

Merits of Ramadan

When we speak of the merits of something (*fadl* or *fadail*), we are actually saying the deeds in it are highly recommended and the reward and benefits highly emphasized and guaranteed. I would like to cite several *Ahadith* that address this issue of *fadail*, merits of fasting during Ramadan, and filling the entire month with more 'ebadah than any other month.

Abu Hurairah (raa) relates the Messenger of Allah (saas) said when one Ramadan came:

“A blessed month has arrived. Observing it in fasting is mandated on you (the believers). During this month, the gates of Paradise will be opened and the gates of Hellfire will be closed. The evil ones (*Shayaatin*) will be handcuffed. In it there is one night, during which worship is better than worship in a thousand months. Whoever is denied its blessings has been denied the biggest blessing.” (Ahmed, Nasaae, and Bayhaqi)

This hadith is similar to the previous one, except that it emphasizes the importance of being mindful and aware of the rules that govern the 'ebadah of fasting. For one of the key words in every 'ebadah is “*muwafaqah Ash-Shari'ie*,” observing in accordance to the commands of the Lawgiver.

Neglecting Ramadan

The blessed month of Ramadan comes once in a lunar calendar year for serious spiritual and physical training and rehabilitation of the believers. To neglect this Islamic obligation, with all its benefits, is a serious, unpardonable sin. Thus the warning from the Prophet (saas). Abu Hurairah reports the Messenger of Allah said:

“Whoever breaks one day's fast of Ramadan without an authorized permission from Allah, he will never be able to redeem it (with another) day's fast, even if he fasts to eternity.” (Tirmidhi)

The stern warning in this hadith for breaking fast in Ramadan is an indication of how serious the offense is perceived by the Shari'e, the Lawgiver. You may think that if you break a day, you can redeem it after Ramadan. Indeed, the missed day may be redeemed after Ramadan, but the hadith indicates that fasting for a lifetime (*Siyaam Dahr*), or to eternity cannot make up for the spiritual loss due to a reckless and deliberate break of a fasting day. It is abhorrent to neglect an Islamic rite which is your duty, but worse to neglect an obligation that belongs to Allah (SWT), such as the fast of Ramadan.

Ascertaining the Crescent (Hilal)

Ever since the Lawgiver (*Shaari'e*) prescribed fasting, the method and the process of ascertaining the knowledge about the starting and the ending time of fasting has been to physically sight (*ru'eyah*), the new crescent moon (*hilal*) of Ramadan. Thus, when the birth of the new moon, of the month of Ramadan is ascertained, the fast begins. The fast ends with the birth of the hilal of the tenth month, Shawwal. In the event that clouds, smog, or fog block the sky, preventing eye sighting of the hilal, we compute the days of the month. If after, or on the evening of, the twenty-ninth day of Sha'aban, we are unable to sight the hilal of Ramadan, due to cloudiness or obstruction in the sky, we will complete Sha'aban thirty days, and the fast begins the next morning. Similarly, if after the 29th of Ramadan, we are unable to sight the hilal of Shawwal due to cloudiness or obstruction, we complete Ramadan 30 days. The next day becomes *'Eidul Fitr*, the Festival of Fast-Breaking.

Thus, the question of ascertaining the birth of the new Hilal crescent before commencing and ending the fast is born out in this verse, where Allah, the Almighty, says:

**“Whoever is present during the month should
spend it in fasting...”**

(Al Qur'an 2:185)

Most translators of Al-Qur'an interpreted the key word in this verse, *shahida*, to mean 'to be present' so as to exclude the traveler, for he does not have to fast. That is very interesting because, if *shahida* is general, *al-'aam*, there should be more than one case to exclude; for, we would have to exclude the sick, minors, the insane, as well as the traveler. All these categories will be present, but yet fasting will not be mandatory for some of them.

The word *shahida* should be translated “whoever witnesses or gives testimony.” This will leave the verse's general meaning intact, then exclude from it whoever deserves to be excluded.

The verse (*ayat*) is a conditional clause based on the condition of ascertaining the hilal, with fasting as the result. That is to say, if there is no witness, there is no fasting. The word month is *shahr*. Linguistically it means crescent; so it indicates whoever witnesses any part of the crescent should observe the entire month in fasting.

This is the ruling of the most recognized Muslim scholars of Tafseer, Hadith and Fiqh. The basis for this ruling is derived from several ahadith, which are overwhelmingly reported (*Tawatur*).

