

## بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

### **Which convention should Muslims use to determine the beginning and ending of Islamic months?**

Fasting is an individual obligation (Fard ‘Ayn). This means that every Muslim who is eligible to fast in Ramadan should do so. He does not necessarily need the community, or the state in order to fulfill this obligation. The Prophet SAW said: “It is very probable that a time will come when the best Deen (Islam) of a person will be on top of a mountain...” This hadith confirms the inherent understanding of the term “Deen”. That it can theoretically exist without the structure of a state. This does not at all mean that we do away with socio-political structure – not just yet anyway. The point is in Islam, ‘Ibadaat (ritual forms of worship) are Fard ‘Ayn – with or without any social convention. In cases where Islamic law – the Shariah – has mandated or recommended conventions, Muslims are also mandated or encouraged to establish those conventions. An example of this is the obligation of the five daily prayers.

Five daily prayers are an obligation upon each and every eligible Muslim. They must offer five daily prayers whether a community convention in the form of a masjid exists or not. But since Shariah has mandated that Muslims offer their daily prayers in congregation, they are also mandated to build mosques to facilitate that mandate. So, we can say, establishing a masjid is to facilitate five daily prayers. Offering prayers in congregation in the masjid is a desired form of ‘Ibadah. We cannot, however, claim that five daily prayers are established so that we can build mosques. The method to convene is to facilitate the ‘Ibadah’, the ‘Ibadah’ is not there to facilitate the convention. That would be analogous to putting the cart before the horse.

This brings us to the issue of fasting. Fasting, no doubt is also a Fard ‘Ayn. Every Muslim who is eligible to fast will have to do so – regardless of how many Muslims are present in that area. When the eligible Muslim determines that Ramadan has started, he will begin. When he determines that the month has ended, he will stop. The question is how does he determine when the month starts and when it stops. Who decides for him? Obviously, if a Muslim is living far away from other Muslims, he will need a convention that is easy and immediately accessible to him. That is the sighting of the crescent on the 29<sup>th</sup> of Sha’ban. The question here is that if he lives in a Muslim community, how binding is it for him to join the community and fast in synchronization with other members of the community? Or, to rephrase the question, has Shariah mandated upon Muslims that they must abide by a common convention by which they determine the beginning and ending of the month? If Shariah has mandated this, how binding is it and to what extent should it be enforced (imposed socially) in any given region and nation? Is there a recommendation that such a mandate also assumes an international presence?

As far as textual evidence, it is abundantly clear that the only convention Shariah recognizes is that of moon sighting on the 29<sup>th</sup> of each month. Even though scholars have stated that the judge (Qadi) does have legal jurisdiction when it comes to deciding whether or not to accept and or to deny claims of moon sighting. But they have never mentioned anything about changing that convention. We can explain this with the following example:

A person believes he has sighted the moon on the 29<sup>th</sup> of Sha'ban. He proceeds to the judge of the community and testifies that he did indeed see the crescent. After deliberation, the judge does not accept his testimony (based upon valid legal reasons) and declares that Sha'ban will be thirty days. Is the person who claims that he sighted the moon obligated to fast the next morning or not?

Some scholars are of the opinion that he should fast since his own fast is contingent upon his individual knowledge of the crescent's presence. Hence, for these scholars, the fact that the individual acquired certainty - in the matter of sighting the crescent - is good enough for him to proceed. However, this opinion becomes problematic at the end of Ramadan if thirty days are confirmed for the community. In that case, this sole individual Muslim will not be able to fast thirty one days as that is un-Islamic by all accounts. So it seems that the more practical opinion is that of other scholars who view that this sole individual must not fast as that would lead to a lack of social order and even to anarchy. Besides, the so-called certainty is non-existence as no one else has vouched for his sighting. Furthermore, the Prophet SAW has forbidden us from fasting (for Ramadan) on the "day of doubt" (the 29<sup>th</sup> Sha'ban) unless that day coincides with a person's usual routine of voluntary fasting.

From this it is clear that the rulings of the local community is binding upon all individuals of the community. But both the individual who claimed he sighted the moon and the rest of the community are united in the convention they wish to abide by.

