

The Night at Mina

After completing the *tawaf*, the pilgrim must return to Mina during what are called Layali al-Tashriq, which are the nights of the 11th, 12th, and 13th—with the exception of him who being in a hurry departs after midday and before sunset on the 12th; there being nothing against him who leaves under these circumstances on the third day, in accordance with the verse:

فَمَنْ تَعَجَّلَ فِي يَوْمَيْنِ فَلَا إِثْمَ عَلَيْهِ

He that departs on the second day incurs no sin (2:203)

According to Abu Hanifah, to stay overnight in Mina is *Sunnah* not *wajib*. Those who consider it *wajib* agree that it is a rite and not a *ruk'n*. They disagree, however, regarding the necessity of *kaffarah* upon the defaulter. According to Ahmad ibn Hanbal, there is none; according to al-Shafi'i, a *mudd* (*al-Tadhkirah*, *al-Mughni*, *Fiqh al-Sunnah*); and according to Malikis, a sacrifice (al-Zarqani's *sharh* of Malik's *Muwatta'*).

According to the Irnamiyyah, "If one spends the night at a place other than Mina, there is nothing upon him if he spends it at Makkah praying all the night until morning; but if the night is spent there without prayer, or somewhere else, in prayer or otherwise, he must sacrifice a sheep, even if the default was on account of oversight or ignorance". (al-Sayyid al-Hakim's *Manahij al-nasikin*).

There is no obligatory rite for the nights in Mina, though spending them in prayer and worship is *mustahabb*.

Ramy during the Ayyam al-Tashriq

The schools agree that there is no rite except *ramy* of the three *jimar* every day during the three days called *ayyam al-tashriq*, regardless of whether the pilgrim is performing *Hajj al-tamattu*; *al-'ifrad* or *al-qiran*. As to the number of pebbles and other things they have been mentioned under "Jamrat

al-‘Aqabah."

According to the Imamiyyah, the time of *ramy* on each of the three days extends from sunrise until sunset, midday being the preferable hour. The other schools say that it extends from midday until sunset, and if done earlier should be repeated. Abu Hanifah permits *ramy* before midday only on the third day. *Ramy* after sunset is permissible only for those with a [valid] excuse.

All the five schools are in consensus about the number of *jimar* and the way of performing the *ramy* on the three days. Below is the way of its performance as described by *al-Tadhkirah* and *al-Mughni*.

The pilgrim performs *ramy* on each of the three days by throwing 21 pebbles, seven in each of the three times. He begins at the first *jamrah*, al-Jamrat al-'Ula, which is the farthest of them from Makkah and nearer to Masjid al-Khayf. It is *mustahabb* to toss the pebble in a fashion called *hadhf*¹, from the left side standing at Batn al-Masil, and to say *takbir* with every pebble that is thrown and to pray.

After that, he proceeds to the second *jamrah*, called al-Jamrat al-Wusta, halts at the left side of the way, and, facing the *Qiblah*, praises Allah and prays for blessings upon the Prophet (S), then moving ahead a little prays, and then throws the pebbles in the same way as above, then pauses and prays after the last pebble.

Then he moves on to the third point called *Jamrat al-‘Aqabah*, and performs the rite of *ramy* as before, without any pause after finishing. With this the rites of *ramy* for the day are complete.²

The total number of pebbles thrown on the three days is 63 (that is, if one spends the night of the 13th in Mina), 21 each day.

With the seven thrown on the day of 'Id the total number is 70.

The author of *al-Tadhkirah*, after the above description, says that there is no difference of opinion about it. The author of *al-Mughni* makes a similar remark, adding that Malik has opposed the raising of hands.

The description of the rites of *ramy* given by the author of *al-Mughni* is similar if not exactly the same as the one given above by the author of *al-Tadhkirah*.

All schools, except Abu Hanifah, agree about the order of the *ramy* of the *jimar*, and that if one of them is stoned out of turn, then it is obligatory to repeat the rite in the correct order. Abu Hanifah says that the order is not binding. (*al-Tadhkirah*, *al-Mughni*)

The *ramy* may be performed on foot or from a mount, though the former is better. It is permissible for one who has an excuse that someone else may perform it for him, and there is nothing upon one if he omits the *takbir*, the prayer or the pause after the second *jamrah*.

If the *ramy* is delayed by a day intentionally, or on account of ignorance or oversight, or is put over

completely until the last day of *Tashriq* and is performed on a single day, the pilgrim does not incur a *kaffarah* according to the Shafi'is and the Malikis. Abu Hanifah says that if one, two, or three pebbles are delayed by a day, for every pebble delayed a poor man must be fed; if four are delayed by a day, a sacrifice becomes essential.

All the four schools are in consensus that if one does not perform the *ramy* at all until the days of *Tashriq* are past, he is not obliged to perform the rite later any time. But they disagree as to the related *kaffarah*, which, according to the Malikis is sacrifice regardless of some— even one— or all of the pebbles being omitted; according to the Hanafis the sacrifice is required for omitting all, and for fewer one must feed a poor man for every pebble omitted.

The *kaffarah* according to Shafi'is is a *mudd* of food for every pebble if two are omitted; for three a sacrifice becomes obligatory. (Ibn Rushd's *Bidayah, al-Mughni*)

The Imamiyyah say, if the *ramy* of one or more *jimar* is forgotten, the rite must be performed during the days of *Tashriq*; but if forgotten altogether until one reaches Makkah, the pilgrim is obliged to return to Mina to perform them if the days of *Tashriq* are not past; otherwise he must perform the rite himself the following year, or depute another to perform it; in any case there is no *kaffarah* upon him. (*al-Tadhkirah*) This agrees with the *fatawa* of al-Sayyid al-Hakim and al-Sayyid al-Khu'i, with the difference that the former regards the legal grounds in favour of the obligation of completion of the rite as stronger (*aqwa*), whereas the latter considers it as dictated by caution (*ahwat*), and both agree that intentional omission of *ramy* does not invalidate the Hajj.

We referred earlier to the consensus of all the schools that it is sufficient for the Hajj pilgrim to remain for only two days of *Tashriq* in Mina and that he may depart before the sunset on 12th; if he remains until sunset, it is obligatory upon him to stay overnight and perform the rite of *ramy* on the 13th. The Imdmiyyah, however, say that the permissibility of leaving on the 12th is only for one who has not violated the prohibition on hunting and sex in the state of *ihram*; otherwise he is obliged to remain in Mina on the night of the 13th.

Offering *salat* in the Masjid al-Khayf at Mina is *mustahabb*, so also on the hill called Khayf. (*al-Tadhkirah*)

On returning to Makkah after the rites of Mina, it is, according to Imamis and Malikis, *mustahabb* to perform the *tawaf al-wada*; which, according to Hanafis and Hanbalis, is *wajib* for non-Makkans and those who do not wish to stay on in Makkah after returning from Mina. There is no *tawaf al-wada*; nor any *fidyah*, for women who enter their periods before the departure, even from the viewpoint of those who consider the *tawaf* as obligatory; however, it is *mustahabb* for her to bid farewell to the House from the door nearest to it and without entering al-Masjid al-Haram.

Here we conclude the discussion about the rites of Hajj.

- [1.](#) Hadhf means a certain way of tossing in which the pebble is held under the thumb and tossed by the back of the index finger.
- [2.](#) Al-Sayyid al-Hakim says that it is desirable that the third rami should be done with one's back toward the Qiblah. According to al-Mughni it should be done facing the Ka'bah.

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