

SHAWKANI'S EXPOSITION ON THE CONDITIONS OF HAJJ AND ITS RELEVANCE TO THE CONTEMPORARY TIME

By:

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Abstract

This paper examined the exegetical comments of Ash-Shawkani on the conditions of Hajj in the light of the Qur'ān. It also discussed the legality of *Hajj*, and its relevance to the contemporary period, as well as forbidden acts and process. This paper focused on *Fathul-Qadīr* which is an exegetical work authored by Muhammad °Ali Ash-Shawkāni. The objective of the paper was to identify the extent of gaminess of Aah-Shawkani's opinions alongside the opinions of other scholars on the requisite conditions to perform pilgrimage in the light of the Qur'ān as far as the contemporary situation is concerned. The research method adopted for this work was exegetical as well as descriptive. Thus, it was discovered that ahadith and other statements of *Salaf* were used as proofs in Ash-Shawkāni's exegetical comments on the ability to perform *Hajj*. This paper identified the submission and suggestions of the researcher based on informed views of Imam Ash-Shawkāni and other scholars. Thus, it is concluded that Imam Shawkāni's approach to the interpretation of the Qur'ān stems from the perspective of the weight of authenticity that he attaches to the *Ayāt al-Ahkām* from the Glorious Qur'ān.

Introduction to Imam Ash-Shawkani's *Fathul-Qadir Tafsir* Fathul Qadir is one of the prominent classical works of Quranic Exegesis written in Arabic language in five (5) volumes by famous classical scholar Ash-Shawkani. It is one of the modern styles of *Tafsir* and pregnant with compendium of legal rules in the Qur'an. The basic objective of this *Tafsir* was to deduce juristic injunction and rulings from the Qur'an. Yet, in his bid of doing this Imam Ash-Shawkani has also provided the explanation of verses, researched into difficult words, discussed diacritical marks, elegance of styles and composition and also dabbled into linguistic analysis.¹

The book, as said earlier is one of the classical expositions, among others, in the field of *Tafsir*. The methodology adopted by the author in his commentary on the verses of the Qur'an was *At-Tafsir bil Ma'thur* i.e *Tafsir* based on transmissions from the Qur'an itself, the Prophet (SAW), the Companions and their successors respectively.

The author of *Tafsir Fathul-Qadir* is Muhammad bn [°]Ali bn Muhammad bn Abdullah Ash-Shawkāni As-San[°]an. He was called Ash-Shawkāni in reference to his birth place called Shawkāni a small town and of a distance of a day journey from Sani[°]an in Yemen.² Imam Ash-Shawkāni was born in 1760 C.E. in Sani[°]an in today's Yemen. In his early year he studied under his father [°]Ali bn Muhammad Ash-Shawkāni (d. 1797) who was a judge in Sani[°]an.³ He was well read and educated in both sunni traditions and Quranic exegesis.⁴ Thereafter, He studied under the renowned scholars of his time where he acquired the knowledge of the Glorious Qur'ān, mastering the Arabic Grammar, Science of the Qur'ān, Islamic law, ahadith of the prophet and the knowledge of abrogated verses in the Qur'ān.⁵ With his mastery of numerous sciences, Imam Ash-Shawkāni disclosed that by the age of Thirty (30), he had dispensed with *Taqlid* and become a *Mujtahid Mutlaq* and dedicated his life to issuing *Fatāwah* (Islamic legal verdicts). He was known for his modesty, humility and diligence. He was an author, Imam, a *Qādi* and a teacher who started his teaching and writing career at the age of twenty (20). It was reported that the Imam used to stay indoor except for occasional and religious purposes. He used to wear simple cloth with turban slim in nature with beard in obedience to the *Sunnah* of the Prophet.⁶

Ash-shawkāi was a renowned exegete, jurist, and disciple of Hambali School of thought. He wrote works on Sciences of Hadith and Tenets of Faith. However, his greatest contribution to the field of knowledge is his voluminous book, which he titled: *Fathul-Qadir al-Jāmiu Baina*

fannir-Riwayyah Wad-Dirayyah min 'ilmit-Tafsīr. He was ascetic who used to divide his day between worship and writing.

