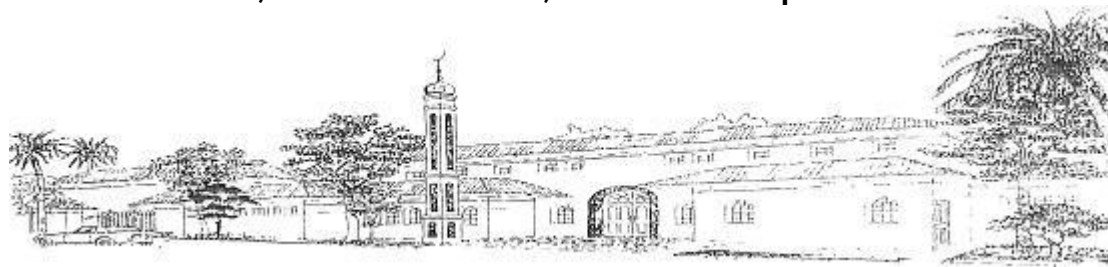


In The Name of Allah, The Most Merciful, The Most Compassionate



Islamic Center Northridge

11439 Encino Avenue, Granada Hills, CA 91344 - Telephone: 818-360-3500, Tax ID # 95-3138529

Question:

Is global moon sighting an accepted method according to Sharia for deciding the commencements of Ramadhan and the two Eids?

Answer:

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In response to this query we will first examine the legal texts according to the four main schools of thought.

Hanafi school of thought:

“And when it is established in a city (the sighting of the moon), it will be mandatory upon all people. Thus the people of the eastern hemisphere must adhere to the sighting of the western hemisphere, in accordance to the clear opinion of the school.” – (*Fathul Qadir*, Vol. 2, pg 318)

After mentioning the opinion and proof of those in support of local moonsighting, Imam ibn Humaam al Hanafi refutes them and states “choosing predominant view is much safer.” – (*Fathul Qadir*, Vol. 2, pg 319)

“There is no consideration for multiple horizons (individual, local, regional sightings). So if the people of one city have sighted it while another city has not sighted it, it becomes incumbent on them to fast due to the sighting of others who have, provided the sighting is established in accordance to a legally reliable method. It becomes incumbent for the people of the East based on the sighting of the West.”

He then adds that the first view (Single Horizon) is the predominantly strong view, accepted by the majority (of the *Mutaqaddimin*) and it is also more cautious

– (*Radd al-Muhtar*, Vol. 3, pgs 363-364), (*Durrul Mukhtar*, pgs 143-145)

Maliki school of thought:

“When the crescent is sighted, the fasting is general upon all cities near or far. The distance for shortening the prayers will not be considered in this matter, nor the unity of the horizons, nor the lack thereof, thus fasting becomes mandatory on everyone who receives the information of it.” – (*Al Fiqh ul Islami wa Adillatuhu*, Vol. 3, pg 1658), (*Al Sharh Al Kabeer of Al Dareer Al Maliki*, Vol 1, pg 510), (*Bidayatul Mujtahid*, Vol. 1, pg 278)

Hanbali school of thought:

“When the crescent sighting of Ramadhan is established in a city, fasting is binding on all people due to the *Hadith* ‘All of you fast when sighting it’. This is an address to the entire *Ummah*.” – (*Sharhul Muntaha Al Iradaat lil Imam Bahuti Al Hambali*, Vol. 3, pg 307, Mathabah Mufti Rafi Usmani)

“When crescent sighting has been established in a place, near or distant, the fasting becomes mandatory upon all people, and the ruling of that person who has not seen it becomes the ruling of that person who has seen it.” – (*Kashaful Qanaa’*, Vol. 2, pg 353), (*Al Fiqhhul Islami wa Adillatuhu*, Vol. 3, pg 1659.)

