

*With the Name of Allah, All-Merciful, Most Merciful*

## **IBN TAYMIYYAH ON FASTING AND MOON-SIGHTING**

From the Collected Fatwas of Ibn Taymiyyah (*Majmu' Fatawa Shaykh al-Islam Ibn Taymiyyah*), ed. 'Abd al-Rahman b. Qasim and his son Muhammad, Riyadh, 1398 H, vol. 25 (vol. 5 of the Fiqh Section), pp. 98-113.

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## TRANSLATOR'S INTRODUCTION

In the following pages, we present a fascinating discussion of Fiqh (Islamic Law) related to fasting, especially the question of moon-sighting and the issue of how the beginning and end of the month of Ramadan are decided.

Imam Ibn Taymiyyah presents a powerful defence of the “one-sighting” or “one-horizon” (*ittihad al-matali*) view, by which a single confirmed sighting of the hilal suffices for all Muslims worldwide. This is significant because there are many Muslim authorities today who seem to think that there is *Ijma*’ (legally-binding consensus) or a near-*Ijma*’ on the alternative view of “multiple horizons” (*ikhtilaf al-matali*).

In actual fact, the two views can easily be combined given modern astronomy, cartography and instantaneous communication: hilal-sightings worldwide are related by the laws of physics, and easily integrable into a worldwide lunar calendar.

Fifteen years ago, as a recent university graduate with very little knowledge of astronomy, I was an avid supporter of the “no calculation” view. Further study in the fields of both astronomy and Shari’ah rapidly convinced me that this was an untenable position and that, as usual, Islamic law is best served by a dynamic, creative synthesis of tradition and reason: the traditional practice of looking for the new moon and the rational, scientific approach of calculating its visibility should go hand-in-hand.

The discussion presented is important because it is characteristic of Ibn Taymiyyah’s breadth of understanding – his knowledge of the astronomy of his time is so current that he could easily be described as an astronomer. Furthermore, his discussions of Fiqh are refreshingly incisive and avoids that common quality amongst lesser jurists of making matters unnecessarily complicated. He gets to the core of any issue: back to the basics, what the matter “boils down to,” rather than endless quotations from previous jurists as those do, who cannot see the wood for the trees. His conclusions are usually “common sense,” a characteristic of Islamic law understood properly since it is in harmony with the *fitrah* or primordial human nature.

As I argue in my commentary, I believe that the moon-sighting problem has already been solved in theory and principle: Muslim astronomers and jurists have already come up with the Universal Hejra Calendar (UHC). After over a decade studying astronomy and fiqh in some depth, I came to the conclusion that the UHC was indeed the best solution. In the following pages, some of the arguments supporting this conclusion are spelt out. I hope that this modest translation will help to advance the debate about the topic amongst interested parties, *in sha’ Allah*.

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London, 29<sup>th</sup> Ramadan 1429 H (29<sup>th</sup> September 2008).

## THE BOOK OF FASTING

### 1 Fasting on the day when it might or might not be the first of Ramadan

Shaykh al-Islam<sup>1</sup>, Allah have mercy upon him, was asked:

Is it obligatory (*wajib*) or not to fast on the cloudy day?<sup>2</sup> Is this the “day of doubt” when fasting is forbidden, or not?

He answered:

About fasting on the day when cloud prevents any possible sighting of the hilal<sup>3</sup>, the people of knowledge have a number of views that are found in the school of Ahmad and others:

1. That it is forbidden to fast that day. This is the dominant (*mashhur*) position in the school of Malik, Shafi’i and Ahmad, in one of the two narrations from the latter. Some of his companions adopted this view, e.g. Abu l-Khitab, Ibn ‘Aqil, Abu l-Qasim b. Mandah of Isfahan, and others.

Is this forbidden prohibition (*tahrim*) or strongly discouraged (*tanzih*)? There are two views on this.

2. That it is obligatory (*wajib*) to fast that day, being the preference of the Qadi<sup>4</sup>, Kharqi and other companions of Ahmad. It is said that this is the most well-known view narrated from Ahmad, but the established view on the authority of Ahmad, for the one who knows the texts and wording, is that he used to recommend fasting on the cloudy day, following Abdullah b. ‘Umar and other Companions. Abdullah b. ‘Umar did not obligate this on people, but used to do so out of caution<sup>5</sup>, as did other Companions – this is narrated from ‘Umar, ‘Ali, Mu’awiyah, Abu Hurayrah, Ibn ‘Umar, ‘Aishah, Asma’ and others.

