

In the name of Allāh, the Loving, the Love-Giving
All praises are due to Allāh and peace and salutations be upon His messenger Muḥammad, his family, companions and followers

A BRIEF RESPONSE TO MOON-SIGHTING AND CALCULATIONS

By Mokhtār Maghrāoui, September 2007

A brief response to Dr. Muneer Fareed's comments¹ on the paper entitled *An Islāmic Legal Analysis of the Astronomical Determination of the Beginning of Ramaḍān*.

Your contribution and comments were appreciated. May Allāh *subḥānahu wa ta'āla* reward you.

1. The *maṭāli`* discourse **is** within the framework of *uṣūlī* principles and therefore within the scope of permissible differences. There is no explicit unequivocal statement from the Lawgiver about the geographical boundaries of sighting the crescent moon.
"صوموا لرؤيته" / Fast at its sighting" is in no way explicit nor unequivocal in its *dilālah* (the meaning it conveys) about any *maṭla`* concept. It is however, along with the text "لا تصوموا حتى تروا الهلال..." / Do not fast until you sight the crescent," an explicit and unequivocal text in its *dilālah* for sighting. The text of *Ibn 'Abbās* (Allāh be pleased with them both) – concerning the Syrian *maṭla`* during the *Khilāfah* of *Mu'āwiyah* (Allāh be pleased with him) – is evidence that there has been no Prophetic textual unequivocation about the issue of *maṭla`*.
2. To change the revealed criterion of a *ḥukm waḍṭ* – namely the *sabab* (cause) of *wujūb* or obligation of the fast of Ramaḍān, from *ru'yah* (ie: sighting) as it is unequivocally, explicitly, and exclusively pronounced in the text – to a different criterion (ie: the birth of the moon) is **not** within the framework of established Islamic jurisprudence.
3. A move to calculation would possibly make juristic sense if the computed quantity were the **'exact** first moment of sighting the crescent moon'. Since **that is** the moment in time that corresponds to what the **Lawgiver assigned** as cause for the obligation of commencing the **worship** of fasting.
4. In the case of *ṣalāh*, the different computed quantities are exactly the moments in time the Lawgiver assigned as causes for the obligation of each *ṣalāh* respectively. There is no departure from a *waḍṭ* criterion. The Lawgiver assigned for the obligation of some *ṣalāh* **dulūq** *ash-shams*, not the **sighting of** **dulūq** *ash-shams*.
5. There **has been** *ijmaa`* that sighting of the crescent moon is the *sabab* (cause) for obligation of commencing the fast of Ramaḍān, even when our knowledge of astronomical computation of moon births is exact. See for example *Al-Furooq* by Al-Qarāfi, namely *Farq* 102.
6. In the paper the argument concerning the *ta'abbudī* nature of the *sabab* (cause), or the lack thereof, for the obligation of fasting Ramaḍān was discussed in relation to the claim of *ta'lil* with illiteracy. Whether it is *ta'abbudī* or not, we have shown that the logical juristic consequence of *ta'lil* with illiteracy is untenable. Please kindly read what was argued on the question of *ta'lil* and *ta'abbud* more critically.

¹ See: <http://www.fiqhcouncil.org/Default.aspx?tabid=89>

I kindly urge all our readers, especially the critics, to patiently and carefully follow the arguments already articulated in our August 2007 paper. May Allāh *subḥānahu wa ta'āla* guide us to what He loves.