

## CHAPTER 5

### WEAKNESS OF THE ARGUMENT FOR IKMĀL (COMPLETING THIRTY DAYS)

So far we have analyzed the arguments based upon the Qur'an, Sunnah, and the linguistic implications of the word *al-hilāl*. Now, we will turn to the rest of the main arguments of those classical scholars who require naked-eye sighting.

Completing thirty days if the weather is cloudy is the generally agreed-upon position among the majority of classical scholars. Again, however, it is not the only categorical stance accepted by the Ummah, for various leading authorities (e.g., Ibn 'Umar and Ahmad ibn Hanbal) are reported to have started the Ramadan fast after 29 Sha'ban if it was cloudy on the evening of 29 Sha'ban and thirty days had not been completed, as required by most of the prophetic narrations that include the phrase:

فَإِنْ غُشِّيَ عَلَيْكُمْ فَأَكْمَلُوا عِدَّةَ شَعْبَانَ ثَلَاثِينَ.

Complete counting thirty days of Sha'ban if it is obscured [from your eyes].

Ironically Ibn 'Umar is the original narrator of most of these prophetic reports. In reality, the picture appears to be quite different when we discuss and analyze them in detail. In the following pages I will try to analyze some of them to prove that no such consensus exists, even on the rules governing the completion of the month. Several of the difficulties arising from these hadiths concerning completion can be appreciated only when we study these reports in depth and compare their final parts with one another.

حَدَّثَنَا آدَمُ حَدَّثَنَا شُعْبَةُ حَدَّثَنَا مُحَمَّدُ بْنُ زَيْدٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَوْ قَالَ: قَالَ أَبُو الْقَاسِمِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - (صُومُوا لِرُؤُوسِهِ وَأَفْطَرُوا لِرُؤُوسِهِ، فَإِنْ غُشِّيَ عَلَيْكُمْ فَأَكْمَلُوا عِدَّةَ شَعْبَانَ ثَلَاثِينَ).<sup>1</sup>

The Prophet said, "Fast on sighting it [the new moon] and break the fast on sighting it. Complete thirty days of Sha'ban if it is cloudy."

وَحَدَّثَنَا مُحَمَّدُ اللَّهِ بْنُ مُعَاذٍ. حَدَّثَنَا أَبِي. حَدَّثَنَا شُعْبَةُ عَنْ مُحَمَّدِ بْنِ زِيَادٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ، رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللَّهِ (صُومُوا لِرُؤُوسِهِ وَأَفْطِرُوا لِرُؤُوسِهِ. فَإِنْ غَمِيَ عَلَيْكُمُ الشَّهْرُ فَعُدُّوا ثَلَاثِينَ).<sup>2</sup>

The Prophet said, “Fast on sighting it [the new moon] and break the fast on sighting it. Count thirty days if the month is concealed from you [the sky being cloudy].”

Although the beginning of these reports is quite consistent in almost all of the hadiths, the part concerning completion varies. It seems that in this particular part the reporters are somehow explaining something, rather than just reporting the Prophet’s exact words. Some of these reports are not as authentic as they seem to be.

In the two hadiths quoted above, it is important to note that both al-Bukhari and Muslim narrate from Abu Hurayrah through Muhammad ibn Ziyad. The first part of the hadith is the same in both narrations, but the ending is different in each. Al-Bukhari narrates:

*Fa in ghubbiya ‘alaykum, fa akmilu ‘iddata Sha‘bāna thalāthīn.*

فَإِنْ غُمَّيْ عَلَيْكُمْ فَأَكْمَلُوا عِدَّةَ شَعْبَانَ ثَلَاثِينَ.

Whereas Muslim narrates:

*Fa in ghummiya alaykum al-shahru, fa ‘uddu thalāthīn.*

فَإِنْ غَمِيَ عَلَيْكُمُ الشَّهْرُ فَعُدُّوا ثَلَاثِينَ.

The verb used by al-Bukhari is *‘ghubbiya ‘alaykum* “*ghubbiya ‘alaykum*” (obscured from you); Muslim used a slightly different construction, “*ghummiya ‘alaykum al-shahru*” “*ghummiya ‘alaykum al-shahru*” (if the month is obscured from you). In addition, al-Bukhari narrated “*fa akmilu ‘iddata Sha‘bāna thalāthīn*” فَاكْمَلُوا عِدَّةَ شَعْبَانَ ثَلَاثِينَ (complete counting thirty days of Sha‘ban); Muslim narrated “*fa ‘uddu thalāthīn*” فَاعُدُّوا ثَلَاثِينَ (“then count thirty”), without using al-Bukhari’s phrase (“then complete thirty days of Sha‘ban”). Moreover, some of these narrations require the completion thirty days of Sha‘ban only; the others require it for Ramadan as well.

Ahmad ibn Hanbal has reported a number of these narrations:

حَدَّثَنَا عَبْدُ اللَّهِ حَدَّثَنِي أَبِي ثنا إِسْمَاعِيلُ أَنَا حَاتِمُ بْنُ أَبِي صَغِيرَةَ عَنْ سَمَّاكِ بْنِ حَرْبٍ عَنْ عِكْرِمَةَ قَالَ: سَمِعْتُ ابْنَ عَبَّاسٍ يَقُولُ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: (صُومُوا لِرُؤُوسِهِ وَأَفْطِرُوا لِرُؤُوسِهِ، فَإِنْ حَالَ بَيْنَكُمْ وَبَيْنَهُ سَحَابٌ فَكَمَّلُوا الْعِدَّةَ ثَلَاثِينَ، وَلَا تَسْتَقْبِلُوا الشَّهْرَ إِسْتِقْبَالًا). قَالَ حَاتِمٌ: يَعْنِي عِدَّةَ شَعْبَانَ.<sup>3</sup>

The Prophet said, “Fast on sighting it [the new moon] and break the fast on sighting it. Complete thirty days [of Sha‘ban] if the clouds come between you and the moon. And do not start the month ahead of time.” Hatim said that it meant “counting thirty days of Sha‘ban.”

Here, Hatim seems to be giving his interpretation of the hadith as well.

حدثنا عبد الله حَدَّثني أبي ثنا معاوية بن عمرو ثنا زائدة عن سماك بن حرب عن عكرمة عن ابن عباس قال: قال رسول الله صلى الله عليه وسلم: (صوموا لرؤيته وأفطروا لرؤيته، فإن حال دونه غيابة فأكملوا العدة، والشهر تسع وعشرون - يعني: إنه ناقص.<sup>4</sup>

Start fasting on sighting it and break the fast on sighting it. Complete the counting if the cloud covers it and the month is twenty-nine days, that is, it is incomplete.

Interestingly, both narrations are from Ibn ‘Abbas. Ahmad ibn Hanbal used the same chain through Simak and ‘Ikrimah; however, the narrations’ endings are quite different. In the first one, the ending is:

(فإن حال بينكم وبينه سحاب فأكملوا العدة ثلاثين ولا تستقبلوا الشهر إستقبالاً). قال حاتم: يعني عدة شعبان.<sup>5</sup>

If the clouds come between you and the moon, then complete counting thirty [days] and do not start the month ahead of time.

While in the second narration the ending is:

فإن حال دونه غيابة فأكملوا العدة، والشهر تسع وعشرون — يعني: إنه ناقص.

Complete the counting if the clouds cover it and the month is twenty-nine days, that is, it is incomplete.

In both of these narrations, the narrator is explaining the idea with the word يعني – “it means.”

حدثنا عبد الله، حَدَّثني أبي، حدثنا يحيى بن سعيد الأموي قال: ثنا الحجاج، عن عطاء، عن أبي هريرة قال: قال رسول الله صلى الله عليه وسلم: (صوموا لرؤيته وأفطروا لرؤيته، فإن غم عليكم الشهر، فأكملوا العدة ثلاثين).<sup>6</sup>

Fast on sighting it [the new moon], and break the fast on sighting it. Count thirty days if the month is concealed from you [the sky being cloudy].

حدثنا عبد الله، حَدَّثني أبي، حدثنا يحيى بن سعيد، عن شعبة قال: ثنا محمد بن زياد، عن أبي هريرة، عن النبي صلى الله عليه وسلم قال: صوموا لرؤيته وأفطروا لرؤيته، فإن غم عليكم، فأكملوا العدة ثلاثين.<sup>7</sup>

Fast on sighting it [the new moon], and break the fast on sighting it. Complete thirty days [of Sha‘ban] if it is cloudy.

حَدَّثَنَا عَبْدُ اللَّهِ، حَدَّثَنِي أَبِي، حَدَّثَنَا حجاج قال: حَدَّثَنَا شعبة، عن محمد بن زياد، قال: سمعت أبا هريرة قال: قال رسول الله صلى الله عليه وسلم: — أو قال: أبو القاسم عليه الصلاة والسلام: (صوموا لرؤيته، وأفطروا لرؤيته، فإن غم عليكم، فعدوا ثلاثين).<sup>8</sup>

Fast on sighting it [the new moon], and break the fast on sighting it. If it is cloudy, count thirty days.

Ahmad ibn Hanbal quotes these three narrations from Abu Hurayrah: two through Muhammad ibn Ziyad and one through ‘Ata’. Interestingly enough, their endings also differ from those reported by al-Bukhari, who also uses narration from Abu Hurayrah through Muhammad ibn Ziyad. Al-Bukhari’s version is:

*Fa in ghubbiya ‘alaykum, fa akmilu ‘iddata Sha‘bāna thalāthīn.*

فإن غمِّي عليكم فأكملوا عِدَّةَ شَعْبَانَ ثَلَاثِينَ.<sup>9</sup>

The verb is “*ghubbiya*” instead of “*ghumma*” and it is “*akmilu ‘iddata Sha‘bāna thalāthīn*” instead of Ahmad ibn Hanbal’s rendering of “*akmilu al-‘iddata thalāthīn*” or “*fa ‘uddu thalāthīn*.”

