

#### 5<sup>th</sup> National Conference

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## **A Miscalculation**

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#### Topics Covered Today

- Quranic Argument for Moonsighting
- Hadith Arguments in Favor of Calculation
- Our Prayer Times are Established
  - So why not our months?
- Is Sighting the Moon an Act of Worship?

## Ayah #1

"The month of Ramadan is the one in which the Qur'an was revealed as guidance for mankind, and as clear signs that show the right way and distinguish between right and wrong. So those of you who witness (the crescent on the first night of) the month must fast in it." [2:185]

#### The Word: Shahida

- To be witness
- To be present
- To attain (acquire information)
- (al-Jāmi' li-Ahkām al-Qurān, 1/366)

## "Shahr"

- The great Imam of the Arabic language, al-Fairūzabādī explains shahr to have several meanings, among which are al-Hilāl (crescent) and al-Qamar (the moon).
- Ibn al-Athīr, in *an-Nihāyah*, quotes the hadith, (sūmū ash-shahra wa sirrah) "Fast at the *Shahr* and its end," and says *shahr* here means "the crescent (the beginning of the month)."
- Al-Qāmūs al-Muhīt, pg 380 by al-Fairūzabādī (d. 817 H)

#### Shahr = Crescent

- Sahīh Muslim #2568. fa in ghummiya 'alaikum ash-shahr'
- 'If the Shahr is obscured for you' to show its usage with the meaning of 'hilāl' by the Messenger of Allah.
- The only possible meaning for 'shahr' in this hadīth is crescent.
- If it is taken to mean month (the common meaning for shahr') then the hadith would be 'if the month is unclear to you'.
- This does not make sense, so the word *shahr* is then understood to mean 'crescent', and thus the hadīth is 'if the *crescent* is obscured.'

#### The Translation is Plausible

# So those of you who witness the crescent must fast in it." [2:185] is a valid translation

#### To Translate: "To be present at home"

- Muqim vs. Musafir not calculator vs. moonsighter
- No classical mufassir interpreted it this way
- Instead Imam al-Qurtubi writes: "Whoever follows the opinion of the astronomers and leaves the *'ijmā'* (consensus) of the scholars is a proof against (himself)."
- Al-Jāmi' li-Ahkām al-Quran, 1/363



"They ask you about the crescent moons. Say: They are indicative of time
 (months) for the people, and of the Hajj." [2:189]

#### The Backdrop

"Abu Ja'far said: Rabi' – Abu al-Aliyah: It has reached us (from many) that they said, 'Oh Messenger of Allah! Why were the crescents created?' The verse was revealed [2:189], and he said, 'Allah had created them as established times for the fasting of the Muslims, and their terminating [their fasting], and for the '*Iddah* of their women, and for when loans are due.'

 It has also been narrated via 'Ata, Dhahhak, Qatadah, al-Suddi, and al-Rabi' bin Anas in a similar manner.

#### The Wisdom

- Al Razi (RA) relates:
- "The best reason is what Al-Qaffal mentions, that *Hajj* has been mentioned specifically to explain that the *Hajj* is limited (*Maqsur*) within the months that Allah has specified through His determination, and that it is not permitted to move the *Hajj* from these months to others, just as how the *Arabs* would do so during intercalation."
- Al-Tafsir al-Kabir, accessed under the verse [2:189].

#### Quotes of the Mufassirin

- Al-Qurtubi (671 AH):
- "Whoever follows the opinion of the astronomers and leaves the *'ijmā'* (consensus) of the scholars is a proof against (himself)." Al-Jāmi' li-Ahkām al-Quran, 1/363

#### Imam ibn Kathir (774 AH)

"And His Saying: "Whoever witnesses the month should fast," [2:185] this is an imperative on those who witness the *Hilal* of the month." *Tafsir ibn Kathir*, 1/314.

