

Establishing the Sighting of the Crescent



Shaykh Mufti Rafi Usmani

Translated into English by Yusuf Badat

www.mathabah.org

Contents

Page 3: Introduction & Serious Questions

Page 4: The First Matter: The Religious Standard for Establishing the Sighting of the Crescent

Page 4: Sighting with the Eye

Page 4: Deciding with Only Astronomical Calculations

Page 5: Mainstream Position

Page 5: Hanafi Position

Page 5: Maliki Position

Page 5: Shafie Position

Page 5: Hanbali Position

Page 6: A Look at the Evidence by Those who Agree with Astronomical Calculations Without Physical Sighting

Page 7: Local or Global Sighting?

Page 7: The Second Issue: Is the Plurality of Horizons (individual local regional sighting) Valid or Not, in Accordance to the Shariah (Islamic law)?

Page 7: Hanafi Position

Page 7: Maliki Position

Page 7: Hanbali Position

Page 7: Shafie Position

Page 8: The Proofs of the Majority Jurists (Jamhoor) on Global Sighting

Page 9: The Crescent & Eid in the Modern World & Our Current Situation

Page 10: Conclusion and Suggestions

Page 11: Arabic

Introduction & Serious Questions

In Canada and North America, there are various opinions regarding the commencement of Islamic months, in particular Ramadan and Shawwal. Generally, we find the following four opinions:

1. Follow local sighting of the moon for commencing the Islamic months including Ramadan & Eidain.
2. Follow Saudi Arabia's announcement.
3. Follow another country's announcement (such as Morocco)
4. Follow pre calculated dates based on astronomical data.

In light of the above, there can be a lot of confusion amongst the general public. Some argue of unity. Others stress on local sighting. What would you deem as correct according to the Shariah for North American Muslims to follow.

For Eid Al Adha, would we celebrate Eid based on the wuqoof (standing) at Arafah in Saudi Arabia or in accordance to the 10th of Dhul Hijjah, determined by local sighting of the hilal (new crescent)? If we follow individual local regional sighting of the moon, how should we determine our "Matla" (horizon – sighting region)? Would every city have their own 'matla' (sighting region) or would the 'matla' (sighting region) extend to the whole of North America and the Caribbean or only North America?

Answers:

There are two fundamental issues here:

The first issue: What is the religious standard for sighting the crescent?

The second issue: Is the plurality of horizons (multiple regional sighting locations) valid or not in accordance to the shariah (legal Islamic law)?

The First Matter: The Religious Standard for Establishing the Sighting of the Crescent

There are two issues in this matter:

The first issue: Establishing the sighting of the crescent when seeing it with the naked eye (through observing it)

The second issue: Establishing the crescent sighting relying on astronomical calculations, even though it is not seen with the naked eye.

Sighting With the Eye

As for the first issue, that is to establish the crescent sighting by seeing it with the eye (i.e. physical sighting). The honourable Islamic jurists have unanimously agreed that sighting with the eye, physically is what establishes the ruling of ‘crescent sighting’ due to the saying of the Messenger (pbuh), **“Fast by seeing it and end your fast by seeing it. If it is hidden for you than count thirty (for the month)”** (*Sunan of Tirmidhi, Book of Fasting, Chapter on What has Been Said ‘Do not advance the month with fasting’*)

The Prophet (peace be upon him) has regulated the ruling of fasting and ending the fasting with seeing, and this sighting is the sighting in a physical sense, by seeing with the naked eye. Hence this is what is considered in accordance to the Islamic legal law, without any angle of a difference amongst the Islamic legal jurists.

Deciding with Only Astronomical Calculations

Mainstream Position

As for the second matter, which is to establish the crescent sighting by relying on astronomical calculations even though it is not sighted with the naked eye, has no consideration, according to the jamhoo (majority of) jurists. The four imams of Islamic jurisprudence have also agreed upon this, due to the saying of the Messenger (pbuh) **“Do not fast until you see the crescent and do not end the fasting period until you see it. If it is obscured upon you, then count it (as thirty days)”** (*Sabeeh Al Bukhari, Book of Fasting, Chapter of the Prophet’s saying, “When you see the crescent, fast’. Hadith number 1909, Sabeeh Muslim, Book of Fasting, Chapter on the Necessity of Fasting Ramadan Upon Seeing the Crescent, Hadith number 2568*).

By contemplating over these blessed hadiths and also those similar to them, the ruling is that it is not permissible to determine the sighting of the crescent by only relying on astronomical calculations, according to the four great imams of jurisprudence.

