

**(1/27) Commentary on the Chapter of Hajj from Al-Rawdh al-Murbi' by Shaykh Sulaymān al-'Alwān(حفظه الله):**

**This lesson was held on 9/11/1421AH:**

Bismillāhi al-Rahmānī al-Rahīm, our lesson today is a summarised Sharh of al-Rawdh al-Murbi' by al-Shaykh Mansūr ibn Yūnus al-Bahhūtī, who passed away in the year 1051AH, and this book is a commentary for "Zād al-Mustaqni'" by al-Shaykh Yūsuf al-Hajjāwī, who passed away in the year 960AH.

We have decided to choose "Kitāb al-Manāsik" from this book because of the nearness of Hajj, and it's known that this book is written according to the Fiqh of Ahmad's Madhab, and the purpose isn't to read this book for mere blessings, or merely go across the issues, like the people at Hajj around the valley of Muhassīr, rather we will go through these matters, and precisely determine what it has from correctness, and we'll clarify what it has from mistakes, and we will mention the evidences for every issue with the might of Allāh(جل وعلا), so the student can understand the proof, so that he knows the islamic matters with its proof, because zealously is abhorred, and all of the 4 Imāms abhor zealously, and some of the Scholars have gathered their statements in poetry, so he said:

Shaykh Muḥammād Sa'īd Saqar al-Madanī put together the words of the 4 Imāms condemning blind following in poetry, so he said:

**"And the Guided Imāms of Knowledge say, do not act upon\*\*\*our words, without a valid text to support it**

**This is proof that we must take from the Hadīth\*\*\*And that is how it was in the past and present**

**The Imām, Abū Hanīfah said\*\*\*It cannot be for anyone who has Islām**

**To take my words so that it falls in opposition\*\*\*to the Hadīth and the Chosen Book**

**And Mālik, the Imām of the land of Migration\*\*\*He said while pointing towards the chamber cells**

**Every speech has within it what's accepted\*\*\*and within it is what's rejected except for the words of the Messenger**

**And al-Shāfi'ī said, if you see\*\*\*my words opposing what you have narrated**

**Of the Hadīths, then throw at the wall\*\*\*the statements of mine which go against the reports**

**And Ahmad said to them, do not write\*\*\*what I say, rather search for the origins of that**

**So listen to the statements of the 4 Imāms of Guidance\*\*\*And act upon it, for there is much benefit in it**

**To silence those who have fanaticism\*\*\*And the fair-minded hold tightly onto the Prophet صلى الله عليه وسلم**

And we have chosen this book based upon the request/desirability of most of the brothers present here, and because the Majority are in the medium level or above the medium level in Talab al-'ilm.[pursuit of knowledge]

So that is why we don't advise the beginner to get into the Madhabs at first, especially reading these books which its terms require explanation and clarification, and sometimes some of its words/terms would have more resemblance than a puzzle, but rather he should read from "Umdat al-Qāri" and from "Bulūgh al-Marām" and take from what the report has alluded too, and there's nothing wrong if he's shown that this is the Madhab of such & such, and this is the Madhab of such & such, and that such & such has used this as proof, and the other used this, and the most correct is this & that, to the extent where his mind & understanding doesn't get confused, because he won't be able to comprehend that this is the Madhab of such & such, and this is the other Madhab.

Then comparing between the Madhāhib, then saying what's most correct afterwards, because this would dissipate his mind, and he won't be able to acquire knowledge at its full value, so that's why when the layman asks for a Fatwa, there's nothing wrong with giving him a Fatwa with what you see as most correct, in accordance to Allāh's statement: {So ask the people of remembrance if you do not know}, so whenever a Scholar or a Student of Knowledge is asked, then he replies with what he believes is most correct, however it would be more preferable for this Muftī [i.e. The one giving the Fatwa] to mention his proof, so if the layman is able to memorise the evidences with the Fatwa, then this is good, and if he's not able too, then it's completely fine if he memorises the saying of a Scholar which is based upon proof.

And for this reason, most of the issues mentioned in al-Rawdh al-Murbi' is based upon proof, especially in the rulings of Hajj and 'Umrah, so sometimes he would mention the ruling and its proof, and sometimes he would mention the ruling & its reasoning, and this reasoning is two types:

The first type: It could be correct

The second type: It could be wrong, and its author is not deprived from rewards, because **"If a judge passes judgment and strives to reach the right conclusion and gets it right, he will have two rewards; if he strives to reach the right conclusion but gets it wrong, he will still have one reward."**

If it is said: Why isn't this reading done from the text of al-Bukhārī, or from al-Muntaqah, or from al-Muharrār, or from Bulūgh al-Marām?

The response to this: Is that we have previously commented upon all of these books, we have explained the chapter of Hajj from al-Bukhārī many times, and we have explained Bulūgh al-Marām completely several times also, and it's also available, and we have previously commented upon al-Muharrār, as we have previously commented upon the Jāmi' of Abī 'Īsa (رحمه الله) in "al-Hajj", all of these books, with the praise of Allāh (سبحانه وتعالى) have already been commented upon.

And we have chosen this book because of the desirability of the brothers as we have previously mentioned, and based upon the Tafsil[details] in these matters, and knowing most of the rulings of Hajj, so that we know what proofs are authentic & what isn't authentic, and consequently we will be able to differentiate between the right & the wrong.

What's abhorred is if a person reads the sayings of men without examining it, and without knowing what's right from what's wrong, then this is abhorred, in fact it is prohibited upon the slave to read the likes of these books without knowing the authentic of it from its weakness, and he accepts the sayings of men as if it's the sayings of the messenger of Allâh(صلى الله عليه وسلم)

**Beware O person, stay away from whims\*\*\*and blind following the opinions of men and emulating (them).**

**And do not openly display zealotry to the Madhāhib\*\*\*turning your back on the Sunnah of Ahmadi (i.e. the Prophet).**

Moreover, the purpose from reading this book is also raising ignorance off ourselves, so if the slave decides to perform Hajj, then learning the rulings of Manāsik[Hajj] is Fard 'Ayn, and if he isn't deciding to perform Hajj, and he has already performed Hajj previously, then learning the Ahkām[rulings & regulations] in his case is recommended.

