

Is Hajj Obligatory on me?



Muhammad Raza Dawoodani

Al-Islam.org

This text acknowledges the importance of Hajj (Pilgrimage), but instead of focusing on the rituals of Hajj itself, it underlines and analyses all the verdicts and decrees associated with the capability to perform it. In case all the conditions are fulfilled, Hajj becomes obligatory for the person and it has to be performed within the same year. All the related rulings and verdicts about Hajj conditions are being listed and analyzed from the following Maraja'e: Late Ayatullah Khoi, Late Imam Khomeini, Ayatullah Seestani, Ayatullah Khamenei.

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Miscellaneous information:

Awaiting your comments & suggestions Muhammad Raza Dawoodani dawoodani@gmail.com
www.dawoodani.com Dear Reader, You are requested that if you get the privilege of performance of Hajj then you kindly remember those who assisted in the development of this booklet in your prayers at Khana-e-Kabah, Grave of Holy Prophet (SAWW), Graveyard of Jannat-ul-Baqi and at Plain of Arafat.

Bismillah-ir-Rahman-ir-Raheem

Assalam-o-Alaikum Wa-Rahmat-ulllah Wa-Barakatuhu

All praise is for Allah (swt). In the next few pages, you will read rituals and decrees associated with **capability of performing hajj**.

The verdicts of following 4 *Maraja'e* have been considered in this book.

Late Ayatullah **Khoi** (ra)

Late Imam **Khomeini** (ra)

Ayatullah **Seestani** (db)

Ayatullah **Khamenei** (db)

Care has been taken to sideline the differences in verdicts of these Mujtahids except where necessary. Every care has been taken to narrate the **precautionary aspect** of their verdicts.

Those interested in details please refer to **Manasik-e-Hajj** and other books.

To make the book **reader friendly**, easy and familiar words have been used so that the reader does not feel any inconvenience to understand.

Recommended acts stated in this booklet can be performed with the intention of **Rijay-e-Matloobiat**.

Rijay-e-Matloobiat means: On the **hope** that this act is desired by Almighty Allah.

In preparing this book, alongwith the **Manasik-e-Hajj** of stated *Maraja'e*:

Manasik-e-Hajj (Muhasha) published by the Mission of Respected Leader

'Aara-ul-Maraja'e' compiled by Ayatullah Iftikhari

Hujjatul Islam Wal-Muslimeen Hazrat **Maulana Sadiq Hassan's** lectures and extracted English notes available at www.panjtan.org [7]

'Ahkam-e-Manasik-e-Hajj' compiled by Al-Shaikh Salah Muhammad Al-As were highly utilized.

Respected Teacher Hujjatul Islam Wal-Muslimeen **Maulana Ali Raza Swalehi** suggested appropriate corrections & amendments.

Hujjatul Islam Wal-Muslimeen **Maulana Nadir Sadiqi** cooperated in getting few *Fatawas* from **Qom**.

Brother Raza Rizwani gave valuable advice and technical help.

I am grateful to my brother **Abid Ali Dawoodani** and his wife, sister **Samana Abid Dawoodani** for translating this work into English.

I am thankful to all of them and pray for them.

*Our Lord! Accept from us this; verily You alone are the All-Hearing, the All-Knowing
For the sake of Prophet Muhammad (SAWW) & His Noble Descendents (AS)*

Muhammad Raza Dawoodani.

(Birthdate of Janab-e-Fatima S.A.) 20th Jamadi-us-Sani 1431 AH

4th June, 2010 AD.



Translation From Urdu

In the name of Allah

I have gone through this booklet “Is HAJJ obligatory on me?” compiled by Maulana Muhammad Raza Dawoodani. He has tried to present Fiqh rulings in a unique style. This is a new trend in Urdu language. He has focused on following four points:

1. To discuss the rulings which believers **generally come across**
2. To use **friendly language** spoken in daily life
3. To set aside the differences of interpretation and mention the **precautionary aspect** where ever possible
4. To follow **logical sequence without getting into the details.**

There are always merits and demerits in innovations. So is the case with this booklet. This booklet will be helpful to many brothers in faith in solving their problems but since it explains the precautionary angle, can cause extra physical and financial efforts. Generally, *Momineen* refer to rulings for their practical needs where details are not always required. This booklet will be the best assistant on any such occasion.

