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Mina and the obligations there

When a pilgrim departs from Muzdalifah, it is obligatory to proceed to Mina to discharge one's obligations which, as will be discussed in detail, are three:

Stoning Jamratil-Aqabah

This is the fourth obligation in Hajj on the day of the sacrifice. Certain conditions have to be observed:

1. The niyyah for the act must be the attainment of nearness to Allah.

2. Seven stones must be thrown, not more or less; it is not permitted to throw anything other than stones.

3. The stones must be thrown one after the other and not two or more at a time.

4. It is necessary that the stones hit the Jamrah.

5. The stones must reach the Jamrah by being aimed at it and not merely deposited there.

6. The throwing of the stones and hitting the Jamrah must be done by a pilgrim himself. So, if the stone was in his hand but he was jostled around, resulting in the stone reaching the Jamrah, the obligation is not fulfilled.

7. The same rule applies, if the Jamrah is obstructed by a man, a woman, or an animal whose movements result in the stone hitting the Jamrah. However, there is no objection to its hitting something before reaching the Jamrah.

8. The stone must be thrown by hand. In that, if a pilgrim throws it by his mouth or feet, it is not sufficient. As a matter of precaution, it is not permissible to use a tool to fling a stone onto the Jamrah.

9. The throwing of stones must be carried out between sunrise and sunset. Women and others who are permitted to leave Muzdalifah at night may perform rami at the Jamrah at night during Eid. eve

Rule 377: If, during stoning, a pilgrim entertains a doubt as to whether the stone struck the Jamrah or not, he must resolve that it did not. The exception being that he had already engaged himself in another obligation or it was already night time when the doubt arose, in which case he must ignore it.

Rule 378: Two things are to be taken into consideration regarding the stones:

1. They must have been picked within the boundaries of the Haram but not from the Holy Mosque or the Mosque of Khief, and better still, they be picked in Muzdalifah.

2. As a matter of precaution, they must not have been used for this purpose before; it is recommended (mustahab) that they be coloured, dotted and soft and of a thickness of a finger. When stoning, should be standing on one's feet, and in a state of taharah.

Rule 379: As a matter of precaution, the stones must be hitting the area of the Jamrah representing its original height; it is not sufficient to hit the extension and elevation recently made, and so is the upper storey of the Jamrah recently constructed.

If it is not possible to hit the original area only, a pilgrim may, in person, hit the extended portion, and ask an agent to hit the original portion for him. In this regard, it is immaterial whether the action arises from awareness, ignorance, or oversight.

Rule 380: If a pilgrim forgot to stone on the day of Eid or failed to do so out of ignorance of the rule, he must hasten to rectify the error whenever he remembers or learns of the rule. If he recalls or becomes aware of the rule at night, he must perform rami the next day, unless he is among those permitted to do stoning at night.

Evidently, the pilgrim must, after the excuse for not stoning lapses, hasten to rectify the situation so long as he was still at Mina, and, for that matter, even at Makkah. It could still be done, even after the 13th of Thil Hijjah. However he should, as a matter of precaution, return to Mina, perform rami, and repeat the procedure in the following year in person or through a proxy.

If he recalls or learns of the rule after leaving Makkah, there is no need to return to Mina; in the following year, he must either perform rami in person or through a proxy, as a matter of recommended precaution (al ahwatil awla).

Rule 381: A pilgrim may forget to perform rami on Eid day, or fail to do so out of ignorance of the rule. Yet he may recall or become aware of the rule after having performed tawaf. In such a case, it is not obligatory to correct the omission. That said one should, as a matter of precaution, do so.

However, if he knowingly and deliberately fails to perform rami, his tawaf is obviously invalidated; it then follows that he must repeat tawaf after rami.

Sacrificing an animal at Mina

This is the fifth obligation in Hajj-ut-Tamatu'. It is necessary to set one's mind on performing this act of worship in the hope of attaining closeness to Allah (Niyyah of alqurbah). The sacrifice must be offered during the day, unless one is afraid of doing so for a valid reason, in which case it may be made at night.