#### Abu Bakr al-Jassas (370 AH)

"The Muslims are in complete agreement that the meaning of verse and narration is in regards to the sighting of the crescent in obligating the fast of Ramadan. [The Hadith] indicates that sighting the crescent (*Ru'yah al-Hilal*) is in fact the witnessing of the month (*Shuhud al-Shahr*)" *Ahkam al-Quran*, 1/279

#### Fakhr al-Din Al-Razi (606 AH)

"...the months are known through the orbit of the moon, and that is because the months which are considered in the *Shari'ah* are founded upon the *sighting of the crescents.*" *Al-Tafsir al-Kabir,* under the verse: "so that you may know the number of the years and calculations." [10:5]

#### Al-Qurtubi (671 AH)

"It is compulsory upon us, when the crescent cannot be seen, to complete thirty days of Sha'bān and thirty days of Ramadan, so that we can enter into the '*ibādah* (worship, i.e. fasting) with full certainty and come out of it with full certainty...[As for those who calculate on a cloudy day] and this we know no one who claimed such a thing except a few companions of al-Shafi...and the consensus is a proof against them."

*al-Jāmi' li Ahkām al-Quran*, 1/362-3.

#### Ibn Al-Arabi (543 AH)

"The Prophet had explicitly mentioned that, 'Do not fast until you see the crescent, and do not terminate until you see it...' and the saying of Allah, 'so whoever witnesses the month from amongst you should fast.'[2:185] is taken upon its normal condition ('Adah) by witnessing the month, which is to sight the crescent. Like that the Prophet said, 'Fast through its sighting (the crescent), and terminate through its sighting.

#### Continued

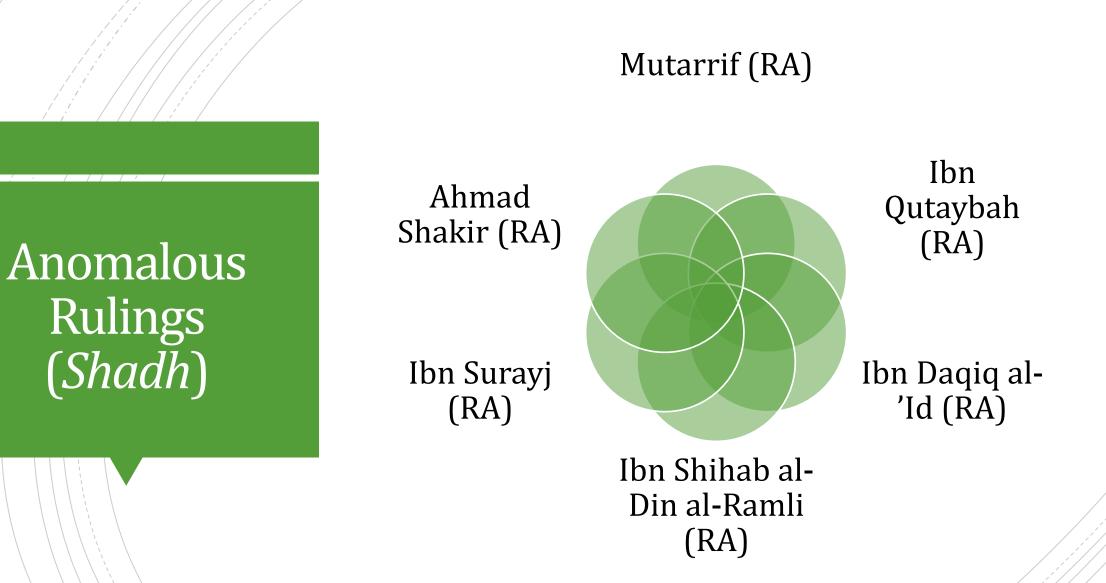
Some of the predecessors had slipped when they said, 'calculations are relied upon by approximation of the (moon's) mansions, so that if the sky were clear, it would have been seen,' based on his saying, 'If it is obscured upon you, then do *Taqdir*.' The meaning of it (*Taqdir*) by the research scholars is, 'complete the stipulated time,' which is why the he said, 'If it is obscured upon you, then complete the fast of 30, then terminate (fasting),' reported by al-Bukhari and Muslim.

