

WHY TWO EIDS

on consecutive days?

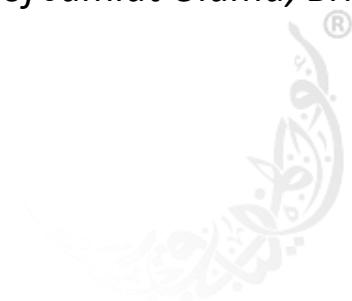
The cause of dissension in Britain

A Proposal to Solve the Problem

by

Dr. Khalid Mahmud, M.A., Ph.D.,

President of Jamiat Ulama, Britain [1974]



رؤية العسل
MOON SIGHTING
.ORG.UK

32 Woodfield Road, Balsall Heath, Birmingham 12 [UK]

FOREWORD

In Britain, the sky is almost always cloudy and here it is difficult to sight the first moon with the naked human eye. This weather condition affects some of the Muslim Religious affairs which depend upon the sighting of the first moon, for example the beginning of Ramadan, the fasting month, and the celebration of Eid. The friction among and dissensions of various religious factions and the heretical attempts to dismember Religion bypassing proper guidance from the Mosque have made this situation more adverse and complicated. The commencement of Ramadan on different dates and the celebrating of Eid on simultaneous days do mar the image of true Muslim National life.

The parties who take these variant decisions are perhaps not unaware of the awkward position of the Muslim manual workers and of the white-collar workers who get Eid leave from their employers on different dates and this state of affairs really affects their position at work. The British population composed of various nations gives a smile to this position of Muslims and this fact brings sorrow to them rather than happiness and pleasure. If this difference of opinion occurs again on the second Eid which falls on the 10th of Dhu al-Hijjah these sorrows add to the sorrows of Muharram. It is very sad that in this age of material advancement, the spiritual values are going so low and those responsible are not seeking to reconcile to each other under the guidance of the Prophet (ﷺ).

It is also a fact that our younger generation and educated classes do not fully grasp the real subject of dissension and points at issue. Everyone explains these differences in his own way. The articles in the press raise new points, create new differences and among the writers there are some who have no background of proper religious knowledge. They only write for the sake of writing. Then there are so many explanations that the text is completely veiled.

In the light of this sad state of affairs, it is necessary to get the public acquainted with the actual point of dispute and to mention all the other basic points on which there is no dispute among the various Muslim organisations in Britain. This is the only way to discourage those who without any understanding of the real point of dispute attempt to widen the circle of dissension. Such people without properly introducing themselves give their opinions on the issues which they have never studied in any depth.

We affirm that even in these times of so much variation the differing parties agree on most of the basic points, and we further admit that the points on which there are differences have also an academic background. We have suggested here a line of an agreement to bridge these differences and that is not only a matter of compromise but also has its origin in jurisprudence.

The points on which all the Muslim organisations agree

1. In fixing the first of Ramadan and celebration of Eid the basic commandment of Islam is concerned with the sighting of the first moon and not with the birth of the moon. We are not concerned with the position of moon but we are concerned with its visibility.
2. The sighting of the moon means its sighting with the naked human eye [¹]; and its sighting from the earth and not from the space.

[¹] See, al-Bukhari, Al-Sahih, v.3., p.35, Muslim, Al-Sahih, v.1., p.347. The eminent traditionist Mulla al-Qari comments upon this tradition: 'This tradition indicates that to act upon the conclusions of the astronomists is not our way nor our Sunnah; instead our finding is concerned with the visibility of the first moon'. (Mirqat, v.4., p.244). The eminent jurist Ibn Abidin al-Shami agrees with this principle and says: 'The Prophet (S) has no trust on the mathematical conclusions but he has completely rejected that suggestion'. (Radd al-Muktar, v.2, p.126). The eminent astronomist Abu Rayhan al-Bayruni agrees with the common standpoint of the experts that the conclusions of the astronomical instruments are not conclusive and definite. (See al-Bayruni, Al-Athar al-Baqiyah, p.198). In his work on the jurisprudence of the Four Schools, Abd al-Rahman states: 'Despite their deep base we do not find the opinion of the astronomists, conclusively set and their frequent differences in arriving at a decision bear testimony to it. This is the opinion of the three Imams (Abu Hanifah, Malik and Ahmed). As regards the Shafi'i School they also do not regard it authoritative for the generality of the public'. (Al-Fiqh alal al-Madhahib al-Arba'ah, p.551). Majd al-A'immah al-Tarjumani reports that all the companions of Abu Hanifah and al-Shafi'i agree that the opinion of the astronomists cannot be depended upon. (See, al-Shami, op.cit., v.2, p.126).

