it is a part of strength and some say it is a fourth precondition. Hajj is not obligatory for the sick person, even if he has what can find something to ride. The hajj has obligations, sunnahs and excellent parts. The shaykh did not clarify them. He described the Hajj in the actual order in which it is performed. We will, Allāh willing, point the various parts. One of the obligations is Ihrām.

28.2 Ihrām

28.2a Its miqāts

You should go into 'ihram' at the appropriate miqāt.

It has two miqāts: one in time and one in place.

1. The Miqāt of time

The miqāt of time was not mentioned by the shaykh: that is the months of Shawwal, Dhu'l-Qi'dah, and all of Dhu'l-Hijjah in the famous position. It is said it is only the first ten days of Dhu'l-Hijjah. Disagreement arises when the Tawaf al-Ifadah is delayed. In the famous position, sacrifice is not obliged for him unless it is delayed to Muharram. In the other position, it is when it is knowingly delayed to the 11th. The defined time is the time of the Hajj, including entering ihram and ending it, not only ihram only. If he goes into Ihrām before Shawwal, that is disliked.

2. The Miqāt of place

If he goes into Ihrām before that, it is disliked. It is recommended not to delay going into ihram because hastening to obey is better. It varies according to the different states of those going into ihram. The Miqāt of the Makkan is Makkah. It is recommended for him to go into Ihrām from inside the mosque. His Miqāt for 'Umrah and for Qiran is coming out of Ihrām because every ihram must combine being both in and out of Ihrām. The Miqāt of someone from outside Makkah varies and it is one of five places with the differences of Fiqh, about whether he goes into ihram for Hajj or 'Umrah.

28.2b Physical Miqāts

The Miqāt for the people of Syria, Egypt and North Africa is Juhfa, but if they come via Madīnah, it is better for them to go into ihram at the Miqāt of the people of Madīnah which is Dhu'l-Hulayfa. The Miqāt of the people of Iraq is Dhat Irq and that of the people of Yaman, Yalamlam. The people of Najd go into ihram at Qarn. If any of these go via Madīnah they too should go into ihram at Dhu'l-Hulayfa since they will NOT be passing their own Miqāt again.

Juhfa is a town about 7 stages from Madīnah and 3 or 5 from Makkah. If people of these regions come via Madīnah, they adopt the Miqāt of the Madīnah. Dhu'l-Hulayfa is about 6 miles from Madīnah. It is the furthest of the Miqāts from Madīnah. There is about 10 stages from Makkah. Iraq also includes places further on like Iran. Dhat 'Irq is a ruined town two stages from Makkah. Yalamlam is a mountain of Tihama two stages from Makkah. Qarn is a small mountain apart from the mountains opposite Makkah and two stages from it. Those who make hajj by sea from the Egypt and the like go into Ihrām when they are opposite Juhfa.

28.2c How to go into Ihrām

When going into Ihrām you should do so straight after praying, whether that prayer is Fard or Nafila. You start by saying,

"Labbāyk Allāhumma Labbāyk, Labbāyk lā sharika lak inna'l-hāmda wa ni'mata laka wa'l-mūlk, la sharika lak."

At Your service, O Allāh, at Your service. At Your service, none can be associated with You, at Your service. All praise and blessing is due to You as is the Kingdom. None can be associated with You.

It is Sunnah to say this. In short, the Talbiyah is obligation in itself. So if you were to omit it, you are obliged to sacrifice. It is Sunna that it accompany going in ihram. 'Labbāyk' means is answer after answer, The answer is in response the words of the Almighty, "Am I not your Lord?" They said, "Yes" [*balāh*]. It also refers to the fact that when Ibrahim asked permission for people to make Hajj and he called out, "O people! Allāh has a House so make Hajj," they answered him from the east and the west of the earth and from the wombs of the women and the loins of the men. Some people prefer to stop at "*Mulk*" and start a new sentence with "*lā sharik*".

28.2d The intention

You say this and make the intention to do Hajj or 'Umrah according to what you are intending to do.

Ibn 'Umar said according to the position of Ibn Habib ihram begins by the intention and the word, i.e. the Talbiyah. He considers the Talbiyah a precondition for its validity and so it has the same position as the Takbir al-Ihrām in the prayer. Khalil says that the reality of ihram is to enter with the intention into one of the two practices with the word connected to it, like the Talbiyah, or an action connected to it, like turning to the road. Ihrām does not begin simply by the intention. There must be the word, like the Talbiyah, or an action, like turning to the road. One of the special qualities of the Talbiyah is not that it is a precondition for the validity of ihram as Ibn Habib stated. It revolves around the existence of one of two - word or deed. It is recommended to confine oneself to the Talbiyah mentioned because it was the Talbiyah of the Prophet ﷺ.

28.2e Performing a ghusl

Then you should have a ghusl

Even if a woman is menstruating or bleeding after childbirth since it is Sunnah. This is based on what at-Tirmidhi reported: the Prophet ﷺ stripped for Ihrām and performed a ghusl before he assumed Ihrām. There is no sacrifice for omitting it either deliberately or out of forgetfulness. That is also the case with the rest of the ghusls of the Hajj. The evidence that it is Sunnah for the woman in menstruation or bleeding is what comes in the Muwatta' that Asma' gave birth and when Abū Bakr mentioned that to the Messenger of Allāh ﷺ he said, "Tell her to perform a ghusl and then enter ihram." It is recommended for the one who wants to assume ihram for hajj or 'Umrah to clip his nails, shave his private parts and trim his beard, but he does not shave his head since dishevelment is desirable.

28.2f Removing stitched clothing

Remove any clothes containing stitching before actually entering the state of Ihrām.