As a matter of precaution, it is obligatory that it be offered after rami; if, however, one does so before rami, because he forgot or did not know the rule, it is still valid and should not be repeated. It is obligatory that the offering be made at Mina. If it is not possible, because of the rush, and because Mina is not capable of accommodating the multitudes of pilgrims, it could be made at Wadi Muhassar. If, by delaying the sacrifice, it becomes possible for the pilgrim to offer the hady in Mina, he may delay it up to the 13th of Thil Hijjah, as a matter of precaution.

Rule 382: As a matter of precaution, the hady must be offered on the day of Eid, although it is highly likely (al aqwa) that it could be delayed till the last day of Tashreeq, i.e. the 13th of Thil Hijjah. As a matter of precaution, the sacrifice must not be offered at night, except by those who have good reason not to do so.

Rule 383: If he can afford it, each pilgrim is obliged to offer one hady. As for the one who cannot afford it, this will be discussed under Rule 396.

Rule 384: It is obligatory that the animal to be sacrificed be either a camel, a cow or a sheep. It is not permissible to sacrifice a camel, unless it has completed the age of five years and has entered the sixth. If it is a cow or a goat, it must have completed two years, and as a matter of precaution, entered the third.

If it is lamb, it should have completed the seventh month and entered the eighth, and must, as a matter of precaution, have completed one year of age and entered the second.

If after the hady had been offered, a pilgrim learned that the age of the animal was less than the required one, it will not be acceptable; he will have to have a second go.

It is also necessary that all the parts of animal be sound; it must not be one-eyed, lame, without ears or with damaged horns, etc. Apparently, it should not be castrated (unless another is not found), weak, sick, very old or diseased in both testicles. There is no objection, if the animal's ears are injured or perforated, although they must, as a matter of precaution, be free from such defects. It must, as a matter of recommended precaution, not have been born without a tail or horns.

Rule 385: A pilgrim may purchase for hady what appeared to be a sound animal. Having paid the price, he discovers that it has a defect. It will be sufficient as a sacrifice.

Rule 386: If, during the days of Eid and Tashreeq, the pilgrim does not find an animal fulfilling all the

requirements we have already outlined, it is recommended that sacrificing the animal lacking the conditions and fasting instead of hady should be resorted to.

The same applies in the case of a pilgrim who does not have sufficient money to pay for a fully fledged sacrifice. Should he afford to pay a sound animal later in the month of Thil Hijjah, it is advise to do it on top of what he has already done.

Rule 387: If an animal for sacrifice is bought in the belief that it is healthy, but it transpires that it is weak, it will still be sufficient, regardless of whether or not he found out that it was not sound before or after killing it.

If he already owns the animal, which he slaughtered under the pretext that it was sound, and it appeared that it was not, it is not sufficient, as a matter of ihtiyat.

Rule 388: If there is a doubt that an animal is emaciated, but is slaughtered in the name of Allah, and it transpires that it is fat and sound, it will be sufficient for the sacrifice.

The same rule applies if a pilgrim entertains a doubt, after the animal was slaughtered, as to whether it was carried out in Mina or elsewhere. However, the doubt may revolve around whether he sacrificed an animal at all. If it arose after shaving the head or taqseer, the doubt should be ignored. Otherwise, he needs to return to Mina and offer hady there.

Rule 389: If a sound animal is purchased for Hajj-ut-Tamatu' but after the purchase it, for any reason, becomes sick, or deformed, slaughtering it is arguable (ishkal). The pilgrim should, as a matter of precaution, sacrifice it as well; if he sold it, he should give the proceeds away in charity.

Rule 390: After the purchase of an animal for sacrifice, it may get lost. It may not be known that someone else had offered a sacrifice on the pilgrim's behalf. Another one should be purchased.