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<sup>1</sup> Imam Ibn Taymiyyah was born in 661 H / 1263 CE and passed away in 728 H / 1328 CE.

<sup>2</sup> i.e. at the end of Sha’ban, the month immediately before Ramadan in the Islamic lunar calendar. The “cloudy” condition refers to the previous evening, of course, since the new hilal is only visible immediately after sunset.

<sup>3</sup> *Hilal*: the new, waxing, visible, crescent moon, especially on the first night of the lunar month. The term also includes the moon’s phase for the first three nights of the lunar month.

<sup>4</sup> i.e. Abu Ya’la

<sup>5</sup> i.e. in case the hilal was present behind the clouds the previous evening and therefore it was actually the first day of Ramadan.

Many of the Companions did not fast this day, and others used to forbid fasting on this day, e.g. ‘Ammar b. Yasir and others. Thus, Ahmad (may Allah be pleased with him) used to fast on this day out of caution.

As for obligating its fasting, there is no basis for this in the words of Ahmad or any of his companions, but many of his followers believed that his position was to obligate its fasting, and they supported this view.

3. That one has a choice to fast or not to fast that day. This is the position of Abu Hanifah and others, and it is the clearly-stated view of Ahmad. It is the position of many or most of the Companions and Followers. This is similar to the following cases:
  - a. When it is not possible to see the dawn, it is allowed to stop eating, and drinking (*imsak*). A person may stop, or may continue to eat until they are certain that dawn has appeared.
  - b. If a person is in doubt as to whether or not they have passed wind, they have the choice to renew their ablution or not.
  - c. Has a year passed over wealth such that zakat is obligatory, or not? (The person has the choice of paying the zakat, or waiting until they are certain that a year has passed.)
  - d. Is the obligatory amount of zakat 100 or 120? The person has the choice of either – the cautious view is to pay the higher amount.

## 1.1 Caution in legal matters

All the principles of the Shari’ah agree that caution is neither obligatory nor prohibited in matters such as this. There are then two views about the intention behind such a fast:

1. To fast with a general intention, or a conditional one, i.e. that if it is actually Ramadan, then this is a Ramadan fast, otherwise no. This is acceptable in the schools of Abu Hanifah and Ahmad, according to the sounder of the two narrations from him. This view is narrated by Marwadhi and others, and is the preference of Kharqi, Abu l-Barakat and others.
2. That this is not sufficient – the intention must be that this a Ramadan fast. This is the other view transmitted from Ahmad, and the preference of Abu Ya’la and other followers of Ahmad.

The crux of this issue is whether or not it is obligatory to specify one’s intention, i.e. that one’s fast is for the month of Ramadan. There are three views in the school of Ahmad ...

The solution of this issue is that the intention follows knowledge. If a person knows that the next day is Ramadan, then they must specify their intention and it would not be sufficient to intend a voluntary or general fast. This is because Allah has ordered them to seek to fulfil their obligation, which is the fast of Ramadan, so if they do not carry out the obligation, their responsibility has not been lifted.

If they do not know that the next day is Ramadan, then it is not obligatory to specify the intention – whoever obligates specification here is combining two contradictory matters.

If they intend a voluntary fast that day, and then it becomes apparent that it was Ramadan, then the most likely answer is that this is sufficient, just like the following case: person A has some wealth deposited with person B, who does not know this (or has forgotten). Person B donates that sum to person A, and later finds out that he owed person A that amount anyway: he does not need to give him that amount again. Rather, he can say that this sum that you received from me was owed by me to you anyway. Allah knows the realities of all matters!

The view that is attributed to Ahmad is that the people's intention follows that of their ruler (*imam*), on the basis that beginning and ending Ramadan is according to the consensus of the people, as is recorded in the Sunan<sup>6</sup> that the Prophet (may Allah bless him and grant him peace) said, "Your fasting begins on the day that you fast. Your fasting ends on the day that you break the fast. Your festival of sacrifice is on the day that you sacrifice."

## **1.2 Does the hilal exist only when it is visible, or does it have an independent existence?**

The people have disputed about the "hilal": does this name apply to an object that appears in the sky even though no-one sees it? Or is it only known as the hilal when people see it (*hatta yastahilla bihi l-nas*) and know of it? There are two views on this in the school of Ahmad and others.<sup>7</sup>

This leads to the dispute over the day after a cloudy evening: is it "a day of doubt"? There are three views in the school of Ahmad and others:

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<sup>6</sup> i.e. the hadith collections of Abu Dawud, Tirmidhi, Nasa'i and/or Ibn Majah.

