

THE ASTRONOMICAL CALCULATIONS: A *FIQHI* DISCUSSION

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The preferred opinion among all the schools of Islamic Fiqh in the past has been that the month of Ramadan cannot be determined by the calculations. Astronomical calculations, in view of the majority of Jurists, rest on mere assumptions and are hypothetical in nature. Therefore, significant acts of worship such as beginning and ending of the month of Ramadan cannot be based on probabilities and uncertain presumptions. Consequently, the months connected with acts of Islamic *Ibadat* such as *Ramadan*, *Shawwal* or *Zil-Hajjah*, can only be determined either by practical sighting (الرؤية) or by completion.

The majority of Classical scholars argue that actual sighting is required by the Qur'an, Sunnah, *Ijma'* (consensus of the jurists) and by the linguistic meanings of the word "*Hilal*". These four main arguments are usually presented to substantiate the claim that actual sighting by the naked eye is a prerequisite to the fasting of the month of Ramadan.

ARGUMENTS OF THE MAJORITY:

The Qur'an narrates that:

شهر رمضان الذي أنزل فيه القرآن هدى للناس وبينات من الهدى والفرقان فمن شهد منكم الشهر فليصمه ومن كان مريضا أو على سفر فعدة من أيام أخر يريد الله بكم اليسر ولا يريد بكم العسر ولتكملوا العدة ولتكبروا الله على ما هداكم ولعلكم تشكرون (185)

"Ramadan is the (month) in which was sent down the Qur-an, as a guide to mankind, also Clear (Signs) for guidance and judgment (between right and wrong). So every one of you who is present (at his home) during that month should spend it in fasting, but if any one is ill, or on a journey, the prescribed period (should be made up) by days later. Allah intends every facility for you; He does not want to put you to difficulties. (He wants you) to complete the prescribed period, and to glorify Him in that He has guided you; and perchance ye shall be grateful." (2:185)

The phrase "فمن شهد منكم الشهر" "So every one of you who is present" in the above verse is interpreted by the majority as requiring practical sighting of the new Moon. Such an interpretation seems to be authenticated by the Prophetic injunctions such as the following.

(1888)

— حَدَّثَنَا آدَمُ حَدَّثَنَا شُعْبَةُ حَدَّثَنَا مُحَمَّدُ بْنُ زَيْدٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَوْ

قال: قال أبو القاسم صلى الله عليه وسلم - «صوموا لرؤيته وأفطروا لرؤيته، فإن غُبِيَ عليكم فأكملوا عِدَّةَ شَعْبَانَ ثَلَاثِينَ».¹

The Prophet (PBUH) said, “Fast with sighting it (Moon) and break the fast with sighting it. Complete 30 days of Sha’aban if it is cloudy.”

(2469)

— وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُعَاذٍ. حَدَّثَنَا أَبِي. حَدَّثَنَا شُعْبَةُ عَنْ مُحَمَّدِ بْنِ زِيَادٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ ، رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللَّهِ «صُومُوا لِرُؤْيَيْهِ وَأَفْطَرُوا لِرُؤْيَيْهِ. فَإِنْ غُمِّي عَلَيْكُمْ الشَّهْرُ فَعُدُّوا ثَلَاثِينَ».²

The Prophet (PBUH) said, “Fast with sighting it (Moon) and break the fast with sighting it. Count 30 days if the month is concealed from you (being cloudy).”

(1885)

— حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ عَنْ مَالِكٍ عَنْ نَافِعٍ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: «أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ذَكَرَ رَمَضَانَ فَقَالَ: لَا تَصُومُوا حَتَّى تَرَوْا الْهَلَالَ، وَلَا تَفْطَرُوا حَتَّى تَرَوْهُ، فَإِنْ غَمَّ عَلَيْكُمْ فَاقْدُرُوا لَهُ».³

“The Prophet (PBUH) mentioned Ramadan and said,” Do not fast until you see the Moon and do not break the fast until you see it. Estimate about it in case it is cloudy.”

(5286)

— حَدَّثَنَا عَبْدُ اللَّهِ ، حَدَّثَنِي أَبِي ، حَدَّثَنَا عَبْدُ الرَّحْمَنِ ، حَدَّثَنَا مَالِكٌ ، عَنْ نَافِعٍ ، عَنْ ابْنِ عُمَرَ ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا تَصُومُوا حَتَّى تَرَوْا الْهَلَالَ، وَلَا تَفْطَرُوا حَتَّى تَرَوْهُ، فَإِنْ غَمَّ عَلَيْكُمْ فَاقْدُرُوا لَهُ»⁴

ACTUAL SIGHTING BY THE NAKED EYES IS REQUIRED BY IJMA' (CONSENSUS):

The Hanafi jurist Abu Bakr al-Jasas states that:

قَالَ أَبُو بَكْرٍ : قَوْلُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : " صُومُوا لِرُؤْيَيْهِ " مُوَافِقٌ لِقَوْلِهِ تَعَالَى : { يَسْأَلُونَكَ عَنِ الْأَهْلِ قُلْ هِيَ مَوَاقِيْتُ لِلنَّاسِ وَالْحَجِّ } وَاتَّفَقَ الْمُسْلِمُونَ عَلَى مَعْنَى الْآيَةِ وَالْخَيْرُ فِي اعْتِبَارِ رُؤْيِيهِ الْهَلَالِ فِي إِجَابِ صَوْمِ رَمَضَانَ ، فَذَلِكَ عَلَى أَنَّ رُؤْيِيَهُ الْهَلَالِ هِيَ شُهُودُ الشَّهْرِ⁵

Abu Bakr (al-Jasas) said, “ the statement of the Prophet (PBUH) “Fast by sighting it” is in line with the Qur’anic verse that says,” they ask you about the new moons. Say: they are timings for people and for Hajj.” The Muslims have agreed about the meanings and relationship of the verse and the Hadith with sighting of the Crescent as a condition to the fasting of Ramadan. It proves that the sighting of the new Moon is what is termed as witnessing the month.”

He concludes that actual sighting is the only method prescribed by the Prophet (PBUH) to confirm the month of Ramadan. If it cannot be determined by actual sighting on the

¹ Al-Bukhari

² Al-Muslim

³ Al-Bukhari

⁴ Musnad Ahmad

⁵ Al-Jasas, Abu Bakr bin Ali al-Razi, Ahkam al-Qur’an, Dar al-Fikr, Vol: 1, P: 279

29th, due to unfavorable conditions such as cloudy weather, then completing 30 days of Sh'aban is required and, that is the original rule, as al-Jassas states:

وَقَوْلِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ { صَوْمُوا لِرُؤْيَيْتِهِ وَأَفْطَرُوا لِرُؤْيَيْتِهِ ، فَإِنْ عَمَّ عَلَيْكُمْ فَعُدُّوا ثَلَاثِينَ } هُوَ أَصْلٌ فِي اعْتِبَارِ الشَّهْرِ ثَلَاثِينَ ، إِنْ يَرَى قَبْلَ ذَلِكَ الْهَلَالَ ، فَإِنْ كَلَّ شَهْرٌ عَمَّ عَلَيْنَا هَلَالُهُ فَعَلَيْنَا أَنْ نَعُدَّهُ ثَلَاثِينَ . هَذَا فِي سَائِرِ الشُّهُورِ الَّتِي يَتَعَلَّقُ بِهَا الْأَحْكَامُ ، وَإِنَّمَا يَصِيرُ إِلَى أَقَلِّ مِنْ ثَلَاثِينَ بِرُؤْيَيْهِ الْهَلَالِ⁶

“In light of the Prophetic Hadith, the original rule is that the month is consisting of 30 days except that if the new Moon is sighted before that. We must count 30 days for every month we are at a loss to see the Moon due to cloudy weather. This rule applies to all the months connected with Islamic rituals. Only the actual sighting of the new Moon will make the month lesser than 30 days.”

He also claims that there is a consensus among all the Muslim Jurists not to accept astronomical calculations in confirming or negating the month of Ramadan.

فَالِقَائِلُ بِاعْتِبَارِ مَنَازِلِ الْقَمَرِ وَحِسَابِ الْمُنْجَمِينَ خَارِجٌ عَنِ حُكْمِ الشَّرِيعَةِ . وَلَيْسَ هَذَا الْقَوْلُ مِمَّا يَسُوعُ الْجَاهِلِيَّةَ فِيهِ ، لِدَلَالَةِ الْكِتَابِ وَنَصِّ السُّنَّةِ وَاجْتِمَاعِ الْفُقَهَاءِ بِخِلَافِهِ⁷

“The one who believes in stages of the Moon and calculations of the astrologists is out of Sharia’ah. This is not the area of Ijtihad as the Qur’an, the Sunnah and the consensus of the Jurists is absolutely against it.”

لا يصح اعتقاد رمضان إلا برؤية فاشية أو شهادة عادلة، أو إكمال شعبان ثلاثين يوماً، وعلى هذا مذهب جمهور فقهاء الأمصار بالحجاز والعراق والشام والمغرب، منهم مالك والشافعي والأوزاعي والثوري وأبو حنيفة وأصحابه وعامة أهل الحديث⁸

The reason for starting the months with actual sighting, according to al-Jassas, is to begin the acts of worship with certainty and, not base them upon mere probabilities.

وَهَذَا قَوْلُ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : { صَوْمُوا لِرُؤْيَيْتِهِ وَأَفْطَرُوا لِرُؤْيَيْتِهِ ، فَإِنْ عَمَّ عَلَيْكُمْ فَأَكْمَلُوا عِدَّةَ شَعْبَانَ ثَلَاثِينَ } . فَفَرَضَ عَلَيْنَا عِنْدَ عَمَّةِ الْهَلَالِ إِكْمَالَ عِدَّةِ شَعْبَانَ ثَلَاثِينَ يَوْمًا ، وَإِكْمَالَ عِدَّةِ رَمَضَانَ ثَلَاثِينَ يَوْمًا عِنْدَ عَمَّةِ هَلَالَ شَوَّالٍ ، حَتَّى يَدْخُلَ فِي الْعِبَادَةِ بِتَقْنٍ ، وَخَرَجَ عَنْهَا بِتَقْنٍ . وَكَذَلِكَ ثَبَّتَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مُصْرَحًا بِهِ أَنَّهُ قَالَ : { لَا تَصُومُوا حَتَّى تَرَوْا الْهَلَالَ ، وَلَا تَفْطَرُوا حَتَّى تَرَوْهُ } . وَقَدْ رَوَى التِّرْمِذِيُّ عَنِ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ : { أَحْضُوا هَلَالَ شَعْبَانَ لِرَمَضَانَ }⁹

“This is what the Prophet (PBUH) says, “Begin fasting by sighting it and stop fasting by sighting it. If it is cloudy then complete counting thirty days of Sha’aban.” He (PBUH) has obligated us to count thirty days of Sha’aban when it is cloudy and also count 30 days

⁶ Ibid, P: 280

⁷ Ibid, P:280

⁸ Al-A’yni, Badar al-Din, U’mdat al-Qari, Dar al-Fikr, 10, 265

⁹ Ibid, P: 117

of Ramadan in case it is cloudy (on the 29th of Ramadan) before starting the month of Shawwal. It is required so that we can start the acts of worship based upon certainty and stop the acts of worship based upon certainty. This is what the Prophet (PBUH) has manifestly commanded by another authentic saying, “Do not fast until you see the new Moon and do not break the fast until you see the new Moon.” And al-Tirmizi has narrated on the authority of Abu Hurayrah that the Prophet (PBUH) said, “Count the Moon of Sha’aban to determine Ramadan.”

Al-Jassas represents the majority view of the classical jurists. The official position of the Hanafī, Maliki, Shafa’ee and Hanbali schools of thought is that astronomical calculations are not the authentic way of determining the Islamic months. These months must be confirmed either by actual sighting or by completion. In the following pages we will see how these classical scholars argue in favor of this established position.

Ahmad bin Muhammad Al-Hamawi, another famous Hanafī jurist, states:

الشَّرْطُ عِنْدَنَا فِي وُجُوبِ الصَّوْمِ وَالْإِفْطَارِ رُؤْيَةُ الْهَيْلِ وَلَا يُؤْخَذُ
بِقَوْلِ الْمُنْجِمِينَ . وَفِي التَّهْدِيبِ عَلَى مَذْهَبِ الشَّافِعِيِّ رَحِمَهُ اللَّهُ : لَا
يَجُوزُ تَقْلِيدُ الْمُنْجِمِ فِي حِسَابِهِ لَأ فِي الصَّوْمِ وَلَا فِي الْإِفْطَارِ¹⁰

“For us, the condition for the fast and breaking the fast is sighting of the Crescent and, calculation of the astrologists cannot be followed in this matter. In al-Tahzib, according to Shafa’ee school, it is also stated that astrological calculations cannot be trusted neither in the beginning nor in ending the month of fasting (Ramadan).”

Muhammad bin Abdallah Al-Kharshi presents the Maliki position in the following words:

الصَّوْمَ يَثْبُتُ بِمَا تَقَدَّمَ لَأ بِقَوْلِ مُنْجِمٍ فَلَأ يَثْبُتُ بِهِ لَأ فِي حَقِّ غَيْرِهِ
وَلَأ فِي حَقِّهِ هُوَ ; لِأَنَّ صَاحِبَ الشَّرْعِ حَصَرَ الثَّبُوتَ فِي : الرُّؤْيَةِ , أَوْ
الشَّهَادَةِ , أَوْ إِكْمَالِ الْعَدَدِ فَلَمْ يُخَيِّرْ بِزِيَادَةِ عَلَى ذَلِكَ فَإِذَا قَالَ
الْمُنْجِمُ مَثَلًا : الشَّهْرُ نَاقِصٌ أَوْ زَائِدٌ لَمْ يَلْتَفِتْ إِلَى قَوْلِهِ , وَلَا
إِلَى حِسَابِهِ , وَقَعَ فِي الْقَلْبِ صِدْقُهُ أَمْ لَا¹¹

“The fasting cannot be observed by following statement of an astrologist. Neither the astrologist nor any one else can fast based upon that, because the Prophet (PBUH) has confined the fasting solely to the sighting of the witnesses or completing the 30 days. No other method is prescribed. Therefore, no attention should be paid to the statement/calculations of the astrologist regarding the month whether one believes in the preciseness of his calculations or not.”

Muhammad bin Ahmad Al-Dasuqi (Maliki) elaborates the same by the following words:
لِأَنَّ الشَّارِعَ أَنْطَأَ الْحُكْمَ بِالرُّؤْيَةِ أَوْ بِإِكْمَالِ الثَّلَاثِينَ فَقَالَ عَلَيْهِ
الصَّلَاةُ وَالسَّلَامُ { الشَّهْرُ تِسْعَةٌ وَعِشْرُونَ فَلَأ تَصُومُوا حَتَّى تَرَوْا الْهَيْلَ
وَلَأ تُفْطَرُوا حَتَّى تَرَوْهُ فَإِنَّ عَمَّ عَلَيْكُمْ فَاقْدُرُوا لَهُ } وَفِي رَوَايَةٍ {
فَأَكْمَلُوا عِدَّةَ شَعْبَانَ } , وَهِيَ مُفَسَّرَةٌ لِمَا قَبْلَهَا قَالَ مَا لِكَ إِذَا

¹⁰ Al-Hamwi, Ahmad bin Muhammad, Ghamz A’uun al-Basa’ir, Dar al-Kutb al-A’ilmiyyah, Vol: 2, P: 66

¹¹ Al-Kharshi, Muhammad bin Abdallah, Sharh Mukhtasar Khalil li-al-Kharshi, Dar al-Fikr, Vol: 2, P: 237

تَوَالِي الْعَيْمِ شَهْرًا يُكْمَلُونَ عِدَّةَ الْجَمِيعِ حَتَّى يَظْهَرَ خِلَافُهُ اتِّبَاعًا
لِلْحَدِيثِ وَيَقْضُونَ إِنْ تَبَيَّنَ لَهُمْ مَا هُمْ عَلَيْهِ¹²

Al-Dasuqi adds that Imam Malik is of the opinion that 30 days should be completed for all the months when it is cloudy and possibility of sighting the Moon is non-existent.

Imam Malik himself has been reported to have said that if an Imam does not follow the sighting methodology but prefers the calculations over that, such an Imam is not to be obeyed or followed in daily prayers.

وَقَدْ رَوَى ابْنُ نَافِعٍ عَنِ مَالِكٍ فِي الْمَزْنِيَّةِ فِي الْإِمَامِ لَا يَصُومُ لِرُؤْيَةِ
الْهَالِ وَلَا يُفْطِرُ لِرُؤْيَتِهِ ، وَإِنَّمَا يَصُومُ وَيُفْطِرُ عَلَى الْحِسَابِ أَنَّهُ لَا
يُقْتَدَى بِهِ وَلَا يُتَّبَعُ¹³

Qadi Abu al-Walid argues that one should make up for the days one has fasted based upon the calculations and not upon sighting or completion.

قَالَ الْقَاضِي أَبُو الْوَلِيدِ رَضِيَ اللَّهُ عَنْهُ فَإِنْ فَعَلَ ذَلِكَ أَحَدٌ فَأَلْذِي عِنْدِي
أَنَّهُ لَا يُعْتَدُّ بِمَا صَامَ مِنْهُ عَلَى الْحِسَابِ وَيَرْجَعُ إِلَى الرُّؤْيَةِ وَاكْمَالِ
الْعَدَدِ فَإِنْ افْتَضَى ذَلِكَ قِضَاءَ شَيْءٍ مِنْ صَوْمِهِ قِضَاءً¹⁴

THE MUSLIM UMMAH IS UNLETTERED:

Shihab al-Din bin Ahmad al-Ramli, the known Shafi jurist, argues that:

أَنَّ الشَّارِعَ لَمْ يَعْتَمِدِ الْحِسَابَ بَلْ أَلْغَاهُ بِالْكَلِمَةِ بِقَوْلِهِ نَحْنُ أُمَّةٌ
أُمِّيَّةٌ لَا نَكْتُبُ وَلَا نَحْسِبُ الشَّهْرَ هَكَذَا وَهَكَذَا وَقَالَ ابْنُ دَقِيقِ الْعَيْدِ
الْحِسَابُ لَا يَجُوزُ الْإِعْتِمَادُ عَلَيْهِ فِي الصِّيَامِ¹⁵

“The Prophet (PBUH) did not depend upon calculations at all but absolutely negated it by his statement that “we are an unlettered nation, we neither write nor calculate... Ibn Daqiq al-Eid stated that calculations cannot be the source of confirming the fasting (of Ramadan).”

Imam Yahya bin Sharaf Al-Nawawi in *Al-Majmu* also quotes the above mentioned Hadith and gives almost the same reasons for rejection of calculations:

وَمَنْ قَالَ بِحِسَابِ الْمَنَازِلِ فَقَوْلُهُ مَرْدُودٌ بِقَوْلِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي
الصَّحِيحَيْنِ { إِنَّا أُمَّةٌ أُمِّيَّةٌ لَا نَحْسِبُ وَلَا نَكْتُبُ ، الشَّهْرُ هَكَذَا ،
وَهَكَذَا } الْحَدِيثُ قَالُوا : وَلِأَنَّ النَّاسَ لَوْ كَلَّفُوا بِذَلِكَ ضَاقَ عَلَيْهِمْ ؛
لِأَنَّهُ لَا يَعْرِفُ الْحِسَابَ إِلَّا أَفْرَادٌ مِنَ النَّاسِ فِي الْبِلْدَانِ الْكِبَارِ ،
فَالصَّوَابُ مَا قَالَهُ الْجُمْهُورُ ، وَمَا سِوَاهُ فَاسِدٌ مَرْدُودٌ بِصَرَاحِ
الْحَادِيثِ¹⁶

He adds that “it will cause people hardship if they were required to follow the calculations as calculations are known only to a few people living mostly in big cities. Therefore, the majority position is the right position and whatever else is there is rejected by the authentic sayings of the Prophet (PBUH).”

¹² Al-Dasuqi, Muhammad bin Ahmad bin A'rfah, Hashiyat al-Dasuqi a'la al-Sharh al-Kabir, Dar Ihy' al-Kutub al-A'rabiyyah, Vol: 1, P: 509

¹³ Al-Baji, Salman bin Khalf, al-Muntaqa Sharh al-Muatta, Dar al-Kitab al-Islami, Vol:2, P: 38

¹⁴ Ibid, P: 38

¹⁵ Al-Ramli, Shihabuddin Ahmad bin Ahmad, Fatawa, al-Maktabah al-Islamiyyah, Vol: 2, P: 59

¹⁶ Al-Nawawi, Yahya bin Sharaf, al-Majmu'a Sharh al-Muhazhab, Matba'ah al-Muniriyyah, Vol: 6, P: 276

Al-Zurqani also argues the same:

ولا يصح أن المراد حساب المنجمين لأن الناس لو كلفوا ذلك لشق عليهم لأنه لا يعرفه إلا أفراد، والشرع إنما يكلف الناس بما يعرفه جماهيرهم¹⁷

Abd al-Rahim bin al-Hussain Al-A'iraqi, another renowned Shafi scholar, contends that clouds are very often in the horizon. The Shara'ee reason for fasting is the actual sighting. The majority of Jurists has connected the fasting with actual sighting without resorting to any other method. This is the opinion of Malik, Shafa'ee, Abu Hanifah and the Jamhur in the past and the present.

وَحُصُولُ الْعَيْمِ فِي الْمَطَالِعِ أَمْرٌ مُعْتَادٌ وَالسَّبَبُ الشَّرْعِيُّ لِلْوُجُوبِ إِنَّمَا هُوَ الرُّؤْيَةُ مَذْهَبُ الْجُمْهُورِ فِي تَغْلِيْقِ الْحُكْمِ بِالرُّؤْيَةِ دُونَ غَيْرِهَا وَبِهِ قَالَ مَالِكٌ وَالشَّافِعِيُّ وَأَبُو حَنِيفَةَ وَجُمْهُورُ الْعُلَمَاءِ مِنَ السَّلَفِ وَالْخَلْفِ¹⁸

THE CALCULATIONS ARE CONNECTED WITH MAGIC AND ASTROLOGY:

One of the main reasons of such a total rejection, in the view of these scholars, is the close connection between astronomy and magic, which is forbidden by the Prophet of Islam. Hafiz Ibn Hajar argues that:

لَا اِغْتِيَارَ بِحِسَابِ النُّجُومِ ، وَلَا بِمَنْ عَرَفَ مَنَازِلَ الْقَمَرِ إِلَى آخِرِهِ ، يَدُلُّ لَهُ مَا فِي الصَّحِيحِ مِنْ حَدِيثِ ابْنِ عُمَرَ : " إِنَّا أُمَّةٌ أُمِّيَّةٌ لَا نَكْتُبُ وَلَا نَحْسِبُ " - الْحَدِيثُ - وَرَوَى أَبُو دَاوُدَ عَنْ ابْنِ عَبَّاسٍ مَرْفُوعًا : " مَا اِقْتَبَسَ رَجُلٌ عِلْمًا مِنَ النُّجُومِ إِلَّا اِقْتَبَسَ شَعْبَةً مِنَ السَّحْرِ " . وَعَنْ عُمَرَ قَالَ : " تَعَلَّمُوا مِنَ النُّجُومِ مَا تَهْتَدُونَ بِهِ فِي ظُلُمَاتِ الْبَرِّ وَالْبَحْرِ ، ثُمَّ ائْمَسِكُوا " رَوَاهُ حَرْبُ الْكِرْمَانِيِّ . وَقَالَ ابْنُ دَقِيقِ الْعَيْدِ : الَّذِي أَقُولُ : إِنَّ الْحِسَابَ لَا يَجُوزُ أَنْ يُعْتَمَدَ عَلَيْهِ فِي الصَّوْمِ لِمُقَارِنَةِ الْقَمَرِ لِلشَّمْسِ عَلَى مَا يَرَاهُ الْمُتَجَمُّونَ ، فَإِنَّهُمْ قَدْ يُقَدِّمُونَ الشَّهْرَ بِالْحِسَابِ عَلَى الرُّؤْيَةِ بِيَوْمٍ أَوْ يَوْمَيْنِ . وَفِي اِغْتِيَارِ ذَلِكَ إِحْدَاثِ شَرَعٍ لَمْ يَأْذَنْ لَهُ¹⁹

Ibn Hajar strictly prohibits use of calculation by quoting the Prophetic sayings which warn Muslims about the evils of astrology such as “no one would learn any part of astrology except that he has learnt a part of magic.” Caliph Omar has been quoted as saying, “Learn from astrology whatever portion is helpful in guiding you through the land and ocean and then stop.” Therefore, any part of astrology other than the directional symbols and signs, to Ibn Hajar, is un-Islamic.

Imam Ibn Taymiyyah, a renowned Hanbali authority, is the staunch opponent of using astronomical calculations in relation to confirming or negating the Islamic months. He emphatically argues that calculations can never lead to a certain method of finding out the

¹⁷ Al-Zurqani, Sharh al-Zurqani A'la Mowta Malik, Dar al-Fikr, 152

¹⁸ Al-A'iraqi, Abd al-Rahim bin al-Hussain, Tarh al-Tathrib, Dar Ihy'a al-Kutub al-A'rabiyyah, Vol: 4, P: 113-114

¹⁹ Ibn Hajr, al-Talkhis, Vol: 2, P: 360

crescent and he, like al-A'iraqi and al-Jassas, also claims an agreement among the scholars about this matter. Ibn Taymiyyah contends that;

اتفق علماء الشريعة الاعلام على تحريم العمل بذلك في الهلال واتفق أهل الحساب العقلاء على أن معرفة ظهور الهلال لا يضبط بالحساب ضبطا تاما قط ولذلك لم يتكلم فيه حذاق الحساب بل أنكروه وانما تكلم فيه قوم من متأخريهم تقريبا وذلك ضلال عن دين الله وتغيير له شبهه بضلال اليهود²⁰

“The mainstream scholars of Sharia’h agree that using calculations in determining the new Moon is forbidden. The wise astronomers also agree that there is no way to authentically determine the Crescent through calculations. That is why the expert astronomers do not indulge in calculations but deny it. Only a group from the posterity, out of ignorance, has indulged themselves in that. This is basically changing the Din of Allah by misleading people and by following the misguidance of the Jews in this matter.”

Here Ibn Taymiyyah seems to be referring to the Jewish Rabbinical council’s decision to adopt astronomical calculations as the authentic source of confirming the Jewish lunar months.

At another place he had registered his opposition to the use of calculations in the following strong words:

ولا ريب انه ثبت بالسنة الصحيحة واتفاق الصحابة انه لا يجوز الاعتماد على حساب النجوم كما ثبت عنه في الصحيحين انه قال انا امة امية لا نكتب ولا نحسب صوموا لرؤيته وأفطروا لرؤيته والمعتمد على الحساب في الهلال كما انه ضال في الشريعة مبتدع في الدين فهو مخطيء في العقل وعلم الحساب²¹

“Undoubtedly the calculations are rejected by the Sunnah as well as consensus of the Companions, as the authentic Hadith says ... Therefore the one who depends upon the calculation is a misguided innovator not only mistaken in the matters of Shari’ah but also in the matters of logic and astrology.”

THE CALCULATIONS ARE INACCURATE:

He also argues that knowledge of astronomy is misleading and in itself is a forbidden act. Its cons over weigh its pros. He quotes several narrations of the Prophet (PBUH) to denounce astrology.

، وَإِنْ تَوَهَّمِ الْمُتَوَهَّمُ أَنَّ فِيهِ تَقْدِيمَةً لِمَعْرِفَةِ بِالْحَوَادِثِ ، وَأَنَّ ذَلِكَ يَنْفَعُ فَالْجَهْلُ فِي ذَلِكَ أَوْعَفُ ، وَمَضْرُوءٌ ذَلِكَ أَعْظَمُ مِنْ مَنَفَعَتِهِ ، وَلِهَذَا قَدْ عَلِمَ الْخَاصَّةُ وَالْعَامَّةُ بِالتَّجْرِبَةِ وَالتَّوَاتُرِ أَنَّ الْأَحْكَامَ الَّتِي يَجُكُّمُ بِهَا الْمُتَنَجِّمُونَ يَكُونُ الْكُذْبُ فِيهَا أَوْعَفُ الصِّدْقِ ، وَهُمْ فِي ذَلِكَ مِنْ نَوْعِ الْكُهَّانِ . وَقَدْ ثَبَتَ فِي الصَّحِيحِ ، عَنْ { النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قِيلَ لَهُ : إِنَّ مِثْلًا قَوْمًا يَأْتُونَ الْكُهَّانَ ، فَقَالَ : إِنَّهُمْ لَيْسُوا بِشَيْءٍ . فَقَالُوا : يَا رَسُولَ اللَّهِ إِنَّهُمْ يُخَدِّثُونَا أَحْيَانًا بِالشَّيْءِ فَيَكُونُ حَقًّا ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : تِلْكَ

²⁰ Ibn Taymiyyah, Fatawa, Vol: 6, P: 590

²¹ Ibid, Vol: 25, P: 207

الْكَلِمَةَ مِنَ الْحَقِّ يَسْمَعُهَا الْجَنِّيَّ فَيُقْرِهَا فِي أُذُنٍ وَلِيَّهِ { . وَأَخْبَرَ أَنَّ اللَّهَ إِذَا قَضَى بِالْأَمْرِ ضَرَبَتْ الْمَلَائِكَةُ بِأَجْنِحَتِهَا خُضْعَانًا لِقَوْلِهِ ، كَأَنَّهُ سِلْسِلَةٌ عَلَى صَفْوَانٍ حَتَّى إِذَا فُزِعَ عَنْ قُلُوبِهِمْ ، قَالُوا مَاذَا قَالَ رَبُّكُمْ ؟ قَالُوا : الْحَقُّ ، وَأَنَّ كُلَّ أَهْلِ سَمَاءٍ يُخْبِرُونَ أَهْلَ السَّمَاءِ الَّتِي تَلِيهِمْ حَتَّى يَنْتَهِيَ الْخَبْرُ إِلَى سَمَاءِ الدُّنْيَا ، وَهَنَّاكَ مُسْتِرْقَةً السَّمْعَ بَعْضُهُمْ فَوْقَ بَعْضٍ ، فَرَبَّمَا سَمِعَ الْكَلِمَةَ قَبْلَ أَنْ يُدْرِكَ الشَّهَابُ ، بَعْدَ أَنْ يُلْقِيَهَا ، قَالَ صَلي الله عليه وسلم : { قَلُوا أَتَوْا بِالْأَمْرِ عَلَى وَجْهِهِ وَلَكِنْ يَزِيدُونَ فِي الْكَلِمَةِ مِائَةَ كَذِبَةٍ }²²

Ibn Taymiyyah substantiates his point by a practical encounter which he had with the so called astronomers of his times. He concludes that the methodology of astronomical calculations is purely based upon falsehood and cheating.

