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A STUDY OF IMAMI AND SUNNI JURIS PRUDENTIAL OPINIONS
ABOUT THE RULING OF TAWAF OF CHILDREN IN HAJJ

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ABSTRACT:

The issues that children have to deal with during Hajj are very delicate and precise, and the lack of knowledge about performing Hajj causes children many problems. Tawaf is one of the issues of Hajj that has conditions, such as intention, purification from hadith, purity of clothing, circumcision, and mawlawat The Hajj of a child is not different from the rules of Hajj of an adult in terms of its rules, only in the part where the child is not able to perform Tawaf and Hajj, in which the components of Tawaf are performed by the child. This study seeks to investigate whether, according to Imami and Sunni jurists, these conditions of Hajj and its rulings can be performed by the child alone or should the guardian perform them on his behalf. In order to study these issues from the point of view of jurists, these matters have been mentioned. In examining the topics, it can be concluded that the child is divided into categories of discriminators, non-discriminators and affiliates. Each of these types has either common rules or separate rules, but what can be said in the discussion of Tawaf, if the child can perform Hajj from the mentioned acts, then he will do it; But if he is not able to do it, his guardian must teach him to perform Hajj or perform it on behalf of the child.

INTRODUCTION:

"Hajj" is an act of worship in which both the worship and suffering of the soul and the deprivation of the prohibitions of Ihram is both physical and financial worship, both verbal and practical worship; The heart, tongue and joints must work in harmony. Hajj is a kind of education for children from the type of

devotional education, that is, the child will be stronger in his beliefs when he grows up, if he has the possibility of this kind of education in childhood. Many rulings have been stated in the books of Imami and Sunni jurisprudence and the jurisprudence subdivision on jurisprudence; But only in jurisprudential books and ritual books, special Hajj such as Hajj and Umrah of children is mentioned. Research has been published only on children's Hajj, but research that only discusses one of the components of Hajj, such as Tawaf, is a rare amount that in this research, first the reasons for children's Hajj and then the discussion of children's Tawaf are mentioned. In today's conditions and the ease of taking children with them to Hajj, families go on this journey with their children who will be affected by the rules, which in this collection discuss the method of Tawaf and its conditions and rules.

Generally, the rules of Tawaf apply to every child, just like an adult, but the child differs according to his age, the way the components and conditions of Tawaf are performed. As much as possible, if the child is able to perform his or her duties; He has to do his homework and if he is not able to work; But he takes over; However, in the child of Marahaq, no specific information has been mentioned about Tawaf, but in general, the issues and rules of Hajj Marahaq have been mentioned. This research seeks to analyze and explore this issue.

Defining The Theoretical Foundations of Research:

Hajj

(Hajj): It literally means intention and melodious song, and in the Shari'ah term, «هو القصد الى بيت هالل لإداء مناسك مخصوصة عنده» means to sing the song of the house of God in order to perform special worships in the house of God. The objection to this definition is that it does not include 'Arafah and the worships of Mina and its other acts of worship, as this definition applies to a person who has performed the rhythm of the house of God for performing rituals and at the same time has not performed the rituals (Sivari Hali, Bitaj 1, p. 302)

Some have defined it as follows:

«The first martyr, 1414AH, vol. 1, p. 365; Mohaghegh Hali, 1407AH, vol. 2, p. 745). Hajj is a name for all worships that are performed in special places. This definition also has its drawbacks, because the Hajj of a person who has not performed some of the acts of Hajj out of forgetfulness and leaving them is not invalid is not Hajj, is correct and he is called a "HajjI". At the same time, he did not perform all the acts of worship.

If the meaning of "their worships" is the correct worships, mentioning «المؤدهاة» It is useless to "perform in special places" because the correct worship is to be performed in its place; And if the meaning of worships, whether correct or incorrect, includes the false Hajj, and in addition, the above definition can be applied to any worship that is related to any place.

The best definition is *انه القصد إلى بيت هالل، بم هكة مع أداء مناسك مخصوصة في مشاعر*

مخصوصة، هناك:"

"Hajj is the melody of the house of God in Mecca, along with performing special acts of worship there, which are related to certain places". In the second definition, the word "Hajj" has been quoted from its literal meaning in another meaning, and in the first and third definitions, it has been used in the same literal meaning. And in Sharia it means "special intention" and allocation is certainly better than narration (Sivari Hali, Bita vol. 1, pp. 302-303).

Child:

Children are divided into three categories:

Discriminated:

Distinction in its jurisprudential meaning means a rational power that gives man the power to distinguish and separate good and bad, harmful and useful things.

And it gives better and ... it is also a lexical and rooted truth in usage, because the lexicographers have said about the word "stupid" which means "أَحْمَقُ لا" (Firoozabadi, 1415 AH, vol. 4, p. 291). Basically, the discriminator has the ability to have a task in order to have understanding, because the condition of the task is the same as understanding the task (Bahrani, 1405 AH, vol. 13, p. 55). As the late Sheikh also believes, Momayez means a person who can perform the duty that is obligatory on him in the same way that it is obligatory (Tusi, 1407 AH, vol. 1, p. 194).

Non-discriminated

Which has not reached the verifier limit. Indiscriminate also refers to a child who has not reached this level of understanding and does not have the power to recognize his own gain and loss; Like infants and three- to four-year-olds. The discriminated child becomes a mahram himself and performs the deeds, and in cases where he cannot do it himself, his guardian (for example, a parent) helps him to perform the deeds (Mousavi Khomeini, 1428AH, p. 131).