Hajj and 'Umurah

According to al-Jazairi, *Hajj* is defined literally as determination to achieve greatness in faith.⁷ As a *Shari'ah* term, it connotes a religious act that is characterized with specifications, in respect to time, place, methods and intention or purpose.⁸ He continues that it is a compulsory acts of *'Ibādah*, as well as the fifth and the last of the pillars upon which Islam is built which must be performed at least once in life time.⁹ *Az-Zuhayli's* definition seems more definite and clearer. He defines *Hajj* as determination to be present at *Ka'abah*, for specific acts of worship.¹⁰ In other words, *Hajj* is visitation to specific place of religious importance at a particular period of years.¹¹ He goes further to blend his definition with that of Al-Jaziri by explaining what he intends with each of the specifics in his definition. He defines *Hajj* as "a means to betake oneself to some place (i.e. 'a person performed Hajj to us' means that he betook himself to us.) Hajj: To betake oneself to the Sacred Masjid with the prescribed obligatory and mandatory acts"¹² It means betaking oneself to Ka'bah for performing specific acts, or visiting specific place in specific time with specific act; the specific place is a Ka'bah and 'Arafa, the specific time is the months of Hajj (i.e Shawwal, Dhul-Qidah and the first ten days of *Dhul-Hijjah*). Corroborating the above quotation, Ash-Shawkani has this to say:

والمكان المخصوص: الكعبة وعرفة. والزمن المخصوص: هو أشهر الحج
: وهي شوال وذو القعدة وذو الحجة، والعشر الأوائل من ذي الحجة

The specific places are *Ka'abah* and *Arafat*, specific time refers to the months where in *Hajj* is performed. These are *Shawwal* (10th), *Dhul-Qa'adah* (11th) and the first Ten (10) days in the month of *Dhul-Hijjah* (12th) of lunar month of Islamic calendar¹³

With this, *Az-Zuhayli* has shed a further light on what Al-jazairi intends in his definition. Therefore, *Hajj* operation commences immediately after Ramadan but the core activities are carried out in the last ten days of the last month of Islamic Calendar (*Dhul-Hijjah*).

In his definition of Hajj, As-Shawkani writes:

الإتيان بمناسك الحج التي شرعها الله

Offering the rites of *Hajj* which Allah legislates.¹⁴

The above definition of As-Shawkani is better understood from another work of his where he properly put down what he intends here. In *Nayl 'l-Awtar*, he describes *Hajj* as originating from intent or desire which manifests with specific acts.¹⁵ He goes ahead to cite a tradition of the Prophet which establishes the compulsory nature of *Hajj* operation on every Muslim at least once in life time, as contained in the Hadith of Abu Hurayrah thus:

عن أبي هريرة قال " خطبنا رسول الله صلى الله عليه وآله وسلم فقال يا أيها الناس قد فرض الله عليكم الحج فحجوا فقال رجل أكل عام يا رسول الله فسكت حتى قالها ثلاثا فقال النبي صلى الله عليه وآله وسلم لو قلت نعم لوجبت ولما استطعتم "

On the authority of Abi Hurayrah who reports that Allah's messenger addressed us (one day). He said: Oh mankind! Allah has made pilgrimage an obligation on you all. So, perform it (as-soon as you can). A man Asked, is it to be performed annually Oh Messenger of Allah! The prophet kept mute till the question was repeated three times. He (the prophet) then replied, stating that. If I should say yes, it will become an annual obligation. But it is only for those who has the capacity. (Ahmad and Muslim e.t.c.)¹⁶

Elsewhere, Ash-Shawkani explains further in quoting Hadith of the Prophet in *FathulQadir*:

الحج مرة فمن زاد فهو تطوع

Hajj performance is once in lifetime. Whoever carries it out more than one, it is a voluntary act¹⁷.

The above tradition quoted by Ash-Shawkani as reported by different narrators and compilers of *Hadith* had established the obligation of *Hajj* for whoever has the capacity and at least once in life time.