It is Sunnah for men to remove any stitched garments and to wear a wrapper, cloak and sandals.

28.2g A ghusl when entering Makka

It is also recommended to have a ghusl when you enter Makka.

This is for the one in Ihrām, who is not menstruating or in lochia. It is best that it be at Dhu Tuwa since that is what the Prophet ﷺ did.

28.2h Continuing the Talbiyah

You should continue to recite the Talbiyah [as mentioned above] after all prayers, at the summit of every rise and every time you rejoin your travelling companions.

The Muhrim does the Talbiyah after the obligatory and Nafila prayers, and at every high place and in the valleys. His 'travelling companions' are those he camps and travels with. He also says it when he wakes up from sleep. The one saying the Talbiyah does not return the greeting until he finishes. He is recommended to raise his voice in the Talbiyah to a medium level. The woman should only be able to hear herself. It is not disliked for a woman in menstruation or lochia to say the Talbiyah.

28.2i Not being excessive in the Talbiyah

However, you should not go to excess in it.

This is not recommended or obligatory. Indeed, it is disliked by Mālik. This means doing it a lot constantly so that he does not cease that. When he does not cease, he is not silent so that he misses the ceremony.

28.3 Entering Makka

28.3a Stopping the Talbiyah and restarting it. When you enter Makkah you stop reciting the Talbiyah until after you have completed your Tawaf and Sa'y. Then you start doing it again until midday on the Day of 'Ā'rafat, if you have got to the place of prayer on 'Ā'rafat.

It is related that he stops it at the Jamra al-'Aqaba. Al-Lakmi inclined to what is in Muslim that the Prophet ﷺ continued to do the Talbiyah until he stoned the Jamra al-'Aqaba.

28.3b. Where to enter Makkah

It is recommended to enter Makkah through the pass of Kada' in Upper Makkah and to leave it by Kuda, but it does not matter if you do not do this.

This is because the Prophet ﷺ did that and the Companions after him did so as well. It is recommended to enter it in the day since the Prophet ﷺ did that. If someone enters before sunrise, he does not do Tawaf. If he does Tawaf, he does not pray until sunrise. Nafila prayers are lawful. When a woman arrives in the day, she is recommended to delay Tawaf until night. When someone leaves, it is recommended that he go by Kuda, which is the bottom of Makkah. There is no sin if he does not do this, because he has not omitted something obligatory.

28.3c. The first thing done after entering Makkah

Mālik said that all those entering Makkah should first of all go straight to the Masjid al-Haram, which it is recommended to enter by the door of Bani Shayba.

And no where else unless it is unavoidable - like tying up one's mount and having a little food. Delay is bad manners. This is now known as the Door of Peace. That is because the Prophet ﷺ did that. After someone enters, he should do Tawaf by making the intention and make for the Black Stone.

28.4. The Tawaf

28.4a Greeting the Black Stone You should greet the Black Stone by kissing it, if possible, or if you cannot then by touching it and putting your hand to your mouth without kissing it.

If he cannot touch it with his hand, he touches it with his stick and then places it to his mouth without kissing it. A stick is not adequate when the hand is possible and nor the hand when kissing is possible. This kissing is a Sunnah at the beginning of the Tawaf and recommended in the rest of it. The evidence for kissing is in the two Sāhīh collections that 'Umar kissed it and said, 'I know that you are a merely a stone which can bestow neither harm nor benefit. If it had not been that I had seen the Messenger of Allāh ﷺ, may Allāh bless him and grant him peace, kiss you, I would not have kissed you.'

28.4b The Tawaf of Arrival

Then you do Tawaf keeping the House on your left, going round it seven times.

After kissing the Black Stone, you perform Tawaf of Arrival. It is obligatory for every one who assumes Ihrām, whether he is one of the people of Makkah or elsewhere. When he goes into ihram from the Haram, he does not do the Tawaf of arrival since he is not arriving. Tawaf, whether it is a pillar, obligation or desirable practice, has obligatory parts, sunan and recommended parts.

28.4c The Obligatory parts of Tawaf

It has six obligatory parts, the first ones being the preconditions for the prayer:

- Purity from ritual impurity and uncleanness, and covering the private parts. If he breaks wudu' while performing it, he purifies himself and begins again, based on the famous position. Speech is permitted in it since the Prophet ﷺ said, 'Tawaf of the House is prayer although Allāh has allowed speech in it, so one should only speak good.'
- Tawaf is done inside the mosque.
- He puts the House on his left. If he puts it on his right, his Tawaf is not valid and he must repeat it. He should take care when he begins the Tawaf and stand a little before the corner so that the Stone is on his right of where he stands. That is what al-Fakhani said. If he does not completely encompass the Stone, he has not completed the first circuit. He should take note of that: the ignorant often err in that. His Tawaf is outside the House, and the one who kisses the Black Stone must only walk after he had stood upright as before. He is not permitted to kiss it and then walk with bowed head or his hand so that he does not achieve some of the Tawaf. All his body would not be outside the House because part of his body is on the buttress, which is part of the House and thus his Tawaf would not be valid.
- Seven circuits. He begins from the Stone and ends at the Black Stone. If he begins from the Yemeni corner, he ends with it and must sacrifice.
- Continuity. If he forgets a circuit and then remembers soon after and has not broken wudu', he returns to it, as he would to the prayer. If it is a long time, then the Tawaf is invalid by analogy with the prayer.
- Praying two Rak'āts after it.

28.4d Its Sunan

Three times at a fast pace between walking and running and four times at a normal walking pace.

