

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Series of Questions Addressed to Scholar Sheikh Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his "Fiqhi" Facebook Page

Answer to Question

Al-Hawl

To: Kareim Siam

Question:

Assalamu Alaikum Wa Rahmatullah Wa Barakatuhu,

Al-Hawl is not a year, it is different to a year, it is ten months and a half, and this is the Hawl for Allah's (swt) saying: ﴿وَحَمْلُهُ وَفِصَالُهُ ثَلَاثُونَ شَهْرًا﴾ "...and his gestation and weaning [period] is thirty months" [Al-Ahqaf: 15]

If we subtract nine months of pregnancy, then we will be left with 21 months, i.e. every Hawl is ten months and a half, this is also for the saying of Allah (swt): ﴿يُرْضَعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ﴾ "Mothers may breastfeed their children two complete years" [Al-Baqara: 233].

That is 21 months after the delivery... Therefore Zakat is due every ten and a half months, which means every 7 years we give Zakat 8 times.

Answer:

Wa Alaikum As-Salaam Wa Rahmatullah Wa Barakatuhu

It seems that you were too busy to start your question with the greeting of Islam! Never mind, we wrote it down on your behalf in the Question and also in the Answer! Isn't it better that you do not become stingy with (giving) salam, O Kareim?!

I thought of not answering (your question) for two reasons: First, because Al-Hawl means a year and this is definite in the language and Shariah. The second is because you are not asking to get an answer, you have decided the answer: that Al-Hawl is ten months and a half, and you built on that a worship which is Zakat, as you mentioned in the question!

But after thinking, I decided to answer so that your question does not confuse some people, so here is my answer and the success is from Allah (swt):

First: Al-Hawl in the language means a year, and because this is well known, some dictionaries use it (Hawl) to mean a year without giving its explanation, because it is taken to mean a year! I will cite for you what is in many language dictionaries that mentioned its meaning:

- Lisan Al-Arab: (a year ('Aam): is Al-Hawl it arrives at its winter and summer, its plural is A'wam)
- As-Sahah Taj Al-Lugha and Sihah Al Arabiyyah: (Al-Hawl: a year)
- Qamoos Al-Muheet: (Al-Hawl: year, plural: Ahwal, Hu'ool and Hwool).
- Taj Al-'Aroos: (Hawl: a year with its turn and the orbit of the sun of its Easts and Wests)
- Al-Qamoos Al-Fiqhi: (Al-Hawl: a year)

Second: Because the Quran is clear Arabic speech, it is explained in Arabic, therefore in the tafseer:

- Tafseer At-Tabari: Jami' Al-Bayan t Shakir (31/5)

Abu Ja'far said: As for His (swt) saying: ﴿حَوْلَيْنِ﴾ "two years" [Al-Baqara: 233] He means two years: Muhammad Bin Amr told me and said, Abu Asim told us and said, Issa told us,

from Ibn Abi Najeeh, from Mujahid ﴿وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ﴾ “**Mothers may breastfeed their children two complete years**” [Al-Baqara: 233] Two years

- The meaning of Qur’an and its Vocalization (l’rab) by Az-Zajaj (312/1)

And the meaning of ﴿حَوْلَيْنِ كَامِلَيْنِ﴾ “**...two complete years**” [Al-Baqara: 233] 24 months, from the day the baby is born till the day he is weaned

- Tafseer Al-Baghawi- Tayba (277/1)

His (swt) saying: ﴿حَوْلَيْنِ كَامِلَيْنِ﴾ “**...two complete years**” [Al-Baqara: 233] That is two years, and He (swt) mentioned completion for conformation.

Third: As for what you mentioned about the verse: ﴿وَحَمْلُهُ وَفِصَالُهُ ثَلَاثُونَ شَهْرًا﴾ “**...and his gestation and weaning [period] is thirty months**” [Al-Ahqaf: 15] Then you said that pregnancy is for 9 months and therefore weaning is for 21 months, and you considered that this 21 months period is two Hawls as in the noble verse: ﴿وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ﴾ “**Mothers may breastfeed their children two complete years for whoever wishes to complete the nursing [period]**” [Al-Baqara: 233]

You did not understand and judge this well! You assumed that the time of pregnancy is fixed as nine months and this is a mistake; pregnancy can be for 6,7,8 and 9 months, but the Hawl is 12 months therefore the explanation (tafseer) of the two verses are as follows: ﴿وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ﴾ “**Mothers may breastfeed their children two complete years**” [Al-Baqara: 233] That is the mothers may breastfeed for two complete Hawls (24 months) And the verse: ﴿وَحَمْلُهُ وَفِصَالُهُ ثَلَاثُونَ شَهْرًا﴾ “**...and his gestation and weaning [period] is thirty months**” [Al-Ahqaf: 15]

This means that the least period of gestation (pregnancy) is 6 months because the full time i.e. complete breastfeeding is 24 months, this means the least period of gestation is 30-24=6 month... this is well known amongst scholars and they do not disagree upon this.

Fourth: Therefore you did not understand and judge this well, and you made the fixed (factor) which is Al-Hawl variable, and made the variable (factor) which is pregnancy fixed! So you flipped over the meaning of the verse, and concluded that Al-Hawl is ten and a half month, **which is not only a mistake but it is “wrong!”**

I hope the issue is clarified...may Allah guide you to your best guided matters.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

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The link to the answer from the Ameer’s Facebook page:

<https://web.facebook.com/AmeerhtAtabinKhalil/photos/a.122855544578192.1073741828.122848424578904/598204330376642/?type=3&theater>

The link to the answer from the Ameer’s page on Google Plus:

<https://plus.google.com/u/0/b/100431756357007517653/100431756357007517653/posts/UNLde5tadCp>

The link to the answer from the Ameer’s page on Twitter:

<https://twitter.com/ataabualrashtah/status/840267596364693504>