بسم الله الرحمن الرحيم

Tafseer Al-Baqarah (2: 196)

From the book, Introduction to the Tafseer of the Quran, by the Ameer of Hizb ut Tahrir, the eminent jurist and statesman, Ata Bin Khalil Abu Al-Rashtah

﴿ وَأَتِمُواْ الْحَجَّ وَالْعُمْرَةَ لِلّهِ فَإِنْ أُحْصِرْتُمْ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ وَلاَ تَحْلِقُواْ رُؤُوسَكُمْ حَتَّى يَبْلُغَ الْهَدْيُ مَحِلَّهُ فَمَن كَانَ مِنكُم مَّرِيضاً أَوْ بِهِ أَذًى مِّن رَّأْسِهِ فَفِدْيَةٌ مِّن صِيَامٍ أَوْ صَدَقَةٍ أَوْ نُسُكٍ فَإِذَا أَمِنتُمْ فَمَن تَمَتَّعَ بِالْعُمْرَةِ إِلَى الْحَجِّ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ فَمَن لَّمْ يَجِدْ فَصِيَامُ ثَلاثَةٍ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةٍ إِذَا رَجَعْتُمْ تِلْكَ عَشَرَةٌ كَامِلَةٌ ذَلِكَ لِمَن لَّمْ يَكُنْ السَّيَسْرَ مِنَ الْهَدْيِ فَمَن لَّمْ يَجِدْ فَصِيَامُ ثَلاثَةٍ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةٍ إِذَا رَجَعْتُمْ تِلْكَ عَشَرَةٌ كَامِلَةٌ ذَلِكَ لِمَن لَّمْ يَكُنْ السَّيَسْرَ مِنَ الْهَدْيِ فَمَن لَمْ يَجِدْ فَصِيَامُ ثَلاثَةٍ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةٍ إِذَا رَجَعْتُمْ تِلْكَ عَشَرَةٌ كَامِلَةٌ ذَلِكَ لِمَن لَّمْ يَكُنْ السَّيْسَرَ مِنَ الْهَدْيِ فَمَن لَمْ يَجِدْ فَصِيَامُ ثَلاثَةٍ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةٍ إِذَا رَجَعْتُمْ تِلْكَ عَشَرَةٌ كَامِلَةٌ ذَلِكَ لِمَن لَمْ يَكُنْ الْمَسْجِدِ الْحَرَامِ وَاتَّقُواْ اللّهَ وَاعْلَمُواْ أَنَّ اللّهَ شَدِيدُ الْعِقَابِ (١٩٦٧)﴾

"And complete the Hajj and 'Umrah for Allah. But if you are prevented, then [offer] what can be obtained with ease of sacrificial animals. And do not shave your heads, until the sacrificial animal has reached its place of slaughter. And whoever among you is ill or has an ailment of the head, a ransom of fasting [three days] or charity or sacrifice. And when you are secure, then whoever performs 'Umrah [during the Hajj months] followed by Hajj [offers] what can be obtained with ease of sacrificial animals. And whoever cannot find [or afford such an animal] - then a fast of three days during Hajj and of seven when you have returned [home]. Those are ten complete [days]. This is for those whose family is not in the area of al-Masjid al-Haram. And fear Allah and know that Allah is severe in penalty." [Surah al-Baqarah 2:196]

Allah (swt) clarifies in this verse the following:

1. Whoever sets out for Hajj or Umrah, it is obligatory upon him to complete them i.e. it is upon him to complete their rituals with regards to their conditions and pillars, as clarified by the Messenger of Allah (saaw); «خذوا عني مناسككم» "Learn from me the rituals (of Hajj and Umrah)" [Muslim: 2286, Nasai: 3012, Abu Dawood: 1680, Ahmad: 3/218, 366].

The Amr (مر Command) here is the Talab (طلب Request). However the Request is made علي Request), with the Qareenah (طلب Decisive), with the Qareenah (علين أُخْصِرْتُمْ Indication) within His (swt) saying, هُفِإِنْ أُخْصِرْتُمْ "But if you are prevented, then [offer] what can be obtained with ease of sacrificial animals".

This implies the non-implementation (i.e. of sacrificing of animals). This means the request 'complete (the hajj and umrah)' is Talab Jazim (طلب جازم Decisive Request). Hence, whoever sets out for Hajj or Umrah, it is Obligatory upon him to complete them, with regards to all their Obligations.

