

The Holy Land

Description – Names – Virtues – Specificities – Rules

By

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Introduction

Verily all praise is for Allāh, we praise Him, seek His help and forgiveness, and we seek refuge in Allāh from the evil of ourselves and from the sinfulness of our actions. Whosoever Allāh guides, then none can misguide him, and whosoever Allāh misguides, there can be no guide for him. I testify that there is no deity except Allāh alone and I testify that Muḥammad is His servant and messenger.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ حَقَّ تَقَاتِهِ ۖ وَلَا تَمُوتُنَّ إِلَّا وَأَنتُمْ مُسْلِمُونَ

“O you who have believed, fear Allāh as He should be feared and do not die except as Muslims (in submission to Him)” Surat ‘Āli ‘Imrān (Family of ‘Imrān), verse 102.

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً ۗ وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ ۖ وَالْأَرْحَامَ ۗ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا

“O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allah, through whom you ask one another, and the wombs. Indeed Allah is ever, over you, an Observer.” Surat An-Nisā' (The Women), verse 1.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ وَفُولُوا قَوْلًا سَدِيدًا (٧٠) يُصْلِحْ لَكُمْ أَعْمَالَكُمْ وَيَغْفِرْ لَكُمْ
ذُنُوبَكُمْ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ فَقَدْ فَازَ فَوْزًا عَظِيمًا (٧١)

“O you who have believed, fear Allah and speak words of appropriate justice. He will then amend for you your deeds and forgive you your sins. And whoever obeys Allah and His Messenger has certainly gained a signal victory” Surat Al-'Aḥzāb (The Combined Forces), verses 70 – 71.

Certainly the best of speeches is the Book of Allah and the finest guidance is the guidance of Muḥammad, may the peace and blessings of Allah be upon him. The most evil affair is a newly invented matter in religion and every newly invented matter is innovation (*bid'a*), and every innovation is misguidance and all misguidance is in the Hellfire.

In one of the most desolate and arid places of Earth, in a rocky and stony land surrounded everywhere by the desert, with no plantations and no water; a place that lacks everything that gives life and prosperity, Allah chose Mecca The Honoured to become His safe Sanctuary, the heart and capital of the World, the unique city on the face of the planet that acquired sanctity by a divine order and a Lordly decree to shine radiantly over all cities.

The will of Allah Most High chose for Mecca this barren land in spite of His power, exalted be He, to make it a gorgeous verdant garden with luxuriant vegetation, full of flowers, warbling birds and babbling streams. He made it a sign of His power and a miracle; Allah Most High said:

أَوَلَمْ يَرَوْا أَنَّا جَعَلْنَا حَرَمًا ءَامِنًا وَيَتَخَطَّفُ النَّاسُ مِنْ حَوْلِهِمْ

“Have they not seen that We made (Mecca) a safe Sanctuary, while people are being taken away all around them?” Surat al-'Ankabūt (The Spider): 67. And Allah Most High said:

أَوَلَمْ نُمْكِّنْ لَهُمْ حَرَمًا ءَامِنًا يُجَبَىٰ إِلَيْهِ ثَمَرَاتُ كُلِّ شَيْءٍ رِّزْقًا مِّنْ لَّدُنَّا

“Have We not established for them a safe Sanctuary to which are brought the fruits of all things as provision from Us?” Surat Al-Qaṣaṣ (The Stories): 57.

Mecca the Honoured is particular compared to all other cities on the planet; cities and lands are favoured, according to human habits, for their resources and the wealth Allah bestowed upon them; some lands are preferred thanks to their mineral resources, some for their oil resources, other for their agriculture or water or any other material perishable assets.

But the criterion of differentiation of the Holy Land that singles it out is not a material one: religion is the basis of its distinction from all other lands and countries; it is the Holy Land of Allah, on it lies the Honourable Ka'ba, the sacred and glorified places, it is the qibla (direction) of the Muslims, in it takes place the greatest gathering of people on Earth to worship Allah Most High by accomplishing the Ḥajj and 'Umra.

For this reason, Mecca holds a great and elevated status in the hearts of all the Muslims of the planet; a station stemming from this religious eminence bestowed by Allah. There is no doubt that what distinguishes a nation from another, what raises one above others is the scale of the exaltation of its sanctity, its bond to its History, its persistence in sticking to its authenticity and its development from its past towards its present and future. This is why ancient and modern Muslims have granted the Holy Land a great interest, dedicated to it volumes and devoted to it their times.

It is with my deep love for the Holy Land and my firm belief in the greatness of our religion and our convictions that I decided to write this book which I entitled “The Holy Land: Description – Names – Virtues – Specificities – Rules” for it to become a comprehensive reference; hoping it to be pleasant to read; I gathered in it what is related to the Holy Land as descriptions, virtues, specificities and rules linked to it. This book came into being with the help of Allah Most High, combining the splendour of sight, ease of reading and the charm of writing on this great and deep subject.

Our Lord creates what He wills and He chooses:

It is according to the perfection of His power, His wisdom and knowledge that Allah Most High prefers, distinguishes, specifies and chooses between His creatures. Allah has His preference between angels, prophets and human beings. He preferred some periods of times above others as He preferred some places above others; for instance He preferred the Firdaws amongst all the Heavens.

If you gaze at Creation you would see this divine choice and grant indicating His lordliness, exalted be He, His oneness and the perfection of His wisdom, knowledge and power; He is Allah, there is no god but Him and no one creates as He creates, no one chooses as He chooses, no one directs all things as He does. These choices and arrangements noticed in this World are amongst the greatest signs of His lordliness and the most obvious evidence of His oneness and of the characteristics of His perfection and the sincerity of His messengers.¹

No one creates as He creates, no one chooses as He chooses and no one directs all things as He does; Allah Most High said:

وَرَبُّكَ يَخْلُقُ مَا يَشَاءُ وَيَخْتَارُ

“And your Lord creates what He wills and He chooses” Surat Al-Qaṣaṣ (The Stories): 68.

Amongst the places that received this grace and greatness is Mecca the Honoured, the land of the Revelation and the cradle of the message where lays a house for which the hearts and souls are craving, is it not the Ancient House.²

Amongst the signs of its preference: Allah Most High informed us that Mecca is the Mother of Cities; all the cities are linked to it, they are its followers, it is their central axis and origin. Therefore, there cannot be any city equivalent to it; it is similar to the Fātiḥa: the Prophet (s) said of it that it was the Mother of the Qur’ān; this is why it is second to none in all the divine books.³

Importance of the subject and method:

The importance of this book lies in its own nature: a comprehensive study of the Holy Land and what is relevant as history, virtues, specificities and rules based on sharia-authenticated sources approved by the standards of well-versed and eminent people in jurisprudence; regardless of what became famous concerning the Holy Land such as false ḥadīths, false events or false information

¹ *Zād al-ma’ād*, Ibn al-Qayyim (42/1).

² See: *Bayt Allah al-ḥarām al-Ka’ba*, Muḥammad Ibn ‘Abd Allah Shabbāla p. 7.

³ *Zād al-ma’ād*, (49 – 50/1).

linked to it. Therefore, the method of this book is based on the method of the people of ḥadīth whereas authenticity of information is the fundamental condition for being quoted in the text. This is the guideline followed, based on the prevailing opinion in Islamic jurisprudence: presenting evidence from the Qurʾān and the Sunna, sometimes with the addition of companions' statements and reasoning, evidence of the consensus if there is one, and quoting rules, wisdoms and benefits derived from said evidence. I avoided delving into too many details (except for important matters) or mentioning contradictions in order to ward off boredom, to make prevailing opinions more clear in the minds and to make the book easier and more comfortable for the dear reader.

This book is intended for all categories of Muslims ranging from the diligent student assiduous in the quest of knowledge to the uninitiated reader considering the easiness of the method, the fluency of the style and the distance taken from blameworthy controversy or sterile arguments.

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Chapter I

Description of the Holy Land and its names

This chapter is divided into two sections:

Section I: Description of the Holy Land.

Section II: Names of the Holy Land.

Section I:

Description of the Holy Land

Description:

The Holy Land is Mecca the Honoured⁴ or the Meccan Sanctuary. The expression “the Sanctuary” (al-Ḥaram) stands for the Sanctuary of Mecca which is the Sanctuary of Allah and the Sanctuary of His Prophet (s). *Al-Ḥaram* is similar to *al-Ḥarām*. The Sanctuary of Mecca is also designated as *al-muḥarram* (the Sacred, the Holy, or the Inviolable).⁵

⁴ In the past, the Sanctuary (Ḥaram) encompassed Mecca; today some parts of the city are located outside the Sanctuary because of urban expansion.

⁵ See: *Lisān al-ʿArab*, (95/4), *Tahdhīb al-ʿasmāʾ wa al-lughāt*, (88/3), *al-Qāmūs al-muḥīṭ*, p. 1411, *Mukhtār as-ṣiḥāḥ*, p. 56.

The Holy Land may be designated as the Sacred Mosque; Ibn al-Qayyim (m) said: The Sacred Mosque stands for three things in the Book of Allah Most High: the House itself (the Ka'ba), the Mosque surrounding it and the whole Sanctuary.⁶

The boundaries of the Sanctuary:

The first to define the boundaries of the Ḥaram was Ibrāhīm al-Khalīl (p), the friend of Allah, following the indications of Jibrīl (p). Ibrāhīm (p) put stone markers for them.⁷ The Prophet (s) renewed them the Year of the Conquest of Mecca. Ibn 'Abbās (r2) narrated: **The Year of the Victory, the Messenger of Allah (s) sent Tamīm Ibn Asad al-Khuzā'ī to renew the boundaries of the Ḥaram.**⁸

Therefore, the boundaries of the Ḥaram are inspired by revelation and there is no place for reason or interpretation. These markers came to define properly what is inside the Ḥaram and what is not.

The princes and governors continued to renew the markers from all sides as needed until the number of flags surrounding the Ḥaram reached almost a thousand. The outline of the Meccan Ḥaram is 127 km and it covers an area of 550.300 square kilometres.⁹

The boundaries of the Ḥaram today:

Ancient boundaries of the Ḥaram were mentioned by historians and scholars over the passing centuries¹⁰, underlining their unfailing care and attention for this honoured place. Nowadays clear markers have been set up to indicate the limits of the Ḥaram without any possibility of confusion or error considering the rules of jurisprudence linked to the entering of this holy place; the most important ones are located¹¹:

1. On the road to **Medina**; at-Tanīm: 6.5 km.
2. On the highway to **Jeddah**: 22 km.
3. On the new road to **al-Līth**: 17 km.
4. On the road to **Ṭā'if as-Sayl**: 12.850 km.
5. On the road to **Ṭā'if al-Hadā**: 15.5 km.

Section II: Names of the Holy Land

⁶ *Aḥkām ahl adh-dhimma*, (400/1).

⁷ See: *al-Maghāzī*, al-Wāqidi (270/2), *Muthīr al-'azm as-sākin ilā ashraf al-'amākin*, Ibn al-Jawzī (187/1), *Shifā' al-gharām bi akhbār al-balad al-ḥarām*, al-Fāsī (86/1).

⁸ Reported by Ibn Sa'd in *aṭ-Ṭabaqāt al-kubrā* (295/4). Ibn Ḥajar made its chain ḥasan (good) in *al-Iṣāba* (183/1).

⁹ See: *al-Ḥaram al-makkī ash-sharīf wa al-a'lām al-muḥīṭa bihi dirāsa tārikhiya wa maydaniya*, p. 165; *Makka al-mukarrama tārikh wa ma'ālim*, p. 34.

¹⁰ See: *Akhbār Makka*, al-Azraqī (131/2); *Akhbār Makka*, al-Fākihī (89/5).

¹¹ See: *al-Ḥaram al-makkī ash-sharīf wa al-a'lām al-muḥīṭa bihi dirāsa tārikhiya wa maydaniya*, p. 166-167; *Makka al-mukarrama tārikh wa ma'ālim*, p. 34; *Aḥkām al-Ḥaram al-Makkī ash-sharīya*, p. 40.

The Holy Land has plenty of famous names quoted in the Book, the Sunna and the Arabic language. Since ancient times the ulama took great care of them, which underlines its eminence and value. Some scholars gathered up to fifty names for the Holy Land; this particular attention reflects the honour of the Ḥaram. An-Nawawī (m) said: Know that the abundance of names is a sign of greatness, as Allah Most High has many names and His Messenger (s) also. We know no country with more names than Mecca and Medina, for they are the best places on Earth.¹² Amongst the names of the Holy Land are the following:

First: Mecca:

The most famous and more common of its names; it is quoted **once** in the Qur'ān, Allah Most High said:

وَهُوَ الَّذِي كَفَّ أَيْدِيَهُمْ عَنْكُمْ وَأَيْدِيَكُمْ عَنْهُمْ بِبَطْنِ مَكَّةَ مِنْ بَعْدِ أَنْ أَظْفَرَكُمْ عَلَيْهِمْ

“And it is He who withheld their hands from you and your hands from them within the valley of Mecca after He caused you to overcome them.” Surat al-Fath (The Victory): 24.

The ulama diverged on the cause of the denomination of Mecca; there are many opinions:

The first one: The city was named Mecca because **it wipes out (*tamukku*) those who perpetrate injustice inside it.** It is said: to break (*makka*) the pride of someone; and also: Mecca wipes out (*tamukku*) all sins.¹³

The second one: The name was given because of **the scarcity of water therein.** Ibn Sīda (m) said: The child sucks the milk with appetite (*makka* and *makmaka*) at his mother's breast; from this expression came the name Mecca, for its lack of water. People used to extract (*imtakka*) its water as deep as possible.¹⁴

The third one: The name was given as **it attracts people from afar.** It is also said: I sucked the marrow (*tamakkaktu*) from the bone.¹⁵

Secondly: Bakka:

One of its most famous names; it is quoted **once** in the Qur'ān, Allah Most High said:

إِنَّ أَوَّلَ بَيْتٍ وُضِعَ لِلنَّاسِ لَلَّذِي بِبَكَّةَ مُبَارَكًا وَهُدًى لِّلْعَالَمِينَ

“Indeed, the first House (of worship) established for mankind was that at Bakka - blessed and a guidance for the worlds.” Surat 'Āli 'Imrān (Family of 'Imrān): 96.

The ulama diverged on the significance of “Bakka”; there are two opinions:

The first one: Mecca and Bakka have one same meaning, they are substitutes and both are names that designate the land, they are similar as the Arabs sometimes replace the “m” by a “b”: for instance *lāzib* and *lāzim* both mean necessary.¹⁶

The second one: There is a difference between Mecca and Bakka; it is said that Bakka is the spot of the House and Mecca is the whole Sanctuary.¹⁷

¹² *Tahdhīb al-'asmā' wa al-lughāt* (332/3).

¹³ See: *Jamhara al-lughā*, Ibn Durayd (166/1); *Gharīb al-ḥadīth*, al-Khaṭṭābī (72/3).

¹⁴ *Al-Mukhaṣṣaṣ* (52/1). See: *Jamhara al-lughā*, (984/2); *Mu'jam mā ista'jam* (269/1).

¹⁵ See: *az-Zāhir*, al-'Anbārī (106/2); *al-'Azmina*, p. 43.

¹⁶ See: *al-Kanz al-lughawī*, Ibn as-Sakīṭ, p. 14; *Jamhara al-lughā* (335/1); *az-Zāhir* (497/1).

¹⁷ See: *Akhbār Makka*, al-Azraqī (280/1); *Tafsīr aṭ-Ṭabarī* (597/5); *Mu'jam mā ista'jam* (269/1).

The prevailing opinion is that Mecca and Bakka have the one same meaning; this is the view of most linguists.¹⁸

The ulama diverged on the cause of the denomination of Bakka; there are two opinions:

The first one: The name Bakka came from **the congestion of people in it**; the verb *bakka*, *yabukku*, *bakkatan* means to congest; **the people congested a place: tabākka**. The word *al-bakkaba* stands for congestion or crowdedness; *bakbāk* means a lot.¹⁹

Al-Khalīl Ibn Aḥmad al-Farāhīdī (m) said: Mecca was named Bakka as people are pushing (*yabukku*) each other during circumambulation (ṭawāf) because of the congestion.²⁰

Ibn Durayd (m) said: Mecca was named Bakka because of the congestion of people inside it.²¹

Ibn Jurayj (m) used to say: It was called Bakka for the congestion (*tabākka*) of people heading for the Ka'ba; the crowd was such that people used to tread on other people's toes.²²

Qatāda (m) said: Mecca was named Bakka as Allah crowded (*bakka*) it with people, so that women pray in front of men, something that does not happen in other countries.²³

The second one: The name Bakka was given as **Mecca breaks (*tabukku*) the necks of the powerful**; and therefore it breaks their pride.

Al-Khalīl Ibn Aḥmad (m) said: It was so named as it used to break (*tabukku*) the necks of the powerful who perpetrated an injustice there²⁴; *al-bakk* means to break a neck.²⁵

Thirdly: The Mother of Cities (Umm al-Qurā):

The name Umm al-Qurā appears **twice** in the Noble Qur'an; the word of Allah Most High:

وَهَذَا كِتَابٌ أَنْزَلْنَاهُ مُبَارَكٌ مُصَدِّقُ الَّذِي بَيْنَ يَدَيْهِ وَلِتُنذِرَ أُمَّ الْقُرَىٰ وَمَنْ حَوْلَهَا

“And this is a blessed Scripture which We have revealed, confirming that which (was revealed) before it, that you may warn the Mother of Cities and those around it.” Surat Al-'An'ām (The Cattle): 92. And in the verse:

وَكَذَلِكَ أَوْحَيْنَا إِلَيْكَ قُرْءَانًا عَرَبِيًّا لِتُنذِرَ أُمَّ الْقُرَىٰ وَمَنْ حَوْلَهَا

“And thus We have revealed to you an Arabic Qur'an that you may warn the Mother of Cities and those around it”. Surat ash-Shūrā (The Consultation): 7.

The ulama diverged on the cause of the denomination “The Mother of Cities”; there are three opinions:

The first one: The name was given as **the Earth was spread from beneath it**, but this view lacks evidence and it is backed by two weak ḥadīths.²⁶

¹⁸ See: *Mu'jam mā ista'jam* (269/1); *Lisān al-'Arab* (133/2).

¹⁹ See: *Jamhara al-lugha* (176, 74/1); *az-Zāhir* (106/2); *Maqāyys al-lugha*, Ibn Fāris (186/1).

²⁰ See: *al-'Ayn* (285/5).

²¹ *Jamhara al-lugha* (75/1). See: *az-Zāhir* (106/2).

²² *Akḥbār Makka*, al-Azraqī (280/1). See: *Jamhara al-lugha* (378/1).

²³ *Al-Manāsik*, Ibn Abī 'Arūba, p. 29; *Tafsīr aṭ-Ṭabarī* (9/4); *ad-Durr al-manthūr* (266/2).

²⁴ *al-'Ayn* (285/5).

²⁵ See: *Jamhara al-lugha* (176/1); *Al-Mukhaṣṣaṣ* (345/3).

²⁶ **The first ḥadīth:** Ibn Sābiḥ narrated: The Prophet (s) said: **The Earth was spread from Mecca and the Angels were circumambulating the House**. This ḥadīth is mursal (hurried) and reported by aṭ-Ṭabarānī in his tafsīr (199/1); and Ibn Abī Ḥātim in his tafsīr (76/1), H. 316. Ibn Kathīr made its chain weak in his tafsīr (71/1). **The second ḥadīth:** Ibn 'Abbās (r2) narrated: The Messenger of Allah (s) said: **The first piece of land that was put on Earth was the spot of the House; then Earth was spread from it and the first mountain that Allah Most**

The second one: The name was given **because the people of all surrounding cities are heading towards it.** Az-Zarkashī (m) said: Because the people of all surrounding cities resort to it for their religion and worldly affairs; for the Ḥajj and ‘Umra or for a visit; it is said: devotional rituals are accepted only if performed there.²⁷

The third one: The name was given as **it is the greatest of all cities, it bears the House of Allah Most High.** Moreover, as tradition says, the king and his capital have pre-eminence; thus it was named *umm* as in Arabic *umm* is the mother and the mother has always priority.²⁸

Ibn al-Qayyim (m) said: Amongst the signs of its preference: Allah Most High informed us that Mecca is the Mother of Cities; all the cities are linked to it, they are its followers, it is their central axis and origin. Therefore, there cannot be any city equivalent to it; it is similar to the Fātiḥa: the Prophet (s) said of it that it was the Mother of the Qur’ān; this is why it is second to none in all the divine books.²⁹

Fourthly: The Sacred Mosque (al-Masjid al-Ḥarām):

This descriptive expression appears 15 times in the Noble Qur’ān³⁰; sometimes referring to the Holy Land (al-Balad al-Ḥarām). *Ḥarām* has the meaning of *muḥarram*: sacred, inviolable, as Allah Most High made it sacred and exalted it. Sometimes the expression “The Sacred Mosque (al-Masjid al-Ḥarām)” refers to the Honourable Ka’ba as the names of Mecca mingle metaphorically with the names of the Ka’ba.³¹

Ibn al-Qayyim (m) said: The Sacred Mosque stands for three things in the Book of Allah Most High: the House itself (the Ka’ba), the Mosque surrounding it and the whole Sanctuary.³² **Amongst the verses where the expression al-Masjid al-Ḥarām (the Sacred Mosque) designates the Holy Land (al-Balad al-Ḥarām):**

- The word of Allah Most High:

لَتَدْخُلَنَّ الْمَسْجِدَ الْحَرَامَ إِنْ شَاءَ اللَّهُ ءَامِنِينَ

“You shall indeed enter al-Masjid al-Ḥarām, if Allah wills, in safety.” Surat al-Faṭḥ (The Victory): 27.

- The word of Allah Most High:

ذَٰلِكَ لِمَنْ لَّمْ يَكُنْ أَهْلُهُ ۖ حَاضِرِي الْمَسْجِدِ الْحَرَامِ ۗ

“This is for those whose family is not present in the area of al-Masjid al-Ḥarām.” Surat al-Baqara: 196.

High put on Earth was Abū Qubays, from it were spread the mountains. Reported by al-‘Uqaylī in *aḍ-ḍu‘afā’* (341/2); al-Albānī said it was weak in *ḍā‘īf al-Jāmi‘ aṣ-ṣaghīr*, p. 312, H. 2132.

²⁷ *l’lām as-sājid bi-aḥkām al-masājid*, p. 79.

²⁸ See: *Muthīr al-‘azm as-sākin ilā ashraf al-‘amākin*, Ibn al-Jawzī (327/1); *Al-Qirā li-Qāṣid Umm al-Qurā*, Muḥibb ad-Dīn aṭ-Ṭabarī, p. 651.

²⁹ *Zād al-ma‘ād*, (49 – 50/1).

³⁰ **The expression “the Sacred Mosque (al-Masjid al-Ḥarām)” is quoted in the following surats:** al-Baqara (The Cow): 144, 149, 150, 191, 196, 217; al-Mā’ida (The Table Spread): 2; al-‘Anfāl (The Spoils of War): 34; at-Tawba (The Repentance): 7, 19, 28; al-‘Isrā’ (The Night Journey): 1; al-Ḥajj (The Pilgrimage): 25; al-Faṭḥ (The Victory): 25, 27.

³¹ See: *Asmā’ al-Ka’ba al-musharrafā fī ad-dars al-lughawī*, p. 13.

³² *Aḥkām ahl adh-dhimma*, (400/1).

The meaning: Enjoying the Ḥajj and 'Umra in this case concerns foreigners; it does not suit for people of Mecca.³³

Fifthly: The City (al-Balad):

The expression al-Balad (the City) appears **three times** in the Noble Qur'ān; Allah Most High said:

وَإِذْ قَالَ إِبْرَاهِيمُ رَبِّ اجْعَلْ هَذَا الْبَلَدَ آمِنًا

“And when Ibrāhīm said: My Lord, make this City secure” Surat Ibrāhīm: 35.

Allah Most High said:

لَا أُقْسِمُ بِهَذَا الْبَلَدِ (١) وَأَنْتَ حِلٌّ بِهَذَا الْبَلَدِ (٢)

“No, I swear by this City. And you are a dweller of this City” Surat al-Balad (The City): 1 – 2.

According to all the commentators (mufassirūn) the City is Mecca the Honoured.³⁴

Ibn 'Abbās (r2) narrated: **Allah made this city sacred on the day He created the Earth and the heavens; so it is sacred by the sacredness conferred on it by Allah until the Day of Resurrection.**³⁵

The cause of the denomination “The City” (al-Balad): It is the heart (*ṣadr*, literally the chest) of the cities. Ibn al-Jawzī (m) said: *al-balad* (the city): the heart, the centre of cities; *al-balda* is the chest; if someone *taballada* it means that he put his hand on his chest confused and troubled.³⁶

Ibn Fāris (m) said: It is said: The camel put its chest (*balda*) on the ground when it kneels.³⁷ Az-Zamakhsharī (m) said: The camel put its *balda* – namely its chest – on the ground when it kneels.³⁸

Sixthly: The Secure City (al-Balad al-Amīn):

The expression appears **once** in the Qur'ān; Allah Most High said:

وَ هَذَا الْبَلَدِ الْأَمِينِ

“By this secure City”; Surat at-Tīn: 3. It means that this City is safe from being attacked or invaded.³⁹ It is said: Its dwellers are in safety, may it be during Pre-Islamic time of ignorance (Jāhiliya) or after the dawn of Islam.⁴⁰ The commentators unanimously agreed that the Secure City here is Mecca the Honoured⁴¹. Moreover, this oath of Allah Most High underlines the grace and eminence of Mecca.

Al-Qazwīnī (m) said: Mecca is the Secure City, honoured and exalted by Allah Most High and characterized by His oath and the supplication of Ibrāhīm al-Khalīl (p):

وَإِذْ قَالَ إِبْرَاهِيمُ رَبِّ اجْعَلْ هَذَا بَلَدًا آمِنًا

“And when Ibrāhīm said: My Lord, make this a secure city” Surat al-Baqara: 126.

It is also **described as safe** in the word of Allah Most High:

أَوْلَمْ نُمْكِّنْ لَهُمْ حَرَمًا آمِنًا

³³ See: *Tafsīr at-Ṭabarī* (255/2); *Tafsīr al-Baghawī* (488/4).

³⁴ See: *Tafsīr at-Ṭabarī* (193/3).

³⁵ Reported by al-Bukhārī (1164/3), H. 3017. Muslim (986/2), H. 1353.

³⁶ *Nuzha al-a'yun an-nawāzīr fī 'ilm al-wujūh wa an-naẓā'ir*, p. 201.

³⁷ *Maqāyyis al-lughā* (1298).

³⁸ *Asās al-balāgha* (49/1).

³⁹ *Tafsīr at-Ṭabarī* (241/30).

⁴⁰ *Tafsīr al-Baghawī* (504/4).

⁴¹ See: *Tafsīr at-Ṭabarī* (242/30); *Tafsīr Ibn Abī Ḥātim* (3447/10).

“Have We not established for them a safe Sanctuary”; Surat Al-Qaṣaṣ (The Stories): 57. And the word of Allah Most High:

أَوَلَمْ يَرَوْا أَنَّا جَعَلْنَا حَرَمًا ءَامِنًا

“Have they not seen that We made a safe sanctuary” Surat al-‘Ankabūt (The Spider): 67. **This means** a secure place.⁴² The security is the most important condition for well-being; the very first thing a dweller asks for is security, safety from hardship and fears; if one is safe in his home, he feels comfortable in his mind and he is able to enjoy the bliss he receives.⁴³

Security is amongst the greatest graces bestowed by Allah Most High to His creatures. Thanks to security civilizations are rising, societies are flourishing and people are blossoming. **It is a blessing of Allah Most High to His prophet Ibrāhīm (p) that he raised his consciousness to the importance of security:** He inspired him this great supplication: **at first:**

رَبِّ اجْعَلْ هَذَا بَلَدًا ءَامِنًا

“My Lord, make this a secure city”; Surat al-Baqara (The Cow): 126. This supplication came before the city was built. Allah made security a pillar, a basis and a condition for the erection of this city and its existence. **At last:**

رَبِّ اجْعَلْ هَذَا الْبَلَدَ ءَامِنًا

“My Lord, make this city secure”; Surat Ibrāhīm: 35. Ibrāhīm (p) asked Allah Most High to perpetuate the grace of security bestowed on this city.

Certainly Allah Most High fulfilled the supplication of Ibrāhīm (p), granting the Holy Land the blessing of security. For the greatness of this grace, Allah exalted be He, reminded its people of it many times in the Noble Qur’ān in order to value it and enjoy it.

Seventhly: al-Balda (the City):

Allah Most High said by the mouth of His noble Messenger (s):

إِنَّمَا أُمِرْتُ أَنْ أُعْبُدَ رَبَّ هَذِهِ الْبَلَدَةِ الَّتِي حَرَّمَهَا وَلَهُ كُلُّ شَيْءٍ ۗ

(Say, O Muḥammad), “I have only been commanded to worship the Lord of this City, Who made it sacred/forbidden and to whom (belongs) all things.” Surat an-Naml (The Ants): 91. Ath-Tha’labī (m) said: It means: Mecca, Allah made it a secure sanctuary, illicit bloodshed is not shed inside it, no one is unfairly treated there, its game is not to be hunted or disturbed and its vegetation is not to be cut.⁴⁴ **This view is the prevailing one.**⁴⁵

Chapter II

Virtues of the Holy Land

This chapter is divided into eight sections:

Section I: The best of all lands and the preferred one to Allah and his Messenger (s).

Section II: In it are the sacred sites and here are performed the honourable rituals.

⁴² See: *at-Tafsīr al-kabīr* (11/32).

⁴³ *at-Taḥrīr wa at-tanwīr*, Ibn ‘Āshūr (317/25).

⁴⁴ *Al-Kashf wa al-bayān* (231/7).

⁴⁵ See: *Tafsīr aṭ-Ṭabarī* (91/26); *Tafsīr Ibn Abī Ḥātim* (2936/9).

Section III: In it the reward for good deeds is increased and sins are magnified.

Section IV: In it, faith is strengthened.

Section V: The angels surround it and it is protected against the Dajjāl.

Section VI: Islam will never be defeated in it.

Section VII: Any army attacking it will be swallowed up by earth.

Section VIII: It is safe from the general punishment.

Section I:

The best of all lands and the preferred one to Allah and his Messenger (s)

Firstly: Why is the Holy Land the best of all lands?

It is usual for people concerned with worldly matters to protect something that is valuable and precious to them, to choose for it the best container to put it in, and the best and safest place to preserve it with the utmost care and greatest precaution. This is a reality that concerns all of us and that is seen amongst all people.

So what about a house Allah Most High attributed to His honourable self? A house He blessed and made a guidance for the worlds. He characterized it by bestowing on it two stones amongst heaven's stones: the Black Stone and the Maqām Ibrāhīm (the Station of Ibrāhīm); He made it the qibla (direction) of His believer servants for their prayers and the destination to perform one of the greatest rituals: the Ḥajj.

It is therefore obvious, in order to perfect the honour and praise of the House, that Allah chose the best place on earth to build it. In this regard He chose the most venerable land: Mecca the Honoured, as it is the greatest of all to hold the Sacred House of Allah. Mecca (the Holy Land – al-Balad al-Ḥarām) is consequently the best of all lands and the most beloved by Allah Most High and His Messenger (s); many ḥadīths come to testify this, among them:

1. Ibn 'Abbās (r2) narrated: The Messenger of Allah (s) said to Mecca⁴⁶: **You are the best of all lands and the most beloved to me! If my people had not forced me to flee, I would not have lived anywhere else.**⁴⁷
2. Ibn 'Abbās (r2) narrated: The Prophet (s) said during his flight from Mecca to the cave as he was facing the city: **You are the most beloved land of Allah to Allah, and you are the most beloved land of Allah to me; if the polytheists had not forced me to flee, I would not have left you.**⁴⁸
3. 'Abd Allah Ibn 'Adiy Ibn Ḥamrā' az-Zuhrī (r) narrated: I saw the Messenger of Allah (s) standing on al-Ḥazwara (the hillock)⁴⁹, he said: **By Allah! You are certainly the best place on**

⁴⁶ He (s) addressed Mecca the day of the Conquest of Mecca while he was leaving it. See: *Mirqāt al-mafātīḥ* (611/5).

⁴⁷ Reported by at-Tirmidhī (723/5), H. 3926. Al-Albānī authenticated it in *Ṣaḥīḥ sunan at-Tirmidhī* (590/3), H. 3926.

⁴⁸ Reported by aṭ-Ṭabarī in his *Tafsīr* (48/26); Ibn Kathīr in his *Tafsīr* (176/4). Authenticated by al-Qurṭubī in his *Tafsīr* (235/16).

⁴⁹ **Al-Ḥazwara**: the small hill which used to be the old market of Mecca, it was located at the courtyard of the house of Umm Hāni' Bint Abī Ṭālib at the tailors area; it was annexed to the Mosque while extended. See: *Akḥbār Makka*, al-Azraqī (294/2); *Akḥbār Makka*, al-Fākihī (206/4). Taqī ad-Dīn al-Fāsī said in *Shifā' al-gharām* (122/1): al-Ḥazwara was at the lowest place of the market located at the minaret of the Sacred Mosque that follows Ajiyād. 'Ātiq al-Bilādī states in *Awdiya Makka* p. 105: It seems to me that al-Ḥazwara is what is known

the earth of Allah and the most beloved place on the earth of Allah to Allah; if I had not been forced to flee from you, I would not have left you.⁵⁰

Al-Mubārakfawrī (m) said: Here is an indication that the believer cannot leave Mecca except if he is compelled to do so by law or the necessity of religious or worldly affairs.⁵¹

4. Abū Darr (r) narrated: The Prophet (s) said: **The most beloved of all lands to Allah is the Holy Land.**⁵²
5. ‘Ā’isha (rh) narrated: We were heading towards Medina which was unhealthy and insalubrious⁵³, Abū Bakr fell sick and Bilāl also fell sick, when the Messenger of Allah (s) came to notice the illness of his companions he said: **O Allah! Make us love Medina as much as we love Mecca or even more. Make it sound and bless for us each of its ṣā’ and mudd (units of measurement) and take away its fever to al-Juḥfa**^{54, 55}

Significance: Mecca is the best land of Allah Most High, the one He prefers and the one the Prophet (s) and his companions (rp) preferred; it is obviously the favourite of lands.⁵⁶

Secondly: The preference for Mecca over Medina:

The ulama agreed: the best of all places on earth are Mecca and Medina.

They diverged on the best of those two places: which one is the favourite for Allah Most High? There are two opinions⁵⁷; **the prevailing one:** Mecca is the best place on earth, the one Allah Most High loves and prefers; this is the view of most of the Ḥanafī⁵⁸, the Shāfi’ī⁵⁹ and the Ḥanbalī schools (for the most authentic of the two versions reported by Aḥmed)⁶⁰, a group of Mālikī scholars (among them: Ibn Wahb, Muṭrif, Ibn Ḥabīb and Ibn ‘Abd al-Barr)⁶¹ and Ibn Ḥazm aḏ-Ḍāhiri⁶².

Evidence:

1. ‘Abd Allah Ibn ‘Adiy (r) narrated: I saw the Messenger of Allah (s) standing on al-Ḥazwara (the hillock), he said: **By Allah! You are certainly the best place on the earth of Allah and the most beloved place on the earth of Allah to Allah; if I had not been forced to flee from you, I would not have left you.**⁶³

today as the Qashshāshiya Market, it is the hill that faces the half of the area of the Sa’y at the East, where is the house of Khadija, the Mother of the Faithful (rh) and the birthplace of Faṭīma (rh).

⁵⁰ Reported by at-Tirmidhī (722/5), H. 3925. He said it was ḥasan gharīb ṣaḥīḥ (good strange authentic/sound). Ibn Ḥajar authenticated it in *Fath al-Bārī* (67/3) and al-Albānī in *Ṣaḥīḥ sunan at-Tirmidhī* (590/3), H. 3925.

⁵¹ *Tuḥfa al-’uḥūdhi* (294/10).

⁵² Reported by Ibn Abī Khaythama in *at-Tārīkh al-Kabīr*, p. 125, n°28. Its isnad is sound, all its reporters are trustful. See: *Faḍā’il Makka al-wārīda fī as-sunna* (236/1), n°95.

⁵³ There were epidemics in the city, mostly affecting foreigners. See: *Ṣaḥīḥ Muslim bi-sharḥ an-Nawawī* (150/9).

⁵⁴ **take away its fever to al-Juḥfa:** al-Khaṭṭābī (m) said: The inhabitants of al-Juḥfa were Jews at that time. An-Nawawī (m) said: In this ḥadīth lies a sign of the prophethood of the Messenger (s): al-Juḥfa was avoided and anyone who would have drunk of its water would get fever. See: *Ṣaḥīḥ Muslim bi-sharḥ an-Nawawī* (150/9).

⁵⁵ Reported by Muslim (1003/2), H. 1376.

⁵⁶ See: *Majmū’ fatāwa Ibn Taymiya* (36/27).

⁵⁷ See: *Faḍā’il Makka* (p. 99-100).

⁵⁸ See: *Ḥāshiya Ibn ‘Ābidīn* (626/2).

⁵⁹ See: *al-Majmū’* (388-389/7).

⁶⁰ See: *al-Furū’* (362/3); *al-Inṣāf* (368/3).

⁶¹ See: *at-Tamhīd* (18/6); *Sharḥ az-Zarqānī ‘alā al-Muwaṭṭa’* (7/2).

⁶² See: *al-Muḥallā* (288/7).

⁶³ Previously quoted, see footnote 50.

Significance: The Prophet (s) informed us that Mecca is the best place on the whole earth and the most beloved to Allah Most High; moreover, the Prophet (s) clearly insisted and swore by Allah.⁶⁴

2. Ibn 'Abbās (r2) narrated: The Messenger of Allah (s) said to Mecca: **You are the best of all lands and the most beloved to me! If my people had not forced me to flee, I would not have lived anywhere else.**⁶⁵
3. Ibn 'Abbās (r2) narrated: The Prophet (s) said during his flight from Mecca to the cave as he was facing the city: **You are the most beloved land of Allah to Allah, and you are the most beloved land of Allah to me; if the polytheists had not forced me to flee, I would not have left you.**⁶⁶
4. Abū Darr (r) narrated: The Prophet (s) said: **The most beloved of all lands to Allah is the Holy Land.**⁶⁷

Significance: The Prophet informs us that the most beloved of all lands to Allah Most High is Mecca; and this is his preference as well (s). Therefore if Mecca is the most beloved land to Allah Most High and His Prophet (s) it means that, without any doubt, it is the greatest and best of all lands including Medina. The Prophet (s) expressed his trouble when he had to leave it because of his people who compelled him to flee; if he had not had to flee, he would have stayed in Mecca.

5. Ibn 'Umar (r2) narrated: The Messenger of Allah (s) said during his farewell pilgrimage: **Which month do you think is most sacred?** The people said: This current month of ours. He said: **Which land do you think is the most sacred?** They said: This city of ours (Mecca). He said: **Which day do you think is the most sacred?** The people said: This day of ours. He then said: **Allah, the Blessed, the Supreme, has made your blood, your property and your honour as sacred as this day of yours in this land of yours, in this month of yours (and such protection cannot be slighted) except rightfully.** He then said thrice: **Have I conveyed Allah's Message (to you)?** The people answered him each time saying: Yes.⁶⁸

Significance: The Prophet (s) made the people declare that the most sacred land was Mecca; he made them confirm that and testify so.

Ibn Ḥazm (m) said: It has been authenticated by texts and by consensus that Mecca is more sacred than Medina; therefore if it is more sacred than Medina, it is also better without any doubt, as the more sacred is the best.⁶⁹

6. 'Abd Allah Ibn Zubayr (r2) narrated: The Messenger of Allah (s) said: **One prayer performed in my Mosque is better than a thousand prayers performed in any other mosque excepting the Sacred Mosque, and a prayer in the Sacred Mosque is better than a hundred prayers performed in my mosque (the Mosque of Medina).**⁷⁰

Significance: Here is a piece of evidence that a prayer performed in the Sacred Mosque is better than a hundred prayers performed in the Mosque of the Prophet (s) and a hundred thousand prayers performed anywhere else.

⁶⁴ See: *at-Tamhīd* (34/6).

⁶⁵ Previously quoted, see footnote 47.

⁶⁶ Previously quoted, see footnote 48.

⁶⁷ Previously quoted, see footnote 52.

⁶⁸ Reported by al-Bukhārī (2490/6), H. 6403.

⁶⁹ *al-Muḥallā* (288/7).

