

To Do Qurbani of Residential State as a Traveler.

In United States and Europe, sometimes difficult moments occur in terms of Islamic rulings. However, the completeness of the Hanafi Jurisprudence is such that some sort of solution definitely comes out. The blessings of Qiyas are such that the entire Ummah is being blessed with it. Modern issues along with the widespread of Islam in the entire world require the blessed Sharia to have such principles through which the modern rulings could be solved. This is what we call “Qiyas”. In “Qiyas”, a common cause of a ruling is looked at or similar laws are observed. As a result, it becomes possible to find solutions to contemporary issues. In this era, many Muslims are coming in mass populations to the United States and Europe and trying their best to protect their individuality and character. The system and culture over here is different than Asian countries. The issue on hand is also one of those.

In the United States, there are places from where slaughterhouses are really far. This is due to the strict health policies. Therefore, some slaughterhouses are so far from the city that if one goes there from his/her city to carry out the slaughtering, he/she would be considered a *Musāfir*¹. On the occasion of Eid ul Adha, people pray their Eid Salah and then travel towards these slaughterhouses. A Istifta was asked about this from the Dar-ul-Ifta Masjid Alnoor. The question was asked that we go so far to slaughter our animal that we become *Musāfir*. Since Qurbani is not Wājib on *Musāfir*, if we do Qurbani as a *Musāfir* and come back to our hometown after Qurbani, will this Qurbani be sufficient to fulfill the responsibility that was Wājib on us? I have already given a Fatwa regarding this issue, but then I thought to explain this issue with details.

The Imams of Islamic Jurisprudence have a great difference of opinion regarding the issue of Qurbani, which is listed below.

- **Hanafis:** Al-Imam Al-Azam Abu Hanifa (May Allah ﷺ be pleased with him) considers it Wājib, while his companions² consider it *Al-Sunnah Al-Muwakkada*³. (Fath ul Qadeer, Vol 8, pg. 425, Kitab ul Udhiya/Nasb ul Raya ma’a Al-Hidaya, Vol 4, pg. 496, Kitab ul Udhiya)
- **Malikis:** Imam Malik (May Allah ﷺ be pleased with him) considers it Al-Sunnah Al-Muwakkada, not Wājib. For a person who has the capacity to do it, for him it is Makruh to leave it. (Al-Fawaid Al-Islami wa Addilatuhu, Dr. Wahba Zuhaily, Vol 4, pg. 2704, Al Matlab ul Thaani Hukm ul Udhiya)

¹ According to Islamic Law, a person becomes a Musafir (Traveler) who leaves his hometown with the intention of traveling for 57.5 miles for less than 15 days.

² Imam Abu Yousuf and Imam Muhammad Al-Shaybani

³ Emphasized Sunnah

- **Shafi'is:** If a person lives alone, then it is Sunnah once in their lifetime. If there are multiple people in his household then it is Al-Sunnah Al-Kifayah i.e. if one of them does it, then it will be sufficient for all. (ibid)

According to Hanafis, being a *Muqem*⁴ is a condition for Qurbani. Meaning that Qurbani is Wājib for a *Muqem*, i.e. the one who is not traveling. It is stated in Alamgeeri:

اما التطوع، فاضحية المسافر والفقير الذي لم يوجد منه النذر بالتضحية ولا شراء الاضحية لانعدام سبب الوجوب وشرطه

(عالمگیری، ج. ۵ ص. ۲۹۱. کتاب الاضحية، الباب الاول)

Translation: As for Nafil (voluntary) Qurbani, it is the Qurbani of *Musāfir* or poor person from whom the vow or purchasing of an animal is not established. This is due to the absence of the cause which made it mandatory and the absence of condition.

Therefore, if a *Musāfir* does Qurbani, it would be considered Nafli (voluntary).

It is stated in Alamgeeri:

ومنها الإقامة فلا تجب على المسافر. ولا تشتط الإقامة في جميع الاوقات حتى لو كان مسافرا في اول الوقت ثم اقام في آخره، تجب عليه. ولو كان مقيما في اول الوقت ثم سافر ثم اقام تجب عليه (حواله المذكوره، ص ۲۹۲)

Translation: From the conditions of Qurbani, (one is) being a *Muqem*. Therefore, it is not Wājib upon a *Musāfir*. It is not a condition to be a *Muqem* during the entire period, such that if one is a *Musāfir* in the beginning of the period, and then becomes a *Muqem* at the end, it will be Wājib on him. Also, if one was a *Muqem* in the beginning of the period, then he traveled and he became a *Muqem*, it will be Wājib on him.

