207520 - Detailed ruling on appointing a proxy for tawaaf or sa‘i

the question

There is a woman who did ‘Umrah. She circumambulated the Ka‘bah (did tawaaf), but she was unable to do sa‘i; someone else did the entire sa‘i on her behalf. Is this valid, and what is the ruling on it?

Detailed answer

Praise be to Allah.

With regard to appointing a proxy for some of the actions of Hajj and ‘Umrah, the ruling varies according to the situation of the one who appoints the proxy.

Firstly:

The basic principle as stated by the fuqaha’ is as follows:

1. In cases where one is able to do the actions

2. or in cases where it is possible that the reason that is preventing one from doing tawaaf or sa‘i may cease, even if that is in the future

3. or in cases where it is possible to hire someone or seek the help of someone to carry the sick or incapacitated person and do tawaaf with him,

In all these cases, it is not valid to appoint a proxy to do tawaaf or sa‘i on their behalf, and it is not permissible to do so. With regard to physical acts of worship, each Muslim is obliged to do them and will be called to account for them before Allah. That cannot be passed onto a proxy except in the case of a legitimate shar‘i excuse, especially – as Shaykh Ibn Baaz (may Allah have mercy on him) said – when the time for tawaaf and sa‘i cannot be missed, unlike the time for stoning the Jamaraat.

See: Majmoo‘ Fataawa Ibn Baaz (16/86)

It says in Haashiyat Qalyoobi (2/139):

Tawaaf, standing (in ‘Arafah), sa‘i and shaving the head cannot be done by a proxy.

End quote.

Ibn Hajar al-Haytami (may Allah have mercy on him) was asked:

Is it valid to appoint a proxy for tawaaf and recitation of Qur’an?

He replied:

It is not valid to appoint a proxy for tawaaf to go and do it by himself, except in the case of one who hires someone to do that, subject to certain conditions.

End quote from al-Fataawa al-Fiqhiyyah al-Kubra (2/130)

Al-‘Allaamah as-Sa‘di (may Allah have mercy on him) said:

They stated that the one who is unable to do tawaaf or sa‘i may be carried, but they did not clearly state that it is permissible to appoint a proxy except in the case of stoning the Jamaraat.

End quote from al-Ajwabah an-Naafi‘ah (p. 372)

Shaykh Muhammad ibn Ibraaheem (may Allah have mercy on him) said:

If a pilgrim from Jeddah falls sick, he may be carried and taken for tawaaf and sa‘i in a wheelchair and the like, or he may be carried if he is unable to do tawaaf and sa‘i walking.

End quote from Majmoo‘ Fataawa wa Rasaa’il Samaahat ash-Shaykh Muhammad ibn Ibraaheem (may Allah have mercy on him) (6/60)

The Standing Committee (10/271) was asked the following question:

Is it permissible for me to appoint someone to do tawaaf al-ifaadah (tawaaf during Hajj) and tawaaf al-wadaa‘ (farewell tawaaf) on my behalf if I am not able to go back to Makkah al-Mukarramah because I am very old and in poor health?

The Committee replied:

It is not permissible to appoint a proxy to do tawaaf al-ifaadah or the farewell tawaaf. The one who is incapacitated may be carried to do tawaaf. You have no option but to come to Makkah. End quote.

‘Abd al-‘Azeez ibn Baaz, ‘Abd al-‘Azeez Aal ash-Shaykh, Saalih al-Fawzaan, Bakr Abu Zayd

Secondly:

If a person is completely unable to do the actions of Hajj or ‘Umrah, or he has a chronic illness because of which he is unable to complete the rituals without extraordinary difficulty, then in that case there is nothing wrong with him appointing someone else to complete the rituals on his behalf. But that is subject to two important conditions:

1. that the reason for his incapacity or difficulty is sickness or an impediment from which there is no hope of recovery with time. If there is the hope that the impediment will disappear with rest, taking medicine and the like, or it is a temporary incapacity resulting from an emergency, then it is not permissible to appoint a proxy under any circumstances.

2. that it is not easy for the incapacitated person to do tawaaf or sa‘i by being carried, such as if his illness is severe or he will become dizzy or faint if he is carried, or there is no one who can carry him. If there is someone who can help him or if he has money with which to hire someone to take him for tawaaf and sa‘i, then it is not acceptable for him to appoint a proxy.

The evidence that it is permissible to appoint a proxy in that case, if these two conditions are met, is the hadeeth of Ibn ‘Abbaas (may Allah be pleased with him) about the Khath‘ami woman who said: O Messenger of Allah, Allah’s command to His slaves to perform Hajj has come when my father is an old man and cannot sit firmly on his mount; can I do Hajj on his behalf? He said: “Yes.”

That happened during the Farewell Pilgrimage. Narrated by al-Bukhaari (1513) and Muslim (1334). If it is permissible to appoint a proxy for the entire pilgrimage in the case of complete incapacitation, then it is more appropriate that it should be permissible to appoint a proxy for some of the actions of the pilgrimage.

