



Rooyat-E-Hilaal & Astronomical Calculations

**“Fast on seeing the Hilaal, and
terminate the Fast on seeing the
Hilaal” (Hadeeth)**

**By:
Mujlisul Ulama of South Africa**

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RASULULLAH

(Sallallahu alayhi wasallam) said:

*“Fast on seeing the Hilaal, and
terminate the Fast on seeing the Hilaal”*

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ROOYAT-E-HILAAL

SIGHTING OF THE CRESCENT MOON

**AND THE FALLACY OF
ASTRONOMICAL CALCULATIONS**

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***THOSE WHO FIND DISCUSSIONS OF A
TECHNICAL NATURE TEDIOUS OR
DIFFICULT TO COMPREHEND, AND THOSE
WHO MAY NOT BE INTERESTED IN THE
LENGTHY LABYRINTHAL ARGUMENTS OF
AN ACADEMIC NATURE, MAY TURN
DIRECTLY TO PAGE 253 FOR A SUMMARY OF
THIS TREATISE***

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INTRODUCTION

An Association of present-day ‘scholars’ known as ‘Fiqh Council of North America’, has disseminated an article captioned: *The Astronomical Calculations: A Fiqhi Discussion*. The author of the article is Dr. Z. A. Shah who is a member of this Council of North America.

The objective of the corrupt article is to convince Muslims of the ‘redundancy’ of the 14 century immutable law of sighting the moon for the purposes of Ramadhan, Eid and the Islamic months in general. Under guise of ‘Fiqh’, the modernist so-called ‘Fiqhi Council’ has committed debauchery in their article, mutilating the Law of the Shariah with distortion, misinterpretation, misrepresentation and downright stupidities unbecoming of men of Knowledge.

The absurdity of their so-called ‘fiqhi discussion’ testifies to the shallowness of their smattering of knowledge of Fiqh and it illustrates their spiritual bankruptcy. With treacherous audacity they advocate abandonment of the Sunnah, and in fact, assign a higher pedestal over and above the Sunnah, to the methods of the “21st century American scientists”.

In the article, Dr. Shah commit intellectual abortion, gruesomely aborting and criminally mutilating the Ahaadith of Rasulullah (Sallallahu alayhi wasallam) with misinterpretations and concocted ‘principles’. Descending into the dregs of *ilhaad* (heresay), he casts aspersions on the authenticity of Ahaadith which enjoy the loftiest pedestal of authenticity.

Perpetrating *Ta’weel Baatil* (baseless and false interpretation), Dr. Shah, subtly and cunningly seeks to negate a Law which is grounded deep in the 14 Century *Ijma’* (Consensus) of the Ummah, which in turn is the immutable Product of such numerous Ahaadith whose authenticity not a single Authority in Islam’s history has ever challenged or discredited.

Dr. Shah has clearly illustrated the appalling state of the *jahaalat* in which he and the so-called '*contemporary scholars*' grovel. They have appropriated the designation, 'fiqh council'. But truly, the article demonstrates their lack of understanding of even the rudiments of the Fiqh of Islam.

Their absurd, ludicrous and downright stupid '*dalaail*' or 'proofs' consist of a faded patchwork of unprincipled reasoning, intellectual aberrations, selective citations ripped out of their contextual meanings, distortion and mutilation of narrations, designed to confuse and mislead.

The '*contemporary scholars*' lack principles. Their argumentation is unprincipled, erratic and legless. They do not subscribe to the Shariah's incumbent doctrine of *Taqleed*. They roam around aimlessly, like the holy cows and bulls of India, eating from a variety of baskets to satisfy their desires. While the modernist deviates do not uphold the concept of *Taqleed*, they struggle to mismanipulate and misinterpret the views of the illustrious Fuqaha of Islam. They have no alternative other than to resort to the Fuqaha for material to structure a basis for their fallacy of astronomical calculations as a superior substitute for the Sunnah method of Rasulullah (Sallallahu alayhi wasallam).

In this nefarious process, they grab straws from all the Math-habs and with some weird views attributed to an infinitesimal minority of classical Scholars, they weave an extremely brittle and ugly patchwork-basis on which they build their stupid hypothesis of astronomical calculations.

They cite from all Imaams without accepting even one as their Guide. Whenever the view of a particular Imaam apparently suits their whimsical ideas, he will become a 'renowned authority' in so far as that particular view is concerned. They will cite an apparently supportive view to bolster their claims, but ignore entirely what that same Imaam proclaims in negation of their confounded theory of astronomical calculations.

Thus, in their unprincipled argumentation process, they vacillate from one contradiction to another – from one stupidity to another. Their ‘fiqhi’ discussion on astronomical calculations in the light of Fiqh is a mass of mess and compounded ignorance – intellectual flotsam disgorged by brains deranged by the effects of western liberalism and modernism.

With a concoction of fallacies and misinterpretations, Dr. Shah has attempted to show that in today’s era, the ‘out-moded’ method of sighting the *hilaal* has no utility, in fact, no validity, hence the immutable method of determining the Islamic month commanded by Rasulullah (Sallallahu alayhi wasallam) should necessarily be displaced and substituted with the modern method of the birth of the moon – a method which has been conjectured by the brains of the *mulhideen* (heretics) of this belated age in close proximity of the Impending Hour.

The whole confounded and blasphemous attempt of the so-called miserable ‘contemporary scholars’ is to displace the Shariah, and supplant it with *nafsaani* concoctions under guise of the self-same Shariah which these deviates believe has outlived its utility. By implication of their ideas of kufr, the Finality of Nubuwwat in the Holy Personage of Rasulullah (Sallallahu alayhi wasallam) is a meaningless doctrine in view of the corrupt belief of the inefficiency of the methods and ways of acquisition ordered by Rasulullah (Sallallahu alayhi wasallam) as compulsory injunctions of this Deen of Islam which was completed and perfected more than fourteen centuries ago.

It is the concept of Finality of Nubuwwat and the completion and perfection of Islam which have cloaked its Shariah with immutability which violently refutes the type of kufr flexibility canvassed by the deviate ‘contemporary scholars’ of this age. While they may be ‘contemporary scholars’, they are not Scholars of the Shariah. They are

scholars of *Dhalaal* (Deviation) who pave the path of Jahannam for unfortunate ignoramuses enamoured with the technological strides of the “21st Century American scientists”.

If the type of *baatil* flexibility proffered by Dr. Shah and the deviate ‘contemporary scholars’ had to be condoned by the Ulama of Islam, then today this Deen with its Divine Shariah would have degenerated into the very same rut of transformation and disfigurement which has overtaken Judaism, Christianity and other originally divine religions.

But Allah Ta’ala has ordained a different Path and System for Islam. Transforming Islam into a man-conjectured ‘religion’ is beyond the scope and ability of the deviates. There is an inborn Structure of defence which will thwart all heretics and miscreants, and neutralize their treacherous efforts of wroughting kufr change to the Immutable Shariah of Islam.

The North American ‘fiqhi’ council’s ‘fatwa’ based on stupidities, has, Alhamdulillah, been fully dissected and demolished in this treatise. May Allah Ta’ala accept our humble efforts to defend His Deen against deviates who repeatedly attempt to make inroads into the sacred domain of the Shariah for achieving whatever mundane, sinister and *nafsaani* aims and objectives they have in mind.

“In fact, We fling the Haqq against baatil. Then it (the Haqq) smashes out its (baatil’s) brains. Then suddenly it (baatil) disappears.”(Qur’aan)

THE POSITION OF THE DEVIATES

Dr. Z. A. Shah, the author of the article, *Astronomical Calculations: A Fihi Discussion*, for the purpose of promoting his fallacious opinion, has created the fiction of 'contemporary scholars'. These so-called 'contemporary scholars' refer to modernists who have acquired some 'doctorates' studying some religious subjects. On the basis of their western orientated religious 'expertise' and 'qualifications', Dr. Shah has categorized these liberals and deviates together with the Aimmah-e-Mujtahideen, the Fuqaha-e-Mutaqaddimeen and Fuqaha-e-Muta-akh-khireen.

These three latter groups of Ulama are the Authorities of Islam to whom the modernist refers as the "Classical Scholars'. The word of these Authorities on any issue of the Shariah is the final decree of Islam. When such decrees are based on the Qur'aanic and Sunnah principles formulated by the Aimmah-e-Mujtahideen of the First Rung of *Ijtihaad*, they constitute an integral component of the Fourth Source of the Divine, Immutable Shariah of Islam, namely, *Qiyaas*.

In the absence of a decree from the three prior Sources of the Shariah, viz., *Kitaabullaah, Sunnah and Ijma'*, this Fourth Source is elevated to the degree of *Wujoob*. In other words, it will then constitute an integral constituent of the Divine Immutable Shariah of the Qur'aan and Sunnah. Rejection and divergence from it without *Shar'i Daleel* are *haraam* and *ilhaad* which is tantamount to *Kufr*.

A salient feature of the so-called 'contemporary scholars' is *Ilhaad* (heresy akin to kufr). Purely on the basis of personal opinion heavily influenced and sedated by western ideas of liberalism, they refute and interpret away, not only the Rulings

of the Fuqaha, but even categorical Decrees of the Shariah established by the *Sunnah* and *Ijma*'.

While the so-called 'contemporary scholars' may be 'scholars' in terms of western concepts, they are not Ulama of the Shariah. In this Deen of Islam they have no standing –no position of authority. It is preposterous to equate the modernist deviates with the illustrious Aimmah and Fuqaha whose investiture to the lofty pedestal of Authority was confirmed by command of *Risaalat* (*Prophetic Order*).

In the glittering firmament of Shar'i Uloom, only the Fuqaha (the Classical Scholars) are the Stars who emblazon the vast expanse of this sacred Knowledge which emanated from *Wahi* (*Divine Revelation*). There is absolutely no scope for the operation of personal opinion, whim and fancy in this sacred arena. In fact, any opinion unsubstantiated on the basis of the sacred Principles of the Shariah, or in conflict with these Principles will be classified as *mardood* (rejected/accursed) and *baatil* (false and baseless) even if it is attributed to any of the Classical Scholars.

In the desperate attempt to sell his fallacy to the Ummah, Dr. Shah has laboured much on some baseless opinions of an infinitesimal 'minute minority' of Classical Scholars. The ordinances of the Shariah are based on the Qur'aan and Ahaadith. But Dr. Shah has structured his fallacious edifice on weird and bizarre views branded *baatil* and *mardood* by the Fuqaha of Islam. In his unprincipled ramblings in his article, Dr. Shah has elevated the *baatil* and *mardood* theories of some Classical Scholars to the pedestal of *Usool* (Principles) so as to present a coherent argument in defence of his fallacy of astronomical calculations. In so doing, he has succeeded to only highlight the incongruity of the *baatil* which the

‘contemporary scholars’ of deviation have tendered for displacing the 14 century Command of the Shariah.

While the Ummah holds in the highest esteem and with the greatest reverence the Classical Scholars, at the same time the Qur’aan forbids elevating any Authority to the pedestal of ‘godhood’ as was the attitude of the people of Bani Israaeel. Disparaging this practice of the Yahoood, the Qur’aan Majeed says:

"They take their Ulama and their Saints as gods besides Allah."

According to the *tafseer* of this aayat given by Rasulullah (Sallallahu alayhi wasallam), the Ummah of Bani Israaeel accepted the *baatil* edicts of their learned and pious men. Despite awareness of the manifest error of the *mardood* and *baatil* edicts (*fatwas*), the people would readily accept such rulings solely on account of the appeal the baseless ruling exercised to the *nafs* (base desire).

What is *baatil* and *mardood* is innately repulsive to the Imaan of the Mu'min. His Imaan does not accept it. The fallacy espoused by Dr. Shah and his clique of ‘contemporary scholars’ of deviation comes within the purview of *baatil* and *mardood* opinions which even an ignorant Muslim cannot accept provided he is sincere in his desire to follow the Divine Shariah.

While some Molvis and Shaikhs with little knowledge and shallow understanding may be cast into perplexity by the outer facade of *dalaa-il* which Dr. Shah has presented in his dissertation of confusion, there is no difficulty for ordinary Muslims – laymen and even ignoramuses – to see through the deceptive veneer of religion with which Dr. Shah and the

deviates – the so-called ‘contemporary scholars – have covered their opinions. Since ordinary Muslims will not stare at the effects of intellectual miscegenation of the ‘contemporary scholars’ with oblique vision, they will, Insha’Allah, not be befooled, befuddled and beguiled by the cunning and deception with which the ‘contemporary scholars’ of deviation refute and negate the Law of the Shariah.

Ordinary people with unadulterated Imaan can readily understand that Islam is what Rasulullah (Sallallahu alayhi wasallam) delivered to mankind more than 14 centuries ago, and the Divine Shariah of Islam is what has been transmitted down to posterity by the Sahaabah. The position of the deviates in our age is in stark conflict –in diametric contradiction – with what the Ummah has known and firmly adhered to for more than 14 centuries. This Law which has been conspicuously extant in the Ummah since the very inception of Islam cannot be displaced by the arrant nonsense which liberals, modernists and deviates of this age are labouring to hoist.

The position of the modernist deviates which Dr. Shah espouses in his article is that the compulsory Sunnah practice of the Ummah to *sight* the *hilaal* for Ramadhaan and Eid is an obsolete and redundant *Sunnah* which has outlived its utility, and that it should be incumbently abrogated and substituted with a new ‘principle’ called ‘birth of the moon’, which is determinable by astronomical calculations. The 14 century *Ijma*’ of the Ummah on the sacred Practice of the Shariah has to be set aside in this age of American technology, according to the propagation of the ‘contemporary scholars’ of deviation. Muslims in fact are not in need of logical and rational argumentation for rejecting this position of kufr.

The Shariah of Islam will never outlive its utility. It has been ordained the Final Word of Allah Ta'ala to endure until the end of this temporal world.

THE POSITION OF THE SHARIAH

The sacred Position of the Shariah of Islam is the issue of sighting the *hilaal*. This Position requires no elaboration. The laity of this Ummah of Islam has understood and adhered to this Position from the days of Rasulullah (Sallallahu alayhi wasallam). This Immutable Position has been ordained by Rasulullah (Sallallahu alayhi wasallam) who commanded:

"Fast on sighting the hilaal and terminate the Fast on sighting it. If it becomes overcast over you, then complete the month of Sha'baan with 30 days."

A solid Rock of *Ijma'* (Consensus) of the entire Ummah of all Math-habs, in which there is not even a slight crevice, has existed in Islam on this Position since the era of Rasulullah (Sallallahu alayhi wasallam).

In vindication and defence of this Shar'i Position, we have, Alhamdulillah, dissected and laid bare all the deception with which Dr. Shah has laboured to confuse and mislead Muslims. Every argument has, Alhamdulillah, been refuted and neutralized with Shar'i *dalaa-il*, and the edifice of *baatil* presented by Dr. Shah has been demolished. The entire rancid rambling dissertation of Dr. Shah is bereft of Shar'i substance. The Position of the Shariah – *Sight the moon or Complete the month 30 days* – stands out conspicuously for the Ummah to follow. A new concept is not needed to replace the Divine Command which regulates the Islamic calendar.

THE SHARIAH'S OPINION

On page 1 of his 'Fiqhi Discussion', Dr. Zulfiqar Ali Shah claims: *"The preferred opinion among all schools of Islamic Fiqh in the past has been that the month of Ramadhan cannot be determined by calculations."*

Two terms in this averment are misleading: 'preferred opinion' and 'in the past'. The phrase 'preferred opinion' has been presented in an attempt to create the impression that there are two opinions in the Shariah on the question of determining Ramadhaan by astronomical calculations whereas there is only one Ruling, viz., the invalidity and impermissibility of astronomical calculations for the determination of the Islamic months.

Insha'Allah, it will be shown further on that there exists *Ijma'* (Consensus) of the Ummah on this invalidity and impermissibility. In his bid to negate the fourteen century *Ijma'* on this issue, Dr. Shah says: *"In spite of this overwhelming majority, there have always been voices of dissent among the three schools of thought with the exception of Hanabilah."* Known authorities in the Hanafi, Maliki and Shafa'ee schools have argued against the total rejection of calculationsA minute minority among the earlier jurists and an ever increasing number among the contemporary jurists disagree with the notion of complete dismissal of astronomical calculations.

The 'voices of dissent' shall, Insha'Allah, be examined and put into proper perspective. There is no support for Dr. Shah's astronomical calculation hypothesis in these 'voices of dissent'. The dissent concerns an area totally unrelated to the hypothesis of Dr. Shah. As our discussion unfolds, this fact will be clearly illustrated to debunk the claim of Dr. Shah who abortively struggles to show the non-existence of *Ijma'* on the 14 Century Ruling of sighting the moon for the purposes of Ramadhaan and Eid.

It will also be shown, Insha'Allah, that the 'minute minority' whose aid Dr. Shah seeks and whose views and statements he rips out of context and misinterprets to substantiate his fallacy, does not in any way whatsoever support the idea of determining Ramadhaan, Eid and the Islamic month on the basis of astronomical calculations.

Dr. Shah speaks of 'contemporary jurists' while in reality there exist no Jurists (Fuqaha) in our day. Those whom he terms 'contemporary jurists' or 'contemporary scholars', are modernists, deviates and misinterpreters of the Shariah who lack proper understanding of even the smattering of book knowledge they had acquired at some liberal institution.

The age of the illustrious Fuqaha has ended many centuries ago. The Fuqaha of Islam were a special Galaxy of Stars of Islamic Knowledge, created by Allah Azza Wa Jal for the specific purpose of systematizing and codifying the sacred Shariah stemming from the Qur'aan and the Sunnah.

So-called 'contemporary jurists' cannot be cited in substantiation of claims made in the name of Islam.

WHAT ACTUALLY DID RASULULLAH (Sallallahu alayhi wasallam) COMMAND?

The Phenomenon of Commencement

"They ask you (O Muhammad!) about the phases of the moon. Tell (them that) it is a calculation of times for people and for Hajj. (Surah Baqarah, Aayat 189)

The *ahkaam* (laws) of the Shariah have been ordained by Allah Ta'aala for entire mankind – for the city dwellers, the

villagers, the desert dwellers, the inhabitants of forests, the residents of remote islands, mountain-dwellers, the denizens of the jungles, and for every Muslim human being wherever he may be on the surface of the globe. The *ahkaam* have equal and uniform applicability to the literate and the illiterate; the educated and uneducated; the intelligent and the dunce; the menial labourer and the scientist. The astronomers, the scientists, the technologists and all the ‘oligists’ stand on exactly the same pedestal of submission to the Divine Commands as the illiterate, the uneducated and the rural masses of Islam.

Islam has made no distinction among the multitude of human classes in the matter of observance of the *ahkaam*. Thus, the scientist who sees billions of light years away with his telescope and the illiterate rustic in a remote village are obliged to perform Salaat equally; to fast equally; to celebrate Eid equally; to perform Hajj equally; to pay Zakaat equally, etc., etc.

The astronomer with his ‘magical’ instruments of detecting the celestial bodies, their movements and stages, their waxing and waning in the heavens enjoys no superiority over the illiterate villager who determines the times and occasions of the *ahkaam* in the very ways and by the very methods employed by Rasulullah (Sallallahu alayhi wasallam) and the Sahaabah. In fact, the contrary is the Ruling of the Shariah. That is, while the Shariah accords acceptance to the methods of determination adopted by the villager in relation to certain *ahkaam*, e.g. determination of the months and Qiblah, the astronomical methods of the astronomer and scientist are rejected. This view of the *Jamhoor* (overwhelming majority of the Shariah’s authorities) is stated by Imaam Shaaf’i (rahmatullah alayh) as follows: “*The statement of the astronomer is of no consideration. Fasting does not become incumbent by it (the determination of the astronomer) nor is it*

(fasting) permissible (i.e. with the determination of the astronomer)." (Irshaadus Saari li Sharhi Saheeh Bukhaari).

Rejecting the determination of the astronomers, Imaam Nawawi (rahmatullah alayh) states in *Kitaabul Majmoo'*:

"The Jamhoor say: 'The one who has adopted calculating the stages (of the moon for commencing the month of Ramadhaan) is a rejecter of the explicit (Sareeh) Narrations. His statement is mardood (rejected) by virtue of the statement of Rasulullah – Sallallahu alayhi wasallam—in Bukhaari and Muslim: 'We are an illiterate Ummah. We neither calculate nor write.. The month is so much and so much (and he indicated the number of days with his fingers.'Thus, what the Jamhoor has said is the correct view, and whatever has been said besides it is mardood. (Vol.6, Page 276)

"In *Haashiyah I'aanatit Taalibeen*, it appears: "Practising on the basis of the statement of the astrologer and astronomer is not obligatory. It is not permissible for anyone to follow them." (Vol.2, page 360)

"In *Raudhatut Taalibeen*, Imaam Nawawi (rahmatullah alayh) states: "Fasting is not obligatory on the astronomer on the basis of his calculations, nor on others. Ar-Ruyaani said: ' Similarly is it with one who is aware of the stages of the moon. Fasting is not obligatory on him in terms of the most authentic view. In *Tahzeeb* it is said: 'It is not permissible to follow the astronomer in his calculations, neither in regard to fasting nor for Eidiul Fitr." (Vol.2, Page347)

Durr-e-Mukhtaar states: *The statement of the astronomers is of no validity even if they are uprighteous."*

Shaami records *Ijma* (Consensus) in the inadmissibility of astronomical calculations. "According to *Ijma'* there is no recognition for the statements of the astronomers. It is not permissible for the astronomer to act according to his own calculations."

Despite the “minute” minority contrary view among the Shaaf’i Fuqaha, Ibn Sabbaagh declared: *“With astronomical calculations it (fasting) is not incumbent, without difference of opinion among our Ashaab (Fuqaha/Jurists).....Ar-Raaf’i said: ‘The calculations of the astronomer do not make incumbent fasting on him nor on others.....’ (Al-Majmoo’)*

The insignificance, weakness and glaringly erroneous contrary ‘minute’ minority view of permissibility of the acceptance of astronomical calculations, constrained the eminent Faqeeh, Ibn Sabbaagh to declare the absence of *khilaaf (difference of opinion)* in the Shaaf’i Math-hab. The insignificance of the contrary opinion is tantamount to its non-existence.

“It is mentioned in Al-Quniyah: *‘According to us (the Ahnaaf) the condition for the Wujoob (incumbency) of Fasting and Iftaar is the sighting of the hilaal. The statement of the astronomers shall not be accepted. In Tahzeeb, in terms of the Math-hab of Shaaf’i (rahmatullah alayh): “Following the astronomer in his calculation is not permissible, neither in Saum nor in Iftaar.”*

“The correctness of the Math-hab of the *Jamhoor* with regard to linking the ruling with *Rooyat* (sighting), not its contrary, has become manifest from what has been explained.” And, this is also the view of Maalik, Shaaf’i, Abu Hanifah and the *Jamhoor* Ulama of former and later times.”
(Tarhut Tathreeb)

“Ibn Bittaal said: ‘In this Hadith (i.e. the Hadith which orders completion of the month with 30 days if it (the crescent is not sighted) is rejection of taking into account the astronomers.’”

“Al-Baaji said in refutation of those who claim that Saum and Iftaar are permissible for the astronomers and others on

the basis of reliance on the stars (astronomical calculations): ‘Verily, the *Ijma’ of the Salf* (the illustrious Authorities of former times—of the Khairul Quroon epoch) is the proof against them.. Ibn Bazeezah said that it (the astronomical calculation view) is a *baatil* (utterly baseless) math-hab.”

(Tarhut Tahthreeb)

“The hilaal will not be confirmed with the statement of the astronomer, neither for himself nor for others because Rasulullah (Sallallahu alayhi wasallam) based Saum, Fitr and Hajj on sighting of the hilaal, not on the presence of the hilaal.” (Balghatus Saalik)

“The one who asserts the validity of (calculations) by the phases of the moon and the calculations of the astronomers is outside the law of the Shariah. There is no scope for *Ijtihaad* in this version in view of the *Dalaalat* (Indication) of the Qur’aan, the explicitness of the Sunnah and the *Ijma*; (Consensus) of the Fuqaha being in conflict with it.”

(Ahkaamul Qur’aan of Jassaas)

“The statement of the astronomers will not be accepted.”

(Ghamzul Uyoon)

“Saum is not confirmed with the statement of the astronomer, neither for others nor for himself because Rasulullah (Sallallahu alayhi wasallam) restricted the confirmation (of Saum) to *Rooyat* (actual sighting) or *Shahaadat* or *Ikmaal* – completing the number (30 days). He did not inform of any additional method more than this. Hence if the astronomer says for example: ‘The month is less or more, no attention should be accorded to it whether the heart testifies to its truth or not.’”

(Sharh Mukhtasar Khaleel – Al-Kharshi)

“The *Shaari*’ (i.e. Rasulullah – Sallallahu alayhi wasallam) did not rely on calculations. On the contrary, he had totally discarded it with his statement: “*We are an Ummi Ummah. We neither write nor calculate.*” *Ibnu Daqeeq Al-Eed said: ‘Reliance on calculations is not permissible in Siyaam (Fasting).*” (Ar-Ramli)

‘Ibn Naafi’ narrated that according to Imam Maalik a man should not be followed (in Salaat) or obeyed if he fasts and ends the fast according to calculations, not by actually sighting the moon.” (Al-Muntaqa)

“There is no validity in the statement of the calculators (astronomers) even if they are pious in terms of the Math-hab (of Imaam Abu Hanifah) – Ad-Durrul Mukhtaar. That is, there is no validity in the matter of compulsion of Saum on the people. In fact it is in *Al-Mi’raaj* “Their statement shall not be regarded valid, and it is not permissible for the astronomer to act even for himself according to his calculations. (The Author states): ‘I say that the statement of Ibn Shuraih, those before him and those after him is *baatil* (baseless/false) as it conflicts with the *Ijma*’ on the negation of reliance on the statements of the astronomers even if they (the astronomers) claim that the *hilaal* was *sighted* on a certain night.....At-Teebi said: ‘These narrations indicate that the knowledge of the (beginning of) the month is not by means of calculations as the astronomers think.’

If the astronomer fasts Ramadhaan before he has sighted (the hilaal), he is a sinner, and it will not be regarded to be of his fast (of Ramadhaan). If he celebrates Eidul Fitr on the basis of his opinion (in terms of his calculations), he is a faasiq. Kaffaarah (of 60 days) becomes incumbent on him for his misdeed. If he regards Iftaar (the termination of Ramadhaan on the basis of his calculations) to be halaal, he

becomes a kaafir.”
Page 273)

(Al-Fathur Rahmaani, Vol.1,

“There is no validity for the statement of the astronomers, Thus, Saum is not obligatory on them on the basis of their calculations nor on those who have confidence in what they say because, most certainly, Shaari’ (Rasulullah – Sallallahu alayhi wasallam) has linked Saum to such an established sign which is never changing, and that is *Rooyatul Hilaal* (Sighting of the Crescent moon) or completing the month with 30 days.”.

(Al-Fiqh Ala Mathaahibil Ar-ba-ah)

“The hilaal will not be confirmed with the statement of the astronomer, i.e. a calculator who knows the movements of the moon. It will not be confirmed for himself nor for others because Shaari’ (Rasulullah (Sallallahu alayhi wasallam) has based Saum, Fitr and Hajj on *Rooyatul Hilaal*, not on its (the hilaal’s) existence.” (Bulghatus Saalik li-Aqrabil Masaalik ilaa Math-habil Imaamil Maalik)

“Abu Amr (a Maaliki Jurist) said: ‘What we have of his (Imaam Shaafi’is) *kutub* is that it is incorrect to have the belief of (the confirmation of Ramadhaan) except with widespread sighting or with uprighteous testimony or with completing Sha’baan thirty days. This is on account of Rasulullah’s statement: ‘Fast when it (the hilaal) is sighted and terminate the fast when the hilaal is sighted. If conditions are overcast on you, then complete the number thirty days.’”

(Al-Istizkaar, Vol.3, Pge 278)

“The (Month of Fasting) is not confirmed with the statement of the astronomer that the hilaal can be sighted. It is not permissible for anyone to fast on the basis of his statement. In

fact, it is not permissible for even himself to rely on it (his calculations for the purpose of fasting)...

Ibn Arabi has refuted in *Al-Aaridhah*, Ibn Shuraih Shaafi'i's view of differentiating on this issue between one who knows (calculations) and one who does not know. Ibn Naafi' narrated from Imaam Maalik about an Imaam who relies on calculations, that he should not be followed (in Salaat) nor obeyed. It has been narrated in *Sharhul Murshid* from Al-Quraafi that if an Imaam confirms the hilaal on the basis of calculations, he shall not be followed because of the *Ijma' of the Salf* on the opposite view (namely, astronomical calculations are not permissible for confirming the hilaal).

Ibn Basheer said: 'Some of our Baghdaadi companions have inclined to the view that if it is overcast and the possibility of sighting is verifiable by means of calculations, recourse can be made to it. This view is *baatil (baseless and false)*.'

Ibn Arfah said: "I do not know of any Maaliki (Jurist) holding this view. In fact, Ibn Arabi have criticized Al-Baaji for having attributed this view to some Shaafi'yyah (Shaafi' Jurists) in view of the Aimmah of the Shaafi'iyyah (denouncing) this view as drivel.....Al-Arabi has elaborately and vigorously refuted Ibn Shuraih in his *Al-Aaaridhah*.'

Al-Qustulaani has explicitly stated that the Shafi'iyyah say: 'There is no validity for the statement of the astronomer. Saum is not incumbent on the basis of his statement nor is it permissible. The *haasib* (calculator/astronomer) is one who relies on the stages and movements of the moon. He is like the *munajjim* (astrologer) who believes that the beginning of the month coincides with the rising of a certain star.'

(Haashiyahtul Imaamir Rahuni ala Sharhiz Zurqaani
Li Mukhtasaril Khaleel, Vol. 2, Page 342)

"The Hanafiyyah (followers of the Hanafi Math-hab) say:
"The information given by the astronomers and calculators

shall not be relied on in view of this being in conflict of the Shariah of our Nabi (Sallallahu alayhi wasallam).”

“The Maalikiyyah say” The hilaal will not be confirmed by the statement of the astronomer, i.e. one who calculates according to the movements of the moon. This is not valid for the astronomer himself nor for others because Shaari’ (Rasulullah (Sallallahu alayhi wasallam) has based Saum, Fitr and Hajj on sighting the hilaal, not on its existence (in the heavens). Thus acting in accordance with astronomical calculations is not permissible even if these are correct.”

