

MOON-SIGHTING BETWEEN EARLIER AND LATEST JURISTS: SHIFTING TOWARD A MORE UNIVERSAL POSITION

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Ramadan 1436/2015

In 1998, it was a Monday when a group of Muslim students, at a New York high school, went to the school administration to request Tuesday as an excused day of absence because of their Holiday (Eid Al-Fitr). Another group went on Tuesday for the same purpose; however they requested Wednesday as an excused day of absence. On Wednesday, a third group went to request Thursday for the same reason. Confusion was the logical reaction of administrators to such a controversial request. As a Muslim instructor in the same institution, the head of the school contacted me for clarification. Mrs. Shevel was under the impression that maybe the three groups, which she always labeled as a “one religious community”, were not serious about their requests. She wondered why the Muslim students of her institution are requesting different days for the same Holiday. A big smile was on my face; however my entire body was sweating. I had to think twice before I could respond. Then, with a tone full of apparent surprise, but also milted with a deep sorrow, I said: Are you serious, don’t you know that Muslim Holidays are multiple choices; however none of the choices is false? I want to say that our Holidays celebration can take place the first, second or third day.

Almost two decades after this incident, nothing has changed. The same reality is repeated again and again, but at a larger scale. Muslim communities have to argue every year about the same issue, in a way that reminds me of the oil mill and how the animal attached to it runs for hours and hours, thinking that he is traveling far away, while the ties placed on his back make the place from which he departs and the one to which he travels to the same.

Yes it was this story what inspired me today to approach an old-new topic, hoping to move forward a rhetoric debate and reduce our holiday break from three days to one, especially in a hardworking country, like America

Introduction

The Fiqhi debates regarding the issues of Moon sighting are not new. They are healthy as long as they remain within ethical boundaries without labeling the opponents with misguidance. Very concisely, such debates mark two main positions: on the one hand, earlier jurists have opted by the unity of horizons; on the other hand, many latest jurists started shifting toward the variety of horizons.

For instance, the early jurists in almost all the known Fiqhi schools of thought deduced unity of horizons from the Ahadith that required sighting. All the known Imams required global fasting by local Moon sighting. To many of them, local sighting was the legal cause for obligating Muslims all over the globe to start fasting the month of Ramadan.

- According to Hanafi, Maliki, Hanbali (and according to one report from the Shafa’ee school of thought), no consideration is given to the diversity of

horizons in regards to confirming the month of Ramadan. The entire Muslim world is obligated to begin fasting if the new Moon is sighted anywhere in the world. This is in line with the Prophetic tradition **“start fasting by seeing the new Moon.”** The Hadith is addressed to the entire Muslim nation. Imam Abu Al-Abbas Shihabudin Al-Qarrafi stated that:

The Maliki's made the local Moon sighting a legal cause for the entire globe to fast and the Hanbali's (may Allah shower His mercy upon them) agreed to that.

- The majority of later jurists including Imam Al-Qarrafi went against these established positions by deriving ruling of **variety of horizons** from the same Ahadith. Al-Qarrafi (Died in 1285 After Hijra) says:

“If the crescent Moon differs with difference in horizons then it becomes incumbent that each locality must go with its own moon sighting. Each locality has its own prayer timings such as Fajr (prayer). This is a crystal clear truth and an exactly righteous position. On the other hand, obligating global fasting with local Moon sighting is far from the established Islamic rules. One needs to know that the Islamic texts did not require such an obligation.”

Imam Al-Qarrafi further noticed that many early jurists initially prohibited deploying calculations for daily prayer timings. Later on, very meticulous jurists, Like Takiudin Muhammad Ibn Daqiq Al-Eed, who opposed the use of calculations in fixing prayer schedules, encouraged such use. Presently, the fixed prayer schedules have become a norm in all the Muslim countries. There is a clear-cut pattern of historical

development in our Fiqhi discourse. The local realities, customs and scientific progress all have played their part in this developmental process. In the following, we are going to expose the foundations of both positions, hoping to end up with a more balanced position; one that is more suitable to the current needs and circumstances of the Muslim community here in Northern America.

I. Anti-calculation arguments

To this group of jurists,

1. The Noble Quran categorically requires physical moon-sighting (with the naked eye) to confirm the beginning and ending of the Islamic months such as Ramadan and Dul-Hajjah. The act of “witnessing the month of Ramadan”, as stated in the Quran, means sighting the new Moon of Ramadan with the naked human eye.

2. There are only two definitive methods of confirming or negating the Islamic months, which are approved by the Prophetic injunctions, i.e., the Moon sighting by the naked eye or the completion of 30 days.

The prophet (peace and blessings be upon him) said: “Fast when you see it (the new moon) and break your fast when you see it, and if it is cloudy then complete the number (of days – i.e., assume the month is thirty days).” (Agreed upon).

3. Rejection of the astronomical calculations has been an established norm in all the known schools of Islamic jurisprudence.