Hanafi Position

The Hanafi jurist, Allamah Al Shaami (r) states in “Rad Al Muhtaar” “There is no consideration of the sayings of the time keepers (*muwaqqiteen*) in other words, in the matter of declaring the fasting upon people, in fact in the matter of determining ‘Al-Meraj’ their statements are not considered with consensus. It is not permissible for an astronomer to act on his own calculations (to begin Islamic acts that are based on dates). In ‘Al Nahr’, it is mentioned, “... it does not become binding, with the statements of the time keepers, that the crescent is in the sky on such and such a night, even though they (time keepers) may be upright (responsible people) in accordance to the correct view as stated in ‘Al Lidhaah” (*Book of Fasting, The meaning of ‘No consideration of the time keepers’ statements regarding fasting*)

Maliki Position

Imam Al Kharshee Al Maliki (r) states in Al Sharh Al Kabeer, “The fasting is established by what has been described, not by the statement of an astronomer (*munajjim*). The fasting cannot be established with astronomical calculations for himself nor for others. For indeed the one (Prophet) entrusted with Islamic legal rulings has confined the establishment of the Islamic months, in sighting, testimony of sighting, or completing the number (of 30 days of the month). He has not informed of any other method beyond this. Thus when the astronomer says, for example, the month is short or increased, attention will not necessarily be paid to his statement, nor his calculations, regardless of whether the truthfulness of his statements seem to be appealing to the heart or not”. (*Al Sharh Al Kabeer on Mukhtasar Khaleel, Chapter of Fasting*)

Shafie Position

Imam Al Nawawi (r) who is amongst the guiding jurist in Shafie fiqh (jurisprudence), said in *Rawdhat Al Talibeen*, “It is not necessary, from that which is declared by the calculations of the astronomer, to fast, upon him nor for others. Imam Al Ruyaani says, The same is with the one who understands the phases of the moon, fasting is not declared due to it, according to the most correct opinion”. (*Rawdhat Al Talibeen, Chapter of Fasting*).

Hanbali Position

Al Hajaawi Al Hanbali (r) states in Al Iqnaa’a, “Fasting is not established by the saying of an astronomer nor is it permissible” (*Al Iqnaa’a Volume 1 page 216*)

A Look at the Evidence by Those Who Agree with Astronomical Calculations without Physical Sighting

Yes, some jurists have gone towards the position of relying on the astronomical calculations, substantiating the position from the words of the Messenger (pbuh) ‘Compute it’ and have stated the meaning of this word is ‘Compute it with the calculations of the moon phases’, however majority jurists rejected this interpretation.

Hence in Sharh Al Nawawi on Saheeh Muslim, it is mentioned, “The scholars differed in the meaning ‘*Faqduroo lab*’ (count it). Imam Ibn Suraij along with Imam Mutarrif ibn Abdullah, Imam Ibn Qutaibah and others stated: the meaning is to compute it with the phases of the moon. Imam Maalik, Imam Shafie, Imam Abu Hanifah and the majority of the predecessors and successors have taken the position that its meaning is ‘compute it by the completion of thirty days’ (*Book of Fasting, Chapter of the Establishing of Fasting the Month of Ramadan In Result of Seeing the Crescent*)

In Al Muntaqaa Sharh Al Muwatta of Imam Baaji Al Maliki (r), it is noted, ‘Imam Al Dawoodi has mentioned that the following is said regarding the meaning of ‘*faqduroo lahu*’ “to compute the phases of the moon”. We do not know of anyone amongst the scholars who said this, other than a few followers of the Shafie fiqh, that the statement of the astronomers is acceptable, however the scholarly consensus is a proof against this position’. (*Book of Fasting, Chapter of What Been Said Regarding Sighting the Crescent*)

In Fath Al Baari of Imam Haafiz Ibn Hajr (r), it is recorded that the meaning of the Prophet’s (pbuh) words ‘*faqduroo lahu*’ is: to look at the beginning of the month, and count the completion of thirty of the previous month (if the crescent is not sighted). This interpretation is given preference substantiated by numerous clear narrations in this specific meaning. That is what has already been mentioned of the Prophet’s (pbuh) words ‘Complete the number as thirty’ and others. The preferred method to understand hadiths is to obtain the explanation of the hadith by another hadith. (*Book of Fasting, Chapter of the Prophet’s Statement, ‘When you see the crescent, begin fasting.’*)

Local or Global Sighting?

The Second Issue: Is the Plurality of Horizons (individual local regional sighting) Valid or Not, in Accordance to the Shariah (Islamic law)?

The explanation of this subject matter is to look at the question ‘If the crescent is seen in one region, even though it may be at the furthest corner of the world, would this sighting be proof for other regions of the world, despite the difference in the timings of sunset and sunrise due to the difference of region?’

The Hanafi, Maliki and Hanbali schools have declared that there is absolutely no consideration for multiple horizons (local individual regional sighting). It is waajib (necessary) upon all Muslims in the entire world to act on a single sighting that has been established in accordance to the shari (religious legal) method, wherever it may have been spotted in any part of the world.