Teenager(marahaq)

In Arabic, a boy close to puberty is called a Teenager (Farahidi, 1409AH, vol. 3, p. 367), although some marahaqs have also been used in girls (Ibn Manzur, 1414AH, vol. 10, p. 130). But the original lexicographers have used Marahaq only in slaves (Ibn Faris, 1404, vol. 2, p. 451) and the girl near puberty is called "contemporary" lexicographers (Johari, 1997, vol. 2, p. 750). Others believe that

Marahaq is a child who has a stronger distinction than Momayez (Ardabili, 1403AH, vol. 10, p. 196) and is a kind of quasi-adult in terms of behaviors and motivations and being trusted in society. Is (Ameli, 1419AH, vol. 17, p. 209) But since in the term of jurisprudence, a boy and a girl close to puberty are called both Teenager(marahaq).

Tawaf

Every obligatory Tawaf is a pillar which, by leaving the Tawaf intentionally, invalidates worship (Hajj or Umrah), just as other pillars do the same, with the exception of the Tawaf of Nisa (which is not a pillar) One of the rules of Hajj, which is also an important topic of our discussion, is the issue of Tawaf.

One of the important pillars of Hajj and one of the signs of the embodiment of monotheism in Hajj is Tawaf of Hajj; Because Tawaf around the Ka'bah, although it is considered as a prayer: "عَنِ الطَّوَّافِ بِالْبَيْتِ" (Klini, 1407AH, vol. 4, p. 261), «فَأَيُّنَمَا تَوَلَّوْا فَنَمَّ وَجْهَهُ هَالِكٌ»؛ (Surat al-Baqara: 115) It is manifested in it, unlike the prayer in which the divine command "وَمِنْ حَيْثُ خَرَجْتَ فَوَلِّ وَجْهَكَ" وَ مِنْ حَيْثُ خَرَجْتَ فَوَلِّ وَجْهَكَ " (Al-Baqarah / 149) is realized in it.

Regarding the place of Tawaf prayer that is performed after Tawaf, in the narrations there is talk of "following the position of Ibrahim", but what is stated in the Holy Qur'an is to choose the position of Ibrahim as the place of prayer:

«وَاتَّخَذُوا مِنْ مَقَامِ إِبْرَاهِيمَ مُصَلًّى»؛ (Baqarah / .)125); ". «وَاتَّخَذُوا مِنْ مَقَامِ إِبْرَاهِيمَ مُصَلًّى»؛

The "appearance" of the Tawaf prayer is that a person becomes aware of the place where Ibrahim (AS) is standing, where he prays, and the "interior" is that he finds the place of Khalil al-Haq and settles in your place, a prayer like the prayer of Ibrahim (AS). Read as the luminous expression of Imam Sajjad (AS) is used. Now that he has taken the place of Ibrahim Khalil, he must become acquainted with every obedience and express disgust with every sin (JavadiAmoli, 2007, pp. .)396-387)

Before stating the rules of Tawaf of a child, a narration is mentioned in this regard:

وَرَوَى مَعِ أَوِيَّةُ بِنْتُ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (ع) قَالَ انظُرُوا مَنْ كَانَ مَعَكُمْ مِنْ آلِ هِشْبِيَّانٍ فَقَدْ دَهَمُوهُ إِلَى الْجُحْفَةِ أَوْ إِلَى بَطْنِ مَهْرٍ وَيَصْنَعُ بِهِمْ مَا يَصْنَعُ بِالْمُحْرَمِ وَيَطَّافُ بِهِمْ وَيُرْمَى عَنْهُمْ وَمَنْ لَا يَجِدُ الْهَدْيَ مِنْهُمْ فَلْيَصْنَعْ عَنْهُ وَلِيَّتُهُ وَكَانَ عَلِيُّ بْنُ الْحُسَيْنِ (ع) يَضَعُ الْهَيْسَ فِي يَدِ الصَّبِّ هِيَ تَمُّ يَقْبِضُ عَلَى يَدِ الرَّجُلِ فِي ذَنْبِ حُحُّ»؛

(Qomi, 1413AH, vol. 2, p. .)434)

And Mu'awiyah ibn Ammar narrated from Imam Sadiq (AS) that he said: Consider the children who were with you and take them to the womb or the

womb of the dead and they should apply the rituals that they use about Muharram about them and They should perform Tawaf and remove the stones from them, and each of them who does not have a victim should fast on his behalf, and Ali ibn al-Husayn (AS) would put the knife in the child's hand and a man would hold his hand and slaughter the victim. In this narration, the sentence is stated in general.

Topic Analysis:

Before beginning about the circumambulation of the child and the division of these rulings, a narration is mentioned in this regard:

«رَوَى زُرَّارَةٌ عَنْ أَحَدِهِمَا ع قَالَ إِذَا حَجَّ الرَّجُلُ بِابْنِهِ وَ هُوَ صَغِيرٌ ر - فَإِنَّهُ يَأْمُرُهُ أَنْ يَلْ هَبِي وَ يَفْرُضَ الْحَجَّ فَإِنْ لَمْ يَحْسُنْ أَنْ يَلْ هَبِي لَبَّيْ عَنْهُ وَ يَطُوفَ بِهِ وَ يَصُومَ عَنْهُ فَلْتَلْ لِي سَلْهُ مَا يَذْبَحُونَ عَ نَهْ قَالَ يُذْبَحُ عَنِ الْهَضْعَارِ وَ يَصُومُ الْكِبَارُ وَ يَتَّقَى عَلَيْهِمْ مَا يَتَّقَى عَلَى الْمُحْرَمِ مِنَ الشَّهْرِ أَبِ وَ الْهَطِيبِ فَإِنْ قَتَلَ صَيْدًا فَعَلَى أَبِيهِ»؛