<sup>7</sup> Surely, we can state that the correct view in the modern world is this: that the hilal exists even if no-one sees it. In the past, it was possible to doubt this because sighting was the only reliable method of determining whether or not it was there in the sky. However, based on the latest astronomical calculations that enable us to predict hilal-visibility with a high degree of precision, we can confidently say whether or not the hilal is visible in the sky from any given location on earth, even if no-one sees it. This has massive implications for the entire debate about moonsighting and constructing an accurate, calculated lunar calendar based on hilal-visibility. There is further discussion about this topic towards the end of this section.

1. This is not a day of doubt. Doubt is when it is possible to attempt a moonsighting.<sup>8</sup> This is the view of many of Shafi'i's followers, and others.
2. This is a day of doubt, since the hilal may be present.
3. This is legally treated as part of Ramadan (out of caution), so it is not a day of doubt. This is the preference of a number of Ahmad's followers, and others.

The jurists have disputed about the person who sees the hilal by himself at the beginning and ending of Ramadan. There are three well-known views in the school of Ahmad and others:

1. They should begin and end the fasting alone.
2. They should only begin and end the fasting with the people.
3. They should begin the fasting alone but end it with the people.

## 2 How far geographically is a hilal-sighting valid?

There is uncertainty (*idtirab*) as to whether the sighting in one place is valid for all places, for Ibn 'Abd al-Barr has narrated that there is consensus (*ijma'*) that the disagreement is limited to places with similar horizons (*fi ma yumkin ittifaq al-matali' fihi*). As for, e.g. Andalusia and Khurasan, there is no disagreement that a sighting in one place is not valid for the other place.<sup>9</sup>

Imam Ahmad relied on the hadith of the Bedouin who testified that he saw the hilal the previous evening, so the Prophet (may Allah bless him and grant him peace) ordered the people to follow this sighting, even though it had happened outside the city (of Madinah), and it could have been further than the distance of shortening prayers, but the Prophet did not enquire about the distance. This does not contradict Ibn 'Abd al-Barr's statement, but what is the limit (of horizons)?

Those who said that a hilal-sighting is not valid for all lands, such as most of the followers of Shafi'i, have different views:

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<sup>8</sup> The meaning of this is not clear to me, but it appears to refer to a partially cloudy evening when moonsighting is attempted but the hilal is not seen, so one is not sure whether the next day is Ramadan or not.

<sup>9</sup> Given Ibn Taymiyyah's later, repeated insistence on the physical principle that "A sighting in the east implies a sighting in the west, but not vice-versa," it should be remembered that a hilal-sighting in Khurasan is valid for Andalusia on the same night, but not vice-versa, since Khurasan is thousands of miles east of Andalusia. (Khurasan is an area in present-day Iran and Afghanistan; Andalusia is in present-day Spain. Al-Andalus used to refer to the Iberian peninsula, including present-day Spain, Portugal and Gibraltar.)

1. some of them limited the validity of the sighting to the distance of shortening prayers;
2. others limited it to different horizons (regions), such as the Hijaz and Sham, 'Iraq and Khurasan, etc.

Both of these views are weak, since (1) the distance of shortening prayers has no relation with the hilal, and (2) as for regions or provinces, how does one define their boundaries?

Further, both of these views are mistaken from a number of aspects:

1. Hilal-sighting depends on how easterly or westerly the location is, so **if the hilal is seen in the east, it must be seen in the west, but not vice-versa.**<sup>10</sup> This is because sunset occurs later as we move further west. If the hilal has been seen in a particular location, its illumination and distance from the sun and its rays will increase at sunset to the west, and will therefore be more easily visible. The reverse case does not apply, i.e. if the hilal is seen in the westerly location, since a factor in its visibility may have been the later sunset there, such that the hilal's distance from the sun and illumination will have increased, whereas it was closer to the sun in the easterly location.

Further, when the hilal is seen in the westerly location, it would already have set at the easterly location. This a matter observed with the senses (*amr mahsus*) regarding the setting of the sun, hilal, planets and stars. This is why when the time of the sunset prayer begins in the west, it has already begun in the east, but not vice-versa. Similarly, when dawn appears in the west, it has already appeared in the east, but not vice-versa. The rising and setting of the stars and planets occur earlier in the east.

