

The 'Ihram

Mawaqit al-'Ihram

The *ihram* is compulsory for all the various kinds of Hajj as well as 'Umrah, and is regarded as their basic element (*ruk'n*) by the Imamiyyah, and as obligatory by other schools. All the five schools agree that the *miqat* of the people of alMadinah from where they assume *ihram* is Masjid al-Shajarah, also known as Dhu al-Hulayfah;¹ for the pilgrims of alSham (which includes the Syrians, the Lebanese, the Palestinians and the Jordanians, noting further that the routes have changed from what they used to be in the past), Morocco and Egypt the *miqat* is alJuhfah;² for the pilgrims of Iraq, it is al-'Aqiq;³ for those from Yemen and others who take the same route, it is Yalamlam. ⁴

According to the Imamiyyah, *Qarn al-Manazil*⁵ is the *miqat* for the people of alTa'if and those who take their route towards Makkah. But according to the four Sunni schools, it is the *miqat* of the people of Najd. The *miqat* for those from Najd and Iraq according to the Imamiyyah is al'Aqiq. All the legal schools agree that these *mawaqit* also apply to those who in their journey take similar routes, even though they may not be natives of those regions.

For instance, if a Syrian starts on Hajj from alMadinah, it is permissible for him to assume *ihram* from Dhu alHulayfah; if he starts on Hajj from Yemen, his *miqat* is Yalamlam; if from Iraq, then al'Aqiq, and so on. If one does not pass the mentioned *mawaqit* on his route, the *miqat* for him is the place parallel to any one of them.

If someone lives at a place nearer to Makkah than any of the prescribed *mawaqit*, then he assumes *ihram* from the place of his residence. For, someone who resides in Makkah itself, his *miqat* is Makkah. For one performing the *al'Umrat almufradah*, the *mawaqit*, according to the Imamiyyah, are the same as for the Hajj.

Ihram Before Miqat

The four Sunni legal schools agree on the permissibility of assuming *ihram* before the point of *miqat*, but disagree as to which has greater merit. According to Malik and Ibn Hanbal, *ihram* before *miqat* is more meritorious (*afdal*). According to Abu Hanifah, the merit lies in assuming *ihram* while starting the Hajj journey from one's town: Two opinions are ascribed to alShafi'i in this regard.

However, according to the Imamiyyah school, *ihram* before *miqat* is not permissible except for one who intends to perform the 'Umrah in the month of Rajab and is afraid of missing it if *ihram* is delayed until *miqat* is reached, and for one who makes a vow (*nadhr*) to assume *ihram* before the *miqat*. (*alTadhkirah, Fiqh alSunnah*)

Ihram after Miqat

There is consensus among all the legal schools that it is not permissible to cross the *miqat* without *ihram*, and one who does so must return to the *miqat* for assuming *ihram*. If he does not return, according to the four Sunni schools, his Hajj is correct though he should offer a *hady* in atonement. But if there be any impediment, such as fear of insecurity on the way or shortage of time, there is no sin. This, regardless of whether there are other *mawaqit* before him on his path or not.

According to the Imamiyyah, if he has deliberately neglected to assume *ihram* at the *miqat* while intending to perform the Hajj or the 'Umrah, if he does not turn back to the *miqat*, there being no other *miqat* before him from which he can assume *ihram*, his *ihram* and Hajj are invalid, whether he had a valid pretext for not returning or not.

But if his failure to assume *ihram* at *miqat* was on account of forgetfulness or ignorance, if it is possible to return, he must do so; but if it is not possible, then from the next *miqat* before him. Otherwise he ought to assume *ihram* as far as possible outside the *haram* of Makkah, or within it; though the former is preferable. (*alTadhkirah, alFiqh 'ala almadhahib al'arba'ah*)

Ihram before the Hajj Months

According to the Imamiyyah and Shafi'i schools, the *ihram* before the months of the Hajj is invalid if assumed with the purpose of Hajj, though it is valid when assumed for the purpose of the 'Umrah. They cite in this regard the Qur'anic verse:

الْحَجُّ أَشْهُرٌ مَّعْلُومَاتٌ

The pilgrimage is (performed in) the well-known months... (2: 197)

