

Borrowing money in order to perform Hajj

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

Question: A person owns money, that Allaah has bestowed upon him, with which he wants to go on a pilgrimage. Yet, this money is not enough to cover the costs and expenses of Hajj. This person wanted to borrow but hesitated to do so. Is it permissible for him to borrow money in order to cover the expenses of Hajj, knowing that he does not know if he can pay up his debt or not?

Answer: All praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon whom Allaah sent as a mercy to the Worlds, upon his Family, his Companions and his Brothers till the Day of Resurrection.

Capacity is a condition for the obligation of Hajj, not a condition for its validity. In fact, Allaah عزَّ وجلَّ said:

وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا

[And Hajj (pilgrimage to Makkah) to the House (Ka`bah) is a duty that mankind owes to Allaah, those who can afford the expenses (for one's conveyance, provision and residence)]¹

And what is a condition for something to be obligatory is not obligatory to acquire for a Mukallaf (person meeting the conditions to be held legally accountable for one's actions) as it is of the discourse of Wadh², and there is no obligation if there is no condition of obligation. As "**Anything on which the fulfilment of an obligation depends is not obligatory**". On another hand, what is established in the general rules is that: "**Every act of worship in which money is considered, the important is to possess it (money) but not to be able to possess it**". So, if Hajj is not obligatory for someone who is unable to perform it, the Legislator (Allaah) does not oblige him to borrow money in order to do it. In fact, it is reported from the hadeeth of Ibn Abee Aufa رضي الله عنهما that he was asked about someone who borrows money in order to perform Hajj, he said: "He should ask Allaah to give him subsistence and should not borrow money. And he said: We used to say: he should not borrow money only if he can pay it off".

Therefore, if the Mukallaf is not sure about his ability to pay off his debts, it is not permissible for him to endeavour to do a thing that Allaah made easy – by way of mercy – for people and did not impose on them. He does not incur sin if he dies without performing Hajj nor is he blameworthy. However, if he has debts he owes to people, he remains

¹ Soorah Aal-`Imraan [3:97]

² Wadh: it means that Allaah legislated things called causes, conditions and preventives, through which the legal rulings are known, even concerning confirmation or negation. So the rulings exist because there exist the causes and conditions. They do not exist if there exist the preventives and if causes and conditions do not exist.

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indebted to them if he dies, since it is a right that belongs to humans; and it is no secret that Allaah's right is based on indulgence and facilitation, and the right of the human is based on rigidity and intransigence, because the human takes advantage of his right and undergoes harm if he does not get it. On the contrary, Allaah عزَّ وجلَّ does not undergo harm if some of His rights are lacking and does not take advantage of them. Although, if a person borrows money and goes to Hajj, his Hajj is valid and is not obliged to perform it again, but paying his debt off remains required.

Whereas, if he is sure to be able to pay it off, he must perform Hajj but after certifying the borrowing with a pledge, a guarantor or by a will in order to pay off the borrowed sum in case of a misadventure preventing him from settling the debt.

The perfect knowledge belongs to Allaah سبحانه وتعالى. Our last prayer is all praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon our Prophet, his Family, his Companions and his Brothers till the Day of Resurrection.

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