

Allah, beginning with the name of, the Most Gracious, the Most Merciful

All praise belongs to Allah; the Creator of the moon

The best of prayers, and all-embracing salutations be upon our master who taught us the phases of the moon; the seal of all the Prophets, the final Messenger ﷺ, and upon his noble companions who followed his ﷺ method of sighting the moon.

# Clear Skies?

## Seeking Clarity from the Dispute of the Moon Sighting Fog

Mufti Wajid Iqbal ~ Essential Islam

### Introduction

The Sunnah of sighting the crescent moon for the beginning of an Islamic month has been well documented, and has been the standard practice of the Ummah for over 1,400 years. Its very essence is the determining factor for many Islamic rites - the obligatory fasts of Ramadan are dependent upon sighting the crescent of Ramadan; the celebration of Eid al-Fitr is dependent upon sighting the crescent of Shawwal; and the days of Hajj, as well as the celebration of Eid al-Adha, are dependent upon sighting the crescent of Dhul al-Hijjah.

Despite our worship hinging on this quintessential act of sighting the moon, never before have we been as divisive over moon sighting as we see today. Advancements in communications have turned the world into a small global village, and we live in an era where exact times are more important than ever before.

In reality, there are several positions on moon sighting. The most prominent ones include local sighting (be it by region or country), a physical sighting anywhere in the World, a calculated sighting based on the possibility of a sighting anywhere in the World, and following Saudi Arabia. Which method should we then follow?

In a humble attempt to revive the Sunnah, we would like to draw attention in this article to specific Shari'ah principles in relation to sighting the moon. In particular, we will focus on the methodology and principles clearly established by our pious predecessors, and from this, aim to address concerns allayed by the Muslim communities within the United Kingdom.

## The Problem

Some may now enquire as to why there is a variety of methods ascribed to sighting the moon. The reason for this is down to a scholarly disagreement (i.e. ikhtilaf) on the following hadith, which is reported on the authority of Sayyiduna Abu Hurairah رضي الله عنه that the Messenger صلی الله علیه وسلم said:

*“Observe fast on sighting it (i.e. the new moon) and break (fast) on sighting it, but if the sky is cloudy for you, then complete the number (of thirty).”<sup>1</sup>*

The Arabic word for sighting - mentioned in the hadith - is *ru'yah*<sup>2</sup>, and it is from this word that the root of the disagreement stems. Some scholars have stated that *ru'yah* here refers *ru'yah basri*, which is to sight the moon physically with the 'naked eye'. Whereas other scholars state that *ru'yah* here refers to *ru'yah ilmi*, which is to have knowledge of the moon being above the horizon and visible, without the need to physically sight it.

## The Shari'ah Ruling on Moon Sighting and Calculation

Within the Shari'ah there are four agreed upon sources of legislation. The first and foremost is the Holy Qur'an; the second is the Sunnah (reported from hadith); the third is the consensus (i.e. ijma) of the scholars; and the fourth is analogical reasoning (i.e. qiyas).

## Moon Sighting in Accordance with the Holy Qur'an

Although the Qur'an does not directly relate the methods of how to sight the moon, it nevertheless highlights and emphasises on the importance of sighting the moon, and sets a clear precedence for us to follow. Some methods for sighting the moon and proving a sighting are established in this section, which will then be explored further in this article.

Allah ﷻ states in Surah al-Baqarah (verse 185):

*“Ramadan is the (month) in which was sent down the Qur'an, as a guide to mankind, also clear (signs) for guidance and judgment (between right and wrong). So every one of you who is present (literally witnesses the month) during that month should spend it in fasting, but if anyone is ill,*

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<sup>1</sup> Sahih al-Muslim

<sup>2</sup> رُؤْيَاهُ

*or on a journey, the prescribed period (should be made up) by days later..."*

Imam Abu Mansur al-Maturidi (Allah shower His Mercy upon him) writes under this verse:

*"He who witnesses amongst you the month with his intellect."*

Intellect here refers to witnessing the new month with one's senses, and in this case actually sighting the moon with the naked eye, or attaining the knowledge that new month has begun.

It is stated in Savi:

*"If what is intended by this (i.e. witnessing the month) are the days, then the meaning is some of its days, and if the crescent is intended, then the meaning is either that the crescent is sighted, or it is proven."*

To sight the moon, or attain proof that the moon has been sighted requires an actual sighting with the naked eye, as the beginning of each month is dependent on this sighting.

