



(Part No. 11; Page No. 137)

Fatwa no. 12441

Q: First:

I noticed that many of my countrymen who have performed Hajj or 'Umrah (lesser pilgrimage) wore the clothes of Ihram (ritual state for Hajj and 'Umrah), i.e., entered the state of Ihram once they arrived at the Hajj city and some of them even entered the state of Ihram in hotels or homes of relatives and friends in Jeddah. I cannot read Arabic and, therefore, I hope you will provide me with some Ayahs (Qur'anic verses) along with their English translation clarifying or indicating that their Miqat (site for entering the ceremonial state for Hajj and 'Umrah for Hajj and 'Umrah) is not Jeddah.

Second:

Those I mentioned base their assuming Ihram as such on the following reasons:

A- They are adherents of the Al-Shafi'y school of Fiqh (Islamic jurisprudence), which differs from all others schools of Fiqh in that it understands the Miqat requirements differently and somehow strictly. B- Since the Hajj city now in Jeddah is more than two Marhalahs (a distance of about one kilometer) away from Makkah, they consider the Hajj city a Miqat. C- When told that they have passed their Miqat on their way to Jeddah, they argued that they no longer use the old road to Yamnam as they travel by air. D- Those who consider the city of Jeddah their Miqat support their claim by the fact they had stayed in the homes of their relatives and friends for a period of two or three days before heading to Makkah. Thus, according to them, their short stay in Jeddah must have given them the status of

(Part No. 11; Page No. 138)

residents or visitors of Jeddah, although they have visas for Hajj or 'Umrah. In other words, according to them also, the issue of Miqat marking the intention to perform Hajj or 'Umrah starts only when they utter such an intention and declare it, which may take place after wearing the clothes of Ihram in Jeddah.

Third:

Some pilgrims head to Al-Madinah once they arrive at the Kingdom without assuming the state of Ihram and then wear the clothes of Ihram in Al-Madinah before moving to Makkah. Please, inform us whether it is permissible.

Fourth:

I would appreciate it if you could provide me with the necessary answers along with their supporting evidence quoted from the Qur'an so that I may deliver them to Islamic institutions in Singapore. I hope that you, moreover, highlight misinterpretations if there are any.

I am looking forward to your prompt reply. Best regards.

A: First: The sacred Shari'ah (Islamic law) has defined all Miqats. The Prophet (peace be upon him)

is authentically reported to have specified the relevant Miqat of each destination. It is recorded in Sahih Al-Bukhari on the authority of Ibn 'Abbas (may Allah be pleased with both of them) that he said: (The Messenger of Allah (peace be upon him) defined the Miqat of the people of Al-Madinah as Dhul-Hulayfah; that of the people of the Levant (the region covering Syria, Lebanon, Jordan, and Palestine) as Al-Jahfah; that of the people of Najd as Qarn Al-Manazil and that of the people of Yemen as Yalamlam. He (peace be upon him) said, 'These Miqats are for the people of these very places and also for non-indigenous people who come through these places with the intention of performing Hajj and 'Umrah; and whoever is living within these boundaries can enter Ihram from where they form the intention, and the same applies to the people of Makkah who may enter Ihram from Makkah.') In relation to the rites of Hajj, such places are considered Tawqifiy (bound by a religious text and not amenable to personal opinion) matters.

(Part No. 11; Page No. 139)

Therefore, those who pass them while intending to perform Hajj or 'Umrah must assume Ihram there. However, in the case that such pilgrims pass them without assuming Ihram, they will have to return to them to assume Ihram from the Miqat. Moreover, if they do not return, they must offer Dam (atonement required of a pilgrim for a willful violation of a prohibition or obligation while in the ritual state for Hajj and 'Umrah) to compensate for the rite they missed.

Second: The distance between the Haram (the Sacred Sanctuary of Makkah) and the place of assuming Ihram is not taken into consideration. In fact, places for assuming Ihram are specified by Shari'ah as pointed out in the first paragraph. Third: As for not passing by their Miqat when heading for Hajj and 'Umrah on account of their traveling by air, they must assume Ihram once they come in line with the Miqat specified for their destination while in the air, because coming in line with the place counts as if one is actually in the place itself. Fourth: Intention for performing Hajj or 'Umrah is not merely expressing it verbally, but it is an inner determination and intention within the heart. Therefore, one who sets out intending to perform Hajj or 'Umrah must assume Ihram from the Miqat specified by Shari'ah. If one embarking on Hajj or 'Umrah passes beyond the Miqat of their country without assuming Ihram and does so from a Miqat of another country, such a person must slaughter a sacrificial animal for passing the Miqat of their country without assuming Ihram. As for your fellow countrymen who assume Ihram from the Miqat of Al-Madinah, Dhul-Hulayfah, it is permissible.

(Part No. 11; Page No. 140)

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Source: Fatwas of the Permanent Committee

