

Moonsighting Questions & Answers

According to his Eminence

Grand Aytullah Sayyid as-Seestani

(May Allah prolong his life)

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In the Name of Allah

Forward

Thanks are due to Allah, the Master of the Worlds, and prayers and peace are upon Mohammad and the pure members of his Household.

Now then,

Because of the increasing demand from the speakers of the English language for an English version of Aytullah, Sayyid as-Seestani's book- (May Allah prolong his life)- *Queries about sighting the crescent and replies to them*, that was published by his Office in the holy city of an-Najaf, it has been decided to have it translated in many languages for Muslims whose mother tongue is not Arabic. This English version is at your hands and the French will follow, asking our Almighty, the Exalted, to direct us to the best that serves Islam and Shia Sect; He is the One Who grants success.

Imam Ali (A.S) Foundation - London

24th Ramadan 1433H.

Introduction

What is meant by the Unity of the horizons and their differences in sighting the crescent?

As we are about to say farewell to the holy month of Ramadan and Eid is about to start, we have been asked as usual by emails and orally about the evidence of confirming the day of Eid, and the difference in opinion between the late Sayyid al-Khoei who has adopted the unity of the horizons and Sayyid as-Seestani who confirms that horizons are different and the scientific evidence and the legal one for this issue which is not very clear to some.

This booklet which has been published by the Office of his Eminence Sayyid as-Seestani in an-Najaf in the form of queries and replies to them with some addition outlines this issue.

In The Name of Allah Most Gracious, Most Merciful, and prayers and peace are on al-Mustafa and the pure members of his household.

Now then,

The disagreement in opinion between the two prominent Scholars (Ulama), the Late Sayyid al-Khoei and Sayyid as-Seestani (May Allah give him a long life) about considering the unity of the horizons for sighting

the crescent or not is based on three reasons. They are as follow:

1. Is the phenomenon of the crescent a unique or relative one?

The Late sayyid al-Khoei has stated in (al-Minhaj) that there is a difference between the phenomena- of the sunset and its sunshine- and the crescent. The former is relative because it is as different as the places on earth because the earth is spherical and its rotation around its axis, but the latter is stationary because when the moon is directly facing the sun, i.e. in the waning position, it cannot be seen from any spot on earth, and when it comes out of the waning position, a new lunar month starts and this cannot be as many as the places on earth.

And Sayyid as-Seestani (May Allah prolong his life) states that the phenomenon is relative because the moon is in one state (a full moon) because if it is observed from a point between the sun and the earth it will be seen as a full moon. So, the appearance of the crescent is a description for the moon by the one who sights it from the earth because the moon is always in one state, and because of this, the late Sayyid al-Khei has added that when the moon comes out from the waning position it initiates the start of a new lunar month for the countries that share in part of the night and it is not the start of the lunar month for all countries on earth. This means that the start of the lunar month is relative and it is as different as night and day for the places on earth and it is not the same.

2. As the rules mentioned in the legal texts have been left to the common practice to act on them, then the

source of judgement on the subject matters mentioned in the legal texts- the holy Qur'an, the prophet's traditions have been left to be identified by the common practice and not by the actual identification. For example, the subject matter of blood that legal texts have identified as impure (Najis) does not mean the real blood even if it cannot be seen by eyes but blood that can be felt by the sense, as in the case of change of purity to impurity of the water which drops of blood or urine have fallen in. The change to impurity does not occur unless the water that is kept in a big container (kurr) has changed, and what is meant by the change is the change in colour, taste or smell that can be here felt by the senses and not the actual change that cannot be felt by the sense. The same applies to the matter of the month referred to in the legal texts, as Allah has revealed in this Qur'anic verse, **“So every one of you who is present (at his home) during that month should spend it in fasting.”** The reference here is to the month known to the Arabs that lies between two crescents and not the astronomical month which starts at the moment the moon begins coming out from the waning position but cannot be seen from earth, but the crescent that can be seen by the naked eyes and Allah confirm this in this Qur'anic verse, **“They ask thee concerning the New Moons. Say: They are but signs to mark fixed periods of time in (the affairs of) men, and for Pilgrimage.”** So the crescent becomes a sign for identifying a 'fixed period' when it is visible enough to be seen. So, if the traditional month is the one that is identified by the common practice starts from the moment the crescent being visible enough to be seen by the naked eyes, the coming out of the moon from the waning

position cannot be considered as the start of the month.

3. If it is assumed that the beginning of both the astronomical month and the traditional month, the one that is identified by the common practice, starts from the moment the moon coming out from the waning position, does this apply to the legal month? Because the issue to be judged sometimes has a natural existence and legal one as in the 'son' case because, for example, a son can be identified naturally and by the common practice as the one who is born from a semen of a man but the 'legal son' is the one who is born as a result of a marriage contract between a man and a mature female. So, is the start of the legal month the same as the astronomical one or not?

Late Sayyid al-Khoei states here, though the legal month is different from the astronomical one as the latter does not confirm the legal month because the start of the legal month is only confirmed by sighting the crescent with naked eyes in one of the countries that share the same night and both share the horizon unity because if the crescent is sighted in a country, the start of the legal month begins in all countries that share the night, even if the sharing is very partial, i.e. half an hour because of the two pieces of evidence below

A- The narrations that have dealt with the confirmation of the month such as the reliable narrations of Ishaq Bin Amar p.11 and Abi Basir p.10 is that the rule for the people of prayers and people of al-Amsar is one and the start of the month does not differ because of different horizons, and when two rightful witnesses from any country testify that the crescent was sighted

by them, their testimony is considered for the start of the month.

- B- The texts about the night of Eid and the Night of Power such as **“I ask You in this day that You have made it Eid for Muslims”** confirms the night of Eid is one for all Muslims, and **“We sent it down during a Blessed Night”**, and **“In the (Night) is made distinct every affair of wisdom.”** These are clear proofs that the Night of Power is unique and one for all people on earth because the Qur’an was revealed on that night so it is and not many, and the deciding time for people’s fate and decisive affairs cannot be as many as the number of the horizons.

However, Sayyid as-Seestani (May Allah prolong his life) states these two things:

A- What can be concluded from the narrations and the Imams’ practices during their lives is that the start of the legal month is related to sighting the crescent on the horizon of the country of the ‘Mukalaf’ -See the authentic narration of Abi Ali Bin Rahid P.8, which means that the legal month has begun on Thursday in Medina or Baghdad, though according to the astronomic calculation, the crescent of the night of Wednesday, coinciding with 20th of March 847 Gregorian, was visible enough to be seen in Africa. See also the report of Mu’mar Bin Khalaad, p.8 which means that the Imam, and because of the absence of an obstacle on the horizon of his country, has asserted that the night of that day is of Sha’ban, though it was late night in his country and the crescent was pos-

sible to be seen in another country.

It may be claimed that the Imams have not used the knowledge to uncover ‘the unseen’, though they have the ability to do so, they have followed the apparent standards because the possibility of sighting the crescent in a country sharing the night with the imam’s does not require the knowledge of finding out the unseen but could be realised by having experience about the countries and their conditions as the possibility of sighting the crescent depends on three things:

1. The degree of the rise of the crescent from the horizon.
2. The angle distance of the crescent to the sun.
3. The size of the luminous of the crescent to the largest circumference of it.

These astronomical data have been known since that time, though scientific progress in recent time makes things more precise; the difference between the two times is not vast.

However, it can be noted that the evidence the late Sayyid al-Khoei referred to in one the two narrations has looked at the supposition of doubting the start of the month because he mentioned the cloudy sky -“the Arabic verb ‘ghmaa’” means the sky has been covered with clouds, and the doubt about the start of the month supposes the possibility of sighting the crescent but cannot be seen because of the presence of an obstacle in the sky, but this is not conditional that the crescent cannot be sighted in another country.

The other narration is a clarification that he consid-

ers compensating the doubtful day as an obligation if the Mukalaf has not fasted it when there is a rightful testimony for sighting the crescent and is not for clarification that sighting the crescent in a country sharing the night with the country of the Mukalaf is enough evidence that it can be seen in the country of the Mukalaf.

The expressions regarding Eid day and the Night of Majesty does not refer to the unity of the day and the night for all Muslims because Sayyid al-Khoei states that the start of the legal month is confirmed for the countries sharing the same night and not for all countries of the Muslim land and Eid day and the Night of Power would be repeated in the second hemisphere.

It is clear that the unity of the day and the unity of night are relative rather than unique ones.

For example, if the Night of Power is the night of Monday, it starts from the beginning of sunset of the day of Sunday to sunrise of the dawn of Monday, and the Eid day starts from dawn of a certain day to the last rise of it.