Hanafi Position

In Fath Al Qadir of Imam Ibn Al Hummam Al Hanafi (r) it is stated, “And when it is established in a city, it will be mandatory upon all people. Thus the people of the eastern hemisphere must adhere to the sighting of the western hemisphere, in accordance to the clear opinion of the school” (*Book of Fasting, Chapter of Sighting of the Crescent*)

Maliki Position

And in Al Sharh Al Kabeer of Al Dardeer Al Maliki (r) ‘The fasting is general upon all cities near and distant. The distance of shortening the prayers will not be considered in this matter nor the unity of horizon or the lack there of, thus fasting becomes mandatory on every one who receives the information of it’ (*Book of Fasting Volume one page 50*)

Hanbali Position

It is recorded in Sharh of Muntaha Al Iraadaat of Imam Bahuti Al Hanbali (r) ‘When the crescent sighting of Ramadan is established in a city, fasting is binding on all the people due to the hadith ‘All of you fast when sighting it’. This is an address to the entire Ummah. (*Book of Fasting Volume three, page 307*)

Shafie Position

As for the Shafie School and some contemporary Hanafi jurists, they have considered multiple horizons (local regional sighting). According to them, it is not permissible for people to fast or end fasting by the sighting of regions that vary in times of horizons.

It is written in Tuhfat Al Muhtaaj of Imam Ibn Al Hajar Al Makki Al Shafie (r) ‘And when it is sighted in a city, it’s ruling is necessary upon the nearby city without question such as Baghdad and Kufah, because they both are considered as one region, just as the analogy of sanctity applies to those who are also nearby the sacred mosque (haram), unlike the cities that are at a vast distance, in accordance to the most correct view, like Hijaz and Iraq. The second opinion is that it is necessary to follow despite the distance, and the remoteness is the distance of travel (*masaa'fat*)

al Qasr). The author has also regarded this as correct in the Shrah of Muslim because many rulings of shariah are connected to the distance that makes one a traveler. It is also said the remote distance is what will establish the plurality of the horizons (multiple sighting regions). I say this is the most correct opinion. And Allah knows best". (*The book of Fasting v. 13 pg. 225*)

And all the jurists who consider the plurality of horizons (individual local regional sightings) have substantiated the matter with the hadith of Kuraib and his narrative which is as follows:

"... that Umm Fadl (ra) sent Kuraib (ra) to Mu'awiya (ra) in Syria. He says: I arrived in Syria, and did the needful for her. It was there while I was in Syria that the month of Ramadan dawned upon me. I saw the new moon (of Ramadan) on Friday. I then returned to Medina at the end of the month. Abdullah b. 'Abbas (ra) asked me (about the new moon of Ramadan) and said: When did you see it? I said.: We saw it on the night of Friday. He said: (Did) you see it yourself?-I said: Yes, and the people also saw it and they observed fast and Mu'awiya also observed fast, whereupon he said: But we saw it on Saturday night. So we would continue to observe fast till we complete thirty (fasts) or we see it (the new moon of Shawwal). I said: Is the sighting of the moon by Mu'awiya and his fasting not sufficient (valid) for us? He said: No; this is how the Messenger of Allah (pbuh) has commanded us". (*Sabeeh Muslim, Book of Fasting, Chapter on the Topic of Every City has its Individual Sighting. Sunan Tirmidhi Book of Fasting, Chapter of When the Crescent is Sighted in a City before Others by a Night*)

The Proofs of the Majority Jurists (*Jamhoor*) on Global Sighting

As for the majority jurists who do not consider plurality of horizons, their proofs have been mentioned by Ibn Qudaamah (r) in his valuable book, "Almughni", thus he says, "We have the verse "Who so ever witnesses amongst you the month, must fast" and the statement of the Prophet – peace and blessings upon him – to the Bedouin when he said to him: Is it Allah who instructed you to fast this month of the year? He said "Yes". And his saying to another person, when it was asked: What has Allah made mandatory upon me, regarding the fasts? He said the month of Ramadan. It is the consensus of the Muslims that the fasting of the month of Ramadan is mandatory, and certainly the first day of the month is established with the testimony of reliable people where after it's fasting becomes necessary upon all Muslims. And also that the month of Ramadan is in between two crescents, and it is also established that the first day of it will be considered a specific day for everyone regarding all rulings (ahkaam) such as the deadline of debt, and execution of divorce, freeing the slave, the implementation of vows and others such rulings (there cannot be multiple days for the execution of rulings/ ahkaam specified with dates), hence its fasting is mandatory through the *nass* (clear source text of Quran & Hadith) and also consensus & togetherness. Also that the reliable evidence (to begin the month), is witnessed by the sighting of the crescent, so the fasting becomes mandatory just like the closeness of two cities".

The great pillar of knowledge, Imam Ibn Qudamah Al Hanbali (ra) responded to the hadith of Kuraib with the statement, "As for the hadith of Kuraib, it only serves to indicate that they did not stop fasting with only the saying of Kuraib alone, and this is precisely what we declare". (*Al Mughni, Book of Fasting, Chapter When the people of a country see the crescent, it establishes fasting for all countries*).

