

Ruling on Restricting Pilgrims and Repetitive Pilgrimage

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In the name of Allah, The Most Gracious and the Most Merciful

Introduction

Praise be to Allah who ennobles knowledge and highly elevates scholars. O Allah, grant Your peace and blessings to the Master of the Messengers, the seal of Prophets, the Guide to Your right path, and bless his family who were the nobles and the best of the Arabs, and his faithful companions.

Islamic jurisprudence (*Fiqh*) is the noblest track of knowledge for it is *"the basis of truth, the code of ethics, the means of eternal happiness, and the core of Muhammad's message, anyone who is dressed with its garments becomes a master and anyone who endeavours in its quest excels"*.¹

In this research paper we shall tackle two issues of paramount importance. Though easy as they are, these two issues have never drawn the attention of any previous jurist (*faqih*) for they are contemporary issues². Any issue having that character requires in-depth knowledge and extensive research.

As scholars and students address such issues, ideas and thoughts are exchanged giving birth to useful knowledge. In fact, knowledge is a divine gift, for Allah is above all those who know. The two issues are as follows:

- Ruling on limiting the number of pilgrims coming from the four corners of the world.
- Ruling on limiting the required ban period for pilgrims who have already performed the Hajj duty from the Kingdom of Saudi Arabia.

I will tackle the two issues as follows:

¹ *Al-Dhakhira*, Al-Qarafy, (1/34)

² I came across a book entitled: "*Al-Nawazil fi al-Hajj*" by Dr Ali Bin Naser al-Shaalan, which is a PhD research paper submitted to Islamic Jurisprudence (Fiqh) Department at Sharia College of Imam Muhammad ibn Saud Islamic University. The author studied the question from a perspective different from mine. He dealt with the notion of ability in terms of absence of hurdles in the pathway to the Holy Sites. The paper is entitled: "Limiting the number of pilgrims and the period between each pilgrimage and the other one". See "*Al-Nawazil fi al-Hajj*", pp. 46-48.

- **Part one:** Description of the two issues.
- **Part Two:** The decision of the Organisation of Islamic Cooperation on ratios of pilgrims coming from overseas.
- **Part Three:** The decision of the Council of Senior Religious Scholars in the Kingdom of Saudi Arabia fixing the restriction period required for Saudi pilgrims before they can perform hajj for a second time.
- **Part Four:** Research topic (*madrak*)³: Number and time limitation.
- **Part Five:** Research topic: Adequacy of number and time limitation.
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At the end of this introduction, I'd like to thank all those honourable persons, scholars and students alike, who read this latest version of the research, and request them to express their opinions about it to enable me to further and expand my knowledge. I pray to Allah to make anyone who reads this research benefit from it. The best words to conclude this prelude are "Praise be to Allah, God of the universe. May Allah's peace be upon the seal of Prophets, and His blessings upon his noble and dignified family who were the nobles and the best of the Arabs, and to his faithful companions. There is no power and no strength except by Allah.

Dr. Hashem bin Hazzaa al-Shambree.

³ The great scholar Ahmed al-Fayoumi said: "*Madarik al-Shar'a* are topics of research to reach a ruling based on Ijtihad and reasoning by analogy (*qiyas*). (See *Al-Misbah Al-Munir* p.73)

Part One: Description of the two issues

Description of the first issue:

Every Muslim country has a fixed quota of pilgrims each year according to a decision of the Organisation of Islamic Cooperation (OIC).

Description of the second issue:

Every Saudi national seeking to perform hajj, should submit an application for that purpose. If the applicant has never performed the duty, the required authorisation is duly issued. But if he/she had already performed hajj, then the authorisation would not be issued till the expiration of a period of five years after his/her previous pilgrimage.

Part Two: The decision of the Organisation of Islamic Cooperation on the rates of pilgrims coming from overseas.

In the Seventeenth Islamic Conference of Foreign Ministers held in Amman, Hashemite Kingdom of Jordan, from 3 to 7 Sha'ban 1408H, the ministers of foreign affairs agreed on the formula for fixing the quotas of pilgrims each year: the quota of pilgrims for each country is the quotient of the number of its population divided by the number of Muslims in the world. The decision is as follows.

