

Interesting new Fatwa on Moonsighting : Ask Imam Fatwah (No.16974)

Question

If a moon is sighted in place A, what is the maximum distance for which this sighting is valid according to the Hanafi Madhab. Please could you state the view of the Imam and his two famous students.

Answer

In the name of Allah, Most Gracious, Most Merciful

Assalaamu `alaykum waRahmatullahi Wabarakatuh

According to the madhab of Imam Abu Hanifa (Rahmatullah Alayhi), the preferred view is that the different horizons (*ikhtilaf matali'*) are not taken into consideration. Therefore, there is no maximum distance for the validity of the crescent sighting. If the crescent is sighted in one country then it is acceptable in another, no matter what the distance may be between the two. However, this is only valid with certain conditions and if certain procedures are followed.

If a country or location is unable to sight the crescent moon due to overcast skies, then the sighting of another country or location will be accepted only if the information is relayed through one of the following four methods:

- 1) Shahadat 'alar Ru'yah (شهادة على الرؤية) – two males, or one male and two females bear testimony that they have sighted the moon in their community or country, using the words أشهد, or the equivalent in their local language.
- 2) Shahadat 'ala Shahadat (شهادة على الشهادة) – two sane, mature Muslims bear witness that two sane, mature Muslims bore witness in front of them that they have sighted the crescent.
- 3) Shahadat 'alal Qadha (القضاء على شهادة) – two sane, mature Muslims from another community or country bear witness that an official declaration was made by the *muqtada* (the leading scholars of the community) that the crescent has been sighted.
- 4) Tawatur wa Istifadhah (تواتر واستفادحة) – many people from another community or country inform that the crescent has been sighted in their community or country; and the *muqtada* of the community or country are convinced that the crescent has been sighted in that community or country based on *tawatur* and *istifadhah*.

It is also important to note that if the crescent moon cannot be sighted in a location due to overcast skies, then it is not compulsory upon the people of that location to acquire information from other communities or countries. However, if the crescent has been sighted in another location and the information reaches a community which has not sighted the moon, then it will be incumbent upon the *muqtada* of that location to accept the news as long as the information is provided through one of the four abovementioned methods.

If the information of sighting is not relayed by one of the four methods, the sighting will

not be regarded as valid.

Judging by the information that the different horizons are not taken into consideration in the Hanafi madhab, it may seem as if it is permissible to follow the sighting of . This would be acceptable if the proper method is used. However, it is a known fact that *shahadat bir ru'yah* or *shahadat 'ala shahadat* are not the methods used in and their decisions are based on a pre-calculated method. The Hadith commands us to start the month of fasting after the actual sighting of the crescent, not mere calculations:

عن عبد الله بن عمر رضى الله عنهما أن رسول الله صلى الله عليه وسلم ذكر رمضان فقال « لا تصوموا حتى تروا الهلال ، ولا تفطروا حتى تروه ، فإن غم عليكم فاقدروا له » . (رواه البخارى)

It has been narrated on the authority of Abdullah ibn Umar (Radhiyallahu Anhum) that Nabi (Sallallahu Alaihi Wasallam) said, “Do not fast until you have seen the crescent (of Ramadhan) and do not stop observing fasts until you have seen the crescent (of Shawwal); and if the skies are overcast, then complete the month”.

(*Sahih al-Bukhari Vol.2 Pg.281 – Darul Fikr*)

Due to the differences which exist in the present day Ummah, each country's *muqtada* should make an independent decision based on the proper Shar'ee method.

May Allah Ta'ala give us guidance to follow all aspects of deen according to the methods prescribed by Shariah.

(قوله : ولا عبرة باختلاف المطالع) فإذا رآه أهل بلدة ، ولم يره أهل بلدة أخرى وجب عليهم أن يصوموا بروية أولئك إذا ثبت عندهم بطريق موجب ، ويلزم أهل المشرق بروية أهل المغرب

(*Al Bahr Al Raiq Vol.2 Pg.270 – Maktabah Rasheediyah*)

وإذا ثبت في مصر لزوم سائر الناس فيلزم أهل المشرق بروية أهل المغرب في ظاهر المذهب

(*Fathul Qadeer Vol.2 Pg.243 – Maktabah Rasheediyah*)

(واختلاف المطالع) ورؤيته نهارا قبل الزوال وبعده (غير معتبر على) ظاهر (المذهب) وعليه أكثر المشايخ وعليه الفتوى بحر عن الخلاصة (فيلزم أهل المشرق بروية أهل المغرب) إذا ثبت عندهم روية أولئك بطريق موجب كما مر ، وقال الزيلى : الأشبه أنه يعتبر لكن قال الكمال : الأخذ بظاهر الرواية أحوط .

وإنما الخلاف في اعتبار اختلاف المطالع بمعنى أنه هل يجب على كل قوم اعتبار مطلعهم ، ولا يلزم أحد العمل بمطلع غيره أم لا يعتبر اختلافها بل يجب العمل بالأسبق روية حتى لو رني في المشرق ليلة الجمعة ، وفي المغرب ليلة السبت وجب على أهل المغرب العمل بما رآه أهل المشرق ، فقليل بالأول واعتمده الزيلى وصاحب الفيض ، وهو الصحيح عند الشافعية ؛ لأن كل قوم مخاطبون بما عندهم كما في أوقات الصلاة ، وأيده في الدرر بما مر من عدم وجوب العشاء والوتر على فاقد وقتها وظاهر الرواية الثاني وهو المعتمد عندنا وعند المالكية والحنابلة لتعلق الخطاب عملا بمطلق الروية في حديث { صوموا لرؤيته } بخلاف أوقات الصلوات ، وتام تقريره في رسالتنا المذكورة .

(*Raddul Muhtar Vol.2 Pg.393 – H.M. Sa'eed Company*)

(*Fatawa Rahimiyya, Vol.7 Pg. 210-230 – Darul Isha'at*)

And Allah knows best

Wassalam

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Checked and Approved (with following comments):

Alhamdulillah, the wifaq-ul-ulama of the [UK] and many other senior ulama of the [UK] have agreed that following Saudi sighting is incorrect. A positive step has been taken to rectify the wrong.

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<http://www.askimam.org/fatwa/fatwa.php?askid=1e2aca7cbf892c857d5f9dc14cb831c5>