⁷⁰ Reported by Ibn Ḥibbān in his *Ṣaḥīḥ* (499/4), H. 1620. Authenticated by al-Albānī in *Ṣaḥīḥ mawārid az-zama'ān* (429/1), H. 856.

An-Nawawī (m) said: Because its Mosque, i. e. Mecca, is the best of all mosques, this indicates that it is the best of lands.⁷¹

All these ḥadīths are obvious indications that Mecca is better than Medina; this is the view of the majority excepting Imam Mālik (m).⁷²

Aspects underlining the preference of Mecca over Medina:

Al-'Izz Ibn 'Abd as-Salām (m) quoted twelve aspects showing the preference of Mecca over Medina; he said: **If one says:** Mālik (m) came to prefer Medina over Mecca, therefore what is the proof that Mecca has the preference over Medina? **We say:** Allah bestows graces to His servants in Mecca that He does not bestow to His servants in Medina, among them:

First: The obligation to go to Mecca to perform the Ḥajj and 'Umra; these two duties have no equivalent in Medina...

Second aspect: If Medina had had the preference because the Prophet (s) lived in it after the beginning of his prophethood, Mecca comes first; as he lived there after the first revelation for thirteen or fifteen years whereas he lived in Medina for ten years.

Third aspect: If Medina had had the preference for the abundance of the righteous who trod upon it, Mecca is better for the abundance of the righteous, the prophets and the messengers who walked upon it. All the prophets accomplished the Ḥajj in Mecca including Adam and how many others? and how many friends of Allah (awliyā')...

Fourth aspect: The kissing and touching of the two Yemeni corners as a token of respect. There is not such a thing in the Mosque of Medina, may the best blessing of Allah be upon its occupant.

Fifth aspect: Allah requires us to face Mecca for our prayers wherever we are...⁷³

Moreover, whereas Medina acquired honour for its bond with the Messenger of Allah (s) as it is called The City (*Medina* in Arabic) of the Messenger of Allah; no honour, prestige nor eminence can compete with a place attributed to Allah Most High: the Holy Land of Allah.

If Medina is honoured by a mosque that belongs to the Messenger of Allah (s), namely the Mosque of the Prophet, then which honour, prestige and eminence can compete with a land that has in its bosom a house bound to Allah the Exalted Majestic: the Sacred House of Allah!

Section II:

In it are the sacred sites and here are performed the honourable rituals

Amongst the virtues of the Holy Land is the fact that it is the place where important rituals are performed, in it are sacred sites and blessed acts of worship bound with the accomplishment of one of the pillars of Islam, namely the Ḥajj. Allah raised the importance of these particular places and made them amongst His sacred sites and signs showing His oneness and greatness, exalted be He. Some of these signs appear in the verses (āya) of Allah, in the Noble Qur'ān where they are immortalized in a recitation and an adoration to be perpetuated until the Day of Resurrection. At the same time, Allah made these sacred sites amongst His visible signs, like the Universe and its miracles,

⁷¹ See: *al-Majmū'* (358/3).

⁷² See: *Mirqāt al-mafātīḥ* (612/5).

⁷³ *Qawā'id al-aḥkām fī maṣāliḥ al-anām* (39-40/1).

He made these spots remains that were not affected by time nor altered by the passing years; what has not been quoted about these sacred sites in the verses of the Book are still amongst the visible signs of Allah, as concrete and obvious marks of the greatness of this land and the eminence of this city that encompasses these rituals and sacred places which are the following:

Firstly: The Station of Ibrāhīm (Maqām Ibrāhīm):

The stone upon which Ibrāhīm (p) stood when he was building the upper parts of the House; he had difficulty reaching the top of the structure, so he used to stand on it and build while Ismā'īl (p) handed him the stones.⁷⁴

Amongst its virtues: Allah Most High immortalized its remembrance in verses that are to be recited until the Day of Resurrection, He made it a place of prayer and a sign of His oneness and greatness, Allah Most High said:

وَاتَّخِذُوا مِنْ مَّقَامِ إِبْرَاهِيمَ مُصَلًّى ۖ

“And take the Station of Ibrāhīm as a place of prayer” (Surat al-Baqara – The Cow: 125). Allah Most High also said:

فِيهِ آيَاتٌ بَيِّنَاتٌ مَّقَامُ إِبْرَاهِيمَ ۖ

“In it are clear signs (such as) the Station of Ibrāhīm.” Surat ‘Āli ‘Imrān – The Family of Imran: 97. The Messenger of Allah (s) said about the Station of Ibrāhīm (Maqām Ibrāhīm): **The Corner⁷⁵ and the Maqām⁷⁶ are two jewels from amongst the jewels of Heaven.**⁷⁷

Secondly: The Zamzam source:

It is the blessed source that Jibrīl (p) gushed forth for Ismā'īl and Hājir, peace be upon both of them.

Amongst its virtues: The Prophet (s) informed us that it is the best water on the face of the Earth; it is complete nourishment and healing from sickness. Zamzam water is for whatever it is drunk for. Moreover, the angels washed the heart of the Prophet (s) with Zamzam water before his Ascension (mi'rāj); among the ḥadīths linked to it are the following:

1. Ibn ‘Abbās (r2) narrated: The Messenger of Allah (s) said: **The best water on the face of the Earth is Zamzam water, in it is complete nourishment and healing from sickness.**⁷⁸
2. The ḥadīth narrated by Abū Dharr (r): The Prophet (s) said about Zamzam water: **Verily it is blessed.**⁷⁹
3. Jābir Ibn ‘Abd Allah (r2) narrated: I heard the Messenger of Allah (s) say: **Zamzam water is for whatever it is drunk for.**⁸⁰

Healing with Zamzam water was a sunna and prophetic guidance, it was a practical application of his word “healing from sickness”. Many ḥadīths describe this tradition, among them the following:

⁷⁴ See: *Tafsīr al-Qurṭubī* (113/2).

⁷⁵ The Corner: the Black Stone.

⁷⁶ The Maqām: the Station of Ibrāhīm (p).

⁷⁷ Reported by Ibn Ḥibbān, in his *Ṣaḥīḥ* (24/9), H. 3710. Authenticated by al-Albānī in *Ṣaḥīḥ al-Jāmi‘* (665/1) H. 3559.

⁷⁸ Reported by aṭ-Ṭabarānī in *al-Awsaṭ* (179/4), *al-kabīr* (98/11), H. 11167. Al-Albānī said it was ḥassan (good) in *Ṣaḥīḥ at-targhīb wa at-tarhīb* (40/2), H. 1161.

⁷⁹ Reported by Muslim (1922/4), H. 2437.

⁸⁰ Reported by Ibn Māja (1018/2), H. 3062. Authenticated by al-Albānī in *Ṣaḥīḥ Ibn Māja* (2502), (59/3).

‘Ā’isha (rh) said: **The Messenger of Allah (s) used to carry Zamzam in pitchers and water skins. He used to sprinkle it over the sick and make them drink it.**⁸¹

Thirdly: *Aṣ-Ṣafā’* and *al-Marwa* (*al-mas’ā*):

Aṣ-Ṣafā’: It is a small mountain located at the foot of Mount Abū Qubays⁸², on the south eastern side of the Ka’ba at a distance of 130 metres. The *sa’y* (ritual walking) starts from it.

Al-Marwa: It is a small mountain of white stones; it lies on the north eastern side of the Ka’ba at a distance of 300 metres. It touches Mount Qu’ayqi’ān⁸³ and it marks the end of *aṣ-Ṣafā’*.

Al-mas’ā: It is the area that extends between the two mountains *aṣ-Ṣafā’* and *al-Marwa*. Its length is 395 metres and its width 40 metres. The *sa’y*, or the ritual of walking back and forth between *aṣ-Ṣafā’* and *al-Marwa* takes place there during the Ḥajj and ‘Umra.

The first person who walked between *aṣ-Ṣafā’* and *al-Marwa* was Hājir, the mother of Ismā’īl, peace be upon both of them, when she lacked water. Her son started to cry as he was thirsty, so she began to look for water; the closest place to her was *aṣ-Ṣafā’* and *al-Marwa*: she climbed both of them and ran between them in search of water, trying to find help while reaching the top and quickening her pace when arriving at the bottom of the valley. After she had completed the seventh turn she heard whispering coming from the side where her son was, so she went to ascertain that he was well and she found water gushing forth down his feet.

The *mas’ā* used to be situated outside the Sacred Mosque; it had no building especially set up for it. It was shaded in 1339 of the Hegira (during the twenties) under the reign of ash-Sharīf al-Ḥussein Ibn ‘Alī (m). In 1375 of the Hegira (about 1955 CE) took place the building of the *mas’ā* which was annexed to the Sacred Mosque during the first Saudi expansion.

Then, in 1428 H. (2006), the Custodian of the two Holy Mosques, King ‘Abd Allah Ibn ‘Abd al-‘Azīz, may Allah protect him, ordered the reconstruction of the *mas’ā*, its extension from the eastern side and the addition of a third floor. Its width reached 40 metres and its total area covered 72.000 square metres whereas it used to be 29.400 square metres. The total area of the building set up for the *sa’y*, all floors together plus the services infrastructure reached about 125.000 square metres.⁸⁴

***aṣ-Ṣafā’* and *al-Marwa* are amongst the signs of Allah:**

Allah Most High said:

إِنَّ الْأَصْفَا وَالْمَرَوَةَ مِنْ شَعَائِرِ اللَّهِ

“Indeed, *aṣ-Ṣafā’* and *al-Marwa* are amongst the signs (*sha’ā’ir*, signs, symbols, indications, sacred sites) of Allah” Surat al-Baqara – The Cow: 158. **The signs (*sha’ā’ir*):** The visible signs of religion, namely expressions of obedience and proximity⁸⁵. Moreover, Allah Most High ordered His servants to glorify the signs of His religion; He said, exalted be He:

ذَٰلِكَ وَمَنْ يُعَظِّمْ شَعَائِرَ اللَّهِ فَإِنَّهَا مِنْ تَقْوَى الْقُلُوبِ

⁸¹ Reported by al-Bukhārī in *at-Tārīkh al-kabīr* (189/3), H. 639. Authenticated by al-Albānī in *as-Silsila aṣ-ṣaḥīḥa* (543/2), H. 883.

⁸² **Mount Abū Qubays:** Amongst the most famous mountains of Mecca, it overlooks the Sacred Mosque from the eastern side, it touches *aṣ-Ṣafā’*, it overhangs what is around it by 120 metres.

⁸³ **Mount Qu’ayqi’ān:** It is the enormous mount that overlooks the Sacred Mosque from the north and the north-west. It extends north until al-Ḥajūn, west until the Ṭuwā well, south until the neighbourhood of Ḥarāt al-bāb wa Shabīka. Its different sections nowadays include Mount Hindī, Mount al-‘Abbādī, Mount as-Sulaymāniya and Mount al-Falaq. It overhangs what is around it by 110 metres. Mount Abū Qubays and Mount Qu’ayqi’ān are named Akhshabay Mecca (the two hards of Mecca). See: *Makka al-mukarrama tārikh wa ma’ālim*, p. 110-111.

⁸⁴ See: *al-Ḥaram al-makkī ash-sharīf: at-Tawassu’āt al-‘imrāniya wa taṭawwur al-khadamāt*, dr. Sulaymān al-‘Abīd p. 42 etc.; *Makka al-mukarrama, tārikh wa ma’ālim*, p. 66-67.

⁸⁵ See: *Tafsīr as-Sa’dī* (538/1).

“That (is so). And whoever exalts the signs of Allah - indeed, it is from the piety of hearts.” Surat al-Ḥajj – The Pilgrimage: 32. Therefore, Muslims have to exalt these signs and blessed sites, among them: aṣ-Ṣafā’ and al-Marwa, by performing the sa’y or ritual walking between them during Ḥajj or ‘Umra, as Allah made it a religious duty; ‘Ā’isha (rh) narrated: **Surely, the Messenger of Allah (s) set the tradition of ṭawāf (circumambulation, i.e. sa’y) between them⁸⁶, so nobody is permitted to omit the ṭawāf between them.**⁸⁷

Among the virtues of aṣ-Ṣafā’ and al-Marwa:

Ibn ‘Umar (r2) narrated: The Messenger of Allah (s) said: **Your ṭawāf (circumambulation) between aṣ-Ṣafā’ and al-Marwa is equivalent to free seventy slaves.**⁸⁸

Freeing slaves is like giving life to someone; there is nothing in this world equivalent to giving life except freeing someone. **The proof of it** is underlined here: Abū Hurayra (r) narrated: The Messenger of Allah (s) said: **A son does not repay what he owes his father unless he found him as a slave and purchased him to set him free.**⁸⁹ The Prophet (s) established that a man setting his enslaved father free compensates the gift of life he owes him.

It is comparable to the sa’y of Hājir, the mother of Ismā’īl, peace be upon both of them, between aṣ-Ṣafā’ and al-Marwa looking for what could save her life and the life of her baby. Allah Most High granted her life by sending Jibrīl (p) after she completed the seventh turn. The angel spouted out Zamzam bursting with vitality. The reward for her sa’y and efforts was her revival and the revival of her baby.

Allah Most High decreed the same reward for whoever obeys His order and circumambulates between aṣ-Ṣafā’ and al-Marwa exalting the signs of Allah the Exalted Majestic. Instead, Allah Most High increased the reward; whereas the sa’y of Hājir, peace be upon her, freed her and her son from death, the sa’y of the monotheistic believer equals the freeing of seventy slaves, which highlights the greatness of such a ritual.

Fourthly: The Jamarāt.

Al-Jamarāt is the plural of *jamra*: a word used to designate the pebbles collected to be thrown during the Stoning of the Devil. **The name was given** to the place because people gather there.⁹⁰

It used to be said that *al-jamra* stands for small stones; **it designates** the pebbles that are thrown. It is said in Arabic: A person stones (jamara, yajmuru, tajmīran) the Devil in Mecca.⁹¹

The three Jamarāt are located on the west side of Minā; **the smallest one** is next to the mosque of al-Khayf and **the biggest one** is at the frontier with Mecca. The distance between the biggest one and the medium one is 240 metres and between the medium one and the smallest one 148 metres.⁹²

Origin of the stoning:

The origin of the stoning ritual goes back to our father Ibrāhīm al-Khalīl (p):

Ibn ‘Abbās (r2) narrated and elevated this speech to the Prophet (s) who said: **When Ibrāhīm the Friend of Allah (s) came to make the sacrifice, the Devil appeared to him next to the Jamra of al-‘Aqaba and Ibrāhīm threw him seven pebbles until he disappeared into the ground⁹³. Then he appeared to him next to the second jamra and he threw him seven pebbles until he disappeared into the ground. Then he reappeared to him at the third jamra, Ibrāhīm threw him seven pebbles**

⁸⁶ Between them: aṣ-Ṣafā’ and al-Marwa.

⁸⁷ Reported by al-Bukhārī (592/2), H. 1561; and Muslim (929/2), H. 1277.

⁸⁸ Reported by al-Bazzār in his *musnad* (317/12), H. 6177, al-Albānī said it was ḥassan (good) due to corroborating narrations in *ṣaḥīḥ at-targhīb wa at-tarhīb*, (9/2) H. 1112.

⁸⁹ Reported by Muslim (1148/2), H. 1510.

⁹⁰ See: *Tahdhīb al-‘asmā’ wa al-lughāt*, an-Nawawī (55/3), *Fath al-Bārī* (581/3).

⁹¹ See: *al-Istidhkār*, Ibn ‘Abd al-Barr (345 – 346/4).

⁹² See: *al-Ḥaram al-makkī ash-sharīf wa al-a’lām al-muḥīṭa bihi dirāsa tārikhiya wa maydaniya*, p. 146; *Makka al-mukarrama tārikh wa ma’ālim*, p. 80.

⁹³ He disappeared in the ground: he dove in it, he entered it. See: *Lisān al-‘Arab*, (35/3).

until he disappeared into the ground. Ibn ‘Abbās (r2) said: It is the Devil that you stone and the religion of your father that you follow.⁹⁴

The Jamarāt became among the visible signs of the Ḥajj and Allah Most High ordered us to praise His signs; therefore, the pilgrim has to stone the jamra of al-‘Aqaba in the morning of the day of the feast; then he stones the three Jamarāt for each day of tashrīq after noon, starting with the smallest jamra, then the middle one and finally the biggest one.

The wisdom behind the stoning of the Jamarāt:

The wisdom behind the stoning of the Jamarāt is the submission and obedience to Allah Most High, the adoration of Him alone without associate. The divine wisdom required His servants to worship Him Most High through various acts of adoration in order to distinguish between the good and the evil, as the absolute power to order or prohibit emerges from Allah Most High; it is the true motive of the faithful believer to abide by Allah exalted be He. This ritual is the following of the father of the prophets Ibrāhīm (p) as reported in the word of Ibn ‘Abbās (r2): It is the Devil that you stone and the religion of your father that you follow. In this lies a symbol of sincerity in the devotion to Allah alone and a symbol of contempt and scorn for what is worshipped instead of Allah Almighty, for the accursed Devil, idol or stone, etc. The monotheists despise him and stone him at places where the disbelievers took as their idols gods instead of Allah the Exalted Majestic; at these very places, the stones used as material for sculpting idols are disdained as every false deity, powerful people, or anything worshipped instead of Allah Most High. Here, the Devil who lead people astray from true worship is humiliated, he who seduced people to venerate other than Allah exalted be He. This is why the days of the Jamarāt are the worst days for Shayṭān, they are days of regrets, loss and humiliation.

Virtues of stoning the Jamarāt:

Among the virtues of stoning the Jamarāt are the following:

- A. Ibn ‘Umar (r2) narrated: The Messenger of Allah (s) said: **No one knows the reward of stoning the Jamarāt until one receives it on the Day of Resurrection.**⁹⁵

In this hadīth lies an interesting point, namely that the faithful believer obeys the divine order without knowing exactly what he is stoning and without knowing the reason behind the stoning of the Jamarāt. Even if some reasons may seem logical, there are other reasons beyond our own understanding; this is why Allah Most High concealed the reward of such a deed. There is no doubt that this reward is great, in order to encourage and incite the believers to obedience and compliance.

In another version: **Concerning the stoning of the Jamarāt, for each stone you throw, you will be greatly purified from major sins.**⁹⁶

In this version, the stress is put on the reward, but it does not mean that the reward is limited to this. It underlines only one of the different kinds of the reward stemming from the stoning of the Jamarāt. Actually what has been hidden is even greater than this.

- B. ‘Ubāda Ibn Aṣ-Ṣāmit (r) narrated: The Messenger of Allah (s) said: **Concerning the stoning of the Jamarāt, certainly Allah Almighty and Magnificent said:**

فَلَا تَعْلَمُ نَفْسٌ مَّا أُخْفِيَ لَهُمْ مِّن قُرَّةِ أَعْيُنٍ جَزَاءً بِمَا كَانُوا يَعْمَلُونَ

“And no soul knows what has been hidden for them of joy as reward for what they used to do.” Surat as-Sajda – The Prostration: 17.⁹⁷

⁹⁴ Reported by al-Ḥākim in *al-mustadrak* (638/1) H. 1713, ṣaḥīḥ according to the two sheikhs and they didn’t reject it; and agreed by adh-Dhahabī. Authenticated by al-Albānī, *ṣaḥīḥ at-targhīb wa at-tarhīb*, (37/2), H. 1156.

⁹⁵ Reported by Ibn Ḥibbān in his *Ṣaḥīḥ* (207/5), H. 1887. Al-Albānī made it ḥassan (good) in *ṣaḥīḥ at-targhīb wa at-tarhīb*, (34/2), H. 1155.

⁹⁶ Reported by al-Bazzār in his *musnad* (317/12), H. 6177, al-Albānī said it was ḥassan (good) due to corroborating narrations in *ṣaḥīḥ at-targhīb wa at-tarhīb*, (9/2) H. 1112.

- C. Ibn ‘Abbās (r2) narrated: The Messenger of Allah (s) said: **If you stoned the Jamarāt, you will have a light the Day of Resurrection.**⁹⁸

One might say:

Why such a great reward for a deed that could be considered quite easy to accomplish?

The answer: The greatness of the reward should not be taken into consideration alone; instead, it is the greatness of the One who linked the reward to the deed. Although such a deed looks easy to perform in its appearance, it is great in its meanings and signs. It implies the obedience, compliance and submission to Allah Most High. In it lies the exaltation of a divine order, the magnifying of the sacred sites of Allah and the true acknowledgment of His pure oneness. These meanings among many others are not a matter of easiness or simplicity; instead, it is for them that Allah created the Universe and the Creation, for them He sent the messengers, revealed the Books and established Heaven and Hellfire. They are the purpose of Life and its final objective: adoration. In this regard, Allah Most High said:

وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ

“And I did not create the jinn and mankind except to worship Me.” Surat adh-Dhāriyāt – The Winnowing winds: 56. This is the secret of existence and its essence.

Fifthly: Mina.

It is among the sacred sites of Allah which He ordered to magnify. It is located close to the Sacred Mosque at its eastern side 4 km away from it. **It has been named like that** because of the blood of the sacrifices (*manā*: to spurt out). **It is said:** the reason is that it is the place where Allah Most High granted (*manna*) his friend and prophet Ibrāhīm (p) the redemption of his son. **The limits of Mina:** from East to West: from the Jamra of ‘Aqaba to the Valley of Muḥassir⁹⁹ and it is limited from North to South by the surrounding mountains without what lays beyond them¹⁰⁰. **Its length is 3.5 km and it covers an area of 6.35 square kilometres.**¹⁰¹

At Mina, the pilgrims spend the ninth night of the month of Dhū al-Ḥijja before going to ‘Arafa. Those who are in haste spend only the eleventh and twelfth nights there and those who have time add the thirteenth night. These days are days of eating and drinking and remembering of Allah Most High as the Trustful Trustworthy (s) informed us.¹⁰²

Among the verses referring to Mina:

- A. The word of Allah Most High:

⁹⁷ Reported by aṭ-Ṭabarānī in al-Awsaṭ (16/3), H. 2320. Al-Albānī said it was ḥassan (good) due to corroborating narrations in *ṣaḥīḥ at-targhīb wa at-tarhīb*, (11/2), H. 1113.

⁹⁸ Reported by al-Bazzār in az-Zawā’id, p. 113. Al-Albānī said it was ḥassan ṣaḥīḥ (good and sound) in *ṣaḥīḥ at-targhīb wa at-tarhīb*, (37/2), H. 1157.

⁹⁹ **The Valley of Muḥassir:** it is a valley between Mina and Muzdalifa marking their frontiers without being part of one of them. The name was given as the elephant of Abraha was stopped there by Allah (*ḥusira*, to become weak) and did not go to Mecca. The word *ḥasīr* appears in Surat al-Mulk – The Sovereignty: 4:

يَنْقَلِبُ إِلَيْكَ الْبَصَرُ خَاسِئًا وَهُوَ حَسِيرٌ

“Your vision will return to you humbled and weakened”. It is the place where Allah destroyed the companions of the elephant. This is the reason for the pilgrims to hurry while passing this valley when they go from Muzdalifa to Mina, in order to comply with the teachings of the Prophet (s). See: *Ṣaḥīḥ Muslim* (891/2).

¹⁰⁰ See: *Buḥūth ‘an mashā’ir al-Ḥaram*, ‘Abd Allah Nadhīr Aḥmad, p. 111 - 121.

¹⁰¹ See: *al-Ḥaram al-makkī ash-sharīf wa al-a’lām al-muḥīṭa bihi dirāsa tārikhiya wa maydaniya*, p. 190, *Makka al-mukarrama tārikh wa ma’ālim*, p. 79.

¹⁰² Reported by Muslim (800/2), H. 1141.

وَأَذْكُرُوا اللَّهَ فِي أَيَّامٍ مَّعْدُودَاتٍ فَمَنْ تَعَجَّلَ فِي يَوْمَيْنِ فَلَا إِثْمَ عَلَيْهِ وَمَنْ تَأَخَّرَ
فَلَا إِثْمَ عَلَيْهِ

“And remember Allah during (specific) numbered days. Then whoever hastens (his departure) in two days, there is no sin upon him; and whoever delays (until the third), there is no sin upon him”. Surat al-Baqara – The Cow: 203. Al-Qurṭubī (m) said: There is no divergence between the ulama: the specific numbered days quoted in this verse are the days of Mina and they are the days of tashrīq.¹⁰³

B. The word of Allah Most High:

لِيَشْهَدُوا مَنَافِعَ لَهُمْ وَيَذْكُرُوا اسْمَ اللَّهِ فِي أَيَّامٍ مَّعْلُومَاتٍ عَلَىٰ مَا رَزَقَهُمْ مِّنْ
بَهِيمَةِ الْأَنْعَامِ

“That they may witness benefits for themselves and mention the name of Allah on known days over what He has provided for them of beast of cattle”. Surat al-Ḥajj: 28. The known days encompasses the days of Mina or some of them as there is a divergence between the ulama. Aṭ-Ṭabarī (m) said about this verse in his tafsīr: They are the days of tashrīq according to some exegetes; some of them said they are the ten first days of Dhū al-Ḥijja; according to others they refer to the Day of the Sacrifice and the days of tashrīq.¹⁰⁴

Mina gathers some of the great sacred sites, among them:

A. **Al-Jamarāt:** quoted previously.

B. **The Mosque of al-Khayf**¹⁰⁵: It is located close to the smallest jamra at the foot of Mount aṣ-Ṣābiḥ. It is a historical and ancient mosque where the Prophet (s), and other prophets before him, prayed, peace be upon all of them.¹⁰⁶

Ibn ‘Abbās (r2) narrated: The Messenger of Allah (s) said: **Seventy prophets prayed in the Mosque of al-Khayf; among them is Mūsā (p), it is as if I am looking at him at the moment, he is wearing two cloaks**¹⁰⁷ while in the state of iḥrām riding a camel from the camels of Shanū’a (a tribe) nose banded with fibre and with two braids.¹⁰⁸

Virtues of Mina:

Among the sacred noble injunctions related to Mina are the following:

1. **The stoning of the Jamarāt:** already quoted previously.
2. **The sacrifice:** Allah Most High said:

¹⁰³ Al-Jāmi‘ li-aḥkām al-Qur’ān (1/3).

¹⁰⁴ Tafsīr Aṭ-Ṭabarī (147/17).

¹⁰⁵ **The Mosque of al-Khayf:** a famous mosque in Mina; *al-khayf* designates what is above the river’s bed and below the summit of mountains. The mosque of Mina is named the Mosque of al-Khayf, as it is at the foot of the mountain. The caliphs took care of it and restored it many times. The last renovation and extension of it dates back to the reign of the Custodian of the two Holy Mosques, King Fahd Ibn ‘Abd al-‘Azīz (m) in 1407 H. (1986 CE). It covers an area of 34,000 square metres and welcomes 35,000 people. See: *An-Nihāya fi gharīb al-ḥadīth wa-l-athar*, (93/2); *Makka al-mukarrama tārikh wa ma‘ālim*, p. 82.

¹⁰⁶ See: *Makka al-mukarrama tārikh wa ma‘ālim*, p. 82.

¹⁰⁷ **Two cloaks:** white and short. See: Ibn al-Athīr, *An-Nihāya* (85/4). See: *At-targhīb wa at-tarhīb*, al-Mundhirī (117/2); *Lisān al-‘Arab* (191/15).

¹⁰⁸ Reported by aṭ-Ṭabarānī in *al-Awsaṭ* (312/5), H. 5407; al-Kabīr (452/11), H. 12283; Al-Albānī made it ḥassan (good) in *Ṣaḥīḥ at-targhīb wa at-tarhīb* (19/2), H. 1127.

وَالْبَدْنَ جَعَلْنَاهَا لَكُمْ مِّنْ شَعَائِرِ اللَّهِ لَكُمْ فِيهَا خَيْرٌ فَاذْكُرُوا اسْمَ اللَّهِ عَلَيْهَا صَوَافٍ فَإِذَا وَجَبَتْ جُنُوبُهَا فَكُلُوا مِنْهَا وَأَطْعِمُوا الْقَانِعَ وَالْمُعْتَرَّ كَذَلِكَ سَخَّرْنَاهَا لَكُمْ لَعَلَّكُمْ تَشْكُرُونَ

“And the camels and cattle We have appointed for you as among the ceremonies of Allah; for you therein is good. So mention the name of Allah upon them when they are drawn up in lines (for sacrifice); and when they are (lifeless) on their flanks, then eat from them and feed the needy and the beggar. Thus have We subjected them to you that you may be grateful.” Surat al-Ḥajj – The Pilgrimage: 36.

The sacrifice is a symbol of cutting off all the voices that contradict the voice of Truth and a symbol of shutting the doors to going astray from the path of Allah Most High. The rite of the sacrifice is an exaltation of the orders of Allah Most High and the immortalization of the remembrance of our father Ibrāhīm (p) who reached the height of sacrifice as he was ready to immolate his sole child, the apple of his eye, for complying with the orders of his Lord and obeying the will of his Creator, the Exalted Majestic, by struggling with his own deep nature, feelings and his paternity and thus disobeying the whispering of Shayṭān who incited him with all his strength to go astray. It was a victory of Truth over Falsehood and of faith against passion, ego and the devil. Every year, the rite of the sacrifice occurs at the same place where Ibrāhīm offered his sacrifice to his Lord, celebrating these values and ideals: faith, obedience, compliance and submission to the orders of Allah alone exalted be He.

3. Shaving of the head:

- A. Abū Hurayra (r) narrated: The Messenger of Allah (s) said: **O Allah! Forgive those who get their heads shaved.** The people asked: O Messenger of Allah! And those who get their hair cut short? The Prophet said: **O Allah! Forgive those who have their heads shaved.** The people said: O Messenger of Allah! And those who get their hair cut short? The Prophet said: **O Allah! Forgive those who get their heads shaved.** The people asked: O Messenger of Allah! And those who get their hair cut short? The Prophet said: **Also (forgive) those who get their hair cut short.**¹⁰⁹
- B. Umm al-Ḥuṣayn (rh) narrated she heard that the Prophet (s) during his Farewell Pilgrimage **invoked blessing three times for those who got their heads shaved and once for those who got their hair clipped.**¹¹⁰
- C. Mālik Ibn Rabī'a (r) narrated he heard the Messenger of Allah (s) saying: **O Allah! Forgive those who get their heads shaved. O Allah! Forgive those who get their heads shaved.** Someone asked: And those who get their hair cut short? The Messenger of Allah (s) said the third or the fourth time: **Also (forgive) those who get their hair cut short.** Then he (Mālik) said: Today I shaved my head and I am happier than if I had red camels.¹¹¹
- D. Ibn 'Umar (r2) narrated: The Messenger of Allah (s) said: **Concerning your sacrifice, it is well recorded with your Lord and concerning the shaving of your head, for every hair shaved you will get a ḥasana (units of reward for good deeds) and a sin erased.**¹¹²
- E. 'Ubāda Ibn aṣ-Ṣāmit (r) narrated: The Messenger of Allah (s) said: **Concerning the shaving of your head, for every hair falling on the ground you will have a light on the Day of Resurrection.**¹¹³

¹⁰⁹ Reported by al-Bukhārī (617/2), H. 1641; Muslim, his version (946/2), H. 1302.

¹¹⁰ Reported by Muslim (946/2), H. 1303.

¹¹¹ Reported by Aḥmad in *al-Musnad* (177/4), H. 17634. Al-Haythamī made it ḥassan (good) in *Majma' az-zawā'id* (262/3) and al-Albānī in *Ṣaḥīḥ at-targhīb wa at-tarhīb* (38/2), H. 1160.

¹¹² Reported by al-Bazzār in his *musnad* (317/12), H. 6177, al-Albānī said it was ḥassan (good) due to corroborating narrations in *ṣaḥīḥ at-targhīb wa at-tarhīb*, (9/2) H. 1112.

¹¹³ Reported by aṭ-Ṭabarānī in *al-Awsaṭ* (16/3), H. 2320. Al-Albānī said it was ḥassan (good) due to corroborating narrations in *ṣaḥīḥ at-targhīb wa at-tarhīb*, (11/2) H. 1113.

Sixthly: Muzdalifa:

Muzdalifa is located between 'Arafāt and Mina. It is separated from Mina by the Valley of Muḥassir. It is 6 km away from 'Arafāt and 8 km from the Sacred Mosque at its south eastern side. It covers an area of about 9.36 square kilometres.¹¹⁴

The name Muzdalifa stems from *at-tazalluf* and *al-izdilāf* which both means getting closer, approaching, as the pilgrims stream down 'Arafāt and head to Muzdalifa or get closer to it. It is said that the name Muzdalifa came from *zulaf min al-layl*, hours of the night as people move there by night. **It is also called** *Jam'an*; gathering, as people gather at Muzdalifa or because the Maghreb and 'Ishā' prayers are gathered or combined on this occasion. **Another name** for Muzdalifa is ***al-Mash'ar al-Ḥarām***: *mash'ar* stands for mark, landmark, symbol, spot or sign; as it is a crucial stop during the Ḥajj; and Ḥarām stands for sacred. Al-Mash'ar al-Ḥarām is bound with specific rites like spending one night there and combining the two prayers of Maghrib and 'Ishā'. Muzdalifa is described as sacred for its sanctity, as it is located within the borders of the Ḥaram.¹¹⁵

Allah Most High quoted Muzdalifa in the Noble Qur'an:

فَإِذَا أَقَضْتُمْ مِنْ عَرَفَاتٍ فَأَذْكُرُوا اللَّهَ عِنْدَ الْمَشْعَرِ الْحَرَامِ وَاذْكُرُوهُ كَمَا هَدَيْتُمْ
وَإِنْ كُنْتُمْ مِنْ قَبْلِهِ لَمِنَ الضَّالِّينَ

“When you depart from 'Arafāt, remember Allah at al-Mash'ar al-Ḥarām. And remember Him, as He has guided you, for indeed, you were before that among those astray.” Surat al-Baqara: 198.

Spending the tenth night of Dhū al-Ḥijja at Muzdalifa is one of the duties to perform during the Ḥajj, Jābir Ibn 'Abd Allah (r2) described the Ḥajj of the Prophet (s): He (s) then came to Muzdalifa, where he prayed Maghrib and 'Ishā' with one adhān and two iqāma, and he did not offer any prayer in between them. The Messenger of Allah (s) then lay down till dawn and performed the Fajr prayer when the morning light was clear with one adhān and one iqāma. He then mounted al-Qaṣwā' (his camel) and went to al-Mash'ar al-Ḥarām. He faced the qibla praised Allah, declared His greatness, His uniqueness and Unity and kept standing till the day was very clear. Then he went quickly before the sun rose.¹¹⁶

Virtues of Muzdalifa:

- A. Bilāl Ibn Rabāḥ (r) narrated: The Prophet (s) told him on the morning of the Day of Sacrifice: **O Bilāl! Ask the people to keep silent!** Or he (s) said: **Ask the people to keep quiet and listen!** Then he said: **Allah favoured¹¹⁷ this assembly of yours, He bestowed His grace even to the wicked thanks to the well doers and gave the well doers what they asked, go ahead, in the name of Allah.**¹¹⁸
- B. Anas Ibn Mālik (r) narrated: **The Prophet (s) stood up at 'Arafāt while the sun was about to set** and said: **O Bilāl! Ask the people to be quiet and listen to me.** Bilāl (r) stood up and asked the people: Be quiet and listen to the Messenger of Allah (s)! When the people were quiet, the Prophet (s) said: **O People! A little while ago Jibrīl (p) came to me, gave me salutations from Allah and informed me that Allah Almighty and Magnificent has forgiven those who spent the day at 'Arafāt and those who stopped at al-Mash'ar, and that He has guaranteed their debts!** 'Umar Ibn al-Khaṭṭāb (r) stood up and asked: O

¹¹⁴ See: *al-Ḥaram al-makkī ash-sharīf wa al-a'lām al-muḥīṭa bihi dirāsa tārikhiya wa maydaniya*, p. 201; *Makka al-mukarrama tārikh wa ma'ālim*, p. 84.

¹¹⁵ See: *Sharḥ an-Nawawī 'alā ṣaḥīḥ Muslim* (187/8); *Tafsīr al-Baghawī* (174/1); *Buḥūth 'an mashā'ir al-Ḥaram* (11-15).

¹¹⁶ Reported by Muslim (891/2), H. 1218.

¹¹⁷ **Allah favoured your assembly:** *taṭawwala 'alaykum* Allah rewarded you beyond your deeds; thanks to the intercession of the well doers and to their prayers He forgave also the wicked. See: *Sharḥ sunan Ibn Māja*, as-Suyūṭī (217/1), among others.

¹¹⁸ Reported by Ibn Māja (1006/2), H. 3024. Authenticated by al-Albānī in *Ṣaḥīḥ sunan Ibn Māja* (48/3) H. 2468.

Messenger of Allah! Is this for us only? The Prophet (s) said: **This is for you and for all those who will come after you until the Day of Resurrection.** ‘Umar Ibn al-Khaṭṭāb (r) said: How plentiful and blissful are the bounties of Allah.¹¹⁹

The similarities between ‘Arafāt and Muzdalifa are clear and obvious as both of them are gathering people at a precise time: at ‘Arafāt people gather during day time until the sun sets for beseeching Allah Most High and at Muzdalifa people gather to spend the night and rest from the tiredness and hardship undergone during the day. At ‘Arafāt, the prayers of Zohr and ‘Aṣr are combined and shortened and at Muzdalifa the prayers of Maghrib and ‘Ishā’ are also combined and the ‘Ishā’ is shortened. These similarities in the rites may be the reason for the similarities in their reward.

Seventhly: ‘Arafāt:

‘Arafāt is a flat piece of land surrounded by mountains which have the shape of a big bow, the string of which would be the Valley of ‘Urana. ‘Arafāt is located south east of Mecca the Honoured and it is 18 km away from the Sacred Mosque. It is not within the Ḥaram, it is separated from it by the Valley of ‘Urana. It covers an area of 17.95 square kilometres.¹²⁰

‘Arafa is among the sacred exalted sites located around the Holy Land. The Islamic legislation imposed the station at ‘Arafa as a pillar for the accomplishment of the Ḥajj and he who misses it misses his Ḥajj. ‘Abd ar-Raḥmān Ibn Ya‘māra ad-Dīlī (r) narrated: I saw the Messenger of Allah (s) standing at ‘Arafa and people from the Najd came to him and asked: O Messenger of Allah! What about the Ḥajj? He said: **The Ḥajj is ‘Arafa.**¹²¹ The pilgrims spend the ninth day of Dhū al-Ḥijja at ‘Arafat where they combine the prayers of Zohr and ‘Aṣr and shorten them; then they beseech Allah Most High until sun sets and then flock towards Muzdalifa.

Why is ‘Arafa situated outside the Ḥaram?

It is well known that ‘Arafa is situated outside the Ḥaram contrary to Mina or Muzdalifa. In spite of that, the station at ‘Arafa is one of the compulsory duties of the Ḥajj, contrary to the stations at Muzdalifa and Mina. Then why is ‘Arafa situated outside the Ḥaram whereas it is among the most important pillars of the Ḥajj?

Some scholars gave their interpretations concerning this paradox: al-Khalīl Ibn Aḥmad (m) said: I heard Sufiān ath-Thawrī (m) say: I was heading to Mecca and I met Ja‘far Ibn Muḥammad who stopped in the valley; I said: O son of the Messenger of Allah! **Why is the station situated outside the Ḥaram and it did not become part of al-Mash‘ar al-Ḥarām?** He said: The Ka‘ba is the House of Allah, the Ḥaram is its veil and the station (‘Arafa) is its door. When the people head to it, Allah stops them at the door for supplicating. Then He permits them to enter and brings them closer to the second door, namely Muzdalifa; when He sees the abundance of their beseeching and their efforts, He bestows upon them His Mercy. After He bestowed upon them His mercy, He orders them to bring their offerings (sacrifices); when they have brought their sacrifices and fulfilled the prescribed duties, they purify themselves from sins and He orders them to visit His House.

He said to him: **Why is it disliked to fast during the days of tashrīq?** He said: Because the pilgrims are the guests of Allah and it is not proper for a guest to fast at his host.

I said: I would give my life for you (i.e. thank you very much indeed). **What about the people who cling to the cloth that covers the Ka‘ba which is but rags?** He said: It is like a man who

¹¹⁹ Reported by Ibn ‘Abd al-Barr in *at-Tamhīd* (182/1), H. 405 and al-Mundhirī in *At-targhīb wa at-tarhīb* (131/2), H. 1796. Al-Albānī said it was authentic due to corroborating narrations in *Ṣaḥīḥ at-targhīb wa at-tarhīb* (33/2), H. 1151.