This ruling was restricted to following local authorities and was never extended to following the national or state authorities. Neither the Prophet SAW nor his Companions saw the need to unite Muslims by asking them to start and stop fasting on the same day. This is evident from two incidents. The first is when a small group of Muslims living on the hilly outskirts of Madinah came to the Prophet SAW who had already offered his Eid prayers that day. The contingent stated that they were not informed of the moon-sighting and could not join them for Eid. The Prophet SAW told them to offer their Eid on the following day.

The second incident occurred during the reign of Mu'awiyah. A woman traveling from Damascus met Abdullah ibn Abbas in Arabia and informed him that they had started to fast on Friday in Damascus. Ibn Abbas said that they started on Saturday. When people around him asked whether they should adjust their number of fasts according to what Mu'awiyah, the - Muslim ruler in Damascus - endorsed, Ibn Abbas replied in the negative and said: "this is what the Prophet SAW instructed us to do." (Not to make a fuss over observing the beginning and ending of Ramadan on the same day throughout the Muslim lands.) It is evident – from this incident - that Islam did not recognize the partial jurisdiction of one region over another. Damascus could not dictate to Makkah or Madinah when to begin their fast. This did not at all disturb or contravene the overall jurisdiction of the Imam (state leader). Everyone was still secure about the state of the union.

It is also clear that the Prophet of Islam did not at all care for cosmetic unity if it burdened the ummah unnecessarily. Fasting, like all other ritualistic obligations are binding upon each eligible individual of the community (Fard 'Ayn). The role of the state is to facilitate the means whereby individuals can fulfill their obligations. In matters where a social structure is recommended by the Shariah, the burden to facilitate extends to all members of the community - regardless of the existence of a Muslim state. This is evident in the case of offering five daily prayers in congregation. Congregating for prayers is mandated by the Shariah, hence building mosques, etc becomes an Islamic ideal for the whole community. However, holding prayers at the same time in each mosque is not at all sanctioned by Shariah. Hence, no Muslim has ever called for mosques to hold all their prayers at the same time for the sake of uniformity.

Similarly, Muslims are not obligated to build mosques because they wish to become more united or organized. No such idea even remotely crossed the minds of Muslims.

Likewise, when a companion sighted the moon for Ramadan, the Prophet SAW facilitated the obligation of fasting in Ramadan by asking the person to take an oath. He then proceeded to announce the beginning of Ramadan throughout Madinah. It was this convention that he chose and he allowed. Thus, he said: "Fast upon sighting the crescent and stop upon sighting it. If it is unclear to you (due to cloudiness etc), then complete thirty days." The Prophet considered just one solitary qualification of the person who claimed he sighted the moon which was that he had to be ostensibly a Muslim in good standing. He did not levy additional burdens upon anyone in the Ummah. Thus, the role of the state and community is merely to facilitate the convention of sighting the moon and to abide by it.

It is in this light that we understand the statement of the Prophet SAW when he said:

“We are an unlettered community; we do not record (or write), nor do we know calculations. The month is like this, like this and like this (gesturing with his hands so as to indicate 29 days in the month).” The point of the statement was not whether we, as a Muslim community, engage in education and the pursuit of intellectual superiority. The point is that we cannot impose a pre-requisite upon any member of this community that requires someone to do more than an ordinary person is able to. Not everyone in the world has access to these astronomical calculations, nor should they be required to either – if Islamic practices are to be universally applied. The means by which an act of individual ‘Ibadah (Fard ‘Ayn) is performed have to be universally accessible if all Muslims are equally obligated to perform them. If contingencies arise and someone does not have access to those means, Shariah makes concessions. If someone does not have access to water or cannot use it, he is allowed – after searching for it – to make Tayyummum – the replacement for ablution with water (Wudu). But if Shariah was to impose on Muslims that those who are able to make Wudu with sterilized water, they should do so, that would amount to legal discrimination. Simply because purified bottled water is readily available to modern Muslims does not warrant a reform in Shariah legislation and ruling.

The Prophet SAW did not wish to impose unrealistic burdens upon any member of the community so he simply stated that in matters of sighting the moon, we cannot impose the level of scholarship that is required to record and calculate the exact timings of the crescent. The statement had nothing to do with denying the need to excel in literacy or in mathematics. It was an act of prophetic religious legislation. The statement actually declares that a convention based on mathematical calculations is not in the best interest of this Ummah.

