

The Issue of a Single Moon Sighting for the Entire Ummah

The sighting of the moon is a matter of difference of opinion. The Ulema of Hanifi, Maliki and Hanbali opine that a single sighting in any land, or any region of a shared sunset (mutaala'a مَطْلَع), suffices for all regions. Some of the Shafii Ulema disagree with this opinion about the differing of shared sunset regions (plural مَطَالِع), but not all of the Shafii Ulema disagree. May Allah (swt) accept from all the Ulema in their exerted opinions.

It is to be noted that none of the classical Ulema considered ethnic, tribal or racial borders as regions in this matter. The Islamic Ummah is one Ummah, undivided by race or language. It does not pay regard to the colonialist borders that divided and weakened us before our enemies.

1. Regarding the beginning of Ramadan and the day of Eid, the first of Shawwal, the blessed Messenger of Allah (saw) stated, «صُومُوا لِرُؤْيَيْهِ، وَأَفْطَرُوا لِرُؤْيَيْهِ، فَإِنْ غَمِيَ عَلَيْكُمْ فَأَكْمَلُوا عِدَّةَ شَعْبَانَ ثَلَاثِينَ» **«Fast when you see it and break the fast when you see it, and if it is cloudy then complete the number of days of Sha'baan as thirty.»** [Bukhari and Muslim]

Understanding the reality is the basis for knowing the legal ruling on any issue. The reality of the beginning of any Hijri month occurs after the birth of the Hilal crescent. It is the legal cause that leads to worship, such as fasting, Hajj, Zakat ul-Fitr, Eid and other matters. The reality is that the Hilal crescent has a single birth, as a single event, for the entire world, which we then strive to see as a viewing (ru'yah).

In the language, the blessed Hadith indicates all the Muslims, regardless of where they live. The order (صوموا) is general and includes all of the Muslims in all the regions of the earth. (لرؤيته) is also in a general form and so it is any sighting and not the sighting by a particular people in a particular land.

يعني أنه، (شرح رياض الصالحين) It means that is obliged on all the Muslims that they all fast, if they see the Hilal crescent moon of Ramadan. If they do not see it, then there is no fasting."

2. It is stated in Fiqh of the Four Schools of Thought (الفقه على المذاهب الأربعة) that, إذا ثبتت رؤية الهلال بقطر من الأقطار وجب الصوم على سائر الأقطار، لا فرق بين القريب من جهة الثبوت والبعيد إذا بلغهم من طريق موجب الالزام. "If the sighting of the Hilal crescent in one of the regions (qatar) is established, then fasting is obligatory in all the other regions (aqtaar). There is no difference between the near one in terms of confirmation, and the far away one if it reaches them by a path that mandates fasting. There is absolutely no consideration for the differing sunset regions of the Hilal crescent moon according to three of the imams."

ذهب الحنفية والمالكية والحنابلة، وهو قول عند (الموسوعة الفقهية) al-Fiqhiyyah al-Mawsoo'ah It says in that, الشافعية، إلى عدم اعتبار اختلاف المطالع في إثبات شهر رمضان ، فإذا ثبت رؤية هلال رمضان في بلد، لزم الصوم جميع المسلمين في جميع البلاد ، وذلك لقوله صلى الله عليه وسلم، صوموا لرؤيته وهو خطاب للأمة كافة . والأصح عند الشافعية اعتبار اختلاف المطالع "The Hanafis, Maalikis and Hanbalis are of the view and it is one view among the Shaafa'is that it does not matter if the moon is sighted in one shared sunset region and not another with regard to confirming that the month of Ramadan has begun. If the sighting of the new moon of Ramadan is proven in one land, then all the Muslims in all lands must fast. That is because the Prophet (blessings and peace of Allah be upon him) said: "Fast when you see it," and this is addressed to the entire ummah. The more correct view according to the Shafi'is is that the differing of the shared sunset regions are considered."

3. As for the Shafii it is stated in Fiqh of the Four Schools of Thought (الفقه على المذاهب الأربعة) that, أما الشافعية فقالوا، إذا ثبتت رؤية الهلال في جهة وجب على أهل الجهة القريبة منها من كل ناحية أن يصوموا بناء على هذا الثبوت، والقرب يحصل باتحاد المطلع، بأن يكون بينهما أقل من أربعة وعشرين فرسحاً تحديداً ، أما أهل الجهة البعيدة فلا يجب عليهم الصوم بهذه الرؤية لاختلاف المطلع “As for the Shafii’s, they said, if it is confirmed that the sighting

of the crescent moon is in a region, then the people of the region that are close to it from every direction must fast based on this confirmation. Proximity is achieved by the unity of the single sunset region, with there being less than twenty-four farsakhs specifically between them. As for the people of the distant area, it is not obligatory for them to fast with this sighting due to the differing in the shared sunset regions.” 24 Farsakh is 120 km.