Furthermore, in Ahmad ibn Hanbal, the three narrations from Abu Hurayrah show a little more variation. In the first two, the phrase فأكملوا العدة ثلاثين (“*fa akmilu*”) is common to both. However, the first one says فإن غم عليكم الشهر (“*fa in ghumma ‘alaykum al-shahr*”); the second one says only فإن غم عليكم (“*fa in ghumma ‘alaykum*”). The difference between the second and the third report is that the second one says فأكملوا العدة ثلاثين (“*fa akmilu al-‘iddata thalāthīn*”), whereas the third one says فعدوا ثلاثين (“*fa ‘uddu thalāthīn*”). But both of them use فإن غم عليكم (“*fa in ghumma ‘alaykum*”).

حَدَّثَنَا عَبْدُ اللَّهِ، حَدَّثَنِي أَبِي، حَدَّثَنَا أَبُو عَبْدِ الرَّحْمَنِ عَبْدُ اللَّهِ بْنُ أَحْمَدَ قَالَ: حَدَّثَنِي أَبِي، قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنَا شعبة، عن محمد بن زياد، قال: سمعت أبا هريرة يقول: إن رسول الله صلى الله عليه وسلم قال: (لا تصوموا حتى تروا الهلال، ولا تفطروا حتى تروا الهلال، وقال: صوموا لرؤيته، وأفطروا لرؤيته، فإن غمِّي عليكم، فعدوا ثلاثين). شعبة، وأكثر علمي أنه قال: لا تصوموا حتى تروا الهلال، ولا تفطروا حتى تروا الهلال.<sup>10</sup>

The Prophet said, “Do not fast until you see the crescent [moon] and do not break the fast until you see the crescent [moon].” And he said, “Fast on seeing it and break the fast on seeing it. If there is confusion, then count thirty days.”

Shu‘bah said: “To the best of my knowledge, he said, ‘Do not fast until you see the [new] moon and do not break the fast until you see the [new] moon.’”

Shu‘bah’s comments at the end are not clear when he says “he said.” To whom does “he” refer – the Prophet, Muhammad ibn Ziyad, or Abu Hurayrah?

Shu‘bah’s statement “to the best of my knowledge” and his emphasis upon the first portion of the hadith “Do not fast until you see the [new] moon and do not break the fast until you see the [new] moon,” also clearly indicates that perhaps he is aware of such differences in the endings of various narrations. There seems to be agreement on their beginning, both the positive and negative renderings; however, the endings are somewhat problematic in that they vary from one narration to another. In addition, most of them do not agree with al-Bukhari’s rendering but, to a greater extent, with that of Muslim.

The following narrations present additional variations in the text of these reports.

قال عبد الله: وجدت هذين الحديثين في كتاب أبي بخط يده قال: حدثنا محمد بن عبد الله الأنصاري، حدثنا محمد بن عمرو، عن أبي سلمة، عن أبي هريرة قال: قال: رسول الله صلى الله عليه وسلم: (لا تقدموا الشهر — يعني رمضان — يوم ولا يومين إلا أن يوافق ذلك صوماً كان يصومه أحدكم، صوموا لرؤيته، وأفطروا لرؤيته، فإن غم عليكم فعدوا ثلاثين، ثم أفطروا).<sup>11</sup>

The Prophet said, “Do not start the month – meaning Ramadan (*ya‘nī Ramaḍān*) – a day or two ahead of time [unless it coincides with one’s routinely observed days of fasting]. Observe the fast on sighting it [the new moon] and break the fast on sighting it. Count thirty days if it is cloudy, then break the fast.”

The use of رمضان (*“ya‘nī Ramaḍān”*) in this narration indicates that the narrator is explaining something or giving his personal understanding of the issue and that it is not just confined to transmitting the original text. Moreover, this narration adds that Ramadan should also be counted as thirty days, which is not mentioned in the narrations discussed earlier.

حدثنا عبد الله حدّثني أبي ثنا إسحاق بن عيسى أنا محمد بن جابر عن قيس بن طلح عن أبيه قال: قال رسول الله صلى الله عليه وسلم: (إن الله عزّ وجلّ جعل هذه الأهلة مواقيت للناس، صوموا لرؤيته وافطروا لرؤيته، فإن غم عليكم فأتموا العدة).<sup>12</sup>

On the authority of Qays ibn Talq, who reported that his father said, “The Prophet said, ‘Truly, Allah has made these new moons as signs to mark fixed peri-

ods of time for [the affairs of] people. Fast sighting it and break the fast on sighting it, and complete the number [of thirty days] if it is cloudy.”

حَدَّثَنَا عَبْدُ اللَّهِ، حَدَّثَنِي أَبِي، حَدَّثَنَا يَحْيَى، عَنْ شُعْبَةَ، قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ زِيَادٍ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: (صُومُوا لِرُؤْيَيْهِ وَأَفْطَرُوا لِرُؤْيَيْهِ، وَإِنْ غَمَّ عَلَيْكُمْ، فَأَكْمَلُوا الْعِدَّةَ ثَلَاثِينَ).<sup>13</sup>

Abu Hurayrah reported that the Prophet said, “Fast on sighting it [the new moon] and break the fast on sighting it. Complete thirty days [of Sha‘ban] if it is cloudy.”

حَدَّثَنَا عَبْدُ اللَّهِ حَدَّثَنِي أَبِي حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّا قَالَ: أَنْبَأَنَا حِجَّاجٌ عَنْ حُسَيْنِ بْنِ الْحَارِثِ الْجَدَلِيِّ قَالَ: خَطَبَ عَبْدِ الرَّحْمَنِ بْنُ زَيْدِ بْنِ الْخَطَّابِ فِي الْيَوْمِ الَّذِي يَشْكُ فِيهِ، فَقَالَ: أَلَا أُنِي قَدْ جَالَسْتُ أَصْحَابَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَسَأَلْتُهُمْ، أَلَا وَأَنْتُمْ حَدَّثْتُونِي أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: صُومُوا لِرُؤْيَيْهِ وَأَفْطَرُوا لِرُؤْيَيْهِ، وَإِنْ تَشَكُّوْا لَهَا فَإِنْ غَمَّ عَلَيْكُمْ فَأَتَمُّوا الثَّلَاثِينَ، وَإِنْ شَهِدَ شَاهِدَانِ مُسْلِمَانِ فَصُومُوا وَأَفْطَرُوا.<sup>14</sup>

‘Abd al-Rahman ibn Zayd ibn al-Khattab gave a *khutbah* on the day of doubt and said, “I sat with the Companions of the Prophet and asked them, and they told me that the Prophet said, ‘Fast on sighting it, and break the fast on sighting it. If you are in doubt, then complete [atimmu] the thirty [days of Sha‘ban] if it is cloudy. But if two Muslim witnesses testify [that they saw the new moon], then fast or break your fast accordingly.’”

Several additional points are discussed in this narration. It addresses the issue of fasting on the day of doubt and uses *وإن تشكروا لها*. Instead of *akmilu* or *‘uddu*, it uses *atimmu*. Finally, it clearly addresses the *fiqhī* discussion of whether the month is confirmed by the witness of one or two Muslims and sides with those jurists who accept the sighting of two witnesses rather than one, as is the opinion of Imam Malik. ‘Abd al-Rahman ibn Zayd ibn al-Khattab does not mention the names of the Companions from whom he is narrating. He only reports that he heard it from some of them who had narrated it to him.

حَدَّثَنَا عَبْدُ اللَّهِ، حَدَّثَنِي أَبِي، حَدَّثَنَا حَمَادٌ، حَدَّثَنَا حَمَادُ بْنُ سَلْمَةَ، أَنْبَأَنَا مُحَمَّدُ بْنُ زِيَادٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ، يَقُولُ: سَمِعْتُ أَبَا الْقَاسِمِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: صُومُوا الْهَلَالَ لِرُؤْيَيْهِ، وَأَفْطَرُوا لِرُؤْيَيْهِ، فَإِنْ غَمَّ عَلَيْكُمْ فَعِدُّوا ثَلَاثِينَ.<sup>15</sup>

Muhammad ibn Ziyad narrated that he heard Abu Hurayrah saying, “I heard Abu al-Qasim [that is, the Prophet – peace and blessings be upon him] saying, ‘Fast

on sighting the new moon [*al-hilāl*], and break your fast on sighting it, and count thirty [days] if it is cloudy [*ghumma* ‘*alaykum*].”

It is significant that although Muhammad ibn Ziyad narrates it from Abu Hurayrah, the same chain previously discussed in al-Bukhari’s narration, the text is not exactly the same. It adds *الهِلَال* before *لِرؤيْتِه*, uses *غَم عَلَيْكُمْ* instead of *عُغِي عَلَيْكُمْ*, and finally, uses *فَعُدُّوا ثَلَاثِينَ* instead of al-Bukhari’s version: *فَأَكْمَلُوا عِدَّةَ سَعْبَانِ ثَلَاثِينَ*. It also differs from Muslim’s narration in that it puts *الهِلَال* before *لِرؤيْتِه*, a word that does not occur in Muslim’s narration. The second is that it uses *غَم عَلَيْكُمْ* instead of Muslim’s *الشُّهُرُ عَلَيْكُمْ الشُّهُرُ*.

