

*With the Name of Allah the Most Gracious, the Merciful*

*The Astronomical Calculations and Ramadan a Fiqhi Discourse by Dr. Zulfiqar Ali Shah* is a rigorous analysis of the current debate regarding moon sighting in North America. The author, my teacher and, as I have heard from other scholars, a erudite scholar himself, leaves no stone un turned as he guides the reader through the deep caverns and murky waters of this issue. More importantly, the reader is able to compare and contrast between two important discourses that saturate Muslim communities in the West, both claiming with somewhat deafening voices, to have the answers and the ability to compass them.

The first is that of neo traditionalism. I call it such because it is not, in my humble opinion, a true representation of, what I would prefer to call, classical normative Islam. Instead, it is a reaction to modernity and the spread of the Western imperialism. Thus, while it clings onto certain aspects of the classical period, its fetish for the past, coupled with its hatred for science, tends to undermine the creative impulses, the dynamics and relevance of Islam in modern times granted to it by the very tradition such claim to uphold. The outcome is the destabilization of the status and efforts of contemporary scholarship; creating a rift between the masses scholarship. This contributes to an already festering frustration- Muslims want to live religious lives in the modern context, but are unable to find the relevant answers as articulated by classical Islamic scholarship.

The second is that of the mass majority of contemporary scholars the world over. I encountered this method while memorizing the Qur'an at the hands scholar from Senegal and heard it often while sitting with the scholars of the USA, Mauritania, Kuwait, Qatar, Saudi Arabia, Yemen, Sudan, Libya, Pakistan, India, Malaysia and Egypt. It is the first sentence I heard on my first day of studies at *al-Azhar* University, the first thing my teacher taught me as I entered the college of fatwa under the guidance of Dr. Ali Goma, the current Grand Mufti of Egypt, and it is what I've continually heard in the circles of knowledge that I attended outside of the university: "The *Shari'ah* is a living Law, dynamic; able to address the problems of any place and anytime- brining benefit and preventing harm, guarding the people from ruin and failure! "

While this method respects and honors classical scholarship and its legacy, it recognizes that classical scholars used the universal sources of Islam to answer the cultural realities of their days and, by no means, did they intend for us to turn our backs on those sources and simply regurgitate their opinions to answer the problems of our times, undermining the very creative juices that make faith and scholarship relevant; ultimately serving to distancing people from an individual relationship with God and faith. Time will not permit me to elaborate any further on the above. But it is important to note that if one studies the work of Dr. Shah he will taste the genius and dynamics of a living dynamic *Shari'ah*; one

which serves to guide our communities in the West, facilitating the balance between a relevant citizenship and religious orthodoxy.

The following are some of the more important conventions employed by Dr. Shah in his work. These conventions are commonly mentioned in the grand books of Islamic law [*fiqh*] and Islamic Philosophy [*Usul al-Fiqh*]. Understanding these conventions and recognizing them will empower the reader to approach this work and learn to engage a method instead of merely parroting the rulings.

- Honoring the letter of the law while shepherding its spirit and objectives

The above is not simply a modernist enterprise as some have insinuated.

Imam Ibn Ashur wrote,

“The fact remains that the statements of the Predecessors generally bear clear evidence of the necessity of considering the aims of *Shari’ah*. The abundance of their statements in this respect is also an indication that they used to search for these aims in its legislative pronouncements by inductive inference.”

- Absence of fanaticism related to group, ideology or *madhab* [rite of Islamic law]

Imam Ibn Taymiyyah, Ibn Wazir and Shah Waliullah al-Dahlawi contributed a number of important writings which addressed the dangers of fanaticism. Shihab al-Din al-Qarafi wrote extensively on the subject and labeled those who offer religious guidance clinging to the classical books of *fiqh* without considering their cultural realities as criminals.

- Realization of the *Masalih* [benefits] for the community in this life and the next

Imam Ibn al-Qayyim noted, “The *Shari’ah* brings what is beneficial to creation in this life and the next.”

- Inclusion of sciences [social and physical], such as astronomy, in assessing the evidences

In *al-Majmu’u* Imam al-Nawwawi refutes the popular claim that water heated by the sun is disliked. He does not state that such a contention was refuted by “Medical professionals.” The marriage between *fiqh* and science was also noted by Ibn Juzay al-Maliki in his important work on *Usul al-Fiqh* and addressed recently by Dr. Taha Jabir al-Awani and Dr. Yusuf al-Qaradawi.

- Honoring the cultural Heritage of the West, respecting the indigenous reality

Imam al-Hasan al-Dasuqi notes in *al-Sharh al-Kabir* that the Maliki rite considered “A custom as a legislative pronouncement.” Imam Abu Yusuf, the great student of Abu Hanifah noted, “If there is a conflict between the text and the custom, then it is necessary to check whether the text is based on custom or not. If the text is based on custom, then the current custom is preferred and the text abandoned.”

In conclusion, this work represents an important discussion surrounding Islam in the West, a fork in the road of our development if you will and a conversation that we must have divorced of emotions and partisanship. It will determine the direction we take as a community and the method that best fits our realities. It is my hope that those who read this will see the brilliance, justice and balance of this work and ultimately choose a discourse and methodology which they feel will best serve to lay the foundations for those generations of Muslims to come. I ask Allah to bless my teacher Dr. Shah, raise him and continue to guide him.

In need of your prayers

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