Allah ﷻ further mentions in Surah al-Baqarah (verse 189):

*"They ask you, (O dear Prophet Mohammed ﷺ), regarding the crescents; say, 'They are indicators of time for mankind and for Hajj (the pilgrimage)'..."*

Imam Jalal al-Din al-Suyuti (Allah shower His Mercy upon him) expands on this verse, and gives the reason as to why it was revealed. He narrates from Sayyiduna 'Abdullah bin 'Abbas (Allah be pleased with them both), who reports that Sayyiduna Mu'adh bin Jabal and Sayyiduna Sa'labah (Allah be pleased with them both) asked the Messenger of Allah ﷺ the following:

*"What is the state of the moon? (At first) it becomes apparent and rises thin as a thread; then it increases (in size) until it becomes large and it reaches its zenith; it then turns and begins to decrease and becomes small (in size) until it returns to how it was upon the first state?"*

Upon this question being asked, verse 189 of Surah al-Baqarah was revealed. From this we can begin to comprehend the importance of the moon and its phases, and how they are integral to not only specific acts of worship, but also to our daily Islamic lives.

It is stated in Tafsir al-Jalalayn under this verse:

*"They know through it the times of their harvest, their trade, their loans, their fasts, their Eids and Hajj."*

It is therefore extremely important that the moon is sighted for each Islamic month, as it is an index and guide for us, as well as being the determining factor that signals the times for many significant acts of worship<sup>3</sup>.

## **Moon Sighting in Accordance with Hadith & Sunnah**

The following narrations are explicit, and narrate clear and concise instructions from the Messenger of Allah ﷺ on when to sight the moon, and how to commence the fasts of Ramadan.

It has been reported on the authority of Sayyiduna Abu Umayr bin Anas (Allah is pleased with them both) that:

*"Some men visited (on horseback) the Prophet ﷺ and testified that they had sighted the new moon on the previous day. He ﷺ, therefore, commanded the people to break the fast and to the place of prayer in the morning."<sup>4</sup>*

Imam Badr al-Din al-'Ayni (Allah shower His Mercy upon him) in his commentary of Abu Dawud writes:

*"There are two benefits derived from this hadith; if a group witnesses the sighting of the crescent of the previous day (i.e. yesterday), to break the fast is necessary (as demonstrated in the hadith), and it is permitted to pray Salah al-Eid the following day."*

He further writes:

*"The author of Hidayah has stated if the crescent is not visible, and they testify to the Imam after noon has passed, the Imam should lead the Eid prayer following day. This is because of the narration, as well as there being a valid excuse. If there is a further delay which prohibits people from praying the Eid prayer on the second day, then the Imam will not lead the Eid prayer (i.e. after the second day)..."*

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<sup>3</sup> It is obligatory to sight the moon for the month of Ramadan, as prescribed fasting within this month is fard.

<sup>4</sup> Abu Dawud

It has been reported on the authority of Sayyiduna ‘Abdullah bin ‘Abbas (Allah is pleased with them both) that:

*“A Bedouin came to the Prophet ﷺ and said: ‘I have sighted the moon’.*

*He ﷺ asked: ‘do you testify that there is no God but Allah?’*

*He replied: ‘Yes.’*

*He ﷺ again asked: ‘do you testify that Muhammad is the Apostle of Allah?’*

*He replied: ‘Yes.’*

*He then testified that he has sighted the moon. Upon receiving this news, the final messenger ﷺ said: ‘Bilal, announce to the people that they must fast tomorrow’.”<sup>5</sup>*

Not only do we learn from this hadith that we can make the intention to fast during the daytime in Ramadan, we also establish rulings on witnesses whom testify that they have seen the moon (this is discussed in more detail later in this article).

Mufti Ahmad Yaar Khan (Allah shower His Mercy upon him) writes about this hadith:

*“The fuqaha have mentioned that if on the 29th of Sha'aban the sky is not clear, then two upright Muslims are required to prove the sighting of Ramadan as this hadith indicates towards this principle. We learn that the noble companions are the most equitable of people, as demonstrated by the Messenger ﷺ asking the companion to testify, and not asking (about) his actions...”*

It has been reported on the authority of Sayyiduna ‘Abdullah bin ‘Umar (Allah is pleased with them both) that the final Messenger ﷺ stated:

*“Indeed we are an illiterate nation; we neither write nor make calculations. The month is this and this (i.e. sometimes of 29 days and sometimes of thirty days).”<sup>6</sup>*

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<sup>5</sup> Abu Dawud

<sup>6</sup> Sahih al-Bukhari

This hadith is an agreed upon hadith, the opening words have also been related by other noble companions in authentic chains. The start of this hadith indicates that the only certainty in our lives is the Qur'an and Sunnah, and we as Muslims do not depend on astronomical theses or calculations for sighting the moon. Yes, we can look towards them as aids, but this does not mean we negate the noble Prophetic tradition of actually sighting the moon.

