

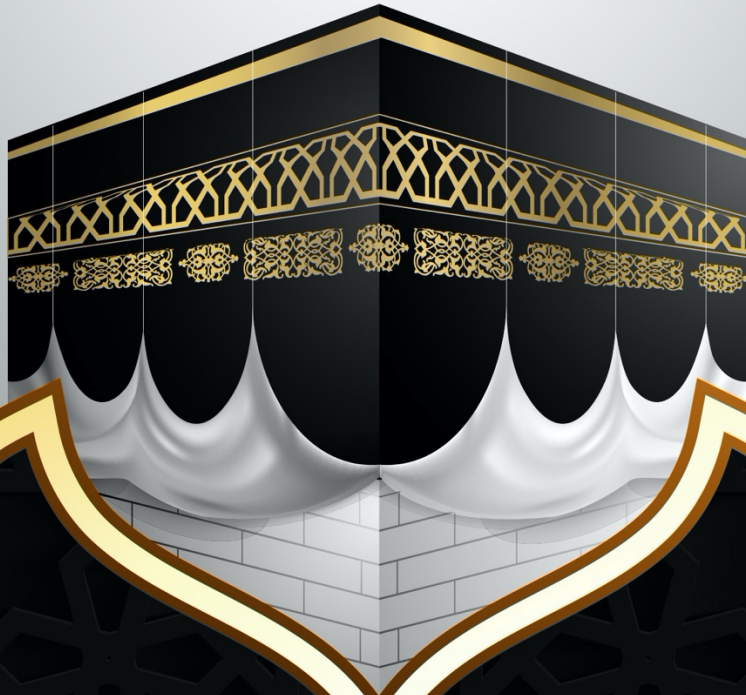
ذوالفقار الميموني

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إِسَامُ الْمَنَةِ بِرَجْعَاءِ سَنِيَةِ ذِيحِجَّةٍ
الْعِيدِ عِنْدَ مَعْرِيَةِ الْأُمَّةِ

Is the Qurbānī Wājib or a Sunnah?

Answered by
Shaykh Zulfiker Ibrāhīm Memon
Dhī al-Ḥijjah 1442



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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الحمد لله الذي أرسل رسوله بالهدى ودين الحق ليظهره على الدين كله وكفى بالله شهيداً، وأشهد أن لا إله إلا الله وحده لا شريك له، وأشهد أن محمداً عبده ورسوله صلى عليه وعلى آله وصحبه أجمعين.
أما بعد:

All Perfect Praise with Love and Glorification are Solely and Exclusively for Allāh (ﷻ) alone, the One Who sent His Messenger with guidance and the Dīn of truth, that He may make it superior over all religions, and Sufficient is Allāh (ﷻ) as a Witness. And I bear witness that none has the right to be worshipped in truth, except Allāh (ﷻ), alone with no partners. And I bear witness that Muḥammad (ﷺ) is His servant and Messenger, may Allāh (ﷻ) Confer the Highest Praise, Blessings and Peace upon him, his family, and all his companions. As to what proceeds: Allāh (ﷻ) states in His Noble Book:

﴿فَصَلِّ لِرَبِّكَ وَأَنْحِرْ﴾

Therefore, turn in prayer to your Lord and sacrifice (to Him only).¹

al-Imām Abū al-Ḥasan Muqātil Ibn Sulaymān Ibn Bashīr al-Azdī (ﷺ) [d.150AH] said regarding this Āyah:

البدن يوم النحر، فإن المشركين لا يصلون ولا يذبحون لله عز وجل

“[Sacrifice] an ibex goat on the Day of Sacrifice, for the polytheists do not pray nor sacrifice to Allāh, the Glorious and Majestic.”²

¹ Sūrah al-Kawthar, Āyah 2.

² Recorded in: Tafsīr Muqātil Ibn Sulaymān, Page: 528, Volume: 3, Printed in: 1424AH/2003CE, Printed by: Dār al-Kutub al-‘Ilymīyah, Edition: 1.

عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي جُحَيْفَةَ قَالَ الْحُجُّ الْأَكْبَرُ يَوْمُ النَّحْرِ

On the authority of Abī Juḥayfah (رضي الله عنه) [d.74H] who said: “al-Ḥajj al-Akbar is the Day of al-Naḥr (Sacrifice).”³

One of the students has asked me what the position of the Ahl al-Ḥadīth and their *madhhab* is with regards to sacrificing (known as al-Uḍḥiyyah or Qurbānī) for the one who is not performing Ḥajj and is able to do so financially, is it Wājib or a Sunnah?

Know, may the Mercy of Allāh (ﷻ) descend upon you, and may He (ﷻ) grant you the correct understanding of Ḥadīth in order to act upon it, that the *madhhab* of the Ahl al-Ḥadīth with regards to Qurbānī for the one who is not performing Ḥajj and is able to do so financially is as follows:

The position of the Ahl al-Ḥadīth and the correct *madhhab* on this issue is that it is an emphasised Sunnah (Sunnah Mu’akkadah) and not Wājib. This is also the *madhhab* of the majority of the scholars such as: ‘Alqamah Ibn Qays (رضي الله عنه) [d.61H], Sa’īd Ibn al-Musayyib (رضي الله عنه) [d.90H], Abū Sha’tḥā’ Jābir Ibn Zayd (رضي الله عنه) [d.93H], Sa’īd Ibn Jubayr (رضي الله عنه) [d.95H], ‘Āmir Ibn Sharāḥīl al-Sha’bī (رضي الله عنه) [d.105H], Ṭāwus Ibn Kaysān (رضي الله عنه) [d.106H], al-Ḥasan al-Baṣrī (رضي الله عنه) [d.110H], Muḥammad Ibn ‘Alī Ibn al-Ḥasan (رضي الله عنه) [d.114H], ‘Aṭā’ Ibn Abī Rabāḥ (رضي الله عنه) [d.115H], and it was the opinion of Sufyān al-Thawrī (رضي الله عنه) [d.161H], ‘Ubayd Allāh Ibn Ḥasan (رضي الله عنه) [d.168H], al-Shāfi’ī (رضي الله عنه) [d.204H], Ishāq al-Rahāwayh (رضي الله عنه) [d.238H], Aḥmad Ibn Ḥanbal (رضي الله عنه) [d.241H] and Abū Sulaymān (Dāwūd al-Zāhirī) (رضي الله عنه) [d.270H].

³ Recorded in: al-Muṣannaf of Ibn Abī Shaybah, The Book of al-Ḥajj, Section: Regarding the Day of al-Ḥajj al-Akbar, Ḥadīth: 15440, Page: 509, Volume: 5, Printed in: 1425AH/2004CE, Printed by: Maktabah al-Rushd, Editon: 1, Taḥqīq: Ḥamd Ibn ‘Abd Allāh al-Jum’ah & Muḥammad Ibn Ibrāhīm al-Luḥaydān. This Athar is Ṣaḥīḥ: Yūsuf Ibn ‘Abd Allāh Ibn Muḥammad al-Ṣam’ānī, al-Āthār al-Musnadah ‘an al-Ṣaḥābah Raḍī Allāhu ‘Anhum fī al-Manāsik, Ḥadīth: 933, Page: 95, Volume: 2, Printed in: 1432AH/2011CE, Printed by: Dār al-Ma’tūr.