Knowledge has from it what's Fard 'Ayn, and from it what's Fard Kifāyah, and from it what's recommended, and these recommended acts, when a person wants to start doing it, it becomes from the individual obligations in his case.

Learning the rulings of transaction is from the collective obligations, however if a person intends to buy & sell, then learning it in his case is from the individual obligations, so that he won't fall into Ribā (usury), and so he doesn't fall into the selling of ignorance, or into the selling of fraud, and similar to that.

Learning the rulings of Manāsik[Hajj] is from the collective obligations, if a slave is deciding to go to Hajj, whether male or female, then learning these rulings becomes an individual obligation.

And there are things which are Individual obligations in all cases, because it's repetitive like Salāh & Siyām, it's from the unconditional individual obligations, as for Zakāt: Whoever is able to make money, then learning the rulings of Zakāt and the portion that must be paid is from the individual obligations. And as for Hajj, if he intends to perform the obligatory Hajj, then learning these rulings is from the individual obligations.

The second point - To be aware of an important issue:

That you find from some people that if they memorise an issue of knowledge, they think they have memorised all of knowledge, so he goes out to argue, heated debates, mockery of others, belittling them & ridiculing them, or that they don't know as much as he knows, or they don't understand as much as he understands, or they don't memorise as much as he memorises, or they don't look at things the way he does, and this is an enormous disease which a slave could be inflicted with, he might perceive it or not, but regardless it's an enormous disease, and that's why the Salaf used to abhor the one who memorises an issue and makes it out to be as if all of knowledge is within that issue.

So when we learn these rulings of Hajj, we might take some comparative law amongst the Madhabs and mention what's most correct, and this doesn't mean that what I mention as being most correct is the truth, I could consider something more correct while someone else would differ with me, and others might say something is more correct, and I could say he's mistaken.

So the issues are divided into the following categories:

1. The issues that the Muslims have unanimously agreed upon, and this consensus is clear cut, there's no dispute in this, such as the obligation of Hajj, this is from the clear cut matters, such as standing at 'Arafah, this is from the clear cut matters, there is no problem in affirming this & mentioning a consensus upon it, and arguing on behalf of it, because it is from what's known in the religion by necessity.
2. Issues that the Scholars have agreed upon, however it's a speculative consensus, so the general masses are obliged to adhere to this speculative consensus, however this doesn't mean that the Mujtahideen among the Imāms and the Scholars who are firmly grounded in knowledge do not regulate the position of agreement or the position of dispute, and this doesn't mean that if someone performs Ijtihād in an issue among the issues, that we wave in his face the sword of the speculative consensus, rather it's obliged upon us to give everyone his rightful position, and this is why Imām Ahmad(رحمه الله) denounced whoever claimed a consensus in the likes of these issues, and he says: "And what does he know, perhaps they differed, and whoever claims a consensus, has certainly lied". And Ibn Qudāmah(رحمه الله) did what's best, when he would comment on the likes of these issues: "We do not know of any difference of opinion in this matter" and "this is something which I haven't memorised any difference of opinion from any scholar", he safeguards what might be possible to mention a difference of opinion in the issue, he says: "I do not know any difference of opinion", or he attributes the statement to someone else, for e.g. He'll say: "Ibn al-Mundhir mentioned a consensus", "Ibn Qudāmah mentioned a consensus", so that he's safeguarded from disavowal by this statement, because many speculative consensus's are not established, and most of the time, these quoted consensus's are attached under a general topic, then you would find a difference from Abī Hanīfah(رحمه الله), or a narration from Imām Ahmad(رحمه الله), or from Imām Dāwūd al-Dhāhirī(رحمه الله), or from Imām Abī Muḥammād ibn Hazm(رحمه الله), because what's correct is that the consensus is established with Imām ibn Hazm(رحمه الله), because he's a major Imām, and a Jurist, even if he is rebuked for abandoning Qiyās[analogy], and going into exaggeration in taking by the apparent[of the texts], he is still an Imām, Muḥaddīth, Faqīh.
3. The differed upon matters, and the proofs are clear in it, then in this case, we must take the proofs without attacking others, and without impugning their feelings, statements and opinions, a person puts forth his opinion and says: "This is what appears to me" or "This is most correct", meaning: in my view, and it doesn't mean that if it's most correct in his view, that it's the truth in all cases, because he could make mistakes in using the proof, such as if the Hadith [he used] was weak, and he could be mistaken in applying the proof in a [certain] reality, and there could be a stronger proof than his proof in the matter, so a person must safeguard himself in the likes of these issues.
4. The matters where there is no proof in it, rather it is based upon reasoning, then this is more lenient than what came before it, and imposing an opinion in the likes of these issues is ignorance. Blind ignorance is to impose your opinion upon others, especially in these matters, a person is not prevented from saying what he views is most correct, and he is not prevented from performing Ijtihād if he was suitable for performing Ijtihād, however he's prevented from making himself a custodian in the religion, and a custodian in determining the rulings and matters of Ijtihād! And a student receives such etiquettes from his teacher, if he sees from his teacher, calling others innovators and deviant, he will obtain this etiquette, and this is why you can know a student by his teacher, from his sharpness, his Fiqh, by his understanding, by his manners and etiquettes, so it's necessary to take these matters into consideration, and these are important etiquettes for the student of knowledge to know and be aware of.

The author, may Allāh(سبحانه وتعالى) have mercy upon him said: **{Kitāb al-Manāsik}**.

Many of the Fuqahā' refer to Kitāb al-Hajj as Kitāb al-Manāsik, with what is has from "al-Nasīkah", which is the sacrifice, and it's said that it's from "al-Tanassûk" which is worship, and a group of scholars say "Kitāb al-Hajj" and there is no problem in that if the meaning was known, and everyone can have their own way.

And Hajj is one of the pillars of Islām which the Muslims have agreed upon, and it is the 5<sup>th</sup> pillar from the

pillars of Islām in most of the Ahādīth, as that has been mentioned in the Sahīhayn and others from the Hadīth of ibn ‘Omar (رضي الله عنهما), and Allāh (سبحانه وتعالى) said: “And [due] to Allah from the people is a pilgrimage to the House - for whoever is able to find thereto a way. But whoever disbelieves - then indeed, Allah is free from need of the worlds.”