In *Umdat Sālik*, it is submitted that *Hajj* operation is only compulsory on a Muslim who is mature, intelligent, free person not a slave and has the capacity both financially and otherwise to withstand it involvements.¹⁸ Ash-Shawkani discusses each of the essential elements of *Hajj* briefly in his *Tafsir*. He starts his discourse with [°]Arafat, which according to *Shari[°]ah* every pilgrims must stand on the plain of [°]Arafat for their *Hajj* to be perfected and completed. Ash-Shawkani writes further on the importance and significance of [°]Arafat thus:

إن آدم النقي هو وحواء فيها فتعارفا وقيل غير ذلك قال ابن عطية : والظاهر أنه اسم مرتجل كسائر أسماء البقاع واستدل بالآية على وجوب الوقوف بعرفة لأن الإفاضة لا تكون إلا بعده¹⁹

It is a place where Adam and Hawa' met to recognise each other (after a long time of separation). Some other scholars have given variant opinions. According to Ibn ^CAtiyyah, it is a derivation name just like the name of other places of importance in *Hajj* operation. The verse therefore points to compulsion of standing on the plain of Arafat because it is followed by terminal circumambulation.

To this end, in line with the Hadith of the prophet which reads:

الحج عرفة

*Hajj is Arafat*²⁰

It is therefore an essential aspect of *Hajj* operation without which one has forfeited the reward of the important religious rites.

Another essential aspect of *Hajj* operation discussed by Ash-Shawkani in his work is *Sa'y* (Jogging between the *Safa* and *Marwah*) as stated by Allah thus:

إِنَّ الصَّفَا وَالْمَرْوَةَ مِنْ شَعَائِرِ اللَّهِ فَمَنْ حَجَّ الْبَيْتَ أَوْ اعْتَمَرَ فَلَا جُنَاحَ عَلَيْهِ أَنْ يَطَّوَّفَ بِهِمَا

Behold! *Safa* and *Marwah* are among the Symbols of Allah. So if those who visit. TheHouse for Hajj or Umrah Should Circumambulate them.....(Q.2:258)

Ash-Shawkani explains further by tracing the etymological origin of both spots (*Safa* and *Marwah*), before giving explanations on how to go about their operation. Imam Shawkani writes:

الحجر الأملس وهو هنا علم لجبل من جبال مكة معروف وكذلك { المروة } علم لجبل بمكة معروف

(*Safa* grammatically originates from) the sleek rock. But in this context it is the proper name of a popular mountain in *Makkah*. So also, *Marwa* is named after a popular mountain in *Makkah*.²¹

Having presented the etymological origin of the two places, As-Shawkani writes further:

من أعلام مناسكه...مواضع العبادة التي أشعرها الله إعلاما للناس من
الموقف والسعي والمنحر ومنه

(*Safa*) is one of the signs of *Hajj* rites. (In other word), it is a place of religious rite Allah has symbolized for mankind . Other Are standing (on the plain of Arafat), jogging (between *Safah* and *Marwah*), and to offer sacrificial animal.²²

They are therefore an essential aspect of *Hajj* that must not be over looked by the pilgrims. Ash-Shawkani submits further giving the narration (Hadith) from the tradition of the Prophet where Allah's Apostle was seen jogging between the *Safa* and *Marwa*. Imam Ash-Shawkani then said:

إن الله كتب عليكم السعي فاسعوا

Allah has indeed, prescribed *Sa'y* for you the jog (between *Safah* and *Marwah*)²³

It is therefore an integral aspect of *Hajj* which is enjoined on a pilgrims.

Tawāf (circumambulation of *Ka'abah*) is another essential aspect of *Hajj* operation. The pilgrims are expected to do this time without number. However, Imam Shawkani in his *Tafsir* does not put much stress on it. He mentions it when he was explaining chapter 22 (*Surat 'l-Hajj*) verse 29 of the Glorious Qur'an where Allah says:

وليطوفوا بالبيت العتيق

.....and circumambulate the Ancient House *Ka'abah* (Q.22:29)

Ash-Shawkani explains the above verse by enumerating what constitutes the *Hajj* rites, as reported on the authority of Ibn Abbas, as follows:

حلق الرأس...ونتف الإبط وحلق العانة والوقوف بعرفة والسعي بين الصفا
والمروة ورمي الجمار وقص الأظفار وقص الشارب والذبح والطواف

