

Answers to Questions

1- The Time for the Pilgrim to Stone the Jamarat

2- Sacrifice of Fattened Calves

3- The Ruling on Sacrificing Birds

To: Ameer Torman, Amjad At-Ta'amri, Haitham Abu Shikaidim, Noman Almur

(Translated)

The first question: The Time for the Pilgrim to Stone the Jamarat

Question by Ameer Torman

Assalam Alaikum Wa Rahmatullah Wa Barakatuh

How are you, our Ameer? I ask Allah that you are well and in good health, and I also ask Allah Almighty to open doors to you and let goodness flow through your hands, Ameen. Allah willing, I intend to perform the Hajj this year, and I have a question. Regarding stoning the Jamarat, there are those who stone the first time before midnight and remain in the place after midnight and stone the second time. I believe that this is wrong. I believe that the pilgrim should stone before sunset that day. Then he waits after sunset to stone the second time, since the day ends with sunset. Is this correct?

May Allah bless you and direct your steps to the truth.

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh

First of all, I pray to Allah (swt) to make your path easy, facilitate your affairs, and grant you an accepted and Mabroor Hajj, and that Allah (swt) will forgive you through it.

I advise you, before embarking on Hajj, to study its rulings carefully. There are many books that talk about the rulings of Hajj, and there are comprehensive lessons and explanations by some scholars about Hajj and its rulings, accompanied by pictures and explanations... You can also refer to specialists during Hajj to ask about what is troubling you, and there are many of them. And here is the answer to your question:

1- **Throwing stones is on the Day of Sacrifice**, the tenth of Dhul-Hijjah, is the first day of the Eid. It also occurs on the three days of al-Tashreeq, i.e. the eleventh, twelfth, and thirteen of Dhul-Hijjah, which are the second, third, and fourth days of the Eid... and stoning on the thirteenth day of Dhul-Hijjah, the fourth day of Eid, is for someone who is not in a hurry. As for someone who is in a hurry, he should stone it on the day of Eid and on the two days after it of the days of Tashreeq, which are the eleventh and twelfth of Dhul-Hijjah.

2- **As for the beginning and end of the stoning (the Jamarat), what I see as most likely (and I say most likely because there are other opinions) is the following:**

a- **The beginning of the throwing**

On the day of Eid, stoning is only by throwing seven pebbles at Jamrat Al-Aqaba Al-Kubra alone, and nothing else is thrown. It is best time of stoning it is at Dhuha time (forenoon) on the Day of Sacrifice (An-Nahr), following the example of the Messenger (saw). Bukhari narrated in his Sahih on the authority of Jabir, may Allah be pleased with him, who said: «رَمَى النَّبِيُّ ﷺ يَوْمَ النَّحْرِ: «The Prophet (saw) threw pebbles at the *jamra* on the day of sacrifice in the forenoon, and next when the sun had passed the meridian”.

And in Muslim's narration: «رَمَى رَسُولُ اللَّهِ ﷺ الْجَمْرَةَ يَوْمَ النَّحْرِ ضُحَى وَأَمَّا بَعْدُ فَإِذَا زَالَتْ الشَّمْسُ» “The Messenger of Allah (saw) stoned the Jamarat on the day of sacrifice, in the forenoon,

after that when the sun had passed the meridian.” Al-Tirmidhi narrated it in his Sunan, that Ibn Abbas said, «أَنَّ النَّبِيَّ ﷺ قَدَّمَ ضَعْفَةَ أَهْلِهِ وَقَالَ لَا تَرْمُوا الْجَمْرَةَ حَتَّى تَطْلُعَ الشَّمْسُ» “The Prophet advanced the weak among his family and he said: ‘Do not stone the Jamrah until the sun has risen.’” Abu Issa said the Hadith of Ibn Abbas is a hasan and authentic Hadith.

- As for the three days of al-Tashreeq, what I see most likely regarding the beginning of the stoning is that the stoning begins after noon, for the following:

Bukhari narrated in his Sahih on the authority of Jabir, may Allah be pleased with him, who said: «رَمَى النَّبِيُّ ﷺ يَوْمَ النَّحْرِ ضَخَى وَرَمَى بَعْدَ ذَلِكَ بَعْدَ الزُّوَالِ» “The Prophet (saw) threw pebbles at the jamra on the day of sacrifice in the forenoon, and next when the sun had passed the meridian”. In Muslim’s narration: «رَمَى رَسُولُ اللَّهِ ﷺ الْجَمْرَةَ يَوْمَ النَّحْرِ ضَخَى وَأَمَّا بَعْدَ فَإِذَا زَالَتْ الشَّمْسُ» “The Messenger of Allah (saw) stoned the Jamarat on the day of sacrifice, in the forenoon, after that when the sun had passed the meridian.” In the Sunan of Abu Dawud, he narrates on the authority of Aisha (ra), She said: «أَفَاضَ رَسُولُ اللَّهِ ﷺ مِنْ آخِرِ يَوْمِهِ حِينَ صَلَّى الظُّهْرَ ثُمَّ رَجَعَ إِلَى مَنْى فَمَكَثَ بِهَا لَيْلِي أَيَّامَ النَّشْرِ إِذَا زَالَتْ الشَّمْسُ كُلَّ جَمْرَةٍ بِسَبْعِ حَصِيَّاتٍ يُكَبِّرُ مَعَ كُلِّ حَصَاةٍ وَيَقِفُ عِنْدَ الْأُولَى وَالثَّانِيَةِ فَيَطِيلُ «that Allah’s messenger hastened to Mecca at the ending of the day when he prayed the noon prayer. He then returned to Mina and remained there over the nights of the. tashriq days. He would throw pebbles at the jamra when the sun passed the meridian, throwing seven at each jamra and saying “Allah is most Great” with each pebble. He would stand a long time at the first and second and make supplication, but while he threw pebbles at the third, he did not stand beside it”.

