بسم الله الرحمن الرحيم

I begin in the Name of Allah, the Most Merciful, Most Compassionate

Moon Sighting Explained

This paper intends to discuss the issue of establishing the beginning and end of the Islamic Lunar Month, in particular Ramadan.

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Introduction

One of the most important issue Muslims face in the west, including Australia, which needs to be addressed from a scholarly and juristic perspective, is the issue of whether establishing the start and end of the lunar months through Astronomical Calculations is valid in Islamic Jurisprudence, or is physical moon sighting the only valid opinion. For this reason, I will dedicate the first section to discussing this issue in detail. After this, I will explain the difference between Regional Moon sighting and Global Moon sighting and then elaborate on that issue also. I will try my best to use simple English and point form, so that the point numbers can be used as a reference if one wishes to ask or comment on a particular point.

Physical Sighting Vs Astronomical Calculations

For centuries, Muslims around the world established the start and end of lunar months by physically sighting the crescent, in accordance with the words of our Prophet (PBUH) "Fast when you see it and break your fast when you see it" and "Do not fast until you see it, and do not break your fast until you see it". However, recently, some contemporary scholars started advocating dependence on Astronomical Calculations as a substitute for physical sighting. The vast majority of scholars in Muslim countries rejected this opinion and asserted that physical sighting is the only valid method. Notwithstanding, dependence on Astronomical Calculations became the wide spread preference for many Muslim organizations in Western Countries which resulted in heated and sometimes harsh debates within these already vulnerable minority communities and caused a lot of division.

The problem that we face now in the west is that the majority of the public who have no jurisprudential background tend to view both opinions as if they are equally acceptable in Islam. Frustrated by the division and lack of unity, they call out to their Imams and leaders to agree on whichever opinion and end the controversy. That is why it is crucial that everyone in these communities becomes aware of the misunderstanding they have fallen in. Physical sighting and Astronomical Calculations are not equally valid as usually purported. Dependence on Astronomical Calculations to establish the start and end of lunar months is a rogue opinion that is extremely controversial if not totally invalid, whereas, depending on physical sighting is agreed upon, even by those who accept Astronomical calculations.

In the following sections, I will explain why our scholars from the past and the present totally rejected depending on Astronomical Calculations as a substitute to physical sighting.

1. Scholarly Consensus that Astronomical Calculations are not a valid way of establishing the start or end of the lunar month

For those who may not know, Scholarly Consensus (*Ijmaa'*) by definition is: "The agreement of **all** scholars, in a certain period of time, after the death of the Prophet (PBUH) on a legal ruling".

Once Scholarly Consensus is established it becomes binding on the entire Ummah, **and no later scholar can disagree or amend the ijma'a, and if he does his opinion is rejected and not considered valid**.

Many Scholars have narrated the Scholarly Consensus (*Ijmaa'*) that Astronomical Calculations are of no value in establishing the start or end of Lunar months, namely:

a. Abu Bakr Ibn Al Munthir An-Naysabouri (d. 318 A.H.)
b. Abu Omar Ibn Abd Al Bar Al Andalusi (d. 463 A.H.)
c. Ibn Rushi (the Grandfather) (d. 520 A.H.)
d. Ahmad Ibn Taymiya Al-Harrani (d. 728 A.H.)
e. Abu Abdillah Al Qurtubi (d. 671 A.H.)
f. Abu Walid Al Baji (d. 474 A.H.)

g. Ibn Hajar Al 'Asqalani (d. 852 A.H.)

Here are some profound quotes of the aforementtioned reputable Scholars:

قال الإمام القرطبي: و هذا لا نعلم أحدا قال به إلا بعض أصحاب الشافعي (أنه يعتبر في ذلك بقول المنجمين) والإجماع حجة عليهم

Al Imam Al Qurtubi said: "And we don't know any scholar who said this before (that we can depend on those who follow astronomical calculations) except some followers of the Shafie School, **and the preceding scholarly consensus is a clear proof against them**."[1]

وقال ابن حجرفي فتح الباري: وقد ذهب قوم إلى الرجوع إلى أهل التسيير في ذلك وهم الروافض، ونقل عن بعض الفقهاء موافقتهم. قال الباجي: وإجماع السلف الصالح حجة عليهم و قال ابن بزيزة: هو مذهب باطل

Ibn Hajar Al Asqalany says in Fathul Bari: "And some people were of the opinion that depending on those who follow Astronomical Calculations is acceptable, **and those people are the Rawafid (Shi'aa)**, and it has been transmitted that some (Sunni) Scholars agreed with them, but ***Al Baji* confirmed that the preceding scholarly consensus is a clear proof against them, and Ibn Bazizah said: this opinion is *Batil* (Invalid)"[2]**

قال شيخ الإسلام ابن تيمية في مجموع الفتاوى: فإنا نعلم بالاضطرار من دين الإسلام أن العمل في رؤية هلال الصوم أو الحج أو العدة أو الإيلاء أو غير ذلك من الأحكام المعلقة بالهلال بخبر الحاسب أنه يرى أو لا يرى لا يجوز . والنصوص المستفيضة عن النبي صلى الله عليه وسلم بذلك كثيرة . وقد أجمع المسلمون عليه . ولا يعرف فيه خلاف قديم أصلاً ولا خلاف حديث ؛ إلا أن بعض المتأخرين من المتفقهة الحادثين بعد المائة الثالثة زعم أنه إذا غم الهلال جاز للحاسب أن يعمل في حق نفسه بالحساب فإن كان الحساب دل على الرؤية صام وإلا فلا . وهذا القول وإن كان مقيداً بالإغمام ومختصاً بالحاسب فهو شاذ مسبوق بالإجماع على خلافه . فأما اتباع ذلك في الصحو أو تعليق عموم الحكم العام به فما قاله مسلم

Ibn Taymiya said: "It is common knowledge in the religion of Islam that following the verdict of a *Hasib* (someone who follows Astronomical Calculations) on whether the Crescent is sightable or not sightable is **not permitted** in establishing the sighting of the crescent of

[1] Abu Abdillah Al Qurtubi, *Al Jami' L'ahkam Al Quran*, V1, p.363
[2] Ibn Hajar Al Asqalani, Fathul Bari Sharh Sahih Al Bukhari, V4, p.127

fasting, pilgrimage, *Idda* (waiting period for a divorce or a widow), *Iylaa'(*form of divorce) or any other Islamic rulings dependent on the Crescent, and the wide spread legal texts from the Prophet (PBUH) supporting this are numerous, and **Muslims have agreed on this** and there is no old or new difference of opinion on the matter, except that some Scholars after the third century claimed that if the Crescent is obscured, then the *Hasib* (**himself only**) is permitted to follow his own Astronomical Calculations, so if his calculations lead to the sightability he fasts and if not he doesn't fast, and this opinion, although restricted with obscurity of the Crescent and specifically allowed for the *Hasib* himself, is a rogue opinion preceded by Scholarly Consensus (i.e: the scholarly agreement that calculations are invalid in all cases). **As for following Astronomical Calculations when the crescent is not obscured, or making the general ruling dependent on these calculations, no Muslim has ever said that!**"[3]

و قال شيخ الإسلام ابن تيمية أيضا: ولا ريب انه ثبت بالسنة الصحيحة واتفاق الصحابة انه لا يجوز الاعتماد على حساب النجوم كما ثبت عنه فى الصحيحين انه قال انا امة امية لا نكتب ولا نحسب صوموا لرؤيته وأفطروا لرؤيته والمعتمد على الحساب فى الهلال كما انه ضال فى الشريعة مبتدع فى الدين فهو مخطىء فى العقل وعلم الحساب

Ibn Taymiya also said: "Undoubtedly the calculations are rejected by the Sunnah as well as consensus of the Companions, as the authentic Hadith narrated by Bukhari and Muslim says, The Prophet of Allah (PBUH) said: "We are an unlettered nation we do not write and we do not calculate, fast upon sighting it and stop fasting upon sighting it." Therefore the **one who depends upon calculations is a misguided innovator not only mistaken in the matters of Shari'ah but also in the matters of logic and the science of calculations**"[4].

2. Astronomical Calculations in the four main schools of Jurisprudence

A. Hanafi School

قال ابن عابدين في حاشيته :(قوله: ولا عبرة بقول الموقتين) أي في وجوب الصوم على الناس بل في المعراج لا يعتبر قولهم بالإجماع ولا يجوز للمنجم أن يعمل بحساب نفسه...

[3] Ibn Taymiya Al Harrani, Majmoo' Al Fatawa, V25, p.132
[4] Ibn Taymiya Al Harrani, Majmoo' Al Fatawa, V25, p.207

Ibn Abideen said in his commentary: "(His saying: There is no significance to the statements of *al-mowak-kiteen* {those who calculate astronomically}) meaning in the obligation of fasting. In fact, in the book *Al-Mi'raj* it is mentioned that there is **scholarly consensus** that there is no value to their statements. And the *Munajjim* (the person who calculates astronomically) is not allowed to fast depending on his own calculations."[5]

و قال ابن عابدين أيضا: و قد صرحت أئمة المذاهب الأربعة بأن الصحيح أنه لا عبرة برؤية الهلال نهارا وإنما المعتبر رؤيته ليلا و أنه لا عبرة بقول المنجمين

Ibn Abideen also said: "The Imams of the four schools stated that the correct opinion is that there is no significance to the sighting of the crescent in the morning and that the sighting is only significant at night, **and that there is no significance in the statements of the *munajjimeen* (those who calculate astronomically)**."[6]

B. Maliki School

قال العلامة الدرير في الشرح الكبير: "(يثبت رمضان) أي يتحقق في ... إما (بكمال شعبان) ثلاثين يوما ...لا بحساب نجم وسير قمر على المشهور لأن الشارع أناط الحكم بالرؤية أو بإكمال الثلاثين ... (أو برؤية عدلين)

Imam Ad-dareer said in *Ash-sharhul Kabir*: "The start of Ramadan is established… either by completing the month of Shaaban thirty days … **not by Astronomical Calculations** according to the *Mash-hoor* (the famous fatwa in the school) **because the legislator (Allah SWT) made the ruling dependent on the sighting of the crescent or the completion of thirty days for *Shabaan*."**[7]

و قال الشيخ أحمد زروق في شرح رسالة ابن أبي زيد شرح رسالة ابن أبي زيد على قوله (فإن غم الهلال فيعد ثلاثون يوما من غرة الشهر الذي قبله ثم يصام وكذلك في الفطر) : ظاهر كلامه أنه لا يلتفت إلى كلام المنجمين وهو كذلك

Sheikh Ahmad Zarrouk says in his commentary on *Risalat ibn Abi Zayd*: "It is apparent from his words that **no attention should be given to those who follow astronomical calculations**, and this is the **TRUTH**!"[8]

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[5] Mohammad Ameen Ibn Aabideen, *Rad Al Muhtar 'Alad-duril Mukhtar*, V2, p.100
[6] Mohammad Ameen Ibn Aabideen, *Rad Al Muhtar* 'Alad-duril Mukhtar, V2, p.104
[7] Mohammad Ad-dusuki, *Hashiyat ad-dusuki 'Alash-sharhil Kabeer*, V1, p.510
[8] Ahmad Zarouk, *Sharh Risalat Ibn Abi Zaid*, V1, p.291

