

travelling alone without her husband or a *mahram*. This is so as it is established from the Prophet (God's peace and blessings be upon him) through Abū Sa'īd al-Khudrī, Abū Hurayra, Ibn 'Abbās, and 'Umar, that he said "It is not permitted for a woman, who believes in Allāh and the Last Day to travel without a *dhū mahram*". Those who gave predominance to the generality of the command of *hajj* said that she may travel for *hajj* even when she is not accompanied by a *dhū mahram* (but with a trustworthy group of women). Those who restricted the general implication with this tradition, or held that it is an elaboration of "ability", said that she is not to travel for *hajj*, unless she is accompanied by a *dhū mahram*.

We have now spoken about this rite, which is called *hajj*, regarding the basis due to which it becomes obligatory, and for who and when. In this section there remains the discussion of the rite known as *umra*. A group of jurists said that it is obligatory. This was the opinion of al-Shāfi'ī, Aḥmad, Abū Thawr, Abū 'Ubayd, al-Thawrī, al-Awzā'ī, and it was the opinion of Ibn 'Abbās and Ibn 'Umar from among the Companions, and also of a group of the Tābi'ūn. Mālik and a group of jurists said that it is a *sunna*. Abū Hanīfa said that it is voluntary, which was also the opinion of Abū Thawr²⁴⁰ and Dāwūd. Those who maintained that it is obligatory argued on the basis of the words of the Exalted, "Perform the pilgrimage and the *umra* for Allāh,"²⁴¹ and also on the basis of the reported traditions. One of these is the report from Ibn 'Umar from his father, who said, "A Bedouin, who had a fair countenance and was wearing white clothes came up to the Messenger of Allāh (God's peace and blessings be upon him) and said, 'What is Islam, O Messenger of Allāh?' He replied, 'That you testify that there is no god but Allāh, that Muḥammad is His messenger, and you establish prayer, pay the *zakāt*, fast the month of Ramaḍān, perform the pilgrimage and the *umra*, and wash yourself free of impurities'". 'Abd al-Razzāq has mentioned that "Ma'mar informed us on the authority of Qatāda, who used to relate that when the verse 'And pilgrimage to the House is a duty unto Allāh for mankind, for him who can find a way thither',²⁴² was revealed the Messenger of Allāh (God's peace and blessings be upon him) said, 'The two, the *hajj* and the *umra*, anyone who performs them has fulfilled the obligation'". It is related from Zayd ibn Thābit from the Prophet (God's peace and blessings be

²⁴⁰ There appears to be an error here as the author mentions the name of Abū Thawr among those who consider it to be obligatory. This cannot be confused with the name of al-Thawrī, as his name is mentioned in that opinion too.

²⁴¹ Qur'ān 2 : 196. Pickthall's translation has been changed here slightly as he translates it as, "Perform the pilgrimage and the visit (to Mecca) for Allāh". This version does not place enough emphasis on the word *umra* which is important for the discussion.

²⁴² Qur'ān 3 : 97.

upon him) that he said, "The *hajj* and the *umra* are two obligations, and there is no harm for you with whichever you commence". It is related from Ibn 'Abbās that *umra* is obligatory, and some have attribute this statement through an *isnād* to the Prophet (God's peace and blessings be upon him).

The argument of the other group of jurists, who hold that it is not obligatory, is based on authentic and well-known traditions that have been laid down about the number of the obligations in Islam and that do not mention the *umra*. An example is the tradition of Ibn 'Umar, "Islam is structured upon five things", in which he mentioned the pilgrimage alone. There is also the tradition of the one asking what Islam is, and in some of its versions are the words, "that you perform the pilgrimage to the House". Perhaps, these jurists also said that a command implying completion (as it appeared in the Qurānic verse 2 : 196 quoted above) does not give rise to an obligation, as it means that once an obligation or a *sunna* act is started, it should be completed and not cut off. The jurists who maintained that it is a *sunna*, also argued on the basis of traditions. These include the tradition of al-Ḥajjāj ibn 'Arṭā from Muḥammad ibn al-Munkadir from Jābir ibn 'Abd Allāh, who said, "A man asked the Prophet (God's peace and blessings be upon him) about the *umra*, whether it was obligatory? He replied, 'No, but if you perform the *umra* it is better for you'. Abū 'Umar ibn 'Abd al-Barr said that this is not persuasive insofar as he was the sole narrator.

Perhaps, those who maintained that it was voluntary argued on the basis of what is related from Abū Ṣāliḥ al-Ḥanafī, who said, "The Messenger of Allāh (God's peace and blessings be upon him) said, '*Hajj* is obligatory and *umra* is voluntary'. This, however, is a *munqaṭi'* tradition.

The reason for the disagreement stems thus from the conflict of traditions on the subject, and the vacillation of the command requiring completion between whether or not it gives rise to an obligation.

9.2. The Second Category

This covers the identification of the acts of this worship (*hajj*), namely its basic elements, as well as the discussion of acts to be avoided during the period of its performance. This worship, as we have said, is of two types: *hajj* and *umra*. *Hajj* itself is of three types: *ifrād*,²⁴³ *tamattu'*,²⁴⁴ and *qirān*.²⁴⁵ All these

²⁴³ That is, to start with *hajj* and perform the *umra* afterwards.

²⁴⁴ To start with the *umra*, then wait for the start of *hajj*, enjoying the acts prohibited during *hajj* in the meantime.

²⁴⁵ To combine both *hajj* and *umra*.