Its Sunan are four:

- One is the fast pace three times, which is going faster than walking but not running. It is Sunnah for the man and not the woman, even if he is ill. He owes no sacrifice for omitting it, even if he able to do it. Then four circuits are done walking. The evidence for all of this is that the Prophet ﷺ did it.
- Supplication, which is not defined.
- Kissing the Black Stone at the beginning of the Tawaf as was said.
- Kissing the Yemeni Corner in the first circuit.

28.4e Recommended parts

Every time you pass the Black Stone, you greet it in the way we have already mentioned and say 'Allāhu Akbar'. You do not kiss the Yamani corner but you greet it by touching it with your hand which you then raise to your mouth without missing it.

Its recommended parts are four:

- Kissing the Black Stone in the beginning of every circuit except the first if you are able to do so. Otherwise you place your hand on it and then on your mouth without kissing it. You do this while saying the Takbīr.
- Kissing the Yemeni corner at the beginning of every circuit other than the first.
- Going close to the House for men rather women.
- Supplication at the Multazam after finishing the Tawaf. The Multazam is between the Yemeni corner and the door. He hugs it and makes intense supplication.

28.4f Two Rak'āts at the end

When you have finished your Tawaf you pray two Rak'āts at the Maqām Ibrahim. Then if you are able to you greet the Black Stone once more

His words include an obligation and two recommended parts. The obligation is to do two Rak'āts after Tawaf. The two recommendations are doing it at the Maqām and connecting them to Tawaf. It would mean that there is no sacrifice at all on

account of not connecting them: but that is not the case. There is a sacrifice in some instances. Nor is its recommendation absolute: it is recommended for some and obligatory for some in which case there is a sacrifice as a consequence of omitting it. So someone who does not do two Rak'āts until he is far away or has returned home must absolutely perform them. If they are part of an obligatory Tawaf he owes a sacrifice. If they are from another Tawaf, then no sacrifice is obliged for that. If he has not gone far or returned to his land and has not broken his purity, then he only performs two Rak'āts. If his purification is broken deliberately, he does the Tawaf and two Rak'ats, even if they are not obligatory and repeats the Tawaf, the two Tak'āts, and Sa'y. In other than that he repeats it. Does he repeat the Tawaf or not? The apparent meaning is to prefer the second, and he does not kiss the Yemeni corner. After Kissing the Black Stone it is recommended to go to Zam Zam and drink from it.

28.5. Sa'y at Safa and Marwa

28.5a. Beginning Sa'y & then go off to Safa where you stand and make Du'a.

Al-Aqfahasi and Ibn 'Umar said that it is recommended to leave by the door of Safa since it is closest to Safa. Zarruq transmitted from Ibn Habib that the Prophet went out by it.

28.5b. Going to Marwah

From there you walk to Marwah going faster across the bottom of the valley. When you reach Marwah you stand for a time making Du'a and then walk back to Safa. You do this seven times, standing four times on Safa and four times on Marwah.

He should walk quickly in the bottom of the valley, particularly when going to Marwah: this is the Sunnah for men rather than women. The valley is what is between the two green markers which are on the wall of the Masjid al-Haram to the left going to Marwah. The first of them is at the corner of the mosque under the minaret and the second is opposite Ribat al-'Abbas. The supplication made on Marwah and Safa is not specified. Stopping there is Sunnah. This Sa'y is one of the pillars of the Hajj and 'Umrah which is necessary and no sacrifice or anything else can compensate for its omission. Its obligatory nature is indicated by the Book

and Sunnah. It has preconditions, Sunan and recommended parts. Its preconditions are four:

- The proper order, which is that Sa'y is done after Tawaf. If he begins with Sa'y, he returns and does Sa'y .
- Continuity, If he sits for a long time and becomes like someone who stops, he must begin the Sa'y again. If it is a short stop, it does not impair it. If he is afflicted by incontinence he does wudu' and builds on what he has done. Speech in it is less than speech in Tawaf, i.e. he should only speak softly.
- Completing the number: seven. If anyone omits a circuit of Hajj or 'Umrah, whether the Hajj or 'Umrah are sound or unsound, he should return for that from his land. If anyone omits a cubit of the Sa'y, that is not adequate.
- It should be preceded it by a sound Tawaf. It is not a precondition that it be an obligatory one. Any Tawaf is enough according to Ibn al-Hajib and that is what Khalīl understood from the *Mudawwana*, but is preferred, Zarruq said that the famous position is that it is a precondition that it is obligatory like the Tawaf al-Ifada and Tawaf of Arrival. Then after he finishes the Sa'y the time of Standing is near.

28.6. At Minā

On the Day of Tarwiya [8th Dhul Hijja] you go to Mina where you pray Dhuhr, 'Asr, Maghrib, 'Isha' and Subh

It is called Mina because Ibrahīm wished [*tamanna*] in that the command to sacrifice his son would be taken from him. It is said that it is because the blood is shed [*amna*] there. It is 6 miles from it Makkah. It is recommended to go out to it so that when you reach it, the time of prayer will be near. It is recommended to spend the night there. The basis for this is that the Prophet ﷺ did it. Ahmad related that the Prophet ﷺ prayed 5 prayers at Mina: Dhuhr and Subh and what is between them. If someone fails to spend the night there, that is disliked, but he does not owe a sacrifice for it.

28.7 At 'Ā'rafat

And then you go to 'Ā'rafat. 28.7a Its time

When you have prayed Subh on the ninth day at Mina, it is recommended not to leave it until after sunrise. Then you go to 'Ā'rafat, which is the place of standing. When you reach 'Ā'rafat, it is recommended that the camp at Namira, which is at the end of the Haram and the beginning of the non-Haram.