و قال القرطبي: " وقد روى ابن نافع عن مالك في الإمام لا يصوم لرؤية الهلال "ولا يفطر لرؤيته وإنما يصوم ويفطر على الحساب إنه لا يقتدى به ولا يتبع

Al Qurtubi said: " Ibn Nafi' narrated that Malik said that if an Imam (Head of an Islamic State) does not fast according to physical moon sighting and does not break his fast according to moon sighting but instead fasts and breaks fast according to astronomical calculations, **he is not to be obeyed or followed**!!!"[9]

C. Shafei School[10]

وقال الإمام النووي في المجموع : من قال بحساب المنازل فقوله مردود بقوله صلى الله عليه وسلم في الصحيحين . « إنا أمة لا نكتب ولا نحسب الشهر هكذا وهكذا .. » الحديث... فالصواب ما قاله الجمهور وما سواه فاسد مردود بصرائح الأحاديث

Imam An-Nawawi said: "Whoever approves of following Astronomical Calculations **his opinion is rejected** by the Prophet's Hadith: (we are a nation that does not write or calculate, the month is like this and like this…) the Hadith… So the correct opinion is the opinion of the majority of Scholars and **every other opinion is corrupt and rejected by the apparent Hadiths.**"[11]

و قال ابن حجر الهيتمي في تحفة المحتاج: (يجب صوم رمضان بإكمال شعبان أو رؤية الهلال)... لا قول منجم... و حاسب... ولا يجوز لأحد تقليدهما

Ibn Hajar Al Haitami said in *Tuhfatul Muhtaj*: "Fasting in Ramadan becomes compulsory through completing *Shabaan* or the sighting of the Crescent… **not according to an astrologer… or a *Hasib (*one who calculates)… and it is not permitted for anyone to follow them**".[12]

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[9]Abu Abdillah Al Qurtuby, Al Jami' L'ahkam Al Quran, V1, p.363

[10] Please note that some late Shafie scholars like Shamsud-din Ar-ramly were of the opinion that depending on Astronomical calculations is valid only for the Hasib and those who believe him, but the Imam cannot depend on this for the general public. So the claim that some Shafie scholars accept Astronomical Calculations as a substitute for physical sighting is unfounded.

[11] Yahia Ibn Sharaf An-nawawi, Al Majmoo', V6, p.270

[12] Ibn Hajar Al Haitamy, *Tuhfatul Muhtaj*, V4, P.492,493

و قال شمس الدين الرملي في نهاية المحتاج: و شمل كلام المصنف ثبوته بالشهادة ما لو دل الحساب على عدم إمكان الرؤية... لأن الشارع لم يعتمد الحساب بل ألغاه بالكلية، و هو كذالك كما أفتى به الوالد رحمه الله تعالى

Shamsud-din Ar-ramli said in *Nihayatul Muhtaj*: "We can also understand from the words of the author (An-nawawi) that the sighting of the Crescent can be established by sighting **even if Astronomical Calculations state that there is no possibility of sighting... because the legislator (Allah and His Prophet) did not depend on Astronomical Calculations but in fact totally ignored it**, and this is the **Truth** as my father (Ash-shihab Ar-ramli) gave a Fatwa accordingly."[13]

D. Hanbali School

وقال ابن مفلح الحنبلي في الفروع: ومن صام بنجوم أو حساب لم يجزئه وإن أصاب ولا يحكم بطلوع الهلال بهما ولو كثرت إصابتهما

Ibn Muflih Al Hanbali said: "**Whoever fasts according to astrology or astronomical calculations his fasting is invalid, even if he turns out to be correct**, and no confirmation of sighting should be based on either, even if they are usually correct"[14]

قال ابن قدامة : وكذلك لو بنى على قول المنجمين وأهل المعرفة بالحساب، فوافق الصواب، لم يصح صومه ، وإن كثرت إصابتهم، لأنه ليس بدليل شرعي يجوز البناء عليه، ولا العمل به ، فكان وجوده كعدمه

Ibn Qudamah said: "And if someone depends on the statements of astrologers and those who have the knowledge of calculation, and it turns out that he was right, his fasting is invalid, even if they are usually correct, because it is not a legal proof that one can depend on, or act upon, so its presence is equal to its non-presence"[15]

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[13] Shamsud-din Ar-ramly, *Nihatul Muhtaj*, V3, p.153
[14] Ibn Muflih Al Hanbali, *Al Furoo'*, V3, p.11
[15] Ibn Qudamah Al Maqdisy, *Al Moghny*, V3, p.9

3. Documented Fatawa (legal Verdicts) with regards to Following Astronomical Calculations

There are numerous documented Fatwas rejecting the use of Astronomical Calculations. I will present quotes from three main ones as they should be sufficient for any one who is still unclear on the matter. The actual full text of these Fatawa can be found in the Appendix.

A. The Fatwa of the his eminence Sheikh Mohammad Olaish the previous Mufti of Egypt (مفتي الديار المصرية) **extracted from his book "Fathul 'Alli Al Maliki Fil Fatawa 'alla mathab Al Imam Malik."**

(مفتي الديار المصرية)

فتوى مفتي الديار المصرية الأسبق فيمن أثبت الصوم على الحساب

من كتاب فتح العلي المالك في الفتوى على مذهب الإمام مالك، للشيخ أبي عبد الله محمد أحمد عليش المالكي مفتي الديار المصرية الأسبق

مسائل الصيام

ما قولكم فيما وقع من بعض الشافعية مشهورًا بالعلم والديانة من اعتماده في ثبوت رمضان وشوال على حسابه سير القمر وعدم اعتباره لرؤية الهلال بالبصر واتفق له مرارًا صوم قبل عموم الناس بيوم وفطره قبلهم كذلك ويظهر ذلك لخواصه وأحبابه ويقلدونه فيه وربما تعدى الأمر لغيرهم فقلده أيضًا وكاد أن يتسع هذا الخرق وأهل العلم ساكتون عليه فهل هذا صحيح في مذهب الإمام الشافعي فيجوز موافقتهم عليه أو هو ضلال يجب إنكاره والنهي عنه حسب الإمكان وتحرم موافقتهم فيه أفيدوا الجواب؟

فأجبت بما نصه: الحمد لله على توفيقه لطريق الصواب والصلاة والسلام على سيدنا محمد والآل والأصحاب، نعم هو ضلال، تحرم موافقتهم فيه، ويجب إنكاره، والنهي عنه حسب الإمكان، إذ هو هدم للدين ومصادم لصريح حديث سيد المرسلين ووقوعه من ذلك الرجل أدل دليل على جهله المركب وعدم ديانته واختلال عدالته ودناءة همته وعدم مروءته، وأنّ مقصوده الشهرة، ولا حول ولا قوة إلا بالله، وإنا لله وإنا إليه راجعون

"Rulings of fasting:

Question – What is your opinion with regards to some followers of the Shafei school (known for their knowledge and religiosity) who rely, for the establishment of Ramadan and shawal (Eid), on the calculation of the movements of the moon and their lack of regard for the

sighting of the moon by the human eye? On several occasions this has resulted in them fasting on a different day to the general populace and ending fast before them as well. That person spreads this idea to his close friends and relatives and they follow him, and sometimes they inform others from the outer circle and they also following them. This division is about to spread and the scholars of sacred knowledge are silent on the matter. So is this a correct opinion in the Shafei School that we should accept from them? Or is it misguidance that requires coming out against, denying, preventing others from following, and *Haram* (unlawful) to accept from them? We ask a reply.

Answer – All thanks to Allah for His guidance to the correct path and salutations on Muhammad and his family and companions.

Yes it is misguidance! It is Haram (unlawful) to agree with this position (i.e. depending on Astronomical calculations) and one must openly disagree with it and prevent others from following it when one can, because it is destruction of religion and in obvious contradiction to the sayings of the best of messengers. And the actions of this man is the greatest proof of his utter ignorance, his lack of religion, the defectiveness of his uprightness, and his lack of ambition and that his aim is fame and La howla wa la quwata illa billah, In Allah we seek refuge…"

B. The Decision of the High Council Of Scholars of Saudi Arabia (هيئة كبار العلماء)

Extracts from decision No. 34 on 14/2/1395

ثانيا: أنه لا عبرة شرعا بمجرد ولادة القمر في إثبات الشهر القمري بدءا وانتهاء بإجماع ما لم تثبت رؤيته شرعا، و هذا بالنسبة لتوقيت العبادات، و من خالف في ذلك من المعاصرين فمسبوق بإجماع من قبله

"Secondly: There is no legal relationship between the mere birth of the new moon and the start and the end of the lunar month by Scholarly Consensus, as long as no physical sighting has been proven, and this is with regards to timings of acts of worship, and any contemporary scholar who has a different opinion is preceded by the consensus of those before him". (i.e: His opinion is rejected)

رابعا : أن المعتبر شرعا في إثبات الشهر القمري هو رؤية الهلال فقط دون حساب سير الشمس والقمر

"Fourthly: What is legally of value in establishing the lunar month is the physical sighting of the crescent **only**, and not astronomical calculations of the movement of the sun and the moon."

C. The Decision of the Islamic Fiqh Council المجمع الفقهي الإسلامي

مجلس مجمع الفقه الإسلامي الدولي المنعقد في دورة مؤتمره الثالث بعمان عاصمة المملكة الأردنية الهاشمية من 8-13 صفر 1407هـ، الموافق 11 – 16 (أكتوبر) 1986م

قرار رقم: 18 (6/3) بشأن توحيد بدايات الشهور القمرية

ثانياً: يجب الاعتماد على الرؤية، ويستعان بالحساب الفلكي والمراصد، مراعاة للأحاديث النبوية، والحقائق العلمية

The committee of International Islamic jurisprudence established in the 3rd convention in Amman, the capital of Jordan (8th-13th of *Safar* 1407 A.H), (11th -16th October 1986)

Decision No.18 (3/6) with regards to unifying the starts of lunar months

"Secondly: **Depending on Physical Sighting is obligatory**. Astronomical calculations and observatories can be used to assist (physical sighting)"

There are numerous Fatawa from other official Islamic organizations rejecting dependence on Astronomical Calculations. I presented these three examples as evidence to prove my point. Unfortunately, some respectable brothers in our community try to counter these documented Fatawa by presenting the official statements of Islamic bodies in favor of depending on Astronomical Calculations like the Fiqh Council of North America (FCNA) and the European Council for Fatwa and Research (ECFR). Two points, then, have to be clarified. Firstly, the Fatawa of Islamic organizations are not equal in weight. I hope everyone is aware of the difference in credibility between an organization such as the Islamic Fiqh Council (that has official members from 43 countries) or the High Council of Scholars of Saudi Arabia, as opposed to the aforementioned organizations that accepted Astronomical Calculations. Secondly, just to avoid a futile debate of who is who and who has more weight, the point we are trying to make here is that depending on Astronomical Calculations was rejected by very reputable scholars in the past and present and it was known as an invalid opinion. So, at the very least, one should admit that the opinion of following Astronomical Calculations is extremely controversial.