حَدَّثَنَا عَبْدُ اللَّهِ حَدَّثَنِي أَبِي حَدَّثَنَا سَلِيمَانُ بْنُ دَاوُدَ الطَّيَالِسِيُّ — أَبُو دَاوُدَ — أَنبَأَنَا عِمْرَانُ عَنْ قَتَادَةَ عَنِ الْحَسَنِ عَنْ أَبِي بَكْرَةَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: — يَعْنِي — ”صُومُوا الْهِلَالَ لِرؤيْتِه، وَأَفْطَرُوا لِرؤيْتِه، فَإِنْ غَمَّ عَلَيْكُمْ، فَأَكْمَلُوا الْعِدَّةَ ثَلَاثِينَ، وَالشَّهْرَ هَكَذَا وَهَكَذَا، وَهَكَذَا...“<sup>165</sup>

Al-Hasan reported from Abu Bakr that the Prophet explained what he meant (*ya’ni*), “Fast on sighting the new moon [*al-hilāl*] and break your fast on sighting it, and complete the number [of thirty days] if it is cloudy. The month is thus and thus [that is, it is either 29 or 30 days].” and he [the Prophet] indicated [this] with his fingers.

The use of *يعني* (“which means”) in this case indicates that the narration is not the exact transmission of the original statement, but a somewhat modified version. It also adds “*wa al-shahru hākathā, wa hākathā, wa hākathā, wa ‘aqad*” (والشهر هكذا وهكذا، وعقد).

حَدَّثَنَا أَبُو كُرَيْبٍ حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ عَنْ مُحَمَّدِ بْنِ عَمْرٍو عَنْ أَبِي سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ النَّبِيُّ ”لَا تَقْدَمُوا الشَّهْرَ بِيَوْمٍ وَلَا يَوْمَيْنِ إِلَّا أَنْ يُوَافِقَ ذَلِكَ صَوْمًا كَانَ يَصُومُهُ أَحَدُكُمْ. صُومُوا لِرؤيْتِه وَأَفْطَرُوا لِرؤيْتِه فَإِنْ غَمَّ عَلَيْكُمْ فَعُدُّوا ثَلَاثِينَ ثُمَّ أَفْطَرُوا.“ قال: وفي الباب عن بعض أصحاب النبي (أخبرنا مَنْصُورُ بْنُ الْمُعْتَمِرِ عَنْ رَبِيعِ بْنِ جَرَّاشٍ عَنْ بَعْضِ أَصْحَابِ النَّبِيِّ عَنِ النَّبِيِّ بَنَحْوِ هَذَا. قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ: كَرِهُوا أَنْ يَتَعَجَّلَ الرَّجُلُ بِصِيَامٍ قَبْلَ دُخُولِ شَهْرِ رَمَضَانَ لِمَعْنَى رَمَضَانَ وَإِنْ كَانَ رَجُلٌ يَصُومُ صَوْمًا فَوَافِقَ صِيَامَهُ ذَلِكَ فَلَا بَأْسَ بِهِ عِنْدَهُمْ.<sup>17</sup>

Abu Hurayrah reported that the Prophet said, “None of you should fast a day or two before Ramadan unless it coincides with a day that a person customarily fasts. Fast when you see the new moon and break it when you see it. If cloud obscures it, then complete the thirty days [of Ramadan], then break your fast.”

This report emphasizes completing the thirty days of Ramadan, rather than of Sha‘ban, as is the case with the majority of narrations already mentioned. It also deals with the question of whether to fast on the day of doubt.

حدثنا أَبُو الْأَحْوَصِ عَنْ سَمَاكِ بْنِ حَرْبٍ عَنْ عِكْرِمَةَ عَنْ ابْنِ عَبَّاسٍ، قَالَ: قَالَ رَسُولُ اللَّهِ (لَا تَصُومُوا قَبْلَ رَمَضَانَ، صُومُوا لِرُؤْيَيْهِ وَأَفْطِرُوا لِرُؤْيَيْهِ، فَإِنْ حَالَتْ دُونَهُ غَيَابَةٌ فَأَكْمِلُوا ثَلَاثِينَ يَوْمًا). وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ وَأَبِي بَكْرَةَ وَابْنِ عُمَرَ. قَالَ أَبُو عَيْسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رُوِيَ عَنْهُ مِنْ غَيْرٍ وَجْهٌ.<sup>18</sup>

Qutaybah narrated from Abu al-Ahwas, from Simak ibn Harb, who reported that ‘Abd Allah ibn ‘Abbas said: “The Prophet said, ‘Do not fast immediately before Ramadan. Start the fast with the sighting of the new moon and break your fast on sighting it. If the sky is overcast, then complete thirty days.’”

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ ثَنَا إِسْمَاعِيلُ بْنُ عَلِيٍّ، ثَنَا حَاتِمُ بْنُ أَبِي صَغِيرَةَ، عَنْ سَمَاكِ بْنِ حَرْبٍ، قَالَ: أَصْبَحْتُ فِي يَوْمٍ قَدْ أَشْكَلَ عَلَيَّ مِنْ شَعْبَانَ أَوْ مِنْ شَهْرِ رَمَضَانَ، فَأَصْبَحْتُ صَائِمًا فَأَتَيْتُ عِكْرِمَةَ فَإِذَا هُوَ يَأْكُلُ خَبزًا وَبَقْلًا، فَقَالَ: هَلُمَّ إِلَى الْغَدَاءِ فَقُلْتُ: إِنِّي صَائِمٌ فَقَالَ: أَمْسِمْ بِاللَّهِ لَنْفَطِرُنَّ، فَلَمَّا رَأَيْتُهُ حَلَفَ وَلَا يَسْتَشِينِي تَقَدَّمْتُ فَعَذَّرْتُ وَإِنَّمَا تَسَحَّرْتُ قَبِيلَ ذَلِكَ ثُمَّ قُلْتُ هَاتِ الْآنَ مَا عِنْدَكَ فَقَالَ: حَدَّثَنَا ابْنُ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: (صُومُوا لِرُؤْيَيْهِ وَأَفْطِرُوا لِرُؤْيَيْهِ، فَإِنْ حَالَ بَيْنَكُمْ وَبَيْنَهُ سَحَابٌ فَكَمَلُوا الْعِدَّةَ ثَلَاثِينَ، وَلَا تَسْتَقْبِلُوا الشَّهْرَ اسْتِقْبَالًا).<sup>19</sup>

Simak ibn Harb reported: “I woke up one day feeling confused about whether the day was [the last] day of Sha‘ban or [the first of] Ramadan, so I started the day fasting. Then I went to ‘Ikrimah and saw him eating bread and herbs. He said, ‘Come and have lunch with me,’ so I told him I was fasting. Thereupon he said, ‘I swear by Allah that you must break your fast.’ When I saw him swearing without making any exception, I went forward and asked about his proof. He said, ‘Ibn ‘Abbas reported that the Prophet said, “Fast on sighting it [the new moon], and break your fast on sighting it. Complete thirty days if it is cloudy, and do not immediately fast before the month [of Ramadan] starts’.”

حدثنا مُحَمَّدُ بْنُ الصَّبَّاحِ الْبَرَّازُ أَخْبَرَنَا حَرِيرُ بْنُ عَبْدِ الْحَمِيدِ الضُّعْفِيُّ عَنْ مَنْصُورِ بْنِ الْمُعْتَمِرِ عَنْ رَبِيعِ بْنِ جَرَّاحٍ عَنْ حُدَيْفَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: (لَا تُقَدِّمُوا الشَّهْرَ حَتَّى تَرَوْا الْهَلَالَ أَوْ تُكْمِلُوا الْعِدَّةَ ثُمَّ صُومُوا حَتَّى تَرَوْا الْهَلَالَ أَوْ تُكْمِلُوا الْعِدَّةَ). قَالَ أَبُو دَاوُدَ: رَوَاهُ سُفْيَانُ وَغَيْرُهُ عَنْ مَنْصُورٍ عَنْ رَبِيعِ بْنِ رَجُلٍ مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمْ يُسَمَّ حُدَيْفَةَ.<sup>20</sup>

On the authority of Hudhayfah, who reported that the Prophet said, “Do not fast a day or two before Ramadan until you see the new moon or complete thirty

days [of Sha‘ban]. Then fast until you see the [new] moon [of Shawwal] or complete thirty days.” Abu Dawud adds: “This hadith has been narrated by Sufyan and others on the authority of Mansur, who reported it from Rabi‘i from a Companion of the Prophet and he did not name Hudhayfah.”

It is clear from the above narrations that various other alterations were made to the narration of the same Companion from the same chain. All of these narrations agree upon the positive or negative formula of صوموا لرؤيته وأفطروا لرؤيته; however, they differ markedly in the other aspects of the narration. Some of the narrators are not even sure of the Companions’ name, or at least they do not mention some of their names, as in the report from Hudhayfah, for instance, in the above narration by al-Darimi.

أخبرنا الحسين بن إدريس الأنصاري، قال: حَدَّثَنَا عَثْمَانُ بْنُ أَبِي شَيْبَةَ، قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ رَبِيعِ بْنِ جَرَّاشٍ عَنْ حَذِيفَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ (لَا تَقْدَمُوا الشَّهْرَ حَتَّى تَرَوْا الْهِلَالَ، أَوْ تَكْمِلُوا الْعِدَّةَ، ثُمَّ صُومُوا حَتَّى تَرَوْا الْهِلَالَ أَوْ تَكْمِلُوا الْعِدَّةَ).<sup>21</sup>

Rabi‘i ibn Jarrash reported on the authority of Hudhayfah, who narrated that the Prophet said, “Do not fast immediately before the month [of Ramadan] until you see the new moon or complete the number [of thirty days of Sha‘ban]. Then fast until you see the new moon or complete the thirty days.”

