

Shariah Rulings pertaining to HAJJ

Based on the verdicts of ayatullahs Sistani and Khamenei

Introduction

- The rituals in Mecca may be divided into (a) the isolated umrah (*umrah mufradah*) and (b) the ḥajj. The *umrah mufradah* ritual may be performed anytime during the year excluding the days of *tashrīq* (i.e. the 10th, 11th, 12th and 13th of the month of Thil-ḥijjah). It's called 'isolated' (*mufradah*) because it's not associated or connected to any succeeding ḥajj ritual, compared to the appetitive *umrah* (*umrah tamattu*) which is (see later).

The two-part ḥajj ritual is to be performed during specific days of the year. This ritual comprises two parts i.e. an appetitive *umrah* (*umrah tamattu*) and a succeeding appetitive ḥajj (*ḥajj tamattu*). The *umrah tamattu* may be executed anytime during the months of Shawwāl and Thil-qa'dah and the early days of Thil-ḥijjah – as long as one completes the *umrah tamattu* and executes one's iḥrām (for the *ḥajj tamattu*) and has ample time to reach the plains of Arafāt before the canonical noon of the 9th of Thil-ḥijjah – whereas the *ḥajj tamattu* ceremony specifically starts on the 9th of Thil-ḥijjah and entails a number of rituals in different locations; some of these rituals need to be executed during specific dates whilst others must be executed, at the most, before the end of the month of Thil-ḥijjah (see later).

- The *umrah tamattu* is termed such because one may satiate one's sexual appetite during the interval between this particular *umrah* and the *ḥajj tamattu* i.e. after having completed the *umrah* and any time before actually becoming muḥrim for the *ḥajj tamattu* ceremony.
- The *umrah mufradah* is recommended (*mustaḥabb*) whereas the ḥajj ritual ought to be executed at least once during the duty-bound's life, assuming all the required conditions are met such as being of good health, sufficiently financially able and having free, open, secure access, travel-wise.

Accomplishing the umrah mufradah for oneself or others

According to Ayatullah Sistani, only one *umrah mufradah* may be carried in every lunar month. Assuming a second is done, it can be either for oneself with the intention of *rajā* (i.e. in the hope that it be accepted before Allah; this is so because according to Ayatullah Sistani, its legislative nature is not substantiated) or it can be done *for others* with the intention of *adā* (i.e. executing the ritual *timely* according to the legislative shariah). The reward can be distributed to yourself and/or others, either way. Ayatullah Khamenei allows the execution of the *umrah mufradah* multiple times throughout a given lunar month by a single individual, even though it is a recommended precaution (*ihtiyāt-e mustahabb*) to execute it once every lunar month. Executing the *umrah* for others, too, follows suite i.e. can be done several times within any given lunar month albeit for the same individual. The reward can be distributed to yourself and/or others – be they alive or deceased, be they fallible or infallible and irrespective of whether or not they have granted you permission to do so.

- On the theme and subject-matter deputyship (*niyābah*) i.e. the execution of an *umrah mufradah* on behalf of other/s as their deputy (*nā'ib*) – irrespective of whether the other/s is/are alive or deceased, has/have given consent or not, is/are mentioned specifically (e.g. David, my father, my primary school teacher etc.) or in general terms (e.g. Iranians, martyrs etc.) – one is allowed to act as a deputy for him/her/them.
- Concerning deputyship, one may either receive something (payment) in return or accomplish it for free. Assuming the former, this may affect the deputyship of the others (assuming there are others and you want to do it for free) i.e. one cannot perform the ritual for others save with the permission of the owner of the payment.