4. The invalid claims of those who follow Astronomical Calculations and how the scholars responded

Contemporary scholars who approve of Astronomical Calculations came up with certain claims to strengthen their argument, and unfortunately these claims have become widespread among the public. In this section I will mention some of these claims and how the scholars have responded.

CLAIM 1:

There is difference of opinion among the *Salaf* (pious predecessors) and the scholars of the four schools on the matter, and many of them permitted using astronomical calculations.

ANSWER 1:

This is a false claim, as **no one** from the *Salaf* or the scholars of the four schools approved of Astronomical Calculations **as a substitute** to physical moon sighting, based on what was presented in section 1, 2 and 3. It is true that some individual scholars accepted the use of Astronomical Calculations, but with heavy restrictions, like the weather being overcast, or allowing its use specifically for the *Hasib* and those who trust him and even these opinions were considered rogue and anomalous by the vast majority of scholars. However, contemporary advocates depending on astronomical calculations apply their method for the general public (not only for the *Hasib*) regardless of weather conditions and physical sighting. **This Fatwa has no precedent in Islam, and is in clear breach of scholarly consensus.**

CLAIM 2:

Early scholars of Islam denounced Astronomical Calculations in their time because not many people knew the science of Astronomy and calculations were inaccurate and usually based on soothsaying and fortunetelling. Nowadays, after the advance of technology and the science of Astronomy these calculations are extremely accurate so the verdict should change and we should depend on them.

ANSWER 2:

Again this claim is false in two respects:

1. Early scholars of Islam did not denounce Astronomical Calculations in their time just because they were inaccurate and only known to a few. They denounced them because of the Prophets words: "Do not start your fast until you **sight** the moon". They understood that Fasting is an act of worship that has a specific time, and this time does not start by the birth of the new moon; it starts by physically sighting the crescent, which is usually not possible before the Crescent is approximately 18 hours old. Many

Scholars confirmed that the birth of the new moon is absolutely irrelevant and is not a reason to start the month, even if calculations become accurate and knowledge of astronomy abundant. Here are some quotes of our scholars to prove this point:

قال ابن حجر في فتح الباري: والمراد بالحساب هنا حساب النجوم وتسييرها، ولم يكونوا يعرفون من ذلك أيضا إلا النزر اليسير، فعلق الحكم بالصوم وغيره بالرؤية لرفع الحرج عنهم في معاناة حساب التسيير واستمر الحكم في الصوم ولو حدث بعدهم من يعرف ذلك، بل ظاهر السياق يشعر بنفي تعليق الحكم بالحساب أصلا

Ibn Hajar said in *Fathul bari*: "Calculation here means: Astronomical Calculations and movements of stars, and they did not have much knowledge in that field, for this reason the ruling of fasting and other matters became dependent on physical sighting to relieve them of the burden of calculating movements of stars, **and the ruling continued with regards to fasting even if after them came generations that have this knowledge**. In fact, it can be deducted from the apparent context that **there is no connection or relation between the ruling of fasting and calculations"**.[16]

و قال أحمد الرشيدي في حاشيته على نهاية المحتاج : لأن الشارع إنما أوجب علينا الصوم بالرؤية لا بوجود الشهر

Ahmad Ar-rasheedi said in his commentary on *Nihayatul muhataj*: "For the legislator made fasting compulsory on us by physical sighting **not just the mere existence of the month's crescent**"[17]

قرار هيئة كبار العلماء بالمملكة السعودية رقم (34)
ثانيا: أنه لا عبرة شرعا بمجرد ولادة القمر في إثبات الشهر القمري بدءا وانتهاء بإجماع ما لم تثبت رؤيته شرعا، و هذا بالنسبة لتوقيت العبادات، و من خالف في ذلك من المعاصرين فمسبوق بإجماع من قبله

And the High Council of Scholars of Saudi Arabia came to the following decision:

Decision (34) on 14/2/1395
"Secondly: **There is no legal relationship between the mere birth of the new moon and the start and the end of the lunar month by Scholarly Consensus**, as long as no physical sighting has been proven, and this is with regards to timings of acts of worship, and **any contemporary scholar who has a different opinion is preceded by the consensus of those before him**". (i.e: His opinion is rejected)

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[16] Ibn Hajar Al Asqalani, *Fathul Bari Sharh Sahih Al Bukhari*, V4, p.127
[17] Ahmad Ar-rasheedi, *Hashiyat Nihayatul Muhtaj*, V3, p.150

2. It is true that Astronomical Calculations are extremely accurate in identifying the time of Conjunction (new Moon). However, despite the advancement of technology no calculations can confirm accurately when the crescent will be sighted for a certain month in a certain place.

The following can be found on the U.S. Naval Observatory's website in a section designed for Muslims:

"The visibility of the lunar crescent as a function of the Moon's "age"—the time counted from New Moon—is obviously of great importance to Muslims. The date and time of each New Moon can be computed exactly (see, for example, Phases of the Moon in "Data Services") but **the time that the Moon first becomes visible after the New Moon depends on many factors and cannot be predicted with certainty**. In the first two days after New Moon, the young crescent Moon appears very low in the western sky after sunset, and must be viewed through bright twilight. It sets shortly after sunset. The sighting of the lunar crescent within one day of New Moon is usually difficult. The crescent at this time is quite thin, has a low surface brightness, and can easily be lost in the twilight. Generally, the lunar crescent will become visible to suitably-located, experienced observers with good sky conditions about one day after New Moon. However, the time that the crescent actually becomes visible varies quite a bit from one month to another. **The record for an early sighting of a lunar crescent, with a telescope, is 12.1 hours after New Moon; for naked-eye sightings, the record is 15.5 hours from New Moon**. **These are exceptional observations and crescent sightings this early in the lunar month should not be expected as the norm**. For Islamic calendar purposes, the sighting must be made with the unaided eye."[18]

CLAIM 3:

Scholars who denounce the use of Astronomical Calculations to establish the start and end of lunar months contradict themselves because they follow calculations in their prayer times and they don't insist on the physical sighting of Noon or Sunset and so forth.

ANSWER 3:

Scholars of Islam have specifically mentioned that there is a clear difference between the prayer times and the start and end of Ramadan. In regards to prayer times, any means of establishing that the time for prayer has entered is accepted. This is why scholars accept the use of calculations for establishing the start and end of Prayer times, but for fasting, they assert that physical sighting has to be established to start the month. The difference between these two originates from the words of the Quran or the words our Prophet (PBUH) used. For prayer timings, the Quran and Sunnah never stipulated physical sighting, whereas in the start and end of lunar month physical sighting is the asserted condition.

[18] Hamza Yusuf, *Caesarean Moon Births*, Part 2, p.10
You can check the website http://aa.usno.navy.mil/faq/docs/islamic.php

Al Imam Al Qarafi, who is one of the renowned scholars of the seventh century, mentioned the difference between prayer times and the lunar months in his book *Al Furuq*. The title of the chapter where he clarifies the difference between them is as follows:

الْفَرْقُ الثَّانِي وَالْمِائَةُ بَيْنَ قَاعِدَةِ أَوْقَاتِ الصَّلَوَاتِ يَجُوزُ إِثْبَاتُهَا بِالْحِسَابِ وَالْآلَاتِ وَكُلِّ مَا دَلَّ عَلَيْهَا وَبَيْنَ قَاعِدَةِ الْأَهِلَّةِ فِي الرَّمَضَانَاتِ لَا يَجُوزُ إِثْبَاتُهَا بِالْحِسَابِ

"Difference No. 102 between the ruling of prayer times (that can be determined by calculation and instruments and any method that leads to this knowledge) AND the ruling of the crescents of Ramadans (that cannot be established by Calculations)"

This is a summary of what he says:

"Why is it that we can determine prayer times by calculation and the use of instruments, yet in the case of crescent moons for the determination of our Ramadans, it is not permissible to use [instruments and calculation] according to the accepted position? The difference is that God has stipulated in our devotional practice [of fasting] the sighting of the crescent moon and if that is not possible then the completion of thirty days of Shaban, and He did not stipulate the astronomical new moon. On the other hand, in the case of prayer times, He stipulated simply the entrance of the times and their self-determining times. Hence, we are able to determine them by any means possible. For instance, a prayer is conditional upon the occurrence of the sun's postmeridian phase. [With Ramadan] however, it was not linked with the conjunction's separation but with its physical sighting. And should the crescent be obscured, we complete thirty days."[19]

As scholars have clearly mentioned the difference between these two matters centuries ago, why are some people still trying to confuse the public?

5. Other points that prove following Astronomical Calculations is problematic

PROBLEM 1:

Those who advocate depending on Astronomical Calculation usually present their opinion as if it is the solution to bring about unity between Muslims. However, the facts are that these advocates actually differ among themselves in their choice of the Criteria on which they base these calculations. The truth is there is not one method for calculating the start of the lunar months, there is, at least, five different methods that depend on different criteria. A massive problem we face, then, is that we have no proof from Quran and Sunna to direct us to a preference.

[19] Hamza Yusuf, *Caesarean Moon Births*, Part 2, p.6

Here is a list of the different methods of calculations:

A. Conjunction (new moon) before Maghrib in Makka, Saudi Arabia:

This method states that if conjunction (new moon) takes place before the sun sets in Makka, and there is a time lag between sunset and moonset, then the lunar month starts that night in the entire world. This method is the method approved by ISNA

B. Conjunction(new moon) before Maghrib in separate countries:

This method is similar to the first, but the only difference is that it does not use Mecca as a base point; rather it depends on the situation in different countries.

C. Conjunction (new moon) before Midnight:

This method states that if conjunction happens before Midnight then the lunar month starts that night.

D. Conjunction (new moon) before Fajr:

This method states that if conjunction happens before fajr then the lunar month starts that night.

E. Possibility of physical sighting:

This method states that if the Crescent at Sunset is old enough to be physically sighted then the lunar month starts that night, even if the crescent is <u>not</u> actually sighted.

Then again, advocates of this method differ radically on the required criteria of possible sighting. Some say the crescent has to be at least 18 hours old with a minimum lag time of 47 min. Others say 12 hours, and others say 15. Others say that we should include other criteria like elongation and altitude of the Moon, and so on.

Knowing this, one has to ask: Which method should we follow? And why? If there is no proof from Quran and Sunnah to support any of these methods, then what will be the basis of our choice?

It is very easy to say follow Astronomical Calculations, but when these details are presented the true complexity of matters surface.

<u>PROBLEM 2:</u>

Another problem the advocates of Astronomical Calculation face is that Saudi Arabia and the majority of Muslim countries in the Middle East strictly follow physical sighting, and give no value to Astronomical Calculations. Even when Calculations say that it is impossible for the crescent to be sighted in Saudi, but a witness from the desert testifies that he has seen the crescent (or Allah knows best what he has seen) Saudi Arabia and neighboring countries start the lunar month! As a result, many countries that follow Saudi around the world start the lunar month also, leaving our friends who follow Astronomical Calculations in a very awkward situation, bearing in mind that their intention was always to bring unity in the Muslim world.