The Hanaabilah say that Saum does not become incumbent with calculation and by the stars (i.e. movement of the stars) even if both these are abundantly correct.”

(Al-Fiqul Islaamiyyu Wa Adillatuhu, Vol. 2, Pages 599/600)

“Ibn Sabbaagh said: “With regard to calculations, Saum does not thereby become incumbent. There is no difference of opinion (on this issue) among our Jurists.” Al-Haafiz said: “Ibnul Munthir has recorded *Ijma’* on this view.”

(Aujazul Masaalik, Vol. 5, Page 16)

Ibn Taimiyyah was a freethinker. He did not subscribe to Taqleed of the Four Math-habs. Despite having diverged from the Straight Path of the Sunnah, Ibn Taimiyyah vigorously expresses condemnation of astronomical calculations for the determination of Ramadhaan and Eid. Ibn Taimiyyah has adequately responded and refuted the *baatil* view of astronomical calculations propounded by the modernist *juhhaal* (ignoramus) and fake ‘contemporary scholars’ whose brains are fettered in subservience to modernism and enamoured by the strides of technological progress to the degree of subverting the principles and teachings of the Shariah.

We reproduce some excerpts from Ibn Taimiyyah's *Faraawa*.

“Verily, I have seen people regarding the month of fasting as well as other months, inclining towards the claims of some ignoramuses among the calculators (the astronomers), whether the hilaal is seen or not.....It has reached me that some Qaadhis (judges) had rejected the *shahaadat* (testimony) of pious persons in favour of the claim of an astronomer who is an ignoramus and a liar in the matter of the hilaal having been seen or not.

Thus, this judge is among those who listen to liars (as stated in the Qur’aan). Verily the aayat (of the Qur’aan) includes evil judges within its scope (of condemnation): “They listen to lies and they devour *suht* (haram)”. Evil judges accept falsehood which is not lawful. They devour *suht* by way of accepting bribes, etc..... (Vol.25, page 131)

“We are compelled to understand by the Deen of Islam that it is not permissible to determine the sighting of the hilaal by the information conveyed by an astronomer with regard to Saum, Hajj, Iddat, Eela and other *ahkaam* related to the hilaal. (i.e. sighting of the hilaal). The *Nusoos* (explicit narrations) of the Nabi (Sallallahu alayhi wasallam) on this issue are numerous and well known. The Muslimoon have enacted *Ijma’* (Consensus) on this issue (i.e. the inadmissibility of astronomical calculations). Absolutely no difference is known on this issue., except that some supposed scholars who appeared after the third century thought that if the hilaal becomes hidden, then it is permissible for an astronomer to himself act in accordance with calculations. Hence (in terms of that baseless view), if the calculations indicate *rooyat* (sighting), he will fast otherwise not. This claim although qualified with overcast conditions and restricted to the astronomer is rare (and weird). *Ijma’* is in conflict with it..”

(Vol.25, Page 133)

“Undoubtedly, it is established by the Authentic Sunnah and the Consensus of the Sahaabah that reliance on astronomical calculations is not permissible.” (Vol.25, Page 207)

“There is no validity for the claim of the astronomers in the matter of *Wujoob of Saum* on the people.. In fact, it is said in *Al-Mi'raaj*: “*Their statement is not valid by Ijma'*, and it is not permissible for the astronomer to act (in the matter of *Saum*) according to his calculations.” In *An-Nahr* it appears: “*Saum* does not become incumbent by the statement of the astronomers, that the hilaal is in the sky on a certain night, even if they are uprighteous.....And what As-Subki (a Shaafi jurist) said is *mardood* (rejected). The *Mutakh-khireen* of his Math-hab have rejected him. Among them are Ibn Hajar and Ramli in the commentaries of *Al-Minhaaj*.....In *Fataawa As-Shiaab Ar-Ramali* in response to a question asked about the view of Subki, Ramli answered: “*Rasulullah (Sallallahu alayhi wasallam) has equated Shahaadat (Testimony) with Yaqeen (certitude), and what Subki said is rejected. A Jamaat of the Muta-akh-khireen (Shaafi Fuqaha) have rejected his view.*”.....Whatever Subki has said about testimony is of no relevance.....”

Shamsul Aimmah Al-Halwaani said: “The condition for the incumbency of *Saum* and *Iftaar* is *Rooyat*. The statement of the astronomers shall not be accepted.. He narrated from *Majdul Aimmah At-Tarjumaani*: “There is consensus among the Ashaab of Abu Hanifah with a rare exception and Shaafi that reliance will not be reposed on the statement of astronomers.”

(Shaami, Vol.2, Page 92)

“Ibn Bittaal said: ‘In the Hadith is the rejection of the astronomers.’ Al-Baaji, refuting those who claim

permissibility of reliance on the statements of the astronomers in the matter of Saum, said: ‘The Ijma’ of the Salf is the proof against them.’ Ibn Bazeezah said: ‘It (calculation) is a baatil view....’ (Subulus Salaam)

In his Fataawa, Imaam Subki states: “I have reflected on the Hadith and have found it to negate what the astronomers say regarding the month.....This (their conception of the month) is absolutely baatil (baseless) in the Shariah. There is no validity for it.....The month (in the Shariah) is between two hilaals, and this is obtained either by sighting the hilaal or completing the month 30 days..” (Fataawa Subki)

The foregoing narrations from the authentic references of the Shariah, abundantly and emphatically state the position of the Shariah, namely: Astronomical calculations for commencement of the Islamic month are not valid nor permissible, and the principle which regulates Ramadhaan is only *Rooyat* (actual sighting) or *Ikmaal* (completing Sha’baan 30 days).

Rasulullah (Sallallahu alayhi wasallam) had linked the commencement of the month of Ramadhaan with one of two factors: (1) *Rooyat* (Sighting the *hilaal*) (2) *Ikmaal* (Completing Sha’baan with 30 days if the moon is not sighted). This is what Rasulullah (Sallallahu alayhi Wasallam) had commanded. He did not relate the month to the existence or the presence of the moon in its orbit in a specific phase such as its ‘birth’, etc.

Changing the Shariah’s position from *Sighting* to establishing the birth of the moon by calculations is tantamount to rejection of Rasulullah’s command. Such tampering with the Shariah is kufr. Sighting the moon and calculating the existence of the moon in its phase known as the birth of the moon, are two entirely different issues, poles apart.

While Rasulullah's command to sight the *hilaal* renders *Rooyat* an act of Ibaadat which is possible and available to every Muslim wherever he/she may be, and of whatever class or level he/she may be, the ability to plot the birth of the moon by astronomical calculations is a measure which is the product of the conjecturing of the brains of a handful of astronomers who may be fussaag or kuffaar. Furthermore, it is restricted to an infinitesimal number of persons, most of whom will be kuffaar, fussaag and fujjaar. Moreover, it has no Deeni basis, and it is being advertised for acceptance more than 14 centuries after Rasulullah's command to sight the moon.

The Shariah does not place the 99.9% of the Ummah at the mercy of the 1% negligible and discardable handful of astronomers for its acts of Ibaadat which apply uniformly to every member of the vast Ummah of Islam. Thus, there simply does not exist the slightest scope in the Shariah for substituting *Rooyat* with astronomical calculations.

THE PRINCIPLE

The modernists of our age, such as Dr. Zulfiqar Ali Shah of the so-called North American Fiqh Council have embarked on an exercise of confusion. With their devious and baseless arguments they have endeavoured to shift the focus from the actual principle on which the *Wujoob* (incumbency) of *Saum*, etc. is based.

Defending the votaries of 'calculations' as opposed to *Rooyat* (Sighting), Dr. Shah says in his discussion: "*This group of scholars argue that calculations are a definitive way of knowing the movements of celestial bodies and more accurate than just sighting the Moon with naked eyes.*"

"Definitive way of knowing the movements of the celestial bodies"? Dr. Shah has failed to understand the fulcrum of the

argument. He appears to be ignorant of what exactly the Shariah commands and what the argument of the defenders of the Shariah precisely is.

He has miserably failed to understand that Rasulullah (Sallallahu alayhi wasallam) fixed *Rooyat* (Sighting) to be the principle for commencement of Fasting (and for the confirmation of the Islamic months). The principle is not “the movement of the celestial bodies” and awareness of such movements. The celestial bodies are in a constant state of motion in their orbits. In numerous *Saheeh Ahaadith* which are on the pedestal of *Tawaatur* (the highest category of Ahaadith) having the effect of Qur’aanic force and authority, Rasulullah (Sallallahu alayhi wasallam) categorically laid down the principle of *Rooyat*. Thus he said:

“Fast at its sighting and terminate (the fast) at its sighting. And, if it is overcast, then complete the number (of days of Sha’baan) thirty.”

The Ahaadith of this vein are so numerous, so famous and so well-established, that it is superfluous to record them all here or to even cite the authentic Hadith and Fiqh kutub in which they appear. Even Dr. Shah had no option other than to cite 21 such highly authentic Ahaadith which explicitly command *Rooyat*. Discussion on these narrations will, Insha’Allah, be presented.

The existence of the moon in its orbit is a known fact. There is no contention in this regard. The principle is neither the presence/existence of the moon nor its phases and movements. The simple principle is *Rooyat* ordained by the Shariah for the ease and certitude of the millions and millions of Muslims of all walks of life. It was for their ease that the Shariah has fixed the principle of *Rooyat*. The Shariah did not encumber the Ummah with methods available to a negligible and an infinitesimal minority of fussaaq, fujjaar, modernist astronomers, scientists and men of their ilk.

The Shariah does not hinge the Divine Ahkaam on the claims and views of men of dubious character, defective Imaan and scant in deeds of righteousness such as the modernist *juhhaal*. Their knowledge of modern astronomy has not extricated them from the bowels of *jahl* (ignorance) in which they dwell and appear to be perpetually entrapped.

When these so-called intelligentsia and ‘contemporary scholars’ of Islam are too dim in the brains to even understand the underlying principle on which the Shariah has based the commencement of the Islamic months, it is not fruitful to discuss with them. They view the Deen through the tainted lenses of the western kuffaar, hence they fabricate fatwas of drivel – intellectual flotsam and jetsam.

Nevertheless, a rebuttal of the effluence of their brains has become necessary due to the confusion which pages haphazardly darkened with Arabic narrations from the kutb by these modernist ‘contemporary’ juhhaal ‘scholars’ are likely to create among those not well versed in the Knowledge of the Shariah.

In relation to the one and a half billion Muslims on the globe, the astronomers and their like constitute a minute speck, not a minute minority. The opinions of this unreliable and faasiq group of modernists cannot be imposed on the Ummah. Such opinions lack validity and credibility in the Shariah. The Ummah cannot be held ransom by the opinions of an extremely insignificant group for the execution of their acts of ibaadat. The immutable Shariah of Allah Ta’ala has put the entire creation which He had created for the benefit of mankind, at the disposal of all human beings. He has ordained such simple natural phenomena as principles and means by which all and sundry, not only the insignificant group of non-entities (the astronomers and the like), can attend to their daily acts of ibaadat without recourse to the hieroglyphics of intricate and subtle astronomical calculations and tables.

The claim of Dr. Shah that “the movements of the celestial bodies” are “more accurate than just sighting the Moon with naked eyes”, is conspicuous testimony for his ignorance of the issues. By this averment he has displayed that he just does not understand what the issue is all about. To what does he relate the greater accuracy? “More accurate” than what? One method can be more accurate than another method for the achievement of the same objective. Now what is the objective in the subject under discussion? The votaries of astronomical calculations while blowing much hot air have failed to identify the principle.

Are astronomical calculations “more accurate” for sighting the moon? There is no other principle for the commencement of the Islamic months other than *Rooyat*. What precisely do they ‘calculate’ with astronomical instruments? *Rooyat* (*sighting with the eyes*) cannot be calculated with instruments. It is a physical act involving the eyes. The awareness achieved with the aid of instruments of a specific position of the moon is not *Rooyat*. *Rooyat* can be effected only with the physical eyes. Hence, regardless of the accuracy of astronomical calculations, the incontrovertible fact remains that such calculations do not satisfy the principle of *Rooyat* which Rasulullah (Sallallahu alayhi wasallam) commanded.

It was never contended that the physical eyes of man are more accurate “for knowing the movements of the celestial bodies”. Such movement has absolutely no bearing on the determination of the Islamic months. The principle since the time of Rasulullah (Sallallahu alayhi wasallam) was *Rooyat* (physical sighting) or *Ikmaal-e-Iddat* (completing the month with 30 days in the event of there being no *Rooyat*). Movement of the celestial bodies is a stupidity which the modernist *juhhaal*—the contemporary scholars – have fabricated

It should be understood that the principles and teachings of the Shariah are immutable. There is no scope for interpolation,

altering, twisting and mutilating the Divine Ahkaam. The completion and perfection of the Shariah were announced more than fourteen centuries ago in the Qur'aan Majeed when Allah Ta'ala declared:

"This Day have I perfected for you your Deen, and completed for you My Favour, and I have chosen Islam for you as your Deen." (Aayat 3, Surah Nisaa')

The Finality of Nubuwwat should be more than adequate evidence for the perfection and completion of the Divine Laws. Now after more than fourteen centuries, a conglomerate of modernists who style themselves 'contemporary scholars' to dupe the ignorant and unwary masses, have set up their so-called 'fiqh council' to initiate the process of dismembering the Divine Shariah of Allah Ta'ala.

Regardless of the rationale underlying the act of *Rooyat*, the issue to understand is that it is *Rooyat* which is the principle of determination, not calculation of the position of the moon or the phases of the moon or any other aspect related to the moon.

The rationale, the reasons and the advantages which the authorities have tendered for the Islamic Ruling of *Rooyat* do not constitute the basis for the incumbency of the principle of *Rooyat*. The *Wujoob* of *Rooyat* is not the effect of the reasons. The *Wujoob* is the product of the Command of Rasulullah (Sallallahu alayhi wasallam). It was Nabi-e-Kareem (Sallallahu alayhi wasallam) who ordered that the *Saum* of Ramadhaan be commenced after *Rooyat-e-Hilaal* (sighting of the crescent moon), and that the Fast be terminated with *Rooyat-e-Hilaal*. The logical reasons underlying this command are the products of human minds, and could be defective. The reasons and advantages offered are not the immutable law of Allah Ta'ala. The actual act commanded, viz. *Rooyat-e-Hilaal*, is the sacred and immutable principle and act of the Shariah which admits not the slightest scope for change.

Thus, the attempt by Dr. Shah to find fault with the ‘reasons’ for the command of *Rooyat*, is a redundant exercise. On the assumption that some or *all* the reasons tendered by the Fugaha for the principle of *Rooyat* are flawed, it will have absolutely no adverse affect on the validity and immutability of this sacred principle commanded by Rasulullah (Sallallahu alayhi wasallam).

The Shariah says that pork is haraam. The modernist ‘authorities’ say that the reason for this *hurmat* is physical diseases acquired from consumption of pork. The authorities of the Shariah add moral and spiritual diseases as well. If science evolves a hygienic system of pig-farming, which completely eliminates the disease factor, and it is scientifically proved that eating pork is just as healthy as eating mutton, then while pork will become ‘halaal’ for the modernists, it will remain just as haraam as it was fourteen centuries ago when the Qur’aan announced the *hurmat*.

In exactly the same way, the advance of astronomy and science has absolutely no bearing on the *Ahkaam* of the Shariah. The principles of Islam remain immutable and sacrosanct until the Day of Qiyaamah. The Shariah is not up for buffeting and mutilating in the arena of intellectual gymnastics in which shallow brains relish to romp.

Assuming that the reason for *Rooyat* was the “*only available method to attain certainty*” as Dr. Shah fallaciously contends, the strides which astronomy made over the centuries and the zenith to which it has reached currently will not in any way whatsoever detract from the immutability of the *Principle of Rooyat* commanded by Rasulullah (Sallallahu alayhi wasallam). Only the arrival of a ‘new’ Nabi can abrogate this principle. But the concept of the Finality of Nubuwwat debunks the stupid theory put forward by Dr. Shah.

Nubuwwat was terminated in the holy Person of Rasulullah (Sallallahu alayhi wasallam) because the Shariah was divinely completed and perfected with his Nubuwwat. The Shariah and

its principles of fourteen centuries hold good for today and tomorrow just as they were good and valid fourteen centuries ago. No one other than Allah Azza Wa Jal has the power to abrogate any law, principle or teaching of Islam. Such abrogation was conveyed to the Ummah via the agency of Nubuwwat. Abrogation of *Ahkaam ended with the termination of Nubuwwat*.

The modernist and miscreant North American Fiqh Council and similar other deviated liberals do not have the right to abrogate any principle of the Shariah. Displacement of the *Rooyat* principle is tantamount to abrogation (*Naskh*), which is obviously haraam and invalid.

The fallacy of Dr. Shah's contention that sighting the new moon was "a mean to achieve the goal of certainty" is refuted by the Sunnah of Rasulullah (Sallallahu alayhi wasallam), the Sunnah of the Sahaabah and the Ijma' of the Ummah. "A mean to achieve the goal of certainty" was never the command issued by Rasulullah (Sallallahu alayhi wasallam). He categorically and emphatically commanded the principle of *Rooyat*. It is this immutable principle which the modernists wish to displace by substituting it with a figment and fabrication of their desire and opinion.

What exactly is the fallacy they term "goal of certainty"? The contention of the liberals is that the principle is "*the goal of certainty*". Since this goal was attained by *Rooyat* in the camel age, it was commanded by Rasulullah (Sallallahu alayhi wasallam). In this atomic age this goal is attained by astronomical calculations, hence *Rooyat* is abrogated. Dr. Shah's and his ilk's new ruling is presented in abrogation of Rasulullah's *principle of Rooyat* which has been the position in the Ummah from the inception of Islam to this day. Is there any Islamic sense in this negation? Is it reasonable to accept that the fourteen century principle could be summarily negated by a group of non-entities, liberals, modernists and

men of smattering knowledge and shallow mental comprehension sitting in America?

When the Shariah has commanded that the commencement of the Islamic month is with *Rooyat* of the *Hilaal*, how could it ever be accepted that the beginning of the lunar month could be without *Rooyat*, more so when this opposite 'ruling' emanates from non-entities more than fourteen centuries after the advent of Nubuwwat?

The Shariah commands that Maghrib Salaat commences immediately upon *sunset*. Similarly, the Shariah has prescribed other natural phenomena for the commencement of the other Salaat times. For Maghrib *sunset* is the principle. *Rooyat (sighting) of sunset is not the principle*. Rasulullah (Sallallahu alayhi wasallam) did not command commencement of Maghrib with the *sighting* of sunset nor Fajr with the *sighting* of Subh Saadiq, nor Zuhr with the *sighting* of the tilting of the sun, nor Asr with the *sighting* of the lengths of the shadows, nor Isha with the *sighting* of Shufuq-e-Ahmar/Shufuq-e-Abyadh.

For the determination of the Salaat times, the sun and other natural phenomena are the standard. Yet, Rasulullah (Sallallahu alayhi wasallam) did not command *Rooyat* for establishing the Salaat times. Precisely for this reason are astronomical calculations acceptable for determining the Salaat times. The modernist juhhaal endeavour to create the idea that the Ulama are unreasonably opposed to astronomical calculations and other scientific means. This is a deception to mislead unwary people. Tables and calculations are accepted for Salaat, but not for Saum.

It is not a question of the accuracy of astronomical calculations. The simple issue is the principle involved. The act of *Rooyat* is the determining factor in the matter of the months, hence astronomical calculations are unacceptable. On the other hand, such calculations are acceptable for the Salaat

times in view of the fact that the principle of *Rooyat* does not govern the commencement of these times.

Since Nabi-e-Kareem (Sallallahu alayhi wasallam) did not order the actual sighting of sunset or the actual sighting of the other phenomena for the Salaat times, it is permissible to determine these phenomena by any method which gives certitude.

The manner in which Rasulullah (Sallallahu alayhi wasallam) mentioned the commencement of the Salaat times is strikingly different from the manner in which he ordered the commencement of the Fasting Month. He simply said that Maghrib commences when the *sun disappears*. Zuhr begins when the *sun passes the meridian*. Isha begins when the *Shufuq disappears*. The time of each Salaat was merely stated without the restrictive condition of *Rooyat*. It is thus obvious that the command of the Shariah is ‘actual sighting of the crescent moon’. In fact, this is self-evident from the many Ahaadith and the Ijma’ of the Ummah. There simply is no justification in the Shariah and no basis for the astronomical calculation accretion which the modernist ‘contemporary scholars’ crave to introduce into the Shariah as a substitute for the divine principle of *Rooyat* commanded by Rasulullah (Sallallahu alayhi wasallam) and adhered to by the Ummah for the past fourteen hundred years.

It is necessary to emphasise that astronomical calculations are not rejected on the basis of a contention of inaccuracy. While assuming or even accepting the accuracy or greater accuracy of astronomical calculations, such calculations are unacceptable for the purpose of confirming the Islamic months for no reason other than the negation of the immutable principle of *Rooyat* which this acceptance will give rise to.

Rasulullah (Sallallahu alayhi wasallam) did not restrict the natural phenomena regulating the Salaat times with the act of

Rooyat as he had done in the case of the *hilaal* for the Islamic months. If *Rooyat* was not the actual determining principle, Nabi-e-Kareem (Sallallahu alayhi wasallam) would not have ordered commencement of the month with actual *sighting*. He would have merely stated: “Fast when Ramadhaan begins and end the fast when Shawwaal begins.”

It would have sufficed for Rasulullah (Sallallahu alayhi wasallam) to have repeated the Qur’aanic command: “*Whoever is present among you in the month (of Ramadhaan), should fast the month.*” In this aayat the Qur’aan commands the act of Saum to be observed during the month of Ramadhaan. Thus fasting is compulsory in the month of Ramadhaan. What was the need then for Rasulullah (Sallallahu alayhi wasallam) to elaborate and explain that Ramadhaan begins with *Rooyat* of the *hilaal* of that month? In the Ahaadith on this issue, Rasulullah (Sallallahu alayhi wasallam) was not commanding the act of Fasting, which the Qur’aan had already decreed obligatory for observation in the month of Ramadhaan. In his narrations on the subject, Nabi-e-Kareem (Sallallahu alayhi wasallam) was explaining how the month of Ramadhaan should be determined –by actual *sighting*..

The lunar calendar was already in vogue among the Arabs even prior to the advent of Nubuwwat. They had their ways of determining the beginning of the lunar months. If *Rooyat* was not an immutable principle, it would have been superfluous for Rasulullah (Sallallahu alayhi wasallam) to have stipulated it for the commencement of the month. To say, ‘Ramadhaan’, would have sufficed because the lunar months were not innovations for the Arabs.

Dr. Shah has claimed greater accuracy for astronomical calculations. To what does this greater accuracy relate? While astronomical calculations may accurately determine the

“movements of the celestial bodies”, it is absurd to say that *Rooyat* can be determined by such calculations. *Rooyat* means physical sighting. Physical sighting is possible only with the eyes of man, not by means of theoretical calculations of astronomical data. A particular position or movement of the moon calculated with the aid of astronomical instruments is not *Rooyat*. It is a theoretical calculation. Regardless of its superb accuracy in determining the position of the celestial body or of the moon in particular, it is not *Rooyat* –the incumbent principle which Allah Ta’ala commanded for the initiation of the Islamic months.

Physical sighting of the moon cannot be calculated with instruments, etc. If astronomical calculations determine the possibility of sighting the *hilaal* at a particular position and time, such calculation is not physical sighting. The claim of calculations being more accurate is therefore absurd and irrational.

Much dust is being kicked up about the accuracy of astronomical calculations. But really what is this ‘accuracy’ related too? The newly fabricated concept presented by Dr. Shah on behalf of the ‘fiqh council’ of North America, states this *bid’ah* as follows:

*“Consequently the fixation of the Jewish calendar through calculations is quite different from fixing the Islamic calendar based upon astronomical calculations **which determine the actual birth of the new Moon.**”*

*“Moreover, he (PBUH) wanted to connect the commencement of the new month with the **birth** or sighting of the new Moon....”*

*“It is obvious....that following the astronomical calculations **to determine the birth or visibility of the new Moon** will not constitute an imitation of the Jewish calendar.”*

It is now clear from these statements that astronomical calculations are “more accurate” for determining the ‘*actual*

birth’ of the new moon. But “more accurate” than what? With what is the comparison made? It was never contended by any Authority of the Shariah that *Rooyat* (physical sighting) was more accurate or even accurate in the determination of the birth of the new moon. In fact, the *birth* of the new moon never featured even remotely in the Islamic calendar nor did Rasulullah (Sallallahu alayhi wasallam) make even a remote reference to it. Birth of the new moon is not determined by *Rooyat*. It is therefore ludicrous and absurd and downright stupid to aver as Dr. Shah claims, that astronomical calculations are “*more accurate than just sighting the Moon with naked eyes.*” The absurdity of this contention conspicuously exhibits the mental confusion of these modernist ‘contemporary scholars’

Sighting the moon is a physical act unrelated to the birth of the moon. The purpose of *Rooyat* is not to determine the birth of the new moon. The function of *Rooyat* is nothing other than to confirm the appearance on the horizon of the new moon. While the Shariah is concerned with the visible appearance of the new moon on the horizon, the votaries of astronomical calculations dwell on the birth of the moon and the future possibility of a sighting taking place. Neither does *Rooyat* determine the birth of the new moon nor anything about the possibility or impossibility of future sighting of the new moon. The stupidity of claiming greater accuracy for astronomical calculations in relation to physical sighting with the eyes is therefore self-evident.

Dr. Shah very deviously attributes a falsehood to Rasulullah (Sallallahu alayhi wasallam) in the hope that all those who read his concoction will remain intellectually blind and fail to detect the conspicuous deception he employs. Without any tinge of conscience, Dr. Shah falsely alleges that Rasulullah (sallallahu alayhi wasallam) “*wanted to connect the*

commencement of the new month with the birth or sighting of the new moon.”

In the attempt to fabricate a basis in the Shariah for the fallacious hypothesis of astronomical calculations, Dr. Shah alleges that Rasulullah (Sallallahu alayhi wasallam) ‘*wanted*’ the new month to begin in one of two ways: either with the birth of the new moon or with the sighting of the new moon. Both these suppositions are false attributions to Rasulullah (Sallallahu alayhi wasallam).

There is not a shred of evidence to bolster the claim that Rasulullah (Sallallahu alayhi Wasallam) “*wanted to connect the new month with the birth of the new moon*”. It devolves on Dr. Shah to now show from which of his thumbs he has sucked this falsehood. Nowhere in any of the Sources of the Shariah has such a suggestion been made nor do the Math-habs subscribe to this view. Dr. Shah has attributed this fiction of his imagination to Rasulullah (Sallallahu alayhi wasallam) oblivious of the following dire warning sounded by Nabi-e-Kareem (Sallallahu alayhi wasallam): “*He who attributes a lie to me intentionally should prepare his abode in the Fire.*”

On what basis does Dr. Shah claim that Rasulullah (Sallallahu alayhi wasallam) ‘*wanted*’ to link the commencement of the new month with birth of the moon? Which Hadith can he produce to substantiate this blatantly false claim?

Dr. Shah is unable to even present any of those classical scholars who accept the accuracy of astronomical calculations, to bolster the falsehood which he has attributed to Rasulullah (Sallallahu alayhi wasallam). No one had ever suggested that Rasulullah (Sallallahu alayhi wasallam) had pivoted the commencement of the month with the phenomenon called ‘birth of the moon’, or that he had wanted to do so by even hinting in that direction.

Secondly, it is false to say that Rasulullah (Sallallahu alayhi wasallam) ‘*wanted*’ to connect the commencement of the new

month with sighting'. It is an irrefutable fact beyond any shadow of doubt that Rasulullah (Sallallahu alayhi wasallam) had in fact inextricably linked the commencement of the month with *Rooyat*. He had not ordered anything besides sighting. Dr. Shah's devious suggestion is manifestly fallacious and false.

In his typical style of unprincipled argument, Dr. Shah states: *"Following the astronomical calculations to determine visibility of the moon will not constitute an imitation of the Jewish calendar."*

Dr. Shah speaks of determining *visibility* of the new moon by means of astronomical calculations. Visibility cannot be determined by astronomical calculation. Visibility is determinable by only the human eyes. While calculations could determine the possibility of sighting – that the *hilaal* will be visible to the eyes on a certain night at a certain time, etc., such prediction is not *Rooyat*. The principle is *Rooyat*, not possibility of visibility and sighting

Further, it was not contended that using calculations to determine the possibility of sighting the moon was an act in emulation of the Jewish calendar. There is no objection if astronomical calculations are employed to indicate possibility of sighting and all other relevant information to assist the sighters. Such information based on calculations may be used to facilitate sighting which is possible by only the human eyes.

THE SABAB-e-WUJOOB OF SAUM

Every act of Ibaadat has a factor or cause which renders that act of Ibaadat *Waajib* (obligatory). When the Factor of Compulsion (called *Sabab-e-Wujoob*) comes into being, the obligation of the Ibaadat ushers in. For example, performance of Maghrib Salaat is *Waajib* only after sunset.. Before sunset

Maghrib Salaat is neither obligatory nor valid. Thus, the *Sabab-e-Wujoob* of Maghrib Salaat is sunset. The *Sabab-e-Wujoob* of Zakaat is the *Nisaab* value. Similarly the Fardh Siyaam (Fasting) has its *Sabab-e-Wujoob*.

The *Sabab-e-Wujoob* of *Siyaam* (Fasting) is the Month of Ramadhan. Fasting becomes obligatory only when the Month of Ramadhan has commenced. The question to resolve now is: When does Ramadhan commence? The obligation of *Siyaam* depends on the Month of Ramadhan. It is therefore a Shar'i obligation to determine the commencement of Ramadhan to enable the Ummah to begin the Fardh Fasting.

It is inconceivable that the Shariah would have left the Ummah in darkness and in a quandary by leaving this issue in a state of ambiguity. Likewise it is inconceivable that the entire Ummah for the past 14 centuries had commenced Ramadhan on the basis of a misconception, namely, beginning the Month of Ramadhan incorrectly.