3. Each of these three conditions fulfil the principle of sighting the moon: (a) Sighting of the moon by so many people that they do not need any further witness, (b) The sighting of moon by few people who may give their witnesses fulfilling the requirement of Law, (c) The sighting of moon in another country whose lawful decision could be obtained through a reliable source.
4. It is very difficult to fix the commencement of a lunar month by completing (counting) the thirty days of the previous month because it is not easy to sight here any new moon and it is also not acceptable that all the lunar months may have been counted of thirty days.
5. The commandments of Islam are not based on deep acquired sciences. Instead, they reconcile with the factors of nature. The holy Prophet (ﷺ) has completely rejected to fix the first moon mathematically.
6. Observatory gives information regarding the birth of the moon and the moon-set but as to its visibility, they do not fix any point of time. In the same way, they are not definite about the span of twilights but their findings generally differ from each other.
7. The Quran states that the Muslim Religious Affairs and pilgrimage times are to be fixed with the appearance of the new-moons. The Prophet (ﷺ) also directed to start the month of Ramadan when the moon is sighted and end this month when after the next moon is sighted.

The question which needs our attention relates the geographical limits to which this advice of the Prophet (ﷺ) could be extended. If the moon is sighted in one country, should Ramadan be commenced in the whole world or only in the countries on and near the same latitude where the moon was sighted? Does it prove as a conclusive argument for all the zones of the world? Or is it restricted to the areas of that zone? In either case, we have to see whether the evidence of this advice of the Prophet (ﷺ) on any aspect of this decision is definite and clear-cut or if it is based on analogy. It is apparent that no scholar from among the early scholars of Islam has ever claimed certainty of any such explanation. So, the only points of dispute are as follows:

1. If the legal decision of a Muslim country is rightly communicated to this country, does this carry authoritative value here in every respect? Should we accept such decision of the near Muslim countries or should we accept such decisions irrespective of wherefrom it is communicated to us in this country? Should the decisions from the far and from the near countries be regarded as equal?
2. Are decisions of the other Muslim countries binding (themselves authoritative) in this country or do they attain authoritative status here only after the decision of the Islamic council of this country?

These are the points of dispute between the Islamic Cultural Centre, London [Regent's Park] and the Jamiat al-Ulama, Britain. The former is mostly under the influence of the Ulama from Egypt who mostly agree with Shafi'i school of thought and the latter is under the influence of the Ulama from Pakistan and India who belong to the Hanafi school of thought. The former does not take the different [moon] rising-times into consideration when they have to determine the first of Ramadan or the first of Shawwal. They follow any first authoritative report communicated to them from any Muslim country. The committee of Jamiat al-Ulama does not accept the decision of far Muslim countries when the decision of the near Muslim countries is contrary to that. They hold that in far distance the difference in rising-times should be taken into account and the decision of the far countries should not be followed particularly when it is contradictory to the decision of the near Muslim countries.