Finally, I think after what has been presented, any unbiased Muslim must admit that depending on Astronomical Calculation in establishing the start and end of a Lunar month is, at the very least, an extremely controversial opinion in Islamic jurisprudence if not completely invalid. How can a Muslim neglect thirteen centuries of pious scholars denouncing this method, and follow a minority of contemporary scholars (with all due respect and reverence), bearing in mind that these scholars are unlikely to have reached the level of *Ijtihad* (a scholarly rank that gives the person the right to give his own *Fatwas* in Islam). Why would an individual Muslim, let alone an Islamic organization or Imams Council take such a risk? Always remember that we are not discussing a worldly matter. We are speaking here about an act of worship that is one of the pillars of Islam. I ask Allah to guide us all to the straight path and unite this Ummah on the truth, Ameen.

Global Moon Sighting Vs Regional Moon Sighting

The other debate we face in Australia is whether we should follow Global Moon Sighting or Regional Moon Sighting. This debate is not as dangerous as following astronomical calculation as both opinions have deep historical roots in our Islamic jurisprudence and both are in the realm of physical moon sighting. I will present the foundations of this debate for further understanding on this issue.

REGIONAL MOON SIGHTING:

According to this opinion if the crescent is physically sighted within the boundaries of a certain region, then the lunar month has started. Any reports of sighting that come from outside the boundaries of the region are irrelevant and have no effect on the start or end of the month.

This is the *Mu'tamad* Fatwa (the legal ruling of the School) of the Shafie School and the opinion of some Hanafi Scholars (but it is not the *Mu'tamad* Fatwa in the Hanafi school).

The proof for this opinion is the famous hadith of Kurayb who reported that Umm-ul-Fadhl Bintul-Harith sent him to Mu'awiya in Al-Sham; he said: "I arrived in Al-Sham and did business for her (Umm-ul-Fadhl Bintu-l-Harith). It was there in Al-Sham that the month of Ramadan commenced. I saw the new moon of Ramadan on Friday. I then came back to Madina at the end of the month. Abdullah Ibn Abbas (R) asked me about the new moon of Ramadan and said: "When did you see it?" I said: "We saw it on the night of Friday," He said: "Did you see it yourself?" I said: "Yes, and the people also saw it and observed the fast and Mu'awiya also observed the fast; whereupon he said: "But we saw it on Saturday night so we will continue to observe fast till we complete thirty (fasts) or we see it (the new moon of Shawwal)." I said: "Is the sighting of the moon by Mu'awiya not valid for you?" He said: "No, this is how the Prophet (PBUH) has commanded us."

Scholars who approve of this opinion differed on the criteria that define the boundaries of a certain region. Some scholars were of the opinion that the boundaries of a region should depend on travel distance (82 KM approximately). Others said that what should be considered is the difference in horizons (*Ikhtilaful Matali'*), thus if two regions usually vary in their sightings of the crescent then a report of sighting in one of them should not affect the other. A third group of scholars said that regions should depend on the Imam's authority (head of Islamic state) so if the Imam announces the start of the lunar month then all cities under his authority should accept.

GLOBAL MOON SIGHTING:

The common understanding[20] is that according to this opinion the world is considered as one region, thus if the crescent is sighted anywhere in the world all the Muslim Ummah should start the lunar month.

This is the *Mu'tamad* Fatwa in the Hanafi, Maliki, and Hanbali schools.

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[20] I used that term because many renowned Hanfai scholars in our time insist that Global Sighting does not literally mean the whole word, rather it means regions or countries that are relatively close to one another.

The proof used by the scholars that approve of this opinion is that the order from the Prophet (PBUH) is a general one, in his Hadith (PBUH): "Fast when you sight the moon, and break your fast when you sight it" and should include all the Ummah.

Scholars who approve of this opinion also differed on the matter. Some scholars said that when we say Global moon sighting we literally mean the whole globe while others said that this is not the case. According to the latter, global moon sighting does not mean the whole world; it actually means regions or countries that are relatively close to one another or at least share a common portion of the night. Some scholars have also narrated scholarly consensus that if the countries are as far as *Andalus* (Spain in our time) and *Khurasan* (Iran in our time) then they should be considered different regions.

قال الإمام ابن عبد البر في كتابه الاستذكار: قد أجمعوا أنه لا تراعى الرؤية فيما أخر من البلدان كالأندلس من خراسان

Al Imam Ibn Abd Al Bar said in his book *Alistithkar*: "The scholars have agreed that sightings of the crescent in countries that are as far away- as *Andalus* and *Khurasan*- should not be considered (for one another)."[21]

This scholarly consensus, however, is controversial and there is a lot of discussion on the matter.

Another opinion is that sighting of the crescent in any country becomes binding on all countries west of this country, but not the opposite. So a sighting of the crescent in Egypt would be binding to Morocco but not to Saudi Arabia.

A Very Important Point

After reading these opinions and realizing how the scholars differed in opinion between global and regional sighting and their respective variants, a question must be asked: How did the Ummah, in practice, start and end the lunar months? Which opinion was implemented on the ground?

The answer is very simple. Throughout the history of Islam, this decision was left to the Imam. Each Imam or Islamic governor in every region chose one of the two opinions whether (Global or Regional sighting), and everyone under his authority obeyed. And keeping in mind that the advance in telecommunications only took place recently, it was mostly Regional sighting or at least limited Global sighting that was practiced.

Even today the majority of Muslim countries (that depend on physical sighting) choose the Regional sighting opinion due to its practicality.

[21] Ibn Abd Al Bar, *Alistithkar*, V10, p.30

The Australian Dilemma

In this section I will try to explain what is happening on the ground in Sydney, specifically, and Australia in general and analyze it in light of the previous sections.

In Sydney, the existing methods that different organizations and bodies claim to depend on are:

1. Astronomical Calculation
2. Following Saudi Arabia's decision
3. Follow the Lebanese Muslim Association
4. Global Moon Sighting
5. Regional Moon Sighting

Now let us dissect these methods in further detail:

1. Astronomical Calculation

Two very influential sectors of our society depend on Astronomical Calculation, namely, the Turkish community and the Lebanese Muslim Association.

The Turkish communities in Australia and the rest of the world are widely known to abide by the decision of *Diyanet* (The Presidency of Religious Affairs in Turkey) and have been doing so for years. I have tried to find out what Astronomical criterion *Diyanet* uses to establish the start and end of Lunar months but with little success as most information is only available in Turkish.

The LMA, on the other hand, is extremely influential within the Lebanese community and Arab communities in general. Many organizations that work within the Arab communities choose to follow the LMA's decision, and generally speaking, succumbed to its authority on the issue of Ramadan and Eids. There are very important points that have to be presented with regards to the LMA:

A. Although the LMA has a strong board of directors running its affairs, it is well known within our community that this board and the previous boards have nothing to do with the decision when it comes to issues like Ramadan and Eid.[22] This decision goes back to one man only (**with all due respect**), and there is no need to mention his name as it is common knowledge in the community.

B. No one that I have spoken to of the general followers of the LMA actually knows what method they use to establish the start and end of the lunar months. The common claim is that that they follow Astronomical Calculation. But which calculation method do they follow? Conjunction before Maghreb in Makka or Sightability in Australia? Again we find no answers. Moreover, I have personally heard, in the past from the LMA, statements like "the moon has not been sighted anywhere in Australia so

[22]The current president of the LMA, Samir Dandan, is a personal friend of mine and an extremely genuine person. I am quite confident that if the decision was in his hands he would strongly adhere to the Sunnah of our Prophet, but I understand that the politics in the LMA are very complicated and dealing with sensitive issues like this requires a lot of time and wisdom. I ask Allah to assist him in his endeavors.

Ramadan is after tomorrow" or "most of the Arab countries are fasting tomorrow so we will fast them"!!! What exactly are they following? Calculations, Regional Sighting or Global Sighting??

C. If it is true that the LMA follows Astronomical Calculations, why not release a formal statement about the specific method they use? And why all the suspense every year before Ramadan and Eid? Why not tell us when Ramadan and Eid will take place for the next 10 years to come? Astronomically, this information is available for the next hundreds of years.

Everyone who has lived in Sydney for years knows that the LMA have not shown consistency in any method. In fact, I heard from numerous authentic sources that many LMA followers fasted 31 days on a certain year in the past, which proves how unclear things are for decision makers there.

2. Following Saudi Arabia's decision

Another method that has some following in Sydney is to merely follow Saudi Arabia's decision. Advocates of this method defend their decision by putting forward certain claims:

A. We are following Global Sighting, which is a valid opinion in Islamic jurisprudence.

The truth is, however, they are following an opinion that has no precedent in Islam. Firstly, Global sighting does not mean follow Saudi Arabia. It means following the first report of physical sighting from **anywhere in the world**. Secondly, Saudi Arabia with its current borders didn't exist as a state in our Prophet's time, so it is illogical that any Islamic ruling should depend on it. It is ironic that the scholars of Saudi themselves attest that this opinion is not correct, but people insist on following it.

Read the following decision from the High Council of Scholars in Saudi Arabia:

سادسا : لا يصح تعيين مطلع دولة أو بلد - كمكة مثلا - لتعتبر رؤية الهلال منه وحده، فإنه يلزم من ذلك أن لا يجب الصوم على من ثبتت رؤية الهلال عندهم من سكان جهة أخرى، إذ لم ير الهلال في المطلع المعين

Decision (34) on 14/2/1395

"Sixthly: It is not correct to fix a certain country or city -like Makka for example- for the sighting of the crescent, because this would mean that fasting would not become compulsory on those who sight the crescent somewhere else, other than the city fixed."

B. Saudi Arabia follows Global sighting

I actually met a brother once who tried to convince me that Saudi Arabia does not follow regional sighting, rather they collect sighting reports from around the world and then make a decision. This is a preposterous claim, but for arguments sake, if this claim is true, why

does Saudi announce the start of lunar month by Isha time in Makka, before the sun sets in most of the western world?

It is clear for anyone with some jurisprudential background that this method is not correct and has no legal basis.

3. Following the Lebanese Muslim Association

Advocates of this method are not necessarily concerned with the method the LMA uses to establish the start and end of the lunar month. Rather, they claim that we should follow the majority and not cause division in our community, and since the LMA and its followers are the majority we should simply follow their decision.

This claim is extremely flawed in three aspects:

A. In Islam, there is no value given to the majority of the public as Allah (SWT) says "If you obey the majority of people on earth they will surely lead you astray" (Surah Al-Anaam verse 116). However, Islam does give value to the **majority of scholars**. When we hear that the majority of scholars agree on something, indeed this has weight, but not the majority of people. I am sure that after what was presented in previous sections there remains no doubt in any ones heart that the vast majority of scholars, whether contemporary or from our predecessors, denounce astronomical calculations and assert that the correct way to start and end the lunar month is to depend on physical sighting.

B. It is true that LMA and its followers are the majority within the Arab communities, but other major ethnicities exist in Sydney like Indians, Pakistanis, Bengalis and Fijians and no value is given to their decisions. Not to mention numerous organizations that have quite a following like the Tabligh Jamaat, ASWJ, and Hizbut-tahrir.

