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## Jamrat al ‘Aqabah

### The Number of Jimar

*Ramy al jimar*, or the symbolic throwing of pebbles performed in Mina, is obligatory upon all pilgrims of the Hajj, whether *tamattu*; *qiran* or *ifrad*. This rite is performed ten times during the four days. The first *ramy*, in which only one point called Jamrat al-‘Aqabah is stoned, is performed on the day of ‘Id. On the second day, i.e. 11th of Dhu al-Hijjah, the three *jimar* are stoned, and again every three on the third and the fourth day. This applies to the Hajj pilgrim who spends the night of the twelfth in Mina; otherwise there is no *ramy* for him on that day.

### Jamrah of the Tenth of Dhu al-Hijjah

The legal schools agree that it suffices to perform the *ramy* of the Jamrat al-‘Aqabah any time from sunrise until sunset on the tenth of Dhu al-Hijjah, but disagree as to its performance before or after that period. According to the Maliki, the Hanafi, the Hanbali and the Imami schools, it is not permissible to perform the *ramy* of the Jamrat al-‘Aqabah before the daybreak, and if performed without an excuse, must be repeated. They permit it for an excuse like sickness, weakness, or insecurity (fear).

According to the Shafi'i school, performing the rite earlier is unobjectionable, for the specified period is *mustahabb* not *wajib* (*al-Tadhkirah*, Ibn Rushd's *Bidayah*). However, if delayed until after sunset on the day of ‘Id, according to Malik, the defaulter must make a sacrifice if he performs the rite during the night or the next day. According to the Shafi'is, there is nothing upon him if he performs the rite of *ramy* in the night or the next day. (Ibn Rushd's *Bidayah*)

According to the Imamiyyah, the time of this *ramy* extends from sunrise until sunset on that day. If forgotten, the rite must be performed the next day. If again forgotten, on the 12th, and if one fails again, it can be performed on the 13th. But if one forgets until one has left Makkah, he may carry it out the following year, either himself or through a deputy who carries it out on his behalf. [1](#)

## The Conditions of Ramy

There are certain conditions for the validity of *ramy al jamarat*:

1. *Niyyah*: stated by the Imamiyyah explicitly.
2. That each *ramy* must be carried out with seven pebbles; there is agreement on this point.
3. The pebbles must be thrown one at a time, not more; again there is consensus on this point.
4. The pebbles must strike the known target; there is also consensus on this point.
5. The pebbles must reach their target through being thrown (*ramy*); thus if they are tossed in some other manner, it does not suffice according to the Imami and the Shafi'i schools, and is not permissible according to the Hanbali and the Hanafi schools. (*al-Mughni*)
6. The pebbles must be of stone, not of other material, like salt, iron, copper, wood or porcelain, etc.; this is accepted unanimously by all the schools except that of Abu Hanifah, who says that it is all right if pebbles are made of some earthen material, such as porcelain, clay or stone. (*al-Mughni*)
7. The pebbles must be 'new', that is, not used for *ramy* before; the Hanbalis state this condition expressly.

*Taharah* is not a condition in *ramy*, though desirable.

The Imamiyyah say that it is *mustahabb* that the pebbles be about the size of a fingertip and rough, neither black, nor white, nor red. The other schools say that their size must be about that of the seed of a broad bean (*baqila*).

The Imamiyyah also say that it is *mustahabb* for the Hajj pilgrim to perform all the rites facing the *Qiblah*, with the exception of the *ramy* of the Jamrat al-*'Aqabah* on the day of *'Id*, which is *mustahabb* to perform with one's back towards the *Qiblah*, since the Prophet (S) had performed this rite in that way. The other schools say that facing the *Qiblah* is *mustahabb* even in this rite.

Also, it is *mustahabb* to perform the *ramy* on foot (though riding a mount is permissible), not to be farther from the Jamrah than 10 cubits, to perform it with the right hand, to recite the prayers prescribed by tradition and other prayers. Following is one of the prayers prescribed by tradition:

اللهم اجعله حجاً مبروراً، وذنباً مغفوراً. اللهم إن هذه حصيائي، فأحصهن لي

وارفعهن في عملي ... الله أكبر. اللهم أدر الشيطان عني

*O God, make my Hajj a blessing, a forgiving of my sins. O God, these pebbles of mine, reckon them and place them high in my actions. God is Great. O God, repel Satan from me.*

## Doubt

What if one doubts whether the pebble thrown has struck its target or not? It is assumed not to have hit. If one doubts the number thrown, he may count from the least number of which he is sure he has thrown.