The Companions of the Prophet SAW – following their prophet – brought about an academic revolution and explosion that is unparalleled in history. We do not appreciate condescending remarks about the academic abilities of our predecessors. In fact, we should learn from our predecessors that Shariah is not exclusive to elite members of the community. It is for all to enjoy and benefit from. The Companions of the Prophet did not become elitist when they learned and spread knowledge of Islam throughout Muslim lands. In fact, the underprivileged benefited more than those who were “well to do”. One only has to read about the social status of some of the outstanding students of the Companions to verify this point.

So it is clear that from religious text (nass), that only the convention of sighting the moon on the 19<sup>th</sup> what Shariah has chosen for the Muslim community throughout the world. This convention is universally applicable and accessible at all times to all Muslims throughout the world. Therefore, we can safely say that Islam does wish to unite the Muslims as far the convention and it has always done so. The employment of this universal convention will invariably entail that some countries will start and end their Ramadan a day later than others. Shariah never regarded this as something that leads to disunity in the Ummah. The more important factor was to be united in the convention - upon which the Muslim Ummah was united until the last century.

But we must also appreciate that astronomical calculations are not to be simply discarded, just as they cannot be simply imposed either. They may be used – as an ancillary - to facilitate moon sighting but not as an obligation on any community. By doing this, we will leave what is universal accessible to all. We will also accommodate what certain privileged groups may be privy to.

Thus, the use of scientific data in order to determine the beginning and ending of Ramadan can only be used as a secondary convention. It cannot be made a primary convention since a primary convention must be universally accessible for all Muslims who wish to begin and end their fast.

There is one more point worth noting here. This could clear up questions about establishing an international Muslim calendar. The Quran certainly does mention the fixed orbiting of the Sun and the Moon. But whereas the Quran acknowledges that the order of the Sun has mathematical implications, it does not do so for the Moon.

“The moon, We have measured for it mansions [to traverse] till it returns like the old [and withered] lower part of a date stalk. It is not permitted to the Sun to catch up to the Moon, nor can the night outstrip the day. Each [just] swims along in [its own] orbit [according to law]” [Surah Ya Sin 36: 39-40].

Similarly, Allah has said, “We have made the night and the day two [of Our] signs. The sign of the night we have obscured, while the sign of the day we have made to enlighten [you], that you may seek bounty from your Lord, and that you may know **the number and count of the years.**” [Surah al-Israa 17:12]?

It is clear that there are two very distinct orders. The Sun has its order and the Moon has its own system. Naturally, they will overlap somewhere, but the Quran here has kept them apart. Muslims throughout history have maintained a dual calendar. The Quran Itself acknowledges the practice in Surah Al-Kahf (18:25):

“They (the People of the Cave) stayed in the cave for three hundred years. And they (those who go by the lunar calendar) have added on nine (more years to their count).” Both conventions are accounted for when it comes to counting the number of years.

As far as counting the months, the Quran revealed:

“They ask you concerning the New Moons. Say: They are but means to mark periods of time in (the affairs of) men, and for Pilgrimage...” Surah al-Baqarah (2): 189

It should be noted that this verse comes immediately after the discussion of fasting in Ramadan was completed. This is a further indication that the new moon was not an issue of contention when it came to choosing a convention for determining the beginning of lunar months. The determination of the beginning of the lunar months did not include the discussion of holding a united Eid gathering any where in Muslim Scripture.

For Muslims in non-Muslim countries, there still remains the issue of arranging and organizing Eid prayers in such a way that reduces chaos and confusion. This is an organizational issue that is not related to the actual fiqh of moon sighting – except on a secondary level. Inconveniences will always arise in non-Muslim countries with regards to ‘Ibadah as such is the nature of life in these countries. If there are means – other than those that try to introduce innovations in Deen (bid’ah) - whereby Eid prayers can be made more beneficial and structured, then they should be investigated and implemented.

No doubt a regional - or even a national - calendar should be in order. It is on this regional platform that Muslims in non-Muslims countries should strive to bring about consensus. But that will not happen unless, we agree on one single convention. Unity in principles of methodology is what has always kept ‘Ibadaat free of alien influences. For this unity to materialize, those who are entrusted to schooling other members the community must appreciate coherent and principled theories. Unity of hearts has kept Muslims together despite their cultural and geographic differences. For this unity to materialize, those who entrust themselves to reform the community must be willing to throw in their towels. But this requires tremendous moral courage which leadership inevitably beckons.

Allah knows best

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