The Crescent & Eid in the Modern World & Our Current Situation

This weak servant, Muhammed Rafi Al Uthmani (May Allah overlook his faults) states: The preponderant opinion by us, is the agreed statement of the majority (jamhoor), that is not to consider multiple horizons, looking at the stated evidences that were just discussed above, and also for the following reasons:

1. The Muslims are residents of all lands of the globe. The world in today's day and age has become similar to a small village, and this is due to the advantage of the numerous means of communication and media along with other such advancements. It has now become easy to communicate news to the entire world in the quickest time possible. The rapidness of journey between the countries in our time, is far greater than in any era of the past. This situation demands that the celebration of both the Eids be shared by Muslims and it's joy, on the very same day.
2. In today's day and age, the followers of the four imams of fiqh reside in every region of international lands, to the extent that you will see in one township of the regions of Japan, for example, adjacent side by side, some of them followers of the Maliki fiqh, and beside them, followers of the Shafie fiqh. So the followers of the Maliki fiqh do not consider individual local sighting and will celebrate Eid every time the crescent is seen in the far west for example. While the Shafie fiqh followers will not celebrate Eid, relying on the position of individual local sighting. This action (of multiple Eids), in today's day and age leads to the humiliation and defamation by the disbelievers. It is also a means of confusion to understand the situation of Muslims, as it is witnessed every year. This matter in Non-Muslim countries also becomes a means of disarray in determining the days off for Eid.

Conclusion and Suggestions

Hence the answers to the questions, in light of what we have mentioned, regarding the two fundamental matters, is as found below:

- a) It would be appropriate to form a special committee for sighting the crescent. This committee is to comprise of distinguished scholars from the people of religion, encompassing all the regions of the United States of America and Canada together. Alternatively, separate individual committees may also be formed. This committee is to establish and declare the news regarding the sighting of the new crescent, according to the religious conditions laid down by the Shariah (Islamic law) such as testimony and reliable news accordingly, based on sighting with the human eye, as is the position of the majority jurists (jamhoor).
- b) If it is not possible to form such a committee, it would be appropriate to unanimously agree on following that which is declared by one of two governments, the Kingdom of Saudi Arabia and the Kingdom of Morocco, regarding the matter of crescent sighting, in accordance to the religious legal conditions. It would be permissible to begin fasting, end fasting and celebrate Eid Al Fitr adhering to the sighting of one of the two countries. In a similar fashion, it would be permissible to celebrate Eid Al Adha after the wuqoof at Arafah in Saudi Arabia, when the scholars have agreed upon taking the crescent sighting of the Kingdom of Saudi Arabia.
- c) It is not necessary for every city in North America to see the crescent by themselves, rather it is permissible that everyone adopt one agreed position for the benefit of all North American Muslims. The method for that is what was stated above, regarding forming a committee for sighting the crescent, or relying on the sighting of one of the two kingdoms, Saudi and Morocco. This should be achieved by the unanimous agreement of the Muslims, for indeed anything that leads to disuniting the togetherness of the Muslims and disenfranchising their oneness, would not be correct nor permissible, in accordance to the Shariah.

Note: As we have mentioned before, it is mandatory to rely on the crescent sighting by the naked human eye, according to mainstream legal jurists.

As for those who only rely on astronomical calculations, would it even be permissible to take their statement in this day and age? This requires a cordial international session of expert Islamic legal jurists, who take the responsibility to research and ponder in the matter. As for anything prior to that, it would not be permissible.

And Allah Knows Best, For Indeed His Knowledge is Perfect

ثبوت رؤية الهلال

ههنا أمران أساسيان:

الأمر الأول: ما هو المعيار الشرعي لرؤية الهلال ؟
الأمر الثاني : هل اختلاف المطالع معتبر شرعاً أم لا ؟

الأمر الأول: المعيار الشرعي لرؤية الهلال

فيه مسألتان:

المسئلة الأولى: إثبات رؤية الهلال عند رؤيته بالعين أى
الباصرة-

المسئلة الثانية: إثبات رؤية الهلال اعتماداً على الحسابات
الفلكية وإن لم ير بالعين-

أما المسئلة الأولى وهى إثبات رؤية الهلال عند رؤيته بالعين أى

الباصرة فقد اتفق الأئمة الفقهاء الكرام على أن الرؤية بالعين أى الباصرة
توجب الحكم برؤية الهلال ؛ لقول الرسول ﷺ: ﴿صُومُوا لِرُؤْيَيْهِ،
وَأَفْطِرُوا لِرُؤْيَيْهِ، فَإِنْ غَمَّ عَلَيْكُمْ فَعُدُّوا ثَلَاثِينَ﴾ -

(سنن الترمذى، كتاب الصوم، باب ما جاء لا تقدموا الشهر بصوم)
فالنبي ﷺ أدار حكم الصوم و الفطر على الرؤية، وهى الرؤية
بالباصرة فهى المعتبرة شرعاً بلا خلاف بين الفقهاء-