And this is from the matters which the Ḥanafīs opposed the majority of the scholars as mentioned by al-Imām Abū Muḥammad Ibn Ḥazm al-Zāhirī (رحمته) [d.456H] who stated:

قَالَ أَبُو حَنِيفَةَ: الْأُضْحِيَّةُ فَرَضٌ، وَعَلَى الْمَرْءِ أَنْ يُضَحِّيَ عَنْ زَوْجَتِهِ

Abū Ḥanīfah [d.150H] said: “The Qurbānī is Farḍ (obligatory), it is a must for the man to do a sacrifice for himself and for his wife”.⁴

al-Imām al-Bukhārī (رحمته) [d.256H] has derived a judgement in his ‘Ṣaḥīḥ’ by making an inference to the Qurbānī being a Sunnah by indicating this in his heading as is his usual practice when extrapolating *fiqh* rulings and then following it up by referencing a statement of Ibn ‘Umar (رحمته) by way of *ta’līq*.⁵

بَابُ سُنَّةِ الْأُضْحِيَّةِ، وَقَالَ ابْنُ عُمَرَ: هِيَ سُنَّةٌ وَمَعْرُوفٌ

This *mu’allaq athar* was also referenced in Fath al-Bārī to which al-Ḥāfiẓ Ibn Ḥajar al-‘Asqalānī (رحمته) [d.852H] said: “It was brought by Ḥammād Ibn Salamah in his ‘Muṣannaḥ’ with an *isnād ḥasan* going back to Ibn ‘Umar (رحمته).”⁶ Ibn Ḥajar also brought its chain of transmission in his book ‘Taghlīq al-Ta’līq ‘alā Ṣaḥīḥ al-Bukhārī’.⁷ Likewise, al-Imām al-Tirmidhī (رحمته) [d.279H] has also made an inference by inserting the chapter heading in his book of Ḥadīth known as ‘al-Jāmi‘ al-Tirmidhī’ indicating that the Qurbānī is a Sunnah:

⁴ Recorded in: al-Muḥallā bi al-Āthār, The Book of Sacrifices, Page: 4-5, Volume: 6, Issue: 973, Printed in: 1425AH/2003CE, Printed by: Dār al-Kutub al-‘Ilmiyyah, Taḥqīq: ‘Abd al-Ghaffār Sulaymān al-Bandārī.

⁵ Recorded in: The Sunnah of Sacrificing, and Ibn ‘Umar said: ‘It is a well-known Sunnah.’ And this chain was mentioned by Abū Muḥammad Ibn Ḥazm: al-Muḥallā bi al-Āthār, The Book of Sacrifices, Page: 9, Volume: 6, Issue: 973, Printed in: 1425AH/2003CE, Printed by: Dār al-Kutub al-‘Ilmiyyah, Taḥqīq: ‘Abd al-Ghaffār Sulaymān al-Bandārī.

⁶ Recorded in: Fath al-Bārī, Book of Sacrificing, Section: The Sunnah of Sacrificing; Ibn ‘Umar said: ‘It is a well-known Sunnah’, Ḥadīth: 5545, Page: 3, Volume: 10, Printed in: 1380AH/1960CE, Printed by: Maktabah Salafīyyah, Edition: 1, Taḥqīq: ‘Abd al-‘Azīz ibn Bāz; Muḥammad Fu’ād al-Bāqī; Muḥibb al-Dīn al-Khaṭīb.

⁷ Recorded in: Taghlīq al-Ta’līq ‘alā Ṣaḥīḥ al-Bukhārī, Page: 3, Volume: 5, Printed in: 1405AH/1985CE, Printed by: Maktabah al-Islām/Dār al-‘Ammār Jordan, Edition: 1, Taḥqīq: Sa’īd ‘Abd al-Raḥmān Mūsā al-Qazaqī.

عَنْ جَبَلَةَ بْنِ سُحَيْمٍ أَنَّ رَجُلًا سَأَلَ ابْنَ عُمَرَ عَنِ الْأُضْحِيَّةِ أَوْاجِبَةٌ هِيَ؟ فَقَالَ: ضَحَّى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَلْمُسْلِمُونَ، فَأَعَادَهَا عَلَيْهِ، فَقَالَ: أَتَعْقِلُ، ضَحَّى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَالْمُسْلِمُونَ. هَذَا حَدِيثٌ حَسَنٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ: أَنَّ الْأُضْحِيَّةَ لَيْسَتْ بِوَاجِبَةٍ، وَلَكِنَّهَا سُنَّةٌ مِنْ سُنَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يُسْتَحَبُّ أَنْ يُعْمَلَ بِهَا، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ، وَابْنِ الْمُبَارَكِ.