وَهَكَذَا الْمُنْجَمُونَ ، حَتَّى أَتَى لَمَّا خَاطَبْتُهُمْ بِدِمَشْقٍ وَحَضَرَ عِنْدِي رُؤَسَاؤُهُمْ ، وَبَيَّنْتُ فَسَادَ صِنَاعَتِهِمْ بِالْأَدَلَّةِ الْعَقْلِيَّةِ الَّتِي يَعْتَرِفُونَ بِصِحَّتِهَا ، قَالَ لِي رَبِّيسٌ مِنْهُمْ : وَاللَّهِ إِنَّا نَكْذِبُ مِائَةَ كَذِبَةٍ حَتَّى تَصُدَّقَ فِي كَلِمَةٍ²³

“This is how the astrologists are! I, by logical arguments, proved the wrong nature of their profession when I debated their chiefs in Damascus. One of them told me that, by God, we concoct hundred lies to be able to come up with one truth.”

He further contends that:

وَالْأَدَلَّةُ الدَّالَّةُ عَلَى فَسَادِ هَذِهِ الصَّنَاعَةِ وَتَجْرِيمِهَا كَثِيرَةٌ ، لَيْسَ هَذَا مَوْضِعَهَا ، وَقَدْ ثَبَتَ فِي صَحِيحِ مُسْلِمٍ ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ { مَنْ أَتَى عَرَافًا فَسَأَلَهُ عَنْ شَيْءٍ لَمْ يَقْبَلِ اللَّهُ تَه صَلَاةَ أَرْبَعِينَ يَوْمًا } . وَالْعَرَّافُ ، قَدْ قِيلَ إِنَّهُ اسْمٌ عَامٌّ لِلْكَاهِنِ وَالْمُنْجِمِ وَالرَّمَالِ وَنَحْوِهِمْ²⁴

“The arguments against this profession and its prohibition in Islam are too many. It is not a place to go in to details of that. It is sufficient to quote what al-Muslim narrated from the Prophet (PBUH), “who asked an astrologist (*a'rraf*) about something (unseen), Allah SWT will not accept his prayers for forty days. The term (*a'rraf*) denotes the magician, the astrologist and the others.”

This group of scholars suggests a number of punishments for the individuals who engage themselves with astronomy and calculations. For instance, Muhammad bin Ahmad al-A'lish points out that no body, neither the astrologist himself nor any one else, should fast according to the calculations. It is forbidden to approve of an astrologist. The astrologist should be killed without any chance of repentance if he openly propagates that the stars are directly involved in human destiny. He will be treated as an apostate if he conceals his beliefs but argues indirectly about the impact of stars on human life. He should be asked to repent and in case of refusal to do so should be killed. He will be a sinful believer if he takes the stars as signs indicating the events in the world but does believe that the actual power lies with Allah SWT and not with the stars. A'lish contends that:

²² Ibn Taymiyyah, Taqi al-Din, al-Fatawa al-Kubra, Dar al-Kutb al-A'ilmiiyyah, Vol: 1, P: 62

²³ Ibid, Vol: 1, P: 62

²⁴ Ibid, P: 63

وَالْحَاسِبُ الَّذِي يَحْسِبُ سَيْرَ الشَّمْسِ وَالْقَمَرِ وَعَلَى كُلِّ لَنَا بِصَوْمٍ أَحَدٌ
بِقَوْلِهِ وَلَا يَعْتمِدُ هُوَ فِي نَفْسِهِ عَلَى ذَلِكَ وَحَرَمٌ تَصْدِيقُ مُنْجَمٍ وَيُقْتَلُ
أَنْ اعْتَقَدَ تَأْثِيرَ النُّجُومِ وَأَنَّهَا الْفَاعِلَةُ بَلَا اسْتِثْنَاءٍ إِنْ أَسْرَهُ ،
فَإِنْ أَظْهَرَ . وَبَرَهَنَ عَلَيْهِ فَمُرْتَدٌ فَيُسْتَتَابُ فَإِنْ تَابَ وَإِلَّا قَتِلَ وَإِنْ لَمْ
يَعْتَقِدْ تَأْثِيرَهَا وَاعْتَقَدَ أَنَّ الْفَاعِلَ هُوَ اللَّهُ تَعَالَى وَجَعَلَهُمَا أَمَارَةً
عَلَى مَا يَخْدَتُ فِي الْعَالَمِ فَمُؤْمِنٌ عَاصٍ²⁵

In view of Ibn Rushd, another classical renowned jurist, astronomers must be disciplined:

عِنْدَ ابْنِ رِشْدٍ يُزَجَرُ عَنِ اعْتِقَادِهِ وَيُؤَدَّبُ عَلَيْهِ وَيَحْرَمُ تَصْدِيقَهُ لِقَوْلِهِ
تَعَالَى { قَدْ لَّا يَعْلَمُ مَنْ فِي السَّمَوَاتِ وَالْأَرْضِ الْغَيْبَ إِلَّا اللَّهُ }
وَلِخَبْرِهِ { مَنْ صَدَقَ كَاهِنًا أَوْ عَرَافًا أَوْ مُنْجِمًا فَقَدْ كَفَرَ بِمَا أُنزِلَ
عَلَى مُحَمَّدٍ } صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ . وَعَبَّرَ عَاصٍ عِنْدَ الْمَازِرِيِّ إِذَا أَسْنَدَ
ذَلِكَ لِعَادَةِ أَجْرَاهَا اللَّهُ تَعَالَى لِحَدِيثِ { إِذَا أَنْشَأَتْ بَحْرِيَّةٌ ثُمَّ
تَشَاءَمَتْ فَتِلْكَ عَدِيْقَةٌ } ، وَأَمَّا الْحَدِيثُ الْقُدْسِيُّ وَهُوَ { أَصْبَحَ مِنْ
عِبَادِي مُؤْمِنٌ بِي وَكَافِرٌ بِي ، فَأَلْذِي قَالَ مُطْرِنًا بِفَضْلِ اللَّهِ فَهُوَ مُؤْمِنٌ
بِي وَكَافِرٌ بِالْكَوْكَبِ ، وَالَّذِي قَالَ مُطْرِنًا بِنُوءٍ كَذَا فَهُوَ كَافِرٌ بِي
مُؤْمِنٌ بِالْكَوْكَبِ } فَهُوَ فِيْمَنْ نَسَبَ الْفِعْلَ لِلنُّوءِ بِهَذَا جَمَعَ الْإِمَامُ
مَالِكٌ رَضِيَ اللَّهُ عَنْهُ بَيْنَهُمَا²⁶

Hafiz Ibn Hajar calls them the human devils as they base their calculations on mere conjecture, mere hunch and anticipation. He also quotes the above mentioned Hadith which connects knowledge of astrology with the knowledge of magic.

لأنهم شياطين الإنس وقد جاء في بعض الأحاديث من اقتب بابا من علم
النجوم لغير ما ذكر الله فقد اقتبس شعبة من السحر²⁷
النهاية في غريب الأثر ج: 2 ص: 205

SUMMARY OF THE MAJORITY'S ARGUMENTS:

The main arguments of this group of scholars (against usage of calculation as a valid source of determining the Islamic month) can be summarized in the following main points:

1: That, in the matters of confirming or negating the Islamic months especially the month of Ramadan, sighting of the new Moon is required by the Islamic Law, as sighting only can guarantee the certainty. Actual sighting, in the view of these scholars, seems to be the goal and not the means. By sighting they mean the actual sighting through the naked human eyes. This group of scholars claims that there exists a consensus among all the classical Muslim scholars that the actual sighting or completion of thirty days is the only way of confirmation. This classical majority group reiterates that the Prophetic narrations which call for estimation or calculation in case of cloudy weather must be understood in light of the narrations that require completion of thirty days. That is what they believe is the consensus. And Ibn Taymiyyah defines the consensus in the following words:

²⁵ A'lish, Muhammad bin Ahmad bin Muhammad, Manh al-Jalil Shrah Mukhtasar Khalil, Dar al-Fikr, Vol: 2, P: 113-114

²⁶ Ibid, 114

²⁷ Ibn Hajr

“أن تجتمع علماء المسلمين على حكم من الاحكام وإذا ثبت إجماع الأمة على حكم من الأحكام لم يكن لأحد أن يخرج عن إجماعهم فان الأمة لا تجتمع على ضلالة”²⁸

“Consensus occurs when the Muslim scholarship agrees upon a ruling of one of the Islamic rules. No one is permitted to oppose such a consensus because the Ummah does not agree upon something inherently wrong.”

He also argues that:

والتحقيق أن الاجماع المعلوم يكفر مخالفه كما يكفر مخالف النص بتركه²⁹

“The reality is that the one who goes against an established consensus in fact commits an act of disbelief. It is just like refusing an established religious text.”

2: That, astronomical calculations are hypothetical in nature and mere conjectures. They can never lead us to an authentic method of determining the beginning or end of the Islamic lunar months. Some classical scholars such as Ibn Taymiyyah and al-Jassas also seem to claim an agreement among *Jamhur* about rejecting the calculations all together.

3: That, following calculations causes hardship for common people as its knowledge is specified to a few individuals mostly living in big cities etc., as argued by al-Nawawi.

4: That, dealing with calculations and movements of celestial bodies is a profession of magicians and fortune-tellers, the aspects of divinations strictly forbidden by the Sharia’h. The Prophet (PBUH) forbade that by saying:

حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَمُسَدَّدُ الْمَعْنَى قَالَا حَدَّثَنَا يَحْيَى عَنْ عُبَيْدِ اللَّهِ بْنِ الْأَخْنَسِ عَنْ الْوَلِيدِ بْنِ عَبْدِ اللَّهِ عَنْ يُوسُفَ بْنِ مَاهَكَ عَنْ ابْنِ عَبَّاسٍ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَنْ اقْتَبَسَ عِلْمًا مِنَ النُّجُومِ اقْتَبَسَ شَعْبَةً مِنَ السَّحْرِ زَادَ مَا زَادَ³⁰

“No one would learn any part of astrology except that he has learnt a part of magic.”

Abu Dawud also narrates that the Prophet (PBUH) prohibited Ali (May Allah be pleased with him) from keeping the company of astrologists.

حَدَّثَنَا عَبْدُ اللَّهِ حَدَّثَنِي مُحَمَّدُ بْنُ أَبِي بَكْرٍ الْمُقَدَّمِيُّ حَدَّثَنَا هَارُونُ بْنُ مُسْلِمٍ حَدَّثَنَا الْقَاسِمُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ أَبِيهِ عَنْ عَلِيٍّ قَالَ قَالَ لِي النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَا عَلِيُّ أَسْبِغِ الْوُضُوءَ وَإِنْ شَقَّ عَلَيْكَ وَلَا تَأْكُلِ الصَّدَقَةَ وَلَا تَنْزِ الْحَمِيرَ عَلَى الْخَيْلِ وَلَا تَجَالِسِ أَصْحَابَ النُّجُومِ³¹

5: That, the Prophet (PBUH) has clearly forbidden Muslims to deal with calculations in relation to the month of Ramadan when he said that we are unlettered people we neither write nor calculate. On the other hand, he (PBUH) has commanded Muslims to depend upon the actual sighting or complete thirty days. Some of them contend that the Prophet

²⁸ Ibn Taymiyyah, 10 ص: 20 مجموع الفتاوى ج:

²⁹ Ibid,

³⁰ Abu Dawud

³¹ Ibid

(PBUH) prohibited usage of calculations knowing the fact that the Jewish community of Madinah was using astronomical calculations in confirming the Jewish months. Actually the Jewish calendar was fixed by R. Hillel II in 363 AD and the Jewish community of Madinah had access to that calendar. He (PBUH) intentionally stopped the Muslims from imitating the Jews by putting a stop on the use of calculations in the matters of confirming Muslim months.

حَدَّثَنَا آدَمُ حَدَّثَنَا شُعْبَةُ حَدَّثَنَا الْأَسْوَدُ بْنُ قَيْسٍ حَدَّثَنَا سَعِيدُ بْنُ عَمْرٍو أَنَّهُ سَمِعَ ابْنَ عَمْرٍو رَضِيَ اللَّهُ عَنْهُمَا عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ إِنَّا أُمَّةٌ أُمِّيَّةٌ لَا نَكْتُبُ وَلَا نَحْسِبُ الشَّهْرَ هَكَذَا وَهَكَذَا يَعْنِي مَرَّةً تِسْعَةً وَعَشْرِينَ وَمَرَّةً ثَلَاثِينَ³²

“We are an unlettered nation. We neither write nor calculate. The month is this way and this way. It means that sometimes it is twenty nine days and sometimes thirty days.”

حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ حَدَّثَنَا عُذْرُ عَنْ شُعْبَةَ ح وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى وَابْنُ بَشَّارٍ قَالَ ابْنُ الْمُثَنَّى حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ حَدَّثَنَا شُعْبَةُ عَنْ الْأَسْوَدِ بْنِ قَيْسٍ قَالَ سَمِعْتُ سَعِيدَ بْنَ عَمْرٍو بْنَ سَعِيدٍ أَنَّهُ سَمِعَ ابْنَ عَمْرٍو رَضِيَ اللَّهُ عَنْهُمَا يُحَدِّثُ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ إِنَّا أُمَّةٌ أُمِّيَّةٌ لَا نَكْتُبُ وَلَا نَحْسِبُ الشَّهْرَ هَكَذَا وَهَكَذَا وَعَقَدَ الْبَيْهَامَ فِي الثَّلَاثَةِ وَالشَّهْرُ هَكَذَا وَهَكَذَا وَهَكَذَا يَعْنِي تَمَامَ ثَلَاثِينَ وَحَدَّثَنِيهِ مُحَمَّدُ بْنُ حَاتِمٍ حَدَّثَنَا ابْنُ مَهْدِيٍّ عَنْ سُفْيَانَ عَنْ الْأَسْوَدِ بْنِ قَيْسٍ بِهَذَا الْإِسْنَادِ وَلَمْ يَذْكُرْ لِلشَّهْرِ الثَّانِي ثَلَاثِينَ³³

6: Following astronomical calculations in the matters of Din such as the month of Ramadan and Shawwal would nullify the spirit of the acts of worship such as fasting. This goes against the clear commandments of the Prophet (PBUH) as he has said, “Do not start fasting until you see the Moon and do not stop fasting until you see the Moon.” The Prophet (PBUH) has used both positive and negative forms of the verb (fast by seeing and do not fast until you see it) to make sure that the Muslims understand the significance of the actual Moon sighting and that they do not end up following the Jewish patterns in the matters of faith and action. Therefore, any Muslim who goes against these emphatic commandments of the Prophet (PBUH) and starts fasting based upon mere calculations must make up for the days observed.

7: That the Arabic word for the new Moon is “*Hilal*”. The linguistic definition of the word *Hilal* requires that it must be deflecting the light and be shining and not dark. Shining then is connected with human sighting. Therefore, we cannot start the new month until we see the new Moon. This argument is based upon the following linguistic meanings of the word “*Hilal*”.

Ibn Manzur gives the following definition for “*Hilal*”

والهلال : غرة القمر حين يهله الناس في غرة الشهر، وقيل: يسمى هلالاً لليلتين من الشهر ثم لا يسمى به إلى أن يعود في الشهر الثاني، وقيل: يسمى به ثلاث ليالٍ ثم يسمى قمراً؛ وقيل: يسماه

³² Bukhari

³³ Muslim

حتى يُخَجَّر، وقيل: يسمى هلالاً إلى أن يَبْهَرَ ضوءه سواد الليل.
وهذا لا يكون إلا في الليلة السابعة³⁴

“Al-Hilal is the white spotlight of the new Moon seen by the people in the beginning of the new month. It is said that the new Moon is called “*Hilal*” for the first two nights of the month (except for the same days of the next month) and then it is called “*Qamar*”. It is also said that the new Moon is called “*Hilal*” for the first three nights only. It is also said that the new Moon is called “*Hilal*” until it petrifies. It is also said that it is called “*Hilal*” until its glitter flaunts darkness of the night. This cannot happen until the seventh night.”

Discussion Regarding the Above Arguments:

The following Qur’anic phrase is usually translated to mean witnessing actual Moon sighting.

فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ

The linguistic meanings of the word “*Shahida*” are “presence, knowledge and announcement (informing others). Ahmad bin Faris, in *Maqayees al-Lughah*, says:

شَهِدَ الشَّيْنِ وَالْهَاءِ وَالِدَالُ أَصْلٌ يَدُلُّ عَلَى حُضُورٍ وَعِلْمٍ وَإِعْلَامٍ، لَا يَخْرُجُ شَيْءٌ مِنْ فُرُوعِهِ عَنِ الَّذِي ذَكَرْنَاهُ

“The meanings of “*Shahida*” are confined to the three: Presence, knowledge and announcement”. None of the word’s derivatives go beyond these three meanings.”

Linguistically the above quoted Qur’anic phrase cannot go beyond the following three meanings:

- 1: “Whosoever was present in the month the Ramadan then let him fast (the month).”
- 2: “Whosoever had the knowledge of the month of Ramadan then let him fast (the month).”
- 3: “Whosoever received the knowledge about the month of Ramadan then let him fast the month.”

In no way or form it can be translated “Whosoever see the Moon of the month of Ramadan then let him fast it.” It will be against all the established rules of Arabic language. That is why the Qur’anic exegetes have translated and understood the meanings of the phrase as “Whosoever was present in the month of Ramadan then let him fast the month.”

The Qur’an has used the same word in all the above mentioned three meanings. For instance it says:

شَهِدَ اللَّهُ أَنَّهُ لَا إِلَهَ إِلَّا هُوَ وَالْمَلَائِكَةُ وَأُولُو الْعِلْمِ قَائِمًا
بِالْقِسْطِ لَا إِلَهَ إِلَّا هُوَ الْعَزِيزُ الْحَكِيمُ

³⁴ Ibn Manzur, Lisan al-Arab

“There is no god but He: that is the witness of Allah, His angels, and those endowed with knowledge, standing firm on justice. There is no god but He the Exalted in Power, the Wise.” (3: 18)

Allah SWT does not witness with actual eyes neither do the angels. Allah SWT witnesses means that He “explains or knows”. Jalal al-Din al-Suyuti explains these meanings by the following words:

شَهِدَ اللَّهُ { بَيَّنَّ خَلْقَهُ بِالذَّلِيلِ وَالآيَاتِ³⁵

“*Shahida* here means that Allah SWT had explained to His creatures by the signs and arguments (that He is One).”

The same word is used about human faculties such as hearing and seeing. I am sure they do not have actual physical eyes to sight things.

حَتَّىٰ إِذَا مَا جَاءُوهَا شَهِدَ عَلَيْهِمْ سَمْعُهُمْ وَأَبْصَارُهُمْ وَجُلُودُهُمْ بِمَا كَانُوا يَعْمَلُونَ * وَقَالُوا ۖ لِمَ لَجُودِهِمْ لِمَ شَهِدْتُمْ عَلَيْنَا ۖ قَالُوا ۖ أَنْطَقْنَا اللَّهَ الَّذِي أَنْطَقَ كُلَّ شَيْءٍ وَهُوَ خَلَقَكُمْ أَوَّلَ مَرَّةٍ وَإِلَيْهِ تُرْجَعُونَ

At length, when they reach the (Fire), their hearing, their sight, and their skins will bear witness against them, as to (all) their deeds. They will say to their skins: "Why bear ye witness against us?" They will say: "Allah hath given us speech, He Who giveth speech to everything: He created you for the first time, and unto Him were ye to return. (41:20-21)

In these verses the witness of the hearing faculty, sighting and skins is explained through the word “*Shahida*”. No one can say that these faculties will witness with their eyes. This means that these faculties will explain or give knowledge of what the person had done in the worldly life.

The following verse uses the word *Shahida* for truth:

وَلَا يَمْلِكُ الَّذِينَ يَدْعُونَ مِنْ دُونِهِ الشَّفَعَةَ إِلَّا مَنْ شَهِدَ بِالْحَقِّ وَهُمْ يَعْلَمُونَ

“And those whom they invoke besides Allah have no power of intercession; only he who bears witness to the Truth, and they know (him).”(43:86)

Here again the witness of truth cannot be with naked eyes. The truth is not a physical entity that witnessing it would require sighting it. It clearly means standing by the truth or acknowledging it wholeheartedly.

The Qur’anic exegetes, in light of the crystal clear Qur’anic and linguistic meanings, interpret the above quoted verse of *Surah al-Baqarah* to mean that “whosoever was present in the month of Ramadan and was not traveling or sick then he should fast the month of Ramadan.

Imam Abu Abdallah al-Qurtubi reports that the famous Companions of the Prophet (PBUH) like Ali, Ibn Abbas, A’isha and others have observed that the meanings of “*Shahida*” is to “be present” in the month of Ramadan.

فَقَالَ عَلِيُّ بْنُ أَبِي طَالِبٍ وَابْنُ عَبَّاسٍ وَسُوَيْدُ بْنُ غَفَلَةَ وَعَائِشَةُ أَرْبَعَةٌ مِنَ الصَّحَابَةِ وَأَبُو مَجَلَزٍ لَاحِقٌ بِبَنِي خُمَيْدٍ وَعَبِيدَةُ السُّلَمَانِيَّةُ: مَنْ شَهِدَ أَيَّامَ حَضْرٍ دَخُولِ الشَّهْرِ وَكَانَ مُقِيمًا فِي أَوْلَاهِ فِي بَلَدِهِ وَأَهْلِهِ فَلْيَكْمَلْ صِيَامَهُ...، وَمَنْ أَدْرَكَهُ حَاضِرًا فَلْيَصِمْهُ³⁶

³⁵ Al-Suyuti, Jalal al-Din, Tafseer al-Jalalayn, Dar Ihya’ al-Turath al-Arabi

³⁶ Al-Qurtubi, Tafseer, 2, 290

“Ali bin Abi Talib, Ibn Abbas, Suwayd bin Ghafalah and A’isha, four of the Companions, and Successors such as Abu Mijlaz, Lahiqa bin Humayd and U’baydah al-Salmani have said, “*Shahida*” means whosoever was present when the month started and was resident in his city and among his family, let him complete his fasting... Whosoever was present in the month of Ramadan let him fast.”

Hafiz Ibn Kathir says:

فَمَنْ شَهِدَ مِنْكُمْ أَلْشَّهْرَ فَلْيَصُمْهُ ³⁷ { فأثبت الله صيامه على المقيم الصحيح، ورخص فيه للمريض والمسافر

“By this verse Allah SWT obligated the resident and healthy to observe fasting while giving concession to the sick and traveling persons.”

The same meanings of presence are given by him at a different place:

فَمَنْ شَهِدَ مِنْكُمْ أَلْشَّهْرَ فَلْيَصُمْهُ { هذا إيجاب حتم على من شهد استهلال الشهر، أي كان مقيماً في البلد حين دخل شهر رمضان، وهو صحيح في بدنه أن يصوم لا محالة، ³⁸

Jalal al-Din al-Suyuti says *Shahida* means “present”.

فَمَنْ شَهِدَ { حضر ³⁹

Imam al-Nasafi gives the same meanings:

{ فَمَنْ شَهِدَ مِنْكُمْ أَلْشَّهْرَ فَلْيَصُمْهُ } [البقرة: 185] فمن كان شاهداً أي حاضراً مقيماً غير مسافر في الشهر فليصم فيه ولا يفطر ⁴⁰

Imam Showkani also says that the word means “present”.

أي: حضر، ولم يكن في سفر بل كان مقيماً،

Imam al-Razi has the same meanings for the word “*Shahida*”.

{ شَهِدَ } أي حضر والشهود الحضور ⁴¹

There is no second opinion among the Qur’anic exegetes that the above phrase means whosoever was present in the month of Ramadan and not sick or traveling should fast the month of Ramadan. The same meanings are conveyed also by the context in which this phrase occurs in the Qur’an. Immediately after this phrase the Qur’an says, “Whosoever is sick or traveling should make up for the missed days.” Imam al-Alusi observes:

ولا يجسن أن يقال من علم الهلال فليصم ومن كان مريضاً أو على سفر فليقض لدخول القسم الثاني في الأول والعاطف التفصيلي يقتضي المغايرة بينهما...ولذا ذهب أكثر النحويين إلى أن الشهر مفعول به – فالفاء – للسببية أو للتعقيب لا للتفصيل.

“Linguistically it is not appropriate to say, “whosoever saw the Moon let him fast and whosoever is sick or traveling let him make up for when the second category enters the first category (meaning when the sick or traveling sees the Moon). The detailed conjunction “and” demands difference and variety... that is why majority of the grammarians view “*al-Shahr*” is the subject and see that the word “*fa*” means “as a result” or “consequently” the person should fast.”

³⁷ Ibn Kathir, 1, 360

³⁸ Ibid, 1, 367

³⁹ Tafseer Jalalayn, 37

⁴⁰ Tafseer al-Nasafi

⁴¹ Al-Razi, Tafseer, 2, 250

Al-Alusi shows that linguistically the phrase cannot violate the two established meanings. It has to mean either presence in person or through knowledge. The meanings will not give a sense of actual sighting of the Moon whether we take the word “*al-Shahar*” as “*Mafa’ul fiyh*” or “*Maf’ul bih*”.

{ شَهِدَ } من الشهود والتركيب يدل على الحضور إما ذاتاً أو علماً، وقد قيل: بكل منهما هنا⁴²

Al-Razi also explains that in either case the meanings will be presence and not witnessing the new Moon with human eyes.

ثم ههنا قولان: أحدهما: أن مفعول شهد محذوف لأن المعنى: فمن شهد منكم البلد أو بيته بمعنى لم يكن مسافراً وقوله: { الشَّهْرُ } انتصابه على الظرف وكذلك الهاء في قوله: { فَلْيَصُمَّهُ } . والقول الثاني: مفعول { شَهِدَ } هو { الشَّهْرُ } والتقدير: من شاهد الشهر بعقله ومعرفته فليصمه وهو كما يقال: شهدت عصر فلان، وأدركت زمان فلان⁴³

It is a common practice among the Arabs to say that “I witnessed the Friday prayers or Hajj”. That does not mean that Friday prayer or Hajj is something physical and the person saw it with his own eyes. It clearly means that I was present in the Friday prayers or in the Hajj of such and such year.

It is very unfortunate that some contemporary Muslims try to impose their opinions upon the text of the Qur’an and do not let the Qur’an speak to them. They arbitrarily inflict their understanding of the issue upon the Qur’an itself and then present it as the authentic Qur’anic position. This case of actually sighting the new Moon of Ramadan is a good example how some Muslims intrude the Divine writ by compelling the Qur’an to say what they think is right and should be said. It should be the other way round.

وعن ابن أبي مليكة قال: سئل أبو بكر الصديق رضي الله عنه عن تفسير حرف من القرآن فقال: أي سماء تُظَلِّي ، وأي أرض تُقَلِّي وأين أذهب وكيف أصنع إذا قلت في حرف من كتاب الله بغير ما أراد تبارك وتعالى.⁴⁴

“Ibn Abi Maleeka narrates that Abu Bakr (May Allah be pleased with him) was once asked about interpretation of a word in the Qur’an. He replied, “Which heaven will cover me and which earth will carry me and where will I go and what will I do if I end up saying a word in (explaining) the Qur’an which is against the intended meanings of Allah SWT (for that Qur’anic word).

It was not a very complicated word about which Abu Bakr (May Allah be pleased with him) was asked. He was asked about the meanings of simple words such as “the fruit” and “father” in *Surah A’basa*. He was not sure about the exact meanings in that context and was afraid to give an interpretation which may not be the hundred percent intended meanings of Allah SWT for those words. This is Abu Bakr and these are the simple words. What about changing the meanings of a Qura’nic verse to fit in one’s own understanding or interpretation! May Allah SWT protect all of us from indulging in such a disastrous adventure!

