

Establishing the Sighting of the Crescent

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Questions:

In Canada and North America, there are various opinions regarding the commencement of Islamic months. In particular, Ramaḍān, Shawwāl and Dhū al-Ḥijjah. Generally, we find the following four opinions:

1. Local sighting of the moon.
2. Saudi Arabia's declarations.
3. Another country's announcement [such as Morocco].
4. Pre-calculated dates based on astronomical data.

In light of the above, there can be a lot of confusion amongst the general public. Some argue of unity. Others stress on local sighting. What would you deem as correct according to the islamic law for North American Muslims to follow?

For ʿEīd Al-Adḥā, would we celebrate ʿEīd based on the *wuqūf* (ritual stay) at ʿArafah in Saudi Arabia or in accordance to the 10th of Dhū al-Ḥijjah, determined by local sighting of the *hilāl* (new crescent)? If we follow individual local regional sighting of the moon, how should we determine our “*maṭla*” (horizon – sighting region)? Would every city have their own ‘*maṭla*’ or would the ‘*maṭla*’ extend to the entire North America and the Caribbean or only North America?

Answers:

There are two fundamental issues here:

The first issue: What is the religious legal stance for sighting the crescent?

The second issue: Is the plurality of horizons (multiple regional sighting locations) valid or not, in accordance to Islamic jurisprudence?



The First Matter:

The Religious Legal Positions for Establishing the Crescent Sighting

There are two dimensions in this matter:

The first: Establishing the sighting of the crescent by naked eye.

The second: Establishing the new crescent by astronomical calculations, even though it is not seen with the naked eye.

Sighting with the Eye

As for the first issue, that is to establish the new crescent by seeing it with the eye (i.e. physical sighting). The honourable Islamic jurists have unanimously agreed that sighting with the eye, physically, is what establishes the ruling of ‘crescent sighting’ due to the saying of the Messenger (*peace and blessings upon him*), “**Fast by seeing the new crescent and conclude your fast by seeing it. If it is obscured for you, then count thirty [for the month]**” (*Tirmidhī, Book of Fasting*)

The Prophet (*peace and blessings upon him*) has regulated the ruling of commencing and concluding the ritual fast [of Ramaḍān] in conjunction with seeing. This sighting is the sighting in a physical sense, by seeing with the naked eye. Hence, this is what is valid in accordance to the Islamic law, without any angle of a difference amongst the Islamic legal jurists.

Deciding with Only Astronomical Calculations

Mainstream Position

As for the second matter, which is to establish the crescent sighting by relying on astronomical calculations without naked eye sighting. This stance has no validity according to the *jamhūr* (majority) jurists. The four imams of Islamic jurisprudence also have agreement on this, due to the saying of the Messenger (*peace and blessings upon him*) “**Do not fast until you see the crescent and do not end the fasting period until you see it. If it is obscured upon you, then count it [as thirty days]**”. (*Ṣaḥīḥ Bukhārī, Book of Fasting, Ṣaḥīḥ Muslim, Book of Fasting*)

By contemplating over these blessed ḥadīths and also those similar to them, the ruling is that it is not permissible to determine the sighting of the crescent by only relying on astronomical calculations, according to the four great imams of jurisprudence.

Ḥanafī Position

The Ḥanafī jurist, ‘Allāmah Al-Shāmī (*may Allāh’s mercy be upon him*) states in “Rad Al-Muḥtār”, “There is no validity of the sayings of time keepers (*muwaqqitīn*). In other words, in the matter of declaring the fasting upon people. In fact, in determining the [exact date of] ‘Al-Me’rāj’, their statements are not considered with consensus. It is not permissible for an astronomer to act on his own calculations [to commence Islamic practices that are based on lunar dates]. In ‘Al-Nahr’, it is mentioned, “... it does not become binding, with the statements of the time keepers, that the crescent is in the sky on such and such a night, even though they (time keepers) may be upright (responsible people) in accordance to the correct view as stated in ‘Al-Iḍāh’” (*Book of Fasting*)

Mālikī Position

Imam Al-Kharshī Al-Mālikī (*may Allāh’s mercy be upon him*) states in Al-Sharḥ Al-Kabīr, “Fasting is established by what has been described, not by the statement of an astronomer (*munajjim*). Fasting cannot be established with astronomical calculations for [the astronomer] himself nor for others. For indeed the one (Prophet) entrusted with Islamic legal rulings has confined the establishment of the Islamic months, in act of physical sighting, testimony of sighting, or completing the number [30 days of the month]. He has not advised any other method beyond this. Thus, when the astronomer says, for example, “The month is short or increased.”, attention will not necessarily be paid to his statement, nor his calculations, regardless of whether the truthfulness of his statements seem to be appealing to the heart or not”. (*Al Sharḥ Al Kabīr on Mukhtaṣar Khalīl, Chapter of Fasting*)