Jabalah ibn Suḥaym (رضي الله عنه) narrated that a man asked Ibn ‘Umar (رضي الله عنه) about the Uḍḥiyyah, ‘Is it obligatory?’ So, he said: ‘Rasūlullāh (ﷺ) performed the Uḍḥiyyah as did the Muslims.’ He repeated the question. So, he said: ‘Do you understand? Rasūlullāh (ﷺ) slaughtered as did the Muslims.’⁸

al-Tirmidhī (رضي الله عنه) then says after narrating the Ḥadīth: “This Ḥadīth is *ḥasan*, and the way the people of knowledge understood it is: That the sacrifice is not obligatory, rather it is a Sunnah from the Sunan of the Nabī (ﷺ), it is favourable to act upon it, and this is the opinion of Sufyān al-Thawrī and Ibn Mubārak (رضي الله عنه).”

The Ḥadīth was authenticated by al-Tirmidhī himself who said it is *ḥasan* after narrating it to which Ibn Ḥajar (رضي الله عنه) agreed with his statement: “*isnād ḥasan*.”⁹

However, that which is preponderant is that the Ḥadīth is *ḍa‘īf* due to the *tadlīs* of al-Ḥajjāj which al-‘Allāmah Mubārakfūrī (رضي الله عنه) [d.1353H] commented on with his statement: “In its chain is al-Ḥajjāj, and it is apparent that he is Ibn Arṭa’ah, and he is a *mudallis* and narrated on the authority of Jabalah (رضي الله عنه) with the word ‘*an*’... This Ḥadīth is *ḍa‘īf*.”¹⁰ And Shaykh al-Albānī (رضي الله عنه) [d.1420H] is in agreement with Mubārakfūrī regarding its weakness.¹¹

⁸ Recorded in: Sunan al-Tirmidhī, The Chapters on Sacrifices, Section: The Evidence that Uḍḥiyyah (Sacrifice) is a Sunnah, Ḥadīth: 1506, Page: 285, Volume: 3, Printed in: November 2007, Printed by: Dār al-Salām (English Edition).

⁹ Recorded in: Faḥ al-Bārī, Book of al-Uḍḥiyyah, Section: The Sunnah of al-Uḍḥiyyah; Ibn ‘Umar said: ‘It is a known Sunnah’, Ḥadīth: 5545, Page: 3, Volume: 10, Printed in: 1380AH/1960CE, Printed by: Maktabah Salafiyah, Edition: 1, Taḥqīq: ‘Abd al-‘Azīz ibn Bāz; Muḥammad Fu’ād al-Bāqī; Muḥib al-Dīn al-Khaṭīb.

¹⁰ Recorded in: Tuḥfah al-Aḥwadhī Sharḥ Jāmi‘ al-Tirmidhī, Ḥadīth: 1542, Page: 94, Volume: 5, Printed by: Dār al-Fikr, Taḥqīq: ‘Abd al-Raḥmān Muḥammad ‘Uthmān.

¹¹ Recorded in: Ḍa‘īf Sunan al-Tirmidhī, Ḥadīth: 1506, Page: 146, Printed by: Maktabah al-Ma‘ārif, Taḥqīq: Muḥammad Nāṣir al-Dīn al-Albānī.

al-Imām Ibn al-Mulaqqin (رحمته الله) [d.804H] mentioned a similar narration which can be considered a *shāhid* narrated by al-Imām Ibn Mājah (رحمته الله) [d.273H] on the authority of al-Imām Muḥammad Ibn Sīrīn (رحمته الله) [d.110H] and he declared its *isnād* to be *ḍa‘īf*.