.)433, p. 2AH, vol. 1413(Qomi, (

Zararah narrated from one of the two Imams (AS) who said: When aman takes his son, who is still a child, to Hajj, he commands him to say Labik and to imagine Hajj, so if he could not say Labik, another person represents him and they circumambulate him and perform prayers on his behalf. I said: What if they do not have anything to slaughter on his behalf? He said: It is slaughtered by the children and the adults fast; And they avoid them from anything such as clothes and perfume, which Muharram should avoid. So, if a child kills a hunter, the atonement is on his father. There is no specific chapter in the rules of Hajj for children; But in the context of jurists' discussions, the following can be mentioned:

A Discriminating Child:

In Tawaf, purity and other conditions must be observed. Therefore, if the child falls asleep or becomes a muhaddithin, he should follow the rules of stopping Tawaf.

Intention Of Intention and Intention of Closeness.

It is not necessary to express the intention, and as soon as he intends to perform Tawaf, it is enough to get closer to God, and it is not even necessary to go through the mind. But if he wants to express his intention, he can say this sentence: (هفت شوط طواف عمره تمتع انجام مدهم از ح هجة الاسلام يا غير آن قربةً إلى ») "هالل"

(Bahjat, 1414AH, p. .)114)

In this regard, it is stated in jurisprudential books that if a child is able to do this action, he should do it, and if he is not able to do it, the child should do it. Shafi'i has also stated these two promises (Tusi, 1407AH, vol. 2, p. 361;

QomiSabzevari, 1421AH, vol. 1, p. .)399

In this regard, they have cited a narration from Imam Sadegh (AS): «وَقَالَ فِي: ال هَصِيْبِيَانِ يَطْوُفُ بِهِمْ وَيُرْمِي عَنْهُمْ» (Qomi, 1413AH, vol. 2, p. 404); And he has said about children: They circumambulate them and throw rum on their behalf.

Following this narration, it has been stated in jurisprudential books that it does not indicate change because it is not in the position of expression from this area. Rather, it is in the position of the expression that the duty of the child in this case is to seek help from others in the Tawaf, or for a deputy to do this for him, or that he is free or prioritizes the former over the latter, that is, seeking help from others or taking representation. He does not refer to this matter and ignores this matter and accepts that the apparent ruling is in the change between these two types, but it is inevitable to remove iodine from its appearance in this matter .)358with the narrations that have passed (FayyazKaboli, Bita, p.

Another saying in this regard is that the word "Al-Sabyan" also means "Sabi" and "Sabiyya". It is expressed in the whole interpretation of the above. There is no problem in this part to adhere to the rule of sharing, that is, as it is masculine, .)47, p. 1AH, vol. 1423so feminine is also discussed (Safi Golpayegani, ; 361, p. 2AH, vol. 1407; Tusi, 329, p. 1AH, vol. 1387Imami jurists (Tusi,) Shafi'i's 188, p. 18AH, vol. 1404; Najafi, 31, p. 7AH; vol. 1414AllamaHalli, .) 6, p. 4; Sherwani, Bita vol. 209, p. 4AH, vol. 1419(Al-Basri Al-Baghdadi, 1423; Maghribi, 367, p. 1AH, vol. 1411and a number of Malikis (Ibn Rushd,) 164, p. 3AH, vol. 1379) and the Hanbalis (Ibn Rushd, 201, p. 4AH, Vol. based on the hadiths, believe that it is permissible for a person performing 1403Tawaf to intend Tawaf for himself; However, some Hanbalis (Bahouti,) believe 201, p. 4AH, vol. 1423) and Malikis (Maghribi, 443, p. 2AH, vol. .that in this case, only one Tawaf, also by the child, takes place

Purification From Hadith:

(Be with ablution and do not be in charge of ghusl). When the guardian wants to circumambulate Molla Ali against him, he should teach him the form of ablution (because the truth of ablution is that the person performing ablution intends it which is impossible here) (Halabi, 1417AH, p. .);172

If after Tawaf they find out that the child has been narrated, but they do not know that the hadith is during Tawaf or after Tawaf, they do not pay attention and Tawaf is correct. And if during or after Tawaf they are sure that the child has been narrated during Tawaf, but they do not know how long it has been, then Tawaf is void and according to the obligatory precaution, after purifying and performing ablutions, they should perform Tawaf again (MovahediLankarani, 1423AH .page.39)

Al-Maliki and al-Shafi'i believe that Tawaf without purification is not sufficient, whether intentionally or unintentionally, and Abu Hanifa believes that it is sufficient and its restoration is recommended, and Abu Thawr believes that it is

sufficient to perform Tawaf without ablution, and if there is no knowledge. And awareness is not enough (Qurtubi, 1425AH, vol. 2, p. 109)

And in another article, it has been stated that since Tawaf of a child is one of the mustahabs, if this action occurs during Tawaf, it is better for him to perform Tawaf again after cleansing (Ra'ini, Bi Ta, vol. 3, p. .168)

The discriminated child who has the ability to learn purity is like an adult and must be purified during Tawaf, because the generalities and applications of the reasons for the necessity of purity during Tawaf include the discriminator, and his difference with adults is that Hajj and Tawaf in His right is mustahab.

His Body and Clothes Should Be Clean.