What factor or phenomenon heralds the commencement of Ramadhan? This is of vital importance to ensure that the Ummah begins the Fardh Fasting only when Ramadhan has been confirmed. If someone claims that Ramadhan begins from one half moon and ends at the next half moon, which may be 29 or 30 days, the proof for this claim will be demanded. If the proponent of this theory contends that there is certainty and accuracy in astronomical calculations which have determined with precision the position of the moon in that specific phase termed half moon, his hypothesis will be summarily rejected as fallacious while at the same time the accuracy of the calculations will not be unnecessarily disputed if such a system has been adopted for a lunar month by some civilization. Nevertheless, Shar'i proof for the hypothesis is imperative. When the proof is not forthcoming, the hypothesis will be declared fallacious and rejected.

If another wise man claims that Ramadhan begins at full moon and ends at the next full moon, the same query and

demand as above will be directed to him, and his contention will be dismissed as *baatil* despite acknowledgement of the fact that from new moon to new moon is a valid lunar month for some communities.

If some scholar of concoctions avers that Ramadhaan begins 5 minutes before sunset on the 29th of Sha'baan, the same query and demand will be referred to him. Regardless of any rational reasons and benefits he may fabricate for his hypothesis, his claim will be dismissed as *baatil* for the simple reason that he is unable to substantiate his theory with Shar'i proof.

If another 'scholar' of fiqh such as Dr. Shah, for example, postulates that Ramadhaan begins when the astronomical calculations indicate the phase called birth of the moon, then we shall direct the very same query and demand to him. The questions in this regard are:

- (1) Who had ordained the birth of the moon as the commencement of Ramadhaan?
- (2) At what stage in the history of Islam did the phenomenon of the birth of the moon become the point at which Ramadhaan commenced?
- (3) Is there any Sahaabi who had maintained that Ramadhaan begins at the birth of the moon?
- (4) Is there any Math-hab which propagated the idea of the birth of the moon being the commencement of the Islamic month?
- (5) Did Mutarrif, Ibn Qutaibah, Ibn Muqaatil, Ibn Suraij, Subki and some other expounders of astronomical calculations link the commencement of Ramadhaan with birth of the moon?

The answers to these questions are:

- (1) Only *Shaari'* (Rasulullah –Sallallahu alayhi wasallam) had the power of ordainment. Never did he even hint

that birth of the moon signifies commencement of Ramadhaan.

- (2) At no stage in the annals of Islam was the phenomenon of birth of the moon ever fixed as the commencement of Ramadhaan nor was this idea even entertained for academic discussion.
- (3) There was not a single Sahaabi who advocated the hypothesis of the birth of the moon.
- (4) There is not a single Math-hab which had ever advocated birth of the moon as the starting point of Ramadhaan.
- (5) None of these classical Scholars had propagated the idea that Ramadhaan coincides with the birth of the moon.

The modernist deviate ‘contemporary scholars’ are totally incapable of presenting any valid Shar’i basis for their fallacious hypothesis that the Islamic month commences with the birth of the moon. There is absolutely no vindication in the Shariah for the idea of birth of the moon. It is an arbitrary presumption of the modernists for which not an iota of Shar’i proof exists.

On the contrary, a volume of solid Shar’i evidence upholds the Ruling of *Rooyat* as the commencement of Ramadhaan. The numerous highly authentic Ahaadith, the *Ta-aamul* (*Permanent Practice*) of the Sahaabah, the *Ta-aamul* of the Taabi’een, the *Ta-aamul* of the Tabe-Taabi’een and the 14 Century *Ta-aamul* of the entire Ummah constitute the most formidable basis for the immutable principle of *Rooyat* which no amount of skulduggery and deception by ‘contemporary scholars’ can ever hope to dislodge. And, included in the *Ta-aamul* of the Sahaabah is the *Ta-aamul* of Ibn Umar and the small minority of Sahaabah who would fast on the day after the 29th Sha’baan if it was a cloudy 29th and the *Hilaal* could not be seen despite steps having been taken to sight the moon. We mention here specifically the practise of Ibn Umar

(Radhiyallahu anhu) due to the smokescreen which Dr. Shah has struggled to sustain around the practice of this senior Sahaabi. This will be discussed further on, Insha'Allah.

BIRTH OF THE MOON

“.....fixing the Islamic calendar based upon astronomical calculations which determine the actual birth of the new Moon.” (Dr. Shah in his article, page 44)

The false premises which the votaries of astronomical calculations have arbitrarily postulated for conferring viability to their argument is *the birth of the new moon*. The Islamic calendar never ever was planned on the basis of the birth of the new moon. This baseless assertion is a hypothesis of the modernists which they have recently fabricated. The birth of the moon theory for commencement of the Islamic months has absolutely no Shar'i substantiation.

The move to determine the Islamic months on the basis of the birth of the new moon is an outright fabrication. It is a conspicuous attempt to eliminate an important tenet of the Shariah, namely, the principle of *Rooyat*. This move by the modern-day 'contemporary scholars' of deviation is a confirmed act of *Tahreef fid Deen* (Interpolation in the Deen).

On what Shar'i basis do these miscreants and misguided self-styled 'contemporary scholars' seek to displace a principle which was ordained by Rasulullah (Sallallahu alayhi wasallam)? In his article, Dr. Shah has not presented any substantiation for the arbitrary assumption of the innovation of 'birth of the new moon' as the principle governing the determination of the Islamic months. While he has gorged out considerable nonsensical intellectual flotsam and jetsam, darkening many pages with arguments full of sound and fury, he has proved nothing.

He has failed to substantiate his primary basis which is the fulcrum of the entire structure of the astronomical calculations hypothesis. This primary or foundational stone of their theory is: *the birth of the new moon is the principle for the commencement of the Islamic months*. But this is a self-evident falsity.

The deviated modernist proponents of astronomical calculations, for plotting the Islamic months have raised their fallacy on the basis of another fallacy, namely, *birth of the new moon or/and the predictability of visibility*. It should be well understood that predicting visibility is not *Rooyat*. Predicting visibility on a certain date at a certain time is not the actual sighting commanded by Rasulullah (Sallallahu alayhi wasallam). Thus, birth of the moon and predicting visibility are two new principles innovated by the ‘contemporary scholars’ of modernity. On the basis of this false premises –this fabrication – this fallacy and lie – they have structured their astronomical calculation argument in the dastardly plot to displace the immutable principle which Rasulullah (Sallallahu alayhi wasallam) had ordered for the Ummah until the Day of Qiyaamah. That principle is *Rooyat* or the actual sighting of the moon.

The votaries of calculations have absolutely no Shar’i basis for fixing their hypothesis of birth of the new moon or predictable visibility calculated by astronomy as the starting point of Ramadhaan or for any Islamic month. They have first to provide their Shar’i basis for this innovation. Their entire structure of argument in favour of astronomical calculation collapses without a sound Shar’i basis. The prior devolution upon the modernist clique is to argue the validity of their innovatory principles.

The ‘contemporary scholars’ have arbitrarily, without a vestige of Shar’i evidence, tendered the birth of the moon and/or predictable future visibility as the foundational basis

for proving the greater accuracy of astronomical calculations. Their entire postulation is riddled with discrepancies which expose the fallacy of their contentions. The summary of their fallacy is:

- The presentation of an argument based on a false premises which has been arbitrarily postulated.
- The principle in the Shariah is *Rooyat*, not birth of the new moon, or calculable future visibility.

The absurdity of the comparison of greater accuracy of astronomical calculations. While astronomical calculations could be extremely accurate in determining the precise time of the *birth* of the new moon, it is laughably stupid to compare it with *Rooyat* because physical sighting has not been claimed to be more accurate for determining the birth of the new moon. *Rooyat* simply has no relationship with the determination of the time of the birth of the new moon.

EMULATING THE JEWS

In his discussion on the ‘Jewish Argument’, Dr. Shah has attempted to negate the argument of imitation of the Jews which calculations lead to. Thus, he says: *“The same can be said about the actual Moon sighting and requirements connected with human witnesses .The Jewish jurisprudence had required it since antiquity and some of the Jewish sects and scholars follow that rule of actual sighting literally to the present times. Would observing the Moon with human eyes, as many classical and contemporary Muslim scholars require, constitute a Jewish imitation that will also be forbidden by the Islamic Shariah? I am sure the answer will be no!”*

Before answering this drivel, we have to draw attention to a falsity embedded in Dr. Shah’s aforementioned statement. He has claimed that “many classical Muslim scholars require”

actual physical sighting. This is a subtle attempt to detract from the *Ijma'* (*Consensus*) of the Ummah on the issue of actual sighting with the eyes. The claim of “many scholars” is baseless. From the age of Rasulullah (Sallallahu alayhi wasallam), including the Nabi himself, right down to the present age, *all* the Fuqaha (Authorities of the Shariah) had unanimously ruled the incumbency of actual sighting as the indispensable requirement to be followed by *Ikmaal* (completion with 30 days) in the event *Rooyat* has not been confirmed. It is not a case of just ‘many scholars’. There is the formidable bulwark of *Ijma'* to contend with.

Citing a handful of dissenters, ‘a minute minority’ (so described by Dr. Shah), in no way whatsoever negates the *Ijma'* of the *Saahabah* and the *Ummah*. Insha’Allah, this question will be dealt with further on in this treatise. In fact the minute minority does not refute *Rooyat*.

Sighting the *hilaal* with the naked eyes as is still practised by “some of the Jewish sects” is a command stated by Rasulullah (Sallallahu alayhi wasallam). The Yahood were the recipients of the Tauraah. Innumerable *Ambiya* were sent to them. In the Shariah of these *Ambiya*, numerous details (*Furu-aat*) are identical with the teachings of the Shariah of Rasulullah (Sallallahu alayhi wasallam). Thus *Rajm* (stoning to death) and *Thabah* (slaughtering animals), etc. were such teachings which were commanded by Allah Ta’ala. The Ummah of Rasulullah (Sallallahu alayhi wasallam) adheres to these teachings not in emulation of the Jews, but because these are part of the Haqq of the previous Shariahs which Islam corroborates. These teachings have been commanded by the final Shariah as well, hence Muslims follow them.

Sighting the moon is not done in emulation of the Jews for the simple reason that Rasulullah (Sallallahu alayhi wasallam) commanded it. On the contrary, Rasulullah (Sallallahu alayhi wasallam) did not order observance of astronomical

calculation. In fact, the Sunnah and Ijma' negate such calculations, not their accuracy, but their validity for the purpose of commencing the Islamic months. Thus, adoption of astronomical calculations for the purpose of beginning the month being an imitation of the Jews is a valid argument, while sighting the moon is not. It is therefore, a futile attempt to draw an analogy between the adoption of astronomical calculations and actual sighting, in an endeavour to negate the Jewish imitation argument. The argument of imitation remains valid if astronomical calculations are used for plotting the Islamic months.

The argument of refraining from imitating the Jews is based on Rasulullah's condemnation of imitating the kuffaar in general. This argument is not the determinant. The prohibition of astronomical calculations is not based on the 'imitation' arguments. This is merely a supplementary argument to give weight to the principle of *Rooyat* announced by Rasulullah (Sallallahu alayhi wasallam).

Although the Jewish calendar is a lunisolar (a hybrid lunar – solar) one, the months are derived from complete cycles of phases of the moon. While the Yahood too plotted their months by moon-sighting, they had their own peculiar method. Similarly, other nations and religious groups while also having lunar calendars, had their own ways of determining the lunar months.

The Chinese began their lunar month with the sunrise immediately before a new moon. Months of 29 or 30 days begin on the days the new moons are astronomically calculated, not by means of actual sighting. The Hindu system was to begin the month with the full moon.

The only pure lunar calendar is the Islamic calendar. Astronomical calculations are utilized in the calendar systems of all non-Muslim communities from ancient times. Islam created a sharp and fundamental difference by making physical or actual sighting of the *hilaal* mandatory for the

commencement of the Islamic months. The Islamic system is different from the kuffaar lunar systems. However, the modernist ‘contemporary scholars’ are satanically labouring to scuttle the purity of the Islamic calendar by following in the footsteps of all earlier kuffaar systems in which astronomical calculations were employed to determine the movement and positions of the celestial bodies.

Islam has dispensed with the system of movement and position of the celestial bodies and/or the moon. Discarding movement and position, Islam ordered *Rooyat* which was the principle even in the Divine Shariahs of the other Ambiya (alayhimus salaam).

Each civilization had its principles which constituted the basis for the determination of its lunar months. In adopting *Rooyat* as its fundamental and immutable principle, Islam was not rejecting the accuracy of astronomical calculations in the exercise to determine the positions and movement of the celestial bodies. Islam simply asserted *Rooyat* as the principle for commencing the Islamic lunar month. Thus, calculations are undoubtedly a dimension of emulation (*Tashabbuh bil kuffaar*).

There is no need for such unnecessary emulation. Needless emulation of the ways and methods of the kuffaar is haraam. On the contrary, the similarity of *actual sighting* which is a common feature of Jews and Muslims, precludes haraam emulation in view of the fact that such sighting is by the command of Allah Ta’ala.

THE IJMA' OF THE UMMAH

Ijma' or Consensus is one of the Four Sources of the Shariah. After the Qur'aan and the Sunnah comes the pedestal of *Ijma'*. Stating the basis for *Ijma'*, Rasulullah (Sallallahu alayhi wasallam) said: “*My Ummah will not have consensus on deviation.*”

. In the effort to deny the existence of *Ijma'* on the prohibition of astronomical calculations for the determination of the Islamic months, Dr. Shah has disgorged some fallacious arguments which may succeed to mislead the unwary and the ignorant. He has attempted to negate the *Ijma'* on this issue by citing a relatively infinitesimal minority (‘minute minority’ in his own words) of Scholars. Thus he says:

“A minute minority among the earlier jurists and an ever increasing number among the contemporary jurists disagree with the notion of complete dismissal of astronomical calculations.”

As far as the ‘contemporary scholars’ are concerned, they have no position in the firmament of Islamic Knowledge. It is ridiculous and laughable to cite the opinions of modern ‘scholars’ of our age in the attempt to negate the claims of the Fuqaha of the *Khairul Quroon (the three Noblest Ages)*. These ‘contemporary scholars’ are not among the Fuqaha. When we speak of the Fuqaha, we refer to that august body of illustrious Authorities among the *Salf-e-Saaliheen* whom the modernists term “the Classical Scholars”.

The so-called ‘contemporary scholars’ of this age are not among the *Ahl-e-Ijtihad*. They are in the category of the masses in relation to the Fuqaha Mutaqaddimeen and Fuqaha Muta-akh-khireen.

The age of the illustrious Fuqaha has terminated many centuries ago. There is therefore no need to even consider the views of the ‘contemporary scholars’ when such views are tendered in negation of the Rulings of those Fuqaha who were

invested with their Shar'i authority by Rasulullah (Sallallahu alayhi wasallam). Refuting the *Ijma'* of the Fuqaha is tantamount to refuting Rasulullah (Sallallahu alayhi wasallam).

Rasulullah (Sallallahu alayhi wasallam) said:

“The noblest of my Ummah (are those of) my age, then those who succeed them, then those after them. Then, after them will be such people who will bear testimony without them being sought for testimony. They will commit treachery and will not be people of trust. They will pledge without fulfilling (their pledges). Obesity will prevail among them....”

(Bukhaari and Muslim)

“Honour my Sahaabah, for verily, they are your noblest, then those after them, then those after them. Thereafter, falsehood will become prevalent.” *(Mishkaat).*

The highest category of *Ijma'* is the Consensus of the Sahaabah. This category is followed by the *Ijma'* of the Taabieen, then by the *Ijma' of the Tab-e-Tabieen*. Rasulullah (Sallallahu alayhi wasallam) mentioned these three categories in the aforementioned Ahaadith as well as in a number of other Narrations.

The dissension of a 'minute minority' has no effect on the *Ijma'* enacted by the higher category. Thus, a different view of a Taabee cannot produce even a kink in the *Ijma' of the Sahaabah*.

There will be an imperative need to discard the view of the 'minute minority' if such view is in conflict with the fourteen century view of the Ummah. While Dr. Shah and the modernist votaries of astronomical calculations desire Muslims to believe that there exists no *Ijma'* on this prohibition, the illustrious Fuqaha of all Math-habs claim the existence of *Ijma'*. Whose statement does the Ummah accept? Dr. Shah's or the claim of the Fuqaha of all Math-habs? Dr.

Shah's claim that there does not exist *Ijma'* on this issue is not worth the paper on which he has written his preposterous view regardless of the minute minority's opinions cited by him.

Before even slating the view of the 'minute minority', the smokescreen which Dr. Shah has puffed around the '*Ijma'*' issue has to be dispelled. In the abovementioned statement, Dr. Shah has claimed that a 'minute minority of the classical scholars disagrees with the notion of the complete dismissal of astronomical calculations'. Earlier on in our discussion we had drawn attention to the unprincipled and devious method of argument which Dr. Shah employs in his so-called 'fiqhi discussion'.

To divert attention from the crux of the dispute, Dr. Shah makes a claim which has no validity. As far as astronomical calculations are concerned, the overwhelming majority, in fact all classical Fuqaha accept their validity. It is false to claim that the *Jamhur* Fuqaha completely dismiss astronomical calculations. Since there is no controversy in this regard, Dr. Shah has ventured a superfluous and redundant argument to 'prove' something which is not being contested. All authorities accept the validity of astronomical calculations. What then is the motive for Dr. Shah to create this smokescreen?

The claim he has made is a very important red herring in his exercise and argument to displace the Shar'i principle of *Rooyat*. He hopes that the diversion he has tried to create with the red herring will go undetected. His entire argument is structured on the false premises he has stated in his claim pertaining to the 'minute minority'

In his claim, Dr. Shah is desperately hoping to succeed in throwing readers off the track and confusing them with issues regarding which there is no dispute. The sinister motive here is to create the impression that while the majority (*Jamhur*) Fuqaha totally dismiss astronomical calculations for determining the commencement of Ramadhaan and the

Islamic months, there is a ‘minute minority’ of Fuqaha who rejects the *Rooyat* principle in favour of astronomical calculations. This idea is baseless, deceptive and misleading.

As far as the principle of *Rooyat* is concerned, there is no ‘minute minority’ of Fuqaha who differs on this issue. There is perfect consensus of all authorities of all Math-habs on the validity and incumbency of *Rooyat* as the principle for commencing Ramadhaan. The difference which the ‘minute minority’ has with the vast majority of Fuqaha regarding astronomical calculations relates to an entirely different sphere.

On the issue of the validity of astronomical calculations, there is unanimity of all the Fuqaha. There is no differing ‘minute minority’. On the invalidity of astronomical calculations for commencing Ramadhaan there is also consensus. There is no dissenting ‘minute minority’ on this issue. However, there is a dissenting ‘minute minority’ regarding astronomical calculations which relate to other issues which are discussed in this treatise.

From this explanation should be understood that Dr. Shah is in complete mental turmoil making erratic claims and introducing non-contentious issues in a bid to present a coherent case for his fallacious hypothesis of astronomical calculations.

The view of the ‘minute minority’ which has been labelled *mardood* and in conflict with the *Ijma*’ of the *Salf* (the illustrious predecessors) pertains to a different question. Nevertheless this issue will be entertained and explained for the benefit of readers and so that the haze is dispelled.

For a lucid understanding of the issue, the conflict of the minute minority will be delineated from the puzzle of confusion which Dr. Shah describes as his ‘fiqhi discussion’. A major area of conflict is the view of the rejection of

Shahaadat (Testimony) on the basis of astronomical calculations.

According to the Shariah, *Shahaadat* is absolute. It is a fundamental of the judicial system of Islam. A view of the ‘minute minority’ is that if sighting of the moon is confirmed by *Shahaadat* while astronomical calculations indicate impossibility of sighting, then the *Shahaadat* will be rejected and the sighting will not be confirmed, hence Ramadhaan will not commence.

This view while corrupt and untenable in the Shariah, far from denying *Rooyat*, on the contrary fortifies the principle. On the other hand, if astronomical calculations indicate the possibility of sighting, the ‘minute minority’ does not accept such calculations and adheres to the principle of actual sighting.

It should thus be clear that the ‘minute minority’ differs on the issue of acceptance and rejection of testimony, not on the principle of astronomical calculations for confirming the moon. Both groups reject the calculations for confirming the month and subscribe to the principle of *Rooyat*.

In this ‘minute minority’, there is another extremely minute minority of scholars who present a dithering view with regard to acceptability of calculations for confirming the month. This negligible view is riddled with discrepancies and conflict within the ranks of the extremely minute minority within the ‘minute minority’. Their corrupt view has only some academic worth and has never been a practical tenet in the Ummah. In fact, even the handful of scholars entertaining this conflicting theory did not practically implement it. More discussion on this issue follows further on.

The Authorities speak of the *Ijma’ of the Jamhoor*, i.e. the overwhelming majority – the vast majority which relegates the infinitesimal minority to the realm of oblivion.

* Ad-Daaudi said: “Ijma’ is the proof against this view (of astronomical calculations).” (Aujazul Masaali, Vol.5, Page 16)

* Ibn Sabbaagh said: “Without any difference among our Companions, calculations are not incumbent.”
(Aujazul Masaalik, Vol.5, Page 16)

* “Ibnul Munthir has reported *Ijma’* on this.”
(Aujzul Masaalik, Vol.5, Page 16)

* “In Al-Mi’raaj it is stated: ‘By virtue of Ijma’, the statement of the astronomers will not be accepted.”

* “Al-Baji said: ‘The *Ijma’ of the Salfus Saalih* is proof against them (those who claim the validity of astronomical calculations). Ibn Bazeezah said: “It (calculation) is a baatil view.”
(Bazlul Majhood, Vol. 6, Page 105)

* “The Hadith indicates that confirmation of the month is not by means of calculations as the astronomers think, and also because of *Ijma’* on the negation of the statements of the astronomers, even if they are unanimous in proclaiming that the moon can be seen.....In fact, if the astronomer fasts for Ramadhaan on the basis of his knowledge (of astronomical calculations), before sighting the moon, then he is sinful, and his fast will not be enumerated as a fast of Ramadhaan.”
(Mirqaat –Sharhul Mishkaat)

* “He who claims the validity of the stages of the moon and the calculation of the astronomers is beyond the (confines of) the Shariah This view is not within the scope of Ijtihad since the Kitaab (Qur’aan), the Sunnah and the *Ijma’* of the Fuqaha are in conflict with it.”
(Ahkaamul Qur’aan –Jassaas)

“There is unanimity of the illustrious Ulama of the Shariah on the prohibition of calculations in regard to the moon (i.e. for determining the commencement of the month).....

There is no doubt that it is proven by the authentic Sunnah and the consensus of the Sahaabah that reliance on astronomical calculations is not permissible.....

When *Ijma'* of the Ummah has been established on any Ruling, then it is not permissible for anyone to depart from their Consensus..... (Fataawa Ibn Taimiyyah)

All the illustrious Authorities of the Shariah from the earliest times claim the existence of *Ijma'*. These Authorities are the Standard Bearers and the Final Word of the Divine Shariah which was completed and perfected in the time of Rasulullah (Sallallahu alayhi wasallam) as the Qur'aan Majeed testifies. In the face of the formidable proclamation of *Ijma'* on the prohibition of astronomical calculations for confirming the Islamic months, we have the frail cry of the modernist ‘contemporary scholars’ denying the existence of this *Ijma'*. Their lament is devoid of significance and credibility..

In their bid to fabricate grounds for the denial of the *Ijma'* on this issue, they grovel in the dregs of deviation, and surface with some splintered views of a splintered ‘minute minority’ whose opinions on this issue have been unanimously branded *baatil* and *mardood* by the Fuqaha of all Math-habs and of all times.

Those who possess sound Knowledge of the Shariah accompanied by the Fear of Allah Ta'ala recognize the corruption of the thinking of the modernist clique and understand the base motives which prompt deviation from the Path of the Sunnah—from Siraatul Mustaqeem, which is the Path the *Jamhoor* Fuqaha inherited from the Sahaabah.

It is Islamically immoral and bizarre to dismiss the fourteen century old Ruling of the Shariah in favour of a conflicting opinion presented by a negligible, insignificant group of modernist deviates of this age – a group of men who are non-entities in relation to the illustrious Fuqaha whom Allah Ta’ala had created specifically for guarding and upholding the Shariah which Rasulullah (Sallallahu alayhi wasallam) left for the Ummah of all times, right until the Last Day.

When the great Authorities of the Shariah have proclaimed *Ijma*’ on this question, the braying and crowing of the modernist deviates to the contrary must necessarily be discarded as waste matter disgorged by their deranged brains. Whoever seeks to refute the *Ijma*’ of the *Jamhur* with the dissensions of a rudderless isolated ‘minute minority’ is undoubtedly mentally deranged. He has lost his Islamic bearings and hovers on the brink of kufr.

Dr. Shah and the modernist ‘contemporary scholars’ are at pains to negate the *Ijma*’ of the Ummah on the prohibition of utilizing astronomical calculations for the Islamic months. In their endeavour they present the *mardood* and *baatil* view of a ‘minute minority’. We have already explained that the difference pertains to another domain, not to the subject of dispute.

The position of this ‘minute minority’ is further watered down and vastly weakened by a host of differences among them. These differences are mentioned in *Fathul Baari* as follows:

“There are different opinions on this question with regard to calculations and the stages (of the moon).

(1) It is permissible but the fast will not suffice for the Fardh (Fast). (2) It is permissible and will suffice for the Fardh. (3) It is permissible for the calculator (astronomer) and will suffice for the Fardh, but not for the astrologer. (4) It is permissible for both and it is permissible for others to follow

the calculator, not the astrologer. (5) It is permissible for both the calculator and the astrologer as well as for others without restriction. With regard to calculations, Ibn Sabbaagh said: "Without any difference among our Companions, calculations are not incumbent." (Vol.4, Page 104)

The modernist clique rely heavily on the view of Mutarrif Bin Abdullah among the Taabieen. Among the hundreds of thousands of Taabieen, Mutarrif's assumed view is a cry in the wilderness. The view of the solitary Mutarrif, assuming that he has been correctly reported, does not dent the armour of the *Ijma'* of the Taabieen and the Sahaabah on the prohibition. Neither does Mutarrif's view adversely affect the *Ijma'* of the Sahaabah nor the *Ijma'* of the Taabieen. His view has been branded as *mardood* and *baatil*.

The immutable Shariah cannot be abrogated by a solitary view. It is absolute insanity and *ilhaad and dhalaal* for the modernist 'contemporary scholars' of this belated age – fourteen centuries after Rasulullah (Sallallahu alayhi wasallam)—to meddle with the Shariah in a dastardly attempt to cancel a law which enjoys firstly the *Ijma'* of the Sahaabah, then the *Ijma'* of the Taabieen, then the *Ijma'* of the *Jamhoor* Fuqaha down the long corridor of Islam's centuries to this day. We remind readers that the conflict under discussion at this juncture is unrelated to the issue of astronomical calculations and *Rooyat*.

The view of the Shaafi jurist, Subki rejected by the Fuqaha of the Shaafi Math-hab and by the Fuqaha of all Math-habs, was produced almost 7 centuries after the enactment of the *Ijma'* of the Sahaabah. Subki's and Ibn Suraij's dissension is devoid of substance. Dr. Shah clings to such straws in his attempt to negate the *Ijma'* of the Ummah. Straws of differences hold no weight in the Shariah. Dissenting views centuries after the enactment of *Ijma'* have absolutely no effect, and do not cancel the earlier Consensus. A conflicting

view may not be cited in negation of an earlier *Ijma'*. Men ignorant of the Principles of Fiqh and generally defective in the Knowledge of the Shariah degenerate to the absurd level of citing a solitary view like that of Subki in a bid to refute an *Ijma'* which has been transmitted from the age of the Sahaabah.

What is truly bizarre about the unprincipled methodology of Dr. Shah, is that he cites the view of Imaam Subki in his insane attempt to crack the Rock of 14 centuries of *Ijma'* when in reality Imaam Subki constitutes a part of this *Ijma'*. It is either stark ignorance or deliberate deception which constrains Dr. Shah to present Imaam Subki's view in opposition to the view fortified by the *Ijma' of the Ummah*.

The *Ijma'* view is the imperativeness of *Rooyat* to confirm the month, and the prohibition of astronomical calculations for this objective. Subki subscribes to this view. He is at one with the Ummah in the prohibition of astronomical calculations in relation to establishing Ramadhaan. He is in full agreement with the Ummah regarding the principle of *Rooyat* and *Ikmaal*.

Dr. Shah cunningly presents Subki's conflicting view on the question of rejection of *Shahaadat* on the basis of astronomical calculations, and tenders it as a difference on the issue of *Rooyat* and prohibition as mentioned above.

The Fuqaha of the earlier ages understood the operation of *Usoolul Fiqh* (Principles of Islamic Jurisprudence). They are not in need of the likes of Dr. Shah and the deviated 'contemporary scholars' to impart to them lessons in Fiqh. On the contrary, a perusal of Dr. Shah's discussion conspicuously exhibits his defective understanding of the Shariah's Rulings and the Fiqhi Principles underlying such Rulings. It is for this reason that he has been able to claim with audacity that there is no *Ijma'* on the prohibition.

In his defective understanding of Shar'i issues he has utterly failed to realize that citing the corrupt and weird views of

loners who had ventured the dissension centuries after the enactment of *Ijma'*, is an act of only a man who dwells in *jahl murakkab* (compound ignorance).

Citing a solitary jurist to negate the *Ijma'* on the prohibition of viewing a naked woman, is bizarre and illustrative of the mental derangement of the one who seeks to cancel the Consensus. In exactly the same way do the deviate modernist 'contemporary scholars' display their ignorance and intellectual derangement by attempting to refute the *Ijma'* on the prohibition of astronomical calculations for Ramadhaan and the Islamic months. The views of Mutarrif, Subki, Ibn Suraij and the other members of the 'minute minority' do not dent the *Ijma'* of the Sahaabah, Tabi-een, Tabe Taabieen and of the Jamhoor Fuqaha of all Four Math-habs on any issue of the Shariah

There are differences of jurists on almost every mas'alah. A senior Maaliki jurist held the view of the permissibility of viewing a woman in the nude for marriage purposes.

Weird views have been expressed on different masaa-il by renowned authorities. But such weird views are rejected on the basis of the conflict with either the Qur'aan or the Sunnah or with *Ijma'*. Every good horse slips. Fuqaha too slip. Such slips (*zallaat*) while not disqualifying the august personalities, nevertheless are rejected by the Shariah. Deviates such as the modernist 'contemporary scholars' whose case Dr. Shah espouses, being the slaves of desire and unfettered nafsani opinion and being over-awed by the advancement of technology, and eager to satisfy the whims of the kuffaar and munaafiq governments gripping the lands of Islam, are always the candidates who rush to cling onto the weird and baatil views – *the zallaat – of the Ulama*. Such *zallaat* have to be buried, not cited as a basis for the negation of the *Ahkaam* of the Shariah.