Some of our companions (the *Shafis*) had slipped as well, and had narrated from (Imam) al-Shafi that he said, 'calculations are relied upon.' And this is a slip that has no recovery."

#### Al-Alusi (1270 AH)

"The word *Shahr* (month) means a specified time which begins by the sighting of the crescent..." A few pages later, he clarifies that the correct interpretation is to take the word "Shahr" as the object of the verb, and says the meaning to be "[whoever witnesses the] crescent of the month." Ruh al-*Ma'ani*, 3/129 - 132

# Shadh Rulings



#### Verdict on Anomalous Rulings

"Imam al-Bayhaqi has transmitted in his *al-Sunan al-Kubra* from al-Imam al-Awza'i: 'Whoever takes the anomalous rulings of scholars has left the fold of Islam.'

10:211, al-Siyar, 7:125, al-Tadhkirah, 1:180.

#### Cont.

"Al-Baghawi has transmitted in *al-*Ja'diyyat and ibn 'Abd al-Bar from the great Imam, the worshiper and the Proof, Sulayman al-Taymi, 'If you took the disposition (*Rukhsah*) of every scholar, you would have gathered all of evil entirely!' ibn 'Abd al-Bar added on, 'This is a consensus, which I do not know any disagreement.'

*Al-Ja'diyyat*, 1:595 (1359) and *Jami Bayan al-'Ilm*, 2:90-91. It is also found in *al-Siyar*, 6:198, and *al-Tadhkirah*, 1:151.



• "In *Sharh 'Ilal al-Tirmidhi* by ibn Rajab, he relates from Ibrahim ibn Abi 'Ablah, one of the teachers of al-Imam Malik (ra), 'Whoever carries the anomalies of the scholars, carries a tremendous evil.' Muawiya bin Qurrah said, 'Caution against the anomalous rulings of knowledge.'

 1:410. He attributed in *al-Hilyah* (8:27) from two chains to Ibrahim bin Adham.

#### These Were all Permitted with Conditions

Shaykh Muhammad 'Illish al-Maliki writes: "To conclude, the existence of opinions inclining towards calculations – within our school and the Shafis - cannot be denied. Rather, we acknowledge them in both of our schools, but they are anomalous (Shadh), and are qualified by either (being used) for one's own person (establishing the month for oneself), or because of clouds."

No one gave full permissibility for its use at all times

#### Ibn Daqiq (RA)'s Writing

"I say: It is not permissible to depend on calculations in regards to fasting through the separation of the conjunction of moon and sun, upon what the astronomers opine, advancing the month through calculations by one or two days over the actual sighting. This is surely constructing a cause that Allah has not made permissible."

*Ihkam al-Ahkam*, pg. 332.