28.7b Leading up to the Standing

During this time you continue to recite the Talbiyah ceasing when the sun has passed its zenith on the Day of 'Ā'rafat and you have reached the place of prayer there. You should have a ghusl before going off to do the prayer on 'Ā'rafat

From the time you leave from sunrise you continue Talbiyah. The place of prayer is the mosque of Namira. You should perform a ghusl after midday before going out. You do not rub thoroughly in the ghusl, but only pass the hands over. This is the last of three ghusls of Hajj. It is for standing, not for prayer, and the woman who is menstruating or in lochia should do it as well.

28.7c Joining Dhuhur and 'Asr

Where you join Dhuhur and 'Asr with the Imām.

They are joined and shortened. He adds in the *Mudawwana*, with two Adhans and two Iqamāhs and recitation is silent, not aloud, even if it coincides with Jumu'a because he is praying Dhuhur and not Jumu'ah. If someone misses joining with the Imam, he joins the prayers wherever he is. Shortening at 'Ā'rafat is for the Sunnah.

28.7d The Standing

Then you accompany him to the standing place at 'Arafat and stay there with him till the sun has set.

This shows that the Standing of 'Ā'rafat is not its prayer place. It is valid to stand in every part of it although it is recommended to stand at the large boulders lying at the base of the Mount of Mercy, the mountain in the middle of 'Ā'rafat. That because it is where the Prophet ﷺ stood. The standing begins after midday.

He stands with him until sunset according to what al-Fakhani and others said and others which would not include any part of the night. The School is that it must include a part of the night. Ibn al-Hajib said, "The minimum obligation in the pillar of standing is to be present part of the night in a part of 'Ā'rafat wherever he wishes except for the bottom of 'Uruna. In short, the fiqh is that standing at 'Ā'rafat after midday is obligatory which can be remedied by sacrifice. The standing part of the pillar is a part of the night after sunset. What is considered as standing is the most perfect meaning. If he passes through 'Ā'rafat at night and does not stand, that is adequate with two conditions: he knows that this place is 'Ā'rafat and that he intends to be present at 'Ā'rafat. This does not include the one who passes not knowing that this place is 'Ā'rafat. It is recommended to stay there mounted since the Prophet ﷺ did that. It is recommended to glorify and praise Allāh, say the Shahādah and the prayer on Sayyiduna Muhammad ﷺ, and make supplication. It is recommended to not fast so as to be strong in worship.

28.8 At Muzdalifa

28.8a Going to Muzdalifah Then when he moves off to go to Muzdalifa you go after him, praying Maghrib, 'Isha and Subh with him at Muzdalifah.

After sunset on the day of 'Ā'rafat when the night is well advanced, you set out with the Imām for Muzdalifah. If you go before him after sunset, then you abandon the best course. When you arrive there, the first concern is to perform the prayer shortly after stopping. You pray the prayers with the Imām at Muzdalifa joined and shortened, except for the people of Muzdalifah. The School is that this joining is Sunnah. When dawn comes, it is recommended for him to pray Subh with the Imam at the beginning of the time. So it is recommended to spend the night at Muzdalifah, as is stated in the *Mukhtasar*. Dismounting is obligatory. It is not enough to make the camel kneel: you must dismount. Whoever fails to dismount without excuse until dawn owes a sacrifice. Whoever omits it for an excuse owes nothing.

28.8b Standing at Mash'ar al-Haram

After that you stand there with him at the Mash'ar al-Haram

It is recommended in the well-known school to stop with him facing the House. Mash'ar is a mountain at Muzdalifah. It is called that because in the Jahiliyyah

they used to mark their sacrifices there. This is the day of Sacrifice. He prays Subh or stops at Muzdalifah until the sun has risen.

28.9 Back to Mina

28.9a Crossing Muhassir and shortly after sunrise, you go to Mina hurrying your mount across the Valley of Muhassir.

Its apparent meaning, as the *Mukhtasar*, is that it is permitted to continue standing at the Mash'ar until the whitening of the sun. In the *Mudawwana*, no one stays at the Mash'ar until sunrise or whitening, but moves on before that. The *Sāhīh* indicates the first. It says that the Prophet ﷺ "came to the Mash'ar al-Haram, faced Qibla and praised Allāh, proclaimed Him great, unified Him and prayed to Him. He remained standing until it was very bright." The one riding is recommended to make his mount hurry. Muhassir is a valley between Muzdalifah and Mina. The path is between them. If he is walking, he walks quickly. A woman does not hurry. This hurrying is an act of devotion.

28.9b Stoning the Jamrat al-'Aqaba

When you get to Mina you stone the Jamrat al-'Aqaba using seven small pebbles

i.e. you begin to stone them first when you reach Mina in whatever state you are, riding or otherwise. It is the end of Mina on the Makkan side. It is called Jamrah from the name of what is thrown at it: stones. Stoning is done from dawn to sunset on the Day of Sacrifice and the time of making it up covers all of the days of sacrifice. Indeed, the night after every day is for making up for that day. There is no disagreement that sacrifice is obliged for missing it. Missing it occurs at sunset of the fourth of the days of Mina. They disagree about its obligation whether the hajj is invalidated by missing any of the Jamrats. Stoning has preconditions for its validity. One of the preconditions of validity is that he puts the stone between his thumb and forefinger. It is said that he holds it with his thumb and middle finger. They are thrown one after the other. Less than that is not adequate, even if he throws seven pebbles at once reckoning each of them to be one of the stones he throws. Mud is not acceptable nor are minerals like iron. There is disagreement about the size of what is thrown. That which most Shaykhs say is that it is like a date stone. The very small, like gravel is not enough.

28.9c What is said during the stoning and saying "Allāhu Akbar" with each pebble as you throw it.

