

Islamic Shariah Council of California refutes ISNA's fatwa on moon calculation.

The Islamic Shariah Council California USA would like to convey this message to the Muslim Ummah that the decision by ISNA regarding the pre-fixing of days and dates for the start of Ramadhan this year and subsequent five years and setting a new criterion for the start of Islamic month as "if the conjunction of moon occurs before 12.00 GMT", is contrary to Islamic sources, practice of Ummah and view of the majority of the Islamic Scholars and Ulema throughout Islamic history.

The Islamic Shariah Council California USA, refutes the decision of the Islamic Society of North America with respect to the pre-fixing of days and dates for the start of Ramadhan for the Hijri year 1427 and subsequent five calendar years. The setup of a new criterion for the start of Islamic month that the moon is born before 12:00 Noon GMT is contrary to Islamic sources, practice of Ummah and views of the majority of the Islamic Scholars and Ulema throughout Islamic history

The reasons are as follows:

1. Hadeeth: "fast when you see it (the crescent) and break when you see it, and if it is covered (under cloud) then complete the count of Sha'baan as thirty". This hadeeth is clear in imposition of seeing (Rui'yah) the moon and not calculating it. Also the word "ghumma" indicates that even if the moon is there but covered by the cloud then go to next day and not force the issue of ascertaining it through other means like calculation. This hadeeth ,and similar ahadeeth with little variation, is reported in Bukhari (1810), Muslim, Aboo Dawood, Nasaee , Ibnu Maajah, and Musnad of Imam Ahmad.
2. Quranic verse 2/185 (Shahida) refers to witnessing and not calculating and or guessing.
3. The word Ruiyah and witnessing are clear in their literal meaning (seeing with naked eyes) thus cannot be taken in their metaphorical meanings (calculation).
4. The reputable scholars of Muslim ummah (four schools of thought including Shaikh IbnuTaymiah) have Ijmaa' (consensus) on Ruiyah (sighting). Refer to the notes of Allamah Ibnu Hajar (Fathulbari 120/4) and Badruddin Al-Aini on the above hadeeth. Also refer to Kitabulfiqh alal mazaahib alarba'h.
5. Very few names of scholars, Fuqaha and Muhaditheen have been mentioned that allowed the calculation but their views are rejected by the overwhelming majority of 99.9% of Ulema.
6. The minority view is not for determination of the start of the month but for determination the end of the month.
7. The minority view if followed will lead to the destruction of deen as some scholars have different views about Ribaa, Khamr, Wiping the feet and Temporary marriage etc.
8. The purpose of ascertaining the moon has to be achieved as stipulated by Shariah. Like the aim of bearing a child has to be achieved through the correct method of Marriage, the piety or Taqwa is achieved through correct method of fast, and zikrullah through the correct method of salah etc.
9. In the 1426 years of Islamic history, including first three eras of khairul quroon (the best eras) of Islam it is never reported that the ummah has ever resorted to this method in spite of need and means. To introduce this system now will be a reprehensible innovation (Bid'ah Sayyiah) rejected by the Islamic principles.
10. To say that the Ummah was uneducated or ignorant over such a long period of time (1426 years) is an insult to our ummah and to our great knowledgeable ancestors who were minaret of light for the world.
11. The Quranic verses setting great principles on numerous subjects, inheritance, shahadah, wasiyyah, deals, salah, saum ,hajj, qisaas etc etc and the implementation of those principles in the light of great knowledge of Hadeeth and Fiqh in Islamic countries over the great and golden history of Islam give us the picture of knowledge and light not ignorance.
12. To advocate the idea that these steps are necessary to achieve the unity is utterly misleading. We feel this stance is going to further divide the ummah and create unprecedented chaos at the time of Ramadhan and two Eids. Our unity has to be achieved within the boundary of Shariah not outside of it.
13. We emphatically urge the Ummah to continue their effort to sight the moon on 09/23/2006 the 29th of Sha'baan in accordance with the shariah of the prophet and the local moon sighting committee.

Conclusion:

In the light of the above facts the Islamic Shariah Council of California declares that the decision taken by ISNA and Fiqh Council of America is wrong and a deviation from the sunnah .We urge the Ummah not to

accept this innovation in deen and to adhere to the settled method of the proper sighting of the moon based on naked eye sighting on all occasions, as endorsed by the overwhelming majority of the scholars of Islam. The Islamic Shariah Council will continue to organize the effort of moon-sighting this year as it has done in the past. Signed and endorsed by the more than 40 plus prominent scholars and imams including:

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