C. Calls for bringing unity and cohesion in a society by following the majority (assuming that it has some value just for arguments sake) are always subject to the fact that this majority is following a valid opinion in Islamic jurisprudence. I have previously quoted how our scholars denounced following Astronomical Calculations as invalid, to the extent that they attested that if the Imam or the Caliph decides to follow Calculations and neglect physical sighting then he is not to be obeyed or followed. If the Imam should be disobeyed, then what weight should be given to this claimed majority??!!

4. Global Moon Sighting

As I mentioned earlier most people who claim that they follow Global sighting, actually follow Saudi Arabia. The only organization that I know of in Australia that follows Global Sighting is Hizbut-tahrir. Brother Uthman Badr, who is their media representative,

confirmed to me that they actually follow sighting reports from around the world (not only Saudi Arabia) and that on numerous occasions they received news of the start of Ramadan or Eid just before Fajr and acted accordingly.

There is no doubt that global sighting is an acceptable method to start and end the month. An organization or individual who follows Global sighting is not doing anything wrong provided that he applies the method properly and with consistency. However, in my opinion and the opinion of many scholars in Australia, applying Global Sighting is not easy due to the following:

A. Australia's geographical location, 'down under' as they say, and just to the west of the International Date Line, resulted in the fact that the sun sets first in Australia and then gradually in all the countries to the west of Australia. Sunset in Saudi Arabia is usually 8 hours after Australia, and sunset in the Americas is usually 18 hours after Australia. This means that if we were to follow Global Sighting we would have to wait for the sighting reports from cities in California for example. When it is sunset in a city like Los Angeles it is around Thuhr time next day in Sydney. That means if the crescent is not sighted in Australia on the 29th of Shabaan and we declare that next day is the 30th and that Ramadan is after tomorrow, but the crescent is sighted in Los Angeles, we receive the news around Noon time in Sydney that its Ramadan today. According to the Global sighting opinion we are supposed to fast for the rest of the day, and make up that day again after Ramadan. I am sure that everyone would agree this is quite impractical and extremely hard to apply on the ground. The same would also apply for Eid. We would be fasting the 30th of Ramadan and sighting reports would come from countries west of Australia, so we should break our fast and rush for Eid prayer. Imagine your average *Hajj* or *Hajja* being informed that it is Ramadan or Eid at around noon time!!! One word would describe the situation: "CHAOS".

B. Another problem we would face if we apply Global sighting is the filtering of sighting reports. Not any sighting report can be accepted. A scholar must confirm that the witness that sighted the crescent is a practicing Muslim and is upright. This means that there has to be some sort of worldwide organization that has representatives in every city in the world that receives sighting reports and filters them. Considering the level of disunity between Muslim countries in the world, the existence of such an organization is closer to fantasy than reality.

Therefore although Global Sighting is an acceptable opinion it is extremely impractical in our time.

5. Regional Moon Sighting

Regional moon sighting is the most practical opinion. However, advocates of this opinion still differ on the boundaries of the region:

A. <u>Australia and neighboring countries:</u>

Some organizations say that they follow sighting in Australia and neighboring countries. However, this position faces two problems. Firstly, they do not identify what they mean exactly by neighboring countries. We know Indonesia, New Zealand and Fiji are our

neighbors. But is Malaysia a neighbor? What about Thailand, China and Nepal? Where do you draw the line? Secondly, you will face the same problem with filtering sighting reports as with Global sighting. We have faced problems in the past with people claiming that his friend just called him from Indonesia or New Zealand claiming that he has sighted the crescent, and we have no ability to confirm that report. Basically, the bigger the region, the harder your job becomes.

B. Australia only:

This opinion is more logical and practical, and is the choice of major Muslim countries in the world like Saudi Arabia, Egypt and Morocco. Historically, this opinion is what has been practiced on the ground in most of the Muslim world. People followed the decision of the Imam or governor in their respective political regions. And since the scholars relatively represent the Imam in countries that have no Imam, then they should also take on the role of coming to such a decision within the political boundaries of their country.

Beware of the Funny People

I call these people "the funny people" because I do not want to use other words.

Some people in our community do not follow a certain method for establishing the start and end of the lunar month. They mix and match opinions according to their desires showing no consistency whatsoever. Some of them follow Global sighting to start the month, but regional sighting to end it, and astronomical calculations the next year and so on. And funniest of them are those who follow the calendar throughout the year (i.e. Astronomical Calculations) and then when the 29th of Shaaban comes according to their calendar, they go out moon sighting for Ramadan! Are they following Calculations or Physical sighting?? We had this problem this year in the start of Ramadan. Some organizations went out for moon sighting on Saturday claiming that it is the 29th of Shaaban. When we told them that the 29th of Shaaban is on Sunday according to physical sighting, they replied: "Check the calendar!" They actually made a mockery of themselves because new moon was on Sunday morning around 4:40 am, so they went to sight the crescent before it was born! What can we say……..Funny people.

Those who want to follow moon sighting must understand that this means **following the crescent throughout the year for every lunar month** and not only Ramadan.

Beware of the Ignorant People

Unfortunately a large number of people in our community have a very bad habit that we face every year. When the crescent is not sighted in Australia on certain day they view the crescent the following day and start making ignorant comments like: "See! See! The crescent is 2 days old! It is so clear and high in horizon!" Others say: "No, it is 3 days old" and so on. *Subhan Allah*! Everyone has become an astronomical expert all of a sudden, and can tell how old the crescent is just by viewing it.

However, the truth in Islam is that the size of the crescent on the sighting day or the following day is of no significance. If the crescent is not sighted on a certain day, it will be big and apparent next day.

Let us take what happened at the start of this Ramadan as an example:

On Sunday night (31st August) the crescent was approximately 12 hours old by sunset time in Sydney. It was not sighted in Sydney or anywhere in Australia that night. On Monday, the crescent by sunset time in Sydney was 12+24= 36 hours so it will appear big and high in the horizon, but that does not mean that Ramadan should have started on Monday.

The following hadith from *Sahih Muslim* explains everything:

حدثنا أبو بكر بن أبي شيبة حدثنا محمد بن فضيل عن حصين عن عمرو بن مرة عن أبي البختري قال خرجنا للعمرة فلما نزلنا ببطن نخلة قال تراءينا الهلال فقال بعض القوم هو ابن ثلاث وقال بعض القوم هو ابن ليلتين قال فلقينا ابن عباس فقلنا إنا رأينا الهلال فقال بعض القوم هو ابن ثلاث وقال بعض القوم هو ابن ليلتين فقال "أي ليلة رأيتموه" قال فقلنا "ليلة كذا وكذا" فقال: "إن رسول الله صلى الله عليه وسلم قال إن الله مده للرؤية فهو لليلة رأيتموه "

"A group of us had set out to perform Umrah [just before Ramadan], and we alighted upon the valley of Nakhlah. We all saw the crescent moon [of Ramadan]. Some of us said, "O, it is at least three days old," and others said, "No, it is only two days old." When we arrived, we met Ibn Abbas and told him that we had seen the crescent. He asked, "On which night did you see it?" We replied, "On such and such a night." To this, he responded, "The Messenger of Allah said, 'Allah has extended the period [in which the crescent is seen] in order that it be seen.' It was, in fact, the first night in which you saw it."[23]

The title of the chapter where this hadith is found is also very interesting:

باب بيان أنه لا اعتبار بكبر الهلال وصغره وأن الله تعالى أمده للرؤية فإن غم فليكمل ثلاثون

"Chapter: Explaining that there is no significance in the size of the Crescent (big or small)…"

Note that the titles of the chapters in Sahih Muslim are the choices of Al Qadi 'Iyad and Al Imam An-Nawawi and both are renowned jurists.

I hope that once our brothers and sisters read these words of our Prophet (PBUH) this habit we face every year will come to an end.

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[23] Yahia Ibn Sharaf An-Nawawi, Sharh Sahih Muslim, V3, p.196

Conclusion

I believe, after all the evidence presented above, the reason behind the decision of the NSW Imam's Council to follow Regional Moon Sighting in Australia is clear beyond a doubt. The intention was never to create division in the community; rather the intention was to unite our community on a religiously sound, practical, deep rooted Islamic understanding. I would like to end by conveying three important messages:

My first message is for the scholars, leaders and decision makers in Australia who depend on Astronomical Calculations and the wise people who are around them. For Allah's sake and for the sake of this Ummah that has been torn apart, let us unite on what we all agree is an acceptable opinion in Islamic Jurisprudence. Even if you are still convinced that it is valid to follow Astronomical Calculations, let go of your opinion for the sake of unity. After all, you are not arguing that regional Sighting is invalid, rather that Calculations are a valid method. We on the other hand are convinced that Calculations are an invalid way of establishing the start and end of the lunar month. So why not follow what we all accept as a valid opinion? And for who's benefit are you insisting on your position? I am sure you are all aware that Dr. Ibrahim Abu Mohammad was always in defense of depending on Astronomical Calculations, but he let go of his opinion for the sake of unity and proved to Allah, before all of us, that he is a genuine scholar who finds no shame in changing his position on the matter for a better cause. May Allah reward him for his decision and may Allah guide you also to such a position.

My second message is for the scholars, leaders and decision makers in Australia who depend on physical moon sighting whether Global or Regional. We totally respect your position, and we know that you are following valid and acceptable opinions. Let us unite on a single method for all of Australia and end this division within families and communities, keeping in mind that our choice must have three qualities: 1) It must be acceptable in Islamic Jurisprudence and in conformity with the Fatawa (Islamic rulings) of our predecessors. 2) It must be practical and applicable on the ground. 3) It must be practiced consistently throughout the year for every lunar month not just Ramadan.

My third Message is for my fellow Muslims in Australia. Avoid debating on the matter, especially if you are not a specialist in the field. This is an issue for scholars to discuss and not the public. Do not backbite or slander scholars of Islam for their flesh is poisoned and destructive to your faith. Finally, I advise you to educate yourself on the matter and follow the safest opinion for your religion. After all you will have to meet Allah and account for all your choices.

I ask Allah to unite this Ummah on the straight path and to save us from the tribulations of this time Ameen.

Your Brother in Islam

Omar El Banna

Appendix

Item 1

Decision of Council of Eminent Scholars

قرار هيئة كبار العلماس رقم 34

قرار رقم (34) وتاريخ 14/2/1395هـ

الحمد لله، والصلاة والسلام على رسوله، وآله وصحبه، وبعد

فبناء على خطاب معالي رئيس ديوان رئاسة مجلس الوزراء رقم (4680) وتاريخ 23/2/1394هـ المتضمن: أمر جلالة الملك بإحالة خطاب أمين عام هيئة الدعوة والإرشاد في (سورابايا) بشأن توحيد مواقيت الصلاة والصوم والحج إلى هيئة كبار العلماء، وإشارة لخطاب سعادة وكيل وزارة الخارجية رقم (855/3/ 300/5/6) في 15/1/1394هـ ومشفوعاته: ما تبلغته سفارة جلالة الملك في الجزائر من وزارة التعليم الأصلي والشئون الدينية من وثائق حول الاعتماد على الحساب الفلكي لتحديد مواقيت العبادات.