Actually the topic of Hajj is so vast and comprehensive that it cannot be covered in a single booklet. Although, the author’s effort is commendable still few decrees have not been covered. Therefore readers must take care that if their personal problem is different from the stated decree, they should refer to the genuine *Ulema* in order to fulfill their exact duty.

In the end, I pray for the acceptance of Agha Muhammad Raza Dawoodani's this effort and hope this will please Imam-e-Zamana (AS.). May Allah grant him further *Taufeeq* to work on other chapters of *Fiqh* in a similar fashion.

Wassalam ...

Ali Raza Swalehi

20th Jamadi-us-Sani 1431 AH / 4th June 2010.

Bismillah Ir Rahman Ir Raheem

Verses of Holy Quran

وَلِلّٰهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ اِلَيْهِ سَبِيْلًا وَمَنْ كَفَرَ فَاِنَّ اللّٰهَ غَنِيٌّ عَنْ

العالمين

And Pilgrimage to the House is incumbent upon men for the sake of Allah, (upon) every one who is able to undertake the journey to it; and whoever disbelieves, then surely Allah is Self-sufficient, above any need of the worlds. (Aal-e-Imran, Chapter #3, Verse # 97)

وَأَتِمُّوا الْحَجَّ وَالْعُمْرَةَ لِلَّهِ

***And complete the Hajj or Umrah in the service of Allah
(Al-Baqara, Chapter #2, Verse # 196)***

Sayings of Holy Prophet

Hadith # 01: Once became obligatory, whoever dies without having performed Hajj dies a Jew or a Christian.

Hadith # 02: If Hajj becomes obligatory on a person and it is not performed, then he/she will be raised as a Christian or Jew on the Day of Judgment.

Hadith # 03: When a person, on whom Hajj becomes obligatory, completes the Hajj properly, his/her sins are forgiven such as if he/she is a **newly born child**.

Hadith # 04: When a person completes a Hajj properly, his/her every prayer is accepted **for four months**.

Among the practices, only **Hajj** is the worshipping act on which a **complete Chapter** is there in **Quran** on its name.

In Quran, apart from **Surah Hajj** the topic of Hajj has also been discussed in **Surah Aal-e-Imran** and **Surah-e-Baqarah**.

Hajj, even if recommended, cannot be left incomplete in the middle once started.

ATTENTION: Other recommended worshipping acts for example recommended fast can be made void in the middle and there is no sin in doing so but the case of Hajj is different.

In case all the conditions are fulfilled, Hajj becomes obligatory **only once** in lifetime.

Q : What are those conditions?

A :

There are some **common conditions** which are necessary for every worshipping act to become obligatory. They are four in number:

- (i) life
- (ii) maturity
- (iii) sanity
- (iv) capability

There are few **specific conditions** that are related only with the obligation of Hajj.

This obligatory Hajj is generally called "**Hajjat-ul-Islam**".

SPECIFIC CONDITIONS FOR HAJJ:	RESULT OF THE COMPLETION OF CONDITIONS:
1. One is free (not a slave) And 2. One is physically fit And 3. One is financially capable And 4. Capacity in time	• Hajj becomes obligatory. • Once in life. • Have to go the same year. • If not performed, committed a big sin but it is necessary to perform next year even if the conditions have ended. • Did not go and is about to die then it is necessary to make Will that Hajj was obligatory on me.

NOTE: on the completion of these conditions a person will be called **MUSTATEE** means he has the capability to go onto Hajj.

It is not necessary to complete or get these conditions completed but if the conditions are fulfilled by themselves then going onto Hajj will become obligatory.