وأما المسئلة الثانية وهى اثبات رؤية الهلال اعتماداً على
الحسابات الفلكية وإن لم ير بالعين فلا اعتبار له عند جمهور الفقهاء،
واتفق عليه الأئمة الأربعة ؛لقول الرسول ﷺ: ﴿لا تصوموا حتى تروا
الهلال، ولا تفطروا حتى تروه، فان غمَّ عليكم فاقدروا له -

(صحيح البخارى، كتاب الصوم، باب قول النبي ﷺ اذا رأيتم
الهلال فصوموا رقم الحديث: ١٩٠٩، وصحيح مسلم، كتاب الصوم
، باب وجوب صوم رمضان لرؤية الهلال، رقم الحديث: ٢٥٦٧)
فنظرا إلى مثل هذه الأحاديث المباركة لا يجوز الحكم برؤية
الهلال اعتماداً على الحسابات الفلكية عند هم-

قال الفقيه الحنفى العلامة الشامى^٢ فى ”رد المحتار“: قَوْلُهُ: ”وَلَا
عِبْرَةَ بِقَوْلِ الْمُؤَقَّتِينَ أَى فِى وُجُوبِ الصَّوْمِ عَلَى النَّاسِ، بَلْ فِى الْمِعْرَاجِ
لَا يُعْتَبَرُ قَوْلُهُمْ بِالْإِجْمَاعِ، وَلَا يَجُوزُ لِلْمُنَجِّمِ أَنْ يَعْمَلَ بِحِسَابِ نَفْسِهِ،
وَفِى النَّهْرِ، فَلَا يَلْزَمُ بِقَوْلِ الْمُؤَقَّتِينَ أَنَّهُ أَى الْهَلَالُ يَكُونُ فِى السَّمَاءِ لَيْلَةً
كَذَا وَإِنْ كَانُوا عُدُّوْا فِى الصَّحِيحِ كَمَا فِى الْإِيضَاحِ“

(كتاب الصوم ، مطلب لا عبرة بقول المؤقتين فى الصوم)

وقال العرشى المالكى^٣ فى الشرح الكبير: ”إِنَّ الصَّوْمَ يَثْبُتُ
بِمَا تَقَدَّمَ لَا بِقَوْلِ مَنْجِّمٍ فَلَا يَثْبُتُ بِهِ لَا فِى حَقِّ غَيْرِهِ وَلَا فِى حَقِّهِ هُوَ ؛
لِأَنَّ صَاحِبَ الشَّرْعِ حَصَرَ الثُّبُوتَ فِى :الرُّؤْيَا أَوْ الشَّهَادَةِ، أَوْ إِكْمَالِ
الْعَدَدِ فَلَمْ يُخَيِّرْ بِيَادِهِ عَلَى ذَلِكَ، فَإِذَا قَالَ الْمُنَجِّمُ مَثَلًا : الشَّهْرُ نَاقِصٌ
، أَوْ زَائِدٌ لَمْ يُلْتَفَتْ إِلَى قَوْلِهِ، وَلَا إِلَى حِسَابِهِ وَقَعَ فِى الْقَلْبِ صِدْقُهُ أَمْ
لَا“ (الشرح الكبير على مختصر خليل، باب الصوم) -

وقال النووي وهو من الفقهاء المهتمين في الفقه الشافعي في روضة الطالبين: "لا يجب مما يقتضيه حساب المنجم الصوم عليه، ولا على غيره قال الروياني وكذا من عرف منازل القمر لا يلزمه الصوم به على الأصح" (روضة الطالبين، كتاب الصوم)
وقال الحجاوي الحنبلي في الاقناع: "ولا يجب الصوم بقول المنجم، ولا يجوز". (الاقناع ج ١ ص ٢١٦)

نعم، بعض الفقهاء ذهبوا إلى القول بالاعتماد على الحسابات الفلكية استدلالاً بقوله ﷺ: ﴿فَاقْدُرُوا لَهُ﴾، وقالوا: معنى هذه الكلمة "قَدَّرُوهُ بِحَسَابِ الْمَنَازِلِ"، لكن رده جمهور الفقهاء:
ففي شرح النووي على صحيح مسلم: "وَاخْتَلَفَ الْعُلَمَاءُ فِي مَعْنَى ﴿فَاقْدُرُوا لَهُ﴾....."، وَقَالَ ابْنُ سُرَيْجَ وَجَمَاعَةٌ مِنْهُمْ: مُطَرِّفُ بْنُ عَبْدِ اللَّهِ وَابْنُ قُتَيْبَةَ وَآخَرُونَ: مَعْنَاهُ: قَدَّرُوهُ بِحَسَابِ الْمَنَازِلِ، وَذَهَبَ مَالِكٌ وَالشَّافِعِيُّ وَأَبُو حَنِيفَةَ وَجُمْهُورُ السَّلَفِ وَالْخَلْفِ إِلَى أَنَّ مَعْنَاهُ: قَدَّرُوا لَهُ تَمَامَ الْعِدَّةِ ثَلَاثِينَ يَوْمًا".