Ibn Umar (raa) reported,

“During the time of the Prophet (saas), the companions went looking for the new crescent. So I told the Prophet (saas) that I saw it. So he fasted and told the companions to fast.” (Abu Dahud / Hakim)

This hadith indicates the process of hilal testimony, the believers should go out and ascertain the new hilal. It indicates also when and how. As for when, that has been explained, but I would like to add the legal sighting time begins on the 29th of the month, because unlike the Gregorian calendar, where the days of the month are fixed, in the lunar calendar (*Hijrah*) they are not. For instance, Sha'aban this year may be 29 days; next year it may be 30.

As for the process of testimony (*shahidah*), it should commence soon before sunset or soon after, while there is still some light in the sky, for the Hilal does not remain in the horizon very long.

How does one ascertain the hilal? The testimony of hilal can be achieved by

- (a) direct sighting, where you see it yourself, or
- (b) indirect sighting, where someone sees it, and you rely on his sighting.

If an individual who is reliable, upright, and trustworthy (*'adl*) witnesses the hilal, it becomes incumbent upon him to fast. If he informs others about his testimony, according to the majority of the scholars, it becomes incumbent upon them to fast. This is the ruling that enjoys support in hadith.

The hadith poses a Fiqh question. That is: the testimony of how many people would be enough? The minimum, according to the hadith is one person who is 'Adl. The Messenger of Allah (saas) fasted and commanded the believers to do likewise, depending solely on the testimony of one person, Abdullah bin 'Umar. This is the opinion of the majority of the scholars, which is near consensus. However, in the case of sighting the hilal of Shawwal to end Ramadan, some said the minimum is two or more.

This leads to disagreement among the scholars who debate whether the testimony of one individual is valid to break Ramadan. Some said because this is the ending of Ramadan, there should be two witnesses instead of one. But the problem with this opinion is that there is no proof to substantiate it and, hence, no base for it. In the absence of proof (*dalil*), it remains that one person's witness is enough to end the fasting.

Abu Hurairah (raa) related the Messenger of Allah (saas) said:

“Fast by sighting the (new) hilal, and break your fast by sighting. If there is a cloud, complete the counting of Sha'aban 30 days.” (Bukhari and Muslim)

The hadith of Ibn 'Umar (raa) is a hadith of action (fi'el), how the Prophet (saas) acted, that is, physical search of the edges of the horizon to ascertain the testimony. The hadith of Abu Hurairah is the hadith of saying, (qawl). Thus, both command

by action and command by a verbal expression are employed to instruct the believers about the process of sighting hilal. This should have made the case for starting and ending Ramadan. But that is not the case. There is always a dispute among the believers.

One age-old controversy is whether we should go by the order of the Lawgiver or should we depend on calculations. The truth of the matter is that there are two opinions, one the majority and the other the minority opinion. The latter has no proof whatsoever to substantiate their opinion except one word in the other version of the hadith. The Prophet (saas) said: *faqdiru*, meaning if it be cloudy, measure or estimate it. The minority opinion says this is a proof that calculations can be used. The majority says the word *faqdiru* is ambiguous. It has been explained in a hadith narrated by Abu Hurairah, which states, “*fa ak milu al-`edah*”, complete the account. They added, “if the Lawgiver (Shaari'e) wanted us to use calculation, He would have just forgotten about the original ordinance regarding sighting before fasting and sighting before ending. In the Tafseer of Al-Qurtabi, Ibn Nafi'e (ra) reported that Imam Malik bin Anas (ra) said:

“If you see an Imam who does not begin and end fasting by way of sighting, but begins fasting by calculation, he should not be followed in prayer or emulated.”

The renowned scholar Ibn Al'Arabi said,

“Some of our people erred when they reported that Imam Shaf'e relied on calculations.”

Ibn Al-'Arabi commented,

“The report is baseless and falsehood.” (Al-Qurtabi)

International Sighting

Another point that arises out of the hadith of Abu Hurairah is whether the sighting of one region is good for the sighting of the whole Ummah; i.e., should a New Yorker depend on the sighting of *hilal* in Paris? There is a difference of opinions on this subject. The reason for this dispute is due to a report (*athar*) from Ibn Abbas. If I may state, there are differences between the hadith from the Prophet (saas) and (*athar*) a report from a companion. So this report is not the same as hadith.

In this *athar*, Kuraib (raa) reported that Umm Al-Fadl sent him to Mu'awiyah in Shaam (Damascus). As he finished his business and was preparing to return to Medina, the *hilal* of Ramadan was sighted in the *Shaam* area on Friday night, and people started to fast the next day. As he arrived home in Medina at the end of Ramadan, Ibn Abbas (raa) asked him about his trip. Then they talked about the *Hilal*.

