

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Series of Questions Addressed to the Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page (Fiqhi)

Answer to Question:

Wihdat Almatali' and Sighting the Crescent Moon of Ramadan

To: Nafeth Aljabari

(Translated)

Question:

Dear brother:

Assalamu Alaikum wa Rahmatullahi wa Barakatuh,

With reference to your letter of 24/6/2018 regarding sighting the crescent moon (Hilal) of Ramadan of this year, I would like to refer to the following:

The difference in timing between us here in Palestine and California is ten hours, that is, at the time of sighting of the crescent in California, Fajr in our region would have passed by about 3 hours, which means that the whole night ended without determining the sighting on that night, thus our breaking the fast on that day, Wednesday, was valid. Our region and California do not share any part of the night which is the subject of the moon sighting, and the fact that the night lapsed without achieving the sight (of the crescent) despite the birth of the crescent (new moon) makes us in the rule of "it vanishes from our vision" hence, our breaking the fast is valid and agrees to the rule of Sharia. As for fasting a day of Shawwal with the intention of making up the fast (Qadaa) for Wednesday it means to make up the missed day on the Day of Doubt which it is not permissible to fast on it at all.

Important Note: Areas on either side of the International Date Line which are very close to it they have unified Matl'a (horizon) with regards to the Moon, so they are shared at the beginning of the lunar month, although there is a time difference of 24 hours, thus the way to determine the beginning of the lunar month is not the name of the day according to the global calendar, but by the sighting.

This, and Allah Almighty knows best.

Wassalamu Alaikum wa Rahmatullahi wa Barakatuh.

Answer:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

I saw your letter, and it seems that you have confusion in the subject of the crescent moon (Hilal) of Ramadan...

My brother there are things that must be fully realized in this topic:

1 - The Prophet (saw) said: «صُومُوا لِرُؤُوسِهِ وَأَفْطَرُوا لِرُؤُوسِهِ» "Fast at its sighting and break the fast at its sighting." which is a general speech to the Muslims, which means that if the moon is seen anywhere, Muslims everywhere must abide by this ... This issue is important to comprehend... I repeat it is important to comprehend this...

Based on this, any understanding, inference or interpretation that Muslims do not have to fast and break their fast together is an unlikely understanding that contradicts the adopted opinion, and so what you concluded in your letter that fasting that day is obligatory on the people of California but not obligatory on the people of Palestine is contrary to the adopted understanding of the Hadith on the unity of fasting and breaking the fast.

2- What you mentioned in your letter of the calculation of the difference between Palestine and California is inaccurate. You said: (The difference in timing between us here in Palestine and California is ten hours, that is, at the time of sighting of the crescent in California, we have been at dawn for about 3 hours, , which means that the whole night ended without proof of sighting on that night, so our breakfast that day, Wednesday was correct . Our region and California do not share any part of the night which is the subject of the sight seeking, and the fact that the night lapsed without achieving the sight (of the crescent) despite the birth of the crescent makes us in the rule of it vanishes from our vision hence, our break-fast is valid and agree to the rule of Sharia. As for fasting a day of Shawwal with the intention of making up (Qadaa) for Wednesday it means to make up the missed day (Qadaa) on the day of doubt (Shak) which it is not permissible to fast on it at all.)

The calculation is not as so:

a- Yes, the difference between Palestine and their region is about ten hours, as the longitude of Palestine is 35 E, and the longitude of California is 120 W, meaning that the difference between them is $35 + 120 = 155$. The time difference between each longitude is about 4 minutes, so the difference is about ten hours, but ahead and not behind. Thus, our timing is earlier than California and not later, when the sun sets in their region, i.e when their Thursday night begins, say at 6 in the evening (18), then our Thursday night is about to finish, i.e. our timing will be $(18 + 10 = 28)$, that is, around 4:00 am on Friday, i.e., before the Fajr Azan or so ... It is not as you calculated to be behind, as you made the ten hours behind, so you said the time with us is $(18-10)$ i.e 8:00 in the morning! This is because eight O' clock in the morning of any day in Palestine will be about ten O' clock of that night in California, for the night of the day precedes the day ... Thus, the sun rises in Palestine for any day before the sunrise in those countries for that day ... And it sets in Palestine before it sets there. And when the sun sets there, for example, at 6:00 pm (18:00) on Tuesday i.e. on Wednesday night, it will be with us just before Fajr i.e. 4:00 am on Wednesday. So, it is likely that there will be sharing of part of the night no matter how little this sharing is.

b- Still, let us assume that they do not share part of the night, then their fasting and breaking their fast will be one, and here is the clarification:

- Suppose that there are three areas A, B, C and that A shares with B part of the night so it fasts and breaks the fast with it ... B shares with C part of the night so it fasts and breaks the fast with it ... This means that it is obligatory that A fasts and breaks the fast with C, Whether or not they share a part of the night or not, then it is necessary that A and C fast together and break the fast together, because A shares with B in part of the night and they fast and break the fast together, and B and C share part of the night so they fast and break the fast together as we mentioned above. And because this reality applies to all regions of the world and thus the application of the Hadeeth «صُومُوا لِرُؤُوسِهِ وَأَفْطَرُوا لِرُؤُوسِهِ» “**Fast at its sighting and break the fast at its sighting.**” is general for all regions of the world.