As for the hilal, its appearance and visibility is more apparent in the west, because it appears ("rises") in the west.<sup>11</sup> There is nothing else in the sky that appears

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<sup>10</sup> Ibn Taymiyyah is here referring to a simple principle based on physics and geometry. Contemporary Muslim astronomers such as the US-based Dr. Khalid Shaukat of moonsighting.com and Br. Omar Afzal of islamicmoon.com have repeatedly emphasized that this is one of the best tests of a claimed hilal-sighting in a particular location: if valid, the hilal **must** be visible later the same night in all regions to the west of that place at similar latitudes and having a clear horizon. For example, if the hilal is indeed seen in Mecca, it **must** be visible even more clearly in the United States later that evening, eight to eleven time-zones to the west. Some states in the US, such as Arizona and Texas, have near-perfect moonsighting conditions, yet year after year, empirical observations show that the hilal is not visible there, even though it is often claimed that the hilal was visible in Saudi Arabia around 10 hours earlier, often with multiple claims of sighting. The official religious scholars of Saudi Arabia, who are heavily-influenced by Imam Ibn Taymiyyah, need to realise that his lucid statement here totally undermines many (if not the overwhelming majority!) of their announcements about the dates of Ramadan, Hajj and the two Eids. Their confusion on this matter is a major source of the massive confusion around the Muslim world, given the influence of Saudi Arabia, custodian of the Two Holy Sanctuaries of Mecca and Medina, over Muslims everywhere.

<sup>11</sup> i.e. the hilal is first visible above the sunset, which occurs in the western half of the sky.



(“rises”) in the west.<sup>12</sup> The reason for its appearance is its distance from the sun: the later the sunset, the greater the moon’s distance from the sun. Therefore, whoever considers only the distance between inhabited lands has not held on to any legal or physical principle.

Also, with the hilal of the Hajj: the Muslims have always accepted the sighting testimonies of returning pilgrims, even if this involved a distance greater than that for shortening prayers.

2. If we consider a (geographical) limit (i.e. to the validity of a sighting) such as the distance for shortening prayers or the border of a region, then a person at the furthest edge of this distance or region would be obliged to fast, break the fast or begin the pilgrimage rites whilst another person, a stone’s throw<sup>13</sup> further away, would do none of that, and this is not from the religion of the Muslims!

The correct view in this matter – and Allah knows best – is what is indicated by his statement, “Your fasting begins on the day that you fast. Your fasting ends on the day that you break the fast. Your festival of sacrifice is on the day that you sacrifice.” **Thus, if a witness testifies on the evening after the 29<sup>th</sup> day of Sha’ban that he saw the hilal in a place that is near or far, fasting becomes obligatory (i.e. Ramadan has begun).**<sup>14</sup>

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<sup>12</sup> This statement is not true: a similar phenomenon often occurs with the planets.

<sup>13</sup> Literally, “a maximum arrow-shot” (*ghalwah sahm*). The equivalent English idiom has been used in the translation.

<sup>14</sup> This is a clear statement supporting the “one-sighting” view, with strong arguments supporting it. In an age of instant communication, this view becomes even stronger. In interpreting it in the modern context, the only factor that remains to be dealt with is that of the rotation of the earth, i.e. how far east or west (or equivalently because of the earth’s rotation, how many hours either side of sunset) should one allow a valid hilal-sighting to apply at one’s location.

Ibn Taymiyyah and the Shafi’i scholars quoted by the contemporary astronomer-jurist Afifi al-Akiti, certainly support the principle of accepting sightings from the east of one’s location. Other jurists, including Hanafi ones, also allow the acceptance of sightings from the west, based on the fiqh principle of “sharing the night,” since one can begin fasting as long as news of a hilal-sighting is received appreciably before dawn.

My own view is that “sharing the night” is not ideal, since one can begin fasting but Tarawih prayers immediately after the Night (‘Isha) Prayer are usually not possible under this principle. Further, this principle can lead to the local date being appreciably out of sequence with the moon phase. A compromise such as the Universal Hejra Calendar (UHC), would therefore seem an overwhelmingly-obvious solution to the whole problem. The only matter that remains to be decided with the UHC is the number of zones into which we should divide the world.