RESOLUTION NO. 21/17-P

ON THE SPECIAL MEASURES DESIGNED TO ORGANIZE AND SPECIFY THE NUMBER OF TRAVELERS GOING ON PILGRIMAGE TO THE SACRED PLACES

The Seventeenth Islamic Conference of Foreign Ministers held in Amman, Hashemite Kingdom of Jordan, from 3 to 7 Sha'ban 1408H (21-25 March 1988),

Proceeding from the principles of the Charter of the OIC and its objectives which enjoin the sovereignty of every member and the enhancement of Islamic solidarity and cooperation in all matters likely to serve the interests of Islam and Muslims,

Taking into account the commendable intention of the Government of the Kingdom of Saudi Arabia to make it easier for all Muslims, men or women, to perform the Pilgrimage and Umrah, and the Visit, as well as its praiseworthy efforts to organize satisfactorily the Pilgrimage and ensure for those performing it and the Umrah proper accommodation, easy access and decent transportation,

Taking note of the Memorandum submitted by the Government of the Kingdom of Saudi Arabia indicating that it drew-up new plans, programmes and projects designed to expand the area of the Two Holy Harams, develop and improve the buildings to accommodate the pilgrims, pull down the old ones and erect new premises, and set up the necessary organs, institutions and organizational structures towards that end,

Granting that hosting, ensuring an easy flow of pilgrims and a smooth organization of their movement require a suitable organization of the groups of incoming pilgrims from various parts of the world, in such manner as would ensure for them the services provided by the

competent organs of the Kingdom of Saudi Arabia and be in keeping with the actual space available for performing Pilgrimage and Umrah rites.

THE CONFERENCE

- 1- Supports the measures to be taken by the Kingdom of Saudi Arabia specifying a quota for pilgrims on the basis of a State population number of Muslims in the world ratio.
- 2- Requests that all Member States of the OIC to cooperate with the Government of the Kingdom of Saudi Arabia in all matters pertaining to the adoption of appropriate measures designed to afford equal chances for all the pilgrims, and ensure for them proper performance of their rites and suitable amenities.

Part Three: The decision of the Council of Senior Religious Scholars in the Kingdom of Saudi Arabia fixing the restriction period required for pilgrims who had already performed hajj before they can perform it again.

Following the instructions of His Majesty the King, the Council of Senior Religious Scholars, may Allah make us benefit from their knowledge, dealt with this question and issued their jurisdictional opinion on fixing a restriction period of five years for persons who had already performed hajj from within Saudi Arabia and want to perform it for another time.

Decision n° 187 on 26/3/1418

Praise be to Allah, Peace and blessings be upon His Greatest Creature, our Prophet Muhammad, and upon his family and companions, and upon everyone who follows his path until the Day of Judgement.

The Council of the Senior Religious Scholars, in its forty seventh session held in Taif on 22/3/1418 H, having taken note of the letter of His Royal Highness, Deputy Chairman of the Council of Ministers n° S/378 dated 7/1/1418 H, in which His Royal Highness, may Allah assist him, requested the Council to study and examine the issue of organising pilgrims of the interior and set up a procedure to run their situation, taking into account the limited area of the Holy Sites and the growing numbers of pilgrims each year, and report him the decision taken thereon.

Thus, the Council studied the question and explored the situation of Hajj and the difficulties faced by pilgrims including over crowdedness in many ritual sites, roads and other places. Scholars concluded that the reasons behind that is the fast growing number of pilgrims in recent years despite the measures taken by the government, may Allah help it, to facilitate pilgrims' access to the Holy Sites, and also despite the continuous regulations it adopts every year to ease the flow of pilgrims in ritual sites. To attain those goals, rulers of the country, may Allah help them, requested the Council to conduct a study on the organisation of hajj for Saudi pilgrims living inside the country.

Having studied, discussed and reflected upon the issue, and having sought the appropriate solutions to relieve the sufferings and hardships of pilgrims and prevent, or at least reduce the damage caused by congestion, the Council of Senior Religious Scholars decided by majority that there is no impediment whatsoever to set up a regulation to Saudi pilgrims including preventing those who had already performed hajj to perform it

again for a period of five years, in the same way as it is applicable to foreign residents in Saudi Arabia. If there is any need for such a regulation, then it is permissible to help pilgrims perform their rituals in the best possible circumstances in accordance with Allah's word: "**Allah intends for you ease and does not intend for you hardship**"⁴ and "**He has not placed upon you in the religion any difficulty**"⁵ and also pursuant to the Prophet's hadith (Peace be upon him) "**Make things easy and do not make them difficult**"⁶ - ⁷ and also his hadith: "**Whosoever alleviates the lot of a needy person, Allah will alleviate his lot**".⁸

May Allah bless our work.