But according to the Hanafi, Maliki and Hanbali schools, it is permissible with *karahah*. (*alTadhkirah, Fiqh alSunnah*)

The Mustahabbat of Ihram

There is no disagreement among the legal schools with respect to the *ihram* being an essential *rukn* of the 'Umrah and all the three forms of the Hajj, namely, *tamattu*; *qiran* and *ifrad*. Also, there is no difference of opinion that *ihram* is the first act of the pilgrim, irrespective of whether his purpose is 'Umrah *mufradah*, or any of the three forms of Hajj. There are certain *wajibat* and *mustahabbat* related to the *ihram*.

The legal schools agree that it is *mustahabb* for anyone intending *ihram* to cleanse his body, clip his fingernails, shorten his moustaches, and to take a bath (even for women undergoing *hayd* or *nifas*, for the aim is cleanliness). It is also *mustahabb* for one intending Hajj to abstain from cutting the hair of his head from the beginning of the month of Dhu alQī'dah, to remove the hair from his body and armpits, and to enter *ihram* after the *zuhr* (noon) or any other obligatory prayers. It is also *mustahabb* to pray six, four or at least two *raka'at*. However, freedom from the state of ritual impurity (*hadath*) is not a condition for the *ihram* to be valid.

According to the Hanafi and Maliki schools, if water is not available, one is relieved of the duty to take the bath (*ghusl*), and *tayammum* as an alternative is not permissible. According to the Hanbali and Shafi'i schools, *tayammum* substitutes *ghusl*. The Imamiyyah jurists differ on this matter, some consider it permissible, others not.

According to the Imamiyyah school, it is *mustahabb* to leave the hair of the head uncut, but according to the Shafi'i, Hanafi and Hanbali schools, it is *mustahabb* to shave the head. (*alFiqh 'ala almadhahib al'arba'ah*)

According to the Hanafi school, it is *sunnah* for one who wants to assume *ihram* to scent his body and clothes with a perfume whose trace does not remain after *ihram* except the smell. According to the Shafi'i school, it is *sunnah*, except when one is fasting, to apply perfume to the body after the bath. Also, perfuming the clothes does not matter. According to the Hanbali school, one may perfume the body; and the clothes with *karahah*. (*alFiqh 'ala almadhahib al'arba'ah*)

According to the Hanafi, Maliki and Shafi'i schools, it is *mustahabb* for the *muhrim* to pray two *raka'at* before assuming *ihram* after the noon prayer or any other obligatory prayer. If he has no obligatory prayer to make at the time of *ihram*, he should offer six, or four or at least two *raka'at* for the *ihram*. (*alJawahir*)

Al- 'Ishtirat

AlMuhaddiq alHilli, the Imamiyyah scholar, in his work *Tadhkirat alfuqaha'*, says that for one intending *ihram* it is *mustahabb* to make a condition with God at the time of assuming *ihram*, by saying:

اللهم اني أريد ما أمرتني به، فإن منعتني مانع عن تمامه وحبسني عنه حابس فاجعلني في حل

O God, indeed I wish to fulfill Thy command, but if any impediment keeps me from completing it or a barrier obstructs me from it, exonerate me.

Abu Hanifah, alShafi'i, and Ahmad ibn Hanbal also consider it *mustahabb*. However, this *ishtirat* does not help in relieving one of the obligations of the Hajj if he were to encounter an impediment which keeps him from getting through it.

The Wajibat of Ihram

The *wajibat* of *ihram*, with some difference between the legal schools on some points, are three: *niyyah* (intention); *talbiyah*; and putting on of the clothes of *ihram*.

Al-Niyyah

Obviously *niyyah* or intention is essential to every voluntary act; for every such act is motivated by conscious intent. Therefore, some scholars have pointed out that had we been assigned a duty to be performed without intention it would have been impossible to be carried out. However, when the question of intention is raised in relation to the pilgrim (of the Hajj or the 'Umrah), what is meant is whether he becomes *muhrim* solely on account of the *niyyah* or if something else is required in addition, acknowledging that *ihram* is void if assumed frivolously or absentmindedly.