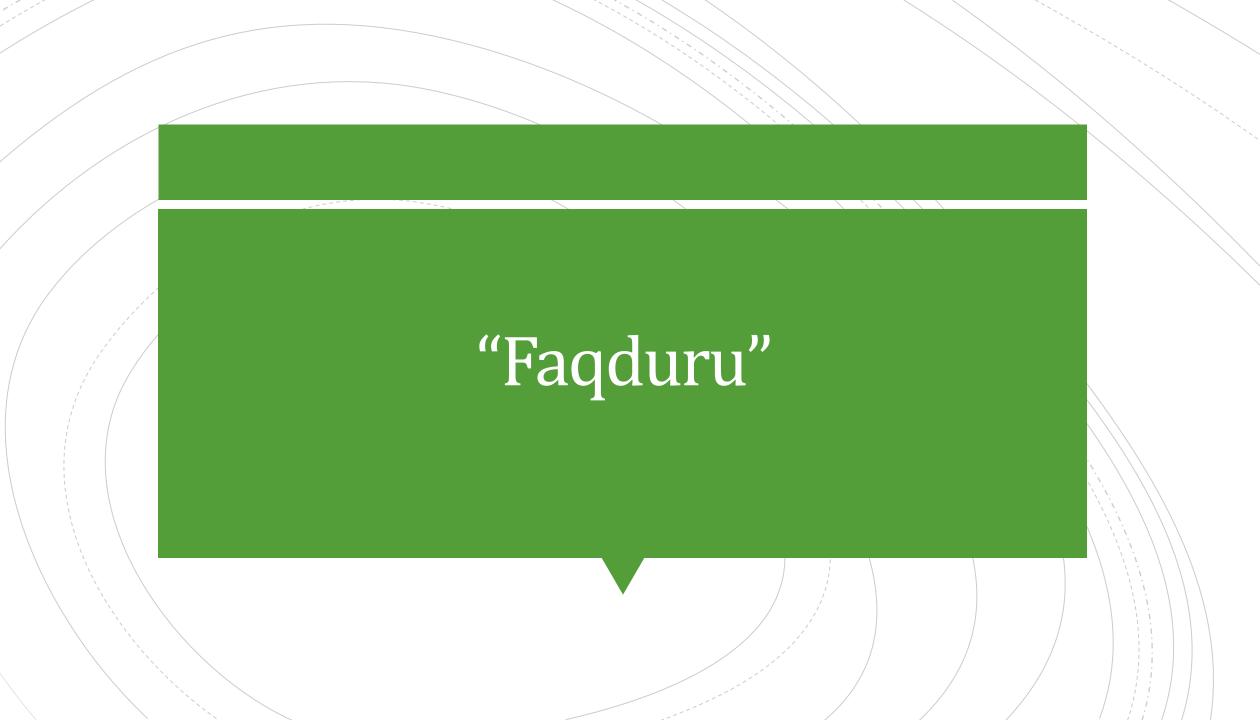


### Hadith

- Narrated Abdullah bin Umar (RA): Allah's Messenger Sementioned Ramadan and said, "Do not fast unless you see the crescent (of Ramadan), and do not give up fasting till you see the crescent (of Shawwal), but if the sky is overcast (if you cannot see it), then act on estimation (i.e. count Sha'ban as 30 days)." (Bukhari, v. 3/b. 31/n. 130)
- Nine narrations brought into the book on the topic

#### "If the Sky is Cloudy"

- These words in the *Hadith* should be appreciated to the fullest degree.
- The Prophet said that you cannot see the moon, although the moon is there in the sky.
- Yet, the injunction is not to assume that the moon is there and therefore start the next month.
- A strong proof against those who feel that the objective is to be certain of the moon's existence, and not to follow the exact command of Allah and His Messenger <sup>24</sup>.



### The Expression "Faqduru"

- The Hadiths #3-7 utilize the expression 'faqdurū', which presents several meanings.
- One of the meanings could be "calculate" = is the standard argument for those who favor utilizing calculations.
- Other meanings include 'estimate, constrict, fix, exact.'

### The Expression "Faqduru"

- Since the meaning of 'faqdurū' is unclear, we examine other Hadith on the subject.
- There is:
  - 'faqdurū thalāthīn' which means 'complete thirty days of Sha'bān.: Al-Nasa'i.
  - Additionally, the wording 'fa 'uddū thalāthīn' (count/complete thirty days): Sunan of Imam Al-Nasai.
  - The wording 'fa akmilū 'iddata thalāthīn' is also used, which also translates to 'complete thirty days of Sha'bān.'
  - Also, 'fa atimmū Sha'bāna thalātheen' and 'fa akmilū thalāthīn' are also found in Imam Nasai's Sunan.

### The Expression "Faqduru"

- Therefore, the meaning of 'faqdurū' is 'complete/estimate 30 days', based on the sheer number of other Hadith with similar wording on the topic. The entire meaning of the Hadith would read:
- "The month of fasting begins with the sighting of the moon, and if for some reason, perhaps due to the sky being cloudy, the moon cannot be sighted, thirty days of Sha'bān will be completed, and then Ramadān will begin."