⁴² Al-Alusi, Ruh al-Ma’ani, Ibid

⁴³ Al-Razi, Ibid

⁴⁴ Al-Qurtubi, Tafsser, 1, 1

سئل أبو بكر الصديق رضي الله عنه عن تفسير الفاكهة والأب فقال: أي سماء تظلي، وأي أرض ثقلي إذا قلت: في كتاب الله ما لا أعلم⁴⁵

If we were to accept the interpretation of some contemporary Muslims that the word “*Shahida*” means sighting the Moon of Ramadan with naked eyes”, then the question arises whether fasting is obligatory upon all those who sighted the Moon of Ramadan? What about the sick, the traveler, the children under the age of puberty, the pregnant women and elderly people? Would they be obligated to fast if they happen to sight the Moon of Ramadan?

In addition to that it will mean that only those people who see the Moon will be required to fast the month of Ramadan if we translate the word “*Shahida*” as “actual sighting”. The opposite understanding will be that those who do not see the new Moon are not required to observe fasting. This will be absolutely wrong understanding of the Qur’anic verse. Therefore, it is erroneous to connect “*Shahida*” with sighting rather than “presence”. That is why Abu Sa’ud, Kashaff, Samarqandi and almost all other Qur’anic exegetes clearly explain the phrase to mean “present.”

It is correct that some classical jurists have explained this phrase in light of the Ahadith that call for sighting the Moon of the month of Ramadan such as the following:

حَدَّثَنَا آدَمُ حَدَّثَنَا شُعْبَةُ حَدَّثَنَا مُحَمَّدُ بْنُ زِيَادٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَوْ قَالَ: قَالَ أَبُو الْقَاسِمِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «صُومُوا لِرُؤْيَيْتِهِ وَأَفْطَرُوا لِرُؤْيَيْتِهِ، فَإِنْ غُبِّيَ عَلَيْكُمْ فَأَكْمَلُوا عِدَّةَ شَعْبَانَ ثَلَاثِينَ».

The Prophet (PBUH) said, “Fast with sighting it (Moon) and break the fast with sighting it. Complete 30 days of Sha’aban if it is cloudy.” (Bukhari)

Abu Bakr al- Jassas argues that in light of the Ahadith we can say that sighting of the new Moon is basically being present in the month but he has never claimed that the verse of *Surah al-Baqarah* and the phrase means only that. He has never claimed that sighting the new Moon will be the exact translation of the Qur’anic verse. This is his understanding of the verse and not the exact literal translation of the verse. He states:

فَدَلَّ ذَلِكَ عَلَى أَنَّ رُؤْيِيَةَ الْهَيْلِ هِيَ شُهُودُ الشَّهْرِ⁴⁶

THE SUNNAH ARGUMENT:

The Prophetic Ahadith clearly ask for actual sighting of the new Moon as a mean of certainty and not as a precondition for the *I’badah* of fasting. It is true that sighting was required by the Prophet (PBUH) as it was the only authentic method available during his times to confirm the presence of the new Moon, the sign of the new month’s commencement. That is what the Prophet (PBUH) said, “we are unlettered people we neither write nor calculate.” The month consists of sometimes 29 days and sometimes 30 days. The *Ibadat* are connected with the time and the time in Islamic understanding is connected with the Moon and not with the Sun as the Islamic calendar is a lunar and not a solar calendar. The *Sharia’h* does not want us to start the fasting when the month of Ramadan has not even begun and Islam does not want us to lose a day of Ramadan by celebrating the Eid on the last day of Ramadan. That is why the Prophet (PBUH) advised

⁴⁵ Ibid, 19, 22

⁴⁶ Al-Jassas, Ahkam al-Qur’an

us not to start the month of Ramadan a day or two ahead of time or finish it a day or two ahead of time. He wanted us to start the month of Ramadan with certainty that the new Moon is there and same is the case with breaking the fast. The actual sighting of the new Moon was the only mechanism at their disposal to attain that certainty. That is why the Prophet (PBUH) emphasized so much upon sighting the new Moon not because sighting was or is the objective of fasting or in any way or form a goal of the *Ibadah* but because it was a means to ascertain the presence of the new Moon, knowing which is the objective of *Ibadah*. Now when that objective can be achieved through a more authentic and precise method i.e., astronomical calculations then replacing actual sighting, a probable means of certainty, with a more accurate method with categorical certainty will not constitute any deviation from the Prophetic commandment or objectives of Islamic *Sharia'h* but a complement to that.

2: If the actual sighting was such an objective or a prerequisite that fasting cannot be started except by it then it would have been required even on the 30th of Sha'aban. Nobody goes out to see the new Moon on the 30th of Sha'aban or on the 30th of Ramadan. No jurists have ever required such a sighting because the sighting was prescribed for certainty and not for the sake of sighting itself. Once that certainty is achieved by completing 30 days (as the Islamic month can not go beyond 30 days) sighting is not even required and the new month is started. Everybody knows that the new Moon must be in the horizons by the 30th of Sha'aban and nobody worries about seeing it. If seeing the new Moon was a precondition for fasting then fasting and sighting will go hand in hand. But we see it is not. Therefore sighting is not the prerequisite for fasting but is a means to achieve certainty of the new Moon in the horizon.

3: If it is said that sighting is not required on the 30th of Sha'aban because the Prophet (PBUH) said, "complete 30 days if it is cloudy." I will argue that this Prophetic statement commands that complete 30 days if it was cloudy. It does not say "Do not see the new Moon on 30th of Sha'aban if it was not cloudy on 29th of Sha'aban." Suppose it was not cloudy on the 29th of Sha'aban and the new Moon was not seen that evening then would not the Hadith require Muslims to see it on the 30th of Sha'aban had it been a precondition for fasting. The clause of "if it is cloudy" covers only when it is cloudy but it does not cover when it is not cloudy. Had the sighting been intrinsic to fasting then it would have been required even on the 30th especially when the new Moon was not seen not because there were some obscurities hampering its sighting but because when it was not there in the horizon. But if we agree that sighting is not the precondition for fasting but certainty then one can understand why sighting is required on the 29th of Sha'aban and not on the 30th of Sha'aban.

4: Sighting is not a prerequisite for fasting even on the 29th of Sha'aban. Had it been a precondition then no Muslim will be allowed to start the month of Ramadan except through sighting the new Moon on the 29th day of the month of Sha'aban. Ibn Umar along with A'isha, Asma bint Abi Bakr used to start fasting the next day if it was cloudy on the 29th day of Sha'aban and the new moon was not sighted because of obscurities, as the details will come in the coming pages. They will not fast that day as a supererogatory day of fasting but as a mandatory day of Ramadan. That was the case with many

Tabi'een (Successors) and a whole school of Fiqh is based upon this opinion. Imam Ahmad, following the actions of these Companions of the Prophet (PBUH), has adopted this position and the entire Hanbali School follows this position of Imam Ahmad. It becomes important when we know that Ibn Umar is the original narrator of many of the Ahadith (narrated by all the authentic sources of Ahadith) which require sighting as a means of fasting. For instance:

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ عَنْ مَالِكٍ عَنْ نَافِعٍ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: «أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ذَكَرَ رَمَضَانَ فَقَالَ: لَا تَصُومُوا حَتَّى تَرَوْا الْهَلَالَ، وَلَا تَفْطُرُوا حَتَّى تَرَوْهُ، فَإِنْ غَمَّ عَلَيْكُمْ فَاقْدُرُوا لَهُ»

“The Prophet (PBUH) mentioned Ramadan and said,” Do not fast until you see the Moon and do not break the fast until you see it. Estimate about it in case it is cloudy.” (Bukhari)

— حَدَّثَنَا عَبْدُ اللَّهِ ، حَدَّثَنَا أَبِي ، حَدَّثَنَا عَبْدُ الرَّحْمَنِ ، حَدَّثَنَا مَالِكٌ ، عَنْ نَافِعٍ ، عَنْ ابْنِ عُمَرَ ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا تَصُومُوا حَتَّى تَرَوْا الْهَلَالَ، وَلَا تَفْطُرُوا حَتَّى تَرَوْهُ، فَإِنْ غَمَّ عَلَيْكُمْ فَاقْدُرُوا لَهُ»⁴⁷

As we will see that Ibn U'mar will start the month of Ramadan by just counting the days of Sha'aban and without actually sighting the new Moon if it was cloudy on the 29th day of Sha'aban. This act of Ibn U'mar, the original narrator of the Prophetic reports that ask for the actual sighting to confirm or negate the month of Ramadan. His act explains the true meanings of those Ahadith and repudiates the second most important argument of the majority that there is a cause and effect relationship between the actual sighting and the act of fasting. Logically speaking sighting in itself cannot be the sole reason for prescribing the month of Ramadan or the act of fasting. It must be a mean to achieve the goal of certainty. Following points must be kept in mind while discussing this matter.

It is a known fact among the Jurists that sighting in itself is not a condition for the month of Ramadan as Muhammad bin Ali Ibn Daqiq al-Eid, the renowned Shafae authority, states that:

وَلَيْسَ حَقِيقَةُ الرُّؤْيَةِ بِشَرْطٍ مِنَ التَّرْوِمِ ؛ لِأَنَّ الْإِتِّفَاقَ عَلَى أَنَّ الْمَخْبُوسَ فِي الْمَطْمُورَةِ إِذَا عَلِمَ بِإِكْمَالِ الْعِدَّةِ ، أَوْ بِالِاجْتِهَادِ بِالْأَمَارَاتِ : أَنَّ الْيَوْمَ مِنْ رَمَضَانَ ، وَجَبَ عَلَيْهِ الصَّوْمُ وَإِنْ لَمْ يَرِ الْهَلَالَ . وَلَا أَخْبَرَهُ مَنْ رَأَاهُ⁴⁸

“The actual sighting is not a pre requisite to the fasting. There is agreement (among the Jurists) that if someone was imprisoned in the basement and knew, either through completing 30 days or through estimation by following the signs, that the month of Ramadan has started, then he is required to start fasting even if he has neither sighted the Moon by himself nor was informed by the one who actually sighted it.”

⁴⁷ Musnad Ahmad

⁴⁸ Ibn Daqiq al-A'id, Ihkam al-Ahkam Sharh A'umdat al-Ahkam, Matba'ah al-Sunnah al-Muhammadiyah, Vol: 2, P: 8

The famous Classical Hanafi jurist Sa'ad al-Din Mas'ud bin U'mar al-Taftazani states that all the Muslim jurists agree that sighting the new Moon is just a mean and not the objective in itself.

أَنَّ قَوْلَهُ تَعَالَى { فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ } مَعْنَاهُ شَهِدَ الشَّهْرَ
فَالشُّهُودُ عِلَّةٌ وَأَيْضًا قَوْلُهُ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ { صُومُوا لِرُؤْيَيْتِهِ }
يَدُلُّ عَلَى ذَلِكَ إِذْ لَيْسَ الْمُرَادُ حَقِيقَةَ الرُّؤْيَةِ إِجْمَاعًا بَلْ مَا يَثْبُتُ
بِهَا وَهُوَ شُهُودُ الشَّهْرِ⁴⁹

“The meanings of the Quranic verse “whosoever witnesses the month” means being present in the month. Witnessing the month is just a mean. The Prophetic statement “fast by sighting it” also leads to that. All the Muslim jurists agree that actual sighting is not the objective but the objective is what the sighting proves and that is the coming of the (new) month.”

The contemporary jurist Dr. Mustafa al-Zarqa argues that:

وما دام من البديهيات أن رؤية الهلال الجديد ليست في ذاتها عبادة في الإسلام، وإنما هي وسيلة لمعرفة الوقت، وكانت الوسيلة الوحيدة الممكنة في أمة أمية لا تكتب ولا تحسب، وكانت أميتها هي العلة في الأمر بالاعتماد على العين الباصرة، وذلك بنص الحديث النبوي مصدر الحكم⁵⁰

“It is an established fact that sighting the new Moon in itself is not an act of Islamic worship. It is just a mean to know the time. It was the only way available to a nation which knew not how to write or calculate. Its unlettered status was the sole reason for it to be dependent upon the naked eye. This is precisely what the text of the Hadith, which is the source of this ruling, says.”

Actual sighting through the naked human eye was prescribed by the Prophet (PBUH) as it was the only method available to the Muslims of that time to confirm with certainty the beginning or ending of the month. The reason for such a need was also given by the Prophet (PBUH) and that was the unlettered status of the Ummah of that time.

Moreover, the verb “*Ra'a Yar'a*” “seeing or sighting” is usually used in the above quoted Ahadith in the sense of actual act of physical sighting but linguistically the verb is not confined to it. It has been used in a number of other instances in the Qur'an as well as in the Ahadith where the meanings cannot be actual sighting but pondering or certainty. The verb seeing along with its many derivatives has occurred in the Qur'an for 328 times. In a number of these verses the Qur'an has used the verb “seeing” in the context of pondering or ascertaining without resorting to sighting by human eyes. For instance verses 2:242 and 2:46 use the verb not in the actual sighting context but in the second sense.

أَلَمْ تَرَ إِلَى الَّذِينَ خَرَجُوا مِنْ دِيَارِهِمْ وَهُمْ أَلُوفٌ حَذَرَ الْمَوْتِ فَقَالَ لَهُمْ
اللَّهُ مَوْتُوا ثُمَّ أَحْيَاهُمْ إِنَّ اللَّهَ لَذُو فَضْلٍ عَلَى النَّاسِ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا
يَشْكُرُونَ (243)

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

⁴⁹ Al-Taftazani, Mas'ud bin U'mar, Sharh al-Talweeh 'ala al-Towdeeh, Maktabah Sabeeh, Egypt, 1, 401

⁵⁰ Mustafa Zarqa, Fatawa

to actually see the night coming from the East to break our fast. Presently nobody goes out in the evening to see the night coming from the East to break the fast. Muslims all over the world just follow the astronomical calculations and know the timings of Iftar. At the time of the Prophet (PBUH) Muslims did not have many choices. That is why they adopted the most certain method available at hand. Currently the method has changed and no jurist has any problem with that. Same is the situation with the *Suhur or Imsak* timings. The Qur'an says:

وكلوا واشربوا حتى يتبين لكم الخيط الأبيض من الخيط الأسود من الفجر
ثم أتموا الصيام إلى الليل

“And eat and drink until the white thread of dawn appears to you distinct from its black thread; then complete your fast till the night appears”. Presently we do not follow this text literally but in spirit by following the watches and calculated timings.

Furthermore, the Muslim Ummah in the past many centuries had followed the shadow of poles to determine the timings for the Zuhr and Asr prayers. The Prophet (PBUH) himself stated to follow the shadow of the Sun regarding the prayer timings. Currently we use the astronomically guided watches to offer the prayers. The argument here is not that the prayers are connected with the solar system while the month of Ramadan is connected with the lunar system. Our argument is that the authentic texts of the Qur'an and Sunnah are being implemented in the spirit but not in the letter because following them in the letter was not the objective of the Islamic Law. The objective of the Law was to realize the goal prescribed by the Prophet (PBUH). For example, in the matter of breaking the fast making certain that the Sun has set and the night has approached. In the matter connected with Imsak it was required to ascertain that the dawn is there. In the Prophetic times the same objective was achieved through the means available to them. The same objectives are currently achieved through the astronomical calculations and the entire Ummah has agreed upon the use of these astronomical calculations in the matters of *Din* which in turn are connected with the obligatory acts of fasting and praying. The objectives are constants while the means are variable according to the circumstances. This is the true spirit of Islamic Law that it is flexible in the matters connected with some means so that it can always relate to the modern developments and progress.

Some contemporary Muslims argue that the Islamic Law has also fixed the means to achieve Islamic goals such as Halal and lawful earning is a mean to achieve the goal of feeding one's family. A Muslim is not permitted to adopt an unlawful mean such as stealing or robbery to achieve the above mentioned goal. Likewise the objective of fatherhood or generational continuity cannot be achieved by unlawful means of adultery or fornication.

The issue of feeding the family by unlawful means such as stealing or cheating is *Haram* because Allah SWT has clearly prohibited against adopting such means in many verses of the Qur'an and through the Prophetic narrations. Likewise fatherhood through unlawful means is prohibited by the Qur'an also. “Do not even come closer to adultery” is the Qur'anic dictum. That is why any such means will be prohibited as such because they are made unlawful in themselves. There are different kinds of means mentioned in the Qur'an such as the verse of Surah al-Anfal:

وَأَعِدُّوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ وَمِنْ رِبَاطِ الْخَيْلِ تُرْهِبُونَ بِهِ عَدُوَّ اللَّهِ وَعَدُوَّكُمْ وَءَاخِرِينَ مِنْ دُونِهِمْ لَا تَعْلَمُونَهُمُ اللَّهُ يَعْلَمُهُمْ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فِي سَبِيلِ اللَّهِ يُوَفَّ إِلَيْكُمْ وَأَنْتُمْ لَا تُظْلَمُونَ

“Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into (the hearts of) the enemies, of Allah and your enemies, and others besides, whom ye may not know, but whom Allah doth know. Whatever ye shall spend in the Cause of Allah, shall be repaid unto you, and ye shall not be treated unjustly.” (8:60)

Here Allah SWT clearly mentions the horses as one of the means of striking the fear in the minds of the enemies. The Prophet (PBUH) explicitly asked for arrows as a source of power.

حدثنا أبو كريب، قال: ثنا سعيد بن شرحبيل، قال: ثنا ابن لهيعة، عن يزيد بن أبي حبيب، وعبد الكريم بن الحرث، عن أبي علي الهمداني، أنه سمع عتبة بن عامر على المنبر يقول: قال الله: وأعدوا لهم ما استطعتم من قُوَّةٍ وَمِنْ رِبَاطِ الْخَيْلِ أَلَا وَإِنِّي سمعت رسول الله صلى الله عليه وسلم يقول على المنبر «قَالَ اللَّهُ: وَأَعِدُّوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ أَلَا أَنَّ الْقُوَّةَ الرَّمِيَّ أَلَا إِنَّ الْقُوَّةَ الرَّمِيَّ» ثلاثاً⁵¹

“The Prophet (PBUH) said, “Certainly the might is consisting of archery; certainly the might is archery.”

I’krimah, the famous first century exegete, explains the verse as clearly requiring the female horses as the source of the aspired might.

حدثنا ابن وكيع، قال: ثنا أبي، عن سفيان، عن شعبة بن دينار، عن عكرمة، في قوله: وأعدوا لهم ما استطعتم من قُوَّةٍ قال: الحصون. ومن رباط الخيل قال: الإناث⁵²

In the modern warfare we will look stupid if we will follow the same means of might against the enemies of Islam. Those means were good to achieve the aspired goal during those days but are not appropriate for the modern day warfare. Therefore adopting the new means of tanks, missiles and combat air crafts to achieve the desired goal of power and might will not be *Haram* but obligatory to adopt in our times. There is no Qur’anic text that stops use of such new means and that is why it is obligatory to use them. Would anyone insist upon using the arrows and the horses in the battlefield because Allah SWT and His Prophet both have fixed the mean through the authentic Qur’anic and Prophetic texts?

Likewise the astronomical calculations are a mean to achieve the aspired goal of certainty. The Prophetic tradition prohibited it due a reason. The reason was that the overwhelming majority of those times Ummah was unlettered in the matters of sophisticated astronomical calculations. Same was the situation with the posterity of the Ummah. The majority of the Classical scholars were absolutely right in rejecting the calculations as these calculations were inaccurate and mostly done by the astrologists and magicians. But the astronomical calculations in our times are no more the work of magicians or fortune-tellers but the work of authentic scientists and astronomers who base their knowledge on scientific observations and facts. The margin or possibility of

⁵¹ Tafseer al-Tabari, 10, 21

⁵² Ibid

error in these calculations is almost close to zero. These arguments of inaccuracy and magic were rejected by the Jurists even in the Classical times what about in the 21st century America where the science of astronomy has reached its climax. For instance Zian al-Din bin Ibrahim Ibn Nujaim argues:

نَقَلَ فِي الْإِمْدَادِ عَنْ شَرْحِ الْمَنْظُومَةِ لِابْنِ الشَّحْنَةِ أَنَّ الْمُرَادَ
بِالْكَاهِنِ وَالْعُرَافِ فِي الْحَدِيثِ مَنْ يُخْبِرُ بِالْغَيْبِ أَوْ يَدَّعِي مَعْرِفَتَهُ فَمَا
كَانَ هَذَا سَبِيلَهُ لَأَ يَجُوزَ ، وَيَكُونُ تَصْدِيقُهُ كُفْرًا أَمَّا أَمْرُ الْأَهْلَةِ
فَلَيْسَ مِنْ هَذَا الْقَبِيلِ بَلْ مُعْتَمَدُهُمْ فِيهِ الْحِسَابُ الْقَطْعِيُّ فَلَيْسَ مِنْ
الْأَخْبَارِ عَنِ الْغَيْبِ أَوْ دَعْوَى مَعْرِفَتِهِ فِي شَيْءٍ أَلَا تَرَى إِلَى قَوْلِهِ
تَعَالَى { وَقَدَرَهُ مَنَازِلَ لِتَعْلَمُوا عَدَدَ السِّنِّينَ وَالْحِسَابَ } .⁵³

“Ibn al-Shikhnah says that the magician and astrologist mentioned in the Hadith are the ones who tells about the unseen or claims knowledge of the future. The statement of such a person will not be accepted and approving such claims will constitute an act of disbelief. But calculations of the moons have nothing to do with that. They are based upon precise calculations and are not fortune telling or things connected with the unseen. Do not you see what Allah SWT says in the Qur’an, “He prescribed for (the Moon) computed stages so that you can learn about the numbers of years and calculations.”

Taqi al-Din Ali bin Abd al-Kafi al-Subki (683-756 AH), discussing the above quoted Hadith puts the point in the nutshell:

وَلَا يَعْتَقِدُ أَنَّ الشَّرْعَ أَبْطَلَ الْعَمَلَ بِمَا يَقُولُهُ الْحِسَابُ مُطْلَقًا فَلَمْ
يَأْتِ ذَلِكَ ، وَكَيْفَ وَالْحِسَابُ مَعْمُولٌ بِهِ فِي الْفَرَائِضِ وَعَيْرِهَا ، وَقَدْ ذَكَرَ
فِي الْحَدِيثِ الْكِتَابَةَ وَالْحِسَابَ ، وَلَيْسَتْ الْكِتَابَةُ مِنْهَا عَنْهَا فَكَذَلِكَ
الْحِسَابُ⁵⁴

“It cannot be that the Shari’ah has categorically prohibited usage of astronomical calculations. That is not the case. How could it be while the calculations are being used in the obligatory as well as other matters (of Din). The oft quoted Hadith mentions writing and calculations. Now, when writing is not forbidden how could astronomical calculations be!”

In regards to the hardship argument it must be noted that presently we are living in times where the entire world has become like a small village. In this age of communication news gets all over the world within minutes but in seconds. Therefore, the argument of hardship leveled by al-Nawawi and others loses its ground. In reality it is the other way around as Dr. al-Qardawi rightly contends.⁵⁵ Muslims all over the globe and especially in the West suffer a great deal of hardships due to uncertainties connected with actual sighting. Some of them wait till midnight just to start their Tarawih prayers or decide about their Eid prayers. There are many hardships for the working class as well as for the Muslim students. Therefore, dependence upon the method of actual sighting rather than the astronomical calculations is the source of hardships in our times.

⁵³ Ibn Nujaim, Zain al-Din bin Ibrahim, al-Bahr al-Raiq Sharh Kanz al-Daqa’iq, Dar al-Kitab al-Islami Vol: 2, P: 284

⁵⁴ Al-Subki, Taqi al-Din, Fatawa al-Subki, Dar al-Ma’arif, Vol: 1, P: 211

⁵⁵ Fatawa Mua’sarah, Vol: 2, P: 212-217

It is also a historical fact that astronomical calculations and their usage in the matters of *Din* and *Ibadat* is nothing new. It has been used since long in determining the timings for five daily prayers, for Suhur and Iftar timings, and also for the Qiblah directions. The Jurists since the old times have not only accepted them without any problem but required Muslims to learn about them.

قَسَمَ الْفُقَهَاءُ عِلْمَ النُّجُومِ إِلَى قِسْمَيْنِ : الْأَوَّلُ : حِسَابِيٌّ : وَهُوَ تَجْدِيدُ أَوَائِلِ الشُّهُورِ بِحِسَابِ سَيْرِ النُّجُومِ . وَيُسَمَّى مَنْ يُمَارِسُ ذَلِكَ الْمُنْجِمَ بِالْحِسَابِ . وَلَا خِلَافَ بَيْنَ الْفُقَهَاءِ فِي جَوَازِ مُمَارَسَةِ التَّنْجِيمِ بِهَذَا الْمَعْنَى , وَتَعَلَّمَ مَا يُعْرَفُ بِمَوَاقِيتِ الصَّلَاةِ وَالْقِبْلَةِ , بَلْ ذَهَبَ جُمْهُورُهُمْ إِلَيَّ أَنْ ذَلِكَ فَرَضٌ كِفَايَةٌ . وَجَاءَ فِي حَاشِيَةِ ابْنِ عَابِدِينَ : وَالْحِسَابِيُّ حَقٌّ , وَقَدْ نَطَقَ بِهِ الْكِتَابُ فِي قَوْلِ الْحَقِّ تَبَارَكَ وَتَعَالَى : { الشَّمْسُ وَالْقَمَرُ بِحُسْبَانٍ } . وَأَجَازَ الْفُقَهَاءُ الْإِعْتِمَادَ عَلَيْهِ فِي دُخُولِ أَوْقَاتِ الصَّلَاةِ وَتَحْدِيدِ جِهَةِ الْقِبْلَةِ وَقَالُوا : إِنَّ حِسَابَ الْأَهْلِ , وَالْحُسُوفِ وَالْكَسُوفِ قَطْعِيٌّ , قَالَهُ سُبْحَانَهُ وَتَعَالَى أَجْرَى حَرَكَاتِ الْأَفْلَاقِ وَإِنْتِقَالَاتِ الْكَوَاكِبِ عَلَى نِظَامٍ وَاحِدٍ دَائِمٍ , وَكَذَلِكَ الْفُضُولُ الْأَرْبَعَةُ . وَالْعَوَائِدُ إِذَا اسْتَمَرَّتْ أَفَادَتْ الْقَطْعَ , فَيَنْبَغِي الْإِعْتِمَادُ عَلَيْهِ فِي أَوْقَاتِ الصَّلَاةِ وَنَحْوِهَا , وَفِي جِهَةِ الْقِبْلَةِ⁵⁶

“The jurists have categorized the knowledge of stars into two categories. First is the calculation of celestial bodies and their movements to determine beginning of the months. The one who practices this kind of astronomy, is called the astronomer. There is no disagreement among the jurists that such an exercise is permitted. It is allowed to learn such a science in an effort to know the prayers timings and the directions of the Qiblah. Actually the majority of the jurists (Jamhur) are of the opinion that such a knowledge is obligatory to be sought by a number of Muslims at all times. Ibn A'bideen in his Hashiyah says that “astronomical calculations are Islamically approved”. That is what the Qur’an precisely says that “the Sun and the Moon follow meticulous calculations.” The jurists have allowed depending upon calculations in relation to the timings of the daily prayers as well as directions of the Qiblah. The astronomical calculations connected with the new moons, lunar and solar eclipses are absolutely correct. Almighty God has fixed a system for the celestial bodies and they always follow that system to the full extent. Same are the four seasons. The aspects of nature that are continuously repeating themselves are categorical in nature. Therefore, they should be relied upon in the matters of prayer timings as well as Qiblah directions.”

And Ahmad bin Muhammad al-Hamwi, the known Hanafi jurist, has stated the same in the old times:

وَأَمَّا مَجَرَّدُ الْحِسَابِ مِثْلُ ظُهُورِ الْهَيْلَالِ فِي الْيَوْمِ الْفُلَانِيِّ وَوُقُوعِ الْخُسُوفِ اللَّيْلَةِ الْفُلَانِيَّةِ فَإِنَّهَا أُمُورٌ حِسَابِيَّةٌ مَبْنِيَّةٌ عَلَى أَرْضَادٍ وَاقِعَةٍ فَلَا تَدْخُلُ فِي نَهْيِ النَّبِيِّ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَسَلَّمَ , وَيُؤَيِّدُهُ مَا يُجَوِّزُونَهُ مِنْ تَعْلِيمِ قَدَرِ مَا تَعَلَّمَ بِهِ مَوَاقِيتِ الصَّلَاةِ وَالْقِبْلَةِ⁵⁷

“The calculations related to the new moons and eclipses are based upon actual realities and experiments. They do not come under the category of prohibited acts by the Prophet

⁵⁶ Ibid, Vol: 14, P: 53

⁵⁷ Al-Hamwi, Ahmad bin Muhammad, Ghamz A'uun al-Basa'ir, Dar al-Kutb al-A'limiyah, Vol: 2, P: 66

(PBUH). This argument is substantiated by the fact that the Jurists have allowed knowledge of calculations when it comes to knowing the timings of daily prayers and directions of Qiblah.”