However, Allah (swt) made an exception in the situation of Ihsar (إحصار Blockade) by saying ﴿فَإِنْ أَحْصِرْتُمْ فَمَا اسْتَيْسَرَ مِنَ الْهَدْي﴾ "But if you are prevented, then [offer] what can be obtained with ease of sacrificial animals". The word Ihsar (إحصار) linguistically means the absolute prevention, either by an enemy or due to sickness. However, the saying of Allah (swt) (فَإِذَا أَمِنتُمْ) "when you are secure" indicates that this prevention is the prevention by an enemy in this case. This is because Aman (مَا لَهُ الْمَا اللهُ اللهُ

It should not be said here that Al-Ibratu bi Umoom il-Lafzi Laa bi KhaSoos is-Sabab (العِبرَةُ

بِغُمومِ اللَّفظِ لا بِخُصُوصِ السَّبَب Consideration is to the Generality of the Text and Not to the Particularity of the Cause (of Revelation)), whereby the Text is Ihsar and the Cause is Hudaibiya, such that Ihsar is by the cause of an enemy as well as other causes, such as sickness and others. This should not be said for two reasons:

- a. Whilst it is true that Consideration is to the Generality of the Text and Not to the Particularity of the Cause, it must be in the same Mawdoo' (موضوع Subject) as established by the Usool (Fundamental of Jurisprudence). Hence, it is General to the enemies' blockade of RasulAllah (saaw) in Hudaibiya, as well as any blockade by any enemy at any time.
- b. There is no Generality here in the verse related to Ihsar as the verse, ﴿فَإِنْ أُحْصِرُتُمْ﴾ "But if you are prevented through Blockage." Ihsar is in the form of Fa'al Muthbat (قعل مثبت Confirmed Verb). There is no Generality for the Confirmed Verb, however it is Mutlaq (مطلق Absolute). It has thus elaborated that is the impediment by the enemy in Absolute terms, i.e. any impediment by the enemy. Therefore, Ihsar is the prevention by the enemy from completing Hajj and Umrah.

There are Ahadith of the Messenger of Allah (saaw) about the Habs (حبس Impediment) to complete Hajj due to sickness. However Habs differs from the reality of Ihsar (Blockade). Tirmidhi reported and graded the hadith of Hujjaj bin Amr as Hasan, in which RasulAllah (saaw) said, «من کسر أو عرج فعلیه الحج من قابل» "If anyone breaks (a bone or leg) or becomes lame, he must perform Hajj the following year." [Tirmidhi: 862, and he graded it as Hasan]. And in the Hadith of RasulAllah (saaw) to Duba'a binth Zubair bin Abdul Muttalib, when she asked "I intend to perform Hajj, but I am ill ", He (saaw) said, حجي واشترطي أن محلّي "Perform Hajj but set a condition that you shall be relieved of the Ihram, whenever you are prevented (due to illness)." [Ahmed: 6/202] i.e. when a person who is in a state of Ihram is afflicted with illness, he can undergo Tahalal (خاصة Absolving) of Ihram. It is not upon him to complete Hajj, as a person who is prevented by the enemy must do.

Both these hadiths indicate that impediment of completing the Hajj due to illness is not called Ihsar and Ihsar's rulings will not be applicable. Instead, if illness is Habs (

Impediment) to Hajj, then the Hujjaj are absolved from Ihram when afflicted with sickness and perform the Hajj in the next year. There is also no sacrificing of animals as in the case of Ihsar (Blockade).

Hence, Ihsar is only due to the prevention by an enemy.

2. If Ihsar occurred, Tahalal (تحلل Absolving) the Ihram is not permitted until the slaughtering of a Hadyu (هدى sacrificial animal), that is readily available to him. الْهَدْيَ "What can be obtained with ease of sacrificial animal" i.e. what is easily available from sacrificial animals, as both the verb Istaysara (المعنور seeking to obtain easily) and the verb Taysara (المعنور easy to obtain) give the same meaning. The word Hadyu (العدور sacrificial animal) is a Masadar (المعنول Root Word) in the form of Maf'ool (المعنول Passive Form) i.e. Mahdu (المعنور That Which is Sacrificed) from amongst cattle such as, the camel or cow or goat, as is readily available for a person who in a state of Ihram. And what is larger is better as stated by Ibn Abbas (ra).