According to the Hanafi school, *ihram* is not considered to commence solely with intention unless it is accompanied by the utterance of the *talbiyah* (*Fath alqadir*). According to the Shafi'i, Imamiyyah and Hanbali schools, the *ihram* is assumed merely by *niyyah* (*alJawahir, Fiqh alSunnah*). The Imamiyyah add that it is obligatory for the *niyyah* to coincide with the commencement of *ihram*, and it is not sufficient for the act of *niyyah* to occur in the course of assuming *ihram*.

Also while making the *niyyah* it is essential to specify the purpose of *ihram*, whether it is Hajj or 'Umrah, whether it is *Hajj altamattu*; *Hajj alqiran* or *Hajj al'ifrad*, whether he is performing the Hajj for himself or as a na'ib of someone else, whether for the obligatory Hajj (*Hijjat al'islam*) or for something else. If one assumes *ihram* without specifying these particulars, postponing their determination to future, the *ihram* is invalid. (*al'Urwat alwuthqa*).

According to the Hanafi text *alMughni*, "It is *mustahabb* to specify the purpose of *ihram*. Malik is of the

same opinion. Two opinions are ascribed to alShafi'i. According to one of them, it is adequate if one assumes *ihram* with a general, nonspecific purpose of pilgrimage... without determining the exact purpose, whether Hajj or 'Umrah. The *ihram* thus assumed is valid and makes one a *muhrim* Afterwards, he may select any of the kinds of pilgrimage." All the five schools agree that if one assumes *ihram* with the intention to follow another person's intention, his *ihram* is valid if the other person's purpose is specific. (*alJawahir; alMughni*)

The Talbiyah

That the *talbiyah* is legitimate in *ihram* is acknowledged by all the five schools, but they disagree as to its being *wajib* or *mustahabb*, and also about its timing. According to the Shafi'i and Hanbali schools, it is sunnah, preferably performed concurrently with *ihram*. However, if the intention to assume *ihram* is not accompanied by *talbiyah*, the *ihram* is correct.

According to the Imamiyyah, Hanafi⁶, and Maliki schools, the *talbiyah* is obligatory, though they differ about its details. According to the Hanafi school, pronouncement of *talbiyah* or its substitute –such as *tasbih*, or bringing along of the sacrificial animal (*alhady*)– is a provision for *ihram* to be valid. According to the Maliki school, the *ihram* neither becomes invalid if *talbiyah* is recited after a long gap of time, nor if it is not pronounced altogether. However, one who fails to pronounce it must offer a blood sacrifice.

According to the Imamiyyah, neither the *ihram* for *Hajj altamattu*; nor *Hajj al'ifrad*, nor their conjugate 'umrahs, nor for *al'Umrat almufradah*, is valid without *talbiyah*. However, one who intends to perform *Hajj alqiran* may choose between *talbiyah*, *ish'ar*⁷ or *taqlid*; *ish'ar* for this school being exclusively restricted to a camel, though *taqlid* may apply to a camel or the other forms of *hady*.

The Formula of Talbiyah

لبيك اللهم لبيك، لا شريك لك لبيك، إن الحمد والنعمة لك والملك لا شريك لك

All the legal schools agree that *taharah* is not a proviso for pronouncing *talbiyah*. (*alTadhkirah*).

As to its occasion, the *muhrim* starts reciting it from the moment of *ihram*, being *mustahabb* for him to continue it—all the five schools agree—until the *ramy* of *Jamarat al'aqabah*. To utter it loudly is *mustahabb* for men (not for women), except in mosques where prayers are offered in congregation, particularly in the Mosque of 'Arafat. According to the Imamiyyah school, it is *mustahabb* to discontinue reciting the *talbiyah* on sighting the houses of Makkah. A woman may recite the *talbiyah* just aloud enough to be heard by herself or someone near her. It is also *mustahabb* to proclaim blessings on the Prophet and his Family (s). (*alTadhkirah; Fiqh alSunnah*).