(The Hajj rites that pilgrims must carry out includes:) shaving of the head, the pubic and private hairs, standing on the plain of Arafat, juggling between *Safa* and *Marwah*, throwing of pebbles, clipping of nails, and mustaches, slaughtering of animal and circumambulation of *Ka'abah*²⁴

These are important rites that every pilgrim must not downplay unless with cogent reasons. He briefly refers to *Tawwaf* in the above verse as *Ifadah*, (concluding *Tawaf*) which takes place after ^cArafat day and marking the signing out from the *Hajj* operation.²⁵ *Ihram*, the wearing of white garment is another aspect that As-Shawkani discusses in his *Tafsir*. Every pilgrim wears this garment as soon as the Hajj operation begins and must not off it until the completion of the entire exercise. Ash-Shawkani discusses *Ihram* while explaining this verse, where Allah says:

الْحَجُّ أَشْهُرٌ مَعْلُومَاتٌ فَمَنْ فَرَضَ فِيهِنَّ الْحَجَّ

For Hajj are the months well-known. If any one undertakes that duty therein (Q.2:197)

Ash-Shawkani explains this verse vis-à-vis preparation for *Hajj* by saying. *Ihram* marks the commencement of *Hajj* operation hence it must not be put on unless the months of *Hajj* has approached. He writes:

لا يجوز الإحرام بالحج قبل أشهر الحج

It is not permissible to wear *Ihram* (for Hajj operation before the appearance of the crescents of the months of Hajj).²⁶

The situation in the above could be likened to one who starts *Salat* before its proper time.²⁰ Therefore, the *Ihram* meant for *Hajj* prior to its period, should be deferred to its time especially where one intends *Ifrad*. Otherwise, one intends *Hajj* operation alone.²⁷ where one can bear it to put it on for the whole period of the exercise, that is the three months that are slated for Hajj operation.

In the same token, Ash-Shawkani recognizes the instance of *Tamat'u* and *Qiran*²⁸ where both *Hajj* and ^c*Umrah* are joined together. Therefore, *Ihram* which is specifically meant for *Hajj* operation is only put on during the month of Hajj, starting from *Shawwal*, the

tenth (10th) month of the lunar year till the first ten (10) days of *Dhul-Hijjah*. It can therefore only be put off, three days after the *‘ild* days which marks the completion of the *Hajj* operation.²⁹

Conditions for Hajj and its Relevance to the Contemporary time

وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا

Pilgrimage thereto is a duty men owe to Allah,- those who can afford the journey (Q.3:97)

Al-Jazairi in his work is unequivocal while submitting that one of the essential conditions of *Hajj* is capability, which entails both physical (health) and financial fulfillments. It is therefore, not duty bond on an incapacitated person.³⁰ He remarks that scholars have expressed divergent opinions on what constitutes the capability of an individual before he/she can embark on Hajj operation. He writes that in the view of Abu Hanifah and Hambali, it entails the ability to cater for domestic provisions for himself, the family and all primary obligations on him. It also includes the traveling fairs and safety of route to Makkah, be it by trekking or riding.³¹ The scholars of Maliki school submit that once it is possible for one to get to Makkah without an unbearable stress, regardless of whether or not one treks or rides, one has fulfilled the conditions for *Hajj* and the journey should be embarked on as soon as one can. He did not mince words in stating that capability does not entail provision for feeding either for one self or those that one is obliged to cater for.³²

The school of Shafi‘i submits that capability is of two kinds. It is either by one self or by someone else, who wishes to take charge of its involvements. Then one has fulfilled the conditions for *Hajj*.³³ Imam Shawkani submits his opinion attempting to summarize the above views of the scholars. He writes:

اختلف أهل العلم في الاستطاعة ماذا هي ؟ فقيل : الزاد والراحلة وإليه ذهب جماعة من الصحابة.... قال مالك : إن الرجل إذا وثق بقوته لزمه الحج وإن لم يكن له زاد وراحلة إذا كان يقدر على التكسب وبه... قال الضحاك : إن كان شابا قويا صحيحا وليس له مال فعليه أن يؤاجر نفسه حتى يقضي حجه

