256989 - Entering ihram from the miqaat is one of the obligatory parts of Hajj

the question

I brought my father and mother on a family visit to the Kingdom with the intention of doing Hajj. They arrived in Shawwaal from Khartoum to Madinah, and stayed there until they went to Makkah at the beginning of Dhu'l-Qa'dah without entering ihram. They stayed in Makkah until I came from Dammam to Makkah, also without ihram, And I stayed with them in Makkah for three days, until the seventh day of Dhu'l-Hijjah. Then we moved from Makkah to the Haram, and entered ihram there, and formed the intention to do Hajj ifraad. We did tawaf al-qudoom (the tawaf of arrival) and the sa'i of Hajj, and on the eighth day of Dhu'l-Hijjah, we went to Mina and stayed there until 1 a.m., then we went to 'Arafah, which we reached at 3 a.m. Please note that my father has a disability affecting his legs, and he needs a wheelchair. Then we left 'Arafaat after sunset, and reached the mosque of Muzdalifah at 9 p.m., and at 2 a.m. we moved from Muzdalifah to Mina, where we arrived at dawn. We stoned Jamrat al-'Aqabah at 6 a.m., then my father and mother paid the price of the hadiy (sacrificial animal), and I also paid the price of the hadiy. Then we shaved our heads and exited ihram. On the second day, we stoned all three jamaraat at 10 a.m., and went to Makkah to do tawaf al-ifaadah. On the third day, we left Mina at 2 a.m., and stoned the Jamaraat, because we were hastening to depart after two days. Then we went to Makkah and did the farewell tawaf, then we went to Jeddah, and from Jeddah to Dammam the following day. Is there any of the rituals that my father or my mother or myself did that is not acceptable? If that is the case, then what must we do?

Detailed answer

As your parents came from Khartoum with the intention (niyyah) of performing Hajj and they travelled from Madinah to Makkah with this intention, what they should have done was to enter ihram from the miqaat of Madinah; it is not permissible for them to enter ihram from Makkah.

Based on that, each of them must offer a sacrifice, to be slaughtered in the Haram, and its meat to be distributed among the poor of the Haram.

You also came from Dammam with the intention of performing Hajj, and you did not enter ihram from the miqaat, so you must also offer a sacrifice, like them.

The majority of fuqaha' are of the view that stoning the Jamrah before the sun passes the meridian is not acceptable because it is proven that the Prophet (blessings and peace of Allah be upon him) stoned it after the sun had passed the meridian, and he (blessings and peace of Allah be upon him) said: "Learn from me your rituals [of Hajj]." Narrated by Muslim (1297).

As you stoned the Jamrah before the sun had passed the meridian, each one of you must offer a further sacrifice to compensate for not having stoned the Jamaraat at the time prescribed.

Shaykh Ibn Baaz (may Allah have mercy on him) said:

Stoning the Jamrah before the sun has passed the meridian is not valid on days other than the day of Eid. As for doing so on the day of Eid, there is nothing wrong with that. As for stoning the Jamaraat before the sun has passed the meridian on the days of at-tashreeq, that is not acceptable because it is contrary to what is prescribed. The Messenger (blessings and peace of Allah be upon him) stoned them after the sun had passed the meridian, and he (blessings and peace of Allah be upon him) said: "learn from me your rituals [of Hajj]." Similarly, his companions stoned the Jamaraat after the sun had passed the meridian. Acts of worship are tawqeefi [i.e., they can only be known through divine Revelation and sound texts of hadeeth] and are not to be based on individual opinion.

Whoever stones the Jamaraat before the sun has passed the meridian, his stoning of them is not valid, and he must offer a sacrifice to compensate for failing to do was obligatory.

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See also the answers to questions no. 36436 and 96095.

So each of them must offer two sheep, to compensate for failing to do two obligatory acts, namely entering ihram from the miqaat and stoning the Jamaraat at the time stipulated in sharee'ah.

You also mentioned that you paid the price of the hadiy (sacrificial animal), but in the case of Hajj ifraad, no hadiy is required; it is not like qiraan or tamattu‘.

If you intended this hadiy to compensate for the obligatory actions that you failed to do, then each of you still owes another sheep.

But if you did not intend that, then it was a voluntary sacrifice, and each one of you must still offer two sheep, because in the case of expiatory acts (kafaarah), it is essential to form the appropriate intention (niyyah), as is required in all other acts of worship.

An-Nawawi (may Allah have mercy on him) said: The intention (niyyah) is essential in expiatory acts. The intention of offering expiation is sufficient, and it is not essential to state that it is obligatory, because acts of expiation cannot be anything other than obligatory.

End quote from Rawdat at-Taalibeen (8/279)

It says in al-Ashbaah wan-Nazaa’ir (1/73) by Ibn Nujaym, with the commentary thereon entitled Ghamaz ‘Uyoon al-Basaa’ir:

With regard to acts of expiation, the intention (niyyah) is essential to their being valid, whether the act in question is the manumission of a slave, fasting or feeding the poor. End quote.

In al-Kaafi Sharh al-Bazdawi (3/1066) it says:

Expiation (kafaarah) is an act of worship that is required as a penalty.

With regard to it being an act of worship, that is because it is performed in obedience to Allah, namely fasting, and the intention (niyyah) is an essential condition thereof, or it because of his having committed a misdeed, so that misdeed should be followed by an act of worship, in order to cancel it out. The Prophet (blessings and peace of Allah be upon him) said: “Follow a bad deed with a good deed, so as to erase it.”

As for it being a penalty, it is a punishment for his misdeed and a deterrent.

See: Qawaa'id al-Ahkaam by al-'Izz ibn 'Abd as-Salaam (333), and Maqaasid al-Mukallafeen by al-Ashqar (1/178).

And Allah knows best.