

107466 - Is it permissible to take stones or earth from Muzdalifah or from the Haram?

the question

I have a question about Hajj. I performed Hajj last year and while we were in Muzdalifa collecting pebbles for throwing at Jamarat, I took two stones from some nearby mountain just because I liked them and I still keep them at home. Is this something permissible or shall I get rid of them? And if yes how? Is Muzdalifa considered the sacret area of Mekkah as well? Thank you for your answer.

Detailed answer

Firstly:

We ask Allah to accept your Hajj and we hope that you will be among those whose sins are forgiven and those who go back from their Hajj with no sin.

Secondly:

Muzdalifah is one of the holy places and is within the boundary of the Haram zone. In His Book, Allah, may He be exalted, called it al-Mash'ar al-Haraam [the sacred place], as He says (interpretation of the meaning): "But when you depart from 'Arafat, remember Allah at al- Mash'ar al-Haraam" [al-Baqarah 2:198].

Ibn Hazm al-Andalusi (may Allah have mercy on him) said:

With regard to Muzdalifah, it is al-Mash'ar al-Haraam, and it is part of the Haram zone.

Al-Muhalla (7/188).

An-Nawawi (may Allah have mercy on him) said:

It should be understood that all of Muzdalifah is part of the Haram zone.

Sharh Muslim (8/187).

Thirdly:

It is not appropriate to take anything that is part of Makkah or Madinah (such as stones or sand), because it is not proven that any of the early generations of this ummah did that. That is because it is likely that people would venerate these things and believe that they could bring some benefit, which is something that Islam came to oppose and bar the way to such notions. If someone requests you to bring home Zamzam water, that is permissible, because it is proven that the Prophet (blessings and peace of Allah be upon him) and his companions did that, because he told us that it is blessed water in which there is healing, by Allah's leave. But as for other things, such as earth from 'Arafah or pebbles from Muzdalifah, and the like, no one should take such things with him to his country.

The scholars differed concerning the ruling on taking earth and stones from the Haram. There are three opinions: that it is permissible; that it is disliked (makrooh); and that it is prohibited (haraam). The view of the Hanafis is that it is permissible; the view of some of the Shaafa'is is that it is makrooh, but the view of the majority of Shaafa'is is that it is haraam, which is the only view that should be followed, if it is known that the person who takes such things intends to seek blessing (barakah) from them, or to venerate them, because the earth and stones of the Haram are not things from which blessing is to be sought, whether they are where they belong in the Haram or outside of that area.

The difference of opinion among the scholars mentioned above has to do only with simply taking these things from the Haram, not seeking blessing from them or venerating them.

Imam ash-Shaafa'i (may Allah have mercy on him) said:

It is not good to take anything of the stones or earth of the Haram outside of the Haram zone, because it is proven to be sacred and thus it is different from all other lands. I do not think - and Allah, may He be exalted, knows best - that it is permissible for anyone to remove anything from the place that Allah made different to all other lands and place it in any ordinary [non-sacred] land.

End quote.

Al-Umm (7//155).

Ibn Hazm (may Allah have mercy on him) said:

Nothing of the earth or stones of the Haram should be taken outside of the Haram zone. ... It was narrated that 'Ataa' said: It is makrooh to take earth from the Haram outside the Haram zone, or to bring earth from outside into the Haram zone.

This is also the view of Ibn Abi Layla and others. But there is nothing wrong with taking Zamzam water out (of the Haram zone), because the sanctity of the Haram only applies to the land and its earth and stones. So it is not permissible to cause such material to lose their sanctity (by removing them from the Haram zone), but there is no such prohibition with regard to the water. End quote.

Al-Muhalla (7/262, 263).

Shaykh Muhammad ibn Saalih al-'Uthaymeen (may Allah have mercy on him) was asked:

He wants to do Hajj, and has been given a number of requests. He says that a number of people have asked him to bring them something from Makkah and Madinah, such as stones, water or a little bit of earth, and the like. What should I do?

He replied:

With regard to the requests that he referred to, that he should bring those who requested it some earth or water or rocks from the Haram, he does not have to fulfil these requests; he can say no, and he can tell them that if their request had been that he should pray to Allah for them in these holy places, that would have been better and more appropriate.

If, instead of responding to these requests, he prays to Allah for them in these holy places that Allah grant them that which is good for them in their religious and worldly affairs, that will be better and more appropriate. End quote.

Fataawa Noor 'ala ad-Darb.

Fourthly:

Anyone who has taken some of the earth of the Haram out of the Haram zone should seek forgiveness for his action from Allah, may He be exalted, first of all. Then he should return it to any spot within the Haram zone, if he is able to do so. He does not have to put it back himself; rather if he gives it to someone whom he trusts to put it back, that is permissible. If he is not able to do either of these things, then he should put it in any place that is pure and clean. Allah, may He be exalted, says (interpretation of the meaning): "Allah does not charge a soul except [with that within] its capacity" [al-Baqarah 2:286].

It says in al-Mawsoo'ah al-Fiqhiyyah (17/195):

The Shaafa'is clearly stated that it is haraam to remove earth or stones, or anything that is made from its clay - such as jugs and the like - from the Haram to areas beyond the Haram boundary, and it is obligatory to return such things to the Haram. End quote.

Al-Maawirdi (may Allah have mercy on him) said:

If someone has removed any of the stones or earth of the Haram, he must return it to its proper place and bring it back to the Haram zone. End quote.

Al-Haawi fi'l-Fiqh ash-Shaafa'i (4/314)

Also narrated from him and confirmed by an-Nawawi in al-Majmoo' (7/460).

And Allah knows best.