Perhaps these are the reasons that Mustafa al-Zarqa is most amazed that a good number of present day conservative jurists are so much adamant about not accepting the astronomical calculations in confirming or negating the month of Ramadan while they are using the same calculations in acts of worship which are far more important in significance as well as frequency such as daily prayers. The classical jurists were rightfully correct in their stance against these calculations during their times. The science had not reached in their times to the levels of authenticity and certainty where it is now a days in our times. They could have not based important acts of worship such as the fasting of the month of Ramadan upon the calculations which were not hundred percent precise. Are we going to drag their opposition to the calculations to the times where the reason for which they adopted such a view is no more existent? The cause and effect always go hand in hand. If the cause is no more existent the effect must also go away.⁵⁸

Weakness of *Ikmal* or Completing 30 Days Argument:

Completing 30 days in case of cloudy weather is mostly the agreed upon position among the majority of classical scholars but, again, it is not the only categorical stance accepted by the Ummah. Leading authorities such as Ibn U'mar, Imam Ahmad and others are reported to have started Ramadan and its fasting on the 29th day of Sha'ban if it was cloudy and not completed 30 days of Sha'ban, as most of the narrations report the Prophet (PBUH) requiring by the phrase:

فإن غُبِّي عليكم فأكملوا عدة شعبان ثلاثين

Irony is that Ibn Umar himself is the original narrator of most of these Prophetic reports. In reality the picture comes out quite differently when we go in to the detailed discussion and analysis of such Prophetic narrations. In the following few pages I will try to analyze some of these reports in an effort to prove that no such consensus exists even when it comes to the completion part of our subject of discussion. There are a number of difficulties involved in the completion portion of these Ahadith. These difficulties can be appreciated only when we study these reports in depth and compare the ending parts of these reports with each other.

(1888)

— حَدَّثَنَا آدَمُ حَدَّثَنَا شُعْبَةُ حَدَّثَنَا مُحَمَّدُ بْنُ زَيْدٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَوْ قَالَ: قَالَ أَبُو الْقَاسِمِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «صُومُوا لِرُؤْيَيْتِهِ وَأَفْطَرُوا لِرُؤْيَيْتِهِ، فَإِنْ غُبِّي عَلَيْكُمْ فَأَكْمَلُوا عِدَّةَ شَعْبَانَ ثَلَاثِينَ».⁵⁹

The Prophet (PBUH) said, “Fast with sighting it (Moon) and break the fast with sighting it. Complete 30 days of Sha'aban if it is cloudy.”

(2469)

⁵⁸ Al-Zarqa, Fatawa, 157-159

⁵⁹ Al-Bukhari

— وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَعَاذٍ . حَدَّثَنَا أَبِي . حَدَّثَنَا شُعْبَةُ عَنْ مُحَمَّدِ بْنِ زِيَادٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ ، رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللَّهِ «صُومُوا لِرُؤُوسِهِ وَأَفْطِرُوا لِرُؤُوسِهِ . فَإِنْ غَمِيَ عَلَيْكُمُ الشَّهْرُ فَعُدُّوا ثَلَاثِينَ».⁶⁰

The Prophet (PBUH) said, “Fast with sighting it (Moon) and break the fast with sighting it. Count 30 days if the month is concealed from you (being cloudy).”

It is pertinent to note that the beginning part of these reports is quite consistent in almost all the Ahadith but the completion part has quite a big array of variety. It seems that in the completion portion of the Ahadith some how the reporters are explaining something rather than just reporting the exact words of the Prophet (PBUH). Some of these reports are not as authentic as it seems to be.

In the above quoted two Ahadith it is important to notice that Bukhari and Muslim both are narrating from Abu Hurayrah through Muhammad bin Ziyad. The first part of the Hadith is the same in both the narrations but the ending parts are different. The Bukhari narrates:

فَإِنْ غَبِيَ عَلَيْكُمْ فَأَكْمَلُوا عِدَّةَ شَعْبَانَ ثَلَاثِينَ».

And, the Muslim narrates:

فَإِنْ غَمِيَ عَلَيْكُمُ الشَّهْرُ فَعُدُّوا ثَلَاثِينَ»

The verb used by al-Bukhari is غَبِيَ عَلَيْكُمْ (obscured from you) while al-Muslim used a little different construction which is غَمِيَ عَلَيْكُمُ الشَّهْرُ (if the month is obscured from you). Secondly, al-Bukhari narrated فَأَكْمَلُوا عِدَّةَ شَعْبَانَ ثَلَاثِينَ (complete counting 30 days of Sha’aban) and al-Muslim narrated «فَعُدُّوا ثَلَاثِينَ» (“then count 30”), without using the phrase of al-Bukhari “then complete 30 days of Sha’aban”). It is also a fact that some of these narrations require completing 30 days of Sha’aban only while the others require so for the month of Ramadan also.

Imam Ahmad has reported a number of these narrations:

(1994) — حَدَّثَنَا عَبْدُ اللَّهِ حَدَّثَنِي أَبِي ثنا إِسْمَاعِيلُ أَنَا حَاتِمُ بْنُ أَبِي صَغِيرَةَ عَنْ سَمَاقِ بْنِ حَرْبٍ عَنْ عِكْرَمَةَ قَالَ: سَمِعْتُ ابْنَ عَبَّاسٍ يَقُولُ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : « صَوْمُوا لِرُؤُوسِهِ وَأَفْطِرُوا لِرُؤُوسِهِ ، فَإِنْ حَالَ بَيْنَكُمْ وَبَيْنَهُ سَحَابٌ فَكَمَّلُوا الْعِدَّةَ ثَلَاثِينَ ، وَلَا تَسْتَقْبَلُوا الشَّهْرَ إِسْتِقْبَالًا » . قَالَ حَاتِمٌ : يَعْنِي عِدَّةَ شَعْبَانَ⁶¹

The Prophet (PBUH) said, “Fast with sighting it (Moon) and break the fast with sighting it. Complete 30 days (of Sha’aban) if the clouds come between you and the Moon. And do not start the month ahead of time.” Hatim said it means, “counting 30 days of Sha’aban.”

Here Hatim seems to be giving his interpretation of the Hadith also.

(2339) — حَدَّثَنَا عَبْدُ اللَّهِ حَدَّثَنِي أَبِي ثنا معاوية بن عمرو ثنا زائدة عن سماك بن حرب عن عكرمة عن ابن عباس قال : قال رسول الله صلى الله

⁶⁰ Al-Muslim

⁶¹ Musnad Ahmad

عليه وسلم : « صوموا لرؤيته وأفطروا لرؤيته ، فإن حال دونه غيابة فأكملوا العدة ، والشهر تسع وعشرون - يعني : إنه ناقص -⁶² “Start fasting by sighting it and break the fast by sighting it. Complete the counting if the cloud cover it and the month is 29 days i.e., it is incomplete.”

It is interesting to notice that the above quoted both narrations are from Ibn Abbas. Imam Ahmad used the same chain through *Samak* and *A'krimah* but again the ending parts of the narrations are quite different. In the first narration the ending part is:

فإن حال بينكم وبينه سحاب فكمّلوا العدة ثلاثين ”
ولا تستقبلوا الشهر إستقبالاً « . قال حاتم : يعني عدة شعبان⁶³)

While in the second narration the ending part is:

فإن حال دونه غيابة فأكملوا العدة ، والشهر تسع وعشرون - يعني : إنه ناقص“

In both the above narrations the narrator is explaining the idea with the word “يعني” “it means”.

(9329) — حدثنا عبد الله ، حدثني أبي ، حدثنا يحيى بن سعيد الأموي قال: ثنا الحجاج ، عن عطاء ، عن أبي هريرة قال: قال رسول الله صلى الله عليه وسلم: «صوموا لرؤيته وأفطروا لرؤيته، فإن غم عليكم الشهر، فأكملوا العدة ثلاثين⁶⁴.

(9424) — حدثنا عبد الله ، حدثني أبي ، حدثنا يحيى بن سعيد ، عن شعبة قال: ثنا محمد بن زياد ، عن أبي هريرة ، عن النبي صلى الله عليه وسلم قال: صوموا لرؤيته وأفطروا لرؤيته، فإن غم عليكم، فأكملوا العدة ثلاثين⁶⁵.

(9696) — حدثنا عبد الله ، حدثني أبي ، حدثنا حجاج قال: حدثنا شعبة ، عن محمد بن زياد ، قال: سمعت أبا هريرة قال: قال رسول صلى الله عليه وسلم: - أو قال: أبو القاسم عليه الصلاة والسلام: «صوموا لرؤيته، وأفطروا لرؤيته، فإن غم عليكم، فعدوا ثلاثين⁶⁶.

The above three narrations are quoted by Imam Ahmad from Abu Hurayrah, two through *Muhammad bin Ziyad* and one through *A'ta*. Interestingly enough the ending parts of the narrations are also different from al-Bukhari who uses narration from Abu Hurayrah through *Muhammad bin Ziyad* also: *Al-Bukhari's version is:*

«فإن غُيِّب عليكم فأكملوا عدة شعبان ثلاثين». The verb is “*ghubbiya*” instead of “*ghumma*” and it is “*akmilu a'iddata Sha'aban thaltheen*” instead of Ahmad's rendering which is “*akmilu al-a'dada thalatheen*” or “*fa'uddu thalatheen*.”

Further more, in Ahmad the above three narrations from Abu Hurayrah also show a little more variance. In the first two the *فأكملوا العدة ثلاثين* portion is common while the first report says *فإن غم عليكم الشهر* while the second one just brings *فإن غم عليكم*. The difference between the second and the third report is that the second report brings the rendering *فأكملوا العدة* *فإن غم عليكم*, while the third report brings *فعدوا ثلاثين* while both of them use the phrase *فإن غم عليكم*, (9728) — حدثنا عبد الله ، حدثني أبي ، حدثنا أبو عبد الرحمن عبد الله بن أحمد قال: حدثني أبي ، قال: حدثنا محمد بن جعفر قال: حدثنا

⁶² Musnad Ahmad

⁶³ Musnad Ahmad

⁶⁴ Musnad Ahmad

⁶⁵ Musnad Ahmad

⁶⁶ Musnad Ahmad

شعبة ، عن محمد بن زياد ، قال: سمعت أبا هريرة يقول: إن رسول الله صلى الله عليه وسلم قال: «لا تصوموا حتى تروا الهلال، ولا تفطروا حتى تروا الهلال، وقال: صوموا لرؤيته، وأفطروا لرؤيته، فإن غي عليكم، فعدوا ثلاثين». شعبة، وأكثر علمي أنه قال: لا تصوموا حتى تروا الهلال، ولا تفطروا حتى تروا الهلال⁶⁷.

“The Prophet said, “Do not fast until you see the Crescent and do not break the fast until you see the Crescent. And said,” Fast by seeing it and break the fast by seeing it. If the confusion takes place then count 30 days.” Shua’bah said to the best of my knowledge he said “Do not fast until you see the Moon and do not break the fast until you see the Moon.”

Shu’abah’s comments at the end of this narration are not clear when he says “he said”. Who is “he” referring to? Is he referring to the Prophet (PBUH) or to Muhammad bin Ziyad or to Abu Hurayrah?

Shu’abah’s comments that to the best of my knowledge he said, “Do not fast until you see the Moon and do not break the fast until you see the Moon”, also clearly indicate that perhaps he is aware of the difference in various narrations when it comes to the ending part of these *Ahadith*. The beginning portion both positive and negative rendering seems to be agreed upon while the ending part is some what problematic in that it is different in different narrations and most of these narrations do not agree with *Al-Bukhari’s* rendering but do agree to a greater extent with *al-Muslim*.

The following narrations present additional variations in the text of these reports.

قال عبد الله: وجدت هذين الحديثين في كتاب أبي جخط يده قال: حدثنا محمد بن عبد الله الأنصاري، حدثنا محمد بن عمرو، عن أبي سلمة، عن أبي هريرة قال: قال: رسول الله صلى الله عليه وسلم: «لا تقدموا الشهر - يعني رمضان - بيوم ولا يومين إلا أن يوافق ذلك صوماً كان يصومه أحدكم، صوموا لرؤيته، وأفطروا لرؤيته، فإن غم عليكم فعدوا ثلاثين، ثم أفطروا⁶⁸.

The Prophet said, “Do not start Ramadan a day or two ahead of time (except that if it coincides with one’s routinely observed days of fasting), observe fasting with sighting it (Moon) and break fasting by sighting it. Count 30 days if it is cloudy then break the fast.”

“The use of the phrase “يعني رمضان” in the above narration indicates that the narrator is explaining something or giving his personal understanding of the issue and not just confined to transmitting the original text as it is. Moreover, this narration adds that the month of Ramadan should also be counted 30 days which is not the case in the previously discussed narrations.

(15982) — حدثنا عبد الله حدثني أبي ثنا إسحاق بن عيسى أنا محمد بن جابر عن قيس بن طلق عن أبيه قال: قال رسول الله صلى الله عليه وسلم: «إن الله عز وجل جعل هذه الأهلة مواقيت للناس، صوموا لرؤيته وأفطروا لرؤيته، فإن غم عليكم فأتوا العدة⁶⁹.

⁶⁷ Musnad Ahmad

⁶⁸ Musnad Ahmad

⁶⁹ Musnad Ahmad

(9425) — حَدَّثَنَا عَبْدُ اللَّهِ ، حَدَّثَنِي أَبِي ، حَدَّثَنَا يَحْيَى ، عَنْ شُعْبَةَ ، قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ زِيَادٍ ، عَنْ أَبِي هُرَيْرَةَ ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «صَوْمُوا لِرُؤْيَيْتِهِ وَأَفْطَرُوا لِرُؤْيَيْتِهِ، وَإِنْ غَمَّ عَلَيْكُمْ، فَأَكْمَلُوا الْعِدَّةَ ثَلَاثِينَ»⁷⁰

(18540) — حَدَّثَنَا عَبْدُ اللَّهِ حَدَّثَنِي أَبِي حَدَّثَنَا يَحْيَى بْنُ زَكْرِيَّا قَالَ: أَنْبَأَنَا حُجَّاجٌ عَنْ حُسَيْنِ بْنِ الْخَارِثِ الْجَدِيِّ قَالَ: «خَطَبَ عَبْدِ الرَّحْمَنِ بْنُ زَيْدِ بْنِ الْخَطَّابِ فِي الْيَوْمِ الَّذِي يَشْكُ فِيهِ، فَقَالَ: أَلَا أَنِّي قَدْ جَالَسْتُ أَصْحَابَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَسَأَلْتُهُمْ، أَلَا وَأَنْهُمْ حَدَّثُونِي أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: صَوْمُوا لِرُؤْيَيْتِهِ وَأَفْطَرُوا لِرُؤْيَيْتِهِ، وَإِنْ تَشَكُّوْا لَهَا فَإِنْ غَمَّ عَلَيْكُمْ فَأَتَمُّوا الثَّلَاثِينَ، وَإِنْ شَهِدَ شَاهِدَانِ مُسْلِمَانِ فَصَوْمُوا وَأَفْطَرُوا»⁷¹

There is a number of additional issues discussed in this narration. It addresses the issue of fasting the day of doubt and uses the verb “وإن تشكروا لها”. Instead of “*Akmilu* or *U’ddu* it uses the verb *Atimmu*”. Finally, it clearly goes into the *fihi* discussion of whether the month is confirmed by the witness of one or two Muslims. It sides with the jurists who go by the sighting of two rather than one witness, as is the opinion of *Imam Malik*. Abd al-rahman bin Zaid bin al-Khattab does not mention the names of the companions from whom he is narrating. He just reports that he has heard some companions of the Prophet and they had narrated to him.

(9265) — حَدَّثَنَا عَبْدُ اللَّهِ ، حَدَّثَنِي أَبِي ، حَدَّثَنَا حَمَادٌ ، حَدَّثَنَا حَمَادُ بْنُ سَلْمَةَ ، أَنْبَأَنَا مُحَمَّدُ بْنُ زِيَادٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ ، يَقُولُ: سَمِعْتُ أَبَا الْقَاسِمِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «صَوْمُوا الْهَلَالَ لِرُؤْيَيْتِهِ، وَأَفْطَرُوا لِرُؤْيَيْتِهِ، فَإِنْ غَمَّ عَلَيْكُمْ فَعَدُّوا ثَلَاثِينَ»⁷²

It is significant to note that although Muhammad bin Ziyad narrates it from Abu Hurayrah, the same chain previously discussed in al-Bukhari’s narration, but the text is not exactly the same. It adds the word “الهِلال” before “لِرُؤْيَيْتِهِ”, uses the word “غَمَّ عَلَيْكُمْ” instead of غَمَّيَّ عَلَيْكُمْ, and finally, uses the verb *U’ddu thalatheen* instead of al-Bukhari’s version:

«الهِلال» It differs from al-Muslim’s narration in that it brings “الهِلال” before “لِرُؤْيَيْتِهِ”, the word which does not occur in Muslim’s narration. The second is it uses غَمَّ عَلَيْكُمْ instead of Muslim’s غَمَّيَّ عَلَيْكُمْ الشَّهْرُ.

(20045) — حَدَّثَنَا عَبْدُ اللَّهِ حَدَّثَنِي أَبِي حَدَّثَنَا سَلِيمَانُ بْنُ دَاوُدَ الطَّيَالِسِيِّ — أَبُو دَاوُدَ — أَنْبَأَنَا عِمْرَانُ بْنُ قَتَادَةَ عَنِ الْحَسَنِ بْنِ أَبِي بَكْرَةَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: — يَعْنِي — «صَوْمُوا الْهَلَالَ لِرُؤْيَيْتِهِ، وَأَفْطَرُوا لِرُؤْيَيْتِهِ، فَإِنْ غَمَّ عَلَيْكُمْ، فَأَكْمَلُوا الْعِدَّةَ ثَلَاثِينَ، وَالشَّهْرَ هَكَذَا وَهَكَذَا، وَهَكَذَا، وَهَكَذَا»⁷³

⁷⁰ Musnad Ahmad

⁷¹ Musnad Ahmad

⁷² Ibid

⁷³ Musnad Ahmad

The use of the phrase “يعني” “which means” in this case indicates that the narration is not the exact transmission of the original statement but somewhat modified version of the original one. It also adds والشهر هكذا وهكذا، وعقد

(678) — حدثنا أبو كُرَيْبٍ حَدَّثَنَا عَبْدَةُ بْنُ سَلِيمَانَ عَنْ مُحَمَّدِ بْنِ عَمْرٍو عَنْ أَبِي سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ ، قَالَ: قَالَ النَّبِيُّ «لَا تَقْدُمُوا الشَّهْرَ بِيَوْمٍ وَلَا بِيَوْمَيْنِ إِلَّا أَنْ يُوَافِقَ ذَلِكَ صَوْمًا كَانَ يَصُومُهُ أَحَدُكُمْ. صُومُوا لِرُؤْيَيْتِهِ وَأَفْطَرُوا لِرُؤْيَيْتِهِ فَإِنْ غَمَّ عَلَيْكُمْ فَعُدُّوا ثَلَاثِينَ ثُمَّ أَفْطَرُوا قَالَ: وَفِي الْبَابِ عَنْ بَعْضِ أَصْحَابِ النَّبِيِّ (أَخْبَرْنَا مَنْصُورُ بْنُ الْمُعْتَمِرِ عَنْ رَبِيعِ بْنِ جِرَاشٍ عَنْ بَعْضِ أَصْحَابِ النَّبِيِّ بِنَحْوِ هَذَا. قَالَ أَبُو عَيْسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ: كَرَهُوا أَنْ يَتَعَجَّلَ الرَّجُلُ بِصِيَامٍ قَبْلَ دُخُولِ شَهْرِ رَمَضَانَ لِمَعْنَى رَمَضَانَ وَإِنْ كَانَ رَجُلٌ يَصُومُ صَوْمًا قَوَافِقَ صِيَامِهِ ذَلِكَ فَلَا بَأْسَ بِهِ عِنْدَهُمْ⁷⁴

In this report the emphasis is upon completing 30 days of Ramadan rather than Sha'aban as is the case with the above quoted majority of narrations. It also goes into the matter of fasting the day of doubt or not.

(682) — حَدَّثَنَا قُتَيْبَةُ ، حَدَّثَنَا أَبُو الْأَحْوَسِ عَنْ سَمَاكِ بْنِ حَرْبٍ عَنْ عِكْرَمَةَ عَنْ ابْنِ عَبَّاسٍ ، قَالَ: قَالَ رَسُولُ اللَّهِ «لَا تَصُومُوا قَبْلَ رَمَضَانَ، صُومُوا لِرُؤْيَيْتِهِ وَأَفْطَرُوا لِرُؤْيَيْتِهِ، فَإِنْ حَالَتْ ذُوْنَهُ غِيَابَةً فَأَكْمَلُوا ثَلَاثِينَ يَوْمًا وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ وَأَبِي بَكْرَةَ وَابْنِ عُمَرَ. قَالَ أَبُو عَيْسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رُوِيَ عَنْهُ مِنْ غَيْرِ وَجْهٍ⁷⁵.

(1689) — حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ ثَنَا إِسْمَاعِيلُ بْنُ عَلِيَةَ ، ثَنَا حَاتِمُ بْنُ أَبِي صَخْرَةَ ، عَنْ سَمَاكِ بْنِ حَرْبٍ ، قَالَ: أَصْبَحْتُ فِي يَوْمٍ قَدْ أَشْكَلَ عَلَيَّ مِنْ شَعْبَانَ أَوْ مِنْ شَهْرِ رَمَضَانَ، فَأَصْبَحْتُ صَائِمًا فَاتَيْتُ عِكْرَمَةَ فَإِذَا هُوَ يَأْكُلُ خَبْزًا وَبَقْلًا، فَقَالَ: هَلَمْ إِلَى الْغَدَاءِ فَقُلْتُ: إِنِّي صَائِمٌ فَقَالَ: أَقْسِمُ بِاللَّهِ لَتُفْطِرَنَّ، فَلَمَّا رَأَيْتُهُ حَلَفَ وَلَا يَسْتَثْنِي تَقَدَّمْتُ فَعَدَرْتُ وَإِنَّمَا تَسَحَّرْتُ قَبْلَ ذَلِكَ ثُمَّ قُلْتُ هَاتِ الْآنَ مَا عِنْدَكَ فَقَالَ: حَدَّثَنَا ابْنُ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «صُومُوا لِرُؤْيَيْتِهِ وَأَفْطَرُوا لِرُؤْيَيْتِهِ، فَإِنْ حَالَ بَيْنَكُمْ وَبَيْنَهُ سَحَابٌ فَكَمَلُوا الْعِدَّةَ ثَلَاثِينَ، وَلَا تَسْتَقْبَلُوا الشَّهْرَ اسْتِقْبَالًا»⁷⁶.

(2327) — حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ الْبَرَّازُ أَخْبَرَنَا جَرِيرُ بْنُ عَبْدِ الْخَمِيدِ الصَّبَّيُّ عَنْ مَنْصُورِ بْنِ الْمُعْتَمِرِ عَنْ رَبِيعِ بْنِ جِرَاشٍ عَنْ خَدِيفَةَ ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا تَقْدُمُوا الشَّهْرَ حَتَّى تَرَوْا الْهَلَالَ أَوْ تَكْمَلُوا الْعِدَّةَ ثُمَّ صُومُوا حَتَّى تَرَوْا الْهَلَالَ أَوْ تَكْمَلُوا الْعِدَّةَ» . قَالَ أَبُو دَاوُدَ: «رَوَاهُ سُفْيَانُ وَعَيْرُهُ عَنْ مَنْصُورٍ عَنْ رَبِيعِ بْنِ جَرِيرٍ عَنْ رَجُلٍ مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمْ يُسَمَّ خَدِيفَةَ⁷⁷

(2328) — حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ أَخْبَرَنَا حُسَيْنُ بْنُ زَائِدَةَ عَنْ سَمَاكِ بْنِ عِكْرَمَةَ عَنْ ابْنِ عَبَّاسٍ ، قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا

⁷⁴ Al-Tirmizi

⁷⁵ Al-Tirmizi

⁷⁶ Al-Darimi

⁷⁷ Ibid

تَقَدَّمُوا الشَّهْرَ بِصِيَامِ يَوْمٍ وَلَا يَوْمَيْنِ إِلَّا أَنْ يَكُونَ شَيْءٌ يَصُومُهُ أَحَدُكُمْ وَلَا تَصُومُوا حَتَّى تَرَوْهُ ثُمَّ صُومُوا حَتَّى تَرَوْهُ، فَإِنْ حَالَ دُونَهُ عَمَامَةٌ فَاتَّمُوا الْعِدَّةَ ثَلَاثِينَ. ثُمَّ أَفْطَرُوا وَالشَّهْرُ تِسْعٌ وَعِشْرُونَ». قَالَ أَبُو دَاوُدَ: رَوَاهُ حَاتِمُ بْنُ أَبِي صَغِيرَةَ وَشُعْبَةُ وَالْحَسَنُ بْنُ صَالِحٍ عَنْ سَمَاكِ بِمَعْنَاهُ لَمْ يَقُولُوا ثُمَّ أَفْطَرُوا. قَالَ أَبُو دَاوُدَ: «وَهُوَ حَاتِمُ بْنُ مُسْلِمِ بْنِ أَبِي صَغِيرَةَ وَأَبُو صَغِيرَةَ زَوْجُ أُمِّهِ»⁷⁸

It is clear from the above narrations that there are number of additional alterations which have taken place in the narration of the same companion from the same chain. All these narrations agree upon the positive or negative formula of the phrase «صوموا لرؤيته وأفطروا» and in the other aspects of the narration they differ tremendously. Some of the narrators are not even sure of the names of the companions or at least they do not mention the name of some of them as in the case of Hudhayfah, for instance in the above narration by al-Darimi.

(3419) — أخبرنا الحسين بن إدريس الأنصاري ، قال: حدثنا عثمان بن أبي شيبة ، قال: حدثنا جرير ، عن منصور ، عن ربعي بن جراش عن حذيفة ، قال: قال رسول الله «لا تقدموا الشهر حتى تروا الهلال، أو تكملوا العدة، ثم صوموا حتى تروا الهلال أو تكملوا العدة».⁷⁹

(7967) — وأخبرنا أبو علي الرُّوَدْبَارِيُّ أنبأ محمد بن بكر ثنا أبو داود حدثنا الحسن بن علي ثنا حسين عن زائدة عن سماك عن عكرمة عن ابن عباس قال: قال رسول الله صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: «لا تقدموا الشهر بصيام يوم ولا يومين، إلا أن يكون شيئاً يصومه أحدكم، ولا تصوموا حتى تروه، ثم صوموا حتى تروه، فإن حال دونه عمامة، فاتموا العدة ثلاثين ثم أفطروا ثم أفطروا، الشهر تسع وعشرون.»

قال أبو داود: ورواه حاتم بن أبي صغيرة وشعبة والحسن بن صالح عن سماك بمعناه لم يقولوا: «ثم أفطروا.» (قال الشيخ) ورواه أبو عوانة عن سماك مختصراً فجعل إكمال العدة لشعبان.⁸⁰

I have brought most of the reports narrated in the known books of Hadith regarding the issue at hand with the intent of showing the variety as well as the level of variance among them. It is clear from the above quoted *Ahadith* that the first portion «صوموا لرؤيته وأفطروا» is almost agreed upon while the ending parts of these *Ahadith* have quite variations even with the same original narrator or with the same chain. Therefore, as Dr. Ahmad Shafaat shows, that perhaps the ending parts and the “amount of variation in language shows that transmitters of the Hadith are describing an idea freely in their own words rather than attempting to transmit the Hadith with faithfulness to the original words.”⁸¹ He also concludes that “Bukhari’s version is the result of some alteration

⁷⁸ Ibid

⁷⁹ Ibn Habban

⁸⁰ AlBayhaqi

⁸¹ Dr. Ahmad Shafaat, “A Study of Ahadith About the Determination of Islamic Dates”, www.islamic perspectives.com, October 2003, P: 13

during the process of transmission.”⁸² It must be pointed out here that it must have been an unintentional alteration as the sincerity of these scholars is beyond any doubt.

Completing 30 days of Sha’aban or 30 days of Ramadan, in case of obscurity, is the adopted opinion of the majority of Jurists (*al-Jamhur*). In view of this majority, there are only two methods of confirming the Islamic month i.e., either through actual Moon sighting or through completion. It is quite pertinent to note here that the sighting portion of the Ahadith is almost agreed upon (in positive as well as to a great deal in the negative form also) while the completion portion of the Ahadith is the only part that presents a big array of variations, as seen above. But these are exactly the same portions on the bases of which the majority rests their case explaining away the more authentic rendering from Ibn U’mar “*faqduru lah*”, as will be discussed in the coming pages. They contend that meanings of the phrase *فَإِنْ عَمَّ عَلَيْكُمْ فَاقْدُرُوا لَهُ* in Ibn Umar’s narration are “complete thirty days and not go with counting or calculations”, as the literal meanings of the narration apparently demand. Imam al-Nawawi contends that:

وَإِخْتِجَّ الْجُمْهُورُ بِالرِّوَايَاتِ الَّتِي ذَكَرْنَاهَا وَكُلَّهَا صَاحِبَةٌ صَرِيحَةٌ :
فَأَكْمَلُوا الْعِدَّةَ ثَلَاثِينَ وَاقْدُرُوا لَهُ ثَلَاثِينَ ، وَهِيَ مُفَسَّرَةٌ لِرِوَايَةِ
فَاقْدُرُوا لَهُ الْمُطْلَقَةَ⁸³

“The majority (*al-Jamhur*) has derived from the above quoted clear and authentic Prophetic narrations that completing thirty days and counting thirty days (are the same). The *مُفَسَّرَةٌ* phrase “complete thirty days” explains away the *الْمُطْلَقَةَ* phrase “then count or estimate it”.