A person goes for Hajj, even if the conditions are not fulfilled, his Hajj will be correct and he will be rewarded too

But

On completion of conditions in the future he will have to perform Hajj again and this second Hajj will be called his obligatory Hajj.

Example:

If an immature performs Hajj then his Hajj will be correct but this will not suffice for his obligatory Hajj rather upon completion of conditions, after being mature, he will have to perform his obligatory Hajj.

Once In A Lifetime

Hajj usually becomes obligatory only once in a lifetime but the case for **nadr / mannat (ablation)**, **qasam(oath)** and **A'had(promise)** is different.

Example:

If someone makes an ablation that:

“I make ablation for Allah that I will go to perform Hajj if my ill son gets well”

After attaining health it will be obligatory for him to go for Hajj completing the ablation.

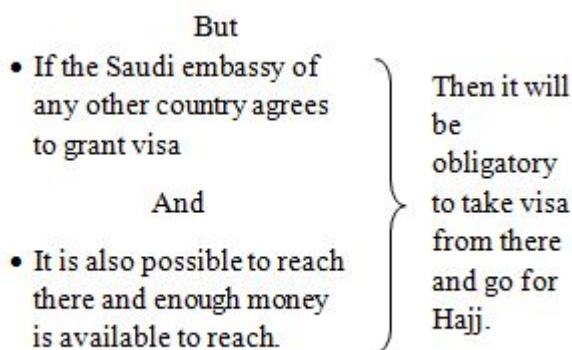
Passport, visa etc.:

Question : Once conditions are fulfilled, will it also become obligatory to acquire **passport and visa**?

Answer : Yes

Question : If Saudi Arabian embassy **does not give visa** then?

Answer : Hajj is not obligatory.



Security of the way

Question : Is the security of way also a condition?

Answer : Yes it is necessary that the way to go for Hajj and return is safe and there is no danger for life.

If going alone is harmful but to go with a companion is safe then in the case of having wealth, taking the companion along will also become obligatory.

In this case the obligatory Hajj of the companion will also be considered as performed.

Important point

If it is possible to take permission by committing a **sin** (such as saying a false at some occasion or speaking a lie) and if that sin is a lesser sin than the sin of not performing obligatory Hajj then it is necessary to commit that lesser sin in order to perform the obligatory Hajj.

Note: For details of this, contact **Ulema**.

According to the Ahl-Sunnat Brotheren, a woman is not allowed to go for Hajj **without a mahram man**. There is no such condition in **Maktab-e-Ahl-ul-Bait A.S.** (Shia school of faith). **If a woman feels herself secure she can go alone as well.** (As this is the practice these days.)

Few details of physical fitness

Means a person is physically capable enough to perform the worshipping act of Hajj.

Case 01

Showed negligence when was physically capable and did not go for Hajj.

Question : Now is physically unfit and can not go for Hajj. What to do?

Answer :

Hope Of Attaining Fitness	No Hope Of Attaining Fitness
• Wait and perform Hajj himself on attaining health. • If dies before attaining health then it is obligatory to get the Hajj performed the same year from the heritage. Inheritors shall arrange for the representative immediately.	• It is obligatory to send the representative for Hajj the same year.

Case 02

No negligence shown. All the conditions have now been fulfilled but is not physically fit enough. Can not go for Hajj.

Question : Is it obligatory for me to go for Hajj?

Answer : No

Question : Is it obligatory to send any representative (*Naib*)?

Answer :

Imam Khomeini and **Ayatullah Khamenei** : No

Ayatullah Khoi and Ayatullah Sistani:

Hope Of Attaining Fitness	No Hope Of Attaining Fitness
• Wait and perform Hajj himself on attaining health. • If dies before attaining health then the inheritors do not have any responsibility.	• It is obligatory to send the representative for Hajj the same year.