This is recommended. If he does not say that Takbīr, the stoning is enough, and he continues to throw the pebbles. It is disliked for him to take a stone and break it and to make pebbles. It is desirable to pick them up from the earth and that they be pure. The stoning should be from the bottom of the valley, Stoning the Jamrat al-'Aqaba makes everything lawful except women and hunting. It is called the lesser coming out of ihram. The Tawaf al-Ifada makes everything lawful for him, even women and hunting. It is called the greater coming out of ihram.

28.9d Sacrifice

Then, if you have a sacrificial animal with you, you make sacrifice.

He stands with it at 'Ā'rafat and Minā. All are places for sacrifice except what is beyond the Jamrat al-'Aqaba and the Imam does not wait there since the 'Īd prayer is not there.

28.9e Shaving the head

Then you shave your head.

After the sacrifice. Or you can shorten it if a man's hair is not matted or plaited. If it is matted or plaited, then it is shaved. Shaving is only obliged in those two cases. The entire head must be shaved. Doing part of it is like not doing it. If someone has something wrong with his head so that he cannot shave, he sacrifices. As for the woman, the Sunnah for her is to shorten her hair.

28.10 Back to Makkah

After that you go the House and do Tawaf al-Ifada going round seven times and finishing with the prayer.

It is the last of the four pillars of Hajj which is not mended by sacrifice and by it all that was forbidden becomes allowed, even women and hunting. Taken from his words is that it is better to go to do it soon on the Day of Sacrifice. That is indeed the case. But if you delay it past the days of Tashrīq, sacrifice is not obliged.

Sacrifice is obliged if you leave it until Dhu'l-Hijjah is over in the famous position. A counter statement is that if he delays it to the 11th, then he is obliged to sacrifice. The explanation of 'going around' is that he does not hurry in this Tawaf or do Sa'y because he did Sa'y after the Tawaf of Arrival. This in respect of the one who is not pressed for time. As for the one who was pressed for time so that it was not feasible for him to do the Tawaf of Arrival, it is desirable that he trots in the Tawaf of Ifada.

28.11 Back to Minā

28.11a Staying for three days You then stay for three days at Minā.

Three days and nights if he is not in a hurry. If he omits most of the nights, he is obliged to sacrifice. Shortening of the prayer is not prescribed.

28.11b. Stoning the Jamrāts

On each day after the sun has passed the zenith, you first stone the Jamrāt nearest Mina using seven small pebbles and saying, 'Allāhu Akbar' with each pebble thrown. You then stone the other two Jamrāts with the same number of pebbles again saying "Allahu Akbar" as you throw each one. After stoning the first two Jamrāts you stand and make Du'a but after stoning the Jamrāt al-'Aqaba you do not stand but move straight off.

On these three days. He does the middle one second and finishes with the third, which is the Jamrāt al-'Aqaba, using seven stones each time. Al-Aqfahasi said that "after the zenith" means before the prayer. If he stones before the zenith, it is not enough and he repeats it after midday, as when he stones the Jamrāt al-'Aqaba before Fajr.

28.11c Leaving for Makkah

When you have finished stoning on the third day, making four days including the 'Īd, you leave for Makkah

Ibn 'Umar said that he does not stay at Minā after stoning on the third day. It is recommended to stop at Muhassab and pray Dhuhr, 'Asr, Maghrib and 'Isha' there and to enter Makkah at night since the Prophet ﷺ did that as the

Companions after him. If he prays Dhuhur before it, he owes nothing, and if he does not stop, he does not have to sacrifice anything.

28.11d The completion of the Hajj and your Hajj is complete.

If he means by complete the Sunan, obligations and excellent parts, there still remains the Tawaf of Farewell. If he means the obligations, they are complete before that. He must mean its obligations and Sunan and so he did not consider the Tawaf of Farewell because it is not particular to the Hajj. It is done by whoever leaves Makkah after the Hajj or any other reason.

28.11e Hurrying up departure from Minā

If you want, you can speed up your departure by staying only two days at Mina, leaving after finishing stoning on the second day.

This is when the sun has not set on the second day. When it sets, there is no hurrying because the night obliges camping there for the stoning of the day. If the sun has set, it is as he is obliged to do the third day.

28.12 Leaving Makkah

When you are about to leave Makkah you do the Tawaf of Farewell and the two Rak'āhs after it and then leave.

This Tawaf is recommended and sacrifice is owed for omitting it. When he finishes it, he prays two Rak'āts. Ibn Farhun said that the Tawaf of Farewell has two Rak'āts and if he omits them until he is far away or arrives home, he prays them then and owes nothing. If he is near and still in a state of purity, he returns to them. If he has broken wudu', he purifies himself and begins the tawaf again and then prays them.

28.13 'Umrah

For 'Umrah you do the same as we said at the beginning of this chapter up until when you have completed the Sa'y between Safa and Marwah. You then shave your head and your 'Umrah is complete.

This shows that its pillars are three: ihram, Tawaf and sa'y. It has two Miqāts: time and place. The time is all time, and the place is outside the Haram, whether he is foreign or resident in Makkah. It would appear from his words then that 'Umrah is not complete until he shaves his head. That is not the case because Mālik said that his 'Umrah is complete by Tawaf and Sa'y. Shaving is one of the preconditions of perfection, not one of validity, and so that is no contradiction in its being mandatory. What he meant by the end of the 'Umrah is its perfection and so there is no contradiction.

28.14. Cutting the hair

28.14a. For men

For both Hajj and 'Umrah it is better to shave your head but shortening the hair is acceptable in which case the hair should be shortened all over the head.