The body and clothes of the circumambulator should be clean and, according to the obligatory precaution, his small clothes; It should be as clean as socks, gloves and handkerchiefs. According to some jurists, if the child himself is able to distinguish clean clothes from unclean ones, he should wear clean clothes for Tawaf, and if not, but the child should wear clothes without impurity during Tawaf (see: Alawi Ameli, Bita J3, p. 500- 502; Kashif al-Ghatta ', Bita p. .322) The discriminated child who is Muharram and performs Tawaf should have the body and clothes of the child performing Tawaf as clean as an adult and with ablution and purity; And if the child is indistinguishable, if it is possible to perform ablution and purify his clothes and body; However, if there is a suspicion during the Tawaf that the body or clothing of the child has become impure and narrated, it is not necessary to examine it. Purity before Tawaf is sufficient; But whenever certainty or certainty about impurity and hadith is found, as a precaution, they should purify his body and clothes and perform ablutions on him (MortazaviLangroudi, 1423AH, p .351)

Circumcision:

The man performing Tawaf must be circumcised. If he is not circumcised, his Tawaf is void; But in Tawaf, a woman is not required to be circumcised; In Tawaf of a discriminating boy (a child who understands good and bad), it is a condition that he is circumcised, and it is an obligatory precaution that a child who does not understand good and bad and his guardian circumambulates him is circumcised.

Whenever an uncircumcised child becomes Muharram or is forced into ihram; Although his ihram is valid, his Tawaf is not valid; Therefore, if he has become a Muharram for Hajj or Umrah, because the circumambulation of his women is invalid, the woman is not permissible for him unless he is circumcised and after circumcising himself, he circumambulates or circumambulates her; And it is difficult to get a deputy for Tawaf before circumcision. Whenever a circumcised child is born, his Tawaf is valid (MortazaviLangroudi, 1423AH, p. 165; see: MohaqeqThani, 1414AH, vol. 3, p. 189; Yazdi, 1401AH, vol. 3, p. .421)

«قَالَ: سَأَلْتُ أَبَا عَبْدِ اللَّهِ (ع) عَنْ تَصْرَانِ هِيَ أَسْأَلَمَ وَ حَضَرَ أَيَّامَ الْحَجِّ هَجِّ

about it is stated: "

112(Majlisi, 1410AH, vol. 96, p.)
 «يَبْدَأُ بِالسُّنَّةِ»

I asked Imam Sadegh (AS): About the Christians who converted to Islam and were present during the days of Hajj, while he is not circumcised, can he perform Hajj before he is circumcised? The Imam said: Basant has not started.

Some have considered circumcision as a condition in the circumambulation of a discriminating child and have said that the confrontation between a man and a woman in the narrations, although it appears in the generalization of all males, cannot be considered indistinguishable; Because the people who perform Tawaf themselves are sent to circumcise. While the indiscriminate child is not in charge of Tawaf and the guardian is in charge of it (Mousavi Khoi, 1418AH, vol. 29, p. .)36

One who is not circumcised and performs Tawaf is like one who leaves Tawaf and his Hajj is void; And if the uncircumcised obligee can afford it, there are several ways:

-1He can circumcise in the same year and go to Hajj, in which case Hajj is obligatory on him and his delay is not permissible.

-2He can circumcise in the year he can afford, but he is not able to perform Hajj in that year, in which case he will delay the Hajj until next year. -3Circumcision is not possible for him at all, because circumcision is harmful or difficult for him. TawafNayeb should perform the Tawaf prayer himself (FayyazKaboli, 1426AH, p. .138)

Many Imami jurists, based on the hadiths, have considered circumcision as a condition for the validity of children's Tawaf (Mousavi Ameli, 1411AH, vol. 8, p. 118; MohagheghThani, 1414AH, vol. 3, p. 189) Some of them, citing the lack of evidence Stubbornness does not consider circumcision as a condition for the validity of children's Tawaf (Isfahani, Fazel Hindi, 1416AH, vol. 5, p. 512; TabatabaiHaeri, Bita vol. 6, pp. 525-526)

Tawaf Of Women:

Tawaf of women is obligatory on men and women, old and young, married and single, and even discriminated and neutral children, and without it, it is not permissible on men and men on women, but it is an obligatory precaution that if a child is brought to Hajj without distinction. They have made Muharram, but he performed the Tawaf of Nisa with him. If he leaves the "circumambulation of women", whether intentionally, or ignorance, or forgetfulness, his wife is forbidden for him to return and circumambulate; And if return is not possible, or difficult, take a deputy; And if he dies, his guardian will fulfill it.

(MakaremShirazi, 1426AH, p. 330); And if the discriminating child does not perform Tawaf of Nisa due to mistake or ignorance, after puberty, women are not allowed to do so until he does it or expresses regret (Mughniyeh, 1421AH, vol. 1, p. .)231

Cover Of Male and Female Penis:

Cover of Male and female penis is one of the conditions for the validity of Tawaf, but it is necessary that in addition cover of Male and female penis, it should not be naked.

-Clothes, shoes and other clothes for circumambulation should be permissible, so circumambulation in usurious clothes and shoes is void.

-Wearing a garment sewn in ihram causes atonement and a sheep must be sacrificed, but if he performs Tawaf in the same manner, his Tawaf is valid. -A Muharram woman should cover her feet and floor during Tawaf, although it is not necessary to cover them while praying, and she can also cover her face while praying, but it is not permissible to cover it during ihram, and she can use means to protect herself from non-Muharrams. To prevent vision by not contacting the face.

