106585 - Who are those who are excused for not spending the night in Mina?

the question

The Messenger (blessings and peace of Allah be upon him) gave a concession allowing spending the night outside Mina for the drawers of water and others. What analogy can be made in modern times?.

Detailed answer

Praise be to Allah.

The Prophet (blessings and peace of Allah be upon him) granted a concession to al-‘Abbaas allowing him to spend the night in Makkah so that he could draw water for the pilgrims, and this is a public service. Similarly, he granted a concession to herdsmen allowing them not to spend the night in Mina, because they were taking care of the pilgrims’ mounts. These are like those who do not spend the night there in order to take care of the people’s interests, such as doctors and firefighters and so on. These people do not have to spend the night there, because the people need them.

With regard to those who have individual excuses, such as one who is sick, the one who is tending him and so on, do they come under the same ruling? There are two scholarly opinions:

Some scholars say that they do come under the same ruling, because they have an excuse.

Other scholars say that they do not come under the same ruling, because their excuses are individual, and not general.

What seems to me to be the case is that those who have excuses do come under the same ruling, such as a sick person who needs to be kept under observation in hospital on those two nights, the eleventh and twelfth. There is nothing wrong with that and he does not have to offer any fidyah,

because this is a valid excuse. The fact that the Messenger (blessings and peace of Allah be upon him) granted a concession allowing al-‘Abbaas (may Allah be pleased with him) even though he could have delegated one of the people of Makkah who were not doing Hajj (to do that task) indicates that the issue of staying overnight in Mina is flexible, i.e., it is not so strictly obligatory. Even Imam Ahmad (may Allah have mercy on him) thought that the one who did not stay overnight in Mina on one of those nights did not have to offer a fidyah; rather he should only give something in charity, i.e., ten or five riyals, according to the situation. End quote.

Majmoo‘ Fataawa Ibn ‘Uthaymeen, 23/237