Structuring their case on the basis of the *zallaat*, and the *baatil* and *mardood* opinions of an infinitesimal number

(‘minute minority’) of Ulama for fabricating an extraction which overrides a law of the Shariah which has existed from the era of Rasulullah (Sallallahu alayhi wasallam), is a truly lamentable commentary on the brains and the degenerate state of Imaan of the modernist ‘contemporary’ scholars.

Dr. Shah stupidly and at the peril of his Imaan casts aspersions on even the illustrious Muhadditheen in his satanic exercise and attempt of refuting the authenticity of certain Ahaadith. While he finds the audacity to assail the reputation of the Muhadditheen by attributing errors to them, he fails to understand that the probability of error lies to a far greater degree with the ‘minute minority’ to whom *mardood* opinions have been attributed. The baseless opinions at best are *zallat* (slips and errors) committed by the ‘minute minority’, and at worse pure fabrications falsely attributed to the ‘minute minority’ of Fuqaha.

Thus, Ibn Abdul Barr said: “The attribution of this view to Mutarrif is incorrect. Ibn Qutaibah is not one on whom reliance could be reposed on issues of this nature.” (*Fathul Baari, Vol.4, Page 104*)

It is deviation and satanic for the modernist ‘contemporary scholars’ to seek to override the *Jamhoor* with the ‘minute minority’ on the *Shahaadat mas’alah*, and worse, the unanimous *Rooyat mas’alah* on which there is *Ijma’*, and no ‘minute minority’ conflict. There is no basis and no need to overrule the fourteen century Consensus of the *Jamhoor* with the *mardood* view of a ‘minute minority’.

DECEPTION AND CONFUSION ON THE QUESTION OF IJMA'

In relation to the determination of Ramadhaan, Eid and the Islamic months in general, there are two kinds of Rulings on which *Ijma' of the Ummah* has been enacted. These are:

- 1) *Ijma'* on the principle of *Rooyat* and *Ikmaal*
- 2) *Ijma'* on the prohibition of using astronomical calculations for confirming Ramadhaan, Eid and the Islamic months.

In his rambling discussion Dr. Shah has confused these two issues. In the attempt to disprove the existence of *Ijma'* on *Rooyat* and *Ikmaal*, he tenders the view of Imaam Subki, for example. (*This aspect is explained in more detail in another chapter*). Citing Subki's acceptance of the accuracy of astronomical calculation, Dr. Shah concludes that this Imaam's view is in conflict with the *Ijma'* which according to the Ahlus Sunnah Wal Jama'ah exists on the abovementioned two issues.

From this manner of unprincipled argument, it is abundantly clear that Dr. Shah's understanding of these issues is grossly deficient. It is absurd to offer Subki's view in negation of *Ijma'* without ascertaining what exactly Imaam Subki says on the aforementioned two issues. If Dr. Shah is able to understand the *kutub* which he has subjected to his defective research, he would have realized that on both issues (No.1 and No.2 above), Imaam Subki is in concurrence with the Ummah.

According to Imaam Subki, despite his view of the accuracy of astronomical calculations – a view which we do not contest – he unequivocally maintains the view that *Rooyat* and *Ikmaal* are the only two incumbent methods for establishing Ramadhaan, Eid and the Islamic months. Secondly, he affirms the inadmissibility of accepting astronomical calculation for determining and confirming Ramadhaan, Eid and the Islamic months.

Thus, Dr. Shah's presentation of Subki's view displays his confusion and lack of understanding of the issues he is discussing. Alternatively, he has indeed understood the issues and if he does have the ability to demarcate and distinguish the seemingly overlapping issues in this dispute, then his unprincipled manner of tendering 'proofs' is deception designed to confuse and mislead.

Another example of this type of red herring which Dr. Shah lets loose either ignorantly or by design, is his presentation of Allaamah Abbaadi's view. In support of his contention that there exists no *Ijma'* on No.1 and No.2 (above), Dr. Shah, citing Al-Qalyubi, says: *"Al-Abbadi said that the witness of even trustworthy would not be accepted if the accurate astronomical calculations refute possibility of sight ability. Their witnesses must be rejected due to the calculations and fasting would not be allowed in such a case."*

Since Dr. Shah is not well-versed in the English language, we offer the correct translation of the Arabic text attributed to Al-Qalyubi:

"It has been narrated from A-Abbaadi that he said: 'When calculations of absolute certitude indicate the impossibility of sighting the hilaal, then the statement of trustworthy witnesses claiming sighting of the hilaal will not be accepted . Their

testimony (Shahaadat) will be rejected on the basis of it (i.e. astronomical calculations)."

By what stretch of logic or even imagination can this averment of Al-Abbaadi ever be tendered in negation of the *Ijma'* on No.1 and No.2 (above) is truly baffling? In his *baatil* opinion, Al-Abbaadi is not refuting the validity of *Rooyat* and *Ikmaal*, nor is he arguing the case for acceptability or permissibility of astronomical calculation to confirm Ramadhaan, Eid and the Islamic months. Al-Abbadi, like Subki, is united with the Sahaabah and the Fuqaha of Islam regarding the existence of *Ijma'* on the principle of *Rooyat* and *Ikmaal*, and on the prohibition of utilizing astronomical calculations for confirming Ramadhaan, Eid and the Islamic months. His difference relates to the issue of rejection of *Shahaadat* (Testimony), not to the issue of *Rooyat* and acceptance of calculations for confirming the Islamic months.

In similar unprincipled vein of argument, Dr. Shah presents the isolated *baatil* view of Ibn Daqeequl Eid. Ibn Daqeeq's view is discussed and explained with clarity further on in this treatise. It will suffice at this juncture to merely show Dr. Shah's lack of understanding and his inability to grasp Fiqhi issues. Having cited Ibn Daqeeq's view out of its contextual meaning, Dr. Shah concludes that he (Ibn Daqeeq) is in conflict with the *Ijma'* we claim for the two issues (No.1 and No.2, above).

It is truly astonishing that Dr. Shah cites Ibn Daqeeq in support of his contention notwithstanding the fact that he (Dr. Shah) himself states on page 6 of his discussion: "*Ibn Daqeequl Eid said: 'What I am saying is: 'Undoubtedly, it is not permissible to rely on calculations in the matter of Saum on the basis of what the astronomers opine.....'*"

When it is the belief and view of Ibn Daqeequl Eid that the confirmation of Ramadhaan and Eid rests on *Rooyat* or *Ikmaal*, and that it is not permissible to determine these occasions of Ibaadat by means of astronomical calculations, then to present him in support of the opposite *baatil* view of the deviate 'contemporary scholars' of our age is either stark *jahaalat* or sinister deception designed to confuse and mislead the unwary and unsuspecting laity of the Ummah. Ibn Daqeeq's apparent conflicting view is discussed further on in this treatise.

Again veering off into ignorance or deception, Dr. Shah quoting Hamawi says: *"And Ahmad bin Muhammad al-Hamawi, the known Hanafi jurist, has stated the same in the old times: "The calculations related to the new moons and eclipses are based upon actual realities and experiments. They do not come under the category of prohibited acts by the Prophet (PBUH). This argument is substantiated by the fact that the Jurists have allowed knowledge of calculations when it comes to knowing the timings of the daily prayers and directions of the Qiblah."*

What Dr. Shah has failed to understand is that these same Jurists who allow astronomical calculations for prayer timings and Qiblah directions, prohibit these calculations for Ramadhaan, Eid and the Islamic months.

In his rambling argumentation, Dr. Shah presents permissibility of calculations in relation to Salaat timings and Qiblah directions as justification for permissibility of using such calculations for determining Ramadhaan and Eid. He cites the Jurists who allow the calculations for the former while they prohibit it for the latter. At the same time he is either blissfully ignorant of the views of these Jurists on the

question of *Rooyat* and *Ikmaal*, or he deliberately conceals and conveniently ignores their views. These very Jurists whom he has cited are united in the *Ijma'* on issues No.1 and No.2.

Dr. Shah is required to produce such views of the Jurists which refute the validity and incumbency of *Rooyat* and *Ikmaal*. Hopelessly unable to do so, he tenders the views of the Jurist who upholds calculations for Salaat timings and Qiblah directions. But these are not the disputed issues. We all accept calculations for these issues. Dr. Shah's red herring has not succeeded in deflecting the focus of attention from the actual bone of contention, namely, there is *Ijma'* on the question of *Rooyat* and the prohibition of astronomical calculations of determining Ramadhaan and Eid.

Furthermore, while Dr. Shah has mentioned Hamawi's view on the validity of astronomical calculations pertaining to Salaat timing and Qiblah, directions, he has forgotten that on page 4 of his discussion, he cites Hamawi as follows: "*Ahmad bin Muhammad Al-Hamawi, another famous Hanafi jurist, states: 'For us, the condition for the fast and breaking the fast is the sighting of the Crescent. And the calculation of the astrologist cannot be followed in this matter. In al-Tazib, according to Shafa'ee school, it is also stated that astrological calculations cannot be trusted neither in the beginning nor in ending the month of fasting (Ramadan).'*"

It is thus crass ignorance to present Hamawi's view which concerns entirely a different issue, in refutation of the Ummah's *Ijma'* on No.1 and No.2. Hamawi is a component of this *Ijma'*.

Dr. Shah also tenders the isolated *baatil* view of the 5th century Allaamah Al-Qushairi – a view which is taken out of

its context – without mentioning what exactly is Allaamah Quraishi's view on the question of *Rooyat*, and *Ikmaal*. It is wholly inadequate to present an opinion which is only of academic significance, while not discussing the view on *Rooyat* held by the Jurist who is being cited in refutation of the *Ijma'* on this issue.

Similarly, Dr. Shah has blown his trumpet quite vociferously in his expectoration of views attributed to Mutarrif Bin Shakheer, Ibn Muqaatil, Qutaibah and Ibn Suraij. But he has miserably failed to inform us about the views these personalities held on the issues of *Rooyat* and *Ikmaal*. Although absolutely no information has been forthcoming on the views of these august personalities regarding *Rooyat* and *Ikmaal*, Dr. Shah has laboriously struggled to capitalise on ambiguous statement dubiously attributed to Ulama such as Mutarrif and Ibn Muqaatil.

Dr. Shah, quoting from Hamawi, has produced the following ambiguity attributed to Ibn Muqaatil: *"Some of our scholars are of the opinion that there is nothing wrong in depending upon the astronomical calculations. Actually Muhammad bin Muqaatil used to inquire astronomers about the calculations and depend upon that if the calculation were agreed upon by a group of astronomers."*

We can take this further, and say that "all our Scholars are of the opinion that there is nothing wrong in depending upon astronomical calculations." But in which sphere do they accept this dependency? On what issues do they accept the calculations? Dr. Shah has not clarified, and he is unable to clarify because these Scholars relate the permissibility of the calculations to issues besides Ramadhaan and Eid.

Dr. Shah has also failed to inform us about the issue regarding which Ibn Muqaatil used to enquire from the astronomers. Ibn Muqaatil's enquiries cannot be produced as substantiation for the claim that he did not subscribe to the incumbency of *Rooyat* and *Ikmaal*. Dr. Shah has failed to show that Ibn Muqaatil did not accept the incumbency of the *Rooyat* and *Ikmaal* principle. Simply saying that Ibn Muqaatil would question astronomers and accept their unanimous view is not support whatsoever for the contention that there is no *Ijma'* on *Rooyat* nor on the prohibition of astronomical calculations for confirming Ramadhaan, Eid and the Islamic months. What proof is there to disclaim the averment that Ibn Muqaatil and even the others who used to consult astronomers did so in order to negate *Shahaadat* just as Subki did centuries later?

There is not the slightest iota of evidence to indicate that questioning the astronomers was for refuting the incumbency of *Rooyat* and *Ijmaal*.

The foregoing explanation is more than adequate to illustrate Dr. Shah's miserable failure in his exercise to refute the existence of *Ijma'* on the two issues, viz. *Rooyat/Ikmaal* and prohibition of using astronomical calculations to confirm Ramadhaan, Eid and the Islamic months.

The safest course in the attribution of ambiguous views dubiously related to an extremely 'minute minority' of Ulama, is to read such statements in the light of Subki's explicit clarification which has already been elucidated and which will be discussed further on. After all, Imaam Subki's view constitutes the linchpin of Dr. Shah's whole *baatil* and *mardood* concoction.

DR. SHAH'S VERSION CONFIRMS CONSENSUS

Dr. Shah has peculiarly presented his version little realizing that it also substantiates *Ijma'* on the prohibition of astronomical calculations for confirming the Islamic months. The 'minute minority' according to Dr. Shah consists of two groups: (1) Classical scholars (2) Contemporary scholars.

As far as the second group is concerned, these 'contemporary scholars' have no pedestal in the Shariah in relation to the Fuqaha (Classical Jurists). The views of the modernist minority are of no significance in this discussion. It is ridiculous and laughable to present the opinions of modernists of this age in negation of a fourteen century Law of the Shariah. The dissenting opinions of the liberal 'scholars' of 'fiqh councils' and 'fiqh academies' cannot be cited in negation of the Consensus of the Ummah. Such opinions are bereft of Shari substance and have to be simply discarded as waste matter.

Dividing the 'minority group into two groups, Dr. Shah says: *"There are two main groups among this category of scholars (i.e. the 'minority group'). First group accepts astronomical calculations only in negating the beginning of the month. That is if the calculations prove impossibility of sight ability or negation of the birth of the moon, etc., then they do not accept witnesses claiming the actual sighting..."*

In this statement, Dr. Shah concedes that even this group of the 'minority group' does not accept astronomical calculations for determining the commencement of the month. This group on which the 'contemporary scholars' heavily rely for sustaining their *baatil* opinion, does not accept astronomical calculations for determining Saum, Iftaar and the Islamic months according to the admission of Dr. Shah. This infinitesimal group on the admission of Dr. Shah, accepts

astronomical calculations only to negate the beginning of the month despite uprighteous and trustworthy witnesses having testified to sighting the *hilaal*. While this view too is *mardood*, it concerns entirely another issue.

Noteworthy is Dr. Shah's admission that even this 'minute minority' is in agreement with the *Ijma'* on the prohibition and on the issue of *Rooyat*, hence they reject testimony claiming sighting, if astronomical calculations indicate the impossibility of sighting. But this minute group does not employ calculations to commence the month.

Now who are the scholars whom Dr. Shah has categorized into this group of the 'minute minority'? Explaining who this first category of the 'minute minority' is, Dr. Shah says: "*This is an old trend among some of the scholars and can be traced back all the way to the first century of Hijrah. Mutarrif bin Abdullah (a successor, Taba'ee), Abu al-Abbas Ahmad bin Umar Ibn Sarij (D 306 AH), Taqi al-Din Ali al-Subki (683 – 756 AH) since the old times and contemporary scholars like Sheikh Yusuf Al-Qardawi.....*"

From this categorization of Dr. Shah, the logical conclusion is that according to the Classical Scholars astronomical calculations are valid for only negating the commencement of the month if these calculations indicate impossibility of sighting the crescent moon. Thus, even these Classical Scholars who have diverged from the *Ijma'* of the *Jamhoor*, on another mas'alah, are on board of the *Ijma'* of the *Jamhoor* in so far as *Rooyat* (sighting) is concerned for the commencement of the month. They differ only on the issue of 'negation' according to Dr. Shah. Thus, even of Dr. Shah's version, there is total *Ijma'* on negation of astronomical calculations for confirming the month.

The whole contention and discussion pertain to the use of astronomical calculations for the commencement of Ramadhaan, not to the question of the negation of *Shahaadat* (Testimony) for confirming *Rooyat*. Either Dr. Shah is

dwelling in confusion or he has deliberately attempted to mislead the unwary ones. The Ruling of the Shariah on which there is *Ijma'* of all the Fuqaha of all ages, including the Sahaabah, is that the principle is *Rooyat*, not the birth of the moon nor any specific position of the moon in its orbit. *Rooyat is nothing other than actual sighting with the eyes.*

The first group of the 'minority group' cited by Dr. Shah is united with the Jamhoor –with all the Fuqaha – in the view that *Rooyat* is imperative for the commencement of Saum and for ending Saum. Thus, there is complete Consensus on the prohibition of using astronomical calculations for determining the commencement of the month which incumbently requires *Rooyat*.

This is the logical conclusion stemming from the categorization of the 'minute minority' presented by Dr. Shah. With regard to the acceptance of calculations for confirmation of the Islamic months, Dr. Shah has presented only the modern-day, present era modernist, liberal 'contemporary scholars'. Thus, he says: "*The second group permits acceptance of astronomical calculations both in establishing the beginning of the month as well as negating or dismissing any claims to sighting if the calculations prove otherwise. This is a recent phenomenon among some of the last century and contemporary scholars such as Dr. Muhmmad Mustaf al-Marghi, (Grand Imam of Al-Azhar, 1935 – 1945).*"

In this category he lists 'contemporary scholars' from the period between 1901 to 1999. It is preposterous, bordering on kufr, to cite the opinions of liberal 'scholars' of this age in negation of fourteen century *Ahkam* of the Shariah. It is an insult to the Ummah and to Islam to propound a negation of the Ummah's *Ijma'* on the basis of opinions disgorged by liberals of this belated age in such proximity to Qiyaamah.

The liberal deviates, in emulation of the ulama-e-soo' of Bani Israeel, cherish in their hearts the sinister plot of changing the Immutable Shariah of Allah Azza Wa Jal. With

change, interpolation and deletion, the clerical hierarchy of the Ahl-e-Kitaab had emaciated the Shariahs of Nabi Musaa (alayhis salaam) and Nabi Isaa (alayhis salaam), reducing their respective Divine Laws to the emaciated and totally disfigured state we find Judaism and Christianity in this age. The modernist deviates – the contemporary scholars – have the very same agenda in mind. But as far as this Divine Shariah of Muhammad (Sallallahu alayhi wasallam) is concerned, they will not succeed because the Qur’aan assures us:

“We have revealed the Thikr, and verily We are its Protectors.”

Islam will remain immutable and unchanged until the end of time.

It will now be understood that the modernist ‘contemporary scholars’ are barking up the wrong tree. They are far off mark. They cite in substantiation of their claim such Fuqaha who are not in conformity with their *baatil* view. When Dr. Shah himself asserts that this group of the ‘minority group’ “accepts astronomical calculations only in negating the beginning of the month”, on what basis does he present these Classical Fuqaha in substantiation of the perfidious view of using astronomical calculations for commencing the Islamic months? The view of negation in fact fortifies the view of the prohibition of astronomical calculations for the purpose of determining Ramadhaan. The self-contradictory explanations offered by Dr. Shah illustrates the bankruptcy of the modernist argument and the fallacy of their postulate.

USAGE OF ASTRONOMICAL CALCULATIONS

In a further attempt to mislead Muslims, Dr. Shah states: *“This group (i.e. the minute minority) does not see any prohibition neither in the Qur’an nor in the Sunnah manifestly banning usage of astronomical calculations in matters of Din.”*

Here Dr. Shah attempts to mislead by trading the impression that the other group, namely, the *Jamhur Fuqaha*, prohibit the use of astronomical calculations in all Deeni affairs, hence he says: *“This group (the ‘minute minority’) does not see any prohibition...”* In his discussion he has needlessly lapsed into futile prolixity in the bid to ‘prove’ that astronomical calculations have been condoned by some of the Classical Fuqaha in matters of the Deen such as Salaat times, Suhoor times, Iftaar times, Qiblah direction, etc. Darkening the pages with extracts from the Fiqh kutub to confirm the validity of using astronomical calculations in Deeni matters has been a redundant and wasteful exercise for the simple reason that no one among the orthodox group of Fuqaha nor any of the orthodox Ulama of this age or of any age had ever disputed this permissibility.

“Matters of Din” have a wide scope. It has not been contended that the usage of astronomical calculations is banned in all matters of the Deen. The contention of the *Jamhur Fuqaha* is that this usage is banned for determining the Islamic months since such usage in this regard conflicts with the principle of *Rooyat* commanded by Rasulullah (Sallallahu alayhi wasallam) and on which *Ijma’* has been enacted.

The phrase, ‘*matters of Din*’ is therefore misleading. It has been presented to create the impression that the *Jamhur*

Fuqaha have placed a total ban on astronomical calculations whereas this is erroneous.

Assuming that the ‘minute minority’ does not see any prohibition in the utilization of astronomical calculations for determining Saum and Iftaar, let them know that all the Fuqaha of all eras upheld the prohibition, except an extremely minute minority within the ‘minute minority’, scattered over the centuries of Islam’s history. There never existed a sizeable body of Fuqaha in any era of Islamic history who had espoused the *mardood* view which Dr. Shah has attributed to the ‘minute minority’. Those Fuqaha whom Dr. Shah has categorized into the ‘minute minority’ such as Subki, Ibn Daqeequl Eid and others, do not subscribe to the view of permissibility of astronomical calculations to determine Ramadhaan and the Islamic month. On the contrary, they rigidly adhere to the *Rooyat* principle.

When the Fuqaha of Islam of all ages have declared *Ijma*’ on the prohibition, the modernist ‘contemporary scholars’ are exhibiting reckless and compound ignorance in their endeavour to negate this vast majority view pertaining to *Shahaadat* with the *mardood* opinion of a ‘minute minority’. Their reckless ignorance is further aggravated in their bid to dismiss the *Ijma*’ on the *Rooyat* principle with the theory of conflict which one or two or three scholars have tendered over a period of 14 centuries.

Among the ‘minute minority’ are some who hold the view that if on a cloudy day when the *hilaal* is not visible, if astronomical calculations indicate the possibility of sighting, then this will be acceptable. But this view is *baatil*. This baseless view is further weakened by the restriction placed on it by its propounders. They have confined this view to only a cloudy day when the calculations indicate the presence of the moon on the horizon and that sighting would have been most certainly possible if it were not for the clouds. This view does not espouse the ‘birth of the moon’ theory of Dr. Shah who

himself has with blissful ignorance confirmed what we have just explained. Thus, he cites Ibn Daqeeq as follows:

“Ibn Hajar al-Asqalani reports that Ibn Daqiq al-Eid said that if the astronomical calculations established the fact that the Moon is there and can be sighted but the cloudy weather came between it and sighting it, in this case the fasting will become obligatory. This constitutes a valid Islamic reason to follow the calculations.”

Noteworthy in this admission is that astronomical calculations are not related to ‘birth of the moon’. Ibn Daqeeq relates it to ‘sighting of the new moon’. Ibn Daqeeq has categorically stated his belief in the imperative principle of *Rooyat*. This will be further discussed in this treatise.

Furthermore, Ibn Daqeeq does not extend this erroneous theory to a clear day, because the occasion now calls for sighting with the eyes, not for calculations because calculations cannot establish *Rooyat* which is the compulsory principle to which Ibn Daqeeq and all the Fuqaha without a single exception, subscribed.

Secondly, in this averment Ibn Daqeeq states that the calculations show that the *hilaal* has already appeared on the horizon and if it were not for the cloud obscurities, the naked eyes of people would have undoubtedly seen it. There is absolutely no condonation for the *baatil* postulate of birth of the moon in Ibn Daqeeq’s wayward postulate.

Thirdly, Ibn Daqeeq has not raised an argument here in favour of astronomical calculations to determine the Islamic month by way of plotting the birth of the moon.

Fourthly, it cannot be proved in any way whatsoever that Ibn Daqeeq himself or any other of the Fuqaha had practically implemented this theory in their practical lives. It was an academic argument which he had based on logic. There is no need on this occasion to digress from our topic of dispute and venture into the rationale on which Ibn Daqeeq based his theory which despite its *mardoodiyyat* (fallacy) does not

espouse the birth of the moon hypothesis of Dr. Shah and the deviate ‘contemporary scholars’.

Fifthly, Dr. Shah has mistranslated Ibn Daqeeq’s statement, either by design or due to incompetency in the Arabic language. Ibn Daqeeq in propounding his error, does not say as Dr. Shah alleges: “*in this case the fasting will become obligatory*”. This is not what Ibn Daqeeq said. The correct translation of his statement is: “*This desires (or dictates) wujoob (incumbency) because of the existence of the sabab shar’i (the cause/factor of compulsion)*”. He has not issued the ruling that Fasting is obligatory on the masses when the astronomer says on a cloudy day that his calculations show that the moon has already appeared on the horizon and if it were not for the clouds the moon would have been clearly visible.

The analogy he makes with a prisoner who is unable to see the moon due to his lock-up in an underground cell, as well as the explicit comments of other Fuqaha who had commented on his theory, clarify that the obligation of fasting in terms of this theory of Ibn Daqeeq is confined to only the astronomer. This opinion cannot be extended to others in the same way as the decision of the prisoner cannot be extended to others. In this hypothesis the astronomer is in the category of a prisoner in an underground cell. Like the prisoner has to rely on his *Taharri* (pondering), so too does the astronomer have to rely on his calculations which is a dimension of *Taharri*.

Refuting this baseless view, Ibn Basheer Maaliki said: “*Some of our Baghdaadi companions inclined to the view that if the possibility of sighting is confirmed by calculations, then this can be adopted on an overcast day. This view is baatil (baseless/false).*” (*Hashiyah Imaam Rahooni, Vol.2, page342*)

However, Ibn Arfah stated: “*I do not know of this view being that of any Maaliki.*” (*Vol. 2, Page 342*)

“Ibnul Arabi criticized Al-Baaji for having attributed this view to some Shaafis on the basis of the explicit claim of the Shaafi Imaams that this view is nonsensical.”

(Hashiyah Imaam Rahooni, Vol.2, Page 342)

In his *Aaridhah*, Ibnul Arabi elaborately and vigorously criticized Ibn Shuraih for this view.

XX

IJMA'

The insignificant number of dissenters does not even dent the *Ijma'* which exists on the prohibition of astronomical calculations in regard to confirming the commencement of the month. If the dissension of an insignificant number of Ulama was a valid negation of *Ijma'*, this very fundamental constituent of the *Dalaail-e-Ar-b'ah* (the Four Sources of the Shariah) will be a myth. There will then hardly be any *masalah* on which there is *Ijma'*.

XX

ROOYAT AND THE SUNNAH

“WE NEITHER WRITE NOT CALCULATE”

Dr. Shah has painstakingly endeavoured in his discussion to show that according to the Sunnah the act of *Rooyat* (sighting) was merely an expedient constrained by the circumstances prevailing during the age of Rasulullah (Sallallahu alayhi wasallam). Thus, the modernist votary of astronomical calculations, expectorating his fallacious assumption states: *“It is true that sighting was required by the Prophet (PBUH) as it was the only authentic method available during his times to confirm the presence of the Moon, the sign of the new month’s commencement. That is what the Prophet (PBUH) said, “we are unlettered people we neither write nor calculate.”.....The actual sighting of the new Moon was the only mechanism at their disposal to attain that certainty. That is why the Prophet (PBUH) emphasized so much upon sighting the new Moon.”*

This hypothesis has far reaching implications. This type of postulating implies the imperfection of the Divine Shariah and the need for another Messenger to address the vastly different life style and conditions of this space age. It should be remembered that the Shariah of Islam was completed and perfected during the Camel Age. Today is the space age. There is a colossal difference – a difference as vast as the difference between heaven and earth. Yet the Divine Wisdom dictated the termination of the Divine Law with the Shariah bestowed to Muhammad (Sallallahu alayhi wasallam). In addition, Allah Ta’ala in His Infinite Wisdom deemed it appropriate to place a Seal on Nubuwwat with the *Risaalat of Rasulullah (Sallallahu alayhi wasallam)*.

Furthermore, Allah Rabbul Izzat chose the *Ummi Ummah* (The Unlettered People) to establish the domination of Islam over the world. These *Ummi* people (the Sahaabah) under the banner of the *Ummi* Nabi (Muhammad –Sallallahu alayhi wasallam) then ruled the sophisticated civilizations which had reigned supreme in that Camel Age over the greater part of the so-called civilized world of the time.

This *Ummi – Unlettered Nation of Islam* – these noble Denizens of the Desert who had never ventured beyond their tribal territorial boundaries during their pre-Islam era, now organized large naval forces to conquer the lands as far west as Constantinople. Ameerul Mu'mineen Sayyiduna Uthmaan (radhiyallahu anhu) had despatched a large naval force to subjugate the 'civilized' lands for the Islamic Empire. Ameerul Mu'mineen Hadhrat Umar Ibn Khattaab (radhiyallahu anhu) had established the finest political administration the world had ever known. Every department and every office of that sacred system of Islamic government was manned by *Ummis* about whom Rasulullah (Sallallahu alayhi wasallam) said that they "*neither write no calculate*".

These *Ummi* Desert Dwellers handled the finances of an Empire which stretched to the Atlantic Ocean in the west and to the boundaries of China in the east. How did this 'Unlettered Nation who could neither write nor calculate' manage to keep the Islamic Empire vibrant and flourishing for centuries?

Dr. Shah and the 'contemporary scholars' have totally failed to understand the significance of Rasulullah's statement: "*We are an Ummi Nation. We neither write nor calculate.*" In their ignorance, the modernist 'scholars' have construed that the reason for Rasulullah's emphasis on actual sighting of the *hilaal* was due to the illiteracy of the Arabs.

Dr. Shah either deliberately or ignorantly overlooks the fact that Rasulullah's emphasis on the negation of calculations is not a command applicable in general to all issues which

require calculations for awareness and accuracy. He did not negate calculations regarding the times of Salaat, sunset, sunrise, Subh Saadiq, Qiblah direction, etc. The prohibition was directed specifically to the Islamic months. No Faqeeh had ever contended that “*We neither write nor calculate*” is a principle forming the basis for the negation of *all* writing and *all* calculation in *all* matters and domains. The prohibition is unanimously restricted to only confirmation of the commencement of the Islamic months.