Few details of financial capability

Following **4 points** are included in this:

He has expenses for to-and-fro travel to Makkah

Has funds for **further travel** after reaching Makkah

Those people whose expenses are obligatory on him must not be affected because of his journey for Hajj **for example: wife, children**.

His **job** or the **source of income** shall not end because of this journey of Hajj.

Important point: Being financially capable does not mean that he has cash in hand or in bank rather if there is any other arrangement then that will also suffice.

Example 1: dower money (mahr)

If the woman's dower money is sufficient enough for Hajj expenses and its payment is also due then it is obligatory for the woman to **ask for the dower money from her husband** and go for Hajj.

Example 2: inheritance

Father has died and heritage is being distributed.

If the share of the inheritor is sufficient to perform Hajj then it is obligatory for him to claim his share and go for Hajj. He can not surrender his share for someone else.

Example 3: ornaments

If a woman has that many ornaments which can be sold to perform Hajj.

Then it will be checked what is the **age of the woman**?

If that many ornaments are the requirement of her age and they are in her daily use as well then there is no problem. Selling ornaments is not necessary and Hajj is also not obligatory.

But if the woman has reached such an age that she does not wear them then it is necessary for her to sell them and go for Hajj.

In such a case, it is not allowed for her to give away such ornaments as a gift to anyone (for example her daughter and daughter in law)

Example 4: extravagance (israf)

Extravagance is among the **major sins**.

Hajj can also become obligatory on a person spending his life with extravagance.

Question : What is meant by extravagance (*israaf*)?

Answer :

Islam permits every individual to own items of his daily life such as dress, car, home and ornaments etc. not only according to his **need** but according to his **status (shaan)**.

But Islam does not allow anyone in the society to spend more than his **status (shaan)** and calls it extravagance (*israaf*).

Question : How status (*shaan*) of a person is defined? How can this be known?

Answer : This is determined by "**urf**". Means opinion of the majority of people in the community in which that person is living will determine his status.

An example for explanation:

Generally in our society it is considered as the **status** of a **doctor** to own a **car** although he does not **need** it.

Hajj being obligatory in case of extravagance

If a person has car, house or any other similar item that is beyond his **status** and the difference is enough to perform Hajj then Hajj is obligatory on him.

He should **sell** those items to make arrangements for Hajj and buy car etc. according to his status from the rest of the money.

If someone gifts the money for performing hajj

If someone gives money for performing Hajj then it is **obligatory to accept** that.

Example:

Husband gifts the Hajj expenses to his wife.

Father gifts the Hajj expenses to any of his mature child.

NOTE: In these examples the Hajj of the wife and the child will be considered as obligatory Hajj and hence their responsibility as far as Hajj is concerned will be fulfilled.

If someone wants to give the same amount of money without any condition:

If he has not put the condition of Hajj then it is not obligatory to take that amount

But

If it has been taken then going for Hajj will become obligatory.

Recovery of The Loan (Qarz) And Hajj:

- | | | |
|---|---|---|
| <ul style="list-style-type: none">Someone is given loan | } | In this case it is obligatory to demand for the amount of loan and go for Hajj. |
| AND | | |
| <ul style="list-style-type: none">The amount of loan is sufficient for performance of Hajj. | | |
| AND | | |
| <ul style="list-style-type: none">The date of loan recovery is also due | | |
| OR | | |
| ➤ The debtor is ready to repay the loan before time | | |

Note:

If the debtor **denies** returning the loan **intentionally**, without any reason then, if possible, it is obligatory to use court and other institutes to get the claim in order to go for Hajj.

If the debtor is not able at all to return the debt then it is necessary to find such a person who can purchase that loan on agreed terms and give the money at this time.

Such debt is not permitted to be forgiven.

Repayment of the loan and hajj

Case:

Have money but need to repay loan. If debt is paid, can not go for Hajj.

Question : What shall such a person do? Shall he perform Hajj or repay the loan?

