

CLASS FIVE

This is our fifth class on the explanation of Zaad al-Mustaqni' and we spoke yesterday about the moon sighting. And that if it is cloudy night or a clear night, it doesn't really affect the sighting. Meaning we go by sighting whether is cloudy or not, it doesn't have no effect. If we don't see it on a clear or unclear sky, on a night where the sky is clear or unclear it doesn't matter. If we see it, the following day is Ramadhaan. If we don't see it, then Sha'baan will continue for thirty days, then the day after that is Ramadhaan. That in reality summarises most of what we took yesterday. But a student of knowledge takes it in-depth and wants to understand and think and see how the 'Ulamaa think.

IF THE PEOPLE OF A COUNTRY SEE THE MOON THEN EVERYONE IS OBLIGATED TO FAST

We stop off on the last sentence of the first paragraph. Where the author says:

وَأَنْ رَأَاهُ أَهْلُ بَلَدٍ لَزِمَ النَّاسَ كُلَّهُمُ الصَّوْمُ

If the people of a town see the moon, everyone is obligated to fast. If a people of a country, of a town see the moon everyone is obligated to fast. What he means is if a country officially declares Ramadhaan by sighting the entire globe must follow along.

لَزِمَ النَّاسَ كُلَّهُمُ الصَّوْمُ

If one country, that's the meaning go what he is saying, declares the sighting; the official sighting, everyone has to fast. That's of course a very general statement and he didn't mean to include when he said, everyone has to fast. He didn't mean to include that a woman on her menstrual cycle or seven year old boy or insane person must fast. What he meant is if a country declares that it's the beginning of Ramadan is official and they did it the proper way, the world must follow along and declare Ramadhaan based on the sighting of that one country. What's not disputed here is that if a country sights the moon and it's confirmed, that entire country or vicinity must fast by Ijmaa', there's no dispute right there. There is not dispute on that matter. You don't need to say, oh I see the moon myself, you don't personally need to see the moon yourself. Because Allah said:

...فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ... ﴿البقرة: ١٨٥﴾

So whoever of you sights (the crescent on the first night of) the month (of Ramadan i.e. is present at his home), he must observe Sawm (fasts) that month. (Surat al-Baqarah: 185)

Whoever of you is present at his home and witnesses the month, he must fast. Look at that:

شَهِدَ مِنْكُمْ الشَّهْرَ

Witnesses the month. Allah subhaanahu wa ta'aala didn't say you need to personally witness the moon. He said if you witness the month, which is a difference. You fast if you witness the month, meaning if a country declares it, if your vicinity declares it and they are doing it the proper way you go along. You have no excuse to say, oh I didn't personally see the moon. There's an Ijmaa' of 'Ulamaa that it is Waajib to fast Ramadhaan by the people who reside in a country after it has been confirmed by credible witnesses in a credible way. That's clear there. There is also a near Ijmaa' that close vicinities, nearby countries should follow along with that country that has declared the sighting.

DO ALL COUNTRIES HAVE TO FOLLOW THE COUNTRY THAT CONFIRMED THE MOON SIGHTING?

What's disputed now, those are matters that are not disputed. What's disputed is if one country sees it and they confirmed the sighting; what about other countries worldwide who has not confirmed the sighting? Must all the country follow that one country that confirmed the moon sighting? There are four opinions on this matter.

THE FIRST OPINION

The first opinion is what the author adopts, the author adopted the opinion that if one country confirmed the sighting of the moon, all other countries follow along in every part of the globe with no exception. As long of course they hear about it, if they didn't hear about it that's a different story. But if they hear about it, they should follow along.

The proof for that is in Sahih Muslim they said. What's your proof? They said:

صُومُوا لِرُؤْيَيْهِ وَأَفْطَرُوا لِرُؤْيَيْهِ

Observe fast on sighting on the new moon and break the fast on the sighting on the new moon. How is that proof all the countries got to follow along? They said, this is a general order from the Messenger sallallahu alayhi wa sallam. General, broad and it is directed to the entire Ummah; Sham, Masr, Andalus, The United States, they all should go along with whatever country declares it, if they sighted the moon, if it reaches them. The point of that Hadith is they are saying, is that the order of the Messenger sallallahu alayhi wa sallam

stating to fast Ramadhaan based on sighting is regardless of any boundaries or any countries. As soon as one country officially declares it, then every other country follows along. The Messenger sallallahu alayhi wa sallam didn't specify a continent or a country or a certain areas, it was broad for everyone. That's the first proof.