It is pertinent to mention here that there is no consensus among the jurists even in this interpretation of “*فَاقْدُرُوا لَهُ*” as a leading authority in Fiqh, Imam Ahmad, argues that it means “shorten the month.”

“{فَإِنْ عَمَّ عَلَيْكُمْ فَاقْدُرُوا لَهُ} فَقَالَ أَحْمَدُ بْنُ حَنْبَلٍ وَطَائِفَةٌ قَلِيلَةٌ :
مَعْنَاهُ ضَيِّقُوا لَهُ وَقَدِّرُوهُ تَحْتَ السَّحَابِ⁸⁴

Al-Nawawi himself reports that Imam Ahmad and a few others say that the meaning is not complete 30 days but “restrict it or shorten the month by considering the moon under the clouds.” That is why Imam Ahmad contends that fasting should be observed the next day, the day after the 29th of Saha’aban, if due to obscurity the Moon is not sighted on the evening of 29th of Sha’aban. Abu Dawud reports that such was the action and opinion of Ibn Umar.

(2321) — حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْعَتَكِيُّ أَخْبَرَنَا حَمَادٌ أَخْبَرَنَا أَيُّوبُ
عَنْ يَافِعٍ عَنِ ابْنِ عُمَرَ ، قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ :
«الشَّهْرُ تِسْعٌ وَعِشْرُونَ فَلَا تَصُومُوا حَتَّى تَرَوْهُ وَلَا تَفْطَرُوا حَتَّى تَرَوْهُ .
فَإِنْ عَمَّ عَلَيْكُمْ فَاقْدُرُوا لَهُ ثَلَاثِينَ . قَالَ : فَكَانَ ابْنُ عُمَرَ إِذَا كَانَ
شَعْبَانَ تِسْعًا وَعِشْرِينَ نَظَرَ لَهُ فَإِنْ رَأَى فِي ذَلِكَ وَإِنْ لَمْ يَرِ وَلَمْ يَحُلْ دُونَ
مَنْظَرِهِ سَحَابٌ وَلَا قَتْرَةَ أَصْبَحَ مُفْطِرًا ، فَإِنْ خَالَ دُونَ مَنْظَرِهِ سَحَابٌ أَوْ

⁸² Ibid, P: 12

⁸³ -Nawawi, Yahya bib Sharaf, al-Majmu’a Sharh al-Muhazhab, Matba’ah al-Muniriyyah, Vol: 6, P: 276

⁸⁴ Ibid

قَتْرَةٌ أَصْبَحَ صَائِماً. قَالَ وَكَانَ ابْنُ عُمَرَ يُفْطِرُ مَعَ النَّاسِ وَلَا يَأْخُذُ
بِهَذَا الْحِسَابِ⁸⁵

“Ibn Umar narrates that the Prophet (PBUH) said,” the month is 29 therefore do not start fasting until you see it and do not break fast until you see it. Count 30 days if it is cloudy”. He (Nafi’a, the narrator from Ibn Umar) said,” that Ibn Umar used to ask people to see the Moon for him on the 29th of Sha’aban. If the Moon was seen, then well and good. He would not fast if it was not seen and it was not cloudy or rainy. If (on 29th of Sha’aban) it was cloudy or rainy weather, he would start fasting (the next day). He (Nafi’a) also said that Ibn Umar used to break the fast with the people and not depend upon these calculations (his counting).”

Al-Bayhaqi also reports the same:

(7942) — — أَخْبَرَنَا أَبُو عَبْدِ اللَّهِ الْخَافِظُ ثَنَا مُحَمَّدُ بْنُ يَعْقُوبَ هُوَ
الشَّيْبَانِيُّ ثَنَا مُحَمَّدُ بْنُ شَاذَانَ الْأَصَمُّ ثَنَا عَلِيُّ بْنُ حُجْرٍ ثَنَا إِسْمَاعِيلُ
عَنْ أَيُّوبَ (ح وَأَخْبَرَنَا) أَبُو الْحَسَنِ عَلِيُّ بْنُ مُحَمَّدٍ الْمُقْرِيءُ أَنْبَأَ الْحَسَنُ
بْنُ مُحَمَّدِ بْنِ إِسْحَاقَ ثَنَا يَوْسُفُ بْنُ يَعْقُوبَ ثَنَا سَلِيمَانُ بْنُ حَرْبٍ ثَنَا
حَمَادُ بْنُ زَيْدٍ عَنْ أَيُّوبَ عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّمَا الشَّهْرُ تِسْعٌ وَعِشْرُونَ فَلَا تَصُومُوا حَتَّى
تَرَوْهُ وَلَا تَفْطَرُوا حَتَّى تَرَوْهُ، فَإِنْ عَمَّ عَلَيْكُمْ فَاقْدِرُوا لَهُ».

زاد حماد في روايته عن أيوب: قال نافع: كان ابن عمر إذا مضى من شعبان تسع وعشرون نظر له فإن ربي فداك، وإن لم ير ولم يحل دون منظره سحاب ولا قتره أصبح مفطراً، وإن حال دون منظره سحاب أو قتره أصبح صائماً، وكان يفطر مع الناس ولا يأخذ بهذا الحساب، قال: وقال ابن عون: ذكرت فعل ابن عمر محمد بن سيرين فلم يعجبه. أخرجه مسلم في الصحيح عن زهير بن حرب عن إسماعيل ابن علية دون فعل ابن عمر. (بيهقي)

This narration is important from a number of perspectives.

Firstly, it is quoted to prove that Ibn Umar himself did not go by calculations. It seems that some of the jurists have explained the sentence ولا يأخذ بهذا الحساب، to mean that Ibn Umar did not go by the calculations. This interpretation is incorrect. Azeemabadi, the author of “A’own al-Ma’bud”, clearly shows that Ibn Umar used to break the fast with the rest of the Muslims and used not to worry about his calculations of the day he had started fasting for Ramadan. If Ramadan will be 29 days then his starting day will be the 30th day for him. If Ramadan will end up being 30 days then he will consider his first day as supplementary fasting for Sah’aban. This is the correct interpretation of the above quoted phrase.

Secondly, this is the only narration from Ibn Umar in the subject of our discussion which brings the phrase “فاقدروا له ثلاثين” (then count or estimate for it 30 days). We will later on see that this is the only narration from Ibn Umar that requires counting 30

⁸⁵ Abu Dawud

days in case of cloudy weather. All the other reports confine themselves only to the phrase *فَأَقْدَرُوا لَهُ* and are explained by the *Jamhur* in light of this oddly attached report. This narration contradicts itself. Ibn Umar's action is posted against his own narration that "complete 30 days if it is cloudy." He starts fasting after completing only 29 days of Sha'aban in case of obscurity in the horizon.

Ibn Qudamah argues that Ibn Umar has explained the true meanings of the Hadith by his own action and that must be taken as incumbent as he is the original reporter of the Hadith that requires us to estimate in case of cloudy weather and complete 30 days.

وَمَعْنَى أَقْدَرُوا لَهُ : أَي ضَيَّقُوا لَهُ الْعَدَدَ مِنْ قَوْلِهِ تَعَالَى : { وَمَنْ قَدَرَ عَلَيْهِ رِزْقُهُ } . أَي ضَيَّقَ عَلَيْهِ . وَقَوْلِهِ : { يَنْسُطُ الرِّزْقَ لِمَنْ يَشَاءُ وَيَقْدِرُ } . وَالتَّضْيِيقُ لَهُ أَنْ يُجْعَلَ شَعْبَانُ تِسْعَةَ وَعِشْرِينَ يَوْمًا . وَقَدْ فَسَّرَهُ ابْنُ عَمَرَ بِفِعْلِهِ ، وَهُوَ رَأَوِيهِ ، وَأَعْلَمُ بِمَعْنَاهُ ، فَيَجِبُ الرُّجُوعُ إِلَى تَفْسِيرِهِ⁸⁶ .

"The meanings of "calculate for it" are to restrict the counting for it and Allah SWT has said in the Qur'an "the one who sustenance was restricted" meaning decreased or shortened and also the statement of Allah SWT that it is Allah SWT who expands the sustenance for the ones He likes and decreases for the ones He likes". Shortening or decreasing in case of cloudy weather will mean to make the month of Sha'aban 29 days. Ibn Umar has explained the meanings of the Hadith by his action. He is the original narrator of this report and is better equipped to understand the true meanings. Therefore it is obligatory to return to his explanation"

قَالَ أَبُو مُحَمَّدٍ : هَذَا ابْنُ عَمَرَ هُوَ رَوَى أَنْ لَا يُصَامَ حَتَّى يَرَى الْهَيْلَالَ ثُمَّ كَانَ يَفْعَلُ مَا ذَكَرْنَا⁸⁷

"Abu Muhammad Ibn Hazm said, "This Ibn Umar who himself narrated that fasting is not permitted until the new Moon is sighted then he himself does what we have just mentioned."

Is Ibn Umar going against the Prophet's command which he himself is narrating by fasting on the day next to the 29th day of Sha'aban in case of obscurities? It is reported that many companions of the Prophet and their successors fasted in case of obscurities so as not to miss a day of Ramadan. Ibn Qudamah reports:

مَسْأَلَةٌ : قَالَ : (وَإِنْ خَالَ دُونَ مَنْظَرِهِ عَيْمٌ ، أَوْ قَتَرَ وَجَبَ صِيَامُهُ ، وَقَدْ أَجْزَأَ إِذَا كَانَ مِنْ شَهْرِ رَمَضَانَ) اِخْتَلَفَتْ الرِّوَايَةُ عَنْ أَحْمَدَ رَحِمَهُ اللَّهُ فِي هَذِهِ الْمَسْأَلَةِ ، فَرَوَى عَنْهُ مِثْلُ مَا نَقَلَ الْخَرَقِيُّ ، اِخْتَارَهَا أَكْثَرُ شَيْوْخِ أَصْحَابِنَا ، وَهُوَ مَذْهَبُ عَمَرَ ، وَابْنِهِ ، وَعَمَرُو بَنِي الْعَاصِ ، وَأَبِي هُرَيْرَةَ ، وَأَنْسِ ، وَمَعَاوِيَةَ ، وَعَائِشَةَ ، وَأَسْمَاءَ بِنْتِي أَبِي بَكْرٍ ، وَبِهِ قَالَ بَكْرُ بْنُ عَبْدِ اللَّهِ ، وَأَبُو عَثْمَانَ

⁸⁶ Ibn Qudamah, al-Mughni, 3, 7

⁸⁷ Ibn Hazm, al-Mahalla, 4, 445

النَّهْدِيُّ ، وَابْنُ أَبِي مَرْيَمَ ، وَمُطَرِّفٌ ، وَمَيْمُونُ بْنُ مِهْرَانَ ، وَطَاوُسٌ ،
وَمُجَاهِدٌ⁸⁸ ،

“If any obscurity such a cloud or rain came between the new Moon and its sighting then fasting is obligatory. This day will be accepted as the first day of Ramadan. There are contradictory reports from Ahmad about this issue. The report which is reported by al-Kharqi from Imam Ahmad is accepted by majority of the teachers of our scholarship. And that is also the preferred opinion of Caliph Umar and his son (Abdullah), Umaro bin al-A’as, Abu Hurayrah, Anas, Mu’awiyah, A’ishah, Asma’a (the two daughters of Abu Bakr). Same opinion was held by Bakr bin Abdallah, Abu Othman al-Nahdi, Ibn Abi Maryam, Mutarraf, Maymun bin Mehran, Tawus and Mujahid”

Iman al-Nawawi reports that Imam Ahmad requires starting the month of Ramadan if the new Moon was not sighted due to obscurities on the 29th day of Sha’aban. That has been the opinion of 8 known companions of the Prophet (PBUH) and 7 of their successors:

وَجُوبُ صِيَامِهِ عَنْ رَمَضَانَ رَوَاهَا عَنْهُ الْأَثَرِمُ وَالْمَرْوَزِيُّ وَمَهْنًا وَصَالِحٌ
وَالْفَضْلُ بْنُ زِيَادٍ . قَالَ : وَهُوَ قَوْلُ عُمَرَ بْنِ الْخَطَّابِ وَابْنِ عُمَرَ
وَعُمَرَ بْنِ عَبْدِ الْعَزِيزِ وَعَمْرُو بْنُ الْعَاصِ وَأَنْسَ وَمَعَاوِيَةَ وَأَبِي هُرَيْرَةَ
وَعَائِشَةَ وَأَسْمَاءَ وَبَكْرَ بْنَ عَبْدِ اللَّهِ الْمُزَنِّيَّ وَأَبِي عَثْمَانَ وَابْنَ أَبِي
مَرْيَمَ وَطَاوُسَ وَمُطَرِّفَ وَمُجَاهِدَ فَهَؤُلَاءِ ثَمَانِيَةٌ مِنَ الصَّحَابَةِ وَسَبْعَةٌ مِنَ
التَّابِعِينَ⁸⁹

Azeemabadi, the author of A’own al-Ma’bud reports:

وروي معناه عن أبي هريرة وابن عباس رضي الله عنهما وعائشة
وأسماء بنتا أبي بكر تصومان ذلك اليوم، وقالت عائشة رضي الله
عنها: لأن أصوم يوماً من شعبان أحب إلي من أن أفطر يوماً من
رمضان. وكان مذهب عبد الله بن عمر بن الخطاب رضي الله عنهما صوم
يوم الشك إذا كان في السماء سحاب أو قفرة، فإن كان صحو ولم ير
الناس الهلال أفطر مع الناس، وإليه ذهب أحمد بن حنبل،⁹⁰

“Its meanings have been narrated from Abu Hurayrah and Ibn Abbas. A’isha and Asma’a, the two daughters of Abu Bakr, used to fast this day. A’isha used to say, “It is better for me to fast a day of Sha’aban rather than missing a day of Ramadan”. Abdullah bin Umar used to fast the day of doubt if there were obscurities in the horizon such as clouds or rain. He would not fast if the horizon was free of obscurities and the people were at a loss to sight the Moon. Same is the opinion of Ahmad.”

⁸⁸ Al-Mughni, 3, 7

⁸⁹ Al-Majmu’, 6, 460

⁹⁰ A’own al-Ma’bud, V:6, P:457

Some scholars have argued that Ibn Umar and others used to fast the day of doubt with the intention of supplementary fasting and not as the day of Ramadan. This interpretation is incorrect also. They used to fast with the intention of fasting the day of Ramadan as is clearly reported from Imam Ahmad:

يجب صومه على أنه من رمضان⁹¹

“It is obligatory to fast that day as the first day of Ramadan.”

The day of doubt is defined by al-A’yni as:

قال العلامة العيني: ويوم الشك هو اليوم الذي يتحدث الناس فيه برؤية الهلال ولم يثبت رؤيته أو شهد واحد فردت شهادته أو شاهدان فاسقان فردت شهادتهما⁹²

“The day of doubt is the day when people talk about sighting the Moon but its sighting is not confirmed. For instance it was reported by only one witness and his report was denied or two untrustworthy individuals reported and their witness was rejected.”

Thirdly, the report establishes a fact that the so called original narrator Ibn Umar himself did not accept the explanatory note as “complete 30 days” but went against it and fasted after the 29th day of Sha’aban in case of obscurity. How could someone claim that there is a consensus among the *Jamhur* that “complete 30 days” is the true meaning of the Prophetic phrase “count for it”. Actually there existed no consensus even among the Companions or their successors that the phrase “complete 30 days” is explanatory for the Prophetic phrase “count or estimate for it”. Had it been an accepted norm as al-Nawawi and many others contend, then Abdullah Ibn Umar, A’isha, Asma’a, Imam Ahmad and many others would have not violated it by fasting after the 29th day of Sha’aban in case of cloudy weather.

Fourthly, this position of Ibn Umar and Ahmad of fasting on the cloudy day of 29th without actual sighting of the Moon, categorically refutes the argument of the so called majority (*Jamhur*) that either actual sighting by a naked human eye or completing 30 days is the only prescribed method for confirming the month of Ramadan as well as the other Islamic months. Ibn Umar or Imam Ahmad started the month of Ramadan on counting the 29 days of the month of Sha’aban. This method of confirming the month, in case it is cloudy, on the 29th day of Sha’aban is neither by actual sighting nor by completion, but by mere “counting the days.”

Fifthly, there is a Hadith in Bukhari, Muslim and others that the Prophet himself started or ended the month without resorting to actual sighting or completing 30 days.

حَدَّثَنَا أَبُو عَاصِمٍ عَنْ ابْنِ جُرَيْجٍ عَنْ يَحْيَى بْنِ عَبْدِ اللَّهِ بْنِ صَيْفِيٍّ عَنْ عِكْرِمَةَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ عَنْهَا أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَلَى مِنْ نِسَائِهِ شَهْرًا فَلَمَّا مَضَى تِسْعَةٌ وَعِشْرُونَ يَوْمًا

⁹¹ Ibid

⁹² Ibid

عَدَا أَوْ رَاحَ فَقِيلَ لَهُ إِنَّكَ حَلَفْتَ أَنْ لَا تَدْخُلَ شَهْرًا فَقَالَ إِنَّ الشَّهْرَ
يَكُونُ تِسْعَةً وَعِشْرِينَ يَوْمًا⁹³

The translation is that “Umm Salamah narrates that once the Prophet (PBUH) took an oath upon not seeing his wives for a month. When the 29 days passed he came to them. He was told that you took an oath not to enter the home for a month. He said, “The month consists of 29 days.”

He (PBUH) just counted the days and completed his month or started the new month without seeing the new Moon. He (PBUH) did not say that I had seen the Moon and none of his wives asked him that either whether or not he had seen the new Moon. The Hadith does not say that it was cloudy that evening. It is also clear that the Prophet (PBUH) did not complete 30 days.

حَدَّثَنَا أَبُو غَاصِمٍ عَنْ ابْنِ جُرَيْجٍ عَنْ يَحْيَى بْنِ عَبْدِ اللَّهِ بْنِ صَيْفِيٍّ عَنْ
عِكْرِمَةَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ عَنْهَا أَنَّ النَّبِيَّ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ آلَى مِنْ نِسَائِهِ شَهْرًا فَلَمَّا مَضَى تِسْعَةٌ وَعِشْرُونَ يَوْمًا
عَدَا أَوْ رَاحَ فَقِيلَ لَهُ إِنَّكَ حَلَفْتَ أَنْ لَا تَدْخُلَ شَهْرًا فَقَالَ إِنَّ الشَّهْرَ
يَكُونُ تِسْعَةً وَعِشْرِينَ يَوْمًا⁹⁴

Muslim narrates the same report from a different narrator Anas bin Malik:

حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ حَدَّثَنَا سُلَيْمَانُ بْنُ بِلَالٍ عَنْ حُمَيْدٍ
عَنْ أَنَسٍ قَالَ آلَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ نِسَائِهِ وَكَانَتْ
انْفَكَّتْ رِجْلُهُ فَأَقَامَ فِي مَشْرَبَةٍ تِسْعًا وَعِشْرِينَ لَيْلَةً ثُمَّ نَزَلَ فَقَالُوا يَا
رَسُولَ اللَّهِ آلَيْتَ شَهْرًا فَقَالَ إِنَّ الشَّهْرَ يَكُونُ تِسْعًا وَعِشْرِينَ⁹⁵

Tirmidhi authenticates the narration:

حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ حُمَيْدٍ عَنْ أَنَسٍ أَنَّهُ
قَالَ آلَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ نِسَائِهِ شَهْرًا فَأَقَامَ فِي
مَشْرَبَةٍ تِسْعًا وَعِشْرِينَ يَوْمًا قَالُوا يَا رَسُولَ اللَّهِ إِنَّكَ آلَيْتَ شَهْرًا
فَقَالَ الشَّهْرُ تِسْعٌ وَعِشْرُونَ قَالَ أَبُو عَيْسَى هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ⁹⁶

Abu A'isa (Imam Tirmizi) has authenticated this Hadith.

It seems from this Hadith that the Prophet (PBUH) determined the month just by counting 29 days and not by actual Moon sighting or completing 30 days.

By now it should be clear enough that the claim that the entire Ummah or all the jurists have a consensus that the Islamic lunar month cannot be determined without actual Moon sighting or completion is not authentic and is simply not true. There are many instances of practical exceptions to this rule as is substantiated by the above discussed points.

Moreover, both of these interpretations “completing 30 days of Sha’aban and Ramadan in case of cloudy weather”, the so called Jamhur’s opinion, or “starting Ramadan on the 29th day of Sha’aban in case the horizon is obscure”, as Ibn Umar and

⁹³ Bukhari

⁹⁴ Ibid

⁹⁵ Muslim

⁹⁶ Tirmidhi

Ahmad contend, could lead to a number of practical difficulties of ending up fasting sometimes 28 and sometimes 31 days of Ramadan in reality.

Dr. Shafat Ahmad has done a thorough job of analyzing these difficulties. He contends that: “The words *fa aqdurū la hu* were meant to say what they say: estimate the duration. The actual method of estimation was left unspecified, since that would depend on the available information and analytical tools, which can change from place to place and time to time. However, people tried to make the phrase more specific and establish a simple rule applicable in all situations. One simple way to do that would be to give to the month a particular number of days in case of obscurity – 29 or 30. This raised the question whether the same number will apply to both Sha‘ban and Ramaḍan. The following four answers were possible depending on whether in case of obscurity both Sha‘ban and Ramaḍan are taken to consist of 29 days or 30 days or one of them is taken to consist of 29 days and the other of 30 days:

- a) If there is obscurity on the 29th of Sha‘ban, take that month to be 30 days and the same is true of Ramaḍan.

In this case, you would never fast more than 30 days but sometimes you will fast only 28 days. For, suppose that both Sha‘ban and Ramaḍan are 29 days but it is cloudy on 29th of Sha‘ban and clear on 29th of Ramaḍan. You will count Sha‘ban as 30 days and in this way miss one day of Ramaḍan. But if the sky is clear on the 29th of Ramaḍan you will be able to see the *hilal* of Ramaḍan and therefore end fasting, even though you fasted only for 28 days. In places like Caribbean Islands, Trinidad, and Guyana where it is cloudy very often this process could lead even to less than 28 days of fasting.

- b) If there is obscurity on the 29th of Sha‘ban, take that month to be 29 days and the same is true of Ramaḍan.

In this case, you would never fast for less than 29 days but sometimes you would fast 31 or more days or have ‘Id al-Fiṭr in Ramaḍan. For suppose that both Sha‘ban and Ramaḍan are 30 days and it is cloudy on 29th of Sha‘ban and clear on the 29th of Ramaḍan. By the rule of restricting the month to 29 days in case of obscurity, you will count Sha‘ban as 29 days and thus fast on the last day of Sha‘ban, but since the sky is clear on the 29th of Ramaḍan you will know that Ramaḍan has not ended. So you will fast 30 days of Ramaḍan and one day of Sha‘ban, a total of 31 days. In case it is cloudy for several months leading to Ramadan you will need to fast even more than 31 days.

- c) If there is obscurity on the 29th of Sha‘ban, take that month to be 30 days but if there is obscurity on the 29th of Ramaḍan take it to be 29 days.

In this case you will never fast for more than 30 days but sometimes you will fast 28 days.

- d) If there is obscurity on the 29th of Sha‘ban, take that month to be 29 days but if there is obscurity on the 29th of Ramaḍan take it to be 30 days.

In this case you will never fast for less than 29 days but sometimes you will fast 31 days.”⁹⁷

He makes a significant observation in the conclusion:

“Today we all assume (a), that is, in case of obscurity we should take the month as of 30 days whether it is Sha‘ban or Ramaḍan. It would therefore surprise some readers to hear that all of the above views have been held by Muslims. Indeed, the differences in the various narrations of the hadith about starting/ending Ramaḍan can be explained as attempts to reflect these interpretations.”⁹⁸

WEAKNESS OF THE IJMA’ (CONSENSUS) ARGUMENT:

In spite of this overwhelming majority, there have always been voices of dissent among the three schools of thought with the exception of *Hanabilah* (as will be seen in coming pages). Known authorities in *Hanafi*, *Maliki* and *Shafa’ee* schools have argued against the total rejection of calculations in establishing the commencement of Ramadan etc. It is only the *Hanbali* school of Fiqh, especially in the classical period, which seems to be enjoying a kind of consensus regarding absolute rejection of calculations in the above mentioned matters.

A minute minority among the earlier jurists and an ever increasing number among the contemporary jurists disagree with the notion of complete dismissal of astronomical calculations. They, in opposition to the established opinion, argue that calculations are definitive way of knowing the movements of celestial bodies and more certain than just sighting the moon with naked human eyes. This group does not see any prohibition neither in the Qur’an nor in the Sunnah manifestly banning usage of calculations in the matters of *Din*. They actually find support for their arguments from within the Qur’an and Sunnah, in addition to resorting to scientifically logical arguments.

There are two main groups among this category of scholars. First group accepts astronomical calculations only in negating the beginning of the month. That is if the calculations prove impossibility of sight ability or negation of the birth of moon etc., then they do not accept witnesses claiming the actual sighting even if the witnesses are trustworthy righteous Muslims. This is an old trend among some of the scholars and can be traced back all the way to the first century of *Hijrah*. *Muttrif bin Abdallah* (a successor, *Taba’ee*), *Abu al-Abbas Ahamd bin Umar Ibn Sarij* (D 306 AH), *Taqi al-Din Ali al-Subki* (683-756 AH) since the old times and contemporary scholars like Sheikh Yusuf Al-Qardawi, Director of the Center of Researches on the Sunnah and the Sirah, University of Qatar, and many others have championed this position.

⁹⁷ Ibid, P:16

⁹⁸ Ahmad Shafaat, Ibid

The second group permits acceptance of astronomical calculations both in establishing the beginning of the month as well as negating or dismissing any claims to sighting if the calculations prove the otherwise. This is a recent phenomenon among some of the last century and contemporary scholars such as Dr. Muhammad Mustafa al-Maraghi, (Grand Imam of Al-Azhar, 1935-1945), the celebrated Egyptian and encyclopedic authority and 1984 King Faisal International Prize winner, Shaikh Mahmud Shakir (1909–1997), Shaikh Mustafa al-Zarqa (1901-1999), The Syrian-born judge, broadcaster, author, editor, teacher and orator and 1990 King Faisal International Prize winner, Shaikh Ali al-Tantawi (1908 – 1999), Dr. Sharaf al-Quda, a contemporary Jordanian jurist, and many others.

Therefore, the claims of the Ijma' or consensus that actual sighting or completion are the only two methods accepted by the entire Ummah are not based upon the historical facts as we will see more details of that in the coming pages.

Moreover, there is no consensus among the majority (*al-Jamhur*) about the exact nature of Moon sighting whether it is established through sighting of one or more witnesses or a multitude of people. There also exist a host of opinions about the criteria and characteristics of these witnesses whether male, female, slave or free. Yet there is no consensus about the number of witnesses needed for confirmation of the month of Ramadan and for the month of Shawwal.⁹⁹

For instance, the Hanafi jurists require witness of a big number of individuals in case the horizon is free from obscurities. They accept witness of one trustworthy Muslim if it is cloudy and that is in the case of only confirming the month of Ramadan.¹⁰⁰

The Maliki jurists require a large number of witnesses in case the horizon is free from obscurities such as cloud, dust or fog etc., or at least two trustworthy Muslims or more in case it is cloudy. They, unlike Hanafi Jurists, do not accept one witness in confirming Ramadan or Shawwal. The Shafa'ee jurists accept one trustworthy Muslim's witness in case of cloudy weather or the otherwise. That is the case for both the months i.e., Ramadan as well as Shawwal. The Hanbali jurists accept one trustworthy witness in confirming the month of Ramadan but require two witnesses in case of the month of Shawwal.¹⁰¹

The place does not permit here to go into the details of the issues connected with methodology of sighting. It is sufficient to note that in spite of apparent claims of consensus about actual moon sighting as the only way to confirm the month before 30th of Sha'aban, there is tremendous difference among jurists in the details related to the same subject. Therefore, actual sighting cannot be called as the categorically absolute rule of Islam where there is no difference of opinion. The best it could be described is that it is a *Zanni* or presumptive and not a *Qata'ee* or categorical matter in the *Shari'ah*.