My preference currently is the tri-zonal system marked by the following imaginary lines on the surface of the earth: (1) the international solar date-line, (2) longitude 60E and (3) longitude 20W. The three zones can then be described as: (1) the western zone, comprising the Americas; (2) the central zone, comprising Africa, Europe and the Middle East including Iran; (3) the eastern zone, comprising the remainder of Asia, the Far East and Australasia. It should be noted that this tri-zonal system was found at the UHC webpage

## 2.1 The impact of knowledge and communication constraints on this matter

Similarly, if people receive testimony of hilal-sighting during the next day before sunset, they must refrain (from eating, drinking and sexual intercourse) for the rest of the day, whether this testimony comes from one or more regions.

Knowledge about a hilal-sighting is only valid for consideration if it is received in time. If a people learn of a sighting (from the previous evening) after their local sunset, they must of course fast the next day, but should they make up the fast of the day that has just passed? It often happens that they learn during the month of Ramadan that the hilal was seen (a day earlier) in a distant region, but not nearby. The most appropriate answer is that if it was seen in a place close enough such that it would have been possible to receive news of the sighting within a day, this would be similar to it being seen in their own land, but the news not reaching them.<sup>15</sup>

However, if the hilal was seen in a place further away than one day's communication distance, they would not have to make up a fast. This is because people can only be obliged to fast on a day when it is possible for them to have seen the hilal [or heard of its sighting].<sup>16</sup> However, in this case, it was not possible for them to have seen the

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(<http://www.icoproject.org/uhc.html>) until 2006, after which it was changed to a bi-zonal system that merged zones 2 and 3 above, leaving only a western and eastern zone. Under the UHC, each land accepts sightings from the east unrestrictedly, but there is some restriction on accepting sightings from the west, which is surely a superb compromise that solves the moonsighting problem and gives a reliable, accurate, lunar calendar that can be calculated in advance using our state-of-the-art hilal-visibility calculations. And Allah knows best!

However, there remains the problem, mentioned by the Ibn Taymiyyah, of arbitrary boundaries: for example, with the UHC, a hilal sighting at the eastern border of Iran would not be valid for people in Afghanistan and Pakistan, a few miles away. This is perhaps not such a major problem, especially if natural borders such as mountain ranges are taken into account. For the UK, the Atlantic Ocean forms a huge natural barrier to our west and means that the UHC is a neat solution: a hilal-sighting in the Americas is only followed the next day, whilst a sighting anywhere in Europe, Africa, Asia or Australasia is binding that same evening.

<sup>15</sup> i.e. rather than considering the distance for shortening prayers or boundaries of regions, it is more sensible to consider the speed of communication and regard one's local area for sighting purposes as that defined by one day's fastest communication distance. Nowadays, this would of course include the whole world (in fact, it would include the solar system up to a distance of one light-hour from the earth, which is over four times as far out as Pluto!), for the earth is indeed a "globalised village" in some respects. Applying this principle would mean unrestricted acceptance of a valid hilal-sighting from anywhere on the earth, and therefore needs to be conditioned carefully. As argued in a previous footnote, the Universal Hejra Calendar is a principled solution to this problem. Surely the time has come (and in fact, is long overdue) for the entire Muslim world to adopt a calculated version of the UHC?

<sup>16</sup> Since their locality has been extended by Ibn Taymiyyah, earlier in the discussion, to include one day's communication distance.

hilal or heard of its sighting, so it cannot be a day of fasting for them. The cases of ‘Id al-Fitr and the Hajj are similar.

However, should these people celebrate ‘Id al-Fitr early based on the confirmed news of that earlier hilal-sighting reaching them during Ramadan?<sup>17</sup> [Yes, they should,] unless only one person saw the hilal earlier.<sup>18</sup> This is because they have received confirmed knowledge during Ramadan that necessitates that they celebrate ‘Id al-Fitr, even though they do not make up a missed fast at the beginning of the month.

## 2.2 Travelling to a place where Ramadan began on a different day

Thus, they fast 29 days, and their situation is similar to that under the “local sighting” view where a person begins Ramadan and then travels to a place where they began fasting a day earlier based on their sighting: he must celebrate ‘Id al-Fitr with them, and does not need to make up a missed fast.

However, if their sighting was a day later, our colleagues<sup>19</sup> differ: if they say he should celebrate ‘Id by himself, there is a contradiction because this is equivalent to the situation where a non-traveller saw the hilal alone, a day earlier. In our school, he does not celebrate ‘Id by himself according to the dominant (*mashhur*) position. However, if he fasts with them, he will have fasted for 31 days.<sup>20</sup>

The most appropriate answer here is that our colleagues must logically derive two views about this matter, analogous to the case of the person who sees the hilal of Ramadan by himself. In both cases, a person must not celebrate ‘Id by himself. The Ramadan hilal-sighting by the people of one city but not another is like the sighting of a group of people within a city, but not by the rest of the population in that city.