May the peace and blessings of Allah be upon His Prophet Muhammad, his family and his companions.

Chairman

Abdulaziz bin Abdullah bin Baz.

4 - Al-Baqarah: 185

5 - Al-Hajj: 78.

6- Since the hadiths quoted in this research exist in the two Sahihs or in one of them, I only refer to both of them without elaborating on their sources though trying to make the wording compatible as much as possible.

7- In Sahih Al-Bukhari (1/38) hadith n° 69, and in (5/2269) hadith n° 5774, and in Sahih Muslim (3/1359) hadith n° 1734 narrated by Anas bin Malik (may Allah be pleased with him).

8 - In Sahih Al-Bukhari (2/862) hadith n° 2310, and in Sahih Muslim (4/1996) hadith n° 2580 narrated by Abdullah bin Umar (may Allah be pleased with him).

Part Four: The basis for number and time limitation.

Having conducted investigations, studies and reflections on the revealed proofs, I found out the appropriate basis for the number and time limitation.

First, Abu Ayub (may Allah be pleased with him) reported that the Prophet (peace and blessings be upon him) said: ***"It is not lawful for a Muslim to desert (stop talking to) his brother beyond three nights"***⁹

Second, Um-Atiya (may Allah be pleased with her) reported that the Prophet (peace and blessings be upon him) said: ***"No woman should mourn for anyone who dies for more than three days, except for a husband, for whom she should mourn for four months and ten days"***¹⁰.

Third, Al-'Ala' bin al-Hadrami reported Allah's Messenger as saying: ***"The Muhajir should stay at Mecca after performing the rituals (of Hajj) but for three (days) only"***¹¹.

Hence, as the principle prohibits for the Muslim to desert another Muslim, and the Muhajir to stay in Mecca after performing the rituals and the woman to mourn anyone except her husband, we can conclude that it provides exceptions as may be required by necessity.

Abul-'Abbas bin Taymiyah (may Allah's mercy be upon him) said: *"... this is why deserting a Muslim, mourning a person other than the husband, and staying in Mecca after performing hajj rituals are all permitted for three days. The principle for deserting a Muslim and the stay of the Muhajir in Mecca is prohibition"*.¹²

Deductive analogy (*Qiyas al-dalalah*) is undertaken here on the basis of proof¹³ as the common denominator between the original case (*asl*) and the new case (*far'*) is an attribute of the effective cause (*'illah*), which is in this case limitation. The cause in my opinion is need. Thus, we may say:

Since the original case permits as much as is needed - and the need is assessed by its degree, then limiting the number of pilgrims coming from overseas and limiting a ban period for would-be pilgrims from inside Saudi Arabia is likewise permitted in as much as is needed.

⁹ - In Sahih Al-Bukhari (5/2302) Hadith n° 5883, and in Sahih Muslim (4/1984), hadith n° 2560.

¹⁰ - Sahih Muslim (2/1127) hadith n° 938.

¹¹ - Sahih Muslim (2/985) hadith n° 1352.

¹² - Collection of bin Taymiyah's Fatwas. (32/293).

¹³ - The great scholar Muhammad Al-Zarkashi said: "Proof analogy is that the denominator should be an inherent attribute of the effective cause (*'illah*), or one of its effects, or a ruling of rulings.

From the perspective of wisdom and common sense, the idea behind that limitation is that the Legislator takes into account the ruling that concerns individuals. Being as such, that limitation takes care of the public interest where limitation is of prior importance.

It may be argued that the cited foundations only concern the limitation of time and period, and not the numbers. The answer to that argument is that the issue to be addressed is limitation, and that deduction overwhelmingly covers it.

The said proofs are commonly used in original cases (*usul*) of Qiyas jurists (may Allah's mercy be upon them) in ruling the permission of postponing hajj for an important impediment which is here time and number limitation. While I laud any *mujtahid* belonging to Ahl Al-Dhahir Madhab, they in principle don't consider assessments¹⁴ which are not specified in the texts (the Quran and hadith) by the Law Giver.

Hence, I can argue that it is permitted to postpone hajj for a real and considerable impediment even if the person is physically and financially capable to perform that duty.