Jamrat al-‘Aqabah is the first rite performed by the Hajj pilgrim in Mina on the day of ‘Id, which is followed by the *dhabh*, then *halq* or *taqsir*. After that he proceeds to Makkah for *tawaf* the same day.

On this day, there is no other rite of *ramy* for him. Now we shall proceed to discuss the sacrifice (*hady*).

## Hady

The second obligatory rite in Mina is the *hady* or animal sacrifice. The issues related to it are: (1) its kinds, *wajib* and *mustahabb*, and the various kinds of *wajib* sacrifice; (2) regarding those for whom the *hady* is *wajib*; (3) the requirements of the *hady*; (4) its time and place; (5) the legal rules about its flesh; (6) the substitute duty of one who can neither find the *hady* nor possess the means to purchase one. The details are as follow:

### The Kinds of Hady

The *hady* is of two kinds; *wajib* and *mustahabb*. The *mustahabb* sacrifice is the one mentioned in the following verse of the Qur'an:

فَصَلِّ لِرَبِّكَ وَأَنْحِرْ

***So pray unto the Lord and sacrifice (108:2),***

which is interpreted as a commandment to the Prophet (S) to sacrifice after the ‘Id day prayer. A tradition relates that the Prophet (S) sacrificed two rams, one white and the other black.

According to the Malikis and the Hanafis, the sacrifice is obligatory for every family once every year; it is, they say, similar to the *zakat al fitr*: The Imamiyyah and the Shafi'i schools say that the *mustahabb* sacrifice can be carried out in Mina on any of the four days, the day of ‘Id and the three days following it (called *ayyam al-tashriq*).

But at places other than Mina the sacrifice may be carried out only during three days: the day of ‘Id, and the 11th and the 12th. According to the Hanbalis, the Malikis, and the Hanafis, its time is three days whether in Mina or elsewhere. In any case, the best time for the sacrifice is after sunrise on the day of

‘Id during a period sufficient for holding the ‘Id prayer and delivering its two *khutbahs* (sermons).

The obligatory sacrifices, in accordance with the Qur'anic text, are four:

(1) The sacrifice related to *Hajj al-tamattu'* in accordance with the verse:

فَإِذَا أُمِنْتُمْ فَمَنْ تَمَتَّعَ بِالْعُمْرَةِ إِلَى الْحَجِّ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ

***If in peacetime anyone of you combines the ‘Umrah with the Hajj, he must offer such sacrifice as he can (2: 196)***

(2) The sacrifice related to *halq*, which is a *wajib* open to choice, in accordance with the verse:

فَمَنْ كَانَ مِنْكُمْ مَرِيضًا أَوْ بِهِ أَذًى مِنْ رَأْسِهِ فَفِدْيَةٌ مِنْ صِيَامٍ أَوْ صَدَقَةٍ أَوْ نُسُكٍ

***But if any of you is ill or suffers from an ailment of the head, he must offer a fidyah either by fasting or by alms-giving or by offering a sacrifice. (2: 196)***

(3) The sacrifice related to the penalty (*jaza'*) for hunting, in accordance with the verse:

وَمَنْ قَتَلَهُ مِنْكُمْ مُتَعَمِّدًا فَجَزَاءٌ مِثْلُ مَا قَتَلَ مِنَ النَّعَمِ يَحْكُمُ بِهِ ذَوَا عَدْلٍ مِنْكُمْ هَدْيًا بِالْغُلُوبَةِ

***He that kills game by design, shall present, as an offering near the Ka'bah, a domestic beast equivalent to that which he has killed, to be determined by two honest men among you; (5:95)***

(4) The sacrifice related to "*ihisar*" [some hindrance which keeps one from completing the rites of Hajj, such as illness or interruption due to an enemy], in accordance with the following verse (*al-Tadhkirah*):

إِنْ أُحْصِرْتُمْ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ

***If you cannot; offer such sacrifice as you can afford (2: 196)***

Besides the above four, there are also the obligatory sacrifices related to any of the following: *ahd* (pledge), *nadhr* (vow), *yamin* (oath). In what follows we shall discuss *hady* as one of the rites of Hajj.

### **For Whom is Hady Wajib?**

The *hady* is not obligatory, by consensus of all the schools, upon one performing '*Umrah mufradah*, nor on one performing *Hajj al-‘ifrad*. Similarly, there is consensus regarding its being obligatory upon the

non-Makkan pilgrim on *Hajj al-tamattu'*. The four Sunni schools add that it is also obligatory upon the pilgrim on *Hajjal-qiran*.