As for the hilal of ‘Id, if the lone person’s sighting is confirmed on the same day, the people of his city will follow it. However, if it is confirmed after that, there will be no benefit except for the record, for ‘Id is the day when people celebrate the festival.

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<sup>17</sup> i.e. When they have completed 29 days, it has actually been 30 days since the earlier confirmed hilal-sighting, so should they end Ramadan on that basis, without attempting a local moonsighting?

<sup>18</sup> i.e. there should be multiple sightings for the hilal-sighting to be “confirmed” (*thabit*).

<sup>19</sup> i.e. Hanbali jurists

<sup>20</sup> This is also anomalous, since lunar months can only be 29 or 30 days long, as we know from the Prophet’s teaching (may Allah bless him and grant him peace) and from astronomy, since the orbit of the moon around the earth takes almost exactly 29½ days.

### 2.3 The importance of information in this matter

**The fixed rule (*dabit*) here is that this matter depends upon information<sup>21</sup>**, due to his saying, “Fast upon its sighting.”<sup>22</sup> Therefore, whoever is informed that the hilal has been sighted, Ramadan has conclusively begun for him, with no consideration at all given to distance (i.e. no matter how near or far he is from the place of sighting). This corresponds to Ibn ‘Abdul Barr’s statement that there is no effect of news reaching built-up areas after the month is over, unlike places where news arrives during the month, where it may have an impact.

Therefore, reflect upon these matters:

1. the (beginning of the) obligation of fasting;
2. refraining (from food, drink and sex, i.e. upon receiving news of a hilal-sighting from the previous evening);
3. the obligation of making up a missed day;
4. the obligation of celebrating ‘Id based on that sighting;
5. the sighting by a person in a distant location (i.e. more than one day’s communication distance away);
6. receiving information once the worship has ceased.

This is why the jurists said: if all the pilgrims are mistaken (about the hilal of the Hajj) and stand at ‘Arafah on the wrong day, their standing is acceptable because of the consideration of the information they have received. However, if some are mistaken (and some are correct), their standing is not acceptable because of the possibility of correct information being received, for information is decisive (*mu’tabar*), even if those who have the knowledge are distant or few in number.

What I have mentioned is the view of our jurists, except for the issue of making up a missed fast when it was not physically possible for information to be received (within one day).

The decisive argument (*hujjah*) about this is that we know with certainty that the hilal has always been sighted in some cities of the Muslims, but not others, from the eras of the Companions and the Followers until the present. This is one of those usual

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<sup>21</sup> *Bulugh*: literally, “news being received.”

<sup>22</sup> i.e. and not, “Fast when you see it.” Every individual is not required to see the hilal: it is enough that they receive reliable information that it has been sighted.

matters that does not change. Therefore, news of earlier hilal-sightings must have reached people during Ramadan: if it was obligatory for them to make up a missed fast, they would have striven to the utmost to ascertain its sighting across all the lands of Islam, just as they would do for their own land; making up a missed fast would have been a common obligation in most Ramadans. Had such a thing occurred, it would certainly have been transmitted to us: since it has not been transmitted, this indicates that such a matter has no basis, and the hadith of Ibn ‘Abbas<sup>23</sup> also indicates this.

Our colleagues could reply that it is also not transmitted that they would base their ‘Id al-Fitr on the basis of an earlier hilal-sighting report received during Ramadan.

In reply, we would say that this is a matter in which people do not strive their utmost to ascertain, because it involves not fasting for one day. Thus, if the earlier sighting is established in their view, they end the fasting, otherwise caution dictates that they fast, because that report could be weak; furthermore, this matter (of ending Ramadan based upon an earlier hilal-sighting) is debatable.

It could be said that if they receive the report during the month, they continue based on their own sighting (and disregard the earlier sighting report), unlike the case of receiving the report on the possible first day of fasting. This would be an understandable view. In fact, if a person only hears of an earlier sighting during the month, it is debatable whether or not they should make up a missed fast even though they can celebrate ‘Id early on its basis. This is because his saying, “Your (month of) fasting begins on the day that you all fast” is an indication that the earlier day was not a day of our fasting. Moreover, legal responsibility (*taklif*) is subordinate to knowledge: if there is no knowledge or manifest indication, there is no obligation.