The proof for that is Allah saying: ***"And [due] to Allah from the people is a pilgrimage to the House - for whoever is able to find thereto a way"***¹⁵. This verse was revealed late the ninth year when Abu-Bakr (may Allah be pleased with him) was assigned by the Prophet (Peace be upon him) to lead pilgrims. Abu Huraira reported that Abu Bakr, on the day of *Nahr* (i.e. slaughtering of animals for sacrifice), sent him in the company of others to make

14- This is not absolute, ibn Hazm who, is a great Dhahir scholar, gave far more daring opinions in matters including:
- He increased the period of menstruation saying in Al-Muhalla (1/410): "He didn't set a time limit for menstruation, so we should take into consideration the longest period suggested, which is seventeen days. And we ruled as such".
- The number of *takbirat* in the prayers of the two Eids. He said in Al-Muhalla (3/297): "We have said ten takbirat because it's the biggest number suggested. Since takbir is good, we could have suggested more than that number, for only the deprived from Allah's mercy despises it".
- Prohibition of sharing *hadi*, (the offered sacrifices during the Hajj) between more than ten persons. He said in Al-Muhalla (5/157): "if it questioned: Why have you limited the number to 10? We say: for two reasons: one of them is that no one had said before that it is permissible for more than ten persons to share *hadi*."
He seems to be based on consensus (*ijma'*) because he didn't content himself with the maximum attitude. This is no more than a silent consensus (*ijma' al-sukut*) and not an affirmative consensus (*ijma' al-yaqin*) which he espouses and calls for. He never relies on or defends silent consensus though he takes recourse to it only in times of sheer necessity. So those who favour limitation of time and number do it only for absolute necessity. Hence all trends are equal in this attitude.

N.B.: Ibn Hazm's affirmative consensus may occur only in two cases: He said in Al-Ahkam (4/541): "Consensus is exclusively affirmative. It may not be explained or defended by claim. It is divided into two types: First, anything that may not be questioned or doubted by Muslims such as the shahada that there is no god except Allah and that Muhammad is His messenger, the obligation of prayers, fasting Ramadan, the prohibition of Consuming carrion, pork and blood, believing in the Quran, and giving alms (zakat).

If a person reaches adulthood and doesn't believe or observe them is not a Muslim, and if he/she believes and observes them, then he/she is Muslim. All Muslims agree on those things.

Second: Any act that all the companions of the Prophet (Peace be upon him) did witness the Prophet did or were absolutely sure that all those who didn't witness that act knew that the Prophet truly did it.

See Al-Muhalla (7/485) where it is also cited.

15- Al- Imran (97).

this announcement: ***“After this year, no pagan will be allowed to perform the Hajj, and none will be allowed to perform the Tawaf of the Ka`ba undressed”***¹⁶.

Al-Hafez ibn Hajar (may Allah be pleased with him) said: *“He used this verseh to argue that the obligation of haj was imposed even before the Farewell Pilgrimage, and there are plenty of hadiths proving that”*.

The Prophet (Peace be upon him) didn't perform hajj until the tenth year.¹⁷ The delay was apparently due to a possible impediment which prevented Him from performing so. So

¹⁶ - Narrated by him, in Sahih Al-Bukhari (2/586), hadith n° 1543, and in (4/1586) hadith n° 1405, and in (4/1710) hadith n° 4380.

¹⁷ - Ibn Hazm thinks that the obligation of hajj might not have been imposed until the day the Prophet (Peace be upon him) performed it. He said in Al-Muhalla (5/316): *“It's possible that it hadn't become an obligation till the year of the Prophet's pilgrimage”*. He thus indicates that the obligation of hajj was imposed in the tenth year of Hijra. There is no strong opposition to this attitude that hajj had been an obligation before that for there are sound proofs that sustain that including:

- Allah says: *“And [due] to Allah from the people is a pilgrimage to the House - for whoever is able to find thereto a way”*. This verse was revealed in the ninth year.
- The prophet (Peace be upon Him) assigned Abu-Bakr (May Allah be pleased with him) to lead pilgrims that year, which is an observance and compliance with the said verse.
- Hajj was cited in the hadith of Dammam ibn Tha'laba; its wording and the rank of the witness are important evidence. Anas Ibn Malik said: ***“As we were forbidden to ask the Prophet (Peace be upon Him) on anything not imperative, we were pleased to see a wise Bedouin ask Him and listen. So, a Bedouin came and said: O Muhammad, your messenger came to us and claimed that you claim that God sent you to us. The prophet replied: He said the truth.... Your messenger also claimed that performing hajj is an obligation for whoever is able to perform it. The Prophet said: that's true....”*** Recorded by Muslim in his Sahih, the Book of Faith (*Iman*), Chapter of Pillars of Islam. Al-Hafiz Ibn Hajar thought that it's likelier that Dammam ibn Tha'laba was in hajj in the ninth year as Ibn Ishaq, Abu Ubaida and others affirmed. This proves that sending messengers to preach Islam had started even before that time. Al-Hafez (May Allah bless his soul) said that sending messengers goes back to the days following Al-Hudaybiya, and most of it was done after the Opening of Mecca. This is evidence of making hajj an obligation before the ninth year. Since the statement of Al-Hafez is of great importance and utility, I shall quote it here despite its length. He said in his book *Fath Al-Bari* (The Grant of the Creator) (1/201): *“Note: Hajj was not cited in this narration of Sharik. Muslim and others cited it. Mussa said in his narration: “Have we to perform hajj if we are able to do so? He replied: Yes, that's true”*. This hadith is also recorded by Muslim as narrated by Abu Huraira, Ibn Abbas and Aghrab Ibn Al-Tin. He said: *“He didn't cite it because it was not an obligation”*. It seems that his attitude was motivated by the affirmation of Al-Waqidi and Muhammad Ibn Habib that the visit of Dammam was in the fifth year which means before obligation, but he went wrong in two ways:
First: In Muslim's version, the Dammam's visit occurred after the revelation in the Quran the prohibition of asking the Prophet. The verse containing prohibition in the Surat of Al-Maida was revealed far later than that.
Second: Sending messengers to preach Islam started after Al-Hudaybiya, and most of it happened after the Opening of Mecca.
Third: The story also says that his people delegated him, and most of delegations happened after the Opening of Mecca.
Fourth: Ibn Abbas reported that his people obeyed him and embraced Islam after coming back to them. Being the son of Bakr bin Hawazen, Ibn abbas' people, Banu Saad, embraced Islam only after the Battle of

the limitation of time and number is based on this original case (*asl*) for it provides for preparedness and the disappearance of possible obstacles unless there is a limitation of time and number.

Another aspect of reasoning by inference (*istidlal*):

Whosoever doesn't perform hajj for any obstacle whatsoever is considered unable even if he/she is physically and financially capable. According to the rule, the obligated person is either able or unable. If he/she is able, then hajj is an obligation. Since the number of Muslims amounts to more than a billion, we can easily say that those capable of performing hajj are numerous. If we assume that a tenth of a tenth (without any limitation of number and time) of that number performs hajj this year – that is ten million people – then their presence in the ritual sites in this large number would certainly rule out the condition of ability since people cannot move in such a congestion and perform rituals in the limited period of hajj and places of Mecca and other holy sites. Allah (*May He be glorified and exalted*) says: **“So fear Allah as much as you are able”**¹⁸. He also said: **“Allah does not charge a soul except [with that within] its capacity”**¹⁹. The prophet (peace be upon him) also says: **“Do what I command you to the best of your ability and capacity”**²⁰. Allah also said: **“He has explained in detail to you what He has forbidden you, excepting that to which you are compelled”**²¹. According to these texts, we are bound to perform any obligation only if we can, if not we are discharged of performing it.

The number is great let alone if it were two or three tenths or more. Any sound person would not doubt that the limitation is permitted given the interests it brings to the guests of Allah and to those who serve and care for them in this country, may Allah protect it.

Hunayn which happened in Shawal in the eighth year. This may be further explained later on. The right thing is that Dammam came to hajj in the ninth year, Ibn Ishaq and Abu-Ubaida confirmed that.

Al-Badr Al-Zarkashi was wrong when he said: *“Hajj was not cited because it was well-known in Ibrahim's religious precepts”*. As if he didn't read the Sahih of Muslim and other texts.

- The citation of commanding the performance of hajj as in the verse: **“And complete the Hajj and 'umrah for Allah”**. This verse is agreed to have been revealed in the sixth Hijri year as reported by Abu-Bakr ibn Al-Arabi when he said in *Ahkam Al-Quran* (1/135): *“Muslim scholars agreed that the verse was revealed in the sixth year during the ummrah of Al-Hudaybiya when the infidels prevented the Prophet (Peace be upon Him) to get to Mecca.”*

Actually, I don't doubt that these proofs were born in his sharp mind. Feeling the weakness of his opinion as a result, he said after his previous statement (5/316): *“But we believe that the Prophet (Peace be upon Him) cancels doing the best things only for an impediment”*. He intends by that the Prophet's delay of hajj.

¹⁸ At-Taghabun: 16

¹⁹ Al-Baqara: 286.

²⁰ Sahih Al-Bukhari (6/2685) Hadith n°6858 narrated by Abu Huraira.