وأخبرنا أبو علي الرُّؤدْبَارِيُّ أَنبَأَ مُحَمَّدُ بْنُ بَكْرٍ ثَنَا أَبُو دَاوُدَ حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ ثَنَا حُسَيْنٌ عَنْ زَائِدَةَ عَنْ سِمَاكِ عَنْ عِكْرَمَةَ عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: (لَا تَقْدَمُوا الشَّهْرَ بِصِيَامِ يَوْمٍ وَلَا يَوْمَيْنِ، إِلَّا أَنْ يَكُونَ شَيْئاً يَصُومُهُ أَحَدُكُمْ، وَلَا تَصُومُوا حَتَّى تَرَوْهُ، ثُمَّ صُومُوا حَتَّى تَرَوْهُ، فَإِنْ حَالَ دُونَهُ غَمَامَةٌ، فَأَتَمُّهُ الْعِدَّةَ ثَلَاثِينَ ثُمَّ أَفْطِرُوا، ثُمَّ أَفْطِرُوا، الشَّهْرُ تِسْعَ وَعِشْرُونَ). قَالَ أَبُو دَاوُدَ: وَرَوَاهُ حَاتِمُ بْنُ أَبِي صَعْبَةَ وَشُعْبَةُ وَالْحَسَنُ بْنُ صَالِحٍ عَنْ سِمَاكِ بِمَعْنَاهُ لَمْ يَقُولُوا: (ثُمَّ أَفْطِرُوا). (قَالَ الشَّيْخُ) وَرَوَاهُ أَبُو عَوَانَةَ عَنْ سِمَاكِ مَخْتَصِراً فَجَعَلَ إِكْمَالَ الْعِدَّةِ لَشُعْبَانَ.<sup>22</sup>

Ibn ‘Abbas reported that the Prophet said, “Do not fast a day or two before the month [of Ramadan] unless it is a day on which a person customarily fasts. And do not fast until you see the new moon. Then fast until you see it. But if a cloud obscures it, then complete the number of thirty days, then break your fast, then break your fast – the month has twenty-nine days.”

#### SIGNIFICANCE OF THE VARIATIONS IN TRANSMISSION

I have included most of the reports narrated in the books of hadith regarding this question to show the variety as well as the level of variance among them. It is clear from the hadiths quoted above that there is almost unanimous agreement on the beginning: “Fast on sighting it and break your fast

on sighting it, (صوموا لرؤيته وأفطروا لرؤيته). But their endings vary considerably, even those from the same original narrator or the same chain. Therefore, as Ahmad Shafat points out, it is possible that the “amount of variation in language shows that the transmitters of the hadith are describing an idea freely in their own words rather than attempting to transmit the hadith with faithfulness to the original words.”<sup>23</sup>

Completing thirty days of Sha‘ban or of Ramadan in the case of obscurity is the adopted opinion of the majority of jurists (*al-jumhūr*). In their view, there are only two methods of confirming the Islamic month: naked-eye sighting or completion. It is useful to note here that there is almost unanimous agreement on the part of the hadiths referring to the sighting of the moon (in positive as well as in frequently negative terms). The only part that presents a wide range of variations is that referring to completion, as seen above. However, these are exactly the same parts upon which most scholars base their arguments for explaining away the more authentic rendering from Ibn ‘Umar – “*faqduru lahu*,” as will be discussed below. They contend that the meaning of “فإن غمَّ عليكم فأقدروا له” “*fa in ghumma ‘alaykum faqduru lahu*” in Ibn ‘Umar’s narration is “complete thirty days and do not follow counting or calculations,” as the literal meaning of the narration apparently demands. Al-Nawawi contends:

وَاحْتَجَّ الْجُمْهُورُ بِالرُّوَايَاتِ الَّتِي ذَكَرْنَاهَا وَكُلُّهَا صَحِيحَةٌ صَرِيحَةٌ: فَأَكْمَلُوا الْعِدَّةَ ثَلَاثِينَ وَأَقْدَرُوا لَهُ ثَلَاثِينَ، وَهِيَ مُفَسَّرَةٌ لِرَوَايَةِ فَأَقْدَرُوا لَهُ الْمَطْلَقَةَ.<sup>24</sup>

“The majority (*al-jumhūr*) has derived from the clear and authentic prophetic narrations quoted above that completing thirty days and counting thirty days [are the same]. The explaining phrase (مفسرة) “complete thirty days” explains away the general phrase (المطلقة) “then count or estimate it.”

Additionally, there is no consensus among the jurists even on this interpretation of “فأقدروا له” “*faqduru lahu*,” for Ahmad ibn Hanbal argues that this particular prophetic phrase means “shorten the month.”

(فإن غمَّ عليكم فأقدروا له) فقال أحمد بن حنبل وطائفة قليلة: معناه ضيقوا له وأقدروه تحت السحاب.<sup>25</sup>

“Calculate (estimate) it if it is obscured from you.” Ahmad ibn Hanbal along with a minority group said that it meant restricting it and considering (the moon) under the clouds.

Al-Nawawi himself reports that Ahmad ibn Hanbal and a few others say that the meaning is not to complete thirty days, but “restrict it or shorten the month by considering the moon behind the clouds.” That is why the later contends that fasting should be observed the next day, the day after 29 Sha‘ban, if, owing to obscurity, the new moon is not sighted on that particular evening. Abu Dawud reports that this was the opinion and practice of Ibn ‘Umar.

حدثنا سُلَيْمَانُ بْنُ دَاوُدَ الْعَتَكِيُّ أَخْبَرَنَا حَمَّادٌ أَخْبَرَنَا أَيُّوبُ عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ، قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الشَّهْرُ تِسْعٌ وَعِشْرُونَ فَلَا تَصُومُوا حَتَّى تَرَوْهُ وَلَا تُفْطِرُوا حَتَّى تَرَوْهُ. فَإِنْ غَمَّ عَلَيْكُمْ فَاقْدُرُوا لَهُ ثَلَاثِينَ. قَالَ: فَكَانَ ابْنُ عُمَرَ إِذَا كَانَ سَعْبَانِ تِسْعًا وَعِشْرِينَ يُنْظِرُ لَهُ فَإِنْ رُئِيَ فَذَاكَ وَإِنْ لَمْ يَرِ وَلَمْ يَحُلْ دُونَ مَنْظَرِهِ سَحَابٌ وَلَا قَتْرَةٌ أَصْبَحَ مُفْطِرًا، فَإِنْ حَالَ دُونَ مَنْظَرِهِ سَحَابٌ أَوْ قَتْرَةٌ أَصْبَحَ صَائِمًا. قَالَ وَكَانَ ابْنُ عُمَرَ يُفْطِرُ مَعَ النَّاسِ وَلَا يَأْخُذُ بِهَذَا الْحِسَابِ.<sup>26</sup>

Ibn ‘Umar narrates that the Prophet said, “The month is twenty-nine [days], therefore do not start fasting until you see it and do not break the fast until you see it. Count thirty days if it is cloudy.” He [Nafi‘], the narrator from Ibn ‘Umar said that Ibn ‘Umar used to ask people to look for the [new] moon for him on 29 Sha‘ban. If the moon was seen, then well and good. He would not fast if it was not seen and it was not cloudy or rainy. If [on 29 Sha‘ban] it was cloudy or rainy weather, he would start fasting [the next day]. He [Nafi‘] also said that Ibn ‘Umar used to break the fast with the people and not depend upon these calculations [his counting].

Al-Bayhaqi also reports the same:

أخبرنا أبو عبد الله الحافظ ثنا محمد بن يعقوب هو الشَّيْبَانِيُّ ثنا محمد بن شاذان الأصبهاني ثنا علي بن حُجْرٍ ثنا إسماعيل بن أيوب (ح وأخبرنا) أبو الحسن علي بن محمد المقرئ أن أبا الحسن بن محمد بن إسحاق ثنا يوسف بن يعقوب ثنا سليمان بن حرب ثنا حماد بن زيد عن أيوب عن نافع عن ابن عمر قال: قال رسول الله صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: (إِنَّمَا الشَّهْرُ تِسْعٌ وَعِشْرُونَ فَلَا تَصُومُوا حَتَّى تَرَوْهُ وَلَا تُفْطِرُوا حَتَّى تَرَوْهُ، فَإِنْ غَمَّ عَلَيْكُمْ فَاقْدُرُوا لَهُ).<sup>27</sup>

Ibn ‘Umar reported that the Prophet said, “Truly, the month consists of twenty-nine days. So do not fast until you see it, do not break your fast until you see it, and estimate it if it is cloudy.”

زاد حماد في روايته عن أيوب: قَالَ نَافِعٌ: كَانَ ابْنُ عُمَرَ إِذَا مَضَى مِنْ شَعْبَانَ تِسْعٌ وَعِشْرُونَ نَظَرَ لَهُ فَإِنْ رُئِيَ فَذَاكَ، وَإِنْ لَمْ يَرِ وَلَمْ يَحُلْ دُونَ مَنْظَرِهِ سَحَابٌ وَلَا قَتْرَةٌ أَصْبَحَ مُفْطِرًا، وَإِنْ حَالَ دُونَ مَنْظَرِهِ سَحَابٌ أَوْ قَتْرَةٌ أَصْبَحَ صَائِمًا، وَكَانَ يُفْطِرُ مَعَ النَّاسِ وَلَا يَأْخُذُ بِهَذَا الْحِسَابِ.<sup>28</sup>

Hammad added in his report from Ayyub that Naf'i said Ibn 'Umar used to ask people to look for the [new] moon for him on 29 Sha'ban. If it was seen, then well and good. He would not fast if it was not seen and it was not cloudy or rainy. If [on 29 Sha'ban] it was cloudy or rainy weather, he would start fasting [the next day]. He [Naf'i] also said that Ibn 'Umar used to break the fast with the people and not depend upon these calculations [his counting].