A matter of principle

Islam agrees with the natural phenomena of the world. We expect its legal findings to be agreeing with laws of nature. In principle all the nations are addressed in view of the affairs of their own geographical Position. When it is commanded to offer prayer after sun-set it means the sun-set of that Area. If someone in Munich [Germany] communicates the report of sun-set to his friend in Glasgow [UK] where the sun has not yet set the Muslims of Glasgow would not be allowed to offer their Maghrib prayer if the sun is shining there. The people of every zone shall have to adjust their prayers with the sun-rise and sun-set of their own zones. The saying of the Prophet (ﷺ) that "do

"keep fast when you sight the moon and end this fasting (month) when you sight the moon" should also be interpreted in the light of this principle that every nation is addressed in view of the affairs of their own zones^[2] and the difference in rising-times should be taken into account when determining the first of Ramadan. It is not right to decide for the people of the West by sighting the moon in the East.

We accept that the areas of the same or near latitude may communicate the fact of their sighting and decision to one another. The zones whose rising-times are not so much different from those of one another can help one another in this respect but it is hard to decide for New York [USA] when the moon has been sighted in Calcutta [India]; because every nation is addressed in view of the affairs of its own conditions.

The jurists state in Hajj discussion ^[2] that the days of animal sacrifices for those people who are not on Hajj are 10th, 11th and 12th of Dhu al-Hajj of their own zones. When it is the 13th of Dhu al-Hajj in Mecca and it is not the day of animal sacrifice there it is the day of sacrifice for all those for whom it is the 12th of Dhu al-Hajj. In Islamic instructions, there is no evidence that Eid al-Adha in all the world should necessarily be celebrated on the next of the 9th Dhu al-Hajj at Arafat [Mecca]. It is true that at Arafat the 10th of Dhu al-Hajj is necessarily the next day of Hajj but it is not necessary that the 10th of Dhu al-Hajj at Arafat should everywhere be accepted as the 10th of Dhu al-Hajj everywhere else as well. Eid al-Adha in far countries shall be celebrated on the 10th of dh al-Hajj of their respective areas.

We further admit that there is some provision in all the four schools of jurisprudence that different rising-times may not be taken into account in fixing the first of Ramadan and the day of Eid but as regards the founder Imams of these four schools most of them take these differences in rising times into account and do not impose the decision of one country on the other. Abu Hanifah [d.150 A.H.], the Imam, does not take these different rising-times into account and allows one country to decide in accordance with the visibility and decision of the other; and this is the most authentic finding of the Hanafi school. But we should like to restrict this verdict of the Hanafi school to the distance which could be covered in the conditions and means of communication in those days. The eminent Hanafi jurists like al-Kasani (the author of Al-Bada'i wa al-sana'i) and al-Zayla'i (the commentator of Kanz al-Daqiq) do not regard that opinion of Abu Hanifah as general as to apply to East and West but restrict that opinion of Abu Hanifah only to the countries which are not far apart. This is really the longest possible distance, which could be covered in those days by available means of communication, to enable one area to take decision in accordance with that of the other.

In these days travel facilities, telephone, radio and television have united East and West and message from far East can easily be communicated to the West in a matter of seconds. Is it admissible to adjust that opinion of Abu Hanifah (which was given in the second century of Hijrah) to the current means of communication available in this century? Would it be right not to take into account differences in the rising-times of the different parts of the world and decide for New York by the visibility of the moon in Calcutta? Did Abu Hanifah mean by that opinion of his to cover such long distances?

It should be noted here that the jurists who take the view of non-considering the difference in rising-times so general as to unite East and West is their own explanation of Abu Hanifah's statement; otherwise, Abu Hanifah is not so explicit in his non-consideration of different rising-times.

[2] Fakhr al-Din Zayla'i (d.743 A.H.) states in his commentary on Kanz al-Daqiq: the evidence supports that address to every nation should be considered in view of their own conditions. (Al-Zayla'i, Tabyin, v.1., p.321). Ali al-Qari states: "The cause of commencement of the fasting days is the month of Ramadan. When, on the basis of the sighting of the moon, it is established for a nation it is not necessarily established for the other nation where there is difference in the rising-times. When the sun comes down or sets upon a nation and not upon the other there will be the timings of the Zuhr or Maghrib prayer for the former and not for the latter because the cause has not been established for them. This is the legal opinion of al-Quduri and the other teachers who have taken the difference in rising-times into account". (Sharh al-Niqayah, v.1., p.172). The eminent Hanafi jurist Ala al-Din al-Kasani (d.587 A.H.) also agrees to take the difference in rising-times into account in determining the first of Ramadan and Eid. (See, Al-Bada'i, v.2., p.83). Shah Wali Allah, the eminent traditionist of Delhi corroborates this opinion that difference in rising-times of the long-distant zones should be taken into account. (See, Al-Musaffa, the commentary on Muwatta, v.1, p.226).