This Ḥadīth however has a foundation as can be seen in ‘*Ṣaḥīḥ al-Bukhārī*’ in the very beginning of the book of sacrifices where he brings this Ḥadīth with a suspended chain of transmission. Therefore, this chain is brought as a supporting narration. And although this particular *sanad* is *ḍa‘īf* there are benefits to be extracted from it such as al-Tirmidhī’s explicit statement that sacrificing is a Sunnah, his inference in the heading and that this was the understanding of the vast majority of the scholars.

كِتَابُ الْأَضَاحِيِّ، مَسْأَلَةُ الْأُضْحِيَّةِ سُنَّةٌ حَسَنَةٌ،

مَسْأَلَةٌ: الْأُضْحِيَّةُ سُنَّةٌ حَسَنَةٌ، وَلَيْسَتْ فَرَضًا، وَمَنْ تَرَكَهَا غَيْرَ رَاغِبٍ عَنْهَا فَلَا حَرَجَ عَلَيْهِ فِي ذَلِكَ.

al-Imām Abū Muḥammad Ibn Ḥazm [d.456H] has stated: “Sacrificing is a good Sunnah, and it is not obligatory, and there is no harm upon whoever abandons it due to not desiring it.”¹² Likewise, al-Imām Ibn ‘Abd al-Hādī (رحمته الله) [d.744H] said:

قال ابن عبد الهادي في تنقيح التعليق: مسائل الأضاحي مسألة: الأضحية سنة.

“Sacrificing is a Sunnah.”¹³

And Shaykh al-Islām Nadhīr Ḥusayn al-Dehlawī (رحمته الله) [d.1320H] also said it’s a Sunnah in his ‘*Fatāwā*’.¹⁴ So, the correct position is that it is not Wājib as there is no evidence to indicate that it is obligatory upon the one who is financially capable to do so, nor has its obligation been transmitted from a single companion authentically. On the contrary the beginning of the Ḥadīth

¹² Recorded in: al-Muḥallā bi al-Āthār, The Book of Sacrifices, Page: 3, Volume: 6, Issue: 973, Printed in: 1425AH/2003CE, Printed by: Dār al-Kutub al-‘Ilmiyyah, Taḥqīq: ‘Abd al-Ghaffār Sulaymān al-Bandārī.

¹³ Recorded in: Tanqīḥ al-Taḥqīq fī Aḥādīth al-Ta‘līq, The Book of Ḥajj, Section: The Issues of Sacrifices, Page: 562, Volume: 3, Printed in: 1428AH/2007CE, Printed by: Aḍwā’ al-Salaf, Edition: 1, Taḥqīq: Sāmī Ibn Muḥammad Ibn Jād Allāh; ‘Abd al-‘Azīz Ibn Nāṣir al-Khubānī.

¹⁴ Page: 255, Volume 2.

transmitted by al-Imām Muslim (ﷺ) [d.261H] and others on the authority of Umm Salamah (رضي الله عنها) indicates that Qurbānī is not obligatory:

وَقَدْ أَخْرَجَ مُسْلِمٌ وَغَيْرُهُ مِنْ حَدِيثِ أُمِّ سَلَمَةَ قَالَتْ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ "إِذَا دَخَلْتَ الْعَشْرَ فَأَرَادَ أَحَدُكُمْ أَنْ يُصَحِّيَ فَلَا يَأْخُذْ مِنْ شَعْرِهِ وَلَا بَشْرِهِ شَيْئًا."

Narrated by Umm Salamah (رضي الله عنها) that the Nabī (ﷺ) said: "When the ten days [of Dhī al-Ḥijjah] begins and one of you wishes to sacrifice then let him not take anything from his hair or skin."¹⁵

al-Imām Muḥammad ‘Alī al-Ṣan‘ānī (ﷺ) [d.1182H] mentioned in ‘Subul al-Salām’ on the authority of al-Imām al-Shāfi‘ī (ﷺ) that he said:

قَالَ الشَّافِعِيُّ إِنَّ قَوْلَهُ (فَأَرَادَ أَحَدُكُمْ) يَدُلُّ عَلَى عَدَمِ الْوُجُوبِ.