The Muhrim's Dress

All the five schools agree that it is not permissible for a *muhrim* man to wear stitched clothing, shirts or trousers, nor may he cover his face. Also, it is not permissible for him to wear shoes (*khuffan*) except when he cannot find a pair of sandals (*na'lan*),⁸ and that after removing the covering on the back of the heels from the base. A woman, however, should cover her head, keep her face exposed, except when she fears that men may ogle at her.

It is not permissible for her to wear gloves, but she may put on silk and wear shoes (*khuffan*). According to Abu Hanifah, it is permissible for a woman to wear gloves. (*alTadhkirah*; Ibn Rushd's *alBidayah wa alnihayah*).

The book *alFiqh 'ala almadhahib al'arba'ah*, under the heading 'That which is required of one intending *ihram* before he starts to assume it', states, "According to the Hanafi school, among other things he wears *izar* (loincloth) and *rida'* (cloak). The *izar* covers the lower part of the body from the navel to the knees. The *rida'* covers the back, the chest and the shoulders, and its wearing is *mustahabb*.

According to the Maliki school, it is *mustahabb* to wear *izar*, *rida'* and *na'lan*; but there is no restriction on wearing something else that is not stitched and does not encircle any of the parts of the body.

According to the Hanbali school, it is *sunnah* to put on a new, white and clean *rida'* and *izar* together with a pair of *na'lan* before assuming *ihram*. According to the Shafi'i school, the *rida'* and *izar* should be white, new or washed ones.

According to the Imamiyyah school, the *rida'* and the *izar* are obligatory, preferably (*istihaban*) of white cotton. The *muhrim* may put on more than these two pieces of clothing on condition that they are not stitched. Also it is permissible to change the clothes in which one commenced *ihram*, though it is better to perform the *tawaf* in the same *rida'* and *izar* as worn at the beginning.

All the requirements of the dress for *salat* apply to the dress of *ihram*, such as *taharah*, its being nonsilken for men, not made of the skin of an animal eating whose flesh is not permissible. According to some Imamiyyah legists, clothing made of skin is not permissible (in *salat* and *ihram*).

In any case, the disagreement between the legal schools about the *muhrim's* dress is very limited. This is well indicated by the fact that whatever is regarded as permissible by the Imamiyyah is also considered permissible by the remaining schools.

Restrictions of Ihram

There are certain restrictions for the *muhrim*, most of which are discussed below.

Marriage

According to the Imamiyyah, Shafi'i, Maliki and Hanbali schools, it is not permissible for the *muhrim* to contract marriage for himself or on behalf of another. Also he may not act as another's agent for concluding a marriage contract, and if he does, the contract is invalid.

Furthermore, according to the Imamiyyah school, he may not act as a witness to such a contract.

According to Abu Hanifah, marriage contract is permissible and the contract concluded is valid.

According to the Hanafi, Maliki, Shafi'i and Imamiyyah schools, it is permissible for the *muhrim* to revoke divorce of his former wife during the period of her *'iddah*. According to the Hanbali school, it is not permissible. From the viewpoint of the Imamiyyah, if one enters a marriage contract with the knowledge of its prohibition, the woman becomes *haram* for him for life merely by the act of concluding the contract, even if the marriage is not consummated. But if done in ignorance of the interdiction, she is not prohibited to him, even if consummation has been affected. (*alJawahir Fiqh alSunnah; alFiqh 'ala almadhahib al'arba'ah*).

Intercourse

All the five legal schools agree that it is not permissible for the *muhrim* to have sexual intercourse with his wife, or to derive any kind of sexual pleasure from her. If he performs intercourse before *tahliil*⁹ (i.e. relief from the state of *ihram*) his Hajj becomes void, although he must perform all its acts to the conclusion. Thereafter, he must repeat the Hajj the next year, performing it 'separately' from his spouse.¹⁰ The seclusion is obligatory according to the Imamiyyah, Maliki and Hanbali schools, and voluntary from the viewpoint of the Shafi'i and Hanafi schools. (*alHada'iq; Fiqh alSunnah*).

Moreover, according to the Imamiyyah, Shafi'i, and Maliki schools, besides the fact that his Hajj becomes invalid, he must sacrifice a camel in atonement, and according to the Hanafi school, a sheep.