See, Ibn Abidin op.cit., v.2., p.132.

The basic difference between the verdict of the Prophet (ﷺ) and the decisions of the jurists

The decisions of the jurists which are mostly based on analogy should be explained in the light of the conditions prevailing at that time. They had taken those decisions in the currents of that time with that background. The geographical application of the general sense of their verdicts had its limitations because of comparatively poor travel facilities in those times. They were not endowed with Divine light which could enable them to foresee the 'impossible' of their times changing into 'possible' a few centuries later. But the Prophets (AS) speak not from their experience and conditions of their own time but by virtue of Divine light which is connected with Allah's guidance and protection.

The extension of the general sense of the instructions of the Prophet (ﷺ) and the application of analogy on the basis of their guide-lines are the streams of Religious knowledge. But the same status cannot be given to the conclusions of the later jurists if they argue by the general sense of the early theorists who had given their opinions in the light of their experience and humanly acquired knowledge. Their decisions were necessarily governed by the conditions of their own times.

Abu Hanifah has not taken the different rising-times into account but this outlook is explainable if we consider the conditions at that time. This is the reason why most of the late Hanafi scholars like Shah Wali Allah, Anwar Shah the ex-Principal of Deoband School and Allamah Uthmani, Shaykh al-Islam of Pakistan do not agree on the principle of the universal application of the general sense of Abu Hanifah's verdict to both East and West. In India and Pakistan, the scholars of Hanafi school of thought do take into account the different rising-times between places separated by long distances.

We do not intend here to favour or oppose any side of the issue but want to give an introduction to these two opinions of the jurists so that the Muslims in Britain may understand for themselves, what principles are followed in deciding commencement of Ramadan and celebration of Eid on different dates. It is a fact that both the opinions have some evidence in their favour and it is also a fact that both opinions are based on analogy and jurisprudence. There is no clear-cut verdict in the Qur'an and the Sunnah of the Prophet (ﷺ) on this issue. There are jurists on both sides. If one side of the issue has been taken as accepted in one age it does not mean that it was explicit, certain and definite in its implication in Muslim Law; especially when streams of law have different flows in different times and different places. The accepted opinion (in its time of acceptance) is an opinion which has been given preference and not a definite verdict of law.

The prevailing conditions in Britain

We have already discussed the cause of dissension between the two circles. The prevailing state of affairs, as has been noticed, is as follows:

1. Islamic Cultural Centre is under the influence of the scholars of Egypt who mostly agree with the Shafi'i school of thought. Al-Shafi'i, although, took the different rising-times into account but the later scholars of that school have inclined towards disregarding this difference. The scholars of the Islamic Cultural Centre do not take the different rising-times into account and as soon as the Cairo Radio announces the decision of Egypt, they take decision in accordance with that and announce their decision in Britain.
2. The Ruyat hilal Committee of Jamiat Ulama, Britain is under the influence of the Hanafi scholars of Pakistan and India. These scholars do take the different rising-times into account in countries far apart. They, in general, take decision in accordance with the decision of Morocco which is taken under the supervision of the Moroccan Government and the guidance of the scholars of Islamic Studies. They take their decision on the basis of the visibility of the first moon and it is recorded in the record book of the Jamiat Ulama, Britain. The decision of Morocco is communicated to this country by the identifiable voices of one or two reliable and trust-worthy Muslims through the telephone. When this communication with the support of other considerations, bears celebrity and certainty these scholars of Jamiat Ulama take their decision in agreement with that. According to these scholars, the decision of the other country is not authoritative in itself but it becomes authoritative after the agreement of the Committee of scholars here in this country in accordance with that.