Allāh’s statement: **“But whoever disbelieves”**, it is said: by the abandonment of Hajj, and this is the Madhab of ‘Omar ibn al-Khattāb (رضي الله عنه), and ibn ‘Omar (رضي الله عنهما), and a narration from Ahmad (رحمه الله), and the Madhab of Sa’īd ibn Jubayr (رحمه الله), and a group from the Māliki Fuqahā’, and it is one of the two statements from ibn ‘Abbās (رضي الله عنه).

So based upon this saying: The one who intentionally abandons Hajj without an excuse would become a Kāfir, by the general meaning of the verse where Allah says: **“But whoever disbelieves”**, and Kufr here: is Major disbelief which takes one outside the fold of Islām.

And several scholars have held the view, and it is one of the two narrations from Imām Ahmad (رحمه الله): That whoever abandons anything from the Pillars of Islām, then he’s a Kāfir, so whoever abandons Salāh, then he’s a Kāfir, and this is agreed upon by the Sahābah, and this Ijmā’ has been mentioned by Ishāq (رحمه الله), and Imām Ahmad (رحمه الله) says: “Whoever abandons Zakāt, then he’s a Kāfir”, and this is a saying from a group of scholars, and they used the Hadīth of Abī Hurayrah (رضي الله عنه) as proof: “those amongst the Arabs who wanted to become apostates became apostates”, for their rejeistance of Zakāt, and he also called the abandoner of Siyām & Hajj a Kāfir.

And some of the scholars said: he doesn’t disbelieve except by abandoning the Shahādātayn and the Salāh, because of the Ijmā’ regarding that, but as for the abstainer of Zakāt, whoever doesn’t fight over that, and the abandoner of Siyām and Hajj, then they do not disbelieve, because when the Prophet (صلى الله عليه وسلم) mentioned the abstainer of Zakāt, and the Hadīth is in Muslim, he said: “and he sees whether his path is to take him to Paradise or to Hell”, because if he was a Kāfir, the Prophet (صلى الله عليه وسلم) wouldn’t have said “Either takes him towards Jannāh or takes him towards the Hellfire”, because the Kāfir will not smell the fragrance of Paradise, and this is the view of the Majority of the Scholars [that the abandoner of Hajj is not a Kāfir].

And those that do not make Takfīr upon the abandoner of Hajj, say that if the abandoner of Zakāt didn’t disbelieve, then it would be more deserving for the abandoner of Hajj to not disbelieve, and they responded to this verse: “But whoever disbelieves”, they said: Whoever says that Hajj is not compulsory, then this is the Kāfir, and this is proven from ibn ‘Abbās (رضي الله عنهما) that he said this statement, when he said: “[And whoever disbelieved], meaning: he claimed that it’s not compulsory”

And a group of scholars said: “But whoever disbelieves” meaning: Whoever claims that it’s decidable between doing it and leaving it, then this is the Kāfir, and as for whoever denies the obligation of Hajj, then he’s a Kāfir by Ijmā’, even if he performed Hajj.

**{Kitāb al-Manāsik}**: The plural of “Mansik” and “Mansak”, and it is worship, and “al-Tanassûk” is worship, however this phrase is commonly referred to the acts of worship at Hajj, and that is because of its many types, and because it is accompanied with al-nusuk which is al-Dhabīhah [sacrifice], as Allāh (سبحانه وتعالى) said: **“Say, “Indeed, my prayer, my rites of sacrifice[nusukī], my living and my dying are for Allah , Lord of the worlds.”**, Nusukī meaning Thabahī(my sacrifice), and because of this, the Muslims have agreed that whoever sacrifices to idols, or the Jinn, then he’s a Kāfir, because sacrificing is an act of worship, and averting an act of worship to other than Allāh (سبحانه وتعالى) is Kufr.

The author (رحمه الله) says: **{And al-Mansik by principle is al-Nasīkah which is al-Dhabīhah(sacrifice)}** meaning, wherein a person gets closer to his Lord, The Majestic & Most High. [جل وعلا]

And al-Hajj is said: **“Most famously with a Fatha on the ح”** and a group [of scholars] said with a Kasrah,

what's most common is with a Fatha, and it's valid to place a kasrah on its "ism"[super-noun], so if the "Source" is intended, what's most common is the Fatha, and the most used among the Linguists, and this is opposite to the month "Dhîl-Hijjâh", so it's with a Kasra on the ح which is most common as well, and it's also allowed to say it with a Fatha, so the First is most commonly said with a Fatha & it's permissible to say it with a Kasrah, and the Second is most commonly said with a Kasrah and it's permissible to say it with a Fatha, and "al-Hajj" with a Fatha is easier for the utterance of the tongue, and the month "Dhîl-Hijjâh" with a Kasrah is easier for the tongue to pronounce as well.[pronunciation لفظ]

The author says: **{Al-Hajj was obligated on the 9<sup>th</sup> year AH}** and this is the view of a group of Scholars, and it's the saying of Imâm Ahmad(رحمه الله) in a narration, and this issue is one of which the scholars differed upon, when was al-Hajj obligated? So it's said: It was obligated on the 6<sup>th</sup> year AH, and it's said: It was obligated on the 10<sup>th</sup> year AH, and it's said other than that.

And what's most apparent, and Allâh(جل وعلا) knows best, is that al-Hajj was obligated on the 9<sup>th</sup> year AH, and on this year Abū Bakr(رضي الله عنه) performed Hajj and 'Alī(رضي الله عنه) was with him, with the muslims, and in the 10<sup>th</sup> year AH, the Prophet(صلى الله عليه وسلم) performed Hajj, and it's not proven from the Prophet(صلى الله عليه وسلم) that he performed Hajj [twice] after the Hijrah, and the reported Hadīths that mention him performing Hajj twice after the Hijrah are all Munkar[Denounced], Imâm al-Bukhārī(رحمه الله), Ahmad(رحمه الله), al-Tirmidhī(رحمه الله) and a group among the Muhadithīn have absolutely certified its Nakārah[discrepancy].