This narration is important from a number of perspectives. First, it is quoted to prove that Ibn 'Umar did not rely on calculations. It seems that some of the jurists have explained the sentence “*wa lā ya'khuthu bihāthā al-ḥisāb*” (he did not depend upon these calculations) ولا يأخذ بهذا الحساب to mean that Ibn 'Umar did not follow calculations. This interpretation is incorrect, for al-Azimabadi clearly shows that he used to break the fast with the rest of the Muslims and not worry about his calculations of the day upon which he had started his fast. If Ramadan was twenty-nine days, then his starting day would be the thirtieth day for him. If Ramadan turned out to be thirty days, then he would consider his first day as supplementary fasting for Sha'ban. This is the correct interpretation of the phrase.

Second, this is Ibn 'Umar's only narration on the subject of our discussion that includes فَاقْدُرُوا لَهُ ثَلَاثِينَ (then count or estimate it as thirty days). Later, we will see that this is the only narration from him that requires counting thirty days in the case of cloudy weather. All of the other reports confine themselves to فَاقْدُرُوا لَهُ “*faqduru lahu*” (restrict it, calculate it) and are explained by the *jumhūr* in light of this oddly attached report. This narration even contradicts itself, for Ibn 'Umar's action is posted against his own narration that states “complete thirty days if it is cloudy.” He started fasting after completing only twenty-nine days of Sha'ban when there was an obscurity on the horizon.

Ibn Qudamah argues that Ibn 'Umar has explained the true meanings of the hadith by his own action and that must be taken as incumbent, for he is the original reporter of the hadith requiring Muslims to estimate in the case of cloudy weather and complete thirty days.

وَمَعْنَى أَقْدُرُوا لَهُ: أَيَّ صَيَّقُوا لَهُ الْعَدَدَ مِنْ قَوْلِهِ تَعَالَى: (وَمَنْ قَدَّرَ عَلَيْهِ رِزْقَهُ). أَيَّ صَيَّقَ عَلَيْهِ. وَقَوْلُهُ: (يَيْسُطُ الرِّزْقَ لِمَنْ يَشَاءُ وَيَقْدِرُ). وَالتَّصْيِيقُ لَهُ أَنْ يُجْعَلَ شَعْبَانُ تِسْعَةً وَعِشْرِينَ يَوْمًا. وَقَدْ فَسَّرَهُ ابْنُ عَمَرَ بِفِعْلِهِ، وَهُوَ رَاوِيه، وَأَعْلَمَ بِمَعْنَاهُ، فَيَجِبُ الرُّجُوعُ إِلَى تَفْسِيرِهِ.<sup>29</sup>

The meaning of “calculate it” is to restrict the counting of it. Allah has said in the Qur'an: “the one whose sustenance was restricted,” meaning reduced or shortened.

[There is] also His statement that “it is Allah who increases the sustenance for those whom He likes and reduces [it] for those whom He dislikes.” Shortening or reducing in the case of cloudy weather will mean to make Sha‘ban twenty-nine days. Ibn ‘Umar has explained the meaning of the hadith by his practice. He is the original narrator of this report and is better equipped to understand its true meaning. Therefore, it is obligatory to return to his explanation.

قَالَ أَبُو مُحَمَّدٍ: هَذَا ابْنُ عُمَرَ هُوَ رَوَى أَنْ لَا يُصَامُ حَتَّى يَرَى الْهَيْلَالَ ثُمَّ كَانَ يُفَعَّلُ مَا ذَكَرْنَا.<sup>30</sup>

Abu Muhammad ibn Hazm said, “This is Ibn ‘Umar, who himself narrated that fasting was not permitted until the new moon was sighted, then he himself does what we have just mentioned.”

Was Ibn ‘Umar contravening the Prophet’s command, which he himself narrated, by fasting on the day after 29 Sha‘ban in the case of obscurities? It is reported that many Companions and Successors fasted in the case of obscurities so as not to miss a day of Ramadan. Ibn Qudamah reports:

مَسْأَلَةٌ: قَالَ: (وَإِنْ حَالَ دُونَ مَنْظَرِهِ غَيْمٌ، أَوْ قَتَّرَ وَجَبَ صِيَامُهُ، وَقَدْ أَجْزَأَ إِذَا كَانَ مِنْ شَهْرِ رَمَضَانَ) اِخْتَلَفَتْ الرِّوَايَةُ عَنْ أَحْمَدَ رَحِمَهُ اللَّهُ فِي هَذِهِ الْمَسْأَلَةِ، فَرُوِيَ عَنْهُ وَمِثْلُ مَا نَقَلَ الْجَرَقِيُّ، اِخْتَارَهَا أَكْثَرُ شُيُوخِ أَصْحَابِنَا، وَهُوَ مَذْهَبُ عُمَرَ، وَأَبِيهِ، وَعَعْمَرُ بْنُ الْعَاصِ، وَأَبِي هُرَيْرَةَ، وَأَنْسِ، وَمُعَاوِيَةَ، وَعَائِشَةَ، وَأَسْمَاءُ بِنْتُ أَبِي بَكْرٍ، وَبِهِ قَالَ بَكْرٌ بْنُ عَبْدِ اللَّهِ، وَأَبُو عَثْمَانَ النَّهْدِيُّ، وَأَبْنُ أَبِي مَرْزِيمٍ، وَمُطَرِّفٌ، وَمَيْمُونُ بْنُ مِهْرَانَ، وَطَاوُسٌ، وَمُجَاهِدٌ.<sup>31</sup>

If any obscurity such as a cloud or rain comes between the new moon and its sighting, then fasting is obligatory. This day will be accepted if it was the first day of Ramadan. There are contradictory reports from Ahmad about this issue. The report that is transmitted by al-Kharqi from Imam Ahmad is accepted by the majority of the teachers of our scholarship. That is also the preferred opinion of Caliph ‘Umar and his son [‘Abd Allah], ‘Umar ibn al-‘As, Abu Hurayrah, Anas, Mu‘awiyah, ‘A’ishah, Asma’ (the two daughters of Abu Bakr). The same opinion was held by Bakr ibn ‘Abd Allah, Abu ‘Uthman al-Nahdi, Ibn abi Maryam, Mutarraf, Maymun ibn Mehran, Tawus, and Mujahid.

Al-Nawawi reports that Ahmad ibn Hanbal requires the starting of Ramadan if the new moon has not been sighted owing to obscurities on 29 Sha‘ban. That has been the opinion of eight known Companions and seven of the Successors, including ‘Umar and his son Ibn ‘Umar.<sup>32</sup> Al-Azimabadi states:

وروي معناه عن أبي هريرة وابن عباس رضي الله عنهما وعائشة وأسماء ابنتا أبي بكر تصومان ذلك اليوم، وقالت عائشة رضي الله عنها: لأن أصوم يوماً من شعبان أحب إليّ من أن أفطر يوماً من رمضان. وكان مذهب عبد الله بن عمر بن الخطاب رضي الله عنهما صوم يوم الشك إذا كان في السماء سحب أو قترة، فإن كان صحو ولم ير الناس الهلال أفطر مع الناس، وإليه ذهب أحمد بن حنبل.<sup>33</sup>

Its meanings have been narrated from Abu Hurayrah and Ibn ‘Abbas. ‘A’ishah and Asma’, Abu Bakr’s two daughters, used to fast this day. ‘A’ishah used to say, “It is better for me to fast a day of Sha‘ban than miss a day of Ramadan.” ‘Abd Allah ibn ‘Umar used to fast on the day of doubt if there were obscurities on the horizon, such as clouds or rain. He would not fast if the horizon was free of obscurities and the people were unable to sight the moon. Ahmad’s opinion is the same.

Some scholars have argued that Ibn ‘Umar and others used to fast on the day of doubt with the intention of engaging in supplementary fasting, and therefore not considering it as a day of Ramadan. This interpretation is also incorrect, as Ahmad ibn Hanbal clearly reports:

يجب صومه على أنه من رمضان.<sup>34</sup>

It is obligatory to fast that day as the first day of Ramadan.

The “day of doubt” is defined by al-‘Ayni as:

قال العلامة العيني: ويوم الشك هو اليوم الذي يتحدث الناس فيه برؤية الهلال ولم يثبت رؤيته أو شهد واحد فردت شهادته أو شاهدان فاسقان فردت شهادتهما.<sup>35</sup>

The “day of doubt” is the day when people talk about sighting the [new] moon, yet its sighting is not confirmed. For instance, it was reported by only one witness and his report was denied, or two untrustworthy individuals reported [it] and their statement was rejected.

Third, the report establishes that the original narrator, Ibn ‘Umar, did not accept the explanatory note as “complete thirty days,” for he contravened it and fasted after 29 Sha‘ban in the case of obscurities. How can anyone assert that there is a consensus among the *jumhūr* that “complete thirty days” is the true meaning of “count it?” In fact, there was no consensus even among the Companions or their Successors that “complete thirty days” explains “count or estimate it.” Had it been an accepted norm, as al-Nawawi and many others contend, then Ibn ‘Umar, ‘A’ishah, Asma’, Imam Ahmad, and many oth-

ers would have not violated it by fasting after 29 Sha‘ban in the case of cloudy weather.

Fourth, the practice of Ibn ‘Umar and Ahmad of fasting on the cloudy twenty-ninth day without having physically sighted the new moon refutes the argument of the majority (*jumhūr*) that either naked-eye sighting or completing thirty days is the only prescribed method for confirming all of the Islamic months, including Ramadan. Ibn ‘Umar or Ahmad ibn Hanbal started Ramadan by counting the twenty-nine days of Sha‘ban. This method of confirming the month, when it is cloudy, on 29 Sha‘ban is not naked-eye sighting or completion, but “counting the days.”