And the obligation of slaughtering before Absolving the Ihram comes from the saying of Allah (swt) ﴿ وَلاَ تَحْلِفُواْ رُوُوسَكُمْ حَتَّى يَبْلُغُ الْهَدْيُ مَحِلَّهُ (Do not shave your head until sacrificial animal reached the place of slaughter". Shaving of head is a Majaaz (مجاز Metaphor) for Absolving the Ihram i.e. If a person in Ihram faced Blockage, he must slaughter a sacrificial animal, which is readily available to him, before absolving the Ihram. The Qareenah وَرينة Indication) for the Obligation of slaughtering before absolving the Ihram, comes from the

Sunnah as RasulAllah (saaw) said about Muslims in Hudaibiya who delayed slaughtering, هلكوا "Perished are those..." [Rawdul Unuf fee Tafsir Sirat Ibn Hisham by Suhaili 4/37]

This is the Wasifa Mafihumun (وصف مفهم Understood Description) description that establishes the Talab Jazim (طلب جازم Decisive Request) for slaughtering the sacrificial animal before absolving of the Ihram.

3. The place of slaughtering the sacrificial animal is Al-Haram. And this comes in the saying of Allah (swt), ﴿ وَلاَ تَحْلِقُواْ رُؤُوسَكُمْ حَتَّى يَبْلُغَ الْهَدْيُ مَحِلَّهُ ﴿ Do not shave your head until the sacrificial animal reaches it place". And its place is al-Haram due to the saying of Allah That" ﴿ذَلِكَ وَمَن يُعَظِّمْ شَعَائِرَ اللَّهِ فَاتَّهَا مِن تَقْوَى الْقُلُوبِ * لَكُمْ فِيهَا مَنَافِعُ إِلَى أَجَلِ مُسَمِّى ثُمَّ مَحلَّهَا إِلَى الْبَيْتِ الْعَتيقِ ﴾ (swt) [is so]. And whoever honors the symbols of Allah - indeed, it is from the piety of hearts. For you the animals marked for sacrifice are benefits for a specified term; then their place of sacrifice is at the Ancient House." [Surah al-Bagarah 22:32, 33]. The Ancient House is the Honorable Ka'ba which here is as a Majaaz (مجاز Metaphor) for the entire Haram, Min Bab 'Itlag al-Juz' wal Muraad al-Kuli من باب إطلاق الجزء والمراد الكل) from the principle of naming the part to intend the whole), as in the the saying of Allah (swt), هُسُبُحَانَ Exalted is He who took His" الَّذِي أَسْرَى بِعَبْدِهِ لَيْلاً مِّنَ الْمَسْجِدِ الْحَرَامِ إِلَى الْمَسْجِدِ الأَقْصَى الَّذِي بَارَكْنَا حَوْلَهُ ﴾ Servant by night from al-Masjid al-Haram to al-Masjid al- Agsa, whose surroundings We have blessed," [Surah al-Kahf 17:1]. Here Al-Masjid Al-Haram is named Metaphorically to denote the entire Haram, according to the principle of "from the principle of naming the part to intend the whole", as RasulAllah (saaw) travelled from Haram and not from inside the Al-Masjid Al-Haram. Here the mention of the Ancient House is similar to that i.e. it is a Metaphor to denote the whole Haram, "from the principle of naming the part to intend the whole."

It is affirmed that the whole Haram is the place of slaughtering as RasulAllah (saaw) said, «نحرتُ ها هنا ومنیً کلها منحَر، فانحروا في رحالکم» "I have sacrificed (the animals) here, and the whole of Mina is a place for sacrifice; so sacrifice your animals at your places." [Reported by Muslim]. And RasulAllah (saaw) said, «کل فجاج مکة طریق ومنحر» "Every road of Makkah is a thoroughfare and a place of sacrifice." [Reported by Abu Dawud, Hakim reported it and graded it as Sahih]. Here it contradicts with the sacrificial animal of Messenger of Allah (saaw) in Hudaibiya which he (saaw) slaughtered there. As we know Hudaibiya is in Al-Hil at the border of Haram i.e. it is outside the Haram and not inside the Haram. The answer regarding this has two aspects:

a) The disbelieving Quraish prevented both the Messenger of Allah (saaw) and the sacrificial animal with him from Umrah that year. So they stayed in their place in Hudaibiya and slaughtered wherever they stayed, due to their enemy preventing them from entry and preventing sacrificial animals reaching their place, i.e. Haram. This was indicated by the saying of Allah (swt), هُمُ الَّذِينَ كَفَرُوا وَصَدُّوكُمْ عَنِ الْمَسْجِدِ الْحَرَامِ وَالْهَدْيَ مَعْكُوفًا أَن يَبْلُغُ مَحِلًا وَ "They are the ones who disbelieved and obstructed you from al-Masjid al-Haram while the sacrificial animal was prevented from reaching its place of sacrifice." [Surah al-Fatah 48:25] i.e. the sacrificial animal is blocked and prevented from reaching its place of sacrifice, which is Haram. The Messenger of Allah (saaw) slaughtered the sacrificial animal at the place where he (saaw) was confined, due to the enemy preventing him from entering into Haram, which is the place of slaughtering.