The time is a cause for Qurbani not a condition. Meaning, whenever the time will come up, the ruling for Qurbani being Wājib will also occur. The time over here means days of Nahr which are 10th, 11th, and 12th of Zul Hijja. It is mentioned in Fath ul Qadeer:

إن سبب وجود الأضحية الوقت وهو ايام النحر

(فتح القدير، ج. ۸، ص. ۴۲۵، كتاب الأضحية)

Translation: Indeed the cause of Qurbani being Wājib is the *time*, which is the Days of Nahr.

It is stated in Qudoori:

وقت الأضحية يدخل بطلوع الفجر من يوم النحر

(مختصر القدوري، ص ۲۱۶، كتاب الأضحية)

⁴ Muqem is a person who is in his hometown i.e. He is not a Musafir.

Translation: The time of Qurbani occurs by dawn break on the day of Nahr.

It is stated in Bahar e Shariat:

The cause of Qurbani being Wājib is the time. When the time occurs, and the conditions of Qurbani are found then Qurbani will be Wājib.

Coming to the point:

After Eid ul Adha prayer, the people who go to slaughterhouses which are so far from their hometown such that the rulings of *Musāfir* get applied to them. In this case, would their Qurbani be considered Nafl, or would it be sufficient to fulfill their responsibility of Wājib? It is evident from the above mentioned passages that the Qurbani of *Musāfir* will be Nafl. But this point should be noted as well that this ruling is for such a *Musāfir* who is traveling for the entire time period i.e. from the sunrise of 10th of Zulhijja until the sunset of 12th of Zulhijja. Since he does not meet the conditions of Qurbani, therefore his Qurbani will be considered Nafl. However, if a person becomes a *Muqem* during any period specified for Qurbani, then Qurbani will be Wājib for him. Just like we mentioned from Alamgeeri. Now there are the following situations:

- 1) He stayed *Musāfir* for the entire time period.
- 2) He was a *Muqem* in the beginning, then he became a *Musāfir*.
- 3) He was a *Musāfir* in the beginning, then he became a *Muqem*.

In the first condition, Qurbani is not Wājib for him. However, in the last two conditions it will be Wājib and to carry it out will be necessary upon this person. The actual question is that if there is a person upon whom the Qurbani became *Wājib* when he was a *Muqem*, then does he have to do his Qurbani as a *Muqem*? What if he does this Qurbani as a *Musāfir*? Will it suffice as a fulfillment of the responsibility? The *Qiyas* says that if something became *Wājib* on a person while he was a *Muqem* and if he does it as a *Musāfir*, then it should actually suffice to fulfill the responsibility. A similar issue is mentioned below:

There is a person who has a Farḍ Salah remaining in his responsibility that he was not able to carry out. He then left for a journey and carried it out after the time was passed. In this case, he will not perform it as a Qasr Salah which is done in the state of travel. Rather, he will pray it in full. This is because he was actually a *Muqem* when the mandate of Salah faced him and did not perform his Salah for some reasons. Now in the state of travel, he will perform his Salah like a *Muqem*, and it will count as Farḍ and it will be as if he has fulfilled the responsibility.

Similarly, there is a person upon whom Qurbani was Wājib. When the mandate of Qurbani faced him, he was a *Muqem* then he left for a journey. Now, if he does

Qurbani as a Musāfir, then it will count as a Wājib that was carried out and it will come off from his responsibility. Allah Almighty has made our religion easy, and wherever there are hardships, He blessed us with ease in it. It is stated in the Holy Quran:

يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ. (البقرة-آيت-١٨٥)

Translation: Allah wants ease for you, and he does not want hardship for you.
(Al-Baqarah, 185)

It is also stated:

مَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ. (الحج-آيت-٧٨)

Translation: He has not placed any hardship upon you in the religion. (Al-Hajj, 78)

Our Master, the Blessed Prophet ﷺ has commanded us to give ease and prohibited us from giving hardships. He ﷺ states:

حديث: عن انس عن النبي ﷺ قال: يَسِّرُوا وَلَا تَعْسِرُوا، وَبَشِّرُوا وَلَا تَنْفَرُوا.