When the Treaty of Hudaibiyyah was being written, why did Rasulullah (Sallallahu alayhi wasallam) not negate writing by proclaiming: “*We are an Ummi Ummah. We neither write nor calculate.*” If this negation of writing and calculation was total or a statement unrestricted with actual *Rooyat*, why did Nabi-e-Kreem (Sallallahu alayhi wasallam) not invoke it when he ordered numerous letters to be written to the rulers of the various non-Muslim countries? Why did “*we neither write nor calculate*” not apply to the Scribes whose obligation it was to record in writing the Qur’aanic *Wahi*? Why did this prohibition not deter Hadhrat Abu Bakr (radhiyallahu anhu) from ordering the compilation of the Qur’aan Majeed in written form? And, why did Hadhrat Umar (radhiyallahu anhu) not invoke it when he insisted on a written compilation? Similarly, Hadhrat Uthmaan (radhiyallahu anhu) unhesitatingly had the Qur’aan Majeed written, and not a single Sahaabi objected to the ‘writing’ despite them all being aware of Rasulullah’s statement: “*We neither write nor calculate.*”

On the occasion when Rasulullah (Sallallahu alayhi wasallam) made this statement, he explicitly said: “*The month is so much, so much and so much*”. Each time he indicated with his ten fingers, thereby illustrating that the month has 30 days. Then again he said: “*The month is so much, so much and so much.*” This time he folded his thumb on the third mention of “*so much*”. Thus implying 29 days.

Rasulullah (Sallallahu alayhi wasallam) made this statement of the ‘inability to write and calculate’ specifically in relation to the months. It is obvious that the negation of writing and calculation was not meant to be a total ban on writing and calculating. Writing and calculation were in vogue among the Sahaabah and featured prominently in the political administration of the Khulafa-e-Raashideen. The Islamic laws of Inheritance depend on writing and calculation. Writing and calculation were never refuted by any of the Sahaabah or Fuqaha with regard to Salaat times, Qiblah direction and other issues.

What was the reason for relating the statement to only the Islamic months? Why did Rasulullah (Sallallahu alayhi wasallam) not negate calculations for sunset, sunrise, etc. Dr. Shah had ventured that the reason for ordering actual sighting of the moon was that *“it was the only authentic method available”* during the era of Rasulullah (Sallallahu alayhi wasallam). By the same token ‘sighting’ was *“the only authentic method available”* for determining sunset, sunrise, dawn, etc. Yet Rasulullah (Sallallahu alayhi wasallam) did not say: *“We are an Ummi nation. We neither write nor calculate”*, when he commanded that Maghrib be performed after sunset and Fajr stops at sunrise, etc, etc. What constrained Rasulullah (Sallallahu alayhi wasallam) to restrict the inability to write and calculate to only the Islamic months?

It should be abundantly clear to any straight thinking Muslim whose brains are not deranged with modernism and who is not overawed by the technological advancement of those whom the Qur’aan describes as ‘*Najis*’, that a specific motive underlined the predication of Rasulullah’s negation of writing and calculation to the Islamic months. He had applied this negation specifically to astronomical calculations for confirming the Islamic months. He had not vetoed calculations for sunset, sunrise, etc.. But he prohibited these calculations for establishing the Islamic months.

It is important to understand that the reason for the prohibition is of no significance for the obedient Mu'min. The significant issue is the command which has to be obeyed. Rasulullah (Sallallahu alayhi wasallam) explicitly and emphatically commanded in several Ahaadith: *"Fast when the moon is sighted and terminate when the moon is sighted. If conditions are overcast, then complete the month with thirty days."*

These crystal clear and simple Ahaadith with the directive to begin and end the Fasting Month with *Rooyat* – sighting of the moon – have to be incumbently read in conjunction with the statement: *"We are an Ummi Nation. We neither write nor calculate."* Then a Muslim whose mind is not befogged with the kufr effects of secular education and heavily impregnated with the liberal ideology of the atheists, will readily comprehend what exactly Rasulullah (Sallallahu alayhi wasallam) had commanded by the negation. Surely he was not placing a ban on writing and calculation. Even the liberal 'contemporary scholars' who are championing the cause of interpolation and change in the Divine Law, concede that the statement of Rasulullah (Sallallahu alayhi wasallam) was not a blanket ban on writing and calculation.

Since it was not a blanket ban, what was it? It must have some viable application. It is ludicrous to aver that the negation of writing and calculation was the consequence of there being no other method of establishing the beginning of the month. It is ludicrous because there was no incumbency to add this statement when the directive, *"Fast when you see the moon and end the fast when you see the moon."*, was more than adequate for the purpose. The purpose was to inform the Sahaabah when to begin fasting. It was sufficient to say as the Qur'aan announces: *"Whoever is present in the month (of Ramadhaan) should fast."* Why encumber this directive with the prohibition of writing and calculating? What relationship does it have? Why not: *"We are an Ummi Nation. We neither*

read nor calculate. Perform Maghrib Salaat when you see the sun has set.” ?

It should not at all be difficult to understand the relationship of the prohibition with the Islamic months. It was to prohibit resort to astronomical calculations for the purpose of confirming the commencement of the months. The rationale for the prohibition is of secondary or even of no importance as far as the Mu'min is concerned. The essence is the actual Command of Allah Ta'ala delivered via the agency of His Rasool. The reasons are of no consequence in so far as the command is concerned.

Furthermore, the reasons are the products of human minds while the commands are the products of *Wahi* (Divine Revelation). About the commands issued by Rasulullah (Sallallahu alayhi wasallam), the Qur'aan Hakeem says:

“He (Muhammad) does not speak of desire. It (his speech) is nothing but Wahi which is revealed (to him from Allah Ta'ala).”

The statement of negation in the Hadith (i.e. ‘We neither write nor calculate.’) was thus not superfluous. It was not made casually to highlight the ‘illiteracy’ of the Sahaabah and because supposedly, as Dr. Shah peddles, there was no other method available. If truly speaking there was no other method of establishing the lunar months available to the Sahaabah, other than physical sighting, then too the statement of negation or prohibition would have been superfluous because the Sahaabah, as contended by Dr. Shah, had at their disposal only the method of actual sighting. So why must they be told to only sight’ the moon and not calculate the moon?

If several options are available, prohibiting certain options will be intelligent. But if no options whatsoever are available and there is only one course of action, it will be superfluous, futile and unintelligent to prohibit a non-existing option.

The contention of the modernist deviates is that ‘sighting’ was the only available method of confirming the new moon or

the commencement of the lunar month. If this is a fact, then which option was Rasulullah (Sallallahu alayhi wasallam) negating with his statement: “*We neither write nor calculate*” when he related it to the month?

Every unbiased and sincere Muslim will understand that he was prohibiting the option of astronomical calculations or even better, every method of calendar-making of the non-Muslims. It will be a downright stupidity to argue that prohibiting astronomical calculations when this method was not in vogue yet among the Sahaabah, is also superfluous. Nubuwwat had terminated with Rasulullah (Sallallahu alayhi wasallam), but the Law of Islam – the Shariah – is for all time. The *Ahkaam* had to bring all future ages and developments within their scope. Islam -- the Last Message of Allah -- is timeless. Therefore, even if we assume that the option of astronomical calculations was not available to the Sahaabah, the prohibition was intended for the future when deviates of the kind prowling in this age would seek to mangle and mutilate the Immutable Shariah of Islam with their convoluted opinions. In this regard, it appears in *Bazlul Majhood*: “*The hukm (of the prohibition of calculation) remains in force with regard to Saum even if after them (the Sahaabah) there appeared those who are versed in this (science).*” – Vol. 6, Page 105)

In Fathul Baari, the Hadith is explained as follows: “*By calculation in this context is meant astronomical calculation (of the stars and their movements).....The ruling (on Rooyat) remains in force even if after them there appear those who are versed in this (science). In fact, the clear tenor of the text absolutely negates suspension of the ruling (of commencement of the Fast) on calculation. Rasulullah’s statement in the Hadith: “Then complete the number with 30 days”, clarifies this. He did not say: ‘Ask the astronomers.’*”

(Vol.4, Page 109)

Mullah Ali Qaari states in *Mirqaat* – *Sharhul Mishkaat*:

“The Indication with the hand, followed by his verbal statement prohibits you from delving into calculations for knowing the month, as the astronomers believe. The meaning (of the Hadith: ‘We neither write nor calculate’) is that the practice of the astronomers is not of our guidance nor of our path. On the contrary, our knowledge (of the month) is linked with sighting of the hilaal, for verily we sometimes see it after 29 days and sometimes after 30 days.” (Vol.4, Page 245)

Another peculiarity of Rasulullah’s command is his emphasis on *actual sighting*’ (Rooyat). *Fast when you see it and end the fast when you see it.*” This emphasis clearly indicates the importance and essentiality of observing this injunction. He reinforces this order by emphasising the attributes of being unlettered, inability to write and calculate. He further solidifies the emphasis by means of his hand, indicating first three times with all the fingers, and then again three times. This time he folded his thumb the third time to indicate 29 days.

Could the Sahaabah not count until 30? Did they not know the meaning of 29? What was the need for Rasulullah (Sallallahu alayhi wasallam) to elaborate such small numbers in such a peculiar manner? At least the Qur’aan Majeed mentions the number 1000. Most assuredly the Sahaabah could count and were not in need of the indication by fingers to understand the meaning of 29 and 30. They dealt in matters of inheritance, Zakaat, and a host of other issues which required counting in large numbers. So why did Rasulullah (Sallallahu alayhi wasallam) indicate the number of a month’s days with his fingers, saying: *“A month is so much and so much and so much (showing with the fingers of his Mubaarak hand)”*?

This method adopted by Rasulullah (Sallallahu alayhi wasallam) was to emphasise firstly to the Sahaabah, then to the Ummah of all ages, that they should abstain from adopting

the methodologies of other civilizations in the determination of the lunar months. At the time of Rasulullah (Sallallahu alayhi wasallam), there were several lunar calendars of different civilizations in vogue. Each one had a peculiar lunar-solar calendar based on astronomical calculations as well as on sighting.

A blind eye should not be cast in the direction of the Arab calendar in existence at the time of Rasulullah (Sallallahu alayhi wasallam). It was also a lunar calendar with the very same names which the present Islamic calendar has. It was a lunisolar calendar with lunar months. Intercalation, i.e. the introduction of an additional month to suit whim and fancy, as well as postponement (*An-Nassee'*) of months were practised by the pre-Islam Arabs. The Arabs as well as the Yahood practised intercalation (*An-Nasee'*) which the Qur'aan Majeed vehemently forbids, describing it as excessive kufr. The abhorrence of kuffaar systems which perpetrate intercalation is stated in aayat 37 of Surah Taubah:

"Most certainly, An-Nasee' (postponement or intercalation) is an increase in kufr. The kuffaar go astray thereby...."

At the advent of Islam, the Arabs had a system of calculating the lunar months. The same names we have today in the Islamic calendar were the names of the lunar months of the pre-Islam Arabs. The sacred Hajj ibaadat was inherited by them from Hadhrat Ibraaheem (alayhis salaam). Four months of their lunar calendar were the months of sanctity as confirmed by the Qur'aan Majeed.

Dr. Shah and the other deviate votaries of astronomical calculations are attempting to convey the idea that the Arabs – the Sahaabah – were so illiterate and so stupid that they lacked in entirety in knowledge of plotting a calendar and determining the lunar months. Let the modernist 'contemporary scholars' understand that they have displayed their own stupidity by their inability to understand the purport of the simple command issued by Rasulullah (Sallallahu

alayhi wasallam) in the Hadith: “*We are an Ummi Nation. We neither write nor calculate*” The Sahaabah were not stupid like the present day deviate scholars whose mission is the distortion of the Divine Shariah. The Sahaabah, even the illiterate (Ummi) among them were men of profound wisdom who had crushed the might of empires and who had established Islam in an empire which spanned continents.

The ‘contemporary scholars’ despite their formal education, degrees and doctorates, are stupid. They lack wisdom and proper comprehension of the objectives of the Divine Pronouncements in the Qur’aan and Hadith hence they flounder in confusion, buffeted in doubt and uncertainty, pandering to their whimsical dictates stemming from unwholesome mundane motives which spawned their ‘fiqhi’ pantomime discussion

They have miserably failed to comprehend that in his emphatic negation of calculation for establishing the Islamic months, Rasulullah (Sallallahu alayhi wasallam) was instructing, firstly the Sahaabah, and secondly the entire Ummah of all ages, to abandon their kufr system of plotting the lunar months. The methods they hitherto were employing are prohibited, and the new divine system of only *Rooyat* was promulgated. Hence, we find that it is only the Islamic calendar which was formalised and finalized by the ‘Ummi’ Sayyiduna Umar Bin Khattaab (radhiyallahu anhu), which is a pure and true lunar calendar. The lunar calendars of *all* earlier civilizations, the Greeks, Egyptians, Hindus, Chinese, Arabs, were all concocted on the basis of astronomical calculations.

Rasulullah (Sallallahu alayhi wasallam) by instituting the principle of *Rooyat* prohibited these methods which the Arabs too were employing despite their illiteracy. It will be clear to sensible Muslims that the emphatic negation of astronomical calculations issued by Rasulullah (Sallallahu alayhi wasallam) was to eliminate the systems of kufr which were all based on astronomical calculations, and substitute it with the pure,

simple Islamic system based on the principle of *Rooyat*. Thus he proudly proclaimed: “*We are an Ummi Ummah. We neither write nor calculate.*” This then displaced the method which the Arabs had in vogue until Rasulullah (Sallallahu alayhi wasallam) commanded only the method of *Rooyat*.

IKMAAL OR TO COMPLETE THE MONTH WITH 30 DAYS

When *Rooyat* is not confirmed, Rasulullah (Sallallahu alayhi wasallam) ordered that the month be completed with 30 days. Thus, the imperative alternative for *Waaajib* adoption after *Rooyat* is *Ikmaal* which means to complete the month with 30 days. There exists *Ijma’* of all the Math-habs on the command of *Ikmaal*. All the upholders of astronomical calculations among the Classical Scholars constitute part of this *Ijma’*. Denying the principle of *Ikmaal*, Dr. Shah writes:

“Completing the 30 days in case of cloudy weather is mostly the agreed upon position among the majority of classical scholars but, again it is not the only categorical stance accepted by the Ummah. Leading authorities such as Ibn Umar, Imam Ahmad and others are reported to have started Ramadhaan and its fasting on the 29th day of Sha’aban if it was cloudy and not completed 30 days of Sha’aban, as most of the narrations report the Prophet (PBUH) requiring by the phrase: ‘And if it becomes overcast over you, then complete the number of Sha’aban with thirty (days).’”

Firstly, this is not a ‘phrase’. It is a full sentence issuing a categorical positive command: *‘Then complete Sha’baan with 30 days.’* This is Rasulullah’s command which constrained Dr. Shah to concede: *“....as most of the narrations report”* Insha’Allah, it will be illustrated that not a single narration

contradicts this command of Rasulullah (Sallallahu alayhi wasallam).

(1) “Ibn Umar (radhiyallahu anhu) narrated that while Rasulullah (Sallallahu alayhi wasallam) was discussing Ramadhaan, he said: ‘Do not fast until you have seen the hilaal and do not terminate the fast until you have seen the hilaal. If it is overcast over you, then count for it.’ (Bukhaari)

In this Hadith, Rasulullah (Sallallahu alayhi wasallam) uses the term, *‘Iqdiroo’*, which we have translated, ‘count’. The basis for this will soon follow. A well known principle of Hadith is: *“Some narrations explain other narrations”*. This particular Hadith in which appears the term, *Iqdiroo*, is explained by another version, also narrated by Ibn Umar (radhiyallahu anhu), as well as by a host of other highly authentic Ahaadith narrated by a variety of Sahaabah. Hadhrat Ibn Umar (radhiyallahu anhu) said that Rasulullah (Sallallahu alayhi wasallam) said:

“The month is 29 nine nights. Therefore do not fast until you have seen it (the hilaal). If it becomes overcast over you, then complete the number (of days) thirty.” (Bukhaari)

In a different chain of narration, Ibn Umar (radhiyallahu anhu) said that Nabi (Sallallahu alayhi wasallam) said: *“The month is so much and so much and so much (and he folded his thumb the third time).” (Bukhaari)*

Hadhrat Abu Hurairah (radhiyallahu anhu) narrates that Rasulullah (Sallallahu alayhi wasallam) said: *“Fast at its sighting and terminate the fast at its sighting. If it becomes overcast over you, then complete Sha’baan with thirty days.” (Bukhaari)*

Hadhrat Ibn Abbaas (radhiyallahu anhu) narrates that while Rasulullah (Sallallahu alayhi wasallam) was mentioning Ramadhaan, he said: *“Do not fast until you have seen the hilaal and do not terminate the fast until you have seen it. If it becomes overcast over you then complete the number (with) thirty (days).” (Muatta Imaam Maalik)*

In another Chain of Narration also linked to Hadhrat Ibn Umar (radhiyallahu anhu), he narrated that Rasulullah (Sallallahu alayhi wasallam) said: *“Verily, we are an Ummi Ummah. We neither write nor calculate. The month is so much and so much and so much.....”* (Abu Dawood)

In another version of the very same Hadith, Hadhrat Ibn Umar (radhiyallahu anhu) narrated that Rasulullah (Sallallahu alayhi wasallam) said: *“The month is so much and so much and so much.”* (Then he folded his thumb on the third mention, and he said): *‘Fast on sighting it and end the fast on sighting it. Then if it becomes overcast over you, then count (iqdiroo) for it 30 (days).’* (Muslim)

Imaam Muslim narrates the very same Hadith from Ibn Umar with yet another *Isnaad* (Chain of Narration), in which he (Ibn Umar) mentioned that Rasulullah (Sallallahu alayhi wasallam) said: *‘Iqdiroo (count) for it thirty (days).’*

Presenting the argument of the *Jamhoor Fuqaha*, Imaam Nawawi states in his *Sharhul Muslim*: *“The Narration of completing with 30 days is the tafseer of ‘Iqdiroo’. The earlier Narration, ‘Count (Iqdiroo) for it thirty days’, fortifies this tafseer (mentioned explicitly in the other Hadith).....Al-Maarzi said that the meaning of the statement of Rasulullah (Sallallahu alayhi wasallam), viz., ‘Iqdiroo’, according to the Jamhoor Fuqaha is completion of the number (of days) with thirty as the other Hadith has explicitly explained.”* The other Hadith explicitly mentions *‘thirty’* together with *‘Iqdiroo’*. *It is not permissible that the meaning be the calculation of the astronomers.”*

Dr. Shah has vainly embarked on a dastardly and redundant exercise of negating the *Ikmaal* (completing the month with 30 days) principle. His attempt is despicable and dastardly in that he seeks to annul the validity and authenticity of *all* the exceptionally *Saheeh* Ahaadith which unanimously state the

Ikmaal principle. The *Ikmaal* principle appears in the numerous Hadith versions with slight variations of words, but they *all* categorically state that the month must be completed with 30 days in the event of the *hilaal* not being sighted due to cloudy weather. All the illustrious Muhadditheen such as Imaam Bukhaari, Imaam Muslim and the wonderful galaxy of Hadith Authorities from the very inception of Islam have upheld the authenticity of these Ahaadith. No one had cast any aspersion on either the Ahaadith on account of the word variations, nor on the illustrious Muhaddithen for having authenticated these Narrations.

The clarity of the various narrations in substantiation of *Ikmaal* is as bright as the desert sun. Dr. Shah has tried to expectorate in the direction of the moon. But his expectoration falls on and soils his own face.

With shameless audacity, Dr. Shah seeks to dismiss the authenticity of the Ahaadith with his concocted views such as:
* “....and in other aspects of the narration they differ tremendously. Some of the narrators are not even sure of the names of the companions or at least they do not mention the names of some of them...”

So what, if they do not mention the names of the companions? The narrations have been accepted as highly authentic by the illustrious Muhadditheen and the Fuqaha of Islam. It is absurd to conclude that they “*are not even sure of the names of the companions*” simply because the narrators abbreviated the Chain of Transmission. Dr. Shah is not a Hadith authority. It is clear from his manner of discussion that while he is an adept of prolixity, he is *jaahil* in respect of the Knowledge of Hadith and its Principles.

In this belated 15th century of the Islamic era, this modernist deviate attempts to invalidate Hadith Narrations which have been authenticated more than 1200 years ago by the Muhadditheen, and 14 centuries ago by the Fuqaha and Aimmah-e-Mujtahideen who were greater authorities of

Hadith than the later Muhdditheen. The Aimmah-e-Mujtahideen had formulated the *Furuaat* (particular masaa-il) on the basis of these very Ahaadith which the modernist deviates of our age are assailing with their kufr ideas.

* Then he says: *“I have brought most of the reports narrated in the known books of Hadith regarding the issue at hand with the intent of showing the variety as well as the level of variance among them.....Therefore as Dr. Ahmad Shafaat shows, that perhaps the end parts and the “amount of variation in language shows that the transmitters of the Hadith are describing an idea freely in their own words rather than attempting to transmit the Hadith with faithfulness to the original words.”*

He brings another member of the modernist group of deviates whom he describes as ‘contemporary scholars’ to corroborate and compound his stupid idea and fallacious basis for impinging the highly authentic Ahaadith on this subject. Dr. Shafaat is a non-entity who has absolutely no Shar’i standing in the Knowledge of Hadith or in any other branch of the Shariah. The opinions of such modernists may not be cited in negation of the Rulings of the Shariah’s Authorities. Their conflicting opinions are *baatil* and *mardood*.

Variation in words as appearing in these narrations do not change the purport and meaning of the Ahaadith. These highly authentic Ahaadith state most unequivocally that the month has to be incumbently completed with 30 days if the *hilaal* is not sighted.

The version of the narration of Ibn Umar (Radhiyallahu anhu) in which there appears a slight ambiguity, due to the omission of the 30 day phrase, has to be incumbently interpreted in the light of, and reconciled with all the other authentic Ahaadith which categorically state Rasulullah’s command to complete the month with 30 days if *Rooyat* is not confirmed on the 29th.

It is indeed *ilhaad* and evil intransigence to deliberately seek to maintain a conflict in the Ahaadith of Rasulullah (Sallallahu alayhi wasallam), especially when there is such profound clarity on the issue.

This has been the Ruling of the Shariah from the very inception of Islam. The attempt to negate this ruling is exceptionally vile, more so, since the attempt is made on spurious grounds which have absolutely no validity in the Shariah. The fourteen hundred year old Ruling of the Shariah cannot be annulled with the whimsical opinions of a modernist deviate who holds no pedestal in the Shariah. The subtle attack on the integrity of the Muhadditheen brings into question the very Imaan of these deviates who employ chicanery to promote their ideas of *jahaalat*.

The deviate, Dr. Shafa'at, whom Dr. Shah cites in his defence, has inveighed against the honesty and trustworthiness of Rasulullah's Sahaabah whom he has subtly slandered with the falsity that they had not 'faithfully' reported the Ahaadith of Rasulullah (Sallallahu alayhi wasallam), but had injected their own personal idea which they attributed to Nabi-e-Kareem (Sallallahu alayhi wasallam).

Dr. Shah has ignorantly tried to dismiss the validity of these Ahaadith on the basis of his idea of 'variations'. But the authorities of Hadith – the illustrious Muhadditheen – have already formulated the principles for authenticating Ahaadith during the *Khairul Quroon* era. If an episode is to be dismissed and discarded on account of 'variation' of words in which it is reported, many Qur'aanic episodes will also have to be dismissed as erroneous and the ideas of the narrators.

The episode of Nabi Musaa's appointment to Nubuwwat is reported in the Qur'aan Majeed with a wide variation of words, and so is the incident of the *Saahireen* (magicians) during their challenge against Nabi Musaa (alayhis salaam). In fact, many incidents are repeatedly narrated in the Qur'aan

Shareef in a variety of word usages. Despite the variation in the words, the story and the meaning remain exactly the same.

It should be remembered that the Sahaabah had narrated the Qur'aanic aayaat which were compiled into a Book in its present form. In terms of Dr. Shah's crooked logic and oblique vision, his stupid principle of 'variation' can lead some deviate to propound the idea that the various wordings of the same episode recorded in the Qur'aan Majeed are the consequence of "*the transmitters describing an idea freely in their own words rather than attempting to transmit with faithfulness to the original words.*" This is the type of kufr which Dr. Shah has employed in his abortive attempt to scuttle the authenticity of the Ahaadith on which the *Ikmaal* principle is based.

In his stupid hypothesis, Dr. Shah is trying to show that what the Sahaabah had reported on the issue of *Ikmaal* was not a command of Rasulullah (Sallallahu alayhi wasallam). On the contrary, it was the product of the opinion of the Sahaabah. If we had to assume the correctness of this kufr postulate, then too, the Ummah is under obligation as a consequence of Qur'aanic command to adopt the Shariah which the Sahaabah had espoused, not the kufr which modernists and deviates conspire to impose on the Ummah in this age of proximity to Qiyaamah.

The Sahaabah were the pivots of the Divine Shariah. They are the criterion by means of which *baatil* is weeded out and separated from Haqq. But, Dr. Shah and the league of modernist deviates and 'contemporary' miserable 'scholars' are out to fabricate a new position totally at variance with the Shariah of the Qur'aan and Sunnah. He desires to demote the Sahaabah from their lofty pedestal of authority and to promote himself and the deviate 'scholars' to the rank of authority. But he dwells in deception.

If the Sahaabah reported a command of Rasulullah (Sallallahu alayhi wasallam) with word variations, it does not

detract from the validity of the command. The Sahaabi says: “Rasulullah (Sallallahu alayhi wasallam) said” It suffices for the Ummah to know that the command, prohibition or teaching is attributed by a Sahaabi to Rasulullah (Sallallahu alayhi wasallam), and that the illustrious Muhadditheen and Fuqaha have upheld the authenticity of the Narrations irrespective of the word variations. The meanings remain exactly the same despite the word variations. Thus, when Abu Hurairah (radhiyallahu anhu) reported with different wordings that Rasulullah (Sallallahu alayhi wasallam) commanded observance of *Ikmaal*, only a stupid modernist deviate will deny the validity of the command on the bases of the word variations.

Reporting the command of *Ikmaal* with slight word variations, Hadhrat Abu Hurairah (radhiyallahu anhu) said that Rasulullah (Sallallahu alayhi wasallam) said:

- “If it becomes overcast over you, count thirty (days), then terminate (the fast).”
- “If it becomes overcast over you, then complete the number with thirty (days).”
- “If it becomes overcast over you, then count thirty (days).” ‘Terminate the fast’ is not mentioned in this narration.

Similarly, other Sahaabah too narrated the same command with different word variations. But the command remains the same and it has been reported by Sahaabah and the Chains of Transmission have been authenticated by the Authorities of the Shariah. But today non-entities drifting in deception and *jahl-e-murrakkab* have assumed upon themselves the satanic task of dislodging the Sahaabah, the Fuqaha and the Muhadditheen from their lofty pedestals of authority.

It is of no consequence if the command is delivered with word variations. There are reasons for this. But for the Ummah the reasons do not matter. It is the command which is

reliably reported by men of the highest calibre of Imaani integrity.

Ahaadith pertaining to the same command narrated with different word variations are not confined to the issue of *Ikmaal*. Word variations pertain to all the *Ahkaam* of the Shariah. Imaan, Tahaarat, Salaat, Zakaat, Hajj and the myriad of laws of the Shariah are all extracted from and based on the Ahaadith. The very same *mas'alah* is reported by the same Sahaabi with different wording. Each time the words differ, the command remains the same. For example, if a Sahaabi reports that Rasulullah (Sallallahu alayhi wasallam) ordered four raka'ts Fardh for Zuhr, he may have reported the same order but with word variations. Such difference in word usage does not adversely affect the validity of the command of Rasulullah (Sallallahu alayhi wasallam). Word variations are standard procedure in Ahaadith narrations, as well as in the Qur'aan Majeed.

Hadith are not rejected or faulted on the basis of such variations. Furthermore, this is not the age to dissect and dismiss Ahaadith whose authenticity has been testified to by the illustrious Fuqaha and Muhadditheen from the very inception of Islam. The seal on the completion and perfection of the Shariah was affixed during the age of Rasulullah (Sallallahu alayhi wasallam). There is no longer scope for variation in the laws of the Shariah regardless of the word variation in which the laws have been reliably transmitted.

Now whether it is said that "if the sky is obscure" or the horizon is obscure", or "it is cloudy", or "it is overcast over you", or "the horizon is dark with clouds", etc., etc., it does not detract from the validity of the command to complete the month with thirty days in such conditions if the *hilaal* is not sighted. But, Dr. Shah and his ilk of modernist non-entities are saying that the command has become defective and not binding because the Sahaabi said at one time "it is overcast"

and on another occasion said: “the sky is dark” or “the *hilaal* is obscured by clouds”.

Similarly, Dr. Shah and the clique of deviate ‘contemporary scholars’ reject Rasulullah’s command to complete the month with thirty days, simply because the same Sahaabah reported the command differently. They said that Rasulullah (Sallallahu alayhi wasallam) said: ‘Complete with 30 days.’; “Count 30 days”; “Quantify 30 days”: “Enumerate 30 days”: “Fast 30 days”, etc. Just because the 30 day command was reported differently, the ‘contemporary scholars’ of deviation assail the validity of the law ordered by Rasulullah (Sallallahu alayhi wasallam).

Needless to say, this type of reasoning and views are arrant nonsense disgorged by the modernist deviates.

Dr. Shah says: *“It is quite pertinent to note here that the sighting portion of the Ahaadith is almost agreed upon (in positive as well as to a great deal in the negative form also) while the completion portion of the Ahaadith is the only part that presents a big array of variations. But these are exactly the same portions on the bases of which the majority rests their case explaining away the more authentic rendering from Ibn Uma, “faqduru lah”.....”*

“The big array of variations” in no way whatever changes the meaning of the command to complete thirty days. What is Dr. Shah’s Shar’i basis for implying on the basis of ‘word variations’ that ‘*Iqdiroo*’ in this context does not mean ‘Count’, or that the other Ahaadith which explicitly mention 30 days are not the *Mufasssir* (Explainer) of the ambiguous narration which mentions ‘*Iqdiroo*’ without the term, *thirty*?

Dr. Shah himself quotes the following categorical Ruling of the *Jamhoor Fuqha*: *“The majority (al-Jamhur) has derived from the above quoted clear and authentic Prophetic narrations that completing thirty days and counting thirty days (are the same)”* These narrations are *Mufasssirah* (i.e.

explanatory) for the *Mutlaqah* (i.e. in which the term, *Iqdiroo*, is not qualified with the word, *thirty*.)

Dr. Shah has also cited the Ruling of the *Jamhoor* Fuqaha on the question of astronomical calculations in relation to the confirmation of the Islamic months. He does understand its meaning, but ignorantly and intransigently labours painstakingly and with unnecessary prolixity to argue away and negate this official Ruling of the Shariah on the basis of the flimsy straws gleaned from the views of an infinitesimal ‘minute minority’ which appeared on the horizon centuries after the enactment of the Ruling of Prohibition. In fact, Imaam Subki on whose view is the primary basis of the deviates appeared more than seven centuries after Rasulullah (Sallallahu alayhi wasallam), and he too subscribes to Ikmaal.

