

Importance of sighting of the moon with the naked eye.

حامدا و مصليا و مسلما

In the Name of Allah, the Most Gracious, the Most Merciful

Introduction

This is a short article regarding the importance of **sighting** the moon. This article has been written for the people to understand the Shar'ee point of view regarding moon sighting. Due to limited time, this article has been put together today in a short span of time, therefore those who wish to find out more regarding this issue can consult the Ulama Kiraam.

حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ الدِّمَشْقِيُّ، حَدَّثَنَا سُلَيْمَانُ بْنُ عَبْدِ الرَّحْمَنِ أَبُو أَيُّوبَ، عَنِ ابْنِ أَبِي مَالِكٍ، عَنْ أَبِيهِ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، قَالَ أَقْبَلَ عَلَيْنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ " يَا مَعْشَرَ الْمُهَاجِرِينَ حَمْسٌ إِذَا ابْتَلَيْتُمْ بِهِنَّ وَأَعُوذُ بِاللَّهِ أَنْ تُدْرِكُوهُنَّ لَمْ تَظْهَرِ الْفَاحِشَةُ فِي قَوْمٍ قَطُّ حَتَّى يُعْلِنُوا بِهَا إِلَّا فَشَا فِيهِمُ الطَّاعُونَ وَالْأَوْجَاعُ الَّتِي لَمْ تَكُنْ مَضَتْ فِي أَسْلَافِهِمُ الَّذِينَ مَضُوا . وَمَنْ يَنْقُصُوا الْمِكْيَالَ وَالْمِيزَانَ إِلَّا أَخَذُوا بِالسِّنِينَ وَشِدَّةِ الْمُؤْنَةِ وَجَوْرِ السُّلْطَانِ عَلَيْهِمْ . وَمَنْ يَمْنَعُوا زَكَاةَ أَمْوَالِهِمْ إِلَّا مُنِعُوا الْقَطْرَ مِنَ السَّمَاءِ وَلَوْلَا الْبَهَائِمُ لَمْ يُمَطَّرُوا وَمَنْ يَنْقُصُوا عَهْدَ اللَّهِ وَعَهْدَ رَسُولِهِ إِلَّا سَلَطَ اللَّهُ عَلَيْهِمْ عَدُوًّا مِنْ غَيْرِهِمْ فَأَخَذُوا بَعْضَ مَا فِي أَيْدِيهِمْ . وَمَا لَمْ تَحْكَمْ أَيْمَتَهُمْ بِكِتَابِ اللَّهِ وَيَتَحَيَّرُوا بِمَا أَنْزَلَ اللَّهُ إِلَّا جَعَلَ اللَّهُ بَأْسَهُمْ بَيْنَهُمْ " .

"The Messenger of Allah Ta'ala Sallallahu alai wa sallam turned to us and said: 'O Muhajirun, there are five things with which you will be tested, and I seek refuge with Allah Ta'ala lest you live to see them: Immorality never appears among a people to such an extent that they commit it openly, but plagues and diseases that were never known among the predecessors will spread among them. They do not cheat in weights and measures but they will be stricken with famine, severe calamity and the oppression of their rulers. They do not withhold the Zakah of their wealth, but rain will be withheld from the sky, and were it not for the animals, no rain would fall on them. They do not break their covenant with Allah Ta'ala and His Messenger Sallallahu alai wa sallam, but Allah Ta'ala will enable their enemies to overpower them and take some of what is in their hands. Unless their leaders rule according to the Book of Allah Ta'ala and seek all good from that which Allah Ta'ala has revealed, Allah Ta'ala will cause them to fight one another.' Ibn Majah

If we deeply ponder over the above Hadeeth of Nabi *Sallallahu alai wa sallam* we will realise how the Ummah is experiencing each one of the above punishments of Allah Ta'ala. The virus is spreading like wild fire in the world, similarly, fire is being ignited between the believers. Disputes and fights for worldly purposes are increasing amongst the believers. This is a prophecy of Nabi *sallallahu alai wa sallam* which we are witnessing in front of our eyes.

Every year this is a time wherein people dispute and fight on social media regarding the issue of the Hilal and they deprive themselves of the *Barakaat* of Ramadhan. Therefore, it is imperative that we educate ourselves with regards to this issue.