4. There are those amongst Shafiis who agree with the three Hanifis, Malikis and Hanbilis. Imam An-Nawawi النوي said in the Commentary of Muslim (المنهاج في شرح صحيح مسلم بن) وقال بعض أصحابنا نعم الرؤية في موضع جميع أهل الأرض (الحجاج) that “Some of our peers said that the correct sighting applies upon all the people of the earth.”

Imam Shaukani (الشوكاني) said in Nayl ul-Awthar (نيل الأوطار), examines the saying of Kuraib and states, “هو قول ابن عباس رضي الله عنهما، هكذا أمرنا رسول الله صلى الله عليه وسلم فهو لا يريد بقوله، هكذا أمرنا رسول الله صلى الله عليه وسلم أن عنده عن الرسول صلى الله عليه وسلم حديثاً خاصاً بهذه المسألة يدل، على عدم الصيام، بل مراده بذلك الأحاديث الأربعة بالصيام لرؤية الهلال، كما في الحديث الذي أخرجه الشيخان لا تصوموا حتى تروا الهلال، ولا تفطروا حتى تروه، فإن غمَّ عليكم فاقدروا له وقد سبق أن أشرت إلى أن هذا الحديث لا يختص بأهل ناحية على جهة الانفراد، بل هو خطاب لكل من يصلح له من المسلمين، فهذا اجتihad صحابي، إذا كان هذا اجتihadاً The argument in the saying of Kurayb is the saying of Ibn Abbas, may Allah (swt) be pleased with them both, ‘This is how the Messenger of Allah (saw) commanded us.’ By his saying that ‘This is how the Messenger of Allah (saw) commanded us,’ he does not mean that he has a hadith of Messenger (saw) specific to this issue which commands not fasting. Instead, what he referred to, by that are the ahadiths commanding fasting, when the Hilal crescent is sighted, as in the hadith narrated by the two sheikhs Bukhari and Muslims, “Do not fast until you see the crescent, and do not break your fast until you see it. If it is cloudy for you, then count (30 days) for it.” I (Imam Shaukani) have previously indicated that this hadith is not specific to the people of a particular region. Instead, it is a speech to every Muslim who is suitable for it. So this statement, ‘This is how the Messenger of Allah (saw) commanded us’ is an ijtiihad of a Companion, if it is an ijtiihad.”

5. It is sad that the matter of sighting of the moon has become controversial. It is a symptom of weak understanding of our Deen, which in turn is through the absence of the Khilafah, which established a strong Islamic education system, for centuries.

The matter has been made controversial by the current rulers, who seek to divide the Islamic Ummah. They want to prevent the unity of the Islamic Ummah, which is the greatest fear of their masters in the West. So they raise matters which do not even have a semblance of an evidence to undermine a unified sighting of the Ummah. They strive for justifications to build nationalism and division amongst Muslims. Regretfully, they are supported in this by some of the Ulema who sold their Deen for a cheap price. This is in addition to those Ulema who are effected by the corrupt reality of nation states, which is caused by the intellectual decline, that also manifested in the weakness in jurisprudential knowledge.

The solution is not to dispense with Ulema as a pillar of the Islamic society. Instead, it is to strengthen them, by encouraging the most able of our sons and daughters to strive in seeking knowledge of our Deen. What is critical in our age is tajdeed of our Deen, which is renewal. Tajdeed is not islaah (reformation). The form of Islam is in the perfect form, and does not need reformation. What is needed is renewal of our understanding it. That depends on improving our Arabic, which is the language of our Deen. It depends on us scrutinizing the Noble Quran and the Prophetic Sunnah. It means according the due respect to the classical Ulema who spent decades in understanding the meanings that were understood by the Companions (ra), the best of all generations. And it mandates the restoration of the Islamic Khilafah state which generated the environment within which the best of the Ulema arose, giants upon whose shoulders we stand.

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Musab Umair – Wilayah Pakistan**