This can be supported by saying that if the hilal is confirmed during the day, whether before or after people have eaten, they should complete their fast or refrain from eating and drinking, and they do not have to make up a missed fast. This is similar to the case of a child attaining puberty or a madman regaining sanity during the day, according to the most correct of the three views, which are that:

1. he must refrain (from eating and drinking) for the rest of the day, and make up the fast;
2. he neither has to refrain nor make up a fast;
3. he must refrain but not make up the fast.

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<sup>23</sup> i.e. the hadith narrated by Kurayb from Ibn ‘Abbas and transmitted in *Sahih Muslim*, often cited in discussions about moon-sighting.

## 2.4 The meaning of “hilal”

This is because the word “hilal” is derived from “manifestation (*zuhur*)” and “the raising of voices.”<sup>24</sup> Thus, its appearance in the sky has no consequence, inwardly or outwardly, if it is not manifested on the earth.<sup>25</sup>

The name “hilal” is derived from the action of men. It is said: *ahlalna l-hilal* (“we began the month with the new crescent moon, covering ourselves with it”) and *istahlalna l-hilal* (“we raised our voices with the new crescent moon, pouring out at it”).<sup>26</sup> Thus, there is no hilal if voices are not raised at it. If one or two persons raise their voices at it but do not inform others, it is not a hilal: no legal judgment (*hukm*) is based upon it until they inform others about it. Their communication is then the *ihlal*, which is the raising of voices in reporting it to others. Moreover, legal responsibility (*taklif*) is subordinate to knowledge: if knowledge of it is not possible, it is not obligatory to fast.

## 2.5 Summary of the discussion so far

To summarise:

1. Whoever is informed of the sighting of the hilal within the time that such information can necessitate fasting, ending the fast or pilgrimage, there is no doubt that such information must be considered. The hadith texts and traditions of the early Muslim generations indicate this.

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<sup>24</sup> According to Lane’s Lexicon, its root meaning also includes: covering and pouring out.

<sup>25</sup> Ibn Taymiyyah mentioned earlier that there was another view within the school of Imam Ahmad: the latter view is surely the correct one, especially in the modern age of science. Furthermore, in our age of instant communication, it is only a matter of time, given enough organisation and infrastructure, that news of hilal-sightings from thousands of people will become commonplace. The hilal-visibility curves predict that *millions* of people will be able to see the hilal every month, but only a handful of sightings are recorded on easily-accessible internet websites with a global audience. This leads some to think that very few people have seen the hilal, whereas in fact thousands, if not millions of people may have done so, especially in “developing” or “Third World” countries whose populations may not particularly wish to communicate via the internet with “developed” or “First World” countries. At an Islamic Astronomy conference in the UAE in 2006, there was an ingenious proposal from a Muslim IT professional based in Norway for an international network of hilal-observers, armed with PDAs, who could submit reports and photographs of the hilal every month to a global, electronic resource. When this sort of project comes to fruition, it will be very easy to see that the hilal-visibility curves are amply confirmed by thousands of observations, and perhaps the die-hard “sighters only” will finally accept that calculations and sighting do indeed give the same answer! Some of us can already see that possibility, and in fact have seen it confirmed by the numerous “Moonwatch” projects that already exist and have been operating for many years. The UK Moonwatch project ([www.crescentmoonwatch.org](http://www.crescentmoonwatch.org)), launched in Ramadan 1426 (October 2005), has already collected thousands of observations of the hilal, both positive and negative, that accord perfectly with standard hilal-visibility curves.

<sup>26</sup> These translations are suggested by the entries for “hilal” in Lane’s Lexicon.

2. The view that a hilal-sighting's applicability is limited to the distance of shortening prayers or to regional borders, is contrary to logic and the Law.
3. Whoever receives this information only after completing worship that cannot be made up, such as 'Id and the Hajj, then the news has no effect – there is Consensus (*Ijma'*) upon this, as quoted by Ibn 'Abdul Barr.
4. If the information is received during the time of worship, does it obligate making up a missed fast, and celebrating 'Id early? My view is that the former is not obligatory, whilst the latter is debatable. This is the moderate view in the matter, for any other position leads to horrible implications, especially for those who believe in multiple horizons. The latter view necessitates conclusions about the Hajj that are known to be contrary to the religion of Islam, if some or all delegations of pilgrims see the hilal and then arrive in Mecca, and the hilal had not been seen in the vicinity of Mecca. The wrong view leads to the pilgrims in Mecca observing rituals on different days, whereas our view leads to legally-approved unity: each group follows something that allows them to harmonise with others.