وبناء على المحضر رقم (7) من محاضر الدورة الخامسة لمجلس هيئة كبار العلماء المشتمل على إعداد قرار مدعم بالأدلة يعرض على الهيئة في دورتها السادسة لإقراره.
وبعد دراسة المجلس للقرارات والتوصيات والفتاوى والآراء المتعلقة بهذا الموضوع وإعادة النظر في البحث الذي سبق أن أعدته اللجنة الدائمة للبحوث العلمية والإفتاء في موضوع توحيد أوائل الشهور القمرية، والاطلاع على القرار الصادر من الهيئة في دورتها الثانية برقم (2) وتاريخ 13/2/1393هـ ومداولة الرأي في ذلك كله- قرر ما يلي :

أولا : أن المراد بالحساب والتنجيم هنا معرفة البروج والمنازل، وتقدير سير كل من الشمس والقمر وتحديد الأوقات بذلك؛ كوقت طلوع الشمس ودلوكها وغروبها، واجتماع الشمس والقمر وافتراقهما، وكسوف كل منهما، وهذا هو ما يعرف بـ(حساب التسيير، وليس المراد بالتنجيم هنا الاستدلال بالأحوال الفلكية على وقوع الحوادث الأرضية؛ من ولادة عظيم أو موته، ومن شدة وبلاء، أو سعادة ورخاء، وأمثال ذلك مما فيه ربط الأحداث بأحوال الأفلاك علما بميقاتها، أو تأثيرا في وقوعها من الغيبيات التي لا يعلمها إلا الله، وبهذا يتحرر موضوع البحث .

ثانيا : أنه لا عبرة شرعًا بمجرد ولادة القمر في إثبات الشهر القمري بدءا وانتهاء بإجماع ما لم تثبت رؤيته شرعًا، وهذا بالنسبة لتوقيت العبادات، ومن خالف في ذلك من المعاصرين فمسبوق بإجماع من قبله .

ثالثا : أن رؤية الهلال هي المعتبرة وحدها في حالة الصحو ليلة الثلاثين في إثبات بدء الشهور القمرية وانتهائها بالنسبة للعبادات فإن لم يرَ أكملت العدة ثلاثين بإجماع.
أما إذا كان بالسماء غيم ليلة الثلاثين: فجمهور الفقهاء يرون إكمال العدة ثلاثين؛ عملا بحديث: فإن غم عليكم فأكملوا العدة ثلاثين ، وبهذا تفسر الرواية الأخرى الواردة بلفظ: فاقدروا له . وذهب الإمام أحمد في رواية أخرى عنه، وبعض أهل العلم إلى اعتبار شعبان في حالة الغيم تسعة وعشرين يوما احتياطا لرمضان، وفسروا رواية: فاقدروا له : بضيقوا، أخذا من قوله تعالى: وَمَنْ قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ أي: ضيق عليه رزقه

وهذا التفسير مردود بما صرحت به رواية الحديث الأخرى الواردة بلفظ: فاقدروا له ثلاثين ، وفي رواية أخرى: فأكملوا عدة شعبان ثلاثين
وحكى النووي في شرحه على صحيح مسلم لحديث: فإن غم عليكم فاقدروا له عن ابن سريج وجماعة، ومنهم مطرف بن عبد الله - أي: ابن الشخير - وابن قتيبة وآخرون- اعتبار قول علماء النجوم في إثبات الشهر القمري ابتداء وانتهاء، أي: إذا كان في السماء غيم
وقال ابن عبد البر : روي عن مطرف بن الشخير، وليس بصحيح عنه، ولو صح ما وجب اتباعه؛ لشذوذه فيه، ولمخالفة الحجة له ثم حكى عن ابن قتيبة مثله، وقال: ليس هذا من شأن ابن قتيبة، ولا هو ممن يعرج عليه في مثل هذا الباب. ثم حكى عن ابن خويز منداد أنه حكاه عن الشافعي، ثم قال ابن عبد البر : والصحيح عنه في كتبه وعند أصحابه وجمهور العلماء خلافه. انتهى
وبهذا يتضح: أن محل الخلاف بين الفقهاء إنما هو في حال الغيم وما في معناه. وهذا كله بالنسبة للعبادات، أما بالنسبة للمعاملات فللناس أن يصطلحوا على ما شاءوا من التوقيت .

رابعا : أن المعتبر شرعا في إثبات الشهر القمري هو رؤية الهلال فقط دون حساب سير الشمس والقمر لما يأتي:
أ - أن النبي صلى الله عليه وسلم أمر بالصوم لرؤية الهلال والإفطار لها في قوله: صوموا لرؤيته، وأفطروا لرؤيته ، وحصر ذلك فيها بقوله: لا تصوموا حتى تروه، ولا تفطروا حتى تروه ، وأمر المسلمين إذا كان غيم ليلة الثلاثين أن يكملوا العدة، ولم يأمر بالرجوع إلى علماء النجوم، ولو كان قولهم أصلا وحده أو أصلا آخر في إثبات الشهر- لأمر بالرجوع إليهم، فدل ذلك على أنه لا اعتبار شرعا لما سوى الرؤية، أو إكمال العدة ثلاثين في إثبات الشهر، وأن هذا شرع مستمر إلى يوم القيامة، وَمَا كَانَ رَبُّكَ نَسِيًّا ودعوى أن الرؤية في الحديث يراد بها العلم أو غلبة الظن بوجود الهلال أو إمكان رؤيته لا التعبد بنفس الرؤية - مردودة؛ لأن الرؤية في الحديث متعدية إلى مفعول واحد، فكانت بصرية لا علمية، ولأن الصحابة فهموا أنها رؤية بالعين، وهم أعلم باللغة ومقاصد الشريعة، وجرى العمل في عهد النبي صلى الله عليه وسلم وعهدهم على ذلك، ولم يرجعوا إلى علماء النجوم في التوقيت، ولا يصح أيضا أن يقال: إن النبي صلى الله عليه وسلم حين قال: فإن غم عليكم فاقدروا له أراد أمرنا بتقدير منازل القمر لنعلم بالحساب بدء الشهر ونهايته؛ لأن هذه الرواية فسرتها رواية: فاقدروا له ثلاثين وما في معناه، ومع ذلك فالذين يدعون إلى توحيد أوائل الشهور يقولون بالاعتماد على حساب المنازل في الصحو والغيم، والحديث قيد القدر له بحالة الغيم.

ب - أن تعليق إثبات الشهر القمري بالرؤية يتفق مع مقاصد الشريعة السمحة؛ لأن رؤية الهلال أمرها عام يتيسر لأكثر الناس، بخلاف ما لو علق الحكم بالحساب فإنه يحصل به الحرج ويتنافى مع مقاصد الشريعة، ودعوى زوال وصف الأمية في علم النجوم عن الأمة لو سلمت لا يغير حكم الشرع في ذلك.

ج - أن علماء الأمة في صدر الإسلام قد أجمعوا على اعتبار الرؤية في إثبات الشهور القمرية دون الحساب، فلم يعرف أن أحدا منهم رجع إليه في ذلك عند الغيم ونحوه، أما عند الصحو فلم يعرف عن أحد من أهل العلم أنه عول على الحساب في إثبات الأهلة أو علق الحكم العام به .

خامساً : تقدير المدة التي يمكن معها رؤية الهلال بعد غروب الشمس لولا المانع من الأمور الاعتبارية الاجتهادية التي تختلف فيها أنظار أهل الحساب، وكذا تقدير المانع، فالاعتماد على ذلك في توقيت العبادات لا يحقق الوحدة المنشودة؛ ولهذا جاء الشرع باعتبار الرؤية فقط دون الحساب .

سادسا : لا يصح تعيين مطلع دولة أو بلد - كمكة مثلا - لتعتبر رؤية الهلال منه وحده، فإنه يلزم من ذلك أن لا يجب الصوم على من ثبتت رؤية الهلال عندهم من سكان جهة أخرى، إذ لم ير الهلال في المطلع المعين .

1395هـ.

هيئة كبار العلماء

عبد الرزاق عفيفي	عبد الله بن حميد	عبد العزيز بن باز
عبد الله بن منيع	عبد المجيد حسن	محمد بن جبير
عبد العزيز بن صالح	إبراهيم بن محمد آل الشيخ	صالح بن غصون
سليمان بن عبيد	عبد الله بن غديان	محمد الحركان
راشد بن خنين	عبد الله خياط	صالح بن لحيدان

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All praise to Allah and salutations upon the Prophet of Allah and his family and companions.

Based on the address of his Highness the Leader of Parliament, number 4680 dated 23/2/1394H (Islamic calendar) which states “The command of his Majesty (the king of Saudi Arabia) referring to the letter of the Executive officer of the Committee of Dawa and Irshad in Sura Baya concerning the unification of prayer times, fasting and haj (pilgrimage) directed to the Committee of Eminent Scholars referring to the letter of the Minister of Foreign Affairs 15/1/1394H number 855/3/300/5/6. This was received by his Majesty’s Embassy in Algeria from the Ministry of Education and Religious Affairs by way of documents regarding reliance on astronomical calculations to establish times of acts of worship. This is based on the report number 7 from the reports of the 5th convention by the Council of Eminent Scholars which includes a decision supported by evidence to be presented to the council at its 6th convention for ruling on the matter.