This is not absolute: shortening is preferable in the Tamattu' Hajj so that the dishevelment remains for hajj. Zarruq stated that. The practice of shaving is only complete by shaving the entire head since the Prophet ﷺ did that. Ibn al-Hajib said that the Sunnah in shortening for men is to cut close to the roots. The minimum is to cut off something from all the hair. It is not enough cut some of all the hair, even the amount of a finger. If he shortens only some, he misses the Sunnah.

28.14b. For women

The Sunnah for women is to shorten the hair.

It is disliked for her to shave and it is said that it is Haram because it is mutilation. She shortens her hair. The basis for that is what Abū Dāwūd related that the Prophet ﷺ said, 'Women do not have to shave. Women shorten their hair.'

28.15 Requirements of Ihrām

28.15a. Killing harmful animals There is no harm in someone in ihrām killing a rat, snake, scorpion or such like nor in killing a dangerous dog or any other dangerous animal such as a jackal or a lion.

It is permitted to kill these categories. Similar to rats are creatures which chew clothes, like weasels. Snakes and vipers includes hornets. A dangerous dog is one which will attack. Dangerous animals include hyenas and tigers.

28.15b. Killing harmful birds

You can also kill crows and kites if you fear they will harm you but not any other birds. [You can kill birds whose harm is feared, like crows and kites.]

These two types are killed, even if they do not initiate harm, large or small. Other birds, harmful or not, are not killed. That is one of two statements which Ibn al-Hajib reported. What is preferred of the two is to kill them if they cause harm.

28.15c Avoiding women

When doing hajj or 'Umrah you should avoid women,

This is an obligation. Avoiding women means avoiding enjoyment of them by intercourse or anything else. That is obligatory since it absolutely invalidates the hajj, whether it is genital or anal, human or not, intentional, out of forgetfulness of ignorance, with ejaculation or not, whether it obliges the Hadd or Mahr or not, with an adult or not. It is clear from what they say, as in al-Ahjuri, even if ghusl is not obliged. The second Sunnah that he assumes Ihrām for making up Hajj. That does not spare him the missed one and its Ihrām. The second is ineffectual which has no place while he is in a false ihram and his Ihrām is not for making it up. He is obliged to complete it when he has done the Standing in the year in which he corrupted it. If he does not catch it, then he is commanded to come out of it by doing 'Umrah. He is not permitted to remain in ihram by agreement because it is continuing the corrupted while he is able to be free of it.

As for actions which precede intercourse, like the kiss and the embrace, they are unlawful. If he kisses or embraces and has ejaculated, it is invalidated. Otherwise he should sacrifice a camel. As for the look and the thought, they do not entail invalidation by the emission of sperm because of them unless both of them were for pleasure and continued. As for its emission by simply looking or the thought, there is only sacrifice for it. These are the judgments for the emission of sperm. It obliges a sacrifice absolutely whether it emerges after constantly looking, thought, kiss or touch or not.

28.15d Avoiding perfume perfume,

He must avoid perfume in hajj or 'Umrah like rose or jasmine, for which there is no fidyat, or feminine perfume, which is what has a substance which stays on the body and clothes, like musk, and saffron. There is *fidya* for it, even if it is quickly removed.

28.15e. Avoiding stitched clothing Stitched clothing,

There is no disagreement that they are unlawful for men but not women. What is meant is all that surrounds the body or part of it. It is also unlawful for him to wear turbans, trousers and burnouses.

28.15f Avoiding hunting Hunting,

He must also avoid hunting in land, whether the reason for hunting is to eat meat like the antelope, and wild ass or not, like monkeys without difference between them being tame or wild, owned or permitted. There is no exception for that except what is transmitted in the hadith: the kite and crow, rate, scorpion, and dangerous dogs.

28.15g Killing insects Killing insects

He does not kill lice or remove them from his body.

28.15h. Removing hair from the body And removing any hair from your body.

Like clipping the moustache which resembles removing hair. If he removes any of his hair, he owes a handful of grain.

28.15i. Not covering the head

When you are in ihram, you should not cover your head nor should you shave it except in a case of necessity.

It is forbidden for the one in ihram to cover his head and face with any covering, be it like mud, let alone a turban. As for other things which cover the body, it is forbidden to cover with something specific which is stitched. The head is not shaved by the words of the Almighty,

‘But do not shave your heads until the sacrificial animal has reached the place of sacrifice. If any of you are ill or have a head injury, there is an expiation.’² Which means: shaving to remove harm, and so the Fidyā is fasting, Sadaqah, or practices: He indicates this.

28.15j Its expiation

If you do you must make expiation by fasting three days or feeding six destitute people with two Mudds each, using the Mudd of the Prophet ﷺ, or sacrificing a sheep. This sacrifice does not have to be carried out in any particular place.

This could even be three days at Minā. He must perform an act of devotion. It could be a sheep or something else. He only mentioned sheep because Fidyā is done the best meat. It must be slaughtered.

It is not enough to give it without sacrificing it, as some of them said. The lack of particular place is qualified to when the animal was not garlanded or marked. If it was garlanded or marked, then he only sacrifices it at Minā.

28.15k What women wear

Women may wear khuffs and ordinary clothing while they are in Ihrām but in all other respects they must avoid the same things as men.

They can absolutely wear leather socks, even if she has sandals. They wear stitched clothes in Ihrām. Outside of this, they avoid the same things: intercourse and

² Sūrah al-Baqarah, Ayāh 196

foreplay, hunting, killing animals, removing hair. There is no way she can avoid covering her head.

28.15l A woman's Ihrām

A woman's Ihrām consists in her not covering her face and hands

She shows her face and hands, and it is forbidden for her to cover them with anything, even mud. She cannot wear a veil. If she does any of this, she must do Fidyah.

28.15m A man's Ihrām

And man's Ihrām in his not covering his face and head.