²¹ Al-An'am: 119.

Part Five: The foundation of the adequacy of number and time limitation.

The limitation of time and number of pilgrims is based on original cases – textual and logical (*naql* and *'aql*). Thus, limitation should not be subject to any opposition for the permission and support of its utilisation is proven by evidence in the primary sources²², or by authenticity of the source²³.

Proof from the Holy Quran:

Allah says in the Quran: **“And spend in the way of Allah and do not throw [yourselves] with your [own] hands into destruction [by refraining]. And do good; indeed, Allah loves the doers of good.”**²⁴

The evidence in this holy verse is that it is a discourse that is independent from the source of its cause. So, Allah's ban here is extrapolated and extended by analogy to anything that can cause perils.²⁵

Therefore, giving free access to Hajj without any restriction of numbers and time will certainly put the pilgrims into great peril. Hence, limitation is an adequate solution to avoid that peril.

Proof from the Sunnah:

First, Abu Huraira (Allah be pleased with him) reported:

“Allah's Messenger (Peace be upon him) addressed us and said: O people, Allah has made Hajj obligatory for you; so perform Hajj. Thereupon a person said: Messenger of Allah, is it to be performed every year? and he repeated this question thrice, whereupon Allah's Messenger (Peace be upon him) said: If I were to say” Yes,” it would become obligatory (for you to perform it every year) and you would not be able to do it”.²⁶

²² Abu Ishaq Al-Shirazi said: "The sources are three: the Quran, the Sunnah and Consensus (ijma')." See *"Kitaab al-Ma'una fi al-jadal"* p.127.

²³ He also said: "The proofs of reasoning (logic) are three: discourse, proof of discourse and sense of discourse".

²⁴ Al-Baqara: 195.

²⁵ Abu-Jaafar al-Tabari said: *“The right thing to say on that is: Allah, may He be glorified and exalted, forbids us to expose ourselves to perils through exempting us from fulfilling our religious obligations. Thus, it is not permitted for us to get involved into anything He disgusts, anything that may incur on us His punishment”*. See *"Jam'u Al-bayan 'an Ta'weel Ayy al-Qur'aan"* p. (3/325).

²⁶ Narrated by Abu Huraira, in *Sahih Muslim* (2/975), hadith n° 1554.

This hadith bears some proof deduced by reasoning. It rules that whosoever has performed hajj, and is obligated to do it again and again each year, he/she would meet the persons he/she had already performed hajj with in the past in addition to those who have just become obligated. As the number gets greater each year, it becomes even more difficult to perform hajj. This is the meaning of *"you would not be able to do it"*. The legislator took into consideration that difficulty to discharge the obligated. The limitation of number and time makes us fall within the Prophet's decision: *"you would not be able to do it"*.

Second: Narrated by Ibn `Abbas:

"Allah's Messenger (Peace be upon him) came to Zamzam (well) and there the people were offering water to the others and working at it (drawing water from the well). The Prophet (Peace be upon him) then said to them, "Carry on! You are doing a good deed." Then he said, "Were I not afraid that other people would compete with you (in drawing water from Zamzam), I would certainly take the rope and put it over this (i.e. his shoulder) (to draw water)."27 This is elaborately explained by ibn Hajar al-Asqalani when he said: *"The meaning of the prophet's statement is: for fear that people will out do you in this work if they see me do it, I will encourage them to follow me and out do you by numbers".28*

It can be inferred from this hadith that the Prophet commands positive and useful actions, and cares for their authors, as the Prophet would refrain from performing good deeds he likes whenever he feels that it may incur some peril to people if He performs them. So if there is no restriction, large numbers and congestion in the holy sites would make it impossible for pilgrims to fulfil their duties. So limitation is appropriate according to the meaning of this hadith.

Logical Proof:

The fundamental rule says: "the rationale for imposing a requirement is in itself an obligation". Thus, serving pilgrims and helping them is an obligation whenever possible. This is applicable to the limitation of number and time. If such a limitation is not done, then the first obligation would not or would be difficult to perform. Therefore, the limitation is appropriate to achieve the goal of the Legislator.

²⁷ Narrated by Ibn `Abbas, in Sahih Al-Bukhari (2/589), hadith n° 1554.

²⁸ See: *"Fath Al-Bari"* (3/621).

I'm grateful to Allah and ask Him to save me from misguidance. O Allah, grant Your peace and blessings to the Your Messenger and bless his family and his faithful companions.

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²⁹ - Ordered according their chronological appearance in the Holy Quran.

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