Shaf’i School of thought:

“If the crescent is sighted in a city, its ruling will apply to the nearby cities, not the distant ones.” – (*Al Majmoo’*, vol 2, pg 297), (*Al Fiqhhul Islami wa Adillatuhu*, vol 3, pg 1659)

It should be noted that even amongst the Shaf’i school of thought there are a number of scholars who actually agree that the global moon sighting position is the better opinion such as Imam Samiri, Qadhi Abu Tayib, Darami amongst many. They are cited by Mufti Muneer Ahmed Akhoun (Darul Ifta Khatm-E-Nabuwat), and Mufti Rafi Usmani (Mathabah) referencing (*Al Fiqhhul Islami wa Adillatuhu*, Vol. 3, pg 1657.), (*Raddul Muhtar* Vol. 3, pg 363), (*Sharh Muzhhab* Vol. 6, pg 273), *Al Sharah Al Kabeer* Vol. 1, pg 510, *Bidayah Al Mujtahid* Vol. 1, pg 278)

Amongst the four traditional schools of thought only the Shaf'i school of thought and then the later Hanafi scholars adopted local moonsighting as the criteria for the commencements of Ramadhan and the two Eids. So the most authentic and rudimental ruling is actually global moon sighting and not local moonsighting, as is prevalent today. Let's analyze the proofs from Quran and Sunnah.

Proponents of local sightings (plurality of horizons) commonly reference the Hadith of Kuraib:

“He says: I arrived in Syria and fulfilled her (Umm Fadl رضى الله عنها) requests. It was there while I was in Syria that the month of Ramadhan dawned upon me. I saw the new moon on Friday. I then returned to Madinah at the end of the month. Abdullah Bin Abbas رضى الله عنه asked me and enquired about the *Hilal*, ‘When did you see it?’ I replied ‘We saw it on Friday’.

He asked, ‘Did you see it yourself?’. I replied, ‘Yes, and the people also saw it and they fasted and Muawiyah رضى الله عنه saw it and he fasted’.

He then said, ‘But we saw it on Saturday night. So we will continue to observe fasting until we complete thirty.’ Then I said, ‘Is the sighting of the moon by Muawiyah رضى الله عنه and his fasting not sufficient (valid a reason) for us?’ He said, ‘No; this is how the Messenger of Allah صلى الله عليه و سلم has commanded us.’ – (*Sahih Muslim*, Tirmidhi)

- The claim is that Ibn Abbas رضى الله عنه rejected that sighting because it was from *Shaam* (Syria) and the people from one locality cannot accept the sighting from another.
- They also view the celestial horizon analogously to the solar horizon (date line).

Drawing a similarity to differences between prayer times in various time zones.

Proponents of Global Moon Sighting:

All twenty-nine Sahih ahadith referencing the commencing of Ramadhan or *Eidain* (two Eids), and those discussing Ru'yah Hilal (moonsighting) are general in their implications, meaning they are for everyone to obey and act upon once the conditions have been met, not specifically for one locality, excluding others. There are no ambiguous legal texts that can imply the sighting of the moon has to be observed by each (local) region.

Imam Shaukani comments in *Nailul Awtar*, “Ibn Abbas رضى الله عنه has referred the saying of the Prophet صلى الله عليه وسلم ‘Fast at the appearing of the Hilal and celebrate Eidul Fitr at its appearing, if it is doubtful, complete thirty.’ That was the command. It does not say that the appearing of the Hilal should be calculated on the basis of such and such distance, or that the witness should be within such and such distance^[a].”

Mufti Taqi Usmani writes in his commentary of a hadith in Abu Dawood:

“ We see in the *Sunan of Abu Dawood* an incident is mentioned, that the Noble Messenger صلى الله عليه وسلم searched for the moon in Madinah, but was unable to spot it, hence the Messenger of Allah صلى الله عليه وسلم made an announcement that the crescent was not sighted today. The next day after *Asr* (late afternoon), a caravan arrived and its people declared that we had seen the crescent last night at *Maghrib* (sunset), thus the individual testified after a period of twenty four hours, meaning, after sighting the moon [for] twenty four hours; he remained in journey for a duration of twenty four hours. This is approximately the journey of one *marhalah* (leg of a journey) and one *marhalah* is approximately the distance of sixteen to twenty miles. So the Prophet صلى الله عليه وسلم considered that sighting an authoritative evidence for the people of Madinah. If there was any consideration of multiple horizons then the Prophet صلى الله عليه وسلم would not have considered his sighting as reliable evidence for the people of Madinah. Thus it is understood that the invalidity of multiple horizons is the correct juristic stance which has been adopted by the Hanafi school, and it also is the *Dhaahir Al Riwaayah* (predominantly stronger verdict) of the school.”