الناس اعداء ما جهلوا

Man is an enemy to the unknown

Sighting of the moon with the naked eye

The months in Islam are established by the sighting of the crescent. Other nations calculate their months and years by a fixed calendar, however Allah Ta'ala has distinguished us by a simple method, that is the commencement and termination of months by the sighting of the crescent with the naked eye. ¹

We need to remember that our Deen (in its unaltered and original state) is easy to practice upon, Mufti Muhamad Shafee *rahimahullah* has explained that the beauty of our Deen is that it is applicable for all people and its application is simple. It is the mercy of Allah Ta'ala that just like everyone fasts together and breaks their fast together, in the same way everyone can easily identify the beginning and end of Ramadan. Therefore, we are not in need of technology in order to practice our Deen, even a person living far from civilisation can practice on the commands of Allah Ta'ala.² This is illustrated in the following Hadeeth:

عن ابن عمر رضى الله عنه ان رسول الله صلى الله عليه وسلم قال انا امة امية لا نكتب ولا نحسب الشهر هكذا وهكذا وهكذا وعقد الابهام في الثالثة و الشهر هكذا وهكذا يعني تمام ثلاثين

(بخارى 1\256، مسلم 1\347)

*We are an illiterate nation; we do not write nor do we calculate...*³

محمود الفتاوى:-ص329ج4¹

² Refer to *Jawahirul Fiqh VI 3-Pg 444*, of Mufti Muhammad Shafee Sahib *rahimahullah* for a detailed article on this issue. مطلب لا عبرة بقول المؤقتين في الصوم قوله (ولا عبرة بقول المؤقتين) أي في وجوب الصوم على الناس بل في المعراج لا يعتبر قولهم بالإجماع ولا يجوز للمنجم أن يعمل بحساب نفسه وفي النهار فلا يلزم بقول المؤقتين إنه أي الهلال يكون في السماء ليلة كذا وإن كانوا عدولا في الصحيح كما في الإيضاح وللإمام السبكي الشافعي تأليف مال فيه إلى اعتماد قولهم لأن الحساب قطعي اه ومثله في شرح الوهبانية مطلب ما قاله السبكي من الاعتماد على الحساب مردود قلت ما قاله السبكي رده متأخرو أهل مذهبه منهم ابن حجر والرملي في شرح المنهاج ... ووجه ما قلناه أن الشارع لم يعتمد الحساب بل ألغاه بالكلية بقوله نحن أمة أمية لا نكتب ولا نحسب الشهر هكذا وهكذا (شامى 2\387) ولا يعتبر شرعا بقول الفلكين الذين يعتمدون على الحساب و لو كانوا عدولا (الفقه الحنفى في ثوبه الجديد: 1-401) از فتاوى دار العلوم زكريا : ج 3-ص242 والبحر الرائق: ج 2-ص264-سعيد

محمود الفتاوى -ج 2-ص134³

The above Hadeeth is illustrating the importance of sighting the crescent according to the traditional method and not through calculations.⁴ This is why the Shari'ah has based the Ahkaam (laws) of Sawm (fasting) on the sighting of the moon, and not on the **presence** of the new moon, otherwise the words فأن غم عليكم (if the observance of the moon is clouded) would be meaningless.

عن ابن عمر رضي الله عنه قال قال رسول الله صلى الله عليه و سلم: الشهر تسع و عشرون ليلة فلا تصوموا حتى تروه فإن غم عليكم فأكملوا العدة ثلاثين - متفق عليه

وعن أبي هريرة رضي الله عنه قال قال رسول الله صلى الله عليه و سلم: صوموا لرؤيته و أفطروا لرؤيته فإن غم عليكم فأكملوا عدة شعبان ثلاثين - متفق عليه⁵

From the above Ahadeeth, it is clearly understood that the command of beginning and ending an Islamic month (Ramadhaan, Shawwaal, Zul-Hijjah or any other month) is based on **sighting** the crescent (Hilaal) after 29 days, failing in which 30 days should be completed.⁶

Shar'iah takes into consideration the **sighting** of the moon and not the **presence** of the moon. Hence, scientific calculations are not taken into consideration as a means of determining the new month.⁷ The certainty that is achieved by the law of Shar'iah can never be acquired by calculations.⁸ One of the wisdoms for adopting the Sunnah method is that we do not waste our ability in these subsidiary and peripheral issues whereby the purpose is lost. The matter has been kept straightforward and simple, open one's eyes and sight the moon, thereafter get involved in one's activities. Thus there is no need for establishing any department or making any research⁹

With regards to other acts of worship we are not commanded to observe *Ru'yah* but rather *Wujood* (existence) is sufficient, such as the presence of Salaah times. Thus, in utilising calendars for Salaah we are not abandoning any principle of Shariah, but rather fixed calendars are used for ease. This is contrary to the issue of sighting of the crescent.¹⁰ Utilising calculations is abandoning the command and fundamental principle of sighting the moon. Therefore, the objection with regards to the reason why we follow a fixed timetable for Salaah and not for Hilal does not apply. Thus, this issue is a matter of Deen and we should refer to the Fuqaha (Islamic Jurists) and not our Aql (intellect).