The authors statement: **{Al-Hajj linguistically refers to al-Qasd(intent)}**, Intent; meaning: Towards who you are exalting, and it's referred to 'amal(action), especially that the Hajj is a 'Amal(action), and even though the phrases that are subject to defining it linguistically is used more than its islamic meaning, it could accompany that [meaning] and more, as it's mentioned regarding the Salāh linguistically as du'ā.

The author said: **{In the Shari'ah, it means intending to go to Makkâh for a specific deed}**, and if the author restricted that, as to say: "Intended Makkâh in worshipping Allâh(جل وعلا) in a specified action" it would be preferred, because if it's said that the definition of Hajj according to the Shari'ah is: Intending Makkâh for a specified action, the businessmen & other than them can be entered into that, who do not want [to perform] Hajj, because the 'Amal includes business/trade and other than it, so if he said "in worship to Allâh" it would be certainly understood that it's talking about the Hajj which has the performance of ritual rites, especially that most of the actions in Hajj are rituals, so it is done in obedience to al-Rahmān, and in humiliation to the Shaytān.

So the definition of Hajj in the Shari'ah: Intending Makkâh in the worship of Allâh(جل وعلا) by performing specified acts, therefore it includes the Islamic & Linguistic meaning, so it is having the intent in worshipping Allâh(جل وعلا) by performing specified acts, and we've previously mentioned that Hajj in the language is Al-Qasd[intent - going towards].

The author's saying: **"At a specific time"**, so if the day of 'Arafah has passed, Hajj is surpassed, and the most common Hajj: [is in] Shawwāl, Dhul-Qa'dah and the first 10 days of Dhil-Hijjâh, so if the day of 'Arafah has passed, Hajj is surpassed, because al-Hajj is 'Arafah, and whoever enters into Hajj on the night of 'Arafah, his Hajj is accepted as long as the day of sacrifice hasn't come yet.

Then the author began explaining al-'Umrah in the language, so he said: **"Linguistically, it is al-Ziyārah(visitation)"**, because he visited the Ka'bah, and al-'Umrah is also referred to the Minor Hajj, and that is because the 'Umrah imitates Hajj in al-Ihrām[clothing], Tawāf, Sa'ī, shaving or trimming, and 'Umrah is entered into Hajj until the day of Judgement.

The author's saying: **"And according to the Shari'ah, it is visiting the Ka'bah for a specific reason"**, and if he said "In worship to Allâh(جل وعلا), visiting the Ka'bah for a specific reason", this would be better, and more "Ashmal"[exclusive] than the author's definition.

He says: **{for a specific reason}**, the intention of entering into al-Nusuk is a pillar from the pillars of Hajj & 'Umrah, and some people do not distinguish between the intention of entering into the Nusuk and Ihrām, so they consider this as this & this as this[i.e. Both the same], and this is wrong, because if a person wore his Ihrām and didn't intent to enter into the Nusuk, then slept, and his friends circulated him, so he made Tawāf & Sa'ī while he was asleep, or lost consciousness[i.e. Fainted], his Hajj & 'Umrah wouldn't be accepted according to Consensus, without any difference of opinion in this issue, because he didn't intend to enter in the Nusuk, so he must make his intention to enter into al-Nusuk, and this is opposed to al-Talbiyah, even if the Talbiyah is embodied with the intention of entering into the Nusuk, except that the Talbiyah isn't a condition for the validity of Hajj or 'Umrah, and the place for intention is in the heart, and uttering the Nusuk is prescribed, as though he says "Labayka 'Umrah", or says "Labayk Hajjan", or says "Labayk Hajjan wa 'Umrah", so whoever says "Labayka 'Umrah", then this is the one performing 'Umrah or al-Tamattu', and whoever says "Labayka Hajjan", then this is one performing Hajj on its own, and whoever says "Labayka 'Umrah wa Hajjan", then this is the one performing both 'Umrah & Hajj, as for the saying of some people for the one doing 'Umrah who says: "Labayka 'Umrah Mutamati'an Bihā ila al-Hajj", then this isn't correct, and there's no basis for this, the Hadith of 'Ā'isha(رضي الله عنها) in the Sahīhayn is explicit in the matter that when she mentioned the Muttamati'een, she said: "Ahulū bi-'Umratin", and she didn't say "Ahulū bi-'Umratin Muttamati'eena bihā ila al-Hajj", the meaning of this is the objective[main goal], but as for its utterance, there's no basis for it, however whenever he says: "O Allāh I intent to do 'Umrah or O Allāh I intend to do Hajj on its own", this is a Bid'ah, it has been narrated in the Sahīhayn from 'Ā'isha(رضي الله عنها) that the Prophet(صلى الله عليه وسلم) said: "Whoever innovates in our matter what is not from it, then it's rejected", and al-Bid'ah: It is an innovation in the religion without proof, and it's not proven from the Prophet(صلى الله عليه وسلم), nor any of the Sahābah, nor the Imāms of the Tābi'een that they used to say: "O Allāh, I intend to do such and such", rather they used to chant[Talbiyah] "Labayka 'Umrah or Labayka Hajjan or Labayka 'Umrah wa Hajjan" without the utterance of this intention "O Allāh I intend to do such and such", as for the utterance of the intention in Salāh and other than that, then this is Bid'ah in all cases, such as him saying: "O Allāh, verily this Salāh is for You" or "O Allāh I have intended al-Salāh", "O Allah this 4 rak'at is for you, so accept it", this is all Bid'ah, and it's not proven to utter anything among the deeds except at Hajj or 'Umrah, without him saying: "O Allāh I intend to..."