Keeping in mind that local and distant had not yet been established. If there was any consideration of the plurality of the horizons, the Prophet of Allah صلى الله عليه وسلم would not have even considered their testimony.

While simplifying the unity of the horizons Mufti Taqi Usmani states^[b]:

“If the differences in the horizon are dismissed, then the celebration of Eid and Ramadhan can be done on the same day all around the world. Therefore, he states that the real fault is that people don’t really understand the meaning of ‘differences of

horizon', due to which a lot of conflicts arise. To disregard the difference of horizon is such an obvious fact that it is impossible to ignore it.

Now let us try to understand how the differences of the horizon occur? People have come to think that if the locations are far apart then the horizons will be different and if the locations are nearby then there will be a unified horizon. But this is not the truth. The reality is that whenever the moon appears on the horizon, it appears as a beam to those who sight it. All those who are inside the range of the beam are able to sight it and those that are out of the limits of the beam would not be able to see it. For example, the moon has risen and suppose that the surface area of a table is in its range of beam. Within its perimeter the moon can be sighted, if one person is standing at one corner of the table and the other person is standing on the other end of the table. Even if there is a distance of thousand miles between them, still

their horizons will be considered unified. This is because both of them are within the range of the beam, and both are seeing the moon. Although if there is another person standing outside the range but very close to the person standing inside the beam, then their horizons have become different.

Let us take a tangible example to understand this. Suppose there is a high water tank outside the Darul Uloom, if you keep moving away from it and continue seeing it, you would be able to observe it from very far. A point will come when it would not be visible any more. Now if we go in the opposite direction towards east, the tank will also be visible from a far place. The horizon of both these two extreme observation points will be the same, although the distance between them might be about 4 or 5 miles. And the last point at which it was visible and a point further from which it becomes unseeable, may have a distance of only a few yards, but their horizons would be considered different. Thus the difference of the horizon or its unification is not dependent on the distance but is based on the ability to be seen.

If it was such that the moon always created the same exact range of beam every time it rises, then it would be easy to divide the entire earth in two parts based on it. The moon would have been visible in one part of the earth and not in the other part. Then the entire

issue would have become simple, as it could be researched which countries are covered under the range of the beam and which are the ones that lay outside. All the locations within the range would be considered to have a unified horizon and the rest have a different horizon. But in reality it happens that each time when the moon rises, it makes a new beam on the earth. Meaning that those countries or areas that were included in the moon's beam last month are possibly no longer in its range in the next month, and new areas have come under it. So every month the beam continues to change. Therefore, no absolute formula can be made to establish that the horizon of Karachi and Hyderabad is unified but the horizon of Karachi and Lahore is different. As every month it's a new situation.

Thus if we give consideration to the differences of horizon, then according to the three of the Imams, it will be very much a possibility that the moon could be sighted in Korangi and not in Saddar. Then it should be said that the horizon of Korangi and Sadar are also different. And because of this, if the moon is sighted in Korangi, it should not be considered as a proof for the people of Saddar, and vice-versa. And if the difference of the horizon is taken as a fact then it will require that the witnesses of the same locality will not be acceptable for each other. This is clearly in contradiction to the practice and instructions of Rasul Allah ﷺ

” . سلم – (Al Muneer Foundation, Mufti Muneer Ahmed Akhoon. Darul Ifta Khatm-E-Nabuwat)

The Hadith of Kuraib

In response to the Hadith of Kuraib:

- If he (Ibn Abbas رضى الله عنه) had accepted the opinion of the plurality of horizons then he would not have investigated into the matter and would have simply stated that the sighting of one locality cannot be accepted for another.
- Imam ibn Qudamah al Hambali responds to the Hadith of Kuraib: “As for the Hadith of Kuraib, it only serves to indicate that they did not stop fasting with the saying of Kuraib only, and this is precisely what we declare.” – (Al Mughni, Mathabah Mufti Rafi Usmani)

• Imam Nawawi, “Some of our followers say, ‘If the hilal is seen at one place it is binding on all people of Earth. Certainly, Ibn Abbas رضى الله عنه did not accept Kuraib’s information because of lack of evidence. Evidence cannot be confirmed by one person.” – (*Sharah Muslim*) :- Lack of evidence because one witness is not enough to establish a moon sighting.