-If there is some hair on a woman's head or some parts of her body during Tawaf due to negligence, there is no problem, and if she does not cover it consciously and according to its Shari'ah ruling, she has committed a sin, but her Tawaf is valid, but if the ihram dress is so thin if the woman's body is seen from under it or it is visible while sweating, clothes are clinging to the body, body or part of it, Tawaf and prayer are wrong with it.

-Tawaf, which consists of seven shots, should be performed as a single action and should not be long enough to get out of this state (SobhaniTabrizi, 1428 AH, p. 100). There is nothing written about this issue for the child.

In the validity of the ihram of a discriminated child, the guardian's permission is not a condition, so the said child who has become a Muharram, himself or with the help of someone else, but if he needs guidance, he should start and complete the Umrah from Tawaf. **loyalists:**

According to the obligatory precaution, the customary relations between the components of Tawaf is a condition, that is, there is not enough distance between the periods of Tawaf to exclude it from being a Tawaf. Unless he interrupts Tawaf after three and a half rounds for performing prayers or the like. A person who interrupts his obligatory Tawaf for the obligatory prayer, if it is after the completion of half (three and a half rounds), he should continue the Tawaf from where he interrupted and complete it; And if it is before it and there is a long time between the interruption and the end of the interval, according to precaution, he should repeat Tawaf, and if the interval is not long and long, it is not obligatory to repeat Tawaf, although precaution is good in any case; And in this matter, there is no difference between whether the congregational prayer is individual or individual, or the time of prayer is short or not. Interruption of Tawaf is recommended and even obligatory, although it is a recommended precaution not to interrupt Tawaf in such a way that the customary customs are disturbed (Khamenei, Bitā, p .36)

Prayer:

Know that it is obligatory to perform two rak'ats of Tawaf prayer after Tawaf of Umrah, like the morning prayer, and it is obligatory to perform them in the place

of Ibrahim, the Prophet (peace and blessings of Allah be upon him), and the precaution is to perform their piety. Behind the position, and with disobedience and excessive dimension that does not apply to the position, he performs it on one of its two sides, and if that is not possible, he observes the nearest relative to the back of the position and both sides of it.

In the Tawaf prayer of the child, it is stated that since the child is a discriminator, he should offer his prayer himself (Allama Hali, 1414AH, vol. 7, p. 31)

Non-Discriminating Child:

According To a Narration:

"«مُحَمَّدُ بْنُ عَلِيٍّ هِيَ بِنْتُ الْحُسَيْنِ بِإِسْمِ نَادِيهِ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (ع) قَالَ: انْظُرُوا مَنْ كَانَ مَعَكُمْ مِنْ آلِ هِشْبِيَّانٍ - فَقَدْ دَهَمُوهُ إِلَى الْجُحْفَةِ أَوْ إِلَى بَطْنِ مَهْرٍ - وَ يَصْنَعُ بِهِ مَا يَصْنَعُ بِالْمَحْرَمِ وَ - يَطَّافُ بِهِمْ وَ يَرُمِي عَنْهُمْ - وَ مَنْ لَا يَجِدُ الْهَدْيَ مِنْهُمْ فَلْيَصُمْ عَنْهُ وَلِيَّهِ» (p. 304, 4AH, vol. 2407Klini).

Mu'awiyah ibn Ammar narrated from Imam Sadiq (AS) that he said: "Consider the children who were with you and take them to Jahfa or the womb of the dead, and the rituals that they perform about Muharram should be applied to them and they should be used." They should perform Tawaf and remove the stones from them, and any of them who do not have a victim should fast on his behalf. To explain the contents of Hajj for a non-discriminated child, the following points are mentioned:

Purification And Ablution:

If the child is indistinguishable, if it is possible to perform ablution and purify his clothes and body; However, if there is a suspicion during the Tawaf that the body or clothing of the child has become impure and narrated, it is not necessary to examine it. Purity before Tawaf is sufficient; But whenever certainty or certainty about impurity and hadith is found, as a precaution, they should purify his body and clothes and perform ablutions on him (MortazaviLangroudi, 1423 AH, p. 351)

In Imami jurisprudence, several opinions have been raised about purity in the Tawaf of an unrecognized child; Including the validity of the purity of the guardian and the child (ablution of the guardian and ablution of the child) (Allameh, Halli, 1414AH, vol. 7, p. 30; the first martyr, 1417AH, vol. 1, p. 307) 1411AH, vol. 7, p. 25; Najafi, 1404AH, vol. 17, p. 237) The validity of the purity of the child if he is able to perform ablutions - even formally (TabatabaiYazdi, 1409AH, vol. 4, p. 347; Sabzevari, 1413AH, vol. 12, p. 29), the invalidity of the purity of any guardian and child - if the child is not able to perform ablution, due to the practice of child worship and the lack of reason for the purity of the guardian (Sabzevari, Bitavol. 2, P.258)

And if the guardian performs Tawaf for him, both of them must be clean, in the sense that he must perform ablution for the child, so if the guardian is not clean,

it is not enough, because Tawaf is not valid except with the help of the guardian, so it is obligatory for the guardian to be clean. Even if the child is not pure, the probability is sufficient because the child who is not discriminated against is not correct in his purity, so purity is the vicegerent of the child's purity, just as his ihram is the proxy of the child because ihram is not performed by the child; And it may not be enough because the child is mediated by the guardian, so when it is not enough to be the guardian of the narrator, the first impermissibility is that the child is also the narrator. The meaning of impure purity is that he performs ablution or the guardian performs it and the guardian performs two rak'ats of Tawaf prayer on behalf of the non-discriminated person, because the prayer of an imperfect child is not legitimate and the martyr said that if he performs it in the form of prayer. It is possible for him to perform the form of Tawaf (Simari, .)383, p. 1AH, vol. 1420