"If one of you wishes", this shows that it's not obligatory.¹⁶

And Ibn ‘Abd al-Hādī said:

قال ابن عبد الهادي في تنقيح التعليق: فوجه الحجّة: أنه علّقه بالإرادة.

"The evidence is that he (ﷺ) attached it to willingness."¹⁷

¹⁵ Recorded in Ṣaḥīḥ Muslim, The Book of Sacrifices, Section: The Forbiddance of Taking Anything From the Hair or Nails for the One Who Wishes to Sacrifice When the First Ten Days of Dhī al-Ḥijjah Begin, Ḥadīth: 5117 (1977), Page: 316, Volume: 5, Printed in: 2007, Printed by: Dār al-Salām (English Edition).

¹⁶ Recorded in: Subul al-Salām al-Muwaṣṣilah ilā Bulūgh al-Marām, The Book of Foods, Section: Sacrifices, Page: 315, Volume: 4, Printed in: 1422AH/2001CE, Printed by: Dār al-‘Āṣimah, Edition: 1, Taḥqīq: Ṭāriq Ibn ‘Awd Allāh Ibn Muḥammad Abū Mu‘ādh.

¹⁷ Recorded in: Tanqīḥ al-Ta‘līq, The Book of Ḥajj, Section: The Issues of Sacrifices, Page: 562, Volume: 3, Printed in: 1428AH/2007CE, Printed by: Aḍwā’ al-Salaf, Edition: 1, Taḥqīq: Sāmī Ibn Muḥammad Ibn Jād Allāh; ‘Abd al-‘Azīz Ibn Nāṣir al-Khubānī.

In addition to this there is not a single companion who said that Qurbānī is obligatory. Additionally, al-Imām Abū Muḥammad Ibn Ḥazm said:

قَالَ أَبُو مُحَمَّدٍ (ابن حزم): لَا يَصِحُّ عَنْ أَحَدٍ مِنَ الصَّحَابَةِ أَنَّ الْأُضْحِيَّةَ وَاجِبَةٌ.

“Nothing about sacrificing being obligatory is authentically related from the companions.”¹⁸

With regards to the narration that can be found in ‘Sunan Ibn Mājah’:

عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: "مَنْ كَانَ لَهُ سَعَةٌ، وَمَمْ يُضَحِّحْ، فَلَا يَقْرَبَنَّ مُصَلَّانَا."

On the authority of Abū Hurayrah (رضي الله عنه) that the Nabī (ﷺ) said: “Whoever can afford it and does not sacrifice then let him not come near our place of prayer.”¹⁹

Many of the scholars have authenticated the *isnād* of this narration and stipulated that it is *mawqūf*²⁰ and not *marfū*^{21, 22}.

¹⁸ Recorded in: al-Muḥallā bi al-Āthār, The Book of Sacrifices, Page: 10, Volume: 6, Issue: 973, Printed in: 1425AH/2003CE, Printed by: Dār al-Kutub al-‘Ilmiyyah, Taḥqīq: ‘Abd al-Ghaffār Sulaymān al-Bandārī.

¹⁹ Recorded in: Sunan Ibn Mājah, The Book of Sacrifices, Section: Is Sacrificing Obligatory or Not? Ḥadīth: 3123, Page: 256, Volume: 4, Printed in: 2007, Printed by: Dār al-Salām (English Edition).

²⁰ Meaning: Halted at a Companion.

²¹ Meaning: Elevated up to the Nabī (ﷺ).