• Imam Ibn Humam responds by saying, “If it is said that news of Muawiyah’s رضى الله عنه fasting would contain enough proof because he is the Imam (Amir or Governor), they will be replied that he (Kuraib) did not come with testimony, and if he did, it would not be accepted as he is only one person and the principle of accepting the testimony of an institution or Judge will not apply. Allah سبحنه و تعالی knows best, observing the predominant view (global moon sighting, unity of the horizons) is safer.” – (*Fathul Qadir*, Vol. 3, pg 319)

• Damascus is 1051 km or 653 miles from Madinah, which is still considered local. Therefore the hadith is in favor of global sighting and its primary message is clarifying the methodology of accepting witnesses.

• Ibn Abbas رضى الله عنه could also have rejected that shahadah on the basis of the discrepancies in the dates, not necessarily disputing the sighting itself.

The methodology of accepting witnesses also indicates not only the acceptance of global moon sighting, rather it being the necessary standard. There are four acceptable scenarios:

1. الشهادة

Eyewitnesses themselves. Which means two men, or one man and two women testify before a judge that they saw the Hilal with their own eyes.

2. الشهادة على الشهادة

In the case that an eye witness cannot present him/herself in an Islamic legal setting, each witness can make two others as his witness (either two men, or one man and two women) then present the sighting to the judge.

3. الشهادة على القضاء

In this case, neither is there a witness, nor a witness of a witness, but instead a person testifies that the judge of another locality declared the hilal sighted. This decision of another judge, from another district is then accepted and executed.

4. الاستفاضة

This is when there is such a big number of people declaring the sighting of the Hilal, or accepting the decision from another district or locality, that their testimony cannot be falsified.

In any other circumstance the decision or ruling of one judge or locality should be upheld (not necessarily enforced) in another. The same with witnesses, otherwise the stability of the system falls into jeopardy.

Many legal Islamic laws which are time-sensitive require there to be unity in the commencing and completion of the Islamic calendar. If we accept the plurality of the horizons (local moonsighting) then there will be much confusion as to which calendar of what locality should be followed. Especially in cases involving traveling, such as the Hajj season.

In conclusion, global moon sighting is not only an acceptable, but preferred method of timekeeping in a society that is diverse not only culturally, but even according to schools of thought and understandings of Islam. Today we understand why Islam was sent as a universal way of life, as we now live in a global village.

Sharia allows for the changing of legal rulings and fatwas according to cultural milieus as long as they are within the boundaries of *Usul al Fiqh* (legal principles of methodology) and *Sharia* itself. Similar to the acceptance of local sightings over the original global sighting opinion of the three schools of thought^[d]. Not only is global moon sighting within these boundaries, but more in accordance with the original intent of the Lawgiver, hence the overwhelming support of our pious predecessors for the unity of the horizons.

The Grand Mufti of India wrote in *Kifayatul Mufti*, “For Shar’i purposes the Hanafia have not taken into consideration the difference of horizon. It is not that they don’t

believe in the existence of the difference of horizon, its just that they are not convinced that it holds any importance in the matter of *Shari'a*.”

The purpose is not to dispute scientific findings, nor established legal rulings such as local hilal sightings, but to show the permissibility of global sightings. The decision is not based off ignorance of scientific data, it's just that Quran and Sunnah are the starting point for this discussion and all other information will be taken into consideration according to its relevance to *Shari'a*.

الله اعلم

Allah knows best.

Mufti Ibrahim Qureshi

Imam/Religious Director Islamic Center Northridge