

MUSLIM UNITY IS NEED OF THE HOUR! The issue of starting Ramadan and celebrating Eids on one day.

Alhamdulillah, Muslims have accomplished a lot in last three decades. They were able to establish religious, educational, social, relief and political institutions in North America. However, at the same time, they face many challenges. In fact, Muslims are at a crossroads. Muslims as a community can be successful by implementing Islamic teachings in their daily lives and getting united for a cause to make this world a better place.

Generally, people measure Muslim unity through observing our religious celebrations, the two Eids. Unfortunately, Muslims have been divided over the issue of local and global Hilal (crescent) sighting. Now, two months ago ISNA/Fiqh Council of North America has decided to go with calculations (*"The new Islamic Lunar month begins at sunset of the day when the conjunction occurs before 12:00 Noon GMT"*) – a position that disregards Hilal sighting completely. This way, we are afraid, that we will be divided further.

The majority of Muslims agree if all of us follow the Hilal sighting in North America according to the instructions of the Qur'an and the practice of our beloved Prophet Muhammad (Sallallahu Alayhi wa Sallam) as the Ummah has been doing for last 14 centuries, we can have unified beginning of Ramadan and Eidul Fitr and Eidul Adha on the same day.

The following refutation to ISNA/Fiqh Council's decision to disregard the Qur'an and the Sunnah and to follow astronomical calculations for beginning an Islamic month is in the same spirit of Muslim unity in North America. The Hilal Sighting Committee of North America, however, finds that the decision is flawed. This refutation is written by Br. Zaheer Uddin and approved by the respected Ulema of the Shura of the Hilal Sighting Committee of N. A. and others.

The Hilal Sighting Committee of North America (HSC) is a platform of Ulema (scholars) from all schools of thought and ethnicities in North America, plus experts on Islamic astronomy. The HSC considers that the sighting of the Hilal (crescent moon) as an important and integral responsibility upon Muslims, *Fardal-Kifaya*, in establishing fasting in the blessed month of Ramadan. We also affirm that to begin Ramadan and other Islamic months, sighting of the Hilal is a must and Muslims cannot depend nor can it be permitted to predetermine Ramadan or any Islamic month on the basis of astronomical calculations or on the basis when "Conjunction occurs before 12 GMT."

The Qur'anic Evidence

The critical term in the Qur'an, verse 2:185, is *"faman shahida minikum as-shahara"*, which means to the effect "those from you who have witnessed the month". The root meaning of the critical term *"shahida"* refers to a **witnessing which takes part in a physical form, as a form of proof**. Scholars of Arabic grammar agree on this meaning by unanimous consensus. *"Shahada"* cannot happen in a simulated environment. It has to occur in a physical form as a form of proof. Of course, the result of *"shahida"*, i.e., the witnessing can be recorded.

Allah revealed in the Qur'an: *The sun and the moon run on their fixed courses, calculated with measured out stages for each.* (Qur'an 55:5) The key term in this verse is *"bihusbaan"*, whose root extraction is from *"hasaba"*. This word is of particular significance, since it means "to calculate". This alone is clear evidence that Allah revealed to His Messenger (s), the concept of astronomical calculations, yet Allah limited the method of establishing the commencement of fasting through observation of the Hilal as proof.

Evidence from the Prophetic Tradition

While the Qur'anic evidence should suffice, it is always helpful to see how the Messenger of Allah (s), actually manifested those injunctions in reality. *Ibn Umar (r): "I heard Allah's Messenger (s) saying: "When you see the Hilal (of Ramadan), start fasting, and when you see the Hilal (of the month of Shawwal), stop fasting; and if the sky is overcast (and you cannot see it) then regard the month of Ramadan as of 30 day".* (Sahih Bukhari)

The critical word in this hadeeth is *"ra'aitum"* or its derivatives, which specifically mean "to look" or "to observe". In addition, *"ra'aitum"* has no synonymous meaning with calculation. It has clear relevance to the concept of observation. Further, and most importantly, the hadeeth does not allude to the 'birth' of the Hilal, normally referred to as "New Moon" or "conjunction".

What the Prominent past Fuqaha (Islamic Jurists) have said?

The Fiqh Council of North America, in its statement, claims that the view of acceptance of astronomical calculation is that of "some Fuqaha". Since when the opinion of a small minority of jurists is being promoted as the Ijma' (consensus)? If you follow this rule then Riba (interest) should be Halal too because some of the scholars have allowed it. Let's see what the past Fuqaha have said on this issue:

** Following is the opinion of Imams, Abu Hanifa, Shafai', Maalik, and Ahmad bin Hambal:

The statement of the astronomers is of no consideration. Therefore, fasting is not incumbent on people by the calculation of the astronomers, nor on a person who has confidence on their statement, because Rasul Allah (s) has based fasting (of Ramadan) on such solid grounds which will never change, and that is the sighting of Hilal or completion of the number, i.e. thirty days (when sighting has not been confirmed). (Kitaab al-Fiqh al-Madhabil Ar'bah)