All the five legal schools agree that if he commits intercourse after the first *tahliil* (i.e. after the *halq* or *taqsir* in Mina, after which everything except intercourse—and also perfume according to the Imamiyyah school—become permissible for the pilgrim), his Hajj is not void, nor is he called upon to repeat it. Nevertheless, he must offer a camel, according to the Imamiyyah and Hanafi schools and according to one of the two opinions ascribed to alShafi'i. But according to the Maliki school, he is obliged to offer a sheep only. (*alHada'iq; Fiqh alSunnah*).

If the wife yields willingly to intercourse, her Hajj is also void, and she must sacrifice a camel in expiation and repeat the Hajj the year after. But if she was forced, then nothing is required of her, but the husband is obliged to offer two camels: one on his own behalf, and the second on hers. If the wife was not in the state of *ihram*, but the husband was, nothing is required of her, nor is she obliged to offer anything in atonement, nor is anything required of the husband on her account. (*alTadhkirah*).

If the husband kisses his wife, his Hajj is not void if it does not result in ejaculation. On this all schools are in agreement. But according to the four Sunni schools, he is obliged to make a sacrificial offering in atonement even if it be a sheep. The Imamiyyah author of *alTadhkirah* says, the sacrifice of a camel is obligatory only if the kiss is taken with sexual desire, otherwise he should sacrifice only a sheep. If he ejaculates, the Hajj is void according to the Maliki school, but remains valid according to the other schools, although he should make an offering in atonement, which is a camel according to the Hanbali school and a group of Imamiyyah legists, and a sheep according to the Shafi'i and Hanafi schools. (*alHada'iq; alMughni*).

Use of Perfume

All the legal schools agree that the *muhrim*, man or woman, may not make use of any perfume, either for smelling, or for applying on himself, or for scenting edibles. Indeed it is not permissible to wash the dead body of a *muhrim*, or to perform *hunut* upon it by applying camphor or any other kind of perfumery. If the *muhrim* uses perfume forgetfully or on account of ignorance, he needs not make any offering in atonement according to the Imamiyyah and Shafi'i schools. But according to the Hanafi and Maliki schools, he must make a sacrificial offering (*fidyah*). In this relation two different opinions are ascribed to Ahmad ibn Hanbal.

However, when one is forced to use perfume on account of disease, it is permissible and no *fidyah* is required. According to the Imamiyyah school, if one uses perfume intentionally, he must offer a sheep, irrespective of the use, whether applied to the body or eaten. However, there is nothing wrong in the *Khaluq* of Ka'bah even if it contains saffron, and the same applies to fruits and aromatic plants. (*alJawahir*).

Use of Kohl

AlTadhkirah states: "There is consensus among the Imamiyyah legists on the point that darkening the eyelids with kohl or applying a kohl containing perfume is not permissible for the *muhrim*, man or woman. Apart from that (i.e. *ihram*) it is permissible." According to the author of *alMughni*, "Kohl containing antimony is *makruh*, and does not require any *fidyah*. I haven't come across any different opinion on this topic. However, there is no *karahah* in use of kohl without antimony, as long as it does not contain any perfume."

Shortening of Nails and Hair; Cutting of Trees

All the five legal schools agree about impermissibility of shortening the nails and shaving or shortening of the hair of the head or the body in the state of *ihram*, *fidyah* being required of the offender.¹¹ As to cutting of trees and plants within the *haram*, all the legal schools agree that it is impermissible to cut or uproot anything grown naturally without human mediation.

AlShafi'i states that there is no difference between the two with regard to the prohibition, and *fidyah* is required for both: cutting of a big tree requires *fidyah* of a cow, and of other plants of a sheep. According to Malik, cutting of a tree is a sin, though nothing is required of the offender, regardless of whether it has grown with or without human mediation.

According to the Imamiyyah, Hanafi, and Hanbali schools, cutting of something planted by human hands is permissible and does not require a *fidyah*; but anything grown by nature requires *fidyah*, which is a cow according to the Imamiyyah for cutting a big tree and a sheep for cutting smaller plants. According to the Hanafi school, the owner of the tree is entitled to a payment equivalent to the cost of the *hady*. (*Fiqh alSunnah, alLum'ah*)

All the five schools agree that there is no restriction for cutting a dry tree or for pulling out withered grass.