Fifth, al-Bukhari, Muslim, and others record a hadith that the Prophet himself started or ended the month without resorting to naked-eye sighting or completing thirty days.

حَدَّثَنَا أَبُو عَاصِمٍ عَنْ ابْنِ جُرَيْجٍ عَنْ يَحْيَى بْنِ عَبْدِ اللَّهِ بْنِ صَيْفِيٍّ عَنْ عِكْرِمَةَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ عَنْهَا أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ آلَى مِنْ نِسَائِهِ شَهْرًا فَلَمَّا مَضَى تِسْعَةٌ وَعِشْرُونَ يَوْمًا عَدَا أَوْ رَاحَ فَقِيلَ لَهُ إِنَّكَ حَلَفْتَ أَنْ لَا تَدْخُلَ شَهْرًا فَقَالَ إِنَّ الشَّهْرَ يُكُونُ تِسْعَةً وَعِشْرِينَ يَوْمًا.<sup>36</sup>

Umm Salamah narrates that once the Prophet took an oath not to see his wives for a month. When the twenty-nine days had passed, he came to them. He was told: “You took an oath not to enter the home for a month.” He said, “The month consists of twenty-nine days.”

The Prophet just counted the days and completed his month or started the new month without seeing the new moon. He did not say that he had seen it, and none of his wives asked him if he had seen it. The hadith does not say that it was cloudy that evening, and the Prophet clearly did not complete the thirty days. Imam al-Bukhari narrates the same report from a different narrator, Anas ibn Malik,<sup>37</sup> and al-Tirmidhi has authenticated it.<sup>38</sup> It seems that the Prophet determined the month just by counting twenty-nine days.

By now, it should be sufficiently clear that the assertion that the entire Ummah or all jurists have reached a consensus that Islamic lunar months cannot be determined without naked-eye sighting or completion is both inauthentic and untrue, for many instances of practical exceptions to this rule are substantiated by the points already discussed. Moreover, both interpretations of “completing the thirty days of Sha‘ban and Ramadan in

the case of cloudy weather” (the *jumhūr’s* opinion) or “starting Ramadan after 29 Sha‘ban when the horizon is obscured” (as Ibn ‘Umar and Ahmad contend), could lead to several practical difficulties, such as potentially observing Ramadan for either twenty-eight or thirty-one days.

#### SOME VERY PRACTICAL CHALLENGES

Shafat Ahmad, who has analyzed these difficulties thoroughly, contends:

The words *fā aqduru lāhu* were meant to say what they say: estimate the duration. The actual method of estimation was left unspecified, since that would depend on the available information and analytical tools, which can change from place to place and time to time. However, people tried to make the phrase more specific and establish a simple rule applicable in all situations. One simple way to do that would be to give to the month a particular number of days in case of obscurity – 29 or 30. This raises the question of whether the same number will apply to both Sha‘ban and Ramadan. The following four answers were possible depending on whether in case of obscurity both Sha‘ban and Ramadan are taken to consist of 29 days or 30 days or one of them is taken to consist of 29 days and the other of 30 days:

a) If there is obscurity on the 29th of Sha‘ban, take that month to be 30 days and the same is true of Ramadan.

In this case, you would never fast more than 30 days but sometimes you will fast only 28 days. For, suppose that both Sha‘ban and Ramadan are 29 days but it is cloudy on 29th of Sha‘ban and clear on 29th of Ramadan. You will count Sha‘ban as 30 days and in this way miss one day of Ramadan. But if the sky is clear on the 29th of Ramadan you will be able to see the *hilāl* of Ramadan and therefore end fasting, even though you fasted only for 28 days. In places like the Caribbean islands, Trinidad, and Guyana where it is cloudy very often this process could lead even to less than 28 days of fasting.

b) If there is obscurity on the 29th of Sha‘ban, take that month to be 29 days and the same is true of Ramadan.

In this case, you would never fast for less than 29 days but sometimes you would fast 31 or more days or have ‘Id al-Fitr in Ramadan. For suppose that both Sha‘ban and Ramadan are 30 days and it is cloudy on 29th of Sha‘ban and clear on the 29th of Ramadan. By the rule of restricting the month to 29 days in case of obscurity, you will count Sha‘ban as 29 days and thus fast on the last day of Sha‘ban, but since the sky is clear on the 29th of Ramadan you will know that Ramadan has not ended. So you will fast 30 days of Ramadan and one day of Sha‘ban, a total of 31 days. In case it is cloudy for several months leading to Ramadan you will need to fast even more than 31 days.

c) If there is obscurity on the 29th of Sha‘ban, take that month to be 30 days but if there is obscurity on the 29th of Ramadan take it to be 29 days.

In this case you will never fast for more than 30 days but sometimes you will fast 28 days.

d) If there is obscurity on the 29th of Sha‘ban, take that month to be 29 days but if there is obscurity on the 29th of Ramadan take it to be 30 days.

In this case you will never fast for less than 29 days but sometimes you will fast 31 days.<sup>39</sup>

He makes a significant observation in his conclusion:

Today we all assume (a), that is, in case of obscurity we should take the month as of 30 days whether it is Sha‘ban or Ramadan. It would therefore surprise some readers to hear that all of the above views have been held by Muslims. Indeed, the differences in the various narrations of the hadith about starting/ending Ramadan can be explained as attempts to reflect these interpretations.”<sup>40</sup>

#### WEAKNESS OF THE IJMA‘ (CONSENSUS) ARGUMENT

Despite this overwhelming majority’s total rejection of calculations, there have always been voices of dissent among the three schools of thought, except for the Hanbali (as will be seen below). So the Hanafi, Maliki, and Shafi‘i authorities have argued against the total rejection of calculations to establish the beginning of Ramadan and other events. Only the Hanbalis, especially in the classical period, seem to have reached a kind of consensus on this issue.

A tiny minority of earlier jurists, not to mention an ever-increasing number of contemporary jurists, disagree with such a complete dismissal. They, in opposition to the established opinion, argue that calculations are a definitive way of knowing the movements of celestial bodies and more reliable than just naked-eye sighting. Stating that neither the Qur’an nor the Sunnah clearly prohibit the use of calculations in matters of religion, they in fact find support for their arguments both in these two sources and in scientifically logical arguments.

There are three main groups among these scholars. The first one accepts calculations only in negating the beginning or end of the month. In other words, if the calculations prove that the new moon cannot be sighted, cannot have been born, and so on, then they reject all claims of naked-eye sighting, even if the witnesses are trustworthy righteous Muslims. This ancient trend can be traced back all the way to al-Subki’s times. Even some of the contemporary scholars, who otherwise despise calculations, wittingly or unwittingly subscribe to this trend.

The second trend championed by Mutarrif ibn Abd ʿAllah, ʿUmar ibn Surayj, and al-Subki permitted the use of calculations in the case of obscurities. The third group accepts calculations in establishing the beginning of the month and also in negating or dismissing of any naked-eye sighting claims if the calculations prove otherwise. This means that Ramadan and other Islamic months can be confirmed or negated solely based on calculations. This is a recent phenomenon among such contemporary scholars as Muhammad Mustafa al-Maraghi, Ahmad M. Shakir, Mustafa al-Zarqa, ʿAli al-Tantawi, Sharaf al-Quda, and many others. Therefore, the claims of *ijmaʿ* (consensus) that naked-eye sighting or completion are the only two methods accepted by the entire Ummah are not based upon historical fact.

Moreover, there is no consensus among the majority (*al-jumhūr*) about the exact nature of naked-eye sighting, whether it is established by the sighting of one or more witnesses or a multitude of people. There also exist numerous opinions about the criteria and characteristics of these witnesses: whether they are male or female, slave or free. Nor is there any consensus on the number of witnesses needed to confirm Ramadan and Shawwal.<sup>41</sup> For instance, Hanafi jurists require the sighting to be witnessed by a large number of individuals when the horizon is free from obscurities. They accept the witness of one trustworthy Muslim if the sky is cloudy only to confirm Ramadan.<sup>42</sup>

Maliki jurists require many witnesses when the horizon is free from obscurities (e.g., such as cloud, dust or fog) and two or more trustworthy Muslims if it is cloudy. Unlike Hanafi jurists, they do not accept one witness to confirm Ramadan or Shawwal. Shafiʿi jurists accept one trustworthy Muslim's witness in both cases, whether for Ramadan or Shawwal. Hanbali jurists accept one trustworthy witness in confirming the month of Ramadan, but require two witnesses for Shawwal.<sup>43</sup>

Space does not permit me to go into the details of the issues connected with the methodology of sighting. It is sufficient to note that despite apparent claims of consensus about the naked-eye sighting being the only way to confirm the month before 30 Shaʿban, there is a marked difference among jurists in the details related to the same subject. Therefore, naked-eye sighting cannot be called a categorically absolute rule, even where there is no difference of opinion. The best description is that it is a *zannī* (presumptive) instead of a *qaṭʿī* (categorical) matter according to the Shariʿah. The Shariʿah definitely prefers the categorical over the presumptive.