4. The pre-Islamic Arabs as well as Muslims of the first generation were

quite capable of employing astronomical calculations in determining their lunar months. The Muslims emphatically rejected the calculation method due to crystal clear Prophetic prohibitions against it.

II. Arguments in support of calculations method

For this group of jurists,

1. The Quran never required physical Moon sighting as the legal cause (sabab) for fasting. The Quran's required legal cause for fasting is "witnessing the month". It is an agreed upon fact among all the Quranic interpretations that the Quranic phrase "whoever witnessed the month" means whoever is present in his residential place and gets to know about Ramadan's arrival through any kind of knowledge, including sighting but not confined to sighting, should fast.

Imam Ibn Abd Al-Barr has beautifully stated that when God says, *"Whoever witnesses the month, let him fast"* (2:185), He the Almighty means, and God knows best, "Whoever among you knows, with a knowledge that is certain, that the month has indeed begun, must fast it." And knowledge that is certain is [based on] either a clear and widespread sound sighting or the completion of thirty days of the previous month."

Imam Fakhr Addin Arrazi categorically states that witnessing the month is achieved either by physical sighting or by hearing. Consequently, sighting is just one of the means to determine the arrival of the month of Ramadan and not the legal cause for fasting.

Sheikh Faisal Mowlawi, a renowned contemporary jurist, concludes that the act of witnessing the month is the real cause for fasting and not the sighting because the "witnessing" takes place with sighting and without sighting. Therefore, the physical sighting of the new Moon was prescribed as a mean to achieve that certainty.

2. It is an established fact that sighting the new Moon in itself is not an act of worship "Ibadah. It is just a mean to know the time. It has never been the objective of fasting but what it proves. It was the only way available to a nation, which knew not how to write or calculate. Its unlettered status was the sole reason for it to be dependent upon the naked eye. This is precisely what the text of the Hadith, which was reported by Imam Bukhari and which is the original source of this ruling (fast by sighting it), states."

عن ابن عمر -رضي الله عنه- أن النبي -صلى الله عليه وسلم- قال: "إنا أمة أمية لا نكتب ولا نحسب، الشهر هكذا وهكذا، وعقد الإبهام في الثالثة (أي: طواه) والشهر هكذا وهكذا يعني تمام الثلاثين".

3. In reference to the question of whether the actual **moon-sighting is a precondition for starting the month** on the 29th day of Sh'aban only or, it is also a requirement on the 30th day of the month, we should clarify that it is an agreed upon fact among all the jurists that actual moon-sighting is not required to confirm Ramadan on the 30th day of Sha'ban. In fact many Muslim countries announce Ramadan in advance to be on the next Islamic day (31 day of the month), if the new Moon was not sighted on the 29th day of the month. Nobody is asked to look for the actual Moon on the

30th day except as a Sunnah and, not as an act of obligation. That is to say that, if the actual moon-sighting was the sole legal cause of starting or ending the month of Ramadan, then this cause (sabab) would have been required not only on the 29th day but also on the 30th day of the month. Once we know that sighting as a cause is not required on the 30th day, we can conclude that it is not the actual sighting but the certainty about **arrival of the month of Ramadan, which is a precondition to fasting the month.**

4. The actual Moon sighting with naked eyes is also not the only mechanism to affirm the month of Ramadan. The Lawgiver has given us alternates of Ikmaal (completing 30 days in case of cloudy weather) or just completing 30 days if the new Moon was not sighted on the 29th day of Sha'aban even if it was not cloudy on the 29th day of the month. In the later case nobody is required to even look for the Moon on the 30th day or wait for the Moon sighting reports. The Lawgiver would have not given us alternates if moon-sighting was the only legal cause of determining Ramadan.

Therefore, we should extract from the command listed in the Hadith *“Fast when you see it (the new moon) and break your fast when you see it, and if it is cloudy then complete the number (of days – i.e., assume the month is thirty days).”* that the moon-sighting can be proved by the naked eye or by means that help the eye see the moon. The Prophet (peace and blessings of Allah be upon him) said in a Hadith, which was narrated by Abu Dawud and Attirmidi, and which was classified by Al-Albaani as authentic (saheeh): *“Fasting is the day when you all fast, and iftaar*

(breaking fast) is the day when you all break your fast and adha is the day when you all offer your sacrifice”.

5. Moreover, the verb “Ra’a / Yar’a” “seeing or sighting” is usually used in the above quoted Ahadith in the sense of actual act of physical sighting but linguistically the verb is not confined to it. It has been used in a number of other instances in the Quran as well as in the Ahadith where the meanings cannot be actual sighting but pondering or certainty. The verb “ra’a” along with its many derivatives has occurred in the Quran for 328 times. In a number of these verses the Quran has used the verb “seeing” in the context of pondering, certain knowledge or ascertaining, without any allusion to the act of sighting by human eyes.

“Didst thou not turn thy vision to those who abandoned their homes, though they were thousands (in number), for fear of death? Allah said to them: “Die”: then He restored them to life. For Allah is full of bounty to mankind, but most of them are ungrateful” (2:242).