#### Ibn Hajar (RA) on this Hadith

Ibn Hajar (may Allah have mercy on him) clarifies in his famed commentary, *Fath al-Bari*, that the Prophet **said** that if the sky is not clear, then complete thirty days [of fasting]. Reference is not made to astronomers or those individuals tasked with such responsibilities, rather the context infers that one should complete the period of thirty days prior to starting the next month.

### Abu Bakr al-Jassas (RA) says:

"They differed concerning the meaning of the statement of the Prophet 'If it is cloudy then estimate it." Some have said, 'he meant regarding the phases of the moon. If it is in the (visible) place of the full moon (*Qamar*) where it could be seen if there were no clouds or disturbances, the ruling of sighting should be implemented for fasting and breaking. And if it is not in the place of the full moon, then the ruling should not be given.' Others have said, 'Complete the month of Shaban as 30 days.'

#### Cont.

As for the first interpretation (assuming the moon to be sighted behind the clouds), *it is dropped without a doubt*, because it requires consulting the astronomers and whoever has recognition about the phases of the moon and its positions. This is in contrast to the speech of Allah which says, 'They ask you concerning the crescents, Say: it is a place of determining time for people and Hajj," and so He connected the rule with the sighting of the crescent (not with possibilities). And since this is a worship it which encompasses the general masses, it does not permit that the ruling should relate to (a knowledge – astronomy) which no one recognizes except a few people – who perhaps we cannot trust their statements entirely.

### The Second Opinion

- "The second opinion or interpretation is the correct one and this is the statement of the mainstream jurists and ibn Umar (RA) – the narrator of the tradition (on "estimating"). It has been reported in the narration that he would not take calculations. There is explicit mention by him the meaning of "Faqduru," that which requires no further interpretation.
- "Abdul Baqi bin Qani' Muhammad bin al-Abbas al-Muaddib Shurayh bin al-Nu'man Fulayh ibn Sulayman Nafi' ibn Umar (RA) "The month of Ramadan was mentioned around the Messenger of Allah ﷺ. He said, 'Do not fast until you sight the crescent, and if it is obscure upon you, then complete (faqduru) thirty days.'

### Cont.

 "This narration clarifies the meaning of the phrase, which drops any other interpretation...

### Negation of Astronomers

He did not obligate recourse to the statement of one (an astronomer) who says, 'If there were no obstacles of clouds etc., we could see it..." Therefore, the one who says we must regard the phases of the moon, and the calculations of the astronomers has come out of the pale of the ruling of the Shariah, and this is not a place that Ijtihad can be tolerated, due to the clear direction in the Book, the explicit (Nass) Sunnah, and the consensus (*Ijma'*) of the jurists against it."

### "We are an Ummi Nation"

### We are an Ummi Nation

Ibn 'Umar (RA): "The Prophet 34 said, 'We are an unlettered nation; we neither write, nor know accounts. The month is like this and this, i.e. sometimes of 29 days and sometimes of thirty days."" (al-Bukhari, V.3/B. 31/N.137 - 1913)

### 'Illah vs. Hikmah vs. Nahy

- The Hadith is not referring to the legal rationale ('illah) behind avoiding calculations, but rather the wisdom (hikmah) as to why the Ummah does not need to pursue any other method for determining their months.
- There is a vast difference between an 'illah and hikmah, namely, that the former necessitates a ruling, while that the latter does not.
- Another interpretation states that the Prophet <sup>26</sup> was not only informing the Ummah (*Khabar*), but explaining a prohibition (*Nahy*). The Prophet <sup>26</sup> was sent to explain about religious matters, not speak about worldly realities.
- The narration explains that in terms of the moon, the Muslims are not in true need of calculating the moon.
- This *Hadith* explains that nothing else is needed to start the lunar months, and all Muslims in all times are prohibited from taking another stance other than sighting the moon.