¹²⁰ See: *al-Ḥaram al-makkī ash-sharīf wa al-a‘lām al-muḥīṭa bihi dirāsa tārikhiya wa maydaniya*, p. 256; *Makka al-mukarrama tārikh wa ma‘ālim*, p. 88.

¹²¹ Reported by Ibn Māja (1003/2), H. 3015. Authenticated by al-Albānī in *Ṣaḥīḥ sunan Ibn Māja* (44/3) H. 2459.

committed a crime against another, he wants to right his wrongs so he clings to him and turns around him, begging his pardon and hoping the man will forgive him.¹²²

Virtues of 'Arafat:

- A. 'Ā'isha (rh) narrated: The Messenger of Allah (s) said: **There is no day on which Allah frees more of his slaves from the fire than the day of 'Arafa. He draws near then He boasts to the angels about them and says: What do these people want?**¹²³
- B. Abū Hurayra (r) narrated: The Messenger of Allah (s) said: **Verily Allah boasts of the people of 'Arafat before the people of Heaven saying: Look to My servants who have come to Me dishevelled and dusty.**¹²⁴
- C. Anas Ibn Mālik (r) narrated: **The Prophet (s) stood up at 'Arafāt while the sun was about to set and said: O Bilāl! Ask the people to be quiet and listen to me.** Bilāl (r) stood up and asked the people: Be quiet and listen to the Messenger of Allah (s)! When the people were quiet, the Prophet (s) said: **O People! A little while ago Jibrīl (p) came to me, gave me salutations from Allah and informed me that Allah Almighty and Magnificent has forgiven those who spent the day at 'Arafāt and those who stopped at al-Mash'ar al-Ḥarām, and that He has guaranteed their debts!**¹²⁵
- D. Ibn 'Umar (r2) narrated: The Messenger of Allah (s) **stood up at 'Arafāt and said: Verily Allah Almighty and Magnificent descends to the lowest heaven and says: Look to my servants who have come to Me dishevelled and dusty and bear witness that I have forgiven them their sins even if they were the number of drops of rain or the number of grains of the sand of 'Ālij**^{126 127}.

There is no doubt that the station of 'Arafa is the most important part of the Ḥajj. The Messenger of Allah (s) summarized the Ḥajj in his word: **The Ḥajj is 'Arafa.**¹²⁸ No one can stand at 'Arafa by proxy for someone else and its time has to be fully respected, without being ahead or behind schedule. Anyone missing its precise time misses his Ḥajj. This underlines the greatness and importance of this ritual.

The wisdom of standing at 'Arafa:

The standing at 'Arafa of massive crowds of Muslims glorifying Allah Most High, the unique God, has much wisdom, for instance:

- It reminds the Muslims of a great vision, namely the Judgment Day, where all the people in their diversity of origin, shape and colour will appear before Allah Most High. This grandiose scene reminds us of the Resurrection and the Day of the accounts; Allah the Truth, exalted be He, quotes it in the beginning of the surat al-Ḥajj:

¹²² *Tārīkh al-islām* (92/9); adh-Dahabī. See: *Sha'b al-ʿimān*, al-Bayhaqī (496/3); *Tārīkh madīna Dimashq* (352/6); *Tahdhīb al-kamāl* (94/5).

¹²³ Reported by Muslim (982/2), H. 1348.

¹²⁴ Reported by Ibn Khuzayma in his *Ṣaḥīḥ* (263/4), H. 2839. Authenticated by an-Nawawī in *al-Majmū'* (322/7) and al-Albānī in *Ṣaḥīḥ at-targhīb wa at-tarhīb* (33/2), H. 1152.

¹²⁵ See footnote 119.

¹²⁶ **The sand of 'Ālij:** a famous place known for the abundance of its sand. Ibn al-Ḥā'ik **said:** The sand of 'Ālij is located between the mountain of Ṭay' and the region of Fazāra in ad-Dahnā desert. **It is said** that the sand of 'Ālij reaches ad-Dahnā. Ad-Dahnā is located between al-Yamāma and Baṣra, it consists of mountains; some of them are about a mile. **It is said** that the 'Ād came from Yemen and used to live in ash-Shajara and al-Aḥqāf which are sandy regions named the sand of 'Ālij. **It is said** that the sand of 'Ālij is in piles and heaps. See: *Ṣiffa jazīra al-'arab*, p. 88. Ibn al-Ḥā'ik al-Hamadānī (t. 334); Mu'jam mā ista'jam (913/3); *Tafsīr ath-Tha'labī* (246/4).

¹²⁷ Reported by Ibn Ḥibbān in his *Ṣaḥīḥ* (207/5), H. 1887. Al-Albānī made it ḥassan (good) in *Ṣaḥīḥ at-targhīb wa at-tarhīb* (34/2), H. 1155.

¹²⁸ Previously quoted, see footnote 121.

يَأْيَهَا النَّاسُ اتَّقُوا رَبَّكُمْ إِنَّ زَلْزَلَةَ السَّاعَةِ شَيْءٌ عَظِيمٌ (١) يَوْمَ تَرَوْنَهَا
تَذْهَلُ كُلُّ مُرْضِعَةٍ عَمَّا أَرْضَعَتْ وَتَضَعُ كُلُّ ذَاتِ حَمْلٍ حَمْلَهَا وَتَرَى
النَّاسَ سُكَرَىٰ وَمَا هُمْ بِسُكَرَىٰ وَلَكِنَّ عَذَابَ اللَّهِ شَدِيدٌ (٢)

“O mankind! Fear your Lord. Indeed, the earthquake of the Hour is a tremendous thing. (1) On the day you see it every nursing mother will forget her nursling and every pregnant one will be delivered of her burden, and you will see the people as drunk, yet they will not be drunk, but the punishment of Allah is severe. (2)” Surat al-Ḥajj: 1 – 2. On the Day of Resurrection the most desired thing will be to be saved from Fire and to gain the forgiveness of the One, the Prevailing, and the vision of ‘Arafat is similar to the vision of the Day of Resurrection; moreover, Allah Most High rewards the standing at ‘Arafat by saving from Fire and forgiveness.

- On this occasion, the servant gets rid of Duniā, this world and its beauty and stands in the hands of his Lord, humble and submitted, without lineage, money or assets. He shows his humility by wearing his white clothes deprived of any aspects of luxury in front of the supremely great, the Exalted Majestic who cannot be described with words.

Section III:

In it the reward for good deeds is increased and sins are magnified

The Holy Land hosts the Sacred House of Allah and the House is attributed to Allah Most High, the Land is therefore attributed to Allah Most High. The Holy Land and the Sacred House are the court of the King Almighty and Magnificent. There He receives His guests and welcomes His visitors and He is certainly the Most Generous. This is why Allah Most High exalts such a visit and increases its reward as well as the reward for the deeds accomplished in its bosom. In other words, ḥasanāt are magnified in His Holy Land and at His Honourable House.

On the other hand, Allah Most High also increases the punishment for bad deeds and thus magnifies the sayy’āt for those who dare perpetrate sins within His court.

In this magnification of good deeds and sins lies an exaltation and glorification of the Holy Land; it makes a distinction between it and the rest of places and lands as the Holy Land distinguishes itself from the rest of the world by its attribution to Allah. It stems from this a difference of reward concerning obedience and disobedience.

In both cases Allah Most High guarantees an appropriate reward: he who works for Truth and the Good has his ḥasanāt magnified and Allah increases his reward, and he who works for Falsehood and Evil has his sayy’āt magnified and Allah worsens his punishment.

The ulama unanimously agreed: The reward for good deeds (ḥasanāt) and the retribution for evil ones (sayy’āt) are magnified inside the Holy Land.¹²⁹

The ulama diverged on the reality of such a magnification; there are two opinions, **the prevailing one** is that ḥasanāt and sayy’āt are magnified in the Holy Land in their qualities not in their quantities as no authentic evidence come to define their specific value, except for prayers; this is the view of the majority.¹³⁰

It has been established by unequivocal evidence that the reward for good deeds is increased and the retribution for evil ones gets worse during specific periods of time considered sacred by Allah Most High, like the sacred months, the ten first days of Dhū al-Ḥijja or the Night of Destiny.

¹²⁹ See: *Tafsīr ath-Tha‘labī* (17/7); *Tafsīr al-Baghawī* (283/3); *Zād al-masīr* (422/5).

¹³⁰ See: *Muthīr al-‘azm as-sākin ilā ashraf al-amākin*, Ibn al-Jawzī (331/1); *al-Majmū‘* (207/8); *Aḥkām al-Qur’ān* (277/3); *al-Qirā liqāsid umm al-qurā* (p. 659); *Jāmi‘ al-‘ulūm wa al-ḥikam* (318/2); *Maṭālib ulī an-nuhā* (386/2).

Moreover, the reward or the retribution for deeds is also magnified in regard of the people doing them, like the wives of the Prophet (s), for instance, because of their honour and sanctity before Allah Most High. Therefore, if some periods of time and some people enjoy a special sacredness, consequently some places gained a specific sanctity like the Sanctuary of Mecca, may Allah increase its honour.

An-Nawawī (m) said about Mecca: Certainly, a sin perpetrated in Mecca is worse than a sin perpetrated elsewhere as a good deed is greater in Mecca than anywhere else.¹³¹

Allah Most High said about the magnification of evil deeds:

وَمَنْ يُرِدْ فِيهِ بِالْحَادِ بِظُلْمٍ نُّذِقْهُ مِنْ عَذَابِ أَلِيمٍ

“Whoever intends (a deed) therein of deviation (in religion) or wrongdoing - We will make him taste of a painful punishment.” Surat al-Hajj: 25.

Ibn al-Qayyim (m) said: Therefore, the seriousness of sins is magnified therein, not their quantity. The reward for a sin is a sin, but the reward for a major sin is a major retribution and the reward for a minor one is its equivalent. Then a sayy'a perpetrated within the Sanctuary of Allah, His Land and His court is certainly worse than perpetrated anywhere else. For this, someone defying the King inside the court of His kingdom is not comparable to someone disobeying Him far away from His House and court. This is the distinction concerning the magnification of sayy'āt.¹³²

This is the reason for which many scholars disliked living in Mecca or its neighbourhood, fearing to perpetrate sins there, as disobedience in Mecca is not comparable to disobedience in any other place.¹³³

If Allah Most High forbade ordinary things which were originally authorized, like hunting or uprooting trees, near His Sacred House, what about things utterly forbidden whatever time and space? Worse than this, what about major sins like unlawful sexual intercourse, murder, theft, terrorizing innocent people or other major sins?¹³⁴

The magnification of sins in the Holy Land has two reasons: first, the violation itself and secondly the loss of sanctity for the Holy Land.¹³⁵

Summary:

The reward for good deeds or evil ones is magnified in the Sanctuary of Mecca from the perspective of their quality, not their quantity. As they are committed inside the Ḥaram of Allah, sins are considered more perverse and uglier and the retribution is therefore worse, even if they are not numerous¹³⁶, details will follow in another chapter of this book.

Section IV:

In it, faith is strengthened

Among the virtues of the Holy Land is that faith will go back to it and concentrate there, as well as the people of faith at the end of time, like the snake returns to its hole after having left it; among the ḥadīths linked to this matter are the two following:

¹³¹ *Al-Majmū'* (207/8).

¹³² *Zād al-ma'ād* (51/1).

¹³³ See: *Shifā' al-gharām bi akhbār al-balad al-ḥarām*, al-Fāsī (159/1).

¹³⁴ *Bayt Allah al-Ḥarām al-Ka'ba*, p. 72.

¹³⁵ See: *Tafsīr al-Qurṭubī* (35/12).

¹³⁶ See: *Faḍā'il Makka al-mukarrama*, p. 116.

1. Ibn 'Umar (r2) narrated: The Prophet (s) said: **Verily Islam started as something strange and it would again revert to being strange¹³⁷ just as it started, and it would huddle¹³⁸ between the two mosques¹³⁹ just as the serpent crawls back into its hole^{140 141}.**
2. Sa'd Ibn Abi Waqqāṣ (r) narrated: I heard the Messenger of Allah (s) say: **Verily faith started as something strange and it will again revert to being strange as it started, so good tidings for the strangers the day when people will get corrupted; by Him in Whose Hand the soul of Abū al-Qāsim is, faith will huddle between these two mosques just as the snake crawls back into its hole.¹⁴²**

Significance: Among the virtues of Mecca and Medina is that the believers appeared there and still gather and resort there, as the snake returns to its hole after having left it.

In both ḥadīths lies a virtue of Mecca and Medina: only a Muslim sets off towards them, guided by his faith and love for the religion of Allah Most High and the law of his noble Prophet (s). Faith will return to both of them as it initiated from both of them; from both of them it spread as the snake when it goes out of its hole, until something frightens it, then it crawls back from where it came. As for Mecca and Medina, only a believer enjoying a genuine faith would set off towards them. In other words, when faith will start to get weak, it will find refuge in these two blessed cities.¹⁴³

In both ḥadīths lie prophetic predictions; the Messenger of Allah (s) informed us that faith will stay in both cities until the Hour comes. These two ḥadīths guarantee safety and serenity for the people of Mecca and Medina and for all the believers of the world who seek refuge there; their religion and faith will be safeguarded until the Hour comes, especially during periods of great tribulations linked with the approach of the end of time like the tribulation of the Dajjāl, and Allah exalted be He is the only one who protects.

Summary:

At the end of time, religion will find refuge in Mecca and Medina, when the tribulations will occur and when the disbelievers and darkness will seize the Muslim countries. On these days, religion will return to Mecca and Medina as it started from them. Islam started as something strange and people used to denigrate it and it will again become strange as it started. Early Muslims were like strangers between their people, they were isolated and despised. It will be the same at the end of time, so good tidings for those strangers, at the beginning and at the end.¹⁴⁴

During all ages, the Muslims have always found refuge and security in the two sanctuaries, as the snakes crawls into its hole, because they are both the centres of faith and its settlement, from both of them it started and spread, between them it concentrates, inside them it is renewed, at their frontiers it will stop and it will remain there until the Hour comes. For these reasons Shayṭān despaired of being worshipped in these cities especially and in the Arabian Peninsula generally.

¹³⁷ **Verily Islam started as something strange:** strange like a foreigner alone without relatives because of the small amount of Muslims when Islam appeared. At the end of time Muslims again will be few and therefore like foreigners or outsiders. See: *An-Nihāya fi gharīb al-ḥadīth wa-l-athar*, (348/3).

¹³⁸ **Huddle:** See: *Tahdhīb al-lughā*, al-Azharī (170/13).

¹³⁹ **Between the two mosques:** The Sanctuary of Mecca and the Sanctuary of Medina. An-Nawawī (m) said: The two mosques of Mecca and Medina. It means that it will concentrate there: the believers will gather and take refuge there. See: *Ṣaḥīḥ Muslim bi-sharḥ an-Nawawī* (177/2).

¹⁴⁰ The snake enters its hole by its tail; its head therefore is the last part of it entering the hole. Similarly, Islam appeared in Mecca and Medina and will return there as it started. Usually the snake enters its hole with its head, except when in a state of fear. See: *Tahdhīb al-lughā* (171/13).

¹⁴¹ Reported by Muslim (131/1), H. 146.

¹⁴² Reported by Aḥmad in *al-Musnad* (184/1), H. 1604. Aḥmad Shākir authenticated its chain (isnād), H. 1604. Investigators of the musnad said isnād jayyid (its chain is good) (157/3), H. 1604.

¹⁴³ See: *Sharḥ Ṣaḥīḥ al-Bukhārī*, Ibn Baṭṭāl (548/4).

¹⁴⁴ See: *Mirqāt al-mafātīḥ sharḥ mishkāt al-maṣābīḥ* (55/2).

This particularity of Mecca and Medina stems from their status as the land of the revelation, the cradle of Islam and the source of the message; **Mecca** bore witness of the group of the companions of the Prophet (s) who believed in him, gave credit to his message, followed him and endured for their faith horrors of torture, deportation and murder. They kept firm on their position, steadfast as mountains. **Medina** bore witness of the establishment of religion; it protected it and from there it spread all over the world. The divine will and the lordly wisdom decreed that faith would remain in these two cities, Mecca and Medina, until Allah inherits Earth and those who lived on it.

Section V:

The angels surround it and it is protected against the Dajjāl.

Among the virtues of the Holy Land and the specific care of Allah Most High towards it is that He appointed angels to surround and protect it from tribulations and calamities. Why not? It is the Sanctuary of Allah Most High on earth, it hosts His House. Such a Sanctuary and such a House need a specific protection which cannot be ensured by the believers in charge of it. These custodians are undoubtedly unable to provide any protection against the tribulation of the Dajjāl, for instance, or against calamities like the plague; therefore the noble angels, peace be upon them, were appointed to the lofty mission of safeguarding the Holy Land.

Among the virtues of the Holy Land is its protection against the false messiah: the Dajjāl, who will appear at the end of time and go all over the world except in Mecca and Medina which will be safeguarded from him entering them. Inside both of these blessed cities, the believers will be safe from his tribulation, and many ḥadīths explain this, among them:

1. Anas Ibn Mālik (r) narrated: The Prophet (s) said: **There will be no town which the Dajjāl will not enter except Mecca and Medina, and there will be no passage¹⁴⁵ (to either Mecca or Medina) but the angels will be standing in rows guarding it against him, and then Medina will shake with its inhabitants thrice (i.e. three earthquakes will take place) and Allah will expel all the disbelievers and the hypocrites from it.**¹⁴⁶
2. Abū Saʿīd al-Khudrī (r) narrated: I accompanied Ibn Ṣāʿid¹⁴⁷ to Mecca and he said to me: What I have gathered from people is that they think that I am the Dajjāl. Have you not heard the Messenger of Allah (s) saying: **He will have no children**. I said: Yes, of course. Thereupon he said: But I have children. Have you not heard the Messenger of Allah (s) saying: **He would not enter Mecca and Medina?** I said: Yes, of course. Thereupon he said I was born in Medina and now I intend to go to Mecca. And he said to me at the end of his talk: By Allah: I know his place of birth, his abode and where he is just now. He said: This caused confusion in my mind.¹⁴⁸
3. Tamīm ad-Dārī reported some words of the Dajjāl, the false messiah: I would be soon allowed to get out and so I shall get out, travel around the world for forty nights, and enter

¹⁴⁵ Passage: *Sharḥ Ṣaḥīḥ al-Bukhārī*, Ibn Baṭṭāl (550/4); *an-Nihāya fī gharīb al-ḥadīth wa-l-athar* (102/5); *Fath al-Bārī* (96/4).

¹⁴⁶ Reported by al-Bukhārī (665/2), H. 1782; Muslim (2265/4), H. 2943.

¹⁴⁷ Ibn Ṣāʿid: He is ʿAbd Allah Ibn Ṣāʿid also called Ṣayyād, he was born one-eyed and circumcised at the time of the Prophet (s). Some companions thought he was the Dajjāl and the Prophet (s) examined him until he came to conclude he was not the Dajjāl, but he was a soothsayer. Among his children was ʿUmāra Ibn ʿAbd Allah Ibn Ṣayyād who was among the best Muslims, a friend of Saʿīd Ibn al-Musayyib. See: *al-iṣāba fī tamyīz aṣ-ṣaḥāba* (192/5); *Majmūʿ al-fatāwā*, Ibn Taymiya (283/11).

¹⁴⁸ Reported by Muslim (2241/4), H. 2927. Confusion in my mind: see: *Ṣaḥīḥ Muslim bi-sharḥ an-Nawawī* (50/18).

every town except Mecca and Ṭayba¹⁴⁹ as these two are prohibited to me and I would not make an attempt to enter any one of these two. An angel with an unsheathed sword¹⁵⁰ in his hand would confront me and would bar my way and there would be angels to guard every passage leading to it.¹⁵¹

4. Abū Hurayra (r) narrated: The Messenger of Allah (s) said: **Medina and Mecca are surrounded by angels and on every passage leading to them is an angel; the Dajjāl and the plague would not enter them.**¹⁵²

Significance: All these ḥadīths underline the grace and bounties of Allah Most High bestowed upon Mecca and Medina and their inhabitants as the Dajjāl will be prevented from entering them.

In these ḥadīths is also an obvious miracle given to the Prophet (s); namely the fact that he (s) informed us of something that certainly will occur. There is a statement of the favour granted to Mecca, Medina and their sincere believers who inhabit them.¹⁵³

There is also in these ḥadīths an exhortation for the believers to settle these two blessed cities, especially during the time of tribulations as they are both protected by the angels of the Merciful against them and the worst one is the tribulation of the Dajjāl against which we were ordered to ask Allah's protection in every prayer.

Section VI:

Section VI: Islam will never be defeated in it.

Among the particularities of the Holy Land showing its eminence to Allah Most High is that Islam will never be defeated there again until the Day of Resurrection. After its conquest, it became a Muslim land and this status has never change since and will never change; instead it is even a sacred land and it will remain as it is until the Day of Resurrection:

1. Al-Ḥārith Ibn Mālik Ibn al-Barṣā' (r) narrated: I heard the Prophet (s) say the day of the Conquest of Mecca: **This is not to be defeated after today until the Day of Resurrection.**¹⁵⁴
2. Muṭī' Ibn al-Aswad (r) narrated: I heard the Messenger of Allah (s) while he ordered the killing of these people in Mecca say: **Mecca would never be defeated after this year**^{155 156}

Al-Bayhaqī (m) said: The Prophet (s) implied – and Allah knows best – that it would not be attacked after its conquest on the basis of faith, and it is as he said.¹⁵⁷

It means that Mecca “would not become again a home of disbelief to be conquered, it may mean that disbelievers would never take it back whereas Muslims attacked it many times”.¹⁵⁸ “They attacked Mecca at the time of Yazīd Ibn Mu'āwiya after the Battle of al-Ḥarra and at the time of 'Abd al-Malik Ibn Marwān with al-Ḥajjāj and on other occasions; although the Muslims who attacked Mecca had nothing against the city itself, nor the House; instead they attacked Ibn Zubayr and kept revering Mecca even if it was shelled by catapults and set on fire.”¹⁵⁹

¹⁴⁹ Ṭayba: It is Medina, also called Ṭāba.

¹⁵⁰ An unsheathed sword: see *Ṣaḥīḥ Muslim bi-sharḥ an-Nawawī* (45/15).

¹⁵¹ Reported by Muslim (2263/4), H. 2942.

¹⁵² Reported by Aḥmad in *al-Musnad* (483/2), H. 10270. Ibn Ḥajar said in *Fath al-Bārī* (191/10): its men are trustworthy and authenticated by the investigators of the chain (184/16), H. 10265.

¹⁵³ See: *'Umda al-qārī* (244/10).

¹⁵⁴ Reported by at-Tirmidhī (159/4); H. 1611, he said: ḥasan ṣaḥīḥ (good authentic). Authenticated by al-Albānī in *Ṣaḥīḥ sunan at-Tirmidhī* (215/2), H. 1611.

¹⁵⁵ **After this year:** after the year of the Conquest of Mecca. See: *az-Zawājir*, Ibn Ḥajar al-Haytamī (398/1).

¹⁵⁶ Reported by Aḥmad in *al-Musnad* (412/3), H. 15445. They investigators of the chain made it ḥassan (good) (134/24), H. 15409.

¹⁵⁷ *Dalā'il an-nubuwa* (75/5).

¹⁵⁸ *An-Nihāya fī gharīb al-ḥadīth wa-l-athar* (366/3).

¹⁵⁹ *Tuḥfa al-uḥūdhi* (195/5).

Summary:

Mecca the Honoured will never become again a home of disbelief until the Hour comes, in addition to what has been said previously: faith concentrates and strengthens there, and it will remain in the Holy Land until the end of time. Believers will always find refuge in it, like the snake goes back to its hole after having left it initially. Mecca the Honoured, with the permission of Allah Most High, will stay a home of Islam and a place of faith until the Hour comes.

Good tidings for the Muslims:

There is a great announcement in these ḥadīths for the Muslims, namely that Mecca would never be a bone of contention between Muslims and other people as it is the case for Jerusalem which is a subject of conflict between Muslims and the Crusaders and the Jews; there were centuries of dispute until the Muslims dominated the Crusaders. We ask Allah Most High to give the Muslims the victory over the Jews who have occupied the city for a long time.

History and reality testified the authenticity of these tidings and their concretization; during the ages of colonization and the invasion of (almost) all the countries of the Islamic world, east and west, Mecca was protected from this tidal wave. No one of the imperial colonizing forces dared to attack it or even approach it, although they knew its eminence in the hearts of the Muslims, praise is to Allah, Lord of the Worlds.

Section VII:

Any army attacking it will be swallowed up by earth

Among the virtues of the Holy Land and its great eminence to Allah Most High is that an army composed of people who falsely belong to the nation of Muḥammad (s) will raid the Ka'ba at the end of time; when they will start their attack of the House, and Allah is ever watchful, the earth will swallow the army up at al-Baydā,' in the region of Dhī al-Ḥalīfa, after it left Medina in order to head towards Mecca:

1. 'Ā'isha (rh) narrated: The Messenger of Allah (s) said: **An army will raid the Ka'ba and when it reaches al-Baydā' (a wide open space) all of them will be swallowed up by the earth.** She said: O Messenger of Allah! How will they sink into the ground while amongst them will be their markets¹⁶⁰ and people not belonging to them¹⁶¹? He answered: **All of them will be swallowed by the earth but they will be resurrected for Judgement according to their intentions.**¹⁶²
2. 'Ā'isha (rh) narrated: The Messenger of Allah (s) said: **Strange it is that some people of my Umma would attack the House to kill a person who would belong to the tribe of the Quraysh and he would try to seek refuge in the House. And when they would reach al-Baydā'¹⁶³ they would be sunk.** We said: O Messenger of Allah! All sorts of people throng the path. Thereupon he said: **Yes, there would be amongst them people who would come with definite designs and those who would come under duress and there would be travellers also, but they would all be destroyed through one stroke of destruction. Though they**

¹⁶⁰ **their markets:** The people who worked in business or buyers and not invaders. See: *Fath al-Bārī* (340/4); *'Umda al-Qārī* (236/11).

¹⁶¹ **people not belonging to them:** people accompanying them, not people who agree with them. See: *Fath al-Bārī* (340/4).

¹⁶² Reported by al-Bukhārī (746/2), H. 2012.

¹⁶³ Al-Baydā': originally al-baydā' is a wasteland, a desert land. In the ḥadīth, it designates a known place located between Mecca and Medina. See: *Fath al-Bārī* (340/4); *'Umda al-Qārī* (236/11).

would be raised in different states (on the Day of Resurrection)¹⁶⁴ and Allah would raise them according to their intentions.¹⁶⁵

Allah would destroy the army intending to violate the sanctity of the Sacred House and the Holy Land. The version reported by Muslim indicates that this army – which is to be swallowed by the earth before it manage to raid the Ka'ba – is composed of people emerging from the umma (community, nation) of Muḥammad (s); it is not the army of disbelievers coming from Ethiopia that will destroy the Ka'ba at the end time.¹⁶⁶

Ibn Ḥajar (m) said: This indicates that the Ka'ba will be attacked; one time, Allah will destroy the invaders before they reach it and another time He will leave them to destroy it; it is clear that the attack launched by those who will destroy the Ka'ba comes after the first one.¹⁶⁷

The stranglehold of the disbelievers at the end of time over the Ka'ba is only possible with the permission of Allah the exalted Majestic; its destruction is bound with the end of this world and the Hour approaching; there is nothing there opposing the sanctity of the Land nor the House, since the time has come and the Resurrection is impending.

Section VIII:

It is safe from the general punishment

Among the virtues of the Holy Land is that Allah Most High made it a safe place against a general punishment. A general punishment would not fall upon whoever is within it, even for someone who is not from the umma of Muḥammad (s): the Prophet (s) informed us about the people of Ṣāliḥ, when the Shout hit them, a man from them was in the Ḥaram while his people were bearing the brunt of the punishment, so he escaped their sufferings until he left the Ḥaram; as mentioned in the following ḥadīth:

Jābir (r) narrated: When the Messenger of Allah (s) passed by the Ḥijr¹⁶⁸ he said: **Do not ask for signs¹⁶⁹. The people of Ṣāliḥ had asked for that. So they were given the sign of a she-camel which used to come out¹⁷⁰ from this way¹⁷¹ and returned from that. They transgressed the command of their Lord and hamstrung her. (The procedure was that) she drank water from the well one day and they drank her milk the next day. They did not value this favour but hamstrung her and so were seized by the blast which Allah sent to them from the sky – all except one of them who was in the Ḥaram.** The Prophet was asked: Who that person was, O Messenger of Allah? He said: **He was Abū Righāl¹⁷². When he came out of the Ḥaram, he too suffered the same punishment that had befallen his people.**¹⁷³

¹⁶⁴ See: *Ṣaḥīḥ Muslim bi-sharḥ an-Nawawī* (7/18).

¹⁶⁵ Reported by Muslim (2210/4), H. 2884.

¹⁶⁶ *Umda al-Qārī* (238/9).

¹⁶⁷ *Fath al-Bārī* (461/3).

¹⁶⁸ **The Ḥijr:** The land of the Thamūd, the nation of Ṣāliḥ (p). Nowadays it is called Madā'in Ṣāliḥ, it is located between Medina and Tabūk. Its distance from Medina is about 345 km and from al-'Ulā 24 km. See: *Mu'jam al-buldān* (221/2); *Mu'jam qabā'il al-Ḥijāz*, 'Ātiq Ibn Ghayth al-Bilādī (228 – 229/2).

¹⁶⁹ **Signs:** here, great extraordinary things.

¹⁷⁰ The camel used to come for drinking as the Qur'ān states:

قَالَ هَذِهِ نَاقَةٌ لَهَا شِرْبٌ وَلَكُمْ شِرْبٌ يَوْمَ مَعْلُومٍ "He said: This is a she-camel. For her is a (time of) drink, and for you is a (time of) drink, (each) on a known day." Surat ash-Shu'arā' - The Poets: 155.

¹⁷¹ From this way: He pointed to a large way between two mountains. See: al-Qāmūs al-muḥīṭ, p. 257.

¹⁷² **Abū Righāl:** He was a man from Thamūd named Abū Thaqīf. See: *al-Qāmūs al-Muḥīṭ*, p. 1301.

¹⁷³ Reported by Aḥmad in *al-Musnad* (296/3), H. 14193; al-Ḥākim in *al-Mustadrak* (351/2), H. 3248 who said its chain is authentic and the two sheikhs did not reject it. Ibn Ḥajar made it ḥassan (good) in *Fath al-Bārī* (380/6).

Significance: Allah Most High established the Ḥaram as a safe place protected from a general punishment, as Abū Righāl escaped from the Shout while he was in the Ḥaram, but as soon as he left it the same punishment that had befallen his people hit him.

Chapter III The specificities of the Holy Land

This chapter is divided into three sections:

Section I: Allah made it a sacred land.

Section II: Allah made it a secure land.

Section III: Severity against heresy.

Section I: Allah made it a sacred land

A place does not differ or distinguish itself from another by itself alone; instead, the distinction and preference stem from a particularity or a quality given to it contrary to others, like holding something sacred or enjoying elements or resources of any sort granting it privilege over others.

Mecca the Honoured has been preferred over all the places on earth for the perfection of the care awarded by Allah Most High to it; He granted it His Sacred House, made it the qibla (direction) of the world and characterized it with one of the greatest acts of worship, the Ḥajj, one of the five pillars of Islam. Allah, exalted be He, made it a sacred and secure land. Moreover, it is the cradle of the greatest being of mankind, Muḥammad (s), and the land of the Revelation for the last of heavenly messages. From all this ensues the distinction of this honoured and exalted place over the rest of the earth of Allah Most High.

Among the greatest specificities of the Holy Land is that Allah Most High made it a sacred land. Allah exalted be He mentioned the word of His Prophet Muḥammad (s):

إِنَّمَا أُمِرْتُ أَنْ أَعْبُدَ رَبَّ هَذِهِ الْبَلَدَةِ الَّذِي حَرَّمَهَا وَلَهُ كُلُّ شَيْءٍ ^{مِط}

(Say, O Muḥammad), “I have only been commanded to worship the Lord of this City, Who made it sacred/forbidden and to whom (belongs) all things.” Surat an-Naml (The Ants): 91.

The Sacred City is Mecca the Honoured. “He characterized it over the rest of cities for it holds the Sacred House of Allah and because it is the most beloved city to His Prophet (s).”¹⁷⁴ Allah Most High attributed its sanctification to Himself, bestowing upon Mecca honour and singularity.

“This sanctification stems from the revelation of Allah to Ibrāhīm (p) when He commanded him to build a house for His oneness and when He answered his supplication (p) when he said:

رَبِّ اجْعَلْ هَذَا بَلَدًا ءَامِنًا

“My Lord, make this a secure city” Surat al-Baqara: 126.¹⁷⁵

¹⁷⁴ *Tafsīr ash-Shawkānī* (156/4).

The word of Allah: “Who made it sacred/forbidden”(27:91) is a reminder of Allah’s bounties bestowed upon Quraysh; as He made their city safe from tribulations and raids usually found in the rest of the Arabian peninsula and He destroyed whoever wanted evil against it.¹⁷⁶

The word of Allah Most High: “Who made it sacred/forbidden” is a glorification of its sanctity by Allah¹⁷⁷, i.e. Allah made the City a secure Sanctuary, where bloodshed should not be caused and where no one should undergo injustice; its game should not be hunted, its herbage should not be cut and only people in the state of iḥrām would enter it.¹⁷⁸

Meaning of making Mecca sacred:

The meaning of “made it sacred” is that Allah made it forbidden (ḥarām), inviolable. **The objective of hallowing the city** is the forbidding of entering it in order to oppose its wellness and the wellness of its inhabitants, human beings as well as animals and trees. This encompasses the interdiction of attacking its dwellers and committing inequities against them or terrorizing them and the interdiction of hunting its game and cutting its trees inside its known borders.¹⁷⁹

The hallowing of Mecca is a hallowing of perfection:

Generally speaking, the hallowing (*taḥrīm*) may sometimes be aimed at perfection and sometimes aimed at avoiding baseness, depending on the nature of the cause of the hallowing and its characteristic. Making a place or a period of time sacred or forbidden is a matter of preference and eminence, whereas forbidding immorality, alcohol, eating dead animals and drinking their blood, is a matter of flouting and denigration towards evil deeds. The interdictions concerning filiations, breast-feeding, family and foster ties come to increase even more the sanctity. Therefore **making a place sacred or forbidden** is about interdictions of whatever can affect it; and **making a period of time sacred or forbidden**, like the sacred months, is about the interdiction of committing evil during it.¹⁸⁰

Reason for the use of the expression “made it sacred/forbidden”:

There are several aspects for the use of the expression “made it sacred/forbidden”: **First:** Allah forbade many things for those who perform Ḥajj. **Second:** The one who seeks asylum is safe in it. **Third:** Its sanctity is not violated except by he who is wrongful; and its trees are not to be cut or its game to be chased, as previously said. Allah reminded all this in His word Most High: “Who made it sacred/forbidden” as the Arabs used to be aware of the sanctity of Mecca. They used to know that this grace did not come from the idols but from Allah Most High. It is as if one said: When you come to know that He, exalted be He, is the One who bestowed these bounties, it is a duty for you to dedicate this land to adoration.¹⁸¹

The faith of the people of Mecca in the fact that Allah Most High is the one Who made it sacred/forbidden stems from the influence of the religion of Ibrāhīm (p) which was present there before the worship of idols and polytheism.

His word Most High:

وَلَهُ ۥ كُلُّ شَيْءٍ حَاطَّةٍ

“And to whom (belongs) all things” (An-Naml: 91); means that everything comes inside His Lordship; the City was honoured as it falls within the scope of His Lordship from a particular and a general perspective.¹⁸²

¹⁷⁵ *At-Taḥrīr wa at-tanwīr* (156/20).

¹⁷⁶ See: *Tafsīr al-baḥr al-muḥīṭ* (246/7).

¹⁷⁷ See: *Tafsīr al-Qurṭubī* (246/13).

¹⁷⁸ *Tafsīr al-Khāzin* (191/5).

¹⁷⁹ *At-Taḥrīr wa at-tanwīr* (156/20).

¹⁸⁰ *Ibid.* (156/20).

¹⁸¹ *At-Tafsīr al-kabīr* (274/24).

¹⁸² *Tafsīr al-baḥr al-muḥīṭ* (246/7).

Confirmation of the Prophet (s) of the sanctity of the City:

The Prophet (s) confirmed this sanctity the Day of the Conquest of Mecca when he said: **Allah made this city sacred on the day He created the Earth and the heavens; so it is sacred by the sacredness conferred on it by Allah until the Day of Resurrection.**¹⁸³

‘Abd Allah Ibn Zayd (r) narrated: The Prophet (s) said: **Verily Ibrāhīm made Mecca sacred and supplicated (for blessings to be showered) upon it, and I made Medina sacred as Ibrāhīm had made Mecca sacred. I have supplicated (Allah for His blessings to be showered) upon it; in its *sā’* and its *mudd* (units of measurement) as did Ibrāhīm (p) for Mecca.**¹⁸⁴

No contradiction between the verse and the ḥadīth:

There is no contradiction between the word of Allah Most High “Who (Allah) made it sacred” and the word of the Prophet (s): **Verily Ibrāhīm made Mecca sacred and supplicated (for blessings to be showered) upon it, and I made Medina sacred.** The attribution of making sacred comes back to Allah Most High, by His decree and His science that precedes everything. The concretization of this divine order occurred through the supplication of Ibrāhīm (p), his will to make the city sacred and his delivery of the message to inform his people.¹⁸⁵

Al-‘Aynī (m) similarly said: The attribution to Ibrāhīm of the hallowing is to be understood as the announcement of an order stemming from Allah. The hallowing of the city comes from Allah Most High through the words of Ibrāhīm, not from his own effort. Allah entrusted him with making the city sacred, the decree came from Him. According to some versions this hallowing is attributed to Allah and according to other versions it is attributed to Ibrāhīm; Ibrāhīm beseeched for it and the sanctification, given by Allah, came into effect through his supplication.¹⁸⁶

Reasons that reject the doubt of contradiction:

The doubt of a contradiction between the verse and the ḥadīth has no justification at all, for many reasons:

1. The repetition of the verse according to which Allah Most High made the city sacred.
2. The ḥadīth pronounced by the Messenger of Allah (s) states that the sacredness goes back to the day when Allah created the heavens and earth; in other words before the existence of a city named Mecca, which was a sacred Sanctuary in the timeless knowledge of Allah Most High before it was even created and before Ibrāhīm (p) was created. The first ḥadīth came in order to explain and clarify the verse.
3. The supplication of Ibrāhīm (p) was for Allah to make this place a city when he said: “My Lord, make this a secure city”; i.e. in this wilderness where I left my family and my son. Allah Most High ordered him to migrate with his family towards this place because in the preceding knowledge of Allah it was written that it would become a secure city. Therefore the supplication of Ibrāhīm was in accordance with the destiny planned by Allah Most High.
4. The hallowing by Ibrāhīm (p) of the city was a declaration and statement for the people to know that Allah, exalted be He, is the one who made it sacred, whereas Ibrāhīm is actually the one who conveyed the message of the hallowing.

Time of the hallowing:

An-Nawawī (m) said: The word of the Prophet (s): **Verily Ibrāhīm made Mecca sacred** is used by some people to claim that Mecca was made sacred at the time of Ibrāhīm (p). **The truth is that it became sacred the day on which Allah created the heavens and earth...**

¹⁸³ Reported by al-Bukhārī (1164/3), H. 3017. Muslim (986/2), H. 1353.

¹⁸⁴ Reported by al-Bukhārī (749/2), H. 2022. Muslim (991/2), H. 1360.

¹⁸⁵ *Tafsīr al-baḥr al-muḥīṭ* (246/7).

¹⁸⁶ *‘Umda al-qārī sharḥ Ṣaḥīḥ al-Bukhārī* (145/2).