Also the Prophetic Hadith has used the same verb “ra’a” in relation to fasting but in the secondary meanings. In the following Hadith actual sighting does not seem to be the goal. It is the certainty what is being required:

حَدَّثَنَا مُسَدَّدٌ حَدَّثَنَا عَبْدُ الْوَّاحِدِ حَدَّثَنَا الشَّيْبَانِيُّ قَالَ: سَمِعْتُ عَبْدَ اللَّهِ بْنَ أَبِي أَوْفَى رَضِيَ اللَّهُ عَنْهُ قَالَ: «سُرْنَا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَهُوَ صَائِمٌ فَلَمَّا غَرَبَتِ الشَّمْسُ قَالَ: انْزِلْ فَاجِدْ لَنَا، قَالَ: يَا رَسُولَ اللَّهِ لَوْ أَمْسَيْتَ؟ قَالَ: انْزِلْ فَاجِدْ لَنَا، قَالَ: يَا رَسُولَ اللَّهِ إِنَّ عَلَيْكَ نَهْرًا، قَالَ: انْزِلْ فَاجِدْ لَنَا، فَتَزَلَّ فَجَحَّ، ثُمَّ قَالَ: «إِنَّا رَأَيْنَا لَلَّيْلَ الْفَلَّانِ مِنْ هَاهُنَا فَتَدْرَأُ أَنْظِرِ الصَّائِمَ»، وَأَسْرَأَ بِصَنِيعِهِ قَبْلَ الْمَشْرِقِ

“We traveled with the Prophet (peace be upon him) while he was fasting. At the

Sunset he (peace be upon him) said, "Get down and mix the drink for us". He was told what if we wait for the night! He said: "prepare the drink". He was told that the daylight still seems to be there. He again asked for the drink, which was prepared for him. Then he (peace be upon him) said: "when you see the night approaching from there (and he pointed towards the East), then the fasting person should break the fast."

In this Hadith, the word "Raa'ytum" is used by the Prophet (peace be upon him) in connection with the act of breaking the fast in the evening. He said, "if you see the night coming from the East". If we were to take his words literally then we will have to go out every evening to actually see the night coming from the East to break our fast. Presently nobody goes out in the evening to see the night coming from the East to break the fast. Muslims all over the world just follow the astronomical calculations and know the Iftar schedules in advance. For instance, at the time of the Prophet (peace be upon him), Muslims did not have many choices. That is why they adopted the most certain method of seeing the night coming from the East to break their fasts.

Currently, that method has been replaced by the astronomically calculated calendars and no jurist has any problem with that replacement. They readily agree that the Prophetic command "raa'ytum al-layl" "sighting the night" requires certainty about the night's arrival and not its physical sighting with the naked eye. Once the calculated watches and calendars precisely achieve that certain knowledge, their use is in absolute conformity with the Prophetic command

of "raa'ytum". Therefore, insistence upon the literal and primary meanings of the word "ra'a" in confirming or negating Ramadan seems to be a little astonishing.

6. Moreover, the science of astronomy has tremendously developed over the past few centuries. Currently we are not dependent upon the amateur astrologers or magicians for the calculations. The astronomical calculations are produced by professional scientists with hundred percent precision. We depend upon them in our five times daily prayers, Imsaak and Suhur timings. We can definitely utilize them in affirming or negating the Islamic months. The Muslim Ummah of the 21st century is facing different realities and circumstances. The religious verdicts must conform to the current Ummah's realities and respond to their needs rather than the needs of the previous centuries. Such a progressive outlook is in conformity with the principles of Islamic Jurisprudence and in line with the spirit of Islamic Shari'a.

Conclusion

For all the above-mentioned reasons and arguments, Apex Mosque, beginning this coming Ramadan, will opt for the calculations method. That is to say that, based on the scientifically authenticated astronomical calculations method, adopted in the year 2006 by the Fiqh Council of North America (FCNA) as a valid Islamic source of confirming or negating an Islamic month, the first day of Ramadan for the year 1436/2015, will be on Thursday, June 18th, and that Eid-Al-Fitr will be on Friday July 17th.

We now believe that sighting the new Moon in itself is not an act of worship "Ibadah. It is just a mean to know the

time. It was the only way available to a nation, which knew not how to write or calculate. Its unlettered status was the sole reason for it to be dependent upon the naked eye. In our times, the great development of science and technology, confirms everyday what Allah the Almighty stated in His Noble Book, “*the sun and the moon move by precise calculation*” [Chapter: Arrahmane]. Such development has made the calculations method more convenient, authentic and precise than any previous times. It also makes it easier for Muslim fellows, especially those who are a minority, to plan ahead of time and fully and wisely benefit from the month of Ramadan.

We already started seeing the benefits of adopting a united approach. In New York, the Muslim community could convince the authority with the importance of officially recognizing Muslim Holidays. We believe that it is time for all other Muslim communities, all over the States, to come together and adopt an approach that reflects more unity and harmony.