Scholars differ on what constitutes capability (of man to perform Hajj). To some, it covers provision for feeding and safety of the route to Makkah. He says this is the opinion of

most companions of the Prophet. Maliki said: Once a man is sure of his capacity physically, Hajj is obligatory on him, even if he lacks the provision and the means of getting to Makkah provided he can work on his way to keep himself up...Dahaq says: if he is a capable youth without money, he should be working till he can fulfill the obligation of *Hajj*.³⁴

Ash-Shawkani therefore has displayed a high sense of scholarship by demonstrating the view he aligns himself with, which is the view of Imam Maliki. He points out that scholars generally have agreed unanimously that safe route to Makkah is paramount and that where the safety is not guaranteed, then one is incapacitated.³⁵

The Status of Hajj and Its merits according to Ash- Shawkani

The position of Hajj in Islam could not be over emphasized. As an obligatory pillars, it has a significant status and offered so many advantages to the Muslim faithful. In line with this assertion, Ash-Shawkani quoted the Hadith of Abu Hurayrah that:

"Hajj is one of the best deeds; Abu Hurayrah (R.A) narrated that the Messenger of Allah (SAW) had been asked:

Aisha (may Allah be pleased with her) narrated that she said: "O Messenger of Allah, we see fighting in the cause of Allah as the best deed; would not we fight?" the Prophet said: "But the accepted Hajj is better than fighting in the cause of Allah." [Reported by Al-Bukhari]

من أفضل لكنّ: قال نجاهد؟ أفلا العمل، أفضل الجهاد نرى: الله رسول يا: قلت البخاري مبرور³⁶ رواه حج الجهاد

"Which deed is the best?" whereupon he said: "Believing in Allah and His Messenger." It had been said: "Then what?" He replied: "fighting in the cause of Allah." It had been said: "Then what?" He replied: "An Accepted Hajj." [Reported by Bukari] '

Moreover, the Prophet (Peace of Allah be upon him) declared that the accepted Hajj has no any other reward than Paradise. Abu Hurayrah (may Allah be pleased with him) narrated that the Messenger of Allah (peace of Allah be upon him) said:

(العمرة إلى العمرة كفارة لما بينهما، والحج المبرور ليس له جزاء إلا الجنة)³⁷ متفق عليه

"The 'Umrah is expiation for the sins committed between it and the next 'Umrah, and Hajj which is accepted will receive no other reward than Paradise." [Agreed upon]

If the person who performs Hajj did not have sexual relation (with his wife) or commit a sin during Hajj, he would be purified from his sins and would return like his status at the day of his birth. Abu Hurayra (RA) narrated that he heard the Messenger of Allah (peace of Allah be upon him) says: "Whoever performs Hajj without having sexual relation (with his wife) or committing a sin (during Hajj) would return like his status at the day of his birth." [Agreed upon] Imam Ash Shawkani also quoted in his book titled Fathul-Qadir that Ibn Umar narrated that the Prophet (SAW) said:

وسألوه فأجابوه، دعاهم الله، وفد والمعتمر والحاج الله سبيل في الغزاي
الألباني³⁸ صححه ماجه، ابن فأعطاهم أخرج

"The person who goes to fight in the cause of Allah and the person who goes for performing Hajj and the person who goes for performing Umurah are the guests of Allah; He called them and they responded to His call, they asked Him and He gave them what they asked." [Reported by Ibn Majah, Authenticated by Al-Albani]

Moreover, Imam Ashawkani critically comments on the status and rewards in performing Hajj most especially if someone has the means either ability or capacity to partake in the exercise. He buttressed this point with the report of Ibn Mashood who said the Messenger of Allah said:

الكير ينفي كما والذنوب، الفقر ينفيان فإنهما والعمرة، الحج بين تابعوا
صحيح حسن الترمذي، رواه» للحجة وليس والفضة، والذهب الحديد خبث
الجنة³⁹ إلا ثواب المبرورة « غريب

Ibn Mas'ud (R.A) narrated that the Messenger of Allah (SAW) said: "Perform *Hajj* and 'Umura one after another

because they exterminate poverty and sins as are exterminates the gangue of iron, gold and silver. And *Hajj* which is accepted will receive no other reward than Paradise." [Reported by At-Tirmidhi, Hasan (good) Sahih (authentic) Ghareeb (strange)]

Scholars agreed upon the obligation of performing *Hajj* at least once in a life time; this is proved by texts from the Qur'an and Sunnah. For instance, Allah says:



In it are Signs Manifest; (for example), the station of Abraham; Whoever enters it attains security; Pilgrimage thereto is a duty men owe to Allah,- those who can afford the journey; but if any deny Faith, Allah stands not In need of any of His creatures.