Looking into a Mirror

It is not permissible for a *muhrim* to look into a mirror, and all the five schools agree that there is no *fidyah* for doing so. However, there is no restriction on looking into water.

Use of Henna

According to the Hanafi school, it is permissible for the *muhrim*, man or woman, to dye with henna any part of his body, except the head. According to the Shafi'i school, it is permissible, with the exception of hands and feet. According to the Hanafi school, dyeing is not permissible for the *muhrim*, man or woman. (*Fiqh alSunnah*) The predominant view among the Imamiyyah legists is that dyeing is *makruh* not *haram*. (*alLum'ah*)

Use of Shade; Covering the Head

All the five schools agree that it is not permissible for the *muhrim* man to cover his head voluntarily. According to the Maliki and Imamiyyah schools, it is not permissible for him to immerse himself under water until the head is completely submerged, although it is permissible for him, all the five schools except the Shafi'i agree, to wash his head or pour water over it. The Malikis say that with the exception of the hands it is not permissible to remove dirt by washing. If he covers the head forgetfully, nothing is required of him according to the Imamiyyah and Shafi'i schools, but a *fidyah* is required according to the Hanafi school.

All the schools, with the exception of the Shafi'i, agree that it is impermissible for the *muhrim* to shade himself while moving. Neither it is permissible for him to ride an automobile, an aeroplane or the like, which are covered by a roof. But it is permissible while walking to pass under a shadow. [12](#)

Stitched Clothing and Ring

All the five schools agree that it is forbidden for the *muhrim* man to wear stitched clothes and clothes which encircle body members, e.g. turban, hat and the like. These are permissible for women, with the exception of gloves and clothes which have come into contact with perfume. According to the Imamiyyah school, if the *muhrim* wears stitched clothes forgetfully, or in ignorance of the restriction, nothing is required of him. But if one wears them intentionally to protect himself from heat or cold, he should offer a sheep. Also according to them it is not permissible to wear a ring for adornment, but it is permissible for other purposes. Also, it is not permissible for woman to wear jewellery for the sake of adornment.

'Fusuq' and Jidal'

God, the most Exalted, says in the Quran:

﴿... فَلَا رَفَثَ وَلَا فُسُوقَ وَلَا جِدَالَ فِي الْحَجِّ...﴾

...There should be no obscenity, neither impiety, nor disputing in Hajj' (2: 197).

In the above verse, the meaning of '*rafath*' is taken to be sexual intercourse, to which reference has been made earlier. '*Fusuq*' is taken to mean lying, cursing, or commission of sins. In any case, all of them are forbidden for the pilgrims of Hajj and the nonpilgrims as well. The stress here is meant to emphasize abstention from them in the state of *ihram*. The meaning of *jidal'* is quarrelling. According to an Imamiyyah tradition from al'Imam alSadiq ('a), he is reported to have said, "It (i.e. *jidal'* in the abovementioned verse) means using such expressions as 'Yes, by God!' or 'No, by God!' in conversation. This is the lowest degree of *jidal'*"

According to the Imamiyyah school, if the *muhrim* tells a lie for once, he must offer a sheep; if twice, a cow; if thrice, a camel. And if he swears once taking a veritable oath, there is nothing upon him; but if he repeats it three times, he is obliged to sacrifice a sheep.