- It was mentioned in Al-Mughni by Ibn Qudamah (3/399) - chapter, throwing the stone on the day of An-Nafr before noon and on the days of Tashreeq after noon:

[Chapter (2569): He should not throw the stones on the days of Tashreeq except after noon, so if he stoned before noon he should repeat it. This was stipulated. This was narrated on the authority of Ibn Umar. This is what Malik, Al-Thawri, Al-Shafi’i, Ishaq, and the people of opinion said. It was narrated on the authority of Al-Hasan and Ata’, except Ishaq and the people of opinion permitted throwing on the day of An-Nafr before noon, and they do not depart until after noon.

According to us, the Prophet (saw) only threw the stone after noon. According to the words of Aisha (ra): He stones the Jamarat when the sun has passed the zenith. And Jabir said, describing the Prophet’s Hajj (saw): I saw the Messenger of Allah (saw) stone the Jamarat in the forenoon of the Day of An-Nahr, and he stoned it after that after noon. The Prophet (saw) said: «خُونُوا عَنِّي مَنَاسِكَكُمْ» “Take your rituals from me.” Ibn Omar said: We used to wait for a while and when the sun had passed (the meridian), we would throw the stones. Any time he throws the stone after noon is sufficient, however it is recommended to hasten to do it at noon, as Ibn Umar said. “Ibn Abbas said that the Messenger of Allah (saw) used to stone the Jamarat when the sun had passed the zenith, to the extent that, as soon as finished throwing them, he would pray the noon (Dhuhr) prayer.” Narrated by Ibn Majah] End.

b- As for the end of the throwing time, what I see is most likely is the following

- The time for stoning Jamarat al-Aqaba continues from the sun (Dhuha) of the Day of An-Nahr (Sacrifice) (the first day of Eid) until dawn on the second day of Eid. This is because the Prophet (saw) approved stoning at night. Bukhari narrated in his Sahih [on the authority of Ibn Abbas (ra) who said: The Prophet (saw) was asked on the Day of An-Nahr (Sacrifice) at Mina, and he said: «لَا حَرَجَ» “There is no harm.” A man asked him, and he said: «أَنْبَحُ وَلَا حَرَجَ» “I shaved before I slaughtered.” He (saw) said: “Slaughter, and there is no harm.” And he said: I threw a stone after the evening, and He (saw) said: «لَا حَرَجَ» “no harm.” Likewise, Al-Tabarani narrated in Al-Mu’jam Al-Kabir on the authority of Ata’, on the authority of Ibn Abbas, that the Messenger of Allah (saw), permitted the shepherds to throw at night.] And the night ends with the onset of dawn.

- As for the last time for throwing the stone during the days of Tashreeq, it is the dawn of the following day, based on what we have previously mentioned, and what Bukhari narrated in his Sahih on the authority of Ibn Abbas, may Allah be pleased with them both, who said: The

Prophet (saw) was asked about the Day of Sacrifice in Mina, and he said: «لَا حَرَجَ» “**There is no harm**”. A man asked him (saw), «أَدْبَحَ وَلَا حَرَجَ» “**I shaved before I slaughtered.**” He (saw) said: «لَا حَرَجَ» “**Sacrifice and there is no harm.**” He said: “I threw stones after the evening.” He said: “There is no harm.” The night ends with the arrival of dawn.

c- An exception to this is the third day of the Eid for the one who is in a hurry, so the last time for stoning the Jamarat is before sunset, so that the fourth day of the Eid does not begin with the sunset of the third day while he is still in Mina, because the fourth day starts while he is in Mina and he did not leave it, then he must remain in Mina until the fourth day. The fourth day of Eid is also excluded, as the last time for stoning of Jamarat is before sunset because it is the last day for stoning the Jamarat.