There are two possibilities concerning the hallowing of the city by Ibrāhīm: First: Ibrāhīm made it sacred by the order of Allah Most High not by his own effort, this is why it is one time attributed to him and another time attributed to Allah Most High. **Second:** As he supplicated for it Allah Most High made it sacred through his supplication, for this reason the hallowing was attributed to him.¹⁸⁷

He also said (m) in a different source: For sure the city was made sacred the day when Allah created the heavens and the earth; then He hid its sanctity which remained hidden until the time of Ibrāhīm; then He made it known and spread it, but the hallowing was not initiated then.¹⁸⁸

Requisites for the sacredness of Mecca:

The Prophet (s) clearly explained the requisites for the sacredness of Mecca: **Allah, not the people, has made Mecca sacred; so anybody who has belief in Allah and the Last Day should neither shed blood in it nor cut down its trees. If anybody argues that fighting is permitted in Mecca as the Messenger of Allah did fight in it, tell him that Allah gave permission to His Messenger, but He did not give it to you. Rather permission was given to me (to fight therein) for a short period of time one day and its sacredness was restored on the very day like that of yesterday. Let he who is present convey the information to he who is absent.**¹⁸⁹

Jurisprudence (fiqh) of the ḥadīth:

The ḥadīth clearly shows that Allah made Mecca sacred, and he who said Ibrāhīm (p) is the first who made Mecca sacred is mistaken. **The truth is** that Mecca was made sacred the day on which Allah created the heavens and the earth.¹⁹⁰

The apparent meaning of the ḥadīth indicates that only Allah Most High forbids and allows and makes sacred or withdraws sacredness. No one can enter in such a matter and He is the only one who teaches the rules. It also indicates that fighting is forbidden inside Mecca as it is even forbidden to lop its trees or its thorny shrubs.¹⁹¹

Question:

Was the Prophet (s) allowed to do everything during the period of time where Mecca was not sacred?

My answer: He was only permitted to fight; not to chase nor to cut down trees, neither anything else which was forbidden for the people.¹⁹²

Section II: Allah made it a secure land

The hallowing of the Holy Land is among the grace bestowed by Allah Most High to favour this place; it has many great implications and maybe one of the most important is the blessing of safety that this land enjoys more than any other in the world. All the countries of the world acquire safety through governmental apparatus and strict security services provided with precision and care and all the precautions and measures. But whatever degree of technology they could ever reach, they still remain imperfect and fallible; whereas Mecca the Honoured enjoys a safety stemming from The Lord of Humanity by divine decision and order. Allah Most High made it a safe land enjoying the

¹⁸⁷ Sharḥ an-Nawawī 'alā Ṣaḥīḥ Muslim (134/9).

¹⁸⁸ Ibid. (124/9).

¹⁸⁹ Reported by al-Bukhārī (51/1), H. 104.

¹⁹⁰ 'Umda al-qārī sharḥ Ṣaḥīḥ al-Bukhārī (144/2).

¹⁹¹ 'Umda al-qārī sharḥ Ṣaḥīḥ al-Bukhārī (145/2).

¹⁹² 'Umda al-qārī sharḥ Ṣaḥīḥ al-Bukhārī (145/2).

greatest respect. There, people find security for their religion, person, possessions and honour; and as an overstatement in achieving security, if someone committed a crime outside the Sanctuary and then took refuge inside of it, he will find security therein and he will not be punished until he goes out of it. This safety has always been provided even during the days of ignorance of divine guidance (Jāhiliya): if someone had found a patricide inside the Ḥaram he would not have drawn a crowd to arouse anger; which demonstrates the full care attributed by Allah for His great House and its eminence and loftiness; **among the verses that underline this:**

- **The first verse:** the word of Allah Most High:

وَإِذْ جَعَلْنَا الْبَيْتَ مَثَابَةً لِّلنَّاسِ وَأَمْنًا

“When We made the House a place of recourse for the people and a place of security” Surat al-Baqara – The Cow: 125. It means that everyone is safe in it even animals and inanimate things like trees. This is why during the pre Islamic era (Jāhiliya) – in spite of idolatry – people used to show it the greatest respect and if someone had found a patricide inside the Ḥaram he would not have drawn a crowd to arouse anger. When Islam appeared its sacredness, greatness, honour and eminence increased even more.¹⁹³

Al-Māwardī (m) said two things about the word of Allah Most High “a place of security”: **the first one:** it was safe during the Jāhiliya from the attacks of the Arabs; as mentioned in the verse:

وَأَمَّنَهُمْ مِّنْ خَوْفٍ

“And made them safe from fear”; Quraysh: 4. **The second one:** safety for criminals from being punished inside of it until they leave it.¹⁹⁴

- **The second verse:** the word of Allah Most High:

وَمَنْ دَخَلَهُ كَانَ آمِنًا

“And whoever enters it is safe”; Surat ‘Āli ‘Imrān (Family of ‘Imrān) verse 97. This is a well established rule before and after the appearance of Islam; it is not only a piece of information about the past, instead it is and a piece of information meant to be an order.¹⁹⁵

Ibn al-Qayyim (m) said about the meaning of this verse: This is **either** a piece of information with the meaning of an order; as it is impossible to contradict information emerging from Allah; **either** it is a law decreed for His Ḥaram **or** it is information about a custom or tradition perpetuated in His Ḥaram before and after the arrival of Islam; as Allah Most High said:

أَوَلَمْ يَرَوْا أَنَّا جَعَلْنَا حَرَمًا آمِنًا وَيَتَخَطَّفُ النَّاسُ مِنْ حَوْلِهِمْ

“Have they not seen that We made (Mecca) a safe Sanctuary, while people are being taken away all around them?” Surat al-‘Ankabūt (The Spider): 67. And Allah Most High said:

وَقَالُوا إِن تَتَّبِعِ الْهُدَىٰ مَعَكَ نَتَّخِطْفُ مِنْ أَرْضِنَا، أَوْ لَمْ نُمْكِن لَّهُمْ حَرَمًا آمِنًا يُجْبَىٰ
إِلَيْهِ ثَمَرَاتُ كُلِّ شَيْءٍ

¹⁹³ *Tafsīr as-Sa‘dī* (65/1).

¹⁹⁴ *Tafsīr al-Māwardī* (185/1).

¹⁹⁵ See: *Aḥkām al-Qur‘ān*, Ibn al-‘Arabī (285/1) ; *Tafsīr al-Qurṭubī* (140/4).

“And they say: If we follow the guidance with you, we would be snatched away from our land. Have We not established for them a safe Sanctuary to which are brought the fruits of all things as provision from Us?” Surat Al-Qaṣaṣ (The Stories): 57.¹⁹⁶

Safety for whoever committed a crime outside of the Sanctuary and then took refuge in it:

Aṭ-Ṭabarī (m) said: The Pious Predecessors (Salaf) unanimously agreed on the fact that someone who committed a crime outside of the Ḥaram and then took refuge inside it cannot be punished therein; it is compulsory to take him outside to give him his punishment.

He commented on his own word saying: **If someone asks:** Why not enforcing the punishment on the criminal inside the Ḥaram? **The answer:** Because all the Pious Predecessors agreed: if he committed his crime outside the Ḥaram and then took refuge in it, he cannot be punished inside of it for his misdeed.¹⁹⁷

How beautiful is the word of as-Sa’dī (m) as he supports this meaning: Whoever enters it is safe according to legislation and feels safe in the Unseen. **According to legislation:** Allah, His Messenger Ibrāhīm and then His Messenger Muḥammad ordered the respect of the Ḥaram and the provision of safety for whoever enters it and not cause turmoil against anyone inside it; this respect reached such an extent that it encompasses even its game, trees and plants. The ulama inferred from this verse that someone who committed a crime outside the Ḥaram and then took refuge inside it shall be safe and not punished until he goes out of it. **In the Unseen:** Allah Most High pre-ordained that there will be respect for it inside the souls, even the souls of the idolaters and disbelievers, at such a degree that if they had found a patricide in the Ḥaram, notwithstanding their fieriness, pride and their repulsion for injustice, they would not have had drawn a crowd to arouse anger against him.¹⁹⁸

Thus; Allah Most High decreed the sacredness and safety of the Ḥaram by His legislation and He put inside the souls a natural disposition to respect and hallow it; legislation and the inner nature of people meet, and both of them come from Allah Most High.

Whoever commits a transgression inside the Ḥaram is punished inside of it:

Aṭ-Ṭabarī (m) mentioned that the Pious Predecessors unanimously agreed that whoever, inside the Ḥaram, committed a crime involving a punishment shall be punished inside of it.

He commented on his word saying: The unanimous opinion is that whoever is caught inside it (the Ḥaram) for committing a transgression has to be punished inside it; the rules for both questions gathered unanimity as described.¹⁹⁹

Enforcing the punishment inside the Ḥaram follows the rule according to which the penalty shall equal the violation. Therefore if one does not respect its sacredness by committing inside it an infringement that involves a punishment, then, as an appropriate reward, he loses the blessing of its safety, because he wasted it.

Enforcing a punishment inside the Ḥaram for a violation perpetrated inside it has also other wisdom: avoiding despising it and its sanctity, as it would become a theatre where anyone could commit crimes on the pretext that criminals are safe from punishment inside it.

No contradiction between the verse and the duty of taking out of it a criminal:

There is no contradiction between the word of Allah:

¹⁹⁶ *Zād al-ma’ād*, (445/3).

¹⁹⁷ *Tafsīr aṭ-Ṭabarī* (14/4); *Aḍwā’ al-bayān* (139/5).

¹⁹⁸ *Tafsīr as-Sa’dī* (139/1).

¹⁹⁹ *Tafsīr aṭ-Ṭabarī* (14/4).

وَمَنْ دَخَلَهُ كَانَ آمِنًا

“And whoever enters it is safe” (Surat ‘Āli ‘Imrān – Family of ‘Imrān: 97) and the word of scholars about the duty of taking out of the Ḥaram a criminal to punish him.

Safety is for those who entered it and did not commit a crime or an infringement; the Ḥaram is no longer safe for the others²⁰⁰, and it is compulsory to take them out of it to punish them outside, in order to avoid making it a refuge for criminals and renegades.

Mistaken interpretations of the verse:

Some people misunderstood the meaning of safety inside the Ḥaram and gave wrong and untrue interpretation that contradicts the Consensus of the Muslims; a matter mentioned many times by scholars, among them: **Ibn Taymiya** (m) who said: Some people think that a person entering the Ḥaram is protected from the punishment of the Hereafter, even if he neglects his duties, like the prayers among others, and even if he commits sins! Such people are violating the Consensus of the Muslims and are among the disbelievers, the hypocrites and the defiantly disobedient people of Hell, according to the Consensus of the Muslims.²⁰¹

Ibn al-Qayyim (m) confirmed: This wrong opinion and many others do not have to receive any attention. Some people say: Whoever enters the Ḥaram is protected against hellfire! Others say: Whoever enters it is protected to die as a non Muslim! Yet, how many people entered it and are now in the bottom of Hell.²⁰²

- **The third verse:** The word of Allah Most High:

وَإِذْ قَالَ إِبْرَاهِيمُ رَبِّ اجْعَلْ هَذَا بَلَدًا آمِنًا

“And when Ibrāhīm said: My Lord, make this a secure city” Surat al-Baqara: 126. And the word of Allah:

وَإِذْ قَالَ إِبْرَاهِيمُ رَبِّ اجْعَلْ هَذَا الْبَلَدَ آمِنًا

“And when Ibrāhīm said: My Lord, make this City secure” Surat Ibrāhīm: 35.

i.e. secure against the grab of tyrants and oppressors and, contrary to all other lands, secure against the retribution of Allah, like being swallowed up by an earthquake, a flood, or other forms of the wrath of Allah and the exemplary punishments²⁰³ that strike all other lands.²⁰⁴

Reason for his supplication for security:

Ibrāhīm supplicated Allah for security because the land was uncultivable and barren; therefore if it was not secure, nothing would have ever been brought to it from outside and it could not have been settled. Allah answered the supplication of Ibrāhīm (p) and made it a secure land that

²⁰⁰ See: *Tafsīr at-Ṭabarī* (14/4).

²⁰¹ *Majmū‘ al-fatāwā* (343/18).

²⁰² *Zād al-ma‘ād*, (445/3).

²⁰³ Exemplary punishments: *mathulāt*: another meaning is a punishment that equals the reason for it. See: *Maqāyīs al-lughā* (297/5); *at-Taḥrīr wa at-tanwīr* (92/13).

²⁰⁴ *Tafsīr at-Ṭabarī* (541/1).

has never been a haunt for tyrants and if one ever tried to seize it Allah Most High would have wiped him out as He did for the companions of the elephant for example.

If you say: Al-Ḥajjāj attacked Mecca and damaged the Ka'ba. **I reply:** His intention was neither to attack Mecca, its people nor to damage the Ka'ba; instead he wanted to overthrow the caliphate of Ibn Zubayr and he achieved his goal only by doing so. But after his victory he reconstructed the Ka'ba, strengthened its foundations, exalted its sacredness and treated well the people of Mecca.²⁰⁵

These words of the supplication of Ibrāhīm (p) were concise words but comprehensive in meaning. Actually, the security of the land and of its ways calls for all the features to obtain a happy life. It involves justice, dignity and prosperity as there is no security if there is no justice, dignity and prosperity. Security calls for the settlement of people and allows the good and wealth to come. Therefore, security is achieved as far as justice, dignity and prosperity are not disrupted; if they are disrupted, there is no security. Ibrāhīm (p) wanted with his supplication to facilitate its settlement for the people in order to consolidate the necessary means for the land to become the cradle of Islam.²⁰⁶

The difference between the two verses:

The supplication of Ibrāhīm (p) in Surat al-Baqara – The Cow is: “make this a secure city”; “city” is not defined yet; whereas in Surat Ibrāhīm it stands: “make this city secure”; “city” is defined. So what is the difference between these two supplications?

The opinions of exegetes varied about the difference between both supplications, among them:

1. **Ibn Kathīr (m)** said: He said in al-Baqara: 126: “My Lord, make this a secure city”. Which means: make this place a secure city as it was before the construction of the Ka'ba. Allah Most High said in Surat Ibrāhīm: 35: “Make this city secure”. The supplication – Allah knows best – occurred later, after the construction of the House and the settlement of people there and after the birth of Ishāq who is 13 years younger than his brother Ismā'īl; this is why he (Ibrāhīm) said at the end of his supplication:

الْحَمْدُ لِلَّهِ الَّذِي وَهَبَ لِي عَلَى الْكِبَرِ إِسْمَاعِيلَ وَإِسْحَاقَ إِنَّ رَبِّي لَسَمِيعُ الدُّعَاءِ

“Praise be to Allah Who has granted to me in old age Ismā'īl and Ishāq! Indeed, my Lord is the Hearer of supplication.” Surat Ibrāhīm: 39.²⁰⁷

2. **Ar-Rāzī (m)** said: **The first supplication** occurred before the place became a city; it is as if he said: “Make this valley a secure city”; as Allah Most High told about him that he said:

بِوَادٍ غَيْرِ ذِي زَرْعٍ

“in an uncultivated valley” Surat Ibrāhīm: 37. He then said: Make this valley a secure city. **The second supplication** occurred after this place became a city; it is as if he said: Make this place which you transformed into a city secure and safe.²⁰⁸

²⁰⁵ *Tafsīr al-Khāzin* (108/1).

²⁰⁶ *At-Tahrīr wa at-tanwīr* (715/1).

²⁰⁷ *Tafsīr Ibn Kathīr* (175/1).

²⁰⁸ *Tafsīr ar-Rāzī* (210/4).

3. It states in **al-Itqān**: For **the first one**: He supplicated before it became a city; when he left there Hājir and Ismā'īl, the place was merely a valley, so he prayed for it to become a city. **The second one**: He supplicated after his return and after the tribe of Jurhum settled the place that became a city; he then prayed for its security.²⁰⁹

- **The fourth verse**: Allah Most High said:

أَوَلَمْ يَرَوْا أَنَّا جَعَلْنَا حَرَمًا ءَامِنًا وَيَتَخَفُّ النَّاسُ مِنْ حَوْلِهِمْ

“Have they not seen that We made (Mecca) a safe sanctuary, while people are being taken away all around them?” Surat al-‘Ankabūt (The Spider): 67.

Allah Most High reminds the disbelievers of Quraysh of the greatest bounty He bestowed upon them and according to which He characterised them among others, namely His safe exalted Sanctuary which He offered them. “The Arabs around Mecca used to fight each other, invade and pillage one another’s territory whereas the people of Mecca were keeping safe in their city. They suffered no raid in spite of their small population and the high number of Arabs outside it. Allah reminds them this special grace He granted them and He reprimands them for worshipping the falsehood and refuting such an obvious and evident blessing among others that cannot be counted except by Him alone.”²¹⁰

The reminder of the grace of security to the people of Mecca was because they were sure and convinced that Allah alone was responsible for such a grace; on this very point they were not associating anything to Him; the word of Allah Most High confirmed this:

إِنَّمَا أُمِرْتُ أَنْ أَعْبُدَ رَبَّ هَذِهِ الْبَلَدَةِ الَّتِي حَرَّمَهَا وَلَهُ كُلُّ شَيْءٍ

(Say, O Muḥammad), “I have only been commanded to worship the Lord of this City, Who made it sacred/forbidden and to whom (belongs) all things.” Surat an-Naml (The Ants): 91. Allah Most High is described in this verse as “the Lord of this City” because it was well-known to them that the hallowing of the City was a grace of Allah alone which had nothing to do with the idols they were associating to Him in other matters.

Allah Most High reprimands them when He questions them in Surat al-‘Ankabūt: 67: “Have they not seen that We made (Mecca) a safe Sanctuary?” as they denied the truth they knew and continued to believe in the falsehood in which they used to live.

The bond between Mecca, the Holy Land of Allah, and security is an implicit and necessary bound: in it lies the Sacred House of Allah and the sacred sites and therein are performed the rituals: the Ḥajj and ‘Umra; which means that people coming from everywhere head for it and stay there the time to perform the rituals. Therefore it is necessary for the place to be secure as if it was not, people would refrain from going there and would be afraid for themselves and their goods.

It is as if Allah the Exalted Majestic extended an invitation, gave a guarantee and made a commitment. **The invitation** is extended in the word of Allah Most High:

وَأَذِّنْ فِي النَّاسِ بِالْحَجِّ

²⁰⁹ *Al-Itqān fī ‘ulūm al-Qur’ān* (307/3).

²¹⁰ *Al-Kashshāf* (469/3).

“And proclaim to the people the Ḥajj” Surat al-Ḥajj: 27; whereas Allah ordered His prophet Ibrāhīm (p) to invite people to the Ḥajj at His Sacred House. **The guarantee** is given in the verse:

يَأْتُونَكَ رِجَالًا وَعَلَىٰ كُلِّ ضَامِرٍ يَأْتِينَ مِنْ كُلِّ فَجٍّ عَمِيقٍ

“They will come to you on foot and on every lean camel; they will come from every distant pass” Surat al-Ḥajj: 27; Allah guaranteed that people would answer His invitation to the Ḥajj at His Sacred House as He granted them true faith and inspired them the praise of His Ka‘ba and the eagerness of Him. **The commitment** is to make this place secure until the Day of Resurrection. The pilgrims are the guests of the Exceedingly Compassionate and they are under His protection, at His Sanctuary; therefore it is incumbent upon Him to treat well His visitors to the extent of His great generosity and indeed the first duty towards one’s guests is granting them security, protection and care.

Section III: Severity against heresy

This section is divided into three parts:

Part I: Danger of committing an act of heresy inside the Ḥaram.

Part II: Degrees of the intention of disobedience.

Part III: Recommendations to avoid committing an act of heresy inside the Ḥaram.

Part I:

Danger of committing an act of heresy (*ilhād*) inside the Ḥaram

Another specificity of the Holy Land is the fact that Allah Most High threatened with a painful punishment he who intends to commit an act of heresy therein. Allah exalted be He said:

وَمَنْ يُرِدْ فِيهِ بِالْحَادِ بِظُلْمٍ نُدِقُهُ مِنْ عَذَابِ الْيَمِّ

“Whoever intends (deed) therein of deviation (in religion) or wrongdoing - We will make him taste of a painful punishment.” Surat al-Ḥajj: 25. “Allah Most High characterized the Ḥaram by threatening he who intends to commit a wrongdoing or an act of heresy therein; here lies a mark of praise for the sacredness of the Sanctuary. **The exegetes did not diverge on the interpretation of this verse: the threat concerns he who intends to commit an act of heresy inside the Ḥaram, all of it, not only inside the Mosque.**”²¹¹

The meaning of *al-ilhād bi-ṭ-ṭulm* (act of heresy, a deed of deviation in religion or wrongdoing):

Al-ilhād in the **language** means the renunciation of one’s objective or intention.²¹²

Aṭ-Ṭabarī (m) said: *al-ilhād* is committing an injustice inside the Ḥaram.²¹³

Al-Māwardī (m) said: Concerning *al-ilhād bi-ṭ-ṭulm*; there are four interpretations:

The first one: Associating anything with Allah (shirk, idolatry), namely worshipping therein others than Allah; which is the view of Mujāhid and Qatāda.

²¹¹ *Aḥkām al-Qur’ān*, al-Jaṣṣāṣ (63/5).

²¹² See: *Sharḥ ṣaḥīḥ al-Bukhārī*, Ibn Baṭṭāl (511/8).

²¹³ *Tafsīr aṭ-Ṭabarī* (141/17).

The second one: Making permissible, inside it, something that Allah made forbidden; this is the view of Ibn Mas'ūd.

The third one: Making voluntarily permissible, inside it, something that Allah made forbidden; this is the view of Ibn 'Abbās.

The fourth one: To monopolize the food inside Mecca; this is the view of Ḥassān Ibn Thābit.²¹⁴

Committing an act of heresy inside the Ḥaram encompasses all acts of disobedience:

The investigators consider that committing an act of heresy encompasses all acts of disobedience, from unbelief to minor sins²¹⁵; concerning what has been said on the matter:

1. **Ar-Rāzī** (m) said, after mentioning the views defining the meaning of *ilhād* (heresy): Committing an act of heresy generally concerns all acts of disobedience; as major and minor sins are considered more serious therein than in any other lands.²¹⁶
2. **Al-Qurṭubī** (m) said: Heresy and wrongdoing gather all acts of disobedience, from unbelief to minor sins.²¹⁷
3. **Ibn Kathīr** (m) said, after mentioning some words of the companions about the meaning of *ilhād*: These reports indicate some meanings of the word wrongdoing, but the meaning is more general than that and includes things which are more serious. Hence when the owners of the Elephant planned to destroy the House:

وَأَرْسَلَ عَلَيْهِمْ طَيْرًا أَبَابِيلَ (٣) تَرْمِيهِمْ بِحِجَارَةٍ مِّن سِجِّيلٍ (٤) فَجَعَلَهُمْ
كَعَصْفٍ مَّأْكُولٍ (٥)

“Allah sent against them birds in flocks; striking them with stones of hard clay. And He made them like (an empty field of) stalks (of which the corn has been eaten up by cattle)” (Surat al-Fil – The Elephant: 3 – 5). It means that He destroyed them and made them a lesson and a warning for everyone who intends to commit evil actions there.²¹⁸

‘Ā’isha (rh) narrated: The Messenger of Allah (s) said: **An army will raid the Ka’ba and when it reaches al-Baydā’ (a wide open space) all of them will be swallowed up by the earth.** She said: O Messenger of Allah! How will they sink into the ground while amongst them will be their markets²¹⁹ and people not belonging to them²²⁰? He answered: **All of them will be swallowed by the earth but they will be resurrected for Judgement according to their intentions.**²²¹

Ibn Mas'ūd (r) said about the verse:

وَمَنْ يُرِدْ فِيهِ بِالْحَادِ بِظُلْمٍ نُذِقْهُ مِنْ عَذَابِ أَلِيمٍ

²¹⁴ *Tafsīr al-Māwardī* (63/4).

²¹⁵ See: *Tafsīr aṭ-Ṭabarī* (142/17); *Tafsīr Ibn Kathīr* (216/3).

²¹⁶ *At-Tafsīr al-Kabīr* (23/23).

²¹⁷ *Tafsīr al-Qurṭubī* (36/12).

²¹⁸ *Tafsīr Ibn Kathīr* (216/3).

²¹⁹ **their markets:** The people who worked in business or buyers and not invaders. See: *Faḥ al-Bārī* (340/4); *‘Umda al-Qārī* (236/11).

²²⁰ **people not belonging to them:** people accompanying them, not people who agree with them. See: *Faḥ al-Bārī* (340/4).

²²¹ Reported by al-Bukhārī (746/2), H. 2012.

“Whoever intends (deed) therein of deviation (in religion) or wrongdoing - We will make him taste of a painful punishment” (S.22:25): If a man intends to do some evil action therein, and even if he is at ‘Adan Abyan, he surely is in a position where Allah will make him taste a painful punishment.²²²

Committing an evil action inside the Ḥaram is among the major sins:

Committing an evil action inside the Holy Land and considering it as permissible is among the major sins; evidence:

1. ‘Umayr Ibn Qatāda al-Laythī (r) who was one of the Companions narrated that someone questioned him and that he said: O Messenger of Allah! What are the major sins? He said: **They are nine...** he mentioned among them: **Allowing at the House what Allah has forbidden. It is your direction (qibla) in your life and after death.**²²³
2. There is a piece of evidence in the ḥadīth of Ibn ‘Umar (r2) narrated by Ayyūb from Ṭaysala Ibn ‘Alī an-Nahdī who said: I asked Ibn ‘Umar, who was at the Arāk tree on the day of ‘Arafa sprinkling water on his head and face, I said to him: May Allah have mercy on you! Please tell me what are the major sins? He said: The Messenger of Allah (s) said: **The major sins are: Associating others in worship with Allah ...** and he mentioned among them: **Committing an act of heresy at the House, your qibla (direction) in your life and after death.**²²⁴

Upon this, we understand that committing an act of heresy within the Ḥaram is serious and considered as a major sin on one hand; and on the other hand it is like defying Allah the Exalted Majestic inside His protected Sanctuary.

Summary: The noble verse indicates the duty to respect the Holy Land, the importance of its exaltation and a warning against committing sins therein; and he who dares to do so is promised a painful retribution.

In this threat lies a protection against the evil and injustice of the wrongdoers, in order to avoid negligence towards the Ḥaram and its sanctity; thus even the mere thinking of committing evil there hastens the punishment in this world in order to make a clear sign for those who reflect.

Part II:

Degrees in the intention of disobedience

The sharī‘a (Islamic legislation) states that no one can be blamed only for his thoughts as far as thoughts do not become acts or words; as Abū Hurayra (r) narrated: The Prophet (s) said: **Verily Allah has forgiven my community the evil thoughts that occur to their minds as long as such thoughts are not put into action or uttered.**²²⁵

Intention of disobeying:

The rule on the intention of disobeying concerns the wilfulness of committing an evil act; it is more than merely thinking of disobeying.²²⁶

²²² Reported by Aḥmad in *al-Musnad* (428/1) n°4071; al-Ḥākim in *al-Mustadrak* (420/2), n°3461 who said: ṣaḥīḥ according to Muslim and the two sheikhs did not reject it; accepted by adh-Dhahabī and ḥassan (good) according to the investigators of the chain (155/7), n°4071.

²²³ Reported by Abū Dāwūd (115/3), H. 2875. Al-Albānī made it ḥassan (good) in *Ṣaḥīḥ sunan Abī Dāwūd* (209/2), H. 2875.

²²⁴ Reported by aṭ-Ṭabarī in *Taḥdhīb al-āthār – Musnad ‘Alī* (192-193/3), n°314; and al-Bayhaqī in *al-Kubrā* (409/3), n°6515. Al-Albānī made it ḥassan (good) in *al-Irwā’* (155/3).

²²⁵ Reported by al-Bukhārī (2020/5), H. 4968.

²²⁶ *Faṭḥ al-Bārī* (323/11).

This is why a **consensus of Pious Predecessors (Salaf) – from jurists to scholars in the science of ḥadīths – clarified the meaning of this ḥadīth and described evil thoughts as inferior to a firm determination to commit a sin. If the desire of disobedience reaches the level of a firm determination, the person should be punished for it.**²²⁷

Whoever has the firm intention in his heart to disobey and is preparing himself to do so has committed a sin and hurt his faith, and therefore these ḥadīths mentioned among others do not apply to him, contrary to he who only thinks about committing a sin, without preparing himself to disobedience and without a strong determination. There is a difference to notice between mere thoughts and a firm determination.

Concerning mere thoughts which are not taken into account: They are only thoughts without mental preparation, promise, wilfulness, firm intention or determination.²²⁸

Degrees on what happens in one's soul:

Scholars like as-Sabakī (m) classified the different stations of the soul facing disobedience into five levels, namely:

1. **The idea or thought** that comes to the mind.
2. **The continuous flow of thoughts** that crosses the mind.
3. **The insinuation of the soul:** The hesitation between doing and avoiding doing.
4. **Wilfulness of disobedience**, having the firm intention to do.
5. **The determination:** The strong resoluteness to commit a sin.

The ideas or thoughts that come to the mind are not to be taken into account, according to a consensus, as people are not responsible for them and cannot do anything against them.

The continuous flow of thoughts and the insinuation of the soul also are not taken into account as sins, according to the ḥadīth previously quoted²²⁹. The insinuation of the soul is classified at the third degree and is forgiven; therefore the two first degrees which are less serious are forgiven as a matter of fact. This applies equally for ḥasanāt, the units of reward for good deeds, they also will not be granted: **no one will be rewarded for good thoughts classified within these three first stations.** For the first degree, as it is obvious and for the second and the third ones as there was no clear intention expressed.

Concerning wilfulness: the authentic ḥadīth is clear²³⁰: wilfulness of doing a good deed is taken into account as a good deed accomplished and wilfulness of doing a sin is not taken into account as an evil deed if the person does not concretize his thought and avoid evil for Allah; he is then rewarded by one ḥasana and if the person perpetrates the sin, only one sayy'a is written for him.

Concerning the determination of doing evil: the investigators said that the person will be punished for it.

Evidence:

1. The word of Allah Most High:

إِذْ أَقْسَمُوا لَيَصْرِمُنَّهَا مُصْبِحِينَ

“When they swore to cut its fruit in the (early) morning” Surat al-Qalam: 17.

Significance: The confirmed their firm intentions by swearing; this is why they were punished even before committing their sins.

²²⁷ See: *al-Ādāb ash-shar'īya*, Ibn Mufliḥ (129/1).

²²⁸ *Sharḥ an-Nawawī 'alā ṣaḥīḥ Muslim* (151/2).

²²⁹ See footnote 225.

²³⁰ Reported by al-Bukhārī (2380/5), H. 6126; Muslim (118/1), H. 131.

Al-Qurṭubī (m) said: In this verse lies evidence that firm determination is taken into account for the punishment of people: they had the firm intention to commit evil and they were punished even before they acted.²³¹

2. The word of the Prophet (s): **When two Muslims fight each other with their swords, both the murderer and the murdered will go to the Hellfire.** They said: O Messenger of Allah! It is all right for the murderer but what about the murdered one? He replied: **He surely had the firm intention to kill his companion.**²³²

Significance: He explained that the murdered deserved Hellfire for his wilfulness to kill, his firm determination to murder his fellow Muslim; this is the reason for the Consensus about the fact that what happens inside the hearts is taken into account and people will be punished for firm evil intentions like for instance jealousy, hatred, etc.²³³

Summary:

The classification of the different stations of the soul facing disobedience has five levels, namely: **the idea or thought** that comes to the mind; **the continuous flow of thoughts** that crosses the mind; **the insinuation of the soul:** The hesitation between doing and avoiding doing; **wilfulness of disobedience**, having the firm intention to do; **the determination**, the strong resoluteness to commit a sin.

To conclude: A person, adult and accountable, will not be punished for only thinking about committing a sin.

Part III:

Recommendations to avoid committing an act of heresy inside the Ḥaram

The Pious Predecessors used to recommend to each other that they avoid committing an act of heresy inside the Ḥaram: ‘Abd Allah Ibn ‘Umar once came to ‘Abd Allah Ibn az-Zubayr (rp) and he said: O Ibn az-Zubayr! Beware of committing an act of heresy inside the Sanctuary of Allah the Exalted Majestic, as I heard the Messenger of Allah (s) said: **A man from Quraysh will commit here an act of heresy and if his sin was weighed and compared to all the sins perpetrated by all the men and jinn his sin would be the heaviest.** He said: Beware not to be him.²³⁴

Loathing of committing sins within the Ḥaram:

Similarly, the Pious Predecessors used to loath committing sins inside the Ḥaram, among the examples of that:

1. What has been reported by Mujāhid over ‘Abd Allah Ibn ‘Amrū (r2): He had two tents: one inside the Ḥaram and one outside it. When he wanted to pray, he used to pray inside the one which was in the Ḥaram and when he had to visit his family, he used to pray inside the one which was outside. He once was questioned about that and he replied: Verily, Mecca is Mecca.²³⁵
2. Al-Azraqī quoted Mujāhid (m) with his chain of narrators concerning the verse:

²³¹ *Tafsīr al-Qurṭubī* (240/18).

²³² Reported by al-Bukhārī (20/1), H. 31.

²³³ See: *al-Ashbāhu wa an-naẓā’ir*, as-Suyūṭī (33-34/1); *Fatḥ al-Bārī* (328/11), *al-Fawākih al-’adhāb fī ar-radd ‘alā man lam yuḥakkim as-sunna wa-l-kitāb*, Ḥamd Ibn Nāṣir al-Ḥanbalī (died in 1225 H.) (358/4).

²³⁴ Reported by Aḥmad in *al-Musnad* (136/2), H. 6200; al-Ḥākim in *al-Mustadrak* (420/2), H. 3462 and he said: the chain is authentic and the two sheikhs did not reject it; authenticated by al-Albānī in *as-silsila aṣ-ṣaḥīḥa* (292/7), H. 3108.

²³⁵ Reported by Ibn Abī Shayba in his *Muṣannaf* (269/3), n°14096; al-Azraqī in *Akhbār Makka* (131/2), isnād ṣaḥīḥ.

وَمَنْ يُرِدْ فِيهِ بِالْحَادِ بِظُلْمٍ نُدِقَهُ مِنْ عَذَابِ آيَةِ

“Whoever intends (deed) therein of deviation (in religion) or wrongdoing - We will make him taste of a painful punishment”; Surat al-Ḥajj: 25. He said: ‘Abd Allah Ibn ‘Amrū Ibn al-‘Āṣ (r2) had two tents: one inside the Ḥaram and one outside it. When he had to blame someone from his family, he used to do so in the tent located outside the Ḥaram and when he wanted to pray, he used to pray inside the Ḥaram. He was once questioned about that and he replied: We were saying that an act of heresy inside the Ḥaram is saying: No! Not at all by Allah! And: Yes of course by Allah!²³⁶

The difference between the Ḥaram and the rest of the world:

If one asks: What is the difference between the Ḥaram and the rest of the world?

The answer is: The noble verse came to warn people against committing an act of heresy inside the Ḥaram especially; as it is considered to be among the sacred sites of Allah and His signs which He exalted and which He ordered the people to exalt. Disobedience therein is the worst and the vilest and therefore its reward is the worst as it is a violation against the sacredness of the place²³⁷. For this reason, **he who commits an act of heresy inside the Ḥaram is considered to be among the most hated people to Allah Most High;** Ibn ‘Abbās (r2) narrated that the Prophet (s) said: **There are three kind of people who are the most hated to Allah;** he quoted among them: **He who commits an act of heresy within the Ḥaram.**²³⁸ Consequently, how is it possible for someone to commit an act of heresy or evil inside a place that Allah Most High made sacred and appointed to be His Sanctuary? The wisdom is to exalt the orders of Allah and respect His limits. No place is sacred by itself, only Allah Most High can bestow grace upon it, then Allah Most High commands His servants to worship Him as He wants through different acts of adoration in order to see who will obey and who will turn his back; therefore He rewards the good with excellence and He will punished the others for their sins.

Chapter IV

The rules concerning the Holy Land

This chapter is divided into ten sections:

- Section I: The Ḥaram is safe since the dawn of time.
- Section II: The intention of committing a sin inside the Holy Land.
- Section III: Magnification of ḥasanāt and sayy’āt inside the Ḥaram.
- Section IV: The disbelievers inside the Ḥaram.
- Section V: Cutting trees inside the Ḥaram.
- Section VI: The game of the Ḥaram.
- Section VII: Lost things inside the Ḥaram.
- Section VIII: Fighting inside the Ḥaram.
- Section IX: Killing vermin inside the Ḥaram.
- Section X: Punishing inside the Ḥaram.

²³⁶ Reported by al-Azraqī in *Akḥbār Makka* (131/2).

²³⁷ See: *Faḍā’il Makka al-mukarrama*, Dr. ‘Abd Allah Ibn Muḥammad Nūrī, p. 118-119).

²³⁸ Reported by al-Bukhārī (2523/6), H. 2523.

Section I:
The Ḥaram is safe since the dawn of time

The exegetes diverged: Was the Ḥaram safe before Ibrāhīm (p)? Or did it become safe after his supplication? There are two opinions:

The first opinion: The Ḥaram was safe since Allah created the heavens and the earth.²³⁹

Evidence:

The ḥadīth narrated by Ibn ‘Abbās (r2): The Prophet (s) said: **Allah made this city sacred on the day He created the Earth and the heavens; so it is sacred by the sacredness conferred on it by Allah until the Day of Resurrection.**²⁴⁰

Significance: The Ḥaram was made a safe place since Allah created the heavens and the earth.

The exegetes attributed to the supplication of Ibrāhīm (p) the fact that the Sanctuary was made safe from famine and drought and that its dwellers would be granted fruits; as the end of his supplication is:

وَأَرْزُقْ أَهْلَهُ مِنْ الثَّمَرَاتِ

“And provide its people with fruits” (S.2:126). Ibrāhīm (p) did not ask his Lord to make the place safe from His punishment or from the grip of tyrants; instead he asked his lord to protect its dwellers from starvation and drought and for its dwellers to receive fruits.²⁴¹

Ibrāhīm (p) knows that the House is sacred; for this reason his supplication when he left his wife and son there was:

رَبَّنَا إِنِّي أَسْكَنْتُ مِنْ ذُرِّيَّتِي بِوَادٍ غَيْرِ ذِي زَرْعٍ عِنْدَ بَيْتِكَ الْمُحَرَّمِ رَبَّنَا لِيُقِيمُوا الصَّلَاةَ فَاجْعَلْ أَفْئِدَةً مِّنَ النَّاسِ تَهْوِي إِلَيْهِمْ وَأَرْزُقْهُمْ مِّنَ الثَّمَرَاتِ لَعَلَّهُمْ يَشْكُرُونَ

“Our Lord, I have settled some of my descendants in an uncultivated valley near Your sacred House, our Lord, that they may establish prayer. So make hearts among the people incline toward them and provide for them from the fruits that they might be grateful.” Surat Ibrāhīm: 37.

The second opinion: The Sanctuary became sacred and safe following the supplication on Ibrāhīm (p).²⁴²

Evidence:

The ḥadīth narrated by ‘Abd Allah Ibn Zayd (r): The Prophet (s) said: **Verily Ibrāhīm made Mecca sacred and supplicated (for blessings to be showered) upon it, and I made Medina sacred as Ibrāhīm had made Mecca sacred. I have supplicated (Allah for His blessings to be showered) upon it; in its sā’ and its mudd (units of measurement) as did Ibrāhīm (p) for Mecca.**²⁴³

My answer: Mecca was sacred before the supplication of Ibrāhīm (p) but there was no religious obligation or duty bound to this sacredness; then following the supplication of Ibrāhīm (p) its sanctity became bound to religious duties for the believers. This is why the Prophet (s) attributed its hollowing to him: **Verily Ibrāhīm made Mecca sacred.**²⁴⁴

The prevailing opinion: The Holy Land is sacred and safe since Allah created the heavens and the earth, in accordance with the clear authentic ḥadīths mentioning it; and the Sacred House was protected throughout history as Allah Most High would destroy any tyrant who ever wanted to

²³⁹ See: *Tafsīr at-Ṭabarī* (541/1).

²⁴⁰ Reported by al-Bukhārī (1164/3), H. 3017. Muslim (986/2), H. 1353.

²⁴¹ See: *Tafsīr at-Ṭabarī* (542/1).

²⁴² See: *Tafsīr at-Ṭabarī* (542/1).

²⁴³ Reported by al-Bukhārī (749/2), H. 2022. Muslim (991/2), H. 1360.

²⁴⁴ See: *Tafsīr at-Ṭabarī* (544/1).

perpetrate evil against it. Moreover Allah pushed away from it punishments and ravages, this is the view of Ibn Jarīr aṭ-Ṭabarī (m).

Aṭ-Ṭabarī (m) said: The correct opinion to us on the matter is that Allah Most High with His word made Mecca sacred when He created it as the Prophet (s) informed us, since He created the heavens and the earth, without any supplication pronounced by any prophet or messenger, but instead by making it protected against anyone who would intend evil against it and by pushing away ravages, punishments or any hostility that usually hit other places and their dwellers.