It is clear that it is not provisional if the crescent has been sighted in an Eastern country to be seen in the country that lies to west of it unless both of them are close in the degree of the latitude and the difference is one or two degree because the distance of rise on the horizon is connected to the sighting of the crescent which is different from one country to another and the age of the crescent from its birth to the sunset is not enough proof.

The difference in opinion about the evidence of the lunar month is inescapable because the jurists (fuqaha) have different evidence about the start of the lunar month,

and each person has to adopt the opinion of the scholar (Marj' he follows in executing his religious duties as in other religious matters which jurists have different opinions about¹. True believers must accept the difference in opinion and this issue must not be a source of disputes and dissatisfaction among Muslims, and if the social necessity or any other reason forces an individual to break-fasting in that day, the person who is still fasting because of the opinion of Marj' can travel the legal required distance that allows him to break-fasting to celebrate Eid with his community and compensate for that day later, though our Ulma try their utmost efforts to make Muslims celebrate Eid in one day if the legal evidence allow them to do so in order to relieve themselves in front of Allah, the Glorified, the Exalted.

We hope success for the true believers and Allah may accept their fasting and make the day of Eid a blessed happy one.

Peace, the mercy and the bounties of Allah are upon you.

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27th Ramadan 1433H

1 For example, some jurists allow the immersion of the whole body in waters (Irtimas) in Ramadan and do not consider it causes break fasting contrary to other jurist who think it causes break-fasting, and some jurists think that wearing things made of gold both yellow and white is not allowed for men; while other allow it. This disagreement in opinion among jurists about some issues is normal. It is worth noting that Sayyid as-Seestani has different opinions about a number of issues from his teacher.

***In the of Allah Most Gracious,
Most Merciful***

Thanks are due to Allah the Master of the worlds and prayers and peace are upon Mohammad, the best of his creations and upon members of his household. Now then,

These are queries about the crescent sighting with their answers according to his Eminence Grand Aytullah Sayyid as-Seestani (may Allah prolong his life). They are published for general benefit of the public, and may Allah lead us to the right path.

The Office of his Eminence Sayyid as-Seestani (may Allah give him a long life)

*Al-Najaf Al-Ashraf
20th Ramadan 1431H*

Crescent Sighting in a country is insufficient evidence for countries far away from it

Question (1): Late Sayyid al-Khoei has stated in his book (Minhajul Saliheen) the evidence which is behind the (Fatwa) he issued that sighting the crescent in a country is sufficient evidence for the neighbouring countries that share part of the night with it, regardless if sighting is in the early of the night in the first country where the crescent has been seen and it is the late of the night in the other countries. He has based his argument on two things: scientific and legal evidence, with some other pieces of evidence.

However, his Eminence Sayyid as-Seestani (may Allah give him a long life) who has applied (Minhajul Saliheen) for his fatwas disapproves the basis of the fatwa issued by his teacher. Therefore, he has omitted it all because it is not in harmony with the book of Fatwas; but in doing so; he has given the disciples and those who are interested in this no chance to know his own opinion about this issue which has been controversial so far. How good it would be if a brief clarification is given by his Eminence about the opinion of the late Sayyid al-Khoei, and gratitude is for you.

Answer: Late Sayyid al-Khoei (may Allah be satisfied

with him) has stated that the basis behind his fatwa are two proofs: (first) the lunar months start in compliance to the movement of the moon and being at certain point from the sun in its normal movement and at the end of its cycle it is completely covered by the sun's light and it becomes completely invisible; i.e. it has waned and it cannot be seen from any spot from the earth. Having moved away from direct sun's light, it becomes visible and a new lunar month begins.

It is clear that when the moon moves away from the sun, it initiates the start of a new lunar month for all people on earth, regardless to the locations of the places. If the moon is visible from a certain place and not visible from other places because of an obstacle such as the sun's light or the undulations of the ground and others, it does not mean that the moon is still in the waning position because there is only one moon and not many for the planet earth and, therefore, it cannot be seen from all the places from the earth, and here it is not as the sunrise which is caused by the earth's movement around itself and shines on the areas that face it.

In view of the above explanation, it has become clear that the comparison between the moon's movement and the sunrise and sunset can be used but with a difference because the earth is spherical. Each place on earth has its own sunrise and sunset and it is illogical to have only one sunrise and one sunset for different places of the earth. The movement of the moon away from the sun is different from the movement of the earth around itself, and because of this, the moon visibility is not related to any spot on earth; not like the sunrise and the sunset.

Therefore, sighting the moon from a place on the earth is conclusive evidence that the moon has moved away from the direct light of the sun at the end of its cycle which signals the end of a lunar month and the start of a new one.

It is clear that the popular opinion that all countries have the same horizon has been built on the concept that the coming of the moon out from the direct sunlight is related to the places on earth as the movement of the earth around itself which is behind the days and nights for different places on earth. But this is, in fact, not true because there is no relation between its movement and the earth.¹

It can be noted from his conclusion that even though there is a difference between the phenomenon of the day-night and the moon's waning, the crescent, the full moon, other moon positions- and the occurrence of the night and day according the location of the places on earth as they face the sun because of the rotation of the earth on its axis. However, the complete waning of the moon and its gradual reappearance first in the form of a crescent until finally becomes full moon, and its gradual waning until it becomes invisible again is something can be seen by the observer from the earth because the moon is of one position i.e. the side which does not face the sun is dark and the other side which faces it is always bright and if it is observed from a point between it and the sun, it is always a full moon unless the earth becomes between it and sun, causing the lunar eclipse.

1 Sayyid Abulqasim al-Khoei, 'Munhajul Saliheen', v1, p.280, 26th printing.

Although the difference between the moon's state and the day-night is of their nature, it cannot be stated that the mere emergence of the moon from the direct sunlight would initiate the start of the lunar month for all countries on earth- as the late Sayyid al- Khoei has claimed in his previous explanation unless it is proved that the common practice has adopted this which is completely untrue because this means that the start of the lunar month for half of the earth will be during the day and this is not accepted by the common practice as the beginning of the month starts there at night.

This is what has been understood from legal texts also. In the authentic tradition of Hamad Bin Othman² on the authority of Abi Abdulla (peace be upon him) who has been quoted as saying, "If the crescent is sighted before the setting of the sun, it is for the previous night but if it is spotted after the setting of the sun, it is for that night."

And, Omar Bin Yazid³ states in his report that he has asked Abi Abdulla (P.B.U.H) that al-Maghiriya (followers of al-Maghira Bin Saeed al-Ijli) claim sighting the crescent before the setting of the sun is for this night. Abi Abdulla answered that they have lied, adding this day from Ramadan is for the previous night, and people of Batin Nakhla⁴ when they sight the crescent said, "The holy month has begun."

The late Sayyid al-Khoei has realised this issue later⁵ and on it he has based his conclusion that if the cres-

2 al-Kafi, v4, p.78.

3 Ibid, p.332.

4 Batin Nakhala is a place between Makkah and al-Taif.

5 Mustand al-'rwatul al-Wuthqa (Kitaab a-Soom), v.2, p.119.

cent is seen in a country, it is the start of the month for the neighbouring countries that share the night with that country where the crescent was sighted, regardless to the time. But in the countries where night is over and replaced by daylight, the lunar month begins the next day if night has not begun in the country where the crescent was at first seen.

For example, if the crescent is sighted in Nouakchott, the capital of Mauritania, on Saturday night but the night in Sydney, the capital of Australia, is over, the beginning of the month in Nouakchott and the neighbouring countries that share Nouakchott part of the night is Saturday but in Australia and countries close to it the start of the month is Sunday.

By observing this, it is an acknowledgement by him that the beginning of the lunar month is rather relative, i.e. its start is in compliance to the location of the country and it is not the same day for all countries, a judgement he adopted at first.

In addition to this relativity, there is another issue and it is that the start of the lunar month in any part of the earth depends on sighting the crescent in the horizon of that place, so it is necessary to find out which opinion do the evidence from the common practice and the legal evidence support to take into account?

It can be said the evidence support the second one and they are as follow:

The first proof is that the lunar month, the one between the two crescents is a relative time measure which the Arabs have used before Islam, and (a-Sh-hr), the

month, in their language is a name for the moon because of its fame and appearance, and later it was given to the time between the two crescents because it is known by the moon and it signals the beginning and the end of the month.⁶

The Arabs have used the lunar months as the main measure⁷ for counting the days and they have not relied on the solar months which were adopted by the Persian and the Roman, though most of life activities such as agriculture and others which are different according to the seasons are part of the solar year, because the use of the lunar month answers their needs⁸ as it does not require

6 See Maqaayis al-Luqha, v.3, p.222, and Tahtheeb al-Lughah, v6, p.50, and al-Muhkam and al-Muheet al-'atham, v.4, p.185.