Jamiat Ulama's outlook in regard to Muslim Unity

Jamiat Ulama always honours any attempt to Muslim unity. In 1972 they had compromised with Anjman Tabligh al-Islam (Bradford), the Barelvi group of Hanafis, in determining the first of Ramadan and the celebration of Eid. The basis of this compromise was that both the groups belong to Hanafi school of thought and both of them agree to take the decision in accordance with the Moroccan decision. The first meeting of the two groups was held in Jami Mosque Howard Street, Bradford on 8 Oct., '72 and they took one decision for the beginning of Ramadan. The second meeting of the two parties was held on 7 Nov.'72 in 68 Southfield Sqr. and one decision was taken for the celebration of Eid al-Fitr. Then both the parties agreed on one-day of Eid al-Adha. The Ramadan of 1973 and the Eid al-Fitr were also celebrated unanimously. This agreement of the two parties was highly appreciated by the Muslim masses in Britain that the two Sunni groups have joined their hands to begin their Ramadan from one date and celebrate their Eid on one day. But everyone felt sorrow that on account of a misunderstanding the two Sunni groups departed from each other and celebrated their Eid al-Adha on different days; the Jamiat on the 4th and Anjman on the 5th January, 1974.

The press reports indicate that certain political groups are also taking measures to form their separate committees to determine the first of Ramadan and the day of Eid; but no one can deny that Islamic Cultural Centre, London and Jamiat Ulama, Britain are the only two oldest organisations under whose guidance the Muslims in Britain have been commencing their fasting days and celebrating their Eid, for the last fifteen years. May Allah cause these newly born groups to think again and join one of these two old organisations and the Muslims in Britain may not suffer from more dissensions and dissections; May Allah cause these two organisations also to join their hands.

How the two organisations can unite?

Formation of an Islamic Council

The differences based on clear-cut verdicts of the Qur'an and the Sunnah cannot be liquidated or overlooked for the sake of compromise or unity of the community. Surely one side is on the right path and the second one misled. But the differences that are based on analogy and in which all the jurists have some evidence in their support can easily be overcome by the Muslim ruler [³]. If he takes decision in accordance with any of the two it becomes binding [⁴] upon all of them and the Muslims in that country will be relieved from the minor dissensions. The Qur'an has stated obedience to Ulu al-Amr (the possessors of authority from among the Muslims) as next to the believers' obedience to Allah and the Prophet (ﷺ); provided it is in no way contradictory to the instructions of the Qur'an and the Prophet (ﷺ).

The countries in which there is no Muslim ruler the Muslims living there can appoint an Imam under whose guidance they can perform the religious rites [⁵]. The decision of this Imam can thus solve their problems that are based on analogical opinions. If it is difficult for them to agree upon one Imam, they can constitute an Islamic Council in his place with powers to enforce its authority to solve such problems of the community. The decision of such a council will then be binding upon all the Muslims of this country [⁶]. This council shall decide whether to take the different rising-times into consideration or not to take them into account in determining the first of fasting month and the day of Eid.

[³] See, S 5:39, "O you who believe, obey Allah and obey the Prophet (S) and those in authority from among you; then if you fall into dispute (with them) about anything, refer it to Allah (the Qur'an) and the Prophet (S) (the Sunnah) if you believe."

[⁴] See, the Abidin, op cit, v.1. p.780, "Obedience to the Imam is obligatory provided it may not cause disobedience to Allah and the Prophet (S)". For further evidence on this issue, See, ibid, v.3 p.428" It is obligatory to obey the Imam, the just or unjust, provided it may not contradict the Law (Shariah) ".