(كتاب الصوم، باب وجوب صوم رمضان لرؤية الهلال).
وفي المنتقى شرح المؤطا للباحي المالكي: "وَذَكَرَ الدَّوْدِيُّ أَنَّهُ قِيلَ فِي مَعْنَى قَوْلِهِ ﴿فَاقْدُرُوا لَهُ﴾ أَي قَدَّرُوا الْمَنَازِلَ، وَهَذَا لَا نَعْلَمُ أَحَدًا قَالَ بِهِ إِلَّا بَعْضَ أَصْحَابِ الشَّافِعِيِّ: أَنَّهُ يُعْتَبَرُ فِي ذَلِكَ بِقَوْلِ الْمُنَجِّمِينَ وَالْإِجْمَاعِ حُجَّةٌ عَلَيْهِ"

(كتاب الصوم، باب ما جاء في رؤية الهلال)
وفي فتح الباري للحافظ ابن حجر: "الْمُرَادُ بِقَوْلِهِ ﴿فَاقْدُرُوا لَهُ﴾ أَي أَنْظَرُوا فِي أَوَّلِ الشَّهْرِ، وَاحْسِبُوا تَمَامَ الثَّلَاثِينَ، وَيُرْجَحُ هَذَا التَّأْوِيلَ الرَّوَايَاتُ الْآخِرُ الْمُصَرَّحَةُ بِالْمُرَادِ، وَهِيَ مَا تَقَدَّمَ مِنْ قَوْلِهِ ﴿فَأَكْمِلُوا الْعِدَّةَ ثَلَاثِينَ﴾ وَنَحْوَهَا وَأَوْلَى مَا فُسِّرَ الْحَدِيثُ بِالْحَدِيثِ"
(كتاب الصوم، باب قول النبي ﷺ إذا رأيتم الهلال فصوموا)

الأمر الثاني: هل اختلاف المطالع معتبر شرعاً أم لا؟
معناه أنه لو روى الهلال في منطقة ولو كانت بأقصى العالم،
فهل هذه الرؤية تكون حجة للمناطق الأخرى رغم أن أوقات غروب
الشمس وطلوعها تختلف لاختلاف المناطق.
فذهب الحنفية في ظاهر الرواية والمالكية والحنابلة إلى أنه لا
اعتبار لاختلاف المطالع أصلاً، ويجب على كافة المسلمين في أنحاء
العالم أن يعملوا برؤية تحققت بطريق شرعي في أية منطقة كانت.

ففى فتح القدير لابن الهمام الحنفى: ”وَإِذَا ثَبَتَ فِي مِصْرَ لَزِمَ
سَائِرَ النَّاسِ، فَيَلْزَمُ أَهْلَ الْمَشْرِقِ بِرُؤْيَا أَهْلِ الْمَغْرِبِ فِي ظَاهِرِ الْمَذْهَبِ“
(كتاب الصوم، فصل فى رؤية الهلال)

وفى تبیین الحقائق على كنز الدقائق للزيلعى الحنفى: ”وَإِذَا
ثَبَتَ فِي مِصْرَ لَزِمَ سَائِرَ النَّاسِ، فَيَلْزَمُ أَهْلَ الْمَشْرِقِ رُؤْيَا أَهْلِ الْمَغْرِبِ فِي
ظَاهِرِ الْمَذْهَبِ ---، وَمُخْتَارُ صَاحِبِ التَّحْرِيرِ، وَغَيْرِهِ مِنَ الْمَشَائِخِ
اعْتِبَارُ اخْتِلَافِ الْمَطَالِعِ“
(كتاب الصوم، فصل فى رؤية الهلال) .

وفى الشرح الكبير للرددير المالكى: ”وعم الصوم سائر البلاد
قريباً، أو بعيداً، ولا يراعى فى ذلك مسافة قصر، ولا اتفاق المطالع، ولا
عدمها، فيجب الصوم على كل منقول إليه“
(كتاب الصوم، ج ١ ص ٥٠) .

وفى شرح منتهى الارادات للبهوتى الحنبلى: ”وَإِذَا ثَبَتَتْ رُؤْيَا
أَيِّ هِلَالٍ رَمَضَانَ بِلَدِّ لَزِمَ الصُّومَ جَمِيعُ النَّاسِ لِحَدِيثِ ﴿صُومُوا
لِرُؤْيَايَ﴾، وَهُوَ خَطَابٌ لِلأُمَّةِ كَافَّةً“
(كتاب الصيام، ج ٣ ص ٣٠٧) .

أما الشافعية و بعض الفقهاء المتأخرين من الحنفية فقد اعتبروا

اختلاف المطالع ، فعندهم لا يجوز للناس أن يصوموا ، و يفطروا برؤية الهلال فى المناطق التى تختلف مطالعها .