7 Some researchers think that the Arabs have partially used the solar calendar. See al-Mufasl fi Tarikh al-Arab Qabla al-Islam, v.6, p.505.

8 a-Shaikh a-Radi stated in the interpretation of 'al-Kafiya' v3, p.312, 'Be informed that night in the Arab history comes before the day because years are for them based on the lunar months because most of them live in the deserts who cannot be sure of the initiation of the month only by sighting the crescent, and when they sight it, they are aware that the month has begun. Therefore, the start of the month is at night as the sight the crescent at it. Sayyid Tabataba'i said in his book al-Mizaan Fi Tafsir al-Qur'an v.2, p.56, "People have no hand on the creation to decide their actions and deeds that are all related to the movement to Time, and this has required that Time related to their affairs to be divided into small and large parts such as night and day, the day and month, seasons and years by Allah' Care that organises the affairs of His Creation and guide them to the goodness of their lives. The apparent partitioning that is beneficial for the knowledgeable, the illiterate, the Bedouin and the city man and easy to be memorised by all is the division of the lunar months to days which can be understood by anyone with sound senses rather than the solar which people are not aware of and their precise calculation was not known to them only after long centuries from the start of their life on earth, though the calculation of the solar months is not accessible by all people.

mathematical knowledge as the solar one, and it is easy to observe it in the areas where they live and the sky is always clear throughout the year. So, relying on the lunar months rather than the solar ones is the proof that the start of the month to them for each place is confirmed by the ability to see the crescent on the horizon of that place and sighting it is possible by any of them who is close to the area where it can be seen.⁹

But the appearance of the crescent and being visible in a place- even in one of the European countries, Persia or at high seas means that the month has begun in neighbouring countries that share the night with that place is contrary to what has been previously mentioned about their reliance on the lunar months because sighting the crescent cannot be achieved by all and it is possible to be sure of sighting the crescent only by using the precise mathematical calculations or by advanced communications systems which they did not have at that time.

In other word, if the start of the lunar month according to them is based on the proof of sighting the crescent even in places far from theirs, they would not have satisfied that the month has not started in their areas because the crescent has not been seen in spite of a clear sky with

9 Some of the aspects of the Arab relying on the states of the moon in knowing the days of the month is the interest in giving them certain names. al-Mas'udi said in Muroojul Thahab, v2, p.193, "The Arab used to know every night of the months according to its brightness and other things through question and answer. He added in page 195 by saying, "The Arab call the first three nights the 'first three bright', and the three that follow them 'the three brown' and the three after them, 'the blossomy ones' ... etc." He added, "As for the names of the moon, the Arab call the first night of 'crescent, and shape of it that is not full circle is a crescent but if it has become a full circle it is called a full moon and if it is covered by something but is still bright is called a moonlet"

no obstacles that obstruct the sighting. They could have considered this as a temporary measure and waited until news arrived from far countries about the proof of sighting the crescent or not because this situation is similar to the sky being cloudy in their area and the crescent could not have been sighted. However, this is not true.

Generally speaking, it should not be doubted that the beginning of the lunar month for the Arabs before Islam is nothing more than what has been stated earlier, i.e. sighting the crescent in their area, not as late Sayyid al-Khoei has stated.

Islam has approved the use of the lunar month by the Arabs as Allah the Exalted revealed in this Qur'anic verse¹⁰: **“They ask thee concerning the New Moons. Say: They are but signs to mark fixed periods of time in (the affairs of) men, and for Pilgrimage.”** They are times and fixed periods for their affairs. All regulations and rules in Islam are based on the calculation of the lunar months and there is nothing in Islam that stands against what people have adopted in deciding the beginning of the lunar month. If there was such a thing, it would have been known to people because of its urgent need for this issue.

(The second proof): The situation requirement for the start of the month in the countries that lie to the east of the country that share the night with the country where the crescent has been spotted is either the fall of the single night in that country happens between the two months when the early hour of the night coincides with moment

10 al-Baqara, 189.

of sighting the crescent in the country that lies to the west in the previous month and the ensuing days of the next month, or the start of the month in it is before the visibility of the crescent from any place on earth, and both situations are not supported by the common practice.

(The third proof): If the situation requirement for the start of the new month for the person who wants to observe his duties is the proof of sighting the crescent in a country that is far from where he lives, the fasting of the prophet (P.B.U.H), and the infallible Imams and their fast-breaking and hajj and other religious duties which occur in certain days of the lunar months would not have been performed in their exact times in most cases but it is clear that they have relied on the sighting of the crescent in their countries in deciding the start of the lunar months, or in the countries that are close to theirs, though the crescent for most lunar months were visible in countries that are far away from where they lived as modern computer programs can prove this reality.

The crescent for the month of Shawal could, for example, to be sighted in Australia, South Africa or South America on a number of occasions on Saturday night but it was not possible to be sighted by the people of Medina Munawara or Iraq- as it has happened a number of times in our present age, the prophet and Imam Ali fasted on those days, though it was Eid al Fitr there when fasting is not allowed in it, and this, of course, could not have been carried out by them.

And this is absolutely impossible because the prophet and Imam Ali have enjoyed the knowledge by which they could identify the location of the crescent in the other

countries because it only requires precise mathematical calculation to find out the height of the crescent from the horizon and its angle distance from the sun and the rate of the luminous side to the biggest size of the circumference of the disc. This method of calculation was known to the Arabs and others even at those days. If the height of the crescent in Australia, for example, is twelve degrees and far from the sun by eight degrees and the rate of the luminous side is 3%, for example, the crescent in this case can be spotted by the eye in those countries unless it is hidden by certain obstacles such as the clouds, even though it is invisible in the Arab Peninsula or Iraq. This calculation does not require the knowledge of uncovering the unknown in order to say that they did not employ it for such cases.

Realising this does not generally require the exact calculation but it was enough to predict the rise of the crescent at different places by knowing the location of these places and the possibility of sighting the crescent in them which was known to many people.

In any case, fasting and the fast-breaking of the prophet and the Imams were performed according to the sighting of the crescent in their own countries or the countries close to theirs, though the crescent was visible to be sighted in far countries such as Syria and Abyssinia before it was visible to be sighted in their countries.

Among the narratives which confirms this is the authentic one which was narrated by Abi Ali Bin Rashid¹¹ who said, “Abulhassan al-Askari wrote to me a letter

11 Tahthib al-Ahkam, v4, p.167.

which he dated Tuesday, a night left from the month of Shaban in 232H, and Wednesday was a doubtful day and people of Baghdad fasted on Thursday and I was told that the crescent was spotted on Wednesday night and it disappeared only a long time after the twilight. He added by saying that he believed that fasting was on Thursday and Ramadan started on Wednesday in Baghdad. He said that he had written to him wishing him more success as he fasted on the same day they did. He continued by saying that he had then met Abulhassan al-Askari and asked him about what he had written to him. He replied, “Have not I written to you that you fast on Thursday and do not fast unless you sight the crescent.”

The reason I have quoted this narrative is the statement of Imam al-Hadi in which he confirmed that the day of Thursday was the first day of Ramadan in the year 232H in Medina al-Munawara¹² where they both resided and in Baghdad where the enquirer lived, though according to the precise astronomers’ calculations, the crescent for Ramadan was clearly visible to be seen on the night of 20th March 847 of the Gregorian Calendar in most parts of the African Continent and in both the American Continents.

(The fourth proof) is the report of Mu’mar Bin Khalad¹³ on the authority of Abi al-Hassan who said, “I was

12 Ibnul jawzi said in ‘al-Mutadham ,v3, p.364 about events of the year two hundred and thirty-three, “in this year Yihya Bin Harthama who was governor for the road of Makkah brought Ali Bin Mohammad Bin Ali al-Rida Bin Mosa Bin Ja’afar from Medina.

13 Thathib al-Ahkam, v4, p.166.

It is noticed that al-Shaikh has attributed this narrative to Mu’mar Bin Khalad who is well accepted in his book, ‘al-Fahrast’, but it is doubtful that he is the source of its reporting. He has mentioned his name here

sitting with Abil Hassan at the last day of the month of Sha'ban. He was not fasting and food was brought to him in the afternoon and he had invited me to it. I asked him, "May I be your ransom, Are you not fasting today?" He asked me, "Why?" I said that it was reported that Abi Abdulla said about the doubtful day that it was (a blessed day.) He replied, "Do not you know he said that because it was a doubtful day- it is either a day from the month of Shaban or Ramadan and he fasted that day and if it were from Ramadan it was a blessed day for him, but if there is no doubt or any other reason, there is no fasting....."