²² al-Imām Ibn ‘Abd al-Barr [d.463H] said: “This Ḥadīth was narrated by Ibn Wahb from ‘Abd Allāh Ibn ‘Iyāsh al-Qutbānī from al-A‘raj from Abū Hurayrah and it is halted, it is not elevated [up to the Nabī (ﷺ)].” And he also said: “That which is preponderant according to me with regards to this Ḥadīth is that it is halted at Abū Hurayrah, and Allāh knows best.” (al-Tamhīd, Ḥadīth: 196-197, Page: 190-191, Volume: 23, Printed in: 1411AH/1991CE, Printed by: al-Awqāf al-Maghribiyyah, Edition: 2, Taḥqīq: Majmū‘ah min al-Muḥaqqiqīn).

al-Imām al-Bayhaqī [d.384] said: “It was narrated from Abū Hurayrah, elevated [up to the Nabī (ﷺ)], and that it is halted is more correct.” (al-Sunan al-Saghīr, The Book of Sacrifices, Ḥadīth: 1809, Page: 222, Volume: 2, Printed in: 1410AH/1989CE, Printed by: Dār al-Wafā’, Edition: 1, Taḥqīq: ‘Abd al-Mu‘ī Amīn Qal‘ajī).

al-Imām Ibn ‘Abd al-Hādī mentioned that this Ḥadīth being halted is closest to that which is correct. (Tanqīḥ al-Ta‘līq, The Book of Ḥajj, Section: The Issues of Sacrifices, Page: 563-564, Volume: 3, Printed in: 1428AH/2007CE, Printed by: Aḍwā’ al-Salaf, Edition: 1, Taḥqīq: Sāmī Ibn Muḥammad Ibn Jād Allāh; ‘Abd al-‘Azīz Ibn Naṣīr al-Khubānī).

al-Imām al-Dāruqūṭnī said: “That which is most correct is that it’s halted.” (Recorded by al-Dhahabī in Tanqīḥ al-Taḥqīq, the Book of Sacrifice, Issue: 447, Page: 62, Volume: 2, Printed in: 1421AH/2000CE, Printed by: Dār al-Waṭan, Edition: 1, Taḥqīq: Muṣṭafā Abū al-Ghayṭ ‘Abd al-Ḥayy ‘Ajīb).

And the same thing as mentioned previously was stipulated by Shaykh al-Islām Nadhīr Ḥusayn al-Dehlawī. (al-Fatāwā al-Nadhīriyyah, Page: 255, Volume 2).

Numerous scholars have said that the ascription of this to Rasūlullāh (ﷺ) is incorrect, hence referring to this narration as a *marfū‘* Ḥadīth transmitted directly back to the Nabī (ﷺ) is an error as highlighted by the experts of the Ḥadīth past and present. With regards to the *fiqh* ruling of this narration transmitted on the authority of Abū Hurayrah (رضي الله عنه) who made that statement, then even this does not point to the establishment of obligation, rather the inference that can be made from this narration is emphasis on sacrificing for the one who is able to do so as can be seen from the Ḥadīth. So Abū Hurayrah (رضي الله عنه) was trying to encourage the people to do Qurbānī by putting emphasis on carrying out this noble act by those who can afford it. Lastly: As previously mentioned there is no explicit imperative command from Rasūlullāh (ﷺ) with its foundation in an elevated Ḥadīth that orders everybody who is financially capable and not performing Ḥajj to sacrifice. And nothing has likewise been authentically related from the companions concerning them holding sacrifice to be an obligation, if that was the case then they would have clarified the obligation to the people and be the first to implement it.

al-Imām Sayyid Nadhīr Ḥusayn al-Dehlawī (رحمته الله) in his ‘Fatāwā’²³ brought clear and explicit evidence that it is a Sunnah by making inferences to other narrations so one may refer to that for further information. From amongst the Ḥanafī scholars and the pillars of the Ḥanafī *madhhab* is Abū Yūsuf [d.182H] and Muḥammad Ibn Ḥasan al-Shaybānī [d.189H] who both held the opinion that Qurbānī is a Sunnah and not obligatory, and by this they opposed their teacher Abū Ḥanīfah.