A man must show his face and head while in ihram, night and day. If he covers any of that and benefits, that is forbidden for him and he does Fidyah whether it is out of forgetfulness, knowingly or out of ignorance. If he removes it immediately, he owes nothing. He is permitted to use a pillow and shield himself from the sun or wind with his hand. The hand is not considered a covering unless it is touching the head and for a long time. In such case he must do Fidyah as it says the *'Utibiyya*. He is permitted to carry his baggage and other things on his head as necessary, like a bundle of firewood which he carries to sell. If he carries it for someone else or for trade, there is Fidyah. He is permitted to seek the shade of the buildings and tents.]

28.15n. Wearing leather socks

A man may not wear khuffs while he is in ihram unless he has not got any thronged sandals in which case he should cut his khuffs down to below the ankles.

As is reported in the hadith. Then he proceeds to clarify which type of Hajj is best.

28.16 Ifrād is best

According to us doing Hajj by itself is better than doing 'Tamattu' ['Umrah then Hajj separately in the same season] or Qiran [Hajj and 'Umrah together].

Ifrād is best based on what is in the two *Sāhīh* collections that the Prophet ﷺ did Ifrād in the Farewell Hajj and that continued to be the action of the Khalīfs. Abū Bakr did Ifrād in 2 AH, 'Umar in 10 AH and Uthmān in 12. It has not been reported that the Prophet did Qiran or Tamattu'. The Imam said that some of the Companions commanded Qiran and some Tamattu'. Ifrād does not need to be mended by sacrifice as opposed to Qiran and Tamattu'. They need that.

28.16a. Someone not from Makkah not doing ifrād

If someone who is not from Makkah does qiran or Tamattu'

It is understood that the people of Makkah do not have to sacrifice. What is meant by them are those who are present there or at Dhu Tuwa at the time the practices are performed. There are two conditions for the sacrifice of the one doing Qiran: that he does not live in Makkah or Dhu Tuwa and that he makes Hajj in the same year. If he misses the Hajj, he comes out of 'Umrah and owes no sacrifice.

If he omits the first and does not come out of ihram for 'Umrah and remains in ihram, it is not cancelled for him. Then he clarifies the place of the sacrifice.

28.16b The sacrifice to mend it at Minā

He must sacrifice an animal at Minā,

At Minā in the day after Fajr. It is not enough to do it as night. The basis in all that is that the Prophet ﷺ did it. There are preconditions for the validity of the sacrifice.

28.16c Preconditions for the validity of the sacrifice

Which he had with him at 'Ā'rafat.

- Whoever is obliged to sacrifice must have the animals at 'Ā'rafat at night. Ibn Harun said, 'As for the precondition of standing at night, I do not know of any dispute about it because all who stipulate standing at 'Ā'rafat at night, like Mālik, make its judgment that of its owner in what makes the standing acceptable.

- The sacrifice must be during the days of Minā: the Day of Sacrifice and the two days after it. The fourth day is not included.
- If the sacrifice is in the Hajj, the sacrifice was driven under the ihram of the hajj, whether it was obliged by something lacking, or in the 'Umrah, or voluntary to repay hunting. When all these preconditions exist, is it not permitted to sacrifice at Makkah or anywhere else: the sacrifice at Minā is obligatory. If he lacks some of the preconditions, it is permitted for him.

28.16d Sacrifice at Marwah

If he did not have it at 'Ā'rafat he should sacrifice it in Makkah at Marwah, having brought it there from outside the Haram.

If he missed it in the days of Mina, even if he stood at 'Ā'rafat, then he is obliged to sacrifice in Makkah or the houses near it. He is not allowed to sacrifice at Dhu Tuwa and other places outside Makkah, even if they are connected to the houses of Makkah. That is only when he has brought the sacrifice from outside the Haram by any aspect because every sacrifice must combine Haram and non-Haram. The sacrifice can be sheep, cattle or camels, but camels are best. Only sound animals are allowed in all like the sacrifices and sacrifice of these three is specified for the one doing Tamattu' and Qiran when he can do so.

28.16e. Fasting three days on the Hajj

If you do not have a sacrificial animal you should fast three days during the Hajj, that being between the time you go into ihram and the Day of 'Ā'rafat.

He only mentions the Tamattu' and not the Qiran. The three days during the Hajj can be from the time of ihram to the day of 'Ā'rafat. So if the imperfection which obliges sacrifice is before standing at 'Ā'rafat, it is included in the time of fasting for three days, which is from ihram to 'Ā'rafat because he can fast. He is like the one who exceeds the Miqāt and does Tamattu' and Qiran and omits the Tawaf of Arrival. We said, 'before the standing' is if the imperfection occurs after standing, like not stopping in Muzdalifah, or not stoning or shaving, or delaying the three until the days of Tashrīq are over. Then he fasts them with the seven days when he wishes.

28.16f Fasting the days of Minā

If you do not manage to do that you fast the days of Minā. Then when you return to your own country you fast seven more days.

If he misses the three days in the Hajj, he fasts them at Minā without incurring any sin if he delays the fast until then for an excuse. After fasting the three, whether in the hajj or at Minā, he fasts the seven when he returns from Minā to Makkah, whether he stays at Makkah or not. If he delays it, he fasts whenever he wishes, and it is recommended that the three be consecutive, but it is not obligatory. The same applies to the ten. It is recommended in the well-known position.

28.17 Tamattu'

28.17a How it is done To do 'Tamattu', you go into ihram for 'Umrah only during the months of Hajj, then come out of Ihrām, then go back into it again for Hajj that same year without having travelled back to your country or to anywhere else a similar distance away.