Circumcision:

In non-discrimination, the validity of circumcision is based on recommended precaution (Mousavi Shahroudi, 1428AH, p. 117). But it is not necessary to circumcise an unaccounted child who is considered Muharram by another (EftekhariGolpayegani, 2007, vol. 1, p. .345)

Non-Discriminatory Tawaf Rulings:

Famous Imami jurists (Allameh, Halli, 1414AH, vol. 7, p. 31; the first martyr, 1417AH, vol. 1, p. 307) and Shafi'is (KhatibSharbini, 2009, vol. 1, p. 461; Al-Sherwani, Bita J 4, p. 6), they believe that if the guardian of an unidentified child rides him on a compound for Tawaf, he should take the lead of the compound; Because the indistinguishable child is not able to guide the compound properly while circumambulating. The famous Imams, based on hadiths, believe that the child's guardian can be his deputy (AllamehHalli, 1412 AH, vol. 10, p. 56; MohagheghSabzevari, 1247AH, p. 558) if the child is unable to perform Tawaf, according to the hadiths, the guardian of the child should take care of him and perform Tawaf or appoint a deputy for him. During Tawaf, the left shoulder of the child should be towards the Kaaba and the child should be awake during Tawaf (Allameh, Halli, 1414AH, vol. 7, p. 30; Isfahani, 1416 AH, vol.) If the guardian does not perform Tawaf for a non-discriminated child, it is obligatory (SobhaniTabrizi, 1424AH, vol. 5, p. .315)

Tawaf Prayers for Non-Discriminated Children:

If the child is not discriminated, he must perform the prayers on both sides (Allama Hali, 1414AH, vol. 7, p. 31). Because non-discriminatory prayer is not legitimate (Simari, 1408AH, vol. 1, p. 414). Sufficient to the guardian prayer is when the child is not able to perform the form of prayer, as if he is an infant and the guardian prayer at this time is on behalf of the child and the ability to circumambulate on the part of the child is assumed that the guardian carries him and It is possible to perform the ablution of the child and if the guardian performs ablution on his own, there is no more representation from him (Amoli,

2001AH, vol. 11, p. 255). Tawaf is the act of a child because he has to perform it, so Tawaf is the act of a child, even if it is due to it, so purity is not a condition in it, because the believer claims it, unlike prayer, which is in fact the act of the guardian who performs his immortality. It is clear that in the act of the deputy, purity must be a condition. But its appearance is that the face of ablution is sufficient for the child when the guardian puts him in this act. Therefore, any obligation may be dependent on the child, even if it is due to Tawaf, which is the responsibility of the child, and otherwise it is the responsibility of the guardian (SobhaniTabrizi, 1424AH, vol. 1, p. .59)

The conditions of Tawaf and prayer should also be observed in the child, and if the child is not discriminated, they should perform ablution and purify his clothes and body, and in case of doubt, there is no need to check the hadith and malice, and the ruling of purity remains.

In the authentic narration, Imam Sadegh (as) says: If a child who performs Hajj does not consider it good to say lip service, but his guardian says on his behalf and he performs Tawaf and prays Tawaf on his behalf, « وَيُطَافُ بِهِ وَ يَصْنُ لَيْهِ عَنْهُ » Forms of discriminated and non-discriminated child Tawaf In most jurisprudential books, the following forms have been stated for the method of Tawaf:

- .1Or force the "Small" or "insane" or "immature" it, even if it is as walking.
- .2Or (by walking behind him) drive the "Small" or "insane" or "immature" him.
- .3Or (by putting him on his shoulders) kill the "Small" or "insane" or "immature".

Or (Take Himself or Another Person) As A Deputy for Tawaf.

If the child is less than six years old, but he should offer two rak'ats of Tawaf prayer instead of the child (and if he is more than six years old, he should order the child to recite it himself) and if the child is less than six years old, he should perform the form of prayer. And in other acts of Hajj the same thing is said (who can do any action himself.)

When the guardian performs these deeds on a child (and gives him eighty), the reward of a Hajj and a father is given (Masjid Sarai, 2016, p. 237; TabatabaiHaeri, Bita vol. 1, p. .)391

In this regard, a narration from Imam Sadegh (AS) has been narrated:

"« وَ رَوَى ابْنُ مُسْكَانَ عَنِ الْهُذَيْلِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (ع) فِي الرَّجُلِ يَتَكَلَّمُ عَلَى عَدَدٍ صَاحِبَتِهِ فِي الطَّوَافِ أَيْحُزِيهِ عَنْهُمَا وَعَنِ الصَّبِّ هِيَ فَالْأَنْعَامُ أَلَا تَرَى أَنَّكَ تَأْتُمُّ بِالْإِمَامِ إِذَا صَلَّى تَخَلَّفَهُ وَ هُوَ مِثْلُهُ »";

(410, p. 2AH, vol. 1413Qomi,)

And Ibn Maskan, from Hudhil, asked Imam Sadegh (AS) about a man who trusts his wife's count to determine the number of times of Tawaf, in which case is this count sufficient for the two of them and for the child they have with them? So,

the Imam said: Yes. Do you not see that you follow and rely on the Imam as you pray behind him? (And lend him the knowledge of the rak'ahs of prayer?) This is like it.

