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CUTTING HAIRS & NAILS DURING THE 10 DAYS

Question

We always believed that for the one who makes Qur'baani, cutting hairs and nails during the first 10 days of Zil Hajj is not permissible. It will be permissible only on the 10th after one's animal has been sacrificed. However, the Jamiatul Ulama KZN has issued the following fatwa:

“Rasulullah Sallallahu Alayhi Wa Sallam has stated: “Whoever has an animal for slaughtering, he should not cut his hair or trim his nails once the crescent of Zul Hijjah has been sighted until he has sacrificed (the animal).” (Sahih Muslim)

It is a recommended act due to the Hadith but not obligatory. Hence, if one did cut his hair and/or nails during the first ten days of Zul Hijjah before sacrificing, the person will not be sinful and neither will it affect the validity of the Qurbani. [Shaami vol. 8 ; pg. 181]

What is the correct view? Please comment.

Answer

In addition to the aforementioned Hadith of Prohibition cited by Jamiat KZN, Rasulullah (Sallallahu alayhi wasallam) also emphasizing the prohibition, said:

“...then NEVER cut the hair and NEVER cut the nails.”

“When you see the hilaal of Zil Hijjah and any of you intend to make Qur'baani, then he should abstain from cutting his hair and his nails.”

These Ahaadith which emphasize the prohibition do not convey the baseless idea that *‘it is a recommended act... not obligatory...the person will not be*

sinful.” This idea of the Jamiat KZN is a grievous and an egregious error. It is extremely misleading.

The Fiqhi classification of the various Fuqaha vacillates between Makrooh Tanzeehi and Haraam. The prohibition is not a mere ‘recommendation’ as baselessly claimed by the Jamiat KZN. Even if we settle on a Mustahab status for abstention from cutting, never will it be a mere recommendation. In fact, the Jamiat KZN is unwittingly guilty of *Istikhfaaf* in the attempt to dilute the emphatic prohibition stated in the Hadith.

The absolute importance of washing the wudhu limbs thrice, beginning from the right side, making khilaal, etc., may not be diluted on the basis of these acts being Mustahab. It may not be said that these acts are recommendations and wilful abstention is not sinful. Such a conclusion is corrupt and displays lack of understanding of the *Ahkaam* of the Shariah.

Why did the Jamiat have to argue away the importance of the prohibition stated by Rasulullah (Sallallahu alayhi wasallam) with its baseless idea of ‘recommendation’ and that discardence of the prohibition is “not sinful”?

Understand well that deliberate abstention is sinful. Never is deliberate abstention from the prohibition recommended as flaccidly and baselessly claimed by Jamiat KZN.

When a *hukm* swings between Makrooh Tanzeehi and Haraam, how can its commission ever be ‘recommended’, and how can wilful abstention from it ‘not be sinful’? The Jamiat’s Mufti did not apply his mind. Muftis should not blurt out drivel which creates in the masses the attitude of *Istikhfaaf* for the *Ahkaam* of the Shariah.

Regardless of the Fiqhi designation, it should be understood that for those making Qur’baani, it is not permissible to cut their nails and hair during the first ten days of Zil Hijjah. They should cut on the 10th after their animal has been slaughtered. For practical purposes, one should not search for Fiqhi technicalities with the intention of escaping and abstaining from the *Ahkaam*. Everything commanded by Rasulullah (Sallallahu alayhi wasallam) is **FARDH** for practical implementation regardless of the Fiqhi classification. The objective of the Fuqaha in having classified the *Ahkaam* was never to dilute the great importance, divine wisdom and benefits underlying the *Ahkaam*.