Answer : **Ayatullah Sistani:**

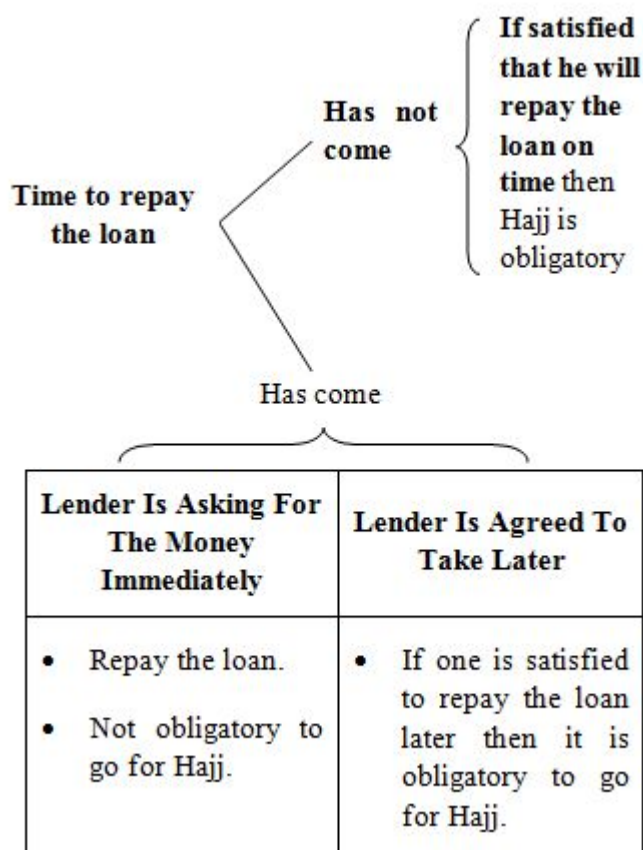
Hajj is not obligatory.

But if the deadline to repay the loan is so far that is generally ignored by people (**say after 50 years**) then going for Hajj will be obligatory.

Loan given and taken by the businessmen community in their daily transactions is not included in this.

The point of view of rest of the three Maraj'e can be seen on the next page

Ayatullah Khoi, Imam Khomeini and Ayatullah Khamenei :



Note: There are some details in the verdicts of *Maraj'ae-Karaam* of Hajj getting obligatory or not in presence of loans taken from the Government and Non-Muslim banks, the explanation of which is not possible in this booklet. To know this contact Ulema.

Taking Loan For Performing Hajj

Taking loan in order to perform Hajj is not obligatory.

If loan is taken for the Hajj then:

Imam Khomeini: Hajj will not become obligatory.

Ayatullah Sistani: Hajj will not become obligatory but if the deadline to repay the loan is so far that is generally ignored by the people (**say after 50 years**) then going for Hajj will be obligatory.

Ayatullah Khoi and Ayatullah Khamenei:

If it is possible to repay the loan **easily** later on then going for Hajj will be obligatory.

Savings To Purchase House And Hajj

Case:

A person was saving money for a specific purpose (for example: house, car, wedding of the daughter etc.)

The amount becomes sufficient for performing Hajj.

Question : What shall he do? Is going for Hajj obligatory for him?

Answer : Yes ... but if Not spending money on house etc. will cause **extreme trouble** or “**Haraj**” for him, then Hajj will not remain obligatory.

Khums, zakaat and hajj

Case: A person has obligatory *khums* or *zakat* to pay and the time of Hajj has come.

Question : What shall he do? Shall he give *khums* or *zakaat* first or instead go for Hajj?

Answer : He should pay ***khums*** or ***zakaat*** first and if sufficient money is left over for Hajj then Hajj is obligatory on him otherwise not.

NOTE:

If the *Marja'e* or his representative (*Vakil*) **permits to delay the payment** of *khums* then obligatory Hajj can be performed the same year.

Minimum Time Required For Hajj?

After reaching Makkah, minimum **5 days** are required to perform the Hajj (means from **8th of ZilHajj** till **12th of ZilHajj**)

According to the current Saudi laws, one must enter Makkah before the **5th of ZilHajj**.