This was the reality of the Holy Land until Allah settled therein his friend Ibrāhīm (p) and his family: Hājir and his son Ismā'īl. Then Ibrāhīm asked his Lord to impose the sanctity of this place to everyone; thus introducing a rule to be followed by the people that will come after him.²⁴⁵

The combination of the two opinions:

The doubt of a contradiction between both opinions is not justified as there is no doubt about the validity of their evidence; therefore the combination of the two opinions is possible, as al-Khāzin (m) said in his tafsīr: The correct opinion is the combination of both opinions: Allah Most High made Mecca sacred the day He created it as the Prophet (s) informed us: **Allah made Mecca sacred on the day He created the heavens and the earth.**²⁴⁶ But this hallowing was not expressed by any of His prophets nor messengers whereas Allah Most High protected it from anyone who would intend evil against it; pushing away of it and of its people ravages and punishments. This was the reality of the Holy Land until Allah settled therein his friend Ibrāhīm (p) and his family. Then through his prayer Ibrāhīm asked his Lord the Exalted Majestic to show to His servants the sacredness of the place and Allah Most High granted his supplication and imposed on His servants to revere Mecca. Mecca became a Sanctuary by the supplication of Ibrāhīm and Allah imposed on His servants the sacredness of it, forbidding to chase its game and to cut its trees. This is the combination of both opinions and the correct view, and Allah knows best.²⁴⁷

Section II:

The intention of committing a sin inside the Holy Land

The ulama diverged on the rule concerning the intention of committing a sin inside the Ḥaram; there are two opinions:

The first opinion: The Ḥaram is different from other places and the intention to commit a sin therein is a sin and he who intends to do so will be punished for his intention, even if his intention was not firm and definite.

Evidence:

1. The word of Allah Most High:

وَمَنْ يُرِدْ فِيهِ بِالْحَادِ بِظُلْمٍ نُدِقَهُ مِنْ عَذَابِ أَلِيمٍ

“Whoever intends (a deed) therein of deviation (in religion) or wrongdoing – We will make him taste of a painful punishment.” Surat al-Ḥajj: 25.

Significance: “intends” stands for the effort of willing and the inclination of the soul toward committing an evil action.²⁴⁸

Az-Zamakhsharī (m) said: It is as if it has been said: whoever truly intends to commit a sin therein, with full knowledge of the facts, We will make him taste of a painful punishment.²⁴⁹

²⁴⁵ *Tafsīr aṭ-Ṭabarī* (543/1).

²⁴⁶ Reported by al-Bukhārī (1567/4), H. 4059.

²⁴⁷ *Tafsīr al-Khāzin* (108/1).

²⁴⁸ See: al-Mufradāt fī gharīb al-Qur’ān, p. 206.

²⁴⁹ *Al-Kashshāf* (152/3).

2. Ibn Mas'ūd (r) said about this verse: If a man intends to do some evil action therein, and even if he is at 'Adan Abyan, he surely is in a position where Allah will make him taste a painful punishment.²⁵⁰
3. Ibn Mas'ūd (r) also said: He who intended to do evil, the sayy'a will be recorded after he committed his sin; but if he had the intention to kill someone at the Sacred Mosque while he is at 'Adan Abyan Allah will make him taste a painful punishment. Then he recited the verse.²⁵¹

Significance: Ibn Mas'ūd (r) considers that outside the Ḥaram people cannot be held as culprits for their intentions but inside the Ḥaram, he who intends to do evil is guilty, in accordance with the noble verse.

Al-Qurṭubī (m) said: This verse indicates that a person will be punished for having the intention to commit a sin in Mecca even if he did not commit it; Ibn Mas'ūd and Ibn 'Umar (rp) reported narrations in this regard. I said (al-Qurṭubī): This is true ... For the greatness of the sanctity of the place, Allah Most High threatens he who intends to do evil therein. Anyone who intends evil but does not materialize his intention will not be judged for it, except in Mecca; this is the opinion of Ibn Mas'ūd and a group of Companions (rp) among others.²⁵²

Ibn al-Qayyim (m) said: **Among its specificities** is that he who merely intends doing evil therein will be punished for it, even without committing his sin. Allah Most High said:

وَمَنْ يُرِدْ فِيهِ بِالْحَادِ بِظُلْمٍ نُدِقَهُ مِنْ عَذَابِ الْيَمِّ

“Whoever intends (a deed) therein of deviation (in religion) or wrongdoing – We will make him taste of a painful punishment.” Surat al-Ḥajj: 25.²⁵³

The second opinion: The Ḥaram is like other places concerning the rule of the intention to commit a sin: the intention is not a sin as far as it is not accompanied by a firm determination.

Evidence:

1. The word of Allah Most High:

وَمَنْ يُرِدْ فِيهِ بِالْحَادِ بِظُلْمٍ نُدِقَهُ مِنْ عَذَابِ الْيَمِّ

“Whoever intends (a deed) therein of deviation (in religion) or wrongdoing – We will make him taste of a painful punishment.” Surat al-Ḥajj: 25.

Significance: The verb to intend (*yurid*) here means to do, to act or the Arabic word *yurid* comes from *al-wurūd* the arrival, the coming: whoever comes therein with a deviation or wrongdoing or whoever perpetrates therein...²⁵⁴

2. The word of Allah Most High:

أَلَمْ تَرَ كَيْفَ فَعَلَ رَبُّكَ بِأَصْحَابِ الْفِيلِ (١) أَلَمْ يَجْعَلْ كَيْدَهُمْ فِي تَضَلِيلٍ

“Have you not considered, (O Muhammad), how your Lord dealt with the companions of the elephant? Did He not make their plan into misguidance?” Surat al-Fil – The Elephant: 1-2.

Significance: Allah Most High punished the companions of the elephant for their firm determination to commit their crime in the Ḥaram and He destroyed them even before they concretized their evil intention.²⁵⁵

²⁵⁰ Previously quoted, see footnote 222.

²⁵¹ Reported by Ibn Abī Shayba in his *Muṣannaf* according to his version (268/3) n°14093; al-Hākim in *al-Mustadrak* (420/2), n°3460. Adh-Dhahabī said: according to the standards of Muslim. Its chain has been authenticated by al-Ḥāfiẓ Ibn Ḥajar in *Fat ḥ al-Bārī* (210/12).

²⁵² *Tafsīr al-Qurṭubī* (35-36/12).

²⁵³ *Zād al-ma'ād* (51/1).

²⁵⁴ *Al-Kashshāf* (152/2), *Tafsīr al-Kabīr* (23/23); *Zād al-masīr* (422/5); *Rūḥ al-ma'ānī* (140/17).

²⁵⁵ *al-Fawākih al-'adhāb fī ar-radd 'alā man lam yuḥakkim as-sunna wa-l-kitāb* (358/4).

3. The ḥadīth narrated by Abū Hurayra (r): The Prophet (s) said: **Verily Allah has forgiven my community the evil thoughts that occur to their minds as long as such thoughts are not put into action or uttered.**²⁵⁶

Significance: Allah forgives evil thoughts that occur to the people's minds as far as they are not accompanied by acts or words and there is no distinction between the Ḥaram and another place.

4. The ḥadīth narrated by Ibn 'Abbās (r2): The Prophet (s) said: **Whoever intended to do a bad deed and does not do it; then Allah will write a full good deed in his account with Him, and if he intended to do it (a bad deed) and actually did it, then Allah will write one bad deed in his account.**²⁵⁷

5. The ḥadīth narrated by Abū Hurayra (r): The Messenger of Allah (s) said: **Whoever intended evil, but did not commit it, nothing is written on his account, but if he committed that, it is recorded.**²⁵⁸

Significance: The intention of committing a sin is not a sin as far as it is not accompanied by a firm determination and there is no distinction between the Ḥaram and another place.

The combination between the two opinions:

The verse: "Whoever intends (a deed) therein of deviation (in religion) or wrongdoing" (Surat al-Ḥajj: 25) is about a firm determination of committing evil therein. A firm determination of committing evil is a sin, wherever this firm determination occurs, may it be in Mecca or anywhere else on earth.²⁵⁹

Whereas a mere intention of committing evil without a firm determination is not taken into account as the other evidence underlines that whoever bears a bad intention will not be punished for it, may it be in Mecca or anywhere else.

The view of an-Nawawī (m) indicates the validity of such an opinion: Whoever has the firm intention in his heart to disobey and is preparing himself to do so has committed a sin and hurt his faith, and therefore these ḥadīths mentioned among others do not apply to him, contrary to he who only thinks about committing a sin, without preparing himself to disobedience and without a strong determination. There is a difference to notice between mere thoughts and a firm determination.

Concerning mere thoughts which are not taken into account: They are only thoughts without mental preparation, promise, wilfulness, firm intention or determination.²⁶⁰

The word of Ibn Mas'ūd (r): If a man intends to do some evil action therein, he surely is in a position where Allah will make him taste a painful punishment.²⁶¹

Its meaning: The firm determination of committing evil in the Ḥaram will be punished, as the companions of the elephant were punished for their determination; and Allah Most High knows best.

Section III:

Magnification of ḥasanāt and sayy'āt inside the Ḥaram

This section is divided into two parts:

Part I: The general legal basis about the magnification.

²⁵⁶ Reported by al-Bukhārī (2020/5), H. 4968.

²⁵⁷ Reported by al-Bukhārī (2380/5), H. 6126.

²⁵⁸ Reported by Muslim (118/1), H. 130.

²⁵⁹ See: *al-Fawākih al-'adhāb fī ar-radd 'alā man lam yuḥakkim as-sunna wa-l-kitāb* (358/4).

²⁶⁰ *Sharḥ an-Nawawī 'alā ṣaḥīḥ Muslim* (151/2).

²⁶¹ Previously quoted, see footnote 222.

Part II: The magnification inside the Ḥaram.

Part I:

The general legal basis about the magnification

The ulama agreed on the fact that Allah Most High increases the ḥasanāt by His mercy, bounty and generosity whereas the sayy'āt are recorded normally.

Evidence:

1. The word of Allah Most High:

مَنْ جَاءَ بِالْحَسَنَةِ فَلَهُ عَشْرُ أَمْثَالِهَا وَمَنْ جَاءَ بِالسَّيِّئَةِ فَلَا يُجْزَى إِلَّا مِثْلَهَا
وَهُمْ لَا يُظْلَمُونَ

“Whoever comes (on the Day of Judgement) with a good deed will have ten times the like thereof (to his credit), and whoever comes with an evil deed will not be recompensed except the like thereof; and they will not be wronged.” Surat al-An'ām – The Cattle: 160.

2. The ḥadīth narrated by Ibn 'Abbās (r2): The Prophet (s) said about his Lord the Exalted Majestic: **Verily Allah has written down the good deeds (ḥasanāt) and the evil deeds sayy'āt), and then explained it: Whosoever intended to perform a good deed, but did not do it, then Allah writes it down with Himself as a complete good deed (in his account with Himself). And if he intended to perform it and then actually did perform it, then Allah writes it down (in his account with Himself) as from ten good deeds up to seven hundred times, up to many times multiplied. And if he intended to perform an evil deed, but did not do it, then Allah writes it down with Himself as a complete good deed. And if he intended it (i.e. the evil deed) and then performed it, then Allah writes it down as one evil deed.**²⁶²

An-Nawawī (m) said: Look dear brother – and may Allah assist us and you – to the great kindness of Allah Most High; and think about these terms: **“with Himself”** indicates His great care and attention and the terms: **“complete good deed”** reflect the intensity of His care.

He said: About the evil deed someone intended to perform but finally did not perform it: **Allah writes it down with Himself as a complete good deed**; insisting on the fact that it is complete. **If he performed it, then Allah writes it down as one evil deed**; insisting on the fact that only one will be written without mentioning that it is complete; thanks be to Allah and gratitude, exalted be He, we cannot enumerate his praises.²⁶³

Part II:

The magnification inside the Ḥaram

What has been previously examined was the general rule in the legislation concerning the multiplication of good deeds (ḥasanāt) and bad deeds (sayy'āt); then does all this apply to the Sanctuary of Mecca? Or are there specificities and rules that only concern the Ḥaram and no other places on earth?

The ulama agreed on the fact that the reward for good and bad deeds is increased within the Sanctuary of Mecca; Mujāhid (m) said: The reward for evil deeds is increased in Mecca as the reward for good deeds is increased.²⁶⁴

²⁶² Reported by al-Bukhārī (2380/5), H. 6126; Muslim (118/1), H. 131.

²⁶³ *Sharḥ al-arba'īn an-nawawīya* (32/1).

²⁶⁴ *Tafsīr ath-Tha'labī* (17/7); *Tafsīr al-Baghawī* (283/3); *Zād al-masīr* (422/5).

The ulama diverged on the reality of such a magnification. There are two opinions, **the prevailing one** is that ḥasanāt and sayy'āt are magnified in the Holy Land in their qualities not in their quantities as no authentic evidence comes to define their specific value, except for prayers; this is the view of the majority.²⁶⁵

Evidence:

1. The word of Allah Most High:

مَنْ جَاءَ بِالْحَسَنَةِ فَلَهُ عَشْرُ أَمْثَالِهَا وَمَنْ جَاءَ بِالسَّيِّئَةِ فَلَا يُجْزَى إِلَّا مِثْلَهَا
وَهُمْ لَا يُظْلَمُونَ

“Whoever comes (on the Day of Judgement) with a good deed will have ten times the like thereof (to his credit), and whoever comes with an evil deed will not be recompensed except the like thereof; and they will not be wronged.” Surat al-An‘ām – The Cattle: 160.

2. The ḥadīth narrated by Ibn ‘Abbās (r2): The Prophet (s) said about his Lord the Exalted Majestic: **Verily Allah has written down the good deeds (ḥasanāt) and the evil deeds sayy'āt), and then explained it: Whosoever intended to perform a good deed, but did not do it, then Allah writes it down with Himself as a complete good deed (in his account with Himself). And if he intended to perform it and then actually did perform it, then Allah writes it down (in his account with Himself) as from ten good deeds up to seven hundred times, up to many times multiplied. And if he intended to perform an evil deed, but did not do it, then Allah writes it down with Himself as a complete good deed. And if he intended it (i.e. the evil deed) and then performed it, then Allah writes it down as one evil deed.**²⁶⁶

Significance: These are texts bearing a general meaning, there is no distinction between a place and another or between a period of time and another; the specification about the multiplication of ḥasanāt concerning the Ḥaram itself needs evidence.

3. The ḥadīth narrated by Jābir (r): The Messenger of Allah (s) said: **One prayer performed in the Sacred Mosque is better than a hundred thousand prayers performed in any other mosque.**²⁶⁷

Significance: Only the prayer has its reward multiplied next to the Sacred House; but apart from it nothing else.

4. The word of Allah Most High:

وَمَنْ يُرِدْ فِيهِ بِالْحَادِ بِظُلْمٍ نُدِقْهُ مِنْ عَذَابِ أَلِيمٍ

“Whoever intends (a deed) therein of deviation (in religion) or wrongdoing – We will make him taste of a painful punishment.” Surat al-Ḥajj: 25.

Significance: This is a warning for the people not to commit an evil deed especially within the Sanctuary as it is part of the sacred sites of Allah Most High which He exalted and which He ordered His servants to glorify; disobedience therein is consequently worst and vilest and the punishment for it will be more serious.

5. Definite evidence indicates that the reward for good deeds and evil deeds is increased according to some periods of times for their sanctity to Allah Most High, like the sacred months²⁶⁸, the first ten days of Dhū al-Ḥijja²⁶⁹ and the Night of Destiny²⁷⁰ or concerning some

²⁶⁵ See: *Muthīr al-‘azm as-sākin ilā ashraf al-‘amākin*, Ibn al-Jawzī (331/1); *al-Majmū‘* (207/8); *Aḥkām al-Qur‘ān* (277/3); *al-Qirā li-qāṣid umm al-qurā* (p. 659); *Jāmi‘ al-‘ulūm wa al-ḥikam* (318/2); *Maṭālib ulī an-nuhā* (386/2).

²⁶⁶ Previously quoted, see footnote 262.

²⁶⁷ Reported by Ibn Māja (451/1), H. 1406. Authenticated by al-Albānī in *Ṣaḥīḥ sunan Ibn Māja* (421/1), H. 1163.

²⁶⁸ Allah Most High said: يَسْأَلُونَكَ عَنِ الشَّهْرِ الْحَرَامِ قِتَالٍ فِيهِ قُلْ قِتَالٌ فِيهِ كَبِيرٌ

“They ask you about the sacred month - about fighting therein. Say: Fighting therein is a great transgression.” Surat al-Baqara – The Cow: 217.

²⁶⁹ Ibn ‘Abbās (r2) narrated: The Messenger of Allah (s) said: **There are no days during which righteous deeds are more beloved to Allah than these days** – meaning the (first) ten days of Dhū al-Ḥijja. They said: O Messenger of Allah! Not even the struggle in the path of Allah (Jihād)? He said: **(Yes), not even the struggle in the path of Allah, except a man who goes out (in the path of Allah) with his life and property, and does not**

people, like the wives of the Prophet (s) for their honour, eminence and sanctity to Allah Most High²⁷¹. Therefore, if a special sanctity may be attributed to some periods of time and to some people, this also applies to special places like the Sanctuary of Mecca, may Allah increase its honour.²⁷²

An-Nawawī (m) said about Mecca: Certainly, a sin perpetrated in Mecca is worse than a sin perpetrated elsewhere as a good deed is greater in Mecca than anywhere else.²⁷³

It states in *Maṭālib ulī an-nuhā*: Warning: Know – may Allah Most High help you! – that there is a multiplication there, not only for the reward for good deeds but also for the evil ones; it is known through the honourable legislation and the lofty religion that sins are magnified according to time and conditions, and, hence for the sake of places. Consider that preliminaries during days in Ramaḍān or while being in the state of iḥrām are heavily penalized and consider that a crime perpetrated within the Ḥaram causes an increasing of the expiation. The word of Allah Most High concerning the wives of the Prophet (s):

يٰۤاَيُّهَا نِسَاءَ النَّبِيِّ مَنِ يَاۤتِ مِنْكُنَّ بِفٰحِشَةٍ مُّبِيۡنَةٍ يُضَاعَفْ لَهَا الْعَذَابُ ضِعْفَيْنِ ۗ

“O wives of the Prophet, whoever of you should commit a clear immorality – for her the punishment would be doubled two fold” Surat al-Aḥzāb – The Combined Forces: 30. Consider how disobedience from them – if one occurs – is doubled because of their eminence. Allah Most High said about their reward:

وَمَنْ يَّقْنُتْ مِنْكُنَّ لِلّٰهِ وَرَسُوْلِهِ وَّتَعْمَلْ صٰلِحًا نُؤْتِيْهَا اَجْرَهَا مَرَّتَيْنِ وَاَعْتَدْنَا لَهَا رِزْقًا كَرِيْمًا

“And whoever of you devoutly obeys Allah and His Messenger and does righteousness – We will give her her reward twice; and We have prepared for her a noble provision.” Surat al-Aḥzāb: 31. The disobedience is worst and vilest if it occurs in any places or during any time that enjoys a greater eminence: a beauty spot is more obvious on a white skin. It is said: the ḥasanāt of the righteous are like sayy’āt for those brought near to Allah.²⁷⁴

Ibn al-‘Arabī (m) said: The sins are magnified according to the importance of the period, like the sacred months, or according to the eminence of the place, like the Holy Land; the sin is double: firstly for disobedience itself and secondly because of the lack of respect towards the sanctity of the sacred months or of the Holy Land.²⁷⁵

Ibn al-Qayyim (m) said: What is meant here is an increase that concerns the quality and not the quantity: the reward for an evil deed is equivalent to the evil deed, but there are different kinds; it is different to disobey the King at his very court from disobeying him at some remote place of his realm.²⁷⁶

Summary:

return with any of them. Reported by Abū Dāwūd (325/2), H. 2438. Authenticated by al-Albānī in *Ṣaḥīḥ sunan Abī Dāwūd* (78/2), H. 2438.

²⁷⁰ Allah Most High said: لَيْلَةُ الْقَدْرِ خَيْرٌ مِّنْ اَلْفِ شَهْرٍ “The Night of Destiny is better than a thousand months” Surat al-Qadr: 3.

²⁷¹ Allah Most High said: يٰۤاَيُّهَا نِسَاءَ النَّبِيِّ لَسْتُنَّ كَاٰحِدٍ مِّنْ النِّسَاءِ “O wives of the Prophet, you are not like anyone among women” Surat al-Aḥzāb – The Combined Forces: 32.

²⁷² Allah Most High said: دٰلِكَ وَّمَنْ يُعَظِّمْ حُرْمَتِ اللّٰهِ فَهُوَ خَيْرٌ لّٰهُ عِنْدَ رَبِّهٖ ۗ “That (has been commanded), and whoever honors the sacred ordinances of Allah - it is best for him in the sight of his Lord.” Surat al-Ḥajj: 30.

²⁷³ *Al-Majmū’* (207/8).

²⁷⁴ *Maṭālib ulī an-nuhā* (386/2).

²⁷⁵ *Aḥkām al-Qur’ān* (277/3).

²⁷⁶ *Zād al-ma’ād* (369/1).

Inside the Sanctuary of Mecca, the ḥasanāt and the sayy'āt differ from the perspective of their nature, not of their quantity, as it is worst and vilest to commit a sin in the Ḥaram. Consequently the reward is appropriate to the place and evil deeds are magnified.²⁷⁷

Section IV: The disbelievers inside the Ḥaram

This section is divided into five parts:

- Part I: Interdiction for the disbelievers to enter the Ḥaram.
- Part II: Meaning of the stain of idolaters.
- Part III: The meaning of The Sacred Mosque.
- Part IV: Punishing the disbeliever who enters the Ḥaram.
- Part V: The disbelievers inside an Islamic state.

Part I: Interdiction for the disbelievers to enter the Ḥaram

The Holy Land is the purest and the most honourable place on the face of the earth, Allah Most High characterized it with great specificities; among them: the interdiction for disbelievers to enter it, as it is a land of Islam and of pure monotheism, nothing can be worshipped therein with Allah Most High, its ground cannot be soiled by idolatry nor polytheism; this is the view of the majority in the Mālikī, the Shāfi'ī and the Ḥanbalī schools.²⁷⁸

Evidence:

1. The word of Allah Most High:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِنَّمَا الْمُشْرِكُونَ نَجَسٌ فَلَا يَقْرَبُوا الْمَسْجِدَ الْحَرَامَ بَعْدَ
عَامِهِمْ هَذَا

“O you who have believed, indeed the polytheists are impure, so let them not approach the Sacred Mosque after this, their (final) year.” Surat at-Tawba – The Repentance: 28.

Significance: Allah Most High forbade the idolaters to even approach the Sacred Mosque.

Ibn al-Kathīr (m) said: Allah commanded His believing servants, who are pure in religion and person, to expel the idolaters who are impure in the religious sense, from the Sacred Mosque. After the revelation of this verse, idolaters were no longer allowed to approach it. This verse was revealed in the ninth year of the Hijra. The Messenger of Allah (s) sent ‘Alī in the company of Abū Bakr (r2) that year to make a public announcement to the idolaters: **No idolater will be allowed to perform Ḥajj after that year, nor a naked person allowed to perform ṭawāf around the House.**²⁷⁹ Allah completed this decree, made it a legislative ruling as well as a fact of reality.²⁸⁰

2. The ḥadīth narrated by Abū Hurayra (r); he said: Abū Bakr aṣ-Ṣiddīq (r) sent me during the Ḥajj before the Farewell Pilgrimage for which the Messenger of Allah (s) had appointed him to make a public announcement to the people on the Day of Naḥr: **No idolater will be**

²⁷⁷ See: Faḍā'il Makka al-mukarrama (p. 116).

²⁷⁸ See: *Zād al-masīr* (419/3); *Tafsīr Ibn Kathīr* (347/2); *al-Majmū'* (518/2); *ash-Sharḥ al-Kabīr*, Ibn Qudāma (621/10).

²⁷⁹ Reported by al-Bukhārī (586/2), H. 1543; Muslim (982/2), H. 1347.

²⁸⁰ *Tafsīr Ibn Kathīr* (347/2).

allowed to perform Ḥajj after that year nor a naked person²⁸¹ allowed to perform ṭawāf around the House.²⁸²

3. ‘Alī (r) was asked about the Ḥajj of Abū Bakr aṣ-Ṣiddīq (r), what is it that he was sent with? He said: With four things: **None is to perform ṭawāf around the House while naked. Whomever there is a covenant between him and the Prophet (s), then his covenant is valid until its term, and for that in which there was no term, then it shall be four months. None will be admitted into Paradise except for the soul of a believer. And the Muslims and the idolaters will not be gathering (in Mecca) together after this year.**²⁸³

Entering the Ḥaram is forbidden to all the disbelievers:

The term “polytheists” (*mushrikūn*) in the verse encompasses all the disbelievers, the People of the Book and the others; it is comparable to the terms “poor” (*faqīr*) and “needy” (*miskīn*): if any of these terms is picked out, it bears the meaning of the other; in other words they can be considered equals; as in the word of Allah:

إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ

“The alms are only for the poor and the needy” Surat at-Tawba – The repentance: 60. In this verse two groups are mentioned; if both terms appear together, there may be a difference between them, but if only one of them is quoted, it can be substituted by the other. Here, the matter concerns polytheism and disbelief (*shirk* and *kufr*).

Ibn Taymiya (m) said: The term “polytheists” in the verse:

إِنَّمَا الْمُشْرِكُونَ نَجَسٌ فَلَا يَقْرَبُوا الْمَسْجِدَ الْحَرَامَ بَعْدَ عَامِهِمْ هَذَا

“Indeed the polytheists are impure, so let them not approach the Sacred Mosque (al-Masjid al-Ḥarām) after this, their (final) year.” (Surat at-Tawba – The Repentance: 28) encompasses all the disbelievers, the People of the Book and the others, according to all the ulama; the term has a specific meaning and an abstract meaning that is more global; if the polytheists were quoted with the People of the Book, it would have been “the polytheists and the People of the Book”: two kinds.²⁸⁴

The friend of Allah Ibrāhīm (p) was honoured by the hallowing of Mecca, which became a Holy Land through his supplication; and he put signs to define the limits of the Ḥaram. Whereas the Messenger of Allah (s) was honoured from a different perspective: he made Mecca forbidden for the disbelievers.

Part II:

Meaning of the stain of idolaters

Ibn al-Jawzī (m) mentioned three points about the meaning of the impurity of the polytheists in the noble verse:

إِنَّمَا الْمُشْرِكُونَ نَجَسٌ

“Indeed the polytheists are impure²⁸⁵”:

The first point: Their bodies are impure, like the dogs and the pigs; according to al-Māwardī who reported this view from al-Ḥassan and ‘Umar Ibn ‘Abd al-‘Azīz...

The second point: They are impure, as they need to wash themselves (to perform *ghusl*) from *janāba* (state of impurity, due to sexual intercourse for example); this is the view of Qatāda.

²⁸¹ Naked person: This used to be a ritual during the Jāhiliya. See: *Sharḥ an-Nawawī ‘alā Ṣaḥīḥ Muslim* (116/9).

²⁸² Reported by al-Bukhārī (586/2), H. 1543; Muslim (982/2), H. 1347.

²⁸³ Reported by at-Tirmidhī (276/5), H. 3092, he said ḥadīth ḥasan (good). Authenticated by al-Albānī in *Ṣaḥīḥ sunan at-Tirmidhī* (246/3), H. 3092.

²⁸⁴ *Al-Jawāb aṣ-ṣaḥīḥ li-man baddala dīn al-masīḥ*, Ibn Taymiya (118-119/3); *Daqā’iq at-tafsīr* (69/2).

²⁸⁵ Impure: See: *Zād al-masīr* (416/3).

The third point: As we have to avoid them, like we avoid impurities, they are considered impure; this is the view of the majority and it is the correct one.²⁸⁶

The specificity expressed in the verse “Indeed the polytheists are impure” comes to incite their banishment from this place; it is an exaggeration in their description in order to consider them as impure and in no other way.²⁸⁷

Most ulama agreed to say that the impurity of a polytheist does not concern his person or his body; because Allah Most High made the food of the People of the Book lawful for Muslims²⁸⁸. Therefore the impurity in this noble verse has an abstract meaning: the impurity of belief, which is worse than the impurity of the body.

An-Nawawī (m) said: The meaning is not that their bodies are unclean in the sense of urine or stools or such things. If it is established that any son of Ādam is pure, Muslim or not, then his sweat, saliva or tears are also pure, even without ablutions or in janāba, during a period of menstruation or in postpartum period; according to the Consensus of the Muslims.²⁸⁹ This is why the Prophet (s) fastened a prisoner who was a disbeliever inside the mosque; moreover, Allah made lawful the food of the People of the Book.²⁹⁰

General meaning of the verse:

Allah Most High exhorts the Muslims and calls them out as those who believed saying: “O you who have believed, indeed the polytheists” who give associates to Allah and worship idols “are impure”; i.e. they are impure for their beliefs and their deeds. Which impurity could be worse than worshipping with Allah other deities that neither benefit, nor harm or avail them against Allah at all? Whereas their deeds are but struggling against Allah, averting people from the way of Allah, supporting falsehood, rejecting Truth, causing corruption on the earth instead of spreading peace. Therefore it is incumbent upon you who believe to purify the most honourable House from them...²⁹¹

There are two kinds of impurity of *shirk* (polytheism/idolatry):

Ibn al-Qayyim (m) said about the impurity of *shirk*: **There are two kinds of impurity of *shirk***: a major impurity and a minor one. **The major one**: is the greater idolatry which is not forgivable by Allah the Exalted Majestic. Allah does not forgive that anything should be associated with Him in adoration. **The minor one** is the lesser *shirk*: like hypocrisy, ostentation, giving too much consideration to human beings instead of Allah, swearing by other than Him, being afraid of other than Him, beseeching other than Him. The impurity of *shirk* is concrete; Allah Most High said it was *najas* and not *najis* as *najas* refers to spiritual impurity whereas *najis* refers to what has been made soiled: if a garment is touched by urine or alcohol it is soiled (*najis*) and urine or alcohol are impure, (*najas*); the worst impurity is *shirk* (polytheism or idolatry) and it is the worst injustice. In the language and the law, the impurity (*najas*) is filth and it requires keeping distant from it in order to avoid touching it, smelling it or seeing it.

The meaning: Impurity can be sometimes physical and tangible and sometimes spiritual and abstract and therefore filth and impurity can affect the heart and spirit of a person.²⁹²

Part III:

The meaning of “The Sacred Mosque” (al-Masjid al-Ḥarām)

²⁸⁶ *Zād al-masīr* (416-417/3).

²⁸⁷ *At-Taḥrīr wa-t-tanwīr* (160/10).

²⁸⁸ See: *Tafsīr Ibn Kathīr* (347/2).

²⁸⁹ *Sharḥ an-Nawawī ‘alā ṣaḥīḥ Muslim* (66/4).

²⁹⁰ *Al-Majmū‘* (518/2).

²⁹¹ *Tafsīr as-Sa‘dī* (333-334/1).

²⁹² *Ighātha al-lahfān* (59-60/1).

The expression “The Sacred Mosque” (al-Masjid al-Ḥarām) has different meanings in the Book and the Sunna; it may refer to the Ka’ba, the Ka’ba and its surroundings, the whole city of Mecca or Mecca and its surroundings. There are legal texts explaining these four meanings²⁹³:

1. The Ka’ba; as in the word of Allah Most High:

قَوْلٌ وَجْهَكَ شَطْرَ الْمَسْجِدِ الْحَرَامِ

“So turn your face towards the Sacred Mosque” Surat al-Baqara – The Cow: 144.

2. The Ka’ba and its surroundings, as in the word of the Prophet (s): **One prayer in my Mosque is better than a thousand prayers in any other mosque except the Sacred Mosque.**²⁹⁴ And in his words (s): **Journey should not be undertaken to visit a mosque except towards three...etc.**²⁹⁵

3. It means the whole city of Mecca; as in the word of Allah Most High:

سُبْحَانَ الَّذِي أَسْرَى بِعَبْدِهِ لَيْلًا مِّنَ الْمَسْجِدِ الْحَرَامِ إِلَى الْمَسْجِدِ الْأَقْصَا

“Glorified be He Who carried His servant by night from the Sacred Mosque to the Farthest Mosque” Surat al-Isrā’ – The Night Journey: 1. The Night Journey started from a house of Mecca.

4. It means Mecca and the whole Sanctuary (Ḥaram) surrounding it, as in the word of Allah Most High:

فَلَا يَقْرَبُوا الْمَسْجِدَ الْحَرَامَ بَعْدَ عَامِهِمْ هَذَا

“So let them not approach the Sacred Mosque after this, their (final) year.” Surat at-Tawba – The Repentance: 28.

The meaning of “The Sacred Mosque” in this verse:

The ulama diverged: does it concern only the mosque or the whole Sanctuary? There are two opinions, **the prevailing one** is that it concerns the whole Sanctuary; this is the view of the majority.

Ibn Rajab (m) said: The majority of scholars agreed that the disbelievers cannot dwell in the whole Sanctuary nor even enter it or perform ṭawāf etc.²⁹⁶

Evidence:

1. The word of Allah Most High:

وَإِنْ خِفْتُمْ عَيْلَةً فَسَوْفَ يُغْنِيكُمُ اللَّهُ مِنْ فَضْلِهِ إِنْ شَاءَ إِنَّ اللَّهَ عَلِيمٌ حَكِيمٌ

“And if you fear privation, Allah will enrich you from His bounty if He wills. Indeed, Allah is Knowing and Wise”; Surat at-Tawba – The Repentance: 28.

Significance: The place for trade is not the mosque itself; if the interdiction for disbelievers concerned only the Sacred Mosque, why had some believers feared need and poverty as a result of such an interdiction? They feared indigence because disbelievers were prevented from going to the markets and places in general within the whole Ḥaram.²⁹⁷

2. The word of Allah Most High:

سُبْحَانَ الَّذِي أَسْرَى بِعَبْدِهِ لَيْلًا مِّنَ الْمَسْجِدِ الْحَرَامِ إِلَى الْمَسْجِدِ الْأَقْصَا

“Glorified be He Who carried His servant by night from the Sacred Mosque to the Farthest Mosque” Surat al-Isrā’ – The Night Journey: 1.

²⁹³ See: *al-Majmū’* (189-190/3).

²⁹⁴ Reported by al-Bukhārī in his version (398/1), H. 1133, and Muslim (1012/2), H. 1394.

²⁹⁵ Reported by al-Bukhārī (703/2), H. 1893 and Muslim (1014/2), H. 1397.

²⁹⁶ *Fath al-bārī fī sharḥ ṣaḥīḥ al-Bukhārī*, Ibn Rajab (482/2).

²⁹⁷ See: *at-Tafsīr al-Kabīr* (22/16).

Significance: The scholars agreed that the Prophet (s) was carried from the house of Umm Hāni' (rh), which was actually situated outside the Mosque; therefore the Sacred Mosque here means the whole Sanctuary.²⁹⁸

An-Nawawī (m) said: The Sacred Mosque here means the whole Ḥaram. An idolater is never allowed to enter the Ḥaram; even if he conveys a message for someone or for an important matter; then the person concerned has to go out of it to meet him; and if an idolater enters it secretly, sick or dead, he has to be expelled from it or exhumed.²⁹⁹

Allah is the one who enriches and makes rich:

The noble verse indicates that Allah Most High is the only one who enriches, even if the disbelievers cannot approach the Ḥaram anymore or its markets and this even in case of an economic crisis or difficult circumstances. Subsistence is not limited to only one door or one way; instead no door is shut without many others to open. The grace of Allah is great and His liberalities are wide, especially for he who gives up something for the countenance of Allah the Bountiful; and certainly Allah is the most generous. Indeed Allah honoured His promise as He enriched the Muslims from His grace and provided them with what He did not give the richest of men or the kings. His word:

إِنْ شَاءَ

“If He wills” explains that richness is conditioned by His will alone. Richness in this world (duniā) is not a matter of faith and it is not conditioned by the love of Allah, this is why Allah linked it with His will; Allah gives duniā to whom He loves and to whom He does not love whereas He gives faith and religion only to whom He loves.

إِنَّ اللَّهَ عَلِيمٌ حَكِيمٌ

“Indeed, Allah is Knowing and Wise”; i.e. His knowledge is wide; He knows whom richness suits and whom it does not and He puts everything in its proper place.³⁰⁰

On the basis of this, the Mosque in the verse is meant for the whole Ḥaram within its well known limits and not only the Mosque. This opinion lead to the drawing of the frontiers of the Ḥaram, a place honoured by Allah Most High as the sole land on the face of the earth that allows its entry only to he who has a special visa, an authorization that has no link with any kind of intercession, nepotism or diplomacy; this special visa is the faith in Allah Most High, submission to Him and the statement of this on an official passport; only this opens the door of the Ḥaram, the honour of which has been made eternal by Allah, and its loftiness will remain until Allah inherits earth and those on it.

Part IV:

Punishing the disbeliever who enters the Ḥaram

Many scholars spoke about the matter of a disbeliever who enters the Ḥaram and therefore violates the legal texts; among them, al-Māwardī (m) who explains this opinion: No one who refutes the religion of Islam, dhimmī (non-Muslim citizen of an Islamic state) or anyone with whom a treaty has been concluded, has the right to enter the Ḥaram, pass through it or reside therein; this the view of the Shāfi'ī School and most scholars... The word of Allah Most High:

إِنَّمَا الْمُشْرِكُونَ نَجَسٌ فَلَا يَقْرَبُوا الْمَسْجِدَ الْحَرَامَ

“Indeed the polytheists are impure, so let them not approach the Sacred Mosque” (9:28) is a text that forbids its entry to non-Muslims; if an idolater enters it without permission, he has to be punished, but not killed; if he entered it with a permission, he is not punished but the one who gave

²⁹⁸ See: *at-Tafsīr al-Kabīr* (22/16); *ash-Sharḥ al-kabīr*, Ibn Qudāma (621/10).

²⁹⁹ *Sharḥ an-Nawawī 'alā ṣaḥīḥ Muslim* (116/9).

³⁰⁰ *Tafsīr as-Sa'dī* (333-334/1).

him permission is condemned and punished if necessary, and the idolater is safely conducted outside the Ḥaram. If an idolater wants to enter the Ḥaram to convert to Islam, he cannot; he first has to convert and then he is allowed to enter it. If an idolater dies within the Ḥaram, he cannot be buried therein, he has to be buried outside it; if he has been buried inside it, he has to be carried out of it, except for those who were buried there long time ago, like the dead of the Jāhiliya. Concerning all other mosques, they can receive permission to enter them if they do not only intend to eat or sleep there.³⁰¹

Part V:

The disbelievers inside an Islamic state

There are three cases concerning the stay of disbelievers in an Islamic state:

Al-Baghawī (m) said: **The Islamic countries are divided into three categories regarding the rights of disbelievers:**

The first one: The Ḥaram: The disbeliever is never allowed to enter it, may he be a dhimmī or asking for protection, in accordance with this verse. If a messenger comes from a non-Muslim country to visit the imam who is inside the Ḥaram, he is not allowed to enter the Ḥaram; instead, someone listens to his message outside the Ḥaram and then transmits it to the imam inside. Yet the people of Kufa permitted someone with whom a treaty had been concluded to enter the Ḥaram.

The second category of Islamic countries: The Ḥijāz (Arabian Peninsula): Non-Muslims can enter it if they receive permission; but they cannot stay more than the time of travelling, namely three days, according to the ḥadīth narrated by ‘Umar Ibn al-Khaṭṭāb (r) who heard the Messenger of Allah (s) say: **If I live, Allah willing, I will certainly expel the Jews and the Christians from the Arabian Peninsula so as to leave only Muslims in it.**³⁰² The Messenger of Allah (s) also recommended: **Expel the idolaters from the Arabian Peninsula**³⁰³; Abū Bakr (r) did not have enough time to achieve that, but ‘Umar (r) did it during his caliphate and he allowed the merchants among them to enter it for a period of three days. **The Arabian Peninsula** extends from the southernmost part of Aden (Yemen) until the countryside of Iraq in its length and from Jidda and its coast until the Levant (ash-Shām) its width.

The third category: The rest of Islamic countries: a non-Muslim is authorized to stay in them as a dhimmī or under a protection, but he cannot enter mosques except with permission given by a Muslim.³⁰⁴

Section V:

Cutting trees inside the Ḥaram

This section is divided into two parts:

Part I: What is forbidden to be cut.

Part II: What is allowed to be cut.

Part I:

What is forbidden to be cut

Firstly: Interdiction of cutting trees.

³⁰¹ *Al-Aḥkām as-sulṭāniya*, al-Māwardī (188/1).

³⁰² Reported by Muslim (1388/3), H. 1767.

³⁰³ Reported by al-Bukhārī (1111/3), H. 2888; and Muslim (1258/3), H. 1637.

³⁰⁴ *Tafsīr al-Baghawī* (281-282/2).