Furthermore, Mufti Muhammad Shafee *rahimahullah* mentions that according to us, it is not appropriate at all to utilise modern means to sight the moon. Therefore, we should stay firm on the

قال الطيبي رحمه الله: و هذا البيان ثم الاشارة باليد ثم القول باللسان يبهك على ان الاستقصاء في معرفة الشهر لا الى الكتاب والحساب الخ (محمود الفتاوى - ج2- 4 ص134)

مجمع الأنهر في شرح ملتقى الأبحر- ج1- ص234⁵

لان الاصل بقاء الشهر فلا ينتقل عنه الا بدليل (الجوهرة النيرة- ص 331- ج1- علمي)⁶

و منع مالك من اعتماد الحساب في اثبات الهلال فقال: ان الامام الذي يعتمد على الحساب لا يقتدى به و لا يتبع. انظر الموسوعة الفقهية الكويتية: ج22- ص33⁷

و غى البذل المجهود : نعت الشريعة عن الخوض في علم النجوم لانها حدس و تخمين ليس فيها قطع و لا ظن غالب الخ محمود الفتاوى - ج2- ص133⁸

محمود الفتاوى:- ص330 ج4⁹

¹⁰ For more detail to refer to *Jawahirul Fiqh vl 30pg 457 / Asr Haazir Ke Pecheeda Masaail aur unka Hal Vl 1, Pg 377*

traditional method of sighting the moon with the naked eye. We need to keep in mind that technology and calculations cannot make *Ithbaat* (establish) of an Islamic month¹¹. The issue of whether the Islamic month will be established if tools/optical aid (such as binoculars) are utilised is in itself an issue of contention, some of the Ulama have mentioned that if the skies are overcast then it will be permissible to use binoculars and if it is not overcast then it will not be permissible.¹² Others have mentioned that the sighting with binoculars will only be considered if it is possible to see the moon with one's naked eyes,¹³ for this reason some Ulama have mentioned that *Ru'yah* from an aeroplane from very high altitudes will be disregarded. Thus, as mentioned earlier, the most precautionary way would be to sight the moon with the naked eye.¹⁴

Secondly, there is great concern amongst some people that the entire Ummah across the globe should observe Ramadhan and Eid on the same day. They claim that this unity is imperative, however they have misunderstood the meaning of unity. Furthermore, it is an unprecedented view which has never been adopted by any of the Muslim jurists during the past 1400 years. The abandonment of Fiqh has led people to concoct incorrect ideologies, like in this issue.

One must appreciate that unity does not mean that the entire Muslim Ummah throughout the world should perform their acts of worship at one and the same time, because it is physically not possible. It is evident that when people in India, Pakistan are performing their Fajr prayers, those in New Zealand may be offering their Zuhr prayer of the same day.

If it is made obligatory on all the Muslims in the world to offer their acts of worship at one and the same time for the sake of unity, such unity can never materialize (because of the time differences). It is, therefore, obvious that offering one's acts of worship at different times do not affect the concept of Muslim Unity.

Unity means that all Muslims should treat each other with brotherly sympathy and affection and should not spread disorder and dissention among them. Nor should they invent new ideas foreign to the teachings of Quran and the Sunnah which may lead to division and conflict among Muslims.

On many occasions, in order to attain this "unity" many statements of the Fuqaha and certain principles laid out by Shariah are compromised .¹⁵.

فتاوى دار العلوم زكريا: ج 3-ص241 و242 ¹¹

¹² (Ref:Imdadul Fatawa 140-141/2, Fatawa Mufti Mahmood Multaani *rahimahullah*-VI 3, Pg. 434 Fatawa Darul Uloom Zakariya VI 3, Pg. 243.)

¹³ Mahmoodul Fatawa: VI 4. Pg 323

¹⁴ Hadrat Mufti Ahmad Khanpoori Sahib *hafidhahullah* has mentioned that if the sighting of the moon is not possible except with optical aid, then this type of sighting is called *Ru'yat-e-Iraadi*. This type of *Ru'yah* is not considered but rather *Ru'yat-e-Tab'ee* is considered. Refer to Mahmoodul Fatawa VI 4, Pg. 322 and VI 2, Pg. 94 for an extremely detailed Fatwa on *Ru'yat-e-Hilal*.

¹⁵ Also refer to the following references for more detail:

عن ابن عباس رضى الله عنهما انه كان يعتبر في حق كل بلدة رؤية اهلهـ انظر الموسوعة الفقهية الكويتية- ج 22-ص 37

Fathul Qadeer: VI. 2, pg. 313 (Darul Fikr), Al-Muheetul Burhaani VI. 3, pg. 340, Imdaadul Fattah pg. 636, Hashiyatut Tahtawi alal Maraaqi pg. 656, Qadeemi, Khulasatul Fatawa VI. 1, pg. 249 (Rasheediyah) Baaqiyaat Fatawa Rasheediyah pg. 218 and Refer to Ahsanul Fatawa VI 4, pg. 467. 225ص4-ج4