(البخاري، ص٤، حديث ٦٩، باب ما كان النبي ﷺ يتخولهم بالموعظة والعلم)

Translation: On the authority of Anas (May Allah be pleased with him), the Beloved Prophet ﷺ has said: Facilitate things to people, do not make it hard for them, give them glad tidings, and do not make them run away.

There is an underlying principle with this that is mentioned by Shaykh Zayn ul Deen Ibrahim ibn Nujaym Hanafi (May Allah be pleased with him):

المشقة تجلب التيسير (الأشباه والنظائر-ص٧٧)

Translation: The hardship brings ease. Under this he has mentioned various places where a person has been commanded with ease. He says:

اعلم ان اسباب التخفيف في العبادات و غيرها سبعة (حواله مذكوره)

Translation: Know that there are seven reasons of ease in worships etc.

First type: It is that journey which is long. That is the journey of 3 days and nights (which is the duration of travel according to Islamic Law). In this case, one is allowed to shorten his prayer and leave his fasts (for that time and make it up later). (Other than this) the ruling of wiping over *Khuffain* for more than 1 day and 1 night (meaning 3 days and 3 nights) and the mandate of Qurbani being dropped from him.

Second type: It is that which is not from the above mentioned cases. Meaning, if one gets out of the city even just by a few miles, then he can skip Jumma (and pray Zuhr). He can skip Eid Salah and other congregational prayers (he will pray individually). He can pray Nafl Salah on a vehicle, it will be valid for him to do Tayammum, etc.

In the above mentioned discussion, the second type requires attention. It says that if a person got out of the limits of his city, then he gets ease by the rulings of Islam because he would face hardship otherwise. Looking at the matter on hand, think about how much hardship a person will have to face after praying his Eid Salah - he goes to a faraway town to do his Qurbani, and then becomes a *Muqem* after coming back home. If his Qurbani gets ruled as Nafl and the Wājib still stays pending, then it will be extremely hard for him.

Consider the following situation: whenever a person goes to the slaughterhouse which is far away from his hometown, he will become a *Musāfir* and his Qurbani will be considered Nafl. Furthermore, when he returns back to his hometown within the days of *Nahr*, then the Wājib will always stay pending. Therefore, in order to give ease, it will be best to rule that the Qurbani that this person carried out as a *Musāfir* would be sufficient to remove the responsibility from him.

Imam Abu Ja'far Muhammad ibn Jareer Al-Tabari (May Allah be pleased with him) has stated in his tafseer, "Jami' Al Bayan Fi Taweel il Quran (Tafseer Al-Tabari)":

وإن صام في سفر فلا قضاء عليه إذا أقام. (تفسير طبري، جلد ۲، ص ۱۶۶)

Translation: If a person fasts during travel, he does not have to make it up when he comes back to his hometown.

The fast that this person observed as a *Musāfir*, is as if it became like a fast one observes in the state of residency. Now he does not have to make up any more fasts. This is because this is the ease in this case which saves him from hardship. Then he further states:

قال ابو جعفر و هذا القول عندنا اولى بالصواب لاجماع الجميع على ان مريضاً لو صام شهر رمضان وهو ممن له الافطار لمريضه ان صومه ذلك مجزى عنه ولا قضاء عليه إن صامه في سفره.
(تفسير طبري، ج ۲، ص ۱۶۹)

Translation: Imam Abu Jafar (May Allah be pleased with him) stated: according to us this opinion (that one does not have to make up the fasts observed as a *Musāfir*) is better in terms of accuracy due to the consensus of everyone. A sick person who observed fasts during Ramadan will not have to make them up after he gets healed. However many fasts he observed during his sick days will be sufficient. We can

understand the rulings regarding *Musāfir* from this example, that if one observed fasts during a journey then he does not have to make them up.

Here, Imam Tabari (May Allah be pleased with him) mentioned a consensus as well that is, if a *Musāfir* observes fast of Ramadan during his journey then he does not have to make them up afterwards. Similarly, if a *Musāfir* does his Qurbani (which became *Wājib* on him when he was a *Muqem*) during his travel, then the same ruling applies and he does not have to do it again.