3- Based on what is explained above, the scenarios mentioned in your question do not apply. You said: (With regard to stoning the Jamarat, there are those who stone the first time before midnight and remain in the place after midnight and stone the second time. I believe that that is wrong, I believe that the pilgrim should stone before sunset that day. Then he waits after sunset to stone the second time, since the day ends with sunset. Is this correct?), and it is clear that you mean stoning on the days of al-Tashreeq.

a- The first scenario according to you is that he stones it before midnight on the eleventh of Dhul-Hijjah on the first day of al-Tashreeq, and this throwing of the stone is valid, but throwing it after midnight on the eleventh of Dhul-Hijjah on the twelfth of Dhul-Hijjah is incorrect because it is before noon on the twelfth of Dhul-Hijjah... and the same thing goes for the rest of the days of al-Tashreeq

b- The second scenario according to you is that he throws the stone before sunset on the eleventh of Dhul-Hijjah on the first day of Tashreeq, and this is correct, but throwing it after sunset on the eleventh of Dhul-Hijjah for the twelfth of Dhul-Hijjah is incorrect because it is before sunrise on the twelfth of Dhul-Hijjah. Al-Hujjah... and the same goes for all the days of al-Tashreeq

Accordingly, the last time for stoning the Jamarat on the Day of An-Nahr (Sacrifice) and the Days of Tashreeq is as we explained in clause (2-b) above.

I hope the matter has become clear now.

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The second question: Sacrificing fattened calves

Amjad Al-Ta'amri's question

Our dear Ameer, Assalam Alaikum Wa Rahmatullah Wa Barakatuh. I ask Allah to grant you good health and well-being

My question: Are fattened calves acceptable for sacrifice if they are less than two years old?

Question: Haitham Abu Shikhaidim

Assalam Alaikum

Is it permissible to sacrifice fattened calves that are less than two years old?

Answer:

Both of your questions are on the same subject, and here is the answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh

1- The sacrifice is an act of worship, and the Messenger, (saw) explained its terms and conditions. Among the conditions for the sacrifice is its age. The Messenger of Allah (saw) said: «لَا تَذْبَحُوا إِلَّا مُسِنَّةً، إِلَّا أَنْ يَعْسَرَ عَلَيْكُمْ، فَتَذْبَحُوا جَذَاعَةَ مِنَ الضَّأْنِ» “**Sacrifice only a full-grown animal unless it is difficult for you, in which case sacrifice a she-lamb.**” [Narrated by Muslim]. The grown-animal of cows is two years old or over. The statement that it is unanimously agreed upon by

scholars that the sacrifice of cows is valid for those who are less than two years old if they are fat and have a lot of meat is an incorrect statement. No one said that it is permissible to sacrifice cows that are less than two years old if they have a lot of meat except a few of the fatwa givers in this era, and their fatwas are contrary to the evidence, and to what is approved of the sayings of the scholars of the righteous predecessors.

The legal shares and amounts in Shariah are legal shares and amounts have no 'illah, so the shares or amount is taken into account without application of 'illah. The Hadith of the Messenger of Allah (saw), is clear: « لَا تَذْبُحُوا إِلَّا مُسِنَّةً » **“Sacrifice only a full- grown animal”**, the old cow refers to what has reached two years of age and entered the third year. The prohibition here is a strict prohibition, and the indication (Qareena) of decisiveness is clear in the text, and it is the exception to the poor whom it is made permissible to have a jadha'ah of lamb, and a jadha'ah of lamb has completed six months.

Slaughtering the sacrifice is an act of worship, it is a suspensive (tawqeefiyah) act of worship, like the rest of the acts of worship. It is performed according to its conditions and reasons, which are stated by the Shariah. These conditions do not have 'illah, and the sacrifice is not valid except according to them.

2- In “Mafahim” (Concepts of Hizb ut Tahrir) Arabic p 34 it states: (The Islamic systems are composed of AHkam Shari'ah related to 'ibadat, morals, foodstuffs, clothing, mu'amalat (transactions) and penal code. The divine rules related to 'ibadat, morals, food-stuffs, and clothing cannot be reasoned by 'illah (legal reason). The Messenger (saw) said: « حُرِّمَتِ الْخَمْرَةُ لِعَيْتِهَا » **“Wine (khamr) was forbidden for itself.”** However the AHkam Shara 'iah related to transactions and penal code are reasoned by an 'illah. This is because the Hukm Shar'ai in these matters are built upon an 'illah, which is the reason for legislating the rule. Many people have become used to justifying all the Sharee'ah rules according to benefit (maslaHah), because they are influenced by the Western ideology and Western culture, which views benefit alone as a criterion for actions. Such an understanding contradicts the Islamic intellectual leadership which considers spirit as the basis for all actions; and makes the mixing of the spirit with the material the regulator of all actions. The AHkam Sharai'ah related to 'ibadat, morals, foodstuffs, and clothing are absolutely not reasoned, since there is no 'illah for these rules. They should be taken as they came in the text and should not be based upon an 'illah. Prayer (Salaah), fasting (Sawm), the Haj, zakaah, the method of praying the Salaah and the number of its rak'af, the rites of Haj and the minimum amount of property liable to payment of zakaah (nisaab of zakaah) and the like, should be taken, accepted and submitted to as they came in the text (tawqeefiyah) and no 'illah is sought for them...)

Thus, it is not permissible to exceed the age of the sacrifice, whether the calf is very fat or not old, since the text mentioned the age without any 'illah, so it is binding.

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The third question: The ruling on sacrificing birds

Question by: Noman Almur

Assalam Alaikum

What is the ruling on sacrificing birds... knowing that there are statements attributed to our master Bilal about sacrificing a rooster?