## 2.6 A further discussion about the hilal and the Hajj

The reality of this knowledge about the hilals is indicated in the noble verse, “[They ask you concerning the new moons. Say:] They are time-markers for the people, and for the Pilgrimage.”<sup>27</sup>

This indicates that He meant that which is known by sight or hearing. This is why it is the position of Shafi'i, and one of the two narrated from Ahmad, that if the sky is clear but no-one sees a hilal, then this is not a “day of doubt,” since there is no doubt about the fact that there is no hilal, even if one may be in doubt as to whether or not the moon is above the horizon. This indication is from two aspects:

1. *Hilal*, morphologically speaking, has the form *fi'al*. This form is used in the speech of the Arabs for a tool by which something is done. E.g. *izar* (a wrapper for the lower body), *rida'* (a wrapper for the upper body), *rikab* (a mount), *wi'a'* (a vessel to hold its contents), *simad* (compost with which the soil is covered), *'isab* (a cord for tying with) and *sidad* (a stopper by which a gap is filled). This form is commonplace amongst nouns. Therefore, the hilal is a name for that by which voices are raised, and this only happens by seeing or hearing. This is also indicated by the poet's line:

*The riders of the Farqad raise their voices with it  
As the riding pilgrim raises his voice in prayer.*<sup>28</sup>

<sup>27</sup> Qur'an, Surah al-Baqarah (*The Cow*), 2:189

<sup>28</sup> *Farqad*: According to Lane's Lexicon, this may mean the calf of a wild cow, even land, or one of the two bright stars of Ursa Minor near the Pole Star. It is not clear to me which meaning is meant here. The verb

Similar to this is His saying, "... and whatever has the name of other than Allah invoked over it (*uhilla bihi*)," <sup>29</sup> i.e. over which words are voiced, whether or not the voicing is loud or quiet, for words have been said, uttered and expressed for the sake of other-than-Allah. <sup>30</sup>

2. He made the hilals markers of time for the people: they cannot be so unless they are observed via sight and the news transmitted via hearing. If there is no observation, there is no marking of time, so they are not hilals. This is the most that can be established via the senses, since **to specify the location where the hilal first appears by way of calculation is not correct in the least**, and I have written something about that. <sup>31</sup>

This matter depends on the latter also, **for it is not within human capability to determine specific times and locations for seeing the hilal.** <sup>32</sup> People can only be sure about what they see with their eyes or hear with their ears. Since the obligation upon the person who sees the hilal is to follow his sighting, and upon the person who does not see it is to follow the news that he hears, someone who neither sees nor hears anything has not achieved *ihlal*.

Allah is He who is asked to complete His favour upon us and upon all Muslims! <sup>33</sup>

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*ahalla, yuhillu* is also famously used by the Companions to describe the Prophet's raising his voice in prayer (*talbiyah*) during the Hajj and 'Umrah.

<sup>29</sup> Qur'an: Surah al-Baqarah (The Cow), 2:173.

<sup>30</sup> This is an ingenious indication about this matter from the root meanings of the word "hilal," but it is not a conclusive argument, especially when Shaykh al-Islam admits that it can mean words that are quietly uttered, especially in the second Qur'anic verse quoted, thus undermining his own argument. The die-hard "sighting-only" argument is thus not supported strongly by the etymology and morphology of the name "hilal," especially given the very strong contrary arguments in favour of a calculated solution on the basis of the Maqasid (Higher Objectives) of the Shari'ah, cutting-edge scientific knowledge, and the requirements of pragmatism and practicality in the modern world, especially for governments and administrators, arguments that have been indicated and developed elsewhere.

<sup>31</sup> Although true when it was written seven centuries ago, the last statement is simply not true in our age. The "noses" of the standard parabolic hilal-visibility curves specify, with sufficient precision for our purposes, the location on the earth where the hilal will be seen by naked eye, optical aids or a combination of the two methods.

<sup>32</sup> This statement is also no longer true, although it certainly was when it was written, seven centuries ago. Physics and astronomy have progressed exponentially since the mediaeval times of Shaykh al-Islam. The work of Yallop, Schaefer, Ilyas, Odeh et al. is testament to this. Were Shaykh al-Islam alive today and saw what is within human capability now, I am sure that he would retract this and similar statements. I hope his followers, particularly anti-rational "traditionalists" and the official religious scholars of Saudi Arabia, will reconsider their views.

<sup>33</sup> *Amin!*