Imam Ibn Taimiyah states: *There is no doubt in the fact that the Sunnah and the consensus of the Sahabah confirm that it is not permissible to place reliance on the calculations of astronomy as has been confirmed in the Sahih Bukhari and Muslim* **The**

one who relies on (astronomical) calculations is like one who has deviated in the Shari'ah. He is an innovator in the Deen. He is mentally deranged. (Majmu' Fatawa Ibn Taimiyah)

Contemporary Fuqaha on this issue

Numerous Fatawa are available from highly respected Arab and non-Arab Muftis and Fuqaha of our time and recent past. In fact, volumes have been written on this and related topic of Hilal sighting. Following are just few samples due to space constraint:

The former grand Mufti of Saudi Arabia Shaikh Abdul Aziz bin Baaz in one of many Fatawa on this issue says:
The Ulema of Ummah from the beginning of Islamic era have established a consensus that only Ru'yah (Hilal sighting) is acceptable for the starting of an Islamic month and not astronomical calculation. It is not known any of them reverse his opinion about it. (Albasal Islami, 1399 AH)

Mufti Taqi Usmani of Pakistan not only gave Fatwa against following astronomical calculations moreover he described the following:

..... Finally, I would like to inform you that the question of sighting the moon for each lunar month including Ramadan and Zul-Hijjah was thoroughly discussed at the annual sessions of the Islamic Fiqh Academy (held in Jordan, October 11-16, 1986) attended by more than a hundred outstanding scholars of Shari'ah. The Academy adopted the resolution and recommended that all Muslim countries should determine all the lunar months including Ramadan and Zul-Hijjah on the same basis for both Eid al-Fitr as well as Eid al-Adha. This resolution represents the consensus of Muslim jurists throughout the world. (Contemporary Fatawa)

Following are just few great books as point of reference where we find many Fatawa on this issue and all are agreed there is no base in the Shari'ah to follow the astronomical calculations instead of the Hilal sighting for an Islamic month:

Fatawa Razvia, Vol.4: Mawlana Ahmad Raza Khan of Barailly; Imdad al-Fatawa: Mawlana Ashraf Ali al-Tahanawi; Fatawa Islamia: Shaikh Muhammad Uthaimen; Jawahir al-Fiqh: Mufti Muhammad Shafi' Usmani; Al-Sharq al Awsat #3789 April 13, 1989; Shaikh Ali Tantawi; Taudheul Masaael: Grand Ayatullah Ali Seestani; Ulema Imamiya: Jami Abbasi Panj Babi; Fatawa Islamia: Shaikh Abdullah Al-Jibreen; Tanqhihaat, Vol. 4: Mawlana Syed Abul A'la Maududi

Calculations! What Calculations?

The criterion for the astronomical calculations decided upon by the Fiqh Council of North America and the lunar calendar produced according to this criterion is outrageous. For the 12 month period from this Rajab 1427 to Jumada al-Thani 1428, the Hilal CANNOT be seen for at least five months (Rajab, Ramadan, Shawwal, Dhul Qa'adah, and Rabi al-Thani) in North America on the date that the Fiqh Council claims to be the "first" of the month. In other words, the followers of the Fiqh Council will be obliged to begin the Islamic month one day earlier, including Ramadan 1427. What then is the *Daleel* or in what Fiqh it is recommended that it is permitted to have such a false start for Ramadan and other Islamic months?

There is one more angle to the Fiqh Council's decision. Taking no consideration that Hilal sighting particularly in North America where all of the Fiqh Council members live, there is much similarity with Jewish calendar. Centuries ago Jews have discarded sighting and adopted their calendar on the "Conjunction or New Moon" basis.

There is yet another superficial argument: How come we pray five times a day without watching the sun rather we go with our calculations and watches, then why not the same for Ramadan and Islamic months? The answer is simple: As it is mentioned in the Qur'an and the Sunnah and discussed above, Ramadan and Islamic months begin with Hilal sighting. Unlike prayer timings, Islamic months have nothing to do with sun.

Conclusion

The decision by ISNA and Fiqh Council of North America is in total disagreement with the teachings of the Qur'an and the Sunnah of our beloved Prophet (s) and also with the Shari'ah position recognized throughout the centuries. This is an unprecedented view, which has never been adopted by any of the renowned Muslim jurists during the past 1426 years. We would like to emphasize that such unprecedented proposals can never advance the cause of Muslim unity. Rather, they may create a new point of disunity and dissension among Muslims.

May Allah keep us on His Path and accept our efforts for His Deen. Ameen.

Agreed and endorsed by:

North American Ulema Council, CA
Jami'atul 'Ulama Canada, Toronto, Canada
Shari'ah Board of New York, NY
Islamic Shari'ah Council of California, CA
Ulama Council of America, NY

Jamat Ahle Sunnat of America, Chicago, IL
Darul 'Uloom/Baitul Hamd, New York, NY
Islamic Shari'ah Council of B.C., Canada
Hilal Committee of Metropolitan Toronto, Canada
Shi'a Association of America, Toledo, OH

For correct Islamic dates based on Hilal sighting in North America and a long version of this document, please visit our web site: www.hilalsighting.org

Issued on Rajab 29, 1427; August 24, 2006, by:

Hilal Sighting Committee of North America

P.O. Box 170378, Jamaica, NY 11417
Tel. 718-848-8952; info@hilalsighting.org