Answer:

Wa Alaikum Assalam Wa Rahmatiullah Wa Barakatuh

First: The sacrifice is a ritual and rite of Islam. It should be performed in accordance to what is stated in the Shariah evidence without deviating from it. By following the relevant Shariah evidence, the following becomes clear:

1- The Noble Qur'an mentioned the ritual in connection with livestock, in Allah's saving: «وَلِكُلِّ أُمَّةٍ جَعَلْنَا مَنْسَكًا لِيَذْكُرُوا اسْمَ اللَّهِ عَلَىٰ مَا رَزَقَهُمْ مِنْ بَهِيمَةِ الْأَنْعَامِ» **“And for every [religious] community**

We have appointed a rite [of sacrifice] that they may mention the name of Allah over what He has provided for them of [sacrificial] animals” [Al-Hajj: 34]. The interpretation of this noble verse in Tafsir Al-Qurtubi stated the following:

[Tafsir Al-Qurtubi (12/580

Allah (swt) says: ﴿وَلِكُلِّ أُمَّةٍ جَعَلْنَا مَنْسَكًا لِيذْكُرُوا اسْمَ اللَّهِ عَلَىٰ مَا رَزَقَهُمْ مِّنْ بَهِيمَةِ الْأَنْعَامِ فَإِلَهُمْ إِلَهٌ وَاحِدٌ فَلَهُ أَسْلِمُوا﴾ **“And for every [religious] community We have appointed a rite [of sacrifice]¹ that they may mention the name of Allāh over what He has provided for them of [sacrificial] animals. For your god is one God, so to Him submit. And, [O Muḥammad], give good tidings to the humble [before their Lord]”** [Al-Hajj: 34] Allah’s saying: ﴿وَلِكُلِّ أُمَّةٍ جَعَلْنَا مَنْسَكًا﴾ **“And for every nation We have made a ritual”** when Allah (swt) mentioned sacrifices, He made it clear that no nation was devoid of them, and the nation is the people gathered together according to one doctrine, i.e. for every group of believers, we have appointed a ritual. The ritual is slaughter and bloodshed, Mujahid said this. It is said that a ritual is if one slaughters a sacrifice, he performs it as a ritual. The sacrifice is a ritual sacrifice (*nasika*), and its plural is *nusuk* which includes the Allah’s (swt) saying: ﴿أَوْ صَدَقَةٍ أَوْ نُسُكٍ﴾ **“Or charity or sacrifice ritual”** and ritual also means obedience. Al-Azhari said regarding the Almighty’s saying: ﴿وَلِكُلِّ أُمَّةٍ جَعَلْنَا مَنْسَكًا﴾ **“And for every nation We have made a sacrifice ritual”**: It indicates the place of slaughter here. He meant the place of the sacrifice ritual. It is said: Munsak and Munsik, in two languages, and it was read in both. The Kufans, except for Asim, recited it with the kasra of the *sīn*, the rest with the *fatḥa*. Al-Farra said: The ritual (*mansak*) in Arab speech is the usual place for good or evil. It was said that the rituals of Hajj are due to people returning to them, such as standing at Arafat, throwing stones on Jamarat, and sa’i. Ibn Arafat said regarding Allah’s saying: ﴿وَلِكُلِّ أُمَّةٍ جَعَلْنَا مَنْسَكًا﴾ **“And for every nation We have made a ritual”**: that is, a doctrine of obedience to Allah (swt). It is said: He performed a ritual like the ritual of his people if he followed their doctrine. It was said: a ritual festival, Al-Farra said this. It was said: Hajj, Qatada said this.

The first saying is more apparent, due to the Allah’s saying: ﴿لِيذْكُرُوا اسْمَ اللَّهِ عَلَىٰ مَا رَزَقَهُمْ مِّنْ بَهِيمَةٍ﴾ **“That they may mention the name of Allah over what He has provided for them of the livestock,”** that is, over the slaughter of what He has provided for them. So Allah (swt) commanded that He (swt) should be mentioned when slaughtering and that the slaughter be done for him, because He has provided for that.] End

It is clear from this interpretation of the noble verse that the *nusuk* (ritual) is most likely involves slaughtering and of livestock. The verse implies that the *nusuk* and ritual are performed by slaughtering a livestock animal, that is, it indicates that what suffices for the ritual and *nusuk* is the slaughter of a livestock animal, and this applies to the sacrifice in terms of it being a ritual and *nusuk*.

2- All the Shariah texts that talk about the sacrifices offered by the Messenger (saw) as well as his honourable companions, was regarding the sacrifices were exclusively from livestock, for example.

- Bukhari narrated in his Saḥih on the authority of Anas bin Malik, may Allah be pleased with him, who said: «كَانَ النَّبِيُّ ﷺ يُضْحِي بِكَبْشَيْنِ وَأَنَا أُضْحِي بِكَبْشَيْنِ» **“The Prophet (saw) used to sacrifice two rams, and I would sacrifice two rams.”**

- Bukhari also narrated on the authority of Anas that the Messenger of Allah (saw), «انْكَفَأَ إِلَيَّ» **“Allah’s Messenger (ﷺ) came towards two horned rams having black and white colors and slaughtered them with his own hands”**.