ففى تحفة المحتاج فى شرح المنهاج لابن حجر المكي الشافعى^{٢٥} : ” وَإِذَا رُئِيَ بِبَلَدٍ لَزِمَ حُكْمُهُ الْبَلَدَ الْقَرِيبَ مِنْهُ قَطْعًا كَبَغْدَادَ وَالْكُوفَةَ ، لِأَنَّهُمَا كَبَلَدَةٌ وَاحِدَةٌ كَمَا فِي حَاضِرَى الْمَسْجِدِ الْحَرَامِ دُونَ الْبَعِيدِ فِي الْأَصْحَحِّ كَالْحِجَازِ وَالْعِرَاقِ وَالثَّانِي يَلْزَمُ فِي الْبَعِيدِ أَيْضًا وَالْبَعِيدُ مَسَافَةَ الْقَصْرِ وَصَحَّحَهُ الْمُصَنِّفُ فِي شَرْحِ مُسْلِمٍ لِتَعْلِيْقِ الشَّرْعِ بِهَا كَثِيرًا مِنَ الْأَحْكَامِ ، وَقِيلَ الْبَعِيدُ بِاخْتِلَافِ الْمَطَالِعِ . قُلْتُ : هَذَا أَصْحَحُ . وَاللَّهُ أَعْلَمُ “

(كتاب الصيام، ج ١٣ ص ٢٢٥).

وهؤلاء الفقهاء الذين اعتبروا اختلاف المطالع يستدلون فيه بحديث كُريِب، وقصته وهى:

”أَنَّ أُمَّ الْفَضْلِ بَعَثَتْ كَرِيْبًا إِلَى مُعَاوِيَةَ بِالشَّامِ، قَالَ: قَدِمْتُ الشَّامَ ، فَقَضَيْتُ حَاجَتَهَا، وَاسْتَهَلَّ عَلَيَّ رَمَضَانٌ، وَأَنَا بِالشَّامِ، فَرَأَيْتُ الْهَلَالَ لَيْلَةَ الْجُمُعَةِ، ثُمَّ قَدِمْتُ الْمَدِينَةَ فِي آخِرِ الشَّهْرِ، فَسَأَلَنِي عَبْدُ اللَّهِ بْنُ عَبَّاسٍ، ثُمَّ ذَكَرَ الْهَلَالَ، فَقَالَ: مَتَى رَأَيْتُمُوهُ؟ فَقُلْتُ: رَأَيْنَاهُ لَيْلَةَ الْجُمُعَةِ، فَقَالَ: أَنْتِ رَأَيْتِهِ؟ فَقُلْتُ: نَعَمْ، وَرَأَاهُ النَّاسُ، وَصَامُوا، وَصَامَ مُعَاوِيَةُ، فَقَالَ: لَكِنَّا رَأَيْنَاهُ لَيْلَةَ السَّبْتِ، فَلَا نَزَالَ نُصُومُ حَتَّى نُكْمِلَ ثَلَاثِينَ، أَوْ نَرَاهُ، فَقُلْتُ: أَوْ لَا نَكْتَفِي بِرُؤْيَى مُعَاوِيَةَ وَصَوْمِهِ، فَقَالَ: لَا، هَكَذَا أَمَرَنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَشَكََّ أَحَدُ رَوَاتِهِ فِي نَكْتَفِي بِاللُّنُونِ أَوْ بِالتَّاءِ“.

(صحيح مسلم، كتاب الصوم، باب أن لكل بلد رؤيتهم، سنن الترمذى، كتاب الصوم، باب اذا رئى الهلال فى بلد قبل الآخرين بليلة).

مستدللات جمهور الفقهاء:

أما جمهور الفقهاء الذين لم يعتبروا اختلاف المطالع

فمستدلاتهم قد ذكرها ابن قدامة^٢ في كتابه القيم "المغنى" فقال:
"ولنا قول الله تعالى: فمن شهد منكم الشهر فليصمه ﴿١﴾، وقول
النبي — صلى الله عليه وسلم — للأعرابي لما قال له: الله أمرك أن
تصوم هذا الشهر من السنة؟ قال: ﴿نعم﴾، وقوله للآخر لما قال له:
ماذا فرض الله على من الصوم؟ قال: ﴿شهر رمضان﴾، وأجمع
المسلمون على وجوب شهر رمضان، وقد ثبت أن هذا اليوم من شهر
رمضان بشهادة الثقات، فوجب صومه على جميع المسلمين، ولأن
شهر رمضان ما بين الهالين، وقد ثبت أن هذا اليوم منه فى سائر
الأحكام من حلول الدين، ووقوع الطلاق، والعتاق، ووجوب النذور،
وغير ذلك من الأحكام، فيجب صيامه بالنص، والإجماع، ولأن البيئة
العادلة شهدت برؤية الهلال، فيجب الصوم كمالو تقاربت البلدان".
وأجاب العلامة ابن قدامة الحنبلي^٣ عن حديث كريب بقوله:
"فأما حديث كريب فإنما دل على أنهم لا يفطرون بقول كريب
وحده، ونحن نقول به"

(المغنى، كتاب الصوم، فصل وإذا رأى الهلال أهل البلد لزم
جميع البلاد الصوم).