Mullah 'Ali Qari (Allah shower His Mercy upon him) writes under this hadith:

*"The meaning of this hadith is that it is neither our way nor method to have implementation upon the ways of the astronomer, rather our knowledge is associated with the sighting of the crescent. Verily we sight it once as 29, and at other times 30."*

In refutation of those who said to estimate the stages of the moon to establish if the month is 29 or 30 days, Mullah 'Ali Qari (Allah shower His Mercy upon him) writes under the hadith of Sayyiduna 'Abdullah bin Umar (Allah is pleased with them both) which begins 'do not fast':

*"This is rejected because of the hadith 'indeed we are an illiterate nation'. We neither write nor make calculations, as this represents that the recognition of the month is not subject to writing calculation upon the judgments of the astronomers. It is also rejected because of an agreed upon consensus where there is no dependency upon the words of the astronomer even if they are all in agreement."*

Shaykh 'Abd al-Haq Muhaddith al-Dehwli (Allah shower His Mercy upon him) states:

*"According to the Islamic Law (i.e. Shari'ah), what the astrologers say or present news of is not accepted, and is unreliable. Neither the Messenger of Allah ﷺ, his companions, their followers, nor the pious predecessors followed their utterances, and nor did they act upon them."*<sup>7</sup>

It has been reported on the authority of Sayyiduna 'Abdullah bin 'Umar (Allah is pleased with them both) that the final Messenger ﷺ stated:

*"Do not fast until you see the new moon, and do not break your fast until you see it; but if the weather is cloudy complete it (thirty days)."*<sup>8</sup>

Mulla 'Ali Qari (Allah shower His Mercy upon him) writes under this hadith:

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<sup>7</sup> Ashi'ah al-Lam'at

<sup>8</sup> Sahih al-Bukhari

*"Do not fast until you see the new moon i.e. until the new moon of Ramadan is proven according to you (through ways which will be presented later) by means of two upright witnesses or more, and according to Imam Abu Hanifa it can be proven through one upright witness, when the sky is obscured."*

It has been reported on the authority of Sayyiduna 'Abdullah bin 'Umar (Allah is pleased with them both) that the final Messenger ﷺ made a gesture with his hands and stated:

*"The month is thus and thus (he ﷺ then withdrew his ﷺ thumb at the third time indicating 29). He ﷺ then said: 'Fast when you see it, and break your fast when you see it, and if the weather is cloudy do calculate it (the months of Shaban and Shawwal) as thirty days'." <sup>9</sup>*

It has been reported on the authority of Sayyiduna 'Abdullah bin 'Umar (Allah be pleased with them both) that the final Messenger ﷺ stated:

*"The month consists of 29 nights, so do not fast till you have sighted it (i.e. the new moon), and if the weather is cloudy, then complete it as thirty days." <sup>10</sup>*

It has been reported on the authority of Sayyiduna 'Abdullah bin 'Umar (Allah be pleased with them both) that the final Messenger ﷺ stated:

*"The month of Ramadan may consist of twenty-nine days. So do not fast until you have sighted it (i.e. the new moon) and do not break your fast until you have sighted it, and if the sky is cloudy for you, then complete it (as thirty days)." <sup>11</sup>*

It has been reported on the authority of Sayyiduna 'Abdullah bin 'Umar (Allah be pleased with them both) that the final Messenger ﷺ stated:

*"The month of Ramadhan may consist of 29 days; so when you see the new moon observe fast, and when you see (the new moon again at the commencement of the month of Shawwal) then break it, and if the sky is cloudy for you, then calculate it (and complete 30 days)." <sup>12</sup>*

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<sup>9</sup> Sahih al-Muslim

<sup>10</sup> Sahih al-Bukhari

<sup>11</sup> Sahih al-Muslim

<sup>12</sup> Sahih al-Muslim

Imam al-Nawawi (Allah shower His Mercy upon him) in his commentary of Sahih Muslim writes - after making comparisons between the works of Muslim and Bukhari - in regards to the similar narrations above:

*"Imam Malik, Imam Shafi, Imam Abu Hanifah, and the majority of the Salaf and Khalaf have indicated that the meaning (i.e. of 'and if the weather is cloudy to calculate it') is for the month to complete a 30 day cycle."*

He further writes:

*"For it to refer to the calculations of the astronomers is not permitted because if people were burdened with this (i.e. astronomy), it would be difficult upon them because only a few possess its knowledge, and Shari'ah only lets people recognise what the masses recognise. Allah Knows best."*

Finally, he writes under one Hadith:

*"The completion of 30 days is necessary if the moon has not been sighted."*

We finish the section 'Moon Sighting in Accordance with Hadith and Sunnah' with the following that is mentioned in 'Mawahib al-Muhammadiyah' under the chapter of the 'Passing of the Messenger ﷺ' in Shamail al-Tirmidhi:

*"Al-Hanafi has stated:*

*A famous scenario is posed by the majority of the Seerah scholars where it is said the passing of the Messenger ﷺ was on the 12<sup>th</sup> Rabi al-Awwal. This date coincides with the Imams of Tafsir and Hadith who state that the Day of 'Arafah in the same year was on a Friday, which therefore means the start of Dhul al-Hijjah was on a Thursday. Thus it was not possible for the 12th of Rabi al-Awwal to fall on a Monday regardless if we take the previous three months (i.e. Dhul al-Hijjah, Muharram, and Safar) to be 30 days long, 29 days long, or for some of the months to be 30 days long and others 29.*

*To answer this it is said there was a difference between Makkah and Madinah during the sighting of the moon crescent for Dhul al-Hijjah. This could have been due to an obstruction in the sky, or by considering the difference of horizons.*

*Therefore this means the start of Dhul al-Hijjah according to the people of Makkah was Thursday, and according to the people of Madinah it was Friday. Thus the wuquf of 'Arafah was appointed in accordance with the sighting of the people of Makkah (i.e. the day of Arafah was on Friday in accordance with the Makkan calendar).*

*When they (i.e. the final Messenger ﷺ and the noble companions) returned to Madinah, they then followed the calendar of Madinah. Thus the previous three months were complete (i.e. each one lasting 30 days). This then means the 1st of Rabi al-Awwal fell on a Thursday, and the 12<sup>th</sup> to fall on a Monday."*

This chronicle refers to the farewell Hajj of the final Messenger ﷺ, and allows us to derive many rulings which help establish correct methods for sighting the moon.

Firstly, it is proven that during the physical time of the Messenger ﷺ each blessed city had its own 'awqaf' system (the people of Makkah began Dhul al-Hijjah a full day before the people of Madinah), which determined when to begin an Islamic month.

Secondly, we take that when one travels from one city to another, one must follow the calendar of the city he has travelled to, and not the calendar of the city he set off from.

Finally, some may raise an objection as to why the people of Madinah al-Munawwarah were not made aware of the sighting of Makkah for Dhul al-Hijjah. This is answered further in this article when we discuss the methods to prove a sighting.

## **Moon Sighting in Accordance with the Noble Companions**

The beginning of the following hadith is narrated by Sayyiduna Anas bin Malik رضي الله عنه:

*"We were with Amir al-Mu'minin Sayyiduna 'Umar رضي الله عنه between Makkah and Madinah so that we might begin to look for the new moon. I was a man with sharp eyesight, so I could see it, but none except me saw it. I enquired with Sayyiduna 'Umar رضي الله عنه if he could see it, he replied he could not. Sayyiduna 'Umar رضي الله عنه then said: I shall soon be able to see it (when it shines more brightly)..."<sup>13</sup>*

This hadith demonstrates, in a most fitting manner, how cautious and stringent the noble companions (Allah is pleased with them all) of the Prophet ﷺ were when adhering to the Sunnah, and in this case how careful they were with their moon

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<sup>13</sup> Sahih Muslim

sighting. From them we can, without doubt, establish that it was the Sunnah of the great companions to sight the moon.

It has been reported on the authority of Sayyiduna Kurayb رضي الله عنه:

*"I arrived in al-Sham (Syria) and did business for her (Umm ul-Fadhli bint al-Harith). It was here that the month of Ramadan commenced. I saw the new moon of Ramadan on Friday. I then came back to Madinah at the end of the month.*

*Abdullah bin Abbas asked me about the new moon of Ramadan and asked: 'When did you see it?'*

*I said: 'We saw it on the night of Friday.'*

*He said: 'Did you see it yourself?'*

*I said: 'Yes, and the people also saw it and observed the fast, and Mu'awiya also observed the fast.'*

*Whereupon he said: 'But we saw it on Saturday night, so we will continue to observe fast till we complete thirty (fasts) or we see it (i.e. the new moon of Shawwal).'*

*I said: 'Is the sighting of the moon by Mu'awiya not valid for you?'*

*He said: 'No, this is how the Messenger of Allah صلوات الله عليه وسلم has commanded us.'" <sup>14</sup>*

Ibn Humam (Allah shower His Mercy upon him) answering those who state this hadith represents the horizons to be considered writes:

*"There is no evidence in this because if the likes of what was stated by Kurayb happened to us we would pass a judgement by it because he did not testify upon anthers testification or the judgement of a Qadi/ruler. If it is said that he knew regarding the fast of Mu'awiya رضي الله عنه carrying weight because he is the Imam, it can be answered by saying he did not mention the words of testification, and if it is accepted (for the sake of argument) then a necessary judgement upon a Qadi with his testification cannot be proven because he is only one. Allah Knows best. To take the apparentness of the hadith is very precarious."*

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<sup>14</sup> Sahih al-Muslim

Many matters, which will be discussed later, can be derived from this hadith. For instance is there more than one horizon when it comes to moon sighting? Can two countries or even cities begin their months on different days? When can we reject a moon sighting testimony? Is the local sighting preferred to the global sighting?