On the above verse, Ash-Shawkani has discussed the Juristic polemic on the frequency of the performance of Hajj. Some scholars of Hambali and Maliki schools said it is obligatory to perform it once a person has a means to perform it.⁴⁰ They proofed their opinion with proofs including the saying of Almighty Allah in Qur;an 3:97 as stated above.

The Prophet was reported to have said ;

له يعرض ما يدري لا أحدكم فإن الحج إلى تعجلوا
وصححه ، (2869) برقم مسنده في أحمد الجامع أخرجه صحيح
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"Hurry to performing Hajj , because you do not know what might befall you" [Reported by Ahmed in his

Musnad (2869) and declared authentic by Al-Albany in Sahih Al-Jami' (2957)], (meaning the obligatory one).

Sa'eed Ibn Mansur reported in his Sunnah, and Al-Baihaqi also reported on the authority of Umar Ibn Al-Khattab that said: "I intended to send men to these countries to and those who did not perform Hajj, although having ability to perform it, and oblige them to pay *Jizya* (i.e. tribute). Indeed, they are not Muslims, they are not Muslims." ⁴²

However, Ahmad and Shaf'i and Hambali Scholars said that the obligation of Hajj is not at once; they said that it can be delayed from a year to another, because it had been enjoined in the sixth year of Hijrah, according to the opinion they hold, and the Prophet (SAW) postponed it till the tenth year without having an excuse.

Actually, the first opinion is stronger because of the meanings of the above mentioned Ahadith, although some of them have weakness (in their chains of transmission).

Hajj's conditions: Imam Ash-Shawkani said: As for the conditions of the obligation of Hajj and 'Umurah, they are five; Islam, freedom, consciousness, adulthood and having ability.

First: Islam: Hajj is not obligatory upon the non-Muslim, and it would not be accepted from him if he performed it; moreover, he should not be allowed to enter Makkah, ⁴³ because Allah Almighty says:

O ye who believe! truly the Pagans are unclean; so let them not, after This year of theirs, approach the sacred Mosque. and if ye fear poverty, soon will Allah enrich you, if He wills, out of His bounty, for Allah is All-knowing, All-wise.(Qur'an 9:27)

Therefore, it is not allowed for the infidel, because of any reason, to enter Makkah. However, the infidel will be accountable (in the Day of Judgment) for neglecting Hajj and all other acts of Islam, according to the most authentic opinion that is held by the scholars. Almighty Allah says: {Except those on the Right, (i.e. the pious true believers of Islâmic Monotheism) in Gardens (Paradise) they will ask one another About *Al-Mujrimûn* (polytheists, criminals, disbelievers), (And they will say to them): "What has caused you to enter Hell?" They will say: "We were not of those who used to offer the *Salât* (prayers), nor we used to feed *Al-Miskîn* (the poor); and we used to talk falsehood (all that which Allâh hated) with vain talkers"} 74:39-45

Second: Consciousness; Hajj is not obligatory upon an insane person, especially if the person is insane from puberty till death, not even if he is rich.

Abu Dawud reports in his Sunnah from Ali (R.A) that Allah's messenger (SAW) said " the pen is lifted from three: The one sleeping until he awakes, the child till he reaches adulthood and the insane till he comprehends"
Abu Dawud NO:4403.

Third: Adulthood; Hajj is not obligatory upon the person who has not reached the age of puberty. However, if performed it, his hajj would be sound, but it would not take the place of the obligatory Hajj.