⁹⁹ Dr. Salah Sultan has a wonderful graph showing these differences. See his paper presented to the Fiqh Council of North America

¹⁰⁰ See al-Zukhayli, Wahbah, *al-Fiqh al-Islami wa Adillatuhu*, Dar al-Fikr, P: 1651

¹⁰¹ *Ibid*, 1652-53

WEAKNESS OF THE JEWISH ARGUMENT:

One of the leading reasons for rejecting the calendar based upon the astronomical calculations, in view of many Muslim jurists, is also to oppose the Jewish community in their adoption of a calendar solely based upon calculations. Many classical as well as contemporary Muslim scholars quote the Prophetic narration that encourages Muslims not to imitate Jews but oppose them in many of their religious customs and rituals. The Jewish community had reportedly adopted the calculated calendar since the 4th century AD. Therefore, scholars like Ibn Tamiyyah and many others argue that accepting astronomical calculations as the base of Islamic calendar will be nothing short of imitating the Jews in their innovation and misguidance. Some contemporary jurists such as Maulana Abdullah Saleem contend that the Prophet (PBUH) was aware of the Jewish innovation and specifically commanded the Muslim community not to follow that path. The Prophet said, “We are an unlettered nation. We neither write nor calculate.” This was a direct reference to the Jewish calendar and calculations.

It is pertinent to briefly analyze and discuss the Jewish calendar and its history to dispel the misconception that confirming the Muslim months by the astronomical calculations will constitute a sharp deviation from the Prophetic Sunnah and an absolute imitation of the Jews in their changing the Din of Allah SWT.

The Biblical month is a lunar month (EX. 12:2). The Hebrews had followed movements of the Moon to determine their months and festivals since antiquity. The earlier Synagogue had required human witnesses to actually sight the Moon for the purpose of confirming the new month. The month used to be declared complete as consisting of 30 days instead of defective if no witness was brought on the 29th of the month. The Talmud tells that “The commencement of the month was dated from the time when the earliest visible appearance of the new moon was reported to the Sanhedrin. If this happened on the 30th day of the current month, that month was considered to have ended on the preceding 29th day, and was called deficient. But if no announcement was made on the 30th day, that day was reckoned to the current month, which was then called full, and the ensuing day was considered the first of the next month.”¹⁰²

Mishna and Talmud, the Jewish jurisprudential sources, emphasize upon the rule of actual sighting in the following words:

“But if it is always defective, why should they profane it?1 — Because it is a religious duty to sanctify [the New Moon] on the strength of actual observation.2 According to another version, R. Nahman said: We also have learnt: ‘For the fixing of two New Moons the Sabbath may be profaned, for those of Nisan and of Tishri’. Now if you say that the Adar which precedes Nisan is always defective, there is no difficulty; the reason why Sabbath may be profaned is because it is a religious duty to sanctify [the New Moon] on the strength of actual observation. But if you say that it is sometimes full and sometimes defective, why should [the Sabbath] be profaned? Let us prolong [the month] today and

¹⁰² The Soncino Talmud, - Mas. Sanhedrin 10b, commentary on verse 2, The Judaic Classical Library, Davka Corporation and Judaic Press, Inc. Electronic Edition 1991-1995

sanctify [the New Moon] to-morrow?³ — If the thirtieth day happens to be on Sabbath, that is actually what we do. Here, however, we are dealing with the case where the thirty-first day happens to fall on Sabbath [and we allow the Sabbath to be profaned because] it is a religious duty to sanctify on the strength of actual observation.⁴”¹⁰³

It is a known fact that Sabbath is so sacred to the Jews that profaning it carries death penalty in the Jewish law. The Bible reports; “And the LORD spake unto Moses, saying,¹³ Speak thou also unto the children of Israel, saying, Verily my sabbaths ye shall keep: for it *is* a sign between me and you throughout your generations; that *ye* may know that I *am* the LORD that doth sanctify you.¹⁴ Ye shall keep the sabbath therefore; for it *is* holy unto you: every one that defileth it shall surely be put to death: for whosoever doeth *any* work therein, that soul shall be cut off from among his people.¹⁵ Six days may work be done; but in the seventh *is* the sabbath of rest, holy^d to the LORD: whosoever doeth *any* work in the sabbath day, he shall surely be put to death.¹⁶ Wherefore the children of Israel shall keep the sabbath, to observe the sabbath throughout their generations, *for* a perpetual covenant.¹⁷ It *is* a sign between me and the children of Israel for ever: for *in* six days the LORD made heaven and earth, and on the seventh day he rested, and was refreshed.” (Ex. 31:12-18)

The Sabbath was allowed to be violated for the sake of giving witness for the actual Moon sighting. There was a special Jewish court consisting of Rabbis which used to verify these witnesses and announce the start of the new month. R. Gamaliel II. (80-116 C.E.) used to receive the reports of the witnesses in person. The Rabbis afterwards started using the astronomical calculations to negate the months. The later portion of Talmud reports that:

“When R. Zera went up [to Palestine], he sent back word to them [in Babylon]: It is necessary that there should be [on New Moon] a night and a day of the new moon.⁵ This is what Abba the father of R. Simlai meant: ‘We calculate [according to] the new moon's birth. If it is born before midday, then certainly it will have been seen shortly before sunset. If it was not born before midday, certainly it will not have been seen shortly before sunset’. What is the practical value of this remark? — R. Ashi said: To [help us in] confuting the witnesses.⁶ R. Zera said in the name of R. Nahman: The moon is invisible for twenty-four hours [round about new moon]. For us [in Babylon] six of these belong to the old moon and eighteen to the new;⁷ for them [in Palestine] six to the new and eighteen to the old.⁸ What is the practical value of this remark? — R. Ashi said: *To confute the witnesses.*”¹⁰⁴

Rashi, the famous classical Jewish authority on Biblical and Talmudic exegesis, has explained the above verses as follows: “(6) Because if the conjunction is calculated to have been after midday and they claim to have seen the new moon before nightfall, they are not telling the truth.

(7) Which would imply that in Babylon the new moon is not visible till eighteen hours after its birth.

¹⁰³ Ibid, Mas. Rosh HaShana, 20a, 1-4

¹⁰⁴ Ibid, Mas. Rosh HaShana, 20b, 5-8¹⁰⁵ Ibid

(8) Which would imply that in Palestine the new moon is visible six hours after its birth.”¹⁰⁵

Later on the testimony gave way to mere calculations though not without controversy as the Jewish Encyclopedia reports:

“Under the patriarchate of Rabbi Judah III., (300-330), the testimony of the witnesses with regard to the appearance of the new moon was received as a mere formality, the settlement of the day depending entirely on calculation. This innovation seems to have been viewed with disfavor by some members of the Sanhedrin, particularly Rabbi Jose, who wrote to both the Babylonian and the Alexandrian communities, advising them to follow the customs of their fathers and continue to celebrate two days, an advice which was followed, and is still followed, by the majority of Jews living outside of Palestine.”

¹⁰⁶

There were two practical problems that demanded dependence upon the calculations instead of practical Moon sighting. The first problem lied in the fact that the Bible connected the Jewish festivals and holidays with certain crops and seasons. There were times when the lunar dates of holidays used to fall in a wrong season when the crops and fruits required for the rituals were not ready. The Rabbis were forced to introduce intercalation to avoid the Jewish festivals occurring in a wrong season. The Jewish Encyclopedia explains: “It thus seems plain that the Jewish year was not a simple lunar year; for while the Jewish festivals no doubt were fixed on given days of lunar months, they also had a dependence on the position of the sun. Thus the Passover Feast was to be celebrated in the month of the wheat harvest (אביב), and the Feast of Tabernacles, also called חג האסיף, took place in the fall. Sometimes the feasts are mentioned as taking place in certain lunar months (Lev. xxiii.; Num. xxviii., xxix.), and at other times they are fixed in accordance with certain crops; that is, with the solar year.”¹⁰⁷

The exegetes of Talmud report the reasons for an intercalation as follows:

“The solar year which consists of three hundred and sixty-five and a quarter days is divided into four equal parts, each period consisting of ninety-one days and seven and a half hours. These are called respectively the Nisan (vernal), Tammuz (summer), Tishri (autumnal), Tebeth (winter) Tekufoth. The lunar year which forms the basis of our calendar comprises altogether three hundred and fifty-four days. Though according to Biblical tradition our months are to be lunar (cf. Ex. XII, 2), yet our Festivals are to be observed at certain agricultural seasons; Passover and Pentecost in the Spring; Tabernacles, or Feast of Ingathering, in the autumn. In order to harmonise the lunar and solar years, a second Adar is intercalated once in two or three years. Our text lays down certain principles by which the Intercalators are to be guided.”¹⁰⁸

It is clear that in the later periods of Jewry the astronomical calculations were used not to determine or negate the new month in its relation to the new Moon but in its relation to

¹⁰⁶ Encyclopedia Judaica, Online Edition, “Calendar”

¹⁰⁷ Ibid

¹⁰⁸ Mas. Sanhedrin, 12b, commentary to verse 33

the holidays and seasons in which these holidays must fall. This point is amply made clear by the Talmud as the contemporary exegetes explain; “The Jewish year consists ordinarily of twelve lunar months (v. n. 5). In order to prevent the festivals from falling in the wrong seasons, it was necessary periodically to adjust the lunar calendar to the solar year: this was achieved by introducing an intercalary month (Adar II) between Adar and Nisan.”¹⁰⁹

Therefore, the Jewish calendar became a solo lunar calendar instead of just the lunar calendar dependent solely upon the birth or sighting of the new Moon. The Talmud explains that “The Jewish Calendar, while being lunar, takes cognisance of the solar system to which it is adjusted at the end of every cycle of nineteen years. For ritual purposes the four Tekufoth seasons, are calculated according to the solar system, each being equal to one fourth of 365 days, viz. 91 days, 7 1/2 hours. Tekufah of Nisan (Vernal equinox) begins March 21; Tekufah of Tammuz (Summer Solstice), June 21; Tekufah of Tishri (Autumnal equinox), September 23; Tekufah of Tebeth (Winter Solstice), December 22. Should the Tekufah of Tammuz extend till after the Succoth Festival, or the Tekufah of Tebeth till the sixteenth of Nisan, the year would be intercalated, so that the festivals might fall in their due seasons, viz., Passover in Spring, Succoth in Autumn.”¹¹⁰

The Jewish Sanhedrin also put the rules about when the intercalation is permitted and when it is not permitted. “Our Rabbis taught: A year may not be intercalated except where it is necessary either for [the improvement of] roads²² or for [the repair of] bridges, or for the [drying of the] ovens²³ [required for the roasting] of the paschal lambs, or for the sake of pilgrims²⁴ from distant lands who have left their homes and could not otherwise reach [Jerusalem] in time.²⁵ But no intercalation may take place because of [heavy] snows or cold weather²⁶ or for the sake of Jewish exiles [from a distance] who have not yet set out. Our Rabbis taught: The year may not be intercalated on the ground that the kids²⁷ or the lambs or the doves are too young.²⁸ But we consider each of these circumstances as an auxiliary reason for intercalation.”¹¹¹

The Sanhedrin gave the following three reasons for the intercalation. “Our Rabbis taught: A year may be intercalated on three grounds: on account of the premature state of the corn-crops;⁷ or that of the fruit-trees;⁸ or on account of the lateness of the Tekufah⁹ Any two of these reasons can justify intercalation, but not one alone. All, however, are glad when the state of the spring-crop is one of them.”¹¹²

It seems obvious that here the process of calculation and intercalation is arbitrary. It gives a lot more significance to the holidays, crops, fruits, seasons and many other such external factors rather than the actual new Moon itself contrary to the Islamic calendar which is solely based upon the new Moon itself. Consequently the fixation of the Jewish calendar through calculations is quite different than fixing the Islamic calendar based upon the astronomical calculations which determine the actual birth of the new Moon.

¹⁰⁹ Mas. Chagigah, 14a, commentary to verse 43

¹¹⁰ Mas. Sanhedrin, 11b, commentary to verse 9

¹¹¹ Ibid, 11a, 22-29

¹¹² Ibid, 11b, 7-10

The Jewish calendar is drastically independent of that factor as is clear from the following Talmudic explanation. “The average year has six months of thirty days each, and six of twenty-nine days each. For there are about twenty-nine and one half days between one new moon and the other, whence a month of thirty days, to restore the balance, must be followed by one of twenty-nine days. However, there are more than twenty-nine and one half days between one new moon and the other, approximately twenty-nine days, twelve hours and forty minutes; furthermore, there are other causes influencing the fixing of the calendar, as the result of which the arrangement of six full and defective months undergoes certain variations, so that one year might have a larger number of full, the other more than the half of defective months. In the time of the Mishnah the Sanhedrin decreed the beginning of the new months on the basis of the testimony of witnesses who had actually seen the new moon. But even then conditions would arise (such as non-visibility of the new moon, due to cloudy weather) when the Sanhedrin would be guided by its own astronomical calculations. For such a decree the principle was adopted that no year may have more than eight, nor less than four full months.”¹¹³

There was another problem. The civil calendars were fixed by the local civil authorities. Quite often these civil authorities were very intolerant to the Jewish community. At times the conflict in the Jewish holidays and the civil holidays lead to Jewish persecutions by the local authorities. Therefore intercalation was introduced to avoid conflict with the civil calendar and the ensuing Jewish persecutions. The Jewish Encyclopedia reports that “Under the reign of Constantius (337-361) the persecutions of the Jews reached such a height that all religious exercises, including the computation of the **calendar**, were forbidden under pain of severe punishment.”¹¹⁴

Consequently R. Hillel II (330-365) published rules of calendar computations and also published a fixed Jewish calendar in 359 and modified it in 363 AD. The same fixed calendar is presently being used by the Jewish community all over the world.

Tracy R. Rich gives a summary of how the Jewish calendar is actually computed.

“The Jewish calendar is based on three astronomical phenomena: the rotation of the Earth about its axis (a day); the revolution of the moon about the Earth (a month); and the revolution of the Earth about the sun (a year). These three phenomena are independent of each other, so there is no direct correlation between them. On average, the moon revolves around the Earth in about 29½ days. The Earth revolves around the sun in about 365¼ days, that is, about 12 lunar months and 11 days.

To coordinate these three phenomena, and to accommodate certain ritual requirements, the Jewish calendar consists of 12 or 13 months of 29 or 30 days, and can be 353, 354, 355, 383, 384 or 385 days long. The linchpin of the calendar is the new moon, referred to in Hebrew as the molad.

¹¹³ Mas. Arachin, 8b, commentary to verse 10

¹¹⁴ Encyclopedia, ibid

A new month on the Jewish calendar begins with the molad, (pronounced moh-LAHD). Molad is a Hebrew word meaning "birth," and refers to what we call the "new moon" in English. The molad for the month of [Tishri](#) (the month that starts with [Rosh Hashanah](#)) is the most important one for calendar calculations, and is referred to as Molad Tishri.

Note that the calculated molad does not necessarily correspond precisely to the astronomical new moon. The length of time from one astronomical new moon to the next varies somewhat because of the eccentric orbits of the Earth and Moon; however, the moladot of Rabbi Hillel's calendar are set using a fixed average length of time: 29 days, 12 hours, and 793 parts (or in Hebrew, *chalakim*). The amount of time is commonly written in an abbreviated form: 29d 12h 793p. ¹¹⁵

Rich also explains the practical steps involved in calculating the exact dates and months on the Jewish calendar. These are as follows:

1. Start with a known molad (and the corresponding Gregorian date, if you wish to convert your resulting date to Gregorian).
2. Determine the number of months between the known molad and [Tishri](#) of the year of the date you are calculating.
3. Multiply the number of months by the length of the molad: 29d 12h 793p.
4. Add the result to the known starting molad.
5. Apply the dechiyot (rules of postponement) to determine the date of [Rosh Hashanah](#) for the year of your date.
6. To get the Gregorian date, add the number of days elapsed calculated above to the Gregorian starting date. ¹¹⁶

The Jews start their calendar with the supposed date of the beginning of creation as reported by the Hebrew Bible. We are presently in the Jewish year 5766 (2006). It is quite complicated to compute the Jewish years, months, days and the process involved requires quite a bit of mathematical calculations rather than just the knowledge of astronomical calculations. That might have been the reason that the Prophet of Islam (PBUH) expressed that "we are unlettered people we neither write nor compute." The reference might have been to the sophisticated process involved in calculating the Jewish new month and the year as seen above. The Prophet (PBUH) would have not depended upon the Jewish community and their process of calculation to establish the Muslim months. That is why he made the process simple by asking them to start the month by sighting the new Moon as the Muslim community of that time was not well versed in mathematical calculations. Moreover, he (PBUH) wanted to connect the commencement of the new month with the birth or sighting of the new Moon and not with the crops and seasons as the case seems to be with the Jewish calendar. He (PBUH) eliminated the arbitrary interference in the time due to external factors and wanted the time to be determined by the Moon so that the Islamic acts of worship fall in their proper time rather than occurring in the superficially calculated time decided by the human interference.

¹¹⁵ "The Jewish Calendar: A Closer Look", www.webmaster@JewFAQ.org

¹¹⁶ Ibid

The Qur'an addresses this issue in the following verses.

إن عدة الشهور عند الله اثنا عشر شهرا في كتاب الله يوم خلق السماوات والأرض منها أربعة حرم ذلك الدين القيم فلا تظلموا فيهن أنفسكم وقاتلوا المشركين كافة كما يقاتلونكم كافة واعلموا أن الله مع المتقين (36) إنما النسيء زيادة في الكفر يضل به الذين كفروا يحلون عامًا ويمرمونه عامًا ليواطئوا عدة ما حرم الله فيحلوا ما حرم الله زين لهم سوء أعمالهم والله لا يهدي القوم الكافرين (37)

“Behold, the number of months, in the sight of God, is twelve months, [laid down] in God’s decree on the day when He created the heavens and the earth; [and] out of these, four are sacred: this is the ever true law of God. Do not, then, sin against yourselves with regards to these [months]... The intercalation [of months] is but one more instance of [their] refusal to acknowledge the truth- [a mean] by which those who are bent on denying the truth are led astray. They declare this [intercalation] to be permissible in one year and forbidden in [another] year, in order to conform [outwardly] to the number of months which God has hallowed: and thus they make allowable what God has forbidden. Goodly seems unto them the evil of their own doings, since God does not grace with His guidance people who refuse to acknowledge the truth.” (9:36-37)

These verses refer to the arbitrary intercalation of the polytheists of Arabia in the months and the years as most exegetes have reported.¹¹⁷ They used to postpone, calculate the months and name or re-name the months in accordance with their political, economic and military situations. The Qur'an categorically rejected such an idea and brought the time back to its original form. The Prophet (PBUH) openly emphasized this fact in his Last Sermon when he said, “Today, certainly the time has returned to its original form as God had created it to be at the times of creation of the heavens and the earth.”

It is obvious from the above details that following the astronomical calculations to determine the birth or visibility of the new Moon will not constitute an imitation of the Jewish calendar. The process does share some elements of the Jewish calculations but is not identical with it in its entirety. The Jewish process is a lot more complicated and includes many factors external to the Islamic process. The Islamic *mowlad* is different from the Jewish *mowlad*. The Muslim calendar is purely lunar while the Jewish calendar is lunisolar. There is a little similarity and that lies in trying to know the birth or visibility of the new Moon through astronomical calculations. The rest of the factors are quite different. That much similarity cannot be labeled as following the Jews in their religious innovations, as some scholars hastily portray it. The same can be said about the actual Moon sighting and requirements connected with the human witnesses. The Jewish jurisprudence had required it since antiquity and some of the Jewish sects and scholars follow that rule of actual sighting literally to the present times. Would observing the Moon with human eyes, as many classical and contemporary Muslim scholars require, constitute a Jewish imitation that will also be forbidden by the Islamic Shari'ah? I am sure the answer will be no!

¹¹⁷ See for details Muhammad Asad, the Message of the Qur'an

WEAKNESS OF THE LINGUISTIC ARGUMENT:

The definition of “*Hilal*” as a new Moon of the first two or three nights of the month is based upon cultural meanings and not upon the linguistic roots of the word *Hilal*. The original linguistic meanings of the word “*Hilal*” are not intrinsically bound to the light or appearance. The word “*Hilal*” is derived from the Arabic root “*Hallala*.” Ibn Manzur explains the meanings of that root in the following words:

هَلَّلَ : هَلَّ السَّحَابُ بِالْمَطَرِ وَهَلَّ الْمَطَرُ هَلًّا وَانْهَلَ بِالْمَطَرِ انْهَالًا
وَاسْتَهَلَ : وَهُوَ شِدَّةُ انْصَابِهِ . وَفِي حَدِيثِ الْاِسْتِسْقَاءِ : فَالَّفَ اللهُ
السَّحَابَ وَهَلَّتْنَا . قَالَ ابْنُ الْأَثِيرِ : جَاءَ فِي رِوَايَةٍ لِمُسْلِمٍ ، يُقَالُ :
هَلَّ السَّحَابُ إِذَا أَمَطَرَ بِشِدَّةٍ ، وَالْهَلَالُ الدَّفْعَةُ مِنْهُ ، وَقِيلَ : هُوَ أَوَّلُ مَا
يَصِيبُكَ مِنْهُ ، وَالْجَمْعُ أَهْلَةٌ عَلَى الْقِيَّاسِ ، وَأَهَالِيلُ نَادِرَةٌ . وَانْهَلَ
الْمَطَرُ انْهَالًا : سَالَ بِشِدَّةٍ ، وَاسْتَهَلَّتِ السَّمَاءُ فِي أَوَّلِ الْمَطَرِ ،
وَالاسْمُ الْهَلَالُ . وَقَالَ غَيْرُهُ : هَلَّ السَّحَابُ إِذَا قَطَرَ قَطْرًا لَهُ صَوْتٌ ، وَأَهَلَّهُ
اللَّهُ ؛ وَمِنْهُ انْهَالُ الدَّمْعِ وَانْهَالُ الْمَطَرِ ؛ قَالَ أَبُو نَصْرٍ : الْأَهَالِيلُ
الْأَمْطَارُ¹¹⁸

The extreme pouring down rain is the root of this word. The first pour of rain is called “*Hilal*”. It is said that *Hilal* is “what you receive the first from that rain.” Its plural is “*Ahillah*”. When the rain comes down with drops full of noise that rain is also called “*Hilal*”. The root of the word “*Hilal*” consists of the two original meanings: the beginning or starting part of something and the raising of voice.

انْهَلَّتِ السَّمَاءُ إِذَا صَبَّتْ ، وَاسْتَهَلَّتْ إِذَا ارْتَفَعَ صَوْتُ وَقْعِهَا ، وَكَأَنَّ
اسْتِهْلَالَ الصَّبِيِّ مِنْهُ . وَفِي حَدِيثِ النَّبِغَةِ الْجَعْدِيِّ قَالَ : فَتَيْفٌ
عَلَى الْمَاءِ وَكَأَنَّ فَاهُ الْبَرْدُ الْمُنْهَلُ ؛ كُلُّ شَيْءٍ انْصَبَ فَقَدْ انْهَلَ
، يُقَالُ : انْهَلَ السَّمَاءُ بِالْمَطَرِ يَنْهَلُ انْهَالًا وَهُوَ شِدَّةُ انْصَابِهِ . قَالَ :
وَيُقَالُ هَلَّ السَّمَاءُ بِالْمَطَرِ هَلًّا ، وَيُقَالُ لِلْمَطَرِ هَلَّلٌ وَأَهْلُولٌ .
وَالْهَلَّلُ : أَوَّلُ الْمَطَرِ . يُقَالُ : اسْتَهَلَّتِ السَّمَاءُ وَذَلِكَ فِي أَوَّلِ مَطَرِهَا .
وَيُقَالُ : هُوَ صَوْتُ وَقْعِهِ . وَاسْتَهَلَ الصَّبِيُّ بِالْبُكَاءِ : رَفَعَ صَوْتَهُ وَصَاحَ
عِنْدَ الْوِلَادَةِ . وَكُلُّ شَيْءٍ ارْتَفَعَ صَوْتُهُ فَقَدْ اسْتَهَلَ . وَالْإِهْلَالُ بِالْحَجِّ :
رَفَعَ الصَّوْتَ بِالتَّلْبِيَةِ . وَكُلُّ مَتَكَلَّمٍ رَفَعَ صَوْتَهُ أَوْ خَفَضَهُ فَقَدْ أَهَلَ
وَاسْتَهَلَ وَفِي الْحَدِيثِ : الصَّبِيُّ إِذَا وُلِدَ لَمْ يُورَثْ وَلَمْ يَرثْ حَتَّى
يَسْتَهَلَ صَارِحًا . وَفِي حَدِيثِ الْجَنِينِ : كَيْفَ نَدِي مَنْ لَا أَكَلَ وَلَا شَرِبَ وَلَا
اسْتَهَلَ¹¹⁹

When the sky rains with noise or when the person talks with loud voice or when a baby cries with loud voice all these are referred to with the same root verb. These linguistic usages coincide with use of the word in many Ahadith.

وَأَصْلُهُ رَفَعُ الصَّوْتِ . وَأَهَلَ الرَّجُلُ وَاسْتَهَلَ إِذَا رَفَعَ صَوْتَهُ . وَأَهَلَ
الْمُعْتَمِرُ إِذَا رَفَعَ صَوْتَهُ بِالتَّلْبِيَةِ ، وَتَكَرَّرَ فِي الْحَدِيثِ ذِكْرُ
الْإِهْلَالِ ، وَهُوَ رَفَعُ الصَّوْتِ بِالتَّلْبِيَةِ . أَهَلَ الْمُحْرِمُ بِالْحَجِّ يُهَلُّ
إِهْلَالًا إِذَا لَبَّى وَرَفَعَ صَوْتَهُ . وَالْمُهَلُّ ، بضم الميم : مَوْضِعُ الْإِهْلَالِ

¹¹⁸ Ibn Manzur, Ibid

¹¹⁹ Ibid

، وهو الميقات الذي يُخْرِمون منه، ويقع على الزمان والمصدر. الليث: المَحْرَمُ يَهْلُ بالإحرام إذا أوجب الحُرْمَ على نفسه؛ تقول: أَهْلُ بَجَّةٍ أو بَعْمُرَةٍ فِي مَعْنَى أَحْرَمَ بِهَا، وَإِنَّمَا قِيلَ لِلإِحْرَامِ إِهْلَالٌ لِرَفْعِ المَحْرَمِ صَوْتَهُ بِالتَّلْبِيَةِ. وَالإِهْلَالُ: التَّلْبِيَةُ، وَأَصْلُ الإِهْلَالِ رَفْعُ الصَوْتِ. وَكُلُّ رَافِعٍ صَوْتَهُ فَهُوَ مُهْلٌ،¹²⁰

Ibn Manzur, shows that the origin of the word “*Hilal*” is from “raising of voice”. The same verb is used to define a person who raises his voice. Everything that makes noise can be called “*Muhill*”. Ibn Manzur, after a lengthy discussion of the various usages of the root word concludes that the origin of the root is from “raising the voice”. Ibn Manzur concludes by saying:

وشهر مُسْتَهْلٌ بَعْدَ شَهْرٍ وَيَوْمٌ بَعْدَهُ يَوْمٌ جَدِيدٌ قَالَ أَبُو العَبَّاسِ: وَاسْمِي الهَلَالُ هِلَالاً لِأَنَّ النَّاسَ يَرْفَعُونَ أَصْوَاتَهُمْ بِالإِخْبَارِ عَنْهُ.¹²¹

“Abu al-Abbas said that the *Hilal* is named *Hilal* because the people raise their voices to inform others about it (the new Moon).”

It should be clear by now that the original meanings of the word “*Hilal*” are connected with the first signs of something and with the raising of voices and not with glittering or shining of the new Moon. The new Moon was then called “*Hilal*” because it was the first sign of the new month and because when it appears people raise their voices to inform others about the arrival of the new month. There was no method available to the people of previous generations except seeing it with the naked eyes. That is why they defined it as something seen rather than known. Moreover, the above mentioned two meanings happen only at the time of the first few days of the new month, therefore, the new Moon was called “*Hilal*”. Had the name *Hilal* been given to the new Moon due to light in it then the full Moon had more rights to be called *Hilal* than the Crescent because it shines more and has more light than the Crescent.

Presently the new Moon without light can be called “*Hilal*” when the new Moon can be determined by the astronomical calculations and the people can talk about it and inform others about it.

Arguments of the Group that Permits Use of Calculations

This group of scholars argue that calculations are a definitive way of knowing the movements of celestial bodies and more accurate than just sighting the Moon with naked eyes. Neither the Qur’an nor the Sunnah ban use of calculations in the matters of *Din*, as has been elaborated above. The Qur’an clearly states that the Sun and Moon have precisely calculated orbits and they follow them meticulously to the seconds. الشمس والقمر بحسبان “The sun and the moon follow courses (exactly) computed” (55:5)

¹²⁰ Ibid

¹²¹ Ibid

والقمر قدرناه منازل حتى عاد كالعرجون القديم (39) لا الشمس ينبغي لها أن تدرك القمر ولا الليل سابق النهار وكل في فلك يسبحون
 “And the Moon, We have measured for it mansions (to traverse) till it returns like the old (and withered) lower part of a date-stalk. It is not permitted to the Sun to catch up the Moon, nor can the Night outstrip the Day: each (just) swims along in (its own) orbit (according to law).” (36:39-40)

The Qur’an also states that Allah SWT created specified orbits for the Sun and Moon so that human beings can know the number of years and the calculations.

هو الذي جعل الشمس ضياء والقمر نورا وقدره منازل لتعلموا عدد السنين والحساب

“It is He Who made the sun to be a shining glory and the moon to be a light (of beauty), and measured out stages for it; that ye might know the number of years and the count (of time).” (10:5) The theme that “ye may know the number of the years and the calculations” occurs also in 17:12.