Then their second proof is:

لَا تَصُومُوا حَتَّى تَرَوْهُ ، وَلَا تُفْطِرُوا حَتَّى تَرَوْهُ

Don't fast until you see it, and don't break your fast until you see it; of course about the moon. Again over here they are using the same rational, they say this is a statement that is broad from the Messenger sallallahu alayhi wa sallam and it is to the entire Ummah, regardless of any boundaries or any countries. That's the second proof.

Their third proof is to keep the Ummah united - unity. That method they said preserves unity among the Muslim Ummah. Even though unity is not a goal within in itself. Especially on the account of the truth, what we mean. If unity opposes the truth we don't go by unity, we go by what the truth is. In matters like this the 'Ulamaa take unity into consideration, especially when the issue at hand is backed by some proof. This opinion and it's the official Hanbali opinion and it's the one the author adopted states, if one country sees the moon, the entire globe follows along. And we mentioned their proof. They said the general statement of the Prophet sallallahu alayhi wa sallam to sight the moon were for the entire Ummah. That, according to them is even if there is distances between the countries. Meaning not just Makkah and Madinah that are next to each other; meaning if it is in Makkah and they declare it, then people in Andalus or in Africa if they get the news of that, they should go and follow along. That's the first opinion.

THE SECOND OPINION

The second opinion is what Ibn Taymiyyah adopted and notice Ibn Taymiyyah is an Imam of the Hanbali Madhab. The first opinion is a Hanbali Madhab and this is also opinion of Ibn Taymiyyah who's a Hanbali. Ibn Taymiyyah and the second opinion is that, when a country sights the moon, it's sufficient for that country. They don't need to follow each other. So for every country is its own sighting, every country has its own sighting. Meaning if they have in Sham their own sighting and in Andalus they don't have to follow along. Every country has its own separate sighting. Of course, this second opinion is the opposite of the first opinion. What's your proof?

Number one:

...فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ... ﴿البقرة: ١٨٥﴾

So whoever of you sights (the crescent on the first night of) the month (of Ramadan i.e. is present at his home), he must observe Sawm (fasts) that month. (Surat al-Baqarah: 185)

The verse in the Qur'an Allah said, you must fast if you witness the month. We didn't the moon they said, our country did not sight the moon. Your country sighted the moon, our country didn't sight it. So we did not witness the month. That's their first proof.

The second proof is:

صُومُوا لِرُؤْيَيْهِ ، وَأَفْطِرُوا لِرُؤْيَيْهِ

Observe fast for the sighting of the new moon and break your fast for the sighting of the new moon. How is that proof for you? They said another country may have sighted the moon and they may have a confirmed sighting somewhere else. The Messenger said, observe the fast on the sighting of the new moon. We over here in our country didn't sight the moon, so they took it to mean that every country is independent.

They also used their third proof Qiyaas (analogy). They said people throughout the globe, all over the world they start their predawn and end their fast at sunset at different times. For example, when it is Maghrib in one country and they're breaking their fast, they're maybe preparing to fast in another country. So the analogy (Qiyaas) is because we accept the fact that the world has different timing, when they start and when they end their fast. We should accept the fact that within the world, there's a difference in sighting of the moon. Just like every country starts differently their predawn and their sunset, they also have the right to Ramadhaan and end Ramadhaan and end Ramadhaan at different times.

Now, their fourth proof and it is actually their strongest proof. In 'Ikrimah Rahimahullah adopted this opinion because of this proof. He said, this is a Hadith:

Kuraib said, Um Fadl sent me to Mu'awiyah to do some errand for her in As-Sham. So he left Madinah and headed to Ash-Sham. Kuraib said, when I got to Ash-Sham and completed everything she asked me to do, I completed her errands. Then the new crescent of was sighted while I was in Ash-Sham. He said, I saw and the people saw the new crescent on the night of Friday. They've seen the new moon on the night of Friday. Then I came back to Madinah, he ended what he had to do and he came back to Madinah. When he reached Madinah Abdullah Ibn Abbaas asked them about the sighting of moon where he was at in Ash-Sham.