The reason I have referred to this report is that the Imam has made the fasting of that day which comes after the 29th day of the month of Sha'ban as a precaution because he was not definitely sure if it was from Sha'ban or Ramadan, though the utmost requirement for sighting the crescent was a clear sky and the certainty that there was no obstacle that obstructed the sighting of the crescent in the country of the person who was obliged to observe the precepts of Islam to be sure that it was not visible to be seen by the naked eyes. If it was enough for the month to start in a country by possibility for sighting the crescent even on the horizon of another country, this would have been applied to that doubtful day which was

for the first time, and it may be its base is what has been stated in the tradition no.33 which the name 'Ali Bin Ya'qub mentioned in it and Ali Bin Ya'qub's narratives are not well documented and being among the Mashayikh Ibn Quluyah in Kamil al-Ziyarat is not enough. As his being joined in some copies of al-Tahthib to Mohammad Bin Ali, the very reliable one is a clear mistake. The conclusion is that the narrative of Ibn al-Fadil on the authority of Ali Bin al-Hassan Bin Fadaal, and it is not acceptable according to Tabaqaat because the former is considered from the tenth class and the latter from the seventh, in addition that the narrative of of Ibn al-Fadil is

neither from the month of Sha'ban nor from Ramadan and the Imam would not have advised to fast it as a precaution and this is very obvious.

(The fifth proof): It is the authentic narrative of Mohammad Bin Issa¹⁴ who has reported that Abu Amru wrote to the Imam asking him. "My Master could you please tell me when we are in doubt of the visibility of the crescent of the month of Ramadan and we cannot sight it even though the sky is clear and people break-fasting and we follow them in this regard and some of the mathematicians stated before us that the crescent was seen on that same night in Egypt and Africa and Andalusia. Is, my Master, the claim of the mathematicians acceptable in this regard and the obligation on people of Amsar (the conquered countries by Muslims) is different so the time of their fasting and fast-breaking will be different from our times?" The Imam stated by saying, "Do not fast when you are not sure, fast on sighting the crescent and break-fasting when you see it at the end of the month."

The reason for quoting this narrative is that the enquirer based his query on the concept of the horizons difference because he has not doubted even if the mathematicians' claim was right about spotting the crescent at that night in Egypt, Africa and Andalusia, the obligation on the people of Amsar will be different, i.e. fasting Ramadan has to be observed, particularly by those where the crescent is visible to be seen by them but he has not thought about the possibility that people of his own country must observe Ramadan even though the crescent was

14 Thahtib al-Ahkam, v4, p.159.

not seen by them but it was sighted in another country.

The Imam's reply does not imply any objection to the enquirer's view, though the Imam has not accepted it as it will be explained later if Allah, the Exalted, will.

These narratives are the most important ones which can be quoted here to clarify that the basis for the start of the lunar month in a country is confirmed by the sighting of the crescent there.

The second type of evidence Sayyid al-Khoei relied on is the texts which confirm this and below are some of them,

1. The reliable narrative of Hisham Bin al-Hakam¹⁵ quoting Abi Abdulla as saying about the person who fasted twenty-nine days, "If the person has a sound proof that the people of Egypt fasted thirty days on sighting the crescent, he has to make up for the day, i.e. fast another day."

This narrative in its general meaning indicates clearly to us that if the month of Ramadan was thirty days in Egypt it was also thirty days in other countries, regardless if these countries have the same horizons or not because if the word (Masr) means Egypt, whose horizon is the same as the country of the enquirer, the Imam would have clarified this but because he did not comment further on the issue while he was explaining, means his comment was not specific but general.

2. The reliable tradition of Abi Basir¹⁶ quoting Abi Abdulla as saying, when he was asked about the person

15 Tahthib al-Ahkam, v4, p.158.

16 Ibid, v4, p.157.

who makes up for the day of Ramadan, “ Do not make up for it unless two just witnesses from among the people who observe their daily prayers confirm the exact day the month has started.” He added by saying that the person who wants to make up for the day must not do so unless people all the people of the Amsar do the same. If they have decided to make up for it, then fast it with them.”

The proof in this narrative is in the two main sentences they are:

(The first): “Do not make up for it unless two rightful witnesses from among the people who observe prayers” clearly indicate that the time for the start of the lunar month is one time for all people who observe prayers and not as many as the different horizons.

(The second): “Do not make for it unless people of all Amsar do the same” is as clear in its meaning as the previous one. It confirms that the time of the lunar month is one for all countries and not as many as their different horizons.

It can be said that this sentence confirms that sighting the crescent in a country is enough proof that it can be spotted in the other countries, regardless if they enjoy the same horizons with that country or have different ones. So, it can be concluded that the judgement that is applicable on sighting the crescent, i.e. moving of the moon away from the direct sunlight is one for all people on earth and not for a certain area.

3. The reliable narrative of Ishaq Bin Amar. He said that he asked Aba Abdulla (P.B.U.H) about the crescent of Ramadan which could not be seen on 29th of Sha’ban

because of the clouds. The Imam said to him, “Do not fast that day unless you sight the crescent, and if it is confirmed that it has been sighted by people of another country, then make up for that day.”

This narrative is a clear proof in its general meaning that spotting the crescent in a country is enough proof for other countries, regardless if these countries enjoy the same horizon or not, otherwise to abide that it was used for clarification.

4. The reliable narrative of Abdulrahman Bin Abi Abdulla¹⁷ who said that he had asked Abi Abdulla (P.B.U.H) about the month of Ramadan whose first day could not be seen on 29th of Shaban because of the clouds. Abu Abdulla told him that he must not fast that day without sighting the crescent, adding if people of other countries confirm that it was seen by them, then he makes up for the day. This narrative is correct as the previous one in support of what we have stated.

It can be noted from what late Sayyid al-Khoei stated that

1. the application of the text of these two narrations- Abdulrahman Bin Abi Abdulla and Ishaq Bin Amar- in the sense that if the crescent is seen or not in a city of a cloudy sky to cover all circumstances to mean that the doubt of not sighting the crescent in the sky of a country means it cannot be seen in another country sharing part of the night with that country.

The clarification of this is that both narratives raise the question about the concealment of the crescent of the

¹⁷ Ibid, p.157.

month of Ramadan. The Arabic verb (ghamma) means to conceal or veil but clearly this concealment does not mean it is being covered by clouds because if that is the case, it would be enough confirmation for the start of the month, because the application of the texts is not applicable in real sighting and this is clear. Therefore, the concealment of the crescent here does not mean of being covered by the clouds but the concealment is used figuratively to refer to its position, i.e. the concealment means covering the area of the position of the crescent by the clouds, and this is behind the doubt about the presence of the crescent on the horizon of that country.

The question is that if the position of the crescent is covered by white light clouds and it has become doubtful of its presence beneath, what is then the duty of the person who is obliged to observe the precepts of Islam (Mukalaf)? The Imam's answer is that he must not fast that day without sighting the crescent but if people of another country confirm that they have seen it, he must make up for it, i.e. fast another day and the reason because the doubt about the presence of the crescent on the horizon of that country has already been revoked because it was seen on the horizon of a neighbouring country. So, the invisibility of the crescent in that country because the crescent being covered by white light clouds requires that the person must fast another day, i.e. to compensate for missing fasting the first day of the month.

The word 'country' in both narrations is not generally applicable to a far country where the sighting of the crescent in it cannot be a proof for its presence in the country of the (Mukalaf) as if the crescent would not have been

spotted there and the situation remains doubtful, though it was seen in another country.

2. The reliable narrative of Hisham Bin al-Hakam and similar ones to it and the authentic tradition of Sama'a¹⁸ that he asked Aba Abdulla about the doubtful day. Abu Abdulla said, "If the people of the country agree on it, then make up for it if their number is five hundred." However, these two narrations are not applicable here because they are clarifying another issue which is the condition that there is no one who opposes the testimony of seeing the crescent in the another country because the sighting was confirmed unanimously by the people or by evidence which cannot be annulled by opposing evidence. This is the distinct meaning of Hisham's tradition in which he has considered the fasting of the people of Egypt as evidence. The expression (people of Egypt) refers to their unanimous agreement of people which is taken as confirmation for spotting the crescent, which does not normally happen without conclusive publicity or by unchallenged proof which has been referred to in other narratives that the one who claims he has seen the crescent has to speak out saying,¹⁹ "I saw it." And people answer, "You told the truth." Or, if it was seen by one, then it was seen by ten, and if it was spotted by ten, then it was sighted by a thousand.