Again we deem it necessary to remind readers that Imaam Subki’s view on astronomical calculation is not related to determining Ramadhaan on the basis of such calculations. As have already been explained, his view concerns rejection of *Shahaadat* on the basis of calculations. He fully subscribes to the Shariah’s unanimous Ruling of *Rooyat* and *Ikmaal*.

There is therefore, absolutely no grounds and no cause whatsoever for the kufr attempt to scuttle the official 14 century position of the Shariah.

HADHRAT IBN UMAR’S PRACTICE

Taqleed or strict adherence to one of the Four Math-habs of the Ahlus Sunnah Wal Jama’ah is incumbent for every Muslim. This is an imperative requirement to prevent *taqleed* of desire (the carnal nafs). The freelancer wanders aimlessly in valleys of desire, whim and fancy. He makes a mockery of the Deen with his *nafsaani* selection of rules and laws which are palatable to him. Whatever of the Shariah conflicts with his desires is denied and arguments are fabricated for justification of the denial.

Those who suffer from the disease of selective acceptance of the *Ahkaam* of the Shariah are highly unprincipled characters. Due to their ignorance coupled with their defective research and shallow understanding, they lay their hands on just anything which appears to support their *baatil*. They search through the kutub of the various Math-habs with the preconceived idea of their correctness and the error of the official 14 Century Ruling of the Shariah. With this corrupt view they extricate from the kutub just any statement which has a remote reference to their views and on the basis of which they feel they will be able to promote their fallacies. For example, Imaam Subki held the view of acceptability of astronomical calculations to deny testimony. Although this view has no relationship with the principle of *Rooyat* and *Ikmaal*, the deviates tear it out of its context and present it as ‘proof’ for their hypothesis of confirming Ramadhaan on the basis of astronomical calculations.

A typical example of this kind of unprincipled argument based on whimsical selection from the views of the different Math-habs, is Dr. Shah’s attempt to prove the position of the modernist deviate ‘contemporary scholars’ by Imam Ahmad’s interpretation of the term *Iqdiroo*. Despite Dr. Shah rejecting even the Hambali view on the prohibition of astronomical calculations, he nevertheless latches like a leech onto the interpretation of Imam Ahmad Bin Hambal in a desperate bid to neutralize the incontrovertible arguments of the *Jamhoor* Fuqaha. Thus, Dr. Shah avers: “*It is pertinent to mention here that there is no consensus among the jurists even in this interpretation of ‘Faqdiroo lah’ as a leading authority in Fiqh, Imam Ahmad, argues that it means “shorten the month”.*”

At least Dr. Shah has been compelled to concede that ‘this leading authority in Fiqh, Imam Ahmad’, did NOT claim that the term means astronomical calculations. Dr. Shah is forced to admit: “*It is only the Hanbali school of Fiqh, especially in*

the classical period, which seems to be enjoying a kind of consensus regarding absolute rejection of calculations in the above mentioned matters.”

. Now whatever the interpretation of ‘*Iqdiroo*’ of Imaam Ahmad may be, it admits no scope for the astronomical calculation postulate of Dr. Shah. Our dispute pertains to the permissibility or prohibition of astronomical calculations for confirming the commencement of the Islamic months. The dispute does not deal with the personal practice of Hadhrat Ibn Umar (radhiyallahu anhu) and Imaam Ahmad’s interpretation of ‘*Iqdiroo*’. Both the practice of Hadhrat Ibn Umar (radhiyallahu anhu) and the interpretation of Imaam Ahmad prelude the admissibility of astronomical calculations. Imam Ahmad’s interpretation even though it is in conflict with the view of the *Jamhur* Fuqaha, as well as self-contradictory – Imaam Ahmad too has a conflicting view which coincides with the view of the *Jamhur* – is not an argument in favour of astronomical calculations. On the contrary, the Hambali Math-hab, as Dr. Shah concedes, is uncompromising in the rejection of astronomical calculations.

Imaam Ahmad does not interpret ‘*Iqdiroo*’ in condonation of the calculations of the astronomers. Imaam Nawawi in his *Al-Majmu*’ states: “*Ahmad Bin Hambal and a tiny group say that its meaning is: Reduce the month (i.e. regard Sha’baan as having 29 days) as the moon is under the clouds.*”

Neither does Imaam Ahmad’s interpretation support astronomical calculations nor does it refute *Rooyat*. The Hambali Math-hab unequivocally proclaims the *Wujoob* of *Rooyat* and the rejection of astronomical calculations.

Imam Ahmad’s interpretation will become clearer and better understood if the practice of Hadhrat Ibn Umar (radhiyallahu anhu) is explained. Ibn Qudaamah explains in *Al-Mughni*:

“*Naafi*’ said: ‘*When 29 days of Sha’baan had passed, Ibn Umar would send someone to sight the hilaal for him. If he saw the hilaal, then well and good (i.e. Ramadhaan would*

commence). If he did not see the hilaal, and if it was not overcast, he would not fast the next day. If it was overcast, he would fast the next day.” (Vol.3, Page 15)

This was the practice of Hadhrat Ibn Umar (radhiyallahu anhu) which Imam Ahmad also adopted. Whether he fasted or not, astronomical calculations did not feature in his decision to fast or not. Whatever the basis for his practice was, he did not base his decision and interpretation on astronomical calculations.

It is clear from Ibn Umar’s practice that he attached importance to *Rooyat*, not to calculations of the astronomers. In fact, in terms of Dr. Shah’s opinion, “the only method available in those times was actual sighting”. Thus Dr. Shah has to concede that Ibn Umar’s practice had no relationship with astronomical calculations.

If it was a clear day, and the *hilaal* was not sighted, Ibn Umar too would complete the month 30 days as commanded in the Ahaadith. Only when it was overcast at the end of the 29th day would Ibn Umar resort to his peculiar method and fast the next day. And, this is the Math-hab of Imaam Ahmad as well. Stating the Hambali Math-hab on this issue, Ibn Qudama says in *Al-Muqni’*: “*Fasting the month of Ramadhaan becomes obligatory with the sighting of the hilaal. If the hilaal is not sighted on a clear day, then Sha’baan should be completed 30 days, then the fast will begin. If it is overcast on the 30th night, fasting becomes obligatory (the next day) with the intention of Ramadhaan according to the prominent view. There is also another view of Imaam Ahmad. That is, Fasting is not Waajib (if the hilaal is not sighted because of overcast conditions).*”

(Page Al-Mughni, Vol. 3, page 62)

However, for ending Ramadhaan, Ibn Umar (radhiyallahu anhu) did not adopt this same method. He would terminate Ramadhaan with the community. Although it is clearer than

daylight that Hadhrat Ibn Umar (radhiyallahu anhu) had his own personal practice, it nevertheless, had no relationship with astronomical calculations.

It is inconceivable that Hadhrat Ibn Umar (radhiyallahu anhu) who himself reports that Rasulullah (Sallallahu alayhi wasallam) commanded Sha'baan to be 30 days if the *hilaal* was not sighted, would do the opposite, that is, not practise on *Ikmaal* (fulfilling the month with 30 days). His fasting the next day after the 29th when the *hilaal* was not seen, was not the first day of Ramadhan. According to him, it was the 30th Sha'baan, hence he kept Nafl fast. Partially conceding this fact, Dr. Shah says: "If Ramadhan will end up being 30 days then he will consider his first day as supplementary fasting for Sha'baan."

Although Dr. Shah is forced by reality to accept that Ibn Umar's fasting at the end of Sha'baan was in fact a Nafl fast of 30th Sha'baan, and not the Fardh of the 1st Ramadhan, he cunningly and arbitrarily makes a distinction if Ramadhan happened to be 29 days. Thus he baselessly claims: "If Ramadhan will be 29 days then his starting day will be the 30th day for him." By this statement he desires to create the deception that the first day Ibn Umar fasted was the 1st of Ramadhan according to him. This is misleading and erroneous. He has no basis for making this distinction.

Whether Ramadhan had 29 or 30 days, according to Hadhrat Ibn Umar (radhiyallahu anhu), the day he had fasted was the 30th Sha'baan, not the 1st Ramadhan because those whom he had despatched to sight the moon, did not see it. If it had been Ibn Umar's practice to simply count 29 days for Sha'baan and begin Ramadhan without concern for sighting the moon, what was the objective for sending people out to sight the *hilaal*? One need not have much brains to understand that the purpose for *Rooyat* was to ascertain whether the next day would be Ramadhan or still Sha'baan.

Dr. Shah attempts to pull wool over the eyes of people by a confused mumble related to the kitaab *Aunul Ma'bood*. Thus he says: "*Azeemabadi, the author of 'A'own al-Ma'bud', clearly shows that Ibn Umar used to break fast with the rest of the Muslims and used not to worry about his calculations of the day he had started fasting for Ramadhan.*"

Dr. Shah displays his ignorance in this statement and has exhibited his inability to grasp what is stated in *Aunul Ma'bud*.

Commenting on the Hadith narrated by Ibn Umar, namely: "*Then, if it becomes overcast over you, then **count** ('Iqdiroo') for it 30 (days).*", Allaamah Azeemabadi, author of *Aunul Ma'bud* says: "When it was the 29th day of Sha'baan, the *hilaal* would be sighted for Abdullah Ibn Umar. If the *hilaal* was seen, then well and good, i.e. Ibn Umar would begin fasting of Ramadhaan the next morning. If the *hilaal* was not seen and it was overcast on that 30th night of Sha'baan, Ibn Umar would fast the next morning.. Al-Khattaabi said: It was the Math-hab of Abdullah Ibn Umar Bin Al-Khattaab to fast on *Yaumush Shakk* (the doubtful day) if the sky was overcast (and the *hilaal* was not seen). If it was clear and the people did not see the *hilaal*, he would together with the people not fast."

(*Aunul Ma'bud*, Vol.6, Page 313)

A very significant fact is then mentioned in Abu Dawood on which the author of *Aunul M'bud* comments: "*Ibn Umar would terminate the fast with the people and he would not take into account this 'hisaab'. Al-Khattaabi said: By this he means that Ibn Umar would do this act in the month of Sha'baan as a precaution for fasting. He would not go according to this 'hisaab' (the way in which he had acted at the end of Sha'baan) in the month of Ramadhaan nor would he end the fast except with the people.*"

Explaining this action of Ibn Umar (radhiyallahu anhu), it is stated in *Bazlul Majhood*: "He would not take into account the

‘hisaab’ (counting) of the day which he had fasted at the end of Sha’baan because he had observed it as an optional fast.”

In *Nasbur Rayah*, this action is explained by the Hanaabilah as follows: “*What is apparent from the averment of the Hanaabilah is that they say: ‘A person should fast compulsorily on that day while (at the same time) he should not take into account that day in the counting (of the Ramadhaan fasts). In fact if a person (traveller) becomes Muqem on the 30th Sha’baan, they (the Hanaabilah) make compulsory (for him) the first day (i.e. 30th Sha’baan), then 30 days after that (first) day. This is the way they (Hanaabilah) have interpreted Rasullullah’s (Sallallahu alayhi wasallam) statement: ‘Complete the number (of days) of Sha’baan 30 days.’*”

This entire discussion pertaining to the practice of Hadhrat Ibn Umar (radhiyallahu anhu) necessitated by Dr. Shah’s needless introduction of confusion, is a digression from the actual topic of this treatise. The subject we are dealing with is the permissibility or prohibition of astronomical calculations for the purpose of determining Ramadhan and the Islamic months in general whereas the aforementioned discussion is related to Hadhrat Ibn Umar’s personal practice which is totally unrelated to astronomical calculations. Furthermore, his practice confirms *Rooyat* as well as *Ikmaal*.

There is no vestige of support for the hypothesis of the modernist deviate ‘contemporary scholars’ in the practice of Ibn Umar (radhiyallahu anhu).

Whether Ibn Umar (radhiyallahu anhu) fasted the day after the 29th Sha’baan as Nafl, Waajib or Fardh, is of no relevance to the astronomical calculation argument. His fasting on the Day of Doubt was either Nafl or Waajib. Whatever it was, his view was not based on astronomical calculations, nor did he summarily count Sha’baan as a month of 29 days. Sending out

persons to sight the moon totally belies and rejects Dr. Shah's glaringly baseless claim.

What, however, is clear is that at the end of the 29th Sha'baan, he instituted measures for establishing *Rooyat* of the *hilaal*. If it was a clear day and there was no *Rooyat*, he would not fast. He did not resort to any confounded astronomical calculations or to counting 29 days for initiating the month of Ramadhaan. He just did not fast.

Only if it was overcast, would he fast since according to him Nafl fasting on the 30th Sha'baan was permissible. At the end of the 29th day of Ramadhaan, he would simply follow the masses and either fast or end the fast on the basis of only *Rooyat* if it was a clear day. Never at any time did astronomical calculations feature in the Math-hab of Ibn Umar (radhiyallahu anhu).

A fact of considerable significance which clinches the '*Iqdiroo*' argument and confusion the modernists have churned up in their abortive bid to gain leverage from the practice of Ibn Umar (radhiyallahu anhu), is the unequivocal statement of '*Iqdiroo (count) for it thirty days*', which this very same Hadith reported by Ibn Umar (radhiyallahu anhu) contains. Thus, Ibn Umar (radhiyallahu anhu) narrating the Hadith states that Rasulullah (Sallallahu alayhi wasallam) said:

"The month is 29 days. Therefore do not fast until you have seen it (the hilaal), and do not end the fast until you have seen it. If it becomes overcast over you, then enumerate (Iqdiroo) for it (for Sha'baan) thirty (days)."

This Hadith narrated by Ibn Umar (radhiyallahu anhu) is *Sareeh Saheeh* (Explicit and Authentic). It eliminates in entirety any ambiguity which is in the narration in which appears the term '*Iqdiroo*' without mention of 'thirty' (*thalaatheen*). All the other Ahaadith explicitly mentioning 'completion with thirty days' corroborate and solidify this

narration of Ibn Umar (radhiyallahu anhu) in which he mentioned ‘thirty’ after *Iqdiroo*. There is thus a perfect reconciliation and harmony instead of a needless conflict which Dr. Shah laboriously and abortively tries to establish.

In his endeavour to dismiss the validity of this clarification stated by Ibn Umar (radhiyallahu anhu), Dr. Shah ventures the nonsense: “*Secondly this is the only narration from Ibn Umar in the subject of our discussion which brings the phrase ---*

فا قد روا له ثلاثين -- (then count or estimate for it 30 days).

.....All the other reports confine themselves only to the phrase --- فا قد روا له --- and are explained by the Jamhur in the light of this oddly attached report. This narration contradicts itself. Ibn Umar’s action is posted against his own narration that ‘complete 30 days if it is cloudy’. He starts fasting after completing only 29 day of Sha’baan in case of obscurity in the horizon.”

Dr. Shah only exhibits his ignorance of the principles of Hadith and of the Shariah in his understanding of Ibn Umar’s Hadith. Being the only narration explaining *Iqdiroo with thirty days* does not detract from the authenticity of the Hadith. All the illustrious authorities of Hadith vouch for its authenticity, but ignorant modernist deviates assail its validity and seek to dismiss it from its lofty pedestal of authenticity on the fallacious basis of “it being the only narration” of its kind. This is not a principle for abrogating the authenticity which the Muhaddithreen have conferred to the Hadith. Dr. Shah’s opinion is absurd and downright stupid. The Hadith is undoubtedly *Saheeh*. Its authenticity is beyond reproach.

Dr. Shah’s statement: “*All the other reports confine themselves only to the phrase----- فا قد روا له* ---“, is a red herring to deceive and divert attention from the volume of authentic Ahaadith which all corroborate the completion of thirty days’ mentioned in the ‘*Iqdiroo*’ Hadith narrated by Ibn

Umar (radhiyallahu anhu). Besides the '*Iqdiroo*' narration there are numerous other Saheeh Ahaadith which explicitly confirm the '*thirty day*' tafseer which Ibn Umar (radhiyallahu anhu) presents and which he attributes to Rasulullah (Sallallahu alayhi wasallam). The arguments in Dr. Shah's aforementioned statement are devoid of Shar'i substance by virtue of the following facts:

1) The *Jamhur Fuqaha* unanimously opine that Ibn Umar's narration which Dr. Shah and the modernist deviates seek to give their own fanciful interpretation, is in actual fact the *tafseer* of his other narration in which *thalaatheen* (thirty) is not mentioned with *Iqdiroo*.

2) The Muhadditheen accept the *thalaatheen* (30 day) narration to be *Saheeh* (Authentic). Thus, the endeavour by non-entities of this age to dismiss the Hadith from its lofty pedestal of authenticity is plain *nafsaani* drivel and the product of their *jahaalat*.

3) Many other highly authentic and explicit Ahaadith narrated by other eminent Sahaabah all confirm the correctness of the *thalaatheen* Hadith. All these narrations expressly command *Ikmaal* (completion of 30 days in the event of there being no *Rooyat* at the end of the 29th day).

4) There is no principle in *Usool-e-Hadith* which labels a Hadith unauthentic merely on the basis of it being "the only narration". Solitariness of Hadith is not a disqualification from authenticity. Dr. Shah casts aspersions on the veracity of the Hadith simply because it is the only one narrated by Ibn Umar (radhiyallahu anhu) in which there is explicit mention of thirty days along with *Iqdiroo* which obviously means 'Count thirty days'.

5) His claim that the narration is self-contradictory is bunkum. He makes the sweeping claim of self-contradiction without explaining how it is self-contradictory. His claim that Ibn Umar's "action is posted against his own narration" is utterly baseless. The fast which Ibn Umar (radhiyallahu anhu) kept on the day after 29th Sha'baan, was the 30th Sha'baan as has already been explained earlier. Hence, by keeping this fast on the Day of Doubt, Ibn Umar (radhiyallahu anhu) was not in practice refuting the *Ikmaal* order which he himself narrated from Rasulullah (Sallallahu alayhi wasallam). Precisely for this reason would he celebrate Eid together with the community.

The Hanaabilah base their view of fasting 31 days on this very practice of Ibn Umar (radhiyallahu anhu) who observed the *Ikmaal* rule. Thus, if at the end of the 29th of Sha'baan the moon was not sighted, Ibn Umar (radhiyallahu anhu) would fast the next day while the community in general would not be fasting. The day thereafter would be the first day of Ramadhaan. Assuming Ramadhaan had thirty days, it follows that Ibn Umar would have fasted 31 days. He was fully cognizant of the fact that a month never has 31 days. It is therefore abundantly clear that the one day which he had fasted after the 29th Sha'baan was regarded by him as the 30th Sha'baan, and not the 1st Ramadhaan.

6) It is inconceivable that the vast majority of the Fuqaha, Muhadditheen and *all* the Sahaabah had misunderstood the meaning of '*Iqdiroo*' and only Imaam Ahmad and a 'minute minority' had interpreted the term correctly. Furthermore, Imaam Ahmad's Math-hab does not refute *Ikmaal*, neither on the basis of this particular Hadith of Ibn Umar (radhiyallahu anhu) nor on any other basis. Imaam Ahmad does not utilize Ibn Umar's '*Iqdiroo*' narration to confer validity to astronomical calculations. He interprets it in an entirely different context. Thus his Math-hab unequivocally prohibits

astronomical calculations, and states emphatically: “*Fasting the month of Ramadhaan is compulsory with **Rooyat of the Hilaal**. If it is not seen despite a clear sky, Sha’baan will be completed with 30 days, and then the fast will begin.*”

(*Al-Muqni’*, Vol. 3, Page 62)

Imaam Ahmad has presented three different views on the basis of this Hadith. His interpretation and views have no relationship whatsoever with astronomical calculations. The introduction of Imaam Ahmad’s interpretation is simply a diversionary tactic by Dr. Shah to mislead and confuse –to create the impression that ‘*Iqdiroo*’ is a basis for the acceptance of astronomical calculations when in reality none of the Hanaabilah following Imaam Ahmad had ventured permissibility for calculations on the basis of the ‘*Iqdiroo*’ Hadith.

7) The claim by Dr. Shah that “this is the only narration from Ibn Umar that requires counting 30 days in case of cloudy weather”, is baseless. Assuming that it is so, it makes no difference whatsoever. It does not detract from the authenticity of the narration nor dents the *Ijma’ of the Jamhur Fuqaha* on this issue. The following explanation in *Aujazaul Masaalik* refutes the claim of Dr. Shah:

“The Hadith of Ibn Umar has been narrated in another form as well from Naafi’ with the words: --- **فا قد روا له ثلاثين** --- (‘Then count for it 30 days.’). Muslim has narrated it in this form from Ubaidullah Bin Umar, from Naafi. Similarly has Abdur Razzaaq narrated it from Ayyoob, from Naafi. Abdur Razzaaq said: ‘Abdul Azeez Bin Abi Rawaad informed us from Naafi: ‘Count thirty.’.....Similarly Za’fraani and others narrated it from Imaam Shaafi. In the same way Ishaq Al-Jauli and others narrated it in Muatta from Al-Qa’nabi. Ar-Rabi’ Bin Suliman and Al-Muzni narrated it from Shaafi. Thus he said the same as Bukhaari said here from Al-Qa’nabi: “*Then if it becomes overcast over you, complete the number (of days) thirty.*’.....This Hadith has other

supportive narrations. From among them is the one which Shaafi has also narrated from Saalim, from Ibn Umar specifically mentioning ‘*thalaatheen*’ (thirty days). And, from among them is the Hadith narrated by Ibn Khuzaimah by the Chain of Aasim Bin Muhammad Bin Zaid who narrates from his father who narrated from Ibn Umar (radhiyallahu anhu) with the words: ‘*Then complete (fa-kammiloo) thirty (days).*’ And (furthermore), this Hadith (of Ibn Umar) has many other corroborative narrations (of other Sahaabah such as) Huzaifah, Abu Huirairah, Ibn Abbaas, Abi Bakrah, and Talq Bin Ali.” (Vol.5, Page 17)

Regarding the particular Hadith of Ibn Umar (radhiyallahu anhu) in which explicit mention is made of ‘*thalaatheen*’ (30 days), Dr. Shah alleges: “*Secondly, this is the only narration from Ibn Umar in the subject of our discussion which brings the phrase ---فا قد روا له ثلاثين---(then count or estimate it 30 days). We will later on see that this is the only narration from Ibn Umar that requires counting 30 days in case of cloudy weather.*”

His defective ‘research’ of the kutub has led him to venture this baseless claim. The following Ahaadith will show that there are other Chains of Transmission of Ibn Umar’s ‘*Iqdiroo lahu thalaatheen*’, narration. Furthermore, Abu Hurairah (radhiyallahu anhu) too narrates the ‘*Iqdiroo thalaatheen*’ Hadith as will be shown soon, Insha’Allah.

8) “Abdur Razzaaq narrates from Abdul Azeez Bin Abi Rawaad, from Naafi, from Ibn Umar who said: ‘Rasulullah (Sallallahu alayhi wasallam) said: “*Verily, Allah has made the phases of the moon times for people. Therefore fast on sighting it and end the fast on sighting it. If it becomes overcast over you, then count for it (Sha’baan) thirty days.*”’
(Al-Musannaf, Vol. 4, Page 156)

“Abdur Razzaaq narrates from Ma’mar, from Ayyoob, from Naafi’ who narrates from Ibn Umar who said that the Nabi

(Sallallahu alayhi wasallam) said about the hilaal of the month of Ramadhan: “*When you see it, then fast. Then, when you see it (at the end of Ramadhan), then end the fast. If it becomes overcast over you, then count (Iqdiroo) for it thirty days.*” (Al-Musannaf, Vol.4, Page 156)

9) Imaam Muslim in his *Saheeh* records Ibn Umar’s Hadith which explicitly mentions *thirty* together with *Iqdiroo* (Count) with two different Chains of Transmission.

10) The ‘*Iqdiroo thalaatheen*’ (Count thirty days) Hadith of Ibn Umar is further corroborated with the Hadith of Abu Hurairah in which also appears ‘*Iqdiroo thalaatheen*’.

“Muhammad Bin Ziyaad narrated that Abu Hurairah said: Rasulullah (Sallallahu alayhi wasallam) said: “*Fast on sighting it, and end the fast on sighting it. If it becomes overcast over you, then count (Iqdiroo) thirty (days).*”

(Saheeh Ibn Hibbaan, Vol. 5, Page 176)

Imaam Nasaai records in His Sunan the very same Hadith of Abu Hurairah in which features “*Iqdiroo thalaatheen*’ (Count thirty days).”

The clarity of the Hadith and its irreproachable status of authenticity which is accepted by all authorities without exception irrespective of the interpretation of ‘*Iqdiroo*’, resolutely rebuts and makes a mockery of Dr. Shah’s stupid attempt to denigrate the value and authenticity of the narration solely on account of ‘word variation’ which is not a principle of rejection of Hadith.

In addition to this, we should reiterate that this whole discussion on the ‘*Iqdiroo*’ narration is a digression and has absolutely no relationship with the actual topic of dispute which is the permissibility or prohibition of astronomical calculations. Neither Ibn Umar (radhiyallahu anhu) nor Imaam Ahmad nor his followers differed on the Ruling of prohibition.

Their difference with the *Jamhur* concerns another issue. Whatever that issue may be, it is neither astronomical calculation nor the *mas'alah of Rooyat or Ikmaal*. All authorities of all Math-habs unanimously subscribe to the imperative principle of *Rooyat and Ikmaal*. Dr. Shah has created considerable confusion by casting a smokescreen around the primary dispute by introducing differences pertaining to entirely different *masaail*, unrelated to our topic of argument.

There is no need for an excess of intelligence to understand the *tafseer* of the term '*Iqdiroo*' (*Count*). This *tafseer* (explanation)) was given by Rasulullah (Sallallahu alayhi wasallam) himself. When Rasulullah (Sallallahu alayhi wasallam) himself explained the meaning of '*Iqdiroo*' to be *Ikmaal* (completion of thirty days), then it can only be a deviate of incorrigible intransigence with crookedness in his Imaan who will venture 'logical' and linguistic arguments, and other drivel to present an interpretation of this term at variance with the explicit *tafseer* of Rasulullah (Sallallahu alayhi wasallam). There is a multitude of explanatory Ahaadith in which Rasulullah (Sallallahu alayhi wasallam) states the meaning of '*Iqdiroo*' with clarity. Namely: "*Count the month of Sha'baan 30 days*".

Now that we have seen what exactly Rasulullah (Sallallahu alayhi wasallam) conveyed by his statement, '*Iqdiroo*', there is no need to even consider the bunkum interpretation offered by the deviate modernist 'contemporary scholars'. Rasulullah (Sallallahu alayhi wasallam) himself has eliminated every vestige of ambiguity from '*Iqdiroo*' by stating with clarity the principle of *Ikmaal* (to complete with thirty days). In fact, Ibn Umar (radhiyallahu anhu) himself clarifies the meaning of '*Iqdiroo*' as has been shown above.

Now that it is known that Rasulullah (Sallallahu alayhi wasallam) had explained very clearly that '*Iqdiroo*' means to count 30 days, no one has the right to differ with the interpretation of the Nabi (Sallallahu alayhi wasallam). He had explained with such clarity to preclude the slightest ambiguity that in the event of the *hilaal* not being sighted on account of overcast conditions, Sha'baan should be 30 days.

Obstinate modernist 'contemporary scholars' with dense brains venture an interpretation to negate the interpretation of Rasulullah (Sallallahu alayhi wasallam). We must read therein a sinister *nafsaani* and mundane motive for flogging a dead horse with such deliberate intransigence.

Imaam Nawawi summing up the decree of the Shariah, which is the position of the *Jamhur* (Overwhelming Majority) of the Shariah's authorities, states in *Kitaabul Majmoo'*:

"The *Jamhoor* substantiate (their view) with the narrations which we have mentioned, and all of them are *Saheeh Sareeh* (authentic and explicit). Thus, the (Hadith) statements: '*Complete the number (of days of Sha'baan) thirty.*', and *count for it (Sha'baan) thirty (days).*", explain the narration in which the term, '*Iqdiroo*' is used without qualification."

(Vol.6, page 276)

The reference to the view of the *Jamhur* is the difference which developed on the view of fasting on the day which is termed the Day of Doubt, in consequence of the practice of Ibn Umar (Radhiyallahu anhu). The difference is not on the principle of *Rooyat and Ikmaal*. On this *mas'alah* there is *Ijma'* of the Ummah. Also, the difference does not concern the question of calculations.

AAYAT 185 OF SURAH BAQARAH

The relevant part of this Qur'aanic aayat which Dr. Shah has subjected to considerable skulduggery in his endeavour to confuse and mislead, is:

فمن شهد منكم الشهر فليصمه

***“Therefore, whoever among you who is present
in this month (of Ramadhaan) should fast....”***

Commencing his dissertation of deception, Dr. Shah says:

*“The following Qur’anic phrase is usually translated to mean
witnessing actual Moon sighting. فمن شهد منكم الشهر فليصمه.”*

On the basis of this claim, he avers: “In no way or form it can be translated “Whoever see the Moon of the month of Ramadan then let him fast it.” It will be against all the established rules of Arabic language. That is why the Qur’aanic exegetes have translated and understood the meanings of the phrase as “Whosoever was present in the month of Ramadhan then let him fast the month.” (*We have quoted Dr. Shah verbatim. The English linguistic/grammatical errors appearing in his statements should not be attributed to typographical errors by us.*)

After aimlessly embarking on a labyrinth discussion of several pages to display stupid and insipid ‘scholarship’ in his naïve attempt to ‘prove’ what he has deceptively contended regarding the translation, he accuses:

“It is very unfortunate that some contemporary Muslims try to impose their opinions upon the text of the Qur’an and do not let the Qur’an speak to them.....”

Dr. Shah’s attempt over several pages to ‘prove’ a falsehood is a misleading exercise in redundancy because no one claims that the Qur’aanic sentence which he discusses means ‘actual moon sighting’. His entire argument is structured on a blatant falsehood. The aayat simply means: “*Whoever is present in the month*”. It appears that the supposed moon-sighting translation on which Dr. Shah basis his argument and

accusation, was sucked from his thumb. This falsehood is a red herring of Dr. Shah in the same way as another falsehood is.