- Also in Bukhari, on the authority of Aisha (ra) who said: «دَخَلَ عَلَيَّ رَسُولُ اللَّهِ ﷺ بِسَرَفٍ وَأَنَا أَبْكِي فَقَالَ: «مَا لَكَ أَنْفَسْتِ؟ قُلْتُ نَعَمْ، قَالَ: إِنَّ هَذَا أَمْرٌ كَتَبَهُ اللَّهُ عَلَىٰ بَنَاتِ آدَمَ فَأَقْضِي مَا يَقْضِي الْحَاجُّ غَيْرَ أَنْ لَا تَطُوفِي بِالْبَيْتِ. قَالَتْ وَضَحَىٰ عَنْ نِسَائِهِ بِالْبَقَرِ» **“Allah’s Messenger (ﷺ) entered upon me at Sarif while I was weeping (because I was afraid that I would not be able to perform the Hajj). He said, “What is wrong with you? Have you got your period?” I replied, “Yes.” He said, “This is a**

matter Allah has decreed for all the daughters of Adam, so perform the ceremonies of the Hajj as the pilgrims do, but do not perform the Tawaf around the Ka'ba." Allah's Messenger (ﷺ) slaughtered some cows as sacrifices on behalf of his wives."

- Muslim narrated in his Sahih on the authority of Aisha that the Messenger of Allah (saw): «أَمَرَ بِكَبْشٍ أَقْرَنَ بَطْأً فِي سَوَادٍ وَيَبْرُكُ فِي سَوَادٍ وَيَنْظُرُ فِي سَوَادٍ فَآتَى بِهِ لِيُضْحِيَ بِهِ فَقَالَ لَهَا يَا عَائِشَةُ هَلْمِي الْمُدِيَةَ ثُمَّ قَالَ اشْحَذِيهَا بِحَجَرٍ فَفَعَلْتُ ثُمَّ أَخَذَهَا وَأَخَذَ الْكَبْشَ فَأَضْجَعَهُ ثُمَّ ذَبَحَهُ ثُمَّ قَالَ بِاسْمِ اللَّهِ اللَّهُمَّ تَقَبَّلْ مِنْ مُحَمَّدٍ وَآلِ مُحَمَّدٍ وَمِنْ أُمَّةِ مُحَمَّدٍ ثُمَّ ضَحَى بِهِ» "He (saw) ordered a horned ram with black legs, a black belly and black round the eyes, and it was brought for him to sacrifice. He told 'A'isha to get the knife, and then told her to sharpen it with a stone. When she had done so he took it, then taking the ram he placed it on the ground and cut its throat. He then said, "In the name of God. O God, accept it from Muhammad, Muhammad's family and Muhammad's people." Then he sacrificed it".

- Tirmidhi narrated in his Sunan on the authority of Aisha that the Messenger of Allah (saw) said: «مَا عَمِلَ آدَمِيُّ مِنْ عَمَلٍ يَوْمَ النَّحْرِ أَحَبَّ إِلَى اللَّهِ مِنْ إِهْرَاقِ الدَّمِ إِنَّهَا لَتَأْتِي يَوْمَ الْقِيَامَةِ بِقُرُونِهَا وَأَشْعَارِهَا وَأَظْلَافِهَا وَأَنَّ الدَّمَ» "On the day of sacrifice no one does a deed more pleasing to Allah than the shedding of blood. The sacrifice will come on the day of resurrection with its horns, its hairs and its hoofs, and the blood finds acceptance with Allah before it falls on the ground, so be glad about it." He said, and on the authority of Imran bin Husayn and Zaid bin Arqam. Abu Issa said: This is a good (Hasan) and strange (Ghareeb) Hadith, we only know it from the Hadith of Hisham bin Urwa in this narration. Abu Al-Muthanna's name is Sulayman bin Yazid, and Ibn Abi Fudaik narrated from him, Abu Issa said, and it was narrated from the Messenger of Allah (saw), He said: «فِي الْأَضْحِيَّةِ لِصَاحِبِهَا بِكُلِّ شَعْرَةٍ حَسَنَةٌ» "For every hair of the sacrifice the person will receive a reward. It is narrated that also by its horns."

The fact that the sacrifice during the time of the Prophet (saw) was exclusively livestock. All of this indicates that it is not valid to sacrifice animals other than livestock.

3- The Shariah texts that were mentioned regarding the conditions for the sacrifice in terms of age, to whom it is permissible, in terms of the safety of the limbs, and so on, were all related to livestock animals, and no legal text was mentioned that set conditions for animals other than livestock, for example:

- Muslim narrated in his Sahih on the authority of Jabir, who said: The Messenger of Allah (saw) said: «لَا تَذْبُحُوا إِلَّا مُسِنَّةً إِلَّا أَنْ يَعْسُرَ عَلَيْكُمْ فَتَذْبُحُوا جَذْعَةً مِنَ الضَّأْنِ» "Sacrifice only a full-grown animal unless it is difficult for you, in which case sacrifice a she-lamb."