### The Argument

Some assert that the Prophet <sup>26</sup> here was defining the ratio legis or *Illah* for why the Ummah is not allowed to calculate,

i.e. since the Ummah does not know how to write or account, they are not allowed to calculate

if this legal deterrent is lifted, Muslims should be allowed to calculate

The lack of education does not permit us to calculate the moonsighting

### The Sahabah (RA) knew how to read and write

- Ibn Taymiyyah (ra) has mentioned in his *Fatawa* that some of the companions knew how to write, specifically listing the ones that wrote Revelation (Wahy) among other things. He also mentions that some of them knew how to calculate.
- Ibn Hajar (ra) has also noted the same.
- Shaykh Idris (ra) writes, "Some Sahabah knew how to calculate, so if this was the legal rationale, then there [would be] no reason to avoid calculations."

### Minority vs. Majority

- Allah, in His Infinite wisdom, already knew that the Ummah would reach a level in which the majority would be literate.
- The Quran mentions that "He is the One who created the sun as a light, and the moon as a *reflected light*, and had stipulated it as mansions (stages) *so that you may know the years and calculations.*" [10:5]
- How many people are required to be able to read and write?
- Does it depend on the majority people in a community to be able to read or write, or the entire Ummah?
- Why is a majority needed?
- What is the difference between the majority or minority being literate if the minority will check the calculations anyways to see if they are accurate?

### The Word: Ummi

- The word Ummi (unlettered) can be used for praise or repudiation
- Here, as explained by the scholars, the word has come for praise
- We do not need to rely on calculations in order to begin and end our months
- The Ummah will always be able to perform their acts of worship, regardless if calculations or writing are known or not

## Prayer Times vs. Moonsighting

Our Prayer Times Are Established – So why not our Months?

- Allah says: "Establish the prayer times through the setting of the sun" [18:78].
- The functionality of the moon versus the sun are different.
- The sun is used for establishing prayer times, whereas the moon is used for months. The utilization of a prayer time table is because the prayer times are determined through the *time* of day.
- In contrast, the determination of the crescent calendar is determined by *sighting* the crescent.
- What people have mistakenly conflated is the idea that since one can be calculated, the other can also.
- Qiyas ma'a Faariq the Ilal are not the same

Imam al-Qarafi, the Maliki scholar and astronomer, explains:

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

### Is it Possible to Calculate the Sighting of the Moon?

- No
- The sighting can be given a visibility curve, analyzed for best conjunction areas, and even estimated timings for the possibility of sighting.
- But to *actually* sight is a function of the human eyes and the forecast of the sky, and no amount of calculations can assume that.

### U.S. Naval Observatory's Section for Muslims

"Although the date and time of each New Moon can be computed exactly, the visibility of the lunar crescent as a function of the Moon's "age"—the time counted from New Moon—depends upon many factors and cannot be predicted with certainty.

### How long does it take normally?

- During the first two days after New Moon, the young crescent Moon appears very low in the western sky after sunset, must be viewed through bright twilight, and sets shortly after sunset. The sighting of the lunar crescent within one day of New Moon is usually difficult. The crescent at this time is quite thin, has a low surface brightness, and can easily be lost in the twilight. Generally, the lunar crescent will become visible to suitablylocated, experienced observers with good sky conditions about one day after New Moon.
- However, the time that the crescent actually becomes visible varies quite a bit from one month to another. Naked-eye sightings as early as 15.5 hours after New Moon have been reliably reported while observers with telescopes have made reliable reports as early as 12.1 hours after New Moon.
  Because these observations are exceptional, crescent sightings this early in the lunar month should not be expected as the norm..."

### Cont.

- "The elongation as a function of the Moon's age depends on several factors:
- The Moon's elongation at New Moon....
- The speed of the Moon in its orbit....
- The distance of the Moon...
- The observer's location (parallax)...
- "The prediction of the first sighting of the early crescent Moon is an interesting problem because it simultaneously involves a number of highly non-linear effects. Stated in less technical language, many things are changing very rapidly. Effects to be considered are the geometry of the Sun, Moon, and natural horizon; the width and surface brightness of the crescent; the absorption of moonlight and the scattering of sunlight in the Earth's atmosphere; and the physiology of human vision. This problem has a rich literature."