In the other falsehood, Dr. Shah employing some chicanery tries to trade the idea that the Ulama decry the utilization of astronomical calculations and technology in all matters of the Deen. We have already refuted this false impression earlier on. In the present discussion it suffices to say that there is no need to respond to Dr. Shah's redundant exercise of 'proving' that the word *shahida* does not mean 'actual sighting'. There is no contention on this issue. No one claims that *shahida* means actual sighting with the eyes. The only contention regarding the aayat is that in order to be present in Ramadhan, the month *must* be confirmed by *Rooyat* or *Ikmaal*.

PRESENCE OF THE MOON

Dr. Shah says with regard to actual sighting ordered by Rasulullah (Sallallahu alayhi wasallam): *".....because it (sighting) was a means to ascertain the presence of the new Moon, knowing which is the objective of Ibadah. (this portion starting from 'knowing.... is pure gibberish. In the context of his statement, it makes no sense.). Now when that objective can be achieved through a more authentic and precise method, i.e. astronomical calculations then replacing actual sighting, a probable means of certainty, with a more accurate method with categorical certainty will not constitute deviation from the Prophetic commandment or objectives of Islamic Shariah but a complement to that."*

Abrogation of a fourteen century *mas'lah* on which the Ummah has registered *Ijma'*, and substituting it with a method which the Consensus of the Shariah's authorities has vigorously rejected, can never be a 'complement' to the

command of Rasulullah (Sallallahu alayhi wasallam). It is a downright deviation, falsehood and an interpolation which falls within the category of *Bid'ah Sayyiah* (Evil Innovation).

Again Dr. Shah clumsily and deceptively raises his argument on a fallacious premises, namely, '*the presence of the new moon*'. Before even attempting to prove his confounded theory of astronomical calculations, it devolves on him to firstly substantiate his arbitrary averment about "*the presence of the new moon*" being the principle commanded by the Shariah for the commencement of the Islamic month.

As long as he does not produce Shar'i evidence to conclusively substantiate and prove that Rasulullah (Sallallahu alayhi wasallam) had permitted the idea of the '*presence of the new moon*', the argument he posits is redundant and misleading, designed to confuse.

To the best of everyone's knowledge, the moon does not leave its orbit to go on holiday somewhere in the vast limitless space of Allah Ta'ala. It remains at all times in its orbit. Its presence in its orbit is known and confirmed by even insane people

Presence of the moon and *Sighting of the moon* are two distinct principles. While astronomical calculations can determine the former, it simply cannot establish the latter. *Sighting* requires physical eyes, not calculations.

The theory or view of Dr. Shah and the conglomerate of deviate 'contemporary scholars' does not have Shar'i muster. The opinion of a non-entity of this age cannot be imposed on the Ummah as a divine injunction regardless of the accuracy of astronomical calculations. We can claim with emphasis that whatever Rasulullah (Sallallahu alayhi wasallam) had commanded is the divine Shariah. But an opinion/method which is introduced 15 centuries after Rasulullah (Sallallahu alayhi wasallam), and that too by modernist deviates, cannot be hoisted on the Ummah as if it is an inviolable constituent of the Shariah.

Dr. Shah is asking the Ummah to accept his astronomical calculation view as a law of the Shariah, and to reject the command of the Nabi (Sallallahu alayhi wasallam). Truly, the influences of the lewd western civilization of liberalism have tenderised the brains of the so-called contemporary scholars. The suggestion to substitute Rasulullah's command which the Ummah has followed for the past 14 centuries, with the opinion of a modernist deviate is mind boggling for people of Imaan.

Let Dr. Shah and all 'contemporary scholars' sharing his corrupt opinion understand that the Ummah is not interested in banishing the immutable principle of *Rooyat* which Rasulullah (Sallallahu alayhi wasallam) had emphatically commanded with great clarity.

Venturing another stupid idea, Dr. Shah says: *"If the actual sighting was such an objective or a prerequisite that fasting cannot be started except by it then it would have been required even on the 30th of Sha'aban. Nobody goes out to see the new moon on the 30th of Sha'aban or on the 30th Ramadan."*

Dr. Shah in this statement exhibits his ignorance of the Shariah. It is really surprising that a man who desires to acquit himself like a 'scholar', could speak such arrant nonsense. He miserably fails to understand that actual sighting is a prerequisite because such sighting has been commanded by Rasulullah (Sallallahu alayhi wasallam) to take place after 29 days of the month has passed. Sighting is not a requisite after the 30th day for the simple reason that such sighting was not commanded by Rasulullah (Sallallahu alayhi wasallam). After the 30th day, Rasulullah's command of *Ikmaal* comes into effect.

An act becomes ibaadat and an order of the Shariah if it is the product of *Wahi*. A product of a man's personal opinion is never the Shariah. Dr. Shah's stupid opinion about astronomical calculations is not the product of Divine

Revelation. On the other hand, whatever Rasulullah (Sallallahu alayhi wasallam) commanded is Divine Revelation. It is therefore absurd for Dr. Shah to query the lack of sighting after the 30th day and to justify his theory of the unimportance and superfluity of *Rooyat* after the 29th day.

We submit to the commands of the Shariah, hence the difference between the 29th and the 30th.

OBJECTIVE

Dr. Shah claims that *Rooyat* (*Sighting*) of the *hilaal* is not among the objectives, hence not an act of *ibaadat*. Since it is not an objective it is dispensable and could be replaced by another method even if such method enjoys no Shar'i status. He has failed to understand the meaning of objective (*Maqsad*).

There are different categories of *Maqaasid* (plural of *maqsad*). All acts of *ibaadat* have one Primary *Maqsad* which is the very purpose for which man was despatched to earth. That Primary Objective is *Ridha-e-Ilahi* (the Pleasure of Allah). Besides this Primary *Maqsad*, there are numerous other secondary *Maqaasid* (objectives) related to the individual acts of *ibaadat*. These numerous *Maqaasid* are classified into a variety of categories. Objectives are also relative issues. An act can be a primary objective in relation to the secondary *Maqaasid*, while it self is a secondary objective in relation to the Primary *Maqsad*. This is not the occasion for the presentation of a discussion on the *Maqaasid* of Islam. Some examples will suffice for better understanding of the meaning of objectives to enable readers to understand the drivel Dr. Shah is peddling.

Salaat is an act of *ibaadat*. In relation to Allah Ta'ala it is a secondary objective, since Salaat is performed for gaining *Ridha-e-Ilaahi* (Divine Pleasure) which is the Primary *Maqsad*. In relation to its numerous *masaail*, Salaat is the

primary objective. This primary objective is unattainable without execution of the secondary objectives which are the many related rules for the perfection of Salaat. Thus, the *Shuroot* (Conditions), the *Faraaidh* (Compulsory acts), *Sunan* (Sunnat acts), *Mustahabbaat* (Sunnat acts of a lesser category), etc. are all among the *Maqaasid* (objectives), albeit secondary in relation to the primary objective of Salaat which itself is secondary in relation to the Primary Maqsad.

Since all these acts are objectives, it is incorrect and improper to argue that dressing Islamically is not an act of ibaadat hence not an objective of Salaat. Similarly, it cannot be argued that since the act of ibaadat is Salaat, there is no need to cover the head or the thighs while performing Salaat because Salaat which is the objective can be achieved without observing these paraphernalia.

Likewise, it may not be argued that there is no need to face the animal towards the Qiblah when slaughtering it, justifying this contravention of the *Thabah* system by claiming that the objective is to sever the required number of neck vessels to release the impurity of blood, and such objective is achieved without facing the animal towards the Qiblah. Such arguments are baseless. All the acts related to *Thabah* commanded by Rasulullah (Sallallahu alayhi wasallam) are among the objectives.

It is an act of kufr for a modernist to mushroom up 14 centuries after the advent of the completion and perfection of the Shariah of Islam and to argue in favour of his western master who has perfected technology, that the objective of *Thabah* is achieved by hanging the animal upside down, brutally shooting a metal bolt into its brains to immobilize it, totally discarding the Qiblah requirement, and discarding any other Shar'i *mas'alah* associated with *Thabah* regardless of whether such *mas'alah* pertains to the category of *Mustahabbaat* or *Aadaab*. Rejection of all these *maqaasid* is kufr.

All the acts commanded by the Shariah irrespective of category and relationship, are objectives (*Maqaasid*), the pursuit of which is incumbent on a Muslim. It is kufr to argue that in this age the use of the miswaak is not necessary since it has been substituted by a 'superior' method of brushing the teeth, namely, the toothbrush. The modernist will argue that the 'objective' is to clean the teeth and this objective is better achieved by using the modern toothbrush. Furthermore, the deviates argue that the miswaak was a Sunnat in the primitive age of the Sahaabah when toothbrushes had not yet been invented. With regard to such stupid arguments of the *mulhideen*, the Fuqaha say: "*Miswaak is Sunnat, but its rejection is kufr.*" Every requisite of Islam is an objective which has to be pursued.

Rasulullah (Sallallahu alayhi wasallam) commanded *Rooyat* of the moon with considerable emphasis. A host of highly authentic Ahaadith substantiates this unequivocal command. The Sahaabah and the Ummah thereafter accepted *Rooyat* to be an incumbent principle for determining the commencement of the Islamic months. This position has remained the only practice for the past fourteen centuries.

Since it is a command of Rasulullah (Sallallahu alayhi wasallam), it is among the objectives regardless of the category of the *Maqaasid* it belongs to. This objective cannot be displaced and replaced by the figment of the opinion of modernists of this belated century.

Besides his opinion, Dr. Shah has no Shar'i evidence to support his claim that *Rooyat* is not an objective to adhere to. In his attempt to deny the importance of *Rooyat*, Dr. Shah says:

"...Ibn Umar will start the month of Ramadan by just counting the days of Sha'aban and without actually sighting the new Moon if it was cloudy on the 29th day of Sha'aban. This act of Ibn Umar, the original narrator of the Prophetic

reports that ask for actual sighting to confirm or negate the month of Ramadan.”

Dr. Shah is again guilty of disgorging falsehood. It is grossly inaccurate to claim that Ibn Umar (radhiyallahu anhu) would start Ramadhaan simply by counting the number of days. It is either his deficient research or his deliberate attempt to mislead and confuse by concealing the truth, that has constrained him to venture his blatantly false claim. Ibn Umar (radhiyallahu anhu) did not commence Ramadhaan simply by counting the days of Sha’baan. We have already explained Ibn Umar’s practice with substantiation from the authentic kutub. We shall nevertheless repeat it in order to remove the mask of untruth which Dr. Shah has donned.

At the end of the 29th Sha’baan, Hadhrat Ibn Umar (radhiyallahu anhu) would send people to sight the moon. Due to weakness of eyesight, he would request others to sight the *hilaal* for him. If the moon was sighted, the issue was settled. Ramadhan commenced. Thus, it is blatantly untrue and despicable for Dr. Shah to shamelessly peddle the fallacy that Ibn Umar (radhiyallahu anhu) did not concern himself with *Rooyat*. How could this be conceivable when he himself reports that Rasulullah (Sallallahu alayhi wasallam) commanded *Rooyat*? Sending people out to sight the *hilaal* testifies for his observance of Rasulullah’s command of *Rooyat*.

Aunul Ma’bood, Commentary of Abu Dawood, which Dr. Shah has cited in his process of clutching at straws, explains Ibn Umar’s practice with clarity. Thus, Abu Dawood records: “When it was the 29th Sha’baan, the *hilaal* would be sighted for Ibn Umar. If it was sighted, then well and good.”

If on a clear day the *hilaal* was not sighted, Ibn Umar (radhiyallahu anhu) would not fast the next day. He would observe the *Ikmaal* command of Rasulullah (Sallallahu alayhi wasallam) and along with the community not fast. Abu

Dawood reports: “If the hilaal was not sighted and it was a clear day, then he would not fast the next day.”

If on a cloudy day the hilaal was not sighted, Ibn Umar (radhiyallahu anhu) would fast the next day. Commenting on this practice of Ibn Umar (radhiyallahu anhu), Al-Khattaabi said: “*It was the Math-hab of Abdullah Bin Umar Bin Khattaab to fast on the Day of Doubt (Yaumush Shakk) if the sky was overcast (and the hilaal was not cited).*”

(Aunul Ma’bood, Vol.6 , Page 313)

Ibn Qudaamah records the same explanation in *Al-Mughni*, Vol.3, Page 15.

From the foregoing explanation, it is clear that Ibn Umar (radhiyallahu anhu) did not summarily ‘count the days’ for beginning Ramadhaan. He took measures to establish *Rooyat*, and when *Rooyat* was not confirmed, he observed the rule of *Ikmaal* (completing Sha’baan with 30 days) as commanded by Rasulullah (Sallallahu alayhi wasallam), and he himself reports the relevant Ahaadith. Thus, Dr. Shah is guilty of gross misrepresentation with his attempt to create confusion by alluding that in terms of the *Jamhur’s* understanding a contradiction develops between the report and practice of Ibn Umar (radhiyallahu anhu). There is absolutely no contradiction.

The only difference is Hadhrat Ibn Umar’s diversion from the view of the *Jamhur* Sahaabah on the question of fasting on *Yaumush Shakk*. So, whatever his understanding and practice were for fasting on the 30th Sha’baan, astronomical calculations did not feature even remotely. His difference regarding fasting on the Day of Doubt is not the subject of our discussion. Dr. Shah has introduced it as red herring to mislead, confuse and divert attention from the bankruptcy of his arguments which are bereft of Shar’i substance.

This discussion illustrates beyond any shadow of doubt that Ibn Umar (radhiyallahu anhu) was united with all the

Sahaabah in the matter of *Rooyat* and *Ikmaal*. His only difference was his practice of fasting on *Yaumush Shakk*, i.e. the Day of Doubt (the day after the 29th Sha'baan) when it was overcast.

In his ardent desire to deny the incumbency of the principle of *Rooyat*, Dr. Shah makes the following self-contradictory statement: “.....*Ibn Umar will start the month of Ramadhan by just counting the days of Sha'aban and without sighting the new moon...*” The latter part of this statement, namely, “without sighting the new moon”, has already been disproved and demolished above.

In this statement, Dr. Shah contradicts himself by averring that Ibn Umar (radhiyallahu anhu) would merely “count” the days and not bother about sighting the *hilaal*. Throughout his discussion Dr. Shah was painstakingly trying to prove that the term ‘*Iqdiroo*’ in the Hadith reported by Ibn Umar is at variance with all the other narrations in which explicit mention of ‘counting’ the days is made. Dr. Shah has vainly laboured to show that ‘*Iqdiroo*’ is not related to *Ikmaal*. He has baselessly attempted to differentiate between *Iqdiroo* and the other versions of ‘counting’ stated in the many other Ahaadith pertaining to the principle of *Ikmaal*. *Iqdiroo* in the context in which it is used in the Ahaadith, clearly has the very same meaning as the other words used by Rasulullah (Sallallahu alayhi wasallam) to order *Ikmaal*. In fact, in the Hadith narrated by Abu Hurairah (radhiyallahu anhu), the word, *thalaatheen* (thirty days) is explicitly mentioned along with *Iqdiroo*. The counting of Ibn Umar (radhiyallahu anhu) is not related to counting 29 days as Dr. Shah claims. His ‘counting’ was to observe the *Ikmaal* command.

It is unintelligent to say that he counted 29 days. After 29 days, he made proper arrangements for sighting the moon. He was fully aware that 29 days had passed and it was now time for *Rooyat*. If it was his practice to simply count 29 days and commence Ramadhaan, he would not have sent people out to

sight the moon. His practice of making arrangements for sighting the moon at the end of the 29th day refutes the stupid contention of Dr. Shah. If his principle was to regard Sha'baan as a month with only 29 days, he would have adopted the practice of fasting the next day without bothering to sight the hilaal.

ROOYAT OR IKMAAL

Rooyat (Sighting the hilaal) or Ikmaal (Completing the month with 30 days) are the **only** principles for determining the Islamic months. There exists *Ijma'* of the Ummah on this incontrovertible fact. The obfuscation which Dr. Shah has presented in his article in his endeavour to hoist astronomical calculations as a substitute for the aforementioned two immutable principles of the Shariah, cannot alter the reality of the Divine Law. After disgorging considerable effluvium, he says: *"By now it should be clear enough that the claim that the entire Ummah or all the jurists have a consensus that the Islamic lunar month cannot be determined without actual Moon sighting or completion is not authentic and is simply not true."*

His shallow understanding and deficient knowledge of the Shariah have impelled him into this audacity. His audacity in claiming lack of *Ijma'* on the issues of *Rooyat and Ikmaal* testifies for his ignorance.

Regarding these two indisputable principles of the Shariah, Dr. Shah is constrained to at least concede: *"Completing 30 days of Sha'aban or 30 days of Ramadan, in case of obscurity, is the adopted opinion of the majority of Jurists (al-Jamhur). In view of this majority, there are only two methods of confirming the Islamic month i.e., either through actual Moon sighting or through completion."*

While Dr. Shah and the group of deviate 'contemporary scholars' are eager for the Ummah to believe that these '*only two methods*' (*Rooyat and Ikmaal*) are rejected by many other Fuqaha, the truth does not substantiate their claim. Although

there are differences regarding fasting on *Yaumush Shakk* (Day of Doubt) and the category of that particular fast, there is no difference on the principles of *Rooyat* and *Ikmaal*.

The difference is confined to fasting on *Yaumush Shakk*, *not to sighting nor to completion*. All the Fuqaha of all Math-habs are unanimous in upholding these two principles, even the ‘minute minority’ of classical scholars who espouse astronomical calculations are unanimous in upholding the principle of *Rooyat* and *Ikmaal*. So while Dr. Shah attempts to crack the formidable structure of *Ijma’* with selective citations, he does not achieve his goal which is to convince Muslims that these two immutable principles are insignificant and have no support in the Shariah. In this despicable exercise, he ventures the following statement of Ibn Qudaamah, a prominent Faqeeh (Jurist) of the Hanaabilah:

“The meanings of ‘calculate for it’ (faqdiroo lah) are to restrict the counting for it.....Shortening or decreasing in case of cloudy weather will mean to make the month of Sha’aban 29 days.”

Firstly, Ibn Qudamah presents an interpretation of the terms ‘*Iqdiroo lah*’ which in terms of this meaning is to regard Sha’baan as being a month with 29 days in the event of cloudy whether when *Rooyat* is not confirmed. This interpretation has absolutely no relationship with astronomical calculations. It only means that Sha’baan should be 29 days in case of cloudy conditions when the *hilaal* is not sighted.

Secondly, this is an interpretation of Rasulullah’s ‘*Iqdiroo*’ command. It was an interpretation ventured more than a century after Rasulullah (Sallallahu alayhi wasallam).

Thirdly, neither Hadhrat Ibn Umar (radhiyallahu anhu) nor any other Sahaabi had ventured this interpretation.

Fourthly, Ibn Umar’s practice of fasting on the day following the 29th when *Rooyat* of the *hilaal* is not confirmed due to overcast conditions, does not establish with certitude that he was observing the 1st of Ramadhaan. Al-Khattaabi mentions that it was the Math-hab of Ibn Umar (radhiyallahu anhu) to

fast on *Yaumush Shakk*. (*Aunul Ma'bood*). Furthermore, Ibn Umar (radhiyallahu anhu) himself narrates that Rasulullah (Sallallahu alayhi wasallam) commanded *Ikmaal* (completion) of Sha'baan with 30 days if there is no *Rooyat* due to cloudy conditions.

Fifthly, if the 29th Sha'baan was a clear day and the moon was not sighted, Ibn Umar (radhiyallahu anhu) would not fast, for the simple reason that *Rooyat* did not take place. This clearly illustrates the importance Ibn Umar (radhiyallahu anhu) attached to *Rooyat*. With absolute certitude, his Math-hab was '*No Rooyat, no Ramadhaan*'. Precisely for this reason would he not fast the next day if the 29th Sha'baan was a clear day and *Rooyat* did not occur. His fasting the next day in the event the 29th was cloudy, was due to him, for some reason, not subscribing to the prohibition of fasting on *Yaumush Shakk*.

On the basis of this fact, is based Imaam Ahmad's self-contradictory view. Ibn Qudaamah states in *Al-Mughni*: "*In a second narration of Imaam Ahmad, it is not incumbent to fast on that day (i.e. after the 29th when the hilaal is not seen due to cloudy conditions), and it (this fast) is not of Ramadhaan.*"
(Vol.3, Page 5)

In fact, Imaam Ahmad has three different views which illustrate that no one knows exactly why Hadhrat Ibn Umar (radhiyallahu anhu) would fast on the day after the 29th Sha'baan if the *hilaal* was not sighted due to overcast weather. Ibn Jauzi states: "*Most certainly, Imaam Ahmad has three views on this mas'alah pertaining to the 30th Sha'baan when the hilaal's horizon is obscured by clouds or rain. The first view: Fasting is incumbent on the understanding that it is Ramadhaan. Second view: Neither Fardh nor Nafl fasting is permissible on this day.Third view: The opinion of the Imaam in Saum and Fitr.*" (*Aunul Ma'bood*, Vol. 6, Page 313)

Although the first view is the dominant one among the Hanaabilah, numerous authorities of the Hambali Math-hab

have adopted the second view of prohibition. Thus it is said in *Aunul Ma'bood*: "Numerous of the Muhaqqiqeen (Authorities) of his (Imaam Ahmad's) Ashaab adopted the second view."

All three views are interpretations of Imaam Ahmad which developed about two centuries after Ibn Umar (Radhiyallahu anhu). These are not meanings given by Ibn Umar (radhiyallahu anhu).

Imaam Ahmad's interpretation is in conflict with the view of the *Jamhur* as well as in conflict with numerous authorities who follow his Math-hab. But all this has no relevance to the astronomical calculation argument. These differences are related to entirely a different issue which Dr. Shah and his ilk are desperately trying to exploit to eke out a semblance of support for their concoction of calculations.

Sixthly, Ibn Umar (radhiyallahu anhu) would make arrangements for sighting the moon at the end of the 29th day by sending people specifically for this purpose. There is no doubt in this fact. His view on *Rooyat* is thus confirmed with clarity and certainty.

Seventhly, if the 29th was a clear day, and the hilaal was not sighted, he would not fast the next day. This confirms his adherence to the principles of *Rooyat* and *Ikmaal*. In such an event he would regard Sha'baan as a month of 30 days in obedience to the command of Rasulullah (Sallallahu alayhi wasallam). This is the unanimous position of the Ummah. On this there is *Ijma'*.

Eighthly, it is only logical and in consonance with the principle of reconciliation of seemingly contradictory narrations to reconcile Ibn Umar's act with the command of Rasulullah (Sallallahu alayhi wasallam), and to say that his fasting on the day after the 29th when the *hilaal* was not seen due to cloudy conditions was a Nafl fast of the 30th Sha'baan as Al-Khattaabi and others have reported. The Hadith reported by Ibn Umar (radhiyallahu anhu), in which he narrates that Rasulullah (Sallallahu alayhi wasallam) commanded *Ikmaal* in

the event of there being no *Rooyat* due to bad weather, is faultless in its authenticity. Word variations cannot assail and scuttle this authenticity. All the Muhadditheen proclaim the authenticity of the Ahaadith pertaining to *Ikmaal*. It is therefore inconceivable that a Sahaabi of Ibn Umar's standing or a Sahaabi of considerably lesser standing would deliberately act in violation of the order of Rasulullah (Sallallahu alayhi wasallam). However, brains deranged by modernism attempt to inject conflict and contradiction into the relevant Ahaadith solely to refute these highly authentic narrations in the nefarious bid to give credence to the concoctions of the deviated 'contemporary scholars'.

Lest it be forgotten, we have to reiterate that this digression has been necessitated by the deceitful and misleading arguments which Dr. Shah expectorated in his article. This whole argument pertaining to *Iqdiroo*, the practice of Ibn Umar (radhiyallahu anhu) and Imaam Ahmad's interpretation and three views do not have the slightest link with astronomical calculations which is the subject of our debate, nor does it concern the principles of *Rooyat* and *Ikmaal* on which *Ijma'* of the Ummah exists.

Ninthly, despite the difference among the Hanaabilah regarding fasting after the 29th if the moon was not sighted due to overcast conditions, there exists unanimity among them on the prohibition of fasting the next day (30th Sha'baan) if the 29th was a clear day and *Rooyat* did not take place. Thus Ibn Qudaamah states: "*If the people see the hilaal on the 30th night of Sha'baan, fasting will be Waajib by Ijma' (since Rooyat has confirmed that it is the 1st Ramadhaan). If the hilaal is not seen while the sky is clear, then it is not permissible for them to fast that day (because now the principle of Ikmaal comes into operation).*" (*Al-Mughni*, Vol.3, Page 7)

Due to Dr. Shah's selective extraction from the kutub of views and statements which he misinterprets to eke out support for the modernist case, he conveniently overlooks the

unequivocal rulings such as above, of the very same authorities whom he cites in his effort to structure a basis for the fallacy of astronomical calculations. While Ibn Qudaamah explains in *Al-Mughni* the views of Imaam Ahmad on the question of fasting the day after 29th if the moon was not seen on account of cloudy conditions, he explicitly confirms the principles of *Rooyat* and *Ikmaal* as mentioned above.

Dr. Shah while citing *Ibn Qudaamah* in what he believes to be an argument against the *Ijma'* of the Ummah, finds it convenient to ignore the following categorical claim made by Ibn Qudaamah in *Al-Mughni*: "*Saum is not Waajib except by Rooyat of the hilaal or by completion of Sha'baan with thirty days or if the horizon of the hilaal is obscured by overcast conditions (clouds, rain, etc.) then the different views which we have explained will apply.*" (Vol.3, Page 17).

The 'different views' refer to the three views of Imaam Ahmad, which have already been explained. Regardless of these differences which are restricted to only the occasion when the 29th day is overcast, the standard and unanimous ruling of the Hambali Math-hab is *Rooyat* and *Ikmaal*. Furthermore, we have earlier explained that it cannot be claimed with certitude that Ibn Umar's fasting on the Day of Doubt precludes *Ikmaal*. There is no conclusive evidence for the claim that the day he fasted was in fact the 1st of Ramadhaan according to him.

Ibn Abdul Barr states: "*Ahmad bin Hambal said: 'Fasting on the Day of Doubt is incumbent, and it will suffice for Ramadhaan if (later) it is confirmed that it is Ramadhaan.'*" (Al-Istithkaar, Vol.3, Page 277)

This further confirms that the fasting of Ibn Umar was not because it was Ramadhaan according to him. It was *Yaumush Shakk*. And, even if he did not believe it to be the Day of Doubt, he had his interpretation for believing that this fast will suffice for Ramadhaan if it later transpired that the Day of Doubt was in fact the 1st Ramadhaan.

Be that as it may. Our discussion does not pertain to this difference and view of Ibn Umar (radhiyallahu anhu), nor is this discussion being pursued for the dissection of the views of the Hanaabilah who are following a valid Math-hab of the Ahlus Sunnah Wal Jama'ah. Our discussion concerns astronomical calculations. The differences pertaining to *Yaumush Shakk* and *Iqdiroo* have absolutely no relevance to astronomical calculations nor is there a straw of support in these differences for the cause of the deviated proponents of calculations.

Despite the difference of Ibn Umar (radhiyallahu anhu) regarding fasting on the day after the 29th Sha'baan if the moon was not sighted due to cloudy weather, what emerges with clarity is that there existed *Ijma'* of the Sahaabah on the incumbency of *Rooyat* and *Ikmaal*. The difference of Ibn Umar (radhiyallahu anhu) pertains to only fasting on the day after 29th when *Rooyat* did not take place. There is absolutely no evidence to indicate that his fasting was in conflict with *Ikmaal* which he himself, as well many other Sahaabah report. He would make special arrangements for the *hilaal* to be sighted.

Furthermore, even the modernists must concede that sighting was the only method which the Sahaabah had adopted to determine the months. Indeed, Dr. Shah also claimed that this was the "only method available" to the Sahaabah for 'confirming' the months notwithstanding the fact that they would calculate the very same lunar months long before the advent of Islam. This much is established beyond the slightest vestige of doubt that there was *Ijma'* of the Sahaabah on *Rooyat* since there ostensibly was no other method.

This *Ijma'* is an unassailable reality which no amount of '*Iqdiroo*' dust-kicking by the modernist can alter or dent.

The *Ijma'* of the Sahaabah holds the highest pedestal. Any difference which developed after the Sahaabah in any age, be it the age of the Taabieen, does not have any effect on the *Ijma'* of the Sahaabah. Neither the differences of the Fuqaha

of subsequent ages nor an *Ijma'* on a conflicting view can cancel the *Ijma'* of the Sahaabah. Hence, if there were any jurists holding different views after the age of the Sahaabah, the *Ijma'* of the Sahaabah remains intact and binding on the Ummah.

The conflicting and peculiar views of Ibn Suraij of the 4th century, of Qalyubi 11 centuries after Rasulullah (Sallallahu alayhi wasallam), and of Subki almost 7 centuries after Rasulullah (Sallallahu alayhi wasallam), and some others have no effect on the *Ijma'* of the Sahaabah. Irrespective of Ibn Umar's difference when the hilaal was not sighted on a cloudy day, he nevertheless subscribed to the principle of *Rooyat*, hence he would arrange for the hilaal to be sighted. His subsequent act of fasting the next day regardless of whatever interpretation he had for it, was only after *Rooyat did not take place*. If he did not subscribe to *Rooyat*, he would not have sent people to sight the moon. Furthermore, if the moon was not sighted at the end of the 29th day when the sky was clear, he would not fast. Now if he did not believe in the incumbency of *Rooyat*, and if he had considered counting 29 days for Sha'baan to suffice for the commencement of Ramadhaan, his abstention from fasting the next day would have been meaningless and in conflict with his belief.

Ibn Umar's action of abstaining from fasting if the moon was not sighted on a clear night, and his action of not counting 29 days for Ramadhaan if the moon was not sighted are clear evidence for his acceptance of the *Rooyat* and *Ikmaal* principles. The interpretations presented 14 centuries later in the attempt to eke out support for astronomical calculations solely from Ibn Umar's fasting on the 30th Sha'baan are all baseless conjecture which cannot dent the *Ijma'* of the Sahaabah.