Generally, the aim is to concentrate that the evidence was established to be sure that the sighting of the crescent is officially determined to the people of that country, but the testimony of two witnesses from the people is

18 Men la Yahdrahu al-Faqih, v2, p.77.

19 Tahthib al-Ahkam, v4, p.156, 164.

not enough evidence for the confirmation of sighting the crescent at all if they were the only ones out of a great number of people who have been monitoring the appearance of the crescent claim they have seen it.

The authentic narrative of Sama'a is clearer than the reliable tradition of Hisham because it contains the obligation of fasting that day if people of the country agreed to fast it as the crescent was seen by at least five hundred persons.

And, if the Imam in both narratives was clarifying what has been stated, his explanation is not applicable generally to include the country which does not necessarily enjoy the same horizon with country of the (Mukalaf). He decided then to derive an example from (Umal-Usul), the Principles of Jurisprudence. If it is understood that the speaker is an explainer from one hand but doubts himself of being so, it is illogical then to accept that he is an explainer to be able to adhere to the general applicability in this case as well.

3. The issue of the two traditions of Abi Basir- as Sayyid al-khoei said- is the day to be compensated from the month of Ramadan, and it is understood that some people do not fast the day that is doubted to be from the month of Ramadan as an obligation, then make up for it after the elapse of the month. The Imam forbade fasting as compensation unless the crescent was definitely seen before that day.

But as it has not been confirmed that it is meant by the day to be compensated from the month of Ramadan is any doubtful day but it may mean the 'doubtful day

itself' because of an obstacle in the sky which may conceal the crescent. The Imam's answer does not imply an obligation for compensating the day even if the crescent was seen in a far country as there is no relation between sighting the crescent in that far country and spotting it in the country of the (Mukalaf).

Moreover, the argument in both traditions can be refuted because of the distinct meaning, first is - as al-Kashany²⁰ stated- that it is enough the witness to be a Muslim, regardless to his true belief, and there is no proof in the narrative that suggests it is enough for the testimony to be from any Muslim country is only a sort of interpretation and what is meant by 'people of prayers' is the country where payers are held by omitting the word of the genitive case and replacing it by the substitution case to mean any country of prayers. There is no need to interpret the narrative and use it as a proof.

The distinct meaning of the second one is the obligation of fasting that day when it is compensated by all Muslims of the countries with the cloudy skies and this cannot be abided by and because of this Sayyid al-Khoei has considered their use is absolutely general to cover all the aspects of the text; i.e. the substitution of 'all' by 'any' so the meaning is as follow: Do not fast that day until it is compensated by the people of any country, but this is not specific unless it is meant by the (al-Amsar) the countries that are close to the country of the (Mukalaf), which the affairs of its people are accessible, and this is closer to the meaning of the narrative than what Sayyid al-Khoei has suggested.

20 al-Wafi, p.137.

It becomes clear that none of the narrations he has used to justify his opinion supports what he has aimed at, even if it is agreed that their general applicable use for themselves, the previous five examples are suitable to restrict them and not to drop their claimed general applicability. So, reflect about it.

There are also two other narrations which can be used to prove his point. They are

1. The authentic narration of Mohammad Bin Issa which has already referred to in the (fifth proof). The evidence in it is that when the Imam (P.B.U.H) abandoned answering the enquirer, Abu Amru, that what the mathematicians said might be right and said instead to him, “Do not fast when you are in doubt but fast when you spot the crescent on the horizon and break-fasting when you see it at the end of the month”, he has considered Abu Amru as doubter about the start of Ramadan in his country. Although the sky was clear, the crescent has not been seen on the horizon and that Ramadan has already started may be true only if the mathematicians’ statement about the possibility of sighting the crescent in the far country and sighting of the crescent is enough for the month start in all countries. The narration, therefore, refers to the unity of the horizons contrary to what Abu Amru incorrectly thought.

But this inference is weak because the Imam has aimed by his reply to explain to Abu Amru that the mathematicians may be right, and to refer to his mistake on which he incorrectly based his conclusion that people of Amsar fast at different times, assuming what has been said by the mathematicians was true. However, the reply

does not entail such meaning.

The closest entailment of the Imam's reply is that he does not want to give an answer to Abu Amru as a caution because it may be understood that the mathematicians' views for sighting the crescent can be taken into account, an issue which the Imams have stressed their rejections to- but when Abu Amru stated at the beginning of his speech, "we might have confused by the crescent of the month of Ramadan" which its distinct meaning that he has doubt about the presence of the crescent on the horizon of his country in spite the absence of the obstacles in the sky or the possibility that the crescent was so weak and too close to the horizon at the sunset and could not be seen because of the presence of a sort of light smoke that cannot be detected by the sighter, the Imam suggested to stop fasting during the day that is doubtful because fasting is done in accordance with the sighting of the crescent. So, there is nothing in his reply which implies the unity of the horizons.

In other words, there is no hint in the Imam's reply that the doubt at a time of carrying out an obligation is raised by the possibility of seeing the crescent in the far country to say it is required to conclude that the month starts in all countries at the same time, but it is better to say that the doubt for not seeing the crescent even with the absence of an obstacle in the sky does not remove the doubt in the presence of the crescent on the horizon and the right expression for it is (confused) at the beginning of the question and therefore the narrative is not fit as evidence as he claimed.

It is possible to state that as the Imam has not ob-

jected to Abu Amru's conclusion on which he based on the view that people start fasting Ramadan at different times if the mathematician's statement was correct may be considered an acknowledgement by him for his correctness, so reflect.

2. The report of Ibn Abi Hamza²¹ in which he said that he was with Abi Abdulla and Abu Basir said to him, "May I be your ransom. Which night(s) (is, are) (it, they) that one's wishes are answered?" He replied that it is either twenty-first or twenty-third. Then Abu Basir said, "If I cannot ask in either of them." The Imam said, "What easier two nights to ask what you want to ask." I said, "We may spot the crescent but we are told contrary to this by someone who comes from another country." The Imam said, "What easier four nights you ask in them...."

The reason for quoting this is that the meaning in the enquirer's statement: "we are told contrary to this by someone who comes from another country." Someone came from another country to tell us that the crescent was seen in another country in a night previous to the night where the crescent was spotted in the enquirer's country. The Imam ordered caution for four nights because of the possibility of seeing the crescent in another country and he did not state if that country is close or far from the enquirer's country which indicates that there is no difference between the far and the close one, and if the crescent is spotted in a place, it is for the initiation of the month, and this is the aim.

But this reasoning is weak because when the Imam

21 Al Kafi, v4, p.156.

has declined to specify the Night of the Majesty (al-Qadr) by saying, “What easier two nights for what you want to ask”, Ibn Abi Hamza tried to persuade the Imam to specify it, assuming that the beginning of the month happens at the first two nights which would make caution insufficient to realise the Night of the Majesty within two nights, and he, by suggesting the issue of sighting the crescent in the previous night in another country because of his belief that if the claimer of spotting the crescent is one of the people of the country, he is proud of the correctness of his claim contrary to the texts which confirm if the crescent was seen by a person, then it was spotted by a thousand ones.

Generally speaking, the enquirer’s aim by, “We may have seen the crescent” was in fact a mere presumption that the beginning of the month happens within two nights in his country and he does not mean that this happens any other place where the crescent is to be sighted outside his country. The Imam also has intended to clarify that the start of the month within two days as the enquirer has assumed requires the caution of four nights for the one who wants to realise the Night of the Majesty and he was not occupied in clarifying that that the claim of sighting the crescent outside the country requires caution about the start of the month at all.

In other words, the last part of the narration was mentioned to clarify the following: Though the start of the month in the country happens within two days, the caution of four nights is required to realise the Night of the Majesty, and it was mentioned to clarify that with the possibility of sighting the crescent in another country, the

start of the month within two days in the country of the Mukalaf is to achieve general application that the other place and the country of the Mukalaf enjoy or do not enjoy the same horizon.

Adding to this, the report is untrue because its narrator Ibn Abi Hamza who has quoted the Imam is Ibn Abi Hamza al-Bita'I and not a-Thamali as mentioned in some of copies, and al_Bita'I cannot be trusted.

Sayyid al-Khoei (may Allah's acceptance be with him) then said, "And confirming this is what has been mentioned in a number of narrations about the way of praying the prayers of both Eid al-'dha and al-Fitr and the type of Takbir to be recited, quoting the Imam as saying this Takbira, "I ask You in this day that You have made it Eid to the Muslims."

The propositional phrase "in this day" in his sentence means a specific day that Allah, the High, made it Eid for Muslims and not any other day can be Eid al-Fitr or al-adha in all different countries of different horizons on sighting the crescent.