- Bukhari narrated in his Sahih on the authority of Al-Baraa bin Aazib, (ra), who said: «ضَحَى خَالَ لِي يُقَالُ لَهُ أَبُو بُرْدَةَ قَبْلَ الصَّلَاةِ فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: شَاتِكَ شَاءَ لَحْمٍ. فَقَالَ: يَا رَسُولَ اللَّهِ إِنَّ عُنْدِي ذَائِجًا جَذْعَةً مِنَ الْمَعَزِ، قَالَ: ادْبَحْهَا وَلَنْ تَصْلُحَ لغيرِكَ، ثُمَّ قَالَ: مَنْ ذَبَحَ قَبْلَ الصَّلَاةِ فَإِنَّمَا يَذْبَحُ لِنَفْسِهِ وَمَنْ ذَبَحَ بَعْدَ الصَّلَاةِ فَقَدْ تَمَّ نُسُكُهُ وَأَصَابَ سُنَّةَ الْمُسْلِمِينَ» "My maternal uncle Abu Burda sacrificed his animal before (Id) prayer. Thereupon Allah's Messenger (ﷺ) said: That is a goat (slaughtered for the sake of) flesh (and not as a sacrifice on the day of Adha). He said: I have a lamb of six months. Thereupon he said: Offer it as a sacrifice, but it will not justify for anyone except you, and then said: He who sacrificed (the animal) before (Eid) prayer, he in fact slaughtered it for his own self, and he who slaughtered after prayer, his ritual of sacrifice became complete and he in fact observed the religious practice of the Muslims."

- Muslim narrated in his Sahih on the authority of Jabir bin Abdullah, who said: «نَحَرْنَا مَعَ رَسُولِ اللَّهِ ﷺ هَكَذَا بِيَدِهِ وَيَدِي أَقْصَرَ مِنْ يَدِ رَسُولِ اللَّهِ ﷺ: «لَمْ نُضَحِّ بِبَدَنَةِ الْبَدَنَةِ عَنْ سَبْعَةٍ وَالْبَقَرَةَ عَنْ سَبْعَةٍ» "We sacrificed with the Messenger of Allah (saw) in the year of Hudaibiyah a camel for seven people and a cow for seven people."

- Al-Hakim mentioned in his Mustadrak a group of Hadiths regarding the characteristics of a valid sacrifice, as follows:

[I heard Ubaid bin Fayrouz say: I said to Al-Baraa (ra) tell me about the sacrifices that the Messenger of Allah (saw) disliked or forbade. He said: «فَقَالَ رَسُولُ اللَّهِ ﷺ هَكَذَا بِيَدِهِ وَيَدِي أَقْصَرَ مِنْ يَدِ رَسُولِ اللَّهِ ﷺ: «لَمْ نُضَحِّ بِبَدَنَةِ الْبَدَنَةِ عَنْ سَبْعَةٍ وَالْبَقَرَةَ عَنْ سَبْعَةٍ» "The Messenger of Allah (saw) disliked or forbade: «أَرْبَعٌ لَا يَجْزِينَ فِي الْأَضْحِيَّةِ: الْعَوْرَاءُ الْبَيْنُ عَوْرَهَا، وَالْمَرِيضَةُ الْبَيْنُ مَرَضُهَا، وَالْعَرَجَاءُ الْبَيْنُ عَرَجُهَا، وَالْكَسِيرُ الَّتِي لَا تَنْقَى.» "The Messenger of Allah (saw) disliked or forbade: «قَالَ: قُلْتُ فَإِنِّي أَكْرَهُ أَنْ يَكُونَ نَقْصٌ فِي الْأُذُنِ وَالْقَرْنِ. قَالَ: فَمَا كَرِهْتَ فَدَعُهُ، وَلَا تُحَرِّمَهُ عَلَى غَيْرِكَ»

Allah gestured like this with his hand, and my hands are shorter than the hand of the Messenger of Allah, (and he said). 'There are four that will not do as sacrifices: The animal that clearly has one bad eye: the sick animals that is obviously sick; the lame animal with an obvious limp; and the animal that is so emaciated that it is as if there is no marrow in its bones: He said: "And I dislike that the animal should have some fault in its horns or ears." He said: "What you dislike, forget about it, and do not make it forbidden to anyone."

This is an authentic Hadith, but it was not narrated due to the scarcity of narrations from Sulaiman ibn Abd al-Rahman. Ali ibn al-Madini demonstrated its virtues and mastery, and this Hadith has scattered evidence with authentic chains of transmission, and they did not narrate them including:

...On the authority of Ali (ra), that the Prophet of Allah (saw): «نَهَى أَنْ يُضَحَّى بِأَعْضَبِ الْقَرْنِ وَالْأُذُنِ» **“forbade sacrificing the animal with broken horns and ears.”** Qatada said, “I mentioned to Saeed bin Al-Musayyab, he said: what is considered broken is half or more.