We will however mention that Ibn Hummam's (Allah shower His Mercy upon him) statement makes it clear that the Ahnaf<sup>15</sup> do not consider horizons to be a factor when sighting the moon. This hadith is not contrary to the 'Hanafi School of Thought', and rather we would state it strengthens our position of favouring the global moon sighting, a concept discussed in much detail in the next section.

## **Moon Sighting in Accordance with the Consensus of the Scholars, and with Analogical Reasoning<sup>16</sup>**

According to our pious predecessors, and the classical Hanafi fiqh books, there are eight methods to validate a moon sighting, which will then make it binding for the beginning of a new Islamic calendar month.

### **1. Sighting the Moon Followed by Testification as an Eyewitness**

#### Verification if there are Obstructions in the Sky

If there is an obstruction in the sky for Ramadan, such as clouds, or dust, then the Qadi<sup>17 18</sup> is to accept the testimony of:

- ✓ An individual who is equitable<sup>19</sup>, whether such person is a man or woman, a free man or a slave<sup>20</sup>.

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<sup>15</sup> Plural for Hanafis

<sup>16</sup> I.e. qiyas – also known as analogical reasoning - is the process of deductive analogy in which the teachings of the ahadith are compared and contrasted with those of the Qur'an, in order to apply a known injunction to a new circumstance and create a new injunction. Here the ruling of the Sunnah and the Qur'an may be used as a means to solve or provide a response to a new problem that may arise.

<sup>17</sup> The Qadi is an Islamic Judge ruling in accordance with Islamic religious law (sharia). For the remainder of this article we will refer to the Qadi as the Judge.

<sup>18</sup> It is stated in the text of al-Hadiqah al-Nadiyah: "When the time is empty of a Sultan who is sufficient of the Islamic legal dealings, then the Islamic legal commands are entrusted towards the Ulama, it is necessary for the Muslim nation to return to them. They will be the authority (i.e. the Qadi and/or Mufti). If it becomes difficult for them to gather on one (verdict), every county/jurisdiction will follow its own scholar, and if the scholars are many within the county, then the most learned of them (in Shari'ah) is to be followed. If they are the same, they should draw a raffle."

<sup>19</sup> A non-fasiq i.e. an upright individual

<sup>20</sup> al-Hidaya

- ✓ An individual whose moral uprightness is not known (but the individual's appearance demonstrates his adherence to Islam and it is not evident that he is a 'wrong-doer').

This individual will simply state that he saw the crescent of the month on such and such a day, and this will be accepted without legal proceedings or commissions<sup>21</sup>, and nor is it necessary for the individual to testify (i.e. to say 'I bear witness' and so forth).

If the sky is obstructed for Eid al-Fitr, Eid al-Adha, and any other remaining Islamic month, it is conditional that the witnesses be upright, and they testify with the words 'I bear witness...', although they are not to be subject to legal proceedings or commissions. The Judge can accept the testimonies from:

- ✓ Two free men; or
- ✓ From one free man and two free women.

#### Verification if there are no Obstructions in the Sky

If there is no obstruction in the sky for Ramadan, then a single testimony from an individual from the desert or highlands is sufficient. If this is not achievable then the testimony of a large gathering - where the number of eyewitnesses required will be determined by the Judge - is required.

If there is no obstruction in the sky for Eid al-Fitr, Eid al-Adha, or any other remaining Islamic month, then the testimony of a large gathering - where the number of eyewitnesses required will be determined by the Judge - is required.

It is worth mentioning that Imam Ahmed Raza Khan (Allah shower His Mercy upon him) writes that when Muslims are lazy and such matters seem trivial, then a minimum of two witnesses are sufficient even if their state of uprightness is unknown.

## **2. Testification upon a Testification (Shahadat 'ala al-Shahadah)**

The Judge can also accept the news of a moon sighting (for any month) from a secondary source i.e. a witness - where an individual has not sighted the moon directly, and rather one's secondary source based testimony is based entirely upon the testimony of an eyewitness i.e. an individual who has actually sighted the moon. It is also conditional that the eyewitness and witness be equitable. The Judge can accept the testimonies from:

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<sup>21</sup> For the individual to testify in court, and notify the Judge how one sighted the moon, providing details where required.