This is from one hand and from the other hand Allah made this day Eid for all Muslims and not specifically for people of certain country where the prayers of Eid are performed.

The result is, in view of this, the day of Eid is one for all countries and areas regardless of their horizons and their sunrises.

And what confirms what we have mentioned is the Qur’anic verse that **‘the Night of the Majesty’** is one specific night for all people on earth regardless to the horizons of their countries because the Qur’an was revealed at that night, the Night of the Majesty which is better than a thousand months and in it every great matter is decided. It is clear that deciding on every great issue and is not specific to a certain place of the earth but for all the places on it.

This is from one hand and from the other hand it has been reported in a number of narratives that during ‘the Night of the Majesty’ everything such as the fates, disasters, livelihoods and others are decided and written down. It is clear that deciding upon those issues and writing them down on this night is for all humanity on earth and not restricted to a certain place or area.

The conclusion is that ‘the Night of the Majesty’ is one for all people on earth and not different nights for different places. Moreover, in all narrations even the weak ones, the issue of the unity of the horizons was not referred to.

From this, it can be inferred that this is accepted not because of the narratives but because of the analogy we have mentioned about this issue in comparing it with the sunrise and sunset and you have realised, of course, it is an analogy but with a difference.

The points below can be concluded from what al-Khoei said:

1. The unique unity of the day of Eid al-Adha and the Night of the Majesty cannot be achieved even if we agree

on his methodology of the uniqueness of the Eid (there is only one Eid), though he later opted for the opinion that countries that enjoy the same part of the night with the country where the crescent has been sighted share with it the beginning of the month but the countries that do not enjoy such thing, the start of the month of Ramadan is the next day. How can he then state that the day of the Eid is one for all Muslims and the Night of the Majesty is a unique one for the people on earth, regardless to the location of their countries?!

In general, there is no way but to abide that the unity of the night of Eid and the Night of the Majesty are relative and not unique.

2. The absence of the reference in all narrations to consider the unity of the horizon for sighting the crescent if seen, which is not as seen earlier, if it indicates to anything, it confirms the correctness of the other argument, i.e. the proof for the initiation of the month in a country where the crescent is sighted and this does not to be explained as people would fast according to the crescent sighting and according to their experiences, but the other opinion that states that sighting of the crescent in a place on earth shares part of the night with the country of the Mukalaf is the one that needs to be explained and defended.

3. It is clear now from what has been stated earlier that the popular opinion that considers the unity of the horizon for the confirmation of the month has not been resulted from the comparison between the rise of crescent to the sunrise but because of another thing as we have referred to before.

You realise from what has been stated before that the popular opinion that is accepted by our scholars²² (Ula-

22 The Sunni Ulama may all of them agree, apart from some Shafites, that it is enough if the crescent is sighted in one country, though some of them begin raising questions about this. al-Kashani al-Hanfi said in 'Badaa' a-Sanaa', v2, p.83, "If the people of a country fasted thirty days and the people of another fasted twenty-nine days, and if the fasting of the people of the former country was based on sighting the crescent, the people of the latter country must compensate the day on condition that the two countries are close to each other and they do not differ in the sunrise. But if the two countries are far away from each other, the fasting of any one them is not abiding for the people of the other because the time of sunrise in countries far from each other is different."

Ibn Rusd al-Maliki said in 'Bidayatul Mujtahid', v1, p.231, "Is it an obligation for the people of a country who have not sighted the crescent follow a county where the crescent was spotted, or each country abides by its sighting?" Here, it is controversial. As for Malik Ibn al-Qasim and the Egyptians reported on him that if was confirmed that the crescent was seen in one of the countries, the other one follows and people must compensate the day if they have not fasted it but fasted by others"

al-Mindiyyun reported on Malik that sighting cannot be abode by hearing about it to the people other than where it has been sighted unless people are told by their imam to do so." al-Majashun and al-Maghira, followers of Malik said the same, and they unanimously agreed that people of far countries such as Andalusia and Hejaz are not obliged to follow.

a-Nawawi a-Shafitic in 'al-Majmu' fi Sharh al-Muhthab, v6, p.273 said, "If the crescent of the month of Ramadan is seen in a country but it is not seen in others, the close countries to it are considered as one country and the people of the other country must fast, but if the countries are far from where it has been spotted, there are two views: the most correct is that fasting is not an obligation for the people of the other country and this has been agreed by al-Musanf, Shaik Abu Hamid, al-Bandaniji and others and it is corrected by al-Abdari, al-Rafi'I and the major-

ma) and has not been challenged by any of them up to the

ity of Shafitic jursits. The second view is that people of other countries must fast and this has been adopted by a-Salbn ymari and corrected by al-Kadi Abultaib wal Darmi, Abu Ali a-Sinji and others. Qudama al-Hanbali in 'al-Mughni' v3, p.7 said, "If the crescent is sighted in country people of all other countries must fast." This is the same of al-Layth's view and some of the Shafi followers. Some of them said, "If the distance is small between the places and they enjoy the sunrise as between Baghdad and Basra, people must fast if the crescent is sighted in either of them. But, if they are far from each other as between Iraq, al-Hejaz and a-Sham, each country has its own day of fasting, depending the sighting of the crescent in each of them. It has been reported on Ukruma that he said, "People of each place/ country has their own sighting, and this the view is also of al-Qasim, Salim and Ishaq according to the report of Kareeb who said, I arrived in a-Sham and we spotted the crescent on Friday night. When I arrived in Medina at the end of the month, I was asked by Ibn Abass, "When the crescent was spotted?" I answered, "Friday night." Ibn Abass asked me, "Have you yourself sighted it?" I said, "Yes, and it was seen by people and fasted and Mu'wiya fasted." He said, "But we spotted it on Saturday night and we are continuing fasting until we complete thirty days or we sight it." I said, "Is it not enough that it was sighted by Mu'wiya and his fasting?" He said, "No, and this is what were told by the messenger of Allah."

al- Muradi al-Hanbali in 'al-Insaf', v3, p,273 said, "If the crescent is sighted in a country, there is no controversy about the obligation of fasting by the person who have sighted it, and for those who have not spotted it- if the sunrise is enjoyed by all the places, people must fast, but if sunrise is different from one place to the other, the correct view is according to the sect, i.e. the Hanbali must fast also..." al-Fa'eq said, "sighting the crescent in place/ country obliges every Mukalaf must fast, and it is said it is an obligation for people whose place enjoys the same sunrise with the previous one." He added, "Our Shaikh, i.e. Shaikh Taqildin {Ibn Taymiya} said, "The knowledgeable have agreed that sunrises are different and if they are one, fasting must be abode by; otherwise no."

time of al-Kashani (1091H) is the closest to the reality and is worth to be accepted.

However, there remains one thing that was believed in the past and it is that if the crescent was sighted in a place, it would be possible to be seen in countries that lie to the west of it and some jurists have justified this, stating that the moon does not stop or goes back.

However, it became obvious later this opinion is not generally applicable but it is true when the countries are close in their latitudes and the distance between them only one or two degrees because the crescent's size becomes bigger with the elapse of time as moving west. If it was sighted in Sydney in Australia and its age at sunset was 21 hours and 36 minutes, its age in Tehran is 27 hours and 50 minutes and in the honoured city of an-Najaf is 28 hours and 19 minutes and in London is 30 hours and 57 minutes and so on, but this does not necessarily mean that it can be sighted in all countries to the west of Sydney because the height of the crescent on the horizon decides its visibility and if it can be seen or not. If the age of the crescent is 20 hours at the height of 8 degrees, it is possible to be seen but it cannot be sighted at the age of 30 minutes because its height is only two

It can be concluded from the above that al-Hafiya and al-Maliki said, "Sighting the crescent in a country is enough proof for the people of close countries and not very countries but not to the people of all countries. The majority of Shafites do not state that sighting the crescent in a country is enough proof for countries that are not close to it. There are some of the Hanablites who do not adopt this such as Ibn Taymiya, in addition to other jurists whose names were mentioned in this booklet.

degrees, and because of certain difference of the places on the latitude, the degree on the height of the crescent is affected at sunset. So, it cannot be found, for example, if the crescent can be sighted in London if was seen in an-Najaf.

It was believed before also if two places lie at the same longitude, i.e. they enjoy the same sunrise and sunset; the crescent can be sighted in both of them.

Thus, if the place where the crescent was seen lies to the west to the country of the Mukalaf and the crescent remains visible after the sunset more than the difference in time between them for the sunrise and the sunset, this indicates that it is possible to spot the crescent in the country of the Mukalaf as well, and if it was not seen this is because of an obstacle such as dust, fog, clouds and others.

