287201 - How can someone who is non-verbal recite the Talbiyah for Hajj?

the question

I intend to do ‘umrah next Ramadan, in sha Allah, in the company of my brother who cannot hear or speak. Please note that he has not learned sign language, and is not able to utter the words “Labbayk ‘umratan (Here I am for ‘umrah).” Is it permissible for me to say it on his behalf, by saying it for myself then saying “Labbayk ‘umratan” on behalf of my brother? Is it permissible for me to offer du‘aa’ on his behalf too? Please note that he is able to do tawaaf and sa‘i, and to pray with the congregation.

Detailed answer

Praise be to Allah.

Firstly:

Hajj is obligatory for every adult Muslim of sound mind. Allah, may He be exalted, says (interpretation of the meaning): “And [due] to Allah from the people is a pilgrimage to the House - for whoever is able to find thereto a way” [Aal ‘Imraan 3:97].

The one who is deaf and non-verbal is like anyone else who is accountable, if he is an adult of sound mind, and Hajj is obligatory for him as it is obligatory for others, because it is one of the pillars of Islam.

The Messenger of Allah (blessings and peace of Allah be upon him) said: “Islam means to bear witness that there is no god except Allah and that Muhammad is the Messenger of Allah, to establish regular prayer, to pay zakaah, to fast Ramadaan and to perform pilgrimage to the House (the Ka‘bah), if you have the means.” Narrated by Muslim (8).

Secondly:

if someone is unable to do an obligatory action, it is waived in his case, but he must do whatever he is able to do, because Allah, may He be exalted, says (interpretation of the meaning): “So fear Allah as much as you are able” [at-Taghaabun 64:16].

The Prophet (blessings and peace of Allah be upon him) said: “If I enjoin you to do something, then do as much of it as you can.” Agree upon.

It is well-known that reciting the intention and the Talbiyah for Hajj or ‘umrah is simply saying out loud what is in the heart of the intention to begin the rituals, and it is not the intention itself.

If this non-verbal person is able to form an intention, then he is obliged to do so, and it is sufficient for him to intend it in his heart. It is prescribed for his companion to recite the Talbiyah on his behalf, if he is unable to recite it or to learn it.

Shaykh al-Islam Ibn Taymiyah (may Allah have mercy on him) said in al-‘Iddah fi Sharh al-‘Umdah (1/608):

It says – in the report of Hanbal – :

With regard to the non-Arab man or woman, if they do not have knowledge, then they should be taught to the best of their ability, and they should perform the rituals and attend the holy places with the people. Allah knows best about their intention, but I hope that this will be acceptable.

It is not permissible to recite the Talbiyah in any language other than Arabic, when one is able to recite it in Arabic or to learn it, because it is dhikr that is prescribed, and it is not acceptable except in Arabic, like the adhaan, takbeer and other prescribed dhikrs, especially since the Talbiyah is a dhikr that is connected to a specific time, so it is more akin to the adhaan than to the khutbah and the like.

If someone is unable to recite the Talbiayh in Arabic, then Abu Muhammad said: It is permissible for him to recite it in his language.

But the correct view is that it is not permissible, because it is not allowed to recite du‘aa’ in the

prayer in any language other than Arabic. If someone is unable to recite the Talbiyah, because he cannot learn it at all, or because he is non-verbal, or sick and unable to speak, or is a minor,

Ahmad said – according to the report of Abu Taalib – that the Talbiyah may be recited on behalf of one who is non-verbal, one who is sick and a minor.

What appears to be the case is that if someone is unable to say it out loud, the Talbiyah may be recited on his behalf.

That is because Jaabir stated that they used to recite the Talbiyah on behalf of children, and that was only because they were unable to recite the Talbiyah; by the same token, everyone who is unable to recite it is like children in that regard.

Moreover, all the actions of Hajj may be done by a proxy if one is unable to do them, such as stoning the Jamaraat and the like.

If he is unable to recite the Talbiyah by himself, then someone else may recite it on his behalf, and that is akin to reciting the Talbiyah on behalf of one who has passed away or is physically unable to travel for Hajj. If he mentions him in the Talbiyah, that is fine, but if he limits it to the intention (without mentioning him by name in the Talbiyah), that is acceptable.

Our companions – al-Qaadi and those who came after him – said: The Talbiyah is Sunnah and there is nothing wrong with omitting it, because it is a dhikr that is prescribed during Hajj, so it is Sunnah like the other dhikrs of Hajj, such as offering du'aa' (supplication) in 'Arafah, Muzdalifah, Mina and so on.

End quote from Sharh al-'Umdah (4/431), 'Aalam al-Fawaa'id edition.

The basis for it being prescribed to do Hajj on behalf of children and others who are unable to speak or learn the intention, and the like, is the hadith of Ibn 'Abbaas, about the Prophet (blessings and peace of Allah be upon him) meeting some riders in ar-Rawhaa'. He said: "Who are you?" They said: Muslims. They said: Who are you? He said: "The Messenger of Allah." A woman lifted up a small boy and said: Is there Hajj for this one? He said: "Yes, and you will have a

reward.” Saheeh Muslim (1336).

The Sunnah also indicates that it is prescribed to do things on behalf of a child that he is unable to do.

It says in ‘Awn al-Ma‘bood (5/110):

Al-Khattaabi said: There is only Hajj for him (the child) in the sense of it being a virtue, but that does not replace the obligatory hajj if he lives to adulthood.

This is like prayer. The child is to be enjoined to pray if he is able to do it, but it is not absolutely obligatory upon him, although its reward will be recorded for him, by the grace of Allah, may He be glorified and exalted, and reward will be recorded for the one who instructs him and teaches him to do it.

If there is Hajj for a child, then it is known that among the Sunnahs of Hajj, he should be taken to stand in the various holy places, and he may carried and taken for tawaaf around the Ka‘bah, if he is not able to walk.

The same applies to sa‘i between as-Safa and al-Marwah, and other actions of Hajj.

Similar rulings apply to one who is insane, if he is no hope of recovery for him. End quote.

And Allah knows best.