Accomplishing the hajj for oneself/others

As has been alluded to, the ḥajj ritual ought to be executed once during the duty-bound's life-time, assuming all the required conditions are met (such as being of good health, sufficiently financially able and having free, open, secure access, travel-wise – these are collectively termed as 'conditions for being *mustatī*'). Assuming one is a first-timer (i.e. one who has never executed a recommended (mustaḥabb) or obligatory (wājib) ḥajj (the latter is referred to as *ḥajjat-ul Islām*), can they act as a deputy in ḥajj for others? It's allowed if one is not a *mustatī* (i.e. is not of sound health, not sufficiently financially capable or does not have free, open, secure access, travel-wise, to Mecca). However, assuming one *is mustatī*, Ayatullah Sistani *does* permit such a deputyship assuming one has certainty that they will be able to carry out one's *ḥajjat-ul īslām* in the succeeding years (this is because the obligation of immediately carrying out the ḥajj (whilst having the conditions of istiṭā'ah) is rational in nature, not canonical [*shar'ī*]). Ayatullah Khamenei, however, does not deem such a deputyship as permissible (i.e. on being *mustatī*, one must perform the ḥajj for oneself, before acting as a deputy for others). Assuming one had been *mustatī* before but has lost one's state of being *mustatī* this year, they become bound to execute the ḥajj, albeit via borrowing or any other means. However, assuming one was of sound health but not *mustatī* financially but becomes *mustatī* this year – in financial terms – whilst their health condition is simultaneously compromised, Ayatullah Sistani dictates that they must get a deputy to perform the ḥajj whilst Ayatullah Khamenei does not deem this as obligatory.

Miscellaneous issues pertaining to monetary affairs

Assuming one is in debt through house mortgages, student loans etc., can they go and perform the ḥajj with their own money? What if they were gifted money? Assuming they have extra money for ḥajj (i.e. in addition to the total amount of debt, they have enough money for the pilgrimage), that will be fine and they are obliged to go. If they were offered money as a non-specified gift (money given as a present without any stipulations), they must go only if they were to accept the gift and such an acceptance is not mandatory. Assuming they were given a gift for the specific reason to go and perform the ḥajj ritual, here they must accept and act accordingly. Concerning the borrowing money for purposes of ḥajj, Ayatullah Khamenei dictates this it's not wājib to borrow in the first place but if one does borrow, they will be deemed *mustaṭī* and would have to execute the *ḥajjat-ul Islām* (the obligatory ḥajj tamattu which needs to be executed once in a life-time) if the loan is easy to return, whilst Ayatullah Sistani states it is only permissible if the manner of paying back is so lengthy and minimal (e.g. 50 years of small instalments) that rational people (laity) would deem it insignificant and pay no heed to it (as if its hardly anything). Note that, according to him, it's not wājib to borrow but if one does borrow, one must execute the pilgrimage.

Concerning those who are in debt but who have the extra money required for executing the ḥajj ritual, assuming the scenario is such that either (i) the time for payment is not for this year i.e. it is for future years or (ii) the time for payment has arrived but the creditor is satisfied with one postponing it, one is deemed *mustaṭī*. Ayatullah Sistani adds the stipulation that this only the case when the debt accords with the aforementioned stipulation (i.e. if the manner of paying back is so lengthy and minimal that rational people (laity) would deem it insignificant and pay no heed to it).

Assuming one has the necessary amount of money for carrying out the ḥajj pilgrimage this year but not the necessary health condition, are they allowed to spend the money and exit the state of being *mustaṭī* on purpose (when they could have saved it)? Ayatullah Khamenei dictates obligatory precaution against using such a money (assuming they can execute the pilgrimage in future years; and supposing their illness was terminal, they would be allowed to spend the money if the duty of ḥajj had never been previously established over them) whereas Ayatullah Sistani categorically issues a fatwa against such a use (and that one must immediately get a na'ib if the illness is terminal and if its not terminal one cannot touch the money). Assuming therefore one does use/spend the aforementioned money, the duty of performing the ḥajj ritual becomes established over them and they are obliged to execute the ritual, in future years, irrespective of whether or not they be *mustaṭī*.

Can 'excused people' act as deputy for others? Part 1

- People excused from carrying out certain rituals (such as the *ṭawāf* or *sa'y*) may be divided into two categories:

- (1) Those excused from accomplishing certain rituals from the outset (i.e. at the time of accepting deputyship)

- (2) Those with whom an excuse arises during the pilgrimage (i.e. who were not excused from the outset)