- ✓ Two free men; or
- ✓ From one free man and two free women.

For example:

- An equitable person named 'X' sees the moon.
- Person X then informs two equitable individuals named 'Y' and 'Z' about what one saw, and states 'become witnesses upon my sighting; I testify that I sighted the crescent on such and such a day's sunset, on such and such a month, on such and such a year'.
- Witnesses 'Y' and 'Z' then go to the Judge, and each state in court 'I testify that so and so, son of so and so, has made me a witness upon the sighting of the crescent of such and such a day's sunset, on such and such a month, on such and such a year, and Person 'X' asked me to become a witness upon this.
- The testimony or witnesses 'Y' and 'Z' can then be accepted.

However, this testification will become void if:

- ✓ The eyewitness does not fulfil the conditions stipulated in the first method described i.e. 'sighting the moon followed by testification as an eyewitness'.
- ✓ The eyewitness is not able to testify if required to do so. Please note although the eyewitness is not needed for this type of testification, one should still be able to perform a testification if it becomes necessary.
- ✓ The eyewitness denies his sighting, or he turns blind during the time it takes to validate the sighting and to testify.
- ✓ The witness testifies for his own actual sighting.
- ✓ The witness apostates during the time it takes to validate the sighting and to testify.
- ✓ The witness does not have a testimony from an eyewitness.

### **3. Testification upon a Court Verdict (Shahadah 'ala al-Qada)**

The Judge can also accept the news of a moon sighting (for any month) from equitable witnesses who testify to the verdict from the court of another Judge. The Judge can accept the testimonies from:

- ✓ Two free men; or
- ✓ From one free man and two free women.

For example:

- Individuals 'A' and 'B' are present in the court of Judge 'X'.

- Judge 'X' binds the sighting of the moon from those present and testifying (from one of the approved methods to bind a moon sighting).
- Individuals 'A' and 'B' witness this verdict, and then travel to another city or country and visit Judge 'Y'.
- Individuals 'A' and 'B' will then testify to Judge 'Y' that they were present when Judge 'A' of such and such a place accepted a moon sighting for such and such a day, and that they are both witnesses.
- If Judge 'Y' now finds the ruling from Judge 'A' in accordance with his methods, he may then accept the sighting, and thus bind it to all the areas under his jurisdiction.

This ethos is accepted, as the ruling/judgement from a Judge is evidence and proof for us.

#### **4) Letter from One Judge to Another**

The Judge can also accept the news of a moon sighting from another Judge through the means of a delivered letter.

For example:

- A Judge from city/country 'A' passes the judgement of an accepted moon sighting for the areas under his jurisdiction.
- He then writes a letter to Judge 'B' (who resides in a different city or country) stating there was a sighting of the new moon in accordance with the Shari'ah, and this was accepted by him.
- He will then stamp the letter with his unique imprint, clearly stating his own name and the name of Judge 'B'.
- The letter is then handed over to two equitable witnesses, and Judge 'A' will instruct them to deliver this letter to Judge 'B'.
- The letter will then be delivered carefully by the two witnesses; who will then testify to Judge 'B' that Judge 'A' of such and such a place has made them both witnesses, and that they testify this is Judge 'A's letter.
- If Judge 'B' now finds the ruling from Judge 'A' in accordance with his methods, he may then accept the sighting. and thus bind it to all the areas under his jurisdiction.

However, this testification will become void if:

- The letter is posted, or sent by telegram.
- The letter is emailed or faxed.
- Platforms such as the Internet are used to transmit the letter; this includes Whatsapp, Facebook, Twitter, and the like.

- Witnesses are not made, and then the letter is delivered, even if the letter is marked with a distinct stamp that is unique to Judge 'A'.
- The first Judge passes away, or is removed from his position during the time it takes to deliver the letter and validate its contents.

## 5. Completing Thirty days

If the moon is not seen on the 29<sup>th</sup> day of the month, then in accordance with the hadith of the Prophet ﷺ, the Judge will rule that 30 days are to be completed.

If the sky is clear, and thirty days have been completed, yet the moon is not sighted; then this is a clear indication that the eyewitness (es) or witness (es) made a mistake.

If the month of Ramadan was bound upon the testification of only one eyewitness, and now 30 days have passed, and the moon of Shawwal is not seen on a clear day, then completing 30 days is not sufficient. Rather the Judge will pass the ruling that they will all fast the following day as well. This reason for this is because the moon of Shawwal has not been approved through complete and sufficient evidence.