[⁵] See, al-Nasafi, AlqaEid, p.181, 'The Muslims cannot do without an Imam who is to administer their affairs". The eminent jurist Ibn Hammam (861 A.H.) states that if because of the non-Muslims' prevalence there is no Muslim ruler (living in that country) it is obligatory for the believers (living in that country) to appoint an Imam under whose administration they fulfil their religious requirement. like Friday service and celebration of Eids (See Ibn Abidin, op cit, v.4. p.42).

[⁶] See, ibid, v.1 p.754, "If (the majority of) the Muslims agree on a Muslim to administer their religious affairs he shall have to be accepted as Obiter (Qadi)". For further evidence, see, ibid, v.4. p.427, "It is allowed to administer the Friday service and the celebration of Eid in such countries and on the basis of the believers' agreement the Qadi shall have the authoritative command".

This will relieve the community from these dissensions and analogical differences and it will be Islam's requirement to act upon its decisions. All the considerations for choosing an Imam in a non-Muslim country should be applied when constituting such an Islamic council which will give guidance to the Muslims here in Britain, in their religious rites and requirements. However, we suggest here the necessary considerations which should be taken into account when constituting such an Islamic Council.

1. The members of this council should have acquired complete religious knowledge regarding the moon problems and fully aware of the instructions of the Qur'an and the Prophet (ﷺ) in this respect.
2. They should be acquainted with the different opinions of the jurists with their evidence regarding the consideration of different rising-times and should be capable of tracing them back to their original sources.
3. They may be taking consideration of different rising-times or their non-consideration only on an analogical level and may not be taking any opinion in this respect as equally authoritative as any clear-cut verdict of the Qur'an and the Sunnah.
4. They should be representing the whole Muslim population in Britain and their decision, on the basis of their religious knowledge and their influence among the community, should be acceptable to their own circles.
5. They should have accepted the status of Ulu al-Amr (and in their absence of the Islamic Council) as next to the Qur'an and the Sunnah.

In Britain, the joint decision of Islamic Cultural Centre, London, Jamiat Ulama, Britain, Anjuman Tabligh al-Islam, Bradford and Bangladesh Muslim Association can faithfully be accepted by all the Muslims living in Britain. We request all the Muslims in Britain to stress their religious guides, leaders and their associations who are managing the Mosque here to jointly constitute such an Islamic Council. The Council shall certainly relieve the Muslim community in Britain, from such minor dissensions and be a healthy step to solve a national problem.

We further request our brethren that up to the establishment of such a council they should meanwhile abide by the decisions of their learned scholars who take care of their religious responsibilities and not to fall in dispute on these issues, neither in press nor in mosques. We are grateful to the scholars of Mecca for suggesting to us a line of action which can unite all the Muslim organisations here on this issue. We append here a 'Fatwa' from them which has really benefitted us in reaching the aforesaid conclusion. This would be a decisive step to Muslim unity in this field of dissension.

Appendix

KINGDOM OF SAUDI ARABIA

Bureau of the Presidency of Scientific Research, Legal Opinion,
Propagation and Guidance Departments. Office of the President.

Legal Opinion No. 319 Dated 19 Dhu al-Qa'dah 1392 (24 September 1972)

Praise be to Allah and blessings and peace on his Prophet (ﷺ) and his kindred. The Permanent Committee for Scientific Research and Legal Opinions has reviewed the questionnaire submitted by His Excellency the Head of Islamic Centre, London, through Mr. Nayar ul Haq al-Pakistani to HR The President of Scientific Research, Legal Opinion, Propagation and Guidance Departments, which was referred to it by the Secretariat General of the Senior Jurists Committee under (cover of letter) No. 133/2, dated 19 Muharram 1392 (5 March 1972). Following are the three questions submitted as well as the answers thereto:

Q.1 Can any country in the world rely in fasting Ramadan on sighting the new moon in any other Muslim country and consider that conclusive evidence for the start of Ramadan or Eid al-Fitr festivals?