After research by the Council, of important documents, recommendations, Islamic legal rulings and opinions regarding this issue and reinvestigating this issue of unification of the

beginning of the lunar months, and looking into past rulings issued by the Committee of Eminent Scholars from the 2nd convention number 2 dated 13/2/1393H and the noting of these opinions, the following ruling has been issued:

1. The meaning of calculation and astronomy is the knowledge of the constellations, the phases of the moon and the estimation of the path of the sun and moon and fixing time accordingly. For example the time of sunrise, zenith and sunset, the meeting of the sun and moon and their separation, the eclipse of each one of them, this is known as astronomical calculations. Astronomy here does not mean turning to astronomical events to prove the occurrence of events on earth e.g. the birth of an important person or their death (i.e. astrology/horoscopes), this being from the unseen that is only known to Allah. Accordingly the subject matter of the study has been clarified.
2. There is no legal relationship between the mere birth of the new moon and the start and the end of the lunar month by Scholarly Consensus, as long as no physical sighting has been proven, and this is with regards to timings of acts of worship, and any contemporary scholar who has a different opinion is preceded by the consensus of those before him". (i.e: His opinion is rejected)
3. Crescent/moon sighting, alone, is accepted in the case of a clear sky on the eve of the 30th to determine the beginning of lunar months and their ending. This is in relation to devotional acts of worship. If the crescent/moon is not seen, the number of days (in the lunar month) is completed to 30, by consensus (of the scholars).
   If, however, the sky is cloudy on the eve of the 30th day (the night of the 29th), the majority of jurists are of the opinion that the number of days of the month are completed to 30; acting upon the hadith, "If it is concealed from you due to cloud, then complete the count to 30." This is an interpretation of the other narration which is mentioned with the wording "take it into account/measure". Imam Ahmad in another narration of him, along with some scholars are of the opinion that; in the case that the sky is cloudy Shabaan will be considered 29 days out of cautiousness for the month of Ramadan. They interpreted the narration of *Faqdiroo lahu* as limit it, in light of the verse of the Quran "and he who's sustenance is *limited* (the word used for limited is Qudira a morphological variant of the same word used in the hadith) should spend of what Allah has given him"
   This interpretation, however, is rejected by the other narration of the hadith which clearly states 'Faqdiroo lahoo thalatheen' measure it to 30. And yet in another narration continue the count of Shabaan to 30 (days).
   Imam Nawawi relates in his explanation on the Sahih of Imam Muslim on the Hadith; "if it is concealed from you due to cloud *Faqdiroo lahoo,* take it into account/measure it," from Ibn Surayj and a group (of scholars) including Mutrif Ibn Abdillah i.e Ibn Al-Shakheer, Ibn Qutayba and others, their taking by the opinions of astronomers to establish the beginning and end of the lunar month, i.e. if the sky is cloudy.
   Ibn Abd Al-Bar said; it is narrated of Mutrif ibn Shakheer, and it is incorrectly narrated of him, even if it were authentically narrated of him it would not be obligatory to follow him due to his being alone or deviant (Shaath) in this matter. In addition to the evidence contradicting him, he then went on to say the same about Ibn Qutayba he then said that this does not concern Ibn Qutayba, nor is he one to be relied upon in the likes of this field (He was a scholar of the Arabic language not a jurist). Then he related of Ibn Khawiz Mindad that he related it (the afore mentioned opinion) from Al-Shafie. Ibn Abd Al-Bar went on to say; and what is authentically

related of him (i.e. Imam Al-Shafie) in his books, his disciples and the majority of scholars is contrary to it. End quote.
Thus it becomes clear that the difference of opinion amongst jurists is in the case of a cloudy sky, and what relates to it. Furthermore this is all related to devotional acts of worship. As for that which concerns dealings and transactions, people may agree upon whatever timing they choose.

4. What is legally of value in establishing the lunar month is the physical sighting of the crescent **only**, and not astronomical calculations of the movement of the sun and the moon." due to the following:
    a) The Prophet, peace be upon him, ordered to fast and break the fast according to the sighting of the crescent in his statement, "Fast according to its (the moon) sighting and break your fast according to it's (the moon) sighting." He also limited it to this method when he said, "Do not fast until you see it (the crescent) and do not break your fast until you see it (the crescent)." In the case of a cloudy night on the eve of the 30th, he ordered the Muslims to complete the number of days in the month to 30. And he did not order them to refer back to the scholars of astronomy. If their opinion was a primary or secondary foundation in determining the month, he would have ordered to refer back to them. This then proves that in Shariah no consideration is given to other than sighting or completing the count to 30 in determining the month, and that this is legislation continuing on till the Day of Judgement. "And your Lord is not forgetful." The claim that what is meant by sighting in the hadith is the sighting of knowledge, or high probability of the existence of the crescent, or the possibility of the sighting of the crescent, not the worship of actual sighting, is rejected. The reason for this is that the word 'sighting' in the hadith relates to only one subject, therefore it is physical sighting with the eye, not the eye of knowledge (this point relates to a grammatical rule in Arabic). Furthermore, the Companions understood it to be physical sighting with the eye, and they are more knowledgeable in both the Arabic language and the objectives of the Shariah. In the time of the Prophet, peace be upon him, and the Companions, they acted accordingly. They did not refer to astronomers to determine timing. It is also incorrect to say that when the Prophet, peace be upon him, said "If the sky is cloudy then *faqdiru lahoo*" he intended to order us to measure the phases of the moon so that we may know by calculation the beginning and ending of the month, because this narration is explained by the narration "measure it 30" along with the other narrations with the same meaning. In addition to this those who call for unifying the beginning of months rely on calculating the phases of the moon when the sky is clear or cloudy however the hadith limited *faqdiroo lahoo* the measure, to the case of a cloudy sky.
    b) Establishing the lunar month on the condition of sighting, conforms with the objectives of the Shariah of ease and openness. Moon sighting is a common matter that is accessible to the majority of people, on the contrary if the ruling was conditional upon calculation, it would cause difficulty and therefore contradict the objectives of Shariah. The claim that in taking by astronomy the Ummah is cleared of the label of ignorance, even if it were sound, it would not change the ruling of Shariah in the matter.
    c) The scholars of the Ummah in the early (generations of) Islam universally agreed (ijma) that the lunar month is determined according to sighting, not calculation. It is not known of any of them to have referred to calculation in the case of a cloudy

sky or the like. In the case of a clear sky it is not known of any of the scholars that he relied upon calculations in determining the crescent or that he predicted the general rule on it.

5. Estimating the age at which the moon/crescent can be sighted after sunset, in the absence of any preventative, is a subjective opinion about which the views of astronomers differ, the same can be said of estimating the preventatives (of sighting the moon). Therefore relying upon it does not actualise the anticipated unity. For this reason Shariah only takes into account Moon Sighting and not calculation.
6. It is incorrect to single out the sighting from the horizon of a particular country or city (e.g Makkah) to be accepted alone. This consequently necessitates that, fasting not be obligatory upon people from another location , for whom the sighting has been established, considering that the crescent was not sighted on the appointed horizon.

AbdelRazak Afifi, Abdullah Bin Muhammad, AbdelAziz Bin Baz, Abdallah bin Maneei', AbdelMajid Hassan, Muhammad bin Jubayr, AbdelAziz Bin Saleh, Ibrahim Bin Muhammad AlSheikh, Saleh bin Ghosoon, Sulayman bin A'beed, Abdullah bin Ghudyan, Muhammad AlHarkan, Rashid bin Khnen, Abdullah Khayaat, Saleh Bin Luhaydan

Item 2

The Fatwa of the his eminence Sheikh Mohammad Olaish the previous Mufti of Egypt (مفتي الديار المصرية) extracted from his book "Fathul 'Alli Al Maliki Fil Fatawa 'alla mathab Al Imam Malik."

فتوى مفتي الديار المصرية الأسبق فيمن أثبت الصوم على الحساب
من كتاب فتح العلي المالك في الفتوى على مذهب الإمام مالك، للشيخ أبي عبد الله محمد أحمد عليش المالكي مفتي الديار المصرية الأسبق

مسائل الصيام
ما قولكم فيما وقع من بعض الشافعية مشهوراً بالعلم والديانة من اعتماده في ثبوت رمضان وشوال على حسابه سير القمر وعدم اعتباره لرؤية الهلال بالبصر واتفق له مراراً صوم قبل عموم الناس بيوم وفطره قبلهم كذلك ويظهر ذلك لخواصه وأحبابه ويقلدونه فيه وربما تعدى الأمر لغيرهم فقلده أيضاً وكاد أن يتسع هذا الخرق وأهل العلم ساكتون عليه فهل هذا صحيح في مذهب الإمام الشافعي فيجوز موافقتهم عليه أو هو ضلال يجب إنكاره والنهي عنه حسب الإمكان وتحرم موافقتهم فيه أفيدوا الجواب؟

فأجبت بما نصه: الحمد لله على توفيقه لطريق الصواب والصلاة والسلام على سيدنا محمد والآل والأصحاب، نعم هو ضلال، تحرم موافقتهم فيه، ويجب إنكاره، والنهي عنه حسب الإمكان، إذ هو هدم للدين ومصادم لصريح حديث سيد المرسلين ووقوعه من ذلك الرجل أدل دليل على جهله المركب وعدم ديانته واختلال عدالته ودناءة همته وعدم مروءته، وأنّ مقْصوده الشهرة، ولا حول ولا قوة إلا بالله، وإنا لله وإنا إليه راجعون

والواقع من هذا وأتباعه لا يوافق مذهب الإمام الشافعي ولا غيره من الأئمة الذين يُنْجِي تقليدهم يوم الأهوال العظمى، وذلك لانعقاد الإجماع على أنه لا يجوز لأحد أن يعول في صومه وفطره على الحساب مستغنيًا عن النظر إلى الأهلة، وإنما اختلف العلماء فيمن كان من أهل الحساب وأغمي الهلال هل له أن يعمل على حسابه أم لا، فقال مطرف بن الشخير من كبار التابعين: يعمل في خاصته على ذلك وقاله الشافعي في رواية، والمعلوم من مذهبه ما عليه الجمهور من أنه لا يعمل على ذلك، قال الإمام ابن رشد في كتاب الجامع من المقدمات بعد أن ذكر أن الاشتغال بالنجوم فيما يعرف به سمت القبلة وأجزاء الليل جائز بل مستحب، وأما النظر في أمرها فيما زاد على ذلك مما يتوصل به إلى معرفة نقصان الشهور من كمالها دون رؤية أهلتها فذلك مكروه، لأنه من الاشتغال بما لا يعني إذ لا يجوز لأحد أن يعول في صومه وفطره على ذلك فيستغني عن النظر إلى الأهلة بإجماع من العلماء، وإنما اختلف أهل العلم فيمن كان من أهل هذا الشأن إذا أغمي الهلال هل له أن يعمل على معرفته بذلك أم لا؟ فقال مطرف بن الشخير يعمل في خاصته على ذلك وقاله الشافعي أيضًا في رواية والمعلوم من مذهبه ما عليه الجمهور من أنه لا يعمل على ذلك اهـ. وروى ابن نافع عن مالك في الإمام الذي يعتمد على الحساب أنه لا يقتدى به ولا يتبع اهـ. قال ابن العربي كنت أنكر على الباجي نقله عن بعض الشافعية لتصريح أئمتهم بلغوه حتى رأيته لابن سريج، وقاله بعض التابعين، وقد رد ابن العربي في عارضته على ابن سريج وبالغ في ذلك وأطال.

ثم قال مفتى الديار المصرية الأسبق الشيخ محمد عليش: "ومن المعلوم أنه يجب الاقتصار في القضاء والفتوى والعمل على المشهور أو الراجح وطرح الشاذ والضعيف، وبالجملة لا ننكر وجود رواية بجواز العمل بالحساب عندنا وعند الشافعية، بل نعترف بها في المذهبين ولكنها شاذة فيهما ومقيدة بخاصة النفس وبالغيم فبان أن ما وقع من هؤلاء القوم ضلال لا يوافق حتى الرواية الشاذة لأنهم يتجاهرون بالصوم أو الفطر قبل الناس ويدعونهم إليه مع الصحو وعدم إمكان الرؤية لضعف نور الهلال فيجب على من بسط الله تعالى يده بالحكم زجرهم وتأديبهم أشد الزجر والأدب لينسد باب هذه الفتنة الموجبة للخلل في ركن الدين ومخالفة سيد المرسلين صلى الله عليه وعلى ءاله أجمعين والله سبحانه وتعالى أعلم" اهـ من كتاب فتح العلي المالك

“Rulings of fasting:

Question – What is your opinion with regards to some followers of the Shafei school (known for their knowledge and religiosity) who rely, for the establishment of Ramadan and shawal (Eid), on the calculation of the movements of the moon and their lack of regard for the sighting of the moon by the human eye. On several occasions this has resulted in them fasting on a different day to the general populace and ending fast before them as well. That person spreads this idea to his close friends and relatives and they follow him, and sometimes they inform others from the outer circle and they also following them. This division is about to spread and the scholars of sacred knowledge are silent on the matter. So is this a correct opinion in the Shafei school that we should accept from them? Or is it misguidance that requires coming out against, denying, preventing others from following, and *Haram* (unlawful) to accept from them? We ask a reply.