Cupping (Hijamah)

All the five schools agree on permissibility of cupping in case of necessity, and the four Sunni schools permit it even when not necessary as long as it does not require removal of hair. The Imamiyyah legists disagree on this issue; some of them permit it and others not. (*alTadhkirah; alFiqh 'ala almadhahib al'arba'ah*)

Hunting (al-Sayd)

All the five schools are in agreement about the prohibition on hunting of land animals, either through killing or through *dhabh*, and also on guiding the hunter or pointing out the game to him in the state of

ihram. Also prohibited is meddling with their eggs and their young ones. However, hunting of the animals of water is permitted and requires no *fidyah*. This, in accordance with the Qur'anic verse:

أَحِلَّ لَكُمْ صَيْدُ الْبَحْرِ وَطَعَامُهُ مَتَاعًا لَكُمْ وَلِلسَّيَّارَةِ وَحُرِّمَ عَلَيْكُمْ صَيْدُ الْبَرِّ مَا دُمْتُمْ حُرْمًا وَاتَّقُوا اللَّهَ الَّذِي إِلَيْهِ تُحْشَرُونَ

Permitted to you is the game of the sea and the food of it, as a provision for you and for the journeyers; but forbidden to you is the game of the land, so long as you remain in the state of ihram: and fear God, unto whom you shall be mustered. (5:96)

The prohibition on hunting within the precincts of the *haram* apply to the *muhrim* and the *nonmuhrim* (*muhill*) equally. However, outside the *haram*, the prohibition applies only to the *muhrim*. If the *muhrim* slaughters a game, it is considered *maytah* (a dead animal not slaughtered in accordance with ritual requirements), and its flesh is unlawful for all human beings. The five legal schools agree that the *muhrim* may kill a predatory bird called *hada'ah*, crows, mice and scorpions. Others include wild dogs and anything harmful.

According to the Imamiyyah and Shafi'i schools, if the game hunted on land resembles some domestic beast in shape and form (like the Oryx, which resembles the cow), he has the choice between:

- (1) giving the meat of one of similar beasts of his livestock in charity after slaughtering it;
- (2) estimating its price and buying food of the amount to be given in expiation and charity to the needy, distributing it by giving two *mudds* (the *mudd* is a dry measure equal to 800 grams) to every individual;
- (3) fasting, a day for every two *mudds*.

The Malikis hold the same viewpoint, except that, they add, the price of the hunted animal itself should be estimated, not that of its domestic equivalent. The Hanafis say that one who hunts in the state of *ihram* should arrange for the estimated price of the hunted animal, whether there is a domestic animal similar to it or not. When the price has been estimated, he is free to choose between:

- (1) purchasing livestock of the money and giving its meat away in charity;
- (2) giving it from his own livestock;
- (3) purchasing food of the amount to be given away in charity;
- (4) fasting, a day for every *mudd* of food to be given away. (*alTadhkirah; Fiqh alSunnah*) In this connection all the legal schools base their position on this Qur'anic verse:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْتُلُوا الصَّيْدَ وَأَنْتُمْ حُرْمٌ وَمَنْ قَتَلَهُ مِنْكُمْ مُتَعَمِّدًا فَجَزَاءٌ مِثْلُ مَا قَتَلَ مِنَ النَّعَمِ يَحْكُمُ بِهِ ذَوَا عَدْلٍ

مِنْكُمْ هَدِيًّا بِالِغِ الْكَعْبَةِ أَوْ كَفَّارَةً طَعَامُ مَسَاكِينَ أَوْ عَدْلٌ ذَلِكَ صِيَامًا لِيَذُوقَ وَيَالَ أَمْرِهِ عَفَا اللَّهُ عَمَّا سَلَفَ وَمَنْ عَادَ
فَيَنْتَقِمُ اللَّهُ مِنْهُ وَاللَّهُ عَزِيزٌ ذُو انْتِقَامٍ

O believers, slay not the game while you are in the state of ihram. Whosoever of you slays it wilfully, there shall be reparation—the like of what he has slain, in livestock, as shall be judged by two men of equity among you, as offering on reaching the Ka'bah; or expiation—food for poor persons or the equivalent of that in fasting, so that he may taste the mischief of his action. God has pardoned what is past; but whoever offends again, God will take vengeance on him; God is Allmighty, Vengeful. (5:95)

The meaning of the phrase: **عَدْلٌ** **يَحْكُمُ بِهِ ذَوَا عَدْلٍ** in the above verse is that two equitable ('*adil*) witnesses should judge whether a certain domestic animal is similar to the hunted wild beast. The meaning of the phrase: **هدياً بالغ الكعبة** is that he should slaughter the equivalent livestock and give its meat in charity on arrival in Makkah.