The ulama agreed on the interdiction of cutting trees inside the Ḥaram.³⁰⁵

Evidence:

1. Ibn ‘Abbās (r2) narrated: The Prophet (s) said: **Allah has made Mecca sacred, so it was a sanctuary before me and it will continue to be a sanctuary after me. It was made legal for me (i.e. I was permitted to fight in it) for a short part of a day. It is not allowed to uproot its shrubs/grass or to cut its trees...**³⁰⁶
2. Abū Shurayḥ (r) narrated: The Messenger of Allah (s) said: **Mecca has been made sacred by Allah, not by the people. It is not permissible for any man who believes in Allah and the Last Day to shed blood in it, or to cut its trees...**³⁰⁷

Significance: Both ḥadīths show that it is forbidden to cut the trees of the Ḥaram, the Sanctuary.

Secondly: Interdiction of cutting the shrubs and grass.

The ulama agreed on the interdiction of cutting the shrubs and grass³⁰⁸ inside the Ḥaram.

Evidence:

1. Ibn ‘Abbās (r2) narrated: The Prophet (s) said: **Allah has made this land sacred, so it was a sanctuary before me and it will continue to be a sanctuary after me. It was made legal for me (i.e. I was permitted to fight in it) for a short part of a day. It is not allowed to uproot its shrubs/grass or to cut its trees...**³⁰⁹

Significance: The ḥadīth indicates that it is forbidden inside the Ḥaram to uproot the shrubs; namely the moist pasture or fodder and grass.

Thirdly: Interdiction of cutting thorny bushes.

The ulama diverged on the question of cutting thorny bushes inside the Ḥaram. There are two opinions: **the prevailing one** states that it is forbidden to cut thorny bushes inside the Ḥaram; this is the view of the majority³¹⁰, the Ḥanafī School³¹¹ and an important part of the Ḥanbalī School³¹²; an-Nawawī³¹³ preferred it as well as Ibn Qudāma³¹⁴ and Ibn al-Qayyim³¹⁵.

Evidence:

1. Ibn ‘Abbās (r2) narrated: The Messenger of Allah (s) said on the day of the Conquest of Mecca: **This land has been made sacred by Allah; its thorny bushes are not to be cut...**³¹⁶
2. Abū Hurayra (r) narrated (ḥadīth elevated and attributed to the Prophet (s) and Abū Hurayra was a witness of it): **its thorny bushes are not to be uprooted.**³¹⁷
3. Abū Hurayra (r) narrated (ḥadīth elevated and attributed to the Prophet (s) and Abū Hurayra was a witness of it): **its thorny bushes are not to be shaken.**³¹⁸

Significance: The different versions of these ḥadīths clearly indicate that it is forbidden to cut thorny bushes inside the Ḥaram.

³⁰⁵ See: *al-Ijmā’*, Ibn al-Mundhir (p.57); *Sharḥ an-Nawawī ‘alā Ṣaḥīḥ Muslim* (125/9); *al-Mughnī* (349/3); *Fatḥ al-Bārī* (44/4); *al-Qirā li-qāṣid umm al-qurā* (p. 641).

³⁰⁶ Reported by al-Bukhārī (452/1), H. 1284.

³⁰⁷ Reported by al-Bukhārī (51/1), H. 104.

³⁰⁸ shrubs and grass: *khalā* in Arabic i.e. hay; the one that is dry is called *ḥashīsh*, and *hashīm* is straw. See: *Zād al-ma‘ād* (451/3); *Fatḥ al-bārī* (48/4).

³⁰⁹ Reported by al-Bukhārī (452/1), H. 1284.

³¹⁰ See: *Iḥkām as-sājid bi-aḥkām al-masājid* (p. 157); *Fatḥ al-Bārī* (44/4).

³¹¹ See: *al-Mabsūṭ* (104/4).

³¹² See: *al-Mughnī* (169/3).

³¹³ See: *Sharḥ an-Nawawī ‘alā Ṣaḥīḥ Muslim* (126/9).

³¹⁴ See: *al-Mughnī* (169/3).

³¹⁵ *Zād al-ma‘ād* (450/3).

³¹⁶ Reported by al-Bukhārī (575/2), H. 1510.

³¹⁷ Reported by al-Bukhārī (857/2), H. 2302; Muslim (988/2), H. 1355.

³¹⁸ Reported by Muslim (989/2), H. 1355.

4. Ibn Qudāma (m) said: When the Prophet (s) forbade cutting trees, it was obvious that cutting thorny bushes was also forbidden as they constitute most of the vegetation there.³¹⁹
5. Ibn Ḥajar (m) said: Even if there was no text about the interdiction concerning thorny bushes, it is clear that the interdiction of cutting trees is an indication of the interdiction to cut thorny bushes, as most of the vegetation of the Ḥaram is thorny bushes.³²⁰

Fourthly: Interdiction of picking the fodder for feeding beasts.

The ulama diverged on picking the fodder inside the Ḥaram for feeding beasts; there are two opinions: **the prevailing one** states that it is forbidden to pick the fodder for feeding beasts. This is the opinion of Abū Ḥanīfa³²¹, Aḥmad³²², it is also an opinion of the Shāfi'ī School³²³ and Ibn Ḥazm preferred it³²⁴.

Evidence:

1. Mujāhid (m) reported that ('Abd Allah) Ibn 'Umar (r2) participated in the Conquest of Mecca³²⁵ and that he was around twenty years old. He had with him a restive horse³²⁶ and a heavy spear. Ibn 'Umar went to uproot grass for his horse; then the Prophet (s) said: **Indeed 'Abd Allah, indeed 'Abd Allah**^{327, 328}.

And in another version: **Where is 'Abd Allah? Where is 'Abd Allah?**^{329, 330}

Significance: The Prophet (s) disapproved Ibn 'Umar (r2) when he went to uproot some grass for his horse.

2. 'Ubayd Ibn 'Umayr reported that 'Umar Ibn al-Khaṭṭāb (r) saw a man cutting shrubs from the Ḥaram for breeding a camel of his. He said: I have to speak to him! He went to him and said: O servant of Allah! Do not you know that Mecca is a Sanctuary; its grass should not be cut, its game should not be disturbed and its fallen things should not be picked up except by he who makes public announcement about it? He replied: O Commander of the Faithful! By Allah, I only did so for the feeding of a raw-boned camel of mine (which was isolated of all other beasts), I was afraid it could not send me to my people and I do not have any money left nor food. He sympathized with him after he worried about him. He then ordered that he be given a camel from the charity (ṣadaqa) and a load of flour and he said: Do not ever cut any shrub from the Ḥaram.³³¹

Significance: 'Umar (r) disapproved of the man cutting shrubs from the Ḥaram; this indicates that it is forbidden to uproot pasture from the Ḥaram in order to feed animals.

³¹⁹ *Al-Mughnī* (169/3).

³²⁰ *Fath al-Bārī* (44/4).

³²¹ See: *al-Mabsūṭ* (104/4); *al-Baḥr ar-rā'iq* (78/3).

³²² See: *al-Furū'* (477/3); *al-Inṣāf* (555/3).

³²³ See: *al-Majmū'* (453/7); *Mughnī al-muḥtāj* (307/2).

³²⁴ See: *al-Muḥallā* (261/7).

³²⁵ The word of Mujāhid: "Ibn 'Umar participated in the Conquest..." implies that he heard it from him; as he was so attached to him; he heard from him a lot and reported his words in the two Ṣaḥīḥ. He was about fifty years old when Ibn 'Umar died.

³²⁶ **Restive horse:** A stubborn unruly horse. See: *Lisān al-'Arab* (100/4).

³²⁷ His word: **Indeed 'Abd Allah: It has been said:** The Prophet (s) wanted to praise him and glorify him many times. **It has also been reported that:** the Prophet (s) reprimanded Ibn 'Umar (r2) and disapproved his action. **And it has been reported that** the Prophet (s) said so out of consideration for him, as he was afraid for him and solicitous toward him. See: *aṭ-Ṭabaqāt al-Kubrā*, Ibn Sa'd (172/4).

³²⁸ Reported by Aḥmad in *al-Musnad* (12/2), H. 4600. Investigators of the chain said it was authenticated (ṣaḥīḥ) according to the standards of the two sheikhs; (207/8), H. 4600.

³²⁹ **Where is 'Abd Allah?:** His questioning was a reprimand for what he did.

³³⁰ Reported by al-Bayhaqī (in his *Sunan*) (201/5), H. 9764; and Abū al-Qāsim ash-Shāfi'ī in *Tārīkh madīna dimashq* (H. 97/31).

³³¹ Reported by al-Fākihī in *Akhbār Makka* (370/3), n°2225; Ibn Jarīr aṭ-Ṭabarī in *Tahdhīb al-āthār* (17/1), n°25. Quoted by as-Suyūṭī in *Jāmi' al-aḥādīth – al-Jāmi' aṣ-ṣaḡhīr wa zawā'idihī wa al-Jāmi' al-kabīr*, his version (251/14), n°3199. Its chain is authenticated (ṣaḥīḥ).

3. Aṭ-Ṭaḥāwī (m) said: This happened to ‘Umar (r) in the presence of other Companions of the Messenger of Allah (s), they did not reject what he did and did not oppose him; which shows that they followed his opinion on the matter.³³²

Fifthly: Penalty for cutting trees of the Ḥaram:

The ulama diverged on the penalty for cutting trees of the Ḥaram; there are two opinions. **The prevailing one** states that there is no need for penalty for cutting trees of the Ḥaram, even if it is forbidden, except cutting cymbopogon (*idhkhir*, a kind of lemon grass); but repentance and seeking forgiveness from Allah are required. This is the view of ‘Aṭā³³³, Mālik³³⁴, Abū Thawr³³⁵, Dāwūd³³⁶; Ibn al-Mundhir³³⁷ and Ibn Ḥazm³³⁸ also preferred this opinion.

Evidence:

1. There are no authenticated evidence neither from the Book, the Sunna nor the Consensus of the Muslims.
2. Many scholars indicated that nothing has never been quoted about any penalty or expiation in the matter; among them:
 - a. The imam **Mālik** (m) said: Nothing is imposed on he who cut a tree inside the Ḥaram; and never have we heard that anyone has been sentenced for such a thing, though it is an evil deed.³³⁹
 - b. **Ibn al-Mundhir** (m) said: I do not find any evidence for imposing anything on the cutting the trees of the Ḥaram, neither from the Book, the Sunna nor the Consensus. I say as Mālik said: we just seek for forgiveness from Allah Most High.³⁴⁰
 - c. **Ibn Ḥazm** (m) said: Mālik and Abū Sulaymān said: There is nothing concerning this; this is the truth, as if there was anything, the Prophet (s) would have explained it; therefore there is no need for a sacrifice, fasting, or a penalty of feeding poor people or alms; nothing on the matter is mentioned in the Qur’ān nor in the Sunna.³⁴¹
 - d. **Ṣadiq Ḥasan Khān** (m) said: There is nothing for the cutting of trees in Mecca; because there is no evidence that can back an argument. If one reported that the Prophet (s) said about this: A cow has to be sacrificed for the cutting of a big tree; this ḥadīth is not authentic; and what has been reported by some Pious Predecessors cannot be considered as tangible evidence.³⁴²

Part II:

What is allowed to be cut

Firstly: The exception of the cymbopogon (*idhkhir*, a kind of lemon grass).

The ulama agreed on the exception of the cymbopogon³⁴³ among the plants of the Ḥaram; it is permitted to cut it.³⁴⁴

³³² *Sharḥ mushkil al-āthār* (180/8).

³³³ See: *Tahdhīb al-āthār*, aṭ-Ṭabarī (235/1).

³³⁴ See: *al-Muwaṭṭa’* (420/1); *al-Mudawwana* (451/1).

³³⁵ See: *al-Mughnī* (170/3).

³³⁶ See: *al-Bināya* (356/4).

³³⁷ See: *al-Furū’* (478/3).

³³⁸ See: *al-Muḥallā* (261/7).

³³⁹ *al-Muwaṭṭa’* (420/1).

³⁴⁰ *Al-Mughnī* (170/3); see: *Sharḥ Ṣaḥīḥ al-Bukhārī*, Ibn Baṭṭāl (498/4).

³⁴¹ *Al-Muḥallā* (261/7).

³⁴² *Ar-Rawḍa an-nadya* (84/2).

³⁴³ **The cymbopogon (*idhkhir*)** is a sweet-smelling plant known to the people of Mecca, its roots are dug and its stem is thin; it sprouts in plains and rocky mountains; it was used to cover the wooden roofs of the houses and for perfuming the dead. See: *an-Nihāya fī gharīb al-ḥadīth wa-l-athar* (33/1); *Faḥḥ al-Bārī* (49/4).

Evidence:

1. Ibn 'Abbās (r2) narrated: The Messenger of Allah (s) said on the day of the Conquest of Mecca: **Allah has made this city sacred on the day He created the heavens and the earth ... its bushes are not to be cut.** Al-'Abbās (r) said: O Messenger of Allah! Except the idhkhir! As it is for their blacksmiths and their houses³⁴⁵. He said: **Except the idhkhir.**³⁴⁶
2. In another version: al-'Abbās Ibn 'Abd al-Muṭṭalib (r) said: Except the idhkhir! O Messenger of Allah, as it is indispensable for blacksmiths and houses. On that, the Prophet kept quiet and then said: **Except the idhkhir.**³⁴⁷
3. In another version: al-'Abbās (r) said: Except the idhkhir for our goldsmiths and our graves³⁴⁸. He said: **Except the idhkhir.**³⁴⁹

Significance: There is an exception concerning the idhkhir; it is permitted to cut it as people need it.

Secondly: Permission to pick what is useful from the trees.

Some of the trees and vegetation of the Ḥaram can be useful for the people, like fruits or medicine; they are the following:

a. Useful for the people as medicine:

The ulama diverged on cutting what is useful within the Ḥaram in order to cure; there are two opinions, **the prevailing one states** that it is permitted to cut what is necessary as medication among the trees of the Ḥaram, like the senna³⁵⁰ for example. It is the view of Mālik³⁵¹ and ash-Shāfi'ī³⁵².

They diverged on picking the siwāk from the Ḥaram; there are two opinions, **the prevailing one** authorized it, as it is useful, like the idhkhir; this is the view of the two imams Mālik³⁵³ and ash-Shāfi'ī³⁵⁴.

Evidence:

- The people need medications more than idhkhir.
- Az-Zarkashī (m) said: If it is needed as medication, it is more correct to allow its cutting, as it is more needed than the idhkhir which is legal.³⁵⁵

b. Useful for the people as food:

The ulama agreed on picking what is edible from the Ḥaram, like truffles or purslane; this is the view of the majority from the Ḥanafī School³⁵⁶, the Mālikī School³⁵⁷, the Shāfi'ī School³⁵⁸ and the Ḥanbalī School³⁵⁹.

³⁴⁴ See: *al-Ijmā'*, Ibn al-Mundhir (p. 57); *Sharḥ an-Nawawī 'alā Ṣaḥīḥ Muslim* (125/9); *al-Mughnī* (349/3); *Faḥ al-Bārī* (44/4); *al-Qirā li-Qāṣid umm al-qurā* (p. 641); *I'lām as-sājid bi-aḥkām al-masājid*, az-Zarkashī (p.160).

³⁴⁵ **for their blacksmiths and their houses:** or the goldsmiths and the jewellers; i.e. the blacksmiths needed it as fuel for their fire; and also for the roofs of houses; people used to put it above the wood. See: *Sharḥ an-Nawawī 'alā Ṣaḥīḥ Muslim* (127/9).

³⁴⁶ Reported by al-Bukhārī (1164/3), H. 3017; Muslim (986/2), H. 1353.

³⁴⁷ Reported by al-Bukhārī (1567/4), H. 4059.

³⁴⁸ **for our goldsmiths and our graves:** it was needed to fill in the gaps between the slabs of cracked graves.

See: *Sharḥ an-nawawī 'alā Ṣaḥīḥ Muslim* (127/9).

³⁴⁹ Reported by al-Bukhārī (452/1), H. 1284.

³⁵⁰ **The senna** is a plant of the Ḥijāz, the best genus of the senna is the one of Mecca. It is said that it is useful to cure headaches, scabies, pimples and itching. See: *Zād al-ma'ād* (75/4).

³⁵¹ See: *al-Mudawwana* (451/1); *at-Tāj wa al-iklīl* (262/4).

³⁵² See: *al-Majmū'* (451/7); *Mughnī al-muḥtāj* (307/2).

³⁵³ See: *Ḥāshiyā ad-dasūkī* (321/2); *Ḥāshiyā al-'adawī* (373/2).

³⁵⁴ See: *I'lām as-sājid* (p. 159); *Mughnī al-muḥtāj* (306/2).

³⁵⁵ *I'lām as-sājid bi-aḥkām al-masājid* (p. 158).

³⁵⁶ See: *al-Mabsūṭ* (105/4); *Badā'i' aṣ-ṣanā'i'* (316/2).

³⁵⁷ See: *Mawāhib al-jalīl* (264/4).

³⁵⁸ See: *al-Ḥāwī al-kabīr* (313/4); *Mughnī al-muḥtāj* (307/4).

³⁵⁹ See: *al-Mughnī* (351/3); *al-Furū'* (475/3).

Evidence:

1. It does not enter in the category of trees, shrubs or grass.
2. The need of the people for it, which is even greater than their need for idhkhir.
3. An-Nawawī (m) said: Our scholars agreed on the permission of picking up fruits from the trees of the Ḥaram.³⁶⁰
4. Ibn Qudāma (m) said: It is allowed to pick truffles inside the Ḥaram³⁶¹.
5. Ibn 'Uthaymīn (m) said: truffles, tubers, *banāt al-awbar* (a kind of truffles) are genus of the family of the mushrooms, it is allowed to cut them, as they are not trees nor grass.³⁶²

Thirdly: It is permitted to cut what has been sown by the people.

The ulama agreed on the permission to cut plants that have been grown by the people like purslane and basil or edible plants. Among those who reported a consensus: Ibn al-Mundhir³⁶³, al-Qāḍī 'Ayyād³⁶⁴, al-Kāsānī³⁶⁵ and Ibn Qudāma³⁶⁶.

They diverged on cutting the trees of the Ḥaram which are grown with the help of the people and that cannot grow alone like the walnut and the palm tree. **The prevailing opinion** states that it is permitted to cut them; this is the view of the majority.³⁶⁷

Evidence:

Since the time of the Prophet (s) until nowadays people have always planted and harvested inside the Ḥaram without any blame from anyone.

Evidence of the Consensus:

Many scholars reported a consensus about the permission of cutting what has been grown by human influence inside the Ḥaram; among them:

1. **Ibn al-Mundhir** (m) said: They reached a consensus on the permission of cutting anything that has been seeded by man inside the Ḥaram: purslane, crops, basil, etc.³⁶⁸
2. **Ibn Baṭṭāl** (m) said: The ulama agreed on the permission of cutting what is grown by the people inside the Ḥaram like purslane, crops, basil, etc. It is permitted to cut what has been seeded by the people like palms or other trees, as it enters the category of the crops which are allowed to be cut.³⁶⁹
3. **As-Sarakhsī** (m) said: Concerning what the people usually grow, it does not have the sanctity of the Ḥaram; may it be grown by the people or by itself; as the people used to plant and harvest since the time of the Prophet (s) until today without any blame or restriction.³⁷⁰

Fourthly: Permission for cutting dry trees and dry grass.

The ulama diverged on cutting dry trees and dry grass; there are two opinions. **The prevailing one** states that it is permitted to cut the dry trees and dry grass of the Ḥaram. This is the

³⁶⁰ See: *al-Majmū'* (379/7).

³⁶¹ *Al-Mughnī* (170/3).

³⁶² *Ash-Sharḥ al-mumtī'* (253/7).

³⁶³ See: *al-Ijmā'* (p. 57).

³⁶⁴ See: *Sharḥ Ṣaḥīḥ Muslim*, al-Qāḍī 'Ayyād (471/4).

³⁶⁵ See: *Badā'i' aṣ-ṣanā'i'* (316/2).

³⁶⁶ See: *al-Mughnī* (349/3).

³⁶⁷ See: *al-Mabsūṭ* (103/4); *at-Tāj wa-l-iklīl* (262/4); *al-Muhadhdhab* (399/1); *al-Inṣāf* (553/3).

³⁶⁸ *Al-Ijmā'* (p.57).

³⁶⁹ *Sharḥ Ṣaḥīḥ al-Bukhārī*, Ibn Baṭṭāl (498/4).

³⁷⁰ *Al-Mabsūṭ* (103/4).

opinion of the majority backed by Abū Ḥanīfa³⁷¹, ash-Shāfi‘³⁷² and Aḥmad³⁷³. An-Nawawī³⁷⁴, Ibn Taymiya³⁷⁵ and Ibn al-Qayyim³⁷⁶ gave their preference to this view.

Evidence:

1. Ibn ‘Abbās (r2) narrated: The Prophet (s) said: **Allah has made Mecca sacred ... it is not permitted to uproot its shrubs/grass^{377 378}**.
Significance: The interdiction to cut moist pasture and grass from the Ḥaram is an indication that it is permitted to cut them if they are dry.
2. Dry plants and dry trees are like dead game³⁷⁹; al-‘Aynī (m) said: No problem concerning cutting what is dry; it is like dead game.³⁸⁰
3. It is permitted to cut dry plants and dry trees, as they are not growing anymore³⁸¹. Al-Kāsānī (m) said: It is permitted to uproot dry trees and to use them as for dry grass; as they are dead and then cannot grow anymore.³⁸²

Fifthly: Using what has been broken or uprooted from branches and trees.

The ulama agreed on the permission for using broken branches, uprooted trees and fallen leaves.³⁸³

Evidence:

1. The word of the Prophet (s) concerning Mecca: **It is not permitted to cut its trees.**³⁸⁴
2. His word (s): **Its trees should not be cut.**³⁸⁵
Significance: Both ḥadīths indicate that if a tree is uprooted by itself or if its branches break, it is permitted to make use of them, because no one cut them.
3. Ibn al-Qayyim (m) said: In the ḥadīth lies a piece of evidence that if the tree is uprooted without the help of a human, or if its branches break, it is permitted to make use of it because it has not been cut; there is no divergence on the matter.³⁸⁶
4. Ibn Qudāma (m) said: No worries about making use of broken branches, uprooted trees or fallen leaves as far as it happened without human activity; Aḥmad made a rule about that and we do not know any divergence on the matter.³⁸⁷

Sixthly: Permission for grazing inside the Ḥaram.

The ulama diverged on grazing beasts inside the Ḥaram. There are two opinions; **the prevailing one** states that it is permitted to graze beasts inside the Ḥaram. This is the opinion of Mālik³⁸⁸, ash-Shāfi‘³⁸⁹ and Aḥmad in the other narration³⁹⁰ and Abū Yūsuf³⁹¹, Abū Ḥanīfa’s companion.

³⁷¹ See: *Badā’i’ aṣ-ṣanā’i’* (210/2); *al-Baḥr ar-rā’iq* (76/3).

³⁷² See: *Hidāya as-sālik* (718/2); *Mughnī al-muḥtāj* (305/2).

³⁷³ See: *al-Mughnī* (350/3); *al-Furū’* (475/3).

³⁷⁴ See: *al-Majmū’* (448/7).

³⁷⁵ See: *Majmū’ al-fatāwā* (117/26).

³⁷⁶ See: *Zād al-ma’ād* (450/3).

³⁷⁷ Shrubs/grass (*khalā*): moist pasture and grass. See: *an-Nihāya fī gharīb al- ḥadīth wa al-athar* (75/2); *Lisān al-‘Arab* (151/5).

³⁷⁸ Reported by al-Bukhārī (452/1), H. 1284.

³⁷⁹ See: *al-Mughnī* (350/3); *Fatḥ al-Bārī* (48/4).

³⁸⁰ *‘Umda al-qārī* (166/2).

³⁸¹ See: *al-Hidāya* (94/3).

³⁸² *Badā’i’ aṣ-ṣanā’i’* (210/2).

³⁸³ See: *Badā’i’ aṣ-ṣanā’i’* (210/2); *Radd al-muḥtār* (603/3); *Maṭālib ulī an-nuhā* (378/2).

³⁸⁴ Reported by al-Bukhārī (452/1), H. 1284.

³⁸⁵ Reported by al-Bukhārī (51/1), H. 104.

³⁸⁶ *Zād al-ma’ād* (450/3).

³⁸⁷ *Al-Mughnī* (169/3).

³⁸⁸ *Al-Mudawwan* (451/1); *Mawāhib al-jalīl* (262/4).

Evidence:

1. Ibn ‘Abbās (r2) narrated: **When I was near the age of puberty I came riding a she-ass and found the Messenger of Allah (s) leading the people in prayer at Mina and there was no wall in front of him. I passed in front of a part of the row (of worshippers) and dismounting left my she-ass for grazing in the pasture, and I joined the row, and no one objected to that.**³⁹²

Significance: In this lies a piece of evidence that it is permitted to graze beasts inside the Ḥaram; as the Prophet (s) and his companions (rp) surrounding him at that time did not rebuke him for letting his she-ass graze at Mina.

2. The abundance of sacrificial animals inside the Ḥaram and it has not been reported that they had their mouths closed or muzzled.³⁹³
3. The need of the people for grazing their beasts is like their needs for idhkhir.³⁹⁴

Ibn ‘Ābidīn (m) said: leading the beasts outside the Ḥaram for grazing is great hardship.³⁹⁵

Therefore, it is legal to let the beasts graze inside the Ḥaram and eat from its trees and grass; whereas it is forbidden – as we previously went through it – that the owner of the beasts takes himself the pasture and grass from the Ḥaram to feed them; the difference is obvious between the two cases.

Section VI: The game of the Ḥaram

This section is divided into five parts:

Part I: Defining the game.

Part II: The rule on the game of the Ḥaram.

Part III: Penalty for killing the game, in the state of iḥrām or not.

Part IV: The difference between making an error voluntarily and involuntarily.

Part V: Bringing game inside the Ḥaram.

Part I: Defining the game

Allah Most High forbade killing the game inside the Ḥaram in His word, exalted be He:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَقْتُلُوا الصَّيْدَ وَأَنْتُمْ حُرْمٌ

“O you who have believed, do not kill wild game while you are in the state of iḥrām” Surat al-Mā’ida – The Table spread: 95. Then, what is the meaning of killing game here?

The meaning of the game in the verse refers to three points:

The first one: The game has to be ḥalāl food.

Imam Aḥmad (m) said: Expiation is for the game that is legal to eat.³⁹⁶

³⁸⁹ *Al-Muhadhdhab* (400/1); *Mughnī al-muḥtāj* (307/2).

³⁹⁰ See: *al-Mughnī* (351/3); *al-Iqnā’* (606/1).

³⁹¹ See: *al-Mabsūṭ* (104/4); *al-Baḥr ar-rā’iq* (78/3).

³⁹² Reported by al-Bukhārī (187/1), H. 471; and Muslim (361/1), H. 504.

³⁹³ See: *Radd al-muḥtār* (606/3); *Mughnī al-muḥtāj* (305/2); *al-Mughnī* (351/3).

³⁹⁴ See: *al-Muhadhdhab* (400/1); *Maṭālib ulī an-nuhā* (378/2).

³⁹⁵ *Minḥa al-khāliq ‘alā al-baḥr ar-rā’iq* in the margin of *al-Baḥr ar-rā’iq* (78/3).

³⁹⁶ *Al-Mughnī* (266/3).

The second one: The game has to be wild.

No divergence between the ulama that beasts which are not wild like the cattle, horses, chicken, etc. can be slaughtered or eaten by the muḥrim if they are not wild as they are bred for that. This has been reported by Ibn Ḥazm³⁹⁷, Ibn Qudāma³⁹⁸, Ibn Ḥajar and others.

Ibn Ḥajar (m) said: They agreed that the game here only means what is lawful as food from wild beasts and that nothing permits one to kill it.³⁹⁹

The third one: The game has to be game from the land not game from the sea.

Allah Most High said:

أُحِلَّ لَكُمْ صَيْدُ الْبَحْرِ وَطَعَامُهُ مَتَاعًا لَكُمْ وَاللِّسْيَارَةُ

“Lawful to you is game from the sea and its food as provision for you and the travellers” Surat al-Mā’ida: 96.

Ibn al-‘Arabī (m) said: When Allah Most High said: “O you who have believed, do not kill wild game while you are in the state of iḥrām” (Surat al-Mā’ida – The Table spread: 95) it concerned all kind of game, from land and sea; then His word came, exalted be He: “Lawful to you is game from the sea” (Surat al-Mā’ida: 96). He then gave His absolute permission concerning game from the sea and He forbade game from the land for the people in the state of iḥrām. This differentiation and distinction indicates that the interdiction does not encompass game from the sea.⁴⁰⁰

There is a unanimous consensus between the ulama about the permission for the muḥrim concerning game from the sea; this was reported by Ibn al-Mundhir⁴⁰¹, Ibn Ḥazm⁴⁰², Ibn Qudāma⁴⁰³, etc.

Part II:

The rule on the game of the Ḥaram

They ulama reached a consensus on the interdiction to hunt the game of the Ḥaram for everyone, muḥrim or not.⁴⁰⁴

Evidence:

1. Ibn ‘Abbās (r2) narrated: The Messenger of Allah (s) said on the Day of the Conquest of Mecca: **Verily Allah made this city sacred, its thorny shrubs are not to be cut neither its game disturbed**⁴⁰⁵ ...⁴⁰⁶
2. Abū Hurayra (r) narrated: When Allah granted His Messenger (s) victory over Mecca, he stood (to deliver an address) among the people, he praised Allah and glorified Him, and then he said: ... **its game should not be disturbed.**⁴⁰⁷

Significance: Here is a statement about the interdiction to hunt the game of the Ḥaram for everybody, muḥrim or not.

3. ‘Ikrima, the servant of Ibn ‘Abbās (r2), said: Do you know what disturbing the game means? It means driving it out of the shade to occupy its place.⁴⁰⁸

³⁹⁷ See: *Marātib al-ijmā’* (p. 44).

³⁹⁸ See: *al-Mughnī* (267/3).

³⁹⁹ *Fath al-Bārī* (21/4).

⁴⁰⁰ *Aḥkām al-Qur’ān* (175/2).

⁴⁰¹ See: *al-ijmā’* (p. 51).

⁴⁰² See: *Marātib al-ijmā’* (p. 44).

⁴⁰³ See: *al-Mughnī* (270/3).

⁴⁰⁴ See: *Sharḥ an-Nawawī ‘alā Ṣaḥīḥ Muslim* (125/9); *al-Mughnī* (344/3); *l’lām as-sājid bi-aḥkām al-masājid* (p. 154).

⁴⁰⁵ Disturbed: not even moved from its place; he did not mean to kill them; i.e. driving it out of the shade to occupy its place. See: *Tafsīr gharīb mā fī aṣ-Ṣaḥīḥayn al-Bukhārī wa Muslim*, Muḥammad Ibn Abī Naṣr (150/1).

⁴⁰⁶ Reported by al-Bukhārī (575/2); Muslim (986/2), H. 1353.

⁴⁰⁷ Reported by al-Bukhārī (857/2), H. 2302; Muslim (988/2), H. 1355.

Words of scholars on the matter:

1. **An-Nawawī (m)** said: The ulama said: When the Prophet (s) spoke about disturbing the game it means harming it; as, if disturbing it is forbidden, consequently harming it comes even first.⁴⁰⁹
2. **Ibn al-Qayyim (m)** said: It cannot be moved from its place, as it is a respected animal in this place; as it was first there it has priority.⁴¹⁰
3. **Al-Muḥibb aṭ-Ṭabarī (m)** said: No divergence: If one moved it without harm, there is no penalty; but it is a sin as he violated an interdiction. If he harmed it by moving it from its place, there is a penalty.⁴¹¹

Evidence of the Consensus:

Many scholars related a consensus over the interdiction to hunt the game of the Ḥaram for everyone (muḥrim or not); among them: Ibn al-Mundhir, Ibn Ḥazm, an-Nawawī, Ibn Qudāma⁴¹², etc.

1. **Ibn al-Mundhir (m)** said: They unanimously agreed that hunting the game of the Ḥaram is forbidden, in the state of iḥrām or not.⁴¹³
2. **Ibn Ḥazm (m)** said: They unanimously agreed that, inside the Sanctuary of Mecca, hunting the game of the land that is legal as food is forbidden.⁴¹⁴
3. **An-Nawawī (m)** said: Concerning hunting the game of the Ḥaram: it is forbidden, in the state of iḥrām or not; if one kills an animal, he will receive a penalty according to all the scholars.⁴¹⁵

Part III:

Penalty for killing the game, in the state of iḥrām or not

Firstly: Penalty for killing game inside the Ḥaram for the muḥrim.

The ulama agreed that penalty is compulsory for he who kills the game of the Ḥaram.

Evidence:

The word of Allah Most High:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَقْتُلُوا الصَّيْدَ وَأَنْتُمْ حُرْمٌ وَمَنْ قَتَلَهُ مِنْكُمْ مُتَعَمَّدًا فَجَزَاءٌ مِّثْلُ مَا قَتَلَ مِنَ النَّعْمِ يَحْكُمُ بِهِ ذَوَا عَدْلٍ مِّنْكُمْ هَدِيًّا بَلِغَ الْكَعْبَةِ أَوْ كَفَّرَهُ طَعَامَ مَسْكِينٍ أَوْ عَدْلٌ ذَٰلِكَ صِيَامًا لِّيَذُوقَ وَبَالَ أَمْرِهُ ۗ عَفَا اللَّهُ عَمَّا سَلَفَ وَمَنْ عَادَ فَيَنْتَقِمِ اللَّهُ مِنْهُ وَاللَّهُ عَزِيزٌ ذُو انْتِقَامٍ

“O you who have believed, do not kill game while you are in the state of iḥrām. And whoever of you kills it intentionally – the penalty is an equivalent from sacrificial animals to what he killed, as judged by two just men among you as an offering (to Allah) delivered to the Ka’ba, or an expiation: the feeding of needy people or the equivalent of that in fasting, that he may taste the consequence of his deed. Allah has pardoned what is past; but whoever returns (to violation), then Allah will take retribution from him. And Allah is Exalted in Might and Owner of Retribution.” Surat al-Mā’ida – The Table Spread: 95.

⁴⁰⁸ Reported by al-Bukhārī (651/2), n°1736.

⁴⁰⁹ *Sharḥ an-Nawawī ‘alā Ṣaḥīḥ Muslim* (126/9).

⁴¹⁰ *Zād al-ma’ād* (453/3).

⁴¹¹ *Al-Qirā li-qāṣid umm al-qurā* (p. 642).

⁴¹² *Al-Mughnī* (351/3).

⁴¹³ *Al-Ijmā’* (p. 57).

⁴¹⁴ *Marātib al-ijmā’* (p. 46).

⁴¹⁵ *Sharḥ an-Nawawī ‘alā Ṣaḥīḥ Muslim* (125/9).

Significance: The verse expresses the obligation of a penalty for the muḥrim who killed game inside the Ḥaram.

Evidence of the Consensus:

Many scholars related a consensus over the obligation of a penalty for the muḥrim who killed game inside the Ḥaram; among them: Ibn Rushd⁴¹⁶, Ibn Qudāma, Ibn Baṭṭāl⁴¹⁷, etc.

Ibn Qudāma (m) said: The penalty is absolutely compulsory for the muḥrim who killed game inside the Ḥaram; the scholars unanimously agreed on this obligation and Allah Most High stated it.⁴¹⁸

Secondly: Penalty for killing game inside the Ḥaram for a person who is not in a state of iḥrām.

The ulama diverged on imposing a penalty for he who killed game inside the Ḥaram but who is not a muḥrim. There are two opinions; **the prevailing one** states that there is a penalty; this is the view of the majority and of the four imams.⁴¹⁹

Evidence:

1. The word of Allah Most High: “And whoever of you kills it intentionally – the penalty is an equivalent from sacrificial animals to what he killed” Surat al-Mā’ida – The Table Spread: 95.

Significance: By analogy with the penalty incumbent on the muḥrim for killing game; as the game of the Ḥaram has been made forbidden for the sake of Allah Most High, it is comparable with iḥrām; this is why it is followed by expiation.⁴²⁰

Ash-Shirbīnī (m) said: There is no distinction between people in the state of iḥrām and others inside the Ḥaram because of the interdiction to oppose divine law.⁴²¹

Ibn Qudāma (m) said on hunting the game of the Ḥaram for people who are not in the state of iḥrām: It is forbidden to hunt it by divine authority; it is similar to the case of a muḥrim.⁴²²

2. The word of Allah Most High:

وَأَنْتُمْ حُرْمٌ

“... while you are in the state of iḥrām...” Surat al-Mā’ida – The Table Spread: 95.

Significance: The words “in the state of iḥrām” refer to the state, namely the iḥrām, and the place: the Ḥaram.

Ibn al-‘Arabī (m) said about the word of Allah Most High “in the state of iḥrām⁴²³”: It has a general meaning referring to either time, space or the state of iḥrām; but according to a consensus, the connection to time here has been rejected, therefore only the connection to the place and the state of iḥrām remained the cause of the penalty.⁴²⁴

3. There is a penalty – expiation for hunting the game of the Ḥaram for people who are not in the state of iḥrām – according to many Companions (rp); among them the two righteous caliphs ‘Umar and ‘Uthmān (r2) and no one objected to them, it is therefore a consensus.⁴²⁵

Among the most important established acts of the Companions are the following:

⁴¹⁶ See: *Bidāya al-mujtahid* (358/2).

⁴¹⁷ *Fatḥ al-Bārī* (21/4).

⁴¹⁸ *Al-Mughnī* (265/3).

⁴¹⁹ See: *al-Mabsūṭ* (97/4); *al-Bināya* (306/4); *al-Muwaṭṭa’* (356/1); *Mawāhib al-jalīl* (255/4); *Sharḥ an-Nawawī ‘alā Ṣaḥīḥ Muslim* (125/9); *Fatḥ al-Bārī* (21/4); *al-Mughnī* (166/3); *al-Iqnā’* (605/1).

⁴²⁰ See: *al-Muntaqā* (448/3); *al-Muhadhdhab* (398/1); *al-Furū’* (472/3).

⁴²¹ *Mughnī al-muḥtāj* (524/1).

⁴²² See: *al-Mughnī* (166/3).

⁴²³ In Arabic the expression translated here by **in the state of iḥrām** may be used for someone entering the Ḥaram (without necessarily being in the state of iḥrām); it is said: a man is *ḥarām* (in the state of iḥrām) if he entered the sacred months, if he entered the Ḥaram, or if he entered the state of iḥrām. **The expression stands for either time, space or the state of iḥrām.** See: *Tafsīr al-Qurṭubī* (305/6).

⁴²⁴ *Aḥkām al-Qur’ān* (175/2).

⁴²⁵ See: *al-Ḥāwī al-kabīr*, *al-Māwardī* (315/4); *al-Muntaqā* (439/3); *adh-Dhakhīra* (325/3); *al-Mughnī* (265/3).

- a. Nāfi' Ibn 'Abd al-Ḥārith narrated: 'Umar Ibn al-Khaṭṭāb (r) arrived in Mecca a Friday and he entered Dār an-Nadwa (a house where political affairs used to be discussed) as he intended to take a short cut to go to the Sacred Mosque. Inside the house, he threw his cloak on a pillar where a bird of the kind of the pigeon settled. He drove it away to a place where a snake bit it and killed it. After he performed the Friday prayer, I visited him with 'Uthmān Ibn 'Affān (r). 'Umar told us: Give me your opinion on something I did today: I entered this house as I intended to take a short cut to the Sacred Mosque. Inside it I threw my cloak on this pillar where a bird of the kind of the pigeon settled. I feared that it might soil my cloak with its excrement so I drove it away and it settled on this other pillar where a snake bit it and killed it. I said to myself that I was the cause of that. It was in a safe place and I drove it to death. I (Nāfi') said to 'Uthmān (r): What do you think of a russet little goat⁴²⁶ as an atonement that we could impose to the Commander of the Faithful? 'Uthmān agreed and 'Umar obeyed.⁴²⁷
- b. What was reported by Ṣāliḥ Ibn al-Mahdī whose father told him: I was in Mecca with 'Uthmān (r) for the pilgrimage. I prepared him his bed and he fell asleep. A pigeon settled on an opening in the wall next to his bed and started to scratch (that place) with its feet. I feared that it might wake him up so I drove it away and it settled on another opening. Then a snake came and killed it. When 'Uthmān (r) woke up I informed him of what happened and he said: You have to sacrifice a ewe as atonement. I replied: I drove it away for you! He said: I will sacrifice a ewe as well.⁴²⁸
- c. Ibn 'Abbās (r2) said that the penalty for a pigeon of the Ḥaram, imposed on people in iḥrām or not, was a ewe.⁴²⁹
According to another narration, Ibn 'Abbās (r2) stated that for each dove of Mecca, the penalty was a ewe.⁴³⁰
Ash-Shāfi'ī (m) said: 'Umar, 'Uthmān, Nāfi' Ibn 'Abd al-Ḥārith, 'Abd Allah Ibn 'Umar, 'Āṣim Ibn 'Umar, Sa'īd Ibn al-Musayyib and 'Aṭṭā' said so.⁴³¹

Part IV:

The difference between making an error voluntarily and involuntarily

The ulama diverged on the expiation for killing game of the Ḥaram; is it compulsory for he who did it involuntarily as for he who did it intentionally? There are two opinions; **the prevailing one** states that there is no expiation for he who killed game involuntarily. Imam Aḥmad backed this opinion in one of the two versions he quoted⁴³². This view is preferred by Ibn al-Mundhir⁴³³, Ibn Ḥazm⁴³⁴ and Ibn al-Jawzī⁴³⁵; and among the contemporaries who chose it: as-Sa'dī⁴³⁶, Ibn Bāz⁴³⁷ and Ibn 'Uthaymīn⁴³⁸.