أجر روادك نعم، قال؟ حج ألهذا! الله رسول يا: فقالت صبيا رفعت امرأة أن
مسلم⁴⁴

The Prophet (peace of Allah be upon him) said "Yes, and you will have a reward" to the woman who lifted up a boy to him and asked: "Would this child be credited with having performed the Hajj? Reported by Muslim

Based on the above quotation, a minor is not charged with the responsibility of Hajj but can be performed for the reward to be for parent. On this Ash-Shawkani says:

By the way, I would like to say that in the occasions of crowdedness where it is difficult to keep the kids in the state of Ihram and make them perform their rituals well, it is better not to make them perform Hajj or 'Umura, because this causes difficulties to the kids and their parents too. The parents may be diverted by the kids from performing their rituals well, and this may cause disconcertion to them. Actually, parents are not obliged to face this situation as long as Hajj is not obligatory upon the kids.

Fourth: Freedom; Hajj is not obligatory upon the slave, because he is preoccupied by serving his master; thereupon, he is not able to perform Hajj hence has an excuse.

Fifth: Having financial and physical ability; if the person has only financial ability, he could delegate someone to perform Hajj on his behalf.

فجعل ، خثعم من امرأة فجاءت ، وسلم عليه الله صلى الله رسول رديف الفضل كان
وجه يصرف وسلم عليه الله صلى النبي ، وجعل إليه وتنظر إليها ينظر الفضل
في على رواه عباده الله فريضة إن ، الله رسول يا :فقلت ، الآخر الشق إلى الفضل
في وذلك .نعم :قال .عنه أفأحج الراحلة، على يثبت لا كبيرا، شيخا أبي أدركت الحج
الوداع البخاري⁴⁵ حجة

Ibn 'Abbas (RA) narrated that Al-Fadl (his brother) was riding behind the Messenger of Allah and a woman from the tribe of Khath'am came and Al-Fadl looked at her and she looked at him too. The Prophet then turned Al-Fadl's face to the other side. So the woman said, "O Messenger of Allah, The obligation of Hajj enjoined by Allah on His devotees has become due on my father and he is old and weak, and he cannot sit on the Mount; may I perform Hajj on his behalf?" The Prophet replied, "Yes." That happened during Hajj Al-Wada' [Reported by Al-Bukhari].

Equally, he summarizes his submissions stating that provision for oneself, and the discharge of responsibilities and obligations on one are not compromiseable before one can be qualified for *Hajj* operation. He did not stop till he mentions sound health and easy means either by trekking or riding depending on the time and distance as part of the capability of Hajj and should not be jettisoned. Whoever lacks any of these is not qualified and has not fulfilled the conditions for Hajj.⁴⁶ This view was also upheld by B.O Yusuf⁴⁷ Ash-Shawkani finally warns that one should not preventively ignoring Hajj operations. That whoever does that is a *kafir* (Infidel). It is one of the pillars of Islam, hence if one is qualified, then it be carried out to complete the five pillars that Islam is built upon.⁴⁸

Conclusion

From the Ash-Shawkani's exegetical views discussed so far in this paper, definition of Hajj and its rites have been examined. His definition of Hajj considers it as the offering of specific rites in specific places and period as legislated by Allah. It was emphasized also that Hajj is only compulsory once in life time. Moreover, the rites of Hajj as identified in this paper were described by Ash-Shawkani as essential aspects of Hajj which every pilgrim must not overlook.

Furthermore, the conditions of Hajj as explained by Ash-Shawkani are Islam, freedom, sanity, adulthood and having ability. Thus, it implies that Hajj is not to be performed by non-Muslim. In addition, it is not compulsory on an insane, minor and slave. This is contrary to the position of Imam Maliki who opined that once a man is sure of his capacity, Hajj is obligatory on him. Even if he lacks the provision and means of getting to Makkah, Ash-Shawkani submitted, in line with other scholars, that provision for one self and his dependants should not be compromised before one can be qualified for Hajj operation. The stance of Ash-Shawkani in this respect indicates that he was objective in his exegesis of the Qur'an. However, Maliki scholars as stated by Ash-Shawkani asserted that the postponing of Hajj by someone who has means is not allowed. This view is correct, because of the Hadith, which reads; Someone should not postpone Hajj if there is a means.⁴⁹

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