If the month of Ramadan was bound upon the testification of only one eyewitness, and now 30 days have passed, and the moon of Shawwal is not seen on a cloudy day, then the month is complete, and Eid al-Fitr will be celebrated the following day.

If the month of Ramadan was bound upon either the testification of two eyewitnesses/witnesses or the testification of a single eyewitness, and now 30 days have passed, and the moon of Shawwal is not seen on a clear day, the month will be complete, and Eid al-Fitr will be celebrated the following day. The reason for this is the lack of sighting is credited to the moon being too small to see, or any other valid reason.

If the month of Ramadan was bound upon the testification of only one eyewitness, and now 30 days have passed, and the moon of Shawwal is not seen on a cloudy day, then the month is complete, and Eid al-Fitr will be celebrated the following day.

The same will apply for any other Islamic months.

## 6. Well Circulated Reports (Istifadah)

The Judge can also accept the news of a moon sighting from well circulated reports.

This is when there is such a Judge or Grand Mufti in an Islamic city to whom the mass majority of people turn to for their everyday Islamic rulings, and by whose

decisions the verdicts are given in regards to the beginning and end of Ramadan and Eid, and in such a city where the general public do not start or finish the fasting of Ramadan according to themselves. Then, if numerous groups of people arrive from that city to another, and bear witness in unison, that the moon was sighted on such and such a day, and the fasting of Ramadan, or the celebration of Eid commenced, then this testimony can be accepted by the Judge.

Istifadah should reach the level of certainty, or at the very least there should be an overwhelming thought of truthfulness – more so when the well circulated reports are from a country/city that follows Shari’ah accordingly.

Istifadah is also only considered from a country with a Shari ruler<sup>22</sup>, although if many groups arrive and state that they saw and met with people who sighted the moon, and this testimony reaches the levels of certainty because of the hadith:

*“Observe fast on sighting it (the new moon) and break (fast) on sighting it (the new moon), but if the sky is cloudy for you, then complete the number (of thirty).”*

This is because a mass narration is being narrated through a mass narration, and the outcome of this is certainty.

However, this report will become void if:

- It is based on only rumours and no one knows who said it;
- When asked how they knew about the sighting of the moon, they say, ‘we heard’ or ‘other people have said it’;
- The general public in a city decides from themselves when to start and end Ramadan<sup>23</sup>;
- There is no Judge or Mufti in the city;
- The Judge or Mufti is incapable of issuing a verdict.

Finally, news presented through the following means will not be accepted for this (or any other) type of testimony:

- Telephone or mobile;
- Internet based platforms such as email, Facebook, Twitter etc;
- Newspapers or magazines;
- Telegram;
- Television or Video Calling.

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<sup>22</sup> A caliph who rules in accordance with adherence to the Shari’ah

<sup>23</sup> Then the unanimity or even the mass-transmitted reports can in no way prove the sighting of the moon.

Our scholars have stated:

*“Media reports do not in any way prove the sighting of the moon. Most of the time newspaper reports, or reports from TV or radio are just guesses and no more than rumours here and there. And even if the news is correct, but because of the sighting of the moon not being proven by Shari’ah rules and regulations it cannot be accepted anyway...”* <sup>24</sup>

We would also add that a calendar or a timetable does in no way prove the sighting of the moon contrary to the belief of the public thinking that a certain country or organisation must have sighted in order to print the month’s calendar.

## **7) Clear Signals for Sighting the Moon**

This method in its essence depends on the moon sighting being proven by any one of the previously mentioned approaches. When this condition is fulfilled, then one of the following can be carried out in order to make people aware that the moon has been sighted:

- ✓ Fire a gun;
- ✓ Fire a cannon;
- ✓ Use of fireworks;
- ✓ Or any other similar method.

This method is proven by Imam ibn Abidin al-Shami (Allah shower His Mercy upon him) to be a valid method.

However, this method is only accepted when there is either a trusted Shari ruler in charge, or there are trusted scholars who are in responsible. Under either one’s guidance, permission will be granted to fire a gun, cannon, or to use fireworks. At this specific time there should be no possibility of anyone else being able to carry out the same task, as it will question the validity of the official ‘signalling’.

According to us, television can also be used under this method. This is due to what is stated in Fatawa al-Alamghiriyyah:

*“The news from the representative of the Shari ruler is accepted regardless if that announcer is a sinner or equitable.”*

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<sup>24</sup> Radd al-Muhtar Vol. 2 Pg. 97, extracted From Anwaar al-Hadith, Chapter 6, by Mufti Jalal al-Din Qadiri al-Amjadi.

From this we can take that if the sighting is proven in accordance with one of the first six methods described, and then it is broadcast on a television channel at a time when there is no possibility of it being broadcast elsewhere, then this verdict will become binding and sufficient for the areas/country where the Judge has full jurisdiction.

