

علمی و تحقیقی مجلہ فقہ اسلامی ﴿۹۲﴾ صفر ۱۴۲۳ھ ☆ اپریل ۲۰۰۲ء

ii) Tirmidhi has reported that a Bedouin came to the Prophet (may Allah bless him and grant him peace) and said, "I saw the crescent-moon tonight." The Prophet (may Allah bless him and grant him peace) asked him, "Do you testify that there is no god but Allah, and that Muhammad is His servant and messenger?" He said, "Yes." The Prophet said, "O Bilal! Make adhan amongst the people, for they should fast tomorrow."

iii) Abu Dawud has reported that people were in the last day of Ramadan, when two Bedouins stood up and testified to the Prophet (may Allah bless him and grant him peace) that they had seen the crescent-moon, whereupon the Prophet (may Allah bless him and grant him peace) ordered people to break their fast.

3. Is a sighting in one area binding on Muslims in other areas?

This is a point on which scholars have differed. According to the Shafi'i school, the sighting is not binding beyond 81 km, as stated by both Rafi'i and Nawawi. The authentic view of the madhhab is that it is binding on a strip of thickness 81km in either direction of the place of the sighting. This strip extends from the North Pole to the South Pole. The verdicts in the standard classical references for the Hanafi, Maliki and Hanbali schools state that one sighting is binding on the whole world. [See "Fath al-Qadir", "Mukhtasar Khalil" and "al-Mughni" respectively.] However, the Maliki scholar, Ibn Rushd has cited consensus (of the Malikis) that the obligation of fasting based on a sighting in another area is not observed for places which are very distant from one another, such as Spain and Arabia. ["Bidayat al-Mujtahid", 1/288] A similar verdict was also chosen by the Hanafi.

ذیہر سویر

مجلہ فقہ اسلامی آپ تک پہنچنے میں اکثر تاخیر ہو جاتی ہے اس کی وجہ علمی و تحقیقی مضامین لکھنے والوں کی کمی، ان مضامین پر ماہرین کی نظر ثانی کے لئے درکار وقت، اور پھر کمپوزنگ و دیگر مراحل کا طے ہونا ہے۔ اگر یہ عام سار سالہ ہوتا تو شاید ہمیں مضامین جمع کرنے میں کوئی دشواری نہ ہوتی مگر تحقیقی مضامین اور وہ بھی جدید فقہی مسائل پر، اس میں خاصی دشواری پیش آتی ہے اس لئے ذیہر سویر پر معذرت خواہ ہیں۔ (مجلس ادرت)

☆ امام احمد بن حنبل رحمہ اللہ علیہ کا سن ولادت ۱۶۴ ہجری اور سن وصال ۲۴۱ ہجری ہے ☆

علمی و تحقیقی مجلہ فقہ اسلامی (۹۳) صفر ۱۴۲۳ھ ☆ اپریل ۲۰۰۲ء

madhhab. Sheikh Khāḥil. the Maliki states in his "Mukhtasar". that the month is not established by the saying of an astronomer. Al-Ardabili. the Shafi'i scholar states in "Al-Anwar." "[Fasting] does not become obligatory by knowledge of the phases of the moon."

2. How many people?

Having established that the month's start is determined by moon sighting, we turn now to the issue of how many people must see the crescent in order for fasting to be obligatory.

2.1 According to the Hanafis: If the sky is clear, the testimony of at least two upright Muslim men, or one man and two women.

is sufficient to establish the start of Ramadan [Sec: Rasa'il Ibn 'Abidin; also "Daw' al- Shams". 2/49]. but if the sky is cloudy then the testimony of a single, upright person will be accepted. [Sarakhsi. "Al-Mabsut". 2/139]

2.2 According to the Malikis: The testimony of no fewer than two upright Muslims is necessary to establish the start of Ramadan. [Ibn Rushd. "Bidayat al-Mujtahid". 1/286]

2.3 According to the Shafi'is : the testimony of a single upright Muslim man is sufficient for the start of Ramadan. [Nawawi. "Al-Minhaj"]

2.4 According to the Hanbalis: The Hanbali text. "Al-Muntaha" states. "[Fasting of Ramadan] is obligatory at the sighting of its the crescent-moon. If it is not seen on the night [before] the 30th of Sha'ban. in spite of the sky being clear, they shall not fast. but if clouds or dust obscure [the sky] it is obligatory to fast [the next day] as a precaution The report of a sane, adult, upright [Muslim] is accepted [in sighting]. even if it be a woman, and even if the wording of testimony is not used." (All the schools are in consensus that for the crescent-moon at the end of Ramadan, two sightings are required.)

The differences above arise from giving priority to different narrations on the matter, based on factors relating to the authenticities of the reports and on different methodologies of usul in reconciling different narrations. The narrations are:

i) Abu Dawud has reported that the Prophet (may Allah bless him and grant him peace) said. "Fast at its sighting, and terminate fasting at its sighting. But, if [conditions] are overcast for you, then complete thirty [days]. But, if two witnesses testify then fast and terminate fasting [as the case may be]."

