

In the name of Allāh, the Loving, the Love-Giving
All praises are due to Allāh and peace and salutations be upon His messenger Muḥammad, his family, companions and followers

A BRIEF RESPONSE TO ASTRONOMICAL CALCULATIONS AND RAMADAN

By Mokhtār Maghrāoui, September 2007

A brief response to Dr. Zulfiqar Ali Shah's comments¹ on the paper entitled *An Islāmic Legal Analysis of the Astronomical Determination of the Beginning of Ramaḍān*.

To our readers: Please carefully and patiently read the original paper in the name of the Fiqh council² as well as our paper in response to it.³

1. On the criticism concerning the *āyah* in the Qur'ān “فمن شهد منكم الشهر فليصمه”: Where in the paper is it argued that the *āyah* “categorically requires physical moonsighting?” It is not in the paper. The *āyah* understood in the context of the Prophetic ḥadīth on the command of sighting establishes that sighting is a *farḍ kifāyah* not *farḍ 'ayn*; a communal obligation, not an individual obligation.
2. To generate an Islāmic lunar calendar for civic purposes – not for the designation of pre-calculated dates for fasting the month of Ramaḍān – is not the issue of our discourse nor disagreement.
3. **Yes**, the *ru'yah* of *hilāl* is the only *sabab* (cause) for the obligation of commencing the fast of Ramaḍān (obviously in the absence of obscuring clouds as the text established).
4. The superb scholars of Islamic jurisprudence, the experts in their fields, all identified *ru'yatul hilāl* as the cause for the obligation of fasting Ramaḍān. Instead of anyone declaring that sighting is not a *sabab* (cause) and standing in opposition to the juristic experts – on account of one's perception, and interpretation of language and logical rules – one should have questioned his or her own perception in this particular case.
5. Please review some of the following references in which the experts of Islāmic jurisprudence identified sighting of the crescent moon as the cause for the obligation of fasting Ramaḍān:
 - Al-Iḥkām..., Al-Amīdī, Dār Al-Kitāb Al-'Arabī vol. 1 page 172;
 - Al-Mustaṣfa, Al-Ghazalī, Dār Al-Arqam vol. 1 pages 255-256;
 - Usūl As-Sarkhāsī, Maktabat al-Ma`ārif vol. 1 page 103;
 - Al-Furūq, Al-Qarāfī, vol. 1 page 161, page 221 and vol. 2 pages 23 and 178;
 - And numerous others.

¹ See: <http://www.fiqhcouncil.org/Default.aspx?tabid=86>

² See: <http://www.isna.net/fileadmin/ temp /FIQH/Calculations-Final%20 2 .pdf>

³ See: http://zawiyah.net/jm/Files/PAPER-ANALYSIS_OF_THE_ASTRONOMICAL_CALCULATION_OF_RAMADAN.pdf

6. The fact that under **regular** circumstances we do not have to attempt to sight the *hilāl* on the night of the 31st of **Sha‘bān**, cannot be an argument against the causative criterion of sighting the crescent moon: first because the criterion is explicit in the Prophetic text; and second, because the requirement of sighting as a cause is obviously meant within the fact that the lunar month is either 29 or 30 days. There is no 31st day of *Sha‘bān* to await on the night of the 30th of *Sha‘bān*. It is *baḍīhī*, *self-evident*. **Every sabab is applied within a boundary**. To elucidate this I shall cite two examples:

- a. When the Lawgiver assigned *bulūgh* (adolescence) for the obligation of *taklīf* (legal responsibility) one cannot say that every time a person is *bāligh* there is *taklīf*. For if one is *bāligh* with the fact that he or she is insane or asleep for example, the person is not under *taklīf*, yet *bulūgh* is a *sabab* (cause) for *taklīf*.
- b. When the Lawgiver assigned *milkun-nisāb* (owning property beyond *nisāb*) as cause for the obligation of *zakāh*, this does not imply that every time one has *nisāb* one must pay *zakāh*. It is only at the end of the *ḥawl* (lunar year) that *zakāh* is due.

The Lawgiver was even explicit about the sighting being required on the 29th and not on the 30th of the month. Both an-Nasā‘ī and Abu Dāwūd relate that Rasūlullāh (صلى الله عليه وسلم) said:

لا تقدموا الشهر حتى تكملوا العدة أو تروا الهلال، ثم صوموا و لا تفطروا حتى تروا الهلال أو تكملوا العدة ثلاثين.

Do not precede the month (by starting to fast) until you complete the count or you see the hilāl then fast and do not end your fast until you see the hilāl or you complete the count thirty (days).

لا تقدموا الشهر حتى تروا الهلال أو تكملوا العدة، ثم صوموا حتى تروا الهلال أو تكملوا العدة، قبله.

Do not precede the month (by starting to fast) until you see the hilāl or you complete the count, then fast until you see the hilāl or complete the count before it.

(*Sunan An-Nasā‘ī*, with commentary by al-Imām as-Suyūti, 3rd edition, published by Maktabat al-Maṭbū‘āt al-Islāmiyyah: Ḥalab, Vol 4, aḥādīth 2126-2127, p. 135-136).

7. To change the revealed criterion of a *ḥukm waḍ‘ī* – namely the *sabab* (cause) of *wujūb* or obligation of the fast of Ramaḍān, from *ru‘yah* (ie: sighting) as it is unequivocally, explicitly, and exclusively pronounced in the text – to a different criterion (ie: the birth of the moon) is **not** within the framework of established Islamic jurisprudence.
8. A move to calculation would possibly make juristic sense if the computed quantity were the ‘**exact** first moment of sighting the crescent moon’. Since **that is** the moment in time that corresponds to what the **Lawgiver assigned** as cause for the obligation of commencing the **worship** of fasting.

I kindly request the readers, especially the critics, to read more diligently the full original paper. May Allāh *subḥānahu wa ta‘āla* guide us to what He loves.