قال العبد الضعيف محمد رفيع العثماني عفا الله عنه: الراجح
عندنا هو قول الجمهور، وهو عدم اعتبار اختلاف المطالع نظراً إلى
الأدلة المذكورة آنفاً، وللأسباب التالية أيضاً:

١- يسكن المسلمون جميع أرجاء المعمورة، والعالم قد أصبح
اليوم مثل قرية صغيرة، وذلك بفضل وسائل الاتصال والإعلام، و
غيرها، فتسهّل وصول الأخبار إلى جميع العالم فى أسرع وقت،
وأسرعية السفر فيما بين البلاد فى زماننا أكثر مما مضى من الأزمنة،
وهذا يقتضى أن يكون الاحتفال بالعيدين، و التمتع بسرورهما
للمسلمين فى يوم واحد.

٢- يسكن اليوم أتباع الأئمة الأربعة فى كل منطقة من مناطق
العالم حتى أنك تجد حياً واحداً من أحياء يابان مثلاً يضم سكانا

متجاورين منهم المالكي ، و بجنبه الشافعي ، فالمالكي لايعتبر اختلاف المطالع ، و يحتفل بالعيد كلما رئى الهلال فى المغرب الأقصى مثلاً ، والشافعي لا يحتفل بالعيد اعتماداً على اختلاف المطالع ، وهذا العمل اليوم يوجب طعن الكفار ، وتشويشهم على المسلمين كما هو مشاهد فى كل سنة ، ثم أنّ هذا الأمر فى البلاد الغير الإسلامية يسبب فوضى فى تعيين أيام العطل للعيد أيضاً .
فالإجابة عن السؤال فى ضوء ما ذكرنا من الأمرين الأساسيين كما يلى :

ألف - أنه يناسب تشكيل لجنة مختصة لرؤية الهلال مكونة من علماء بارعين متخصصين من أهل الدين لمناطق الولايات المتحدة أمريكا ، وكندا معاً ، أو لكل واحدة منهما عليحدة ، و تقوم هذه اللجنة بالإعلام عما يتقرر لديها من الرؤية وفق الشرائط الشرعية كالشهادة و الخبر المعترف شرعاً اعتماداً على الرؤية البصرية كما هو مذهب الجمهور .

ب - إن لم يمكن تشكيل تلك اللجنة فينبغى أن يتفقوا على اتباع ما تُقرره إحدى حكومتى المملكة العربية السعودية و المملكة الغربية بشأن الرؤية وفق الشرائط الشرعية ، فيجوز الصوم و الإفطار و الاحتفال بعيد الفطر اتباعاً برؤية إحداهما .

و كذا يجوز الاحتفال بعيد الأضحى بعد الوقوف بعرفات فى السعودية اذا اتفقوا العمل برؤية المملكة العربية السعودية .

ج - ليس من المفروض على كل بلدة فى أمريكا الشمالية أن ترى الهلال بنفسها ، بل يجوز أن يكون هناك رأى متحد لكل مسلمى أمريكا الشمالية ،

وطريق ذلك ما قد ذكرنا آنفاً من تشكيل اللجنة لرؤية الهلال ، أو الاعتماد على رؤية إحدى المملكتين السعودية و المغرب ، و يجب أن يتم ذلك باتفاق المسلمين ؛ إذ كل ما يؤدى إلى تفريق كلمة المسلمين و تمزيق وحدتهم لا يصح ولا يجوز شرعاً .

ملاحظة : كما ذكرنا فيما قبل يجب الاعتماد على الرؤية
البصرية عند جمهور الفقهاء، ولكن الذين اعتبروا الحسابات الفلكية
فهل يجوز العمل بقولهم فى هذه الأيام؟ هذا بحاجة الى عقد مجلس
عالى للفقهاء المتبحرين يتولى نقاش المسئلة والنظر فيها، أما قبل
ذلك فلا يجوز.

المراجع والمصادر للموضوع الأول

- ١ - سنن الترمذى
- ٢ - الصحيح مسلم
- ٣ - رد المحتار، للعلامة الشامى الحنفىؒ
- ٤ - الشرح الكبير على مختصر خليل، للخرشى المالكىؒ
- ٥ - روضة الطالبين، للنووىؒ
- ٦ - الإقناع، للحجاوى الحنبلىؒ
- ٧ - شرح النووى على صحيح مسلم
- ٨ - المنتقى شرح الموطأ، للباغى المالكىؒ
- ٩ - فتح البارى، للحافظ ابن حجرؒ
- ١٠ - فتح القدير، لابن الهمام الحنفىؒ
- ١١ - تبين الحقائق على كنز الدقائق، للزىلعى الحنفىؒ
- ١٢ - الشرح الكبير، للدردير المالكىؒ
- ١٣ - شرح منتهى الإرادات، للبهوتى الحنبلىؒ
- ١٤ - تحفة المحتاج فى شرح المنهاج، لابن حجر المكى الشافعىؒ
- ١٥ - المغنى، لابن قدامةؒ