However, it was found later that what has been said is not absolutely perfect and only when the two places lie at the point of the latitude- one or two degrees as shown earlier when there is certain difference of the latitudes, the height degree of the crescent is also different and it may be visible, for example, in one country but cannot be sighted in another.

In view of the above, the correct method to follow to find out if it is possible to sight the crescent in the country of the Mukalaf with its visibility in another country is to make use of the precise astronomic data that decide its size and height from the horizon at the sunset and its angle distance from the sun in both countries. If the crescent's characteristics in the country of the Mukalaf are

better or similar to where it was sighted, it would be satisfactory that it can be seen in the country of the Mukalaf also; otherwise not.

This is the available space for this issue and its details are found in the notes taken from him on the chapter of fasting of Urawatul Wuthqa, and praise is due to Allah, the Master of the Worlds.

Crescent Sighting with the help of instruments is not enough

Question (2): His Eminence Grand Ayatullah Sayyid as-Seestani was asked earlier weather sighting the crescent with help of binoculars with which the sighter is satisfied that what he has seen is the crescent, but the crescent cannot be seen by the naked eyes. Can this sighting be considered and can it considered by someone else?

His Eminence answered that sighting the crescent with instruments that bring things closed to the sighter cannot be considered by the sighter or by anyone else.

Some of the knowledgeable people may ask about the reason for this fatwa because the word (sighting) mentioned in the texts is generally applicable to mean sighting by the naked and with the help of instruments, but because sighting with instruments was not familiar, there is no harm to have it included with the ‘sighting’ as in similar cases, particularly ‘sighting’ is a way for confirming the appearance of the crescent on the horizon and there is no subjectivity to it.

In addition to this, there is the reliable tradition of Ali Bin Ja’far on the authority of his brother Mosa Bin Ja’far, who said I asked Mosa, “Does the person who

sights the crescent of Ramadan himself but no one else sights it fast?” He said, “If he has no doubt, he must fast, but if he doubts, then he fasts with the people.”²³

If ‘Sighting’ is restricted to those with sharp eye-sight because of the use of ‘laa’ instead of ‘lem’, though ‘laa’ in Arabic grammar before the verb restricts ‘sighting’ to a lesser number of people with sharp eye-sight, it is a proof that sighting the crescent with sharp eyes is enough, so instruments such as binoculars telescopes can be included to the sharp eyes.

Answer: 1. Adhering to all the texts dealing with sighting in the general meaning is not reliable as the crescent is used by the Arabs for fixed period of times for start of the lunar month which they have depended on for all their affairs, and when Islam came, it has approved the using the lunar months as Allah revealed in the Qur’an, **“They ask thee concerning the New Moons. Say: They are but signs to mark fixed periods of time in (the affairs of men), and for pilgrim.”** It is doubtless what is suitable for identifying ‘the fixed time’ for people in general is the crescent that appears on the local horizon in a way visible to the normal naked eyes, but what can be sighted by binoculars and any similar apparatus or only by exceptional very sharp eyes is not suitable for identifying the ‘fixed time’ for people at large.

And in this context, it must be understood the aforementioned ‘sighting’ in the texts means the appearance of the crescent on the horizon with certain size and height suitable to be sighted by the naked eyes in a clear sky.

23 Tahthib al-Ahkam, v4, p.317.

2. As for the reliable narration of Ali Bin Ja'far, what is meant by 'cannot be sighted by others' is that 'others' fail to spot it but not the impossibility of sighting it only by the person with exceptional very sharp eye-sight but to claim that the person is unique and there is no similar person to him is a presumption that is not true at any time. So, the reference of the narrative is not solely to the person with sharp eyes who can sight what others cannot but the general application for the use of binoculars is violation to the rule.

It may be said that this narrative was dealing with another issue, in the form a question and answer, "Is 'sighting' the crescent by a person is enough evidence for that person himself or not?" because a number of texts and narratives such as of Mohammad Bin Moslim, Ibi Ayub al-Khazar, Abdulla Bin Bakir and Abi al-Abass²⁴ confirm that 'sighting' is worthless if it is claimed by a person who is not believed by others who are monitoring the appearance of the crescent. The narrator of the previous narrative wanted to know if the obligation is for himself only or others must abide by his 'sighting', particularly a number of Sunni jurists²⁵ say the sighter is included and he fasts only with the people. The Imam has answered this issue by saying that if the sighter has been sure of sighting the crescent, he has to act according to it but if he is not definitely sure of the 'sighting', he has to follow others, i.e. his 'sighting' is an obligation for himself but not to others.

The narration was quoted to clarify that the 'sighting'

24 Ibid, v4, p.156,160, 164.

25 See al-Mughni liibin Qudama, v3, p.92.

by the person with sharp eyes is evidence for himself rather than to others and cannot be a proof to be accepted by others because the crescent could not be sighted with the normal naked eyes.

Moreover, if the initiation of the month is based on appearance of the crescent on the horizon in a way that is possible to be sighted by the most powerful binoculars and telescopes, the prophet and the infallible Imams would not have been able to fast and carry out other obligations which had to be performed on ‘specific days’ of the months because, as it is known, they relied for the start of the lunar months on sighting the crescents with the normal naked eyes, though the crescent cannot often be sighted by the normal naked eyes and be visible and high on its night and cannot be visible in the night before to be seen by binoculars or telescopes. So is sighting by using such apparatus obligatory and must be observed?

Crescent Sighting cannot be confirmed by the astronomers' announcement

Question (3): His Eminence Sayyid as-Seestani (may Allah give him a long life) states that sighting the crescent cannot be confirmed by the astronomers' announcement, though astronomy relies on strong scientific bases and authentic mathematical calculations, and the margin of error is very narrow. The astronomers have been preparing tables for the sunrise and for the appearance of the crescent and other planets within our solar system, and these tables are very precise as their results are not different from the reality at least during this century and have not differed from it even once. Moreover, the astronomers' observations of the time of the waning of the moon and the time of its coming out from directly facing the sunlight and the specific time for it to be seen, its angle distance measured by curved degrees from the sun and its height on the horizon measured by degrees, and observing its furthest distance from earth are precise data known to the astronomers and for those who study astrology and not based on assumptions.

So, why it cannot be relied on the announcement of the authentic astronomers about the birth of the crescent for assertion of the start of the new month?

Answer: What has been understood from the legal evidence is that the beginning of the lunar month must be confirmed by the appearance of crescent on the horizon in a way that is visible to be seen by the normal naked eyes if not concealed by the clouds and other external things. It is not enough for the birth of the crescent by being on the horizon in a way that is invisible to the normal naked eyes at all or visible only through binoculars and telescopes and close watching.

Based on this, the astronomers' announcement about the birth of the crescent and its coming out from directly facing the sunlight cannot be considered for the entry of the new lunar month even if it is based on the conclusive mathematical calculations.

But their announcement about the possibility of sighting the crescent by the normal naked eyes in certain areas or in all places in very clear weather, as it is said, depends on two elements:

First, it depends on the special astronomical calculations about the state the crescent in those areas, i.e. its age, height on the horizon and its angle distance from the sun and other sort of factors that affect the sighting.

Second it depends on the applied authentic astronomical experiments for observing the crescent for being sure that the least required conditions are available for sighting it by the normal naked eyes, i.e. its age, height and its distance from the sun and so on.

These are controversial among the astronomers. For example, some of them state the possibility of sighting the crescent at the age of 14 hours, others state its age

must be at least 16 hours, and others put it at 18 hours and so on. Some of them state the possibility of sighting it at the height of 4 degrees on the horizon, while others state that 5 degrees are the required and others put it at 6 degrees. It is the same for other affecting conditions in sighting.

Therefore, there is no way for the Mukalaf to take the astronomers' announcement into account about the possibility of sighting the crescent in this or that place without being sure that the appearance of the crescent is in a way it can be seen by the normal naked eyes and not contradicting with the texts that forbid relying on the opinion and presumption as Imam al-Baqir said, "If you sight the crescent fast, and if you spot it again breakfasting and do not fast by opinion or assumption but by sighting."²⁶

Yes, if knowledge and satisfaction are gained even through experiment and practice that the crescent is present on the local horizon in such a size and height, and in spite of the affecting factors in sighting, it is visible enough to be seen by the normal naked eyes or cannot be seen because of the clouds, fog or dust or something similar to them, the Mukalaf is allowed to employ his knowledge and experience for his satisfaction.