According to the Imamiyyah, it is not obligatory on one on *Hajj al-qiran* except with *nadhr* (vow), or when he brings along with him the sacrificial animal at the time of assuming *ihram*.

There is disagreement regarding whether the Makkan performing *Hajj al-tamattu'* must offer a sacrifice or not. According to the four Sunni schools, the *hady* is not *wajib* upon him. *Al-Mughni* states that "there is no disagreement among scholars that the sacrifice of *tamattu'* is not *wajib* on those living in the neighbourhood of al-Masjid al-Haram." The Imamiyyah say that if the Makkan performs *Hajj al-tamattu'* the *hady* is obligatory upon him." This is stated by *al-Jawahir* where it says, "If the Makkan were to perform *Hajj al-tamattu'*; the *hady* is *wajib* upon him according to the widely held (*mashhur*) opinion [of the Imami fuqaha]."

The legal schools, however, agree that the obligatory *hady* is not one of the *arkan* of Hajj.

### The Requirements of the Hady

The *hady* must meet the following requirements:

1. It must belong to cattle, such as camel, cow, sheep, or goat, by consensus of all the five schools. As stated by *al-Mughni*, according to the Hanafi, the Maliki, the Shafi'i and the Hanbali schools: if a sheep, it must be at least six months; if a goat, of one year; if a cow, of two years; and if a camel of five years. This agrees with the Imamiyyah view as stated by *al-Jawahir*, with the difference that the camel must have entered its sixth and the goat its second year.

Al-Sayyid al-Hakim and al-Sayyid al-Khu'i have said that it suffices if the camel has entered its sixth and the cow or the goat its third. As to the sheep, they add, to be cautious, the sheep must have entered its second.

2. The sacrificial animal must be free of any defect, and, by consensus, must not be one-eyed, lame, sick or old and decrepit. There is disagreement, however, regarding its acceptability in case of castration, being without horns or with broken ones, missing or mutilated ears or tail. Such are not acceptable according to al-Sayyid al-Hakim and al-Sayyid al-Khu'i, but acceptable according to the author of *al-Mughni*.

Al-'Allamah al-Hilli, in *al-Tadhkirah*, says that female camel and cow and male sheep and goats are to be preferred, although the permissibility of the converse in the two cases is not disputed by any school. The author of *al-Mughni'* says that the sex of the sacrificial animal is irrelevant.

### The Time and the Place of the Sacrifice

As to the occasion of the sacrifice, it is, according to the Maliki, the Hanafi, and the Hanbali schools, the

day of 'Id and the two days following it. Abu Hanifah adds that this time is specific for the sacrificial rite of *Hajj al-qiran* and *tamattu*; but for the others he sets no such time limit. The Malikis do not recognize any difference between various kinds of *hady*, as mentioned by *al-Fiqh 'ala al-madhahib al-'arba'ah*.

The Hanbalis say that if the sacrifice is made before its time, it must be made again. If after its time, in case of *mustahabb* the lapse of time cancels it; and in case of *wajib* it must be fulfilled. According to the Hanafis, slaughtering the sacrificial animal before the three days of 'Id is not sufficient, but is if done later though a *kaffarah* is required for the delay. According to the Shafi'is, the time of the obligatory sacrifice for *Hajj al-tamattu* starts with *ihram*; therefore, performing it earlier [than the day of 'Id] is permissible, and there is no time limit for delaying, although it is best performed on the 'Id day. (*al-Fiqh 'ala al-madhahib al-'arba'ah*)

The Imamiyyah regard *niyyah* as being obligatory in slaughtering (*dhabh* or *nahr*), and say that its time is on the day of 'Id; although it is acceptable until the third day following it, or even until the end of Dhu al-Hijjah, although the delay is a sin. The author of *al-Jawahir* reports that there is no divergence [among Imami legists] on this point, even if the delay is without a [legitimate] excuse. It is not permissible, according to the Imamiyyah, to make the sacrifice before the 10th of Dhu al-Hijjah.

As to the place, it is the *Haram*, according to the Hanbali, the Shafi'i, and the Hanafi schools, which includes Mina [2](#) and other places, as mentioned above while discussing *ihram* and the limits of the *harams* of Makkah and al-Madinah.

According to the Imamiyyah, there are three conditions for slaughtering the *hady* in Mina:

- (1) that the *hady* must have been brought in the *ihram* assumed for Hajj, not in the *ihram* for 'Umrah;
- (2) the pilgrim should have halted for some time of the night with the *hady* in 'Arafat;
- (3) he should have made the resolve to make the sacrifice on the day of 'Id or the following day.