Rashid Rida observes:

وَمِنْ قَوَاعِدِ الشَّرِيعَةِ الْمُنْتَفِقِ عَلَيْهَا أَنَّ الْعِلْمَ مُقَدَّمٌ عَلَى الظَّنِّ ، فَلَا يُعْمَلُ بِالظَّنِّ مَعَ إِمْكَانِ الْعِلْمِ ، فَمَنْ  
 أَمَكَّنَهُ رُؤْيَةُ الْكَعْبَةِ لَا يَجُوزُ لَهُ أَنْ يَجْتَهِدَ فِي التَّوَجُّهِ إِلَيْهَا وَيَعْمَلَ بِظَنِّهِ الَّذِي يُؤَدِّيهِ إِلَيْهِ الْاجْتِهَادُ.<sup>44</sup>

The agreed-upon legal (*sharī*) rules require one to prefer categorical knowledge over probable [knowledge]. It is not permitted to apply probable [knowledge] in the presence of categorical knowledge. It is not allowed for a person who can attain precise knowledge of the Ka'bah's direction by actually sighting it to go by [a] mere estimated direction and probability.

#### WEAKNESS OF THE JEWISH ARGUMENT

One of the main reasons for rejecting a calculation-based calendar, in the view of many Muslim jurists, is to oppose the Jews' adoption of such a calendar. Many classical and modern Islamic scholars quote the prophetic narration that encourages Muslims not to imitate them, but rather to oppose them in many of their religious customs and rituals. The Jewish community had reportedly adopted the calculated calendar since the fourth century AC. Therefore, scholars like Ibn Taymiyyah and many others argue that accepting astronomical calculations as the basis of the Islamic calendar would mean imitating the Jews in their innovation and misguidance. Modern jurists, among them Abdullah Saleem,<sup>45</sup> contend that the Prophet was aware of this innovation and specifically ordered the Muslims not to follow that path: "We are an unlettered nation. We neither write nor calculate." This was a direct reference to the Jewish calendar and calculations.

It is useful here to analyze and discuss briefly the Jewish calendar and its history to dispel the misconception that using calculations to confirm the Islamic months would constitute a sharp deviation from the prophetic Sunnah and an imitation of the Jews in their changing the religion of Allah.

The Biblical month is a lunar month (Exodus 12:2). The Hebrews had followed the moon's movements to determine their months and festivals since Antiquity. The earlier Temple had required human witnesses to physically sight the moon in order to confirm the new month. If no witness was brought on its twenty-ninth day, the month, upon its completion of thirty days, was declared complete. The Talmud states:

The commencement of the month was dated from the time when the earliest visible appearance of the new moon was reported to the Sanhedrin. If this happened on the 30th day of the current month, that month was considered to have

ended on the preceding 29th day, and was called deficient. But if no announcement was made on the 30th day, that day was reckoned to the current month, which was then called full, and the ensuing day was considered the first of the next month.<sup>46</sup>

The Mishna and the Talmud, the Jewish jurisprudential sources, emphasize the rule of naked-eye sighting:

But if it is always defective, why should they profane it? *Because it is a religious duty to sanctify [the New Moon] on the strength of actual observation.* According to another version, R. Nahman said: We also have learnt: ‘For the fixing of two New Moons the Sabbath may be profaned, for those of Nisan and of Tishri’. Now if you say that the Adar which precedes Nisan is always defective, there is no difficulty; the reason why the Sabbath may be profaned is because it is a religious duty to sanctify [the New Moon] on the strength of actual observation. But if you say that it is sometimes full and sometimes defective, why should [the Sabbath] be profaned? Let us prolong [the month] today and sanctify [the New Moon] tomorrow? If the thirtieth day happens to be on Sabbath, that is actually what we do. Here, however, we are dealing with the case where the thirty-first day happens to fall on the Sabbath [and we allow the Sabbath to be profaned because] *it is a religious duty to sanctify on the strength of actual observation.*”<sup>47</sup>

According to Jewish law, the Sabbath is so sacred that profaning it carries the death penalty. The Bible reports:

And the Lord spake unto Moses, saying, “Speak thou also unto the children of Israel, saying, ‘Verily my sabbaths ye shall keep: for it *is* a sign between me and you throughout your generations; that ye may know that I *am* the Lord that doth sanctify you. Ye shall keep the sabbath therefore; for it *is* holy unto you: every one that defileth it shall surely be put to death: for whosoever doeth *any* work therein, that soul shall be cut off from among his people. Six days may work be done; but in the seventh *is* the sabbath of rest... whosoever doeth *any* work in the sabbath day, he shall surely be put to death. Wherefore the children of Israel shall keep the sabbath, to observe the sabbath throughout their generations, for a perpetual covenant. It *is* a sign between me and the children of Israel for ever: for *in* six days the Lord made heaven and earth, and on the seventh day he rested, and was refreshed.’” (Exodus 31:12–17)

Yet it could be violated in order to witness the new moon’s actual sighting. There was even a special Jewish rabbinical court that used to verify these witnesses and announce the new month’s beginning. Rabbi Gamaliel II (80–116 AC) used to receive the reports of the witnesses in person. Afterwards, the rabbis started to use calculations to negate the months. The later portion of Talmud reports:

When R. Zera went up [to Palestine], he sent back word to them [in Babylon]: It is necessary that there should be [on New Moon] a night and a day of the new moon. This is what Abba the father of R. Simlai meant: "We calculate [according to] the new moon's birth. If it is born before midday, then certainly it will have been seen shortly before sunset. If it was not born before midday, certainly it will not have been seen shortly before sunset.' What is the practical value of this remark? — R. Ashi said: 'To [help us in] confuting the witnesses.' R. Zera said in the name of R. Nahman: 'The moon is invisible for twenty-four hours [round about new moon]. For us [in Babylon] six of these belong to the old moon and eighteen to the new; for them [in Palestine] six to the new and eighteen to the old.' What is the practical value of this remark? — R. Ashi said: 'To confute the witnesses.'"<sup>48</sup> [Editor's Note: "R." signifies "Rabbi."]

Rashi, the famous classical Jewish authority on Biblical and Talmudic exegesis, has explained these verses as follows:

- (6) Because if the conjunction is calculated to have been after midday and they claim to have seen the new moon before nightfall, they are not telling the truth.
- (7) Which would imply that in Babylon the new moon is not visible till eighteen hours after its birth.
- (8) Which would imply that in Palestine the new moon is visible six hours after its birth.<sup>49</sup>

According to the *Jewish Encyclopedia*, testimony later gave way to mere calculations, though not without controversy:

Under the patriarchate of Rabbi Judah III (300-330), the testimony of the witnesses with regard to the appearance of the new moon was received as a mere formality, the settlement of the day depending entirely on calculation. This innovation seems to have been viewed with disfavor by some members of the Sanhedrin, particularly Rabbi Jose, who wrote to both the Babylonian and the Alexandrian communities, advising them to follow the customs of their fathers and continue to celebrate two days, an advice which was followed, and is still followed, by the majority of Jews living outside of Palestine.<sup>50</sup>

Two practical problems demanded their dependence upon calculations instead of naked-eye sighting. The first one was that the Old Testament connected the Jewish festivals and holidays with certain crops and seasons. Sometimes when the lunar dates of the holidays fell in the wrong season, the requisite crops and fruits were not ready. The rabbis were thus forced to introduce intercalation. The *Jewish Encyclopedia* explains:

It thus seems plain that the Jewish year was not a simple lunar year; for while the Jewish festivals no doubt were fixed on given days of lunar months, they also had

a dependence on the position of the sun. Thus the Passover Feast was to be celebrated in the month of the wheat harvest..., and the Feast of Tabernacles ... took place in the fall. Sometimes the feasts are mentioned as taking place in certain lunar months (Lev. xxiii.; Num. xxviii., xxix.), and at other times they are fixed in accordance with certain crops; that is, with the solar year.<sup>51</sup>

Exegetes of the Talmud report the reasons for an intercalation:

The solar year, which consists of three hundred and sixty-five and a quarter days, is divided into four equal parts, each period consisting of ninety-one days and seven and a half hours. These are called respectively the Nisan (vernal), Tammuz (summer), Tishri (autumnal), Tebeth (winter) Tekufoth. The lunar year which forms the basis of our calendar comprises altogether three hundred and fifty-four days. Though according to Biblical tradition our months are to be lunar (cf. Ex. XII, 2), yet our Festivals are to be observed at certain agricultural seasons; Passover and Pentecost in the Spring; Tabernacles, or Feast of Ingathering, in the autumn. In order to harmonise the lunar and solar years, a second Adar is intercalated once in two or three years. Our text lays down certain principles by which the Intercalators are to be guided.<sup>52</sup>

In the later periods of Jewry, calculations were used not to determine or negate the new month as it relates to the new moon, but as it relates to the seasons in which these holidays must fall. The Talmud makes this point clear, as modern exegetes explain:

The Jewish year consists ordinarily of twelve lunar months (v. n. 5). In order to prevent the festivals from falling in the wrong seasons, it was necessary periodically to adjust the lunar calendar to the solar year: this was achieved by introducing an intercalary month (Adar II) between Adar and Nisan.<sup>53</sup>

Thus the Jewish calendar became luni-solar instead of a lunar one solely dependent upon the new moon's birth or sighting. The Talmud states:

The Jewish Calendar, while being lunar, takes cognisance of the solar system to which it is adjusted at the end of every cycle of nineteen years. For ritual purposes the four Tekufoth seasons are calculated according to the solar system, each being equal to one fourth of 365 days, viz. 91 days, 71/2 hours. Tekufah of Nisan (Vernal equinox) begins March 21; Tekufah of Tammuz (Summer Solstice), June 21; Tekufah of Tishri (Autumnal equinox), September 23; Tekufah of Tebeth (Winter Solstice), December 22. Should the Tekufah of Tammuz extend till after the Succoth Festival, or the Tekufah of Tebeth till the sixteenth of Nisan, the year would be intercalated, so that the festivals might fall in their due seasons, viz., Passover in Spring, Succoth in Autumn.<sup>54</sup>

The Sanhedrin also laid down the rules on when intercalation is and is not permitted.