Shāfīe Position

Imam Al Nawawī (*may Allāh’s mercy be upon him*) who is amongst the guiding jurists in Shāfīe *fiqh* (jurisprudence) said in *Rawḍat Al-Ṭalībīn*, “It is not necessary to fast in result of that which is declared by the calculations of the astronomer, neither upon himself nor for others.” Imam Al-Ruyānī says, “The same is with the one who understands the phases of the moon, fasting is not declared due to it, according to the most correct opinion.”. (*Rawḍat Al-*

Ṭalibīn, Chapter of Fasting).

Ḥanbalī Position

Al-Hajāwī Al-Ḥanbalī (*may Allāh's mercy be upon him*) states in Al-Iqnā'a, "Fasting is not established by the saying of an astronomer nor is it permissible to do so." (*Al-Iqnā'a*)

A Look at the Evidence by Those Who Agree with Astronomical Calculations without Physical Sighting

Yes, some jurists have gone towards the position of relying on the astronomical calculations, substantiating the position from the words of the Messenger (*peace and blessings upon him*), 'Compute it' and have stated the meaning of this word is 'Compute it with the calculations of the moon phases', however majority jurists rejected this interpretation.

Hence in Sharḥ Al-Nawawī on Ṣaḥīḥ Muslim, it is mentioned, "The scholars differed in the meaning 'Faḡdurū lah' (count it). Imam Ibn Surayj along with Imam Mutarrif ibn 'Abd Allāh and Imam Ibn Qutaybah and others stated, 'The meaning is to compute it with the phases of the moon. Imam Mālik, Imam Shāf'īe, Imam Abū Ḥanīfah and the majority of the predecessors and successors have taken the position that its meaning is 'compute it by the completion of thirty days.'" (*Book of Fasting*)

In Al-Muntaqā Sharḥ Al-Muwaṭṭa of Imam Bājī Al-Mālikī (*may Allāh's mercy be upon him*), it is noted, Imam Al-Dawūdī has mentioned that the following is said regarding the meaning of 'faḡdurū lah', "to compute the phases of the moon". We do not know of anyone amongst the scholars who said this, other than a few followers of the Shāf'īe *fiqh*, that the statement of the astronomers is acceptable, however the scholarly consensus is a proof against this position". (*Book of Fasting, Chapter of What Been Said Regarding Sighting the Crescent*)

In Faḡ Al-Bārī of Imam Ḥāfidh Ibn Ḥajr (*may Allāh's mercy be with him*), it is recorded that the meaning of the Prophet's (*peace and blessings upon him*) words 'faḡdurū lah' is: to look at the beginning of the month and count the completion of thirty days [if the crescent is not sighted]. This interpretation is given preference, substantiated by numerous clear narrations in this specific meaning. That is what has already been mentioned of the Prophet's (*peace and blessings upon him*) words, 'Complete the number as thirty' and others. The preferred method to understand ḡadīths is to obtain the explanation of the ḡadīth by

another ḥadīth. (*Book of Fasting, Chapter of the Prophet's Statement, 'When you see the crescent, begin fasting'.*)

Local or Global Sighting?

The Second Issue: Is the Plurality of Horizons (individual local regional sightings) Valid or Not, in Accordance to the Islamic Law?

The explanation of this subject matter is to study the question, 'If the crescent is seen in one region, even though it may be at the furthest corner of the world, would this sighting be proof for other regions of the world, despite the difference in the timings of sunset and sunrise due to the difference of region [and time zone]?'

The Ḥanafī, Mālikī and Ḥanbalī schools have declared that there is absolutely no validity for multiple horizons (local individual regional sightings). It is *wājib* (necessary) upon all Muslims in the entire world to act on a single sighting that has been established in accordance to the religious legal method, wherever it may have been spotted in any part of the world.