⁴²⁶ See: *an-Nihāya fī gharīb al-ḥadīth wa al-athar* (261/3).

⁴²⁷ Reported by ash-Shāfi'ī in his *Musnad* (p. 135). Authenticated by an-Nawawī in *al-Majmū'* (440/7); Ibn Ḥajar said its chain was ḥasan (good) in *Talkhīṣ al-ḥabīr* (285/2).

⁴²⁸ Reported by Ibn Abī Shayba in his *Muṣannaf* (178/3), n°13221; it has other witnesses who make the chain even stronger. See: *Akḥbār Makka*, al-Azraqī (142/2); *Akḥbār Makka*, al-Fākihī (386/3), n°2269; *Muṣannaf 'Abd ar-Razzāq* (418/4), n°8284.

⁴²⁹ Reported by al-Bayhaqī in *al-Kubrā* (205/5); Ibn al-Mulaqqin in *al-Badr al-munīr* (404/6).

⁴³⁰ Reported by ash-Shāfi'ī *al-Umm* (207/2); 'Abd ar-Razzāq in his *Muṣannaf* (414/4) n°8265. An-Nawawī authenticated its chain in *al-Majmū'* (440/7) and al-Albānī in *al-Irwā'* (247/4), n°1056.

⁴³¹ *Al-Umm* (207/2).

⁴³² See: *al-Mughnī* (505/3); *al-Furū'* (398/3).

⁴³³ See: *al-Iqnā'* (215/1).

⁴³⁴ See: *al-Muḥallā* (214/7).

⁴³⁵ See: *al-Furū'* (463/3).

⁴³⁶ See: *Taysīr al-karīm ar-rahmān* (p. 244).

Evidence:

1. The word of Allah Most High:

وَمَنْ قَتَلَهُ مِنْكُمْ مُتَعَمِّدًا فَجَزَاءٌ مِّثْلُ مَا قَتَلَ مِنَ النَّعَمِ

“And whoever of you kills it intentionally – the penalty is an equivalent from sacrificial animals to what he killed” Surat al-Mā’ida – The Table Spread: 95.

Significance: the atonement has to be observed if one disobeys on purpose; therefore it does not concern acts committed by accident.

Ibn ‘Uthaymīn (m) said: “intentionally” is the very cause of the sanction. When a description (intentionally) is linked to a rule, the rule is conditioned by it, so if the description disappears, the rule is cancelled. Therefore, if someone committed something by accident, the sanction is cancelled. The verse is a law in the matter.⁴³⁹

Ibn Bāz (m) said: The verse of the Qur’ān indicates that atonement is compulsory only for he who acted intentionally, this is the most obvious meaning, and a person in the state of iḥrām may kill an animal by accident, especially if he drives a car; Allah Most High said:

يُرِيدُ اللَّهُ بِكُمْ الْيُسْرَ وَلَا يُرِيدُ بِكُمْ الْعُسْرَ

“Allah intends for you ease and does not intend for you hardship” Surat al-Baqara: 185.⁴⁴⁰

2. Qabīṣa Ibn Jābir al-Asadī narrated: We were heading to Mecca to perform Ḥajj and we were squabbling, in the state of iḥrām, about which was the fastest: the antelope or the horse? While we were like that, an antelope appeared and a man among us threw it a stone that hit its *khushashā’* (a thin bone not covered by hairs behind the ear)⁴⁴¹, the antelope fell on its head, broke its neck and died. When we approached Mecca, we went to ‘Umar and my friend told him the story. ‘Umar (r) asked him: Did he kill it intentionally or not? He said: I wanted to throw it a stone, but I did not want to kill it. ‘Umar (s) said: It is between intentionally and by accident. He then turned to a man at his side and spoke with him for a while. Then he called my friend and said to him: Take a ewe lamb, sacrifice it, give its meat as alms and make a water-skin from its leather.⁴⁴²

According to another version; Qabīṣa Ibn Jābir al-Asadī narrated that he heard ‘Umar Ibn al-Khaṭṭāb, ‘Abd ar-Raḥmān Ibn ‘Awf was with him, asking a man who killed an antelope while in the state of iḥrām: Did you kill it intentionally or not? The man replied: I wanted to throw it a stone but I did not intend to kill it. ‘Umar then said: I see that you acted between intentionally and by accident; take a ewe lamb and sacrifice it, give its meat as alms and make a water-skin out of its leather.⁴⁴³

Significance: There is a distinction between killing the game of the Ḥaram intentionally and killing it by accident; as ‘Umar (r) made it clear and ‘Abd ar-Raḥmān Ibn ‘Awf (r) did not question him.

Ibn Ḥazm (m) said after quoting this story: If, for ‘Umar and ‘Abd ar-Raḥmān (r2), there was no distinction between killing the game intentionally and killing it by accident, then why ‘Umar did ask him if he killed it intentionally or not? ‘Abd ar-Raḥmān (r) did not question ‘Umar; the silence of ‘Abd ar-Raḥmān (r) indicates that he agreed with ‘Umar (r).⁴⁴⁴

⁴³⁷ See: *Majmū’ fatāwā wa maqālāt* (204/17).

⁴³⁸ See: *Sharḥ al-mumti’* (231/7).

⁴³⁹ See: *Sharḥ al-mumti’* (226/7).

⁴⁴⁰ See: *Majmū’ fatāwā wa maqālāt* (204/17).

⁴⁴¹ See: *Lisān al-‘Arab* (72/5).

⁴⁴² Reported by aṭ-Ṭabarānī in *al-Kabīr* (127/1), n°259. Authenticated by an-Nawawī in *al-Majmū’* (425/7) and al-Albānī in *al-Irwā’* (245/4), n°1052.

⁴⁴³ Reported by Ibn Ḥazm in *al-Muḥallā* (214/7).

⁴⁴⁴ *Al-Muḥallā* (214/7).

Part V:
Bringing game inside the Ḥaram

The ulama diverged about permission to bring game inside the Ḥaram. There are two opinions, **the prevailing one** states that it is legal to bring game inside the Ḥaram; this is the view of the two imams Mālik⁴⁴⁵ and ash-Shāfi‘ī⁴⁴⁶ and Ibn al-Mundhir⁴⁴⁷ and Ibn Ḥazm⁴⁴⁸ preferred it.

Evidence:

1. Ṣāliḥ Ibn Kaysān (m) narrated: I saw game being sold alive in Mecca under the emirate of Ibn Zubayr (r2).⁴⁴⁹
2. Ḥammād Ibn Zayd said: It has been said to Hishām Ibn ‘Urwa: ‘Aṭā’ considers slaughtering poultry a disliked act (makrūh); he (Hishām) said: What does ‘Aṭā’ know? Here is the Commander of the Faithful (Ibn Zubayr (r2)) at Mecca who sees *al-qamārī*⁴⁵⁰ and *ad-dabāsī* in cages (without saying anything about it)⁴⁵¹.

Significance: Ibn Zubayr (r2) saw game being sold in cages inside Mecca and he did not question that; this indicates that it is permitted to enter game inside the Ḥaram.

3. Originally it is permitted to enter game inside the Ḥaram as nothing can make it forbidden except if there is evidence; moreover it is facilitation for the people of Mecca and the pilgrims. “If it was forbidden, it would have been very complicated for them.”⁴⁵²

Section VII:
Lost things inside the Ḥaram

The ulama diverged about lost things found inside the Ḥaram: should one pick them up and keep them in order to publicize them or is it permissible to appropriate them? There are two opinions: **the prevailing one** states that it is utterly forbidden to appropriate them, instead one has to pick them up in order to make the find public. This is the view of ash-Shāfi‘ī⁴⁵³ and Aḥmad in one of the two versions he quoted⁴⁵⁴, and it has been preferred by the majority of contemporary and ancient scholars.⁴⁵⁵

Evidence:

1. Ibn ‘Abbās (r2) narrated that the Prophet (s) said: **No one is to pick up the dropped things⁴⁵⁶ except one who makes a public announcement of it^{457, 458}.**

⁴⁴⁵ See: *al-Kāfi fī fiqh ahl al-madīna* (p.155); *Mawāhib al-jalīl* (251/4).

⁴⁴⁶ See: *al-Muhadhdhab* (399/1); *Mughnī al-muḥtāj* (301/2).

⁴⁴⁷ See: *al-Iqnā’*, Ibn al-Mundhir (218/1).

⁴⁴⁸ See: *al-Muḥallā* (248/7).

⁴⁴⁹ Reported by ‘Abd ar-Razzāq in his *Muṣannaf* (426/4), n°8318; and Ibn Ḥazm in *al-Muḥallā* (252/7), its chain is authentic (ṣaḥīḥ).

⁴⁵⁰ *al-qamārī* a kind of pigeon with a beautiful voice and *ad-dabāsī*: another kind of pigeon. See: *Lisān al-‘Arab* (115/5 and 76/6); *al-Mu‘jam al-wasīṭ* (758/2).

⁴⁵¹ Reported by al-Fākihī in *Akhbār Makka* (380/3) n°2250; its chain is authentic ṣaḥīḥ.

⁴⁵² *Mawāhib al-jalīl* (178/3).

⁴⁵³ See: *Sharḥ an-Nawawī ‘alā Ṣaḥīḥ Muslim* (126/9); *Hidāya as-sālik* (728/2).

⁴⁵⁴ *Al-Mughnī* (706/5); *Zād al-ma‘ād* (453/3).

⁴⁵⁵ See: *Fatḥ al-Bārī* (88/5).

⁴⁵⁶ **The dropped things** inside Mecca.

In another version: **It is not permitted to pick up its dropped things except for he who makes a public announcement for it.**⁴⁵⁹

2. Abū Hurayra (r) narrated: The Messenger of Allah (s) said: **It is not permitted to pick up its fallen things except for he who makes public announcement for it.**⁴⁶⁰

In another version: **Picking up its fallen things**⁴⁶¹ **is not permitted except for he who makes public announcement for it**^{462 463}.

3. 'Abd ar-Raḥmān Ibn 'Uthmān at-Taymī (r) narrated: The Messenger of Allah (s) **forbade taking lost things from the pilgrim.**⁴⁶⁴

Significance: It is not permitted to pick up lost things except for making a public announcement for it in order to find its owner.

Al-Azharī (m) said: He (s) made a distinction between lost things inside the Ḥaram and lost things anywhere else around the world. The rule for lost things found anywhere but the Ḥaram is that he who finds a dropped thing has to make a public announcement for it and after one year he is allowed to use it; whereas something found inside the Ḥaram cannot be used by he who found it even after a public announcement for it and even after a long period of time. He ruled that it is not allowed to pick up dropped things inside the Ḥaram except with the intention of making public announcement for them for life. Therefore it is allowed to pick up dropped things inside the Ḥaram for making a public announcement for them, but it is not permitted to use these things, even after one year, as it is the case in any other places on earth but the Ḥaram.⁴⁶⁵

An-Nawawī (m) said: In all the ḥadīths of the chapter is evidence that picking up dropped things and keeping them do not need the decision of a judge or permission of the governor; there is a consensus about it and there is no distinction between the poor and the rich; this is our opinion and the opinion of the majority.⁴⁶⁶

The reason for the interdiction of picking up things inside the Ḥaram:

Ibn Ḥajar (m) spoke about the wisdom on the matter: The most probable is that he who finds a lost thing in Mecca despairs of finding its owner and its owner despairs of finding it before leaving for a remote place. He who finds a lost thing in Mecca may initially desire to possess his finding and may not want to make a public announcement for it but the law forbids it and states that no one is permitted to pick up a lost thing in Mecca except for making a public announcement for it in order to find its owner. This differs from the findings of soldiers in non Muslim countries (*Dār al-ḥarb*; House of War): after they left a country, there is no need to make a public announcement according to a unanimous agreement; whereas for something found in Mecca it is a duty to make a public announcement for it because of the possibility for its owner to come back to Mecca and then to know the finder.⁴⁶⁷

Ibn al-Qayyim (m) said: Our sheikh said: This is a particularity of Mecca; the difference between Mecca and the rest of the world is that people coming from different countries can come back, ask for their lost things and find them.⁴⁶⁸

⁴⁵⁷ **A public announcement:** in order to keep it safe and give it back to its owner. See: '*Umda al-qārī* (274/12).

⁴⁵⁸ Reported by al-Bukhārī (857/2), H. 2301.

⁴⁵⁹ Reported by al-Bukhārī (857/2), H. 4059.

⁴⁶⁰ Reported by al-Bukhārī (857/2), H. 2302; Muslim (988/2), H. 1355.

⁴⁶¹ Picking up anything dropped inadvertently by its owner.

⁴⁶² **He who makes public announcement for it:** see: '*Umda al-Qārī* (164/2).

⁴⁶³ Reported by al-Bukhārī (2522/6), H. 6486; Muslim (989/2), H. 1355.

⁴⁶⁴ Reported by Muslim (1351/3), H. 1724.

⁴⁶⁵ *Tahdhīb al-lughāt* (222/11).

⁴⁶⁶ *Sharḥ an-Nawawī 'alā Ṣaḥīḥ Muslim* (28/12).

⁴⁶⁷ *Fatḥ al-Bārī* (88/5).

⁴⁶⁸ *Zād al-ma'ād* (454/3).

Section VIII:
Fighting inside the Ḥaram

This section is divided into three parts:

Part I: Interdiction of fighting inside the Ḥaram.

Part II: Fighting oppressors inside the Ḥaram.

Part III: Carrying arms inside the Ḥaram.

Part I:
Interdiction of fighting inside the Ḥaram

The ulama agreed on the interdiction of fighting in Mecca.⁴⁶⁹

Evidence:

1. Ibn ‘Abbās (r2) narrated that the Messenger of Allah (s) said: **Allah made this city sacred on the day He created the earth and the heavens; so it is sacred by the sacredness conferred on it by Allah until the Day of Resurrection. It was not permitted to fight therein for anyone before me; it was made lawful for me only for a part of one day and it is sacred by the sacredness conferred on it by Allah until the Day of Resurrection.**⁴⁷⁰
2. Abū Hurayra (r) narrated: When Allah granted his Messenger (s) victory on the Day of the Conquest of Mecca; he (s) stood up among the people, praised Allah and exalted Him; then he said: **Allah withheld the elephant from Mecca and empowered His Messenger and the believers over it. It has not been made lawful (i.e. fighting in it) for anyone before me, but it has been lawful for me only for a few hours on a day (the Day of the Conquest), and it will not be made lawful to anyone after me (to fight therein).**⁴⁷¹
3. Abū Shurayḥ (r) narrated: The Messenger of Allah (s) said: **Mecca has been made sacred by Allah, not by the people. It is not permissible for any man who believes in Allah and the Last Day to shed blood in it, or to cut its trees. If anyone seeks permission to fight in it because the Messenger of Allah fought in it, say to him: Allah permitted his Messenger (to fight therein) but He did not permit you. Rather permission was given to me (to fight therein) for a short period one day; and now its sanctity has been restored as it was before. Let those who are present convey (this news) to those who are absent.**⁴⁷²

Significance: The ḥadīths indicate that it is forbidden to fight and to shed blood in Mecca because of its sacredness conferred by Allah the Exalted Majestic.

Ibn Ḥazm (m) said: These are three reports of three companions of the Messenger of Allah (s): Abū Hurayra, Ibn ‘Abbās and Abū Shurayḥ; each of them quoting the Messenger of Allah (s) saying: Mecca has been made sacred by Allah Most High.⁴⁷³

Part II:

⁴⁶⁹ See: *ad-Dhakhīra* (486/2); *al-Muḥallā* (498/10); *al-Majmū’* (390/7); *Zād al-ma’ād* (443/3); *Iḥkām al-iḥkām* (24/3); *‘Umda al-qārī* (143/2); *Fatḥ al-Bārī* (207/12).

⁴⁷⁰ Reported by al-Bukhārī (1164/3), H. 3017; Muslim (986/2), H. 1353.

⁴⁷¹ Reported by al-Bukhārī (857/2), H. 2302; Muslim (988/2), H. 1355.

⁴⁷² Reported by al-Bukhārī (51/1), H. 104.

⁴⁷³ *Al-Muḥallā* (498/10).

Fighting oppressors inside the Ḥaram

Firstly: Oppressors start the fighting.

The ulama agreed that if oppressors⁴⁷⁴ start a battle inside the Ḥaram, it is permitted to fight them⁴⁷⁵.

Evidence:

1. The word of Allah Most High:

وَلَا تُقَاتِلُوهُمْ عِنْدَ الْمَسْجِدِ الْحَرَامِ حَتَّىٰ يُقَاتِلُوكُمْ فِيهِ فَإِن قَاتَلُوكُمْ فَاقْتُلُوهُمْ
كَذَٰلِكَ جَزَاءُ الْكَافِرِينَ

“And do not fight them at the Sacred Mosque until they first attack you there. But if they fight you, then kill them. Such is the reward of disbelievers” Surat al-Baqara – The Cow: 191.

Significance: Allah Most High permitted the believers to fight the idolaters in the Holy Land if they attacked them and fought them.

Meaning of the verse: O Muslims! Do not first attack the idolaters at the Sacred Mosque until they first attack you. If they attack you first there, at the Sacred Mosque in the Ḥaram, then kill them. Allah made death the reward of disbelievers for their disbelief and their evil deeds in this world and long ignominy in the hereafter.⁴⁷⁶

Therefore it is not permitted to fight the disbelievers inside the Sacred Mosque except if they started to fight; then they are to be fought as a reward for their attack; this is the permanent rule until they stop disbelieving and convert to Islam; then Allah would accept their repentance even if they previously rejected Allah and gave him associates inside the Sacred Mosque, and even if they prevented the Messenger and the believers to reach the Sacred Mosque:

فَإِنِ انْتَهَوْا فَإِنَّ اللَّهَ غَفُورٌ رَّحِيمٌ

“And if they cease, then indeed, Allah is Forgiving and Merciful.” Surat al-Baqara: 192. This is a mercy from Him and a grace bestowed to His servants.

Fighting inside the Sacred Mosque is considered a sin committed inside this Holy Land; but Allah Most High informed us that the sin of persecution at that place, giving Allah associates and preventing people from entering Islam is a sin worse than murder:

وَقَاتِلُوهُمْ حَتَّىٰ لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ لِلَّهِ فَإِنِ انْتَهَوْا فَلَا عُدْوَانَ إِلَّا عَلَى
الظَّالِمِينَ

“And fight them until persecution is no more, and religion is for Allah. But if they cease, then let there be no hostility except against oppressors” Surat al-Baqara: 193. Therefore, O Muslims, you have permission to fight them. We can conclude from this verse this well known rule: when one is confronted with two sins, the lesser sin is committed in order to avoid the worst.⁴⁷⁷

This rule from Allah Most High concerning fighting the idolaters and the disbelievers was specific and relevant at the time of the Messenger of Allah (s) when the idolaters and the disbelievers had power in the Ḥaram and were its people. Later, after Mecca became forbidden for idolaters and disbelievers, it became the duty of the Muslims to prevent them entering it and to fight them if they tried. Fighting them at the Sacred Mosque as mentioned in the verse remains valid until the Day of Resurrection.

Concerning oppressors who are not idolaters and who pretend to be Muslims, they are permitted to enter the Ḥaram; but if they gather inside the Ḥaram and start fighting there, it is a duty to fight them, as it enters the rule of this noble verse.

⁴⁷⁴ **Oppressors** (*bughāt*): or tyrants who disobey the chief of the Muslims. See: *Lisān al-‘Arab* (215/3).

⁴⁷⁵ See: *Aḥkām al-Qur’ān*, Ibn al-‘Arabī (153/1); *Badā’i’ aṣ-ṣanā’i’* (114/7); *Zād al-masīr* (199/1); *al-Mughnī* (92/9).

⁴⁷⁶ *Tafsīr aṭ-Ṭabarī* (192/2); see: *Tafsīr Muqātil Ibn Sulaymān* (101/1).

⁴⁷⁷ *Tafsīr as-Sa’dī* (89/1).

Secondly: Fighting the oppressors inside the Ḥaram before they attack.

The ulama diverged on the rule on fighting the oppressors inside the Ḥaram before they attack; there are two opinions; **the prevailing one** states that it is forbidden; instead, they must be compelled to go out of it or to see reason⁴⁷⁸. This is the opinion chosen by Ibn Ḥazm⁴⁷⁹, Ibn al-ʿArabi⁴⁸⁰, al-Muḥibb aṭ-Ṭabari⁴⁸¹, Ibn Taymiya⁴⁸² and Ibn al-Qayyim⁴⁸³.

Evidence:

1. The ḥadīths previously mentioned concerning the interdiction to fight in Mecca for it is sacred; it has been permitted to fight therein only for the Prophet (s) and for no one else before or after him. Allah Most High gave him permission only for a while on a specific day; as it appears in the ḥadīths of Ibn ʿAbbās, Abū Hurayra and Abū Shurayḥ (rp).⁴⁸⁴

Significance: The Prophet (s) insisted on the interdiction to shed blood in Mecca and to fight therein. There was an exception for the Messenger of Allah (s) only for a while on one day and it will not be permissible for anyone after him.

2. The ḥadīth previously quoted and narrated by Abū Shurayḥ (r): The word of the Prophet (s) concerning Mecca: **It is not permissible for any man who believes in Allah and the Last Day to shed blood in it.**⁴⁸⁵

Significance: It is an absolute refusal meant for all.⁴⁸⁶

Words of scholars on the matter:

1. Al-Māwardī (m) said about Mecca: Its people cannot be fought because of the interdiction given by the Messenger of Allah (s); some scholars think that even if they committed an injustice against right people they cannot be fought but have to be compelled (peacefully) to come back to justice and right their wrongs.⁴⁸⁷
2. Similarly Ibn Ḥazm (m) said: It is not permissible to fight anyone, no idolater nor Muslim inside the Ḥaram of Mecca; instead people are lead outside of it where they are to be fought, made prisoners or punished; if they refuse and fight us first, we therefore fight them inside the Ḥaram as ordered by Allah Most High; this is the way we treat any oppressor or tyrant among the Muslims.⁴⁸⁸

Part III:

Carrying arms inside the Ḥaram

The ulama diverged on the rule concerning carrying arms inside the Ḥaram; there are two opinions, **the prevailing one** states that it is permitted to carry arms inside the Ḥaram if it is needed and necessary; this is the view of Mālik⁴⁸⁹, ash-Shāfiʿī⁴⁹⁰ and the majority of scholars⁴⁹¹.

Evidence:

⁴⁷⁸ See: *Badāʾiʿ aṣ-ṣanāʾiʿ* (170/7).

⁴⁷⁹ See: *al-Muḥallā* (498/10).

⁴⁸⁰ See: *Aḥkām al-Qurʾān* (153/1).

⁴⁸¹ See: *al-Qirā li-qāṣid umm al-qurā* (p. 640).

⁴⁸² See: *Sharḥ al-ʿumda fī bayān manāsik al-Ḥajj wa-l-ʿUmra*, Ibn Taymiya, updating: Dr. Ṣāliḥ al-Ḥasan (349/2).

⁴⁸³ See: *Zād al-maʿād* (443/3).

⁴⁸⁴ Previously quoted, see also further.

⁴⁸⁵ Reported by al-Bukhārī (51/1), H. 104.

⁴⁸⁶ See: *Fatḥ al-Bārī* (48/4).

⁴⁸⁷ *Al-Aḥkām as-sulṭāniya* (187/1).

⁴⁸⁸ *Al-Muḥallā* (496/10).

⁴⁸⁹ See: *al-Qirā li-qāṣid umm al-qurā* (p. 646); *Shifāʾ al-gharām* (113/1).

⁴⁹⁰ See: *al-Qirā li-qāṣid umm al-qurā* (p. 646); *al-Majmūʿ* (471/7).

⁴⁹¹ See: *Ṣaḥīḥ Muslim bi-sharḥ an-Nawawī* (131/9).

1. Al-Barā' Ibn al-Āzib (r2) said: When the Messenger of Allah (s) concluded the peace treaty of Ḥudaybiya, 'Alī drew up the agreement and he wrote in it: Muḥammad, the Messenger of Allah (s). The idolaters said: Do not write "Muḥammad, the Messenger of Allah", for if you were a messenger we would not fight with you. The Messenger of Allah asked 'Alī: **Rub it out!** But 'Alī (r) said: I will not be the person who rubs it out. So the Messenger of Allah (s) rubbed it out with his hand and made peace with them on the condition that the Prophet and his companions would enter Mecca and stay there for three days, and that they would not enter except with their weapons in cases⁴⁹². They asked: What does weapons in cases mean? He replied: The bag of armament with its contents^{493 494}.

Significance: The Prophet (s) entered Mecca the following year, for 'Umra al-qaḍā, with weapons in their cases in accordance with the treaty.⁴⁹⁵

2. Anas Ibn Mālik (r) narrated that **on the day of the Conquest, the Prophet (s) entered Mecca, wearing a helmet on his head**^{496 497}.

Significance: When the Prophet (s) entered Mecca on the year of the Conquest he was ready to fight.

On that part of the day on that occasion, Allah Most High made it permissible for the Prophet (s) to fight therein; then Allah informed him the next day that the sacredness of Mecca was restored until the Day of Resurrection.⁴⁹⁸

Interdiction to carry arms in Mecca if not necessary:

Carrying weapons inside a land that has been made a safe sanctuary by Allah Most High is meaningless and contradictory; it is either a sign of fear, a desire to take revenge or a way for a transgressor to defend his possessions.⁴⁹⁹ Jābir (r) narrated: I heard the Prophet (s) saying: **It is not permissible for anyone to carry weapons in Mecca.**⁵⁰⁰

The combination between the ḥadīth that forbids and the ḥadīths that permits to carry arms:

The majority of ulama underlined two points concerning the reason of the interdiction to carry weapons in Mecca:

1. Carrying weapons is not permissible except if there is fear and need.⁵⁰¹
2. Because weapons are carried insolently, with arrogance or in such a manner that it can be harmful for the people; especially at crowded places and narrow ways.⁵⁰²

Summary:

It is permissible to carry weapons in Mecca if it is necessary and needed because the Prophet (s) did it when he entered Mecca the year of the Conquest.

If one says that the Prophet (s) received permission to carry weapons in Mecca only for a short period on one specific day, **we reply that** he laid down his conditions for the 'Umra al-qaḍā in the treaty of Ḥudaybiya, among them to carry weapons. So he entered Mecca with weapons as mentioned in the terms of the treaty and this was not the day of the Conquest.

Moreover, security guards responsible for the protection and the safety of the Sanctuary are allowed to carry weapons for it is required and necessary. Keeping security and protecting the Sacred

⁴⁹² **Weapons in cases** (*julubbān as-silāh*): see: *Tahdhīb al-lughā* (65/11); *Tāj al-'arūs* (79/2).

⁴⁹³ **Bag of armament:** swords in their sheaths and arms encased in their covers.

⁴⁹⁴ Reported by al-Bukhārī (959/2), H. 2551.

⁴⁹⁵ *Ṣaḥīḥ Muslim bi-sharḥ an-Nawawī* (131/9).

⁴⁹⁶ A helmet (*mighfar*): see: *an-Nihāya fī gharīb al-ḥadīth wa al-athar* (374/3).

⁴⁹⁷ Reported by al-Bukhārī (1561/4), H. 4035.

⁴⁹⁸ *Al-Muḥallā* (498/10).

⁴⁹⁹ *Al-Futūḥāt al-makkiya* (897/1).

⁵⁰⁰ Reported by Muslim (989/2), H. 1356.

⁵⁰¹ See: *Mawāhib al-jalīl* (204/3); *ad-Dībāj 'alā Muslim* (402/3); *Nayl al-awṭār* (204/5).

⁵⁰² See: *Fatḥ al-Bārī* (455/2).

Mosque and the Honourable Ka'ba are important demands that have to be achieved; they are daunting responsibilities for those in charge and they cannot accomplish their mission without weapons in order to repel attacks or aggression.

Section IX:
Killing vermin inside the Ḥaram

This section is divided into two parts:

Part I: Defined vermin.

Part II: Non defined vermin.

Part I:
Defined vermin

Firstly: The rule:

Most ulama permit to kill six kinds of vermin inside and outside the Ḥaram, even in the state of iḥrām, namely kites, mice or rats, snakes, scorpions, speckled crows and vicious dogs.⁵⁰³

Evidence:

1. Ibn 'Umar (r2) narrated: The Prophet (s) said: **There are five (kinds of animals) for which there is no sin on he who kills them inside the Ḥaram and in the state of iḥrām: the mouse or the rat, the scorpion, the crow, the kite and the vicious dog.**⁵⁰⁴
2. Ḥafṣa (rh), the wife of the Prophet (s) narrated: The Messenger of Allah (s) said: **There are five animals, all of them are harmful and there is no sin on he who kills them: the scorpion, the crow, the kite, the mouse or the rat and the vicious dog.**⁵⁰⁵
3. 'Ā'isha (rh) narrated: The Prophet (s) said: **Five vermin can be killed in the Ḥaram: the mouse or the rat, the scorpion, the kite, the crow and the vicious dog.**⁵⁰⁶
4. al-Qāsim Ibn Muḥammad narrated: I heard 'Ā'isha (rh) the wife of the Prophet (s) say: I heard the Messenger of Allah (s) say: **There are four animals all of which are vermin and they can be killed inside or outside the Ḥaram: the kite, the crow, the mouse or the rat and the vicious dog.** Someone said: I asked al-Qāsim: What about the snake? He said: Let it be killed with disgrace.⁵⁰⁷
5. 'Ā'isha (rh) also narrated that the Prophet (s) said: **There are five kinds of vermin which may be killed inside or outside the Ḥaram: the snake, the speckled crow, the mouse or the rat, the vicious dog and the kite.**⁵⁰⁸

Significance: It is stipulated that it is permitted to kill six kinds of vermin inside the Ḥaram because they are harmful, namely the kite, the mouse or the rat, the snake, the scorpion, the speckled crow and the vicious dog.

An-Nawawī (m) said: There are six stipulated kinds of animals; and the majority of ulama agreed on the permission to kill them inside or outside the Ḥaram, whether in iḥrām or not.⁵⁰⁹

⁵⁰³ See: *Sharḥ Ṣaḥīḥ al-Bukhārī*, Ibn Baṭṭāl (491/4); *Tafsīr ar-Rāzī* (73/12); *Sharḥ an-Nawawī 'alā Ṣaḥīḥ Muslim* (113/8); *ash-Sharḥ al-kabīr*, Ibn Qudāma (114/3); *Majmū' al-fatāwā* (609/11); *Tabyyin al-ḥaqā'iq* (66/2); *aṭ-Ṭuruq al-ḥukmiya* (411/1).

⁵⁰⁴ Reported by al-Bukhārī (649/2), H. 1731; Muslim (his version), (857/2), H. 1199.

⁵⁰⁵ Reported by al-Bukhārī (34/4), H. 1828; Muslim (his version), (858/2), H. 1200.

⁵⁰⁶ Reported by al-Bukhārī (1204/3), H. 3136 and Muslim (856/2), H. 1198.

⁵⁰⁷ Reported by Muslim (856/2), H. 1198.

⁵⁰⁸ Reported by Muslim (856/2), H. 1198.

⁵⁰⁹ *Sharḥ an-Nawawī 'alā Ṣaḥīḥ Muslim* (113/8).

Secondly: Description and cause of the permission to kill them:

We found it appropriate to highlight all the kinds of vermin and to explain the wisdom behind the permission to kill them inside or outside the Ḥaram and in iḥrām.

Firstly: The kite:

The kite is a bird that hunts rats.

Ibn al-Athīr (m) said: **The kite** is this known bird of prey.⁵¹⁰

Cause of the permission to kill it:

The kite is a bird of prey and the most despicable of birds; it does not hunt, instead it kidnaps. This is the reason for which it was nicknamed Abū al-Khaṭṭāf (the abductor) and the father of the hook or the father of claws; it kidnaps chicks and little puppies; it may catch a prey that does not suit it if they are red, as it takes it for meat. The kite usually likes meat and guts; it grabs the meat spread by the people when they slaughter animals or sacrifice them, sometimes from their hands, and it seizes other things.⁵¹¹

Secondly: The mouse or the rat:

The mouse and **the rat** are nicknamed “the destructors” (*Umm Kharāb*), or the mothers of destruction; both of them have the sense of hearing and sight and the similarity between the mouse and the rat is comparable to the similarity between the buffalo and the cow. Among their family are gerbils, shrews which are deaf, moles which are blind, muskrats, etc. **The house mouse is that little vermin** that the Prophet (s) ordered to kill inside the Ḥaram or outside it, whether in state of iḥrām or not.

Cause of the permission to kill it:

There is no such harmful and destructive vermin as the mouse; it does not spare the rich and the poor alike. Wherever it goes, it brings damage and havoc; this is why it has been nicknamed the destructor. **As its wont**, when the mouse finds a flask with a narrow neck, it uses cunning until it manages to enter its tail inside of it, then, when its tail is wet it takes it out and sucks it until the flask gets empty.⁵¹²

Ibn Bakīr (m) said: He ordered the killing of the mouse as it gnaws water skins and shoes which are essential for the traveller;⁵¹³ it may even have stolen money from people.⁵¹⁴

Among the ravages caused by the mouse: it sets fire to the people’s houses; this is why the Prophet (s) named it the little vermin, for the damages and harms it brings⁵¹⁵. Jābir Ibn ‘Abd Allah (r2) said: The Messenger of Allah (s) said: **Cover the utensils, close the doors, and put out the lights, lest the little vermin⁵¹⁶ (the mouse or the rat) should pull away the wick and thus burn the people of the house.**⁵¹⁷

Ibn ‘Abbās (r2) also narrated: A mouse came dragging a wick and dropped it before the Messenger of Allah (s) on the mat on which he was sitting with the result that it burned a hole in it about the size of a dirham. He (the Prophet) said: **When you go to sleep, put out the lights, for the devil guides a creature like this to do this and sets you on fire.**⁵¹⁸

⁵¹⁰ *An-Nihāya fī gharīb al-ḥadīth wa al-athar* (349/1).

⁵¹¹ See: *Amālī Ibn Sam‘ūn* (226/1); *at-Tamhīd* (160/15); *Tafsīr al-Qurṭubī* (303/6); *Badā’i’ aṣ-Ṣanā’i’* (197/2); *Ḥayāt al-ḥayawān al-kubrā*, ad-Damīrī (325/1).

⁵¹² See: *Amālī Ibn Sam‘ūn* (57/2).

⁵¹³ *Tafsīr al-Qurṭubī* (303/6).

⁵¹⁴ See: *Badā’i’ aṣ-Ṣanā’i’* (197/2).

⁵¹⁵ See: *Sharḥ Ṣaḥīḥ al-Bukhārī*, Ibn Baṭṭāl (77/6).

⁵¹⁶ **Little vermin:** *fuwaysiqā*: named like this as it goes out of its hole in order to spoil the people’s possessions. See: *Fatḥ al-Bārī fī sharḥ Ṣaḥīḥ al-Bukhārī*, Ibn Rajab (2320/2).

⁵¹⁷ Reported by al-Bukhārī, his version (2320/5), H. 5937; Muslim (1594/3), H. 2012.

⁵¹⁸ Reported by Abū Dāwūd (363/4); H. 5247. Authenticated by al-Albānī in *Ṣaḥīḥ sunan Abī Dāwūd* (289/3), H. 5247.

Ibn 'Abd al-Barr (m) said: **The ulama unanimously agreed** on the permission to kill the mouse or the rat inside and outside the Sanctuary.⁵¹⁹

Thirdly: The scorpion.

The scorpion is an insect of the class of the arachnids; it has a venomous sting and bites people.

Cause of the permission to kill it:

Among the most obvious causes of the permission to kill the scorpion is that it is venomous, as al-Qurṭubī put it: It has been permitted to kill the scorpion because of its sting.⁵²⁰ It tries to bite and it stings.⁵²¹

Among the causes of the permission to kill the scorpions inside and outside the Ḥaram is that it they are vermin; moreover, a scorpion bit the Prophet (s) while he was praying:

'Ā'isha (rh) said: A scorpion bit the Prophet (s) while he was performing prayer; he said: **Allah cursed the scorpion⁵²² which does not spare he who prays and he who does not pray; kill it inside and outside the Ḥaram.**⁵²³

Significance: The Prophet (s) ordered the killing of the scorpion inside and outside the Ḥaram as it is a harmful vermin.⁵²⁴

Abū Hurayra (r) narrated: **The Prophet (s) ordered killing the two black things⁵²⁵ in prayer: the scorpion and the snake.**⁵²⁶

Ibn Ḥajar (m) said: Most ulama referred to this ḥadīth to permit the killing of the snake and the scorpion during prayer; among them: Ibn 'Umar (r2), al-Ḥasan and this is the view of Abū Ḥanīfa, ash-Shāfi'ī, Aḥmad, Ishāq, etc.⁵²⁷

Many scholars reported a **consensus** on the permission to kill the scorpion inside and outside the Ḥaram; among them:

1. **Abū Ja'far aṭ-Ṭahāwī (m)** said: They **unanimously agreed** that the Prophet (s) permitted killing the scorpion in the state of iḥrām inside the Ḥaram.⁵²⁸
2. **Ibn 'Abd al-Barr (m)** said: **The ulama unanimously agreed** on the permission to kill the mouse or the rat inside and outside the Ḥaram and so for the scorpion.⁵²⁹
3. **Ibn al-Mundhir (m)** said: We do not know any divergence concerning the permission to kill the scorpion.⁵³⁰

Fourthly: The snake.

The snake: Ibn 'Abbās (r2) said: Snakes are of many kinds.⁵³¹

Cause of the permission to kill it:

⁵¹⁹ *Al-Istidhkār* (156/4).

⁵²⁰ *Tafsīr al-Qurṭubī* (303/6).

⁵²¹ *Badā'i' aṣ-Ṣanā'i'* (197/2).

⁵²² **Allah cursed the scorpion:** the ḥadīth indicates that is permitted to curse vermin, but it is forbidden to curse animals as the Prophet (s) warned a woman who cursed her camel, he said: **A camel which was cursed cannot accompany us.** He also said: **The believer does not taunt or curse.** See: *Sharḥ sunan Ibn Māja* (88/1), H. 1246.

⁵²³ Reported by Ibn Māja (395/1), H. 1246. Authenticated by al-Albānī in *Ṣaḥīḥ sunan Ibn Māja* (372/1), H. 1037.

⁵²⁴ See: *Fayḍ al-qadīr* (270/5).

⁵²⁵ **The two black things:** generally speaking, the two black things designate the scorpion and the snake; originally the name was only given to the snake; it was said that the scorpion of cities is also black. See: *Tuḥfa al-uḥūdī* (334/2); *Ḥāshiya as-sanadī 'alā sunan an-nisā'i'* (10/3).

⁵²⁶ Reported by at-Tirmidhī (234/2), H. 390, he said: ḥasan ṣaḥīḥ (good and sound). Authenticated by al-Albānī in *Ṣaḥīḥ sunan Ibn Māja* (372/1), H. 1036.

⁵²⁷ *Fatḥ al-Bārī* (398/6).

⁵²⁸ *Sharḥ ma'ānī al-āthār* (167/2).

⁵²⁹ *Al-Istidhkār* (156/4).

⁵³⁰ *Fatḥ al-Bārī* (39/4).

⁵³¹ *Ṣaḥīḥ al-Bukhārī* (1201/3).