“When did they see it?” Ibn 'Abbas asked. Kuraib informed Ibn Abbas that they saw it Friday night. Abdullah Ibn Abbas wanted to know whether he himself saw the *Hilal*. Kuraib replied, **“Yes, as well as many people. They fasted, and Mu'awiyah, too, fasted.”** Ibn Abbas said, **“But we saw it Saturday night, and we will continue to fast until we complete thirty days or see it.”** Kuraib asked him, **“Aren't you satisfied with the testimony of Mu'awiyah and his fasting?”** **“No,”** Ibn Abbas replied. He continued, **“That is what the Messenger of Allah commanded us to do.”** (Bukhari/Muslim)

This *athar* is the base text used by the minority, who ruled that the people in each region should sight their own *hilal*. Then they disagreed among themselves.

(1) Some said every town and city has its own exclusive testimony in that its sighting is not binding on other towns. For instance, sighting in Los Angeles is valid only for the residents of that city, and not valid in San Diego. The testimony in New York City is valid for the New Yorkers and not valid for the residents of Buffalo.

(2) Every town has its exclusive testimony; however, the difference between this and the previous point is that the ruler or the governor can demand that people under his order and in his territorial influence fast according to the sighting of other towns, for to him all the towns are one under his command.

(3) The countries in close proximity depend on each other's testimony. The countries which are far apart, do not. For instance, the testimony in New York City is not valid in Los Angeles, but it may be allowed for the East coast cities.

(4) Some say it depends on the region. For instance, people in the eastern region will have one exclusive testimony as opposed to people in the western region, southern, and northern regions.

(5) The last opinion is that of the *Jamhur* (the majority of scholars). They said the differences of regions, distances and terrain are of no consequence in determining the testimony of the crescent. The only consideration is the sighting. If the testimony of the *hilal* is ascertained by even one believer in any part of the world, he or she is obligated to begin the fast. The proof is the direct testimony of the Messenger of Allah (saas), who said:

“Fast by sighting the *hilal* and break by sighting.” (Bukhari/Muslim)

This, the *Jamhuur* said, is an address (khitab), to all Muslims. The testimony of any one Muslim is testimony for all Muslims.

As for the Kuraib report, they explained that it is not proof in the order or strength of the above hadith. It is a known fact among the scholars of Islamic jurisprudence that a report from *Sahabi* (a companion), *Tabi'een* (the followers of the companions), and *Tabi'e al-tabi'een* (the followers of the followers of the companions), and the *'Ulama* (scholars) cannot be used independently as proof and evidence (*hujjah*). It will be evidence only if the report is direct from the Messenger of Allah and not their independent judgment (*Ijtihad*) what they infer or deduce from what The Prophet said. The Kuraib report is in that latter category, i.e., Ibn 'Abbas making *Ijtihad*, **“This the Messenger of Allah commanded us.”** For that which the Messenger of Allah commanded is the direct Hadith reported in the books of hadith, such as Bukhari, Muslim, and many others:

“Do not fast until you see the crescent, and do not break fast until you see the crescent; but if there are clouds, complete the calculation of thirty days.” (Bukhari/Muslim)

This hadith does not specify one region from the other. Instead, it addresses Muslims in general all over the globe. Because this hadith is general, “*Aam*”, it will not be made specific “*khaas*” without another direct hadith from the Prophet (saas), and there is none. If there is no evidence from the Kuraib report, what then is the reason for Abdullah bin Abbas's, (raa) refusal to fast according to the sighting in Shaam? The reason is his *Ijtihad*, independent judgment, that the distance between the two regions, Medina and Shaam, are far apart and large to the extent that each should have its own independent sighting.

This *Ijtihad* at best is very weak because it is well known that countries and towns do depend on each other's witnesses and information from all Islamic Sharee'ah areas, and undoubtedly moon-sighting is one of them. Ibn Abbas did not state the text from the Prophet (saas) nor did he state the deduction from any text.

Further examination of this report unfortunately reveals that the only evidence he states is the general opinion that Medinians do not depend on the testimony of Shaamians. Indeed, if we accept Kuraib's report, it will mean that Muslims in one region will have difficulty beginning the fast of Ramadan in unity. Thus, international sighting is the correct interpretation and ruling as advanced by the majority of Muslims scholars.

Logistically, it would have being impossible for Ibn `Abbas (raa) to fast according to the sighting of Shaam even if he wanted to for the simple reason that, during that period, it takes express mail seven days from Shaam to Medina. Were Ibn `Abbas decided to follow Shaam he and the people of Medina would have to wait seven days to start or end Ramadan. There were no communication devices such as telephones, faxes and telegrams. May scholars believe that if Ibn Abbas were in position to know that on the eve of Ramadan or `Eid, crescent has been sighted in Shaam, he would have started fasting or end the fasting. Therefore, the *athar (the report of Kuraib)* would be used if only group of believers fund themselves in a town or country in which they are cut off from outside world. No city today can claim that. Allah is the best knower.