They also argue that actual Moon sighting was prescribed by the Prophet (PBUH) to confirm the month of Ramadan as it was the only available method to attain certainty. Sighting the new Moon is not *Ibadah* in itself. It is a mean to achieve the goal of certainty, as was elaborated above. Now if the goal of certainty could be achieved through a different and more accurate method, then, following such a method will be as Islamic as sighting the Moon with the naked eyes. They believe that currently astronomical calculations are more precise than the sighting method. Therefore, the Islamic months should be confirmed by the calculations and not by the actual sighting.

The group permitting use of astronomical calculations quotes the following Prophetic narrations to prove their point:

(1690) — حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ عَبْدِ الْمَجِيدِ ، ثَنَا مَالِكٌ عَنْ نَافِعٍ ، عَنْ ابْنِ عَمْرٍ ، ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ذَكَرَ رَمَضَانَ فَقَالَ: «لَا تَصُومُوا حَتَّى تَرَوْا الْهَلَالَ وَلَا تَفْطَرُوا حَتَّى تَرَوْهُ، فَإِنْ غَمَّ عَلَيْكُمْ فَأَقْدَرُوا لَهُ»¹²².

“The Prophet (PBUH) mentioned Ramadan and said, ”Do not fast until you see the Moon and do not break fast until you see it. If it is cloudy then estimate it.”

(1696) — حَدَّثَنَا سَلِيمَانُ بْنُ حَرْبٍ ، ثَنَا حَمَادُ بْنُ زَيْدٍ ، عَنْ أَيُّوبَ عَنْ نَافِعٍ ، عَنْ ابْنِ عَمْرٍ ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّمَا الشَّهْرُ تِسْعٌ وَعِشْرُونَ فَلَا تَصُومُوا حَتَّى تَرَوْهُ وَلَا تَفْطَرُوا حَتَّى تَرَوْهُ، فَإِنْ غَمَّ عَلَيْكُمْ فَأَقْدَرُوا لَهُ»¹²³.

“The month (sometimes) is consisting of 29 days. Therefore do not fast until you see it and do not break the fast until you see it. Calculate it if it is cloudy.”

(3552) — أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ السَّامِيُّ ، قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَيُّوبَ الْمُقَابِرِيُّ ، حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ ، قَالَ: وَأَخْبَرَنِي عَبْدُ اللَّهِ بْنُ دِينَارٍ أَنَّهُ سَمِعَ ابْنَ عَمْرٍ قَالَ: قَالَ رَسُولُ اللَّهِ : «لَا

¹²² Al-Darimi

¹²³ Ibid

تَصُومُوا حَتَّى تَرَوْا الْهَلَالَ وَلَا تُفْطِرُوا حَتَّى تَرَوْهُ إِلَّا أَنْ يُغَمَّ عَلَيْكُمْ
فَإِنْ غَمَّ عَلَيْكُمْ فَاقْدُرُوا لَهُ»¹²⁴.

“Do not fast until you see it and do not break the fast until you see it except that if it was cloudy. Calculate about it if it is cloudy.”

(3548) — أَخْبَرَنَا أَبُو خَلِيفَةَ قَالَ: حَدَّثَنَا مُسَدَّدُ بْنُ مُسْرَهْدٍ ، قَالَ:
حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَلِيَّةَ ، عَنْ أَيُّوبَ ، عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ أَنَّ رَسُولَ
اللَّهِ قَالَ : «إِنَّمَا الشَّهْرُ تِسْعٌ وَعِشْرُونَ فَلَا تَصُومُوا حَتَّى تَرَوْهُ ، وَلَا
تُفْطِرُوا حَتَّى تَرَوْهُ ، فَإِنْ أُغْمِيَ عَلَيْكُمْ فَاقْدُرُوا لَهُ»¹²⁵.

(3407) — أَخْبَرَنَا الْحُسَيْنُ بْنُ إِدْرِيسَ الْأَنْصَارِيُّ ، قَالَ: أَخْبَرَنَا أَحْمَدُ بْنُ
أَبِي بَكْرٍ ، عَنْ مَالِكٍ ، عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ذَكَرَ
رَمَضَانَ ، فَقَالَ: «لَا تَصُومُوا حَتَّى تَرَوْا الْهَلَالَ، وَلَا تُفْطِرُوا حَتَّى تَرَوْهُ ،
فَإِنْ غَمَّ عَلَيْكُمْ ، فَاقْدُرُوا لَهُ»¹²⁶.

(7947) — أَخْبَرَنَا أَبُو عَبْدِ اللَّهِ الْحَافِظُ وَأَبُو زَكْرِيَا بْنُ أَبِي إِسْحَاقَ
الْمُرْكَيَّ قَالَا ثَنَا أَبُو عَبْدِ اللَّهِ مُحَمَّدُ بْنُ يَعْقُوبَ ثَنَا جَعْفَرُ بْنُ مُحَمَّدٍ ثَنَا
يَحْيَى بْنُ يَحْيَى أَنْبَأَ إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ أَنَّهُ سَمِعَ ابْنَ
عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «الشَّهْرُ تِسْعٌ وَعِشْرُونَ
لَيْلَةً ، لَا تَصُومُوا حَتَّى تَرَوْهُ ، وَلَا تُفْطِرُوا حَتَّى تَرَوْهُ ، إِلَّا أَنْ يُغَمَّ
عَلَيْكُمْ ، فَإِنْ غَمَّ عَلَيْكُمْ فَاقْدُرُوا لَهُ» . رواه مسلم في الصحيح عن يحيى
بن يحيى.¹²⁷

Al-Nawawi states that the jurists have given the following three interpretations of these Prophetic narrations:

وَاخْتَلَفَ الْعُلَمَاءُ فِي مَعْنَى قَوْلِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : { فَإِنْ غَمَّ
عَلَيْكُمْ فَاقْدُرُوا لَهُ } فَقَالَ أَحْمَدُ بْنُ حَنْبَلٍ وَطَائِفَةٌ قَلِيلَةٌ : مَعْنَاهُ
ضَيَّقُوا لَهُ وَقَدَرُوا تَحْتَ السَّحَابِ ، وَأَوْجَبَ هَؤُلَاءِ صِيَامَ لَيْلَةِ الْغَيْمِ

Imam Ahmad interprets the Hadith as demanding to start the month of Ramadan on the 29th in case it is cloudy as was discussed above.

وَقَالَ مُطَرِّفُ بْنُ عَبْدِ اللَّهِ وَأَبُو الْعَبَّاسِ بْنُ سَرِيحٍ وَابْنُ قَتَيْبَةَ
وَأَخْرَجُوا : مَعْنَاهُ قَدَرُوا بِحِسَابِ الْمَنَازِلِ

Mutirraf bin Abdallah, Ibn Sarij and Ibn Qutaybah interpret it as demanding use of astronomical calculations when the horizon is cloudy.

وَقَالَ مَالِكٌ وَأَبُو حَنِيفَةَ وَالشَّافِعِيُّ وَجَمْهُورُ السَّلَفِ وَالْحَلْفُ : مَعْنَاهُ
قَدَرُوا لَهُ تَمَامَ الْعَدَدِ ثَلَاثِينَ يَوْمًا¹²⁸

Malik, Abu Hanifah, Shafa'ee and the Jamhur say that one should complete 30 days and then fast. That is, in their opinion, the meanings of estimation mentioned in the Hadith.

The authors of Fiqhi Encyclopedia explain that:

¹²⁴ Ibn Habban

¹²⁵ Ibid

¹²⁶ Ibid

¹²⁷ Al-Bayhaqi

¹²⁸ Al-Nawawi, al-Majmu'a, Ibid

تَضَمَّنَ هَذَا الرَّأْيُ الْقَوْلَ بِتَقْدِيرِ الْهَيْلَالِ بِالْحِسَابِ الْفَلَكَيِّ وَنَسَبَ إِلَى مُطَرِّفِ بْنِ عَبْدِ اللَّهِ بْنِ الشَّخْرِ مِنَ التَّابِعِينَ وَأَبِي الْعَبَّاسِ بْنِ سُرَيْجٍ مِنَ الشَّافِعِيَّةِ وَابْنِ قَتَيْبَةَ مِنَ الْمُحَدِّثِينَ . وَقَالَ ابْنُ عَبْدِ الْبَرِّ : لَا يَصِحُّ عَنْ مُطَرِّفٍ ، وَتَفَى نِسْبَةَ مَا عُرِفَ عَنْ ابْنِ سُرَيْجٍ إِلَى الشَّافِعِيِّ لِأَنَّ الْمَعْرُوفَ عَنْهُ مَا عَلَيْهِ الْجُمْهُورُ . وَنَقَلَ ابْنُ رَشْدٍ عَنْ مُطَرِّفٍ قَوْلَهُ : " يُعْتَبَرُ الْهَيْلَالُ إِذَا عَمَّ بِالنُّجُومِ وَمَنَازِلِ الْقَمَرِ وَطَرِيقِ الْحِسَابِ ، قَالَ : وَرُويَ مِثْلُ ذَلِكَ عَنْ الشَّافِعِيِّ فِي رِوَايَةٍ ، وَالْمَعْرُوفُ لَهُ الْمَشْهُورُ عَنْهُ أَنَّهُ لَا يُصَامُ إِلَّا بِرُؤْيِهِ فَاشِيئَةً أَوْ شَهَادَةِ عَادِلَةٍ كَأَلَّذِي عَلَيْهِ الْجُمْهُورُ¹²⁹

“This opinion holds astronomical calculations as genuine method of estimating the stages of Moon. It has been attributed to Mutarrif bin Abdullah bin al-Shakhir from the successors, Abu al-Abbas bin Sarij from Shafa’ee school and Ibn Qutaybah from the Hadith scholars. Ibn Abd al-Birr denied that Mutarrif espoused such a view. He also rejected what Ibn Sarij had attributed to Shafa’ee because it had been known that he was with the majority (Jamhur) opinion. Ibn Rushd has narrated the statement of Mutarrif that astronomical calculations can determine the new Moon in case of obscurities. He has also narrated that such a view is attributed to Shafa’ee in one of the reports. The known opinion from Shafa’ee is that fasting cannot be observed except through actual Moon sighting or through witness of a trustworthy Muslim, as the majority of jurists contend.”

Al-Nawawi also tells us that, linguistically, the word used in the Hadith means estimation or calculations.

قَالَ أَهْلُ اللُّغَةِ : يُقَالُ قَدَرْتُ الشَّيْءَ - بِتَخْفِيفِ الدَّالِ - أَقْدَرُهُ وَأَقْدَرُهُ بِضَمِّهَا وَكَسْرِهَا وَقَدَّرْتُهُ بِتَشْدِيدِهَا ، وَأَقْدَرْتُهُ بِمَعْنَى وَاحِدٍ وَهُوَ مِنَ التَّقْدِيرِ . قَالَ الْخَطَّابِيُّ وَغَيْرُهُ : وَمِنْهُ قَوْلُهُ تَعَالَى { فَتَقْدَرْنَا فَنِعْمَ الْقَادِرُونَ }¹³⁰

Linguistically and contextually the word in the above mentioned Hadith leads to the meaning of التقدير as Abu Sulayman Ahmad bin Muhammad bin Ibrahim al-Khattabi (d 388 AH) prefers, i.e., gives a sense of counting and calculation in case of cloudy weather or lack of visibility. That is why scholars like al-Khattabi, al-Dawu’di and many others take it to mean that if it happens to be cloudy on 29th of Sha’aban, then going with the authentic astronomical calculations is not only permitted but required by the Sunnah.

Al-Baji reports that Abu Abdallah Muhammad bin Sa’eed al-Dawudi al-Zahiri had leaned to such a meaning of the Hadith.

وَذَكَرَ الدَّوْدِيُّ أَنَّهُ قِيلَ فِي مَعْنَى قَوْلِهِ فَاقْدَرُوا لَهُ أَيَّ قَدَرُوا الْمَنَازِلَ¹³¹

Ibn Daqiq al-A’id reports that some Maliki scholars from Baghdad and some leading authorities from Shafa’ee school have adopted this position especially in regards to the astronomer himself. The astronomer is required to start fasting on the day his calculations determine it to be the first day of Ramadan.

وَعَنْ بَعْضِ الْمُتَقَدِّمِينَ : أَنَّهُ رَأَى الْعَمَلَ بِهِ . وَرَكَنَ إِلَيْهِ بَعْضُ الْبَغْدَادِيِّينَ مِنَ الْمَالِكِيَّةِ . وَقَالَ بِهِ بَعْضُ أَكْبَارِ الشَّافِعِيَّةِ بِالنَّسْبَةِ إِلَى صَاحِبِ الْحِسَابِ¹³²

¹²⁹ Al-Mosua’at al-Fiqhiyyah, Ibid, Vol: 22, P: 32

¹³⁰ Al-Majmu’a, Vol: 6, P: 276

¹³¹ Al-Baji, Ibid, Vol: 2, P: 38

¹³² Ibn Daqiq, Ibid, Vol: 2, P: 8

Mutarrif has been reported to have said that the astronomer must follow his calculations. Abu al-Abbas Ibn Sarij, the renowned Shafa'ee scholar of the third century (AH), has taken the position that "calculate" is an address to the people who possess the knowledge of calculation and "sighting" is for consumption of the common Muslims.

وَعَنْ مُطَرِّفٍ أَيْضًا أَنَّ الْعَارِفَ بِالْحِسَابِ يَعْمَلُ بِهِ فِي نَفْسِهِ . أَمَا ابْنُ سُرَيْجٍ فَأَعْتَبَرَ قَوْلَهُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : { فَأَقْدُرُوا لَهُ } : خِطَابًا لِمَنْ حَصَّهُ اللَّهُ تَعَالَى بِعِلْمِ الْحِسَابِ.¹³³

Imam Shihab al-Din Abi al-Abbas Ahmad bin Idris al-Qarrafi, a well known Maliki jurist, narrates that the Maliki school permits use of calculations in determining the month of Ramadan.

وَذَكَرَ الْقَرَّافِيُّ قَوْلًا آخَرَ لِلْمَالِكِيَّةِ بِجَوَازِ اعْتِمَادِ الْحِسَابِ فِي إِثْبَاتِ الْأَهْلِيَّةِ .¹³⁴

Although this interpretation is at odd with the majority opinion, it is in line with the linguistic meanings of the word "فأقدرُوا له". The same phrase is used in the famous Hadith of Dajjal in which the Prophet (PBUH) informed the Companions that at the time of Dajjal the real time would seem to be extending tremendously so much so that a day, during that period, will be equal to a year, to a month or even to a week. The Companions asked how to perform the five daily prayers then. In response the Prophet (PBUH) replied, "فأقدرُوا له", meaning do calculation for it." There is no way to interpret the phrase as 29 or 30 days or completion. It definitely means estimations. The Hadith is as follows:

— حَدَّثَنَا صَفْوَانُ بْنُ صَالِحِ الدَّمَشْقِيِّ المُوَدَّنِ أَخْبَرَنَا الوَلِيدُ أَخْبَرَنَا ابْنُ جَابِرٍ حَدَّثَنِي يَحْيَى بْنُ جَابِرِ الطَّائِيِّ عَنْ عَبْدِ الرَّحْمَنِ بْنِ جَبْرِ بْنِ نُفَيْرٍ عَنْ أَبِيهِ عَنِ النَّوَّاسِ بْنِ سَمْعَانَ الكَلْبِيِّ ، قَالَ : «ذَكَرَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الدَّجَالَ فَقَالَ : إِنْ يَخْرُجُ وَأَنَا فِيكُمْ حَجِيجُهُ دُونَكُمْ وَإِنْ يَخْرُجُ وَلَسْتُ فِيكُمْ فَامْرُؤٌ حَجِيجٌ نَفْسُهُ ، وَاللَّهِ خَلِيفَتِي عَلَيَّ كُلِّ مُسْلِمٍ ، فَمَنْ أَدْرَكَهُ مِنْكُمْ فَلْيَقْرَأْ عَلَيْهِ بِفَوَاتِحِ سُورَةِ الْكَهْفِ فَإِنَّهَا جَوَارِكُمْ مِنْ فِتْنَتِهِ . قُلْنَا : وَمَا لَبِثُهُ فِي الْأَرْضِ . قَالَ : أَرْبَعُونَ يَوْمًا ، يَوْمٌ كَسَنَتِهِ ، وَيَوْمٌ كَشَهْرٍ ، وَيَوْمٌ كَجُمُعَةٍ ، وَسَائِرُ أَيَّامِهِ كَأَيَّامِكُمْ . قُلْنَا : يَا رَسُولَ اللَّهِ هَذَا الْيَوْمُ الَّذِي كَسَنَتِهِ أَتَكْفِينَا فِيهِ صَلَاةَ يَوْمٍ وَلَيْلَةٍ ؟ قَالَ : لَا ، أَقْدُرُوا لَهُ قَدْرَهُ ،¹³⁵

«ذكر رسول الله صلى الله عليه وسلم الدجال ذات غداة، فخفض فيه ورفع، حتى ظنناه في طائفة النخل، فلما رحنا إليه عرف ذلك في وجوهنا، فسألناه، فقلنا: يا رسول الله ذكرت الدجال الغداة فخفضت فيه ورفعت حتى ظنناه في طائفة النخل؟ قال: غير الدجال أخوف مني عليكم، فإن يخرج وأنا فيكم فأنا حجيجه دونكم، وإن يخرج ولست فيكم فامرؤ حجيج نفسه، والله خليفتي على كل مسلم، إنه شاب جعد، ققط، عينه طافية، وأنه يخرج خلة بين الشام والعراق، فعاش يميناً وشمالاً، يا عباد الله اثبتوا، قلنا: يا رسول الله ما لبثه في الأرض؟ قال: أربعين يوماً، يوم كسنته ويوم كشهري ويوم كجمعة وسائر أيامه كأيامكم، قلنا: يا رسول الله

فذلك اليوم الذي هو كسنته أيكفينا فيه صلاة يوم وليلة؟ قال: لا، أقدرُوا له قدره،¹³⁶

¹³³ Ibid, P: 32

¹³⁴ Ibid, P: 33

¹³⁵ Abu Dawud, Hadith # 4317

¹³⁶ Musnad Ahmad, Hadith # 17300

عَنْ النَّوَّاسِ بْنِ سَمْعَانَ الْكِلَابِيِّ قَالَ: «ذَكَرَ رَسُولُ اللَّهِ الدَّجَالَ ذَاتَ عَدَاةٍ فَخَفَضَ فِيهِ وَرَفَعَ حَتَّى ظَنَّاهُ فِي طَائِفَةِ النَّخْلِ، قَالَ فَاَنْصَرَفْنَا مِنْ عِنْدِ رَسُولِ اللَّهِ ثُمَّ رَجَعْنَا إِلَيْهِ فَعَرَفَ ذَلِكَ فِينَا، فَقَالَ: مَا شَأْنُكُمْ؟ قَالَ قُلْنَا يَا رَسُولَ اللَّهِ ذَكَرْتَ الدَّجَالَ الْغَدَاةَ فَخَفَضْتَ وَرَفَعْتَ حَتَّى ظَنَّاهُ فِي طَائِفَةِ النَّخْلِ قَالَ: عَيْرُ الدَّجَالِ أَخَوْفٌ لِي عَلَيْكُمْ إِنْ يَخْرُجُ وَأَنَا فِيكُمْ فَأَنَا حَجِيحُهُ دُونَكُمْ وَإِنْ يَخْرُجُ وَلَسْتُ فِيكُمْ فَاْمُرُوا حَجِيحَ نَفْسِهِ، وَاللَّهِ خَلِيفَتِي عَلَى كُلِّ مُسْلِمٍ، إِنَّهُ شَابٌّ قَطَطٌ عَيْنُهُ قَائِمَةٌ شَبِيهَ بَعْدِ الْعَرِيِّ بْنِ قَطْنٍ، فَمَنْ رَأَاهُ مِنْكُمْ فَلْيَقْرَأْ فَوَاتِحَ سُورَةِ أَصْحَابِ الْكُهْفِ. قَالَ: يَخْرُجُ مَا بَيْنَ الشَّامِ وَالْعِرَاقِ فَعَاثَ بَمِينًا وَشَمَالًا، يَا عِبَادَ اللَّهِ الْبُتُورُ. : قُلْنَا يَا رَسُولَ اللَّهِ وَمَا لَبِئْتُهُ فِي الْأَرْضِ؟ قَالَ أَرْبَعِينَ يَوْمًا يَوْمَ كَشْفِهِ وَيَوْمَ كَجْمَعِهِ وَسَائِرِ أَيَامِهِ كَأَيَّامِكُمْ. قَالَ قُلْنَا يَا رَسُولَ اللَّهِ أَرَأَيْتَ الْيَوْمَ الَّذِي كَالسَّنَةِ اتَّكْفِينَا فِيهِ صَلَاةً يَوْمٍ؟ قَالَ لَا، وَلَكِنْ اقْدُرُوا لَهُ¹³⁷

Therefore, the interpretation of “اقدروا له” as calculating the month or the stages of the Moon is perhaps more appropriate than the other two interpretations. That is why some known authorities in the three schools of Fiqh have no problem accepting the astronomical calculations in this matter.

There is a single report from Hammad that Ibn Umar narrated from the Prophet (PBUH):

— حدثنا سليمان بن داود العتكي أخبرنا حماد أخبرنا أيوب عن نافع عن ابن عمر ، قال قال رسول الله صلى الله عليه وسلم: «الشَّهْرُ تِسْعٌ وَعِشْرُونَ فَلَا تَصُومُوا حَتَّى تَرَوْهُ وَلَا تُفْطِرُوا حَتَّى تَرَوْهُ. فَإِنْ عَمَّ عَلَيْكُمْ فَاقْدُرُوا لَهُ ثَلَاثِينَ.

This narration from Hammad (as discussed above also) is the only report which brings the phrase” estimate for it 30 days” instead of “estimate for it.” It is an oddly detached report. It has come through only one narrator and cannot be accepted against such a variety of reports from Ibn Umar through Nafi’a, the golden chain, as the scholars of Hadith name it. Ibn Qudamah observes that:

وَرَوَايَةُ ابْنِ عُمَرَ : " فَاقْدُرُوا لَهُ ثَلَاثِينَ " مُخَالَفَةٌ لِلرَّوَايَةِ الصَّحِيحَةِ الْمُتَّفَقِ عَلَيْهَا , وَلِمَذْهَبِ ابْنِ عُمَرَ وَرَأْيِهِ¹³⁸

“The report from Ibn Umar that “count for it thirty” opposes the other agreed upon authentic narration from him. It also goes against Ibn Umar’s opinion and his Madhhab.”

Imam Taj al-Din al-Subki, a known Shafa’ee scholar, has discussed this issue of calculations in great details. He categorically rejects even the trustworthy witnesses if the authentic astronomical calculations negate possibility of sighting the moon. He emphatically argues:

وَهَهُنَا صُورَةٌ أُخْرَى وَهُوَ أَنْ يَدُلَّ الْحِسَابُ عَلَى عَدَمِ إِمْكَانِ رُؤْيَيْهِ وَيُدْرِكُ ذَلِكَ بِمُقَدَّمَاتٍ قَطْعِيَّةٍ وَيَكُونُ فِي غَايَةِ الْقُرْبِ مِنَ الشَّمْسِ فِي هَذِهِ الْحَالَةِ لَا يُمْكِنُ فَرَضُ رُؤْيَيْنَا لَهُ حِسَابًا لِأَنَّهُ يَسْتَجِيلُ فَلَوْ أَخْبَرْنَا بِهِ مُخْبِرٌ وَاحِدٌ أَوْ أَكْثَرُ مِمَّنْ يَحْتَمِلُ خَبْرَهُ الْكُذْبِ أَوْ الْغَلْطِ فَالَّذِي يُتَّجَهُ قَبُولُ هَذَا الْخَبَرِ وَحَمْلُهُ عَلَى الْكُذْبِ أَوْ الْغَلْطِ وَلَوْ شَهِدَ بِهِ شَاهِدَانِ لَمْ تُقْبَلْ شَهَادَتُهُمَا لِأَنَّ الْحِسَابَ قَطْعِيًّا وَالشَّهَادَةَ وَالْخَبَرَ ظَنِّيَّانِ وَالظَّنَّ لَا يُعَارِضُ الْقَطْعَ فَضُلًا عَنْ أَنْ يُقَدَّمَ عَلَيْهِ وَالْبَيِّنَةُ شَرْطُهَا أَنْ

¹³⁷ Tirmizi, # 2276

¹³⁸ Al-Mughni, 3, 7

يَكُونُ مَا شَهِدَتْ بِهِ مُمَكِّنًا جَسًا وَعَقْلًا وَشَرْعًا فَإِذَا فُرِضَ ذَلَالَةُ الْحِسَابِ
قَطْعًا عَلَى عَدَمِ الْإِمْكَانِ اسْتِحَالِ الْقَبُولِ شَرْعًا لِاسْتِحَالَةِ الْمَشْهُودِ بِهِ
وَالشَّرْعُ لَا يَأْتِي بِالْمُسْتَحِيلَاتِ¹³⁹

“There is another scenario and that is if the astronomical calculations prove impossibility of sightability and this is known through categorical inferences such as the Moon being too close to Sun at the time of Sunset, in this case it is not possible to see it with our human senses because such a sighting is impossible. Now if one person or two or a group of untrustworthy individuals come up with the witness that they had sighted it, their witness must be rejected. Because the astronomical calculations are precise and the human witness and news is hypothetical and the hypothetical cannot be accepted against something categorical rest aside given priority over it. For a witness to be accepted it is required that what is being witnessed about is possible Islamically (legally), logically and sensually. Therefore, if the astronomical calculations prove impossibility of sightability it would be impossible to accept any claim of that Islamically because what is being witnessed is not there and Islamic Shari’ah does not come up with something self-contradictory and impossible in itself.”

His main argument is that the astronomical calculations are precisely accurate while there is always possibility of confusion, mix up or mistake in the matters of sighting with human eyes. Therefore, the *Shari’ah* would not prefer a probable method over a certain and accurate method.

He further argues that the *Shari’ah* did not require us just to accept the news of human sighting whether true or false. We cannot base our acts of fasting just on the claims of the witnesses. The *Shari’ah* did not ask for that. Verification of the news is a must. How many times we have seen people giving false witnesses some times un-intentionally and at times intentionally due to some hidden motives. He states:

وَلَمْ يَأْتِ لَنَا نَصٌّ مِنَ الشَّرْعِ أَنَّ كُلَّ شَاهِدِينَ تَقْبَلُ شَهَادَتَهُمَا سَوَاءٌ كَانَ
الْمَشْهُودُ بِهِ صَحِيحًا أَوْ بَاطِلًا وَلَا يَتَرْتَبُ وَجُوبُ الصَّوْمِ وَأَحْكَامُ الشَّهْرِ
عَلَى مُجَرَّدِ الْخَبَرِ أَوْ الشَّهَادَةِ حَتَّىٰ إِنَّا نَقُولُ : الْعُمْدَةُ قَوْلُ الشَّارِعِ
صَوْمُوا إِذَا أَخْبَرَكُمْ مُخْبِرٌ فَإِنَّهُ لَوْ وَرَدَ ذَلِكَ قَبْلَنَا عَلَى الرَّأْسِ
وَالْعَيْنِ لَكِنَّ ذَلِكَ لَمْ يَأْتِ قَطُّ فِي الشَّرْعِ بَلْ وَجِبَ عَلَيْنَا التَّبَيُّنُ فِي
قَبُولِ الْخَبَرِ حَتَّىٰ نَعْلَمَ حَقِيقَتَهُ أَوْلًا وَلَا شَكَّ أَنْ بَعْضَ مَنْ يَشْهَدُ
بِالْهَلَالِ قَدْ لَمْ يَرَاهُ وَيُسْتَبْهَ عَلَيْهِ أَوْ يَرَى مَا يَظُنُّ هَلَالًا وَلَيْسَ
بِهَلَالٍ أَوْ تُرِيهِ عَيْنُهُ مَا لَمْ يَرَ أَوْ يُؤَدِّي الشَّهَادَةَ بَعْدَ أَيَّامٍ وَيَحْضُلُ
الْغَلْطُ فِي اللَّيْلَةِ الَّتِي رَأَى فِيهَا أَوْ يَكُونُ جَهْلُهُ عَظِيمًا يَحْمِلُهُ عَلَى
أَنْ يَعْتَقِدَ فِي حَمْلِهِ النَّاسَ عَلَى الصِّيَامِ أَجْرًا أَوْ يَكُونُ مِمَّنْ يَقْصِدُ
إثبات عدالته فيتخذ ذلك وسيلة إلى أن يزكى ويصير مقبولاً عند
الحكام , وكل هذه الأنواع قد رأيناها وسمعناها¹⁴⁰

He advises the authorities to take the astronomical calculations into considerations, especially in negating the witnesses who claim sighting the Moon when the astronomical calculations prove the otherwise. He also advises not to give too much attention to the views that prohibit use of calculations in the matters of Din. According to al-Subki, the *Sharia’h* has not forbidden calculations at all.

