

# VIEWPOINTS

## Haj is No Longer the Same Experience as in Earlier Times

*Mohammad Hashim Kamali\**

It may be said at the outset that in discussing haj related issues, one runs the risk of touching on public sensitivities as haj is part of the devotional aspects (*'ibadat*) of Islam and not as open to rational enquiry as are matters of concern to civil transactions (*mu'amalat*). That said, raising questions over haj management matters tangential to the substance of worship should not be a problem. Islam does not preclude religious matters from rational investigation in the spirit of healthy renewal and reform (*tajdid*). Earlier precedent confirms this when, for instance, the caliph 'Umar al-Khattab introduced the second call to prayer (*adhan*) on Fridays when the crowds attending congregational prayers in Madinah grew larger. Also his successor, caliph 'Uthman, edited the text of the Qur'an at a time when variations in its reading had cropped up due to differential Arabic dialects. He verified the standard text with the help of leading Companions and then ordered the existing copies of the Qur'an to be destroyed.

In earlier centuries, the number of haj pilgrims was small and traveled with slower traditional means of transport. These numbers have changed beyond comparison, exceeding two million annually. This also brings unprecedented challenges that call for fresh thinking and interpretation (*ijtihad*), some of which may not even require juridical *ijtihad* but only administrative and policy initiatives to make the haj crowds more manageable.

One issue is over the number of hajs that a person performs. Haj is a once in a life-time religious duty for Muslims "who can afford the journey" (Q. 3:97). But some affluent Muslims go to haj many times. Only the first instance fulfils the duty and the rest will count as supererogatory (*nawafil*). These individuals should restrain themselves and, better still, spend the money on charity that may relieve the sick and the invalid of their hardships. This will earn them rewards for giving space to others, as well as for their charitable donations. The haj authorities in Muslim countries are accordingly advised to take policy measures not to discourage persons from doing more than one haj. This will help reduce numbers to some extent.

Another point of concern is over the length of time the pilgrims take to perform the haj. Most pilgrims complete the haj in about six weeks, whereas others can do so in ten days or so. There may be different issues of expense and individual choices, but it should in principle be possible for the haj authorities in Muslim countries to take reasonable policy decisions. The length of stay may be reduced, for at least some categories of individuals and groups, to two or three weeks. This will also help reduce numbers and enable better management of the haj affairs.

Furthermore, experience shows that the number of applicants wishing to go to haj, from almost every Muslim country, is much larger than their allocated quotas. When political leaders from different countries meet with Saudi leaders, they often request an increase in their haj quotas. Saudi leaders are thus placed in an awkward position. Barring justified exceptions, requests of this kind should also be minimised and collective policy measures taken to observe the existing quotas. This will also help keep the numbers under control.

What is the haj period and is there scope for fresh interpretation? The Qur'an refers to the haj period as 'months well-known' (*ashhurun ma'lumat*), within which the haj must be completed (2:197). The text has not specified the precise meaning of the "months well known," but they were specified based on ijtiḥad. The first and typical response, which is commonly adopted, is that the phrase refers to the two complete months of Shawal and Dhi'l-Qa'dah and ten days of Dhi'l-Hajjah. This is the position of the majority of the four *madhhabs* (Shafi'i, Hanafi, Maliki and Hanbali), the four renowned Abd Allahs among the Companions (Abd Allah b. 'Umar, Abd Allah b. Abbas, Abd Allah b. al-Zubayr, and Abd Allah b. Amr b. al-Aas), and many others.

The second response given is that the haj period includes all three months, (that is, inclusive of the whole of Dhi'l-Hajjah), which is the view of Imam Malik and, according to alternative reports, of the Companions Abd Allah b. Amr b. al-Aas, Abd Allah b. Abbas, Abd Allah b. Masud, and many others.

This second response is preferable and sound, for the Qur'an refers to the haj months as "*ashhurun ma'lumat*," which correctly subsumes three months, and not as it were, "*sharayn ma'lumayn*," which would mean two months. So anyone who reaches Mecca in a state of *Ihram* (lit. abstinence - from certain activities) and performs the *wuquf* in Arafah, *tawaf* of the Ka'bah, and *sa'y* between Safa and Marwa - known to be the haj essentials - any time during these three months, his haj is valid. This was also the practice during the Prophet's lifetime.

The theory of ijtiḥad is explicit on the point that when different rulings of ijtiḥad exist over the same issue, the one that addresses present realities should be preferred. The second of the two views is evidently more suitable to address current reality – and should be adopted. This would further ease the congestion caused by the shorter haj period.

**Notes**

- \* *Mohammad Hashim Kamali* is the Founding CEO of IAIS Malaysia. He can be contacted at: [ceo@iais.org.my](mailto:ceo@iais.org.my).