A.1 Jurists have agreed that the rising times of the new moon are different; which theory has been necessarily known physically and mentally. However, they have disagreed on applying it to the beginning and end of the fast in Ramadan. Some jurists believe that the different rising times of the new moon should be taken into consideration in determining the start and end of the fast in Ramadan, while others disagree. Each group has quoted evidence from the Quran, the Traditions and Analogy, and in certain cases, both used the same quotations to support their views, such as the

Quranic verses, "who is present (at home) during that month should spend it in fasting", and "They ask thee concerning the new moons. Say: They are but signs to mark fixed periods of time in (the affairs of) men", and the Prophet (ﷺ)'s saying, "Start the fast when you sight the new moon and end it when you sight the following new moon". Each group interprets the text differently and follows a different course in applying it. In general, the subject question is a theoretical matter in which independent judgement may be exercised and for this reason, jurists are disagreed on it at present and in the past. The people of any country are at liberty, if they do not see the new moon on the night of the thirtieth day, to be satisfied with the sighting of the new moon at a different time in other countries if it has been established to them. If they disagree, they should follow the decision of their ruler if he is a Muslim since his adoption of either view settles the dispute and obligates the nation to act accordingly. If the ruler is not a Muslim, they should adopt the decision of the council of the Islamic Centre in their country to maintain uniformity in Ramadan fasting and Eid prayers in their country.

Q.2 There is a time difference of about 2 hours between Saudi Arabia, Egypt, Syria, Lebanon, Jordan and Yemen on the one hand and England. If the sighting of the new moon has been established in any of these countries, can we in England follow suit and start the fast in England or are we supposed to sight the new moon in England in order to start the fast?

A.2 Both this question and the first one inquire about the same matter and our above answer should cover this question.

Q.3 It is not possible to sight the new moon with the naked eye before it is 30 hours old, and then it is not possible to sight it due to the weather conditions. If we take this into consideration, can the inhabitants of England use astronomical calculations for this country in determining the expected time for sighting the new moon and the beginning of Ramadan, or should we sight the new moon before starting the fast in Ramadan?

A.3 Observatory instruments may be used in sighting the new moon but astronomical sciences cannot be relied on in establishing the beginning of Ramadan or Eid al-Fitr. Allah has not prescribed that for us in his Book or in the Traditions [of the Prophet (ﷺ)], for He ordained that the beginning and end of Ramadan should be established by sighting the Ramadan moon at the start of the fast and sighting Shawwal moon for ending the fast and performing Eid al-Fitr prayers. He has designated moons as signs to mark fixed periods of time in the affairs of men and pilgrimage without which a Muslim cannot fix periods of time for religious observances including Ramadan fasting, [two Eid] holidays, pilgrimage, [days of feasting after Hajj] and divorce expiation etc.

Allah says, "Who is present (at his home) during that month should spend it in fasting", and "They ask thee concerning the new moons. Say: They are but signs to mark fixed periods of time in the affairs of men", and the Prophet (ﷺ) says, "Start the fast when you sight the new moon and end it when you sight the following new moon; if you cannot see clearly, make it 30 days". Therefore, those who do not sight the moon at its rising time in their country when it is clear or cloudy should make the month 30 days if it is not sighted by others at a different rising time. If the sighting of the moon at a different rising time in another country has been established to them, they should follow the decision of the Muslim ruler in their country calling for fasting or not fasting, since his judgement in this issue settles the dispute between jurists regarding the applicability or non-applicability of the different rising times. If their ruler is not Muslim, they should act according to the ruling of the Council of Islamic Centre in their country calling for fasting on the grounds of sighting the moon at a different rising time or not fasting on the grounds that the moon rising times are not the same in all countries.

Permanent Committee for Scientific Research and Legal Opinions.

Sd/-

'Abd ar-Razzaq 'Afifi, Vice Chairman

Members:

Abd Allah ibn Sulayman ibn Mani

Abd Allah ibn 'Abd ar-Rahman ibn Ghaydyn

Editor's Note: The words, "God" and "Prophet" has been replaced with "Allah" and "Prophet (ﷺ)", respectively as per tradition.