Among them: ... I heard Ali (ra) say: The Messenger of Allah (saw): أمرنا رسول الله ﷺ أن نستشرف العين والأذن **“He (saw) commanded us to pay great attention to the eye and the ear.”**

Among them: ...that a man asked Ali (ra) about the cow, and he said it is for seven (people). Al-Qarn said: limping said: When the rituals have been completed, he said: The Messenger of Allah (saw), commanded us to look out for the eye and the ear.”

And among them: “On the authority of Abu Hamid al-Ra’ini, who said: We were sitting next to Utbah bin Abd al-Sulami, and Yazid Dhu Misr al-Maqra’i came and said to Utbah: O Abu al-Walid, went out seeking sacrificial animals. I did not find anything which attracted me except an animal whose teeth have fallen. So I abominated it. What do you say (about it)? He said: Why did you not bring it to me? He said: Glory be to Allah: Is it lawful for you and not lawful for me? He said: Yes, you doubt and I do not doubt. The Messenger of Allah (ﷺ) has forbidden an animal whose ear has been uprooted so much so that its hole appears (outwardly), and an animal whose horn has broken from the root, and an animal which has totally lost the sight of its eye, and an animal which is so thin and weak that it cannot go with the herd, and an animal with a broken leg”] End.

a- All of these Hadiths talk about livestock animals, and there is no talk in them about any other animal or birds, they explain the general meaning contained in the Allah’s saying: ﴿فَصَلِّ لِرَبِّكَ وَأَنْحَرْ﴾ **“So pray to your Lord and sacrifice.”** So it is not valid to sacrifice other than livestock animals because they are not included in the explanation.

b- The requirement of age for a livestock animal and the requirement that it should be free from some defects means that whatever is from a livestock animal that does not meet these conditions is not valid for the sacrifice, so what about what is not a livestock animal for which no evidence has been provided?! That is, there has been evidence that sacrificial animals include livestock. However, if the conditions required by Shariah are not met, they are not acceptable, and this indicates that anything other than livestock is not acceptable, by stronger reason.

Secondly: As for what Ibn Hazm used as evidence for the permissibility of sacrificing anything other than livestock, it is not supported by evidence. It was stated in Ibn Hazm’s book Al-Muhalla in explaining his evidence on this issue as follows:

[The issue of sacrifice is permissible for every animal whose meat is eaten

- Question: The sacrifice is permissible for any animal whose meat can be eaten, including a quadruped, or a bird, such as a horse, a camel, a wild cow, a rooster, or any other birds and animals that are lawful to eat, and the best of all is the meat whose meat is good, plentiful, and expensive.

At the beginning of our discussion about the sacrifices, we mentioned Bilal’s saying: I would not care if I sacrificed a rooster, and on the authority of Ibn Abbas, in his purchase of meat for two dirhams, he said: This is the sacrifice of Ibn Abbas... and Al-Hasan bin Hayy allowed the sacrifice to be a wild cow for seven, and an elk or gazelle for one. Abu Hanifa and his

companions permitted the sacrifice of whatever the female cow had carried from the wild bull, and whatever the goat had carried from the deer. Malik said: It is only permissible for camels, cows, and sheep. Malik saw: The ewe, the goat, and the goat are better than camels and cows in the sacrifice. Abu Hanifa and Al-Shafi'i disagreed with him in that, and they saw that camels were better, then cows, then sheep, then goats - and we do not know of any evidence for this opinion. So we cite it at all, unless they claim consensus regarding its permissibility among these animals, and disagreement regarding others

This is incorrect, they object to what was authenticated about that from Bilal. It is not known that any one among the Companions, may Allah be pleased with them, who disagreed with him in this matter, this is according to them an evidence if he agrees with them.

.....

Abu Muhammad said: regarding what is referred to in the event of a dispute, it is what Allah (swt) obligated to be referred to, and we found the texts to bear witness to our statement: that the sacrifice is to draw closeness to Allah (swt). Drawing close to Allah (swt) with everything that neither the Qur'an nor the text of the Sunnah forbids - is good, Allah (swt) said: ﴿وَأَفْعَلُوا الْخَيْرَ لَعَلَّكُمْ تُفْلِحُونَ﴾ **“And do good, that you may succeed”** [Al-Hajj: 77]. And drawing near to Him (swt)- by what is not preventing from drawing near to Him by means of doing good.