## **8) A Global Moon Sighting**

According to the majority of all four Madhhabs, with the exclusion of some Shafi scholars, the difference of the horizons is not considered between cities/countries. This therefore means that if a valid sighting of the moon is established in one city, the Judge of a second city can accept this ruling if the sighting can be established and confirmed in accordance with the Shari'ah (i.e. any one of the methods described previously).

In fact, the Hanafis give precedence to this type of sighting over any other method of sighting. However, we must stress again that this is only when the sighting can be established and confirmed in accordance with the Shari'ah.

With this being said, a global sighting does not mean we are not in need of local sightings, this is far from the case, as without local sightings of the moon how could we possibly establish a global sighting? We must not fall into the traps of laziness, as it is still our duty to sight locally, and this is an established Sunnah. Even if we depend on or can prove a sighting from another city or country, a local sighting (whether positive or negative) is a must.

Imam Ahmed Raza Khan (Allah shower His Mercy upon him) writes about a personal experience of a global moon sighting:

*"Here neither the crescent of Ramadan was sighted on Tuesday, nor the crescent of Eid on Thursday, as it was extremely cloudy. On Friday night (i.e. Thursday evening - Islamically the day begins after Maghrib, and the night thus comes before the day) I prayed Salah at-Traveeh, and decided to fast the next day. Then all a sudden the news of some people coming from Egypt reached me, and it was said that they saw the crescent of Ramadan on Tuesday night. They were called (to us), and they then testified (in accordance with the Shari'ah). After further investigation took place, Eid was announced at 1.00am..."*

From this we can learn and adopt many valuable rulings:

- ✓ Differences in horizons are not considered, thus allowing a global sighting to be accepted;

- ✓ A global sighting is only approved and accepted when it is proven in accordance with the Shari'ah, and must follow on of the methods described previously;
- ✓ If the global sighting is proven to be false and invalid, then Judge will rule that 30 days be completed.

## Conclusion

*"O People who believe! Obey Allah, and the Noble Messenger..."<sup>25</sup>*

Our Prophet ﷺ was sent by Allah as a mercy to the entire Universe, and provided us with faultless guidance, which has been inherited and elucidated by our pious scholars. Therefore it is incumbent upon us to revive the Sunnah.

We at Essential Islam are no authority, nor do we claim to be. We are simply lovers of the final Messenger ﷺ, and have sincere hopes that any issues with moon sighting in the UK can be resolved by adhering to his ﷺ Sunnah, and following the methods set forth by our Ulama that span over fourteen centuries.

It is perhaps a sign of the times that we live in an era where we have strayed so very far from the Sunnah of our Messenger ﷺ, and in turn this neglect has led to many trials and tribulations befalling us. He ﷺ is the best of creation, and the most noble of all Messengers; only by attaching ourselves to his Sunnah are we capable of becoming the most noble of nations.

Alhamdulillah! We have clearly and succinctly established the Shari'ah rulings on moon sighting, and we make dua that Allah grant the Muslim Ummah the ability to live every second of our life in accordance with the blessed Sunnah.

Based on over two years of local sightings, we finish this article by presenting a potential solution to the issues faced when trying to sight the moon in the UK:

1. To firmly establish an agreed upon UK Awqaf whose job is to pass verdicts for the beginning of each Islamic month;
2. To set up moon sighting committees in every city in the UK. Each committee has an appointed Mufti, and is tasked with sighting the moon every month for their region/city. Sightings, whether positive or negative, are then fed back to UK Awqaf (using one of the methods describe previously), who can then use this information to make a decision;
3. For the UK Awqaf to appoint an Ambassador and/or Mufti in Morocco<sup>26</sup> who in return can relay the verdict of Morocco with full authority from his

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<sup>25</sup> Surah an-Nisa, verse 59

eminence King Mohammed VI (Allah preserve and protect him for the sake of the Ummah)<sup>27</sup>. This verdict, along with the local sightings in each city, will help the committee pass the verdict that binds the beginning of each Islamic month.

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<sup>26</sup> Who are well known to strictly follow the rulings of Shari'ah in regards to moon sighting, and have over 250 sighting points throughout the country.

<sup>27</sup> The ambassador/Mufti will be given full authority by the UK Awqaaf Committee to pass a verdict for the UK in accordance with the verdict of Morocco, and this will be binding upon the UK. This ensures the UK Awqaaf will adhere to the Sunnah and the methods of moon sighting previously mentioned, as the ambassador/Mufti has jurisdiction in the UK. If on some occasions, the local sightings prove positive and differ from Morocco, the UK Awqaaf have full power to pass the verdict based on the local sightings.

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