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IS EVEN FARDH HAJJ PERMISSIBLE NOWADAYS?

An Aalim from the UK queries as follows:

Assalamu'alaykum

The people going for Fardh Hajj this year have to accept the following term:

"The refund request process for the value of individual pilgrimage packages reservations may take up to 45 working days from the date of the request. A processing fee of a certain percentage (2%), exclusive of tax, is deducted when refunding the amount from the user's wallet."

This is in addition to the lottery of the Saudi authorities usurping the Right of Allah to determine who goes for Hajj.

Questions

(A) Is not the "processing fee" interest?

(B) Is it not similar to gambling?, i.e. you put forth money, then you "win" a package for Hajj, and if you don't, then under the deception of a "processing fee," you lose that money?

(C) Is it correct that there is or are verses and Ahadith that speak about selection is from Allah to go for Hajj?

(D) Based on the following

- (i) Vaccination requirements,
- (ii) Intermingling of the sexes,
- (iii) The custodians of the Harams perpetrating kufr

- (iv) The authority's restrictions on entry in to the two Harams (Housed of Allah)
- (v) No guarantee of halal consumption in many cases, and
- (vi) The numerous instances of missing Salah during the journey

How is it possible to even achieve Hajj Mabrur?

(E) Why is it Muslims simply do not see any of these issues? Is it because the intention is the "badge of honour?" People can call me "Haji," and that Hajj has become mere tourism?

I am asking because I am not a Mufti, and yet I can see all these and other anomalies. Or is the issue that I am misunderstanding something that all other Muftis have understood.

(End of the Aalim's Query)

Answer

All the factors stated by you are valid. You have not misunderstood the issue. The journey as well as the stay and the laws of the kufr regime are haraam. Qimaar, riba, usurpation, immorality, squandering money, fulfilling nafsani desires and even zina, etc. are all involved.

While we state unequivocally that Umrah and Nafl Hajj are not permissible in the present scenario, we are in the state of trepidation regarding Fardh Hajj. We therefore advise that the one who goes for Fardh Hajj should make his best endeavours to avoid and abstain from any infractions of the Shariah. Wherever possible, abstention is Waajib.

If any Mufti rules that even Fardh Hajj today is not permissible due to the many haraam factors, we shall not contest it. On the contrary we shall advise others to act in terms of that Fatwa of Prohibition. But purely because we lack *sharah sadr* on the issue, we hesitate to say that Fardh Hajj is not permissible today. And, Allah Ta'ala knows best. Yes, we know that according to the Maaliki and Shaafi' Math-habs, prohibition is the fatwa. That is, it is not permissible to go for even Hajj in this conflagration of sin.

As far as the masses (*awaam*) are concerned, they do not follow the Shariah. They follow their nafs – their base desires, whims and fancies. They perpetrate haraam in the name of the Deen. And, this goes for most molvis, sheikhs and muftis of this era. They are all mercenaries and slaves of the nafs. The Deen, Maut, and the Akhirah are the furthest from their minds. *Ridha Ilaahi* is unknown to them.

They are aware of the heart-breaking suffering in Palestine and elsewhere, but they squander millions in the name of 'umrah' to gratify their vilest nafsani lusts. They deceive none but themselves. Even the wealthy who contribute for the suffering Muslims, squander greater amounts on their holiday and tourism trips.