On authority of Yunus bin Abdullah bin Mughith, from Ahmad bin Abdullah bin Abdul Rahim, from Ahmad bin Khaled, from Muhammad bin Abdul Salam Al-Khushani from Muhammad ibn Bashar Bundar, on the authority of Safwan ibn Issa, on the authority of Ibn Ajlan, on the authority of his father, on the authority of Abu Hurairah, he said: The Messenger of Allah (saw), said: **«مَثَلُ الْمُهِجِرِ إِلَى الْجُمُعَةِ كَمَثَلِ مَنْ يُهْدِي بَدَنَهُ، ثُمَّ كَمَنْ يُهْدِي بَقَرَةً، ثُمَّ كَمَنْ يُهْدِي بَيْضَةً.»** **“The one who comes early to Jumu'ah prayers is like one who sacrifices a camel, then like one who sacrifices a cow, then like one who sacrifices a sheep ...then like one who sacrifices an egg.”** It was narrated to us on the authority of Malik on the authority of Sumayy, Abu Bakar's servant, on the authority of Abu Salih Al-Samman, on the authority of Abu Hurairah, The Messenger of Allah (saw) said: **«مَنْ اغْتَسَلَ يَوْمَ الْجُمُعَةِ ثُمَّ رَاحَ فَكَأَنَّمَا قَرَّبَ بَدَنَهُ، وَمَنْ رَاحَ فِي السَّاعَةِ الثَّانِيَةِ فَكَأَنَّمَا قَرَّبَ بَقَرَةً، وَمَنْ رَاحَ فِي السَّاعَةِ الثَّلَاثَةِ فَكَأَنَّمَا قَرَّبَ كَبْشًا أَقْرَنَ، وَمَنْ رَاحَ فِي السَّاعَةِ الرَّابِعَةِ فَكَأَنَّمَا قَرَّبَ دَجَاجَةً، وَمَنْ رَاحَ فِي السَّاعَةِ الْخَامِسَةِ فَكَأَنَّمَا قَرَّبَ الْفَاكَةَ، وَمَنْ رَاحَ فِي السَّاعَةِ الْخَامِسَةِ فَكَأَنَّمَا قَرَّبَ بَيْضَةً.»** **“Whoever takes a bath (Ghusul) on Friday and then heads (to the mosque), it is as if he had offered the sacrifice of a camel, and whoever goes in the second hour, it is as if he sacrificed a cow, and whoever goes in the third hour, it is as if he sacrificed a horned ram, and whoever goes at the fourth hour, it is as if he sacrificed a chicken, and whoever goes at the fifth hour, it is as if he sacrificed an egg.”**

In these two Hadiths, the sacrifice of a hen and a bird, their sacrifice, and the sacrifice of an egg. The sacrifice is an offering without a doubt, and it also includes the superiority of the bigger and the bigger its form and benefit to the poor, and there is no objection to these two texts at all...] End.

1- As for Ibn Hazm's reasoning for making sacrifices with what is available in the sacrifices, it is not valid because the Shariah clarifies its ruling on what animal it should be, so it is not valid for the sacrifice to be made with anything other than what the Shariah has clarified. The evidence for the impermissibility of sacrificing anything other than livestock is that the Shariah clarified the general Shariah ruling regarding the sacrifice and stated clearly that the sacrifice is from livestock. It is not permissible to deviate from this Shariah statement because the general statement is binding in Shariah. Likewise, he used as evidence the Hadith of the virtue of going early for Friday prayer, it is not specific to the ritual of sacrifice, but rather it is about getting closer to Allah through charity, whatever it may be, and the evidence for that is the mention of the egg at the end of the hadith: **«وَمَنْ رَاحَ فِي السَّاعَةِ الْخَامِسَةِ فَكَأَنَّمَا قَرَّبَ بَيْضَةً.»** **“And whoever goes at the fifth hour, it is as if he had sacrificed an egg,”** and there is no doubt that the egg is not included in the sacrifices because in the sacrifice it is necessary to shed blood, and therefore this Hadith did not come to explain the rulings on the sacrifices, so it is not valid to use it as evidence for the issue of sacrifices.

2- As for his inference from what was reported on the authority of Bilal (ra), Ibn Hazm mentioned it in another place in Al-Muhalla in full, as follows: [And on the authority of Saeed bin Mansour, from Abu Al-Ahwas, from Imran bin Muslim, he is Al-Ju'fi - on the authority of Suwayd bin Ghafalla, he said: Bilal said to me: I would not care if I sacrificed a rooster, but if I take the price of the sacrifice and give it in charity to a needy person, it is more beloved to me than making a sacrifice.] It is also a misplaced inference This is because the words of Bilal (ra) cannot contradict the evidence from the words and actions of the Prophet (saw). Likewise, what was reported from the rest of the honourable companions regarding their sacrifice of livestock exclusively. Also, Bilal (ra) did not sacrifice a rooster, nor did he narrate that anyone sacrificed a rooster, and what he said originally was not in the context of explaining what suffices for the sacrifice, rather it is to show that the sacrifice is not obligatory and that charity, according to his opinion, is better than it, as is clear in his saying "and to take the price of the sacrifice so I give it in charity to a poor, needy person, it is more beloved to me than offering a sacrifice."

3- Likewise, Ibn Hazm's reasoning (on the authority of Ibn Abbas about him buying meat for two dirhams and saying: This is the sacrifice of Ibn Abbas). It is clear that it is incorrect because what Ibn Abbas did (ra) is not a sacrifice according to Islamic law. The sacrifice must be slaughtered, but as for buying meat from the market and distributing it, it is not considered a sacrifice according to Shariah law, and it does not take the place of a sacrifice according to Shariah law. Rather, it is a type of charity.

Accordingly, we can say with great confidence that the sacrifice of birds is not valid, and it is only permissible according to Shariah law to sacrifice from livestock (camels, cows, and sheep) according to the conditions indicated by the Shariah evidence.

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

2nd Dhul Hijjah 1445 AH

8/6/2024 CE

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