The causes of the permission to kill the snake are similar to the causes of the permission to kill the scorpion, as it is venomous, it bites and stings, and for the damages and harms it causes. It is among vermin, this is why the order came to kill it inside and outside the Ḥaram.⁵³²

Al-Kasānī (m) said: The scorpion bites and stings; so does the snake.⁵³³

Among the damage and harm caused by the snake: it blurs the vision and it makes pregnant women lose their child, as Ibn 'Umar (r2) narrated that he heard the Prophet (s) addressing the people from the minbar and he said: **Kill snakes and kill Dhū-aṭ-Ṭufyatayn (i.e. a snake with two white lines on its back) and al-Abtar (i.e. a blue short-tailed snake)⁵³⁴ for both of them affect the eyesight adversely⁵³⁵ and cause miscarriage.⁵³⁶** 'Abd Allah Ibn 'Umar (r2) further added: Once while I was chasing a snake in order to kill it, Abū Lubāba called me saying: Do not kill it! I said: The Messenger of Allah (s) ordered us to kill snakes. He said: But later on, he prohibited the killing of snakes living in the houses, which are called al-'Awāmir.⁵³⁷

An-Nawawī (m) said: According to a group of ulama, the interdiction of killing the snakes living in houses before warning them is general for all countries; whereas snakes living outside of the houses should be killed without warning... Some ulama stated that the order to kill snakes is absolute apart from the snakes living in the houses; except al-Abtar and Dhū-aṭ-Ṭufyatayn which have to be killed anyway, inside or outside the houses.⁵³⁸

The Prophet (s) ordered the chasing of snakes because they cause great trouble. Ibn 'Abbās (r2) narrated: The Messenger of Allah (s) said: **He who leaves the snakes along through fear of their pursuit, does not belong to us. We have not made peace with them since we have fought with them.**⁵³⁹

The Prophet (s) ordered them to be killed for the same reason: al-'Abbās Ibn 'Abd al-Muṭṭalib (r) narrated that he said to the Messenger of Allah (s): We wish to draw from Zamzam, but there are some of these small snakes in it; so **the Prophet (s) ordered that they should be killed.**⁵⁴⁰

Ibn Mas'ūd (r) narrated: The Messenger of Allah (s) said: **Kill all the snakes, and he who fears their revenge does not belong to me.**⁵⁴¹

Al-Qārī (m) said: It is clear that these ḥadīths are absolute, with the exception of the snakes living in the houses.⁵⁴²

The order to kill the snakes takes effect even during the prayer, as previously mentioned in the ḥadīth narrated by Abū Hurayra (r): **The Prophet (s) ordered killing the two black things in prayer: the scorpion and the snake.**⁵⁴³

Ibn Ḥajar (m) said: Most of ulama refer to this ḥadīth to permit killing the snake and the scorpion during prayer.⁵⁴⁴

⁵³² See: *Tafsīr al-Qurṭubī* (303/6).

⁵³³ *Badā'i' aṣ-Ṣanā'i'* (197/2).

⁵³⁴ Naḍr Ibn Shamīl said that no pregnant women would look at it without having a miscarriage because of fear.

⁵³⁵ Affect the eyesight adversely: They blur the sight merely when someone crosses its eyes; this is the particularity Allah Most High gave it.

⁵³⁶ Cause miscarriage: Most of the time, when a pregnant woman looks at them she gets afraid and loses her child. See: *Sharḥ an-Nawawī 'alā Ṣaḥīḥ Muslim* (230/14).

⁵³⁷ Reported by al-Bukhārī, his version (1201/3), H. 3123; Muslim (1752/4), H. 2233.

⁵³⁸ *Sharḥ an-Nawawī 'alā Ṣaḥīḥ Muslim* (230/14).

⁵³⁹ Reported by Abū Dāwūd (363/4), H. 5250. Authenticated by al-Albānī in *Ṣaḥīḥ sunan Abī Dāwūd* (289/3), H. 5250.

⁵⁴⁰ Reported by Abū Dāwūd (363/4), H. 5251. Authenticated by al-Albānī in *Ṣaḥīḥ sunan Abī Dāwūd* (290/3), H. 5251.

⁵⁴¹ Reported by Abū Dāwūd (363/4), H. 5249. Authenticated by al-Albānī in *Ṣaḥīḥ sunan Abī Dāwūd* (289/3), H. 5249.

⁵⁴² *Mirqāt al-mafātīḥ* (48/8).

⁵⁴³ Previously quoted; see: footnote 526.

⁵⁴⁴ *Fath al-Bārī* (398/6).

Many scholars reported a **consensus** on the permission to kill the snake inside and outside the Ḥaram; among them:

1. Ibn Baṭṭāl (m) said: **The ulama unanimously agreed** on the permission to kill the snake inside and outside the Ḥaram.⁵⁴⁵
2. Ibn ‘Abd al-Barr (m) said: There is **no divergence** between Mālik and the majority of scholars about the permission to kill the snake inside and outside the Ḥaram.⁵⁴⁶

Five: The speckled crow:

The crow is a black bird. **The speckled crow** has a black colour speckled with white and it is more vicious than the crow; the expression *speckled crow* is used as a symbol of wickedness. **The speckled crow is strange and it is the crow of ill omen**; every crow is called “a crow of ill omen” as it is considered ominous. It is small and its nickname is due to the fact that it lives in deserted houses.⁵⁴⁷

The meaning of the crow in the ḥadīth:

The term “the crow” designates all the crows in the absolute as it appears in most ḥadīths; except for a version reported by Muslim of the ḥadīth narrated by ‘Ā’isha (rh), elevated and attributed to the Prophet (s), the words **speckled crow** appeared.⁵⁴⁸

The ulama diverged on the meaning of this; there are two opinions, **the prevailing one** states that only the speckled crow may be killed inside and outside the Ḥaram; the ulama who backed this opinion see a restricted meaning that invalidates the expression in the absolute⁵⁴⁹. This is the view of Ibn al-Mundhir⁵⁵⁰, Ibn Khuzayma⁵⁵¹ etc.

Words of scholars on the matter:

1. **Ibn Khuzayma (m)** said: Chapter: Explanation of the encompassing terms mentioned concerning some of the permitted things to be killed for he who is in state of iḥrām and evidence that the Prophet (s) permitted the muḥrim to kill some crows, not all of them; he permitted the killing of the speckled crow only, as an exception among the crows.⁵⁵²
2. **Ibn Hajar (m)** said: **The ulama agreed** to make an exception for the little crow which eats seeds and which is called the crow of plantations and also called the carrion crow; they stated the permission to eat it; the rest of the crows are considered as speckled crows.⁵⁵³
3. **Al-‘Aynī (m)** said: The versions referring to the absolute are limited by this restricting version reported by Muslim; the speckled crow may be killed for the evil it does first, and no crow perpetrates evil except the speckled crow; the other crows do not hurt, so it is not permitted to kill them: like the magpie and the crow of plantations, which is called the carrion crow; they stated the permission to eat it; the rest of the crows are considered as speckled crows; among them the raven; this is the correct opinion according to the Shāfi‘ī school.⁵⁵⁴

Cause of the permission to kill it:

The cause of the permission to kill the speckled crow inside and outside the Ḥaram is the deterioration, the ravages and the damage it causes; among them: the speckled crow goes on the

⁵⁴⁵ *Sharḥ Ṣaḥīḥ al-Bukhārī* (493/4).

⁵⁴⁶ *Al-Miṣbāḥ al-munīr* (478/2); *at-Tamhīd* (163/15).

⁵⁴⁷ *Al-Ḥayawān*, al-Jāḥiẓ (431/3); *Lisān al-‘Arab* (642/1).

⁵⁴⁸ Reported by Muslim (856/2), H. 1198.

⁵⁴⁹ See: *al-Bināya* (305/4); *Mawāhib al-jalīl* (235/4); *Fatḥ al-Bārī* (38/4); *‘Umda al-Qārī* (180/10); *al-Mughnī* (342/3).

⁵⁵⁰ See: *Fatḥ al-Bārī* (38/4); *‘Umda al-Qārī* (180/10).

⁵⁵¹ See: *Ṣaḥīḥ Ibn Khuzayma* (191/4).

⁵⁵² *Ṣaḥīḥ Ibn Khuzayma* (191/4).

⁵⁵³ *Fatḥ al-Bārī* (38/4).

⁵⁵⁴ *‘Umda al-Qārī* (180/10).

back of camels and mounts and pecks at their ulcers and sores which leads to acute pains; moreover it may have seized meat from the people's hands.⁵⁵⁵

Words of scholars on the matter:

1. **Ibn Sam'ūn (m)** said about the speckled crow: When it sees an ulcer on the back of a mount or a sore on its neck, it goes there and pecks at the bones of the neck and the vertebrae.⁵⁵⁶
2. **Al-Kāsānī (m)** said: The reason for the permission to kill them is the harm they cause and their hostility towards people in general ... the crow goes on the ulcers of the mount even if its owner is close to it...
Abū Yūsuf said: The crow mentioned in the ḥadīth is the crow that eats carrion or that stays close to it as this kind of crow causes harm whereas the magpie⁵⁵⁷ is not concerned as it does not eat carrion and does not cause harm.⁵⁵⁸
3. **Al-Qurṭubī (m)** said about the permission to kill the crow inside and outside the Ḥaram: As for the kite and the crow, as both of them steal meat from the hands of the people; the crow because it comes on its back (of the mount) and pecks at its flesh.⁵⁵⁹

Six: The vicious dog.

The meaning of vicious dog:

The **ulama diverged** on the meaning of the terms vicious dog in the ḥadīth; there are many opinions, **the prevailing one** states that the terms "vicious dog" stands for all aggressive predators in general, like the lion, the tiger, the wolf, the cheetah and so on. This is the view of the majority⁵⁶⁰. Vicious means aggressive.⁵⁶¹

Words of scholars on the matter:

1. **Imam Mālik (m)** said: It concerns every beast that attacks the people and frightens them, like the lion, the tiger, the cheetah and the wolf; all these are vicious dogs.⁵⁶²
2. **Ibn Baṭṭāl (m)** said: The domestic dog is not a vicious dog; the terms vicious dog refers to wild and ferocious beasts; Mālik, Ibn 'Uyayna and the linguists explained it like that.⁵⁶³
3. **Ibn al-Athīr (m)** said: The vicious dog: it concerns all wild and ferocious beasts that attack, kill and prey on like the lion, the tiger and the wolf; they are called dogs as all of them have in common their ferocity.⁵⁶⁴

Cause of the permission to kill it:

The cause of the permission to kill the vicious dog and these fierce predators inside and outside the Ḥaram lies in the fact that they are aggressive to the people, they frighten them and attack them as they take people for prey. This is why it is permitted to kill these fierce lethal predators like the lion, the tiger, the wolf, etc. inside and outside the Ḥaram; for the harm they cause; as mentioned in the tafsīr of al-Qurṭubī: The vicious dog (is to be killed) for the great harm it causes to the people.⁵⁶⁵

⁵⁵⁵ See: *at-Tamhīd* (160/15).

⁵⁵⁶ See: *Amālī Ibn Sam'ūn* (354/1).

⁵⁵⁷ The **magpie** is a crow-shaped bird of the size of the dove; it leaves its young without food. Arabs used to see ominous sign in it. See: *Fatḥ al-Bārī* (38/4).

⁵⁵⁸ *Badā'i' aṣ-Ṣanā'i'* (197/2).

⁵⁵⁹ *Tafsīr al-Qurṭubī* (303/6).

⁵⁶⁰ See: *Sharḥ as-sunna*, al-Baghawī (160/4); *Sharḥ Fatḥ al-qadīr* (75/3); *Sharḥ an-Nawawī 'alā Ṣaḥīḥ Muslim* (115/8); *Sharḥ Az-Zarkashī* (155/3); *Fatḥ al-Bārī* (39/4); *Maṭālib ulī an-Nuhā* (343/2); *Nayl al-Awṭār* (27/5).

⁵⁶¹ See: *Sharḥ an-Nawawī 'alā Ṣaḥīḥ Muslim* (115/8).

⁵⁶² *Al-Muwaṭṭa'* (357/1).

⁵⁶³ *Sharḥ Ṣaḥīḥ al-Bukhārī* (490/4).

⁵⁶⁴ *An-Nihāya fī gharīb al-ḥadīth wa al-athar* (275/3); see: *Lisān al-'Arab* (594/4).

⁵⁶⁵ *Tafsīr al-Qurṭubī* (303/6).

Al-Kāsānī (m) said: The vicious dog is by its nature aggressive towards people and it attacks first most of the time.⁵⁶⁶

Part II:
Non defined vermin

Firstly: The rule.

The ulama diverged on killing vermin that have not been mentioned within the Ḥaram. There are two opinions; **the prevailing one** states that it is permitted to kill all vermin in the Ḥaram, the mentioned vermin and what looks alike; this is the view of the majority of scholars, among them the three imams: Mālik⁵⁶⁷, ash-Shāfi‘ī⁵⁶⁸ and Aḥmad⁵⁶⁹.

An-Nawawī (m) said: **The great majority of scholars agreed** on killing them inside and outside the Ḥaram, whether in state of iḥrām or not. **They also agreed** on the permission for the muḥrim to kill what looks alike (defined vermin), but they diverged concerning what enters in this category.⁵⁷⁰

The evidence:

1. The mentioning of the number of vermin in the previous ḥadīths is not a specific limitation; for two reasons:

- a. **The difference of numbers from a ḥadīth to another;** sometimes the number mentioned is four⁵⁷¹, sometimes it is five⁵⁷², sometimes it is six⁵⁷³ and finally sometimes there is no mention of a number at all⁵⁷⁴.
- b. **The different vermin mentioned from a ḥadīth to another;** sometimes the snake is mentioned whereas the scorpion is not⁵⁷⁵ or the scorpion is mentioned and not the snake⁵⁷⁶; sometimes the snake and the crow are not mentioned⁵⁷⁷; sometimes the expression “fierce beast” appears⁵⁷⁸; all this clearly indicates that mentioning their numbers as a limitation was not the objective.

Ibn Taymiya (m) said: He did not say **five** in order to limit; as in one of the two ḥadīths the snake is mentioned whereas in the other it is the scorpion; and in another one it is quoted in addition to the fierce aggressive beast; therefore he wanted to highlight what was really important, namely these animals, and he justified this by the harm they do.⁵⁷⁹

- 2. The words “five vermin” as a non defined expression is the most usual;** which indicates that the reason for the permission to kill these animals inside and outside the Ḥaram is the evil they do and it actually concerns all evil creatures. Sometimes the expression used is **the five vermin**; which stands for these five defined animals and no other with them.

Words of scholars on the matter:

⁵⁶⁶ *Badā’i’ aṣ-Ṣanā’i’* (197/2).

⁵⁶⁷ See: *at-Tamhīd* (162/15); *adh-Dhakhīra* (3159/3).

⁵⁶⁸ See: *al-Lubāb fī al-fiqh ash-Shāfi‘ī*, Aḥmad aḍ-ḍaby (p. 206); *Sharḥ an-Nawawī ‘alā Ṣaḥīḥ Muslim* (113/15); *Fath al-Bārī* (36/4).

⁵⁶⁹ See: *al-Mughnī* (342/3); *al-Iqnā’* (583/1).

⁵⁷⁰ *Sharḥ an-Nawawī ‘alā Ṣaḥīḥ Muslim* (113/8).

⁵⁷¹ Reported by Muslim (856/2), H. 1198.

⁵⁷² Reported by al-Bukhārī (1204/3), H.3136; Muslim (856/2), H. 1198.

⁵⁷³ Reported by Abū ‘Awāna in his *Musnad* (412/2); H. 3635. See: *Fath al-Bārī* (36/4).

⁵⁷⁴ Reported by Aḥmad in *al-Musnad* (285/6), H. 26482; Abū Dāwūd (170/2), H. 1848. Al-Albānī declared it weak in *ḍa’īf sunan Abī Dāwūd* (p. 145), H. 1848.

⁵⁷⁵ Reported by Muslim (856/2), H. 1198.

⁵⁷⁶ Reported by al-Bukhārī (1204/3), H.3136; Muslim (856/2), H. 1198.

⁵⁷⁷ Reported by Muslim (856/2), H. 1198.

⁵⁷⁸ Reported by at-Tirmidhī (198/3), H. 838, he said it was ḥasan (good).

⁵⁷⁹ *Sharḥ al-‘umda fī al-fiqh* (139/3).

- a. **Ibn Daqīq al-Īd (m)** said: The known expression **five vermin** is non defined and the expression **the five vermin** is defined, which indicates a subtle difference in the meaning; where it is defined, the rule comes to kill five specific vermin, it is a specification (excluding other animals) and does not take the concept of being harmful into account; whereas when it is not defined, it describes five vermin as harmful, it expresses the idea that the rule, namely the order to kill vermin, stems from the harmfulness, which therefore includes all wicked creatures, in opposition with the meaning of the other expression that made a limitation.⁵⁸⁰
- b. **Al-Māwardī (m)** said: **He stated on the killing of what causes little harm in order to show the permission to kill what causes great harm:** he quoted the crow and the kite to attract attention to the eagle and the vulture; he quoted the mouse or the rat to attract attention to little creatures of the ground; he quoted the scorpion to attract attention to the snake and the vicious dog for the fierce beast, the cheetah and all beasts close to them. When the text expresses a direct meaning with an indication, the rule of the indication takes it over the direct meaning; as in the word of Allah Most High:

فَلَا تَقُلْ لَهُمَا أَفٌّ

“Say not “Fie” unto them” Surat al-Isrā’: 23. Here lies a warning towards the interdiction of hitting. The direct meaning does not forbid hitting; but obviously if it is forbidden to say “fie”, consequently it is forbidden to hit.⁵⁸¹

- c. **Ibn Qudāma (m)** said: The text actually mentions these five animals as the standards of little importance in shape in order **to attract attention to all the animals similar or greater in shape;** for instance, the quotation of the crow and the kite are indication and warning against the falcon and its fellows; the quoting of the mouse or the rat is a warning against creatures of the ground; the quoting of the scorpion a warning against the snake, and the quoting of the vicious dog a warning against predators which are more dangerous than it.⁵⁸²
- d. He also said: Upon this, **it is authorized to kill every vermin and pest which is harmful to the people themselves and to their possessions;** like all the fierce predators, animals the meat of whom is forbidden, birds of prey like the falcon, the eagle, the vulture and their fellows, harmful insects, wasps, bugs, mosquitoes, fleas and flies; this is the view of ash-Shāfi’ī.⁵⁸³

3. Any animal that is aggressive towards the people and that attacks them and frightens them is a vicious dog:

We already mentioned the word of Imam Mālik (m): It concerns every beast that attacks the people and frightens them like the lion, the tiger, the cheetah and the wolf; all these are vicious dogs.⁵⁸⁴ **Arguments in support of this:**

- a. The word of Allah Most High:

وَمَا عَلَّمْتُمْ مِّنَ الْجَوَارِحِ مُكَلِّبِينَ

“And those beasts and birds of prey which you have trained as hounds (*mukallabīn*) are trained” Surat al-Mā’ida, The Table Spread: 4.

Abū ‘Ubayd Ibn al-Qāsim (m) said: This noun (*mukallabīn*) is derived from the word dog (*kalb*), then it came to include the chasing of the cheetah, the falcon and the vulture; all of them came to enter in this category; for this reason, every fierce predator is called: a vicious dog.⁵⁸⁵

⁵⁸⁰ *Iḥkām al-aḥkām* (32-33/2).

⁵⁸¹ *Al-Ḥāwī al-kabīr* (360/4).

⁵⁸² *Al-Mughnī* (164/3).

⁵⁸³ *Ash-Sharḥ al-kabīr* (303/3).

⁵⁸⁴ *Al-Muwaṭṭa’* (357/1).

⁵⁸⁵ *Gharīb al-ḥadīth* (169/2).

Al-Māwardī (m) said: The name *kalb* (dog) designates predators in the language and in the law. **In the language**, because it stems from *at-takallub* which means aggressiveness, fierceness and harm and all these are found in predators.⁵⁸⁶

- b. The narration of Abū ‘Aqrab (r)⁵⁸⁷: Lahab Ibn Abī Lahab insulted the Prophet (s) who said: **O Allah! Send him your dog!** One day while he (Lahab) was heading to the Levant in a convoy with his companions, he stopped at a place and said: By Allah! I am afraid of the supplication of Muḥammad! (s) They replied: No! They surrounded him with their effects and sat guard on him; then came the lion that grabbed him and took him away.⁵⁸⁸
Significance: Here the lion is bound to the term *kalb* (dog).⁵⁸⁹

Secondly: Cause of the permission to kill them:

The ulama diverged on the reason for the permission to kill the creatures described or what is close to it; there are three opinions, **the prevailing one** points out the fact that they frighten the people, they attack them and they may cause damage to their bodies and possessions; this is the view of Imam Mālik⁵⁹⁰ and Aḥmad⁵⁹¹.

Words of scholars on the matter:

1. **Al-Kāsānī (m)** said: The reason for the permission is that they are harmful and aggressive towards the people in general.⁵⁹²
2. **Ibn al-‘Arabī (m)** said: Our scholars say: it is permitted for the muḥrim to kill fierce predators which are attacking first; like the lion, the tiger, the wolf, the cheetah, the vicious dog and what is like them.⁵⁹³
3. **Ibn al-Athīr (m)** said: The vicious dog: it concerns all wild and ferocious beasts that attack, kill and prey like the lion, the tiger and the wolf; they are called dogs as all of them have in common their ferocity.⁵⁹⁴

Section X: Punishing inside the Ḥaram

This section is divided into two parts:

Part I: Perpetrating inside the Ḥaram a crime that has to be punished.

Part II: Perpetrating outside the Ḥaram a crime that has to be punished.

Part I: Perpetrating inside the Ḥaram a crime that has to be punished

⁵⁸⁶ *Al-Ḥāwī al-kabīr* (360/4).

⁵⁸⁷ Abū ‘Aqrab (which means *the father of the scorpion*) was a companion famous for his name; there is a divergence on his first name, some say it is Khuwaylid Ibn Khālīd. See: *aṭ-Ṭabaqāt al-kubrā*, Ibn Sa’d (457/5); *Ma’rifat aṣ-ṣaḥāba*, Abū Na’īm al-Aṣbahānī (2488/5).

⁵⁸⁸ Reported by al-Ḥākim in *al-Mustadrak* (588/2), H. 3984. He said its chain is authentic; the two sheikhs did not reject it. Ibn Ḥajar made it ḥasan (good) in *Fath al-Bārī* (39/4).

⁵⁸⁹ See: *Gharīb al-ḥadīth*, Ibn Salām (169/2).

⁵⁹⁰ See: *al-Muwaṭṭa’* (357/1); *Mawāhib al-jalīl* (253/4).

⁵⁹¹ See: *al-Mughnī* (164/3), *al-Iqnā’* (582/1).

⁵⁹² *Badā’i’ aṣ-Ṣanā’i’* (197/2).

⁵⁹³ *Aḥkām al-Qur’ān* (175/2).

⁵⁹⁴ *An-Nihāya fī gharīb al-ḥadīth wa al-athar* (275/3); see: *Lisān al-‘Arab* (594/4).

The ulama reached a consensus: If a person inside the Ḥaram commits a crime that has to be punished, he will be punished inside the Ḥaram; among those who reported the consensus: aṭ-Ṭabarī⁵⁹⁵, Ibn al-Jawzī⁵⁹⁶, Ibn ‘Abd al-Barr⁵⁹⁷, Ibn Qudāma⁵⁹⁸, al-Qurṭubī⁵⁹⁹ and others.

Evidence:

1. The word of Allah Most High:

وَلَا تُقَاتِلُوهُمْ عِنْدَ الْمَسْجِدِ الْحَرَامِ حَتَّىٰ يُقَاتِلُوكُمْ فِيهِ ۖ فَإِن قَاتَلُوكُمْ فَاقْتُلُوهُمْ
كَذَٰلِكَ جَزَاءُ الْكَافِرِينَ

“And do not fight them at the Sacred Mosque until they fight you there. But if they fight you, then kill them. Such is the recompense of the disbelievers.” Surat al-Baqara – The Cow: 191.

2. The word of Allah Most High:

وَمَنْ يُرِدْ فِيهِ بِالْحَادِ بِظُلْمٍ نُّذِقْهُ مِنْ عَذَابِ أَلِيمٍ

“Whoever intends (a deed) therein of deviation (in religion) or wrongdoing - We will make him taste of a painful punishment.” Surat al-Ḥajj: 25.

Significance: These are two clear and precise verses; the rule mentioned is to punish inside the Ḥaram whoever committed wrongdoing, was unjust and went too far.⁶⁰⁰

3. The word of Ibn ‘Abbās (r2) about the verse:

وَمَنْ دَخَلَهُ ۖ كَانَ ءَامِنًا

“And whoever enters it shall be safe.” Surat Āl-‘Imrān: 97. Ibn ‘Abbās (r2) said: He who killed someone or stole outside the Ḥaram and then entered it, no one can keep company with him, speak with him or shelter him; instead, people have to exhort him to leave the Ḥaram in order to be punished. If he killed or stole outside the Ḥaram and then was entered inside it, if people want to judge him for his crimes, they have to take him outside in order to punish him; whereas if he killed or stole inside the Ḥaram, he may be judged and punished therein.⁶⁰¹

4. The people of the Ḥaram, as any other people, need to protect their souls, their possessions and their honour; if punishment was not prescribed for those who perpetrated crimes inside the Ḥaram, the limits imposed by Allah would not be respected and evil would prevail against the Ḥaram and its people.⁶⁰²
5. He who commits a crime inside the Ḥaram is actually violating its sanctity by disobeying and therefore deserves to be punished therein as an appropriate reward.⁶⁰³
6. He who commits a crime in the Ḥaram is similar to a mischief-maker who perpetrates a crime at the King’s court, inside His House and Sanctuary; he therefore deserves punishment.⁶⁰⁴

Evidence of the Consensus:

Many scholars reported a consensus on the fact that, inside the Ḥaram, whoever commits a crime that deserves to be punished, shall be punished inside the Ḥaram; among them:

⁵⁹⁵ *Tafsīr aṭ-Ṭabarī* (14/4).

⁵⁹⁶ *Muthīr al-‘azm as-sākin ilā ashraf al-amākin* (191/1).

⁵⁹⁷ *Al-Istidhkār* (256/8).

⁵⁹⁸ *Al-Mughnī* (239/8).

⁵⁹⁹ *Tafsīr al-Qurṭubī* (111/2).

⁶⁰⁰ See: *al-Muḥallā* (497/10).

⁶⁰¹ Reported by ‘Abd ar-Razzāq in his *Muṣannaf* (152/5), n°9226; al-Bayhaqī in his *Sunan* (214/9), (567/18); its chain is authentic.

⁶⁰² See: *al-Mughnī* (239/8); *Zād al-Ma‘ād* (448/3).

⁶⁰³ See: *al-Mughnī* (239/8); *Zād al-Ma‘ād* (448/3).

⁶⁰⁴ See: *Zād al-Ma‘ād* (448/3).

1. **Aṭ-Ṭabarī (m)** said: The unanimous opinion is that whoever is caught inside it (the Ḥaram) for committing a transgression has to be punished inside it; the rules for both questions gathered unanimity as described.⁶⁰⁵
2. **Ibn ‘Abd al-Barr (m)** said: They unanimously agreed that whoever kills in the Ḥaram or commits a transgression shall be punished therein.⁶⁰⁶
3. **Al-Qurṭubī (m)** said: They unanimously agreed that he who kills inside the Ḥaram shall be killed in it, and he who commits a transgression there shall be punished there; if one fights, he has to be fought and killed therein.⁶⁰⁷

In that lies a protection for the Ḥaram, an exaltation of its sanctity and a mark of respect towards it; punishing transgression therein is not incompatible with its sacredness as he who commits a crime that has to be punished inside the Ḥaram is actually perpetrating two crimes:

The first one is the crime that entails punishment itself.

The second one is the crime of violating the sanctity of the Ḥaram and to dare to defy Allah in His land and sanctuary; such a crime deserves to be punished in the Ḥaram, in order for the punishment to suit the crime.

Part II:

Perpetrating outside the Ḥaram a crime that has to be punished

The ulama diverged on he who perpetrated a crime outside the Ḥaram and then took refuge in it; does such a person have to be punished therein? There are two opinions, **the prevailing one** states that he shall not be punished until he gets out of the Ḥaram, then he shall be punished; this is the view of Ibn ‘Abbās (r2) as we saw it previously, Ibn ‘Umar (r2), the School of Abū Ḥanīfa, Aḥmad, etc.

Evidence:

1. The word of Allah Most High: **وَمَنْ دَخَلَهُ ۖ كَانَ ءَامِنًا** “And whoever enters it shall be safe.” Surat Āli-‘Imrān: 97.

Significance: It is an established rule, before and after Islam; it is an order.⁶⁰⁸

2. The words of some companions on the matter of he who perpetrated a crime outside the Ḥaram and then took refuge therein: he shall not be punished until he gets out of it:
 - a. **Ibn ‘Abbās (r2)** said about the verse “And whoever enters it shall be safe” (Surat Āli-‘Imrān: 97): He who killed someone or stole outside the Ḥaram and then entered it, no one can sit with him, speak with him or offer him refuge; instead, people have to exhort him to leave the Ḥaram in order to be punished⁶⁰⁹.
 - b. **Ibn ‘Umar (r2)** said: If I find the murderer of ‘Umar (his own father) therein (the Sanctuary of Mecca), I would not punish him.⁶¹⁰

Ibn al-Qayyim (m) said: This is the view of the majority of the followers (*tābi‘īn*) and those who came after them; there is no report of a divergence coming from a follower or a companion; this is also the view of Abū Ḥanīfa and the people of Iraq and Imam Aḥmad and his disciples from the people of ḥadīth.⁶¹¹

3. He who seeks refuge inside the Ḥaram has the status of a true repentant, he seeks refuge in the House of the Lord Most High, taking hold of its cloth (of the Ka’ba), thus it is

⁶⁰⁵ *Tafsīr aṭ-Ṭabarī* (14/4).

⁶⁰⁶ *Al-Istidhkār* (256/8).

⁶⁰⁷ *Tafsīr al-Qurṭubī* (111/2).

⁶⁰⁸ See: *Muthīr al-‘azm as-sākin ilā ashraf al-amākin* (191/1); *Nayl al-awṭār* (43/7).

⁶⁰⁹ Previously quoted; see footnote 601.

⁶¹⁰ Reported by ‘Abd ar-Razzāq in his *Muṣannaf* (153/5), n°9229; al-Azraqī, in *Akhbār Makka* (139/2), its chain is authentic (ṣaḥīḥ).

⁶¹¹ *Zād al-ma‘ād* (444/3).

inappropriate to disturb the quietude of the House and the Sanctuary in order to punish him; in opposition to he who commits a crime inside the Ḥaram. The difference is obvious. The word of Ibn ‘Abbās (r2) is the right understanding of the jurisprudence (fiqh).⁶¹²

Words of scholars on the matter:

1. **Aṭ-Ṭabarī (m)** said: If someone asks: Why not enforce the punishment on the criminal inside the Ḥaram? The answer: Because all the Pious Predecessors agreed: if he committed his misdeed outside the Ḥaram and then took refuge in it, he cannot be punished inside of it.⁶¹³
2. **Ibn Taymiya (m)** said: The view of most scholars: He who committed a crime outside the Ḥaram and then took refuge in it, cannot be punished until he leaves it; as reported by Ibn ‘Umar and Ibn ‘Abbās (rp); this is the position of Abū Ḥanīfa, Aḥmad and others.⁶¹⁴
3. **Ash-Shanqīṭī (m)** said: The implementation of the law and the enforcement of punishments are imposed by Allah Most High and they are a way of getting closer to Him. Therefore, taking refuge inside the Ḥaram after having committed a crime outside it does not cancel the sanctions which have to be executed. This is a fundamental principle of law. A criminal or an offender cannot remain unpunished even if he took refuge inside the Sanctuary. The delay of the punishment does not mean that it is cancelled. According to all the texts and juridical opinions, such a person has to be boycotted, no one can trade with him, speak with him or keep company with him until he is constrained to leave the Sanctuary to be judged and punished for his crimes. Then law is implemented and the sanctity of the place is respected.⁶¹⁵

Conclusion

This was done with the help of Allah and He facilitated me in this subject. Ibn Wardi (m) wonderfully said: “People do not write to be criticized or humiliated, instead they hope for acknowledgement, supplications to Allah in their favour and gratefulness; and Allah will certainly reward everyone according to his efforts. Whoever seeks for flaws and defects let him start by himself. Dear reader, if you find in this book some good, pray Allah in my favour, and if you find lapses ask Him to forgive me.”⁶¹⁶

To conclude: I ask Allah the Tremendous, Lord of the Noble Throne to make my endeavours beneficial, to bless them and to forgive every lapse, oversight or negligence.

I seek refuge and protection in Allah Most High against knowledge that is not beneficial, a heart that is not submitted and from a supplication that is not heard. And praise be to Allah, Lord of the Worlds, and peace and blessings be upon our noble Prophet, his family and companions.

⁶¹² *Zād al-ma‘ād* (448/3).

⁶¹³ *Tafsīr aṭ-Ṭabarī* (14/4).

⁶¹⁴ *Majmū‘ al-fatāwā* (343/18).

⁶¹⁵ *Aḍwā‘ al-bayān* (139/5).

⁶¹⁶ *I‘āna aṭ-ṭālibīn ‘alā ḥall al-fāz fath al-mu‘īn*, al-Bakrī ad-Dimiāṭī (344/4).

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Most ulama agreed to say that the impurity of a polytheist is spiritual

General meaning of the verse "Indeed the polytheists are impure"

There are two kinds of impurity of *shirk* (polytheism/idolatry): a major one and a minor one

Part III: The meaning of The Sacred Mosque.

The meaning of "The Sacred Mosque" (al-Masjid al-Ḥarām)

The expression "The Sacred Mosque" (al-Masjid al-Ḥarām) has different meanings in the Book and the Sunna

Most ulama agreed on the meaning of the Sacred Mosque: it is the whole Ḥaram

Evidence

Allah is the one who enriches and makes rich "Allah will enrich you from His bounty"

Part IV: Punishing the disbeliever who enters the Ḥaram.

The word of al-Māwardī (m)

Part V: The disbelievers inside an Islamic state.

There are three cases concerning the stay of disbelievers in an Islamic state

Section V: Cutting trees inside the Ḥaram.

Part I: What is forbidden to be cut.

Firstly: Interdiction of cutting trees.

The ulama agreed on the interdiction of cutting trees inside the Ḥaram

Evidence

Secondly: Interdiction of cutting the shrubs and grass inside the Ḥaram

The ulama agreed on the interdiction of cutting the shrubs and grass inside the Ḥaram

Evidence

Thirdly: Interdiction of cutting thorny bushes

The ulama diverged on the question of cutting thorny bushes inside the Ḥaram

The prevailing opinion states that it is forbidden to cut thorny bushes inside it

Evidence

Fourthly: Interdiction of picking the fodder for feeding beasts

The ulama diverged on the matter

The prevailing opinion states that it is forbidden to pick the fodder for feeding beasts

Evidence

Fifthly: Penalty for cutting trees of the Ḥaram

The ulama diverged on the penalty for cutting trees of the Ḥaram

The prevailing opinion states that there is no need for penalty for cutting trees of the Ḥaram, even if it is forbidden, except cutting cymbopogon (*idhkhir*, a kind of lemon grass)

Evidence

Part II: What is allowed to be cut.

Firstly: The exception of the cymbopogon (*idhkhir*)

The ulama agreed on the exception of the cymbopogon

Evidence

Secondly: Permission to pick what is useful from the trees

a). Useful for the people as medicine:

The ulama diverged

The prevailing opinion states that it is permitted to cut what is necessary as medication among the trees of the Ḥaram

They diverged on picking the *siwāk* from the Ḥaram

The prevailing opinion authorized it as it is like the *idhkhir*

Evidence

b). Useful for the people as food

The ulama agreed on picking what is edible from the Ḥaram

Evidence

Thirdly: It is permitted to cut what has been sown by the people

The ulama agreed on the permission to cut plants that have been grown by the people

They diverged on cutting the trees of the Ḥaram which are grown with the help of the people and that cannot grow alone

The prevailing opinion states that it is permitted to cut them

Evidence

Evidence of the Consensus

Fourthly: Permission for cutting dry trees and dry grass

The ulama diverged

The prevailing opinion states that it is permitted

Evidence

Fifthly: Using what has been broken or uprooted from branches and trees

The ulama agreed on the permission

Evidence

Sixthly: Permission for grazing inside the Ḥaram

The ulama diverged

The prevailing opinion states that it is permitted

Evidence

Section VI: The game of the Ḥaram.

Part I: Defining the game.

Allah Most High forbade killing the game inside the Ḥaram

The meaning of the game in the verse "O you who have believed, do not kill wild game while you are in the state of *iḥrām*"

Firstly: The game has to be *ḥalāl* food.

Secondly: The game has to be wild

Thirdly: The game has to be game from the land not game from the sea

Part II: The rule on the game of the Ḥaram.

They ulama reached a consensus on the interdiction to hunt the game of the Ḥaram for everyone, muḥrim or not

Evidence

Evidence of the Consensus

Part III: Penalty for killing the game, in the state of iḥrām or not.

Firstly: Penalty for killing game inside the Ḥaram for the muḥrim

The ulama agreed that penalty is compulsory for he who kills the game of the Ḥaram

Evidence

Evidence of the Consensus

Secondly: Penalty for killing game inside the Ḥaram for a person who is not in a state of iḥrām

The ulama diverged on imposing a penalty for he who killed game inside the Ḥaram but who is not a muḥrim

The prevailing opinion states that there is a penalty

Evidence

Among the most important established acts of the Companions

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The ulama diverged on the expiation for killing game of the Ḥaram

The prevailing opinion states that there is no expiation for he who killed game involuntarily

Evidence

Part V: Bringing game inside the Ḥaram.

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The prevailing one states that it is legal to bring game inside the Ḥaram

Evidence

Section VII: Lost things inside the Ḥaram.

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The prevailing opinion states that it is utterly forbidden to appropriate them, instead one has to pick them up in order to make the find public

Evidence

The reason for the interdiction of picking up things inside the Ḥaram

Section VIII: Fighting inside the Ḥaram.

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The ulama agreed on the interdiction of fighting in Mecca

Evidence

Part II: Fighting oppressors inside the Ḥaram.

Firstly: Oppressors start the fighting

The ulama agreed that if oppressors start a battle inside the Ḥaram, it is permitted to fight them

Evidence

Secondly: Fighting the oppressors inside the Ḥaram before they attack

The ulama diverged on the rule on fighting the oppressors inside the Ḥaram before they attack

The prevailing opinion states that it is forbidden; instead, they must be compelled to go out of it or to see reason

Evidence

Words of scholars on the matter

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Evidence

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Secondly: Description and cause of the permission to kill them

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Cause of the permission to kill it

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Cause of the permission to kill it

Thirdly: The scorpion

Cause of the permission to kill it

Fourthly: The snake

Cause of the permission to kill it

Five: The speckled crow

Cause of the permission to kill it

The meaning of the crow in the ḥadīth

The ulama diverged

The prevailing opinion states that only the speckled crow may be killed inside and outside the Ḥaram

Words of scholars on the matter

Cause of the permission to kill it

Words of scholars on the matter

Six: The vicious dog

The ulama diverged on the meaning of the terms vicious dog

The prevailing opinion states that the terms “vicious dog” stands for all aggressive predators in general

Words of scholars on the matter

Cause of the permission to kill it

Part II: Non defined vermin

Firstly: The rule

The ulama diverged on killing vermin that have not been mentioned

The prevailing one states that it is permitted

Evidence

The mentioning of the number of vermin in the previous ḥadīths is not a specific limitation, for two reasons:

a). The difference of numbers from a ḥadīth to another

b). The different vermin mentioned from a ḥadīth to another

The words “five vermin” as a non defined expression is the most usual

Words of scholars on the matter

Any animal that is aggressive towards the people and that attacks them and frightens them is a vicious dog

Arguments

Secondly: Cause of the permission to kill them

The ulama diverged on the reason for the permission to kill the creatures described or what is close to it

The prevailing opinion points out the fact that they frighten the people, they attack them and they may cause damage to their bodies and possessions

Words of scholars on the matter

Section X: Punishing inside the Ḥaram.

Part I: Perpetrating inside the Ḥaram a crime that has to be punished.

The ulama reached a consensus: If a person inside the Ḥaram commits a crime that has to be punished, he will be punished inside the Ḥaram

Evidence

Evidence of the Consensus

He who perpetrates a crime inside the Sanctuary is actually perpetrating two crimes

Part II: Perpetrating outside the Ḥaram a crime that has to be punished.

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The prevailing opinion states that he shall not be punished until he gets out of the Ḥaram, then he shall be punished

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Words of scholars on the matter

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