He (Abdullah) said, did you see it? He (Kuraib) said, I've seen it on the night of Friday. Ibn Abbaas said, you saw it on the night of Friday? He (Kuraib) said, yes I've seen it on the night of Friday. They started the fast on Friday because you seen it on the night of Friday, then the following day is the first day of Ramadhaan. Ibn Abbaas said, but we saw it on the night of Saturday, meaning we didn't see it on the night of Friday, we saw it on the night of

Saturday. Ibn Abbaas said, we'll continue fasting until we have completed thirty days or we see it. Kuraib then asked the follow up question to Ibn Abbaas, will you not be content or happy or take the sighting of Mu'awiyah radhiallahu 'anhu and his companions? They've seen it in Ash-Sham on the night of Friday, a day before Madinah . So the moon was there Friday but you guys didn't fast on Friday, there's only one moon. Kuraib said to Ibn Abbaas, shouldn't we go by their sighting as well? Ibn Abbaas said no, Ibn Abbaas said no. Then, look note and note how I am saying this, then Ibn Abbaas made a statement and he said, this is what the Messenger sallallahu alayhi wa sallam enjoined upon us.

Kuraib was in Ash-Sham, they started their fast in As-Sham on Friday because they seen the moon the night before. Ibn Abbaas was in Madinah, they started on Saturday because they've seen the moon the night before. Ibn Abbaas said to Kuraib, we are not going to the sighting of Mu'awiyah radhiallahu 'anhu. Ibn Abbaas can easily get up, give a speech and say, we started late we missed a day. People of Ash-Sham has seen it for us, so we going to go according to them. We were wrong we must follow Ash-Sham because they've seen it before us. The moon is a moon, it's only one moon, they've seen it the day before us so we made a mistake. And After Ramadhaan everybody make up that one day that we made an error on.

Ibn Abbaas said, No we are not going according to their sighting. Then he commented and said, this is what the Messenger sallallahu alayhi wa sallam enjoined upon us. The point of the Hadith is Ibn Abbaas is a Sahaabi and Ibn Abbaas did not go by the sighting of another country which is Ash-Sham. That's clear, that right there, that fact is clear. Ibn Abbaas himself his Ijtihad was that, Ash-Sham has their own sighting, we down here in Madinah we have our own sighting.

Now the response to this proof is; first of all, it's clear Ibn Abbaas adopts that every country has their own sighting from the wording of the Hadith, that's his Ijtihad. The second thing is, the key statement at the end he said "this is what the Messenger sallallahu alayhi wa sallam ordered or enjoined upon us". When one reads it and he is overlooking the Hadith, he assumes that the statement of Ibn Abbaas, "this is what the Messenger enjoined upon us", when you read that you assumes or you think that he means every country has its own sighting. But what ash-Shawkani Rahimahullah and I find it very strong, ash-Shawkani and others stated that, is that statement by Ibn Abbaas was referring to the statement of the Messenger sallallahu alayhi wa sallam, "Don't fast until you see the moon, and don't your fast until you see the moon." That's what it was referring to. Ash-Shawkani said, Ibn Abbaas didn't mean by his statement "this is what the Messenger enjoined upon us", he didn't mean that every country has its own sighting. He wasn't saying that, that's what the Messenger enjoined upon us, that's not what he was talking about. He meant that the Messenger enjoined upon us that we don't fast until we see the moon, and we don't break the fast until we see the moon. You understand the difference? And what the final statement of Ibn Abbaas was referring to?

What it's boils down to is, has the statement of Ibn Abbaas "this is what the Messenger sallallahu alayhi wa sallam ordered or enjoined upon us" has it been referring to the different sightings, has he said the Messenger enjoined upon us and he meant by that statement that the Messenger enjoined upon us different sighting for different countries, that would have pretty much ended the dispute in this matter. The different sightings for different countries was a Ijtihad by Ibn Abbaas radhiallahu 'anhuma, that's his personal Ijtihad. "This is what the Messenger sallallahu alayhi wa sallam ordered or enjoined upon us" means we go by sighting and we end by sighting. It meant something totally different.

THE THIRD OPINION

Now there is a third opinion on this matter; if the Khaleefah orders something we go according to what the Khaleefah ordered. That's a correct opinion, in many like I said, in many of these matters because the Khaleefah has a lot of discretion and a authority and the Muslims should adhere to him in these matters. Also, not only is it the power of the Khaleefah, there is also a Hadith indicates that:

الصوم يوم يصوم الناس والفطر يوم يفطر الناس

That's the third opinion, is that according to what the Khaleefah declares.

THE FOURTH OPINION

The fourth opinion is that whoever gets the news anywhere and as you know back then the news moved very slowly. Whoever gets the news anywhere, that a country has declared and confirmed the sighting, everyone should follow along with that country as long as they get the news about that. This is actually similar to the first opinion, in fact is actually in reality a part of the first opinion but some 'Ulamaa have it as an independent opinion.

