

Taqsir

According to Ahmad ibn Hanbal and Malik, it is necessary to shave (*halq*) or shorten the hair (*taqsir*) of the entire head. According to Abu Hanifah the same of a onefourth portion of the head is sufficient; according to alShafi'i cutting of three hairs suffices. (Karrarah's *alDin wa alHajj*)

According to the Imamiyyah, in *taqsir* one has the free choice of performing it by shortening either the hair of the head, the beard, or the moustaches or the fingernails.

All the five schools agree that *taqsir* is an obligatory rite, though not a *rukn*. According to alSayyid alHakim, its relationship to Hajj is the same as that of the *salam* with respect to the *salat*, because the *muhrim* is relieved after it of his state of *ihram* in the same way as one performing the *salat* is after the *salam*.

The *taqsir* or the *halq*, whatever be the divergence of opinion about them, is to be performed once during 'Umrah *mufradah* and twice during *Hajj altamattu'*. The details follow.

Taqsir in 'Umrah

According to the Imamiyyah, one performing '*Umrat altamattu'* has to perform *taqsir* after the *sa'y*; it is not permissible for him to perform *halq*. After it, everything forbidden to him in the state of *ihram* becomes permissible. But if he performs *halq*, he should sacrifice a sheep. However, if he is on 'Umrah *mufradah*, he may choose between *halq* and *taqsir*, regardless of whether he brings along with him the *hady* or not.

If the *taqsir* is omitted intentionally, in case one had planned to perform *Hajj altamattu'* and had assumed *ihram* before performing the *taqsir*, his 'Umrah is invalid and it is then obligatory upon him to perform *Hajj al'ifrad*: that is, the rites of Hajj followed by '*Umrah mufradah*', and it is better for him to do Hajj again the next year.¹

According to nonImamiyyah schools, one has a choice between *taqsir* and *halq* after finishing his *sa'y*.

As to relief from the state of *ihram*, if one were performing a nontamattu' 'Umrah, he obtains relief from *ihram* after *halq* or *taqsir*, regardless of whether the *hady* accompanies him or not. But if one is performing '*Umrat altamattu*; he is relieved of *ihram* if not accompanied by the *hady*; but if accompanied he remains in the state of *ihram*. (*alMughni*)

Taqṣīr in Hajj

The second type of *taqsir* is a part of the rites of all the various kinds of Hajjtamattu', *qiran*, or ifrad to be performed by Hajj pilgrim after the *dhabh* or *nahr* (animal sacrifice) in Mina. All the schools agree that here one has a choice between *taqsir* and *halq*, *halq* being more meritorious. They disagree, however, in regard to one with matted hair, whether he must shave his head or if, like others, he also has a choice between *halq* and *taqsir*. The Hanbali, the Shaf'i, and the Maliki schools prescribe only *halq* for him, but the Imamiyyah and the Hanafi give him the same choice as others.

All the legal schools agree that women don't have to perform *halq*, rather, they may perform only *taqsir*.

Abu Hanifah and a group of Imamiyyah legists say that one who is bald, completely or partially, as when only the frontal portion of the head is hairless, must nevertheless draw the razor over the [hairless portion of the] head. The rest only consider it *mustahabb* (*alHada'iq, Fiqh alSunnah*).

According to the Imamiyyah, the *halq* or the *taqsir* is obligatory in Mina. Therefore, one who departs without *halq* or *taqsir* should return to perform either of the two, regardless of whether his lapse was intentional or not, and despite the knowledge or out of ignorance. However, if it is difficult or infeasible for him to return, he may perform it wherever he can.

As to the rest, they say that it should be performed within the haram. (*Fiqh alSunnah*)

All agree that sex is not permitted after the *halq* or the *taqsir*. The Malikis include perfume as also being impermissible. The Imamiyyah include with the above two hunting (*sayd*), which is forbidden because of the respect for the sanctity of the haram. Apart from these three things, the rest are permissible by the consensus of all the five schools. For the four Sunni schools, everything, including sex, becomes permissible after the *tawaf alziyarah*. As for the Imamiyyah, sex and perfume are not allowed until after the *tawaf alnisa'*.

We conclude this section with the words of al'Allamah alHilli in his *Tadhkirah*:

If [the pilgrim] departs from Mina without *halq* or *taqsir*, he returns to perform it thereon obligation if within the reach of possibility. But if his returning is not possible, he performs *halq* wherever he is, sending his hair to be carried to Mina to be buried there, which if he cannot there is nothing upon him The time for *halq* is on the day of 'Id, by consensus, for the Almighty has said [in Qur'an]:

وَلَا تَحْلِقُوا رُءُوسَكُمْ حَتَّىٰ يَلْغَ الْهَدْيُ مَحِلًّا

"And do not shave your head until the sacrifice reaches its [specified] destination." (2: 196);

and the place of the sacrifice (*hady*) is Mina on the day of 'Id. It has been recorded that the Prophet (s) performed first *ramy*, then *nahr*, and then *halq*, at Mina on the 'Id day.

We shall have occasion to refer to the *hukm* about the *ha'lq* performed prior to the *dhabh* while discussing later the rites of Mina.²

1. This agrees with the fatwas of alHakim and alKhu'i. AlHakim, however, distinguishes between one who forgets (nasi) and one who is ignorant (jahil); he excuses the first not the latter, who is included with the willful defaulter ('amid).

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