Answer – All thanks to Allah for is guidance to the correct path and salutations on Muhammad and his family and companions.

Yes it is misguidance! It is *Haram* (unlawful) to agree with this position (i.e. depending on Astronomical calculations) and one must openly disagree with it and prevent

others from following it when one can, because it is destruction of religion and in obvious contradiction to the sayings of the best of messengers. And the actions of this man is the greatest proof of his utter ignorance, his lack of religion, the defectiveness of his uprightness, and his lack of ambition and that his aim is fame and *La howla wa la quwata illa billah*, In Allah we seek refuge. This practice and following it does not agree with the Shafei school of thought or any other Imam by who following them one is saved on the day of great torment. The reason being that the 'ijma' (scholarly consensus) is that no one can rely in his fasting and end of fasting on astronomical calculations without regard for sighting of the hilal (new moon). The scholars have differed on whether the astronomer, when the sky is overcast can fast according to his calculations or not. Mutrif ibn Shekheer from the great Tabeiis said only he can follow the calculation and Imam Shafei mentioned it in one quote. However the known position of the Shafei school of thought which the Jumhoor (the majority of scholars) follow is that he cannot follow his calculations. Imam Ibn Rushd in the book Al Jamei after mentioning that preoccupation with astronomy that leads to the direction of the qiblah and the division of the night (for salaat) is allowed, rather it is encouraged. However looking into astronomical calculations for more than that, i.e. to do with the knowledge of the increase or decrease of days to complete a month is disliked by Allah (Makrooh). The reason being it is preoccupation with unnecessary knowledge because it is not permissible for a person to rely on it for fasting or breaking of the fast and it appears to suffice him from going out to sight the moon. This is an opinion by consensus of scholars.

The difference of opinion is amongst the scholars is with regards to the astronomer if the sky is overcast can he go by his knowledge (i.e calculations) or not. Mutrif ibn Shikheer states that only he himself (that is the astronomer) can follow his calculations. Imam Shafei mentions this in one narration. However the known position of his school of thought is what the majority of scholars agree upon, this being that he cannot follow his calculations. Ibn Nafee narrated that Imam Malik said about the Imam (leader) who relies on astronomical calculations that one must not believe him or follow his opinion.

Ibn Al Arabi said "I used to disavow AlBaji for relaying this opinion of some shafei scholars because the Imams of the shafei school of thought were explicit in their rejection of this, till I saw it narrated by Ibn Surayj and some of the tabeen" and Ibn Al Arabi elaborated in his refutation of Ibn Surayj.

The Grand Mufti Further stated:

It is common knowledge that one must be brief n the adjudication and issuing of legal rulings and follow the well-known or the upheld positions of scholars and to leave the rogue and weak opinions. In conclusion I do not regard the existence of an opinion to go by calculations in our school of thought and the shafei school of thought. It is an opinion in both the schools of thought however it is rogue and unusual in both schools of thought and restricted to the individual astronomer with the condition that the sky b overcast. It is obvious then that what these individuals do (by relying on astronomical calculations) is misguided. It does not even follow the rogue opinion because they publically fast or break the fast before people and they call others to this opinion simply because of the unlikeliness of the sighting of the moon due to the weak light of the hilal (new moon). It is compulsory on those Allah has given them leadership to restrain, educate ad discipline them the strongest of discipline and education to block this door of corruption which is full of defectiveness with regards to the foundations of religion and going against the leader of messengers peace and Blessings Upon Him and Allah knows best.

Item 3

The committee of international Islamic jurisprudence established in the 3rd convention in Amman the capital of Jordan 11th -16th October 1986.

بسم الله الرحمن الرحيم
الحمد لله رب العالمين والصلاة والسلام على سيدنا محمد خاتم النبيين وعلى آله وصحبه أجمعين

قرار رقم: 18 (6/3)[1]

بشأن توحيد بدايات الشهور القمرية
إن مجلس مجمع الفقه الإسلامي الدولي المنعقد في دورة مؤتمره الثالث بعمان عاصمة المملكة الأردنية الهاشمية من 8-13 صفر 1407هـ، الموافق 11 - 16 تشرين الأول (أكتوبر) 1986م

بعد استعراضه في قضية توحيد بدايات الشهور القمرية مسألتين:
الأولى: مدى تأثير اختلاف المطالع على توحيد بداية الشهور.
الثانية: حكم إثبات أوائل الشهور القمرية بالحساب الفلكي.

وبعد استماعه إلى الدراسات المقدمة من الأعضاء والخبراء حول هذه المسألة،

أولاً: إذا ثبتت الرؤية في بلد وجب على المسلمين الالتزام بها ولا عبرة لاختلاف المطالع، لعموم الخطاب بالأمر بالصوم والإفطار.

ثانياً: يجب الاعتماد على الرؤية، ويستعان بالحساب الفلكي والمراصد، مراعاة للأحاديث النبوية، والحقائق العلمية.

والله أعلم

After discussion on the issue of the unification of the lunar months there were two opinions:

1. The effect of the ikhtilaful Matali' (considering different horizons) on the unification of the beginning of the lunar month
2. The legal ruling on establishing the beginning of the lunar month by astronomical calculation

After listening to the modern research papers about this issue from experts in the field, the committee has come to the following decision:

1. If the moon is sighted in a country it is obligatory on the Muslims of that country to abide by this sighting and no weight is given to ikhtilaful Matali' (considering different horizons). For the general issues especially regarding Fasting and end of fast
2. It is obligatory to rely on moonsighting and one can refer to astronomical calculations and observatories (as a guide and not the primary method) with the sayings of the Prophet and the reality of scientific knowledge and Allah knows best.

Item 4

The decision of the 4th convention convened on the 7 – 17th Rabei Al Akhir 1401

قـــرارات
الـدورة الرابعة المنعقـدة
من يوم ٧ إلى ١٧ شهر ربيع الآخر سنة ١٤٠١هـ

القرار الأول
بشأن العمل بالرؤية في إثبات الأهلة لا بالحساب الفلكي

الحمد لله وحده، والصلاة والسلام على من لا نبي بعده، أما بعد:

فإن مجلس المجمع الفقهي الإسلامي، قد اطلع في دورته الرابعة، المنعقدة بمقر الأمانة العامة لرابطة العالم الإسلامي بمكة المكرمة، في الفترة مابين السابع والسابع عشر من شهر ربيع الآخر سنة ١٤٠١هـ على صورة خطاب الدعوة الإسلامية في سنغافورة، المؤرخ في ١٦ شوال ١٣٩٩هـ الموافق ٨ أغسطس ١٩٧٩م ، الموجه لسعادة القائم بأعمال سفارة المملكة العربية السعودية هناك، والذي يتضمن أنه حصل خلاف بين هذه الجمعية وبين المجلس الإسلامي في سنغافورة في بداية شهر رمضان ونهايته سنة ١٣٩٩هـ الموافق ١٩٧٩م حيث رأت الجمعية ابتداء شهر رمضان وانتهاءه على أساس الروية الشرعية، وفقاً لعموم الأدلة الشرعية، بينما رأى المجلس الإسلامي في سنغافورة ابتداء ونهاية رمضان المذكور بالحساب الفلكي، معللا ذلك بقوله (بالنسبة لدول منطقة آسيا حيث كانت سماؤها محجوبة بالغمام، وعلى وجه الخصوص سنغافورة، فالأماكن لرؤية الهلال أكثرها محجوبة عن الرؤية، وهذا يعتبر من الأعذار التي لابد منها، لذا يجب التقدير عن طريق الحساب) .

وبعد أن قام أعضاء مجلس المجمع الفقهي الإسلامي بدراسة وافية لهذا الموضوع على ضوء النصوص الشرعية، قرر مجلس المجمع الفقهي الإسلامي تأييده لجمعية الدعوة الإسلامية فيما ذهبت إليه، لوضوح الأدلة الشرعية في ذلك.

كما يقرر أنه بالنسبة لهذا الوضع الذي يوجد في أماكن مثل سنغافورة وبعض مناطق آسيا وغيرها، حيث تكون سماؤها محجوبة بما يمنع الرؤية، فإن

للمسلمين في تلك المناطق وماشابهها أن يأخذوا بمن يثقون به من البلاد الإسلامية التي تعتمد على الرؤية البصرية للهلال،دون الحساب بأي شكل من الأشكال، عملاً بقوله ﷺ (صوموا لرؤيته وأفطروا لرؤيته فإن غم عليكم فأكملوا العدة ثلاثين). وقوله ﷺ (لاتصوموا حتى تروا الهلال أو تكملوا العدة ولا تفطروا حتى تروا الهلال أو تكملوا العدة). وماجاء في معناهما من الأحاديث.



First decision regarding following moon sighting to begin lunar months not by astronomical calculations.

All praise is to Allah alone and salutations and salutations on the one who no prophet came after :- the Committee of Islamic jurisprudence has in its 4th convention convened in the General Assembly of Islamic Associations in Mecca between 7th and the 17th month of Rabei Akhir 1401 regarding the letter of the Islamic Dawa of Singapore dated 16th Shawwal 1399 or 8th of August 1979 addressed to the Consulate General of Saudi Arabia in Singapore. A disagreement occurred between the afore mentioned group and the Islamic Council of Singapore regarding the beginning of the month of Ramadan and its end in the year 1399/1979. The Islamic Dawa Group relied on moonsighting for the beginning and end of the month of Ramadan and the Islamic Council of Singapore relied on astronomical calculations to determine the beginning and end of the month of Ramadan. They used as evidence "concerning the countries in the Asian region, because the sky was covered with clouds, and specifically Singapore, most places of moonsighting are covered with clouds and this is considered a dispensation that is valid and therefore we must calculate according to astronomical calculations."

After the members of the Committee of Islamic Jurisprudence conducted investigations into this matter based on Islamic legal texts, the Committee has upheld the actions of the Islamic Dawa Group due to clear evidence within Islamic texts.

It also states regarding situations like the one in Singapore and other parts of Asia and the world, when the sky is overcast and prevents the moon being sighted, the Muslims in these countries and the like to take by what they can trust from other Muslim countries that follow moonsighting by the human eye without calculation of any kind. In adherence to the words of Muhammad (SAW) "Fast when you sight the moon and break your fast when you sight the moon and if it is overcast complete the days 30." And the saying of the Prophet (SAW) "do not fast till you sight the moon or complete the days and do not break your fast till you sight the moon or complete the days" and what has been said to this effect in ahadith (sayings of the Prophet SAW).