Ḥanafī Position

In *Fatḥ Al-Qadīr* of Imam Ibn Al-Hummam Al-Ḥanafī (*may Allāh's mercy be upon him*) it is stated, "And when it is established in a city, it will be mandatory upon all people. Thus, the people of the eastern hemisphere must adhere to the sighting of the western hemisphere, in accordance to the clear opinion of the school." (*Book of Fasting, Chapter of Sighting of the Crescent*)

Mālikī Position

In *Al Sharḥ Al-Kabīr* of Al-Dardīr Al-Mālikī (*may Allāh's mercy be upon him*) "The fasting is general upon all cities near and distant. The distance of shortening the prayers will not be considered in this matter nor the unity of horizon or the lack there of, thus fasting becomes mandatory on everyone who receives the information of it." (*Book of Fasting*)

Ḥanbalī Position

It is recorded in *Sharḥ of Muntahā Al-Irādāt* of Imam Bahūti Al-Ḥanbalī (*may Allāh's mercy be*

upon him), “When the crescent sighting of Ramaḍān is established in a city, fasting is binding on all the people due to the ḥadīth, “All of you fast when sighting it”. This is an address to the entire ummah (Muslim masses).” (*Book of Fasting*)

Shāfīe Position

The Shāfīe school and some contemporary Ḥanafī jurists have considered multiple horizons (local regional sightings). According to them, it is not permissible for people to fast or end fasting by the sighting of regions that vary in distance.

It is written in Tuhfat Al-Muḥtāj of Imam Ibn Al-Ḥajar Al-Makkī Al-Shāfīe (*may Allāh’s mercy be upon him*), “And when it is sighted in a city, it’s ruling is necessary upon the nearby city without question such as Baghdad and Kūfah, because they both are considered as one region, just as the analogy of sanctity applies to those who are also nearby the sacred mosque (Ḥaram), unlike the cities that are at a vast distance, in accordance to the most correct view, like Ḥijāz and Irāq. The second opinion is that it is necessary to follow despite the distance, and the remoteness is the distance of travel (*masāfat al-Qaṣr*). The author has also regarded this as correct in the Shraḥ of Muslim because many rulings of Islamic law are connected to the distance that makes one a traveler. It is also said the remote distance is what will establish the plurality of the horizons (multiple sighting regions). I say this is the most correct opinion. And Allāh knows best”. (*The Book of Fasting*)

All the jurists who consider the plurality of horizons (individual local regional sightings) have substantiated the matter with the ḥadīth of Kurayb and his narrative which is as follows:

“... that ‘Omm Faḍl (*may Allāh be pleased with her*) sent Kurayb (*may Allāh be pleased with him*) to Mu’awiya (*may Allāh be pleased with him*) in Syria. He says, “I arrived in Syria and did the needful for her. It was there while I was in Syria that the month of Ramaḍān dawned upon me. I saw the new moon [of Ramaḍān] on Friday. I then returned to Madīnah at the end of the month. ‘Abd Allāh bin ‘Abbās (*may Allāh be pleased with him*) asked me [about the new moon of Ramaḍān] and said, “When did you see it?” I said, “We saw it on the Friday night.” He said, “[Did] you see it yourself?” I said, “Yes, and the people also saw it and they observed the fast. Mu’āwiyah also fasted.” Thereafter, he said, “But we saw it on Saturday night. So we will continue fasting until we complete thirty [fasts] or we see it (the new moon of Shawwāl).” I inquired, “Is the sighting of the moon by Mu’āwiyah and his fasting not valid

for us?” He said, “No, this is how the Messenger of Allāh (*peace and blessings upon him*) has commanded us”. (*Ṣaḥīḥ Muslim, Sunan Tirmidī*)

The Proofs of Majority Jurists (*Jamhūr*) on International Sighting

As for the majority jurists who do not consider plurality of horizons, their proofs have been mentioned by Ibn Qudāmah (*may Allāh’s mercy be upon him*) in his valuable book, “Al-Mughnī”, who states, “We have the verse, ‘Who so ever witnesses amongst you the month, must fast.’ and the statement of the Prophet (*peace and blessings upon him*) to the Bedouin when he asked him, ‘Is it Allāh who instructed you to fast this month of the year?’ He replied, ‘Yes!’, and his saying to another person, when it was asked, ‘What has Allāh made mandatory upon me, regarding the fasts?’ He responded, ‘The month of Ramaḍān’. It is the consensus of the Muslims that the fasting in the month of Ramaḍān is mandatory, and certainly the first day of the month is established with the testimony of reliable people where-after it’s fasting becomes necessary upon all Muslims. The month of Ramaḍān is in between two crescents. It is also established that the first day of Ramaḍān will be considered a specific day for everyone regarding the execution of all rulings (*aḥkām*) such as the deadline of debt, execution of divorce, freeing the slave, the implementation of vows and other such rulings (*there cannot be multiple days for the execution of rulings/ aḥkām specified with dates*), hence its fasting is mandatory through the *naṣṣ* (clear source text of Qur’ān and Ḥadīth) and also scholarly consensus. The reliable evidence [to begin the month] is witnessed by the sighting of the crescent, so the fasting becomes mandatory just as it becomes mandatory by others due to the closeness of two cities [after crescent sighting is established in one of them]”.