The author said: **{And they are both Compulsory}** i.e. Al-Hajj & 'Umrah, as for the obligation of Hajj, there's no dispute regarding this among the Muslims, and there's no dispute among the Scholars that Hajj is one of the Pillars of Islām, as the Prophet(صلى الله عليه وسلم) said: "Islām is built upon 5, bearing witness that there is no deity worthy of worship except Allāh, and that Muḥammād is the Messenger of Allāh, and establishing the Salāh, and giving Zakāh, and Fasting Ramadān, and performing Hajj around the Ka'bah", and this is all agreed upon from the Hadīth of 'Omar(رضي الله عنه), but as for the obligation of 'Umrah, there's a difference of opinion in that:

The first saying: That 'Umrah is Compulsory, and this is the most common view in the Madhab of Imām Ahmad(رحمه الله), and it is one of the 2 sayings from Al-Shāfi'ī(رحمه الله), and it is the Madhab of Mālik(رحمه الله), and they used as proof, Allāh's statement: "And complete the Hajj and 'Umrah for Allah", and they also used the general evidences as proof in this topic, such as the saying of the Messenger(صلى الله عليه وسلم): "Perform Hajj for your father & 'Umrah", And the wording of 'Umrah is narrated from the Hadīth of Ibn 'Omar when Jibrīl(عليه السلام) came to the Prophet(صلى الله عليه وسلم) when he said: "Islām is to bear witness that there's no deity worthy of worship except Allāh, and that Muḥammād is the Messenger of Allāh, & establishing the Salāh, & giving Zakāh, and Fasting Ramadān, and performing Hajj around the Ka'bah and perform 'UMRAH", this is addition is found in al-Dāraquṭnī(رحمه الله), and he authenticated it.

The second saying in the matter: That 'Umrah is not obligatory, and Allāh's statement: "And complete the Hajj and 'Umrah for Allah", there's no proof from the verse regarding the obligation of Hajj nor 'Umrah, rather the verse is simply alluding towards the obligation of completion, nothing else, and the obligation of Hajj is taken from other proofs, as for this proof, there's no Hujjāh in it.

And as for the addition: {And to perform Hajj and 'Umrah}, then it is anomalous [not authentic], the Hadīth has been narrated from several authorities in Muslim and others without this addition, and as for the Hadīth of Abī Razīn al-'Uqaylī, when he came to the Prophet(صلى الله عليه وسلم), he said: {Verily, my father is an elderly man, he's not able to perform Hajj or 'Umrah}, so he(the Prophet) replied: "Perform Hajj & 'Umrah on behalf of your father", what's meant by this is doing it on his behalf, the Hadīth doesn't mean it's obligatory to do 'Umrah, rather it's permissible to do it on behalf of your father for Hajj or 'Umrah. And the view of 'Umrah not being obligatory is a narration from Imām Ahmad(رحمه الله), and it is the Madhab of Abī Hanīfah(رحمه الله), a statement from the Shāfi'iyyāh, and that was chosen by Shaykh al-Islām ibn

Taymiyyâh(رحمه الله).

And likewise, 'Umrah is not obliged upon the inhabitants of Makkâh, as it has been narrated from ibn 'Abbâs(رضي الله عنهما), 'Attâ'(رحمه الله), and a group of Scholars, even though ibn 'Abbâs(رضي الله عنهما) is among those who obligate 'Umrah, except that he doesn't obligate it, in 1 of the 2 narrations [from him], upon the inhabitants of Makkâh.

The author, may Allâh(سبحانه وتعالى) have mercy upon him, says: {And by the Hadîth of 'Ā'isha(رضي الله عنها), she said: O Messenger of Allâh, do women have any Jihād, so he(the Prophet) replied: "Yes, they have a Jihād which involves no fighting, performing Hajj and 'Umrah"}.

And this report was narrated by Imām Ahmad(رحمه الله) and Ibn Mājah(رحمه الله) from the chain of Muḥammâd ibn Fudayl, from Ḥabīb ibn Abī 'Umrah, from 'Ā'isha bint Talha, from 'Ā'isha the mother of the believers, from the Prophet(صلى الله عليه وسلم).

The evidential viewpoint from this Hadîth is the Prophet's saying: "They have a Jihād", so this is a proof regarding the obligation of Hajj and 'Umrah at least once in a lifetime.

However, the authenticity of the addition 'Umrah is questionable, the Hadîth has been narrated by Imām al-Bukhārî(رحمه الله) in his Sahîh from the chain of Khālid and 'Abd al-Wāhid, from Ḥabīb ibn Abī 'Umrah, from 'Ā'isha bint Talha, from 'Ā'isha the mother of the believers, she said: "O Messenger of Allâh: We see that Jihād is the greatest of deeds, shall we not perform Jihād? So he(the Prophet) replied: "For you, the greatest Jihād is Hajj Mabrūr", and al-Bukhārî(رحمه الله) also narrated it from the chain of Sufyān, from Mu'āwiyah ibn Ishāq, from 'Ā'isha bint Talha, and there's nothing from these narrations that mention 'Umrah, so it is not memorised.

And there is a narration from Jābir which is attributed to the Messenger, when he asked the Prophet(صلى الله عليه وسلم) about 'Umrah: Is it compulsory? So he(the Prophet) replied: "No, but to perform 'Umrah is better for you", however this report is defected, and it's not authentic as raised to the Prophet(صلى الله عليه وسلم), what's correct is that it's authentic upon Jābir(رضي الله عنه).

And they also said: By principle, it's not compulsory, because these narrations are weak, and we have previously responded against those who considered it obligatory.

The author, may Allâh(سبحانه وتعالى) have mercy upon him said: {And if that is confirmed for the women, then it would be more deserving for the men}, meaning: If the obligation of 'Umrah is affirmed upon the women, then it would be more deserving [to be obligatory] for the men, however it can be said: The affirmation of that upon women isn't correct, because the addition of 'Umrah is Shatha (weak), and by principle it's not obligatory (unless proven with an authentic text), so it's not permissible to leave the principle except with clear proof. And 'Umrah is included within Hajj till the day of judgement, so whoever performs hajj, it's as if he's performed 'umrah, and even if we said that 'umrah is obligatory, the 'Umrah of the Mutamatti' completes the (required) 'Umrah in Islam.