Our Rabbis taught: A year may not be intercalated except where it is necessary either for [the improvement of] roads or for [the repair of] bridges, or for the [drying of the] ovens [required for the roasting] of the paschal lambs, or for the sake of pilgrims from distant lands who have left their homes and could not otherwise reach [Jerusalem] in time. But no intercalation may take place because of [heavy] snows or cold weather or for the sake of Jewish exiles [from a distance] who have not yet set out. Our Rabbis taught: The year may not be intercalated on the ground that the kids or the lambs or the doves are too young. But we consider each of these circumstances as an auxiliary reason for intercalation.<sup>55</sup>

This body gave the following three reasons for the intercalation:

Our Rabbis taught: A year may be intercalated on three grounds: on account of the premature state of the corn-crops; or that of the fruit-trees; or on account of the lateness of the Tekufah. Any two of these reasons can justify intercalation, but not one alone. All, however, are glad when the state of the spring-crop is one of them.<sup>56</sup>

It seems obvious that the Jewish process of calculation and intercalation is arbitrary, for it gives more significance to holidays, crops, fruits, seasons, and many similar external factors than to the actual new moon. Such an attitude contradicts the Islamic calendar, which is based on the new moon itself. Consequently, using calculation to fix the Jewish calendar is quite different from fixing the Islamic calendar based on those calculations that determine the new moon's actual birth. The Talmud states that the Jewish calendar is independent of that factor:

The average year has six months of thirty days each, and six of twenty-nine days each. For there are about twenty-nine and one half days between one new moon and the other, whence a month of thirty days, to restore the balance, must be followed by one of twenty-nine days. However, there are more than twenty-nine and one half days between one new moon and the other, approximately twenty-nine days, twelve hours and forty minutes; furthermore, there are other causes influencing the fixing of the calendar, as the result of which the arrangement of six full and defective months undergoes certain variations, so that one year might have a larger number of full, the other more than the half of defective months. In the time of the Mishnah the Sanhedrin decreed the beginning of the new months on the basis of the testimony of witnesses who had actually seen the new moon. But even then conditions would arise (such as non-visibility of the new moon, due to cloudy weather) when the Sanhedrin would be guided by its own astronomical calculations. For such a decree the principle was adopted that no year may have more than eight, nor less than four full months.<sup>57</sup>

There was another problem. The civil calendars were fixed by local civil authorities who were quite often very intolerant of the Jewish community. At times, the conflict between Jewish and civil holidays led to the

local authorities' persecution of the Jews. Therefore, intercalation was introduced to avoid conflict with the civil calendar and its painful consequences. The *Jewish Encyclopedia* reports:

Under the reign of Constantius (337-361) the persecutions of the Jews reached such a height that all religious exercises, including the computation of the calendar, were forbidden under pain of severe punishment.<sup>58</sup>

Consequently, Rabbi Hillel II published the rules of calendar computation as well as a fixed Jewish calendar in 359 and modified it in 363, four years later. Jewish communities all over the world still use it.

Tracy R. Rich summarizes how the Jewish calendar is computed.

The Jewish calendar is based on three astronomical phenomena: the rotation of the Earth about its axis (a day); the revolution of the moon about the Earth (a month); and the revolution of the Earth about the sun (a year). These three phenomena are independent of each other, so there is no direct correlation between them. On average, the moon revolves around the Earth in about 29 1/2 days. The Earth revolves around the sun in about 365 1/2 days, that is, about 12 lunar months and 11 days.

To coordinate these three phenomena, and to accommodate certain ritual requirements, the Jewish calendar consists of 12 or 13 months of 29 or 30 days, and can be 353, 354, 355, 383, 384 or 385 days long. The linchpin of the calendar is the new moon, referred to in Hebrew as the *molad*.

A new month on the Jewish calendar begins with the *molad* (pronounced moh-LAHD). *Molad* is a Hebrew word meaning "birth," and refers to what we call the "new moon" in English. The *molad* for the month of *Tishri* (the month that starts with *Rosh Hashanah*) is the most important one for calendar calculations, and is referred to as *Molad Tishri*.

Note that the calculated *molad* does not necessarily correspond precisely to the astronomical new moon. The length of time from one astronomical new moon to the next varies somewhat because of the eccentric orbits of the Earth and moon; however, the *moladot* of Rabbi Hillel's calendar are set using a fixed average length of time: 29 days, 12 hours, and 793 parts (or in Hebrew, *chalakim*). The amount of time is commonly written in an abbreviated form: 29d 12h 793p.<sup>59</sup>

Rich also explains the practical steps required to calculate its exact dates and months:

1. Start with a known *molad* (and the corresponding Gregorian date, if you wish to convert your resulting date to Gregorian).
2. Determine the number of months between the known *molad* and Tishri of the year of the date you are calculating.

3. Multiply the number of months by the length of the *molad*: 29d 12h 793p.
4. Add the result to the known starting *molad*.
5. Apply the *dechiyot* (rules of postponement) to determine the date of Rosh Hashanah for the year of your date.
6. To get the Gregorian date, add the number of days elapsed calculated above to the Gregorian starting date.<sup>60</sup>

The Jews start their calendar with the supposed date for the beginning of creation, as reported by the Hebrew Bible. We are now in the Jewish year 5768 (2008). Computing its years, months, and days is quite complicated, and the procedure requires some mathematical calculations rather than just knowledge of astronomical calculations. That might have been why the Prophet said: “We are an unlettered people; we neither write nor compute.” This reference might have been to the sophisticated procedure of calculating the Jewish new month and the year, as seen above. The Prophet would not have depended upon the Jews and their means of calculation to establish the Islamic months. That is why he simplified the procedure by asking his followers to start the month by naked-eye sighting, for they were not well versed in mathematical calculations. Moreover, he wanted to connect the new month’s commencement with the new moon’s birth or sighting instead of with the crops and seasons, as seems to be the case with the Jewish calendar. He eliminated all arbitrary interference with dates and so on due to external factors and wanted them to be determined by the moon, for this method would ensure that acts of worship would fall in their proper (viz., divine) time rather than at a variable time superficially calculated by humans.

إن عدة الشهور عند الله اثنا عشر شهرا في كتاب الله يوم خلق السماوات والأرض منها أربعة حرم ذلك الدين القيم فلا تظلموا فيهن أنفسكم وقاتلوا المشركين كافة كما يقاتلونكم كافة واعلموا أن الله مع المتقين. إنما النسيء زيادة في الكفر يضل به الذين كفروا يحلونه عاما ويحرمونه عاما ليواطئوا عدة ما حرم الله فيحلوا ما حرم الله زين لهم سوء أعمالهم والله لا يهدي القوم الكافرين. (التوبة: 36-37)

Behold, the number of months, in the sight of God, is twelve months, [laid down] in God’s decree on the day when He created the heavens and the earth; [and] out of these, four are sacred: this is the ever true law of God. Do not, then, sin against yourselves with regard to these [months]... The intercalation [of months] is but one more instance of [their] refusal to acknowledge the truth – [a means] by which

those who are bent on denying the truth are led astray. They declare this [intercalation] to be permissible in one year and forbidden in [another] year, in order to conform [outwardly] to the number of months which God has made sacred: and thus they make lawful what God has forbidden. Goodly seems unto them the evil of their own doings, since God does not grace with His guidance people who refuse to acknowledge the truth. (9:36–37)

These verses refer to the pre-Islamic Arabs' arbitrary intercalation in the case of their months and years, as most exegetes have reported.<sup>61</sup>

It is obvious from the above discussion that using astronomical calculations to determine the new moon's birth or visibility does not constitute an imitation of the Jewish calendar. Although the procedure does share some elements of Jewish calculations, it is not completely identical to it. In addition, the Jewish procedure is far more complicated and includes many factors that are external to the Islamic procedure. The Islamic *mawlid* differs from the Jewish *molad*. The Islamic calendar is purely lunar, whereas the Jewish calendar is luni-solar. There is a little similarity between them, namely, seeking to determine the new moon's birth or visibility through calculations. The remaining factors are quite different. Such a degree of similarity cannot be labeled as following the Jews in their religious innovations, as some scholars hastily portray it. The same can be said about naked-eye sighting and the requirements of the human witnesses. Jewish jurisprudence had required it since Antiquity, and some Jewish sects and scholars still continue to follow this rule literally. Given this, would observing the moon with the human eye, as many classical and modern Islamic scholars require, constitute a Jewish imitation that the Shari'ah would also forbid? I am sure the answer will be no!

#### WEAKNESS OF THE HARDSHIP ARGUMENT

In regard to the hardship argument, it must be noted that we now live in a "global village." In this age of instant communication, news travels all over the world within seconds. Therefore, the argument of hardship leveled by al-Nawawi and others loses its ground. In reality, it is the other way round as al-Qaradawi rightly contends.<sup>62</sup> Muslims all over the world, especially in the West, suffer much hardship owing to uncertainties connected with actual sighting. Some of them wait until midnight just to start their *tarāwīḥ* prayers or decide about their 'Id prayers. There are many hardships for the Muslim employees and students. Therefore, depending upon naked-eye sighting rather than calculation has now become a source of hardship.

Perhaps these are the reasons why al-Zarqa is amazed that a large number of present-day conservative jurists adamantly reject calculations in confirming or negating Ramadan, for they use the same calculations for acts of worship that are far more important in significance as well as frequency, such as the daily prayers. Classical jurists were correct in opposing these calculations, for the science at that time had not reached the levels of authenticity and certainty that it enjoys today. They could have not based important acts of worship such as the fasting Ramadan upon calculations that were not totally precise. Are we going to drag their opposition forward at a time when the reason for their view is no longer valid? The cause and effect always go hand in hand. If the cause is no longer present, then the effect must also cease to exist.