The great pillar of knowledge, Imam Ibn Qudāmah Al-Ḥanbalī (*may Allāh’s mercy be upon him*) responded to the ḥadīth of Kurayb with the following, “As for the ḥadīth of Kurayb, it only serves to indicate that they did not stop fasting with the single saying of Kurayb alone, and this is precisely what we declare”. (*Al Mughnī*).

The Crescent and ‘Eid in the Modern World and Our Current Situation

This humble servant, Muḥammed Rafī Al-Uthmānī (*may Allāh overlook his faults*) states, “The preponderant opinion by us, is the agreed verdict of the majority (*jamhūr*), that is not to consider multiple horizons, looking at the stated evidences that were just discussed above, and also for the following reasons:

1. Muslims are residents of all lands of the globe. The world in today's day and age has become similar to a small global village, and this is due to the advantage of the numerous means of communication and media along with other such advancements. It has now become easy to communicate news to the entire world in the quickest time possible. The rapidness of journey between the countries in our time, is far greater than in any era of the past. This situation demands that the celebration of both the 'Eids be shared by Muslims and its joy, on the very same day.
2. In today's day and age, the followers of the four imams of *fiqh* reside in every region of international lands, to the extent that you will see in one township of the regions of Japan, for example, adjacent side by side, some of them, followers of the Mālikī *fiqh*, and beside them, followers of the Shāf'īe *fiqh*. So the followers of the Mālikī *fiqh* do not consider individual local sighting and will celebrate 'Eid every time the crescent is seen in the far west for example. While the Shāf'īe followers will not celebrate 'Eid, relying on the position of individual local sighting. This action [of multiple 'Eids], in today's day and age leads to the humiliation and defamation by those who do not understand Islam. It also results in confusion to understand the situation of Muslims, as it is witnessed every year. This matter in Non-Muslim countries also becomes a means of disarray in determining the days off, for 'Eid.

Conclusion and Proposals

The answers to the questions, in light of what we have mentioned, regarding the two fundamental matters, is as follows:

- a) It would be appropriate to form a special committee for sighting [and determining] the [lunar] crescent. This committee is to comprise of distinguished religious scholars, encompassing all the regions of the United States of America and Canada together. Alternatively, separate individual committees may also be formed [to coordinate with one another]. This committee is to establish and declare the news regarding the sighting of the new crescent, according to the religious stipulations laid down by Islamic law, such as testimony and reliable news accordingly, based on sighting with the human eye, as is the position of the majority jurists (*jamhūr*).
- b) If it is not possible to form such a committee, it would be appropriate to unanimously agree on following that which is declared by one of two governments, the Kingdom of Saudi Arabia and or the Kingdom of Morocco, regarding the matter

of crescent sighting, in accordance to the religious legal conditions. It would be permissible to begin fasting, end fasting and celebrate ʿEīd Al-Fiṭr adhering to the sighting of one of the two countries. In a similar fashion, it would be permissible to celebrate ʿEīd Al-Adḥā after the *wuqūf* at ʿArafah in Saudi Arabia, when the scholars have agreed upon accepting the crescent sighting declarations of the Kingdom of Saudi Arabia.

- c) It is not necessary for every city in North America to observe the crescent by themselves, rather it is permissible that everyone adopt one agreed position for the benefit of all North American Muslims. The process for that is what was stated above, regarding forming a committee for sighting the crescent, or relying on the sighting of one of the two kingdoms, Saudi and or Morocco. This should be achieved by the unanimous agreement of the Muslims, for indeed anything that leads to disuniting the togetherness of the Muslims and disenfranchising their oneness would be incorrect and impermissible, in accordance to Islamic law.

Note: As has been mentioned before, it is mandatory to rely on the crescent sighting by the naked human eye, according to mainstream legal jurists.

As for those who only rely on astronomical calculations, would it even be permissible to take their statement in this day and age? This requires a cordial international session of expert Islamic legal jurists, who take the responsibility to research and ponder in the matter. As for anything prior to that, it would not be permissible.

And Allāh Knows Best, For Indeed His Knowledge is Perfect