حضرت علامہ شافعی رحمہ اللہ علیہ کا قول ہے کہ: تمام لوگ فقہ میں امام ابو حنیفہ (رحمہ اللہ تعالیٰ علیہ) کے مابین ہیں

۴۰۰۲ مفر ۱۴۲۳ھ ☆ اپریل ۱۴۲۳ھ (۹۳) علمی و تحقیقی مجلہ فقہ اسلامی
(mubayyan). clarifying the imprecision in the first. Ibn Rushd says, "It is obligatory to refer the mujmal to the mubayyan, and this is the way of the scholars of usul, without any disagreement." [Bidayat al-Mujtahid, 1/284]

2) The saying of the Prophet (may Allah bless him and grant him peace). "We are an unlettered nation; we neither write nor calculate. The month is so-much and so-much (i.e. sometimes 29 days, sometimes 30)" [Bukhari] The proponents of calculations argue that the only reason calculations were not used by the Prophet (may Allah bless him and grant him peace) was that people at that time were illiterate and uneducated. Thus, they reason that since we are now educated and advanced in astronomy, there is no harm in determining the start of Ramadan purely by calculations. The refutation of this reasoning is as follows :

It is obvious that the Prophetic statement, "We neither write nor calculate" is not meant literally, for it has been established that numerous Companions did in fact write, and in the Farewell Pilgrimage, when a Yemeni man named Abu Shah asked for a written copy of the sermon, the Prophet (may Allah bless him and grant him peace) told people, "Write for Abu Shah." [Bukhari and Muslim] Also, Bukhari has reported that a census-like enumeration of the Muslim population was carried out in Madinah, in which the total number of Muslims came to 1,500. Furthermore, we know that the Arabs at the time used to engage in trade, which inevitably requires calculation, and also that astronomical knowledge, such as recognition of the phases of the moon, and its waxing and waning, were present even in that time. In reality, the hadith is merely stating a characteristic of this ummah, namely that their means for determining the month are simple, not requiring sophisticated science or education. Islam is a universal religion, and its regulations are meant to be equally accessible to all people, scientists as well as non-scientists. The progress of astronomy cannot abrogate the laws of Islam, for the religion was completed and perfected in the time of the Prophet (may Allah bless him and grant him peace) himself. [See "Sighting of the Hilal", by the Majlis al-'Ulama' of South Africa]

As further reinforcement of the invalidity of basing the Islamic month purely on calculation, it is worth noting that all of the four juristic schools of thought, are unanimous on this point. The Hanafi scholar, Al-Haskafi says, in "al-Durr al-Mukhtar", "The word of forecasters carries no weight, even if they are Islamically upright, according to the [Hanafi] madhhab." "Sharh al- Ghayah" states the same of the Hanbali

Fiqh of Hilal Sighting

A Chapter of Mukhtasar Al-Quduri

In the Name of Allah. Praise be to Allah.

Every year, towards the start of Ramadan, some Muslim communities are plunged into confusion and disarray over the issue of determination of the start of the blessed month. In some cases, this may further lead to argument and division within the community. In view of this unfortunate state of affairs, it is useful for us to acquaint ourselves with the authentic Islamic verdicts about crescent-sighting and related issues, and this article shall, Allah willing, summarize these, in order that we may thereby discard unworthy opinions which have no sound basis, and in order that we might tolerate legitimate scholarly differences of opinion.

1. Sighting or Calculation?

The start of Ramadan is determined by the sighting of the crescent-moon (hilal). The Prophet (may Allah bless him and grant him peace) has said, "Fast at its sighting, and terminate the fast at its sighting." [Bukhari, Muslim] This hadith is an explicit proof-text that the month is based on sighting, not on calculation.

The reasoning of the proponents of calculation are hinged on two main arguments:

1) The saying of the Prophet (may Allah bless him and grant him peace), "Do not fast until you see the crescent-moon, and do not break the fast until you have seen the crescent moon, but if conditions are overcast for you then enumerate for it." [Bukhari]

The proponents of calculation cite the statement, "then enumerate for it" as evidence for the permissibility of calculation. This reasoning, however, is unacceptable on two counts: Firstly, assuming that "enumerate" in the above hadith is in fact referring to calculation, the hadith would only indicate the permissibility of calculations in overcast conditions. Secondly, the meaning of "enumerate" is clarified by another narration of the hadith, also extracted by Bukhari, as well as by Tirmidhi, Abu Dawud, Ibn Khuzaymah, Ibn Hibban and al-Tayalisi, "Then complete the number of [days of] Sha'ban as thirty." [Nasb al-Rayah, 2/437-8]

This hadith clarifies beyond doubt that what is meant by "enumerate" in the first narration is to count thirty days, for the first narration is general and imprecise (mujmal), whereas the second is explicit