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Question: A difference of opinion has arisen amongst the Muslims of Germany concerning the sighting of the moon for the month of Shawwal 1425. Unfortunately, the Muslims have been divided into three different groups.

(1) The first group followed Saudi Arabia and did not perform Tarweeh salat on the 30th night. They also celebrated Eid the very next day.

(2) The second group followed Britain. They celebrated Eid the same day as Saudi Arabia (The moon was not sighted in Britain or in Germany. The time difference between the two countries is one hour.)

(3) The third group fasted for the full 30 days of Ramadan due to the moon not being sighted. As a result of this, they celebrated Eid two days after Saudi and Britain.

According to the Hanfee Mazhab, which of the three groups are correct?

What is the sharee verdict regarding a person who inadvertently fasted either a day extra or a day less?

The answers to your queries are as follows:

First of all, one should understand that the Ḥanafī Mazhab does not take "Ikhtilāf al-Maḥāli" into consideration where the sighting of the moon is concerned. ( Ikhtilāf al-Maḥāli can be freely translated as diverse horizons). Therefore, if the moon was sighted in the West, it would be compulsory for those in the East to accept it and to follow the sighting. However, if it is proven that the sighting of the moon was not done in accordance with the rules set out by Sharīah, then the sighting of one country need not be accepted nor practiced upon by the other countries.

One of the conditions that the Ulamā have stipulated for the sighting of the crescent, heralding the starting of the month of Ramaḍān, is that it should be sighted in the presence of a large gathering. (This condition is only found in the Ḥanafī Mazhab)

Therefore, the sighting of Saudi Arabia will not be accepted by those countries that practice on the Ḥanafī Mazhab and that are far from Saudi Arabia. However, if they really did sight the moon at the right time, or if their sighting was in conformance with the rules set out by the Ḥanafī Mazhab, then their sighting will be accepted and practiced upon. In a similar manner, if the inhabitants of a certain country were unable to sight the moon, for whatever reason, but another country sighted the moon, however their sighting was not in accordance with the rules set out by their Mazhab, (i.e. the Mazhab of the country that did not sight the moon), then it will be necessary for them to complete the full 30 days of Shabān.

With regards to this, the Ulamā have mentioned various proofs to substantiate their view point. For further elucidation regarding this matter, one could refer to the following authentic sources.

1. Fathul Qadeer

2. Fatwa Hindiyah

One should bear in mind that the fundamental principal regarding Islamic months is that it

should run its course until the full 30 days are completed. However, if it proven that the moon was sighted in accordance with the rules set out by Sharīah, then instead of comprising of 30 days, the months will only comprise of 29 days. It is unfortunately evident from the information that you have given us that the moon was not sighted and therefore the month should have consisted of 30 days.

In the light of Qur'ān and ḥ adīth, we can safely say that if a person stopped fasting a day or two before the completion of the month of Ramaḥ ān thinking that the month had finished and thereafter he realizes his mistake, then he will have to makeup for the fasts that he missed. In this case, 'Kaffārah' will not be compulsory, because according to the ḥ anafī Mazhab 'Kaffārah' will fall away whenever there is doubt. The reason one has to makeup for the missed fasts is so that all the fasts of Ramaḥ ān can be completed.

In brief, the third group who fasted the full 30 days were totally correct and their actions were in accordance with the laws of Sharīah. The first and second groups will have to make up for the days they missed.

The Eid of the first group was wrong in every aspect i.e. from a Shar'ī point of view, it was wrong, and even if we have to count the number of days, it will also be wrong. The second group did not sight the moon in their own country and neither was it sighted in Britain. If per chance, information regarding the sighting of the moon reached them from Asia or any other country closer to them than Asia, then their Eid will be correct. On the other hand, if no reliable information reached them, then their Eid will be incorrect. The eid of the third group is correct i.e. they did not accept the information that reached them from Asia because (1.) The information did not reach them in the correct manner. (2) It reached them in the correct manner but they did not accept it because of the distance between the two countries, or for some other reason. Their Eid will therefore be correct and in accordance with Sharīah.

For further details see: Fatawa Darul Ulūm Zakariyyā, Vol. 3, Pg. 257-258.

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Mufti Razaul Haq

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Faculty of Ifta

Darul Uloom Zakariyya

Lenasia, South Africa

Saturday, 19 May 2012

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