However, if before the second one is slaughtered, the first is found, it is sufficient to confine it to the first; the second remains the property of the pilgrim; he has the choice of slaughtering or sparing it. However he should, as a matter of recommended precaution, offer it. If the lost animal is found, after the second one was slaughtered, the first one must, as a matter of precaution, also be slaughtered.

Rule 391: If a person finds a stray animal, knowing that it was hady, he should, as a matter of precaution, look for its owner till the afternoon of the 12th day of Thil Hijjah. If he fails in his bid, he should slaughter it on behalf of the owner. If the owner comes to know about this, it would suffice.

Rule 392: If an animal cannot be found in time and the pilgrim has the cash ready, he should, as a matter of precaution, deposit it with a reliable person to purchase and slaughter an animal on his behalf before the end of Thil Hijjah. In the meantime, he should observe fasting.

If after the lapse of the whole month of Thil Hijjah, an animal is not found, one must be sacrificed in the

following year. However, fasting, without offering the hady, may be sufficient after the lapse of the days of Tashreeq.

Rule 393: If an animal cannot be found and the cash is not available, the pilgrim must, instead, observe fast for ten days – the seventh, eighth and ninth of Thil Hijjah; the remaining seven days on returning home, as a matter of precaution. The seven-day fasting period must be observed consecutively. Fasting these days in Makkah or en route will not be in order.

If he does not return home, and remains in Makkah, he must wait till his companions get home, or the lapse of one month, before fasting the seven days.

Observing succession in fasting the first three days is a must, whereas it is not a condition for the seven days, although it is recommended as a matter of precaution. Fasting the first three days has to be with the pilgrim wearing his ihram for Umrat-ut-Tamatu'. If he does so before that, it shall not be in order.

Rule 394: If the person, obligated to keep the three-day fast, cannot observe a fast on the seventh of Thil Hijjah, he should keep the two on the eighth and ninth of the month, and the third on his return to Makkah, after performing the ceremonies at Mina. If he is unable to fast on the eighth, he should wait to return from Mina when he should observe the three-day fast together.

As a matter of recommended precaution, on return from Mina, the fast must be observed without undue delay. If the pilgrim becomes unable to keep the fast on return from Mina, he should fast on his way home, or on reaching home; he should not, however, join them with the seven-day, as a matter of recommended precaution.

If it becomes untenable to observe the three days until the birth of the moon of Muharram, he is relieved from the fast; thus, he must offer the hady in the following year.

Rule 395: It may not be possible for a pilgrim to find neither an animal nor the cash to buy it with; subsequently he observed the three fasts during Hajj. Should his position change whereby he becomes solvent before the lapse of the days of sacrifice, he must offer hady, as a matter of precaution.

Rule 396: If it is not possible for a pilgrim to offer the sacrifice on his own, but is able to join others in partnership, he should, as a matter of precaution, do so, and also observe the fast as stated above.

Rule 397: If a pilgrim deputies another to carry out the slaughter for him, and subsequently entertains a doubt as to whether or not the agent has sacrificed the animal, he must resolve the matter as though the job has not been done. However, if the agent is a reliable person and informs him that he has sacrificed the animal, that would be sufficient.

Rule 398: The conditions for the sacrifice of an animal do not apply to the slaughter of animals by way of kaffarah, although they should, as a matter of precaution, also be fulfilled.

Rule 399: It is not necessary that the animal, whether intended for hady or kaffarah, be slaughtered by the pilgrim directly. It is also permissible to authorize another person to do so. In such a case, the agent must make the niyyah on behalf of the owner of the offering, and not himself. However, as a matter of precaution, the principal must make the niyyah also. The agent must be a Muslim.

Distributing the sacrifice

As a matter of recommended precaution (al ahwatil awla), the owner must eat some of his hady, even a small quantity, ensuring no harm comes his way. He is permitted to keep one-third of it for himself, or for the consumption of his family. One-third can be given to the faithful as a gift.