The author, may Allâh(سبحانه وتعالى) have mercy upon him, says: **{If that is established}**, meaning: If the obligation of Hajj and 'Umrah is established, "then it's obligatory upon the Muslim", because the Hajj of a Kāfir is not accepted, and this is from what the Muslims have agreed upon, the Muslims have agreed that the Hajj of a Kāfir is not accepted, so if a Kāfir performs Hajj, then enters into Islām after he finishes from Hajj, it won't suffice the Hajj of Islām by the agreement of the Scholars, and a consensus has been mentioned by several Scholars.

Then the author said: **{The free person}**, he excluded from that, the slave, i.e. the one who is owned/possessed; Hajj is not obligatory upon him, however it's accepted from him, and does it suffice him

from the Hajj of Islām or not? 2 opinions amongst the Scholars, the author, may Allāh(سبحانه وتعالى) have mercy upon him, will allude towards them, and we'll mention both sides.

The author's saying: **{the sane person}**, he excluded from that: The insane person, because there is no Takleef(moral obligation) upon him, the pen has been lifted off him, and the pen has been lifted off 3 people: "From the sleeper until he wakes up, and from the child until he matures, and from the insane until he wakes up" i.e. Becomes sane.

The author's saying: **{the capable person}**, what is meant by capable here is the one who has the ability, and the capability can be the provisions and ride[for travelling], regardless if he owns or rents it, and the ability of riding, then this provisions has details attached to it:

So it's stipulated to be that it is what is sufficient for his needs and the needs of his family, and the author will mention all of this soon, and we'll elaborate on inshā'Allāh, and the proof for that in general is Allāh's statement: "And [due] to Allah from the people is a pilgrimage to the House(i.e. Ka'bah) – for whoever is able to find thereto a way (i.e. Sabeelah)"

And the Scholars differed regarding the Tafsīr of al-Sabeel, so it was said: It is the provisions and ride for travelling, and we'll come to it inshā'Allāh, and on top of that, the ability to ride, and having a Mahram for the woman.

The author's saying: **{Once in his lifetime}**, Ibn al-Mundhir(رحمه الله), ibn 'Abdīl Barr(رحمه الله), Abū al-Wazīr(رحمه الله) and others have mentioned a Consensus that Hajj is not obligatory upon a Muslim man, except once in a lifetime, and the woman is just like the man [regarding that], and if it is done more than once, then it is voluntary, and doing them both voluntarily is prescribed, based upon the Hadīth of 'Āsim ibn Abī al-Najūd, from Shaqīq, from 'Abdullāh, that the Prophet(صلى الله عليه وسلم) said: "Perform Hajj and 'Umrah consecutively, for they remove poverty and sin as the blacksmith removes impurity from iron and gold", and in the Sahīhayn from the authority of Abī Hurayrah, the Prophet(صلى الله عليه وسلم) said: "Making 'Umrah is an expiation for the sins committed between it and the previous 'Umrah", even the Major Sins according to the opinion of Shaykh al-Islām ibn Taymiyyāh(رحمه الله), and according to the Majority of the Scholars, it's confined to the Minor Sins, "and Hajj Mabūr doesn't have any recompense except for Jannāh", and it's also narrated in the Sahīhayn from the Hadīth of Abī Hurayrah(رضي الله عنه) that the Prophet(صلى الله عليه وسلم) said: "Whoever performs Hajj, and doesn't do shameless deeds, nor transgresses, he returns back like the day his mother gave birth to him".

The author, may Allāh(سبحانه وتعالى) have mercy upon him, said: **{Based upon the Prophet's saying: "Hajj is [only obligatory] once, whatever is performed beyond that, then he is volunteering" , narrated by Ahmad & others}**.

And this Hadīth was narrated by Abū Dāwūd(رحمه الله), al-Dārimī(رحمه الله), al-Dāraquṭnī(رحمه الله), and al-Hākim(رحمه الله) from the chain of al-Zuhrī, from Abī Sinān al-Du'alī, from ibn 'Abbās, and the report has been narrated in Sahīh Muslim from the chain of al-Rabī' ibn Muslim, from Muḥammād ibn Ziyād, from Abī Hurayrah, that he said: The Messenger of Allāh(صلى الله عليه وسلم) delivered to us a sermon, and said: "O people, Allāh has obligated upon you Hajj, so perform Hajj", so a man said: Every year O messenger of Allāh? So he(the Prophet) remained silent until he said it 3 times, so the Prophet(صلى الله عليه وسلم) said: "If I said yes, it would be obligatory[every year], and you wouldn't be able to do so", meaning: You won't be able to perform Hajj every year, however Allāh(جل وعلا) is the all-Wise, he places the matters in its right place, He is Merciful with his servants, He didn't prescribe them to perform Hajj every year, but rather legislated it once in a lifetime, and this is from the **goodness** of the religion of Islām, "Allāh doesn't burden a soul with what it can't bear"

The author says: **{So Islām and sanity are both conditions for it to be obligatory and valid}** , meaning: It's not obligatory upon the Original Kāfir, and this is according to all Scholars, just as it isn't obligatory upon the Apostate according to all the Scholars as well.

The author said: **{Reaching maturity and freedom are both conditions for it to be obligatory and completion, falling beneath validity}**, meaning: It's not obligatory upon the Child, because he is not morally obligated, however if he performs Hajj, it's accepted from him, however it doesn't complete the Hajj of Islām, as is the statement of the Majority of the Scholars.

The author said: **{And capability is a condition for it to be obligatory, falling beneath validity}**, wherein if an elderly man or sick person performs Hajj, it will suffice, so whoever was able to do so, then it's obligatory upon him, and whoever isn't able to do so, then it's not obligatory upon him, however if the one who is not capable performs Hajj, it will suffice him, in fact an Agreement of all Scholars has been mentioned by several Scholars that the Hajj is sufficient for an incapable person if he was able to take a great deal of courage for himself.

The author, may Allāh(سبحانه وتعالى) have mercy upon him, said: **{So whoever has the conditions fulfilled, it's obligatory upon him to go perform Sa'i immediately, and he's sinful if he delays it without an excuse, based upon the Prophet's saying: "Rush towards Hajj, i.e. The obligatory one, verily none of you knows what will happen to him", narrated by Ahmad}**.