3- Therefore, even if Palestine does not share with California part of the night, if this is true as stated in your letter, there is an area between them, for example, in Africa that shares with California part of the night and shares with Palestine part of the night, so it fasts and breaks the fast with California at the same time it fasts and breaks the fast with Palestine ... and then Palestine and California will fast together, and so all regions of the world fast and break the fast together, and then the Hadeeth of the Messenger of Allah (saw) applies, so Muslims by necessity will fast and break the fast together.

4- However, if we take what you thought, that is, part of the night must be shared between California and Palestine in order to fast and break the fast together, and if they do not share part of the night according to information contained in your letter, this means disrupting the meaning of the hadith of the Prophet (saw) that fasting and breaking the fast should be together for all Muslims; and of course, this is contrary to what we adopt and what we call for, of the unity of Muslims in fasting and breaking the fast. We had issued a leaflet in this issue dated 25th Shaban 1415 AH - 14/12/1998 CE.

5- As for your saying that the night begins in Palestine and the sun is in California, then how can the fasting be, this is not a difficult issue. For if we see the crescent after sunset (maghrib) on Wednesday, for example, we fast on Thursday, but the time in California is day time on Wednesday, so when the sun sets in their region on Wednesday, our sighting of the moon makes it obligatory on them to fast on Thursday, whether they see the crescent (of Ramadan) or they do not see it... But if we did not see the crescent at the sunset on Wednesday, and they saw it after the sunsets in their region on Wednesday but we got the news at Dhuha time (mid-day) on Thursday, then we must make up the fast of that day. This applies at the beginning of the month and at the end of it on the night of Eid ... This happened at the time of the Prophet (saw), according to the hadeeth narrated by Ahmad in his Musnad from Omair bin Anas that his uncles from Al-Ansar from the companions of the Messenger of Allah (saw) told me that he (saw) said: «عَمَّ عَلَيْنَا هِلَالٌ شَوَّالٍ فَأَصْبَحْنَا صِيَامًا فَجَاءَ رَبِّبٌ مِنْ آخِرِ النَّهَارِ فَشَهِدُوا عِنْدَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُمْ رَأَوْا الْهَيْلَالَ بِالْأَمْسِ فَأَمَرَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ (أَنْ يُفْطَرُوا) «The moon of Shawwal was hidden by the clouds so we woke up fasting, then at the end of the day there came riders they testified in front of the Prophet (saw) that they saw the crescent the day before, the Prophet (saw) ordered them to (break their fast and then celebrate Eid the next day).»

So, the Messenger of Allah (saw) ordered them to break the fasting on a day they thought of as part of Ramadhan because some people other than them saw the moon of Shawal in a place other than al-Madinah al-Munawara. For the travelers saw the moon before they arrived in al-Madinah, and the people of al-Madinah did not know that they saw it so they woke up fasting, but when they learnt that some Muslims other than them saw the moon, the Prophet (saw) ordered them to break the fasting on that day. Today, however, the media means are available to all the states to convey the news of the moon sighting to the whole world in a few seconds. So, Muslims are obliged to start fasting or to break the fasting the moment they hear the news that the moon sighting has been determined from any place on the face of the earth...

Thus, this issue is not difficult, but it is easy for those who Allah makes it easy for them, especially that communications are nowadays as quick as the blink of an eye.

6- As for the Day of Doubt, it is not as you mentioned, but it is the day of the thirtieth of Sha'ban, in which you do not receive the news of a Muslim seeing the moon in any spot of the Earth, it is not allowed to fast on this day, so if you receive the news that someone saw the crescent and you were not fasting because you were thinking it is the Day of Doubt, if you receive the news that someone saw the crescent, then this day will not be a Day of Doubt, but you must make up the fasting of that day.

In conclusion, the hadeeth of the Prophet (saw): «صُومُوا لِرُؤُوتِهِ...» **“Fast at its sight...”** covers all the world, and any other statement is wrong or unlikely, and Allah knows best and He is All-Wise.

Finally, was not it better for you, O Nafez al-Khair, to ask as an enquirer instead of asking as a rapporteur?

Your brother,

Ata Bin Khalil Abu Al-Rashtah

22nd Sha'ban 1440 AH

28/04/2019 CE

The link to the answer from the Ameer's Facebook page:

<https://web.facebook.com/AmeerhtAtabinKhalil/photos/a.122855544578192/1047922738738130/?type=3&theater>