فتاوى زكريا-ج3-ص 255

ان تقاربت البلاد كان الحكم واحدا وان تباعدت فوجهان: لا يجب عند الاكثر, واختار ابو الطيب و طائفة الوجوب و حكاه البغوى عن الشافعى (فتح البارى - مسئله رؤية هلال)

Conclusion

We advise our efforts should be concentrated on the traditional method of moon sighting with the naked eye and we should all make an effort to sight the moon every month and report our findings to the Ulama Kiraam. We should strengthen our capabilities in New Zealand in this regard such as other countries like South Africa. Multiple days for Ramadhan and Eid in one household could entail many negative factors, therefore we should consult and follow the Ulama Kiraam ¹⁶ on this issue before we act, so that we avoid any regrettable situation in the future.

والله تعالى اعلم بالصواب

Muhammad Irshad Motara
29th Ramadaan 1441
23rd May 2020

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(قد اجمعوا انه لا تراعى الرؤية فيما اخر من البلدان كالاندلس من خراسان كالاندلس من خراسان الخ (مجموعة الفتاوى-مسئلة رؤية هلال و قال النووي: والصحيح عند اصحابنا ان الرؤية لا تعم الناس بل يختص بمن قرب على مسافة لا تقصر فيها الصلوة و قيل ان التفق المطلاع لهمم (شرح مسلم) و انظر ايضا الموسوعة الفقهية الكويتية ص 36-ج 22

Mufti Khalid Saifullah has mentioned the *Ikhtilaaf* of the different Mazahib in detail, he mentions amongst the Shawa'fi Abu Ishaq Shiraazi, Allama Raa'fie etc. gave preference to the opinion of the existence of Ikhtilaaf Mataali, he also mentions that not considering the Ru'yah of another place (unless the Mat'la is one) is the opinion of the Mashaikh of Iraq and the people of knowledge have agreement on this. Refer to Qaamosul Fiqh VI. 5, pg. 347

اجمع على انه لا تراعى الرؤية فيما بعد كخرسان و الاندلس...انظر فتاوى زكريا ج 3-ص 263
كتاب النوازل-ج 6-ص 290

Allama Shabbir Ahmad Uthmani *rahimahullah*, Mufti Muhammad Shafee *rahimahullah* also take into consideration Ikhtilaaf Mataali (Fatawa Darul Uloom Zakariya, VI. 3, Pg. 257) also refer to Ahsanul Fatawa VI. 4, pg. 484 and Fatawa Mufti Mahmood Multani, VI. 3 pg. 448. ج 2- ص

قال الشيخ: و هذا هو الصواب و لا بد من تسليم قول الزيلعي الخ

Archives: Al 'arfush shazi ma'at tirmidhi 1\149, Fathul mulhim 3\113, Ma'aarifus sunan 5\340, Ru'yat-e-hilal – Mufti Shafi' sahib 55, Dars-e-Tirmizi 2\530, Al Maqaalaatul A'zamiyyah 44

و قال الكاساني رحمه الله: هذا اذا كانت المسافة بين البلدتين قريبة لا تختلف فيها المطالع فاما اذا كانت بعيدة فلا يلزم احد البلدين حكم الآخر لان مطالع البلاد عند المسافة الفاحشة تختلف فيعتبر في اهل كل بلد مطالع بلدهم دون البلد الآخر و قال الزيلعي رحمه الله تعالى والاشبه ان يعتبر لان كل قوم مخاطبون بما عندهم الخ و قال الزين الدين رازي في تحفة الملوك: و لا يلزم احد المصرين رؤية المصر الآخر الا اذا اتحدت المطالع . و قال العلي القاري رحمه الله في شرح النقاية : و الاشبه من حيث الدليل هو الاعتبار باختلافها كما في دخول وقت الصلوة...فاذا انعق بالرؤية في حق قوم لا يلزم ان ينعقد في حق غيرهم مع اختلاف المطالع-بدائع الصنائع و اذا روى ببلد لزم حكمه البلد القريب منه قطعا كبغداد و الكوفة لانهما كبعدة واحدة – نهایة المحتاج

Regarding the Sha'fee Mazhab, also refer to *Shaa'fee Bahishti Zewar* VI. 1, pg. 322, Also refer to Masaail Ru'yat-e- Hilal of Dr Masood Ahmad Azami pg. 46 and 47. Quoting from Ma'arifus Sunan, Majmoo'ul Fatawa of Allama Laknawi *rahimahullah*, Allama Ramli, Ibn Abideen Shaami and Shah Waliyullah Dehlawi *rahimahumullah*

refer to Mahmoodul Fatawa on the importance of adhering to the etiquettes of Ikhtilaaf (Mahmoodul Fatawa VI. 4 pg. 363) and also Fatawa Uthmaani VI. 2, pg. 167.