Also the Imamiyyah say that the pilgrim of *Hajj al-tamattu* may make the sacrifice nowhere but in Mina, even if his Hajj is supererogatory. But the *hady* brought along in the *ihram* of 'Umrah is to be slaughtered in Makkah. (*al-Tadhkirah*)

In any case, for all the schools offering of the sacrifice is legitimate and preferable at Mina. Ibn Rushd says that the consensus of the 'ulama' is in favour of slaughtering the *hady* at Mina. Secondly, the difference between the Imamiyyah and the other schools is that the Imamiyyah specify Mina, while others allow an open choice between Mina and other places inside the *haram* of Makkah.

## The Flesh of the Hady

The Hanbalis and the Shafi'is say that the flesh of the *hady* whose slaughtering inside the *haram* is *wajib* is to be distributed among the poor inside it. The Hanafis and the Malikis say: it is permissible to distribute it inside or outside the *haram*. The Shafi'is say: one may not (oneself) eat the flesh of a *wajib hady*, but that of a voluntary or *mustahabb hady* is permissible. The Malikis say: with the exception of

the sacrifice made as *fidyah* for hurting someone (*adha*), hunting, or sacrifice vowed (*nadhr*) specifically for the poor, and the voluntary *hady* which dies before reaching its destination; the flesh of the *hady* may be eaten in all cases. (*al-Mughni, al-Fiqh ala al-madhahib al-'arba'ah, Fiqh al-Sunnah*)

The Imamiyyah say: a third of the flesh should be given to the poor believers; another third to other believers, even the well-off; and the remaining third may be consumed by the pilgrim. (*al-Jawahir, al-Sayyid al-Hakim and al-Sayyid al-Khu'i* in their books on the *manasik* of Hajj).

### The Substitute Duty (al-Badal)

All the legal schools agree that when the Hajj pilgrim cannot find the *hady* nor possesses means to acquire one, its substitute is to keep fasts for ten days, three of which for successive days, are to be kept during the Hajj days and the remaining seven on returning home. This is in accordance with the Divine verse: [3](#)

فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةٍ إِذَا رَجَعْتُمْ تِلْكَ عَشْرَةٌ كَامِلَةٌ

***But if he lacks the means let him fast three days during the pilgrimage and seven when he has returned; that is ten days in all. (2:196)***

The criterion of capacity to offer the *hady* is ability to arrange one in the place, and when it can't be done the duty of *hady* is changed into that of the fasts. This holds even if the pilgrim should be a man of means in his own homeland. This is because the obligation is specific to the occasion and so is the capacity to fulfil it. A similar case is that of availability of water for *taharah*.

### Dhabh by a Wakil

It is preferable that the Hajj pilgrim should slaughter the *hady* himself, though it is permissible to ask someone else to do it, because it is one of the rites in which delegation is possible. The one deputed (*wakil*) makes the *niyyah* of slaughtering on behalf of the one who deposes, and it is better that both of them should make the *niyyah* together. According to the Imamiyyah it is *mustahabb* for the pilgrim to put his hand on that of him who slaughters or at least be present at the time of slaughtering.

Shaykh 'Abd Allah al-Mamqani, in *Manahij al-yaqin*, writes: "If the *wakil* makes an error in mentioning the name of the one who appoints him, or forgets his name altogether, there is no harm in it." There is a good point here, for it is related from one of the Imams ('a) that in a marriage ceremony the *wakil* made a mistake while mentioning the bride's name or mentioned some other name. The Imam ('a) said, "It doesn't matter."

## Qani' and Mu'tarr

In regard to the verse 36 of the *Surat al-Hajj*:

فَكُلُوا مِنْهَا وَأَطْعِمُوا الْقَانِعَ وَالْمُعْتَرَّ

***and eat of their flesh and feed with it the qani' and the mu'tarr (22:36)***

al-Imam al-Sadiq (‘a) said, "The *qani'* is the (poor) man who is content with what you give him and does not show his displeasure and does not frown or twitch his mouth in irritation. The *mu'tarr* is one who comes to you for charity and presents himself."

## The Substitute for Camel Sacrifice

If the sacrifice of a camel is obligatory upon someone, through *kaffarah* or *nadhr*, and he cannot arrange it, he must sacrifice seven sheep one after another, and if that is not possible fast for 18 days.