26 Tahthib al-Ahkam, v4, p.156.

The nature of the evidence of the crescent sighting which is contrary to the astronomers' announcement

Question (4): It has been reported that his Eminence sometimes does not consider the testimony of the witnesses for sighting the crescent when such testimonies are in contrast to the astronomer's announcement which states that it is impossible to sight the crescent, though the testimonies are tangible but information is institutional?

Answer: The astronomers' announcement is based on two types of information:

1. The first is the one that relies on the mathematical calculations and is not shaded with personal guessing or interpretation as their information about the birth of the crescent, the time to be away from direct sunlight, its height on the horizon and the size of the luminous part and so on. Astronomers here do not disagree but mistakes may happen in the calculation.

2. The second is the one that is based on the guessing and interpretation, coupled with experience and practice as in statements of some of them that the crescent cannot be sighted only when its height is 6 degrees above the horizon or at the age of 22 hours or at such a distance away from the sun and so on.

And here there are different views. If the testimonies of the witnesses for sighting the crescent do not correspond with the astronomers' information of the first type, it becomes sure that the testimony is incorrect because here the information is based on precise calculations that the crescent is still in the waning position or disappeared before the sunset, even though two witnesses testified it was seen by them.

But if the testimonies are contrary to the astronomers' information that is of the second type, satisfaction may be achieved that the testimonies are incorrect- by collecting required information- and satisfaction may not be achieved. In this if there are two rightful witnesses whose testimonies have all the necessary evidence, the testimonies must be observed and work upon them accordingly and there is no space for suspicion to act contrary to it.

Generally, of the conditions of valid evidence for sighting the crescent is the testimony of (two rightful witnesses) whose testimony is not doubted or is not satisfied with, and knowledge and satisfaction are achieved even from the astronomers' information, for example, the crescent is still in the waning position or so thin that it cannot be sighted by the normal naked eyes, then the evidence cannot be relied on to be applicable and the astronomer's information is of no use.

About the single testimony of the crescent sighting

Question (5): Sometimes, there are scattered single testimonies about sighting the crescent that come from rightful persons in neighbouring countries that are close in the horizon, and these testimonies if put together, they form a large number that may be thirty, and in spite of this, it has been noted his Eminence al-Marj' Sayyid as-Seestani does not take them into account and use them for the confirmation for the start of the month, what is the reason for this?

Answer: The reason for not taking them into account is that if a group people in a number of countries have been trying to sight the crescent and the sighting is only claimed by few of them, and among some individuals who enjoy the same eye-sight as those who claim sighting it and the sky in each of those countries is clear and there is no obstacles in the sky that hinder visibility, such testimonies are not considered as this has been understood from a number of texts.

1. The authentic narration of Abi Ayub Ibrahim Bin Othman al-Kharaz on the authority of Abi Abdulla who was quoted as saying to al-Kharaz after being asked by him about the number of the persons that are required for sighting the crescent. Abu Abdulla answered, "The

month of Ramadan is an obligation of Allah's obligations so do not fast it on presumption, and the evidence of sighting the crescent is not by one person out of a group, who claims sighting it but others not because if it is sighted by one then it can be spotted by a thousand."²⁷

2. The reliable narrative of Mohammad Bin Moslim on the authority of Abi Ja'far who was quoted as saying, "If you sight the crescent fast and break-fasting but not by opinion or presumption but by real sighting, and sighting is not enough when ten persons try to see it and one of them claims he has seen it but it is not sighted by the other nine. If it is sighted by one, it can be seen by tens and if it sighted by tens, it is seen by a thousand"²⁸

3. The authentic narration of Abdulla Bin Bakir Bin A'yun on the authority of Abi Abdulla (P.B.U.H) who was quoted as saying, "Fast for sighting and break-fasting for it because the evidence of sighting it is that when one person or two claim they sighted it. But sighting is when one person of a group states he has spotted it; others confirm this saying, "you declared the truth."²⁹

The Imam's confirmation in these texts that the claim of sighting it by one or two from those who watch to see it cannot be taken into account because there are chances for the others to see it if it was visible on the horizon, and in the case of the one person's claim, it is preferable to consider the sighting is incorrect due to a mistake by the sense of sight that got confused for not seeing the cres-

27 Ibid, v4, p.164.

28 Ibid, v4, p.156.

29 Ibid, v4, p.164.

cent to be the crescent as this has happened on a number of occasions.

Complications of the crescent of Eid al-Fitr for the Years 1419H

Question (6): why has not the crescent of Eid been confirmed to al-marj⁷, his Eminence Sayyid as-Seestani on the night of Monday of the current year (1419) in spite of the fact that

A. There were testimonies that confirm the sighting of the crescent on that night by all true believers who are not only the trusted ones but rightful ones as well, and there were no testimonies contrary to their ones because of the presence of natural obstacles such as clouds, fog in different areas that might have concealed its visibility for others.

B. The announcement of some Ulama in Iran who confirmed the sighting according to the testimonies of groups of true believers in many different parts of the world and the break-fasting of the Iranian people in compliance with these testimonies, and Iran lies to the east of Iraq and the sighting of the crescent in it is connected to sighting it in Iraq if there were no clouds and similar obstacles. And, it is the same to all Islamic countries that announced Monday was the first day of Eid al-Fitr.

Answer: His Eminence sayyid as-Seestani was defi-

nately sure that it was impossible for the crescent of the month of Shawal to be seen on the night of Monday and those who claimed that they have sighted it might have been victims of their senses (eye-sight) that led them to think what they have seen was the crescent. There are two ways to clarify this.

1. The precise astronomical calculations have asserted that the crescent of the month of Shawal is born (starts coming out from the waning position) after the sunset on Sunday which is impossible to be visible to be seen at sunset in Asia, Africa even in Europe and America. The planners of calendars and heads of the astronomical observatories in all countries around the world such as Iran, Iraq, the Gulf States, Pakistan, India, England, Lebanon, Jordan, Egypt, Syria, Malaysia, Tunisia, Algeria and others have agreed that the crescent of the month of Shawal for the years 1419H is not coming out from the waning position at sunset on Sunday. Therefore, any person who claims of sighting it in one of those countries is either a liar or confused.

It is very clear for anyone who is aware of the methodology of the astronomers that their prediction of the time of the birth of the crescent is not based on guessing or rough calculation and personal judgement to claim that their prediction cannot be taken into account to be weighed against the testimonies of sighting it with the senses because the prediction is based on pure mathematical calculations and the ratio of error is of the rate 001% and the amount of the possible error does not exceed one minute!

2. If the crescent was not possible to be sighted on

Monday night with the help of binoculars and telescopes as this was declared by the well-known observatories such the British and the Egyptian ones and others, then how was it possible for people to sight it with normal naked eyes?

And, because of these two proofs his Eminence remained absolutely sure of the high possibility of not sighting the crescent on the night of Monday but sighting was confirmed on Tuesday when the sky was clear in a number of cities of Iraq such as an-Najaf, Kerbela, Hilla and Baghdad and a great number of people have monitored it but 99% of them were unable to spot it, and it was only seen by those who made use of the binoculars.

How remarkable! How a two night crescent could only be sighted as a thin thread by a few numbers of people? How could the previous be complete and the crescent of the next month is but a very thin thread that cannot be sighted by the majority of people?!!

So, the aforementioned information was behind his Eminence rejection to the testimonies of sighting the crescent with the naked eyes on Monday, and those who were satisfied of the crescent being sighted by people in this place or that could not be blamed because of the availability of some testimonies that it was sighted, forgetting that they were contrary to the sound astronomical facts or might have thought they are calculations based on presumption and guessing and cannot be weighed against the testimonies.

There are two other issues to refer to:

1. It is noted that in the last years that on the 31st night

of every Ramadan, there have been a number of witnesses in many different places who have been claiming sighting the crescent, and al-Marj' was informed of this accordingly, and the sighting was confirmed and Eid was announced on that night in compliance with those testimonies. However, the start of Ramadan has never been confirmed by those people's testimonies for decades, i.e. (they are unjust and untrusted witnesses) so their testimonies are invalid and there is no reason of depending on the claims of sighting the crescent on a night that the crescent cannot be sighted by astronomers. Therefore, this situation which happens every year must be put to an end and testimonies that are contrary to scientific conclusive evidence must not be considered.

2. Majority of Muslims broke fasting this year on Tuesday-contrary to what have stated earlier. Muslims of the east of Asia countries such as Indonesia, Malaysia, Philippine, Thailand, in addition to the countries of sub-continent of India-Pakistan, Bangladesh, and the Sultanate of Oman, and countries of central Asia such as Tajikistan, Uzbekistan, Azerbaijan ... etc and Turkey were the ones who announced the start of Eid al-Fitr.

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