CONCLUSION

The conclusion on this matter, matters like this are merely disputed, it's a close dispute. Both opinions, of the opinion of unification of sighting according to the first opinion and the opposing opinion that each country has its own sighting as Ibn Abbaas radhiallahu 'anhuma stated; both of these opinions have giants of 'Ilm that backs them. Not any ordinary people but I am saying giants of 'Ilm. In fact some of them have Sahaabah that backed them. However personally I lean more towards the first opinion and that's really ideal situation and it's backed by proof. When country declares the sighting, the ideal scenario is that the world follows along. Why? Because that Hadith that points to fasting based on sighting are general, there are broad, like we said and we mentioned the proof. When the Messenger sallallahu alayhi wa sallam said:

صُومُوا لِرُؤْيَيْهِ

Fast to the sighting of them moon.

وَلَا تُفْطِرُوا حَتَّى تَرَوْهُ

Don't break your fast until you see the moon.

These are general statement to everyone, for everybody in every country. So once it's declared and confirmed in the proper way, then everyone follows along. Because these statements are broad. The order to fast based on sighting down have boundaries restricting them, that's the issue here. That's like the order to perform prayers, Allah in the Qur'an said:

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ... ﴿البقرة: ٤٣﴾

And perform As-Salat (Iqamat-as-Salat), and give Zakah. (Surat al-Baqarah: 43)

He ordered us not to deal in interest and usury:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا الرِّبَا... ﴿ال عمران : ١٣٠﴾

O you who believe! Eat not Riba (usury). (Surat Aali 'Imraan: 130)

He ordered us not to commit fornication:

وَلَا تَقْرَبُوا الزَّانِيَ... ﴿الاسراء : ٣٢﴾

And come not near to the unlawful sexual intercourse. (Surat al-Israa': 32)

All these orders, perform your prayers, give your Zakah, don't deal in usury or interest, don't go near adultery or fornication, all these orders - they apply to everyone everywhere. Do you ever see anyone saying these orders apply to some people some places? This applies to everyone everywhere in every country. And likewise, the Messenger's order about sighting should apply to everyone everywhere. They're general, they're broad we should keep them as that.

Ibn Abbaas had his personal Ijtihad, radhiallahu 'anhuma. As I broke it down to you, he had his opinion that every country had its own sighting. But ash-Shawkani Rahimahullah responded to that and he said, the general proof of the Messenger sallallahu alayhi wa sallam ordering everyone to fast indicates it's for everyone and everywhere. This is the

wording of ash-Shawkani, once the moon is sighted in one place or one part of the world, everyone must follow along and fast. If Masr declares it, the Arabian Peninsula and the rest of the world should fast. If Makkah declares it, the rest of the world should fast. If in Andalus they happened to confirm it the rest of the world follows along. Why? Because the Hadith are general. The general Ahaadith and the fact that Ibn Abbaas radhiallahu ‘anhuma statement was his opinion, it was his Ijtihad not the statement of the Messenger sallallahu alayhi wa sallam . With this we have concluded Alhamdulillah the first paragraph of your Kitaab as-Siyaam. Tomorrow Inshaa Allah we beginning of the second paragraph.

CLASS SIX

RAMADHAAN IS OBSERVED BY THE SIGHTING OF ONE JUST, CREDIBLE AND TRUSTWORTHY PERSON

This is our Six Class, Alhamdulillah that we reached this far. We left off at the author’s statement:

وَيُصَامُ لِرُؤْيَا عَدْلٍ مُّكَلَّفٍ وَلَوْ أَنَّثَى

Now the author here where we left off yesterday, he’s going to tell us who can testify to the sighting of the moon. Whose testimony we accept, whose sighting we accept and issues surrounding and pertaining that. He said Ramadhaan is observed by the sighting of one just, credible person.

عَدْلٍ

‘Adlin, means in Arabic means credible, trustworthy.

مُكَلَّفٍ

Mukkalaf, means say over the age of puberty, even if it is a female he said. At the end of his statement, the author said, even if it is a female. Once a person comes forth with these qualities we observe the month of Ramadhaan, Ramadhaan starts. So long as it is an honest trustworthy credible person, he comes forth and announces that he seen the moon or she seen the moon, the Hilaal, then the start of Ramadhaan begins.