And this Hadīth is narrated by Ahmad(رحمه الله), Ibn Mājah(رحمه الله), and in the chain is Ismā'īl ibn Khalīfah al-'Absī, he has a weak memory, and it has also been narrated by Abū Dāwūd(رحمه الله) and Ahmad(رحمه الله) from the chain of Abī Safwān, from ibn 'Abbās(رضي الله عنهما), and it was authenticated by al-Hākim(رحمه الله), but Abū Zur'ah(رحمه الله) said about Abū Safwān: "I do not know of him".

And the Imāms, may Allāh(سبحانه وتعالى) have mercy upon them, differed regarding Hajj, is it to be done immediately or can it be delayed? There are 2 sayings from the scholars regarding that:

The first saying: That Hajj is to be done immediately, and this is the Madhab of Imām Ahmad(رحمه الله), because laxation/delayment doesn't have a fixed time period which could be regulated, and until when is the deadline for this delayment? And because it's obligatory, so if the conditions of its obligation & acceptance have been met, it's obliged upon him to perform Sa'i towards that, in obedience to the command of Allāh(سبحانه وتعالى) and the command of His Messenger(صلى الله عليه وسلم), and because the Prophet(صلى الله عليه وسلم) said, as we have previously mentioned in the Hadīth of Abī Hurayrah(رضي الله عنه): "Verily Allāh has obligated Hajj upon you, so perform Hajj", and this is a command, and commands are taken as obligatory, and there's no dispute in this, and it is upon immediacy as long as there is no proof which contradicts that, and based upon this, a group of Scholars held this view, among them is Imām Abū Hanīfah(رحمه الله), and it's a saying in the Fiqh of al-Shāfi'ī(رحمه الله), and Shaykh al-Islām ibn Taymiyyāh(رحمه الله) mentioned that this was held by the majority of the Scholars.

The second saying: That Hajj is to be done in laxation, even if he was able to perform Hajj, because the Prophet(صلى الله عليه وسلم) performed Hajj in the 10<sup>th</sup> year AH, and Hajj was obligated in the 9<sup>th</sup> year AH.

In response to this, it could be said: That the Prophet(صلى الله عليه وسلم) didn't perform Hajj because of an excuse, until the Ka'bah was cleansed from Shirk & Mushrikīn, and because when the Prophet(صلى الله عليه وسلم) sent Abā Bakr and 'Alī, may Allāh(سبحانه وتعالى) be pleased with them, he ordered them to announce to the people: "That no Mushrik can perform Hajj after this year, and no naked person can perform Tawāf around the Ka'bah", and as for whoever possesses provisions and a ride, and he has the ability, then it's obligatory upon him to rush forth.

And because if it's said that it's done in laxation, then what is the regulation for this laxation? If he reaches 16 years old, or 17 years old, when is the deadline for this laxation? So there would be widening without any regulation, however a person might refrain from Hajj because of the inability to find righteous friends who he can perform Hajj with, this might be an excuse among the excuses, or he cannot find someone to teach him, guide him, and explain to him the rulings of Hajj, this might be an excuse among the excuses, as for whoever possesses provisions and a ride [for travelling] and the conditions have been fulfilled, and there's no Shar'ī

prevention, then this person is sinful for delaying Hajj.

And because based upon this saying that it's upon laxation, and we said that the abandoner of Hajj is a Kāfir, based upon 1 of the 2 sayings as we have previously mentioned, when does he become a disbeliever?! So if he reaches 15 or 16 years old and didn't perform Hajj, then died, shall we say that he's a Kāfir while his conditions [for Hajj] have been met? Or do we say that he's not a disbeliever? And that is why the proofs of those who say that it's to be done immediately is strong, and this was supported by Imām Abū Muḥammād ibn Hazm (رحمه الله تعالى).

The author, may Allāh have mercy upon him says: {If he is no longer a slave, as in a slave who was freed during the state of Iḥrām...}. We will stop here, and continue that tomorrow Inshā'Allāh.

### [Questions]:

The brother asks that there's a brother who doesn't pray and he performed hajj at a particular time, will his Hajj be valid?

**Answer:** We would say, did he pray at Hajj or not? If he prayed at Hajj, then he has entered into Islām and become a Muslim and his Hajj is valid. And if he abandoned Salāh afterwards, we would call him a disbeliever, however if he returns back to Islām, his deeds would return back to him.

This is according to the most correct opinion amongst the scholars, because Allah said "And whoever of you turns away from his religion (to disbelief) and dies while being a disbeliever"

The meaning of this Āyah is that if he returns back to Islām, his deeds will return back to him, and the deeds aren't nullified except if he died upon disbelief, and this is one of the two sayings from Imam Ahmad, and that was chosen by Shaykh al-Islām ibn Taymiyyâh.

Question: What if he prayed after he entered into the Manāsik of Hajj?

**Answer:** In reality it is considered that he entered, especially since a group of scholars view that the abandoner of Salāh is a Hypocrite, he is not considered on the level of a Mushrik & similar to that, and based upon this, Shaykh al-Islām ibn Taymiyyâh (رحمه الله) views that he inherits and is inherited from, because he is considered on the level of a Hypocrite.

Question: What is the ruling on a child performing Hajj for someone else?

**Answer:** This will come shortly inshā'Allāh & we'll clarify it, and that whoever is not obliged to perform Hajj, he won't suffice the Hajj of other than him, wherein if a slave or child performs Hajj for someone else, it won't suffice the Hajj of that person, because he is not morally obligated, and this is the opinion of the Majority of the Scholars, and we'll mention all of this soon inshā'Allāh, we haven't come to it yet. We will talk about the issue of whether the Hajj of a child is accepted or not, the majority of the scholars prohibit it, however there's a saying from Ibn Hazm (رحمه الله) that the Hajj of a child is accepted, because there's no proof prohibiting him, and the Hajj of a slave is accepted, because he's a person, who's morally obligated like the rest of people, it's accepted from him. However the Majority of the Scholars use as proof the statement of Ibn 'Abbās (رضي الله عنهما): "Memorise from me and do not say Ibn 'Abbās said: Any child who performs Hajj, then reached maturity, must perform another Hajj, and any slave who performs Hajj, then is freed, must perform another Hajj", inshā'Allāh we'll discuss that, and the differences and the arguments of that.