It means that the place of slaughtering of the sacrificial animal is in the Haram. However if the enemy prevents it, then it is slaughtered at the place of Ihsar.

b) It is mentioned in the Seerah of Ibn Hisham from Ibn Ishaq that the tents of

Messenger of Allah (saaw) were made in Al-Hil and he (saaw) used to pray in the Haram, since Hudaibiya is at the border of Al-Hil and Haram. Zuhri reported that the Messenger of Allah (saaw) offered sacrifice in Haram and particularly Messenger of Allah (saaw) used to perform his prayers, while he (saaw) was in Hudaibiya in Haram i.e. he (saaw) traversed from Al-Hil to Haram to pray and returned. In this way Messenger of Allah (saaw) offered sacrifice in Haram, as the place is connected and so the matter was easy.

On this basis, sacrificing of animals was done in Haram as came in the verse, ﴿ وَلاَ تَحْلِقُواْ Do not shave your head until the sacrificial animal reaches its place" i.e. place of Haram.

And" ﴿فَمَن كَانَ مِنكُم مَّريضاً أَوْ بِهِ أَذًى مِّن رَّأْسِهِ فَقِدْيَةٌ مِّن صِيَام أَوْ صَدَقَةٍ أَوْ نُسُكٍ ﴾ ,4. In His (swt) saying whoever among you is ill or has an ailment of the head [making shaving necessary must offer] a ransom of fasting [three days] or charity or sacrifice." Ka'b b. 'Ujra (ra) reported that the Messenger of Allah (saaw) happened to pass by him at Hudaibiya before entering Makkah in a state of Ihram, whilst Ka'b was kindling fire under the cooking pot and vermin were creeping on his face. Thereupon RasulAllah (saaw) said. «أيوذيك هوامك» "Do these vermin trouble you?" He (Ka'b) said: Yes. The Messenger of Allah (saaw) said, فاحلق «فاحلق» Shave vour head and" رأسك وأطعم فرقا من ستة مساكين - والفرق ثلاثة آصع - أو صم ثلاثة أيام أو انسك نسيكة» give food equal to the quantity of Farag to feed six needy persons (farag is equal to three sa's), or observe fast for three days or offer sacrifice of a sacrificial animal (i.e sacrifice a goat.)" [Muslim: 2084]. In the narration of Bukhari, Prophet (saaw) said to him. "I have never thought that your ailment (or struggle) «ما كنت أرى أن الجهد بدّل بك هذا أما نجد شاة» has reached to such an extent as I see. Can you afford a sheep?" Ka'b replied "No". He (saaw) then said, «صم ثلاثة أيام أو أطعم ستة مساكين لكل مسكين نصف صاع من طعام واحلق رأسك» Fast for three days, or feed six poor persons each with half a Sa'a of food and shave your head" [Bukhari 1686]

As it was clarified in the verse and hadith that whoever is ill or has an ailment of the head such as injury, lice and head ache, this is Specified (Khas) for the saying of Allah (swt) المدينة "Do not shave your heads" i.e. it is permitted to shave and offer the Fidyah فدية (كوُوسَكُمْ Compensatory Redemption), which is amongst the choice of three days of fasting or feeding six poor persons or a goat. This is the Qareenah فرينة) Indication) for the Obligation and it is due to the Choices between several matters, in accordance with Usool (Fundamentals of Jurisprudence).

5. Then Allah (swt) clarified the Sharia ruling to those who wish to follow the Umrah with the Hajj without Blockade i.e. when he is safe. Those who wish to follow Umrah with Hajj, it is upon him to take Ihram for Umrah from Meeqath (Area where one must be in a state of Ihram for Hajj) in the month of Hajj. Then after performing Umrah, he should absolve the Ihram and wait for the day of Tarawiah, 8th of Dhul Hijjah. Then, he must take Ihram for the Hajj from inside Makkah and perform the rites of Hajj and it is upon him to slaughter what is readily available from sacrificial animals, This is the sacrificial animal for Tamuta'a (مَنْ الْمُنْ الْم

«يجه هديا» "Prophet (saaw) did not allow to fast on the days of Tashriq except for those who could not afford the Hadi (sacrificial animal)." [Bukhari 1859]

This is when his family is not in the area of Masjid Haram, otherwise the case is different. Allah (swt) says, ﴿فَلِكَ لِمَن لَمْ يَكُنْ أَهْلُهُ حَاضِرِي الْمَسْجِدِ الْحَرَامِ﴾ "This is for whose family is not in the area of al-Masjid al-Haram."