قال أبو جعفر الطحاوي: وخالف أبو يوسف ومحمد أبا حنيفة في ذلك، فقالا: ليست بواجبة، ولكنها سنة، غير مرخص لمن وجد السبيل إليها في تركها.

Abū Ja‘far al-Ṭahāwī (رحمته الله) [d.321H] transmitted this to which he said: “Abū Yūsuf and Muḥammad opposed Abū Ḥanīfah in that, so they said: ‘It is not obligatory rather it is a Sunnah, it must not be abandoned by the one who finds a way towards abandoning it.’”²⁴

²³ Refer to: al-Fatāwā al-Nadhīriyyah, Page: 255, Volume 2.

²⁴ Mukhṣar al-Ṭahāwī, Kitāb al-Ḍaḥāyā, Page: 494.

And the conditions set by Abū Ḥanīfah that Qurbānī is obligatory upon the one who pays Zakāh, who is a resident and not a traveller then these conditions have no evidence or proof for it. And this is not hidden from the one who possess sound understanding.

It says in the famous Ḥanafī *fiqh* textbook written by ‘Alī Ibn Abī Bakr Ibn ‘Abd al-Jalīl al-Farghānī (رحمته الله) [d.593H]:

قال علي بن أبي بكر بن عبد الجليل الفرغاني المرغيناني في بداية المبتدي: الأُضْحِيَّةُ وَاجِبَةٌ عَلَى كُلِّ
حُرِّ مُسْلِمٍ مُقِيمٍ مُوسِرٍ فِي يَوْمِ الأُضْحَى ...

“Sacrificing on the day of Aḏḥā is obligatory upon every Muslim who is free and a resident and can afford it.”²⁵

With regards to Qurbānī only being obligatory upon the one who pays Zakāh, then the response to that is the narration of Abū Hurayrah (رحمته الله): “Whoever can afford it”, and this is general for the one who pays Zakāh and the one who doesn’t pay Zakāh but can afford it financially. Concerning the argument around the one who is a resident and not a traveller then al-Imām al-Bukhārī (رحمته الله) has inserted a heading in his ‘Ṣaḥīḥ’ by making an inference pointing to the fact that being a resident is not a condition with regards to the obligation of Qurbānī: It says in ‘Ṣaḥīḥ al-Bukhārī’:

بَابُ الأُضْحِيَّةِ لِلْمُسَافِرِ وَالتَّسَاءِ

The Book of Sacrifices, Section: The Sacrifice of the Traveller and the Womenfolk.

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²⁵ Bidāyah al-Mubtadi’, The Book of Sacrifices, Page: 247, Printed in: 1355AH/1936CE, Printed by: al-Maṭba‘ al-Fatūḥ Miṣr, Edition: 1.

Conclusion

In conclusion, Qurbānī is an emphasised Sunnah and not obligatory for the one who is capable of doing it whether he is a resident or a traveller, whether he pays Zakāh or not, whether he lives in the village or in the city, and this is in accordance with the textual evidences from the Sunnah of the Nabī (ﷺ). This *fatwā* was also given by al-Imām Sayyid Nadhīr Ḥusayn al-Dehlawī (رحمته الله) in his ‘Fatāwā Nadhīrīyyah’ and this is the *madhhab* of the Ahl al-Ḥadīth and the majority of the scholars in light of the textual proof, evidence and the understanding and actions of the companions, and Allāh (ﷻ) Knows Best.

وفيه كفاية لمن له دراية

And this is sufficient for the one who has understanding.

We ask Allāh (ﷻ), to grant all of us success and the ability to follow the *madhhab* of Ahl al-Ḥadīth.

Zulfiker Ibrāhīm Memon
al-Madīnah al-Nabawīyyah, Saudi Arabia
2nd of Dhī al-Ḥijjah 1442AH corresponding to July 12th, 2021