¹³⁹ Al-Subki, Ibid, Vol: 1, P: 209

¹⁴⁰ Ibid

فَيَجِبُ عَلَى الْحَاكِمِ إِذَا جَرَّبَ مِثْلَ ذَلِكَ وَعَرَفَ مِنْ نَفْسِهِ أَوْ بِخَيْرٍ مَنْ يَثِقُ بِهِ أَنْ دَلَالَةَ الْحِسَابِ عَلَى عَدَمِ امْكَانِ الرُّؤْيَةِ أَنْ لَا يَقْبَلَ هَذِهِ الشَّهَادَةَ وَلَا يَثْبُتَ بِهَا وَلَا يَحْكُمَ بِهَا ، وَيُسْتَضْحَبُ الْأَصْلُ فِي بَقَاءِ الشَّهْرِ فَإِنَّهُ دَلِيلٌ شَرَعِيٌّ مُحَقَّقٌ حَتَّى يَتَحَقَّقَ خِلَافُهُ ، وَلَا نَقُولُ الشَّرْعُ أَلْغَى قَوْلَ الْحِسَابِ مُطْلَقًا¹⁴¹

“It is obligatory upon the ruler not to accept the witness of such people if he knows by himself or through a trustworthy person that the calculations prove impossibility of actual sighting. He should neither accept such a witness nor give any ruling based upon such a claim. The month should be considered continuing until the otherwise is proven, as the Shari’ah requires. And we do not say that the Shari’ah has abolished use of astronomical calculations at all.”

Al-Subki is careful enough to differentiate between the categorically precise calculations and the ones based upon anticipation or probability. He asks the judges to use their sense of judgment when the calculations are probable.

وَمَرَاتِبُ مَا يَقُولُهُ الْحِسَابُ فِي ذَلِكَ مُتَّفَاوِتَةٌ مِنْهَا مَا يَقْطَعُونَ بِعَدَمِ امْكَانِ الرُّؤْيَةِ فِيهِ فَهَذَا لَا رَيْبَ عِنْدَنَا فِي رَدِّ الشَّهَادَةِ بِهِ وَمِنْهَا مَا لَا يَقْطَعُونَ فِيهِ بِعَدَمِ امْكَانِ وَلَكِنْ يَسْتَعِدُّونَ فَهَذَا مَحَلُّ النَّظَرِ فِي حَالِ الشُّهُودِ وَحِدَّةِ بَصَرِهِمْ وَيَرَى أَنَّهُمْ مِنْ اخْتِمَالِ الْغَلْطِ وَالْكَذِبِ يَتَّفَاوَتْ ذَلِكَ تَفَاوُتًا كَبِيرًا وَمَرَاتِبَ كَثِيرَةً فَلِهَذَا يَجِبُ عَلَى الْقَاضِي الْجَاهِدَ وَسَعِ الطَّاقَةَ¹⁴²

“There are many types of calculations. We have no doubt in our mind that the human witness cannot be accepted against accurately precise calculations. But when the calculations are not certain but probable, then weight should be given to the human witness and his capability of sighting such as strength of vision etc.... In such a case the judge must use his judgment to the best of his ability.”

He concludes that calculations are more certain than the human eyes and that probability of mistake is greater in the second case in contrast to the first case, i.e., calculations.

إِذَا شَهِدَ عِنْدَنَا اثْنَانِ أَوْ أَكْثَرُ مِمَّنْ يَجُوزُ كَذِبُهُمَا أَوْ غَلَطُهُمَا بِرُؤْيَةِ الْهَلَالِ وَقَدْ دَلَّ حِسَابُ تَسْيِيرِ مَنَازِلِ الْقَمَرِ عَلَى عَدَمِ امْكَانِ رُؤْيَتِهِ فِي ذَلِكَ الَّذِي قَالَا : إِنَّهُمَا رَأْيَاهُ فِيهِ تَرَدُّ شَهَادَتُهُمَا لِأَنَّ امْكَانَ شَرْطٌ فِي الْمَشْهُورِ بِهِ وَتَجْوِيزُ الْكَذِبِ وَالْغَلْطِ عَلَى الشَّاهِدِينَ الْمَذْكُورِينَ أَوْلَى مِنْ تَجْوِيزِ انْجِرَامِ الْعَادَةِ فَالْمُسْتَجِيلُ الْعَادِي وَالْمُسْتَجِيلُ الْعَقْلِيُّ لَا يَقْبَلُ الْإِقْرَارَ بِهِ وَلَا الشَّهَادَةَ فَكَذَلِكَ الْمُسْتَجِيلُ الْعَادِي¹⁴³

Al-Subki knew that this issue had not been discussed in such details in his *Madhhab* or before his times but he felt comfortable saying what he had concluded based upon his deep understanding of the issue at hand.

وَلَمْ نَجِدْ هَذِهِ الْمَسْأَلَةَ مَنْقُولَةً لَكِنَّا تَفَقَّهْنَا فِيهَا وَهِيَ عِنْدَنَا مِنْ مَحَالِّ الْقَطْعِ مُتَرَقِّيَةً عَنْ مَرْتَبَةِ الظُّنُونِ¹⁴⁴

Al-Subki seems to be quite ahead of his times and seems to have generated a heated debate on the issue of calculations with some scholarly individuals. He is considered a

¹⁴¹ Ibid, P: 209

¹⁴² Ibid, 210-211

¹⁴³ Ibid, 210

¹⁴⁴ Ibid, 211

Mujtahid of his Madhhab. He interestingly concludes the discussion with the following comments:

قَدْ يَحْضُلُ لِبَعْضِ الْأَعْمَارِ وَالْجُهَالِ تَوْقُفٌ فِيمَا قُلْنَا وَيَسْتَنْكِرُ الرَّجُوعَ إِلَى الْحِسَابِ جُمْلَةً وَتَفْصِيلًا وَيَجْمَدُ عَلَى أَنْ كُلِّ مَا شَهِدَ بِهِ شَاهِدَانِ بَثُّتُ ، وَمَنْ كَانَ كَذَلِكَ لَا خِطَابَ مَعَهُ وَنَحْنُ إِنَّمَا نَتَكَلَّمُ مَعَ مَنْ لَهُ أَدْنَى تَبَصُّرٍ وَالْجَاهِلُ لَا كَلَامَ مَعَهُ¹⁴⁵

“Some recklessly ignorant may have hesitation in accepting what we have said. He might see it abhorrent to resort to calculations in its entirety or partially and may be stuck with the idea that whatever is witnessed by two people is proven. No conversation can take place with such a rigid person. We are talking to the ones who at least enjoy the basic logic. We cannot talk to the ignorant ones.”

Dr. al-Qardawi ponders what would have been the opinion of Imam al-Subki regarding astronomical calculations and their authenticity in the matters of even Ibadat, had he seen the scientific revolutions of our times.

فكيف لو عاش السبكي إلى عصرنا هذا ورأى من تقدم علم الفلك ... كما أشرنا إلى بعضه؟¹⁴⁶

Other scholars such al-A’bbadi and Ibn Daqiq are also reported to have agreed with al-Subki on this issue. Al-Ansari, Zakariyya bin Muhammad reports:

لَكِنْ نَقَلَ الْقَلْيُوبِيُّ عَلَى الْجَلَالِ عَنِ الْعَبَّادِيِّ أَنَّهُ قَالَ إِذَا دَلَّ الْحِسَابُ الْقَطْعِيَّ عَلَى عَدَمِ رُؤْيَيْهِ لَمْ يُقْبَلْ قَوْلُ الشُّهُودِ الْعُدُولِ بِرُؤْيَيْهِ وَتَرَدَّ شَهَادَتُهُمْ بِهَا وَلَا يَجُوزُ الصُّومُ حِينَئِذٍ وَمُخَالَفَةُ ذَلِكَ مُعَانَدَةٌ وَمُكَابَرَةٌ¹⁴⁷

“Al-Abbadi said that the witness of even trustworthy would not be accepted if the accurate astronomical calculations refute possibility of sight ability. Their witnesses must be rejected due to the calculations and fasting would not be allowed in such a case. Opposing this would be nothing short of stubbornness and haughtiness.”

Al-Qalyubi narrates:

بَلْ قَالَ الْعَلَمَاءُ الْعَبَّادِيُّ : إِنَّهُ إِذَا دَلَّ الْحِسَابُ الْقَطْعِيَّ عَلَى عَدَمِ رُؤْيَيْهِ لَمْ يُقْبَلْ قَوْلُ الْعَدْلِ لِرُؤْيَيْهِ ، وَتَرَدَّ شَهَادَتُهُمْ بِهَا انْتَهَى . وَهُوَ ظَاهِرٌ جَلِيٌّ وَلَا يَجُوزُ الصُّومُ حِينَئِذٍ وَمُخَالَفَةُ ذَلِكَ مُعَانَدَةٌ وَمُكَابَرَةٌ¹⁴⁸

Ibn Hajar al-A’sqalani reports that Ibn Daqiq al-Eid said that if the astronomical calculations established the fact that the Moon is there and can be sighted but the cloudy weather came between it and sighting it, in this case the fasting will become obligatory. This constitutes a valid Islamic reason to follow the calculations.

¹⁴⁵ Ibid, 217

¹⁴⁶ Al-Qardawi, Yusuf, Fatawa Mua’sarah, Dar al-Qalam, Vol: 2, 222

¹⁴⁷ Al-Ansari, Zakariyya bin Muhammad, al-Ghurur al-Bahiyah fi Sharh al-Bahjah al-Wardiyyah, Maktabah al-Maimaniyyah, Vol: 2, P: 205

¹⁴⁸ Al-Qalyubi, Ahmad Salamah and Umairah, Ahmad al-Barlasi, Hashiyata Qalyubi wa Umairah, Dar Ihy’a al-Kutub al-A’rabiyyah, Vol: 2, P: 208

وَأَمَّا إِذَا دَلَّ الْحِسَابُ عَلَى أَنَّ الْهَيْلَالَ قَدْ طَلَعَ عَلَى وَجْهِ بَرِي ، لَكِنْ
وُجِدَ مَانِعٌ مِنْ رُؤْيَيْهِ كَالْغَيْمِ ، فَهَذَا يَقْتَضِي الْوُجُوبَ لِيُجُودِ السَّبَبِ
الشَّرْعِيِّ¹⁴⁹

Ibn Daqiq himself argues the same in the following words:

وَأَمَّا إِذَا دَلَّ الْحِسَابُ عَلَى أَنَّ الْهَيْلَالَ قَدْ طَلَعَ مِنَ الْإفْقِ عَلَى وَجْهِ
بَرِي ، لَوْ لَا وُجُودُ الْمَانِعِ - كَالْغَيْمِ مَثَلًا فَهَذَا يَقْتَضِي الْوُجُوبَ ،
لِيُجُودِ السَّبَبِ الشَّرْعِيِّ . وَلَيْسَ حَقِيقَةُ الرُّؤْيَةِ بِشَرْطٍ مِنَ اللُّزُومِ ؛ لِأَنَّ
الِاتِّفَاقَ عَلَى أَنَّ الْمَحْبُوسَ فِي الْمَطْمُورَةِ إِذَا عَلِمَ بِإِكْمَالِ الْعِدَّةِ ،
أَوْ بِالِاجْتِهَادِ بِالْأَمَارَاتِ : أَنَّ الْيَوْمَ مِنْ رَمَضَانَ ، وَجَبَ عَلَيْهِ الصَّوْمُ
وَإِنْ لَمْ يَرِ الْهَيْلَالَ . وَلَا أَخْبَرَهُ مَنْ رَأَاهُ .¹⁵⁰

“If the calculations show that the new Moon is born and can be seen over the horizon but could not be seen due to obscurities such as clouds then this makes it obligatory to fast. This constitutes an Islamic reason to confirm the month (with calculations). And the actual sighting is not a pre requisite to the fasting. There is agreement (among the Jurists) that if someone was imprisoned in the basement and knew, either through completing 30 days or through estimation by following the signs, that the month of Ramadan has started, then he is required to start fasting even if he has neither sighted the Moon by himself nor was informed by the one who actually sighted it.”

Even some of the Hanafi scholars such as Muhammad bin Muqatil and others not only espoused the same views but they actually used to consult astronomers and accept their calculations regarding the lunar months.

قَالَ بَعْضُ أَصْحَابِنَا رَحِمَهُمُ اللَّهُ لَا بَأْسَ بِالِاعْتِمَادِ عَلَى قَوْلِ الْمُتَجَمِّينَ
وَعَنْ مُحَمَّدِ بْنِ مِقَاتِلٍ أَنَّهُ كَانَ يَسْأَلُهُمْ وَيَعْتَمِدُ عَلَى قَوْلِهِمْ بَعْدَ أَنْ
يَتَّفِقَ عَلَى ذَلِكَ جَمَاعَةٌ مِنْهُمْ¹⁵¹

“Some of our scholars are of the opinion that there is nothing wrong in depending upon the astronomical calculations. Actually Muhammad bin Muqatil used to inquire astronomers about the calculations and depend upon that if the calculations were agreed upon by a group of astronomers.”

Abu al-Qasim Abd al-Karim bin Hawazan al-Qushairy (d 465 AH), the famous Hanafi Jurist and a known mystic, like Ibn Daqiq al-Eid accepted the calculations to confirm the month of Ramadan if it was cloudy. Being cloudy was a genuine Islamic reason to accept the calculations.

وَقَالَ الْقَشِيرِيُّ : " إِذَا دَلَّ الْحِسَابُ عَلَى أَنَّ الْهَيْلَالَ قَدْ طَلَعَ مِنَ
الْإفْقِ عَلَى وَجْهِ بَرِي لَوْ لَا وُجُودُ الْمَانِعِ كَالْغَيْمِ مَثَلًا ، فَهَذَا يَقْتَضِي
الْوُجُوبَ لِيُجُودِ السَّبَبِ الشَّرْعِيِّ¹⁵² .

Muhammad Amin bin Omar Ibn A'bidin narrates the difference of opinion in the Hanafi School about the calculations.

الْخِلَافُ فِي جَوَازِ الْإِعْتِمَادِ عَلَيْهِمْ ، وَقَدْ حَكَى فِي الْقَنْيَةِ الْأَقْوَالَ
الثَّلَاثَةَ فَنَقَلَ أَوَّلًا عَنِ الْقَاضِي عَبْدِ الْجَبَّارِ ، وَصَاحِبِ جَمْعِ الْعُلُومِ

¹⁴⁹ Al-Talkhis, Vol: 2, P: 360

¹⁵⁰ Ahkam , Vol: 2, P: 8

¹⁵¹ Al-Hamwi, Ibid, Vol: 2, P: 65

¹⁵² Al-Mowsua' al-Fiqhiyyah, Vol: 22, P: 33

أَنَّهُ لَأَبَاسٌ بِالْإِعْتِمَادِ عَلَى قَوْلِهِمْ ، وَنَقَلَ عَنْ ابْنِ مُقَاتِلٍ أَنَّهُ كَانَ يَسْأَلُهُمْ وَيَعْتَمِدُ عَلَى قَوْلِهِمْ إِذَا اتَّفَقَ عَلَيْهِ جَمَاعَةٌ مِنْهُمْ¹⁵³.

“There is a disagreement in regards to trusting the calculations. There are three opinions narrated in al-Qunyah. Firstly the opinion of al-Qadi Abdul Jabbar and the author of “Jama’al-U’lum” is that there is nothing wrong in accepting the calculations. It is narrated that Ibn Muqatil used to consult the astronomers and depend upon their calculations if a group of them agreed upon it.”

It is clear from the above discussion that well versed authorities in the Shafa’ee, Maliki and Hanafi schools of thoughts have espoused the view that astronomical calculations can be used in some of the matters related to the beginning and ending of the month of Ramadan. It seems that all the above quoted jurists have supported the usage of calculations in negation rather than confirmation of the month of Ramadan. Although jurists like Ibn Daqiq al-Eid and Muhammad bin Muqatil al-Razi had allowed using calculations even for confirmation due to cloudy weather.

Things are changing drastically in the modern times though. Among the contemporary scholars *Shaikh M. Mustafa al-Maraghi, Shaikh Ali al-Tantawi, Mahmood Shakir, Mustafa al-Zarqa, Saraf al-Quda* and others argue that the modern science has reached to such a level of authenticity and preciseness in the matters of astronomical calculations that there is no more need of sighting the moon with the naked eye. The Sharia’h had required sighting at the times when the Ummah was mostly unlettered and mostly ignorant in the fields of astronomy and other sciences related to attaining the authentic calculations. Now once we have reached to the level of certainty in such matters, we must go with the calculations in determining the Islamic months without any need to resort to actual sighting.

Shaikh Mahmud Shakir contends that the command to depend solely upon the sighting came with a condition. The condition was that the Muslim nation of that time did not know how to write or calculate. Hafiz Ibn Hajar had explained that by the following words:

والمراد أهل الإسلام الذين مجزته عند تلك المقالة، وهو محمول على أكثرهم، أو المراد نفسه صلى الله عليه وسلم. وقيل للعرب اميون لأن الكتابة كانت فيهم عزيمة. قال الله تعالى {هو الذي بعث في الأميين رسولا منهم} ولا يرد على ذلك أنه كان فيهم من يكتب ويحسب لأن الكتابة كانت فيهم قليلة نادرة. والمراد بالحساب هنا حساب النجوم وتسييرها ولم يكونوا يعرفون من ذلك أيضاً إلا النزر اليسير، فعلق الحكم بالصوم وغيره بالرؤية لرفع الحرج عنهم في معاناة حساب التسيير¹⁵⁴

“The reference in the Hadith is to the Muslims who were present with the Prophet (PBUH) when he uttered these words. It covers the majority among them (that they were illiterate) or it could be that the Prophet (PBUH) is referring to himself. The Arabs were called illiterate because writing skills were quite lacking among them. Allah SWT has

¹⁵³ Ibn A’bidin, Muhammad Amin bin Omar, Radd al-Mukhtar a’la al-Dur al-Mukhtar, Dar al-Kutb al-A’limiyah, Vol: 2, P: 387

¹⁵⁴ A’wn al-Ma’bud, 6, Ibid

said,” It is He Who has sent among the illiterates a messenger from among themselves.” This fact can not be refuted by the claim that among the Arabs there were individuals who could write or calculate because the writing skills were very rare among them. And the reference to calculation in the Hadith is to astronomical calculations. They did not know much about astronomical calculations except a very negligible portion of it. That is why the Prophet (PBUH) connected the ruling of fasting with actual sighting to avoid causing any hardship to them.”

In view of this historical fact, Mahmud Shakir argues that it is an established rule of Islamic jurisprudence that the cause and the effect go hand in hand. Now once the Ummah has come out of illiteracy and started writing /calculating, the effect must also be modified.

لأن الأمر باعتماد الرؤية وحدها جاء معللا بعلة منصوصة، وهي أن الأمة (أمية لا تكتب ولا تحسب)، والعلة تدور مع المعلول وجودا وعدما، فإذا خرجت الأمة عن أميتها، وصارت تكتب وتحسب، أعني صارت في مجموعها ممن يعرف هذه العلوم، و أمكن الناس _ عامتهم و خاصتهم _ أن يصلوا إلى اليقين والقطع في حساب أول الشهر، و أمكن أن يثقوا بهذا الحساب ثقتهم بالرؤية أو أقوى... و جب أن يرجعوا إلى اليقين الثابت، و أن يأخذوا في إثبات الأهلة بالحساب وحده، و ألا يرجعوا إلى الرؤية إلا حين يستعصى عليهم العلم به¹⁵⁵.

“The Prophetic commandment asking to depend only upon the actual sighting came also with the specified reasons for doing so elaborated by the same text. The specified reason was that the Ummah of that time did not know how to write or calculate. And the cause and effect always go hand in hand. Now, when the Ummah has come out of its unlettered status and started writing and calculating, I mean that there exist a number of people among the Muslims who know these sciences, and it has become possible for all categories of Muslims to know the precise calculations about the beginning of the month, now once the Ummah can trust accuracy of the calculations just like their trust in actual sighting or even more, then it has become also obligatory that they follow the authentic calculations only and not the sighting to confirm the month of Ramadan. The only exception will be if the calculations were hard to come by.”

He further argues that the birth of the new Moon is the beginning of the new month.

وإذا وجب الرجوع إلى الحساب وحده بزوال علة منعه، و جب أيضا الرجوع إلى الحساب الحقيقي للأهلة، وإطراح إمكان الرؤية و عدم إمكانها، فيكون أول الشهر الحقيقي الليلة التي يغيب فيها الهلال بعد غروب الشمس، و لو بلحظة واحدة¹⁵⁶.

“Now once it has become obligatory to turn to the astronomical calculations only, because the reason for its prohibition is gone, then it becomes obligatory also to turn to the accurate calculations which are connected with the new months and possibility or non-possibility of sighting. Therefore the precise beginning of the new month will be the evening when the Moon will be setting after the Sunset even if a second after the Sunset.”

¹⁵⁵ Mahmud Shakir, *Awail al-Shu'uur al-A'rabiyah*, Maktabah Ibn Taymiyyah, see pages 7-17

¹⁵⁶ Ibid

He claims that starting and ending the Islamic months with the astronomical calculations rather than actual sighting is the most appropriate *Fiqhi* position in our times and that is in conformity with the true spirit of the *Ahadiith* narrated in this matter.

ولقد أرى قولي هذا أعدل الأقوال، وأقربها إلى الفقه السليم، و إلى الفهم الصحيح للأحاديث الواردة في هذا الباب¹⁵⁷.

Shaikh Mustafa al-Zarqa, after a detailed discussion of the issue, concludes that there is nothing in the Shari'ah rules which stops Muslims in our times from accepting the astronomical calculations. He states:

وما دام من البديهيات أن رؤية الهلال الجديد ليست في ذاتها عبادة في الإسلام، وإنما هي وسيلة لمعرفة الوقت، وكانت الوسيلة الوحيدة الممكنة في أمة أمية لا تكتب ولا تحسب، وكانت أميتها هي العلة في الأمر بالاعتماد على العين الباصرة، وذلك بنص الحديث النبوي مصدر الحكم، فما الذي يمنع شرعا أن نعتمد الحساب الفلكي اليقيني، الذي يعرفنا مسبقا بموعد حلول الشهر الجديد، ولا يمكن أن يجب علمنا حينئذ غيم ولا ضباب إلا ضباب العقول؟¹⁵⁸

“It is an established fact that sighting the new Moon is not an act of worship in itself. It is just a means to know the timings. It was the only mean available to the unlettered nation which knew not how to write or calculate. Its unlettered status was the sole reason for dependence upon the actual sighting. This is clear from the text of the Prophetic tradition which is the original source of such a ruling. Islamically what stops us now to depend upon the accurate astronomical calculations which can determine for us quite ahead of time the beginning of the new month? No cloud or fog can obscure our knowledge of the month then except the fog or dust on the intellect.”

Dr. Y. al-Qardawi, after elaborating a great deal on the subject, concludes that the Islamic religion which prescribed sighting the Moon as a valid method to confirm the month of Ramadan would definitely prefer to accept the astronomical calculations as a valid method also because there could always be doubts or mistakes in human sighting but not in the accuracy of the astronomical calculations. Therefore accepting the astronomical calculations is exactly in line with the true spirit of the Islamic Shari'ah. The Ummah can be spared of countless confusions and problems by following the calculations.

إن الأخذ بالحساب القطعي اليوم وسيلة لإثبات الشهور، يجب أن يقبل من باب "قياس الأولى" بمعنى أن السنة التي شرعت لنا الأخذ بوسيلة أدنى، لما يحيط بها من الشك والاحتمال - وهي الرؤية - لا ترفض وسيلة أعلى و أكمل و أوفى بتحقيق المقصود، و الخروج بالأمة من الاختلاف الشديد في تحديد بداية صيامها و فطرها و أضحها... وهي وسيلة الحساب القطعي¹⁵⁹

“Currently astronomical calculations are a better mean to establish the months. It must be accepted as it is a better choice than what the Sunnah has required us. In actual sighting there is always room for doubt or probability and that is not the case with the calculations. The Sunnah would not refuse a method which is superior and more perfect to attain the desired goal than the sighting itself. Accepting calculations can bring the

¹⁵⁷ Ibid

¹⁵⁸ Al-Zarqa, Mustafa, al-Fatawa, Dar al-Qalam, 163-64

¹⁵⁹ Al-Qardawi, Fatawa, Vol: 2, P: 215-216

Ummah out of this severe controversy which takes place at the times of confirming the month of Ramadan, Eid al-Fitr and al-Adha.”

Dr. Sharaf al-Quda argues that the texts (*al-nusus*) which permit usage of calculations as a valid method of determining Islamic months do not differentiate between negation and confirmation. They are generic in nature and hence good both for negation as well as confirmation of the months. Actually, to him, the Hadith allowing such a usage does prove confirmation rather than just the negation. He contends that:

فالنصوص الشرعية لم تفرق بين النفي و الإثبات في الأخذ بالحساب والتقدير، و خاصة حديث (فإن غم عليكم فاقدروا له) ففي الحديث أمر بالتقدير لإثبات الشهر، و ليس لنفي الشهادة، و أما علمياً فلا فرق في دقة الحساب وقطعيته بين حساب إثبات دخول الشهر، و حساب نفي دخوله. و هكذا فإن الراجح في عصرنا أن اعتماد التقدير والحساب يكون للنفي والإثبات سواء بسواء.¹⁶⁰

“The Islamic texts did not differentiate between confirming or negating the months with the calculations. Especially the Hadith “if it is cloudy then calculate for it”, commands confirming the month with the calculations rather than the negation. Scientifically it does not matter whether we use the astronomical calculations for confirmation or negation. They are precise and accurate anyway. Therefore it is preferred in our times to equally depend upon the calculations for confirmation as well as negation of the months.”

Dr. Mustafa Abd al-Basit concludes that following the astronomical calculations was the original intent of the Islamic Shari’ah. Sighting was prescribed for the times when the Ummah did not have the capabilities to know accurately precise calculations. The rule of sighting must give way to the original rule once the Ummah has attained to the authentic knowledge of the calculations. The Islamic months must be confirmed by calculations to avoid the problems connected with the actual sighting.¹⁶¹

In light of the above discussion one can easily conclude that:

- 1: The claims that a consensus exists among all the Muslim jurists regarding absolute mistrust of the astronomical calculations, in all forms and ways, related to beginning and ending of the Islamic months is unfounded, though the majority of *Jamhur* has adopted that opinion due to the uncertainties connected with the calculations during their times and due to the possible negative ramifications in other fields of *Aqidah*.
- 2: There exists a group of known authorities in the three schools of *Fiqh*, with the exception of *Hanabilah*, that has, from times old, argued in favor of accepting the calculations in part or in totality.
- 3: That the modern science has attained such a level of authenticity in the matters of calculations that achieving certainty about the birth, presence and non-presence of the

¹⁶⁰ Sharaf al-Quda, a non-published paper on “Confirmation of the Lunar Month Between the Prophetic Narrations and Modern Science”, a paper in Arabic read at the SSANA meeting in Detroit

¹⁶¹ Mustafa Abd al-Samad, Tahdid Awa’il al-Shuhur al-Qamariyyah, Islamic Academy, Villanova, PA, 54 onward

moon in the horizon etc., is not hard at all. This scientific method is definitely more trustworthy than the efforts of human beings trying to observe the moon with naked human eyes.

4: The number of scholars leaning towards partial or total acceptance of astronomical calculations is increasing day by day due to the certainty, ease and also due to the communal, financial and social benefits connected with it.

5: Some very conservative contemporary *Salafi/Hanbali* scholars such as *Mahmud Shakir* have also accepted this point of view and actually advocated that this is the only authentic and legal way currently available to follow the *Sunnah*. *Mahmud Shakir* has done so since 1939.

6: The new Moon is just a sign of timings. It has a beginning and a clear end while going around in its orbit around the earth. The beginning point is the birth point and is the most certain point which can be determined months and years ahead of time with the help of accurate astronomical calculations. Therefore, there is nothing wrong in accepting the birth of the new Moon as the convention to start the new month. Actually this is the only authentic and certain convention to determine the new month. Criteria of visibility are not agreed upon even by the Muslim astronomers and scholars. Once it has been proven that certainty and not the actual sighting is the goal of the Islamic Shari'ah, then wasting our times on the issues of visibility and non-visibility will be fruitless endeavor. We should take the birth as the accepted norm and announce the Islamic calendar long ahead of time.

7: GMT is an arbitrary convention accepted by the international community to facilitate the timings and dates. It has no Islamic implications what so ever. On the other hand, Mecca, being the sanctuary of all the Muslims, enjoys a lot more significance than the GMT. Therefore, Muslims should take Mecca as the Islamic convention to determine Muslim months. The new month will start when the new Moon is born before Sunset in Mecca and stays in the horizon after the Sunset even if for a small amount of time. The whole Muslim world would have the beginning of the new Month within 24 hours from the birth of the new Moon in Mecca.

Therefore, in my view, accepting the astronomical calculations in confirming as well as negating the month of Ramadan is in line with the *Sunnah* and in no way or form constitute any deviation from the spirit of the Islamic *Shari'ah*. In contrast, it is perhaps the only method available at our disposal which, if applied in spirit, can realize the Islamic goals of authenticity, certainty and unity. وَاللَّهُ أَعْلَمُ

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