Another example can be found in Islamic Law - Jumua Salah is not *Fard* on a *Musāfir*. But if he still prays Jumua, then he will not be ordered to pray Zuhr as well. There is a blessed Hadith:

عن جابر رضي الله عنه ان رسول الله ﷺ قال: مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَعَلَيْهِ الْجُمُعَةُ يَوْمَ الْجُمُعَةِ إِلَّا مَرِيضٌ أَوْ مُسَافِرٌ أَوْ امْرَأَةٌ أَوْ صَبِيٌّ أَوْ مَمْلُوكٌ فَمَنْ اسْتَعْنَىٰ بِهِمْ أَوْ تَجَارَةً اسْتَعْنَىٰ اللَّهُ عَنْهُ وَاللَّهُ غَنِيٌّ حَمِيدٌ (دارقطني. الجزء الثاني، ص ٣ حديث ١٥٦٠)

Translation: Hazrat Jabir narrates that the Beloved Prophet ﷺ has stated: Jumua prayer is mandatory on Friday upon whoever believes in Allah and the last day, except a sick person, a traveler, a female, a child, or a slave. So whoever becomes heedless from it due to recreation or business, then Allah is independent from him. And Allah is Independent and Praiseworthy.

It is stated under the same chapter of a fundamental book of Hanafi Jurisprudence, Qudoori:

ولا تجب الجمعة على مسافر ولا امرأة ولا مريض ولا صبي ولا عبد ولا اعمى. فإن حضروا و صلوا مع الناس اجزاهم عن فرض الوقت (قدوري، ص ٣٥، باب صلاة الجمعة)

Translation: Jumua is not *Fard* on a traveler, female, sick person, child, slave, and a blind person. However, if they attend and pray with the people, then it will suffice them for the *Fard* of that time (i.e. Zuhr Salah).

Furthermore, regarding this, Shaykh ul Islam Imam Burhan ul Deen Al-Farghani the author of *Hidayah* has stated:

لأن المسافر يحرص في الحضور وكذا المريض والأعمى والعبد مشغول بخدمة المولى والمرأة بخدمة الزوج فعذروا دفعا للحرص والضرر فإن حضروا وصلوا مع الناس أجزأهم عن فرض الوقت لأنهم تحملوه فصاروا كالمسافر إذا صام (الهداية جلد اول، ص ١٦٩، باب صلاة الجمعة)

Translation: Since the *Musāfir*, sick person, and blind will have difficulty, a slave will be engaged in serving his master, and a woman will be engaged in serving her

husband, therefore, they are exempted in order to remove hardship and difficulty. However, if they still attend and pray (Jumua) with the people, it will suffice them for the Fard of that time (i.e. Zuhr Salah). This is because these people tolerated the hardship and as a result they became like a *Musāfir* who fasted (during his journey).

These examples and similar issues make it evident that the Islamic Law has given ease to people in order to remove hardship and difficulty. Moreover, the ease which was discussed above are in terms of Farāid, since fasting in the month of Ramadan, and praying Jumua Salah on Friday are both from the Farāid. However, if a *Musāfir* still fasts during his journey or if he prays Jumua Salah with congregation, then Islamic Law does not command him to make it up or repeat it. That being said, Qurbani is actually a Wājib, and even within this there is a difference of opinion between the Imams of Jurisprudence as to whether it is a Sunnah or Wājib. There is even a difference of opinion between the Imams of Hanafi Jurisprudence. Although the Mufta Bihi (most valid and sound) opinion is the opinion of Al-Imam Al-Azam Abu Hanifa (May Allah be pleased with him), and majority of Hanafi scholars give Fatwa according to this.

Therefore, in this case, if a person offers his Eid Salah in his hometown and then goes to a faraway town to do his Qurbani, then the Qurbani that he performed would be sufficient to fulfill his responsibility and he will not be asked to do it again. This is the ruling which has ease for him. Furthermore, one will act upon the following principle: “المشقة تجلب التيسير” (The hardship brings ease) in the light of Allah’s words: “يُرِيدُ اللَّهُ بِكُمْ الْيُسْرَ وَلَا يُرِيدُ بِكُمْ الْعُسْرَ”. (Allah wants ease for you, and he does not want hardship for you). Otherwise, this person will be considered a sinner if one claims that the Wājib was not fulfilled which was under his responsibility, whereas he is even bearing hardship to avoid the sin.

Mufti Qamar ul Hasan Qadri
Head of Dar ul Ifta—Alnoor Masjid Markaz Houston
Chairman of Rooyat e Hilal Committee of North America

Translated by: Muhammad Bilal Sadiq
(Student of Mufti Qamar ul Hasan)