Therefore, the **minimum** time required practically for Hajj nowadays is **8 days**. (These lines are being written in 1431 AH/ 2010 AD)

If one is able to go by spending only the minimum duration possible, then it is necessary to go for his obligatory Hajj otherwise wait for the next year.

Pilgrimage (ziaraat) of Madina

Pilgrimage of Medina is **highly recommended act**. Not going for the Pilgrimage of Prophet (SAWW), after completion of Hajj in Makkah, has been titled as “**oppression (jafa)**” in Hadith. **Acceptance of Hajj** is definitely related with this but it is not a part of the Hajj rituals.

The person who gets more days to stay in Madina, the more fortunate he is **but there is no definite**

duration of days in Maktab-e-Ahl-e-Bait (AS). This Pilgrimage can be done in a single day as well as in more days.

Undoing The Capablity After Attaining

Undoing the conditions of Hajj after attaining them is prohibited.

Example 1

Once enough money has been gathered that is sufficient for obligatory Hajj at any time, spending that for any other purpose is prohibited.

Example 2

Likewise spending this money on **leisure trip** to any other country is prohibited.

Example 3

Giving such money, even for the performance of Hajj, to someone else for example **giving it to parents** so that they can perform Hajj, is prohibited.

Note (i): It is important to note that sending parents or someone else for Hajj is an important reward seeking act but it is only permitted once own obligatory Hajj has been performed.

Note (ii): Even then if parents or anyone else is sent before own obligatory Hajj, then their Hajj will stand correct but personal Hajj will remain obligatory in any case on the person sending them.

Question : **Without performing a forbidden act (*Haram*)**, I want to send my mother for Hajj before my own Hajj. Is there any **solution**?

Answer : If sufficient funds are not available currently then the solution is that **let the funds do not gather** later on as well.

Explanation of the solution

Suppose **Rs 100,000** are required for Hajj then mother, father or anyone whom you want to send for Hajj, don't give him/her **Rs. 100,000** altogether.

Rather

As the amount gets accumulated, give this amount to them in **installments**. For example keep giving and hence making them owner of **Rs 10,000 till 10 months**. In this way they will get the sufficient funds and Hajj will become obligatory whereas funds will neither be accumulated at your end nor Hajj will become obligatory.

For hajj-e-badal or for those performing hajj in representation of anyone

Hajj that is performed on behalf of another person is called **Hajj-e-Niyabati** or **Hajj-e-Badal**.

One performing Hajj as a representative is called **Nayib**.

It is also permitted to **take money** for performing Hajj as a representative.

A representative can also be sent for Hajj **from one's own city**.

A representative can also be sent for Hajj from any other country or even Saudi Arabia itself (**e.g. from Madina**). As obvious it will be **less expensive** but it is also permitted.

A **male in representation of a female**, similarly a **female in representation of a male** performing *Hajj-e-Badal* is absolutely correct.

It is not necessary for a representative that he has already performed Hajj before. If in this year (in which he is going for *Hajj-e-Badal*), he is not obliged to perform his own Hajj then he can perform Hajj in representation.

NOTE: In view of Ayatullah Khoi:

If performing Hajj as a representative for such an **alive male** who is not able to perform his obligatory Hajj then as an **obligatory precaution** it is necessary for the representative that He: is **male** and (ii) has **not done Hajj earlier**

It is necessary for the representative that:

Is **mature** (is not an immature)

Is **sane** (not an insane)

Is **Shia Ithna Asheri** (not a non-momin)

Has enough **knowledge** related to Hajj rules so that he can perform Hajj properly hence the responsibilities of that person can be fulfilled for whom he is acting as a representative.

EXAMPLE:

Must be able to perform **ablution (wudu)** and **ghusl** properly.

Must be able to offer prayers (*salat*) correctly with **proper pronunciation (qirat)** of Arabic words.