According to the Imamiyyah work *alShara'i*, "Every *muhrim* who wears or eats anything forbidden for him should slaughter a sheep, regardless of whether his action was intentional, forgetful, or on account of ignorance."

The Imamiyyah and Shafi'i schools agree that no expiation (*kafarah*) is required of someone who commits a *haram* act forgetfully or in ignorance, except in the case of hunting, in which case even killing by mistake requires *kaffarah*.

The Limits of the Harams of Makkah and of alMadinah

The prohibition of hunting and cutting of trees applies both to the *haram* of Makkah and that of alMadinah. According to *Fiqh alSunnah*, the limits of the *haram* of Makkah are indicated by signs in five directions, which are onemeterhigh stones fixed on both sides of the roads. The limits of the *haram* of Makkah are as follows: (1) the northern limit is marked by alTan'im, which is a place at a distance of 6 km from Makkah; (2) the southern limit is marked by Idah, 12 km from Makkah; (3) the eastern limit is alJa'ranah, 16 km from Makkah; (4) the western limit is alShumaysi, 15 km from Makkah.

The limits of the *haram* of the Prophet's shrine extend from 'Ir to Thawr, a distance of 12 km 'Ir is a hill near the *miqat*, and Thawr is a hill at Uhud.

Al'Allamah alHilli, an Imamiyyah legist, states in his work *alTadhkirah* that "the *haram* of Makkah extends over an area of one *band* by one *band* (1 *band* = 12miles), and the *haram* of alMadinah extends from 'Ayir to 'Ir. [13](#)

[1.](#) Dhu alHulayfah, nowadays known as Bi'r `Ali or Abyar `Ali, is at a distance of about 486 kms. from Makkah to the north and 12 km from alMadinah. (Tr.)

[2.](#) AlJuhfah, lies a distance of about 156 km from Makkah to the northwest. (Tr.)

3. There are three points in the valley of al`Aqiq, 94 km from Makkah in the northeast, from where ihram is assumed: alMaslakh, alGhamrah, and Dhat al`Irq. According to the Imamiyyah fuqaha¹, it is permissible to assume ihram from any of these points, though alMaslakh is considered best, then alGhamrah, and then Dhat al-Irq. (Tr.)
4. Yalamlam is a mountain of the Tahamah range, lying at a distance of 84 km from Makkah (Tr.)
5. Qarn alManazil, the miqat for those coming from alTa'if, lies at a distance of 94 km east of Makkah.
6. According to the Hanafi school, bringing along of hady substitutes the talbiyah, as mentioned by Ibn `Abidin and the author of Fath alQadir.
7. "Ish'ar" here means slitting the right side of the camel's hump. By "taqlid" it is meant the hanging of an old horseshoe in the neck of the hady, which is meant to identify the sacrificial animal as such.
8. The nal has a sole, but is devoid of the covering on the sides and the back of the foot at the heels. The khuff is the common shoe, which covers the foot on the sides and the heels.
9. After performing ramy al jamarat and halq, everything except intercourse and perfume becomes permissible to the pilgrim—such as wearing of stitched clothes and other things. This is called alhill al'awwal (or "the first relief" from the restrictions of ihram). After the last tawaf all things including intercourse become permissible to him. This "second relief"—to be explained later—is called alhill althani.
10. According to alTadhkirah, it is necessary during the next Hajj that the `separation' should take place from the point where the misdemeanour was committed during the first Hajj. The meaning of `separation' (tafriq) is that the two should not be alone together without there being present a third muhrim, whose presence acts as a deterrent.
11. According to the Imamiyyah, the kaffarah for cutting a single nail is giving one mudd (800 grams) of food in charity. If all the nails of fingers and toes are cut in one sitting, the kaffarah is one sheep, but if done in several sittings, it is sacrifice of two sheep.
12. The author of alTadhkirah ascribes impermissibility of shadowing oneself while moving to Abu Hanifah, and the author of Rahmat al'ummah ascribes to him permissibility.
13. AlMughni states, "Those knowledgeable about alMadinah do not know of any Thawr or `Iq," but it is possible that names have changed with time.

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