The Ka'bah should be on the left side of the Tawaf in all circumstances; And the amount of it is customary truth, just as it is used from the actions of the Holy Prophet (PBUH) who rode Tawaf. The person who hugs the child and performs Tawaf, the left shoulder of the child should be as far as possible towards the Kaaba (Bahjat, 1424AH, p. .)123

If a person performs Tawaf on his own behalf and carries another like a child and a sick person and performs Tawaf, Tawaf of both is valid (Sobhani Tabrizi, 1428AH, p. .115)

In Sunni jurisprudence, it is stated about the Tawaf of the child that if the child can perform his Tawaf directly, he should do it, otherwise his guardian and guardian should take over this discussion (Baghdadi, Bi Ta, vol. 1, p. .)49 Another view expressed by the Sunnis is that the guardian should perform the act of Tawaf as a substitute for an unaccounted child (Dosoughi al-Maliki, Bit, vol. 2, p. .4) Elsewhere, it is stated that the intention of Tawaf on the part of the child is not sufficient for his Hajj. 1, p. .412)

Teenager (Marahaq)

The reason for Hajj is verses from the Qur'an and the Sunnah of the Holy Prophet (PBUH) and the Imams of the Infallibles (AS) and the consensus of the jurists, but Hajj is one of the necessities of religion (Najafi, 1404AH, vol. 18, p. 16) and for every Muslim whose conditions It becomes obligatory once in a lifetime and one of its conditions is puberty. Therefore, according to the jurists, it is not obligatory for the child, even if he is discriminated against (close to puberty) and has other conditions of obligation (Allameh Hali, 1414AH), Vol. 7, p. .23)

Regarding the Tawaf, the jurists have not mentioned any specific discussion, but Allama Hali has said about Marahaq: الصبي المم هيز لا يصح حج هجة إ هلا بإذن ول «هيه، فإذا

كان مرافقا مطيقا، أذن له الولي في الإحرام و إن كان طفلا غير مم هيز، أحرم عنه الولي. فإن أحرم الصبي المم هيز بغير إذن ول هيه، لم يصح إحرامه» (Allama Hali, 1414AH, vol. 7, p. .26) "The Hajj of a discriminating child is not valid, except with the permission of his guardian. So, if there is a child who is close to puberty and has the ability, his guardian will allow him to enter ihram, and if the child is not discriminated against, his guardian will enter ihram on his behalf; "Therefore, if a child performs an audit without the permission of the guardian of ihram, his ihram is not valid".

If a child who has not yet reached adulthood (for example, is 13years old) and is still in adulthood, but has the other conditions for Hajj is obligatory; If he performs Hajj, this Hajj is not separate from Hajj al-Islam. Although the worship of a child is correct and legitimate (Tabatabai Yazdi, 1409AH, vol. 2, p. .419)

Imam Khomeini (ra) has also said: Hajj is not obligatory on a child, even if he is immature and close to puberty, and if he performs Hajj, although it is correct, but it is not sufficient for Hajj al-Islam (Mousavi Khomeini, 1425AH, vol. 1, p. 340)

In Sunni jurisprudence, it is stated that Marahaq must perform the obligatory Tawaf of Hajj, if he is performing Hajj, it means that he must perform the mustahabs that he is responsible for (Lakhmi, 1432AH, vol. 3, p. 1186)

CONCLUSION:

The discussion of Tawaf on the issue of Hajj, from the point of view of the Imams and Sunnis, itself has conditions and rules that the child is either discriminated or non-discriminated or dependent. Some of the children's sentences are stated in general terms; That is, it is not specified for which group of children it is stated. But in the following, the topics of non-discriminated child, discriminated and entertained are discussed.

The discriminating child, because he has the power of discernment, so it is better for him to do his work as much as he can, and less so that he can take over his work. But the non-discriminating child, because he does not have the power of discernment and his ability is low, so he has to do his job. According to some jurists, because a child is superior, he can do his work alone, and according to some jurists, he may be an educated child but not a discriminator, so he must take care of his actions or himself. Or do it on behalf of someone else.

One of the rulings that the child must fulfill, otherwise his Hajj is void, is the issue of circumcision and circumambulation of women, if the child does not fulfill it, women will be forbidden to him and he must perform the forgotten work.

RESOURCES:

The Holy Quran

Ibn Rushd((1425AH), the beginning of the mujtahid and the end of the intended, Cairo: Dar al-Hadith.

Ibn Rushd(. (1379AH). Al-Sharh Al-Kabir, Tunisia: The Tunisian Association Ibn Rushd and others. M. (1411AH. المدونه الكبرى .)Beirut: Dar al-Fikr.

Ibn Faris, A. (1404AH). Dictionary of Language Comparisons. Qom: Qom Seminary Islamic Propaganda Office Publications.

Ibn Manzoor. M. (1414AH). Arabic language, Beirut: Dar Sader.

Ardabil. A. (1403AH). Complex of benefits and argument. Qom: Islamic Publications Office.

Isfahani 1416. (م .AH). Discovery of repentance and ambiguity from the rules of the rulings. Qom: Islamic Publications Office affiliated with Qom Seminary Teachers Association,

Golpayegani Honorary. A. (1386). The views of the references in Hajj. Tehran: Moshar.

Crisis.)ق 1405(. Alhadeghalmaserh .Qom: Islamic Publications Office.