Imam ar-Ramli (may Allah have mercy on him) was asked about a pilgrim who did not do tawaaf al-ifaadah, then he came back to Egypt, for example, then he became completely incapacitated, meeting the conditions mentioned. Is it permissible for him to appoint a proxy to do this tawaaf or any other essential or obligatory part of the pilgrimage?

He replied:

It is permissible for him to do that; in fact it is obligatory for him, because if it is permissible to appoint a proxy for all of the rituals, then it is more appropriate that it should be permissible to do so for some of them.

We cannot say that the pilgrimage is a physical act of worship so a person cannot build upon the actions of another person in this regard, because he is regarded as having exited ihram if he dies or completes the rituals, but in the case of one who is incapacitated, then another person may build on his actions and complete the pilgrimage on his behalf.

The scholars said that a guardian may enter ihram on behalf of a child who has reached the age of discernment, a child who has not reached that age, or one who is insane, and do what each of them is incapable of doing.

In these two cases, the supererogatory rituals will be completed by proxy. Furthermore, there is no sin on the one who did not complete them. The Prophet (blessings and peace of Allah be upon him) said: “If I instruct you to do something, then do as much of it as you can.” Moreover, that which is possible is not waived because of that which is difficult.

They also said that if a person is unable to stone the Jamaraat at the appropriate time, it is obligatory for him to appoint a proxy to do that, and they gave as the reason for that the fact that

it is permissible to appoint a proxy to do Hajj and also to do part of it, thus the regard the actions of the proxy as being like his own actions.

If this is the case with regard to an obligatory action, for which one must offer a compensatory sacrifice if one fails to do it when one is able to do it, then how about one of the essential parts or pillars of the pilgrimage? The only one who does not complete the rituals is the one who dies during the pilgrimage, because he is no longer expected to do it at all.

End quote from Fataawa ar-Ramli (2/93-94)

Shaykh Ibn Baaz (may Allah have mercy on him) was asked:

Is it permissible for me to appoint someone to do tawaaf and sa'i on my behalf, because I am not able to cope with the crowds?

He replied:

If the pilgrim is able, then he must do tawaaf and sa'i for himself because Allah, may He be glorified, says (interpretation of the meaning): "And perform properly (i.e. all the ceremonies according to the ways of Prophet Muhammad (blessings and peace of Allah be upon him)), the Hajj and Umrah (i.e. the pilgrimage to Makkah) for Allah" [al-Baqarah 2:196]. Whoever starts Hajj (or 'Umrah) must complete it, according to the consensus of the Muslims, even if it is a naafil pilgrimage. So he has to complete it, in obedience to the words of Allah (interpretation of the meaning): "And perform properly (i.e. all the ceremonies according to the ways of Prophet Muhammad (blessings and peace of Allah be upon him)), the Hajj and Umrah (i.e. the pilgrimage to Makkah) for Allah" [al-Baqarah 2:196]. But if he is unable to do tawaaf and sa'i, he may do them by being carried on people's backs or in a wheelchair. This is what is required, and he should not appoint a proxy.

It is well-known that it is permissible to do Hajj on behalf of an old man or an old woman, as is seen in the hadeeth of the Khath'ami woman who said: O Messenger of Allah, the obligation of Hajj has come to my father when he is an old man, and he cannot sit firmly on his mount. Can I

perform Hajj on his behalf? He said: “Do Hajj on his behalf.” Similarly, there was a man who said: O Messenger of Allah, the obligation of Hajj has come to my father when he is an old man, and he cannot do Hajj or travel; should I do Hajj on his behalf? He said: “Do Hajj and ‘Umrah on behalf of your father.” So in the case of old men and old women who cannot ride mounts – or travel in vehicles and planes nowadays – someone else may perform Hajj on their behalf, as is also applicable in the case of the deceased.

If a person takes it upon himself and enters ihram, and comes (to Makkah), then he becomes unable, because of old age or because of illness for which there is no hope of recovery, he may appoint a proxy to complete Hajj on his behalf because he is unable to do that.

But so long as he is able to complete it himself or by being carried, then he must complete it.

End quote from Fataawa Noor ‘ala ad-Darb (18/7)

To sum up what we have explained to the questioner:

If her inability to complete sa‘i was due to something temporary, and she only needed a little rest or medical treatment, after which she would be able to complete sa‘i, even if that would be a few days later, then it is not acceptable for her to appoint someone else as her proxy. Rather she must go and do sa‘i immediately, and complete her rituals by cutting her hair, even if a number of months or years have passed since this happened, and she does not have to offer any compensation for what she did during that period of acts that are prohibited to the pilgrim in ihram, because she is excused due to her ignorance. We have previously discussed the excuse of ignorance or unawareness with regard to prohibited actions (during ihram) in questions no. 36522, 49026 and 95860

But if the conditions allowing a proxy that are mentioned above were applicable, then there is no blame on her and her ‘umrah is complete, in sha Allah.

And Allah knows best.