(*al-Tadhkirah*)

## Taqlid and Ish'ar

‘*Taqlid*’; in this context, means putting a shoe or the like in the neck of the sacrificial animal. ‘*Ish'ar*’ means making an incision in the right side of the hump of a camel or cow and letting it be stained by blood. The Sunni jurists regard *ish'ar* and *taqlid* as *mustahabb* except Abu Hanifah, who says that the *taqlid* of the sheep and the camel is *sunnah*, but *ish'ar* is by no means permissible due to the pain it causes to the animal. (*al-Mughni*) We all favour kind treatment of the animals, and at the same time we are all Muslims. Islam has permitted the slaughtering of animals and even made it obligatory in case of *hady*, as Abu Hanifah also concedes by his act and verdict. In this light, *ish'ar* is more entitled to permissibility.

## Charity to Non-Muslims

Al-Sayyid al-Khu'i, in his book on the rites of Hajj, says, "The Hajj pilgrim giving something in charity (*sadaqah*) or gifting the meat of the slaughtered animal, may give the latter to anybody he wishes, even a non-mu'min or a non-Muslim."

In general the Imamiyyah permit the giving of *non-wajib sadaqat* or making of endowment (*waqf*) in favour of a Muslim or a non-Muslim. Sayyid Abu al-Hasan al-'Isfahani, in his *Wasilat al-najat*, says: "In giving of *mustahabb sadaqah*, poverty or possession of iman or islam is not a condition for the recipient. He may be a well-to-do man, a non-'Imami, a Dhimmi, and a total stranger (not a blood relation of the giver of charity)." Al-Sayyid al-Kazim, in the appendices of *al-'Urwat al-wuthqa*, permits giving of *sadaqah* even to a warring infidel (*kafir harbi*).



## The Burning or Burying of Slaughtered Animals

It is a custom among Hajj pilgrims nowadays that they offer money to whoever would accept the *hady*<sup>4</sup>, which he on receiving either buries or throws away because the number of the slaughtered animals is great and nobody is around to make use of their meat.

Throughout whatever I have read I did not come across anyone who should raise a question about the permissibility or otherwise of this practice. In 1949 a group of Egyptian pilgrims asked the al-'Azhar for a fatwa, asking the permission for giving the price of the *hady* as help to the needy.

In reply, al-Shaykh Mahmud Shaltut, in Vol. 1, No.4 of the journal *Risalat al-'Islam* which was issued by the Dar al-Taqrib at Cairo, considered it obligatory to make the slaughter even if it should require burning or burial of the bodies of the slaughtered beasts.

I contested his opinion in a long article which appeared in two successive numbers of the above-mentioned journal in the year 1950. When the Dar al-'Ilm li al-Malayin, Beirut, wanted to bring out a new edition of my book *al-'Islam ma'a al-hayat*, I included it also with a title "*Hal ta'abbadana al-Shar' bi al-hady fi hl yutrak fihi li-al fasad?*" ("Does the Shari'ah command us to make the sacrifice in order to rot?").

There, I have drawn the conclusion that the *hady* is obligatory only when one can find someone to eat it or where it is possible to preserve the meat through drying or canning. But when the sacrifice is solely carried out for destruction through burning or burying, its permissibility in the present conditions seems doubtful and questionable. Anyone who wishes to see the details of my argument may refer to the second edition of *al-'Islam ma'a al-hayat*.

Later I came across a tradition in *al-Wasa'il* which confirmed my position, and which the author had placed in the Book of *udhiyyah* (sacrifice) in a section entitled "*Bab ta'akkud istihbab al-'udhiyyah*". The tradition reads:

عن الصادق عن آبائه عن رسول الله (ص) أنه قال

"إنما جعل هذا الأضحية لتشبع مساكينكم من اللحم فأطعموهم"

From al-Sadiq ('a), from his ancestors, from the Prophet (S), that he said:

"*This sacrifice has been instituted to feed the poor among you with meat. So feed them.*"

Although this tradition is related particularly to voluntary sacrifice, it also throws light on the purpose behind *al-hady al-wajib*.

- [1.](#) This is in agreement with the fatwas of al-Hakim and al-Khu'i.
- [2.](#) The distance of Mina from Makkah is one parasang (approx. 4 miles).
- [3.](#) It may be noted that whenever there is an explicit text of the Qur'an there is also agreement and consensus between the Islamic schools of fiqh and no difference between the Sunnis and the Shi'ah. The divergence of opinion between them arises either on account of the absence of nass (text), or its being synoptic (mujmal), or its weakness, or its contrariety with another text, or in its interpretation and application. This is a definite proof of the fact that all of them are derived from a single source.
- [4.](#) Al-Sayyid al-Hakim says, "The duty to offer the hady in sadaqah does not remain if one cannot do it... and when the poor man would not accept it without money, it is not obligatory."

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