It is not a precondition that they are both in the months of Hajj. If he goes into Ihrām in Ramadhān and then completes it in Shawwal, he does 'Tamattu' even if a pillar falls into the months of Hajj. If only shaving remains for him and it happens in the months of Hajj, he is not doing 'Tamattu'. Then he performs Hajj in this year because if they were not both in the same year, there is no 'Tamattu'. He is also not doing 'tamattu' if he returns to his land after his 'umra in the months of Hajj before going into ihram for hajj. So 'Tamattu' is true in any form when he finishes 'Umrah in the months of Hajj and goes into ihram for Hajj before he returns to his land.

28.17b Coming out of 'Umrah and going into ihram for Hajj

If this is the case you are permitted to go back into ihram from Makkah if that is where you are but to do you must go outside the Haram territory.

When he comes out of 'Umrah, he goes into ihram in Makkah. In this case it is recommended that he do it from the door of the mosque. He does not go into ihram from Makkah because one of the preconditions of 'Umrah is that he combine being in and out of Ihrām.

28.18. Qiran

To do Qiran you go into Ihrām for Hajj and 'Umrah together, making the intention to do 'Umrah first. If you decide to do Hajj as well as 'Umrah before you have done the Tawaf and its following two Rak'āts you are considered as doing Qiran.

He begins with 'Umrah. It appears from his words that he does not make it consecutive in Tawaf. The well-known position is that it is permitted. It is valid after he completes it and before praying the Rak'āts, but it is disliked. If he prays the Rak'āts, he misses consecutiveness. Whoever does it consecutively [*arfada*] after Sa'y is not doing Qiran by agreement.

28.19 Particulars on Tamattu' and Qiran

28.19a People of Makkah doing Tamattu' or Qiran

The people of Makkah do not have to sacrifice if they are doing Tamattu' or Qiran.

It is agreed that they do not have to sacrifice in Tamattu' or Qiran according to the well-known position.

28.19b When it is not Tamattu' If you come out of ihram after an 'Umrah before the months of Hajj and then stay on for Hajj during the same year, you are not considered as doing Tamattu'

If he delays the shaving until the months of Hajj.

28.20 Atonement for hunting in Ihrām

20.20a Expiation

If you kill any game while in ihram you have to make expiation for it by sacrificing a domestic animal equivalent to the one you killed.

Whether its flesh is eaten or not. The Lawgiver said whether the killer in Ihrām is doing Hajj or 'Umrah, or is in the Haram, even if he is not a Muhrim, whether he is free or slave, male or female, young or old, and the killing is deliberate or accidental, or by forgetfulness direct or causal. This sacrifice is an obligation. The likeness is in form and value, or close to it. So the one who kills an elephant owes a

Khorasani camel with two humps. The one who kills a wild ox or wild ass or gazelle owes a domestic cow. The one who kills an ostrich owes a camel because it is close in value and form. The one who kills a hyena, fox, or one of the doves of Makkah outside the Haram must pay its price in food when it is killed. The least of what is allowed in repayment for hunting is a lamb or kid because Allāh Almighty called it a sacrifice and so it must meet the preconditions of a sacrifice.

20.20b. Who assesses it

This should be ascertained by two trustworthy fuqaha' from among the Muslims.

If he pays it before their judgment on it, he repeats it, even if the evaluated thing is not eaten. The precondition of being trustworthy is being free and adult. There must be the expression 'judgment': Fatwa is not enough. One of the preconditions of their judgment is that base their judgment on the judgment of the Prophet ﷺ and the Companions. A judgment which has no prior judgment is rejected and not carried out; and no one repays without a judgment. If he repays it without a judgment, he repeats it, even if it agrees with the judgment passed. An exception to are the doves of Makkah and the Haram for which there is a sheep.

20.20c. Where the sacrifice is done

If the animals to be killed was with you on 'Ā'rafat the sacrifice should be made at Minā. Otherwise it should be made in Makkah, the animal concerned having been brought in from outside the Haram territory.

The place where it is slaughtered, i.e. the repayment of game if it is part of what is slaughtered and sacrificed. He or his representative do it at Minā. Otherwise it is done in Makka.

20.20d. The choice

You have the choice of doing this or of making kaffarah by feeding destitute people, in which case you work out the value of the animal killed in terms of food and give that amount away as Sadaqah. Or alternatively you can fast one day for each Mudd, fasting a whole day for any incomplete Mudd.

Someone who kills game has a choice between two things. He can do kaffarah, which is feeding from the predominant food of the place where the game was killed, whatever it is. If it has no value there, one considers its price in the nearest place to it, and he gives it as Sadaqah to them. When he feeds, each poor person receives a Mudd. If he gives its price or goods, that is not enough. The second possibility is to fast. There is a day per Mudd because he cannot make it partial, and so it can only be mended by a complete day.

20.21 Going home

20.21a. The ruling of 'Umrah

'Umrah is a confirmed Sunnah to be done at least once in a lifetime.

It has two Miqāts: place, which are those of the hajj, and time, which is the entire year. It has three pillars: Ihrām, Tawaf and Sa'y. Shaving is not one of its pillars. The description of Ihrām for it is recommended to have a ghusl and what is permitted to dress and what is forbidden of scent, etc, is like the Hajj, It is disliked to repeat it in the same year in the well-known position.

20.21b. Final Du'a

When you leave Makkah after Hajj or 'Umrah, it is recommended to say: 'Ayibuna, ta-ibuna, 'abidana lirabbina, hāmiduna, sadaqa'llāhu wa'dahu wa nasara 'abdahu wa hazama'l-Ahzaba wahdah.'

[Returning, repentant, worshipping, praising our Lord. Allah had been true to His promise and given victory to His slave and defeated the clans by Himself.]