Questioner; Regarding the general statement of 'Abdullah ibn Shaqeeq al-'Uqayli that the Sahabah didn't view anything abandoning as Kufr, except for Salah...?

**Answer:** The Scholars have also unanimously agreed that the abandoner of Jins al-'Amal [the manifest obligatory actions in Islam] in all cases is a Kāfir, a consensus has been mentioned by Al-Ajurri (رحمه الله) in "al-Sharī'ah", and a consensus was mentioned regarding that by Imām Ibn Battāh (رحمه الله), and several scholars have mentioned a consensus, all of these scholars said that the one who abandons Jins al-'Amal is a Kāfir unrestrictedly. There are things, a person becomes a disbeliever by mere speech, a person can become a disbeliever by mere actions, a person can become a disbeliever by mere belief, so when a person denies an agreed upon matter or permits an agreed upon matter [being Harām], then he becomes a disbeliever according to all scholars. Disbelief can occur from denial, it could occur from belief, such as believing that the judgement of other than the Prophet is greater than the judgement of the Prophet (صلى الله عليه وسلم). And disbelief can occur from actions, such as prostrating to a grave or idols, performing Tawāf around the graves, and disbelief can occur from speech, such as insulting Allāh (سبحانه وتعالى) and the Messenger (صلى الله عليه وسلم), explicit mocking of the religion. And disbelief can consist of what has previously been mentioned, and Disbelief can occur from mere abandonment, such as abandoning the ruling of what Allāh has revealed, abandoning Salāh completely, abandoning Jins al-'Amal completely, these are all types of Kufr according to the Scholars, and as for Hajj and Zakāt and Siyām, then there's a difference as we have previously mentioned. As for making the saying of 'Abdullāh ibn Shaqīq al-'Uqaylī (رحمه الله) "The companions of the Prophet did not see an action that was Kufr other than Salāh" as a textual evidence to say that the abandoner of such and such & the abandoner of such and such, except what is mentioned in the Hadīth, then this is not correct.

**Another Answer:** We are talking about the aspects of Fiqh, we're not speaking about the aspects of other matters such as the 'Aqīdah of a man etc...The truth is accepted from whoever came with it, if the truth came from an Ash'arī, a non-Ash'arī, the Prophet (صلى الله عليه وسلم) accepted the truth from a Jew, "O Muhammad, Allah holds the heavens on one Finger, the earth on one Finger, the mountains on one Finger, the trees on one Finger, and all creatures on one Finger, and He [i.e. Allah] says, (I am Sovereign)", the Prophet (صلى الله عليه وسلم) laughed/smiled in approval of the saying of the Rabbi.

The Hadīth is agreed upon in its authenticity from the Hadīth of ibn Mas'ūd (رضي الله عنه), we don't ask about the 'Aqīdah of the person in the likes of these issues, and the people still remain benefitting from those who have mistakes in the 'Aqīdah aspects, the people right now like investigators upon some of the books that are ascribed to the Madhab al-Ash'arī, reading their books, relying upon it, and looking into it, while being cautious from what they affirm that goes against the 'Aqīdah of Ahlāl Sunnāh wal-Jamā'ah, the people are still reading the books of al-Bayhaqī (رحمه الله) while he is upon the Madhab al-Ash'arī (in certain issues), and the people are dependant of the books of Ibn Hajr (رحمه الله) in Hadīth and Fiqh and other than that, while he has many interpretations in the names and attributes of Allāh (جل وعلا), while I do not see that al-Hāfidh ibn Hajar (رحمه الله) is Ash'arī.

It's correct that Ibn Hajr (رحمه الله) has mistakes where he agreed with the Madhab of the Ashā'irah, however this doesn't mean that everyone who made a mistake in the names and attributes of Allāh (جل وعلا) is classified among the Ashā'irah, we say that he's Ash'arī in the topic of the names and attributes, but as for saying Ibn Hajr (رحمه الله) is completely an Ash'arī, then this is not correct, this is not correct, because he responded against the Ashā'irah in many issues, he responded against the Ashā'irah on the topic of Āhād Hadīths, he responded against the Ashā'irah on many matters, so he's not an Ash'arī in every aspect, yes it's correct that he agreed with the Ashā'irah on the Names and Attributes, but to classify him as an Ash'arī in the names and attributes of Allāh (جل وعلا), this can be acceptable, as for labelling him an Ash'arī in every aspect, or labelling Imām al-Nawawī (رحمه الله) an Ash'arī in every aspect, this is not correct. Then afterwards arranging on top of that, (saying) it's not allowed to benefit from his books, this is not correct, we know about the mistakes of al-Hāfidh al-Nawawī (رحمه الله), the mistakes of al-'Izz ibn 'Abd al-Salām (رحمه الله), the mistakes of al-Hāfidh ibn Hajr (رحمه الله), yet the people are still benefitting from their books, while warning against what they have which goes against what Ahlāl Sunnāh wal-Jamā'ah are upon.

Even greater than these, ibn Hajr al-Makkī, the author of the book "al-Zawājir", he has many mistakes in Tawhīd al-ilāhiyyāh, and in Tawhīd al-Asmā' wal-Sifāt, he even has mistakes in Tawhīd al-Rubūbiyyāh, and with all that, the people are still benefitting from his books, some of the Scholars such as Shaykh Ibn Sahnān when he spoke about him in "al-Durar al-Saniyyāh", he said: "May Allah deal with him accordingly/fairly", infact some people refrain from sending Allāh's mercy upon him, and in "al-Durar" when he was asked about him in some places of al-Durar, he said: "His books can be benefitted from, and what he mentions about the

Major Sins and other than that, while warning against the other matters”, so Ahlâl Sunnâh wal-Jamâ'ah are in-between the distorted sects, (like those) that say everyone who makes a mistake, it's incumbent to put aside his mistakes(i.e. ignore it), or (those who say) we won't accept from (anyone) except an infallible man, like the Rāfidah, this is what's intended ya'nī.