# Is Moonsighting an Act of Worship?

### Is Sighting the Moon an Act of Worship?

- Following the Sunnah should be a goal of every Muslim
- By following Sunnah, mundane actions become acts of worship (Hand under cheek)
- There is a Dua' associated with sighting of the new moon: اللهُ أكبر اللَّهُمَّ أَهِلَّهُ عَلَيْنَا بِالْيُمْنِ وَالْإِيمَانِ وَالسَّلَامَةِ وَالْإِسْلَامِ وَالتَّوْفِيقِ لِمَا تُحِبُّ رَبُّنا وَتَرْضَى رَبِّي وَرَبُّكَ اللَّهُ
- Having a *Dua*' attached to this action clearly distinguishes it from normal practice.
- Those who abandon sighting may never be able to realize the exact Sunnah of the Messenger <sup>36</sup>

### The Habits of the Prophet are a Source of Hidayah

"You should never entertain [the notion] that his actions "in every movement – were done without a measure, rule, or system. Rather, all of his volitional acts, that in which the doer may select between two or more things, would not be given done first coincidentally **unless** there was a reason (Ma'na) that demanded its precedence, because careless movements without reason in whichever way seems suitable is the characteristic of animals, and fixing [one's] movements to measured reasons is the characteristic of the saints (Awliya')." (Ihya, 1/522)

### Never Backwards

- Anyone who tries to follow such a system should be respected for their love of the Sunnah and not degraded for being "backwards."
- Even if this is just a simple system of their time, if this can still be implemented in our times, then those acts of love should not be discouraged but encouraged to foster our connection with the Beloved Master <sup>36</sup>.

### How Intently Did the Sahabah Imitate?

- Ibn Umar (ra): "...regarding the tanned leather shoes, no doubt I saw Allah's Messenger (<sup>26</sup>) wearing shoes without hair on them...So I love to wear similar shoes."
- Abu Ayyub Ansari reported that when food was brought to Allah's Messenger (ﷺ), he ate out of that, and sent the remaining part to me, and one day he sent to me the leftovers; (I found that he) had not taken from it at all, for it included garlic. I asked him whether that was forbidden, whereupon he said, "No, but I do not like it because of its odor." He (Abu Ayyub Ansari) said,
  **"Then I also do not like what you do not like."**
- Jabir (RA) narrates: Allah's Messenger (<sup>36</sup>) took hold of my hand one day (and led me) to his residence. There was presented to him some pieces of bread, whereupon he said: Is there no condiment? They (the members of his household) said: No, except some vinegar. He (the Holy Prophet) said: Vinegar is a good condiment. Jabir said: "I have always loved vinegar since I heard it from Allah's Messenger."
- Allah's Messenger (<sup>#</sup>) wore a gold ring or a silver ring and placed its stone towards the palm of his hand and had the name 'Muhammad, the Messenger of Allah' engraved on it. The people also started wearing gold rings like it, but when the Prophet (<sup>#</sup>) saw them wearing such rings, he threw away his own ring and said. "I will never wear it," and then wore a silver ring, whereupon the people too started wearing silver rings.

### Conclusion

- 1. The Quran emphasizes a lunar calendar, espoused by many of the Mufassireen, some more vehemently than others.
- 2. The Ahadith are replete with narrations on sighting the moon
- 3. "Ummi Nation" is not a deterrent (Maani'), it is a *Khabar* or *Madh*
- The meaning of "Faqduru" is "complete" according to the Jumhur (majority)
- 5. Shadh opinions have no impact on consensus (*Ijma'*)
- 6. There is a difference between the timings of Salah, and the sighting of the crescent
- It is not possible to calculate the sighting of the moon, even in "modern" times
- 8. Following the Sunnah as it was shown by the Messenger is an act of worship

May Allah allow us to be from those who follow the Sunnah, spread the Sunnah, and revive it in difficult times.