- Al-Basri Al-Baghdadi. A. (1419AH). Al-Hawi Al-Kabir. Beirut: Dar Al-Kitab Al-Almiyeh.
- . 12M. (1424AH). Rites of Hajj and Umrah, Qom: Shafaq Publications, Behouti, M. (1403AH). Discovering persuasion. Beirut: Book World.
- JavadiAmoli, Abdullah. 2007. The Companions of Hajj, Qom: Esra ', eighth edition.
- Johari, Ismail bin Hamad. . ق 1376Al-Sahah, Beirut, Dar Al-Alam.
- Halebi. H. (1417AH). The richness of the development to the knowledge of the principles and the branches. Qom: Imam Sadegh Institute, Khamenei. (ع .Beta). Rites of Hajj, Bi Ja: Bi Na.
- KhatibSherbini, M. (2009). The rich needy. Beirut: Dar al-Fikr.
- Desouki Maliki, M. (unpublished) Al-Sharh Al-Kabir for Sheikh Al-Dardir, Beirut: Dar Al-Fikr.
- Alraeini .H. (Bi Ta), The Gifts of Glory in the Brief Description of Khalil, Beirut: Dar al-Fikr. SobhaniTabrizi.) (.ق1428 ح .). Rites of Hajj and rules of Umrah. Qom: Imam Sadegh Institute,
- Sabzwari. (بيتا) .ع .Comprehensive Sharia Laws Qom: Al-Manar Foundation 1413(..... 23AH). Civil Code of Judgments, Qom: Al-Manar Foundation.
- .24M. (Beta). The Treasure of Mysticism in the Fiqh of the Qur'an, سيوري حلهي. Translator: Bakhshaishi, Abdul Rahim Aghiqi. Qom: Quds Passage No. 111.
- Shervani. (بيتا) .ع .Marginal margins. Beirut: Dar Al-Sadr.
- The first martyr, M. (1417AH). Sharia courses in the jurisprudence of the Imam. Qom: Islamic Publications Office affiliated with Qom Seminary Teachers Association,
- TabatabaiHaeri. (بيتا) .ع .Riyadh Matters. Qom: Al-Bayt Institute.
- TabatabaiYazdi. Mac. (1409AH) .Orvataolvosgha .Beirut: Scientific Foundation for Publications,
- Tusi. M. (1407AH). Contrast. Qom: Islamic Publications Office affiliated with the Qom Seminary Teachers Association. 1387(..... 30AH). Prolonged in the jurisprudence of the Imam. Tehran: Mortazavi Library for the Revival of Al-Jaafari Works,
- Factors. J. (1419AH). The key to honor. Qom: Islamic Publications Office.
- AllamehHalli. H. (1414AH). Note of the jurists, Qom, Al-Bayt Foundation, 1412 33AH. The end of the material in the research of religion. Mashhad: Islamic Research Complex,
- All agents. (ا .Beta). Methods of choice in the explanation of insight. Qom: Ismaili Institute.
- farahidi kh(gh.1409) alien ketabQom: Hijrat.
- Firoozabadi. M. (1415AH). Dictionary of the environment. Beirut. Qom Sabzwari. A. (1421AH). Comprehensive disagreement and agreement. Qom: The founders of the emergence of Imam Asr.
- GhomiM. (1413AH). From the presence of the jurist. Qom: Islamic Publications Office affiliated with the Qom Seminary Teachers Association. .
- .39J. (Beta). Explanation of the purity of the rules of the rules. Qom: Kashif Al-Ghatta Institute.
- All. M. (1407AH). Enough. Tehran: Islamic Books House, fourth edition.

- Aalkhamiain)1432 AH), Insight, Qatar: Ministry of Endowments and Islamic Affairs.
- MohagheghHalli. J. (1407AH). Authorized in the brief description of Qom: Sayyid al-Shuhada Foundation.
- MohaqqThani, Ali ibn Husayn. 1414AH. Comprehensive intentions in explaining the rules, Qom, Al-Bayt Foundation.
- MohagheghSabzevari. M. (1247AH). Save the resurrection in the explanation of guidance. Qom: Al-Bayt Institute,
- MortazaviLangroudi 1423. (م .AH). Explain the menus. Qom: Office of Hazrat Ayatollah.
- Masjid Sarai. H. (1395). The most complete graphic translation of the description of LamehShahidThani. Qom: Islamic Law Publications, eighth edition.
- Western. M. (1423AH). The gifts of glory. Beirut: Book World.
- Sung. M. (1421. AH). Jurisprudence on the five religions. Beirut: Dar Al-Tiar Al-Jadid.
- MakaremShirazi 1426. (ن .AH). Comprehensive Hajj rituals. Qom: Imam Ali Madrasa Publications Ali Ibn AbiTalib.
- Movahedilankarani (1423AH). Hajj rituals. Qom: Amir Ghalam Publications,
- Mousavi Khomeini 1425. (و .AH .TahrirvasilieTranslator: Islam. ع .Qom: Islamic Publications Office affiliated with the Qom Seminary Teachers Association.
- 1426(..... .52AH). Selected Hajj rituals. Qom: Publication of poetry
- Mousavi Khoi 1418. (ل .AH). Encyclopedia of Imam Al-Khoi. Qom: Foundation for the Revival of the Works of Imam Al-Khoei.
- Mousavi Shahroudi. M. (1428AH). Comprehensive Fatwas - Hajj rituals. Qom: Publication of poetry.
- Mousavi Ameli M. (1411AH). The evidence of the rulings in the explanation of the acts of worship of the Sharia of Islam. Beirut: Al-Bayt Institute,
- Najafi. M. (1404AH). The jewel of the word in the explanation of the laws of Islam. Beirut: House for the Revival of Arab Heritage
- Alnamrialghortabi (1400AH), Sufficient in the jurisprudence of the people of Madinah, Riyadh: Library of Riyadh Hadith.
- Yazdi. M. (1401AH). Book of Hajj. Qom: Mehr Printing House,