As a matter of obligatory precaution (al ahwat wujuban), one-third of the hady must be given in charity to the needy among the faithful. If giving the third portion by way of sadaqah to the needy was not feasible or could cause difficulty, no harm is done. It is not obligatory to hand over this portion in person; it is permissible to hand it to an agent - even if the agent is the owner of the hady himself. He should distribute it, according to the instructions of the principal, by way of gift, sale, or any thing else. It is permissible to take the meat of hady out from Mina, if people who are there do not need it.

Rule 400: The actual division of the one third of the sadaqah, as well as that of the gift is of no consequence. What is of consequence, though, is the acquisition by the intended recipient. In that, it suffices, if he gives his one-third undivided share by way of sadaqah to the poor; the same goes for the third allocated as a gift.

Rule 401: The recipient of the portion of sadaqah or gift is free to dispose of it as he pleases, so much so that there is no objection to his giving it to non-Muslims.

Rule 402: If the carcass of the hady was stolen or forcibly snatched before distributing the meat by way of charity (sadaqah) or gift, it goes without saying that the owner should not stand to compensate the hady. However, if he deliberately wastes it or gives it to persons not entitled to it, he is, as a matter of precaution, liable for the one-third allotted to the poor.

Shaving the head and Taqseer

It is the sixth obligation in the obligatory Hajj. It is necessary that the niyyah for carrying it out should be to attain nearness to Allah. It is not permissible to perform this obligation before the Eid day, or even on its eve, except for those who are fearful that something might befall them. It should, as a matter of precaution, should be delayed until after stoning Jamrat-ul-Aqabah and offering hady in Mina.

As a matter of recommended precaution, it should be delayed till after slaughtering, but it should not be delayed after the day of Eid. However, if it precedes them, or either of them, due to an oversight or ignorance of the rule, there is no need to repeat it.

Rule 403: Shaving of the head is not permissible for ladies. Taqseer is their obligation.

Rule 404: Men have the option of either shaving the head or taqseer. However, shaving the head is preferred. Nevertheless, if one has applied any substance, such as honey to the hair for treatment of lice, or gathered the hair to one side of the head and tied it together, he should, as a matter of obligatory precaution, opt for shaving. If it is the first Hajj of the pilgrim he too should, as a matter of precaution, he take to shaving.

Rule 405: If the pilgrim opts for shaving his head but is apprehensive that the barber might cause an injury to his head, it is not permissible for him to shave. He should either have a crop by a shaving machine or have taqseer first, then a shave. If he, nevertheless, still opted for shaving by a barber from the outset, it shall be in order, albeit he would be considered sinful.

Rule 409: If it is doubtful whether a person is a male or a female or a hermaphrodite, one should perform taqseer, unless they have applied some medicinal treatment or a certain hair-do to their hair. In such a case, they should, as a matter of precaution, first perform taqseer and then have their head shaven.

Rule 410: After shaving or taqseer, all that which had been forbidden to the pilgrim during ihram becomes permissible, except intimacy to the wife, use of perfume and, as a matter of precaution, hunting.

Apparently, intimacy to ladies is not confined to intercourse, rather it applies to all types of enjoyment which are forbidden during ihram. However, it could be said that the pilgrim can attend marriage solemnization and be a witness at it.

Rule 411: If the pilgrim forgets to perform either taqseer or shaving, or fails to do so out of ignorance of the rule, and then leaves Mina, he should return to it and perform either of them.

However, if it becomes difficult to return, he should do so wherever he is. Where possible, he should send the cut hair to Mina. If the pilgrim shaves his head somewhere, other than Mina, even deliberately, it is sufficient. Yet, where possible, he should send the cut hair to Mina.

Rule 412: The Pilgrim may forget to perform either taqseer or shaving; he may fail to do so out of ignorance of the rule. If he recalls or learns of the rule after completing Hajj ceremonies, and then performs either of them, it is, evidently, not necessary to repeat the tawaf and sa'y, although one should, as a matter of precaution, repeat them.

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