"then whoever performs 'umrah [during the Hajj months] followed by Hajj" or to His saying ﴿ فَمَن تَمَتَّعَ بِالْعُمْرَةِ إِلَى الْحَجِّ وَالْمَاهِ وَالْمَالِيَّةِ الْمَالِيَّةِ الْمَالِيِّةِ الْمُعْتَمِّ الْمُعْتَى الْمُعَلِّمُ وَالْمَالِيَّةِ الْمُعْتَى اللَّهُ الللَّهُ اللَّهُ اللَ

This is because if the Dhalik (عَالِكُ that) indicated back to the one who performs Tamuta'a (تمتع Combining both Umrah and Hajj) when he does not find sacrificial animal, then the preposition would not have been Lam (اللام For), rather it would have been the word Ala (على المُعن الله يَكُنُ أَهْلُهُ حَاضِرِي الْمَسْجِدِ الْحَرَامِ "This is upon" those whose family is not in the area of Masjid Al-Haram." The word Lahum (الهم الهم) For them) is not like the word Alayhim (عليهم)

The word Lahum (الهم For them) is appropriate for both those who perform Tamuta'a (تمتع Combining both Umrah and Hajj) and for those who do not. As for the word Alayhim (عليهم Upon them), it is appropriate for arranging something, which they did as a result of not



achieving a matter.

Hence the preposition Lam (اللام For) with the pronoun Mann (من Who) gives هِفَمَن تَمَتَّعَ بِالْعُمْرَةِ إِلَى الْحَجِّ ﴾, preponderance that the word Dhalik ﴿فَأَلِكَ that) refers back to the verse "whoever performs 'Umrah [during the Hajj months] followed by Hajj."

Hence the meaning of the above is as follows: if a person whose family is in Al-Masjid Al-Haram, then it is not permitted for him to continue Tamuta'a (تمتع Combining both Umrah and Hajj) i.e. it is not allowed for them to take Ihram for Umrah in the month of Hajj and then complete it, then absolve the Ihram and then adorning Ihram again for the Hajj. Instead, if his family is in Masjid Al-Haram, they should either take Ihram in the month of Haji combined, so that they perform Umrah and do not absolve Ihram. Instead they continue in the state of Ihram, until they perform the Hajj and complete it, or they should take Ihram separately for the Hajj alone and if they wish to perform Umrah, they can perform in any month other than the month of Hajj.

6. As for those who present in Masjid Al-haram, it refers to the Mugeem (مقيم Resident) and it is added to Masjid Al-haram. However, Al-Masjid Al-Haram is named to denote the وسنبُحَانَ الَّذِي أَسْرَى بِعَبْدِهِ لَيْلاً مِّنَ الْمَسْجِدِ الْحَرَامِ ,(entire Haram in the manner of the saying of Allah (swt Exalted is He who took His Servant by night from al-Masjid" إِلَى الْمَسْجِدِ الأَقْصَى الَّذِي بَارَكْنَا حَوْلَهُ﴾ al-Haram to al-Masjid al- Agsa, whose surroundings We have blessed," [Surah al-Kahf 17:1]. The Messenger of Allah (saaw) traveled from Haram and not from the Masjid itself. This is what Ibn Abbas (ra) says in his tafsir to the verse ﴿حَاضِرِي الْمَسْجِدِ الْحَرَامِ﴾ This is what Ibn Abbas (ra) says in his tafsir to the verse present in Masjid Al-Haram." i.e. the people of Haram.

مُحْرِم) What is intended by the presence of family (in Haram) is the presence of Muhrim Person who is in a state of Ihram) and it was expressed because man is expected to live mostly where his family lives.

Hence the meaning of this is as follows: Those who can perform Tamuta'a (تمتع Combining both Umrah and Hajj) is other than the people of Haram. The people of Haram do not have Tamuta'a (تمتع Combining both Umrah and Hajj) with the meaning which we have clarified. And it is upon them to slaughter sacrificial animals and whoever does not find an animal for slaughter, then he must fast three days in Hajj and seven days when he returns to his land.

Then Allah (swt) completes the verse with the command to have Tagwa by complying with every command and refraining from every prohibition, thereby achieving the pleasure of Allah and protection from His punishment. Otherwise, Allah (swt) will be severe in giving punishment. ﴿وَاتَّقُواْ اللَّهَ وَاعْلَمُواْ أَنَّ اللَّهَ شَدِيدُ الْعِقَابِ ﴿ And fear Allah and know that Allah is severe in penalty."