In few cases it is necessary in view of some Jurists that:

- | | | |
|--|---|---|
| (i) He <u>alongwith</u> his own
<u>Maria'e</u>
(ii) <u>Maria'e</u> of the person
for whom Hajj is being
performed
And
(iii) <u>Maria'e</u> of the one who
is sending for Hajj | } | Must know
the Hajj
rules of
them all and
act
accordingly
as well. |
|--|---|---|

Explanation: If, for guidance, any **Aalim-e-Deen** is available **to guide the representative** for every act then this will also suffice.

He should intend for *Niyabat*. Means that he has the intention in heart that he is performing Hajj in representation of ABC. To speak intention words from tongue is not necessary.

He must know that whom is he representing for Hajj.

Explanation: It is not necessary to know the **name**. Determine by any mean that whom he is representing for Hajj for e.g. determining by **relation** that Mr. so and so's Hajj being performed.

He must be **reliable**. Means one is satisfied that he will perform Hajj.

Explanation: It is not necessary for the representative to be Just (*Aadil*).

It is necessary for a representative not to be **handicap**.

For explanation consider this case:

It is known for a person that he cannot perform Hajj **completely** like a normal person. It is possible that his Hajj will be considered as correct even with this deficiency.

Example: It is known that he cannot attain the **Wuqoof-e-Ikhtiari** at **Muzdalifa**.

Question : Can such a person become a representative (*Nayib*)?

Answer : No

Question : Can such a person be made a representative (*Nayib*)?

Answer : No

Note: To understand the *Wuqoof-e-Ikhtiari* at *Muzdalifa*, see *Manasik-e-Hajj*.

Few more things related to representation (niyabat)

Hajj as a representative of an **immature** can be performed.

Similarly Hajj as a representative of an **insane** can also be performed.

Representation of **more than one person:**

In case of recommended Hajj, a representative can perform Hajj for more than one person.

Usually it is not allowed in case of obligatory Hajj.

Few people representing **a single person**:

In case of recommended Hajj, few people can perform Hajj as a representative of a single person.

There is possibility of the same for obligatory Hajj as well but it has some details, to know that contact *Ulema*.

It is essential for the one who has been appointed as representative to go for Hajj himself. Without permission, a representative can not **transfer** his *Niyabat* to someone else.

Recommended hajj

Question : It is known that Hajj is not obligatory for **one who does not fulfill the conditions**. Is it recommended?

Answer : Yes.

Case:

I have performed my obligatory Hajj.

Question : Is it recommended for me to perform Hajj in the **later years**?

Answer : Yes

Question : Is it recommended to go for Hajj every year?

Answer :

Yes it is recommended every year.

It is **undesirable** not to go for Hajj for **five years** consecutively.

Few Other Desirables

While leaving Makkah

To intend to come for Hajj again is recommended.

It has been mentioned as a reason for increase in age.

Not to intend like this is an undesirable act and it has been mentioned as a reason for decrease in lifetime.

It is recommended to spend more during Hajj.

If honor of performing Hajj is obtained as a result of serving others, then it is recommended to go for Hajj by offering services.

To send others for Hajj is also recommended.

• Alive or Dead / Martyred	• 14 Infallibles (AS) • Relatives and • Other <u>Momineen</u>	Performing Hajj on their behalf or sending others is recommended.
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To gift the reward of a performed Hajj to any *Momin* is also permitted.

Praise be to Allah, the Sustainer of the worlds

Our Lord! Accept from us this; verily

You alone are the All-Hearing, the All-Knowing

For the sake of Prophet Muhammad (SAWW) & His Noble Descendents (AS)

And peace be upon Prophet Muhammad & his Progeny

Awaiting your comments & suggestions

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Dear Reader, You are requested that if you get the privilege of performance of Hajj then you kindly remember those who assisted in the development of this booklet in your prayers at Khana-e-Kabah, Grave of Holy Prophet (SAWW), Graveyard of Jannat-ul-Baqi and at Plain of Arafat.

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