Refuting and dismissing the nonsensical astronomical calculation view attributed to some senior Ulama, Ibn Abdul Barr states in his *At-Tamheed*, Vol.2, Page 156:

“....And, whatever this exponent says about calculations is something which is not befitting for people of intelligence to cling to. It is a view which the Ulama of former and later times have shunned on the basis of established Ahaadith of Nabi (Sallallahu alayhi wasallam) such as: ‘Fast on seeing it (the hilaal), and end the fast on seeing it. If it becomes overcast on you, then complete (the month with) thirty days.’ As far as I am aware none of the Fuqaha of the Muslimeen reposed any validity to (calculation of) the phases (of the moon) in this matter (confirming the month of Ramadhaan). It is merely something which has been narrated from Mutarrif Bin Ash-Shakheer. But this narration attributed to him is not authentic. And Allah knows best. And, even if it (the narration) has been correctly attributed to him, it is not incumbent to follow it on account of its weirdness (in conflict with the Jamhur) and because of its conflict with the evidence (against it).”

Refuting the view of Ibn Qutaibah, Ibn Abdul Barr states:
“We have mentioned the weirdness of this view and its conflict with the People of Knowledge. Furthermore, this is not befitting the rank of Ibn Qutaibah nor is he among those upon whom reliance could be reposed in such issues...”

(At-Tamheed, Vol.2, Page 156)

Refuting the false attribution to Imaam Shaafi, Ibn Abdul Barr states: *“The authentic view narrated from him in his kutub and from his Ashaab is: ‘The belief in the (commencement) of Ramadhaan is not correct except with Rooyat or the testimony of trustworthy witnesses on account of Rasulullah’s order: ‘Fast when sighting it and end the fast when sighting it. If it becomes overcast over you, then complete the number (of days of Sha’baan) thirty day.’”*

(At-Tamheed, Vol.2, Page 156)

The peculiar and weird views attributed to the isolated ‘minute minority’ centuries after the Sahaabah are devoid of

significance and only ignoramuses have the audacity to cite such decrepit and baseless views in an attempt to assault and crack the *Ijma'* of the Sahaabah, the Taabieen and Tab-e-Taabieen. The strong probability of false attribution, the sharp conflict in these weird views and the diametric conflict of the weird view with the explicit and authentic Ahaadith and practice of the Sahaabah provide no scope whatsoever for even considering acceptance of this fallacy and fabrication.

We reiterate, that the conflicting views of some Ulama centuries later, notwithstanding their erudition, have to be cast aside. It is not lawful to cite such weird views in opposition to the *Ijma'* of the Sahaabah and the Fuqaha nor is it permissible to present such differences in refutation of the *Ijma'* of even the *Jamhur*. The weird views which are in conflict with *Ijma'*, even if it be the *Ijma' of the Jamhur*, are either fabrications attributed to some Fuqaha or they are errors committed by the Ulama. To cite the weird views of isolated Ulama as a basis for structuring opinions at total variance and in diametric conflict with the 14 century Rulings of the Shariah is nothing other than *dhalaal* (deviation from Siraatul Mustaqeem) and *ilhaad* (heresy which is a branch of kufr).

The method of argumentation adopted by Dr. Shah and the 'contemporary scholars' illustrates their *dhalaal* (deviation) and their *ilhaad* (heresy). Such 'scholars' are among the *mudhilleen* and *mulhideen* about whom Rasulullah (Sallallahu alayhi wasallam) said: "*Verily I fear for my Ummah such Aimmah (deviate 'contemporary scholars') who will mislead (the Ummah).*"

CORRECTNESS OF THE CALCULATIONS

Regardless of the accuracy of astronomical calculations, our claim is that these calculations are not permissible for determining the Islamic months not because they are necessarily inaccurate as some have contended or as they may have been in the earlier times, but because the Shariah simply prohibits all methods other than *Rooyat* and *Ikmaal* for beginning the month.

It is not the issue of accuracy or inaccuracy. It is the principle of *Rooyat* that constrains rejection of astronomical calculations. If the inaccuracy argument pertains to only the calculations of earlier times, it does not enhance or support the view in favour of astronomical calculations. We have to follow the commands of Rasulullah (Sallallahu alayhi wasallam) even if the rational reasons preferred centuries later by some Ulama are proven to be incorrect.

The *Ahkaam* of the Shariah are not based on the reasons which the Fuqaha have posited. These reasons may be valid or not. If valid, they merely facilitate understanding. If invalid, they do not detract from the authenticity and veracity of the *Ahkaam*.

The difference between the calculations of an astronomer and an astrologer involved in kufr, also has no adverse affect on the validity of the *Ahkaam*. The negation of astronomical calculations by the Shariah is not based on only the calculations of the astrologer—one who predicts future events on the basis of astrology or study of the heavenly bodies. The prohibition brings within its purview the calculations of the astrologer, astronomer as well as the 21st century American scientist with whom Dr. Shah is so much enamoured.

The *Kutub* of the Fuqaha are unambiguous in this regard. The providers of astronomical calculations are described

differently – *Munajjim*, *haasib muwaqqit*, etc. The calculations of all are rejected by the Shariah in so far as the Islamic months are concerned.

The deviates intoxicated with the advance of modern technology blow much hot air regarding the accuracy of astronomical calculations. Firstly, we have already explained that it is not a question of accuracy of astronomical calculations. Even if accuracy is conceded, it is the principle of *Rooyat* which is being contravened and rejected when calculations are made the standard for commencing the Islamic months. Calculations are linked to a particular phase among the phases of the moon. But Islam has not ordained a specific phase of the moon as the initiation point of the Islamic month. Nevertheless, merely to pursue the discussion to further illustrate the error of the proponents of calculations, it should be remembered that Dr. Shah and his kind, for total lack of Shar'i basis for their fallacious theories, have structured their case of permissibility on the *Zallaat* (erroneous views) and *Shuzooz* (Weird Deviations from the Shariah) of isolated Ulama of the 3rd, 7th and 11th century of the Hijri era when the astronomers did not attain the degree of accuracy which Dr. Shah believes the scientists today have achieved.

Regarding the certainty and accuracy of modern-day astronomy, Dr. Shah says: “.....modern science has reached to such a level of authenticity and preciseness in the matters of astronomical calculations that there is no more need of sighting the moon with the naked eye....Now once we have reached to the level of certainty in such matters, we must go with the calculations in determining the Islamic months without any need to resort to actual sighting.”

In the near future there will be “no more need” to say that the flesh of swine is haraam because “modern science would have reached such a level” of advancement that it would have achieved the feat of assuring that pork is no longer a threat to

health, and that the diseases associated with pork have been eliminated. Dr. Shah and the modern deviate ‘contemporary scholars’ (*Zindeeqs and Mulhids*) are quite capable of offering such hedonistic subservience to their god of ‘modern science’ with which they are so much infatuated and over-awed that overruling the Shariah with the creature of ‘modern science’ has become an acceptable principle.

We are not being sarcastic. We are merely stating a fact. Stating this principle of kufr, one such contemporary deviate, Mahmud Shakir, is cited by Dr. Shah as follows: “*Now once it has become obligatory to turn to astronomical calculations only, because the reason for this prohibition is gone, then it becomes obligatory also to turn to the accurate calculations which are connected with the new months and possibility and non-possibility of sighting.*”

Only a *Zindeeq* can disgorge such kufr. Just imagine! A *Mulhid*, more than 14 centuries after the termination of Nubuwwat and Wahi claims that the method of the *fussaaq and kuffaar* astronomers of this day wallowing in *fisq* and *fujoor* is *Fardh* (obligatory) and that it displaces what Rasulullah (Sallallahu alayhi wasallam) had ordained *Waajib* during the Age of Nubuwwat! According to these modernist deviate *Zindeeqs* the Ummah will be committing a grievous major sin for ignoring the ‘obligatory’ requirement ordered by the scientists of today, and for practising according to Rasulullah’s command of *Rooyat*! Their brains have truly become deranged by their innate kufr. Kufr is not a later acquisition. It is innate –embedded in the heart long before man’s appearance on earth. The temporary and artificial mask of ‘Imaan’ is gradually eroded by the manifestation of kufr belief and conduct

Discharging more kufr of this brand, Dr. Shah cites another modernist *Mulhid*, one Dr. al-Qardawi:

“*Currently astronomical calculations are a better mean to establish the months. It must be accepted as it is a better*

choice than what the Sunnah has required us.” Who other than *mulhideen* are capable of such a glaring statement of kufr?

The abominability of this kufr claim implies the imperfection of the Sunnah or the Deen of Islam. It implies the rejection of the finality of Nubuwwat in that the Law of Allah delivered by Muhammadur Rasulullah (Sallallahu alayhi wasallam) does not cater for the needs of posterity until the Day of Qiyaamah, hence the views and methods of kuffaar and fussaag scientists wallowing in *fisq, fujoor, ilhaad, najaasat and janaabat* are better and more acceptable than the Sunnah. This one statement of kufr tendered by the zindeeqs of this day suffices to scuttle the entire argument of the ‘contemporary scholars’ of *dhalaal, ilhaad and kufr*.

Let us revert to our discussion from this digression which was necessarily prompted by the evil views of Dr. Shah and his ilk of modernist deviates. We had mentioned above that the modernist contemporary scholars of *ilhaad and kufr* while proclaiming the accuracy and precision of current-day astronomical calculations had structured their entire case of corruption on the basis of the *Zallaat* and *Nushoozaat* of some classical scholars who flourished from more than a thousand years ago.

Confirming the unreliability of astronomical calculations during the classical era, Dr. Shah declares with considerable emphasis: *“The majority of the Classical scholars were absolutely right in rejecting the calculations as these calculations were inaccurate and mostly done by astrologists and magicians. But the astronomical calculations in our times are no more the work of magicians or fortune-tellers but the work of authentic scientists and astronomers who base their knowledge on scientific observations and facts. These arguments of inaccuracy and magic were rejected by the Jurists even in the Classical times what about in the 21st*

century America where the science of astronomy has reached its climax.”

He also cites another ‘contemporary scholar’, Mustafa Zarqa: *“The classical jurists were rightfully correct in their stance against these calculations during their times. The science had not reached in their times to the levels of authenticity and certainty where it is nowadays in our times. They could have not based important acts of worship such as the fasting of the month of Ramadan upon the calculations which were not 100 percent precise.”*

Again it is necessary to remind readers, that the accuracy of astronomical calculations does not pertain to *Rooyat*. It pertains to something entirely different from *Rooyat*. While astronomical calculations determine the positions and movements of the celestial bodies, *Rooyat* means the physical sighting of the moon with the eyes. While Rasulullah (Sallallahu alayhi wasallam) linked the commencement of the month with *Rooyat*, the deviates link it with something different, namely, with a particular position of the moon in its orbit *prior to Rooyat*. Whereas the Shariah has ordained the point of *Rooyat* to be the initiation of the Islamic month, the followers of the western scientists assert the initiation point to be a phenomenon *prior* to the position of the moon at *Rooyat*. Predicting the possibility of sighting is not *Rooyat*.

If *Rooyat* is not an indispensable requisite for the confirmation of the Islamic month, then why do the deviates even bother about predicting sighting? What constrains them to base commencement of the month on calculations which predict *Rooyat*? Since sighting according to the modernist deviates is not a requirement, then why waste time in the futile exercise of determining possibility or impossibility of sighting? Why not canvass for uniformity and total lack of uncertainty by simply fixing December or January or any other solar month as the month of Ramadhan? After all, the objective according to the *Mulhideen* is only the fasting of the

month. This can be accomplished by simply introducing a method which eliminates all uncertainty, e.g. adopting the solar calendar or fixing the lunar month from the 15th moon to the 15th moon as the Hindus do, or any other position of certitude the moon has at any specific time.

What is the incumbent need to commence the month after astronomy predicts that sighting will be possible on a certain night? They do not know whether they are moving forward or backwards. They wander aimlessly in confusion and conjecture, far away from Siraatul Mustaqeem.

Firstly, Dr. Shah and the ‘contemporary scholars’ of deviation here contend that the basis for the rejection of astronomical calculations by the Classical Jurists (i.e. the Fuqaha) was the inaccuracy of such calculations. Mutarrif, Ibn Qutaibah, Subki and others belonged to the classical era, yet they in general, and Subki in particular, weirdly and allegedly accorded the astronomical calculations of their time a pedestal higher than what *the Nass* of Rasulullah (Sallallahu alayhi wasallam) conferred to *Shahaadat* (the Testimony of uprighteous, pious, trustworthy witnesses). Thus, Subki committing a colossal error, states: “*Calculations are absolute (in accuracy) while Shahaadat and Information (of trustworthy persons) are hypothetical. Hypothesis cannot compare with certitude, leave alone having ascendancy over it*” (Reference provided by Dr. Shah).

Subki compounds his colossal error with the atrocity of claiming that it is *Waaajib* on the ruler to reject the *Shahaadat* of even trustworthy witnesses if astronomical calculations indicate impossibility of sighting the moon. Subki has glaringly erred and slipped terribly from the Path of Rectitude in this intellectual abominability which is not expected of a Scholar of his calibre. Nevertheless, every good horse also slips. But sometimes the slip is beyond redemption. It is easier to accept that this abomination has been falsely attributed to

Subki. Nevertheless, our argument will pursue on the hypothesis of correct attribution to Subki.

While Subki claims that the astronomical calculations of his era (the classical era) are *Qat'i* (absolutely accurate, beyond the slightest shred of doubt), Dr. Shah and the clique of modernist deviates maintain that it was an era in which “*the calculations were inaccurate and done mostly by astrologers and fortune-tellers*”. What then had constrained a Faqeeh of Subki’s calibre to elevate such inaccurate calculations of fortune-tellers to the lofty pedestal of *Qat’iyyat* (*Absolute Certitude*)? It should be remembered that *Qat’iyyat* in Shar’i matters is produced by only two types of evidences:

(1) Qur’aanic aayaat (2) Ahaadith-e-Mutawaatarah which have the effect of Qur’aanic verses. It is Islamically absurd and ludicrous to maintain that the statements and claims of kaafir astrologers, fortune-tellers and Mr. Bush’s scientists with whom Dr. Shah is enamoured, have the same degree of *Qat’iyyat* as the Qur’aan and Ahaadith-e-Mutawaatarah. Only a Muslim who has lost his sanity will venture such a preposterous averment of kufr. So how was it possible for a man such as Imaam Subki (rahmatullah alayh) to have disgorged such kufr?

It should not be difficult to contemplate and understand that even during the classical era there were deviates such as Dr. Shah and the ‘contemporary’ scholars’ of kufr who were adept in the art of fabricating views and attributing same to authorities of the Ahlus Sunnah Wal Jama’ah. The *Rawaafidh* (an extreme sect of Shi’ism) were the first to expound the idea of the feasibility of astronomical calculations. Just as the *Rawaafidh* had fabricated Hadith narrations and attributed such forgeries to the illustrious Muhadditheen, so too did they fabricate juridical (fiqhi) views which they attributed to some Fuqahaa of the Four Math-habs. Hence, Ibn Abdul Barr unequivocally denies that the illustrious Taabi-ee, Mutarrif

had espoused the view of permissibility of astronomical calculations.

We denounce and outrightly reject these attributions of fabricated views to Subki, Mutarrif and others. And, on the assumption they did tender these *zallaat*, then as Ibn Abdul Barr stated, these should be rejected. There is no incumbency to follow the weird views of isolated Ulama – views which widely diverge from the official position of the Shariah as acquired from the Sahaabah.

Let us return to the topic. Dr. Shah acknowledges that the astronomical calculations of the classical era were inaccurate and largely the work of astrologers and fortune-tellers. But he basis the case of the modernist ‘contemporary scholars’ on the platform of Subki’s exposition. Yet Subki belonged to the classical era when calculations were inaccurate according to Dr. Shah. The self-contradiction of Dr. Shah should be quite obvious. Since Subki and the other ‘minute minority’ entertained *Qat’iyyat* (Absolute Certitude) for grossly inaccurate calculations, logic and fairness demand that Dr. Shah dismisses Subki’s exposition as baseless since his (Subki’s) premises was raised on a false base – the inaccurate calculations of astrologers and fortune-tellers.

This is in fact the logical implication of Dr. Shah’s acknowledgment of the inaccuracy of the astronomical calculations of the classical period. He has averred that the Classical Fuqaha had rejected the calculations, and rightly so (according to Dr. Shah), simply because the calculations of the time were inaccurate.

While Dr. Shah’s acknowledgment of inaccuracy rebounds on himself, he has spoken palpable nonsense by claiming that the Fuqaha had rejected astronomical calculations primarily on the grounds of inaccuracy. The kutub of the Fuqaha are replete with the basis of their rejection, which was primarily the *Nass* (absolute explicit command) of Rasulullah (Sallallahu alayhi wasallam) stated in numerous Saheeh

Ahaadith. The logical and other reasons for Rasulullah's command were not offered by Nabi-e-Kareem (Sallallahu alayhi wasallam). These reasons were later accretions which may be correct or incorrect. If proven incorrect, they have absolutely no effect on the *Ahkaam* established on the basis of *Wahi* (Revelation from Allah Ta'ala), in the same way as pork will remain haraam if the reasons for the prohibition are eliminated at some time in the future. But men of Dr. Shah's ilk will not hesitate to proclaim pork halaal and devour it with relish if the American scientists proclaim the 'hygiene' and 'health' of the pig. America is the god of Dr. Shah and the deviate 'contemporary scholars', hence he quite shamelessly says: "*....what about the 21st century America where the science of astronomy has reached its climax.*"

Dr. Shah and his ilk enamoured and over-awed by America and for all that its stands, must be told that the views and technology of the American scientists have absolutely no admissibility in the domain of the Shariah.

Dr. Shah has conceded that the astronomical calculations of the classical era were inaccurate and unreliable. But he accepts the concoction attributed to Subki and others as the basis for his argument of the permissibility of astronomical calculations in negation of Rasulullah's command and the 14 century *Ijma'* of the Ummah based on the *Ijma'* of the Sahaabah. The 'validity' of the argument of the deviates relies on the basis which has been structured on the corpse of the corrupt views attributed to Mutarrif, Ibn Qutaibah and Subki. But these views in terms of Dr. Shah's own logic and acknowledgment of inaccuracy and unreliability of the calculations of that era, have to be dismissed as spurious. It logically now follows that the deviates have absolutely no Shar'i basis – a basis which they have desperately laboured to structure out of the weird concoctions attributed to certain jurists of the classical period.

Let Dr. Shah and the conglomerate of deviate modernist 'contemporary scholars' of *ilhaad* understand well that even if

we should assume that some jurists of the classical era did in fact tender the weird concoctions attributed to them, then the Ummah outrightly rejects such corrupt views which have absolutely no standing in the Shariah. Any view which is in conflict with the Rulings of the Sahaabah is *mardood* and *baatil* regardless of the authority to whom such view is attributed.

This Ummah, unlike Bani Israaeel, does not elevate its Ulama to the pedestal of *Ruboobiyat*. In other words, our Ulama and Fuqaha are not our gods. Castigating Bani Israaeel for equating their Ulama and Auliya to the pedestal of godhood, the Qur'aan Majeed states: "*They take their Ahbaar and their Ruhbaan as gods besides Allah.*"

The final word in the Shariah is the *Ijma'* of the Authorities of the *Khairul Quroon*, be it the *Ijma'* of the *Jamhur*. If the modernist deviates such as Dr. Shah can audaciously claim that the view of the kuffaar American scientists abrogates the Sunnah of Rasulullah (Sallallahu alayhi wasallam) and the 14 century *Ijma' of the Ummah*, and if Dr. Shah and his ilk can recklessly promote the ignorance of following the 11th century Subki as opposed to the thousands of *Jamhur Fuqaha* and the Jamaat of Sahaabah, they should not view with surprise and bewilderment the rigid stance of the Ummah on the immutable Ruling of Rasulullah (Sallallahu alayhi wasallam) and the Sahaabah.

The supposed view of Mutarrif of the Taabieen era cannot be cited in negation of the *Ijma'* of the Sahaabah. If he did in fact present the concocted view of corruption which is *baatil and mardood*, it is simply to be discarded as waste matter having absolutely no effect on the official Ruling of the Shariah.

The views of the others of the 4th, 7th, and 11th century are of lesser significance than even the concoction attributed to Mutarrif. Such isolated views have absolutely no significance. The fulcrum of this Deen is the Sahaabah, then the *Ijma'* of the Taabieen and lastly the *Ijma'* of the Tabe-Taabieen even if

Dr. Shah prefers to dub it “the so-called Jamhur”. Yes, the “so-called Jamhur” is the Shariah –the Divine Shariah. But Dr. Shah and the league of *Zindeeqs*, the so-called ‘contemporary scholars’ have appointed the American scientists of Mr. Bush as the repositories of the Shariah, hinging *Wujoob* on the opinions which the kuffaar American scientists dole out to them. In fact, they have elevated the calculations of the American scientists to the pedestal of *Wahi*, hence they sink into the dregs of kufr and jahaalat by claiming that it is *Waajib* to refute *Rooyat* ordered by Rasulullah (Sallallahu alayhi wasallam), and *Fardh* to adopt the calculations of those scientists who wallow in the state of *Haqeeqi* and *Hukmi Najaasat* 24 hours of the day – every day of their lives – steeped in physical and ceremonial impurities – wallowing in *kufr*, *fisq* and *fujoor*. These are the pivots of the new ‘shariah’ of kufr which the modernist deviates conspire to introduce to Muslims.

Rasulullah (Sallallahu alayhi wasallam) declared that the Edifice of the Shariah revealed by Allah Ta’ala would be given its final touches of codification and systematic arrangement by the Shariah’s authorities of the *Khairul Quroon* epoch, not thereafter. After this holy era was the rise of obesity and falsehood—the type of worldliness and falsehood in which the ‘contemporary scholars’ are entrapped -- the cult of hedonism which is the soul of westernism. Declaring and sanctifying the principle of *Khairul Quroon*, Rasulullah (Sallallahu alayhi wasallam) said:

“The noblest of my Ummah are (the Sahaabah of) my age; then those who follow them (the Taabieen); then those who follow them (the Tabe Taabieen). Thereafter will appear a nation who (will make haste) to testify without being sought to testify. They will abuse trust and will not be trustworthy. They will pledge without fulfilling (their pledges). Obsesity (as a consequence of worldly opulence) will prevail among them.”

(Bukhaari and Muslim)

“.....Then (i.e. after the *Khairul Quroon*) will be people who love obesity.” (Mishkaat)

“Honour my *Sahaabah*, for verily, they are your noblest, then those after them, then those after them. Thereafter will rise *kizb* (falsehood).”(Mishkaat)

These and many other similar Ahaadith of Rasulullah (Sallallahu alayhi wasallam) are in the category of *Principles* of the Shariah. No authority's view of any of the ages subsequent to *Khairul Quroon* has any worth if it conflicts with the Shariah's Rulings of this sacred epoch of Islam. Assuming that a consensus of later ages is enacted in conflict with the *Ijma'* of *Khairul Quroon*, be it the *Ijma'* of the so-called *Jamhur*, such consensus will be *mardood* and *baatil*—rejected and false—of no substance whatsoever.

The Divine Shariah is not a code which is the making of human beings. It is the product of *Wahi* which was completed and finalized in the era of Nubuwwat and transmitted to the Ummah down the centuries by way of authentic and reliable narration. Hence concoctions which are attributed to a sprinkling of jurists spread out over centuries, with a drop here and there, are befitting for only the trash can, not for presentation as *daleel* in refutation and negation of the 14 century Shariah of Allah Azza Wa Jal.

Let us revert to the issue of *Shahaadat* (Testimony by Trustworthy witnesses). Structuring their kufr view on the fallacy of the concoction attributed to Subki of the 7th century, (i.e. almost 7 centuries after Rasulullah – Sallallahu alayhi wasallam), the deviates of our time have opined that the calculations of American scientists override the *Shahaadat* of uprighteous, trustworthy and pious Muslims who testify to *Rooyat*. This is truly the most bizarre opinion of falsehood which has been heard in this age.

Shahaadat is the institution commanded by the Qur'aan, Sunnah and Ijma', not only to confirm *Rooyat*, but to decide all disputes in an Islamic court of law. In fact, *Shahaadat* is the fundamental basis of the Islamic system of justice. Without the institution of *Shahaadat*, an Islamic court of law cannot operate.

The Qur'aan and the Sunnah order amputation of the hand for theft; lashing and stoning for fornication and adultery; execution for murder; whipping for slander and consumption of liquor. In short, *Shahaadat* is required for resolving every dispute in the Islamic system of justice. When the Shariah ordains lashing, amputation and execution on the basis of *Shahaadat*, who are these deviates to claim that the sighting of the moon cannot be confirmed by *Shahaadat* when the calculations of *fussaaq*, *kuffaar* and American scientists indicate impossibility of *Rooyat*?

Citing Subki, Dr. Shah stupidly asserts: *"He further argues that the Shariah did not require us to just accept the news of human sighting whether true or false. We cannot base our acts of fasting just on the claims of the witnesses. The Shariah did not ask for that. Verification of the news is a must. How many times we have seen people giving false witnesses sometimes unintentionally and at times intentionally due to some hidden motives."*

While we can understand the ignorance of Dr. Shah and appreciate that he lacks a proper understanding of the Shariah's institution of *Shahaadat*, it is difficult to accept that a scholar of Subki's calibre had also gaffed and blundered in this aspect of the Shariah. How was it possible for Subki to have concocted this misconception of *Shahaadat*? Who did ever claim that the testimony of false witnesses is valid and acceptable *Shahaadat*? Who has claimed that the testimony of a *faasiq* and *faajir* is valid in the Shariah?

Ignorant of the requisites of valid *Shahaadat* on which Shar'i rulings and decisions are based, Dr. Shah blundered his

calumny against this vital and fundamental Islamic institution on which is based the functioning of the entire Islamic judicial system and numerous other *Ahkaam* of the Deen. What has constrained Dr. Shah or Subki or anyone else to even waste breath in mentioning that the Shariah does not require us to accept false news pertaining to human sighting of the moon? Who has ventured to make this preposterous claim?

Dr. Shah acquits himself ludicrously by saying: “...*the Shariah did not require us just to accept the news of human sighting whether true or false.*” This statement in fact is false and stupid. The Shariah does require us to accept “news of human sighting” if it is true. It is superfluous to even comment on the position of false news. If Subki had made this statement, it is a colossal gaffe unexpected of a man of his status.

The Shariah says that the testimony of a man like the modernists, who wanders around the streets without Islamic headgear is *mardood* (rejected, unacceptable). The Shariah rejects the testimony of a man who eats in the public and who urinates in the public like these modernist sheikhs who stand like asses at public urinals relieving themselves like animals in full view of all and sundry, and who are careless in matters of *istinja*. Yet they pretend to be *mujtahids*!

The standard of the Shariah with regard to *Shahaadat* is exceptionally lofty. Hence, the Shariah has accorded *Qat’iyyat* (Absolute Certitude) to *Shahaadat*, so much so, that people are stoned to death and executed on the basis of a conviction obtained by *Shahaadat*. Rasulullah (Sallallahu alayhi wasallam) declared: “*Hudood (the mandatory punishments of lashing, stoning, etc.) are waived by doubts.*” The slightest doubt which is introduced, cancels the *Hudood* punishments. *Hudood* cannot be administered if there exists the slightest doubt. The accused is given the benefit of the doubt and exonerated. Yet, if the *Shahaadat* passes on the standard of

the Shariah, it has the force of *Qat'iyat* and the *Hudood* will be administered.

Dr. Shah and the 'contemporary scholars' of *dhalaal* and *ilhaad* assault this sacred institution to which Allah Ta'ala has accorded the status of absolute certitude. It is deplorably fallacious for Dr. Shah and others to claim that the Shariah requires for the validity of *Shahaadat* the complementation of the calculations of the American scientists. We believe that those who make such fraudulent claims in the name of the Deen require the punishment of *Ta'zeer* (i.e. whipping).

The Ahaadith and Fiqah kutub elaborately discuss and explain the institution of *Shahaadat*. News of moon sighting was accepted on the basis of *Shahaadat* by Rasulullah (Sallallahu alayhi wasallam), by the Sahaabah and by the entire Ummah in all ages. Suddenly there mushrooms from nowhere deviates who assault this institution in a nefarious conspiracy to displace the Shariah's methods in favour of the astronomical calculations of the 21st century American scientists. The *jahaalat* of those who minimize the importance and imperativeness of *Shahaadat* is staggering.

During the age of Subki there were no American scientists of the 21st century to assist with their accurate astronomical calculations. Dr. Shah has conceded that during the classical age, the Classical Fuqaha were "absolutely right" to reject the calculations of their times. So on what did Subki base his view of the *Qat'iyat* of astronomical calculations of his age? No American scientist of the 21st century had yet come into existence, so there could not have been accuracy in the available calculations of the astrologers and fortune-tellers – the companions of the devil. In fact, even the American 21st century scientists are companions of Iblees.

Regardless of what Subki and others opined and averred, the Shariah has ordained *Shahaadat* adequate for the confirmation of a sighting. In fact, in certain exigencies, *Shahaadat* is not a requisite for Ramadhan. If the persons who are testifying are

uprighteous and trustworthy, acceptance of their *Shahaadat* is *obligatory*. On assumption that their eyes had played tricks and they genuinely erred in their sighting, it is immaterial. This is not our concern. It is Allah's concern. He has commanded that the testimony of truthful Muslims be accepted. We are bound by Allah's law. To reject the testimony of truthful, pious witnesses merely on the basis of the calculations of people of *Najaasat* such as the 21st century American scientists, is to grossly transgress the limits prescribed by the Qur'aan and Sunnah. The Qur'aan states: "*These are the limits of Allah. Therefore, do not transgress them.*"

In the matter of *Shahaadat*, the Shariah has prescribed acceptance of the testimony of trustworthy and pious Muslims. Rejecting such testimony is an act in flagrant and rebellious violation of the Qur'aan and Sunnah.

Presenting a conspectus of a view allegedly propounded by Subki, Dr. Shah summarizes: "*He (Subki) concludes that calculations are more certain than the human eyes and that probability of mistake is greater in the second case in contrast to the first case, i.e. calculations.*"

The full text of Subki's statement which Dr. Shah has summarized above, is: "*When two or more persons whose untruthfulness or error in sighting the hilaal is possible testify by us (that they had seen the hilaal) while astronomical calculations indicate the impossibility of sighting the hilaal, their Shahaadat shall be rejected because possibility is a requisite in the object about which testimony is given.*"

On the basis of this averment, Subki concluded that the probability of falsehood and error in the testimony of those claiming *Rooyat* is greater than the probability of error in astronomical calculations. He is reported as having held the view that if astronomical calculations indicate impossibility of sighting then it is a normal impossibility and a rational impossibility for the *Rooyat* (sighting of the moon) to be

correct, hence *Shahaadat* confirming *Rooyat* should be rejected.

Subki's view is baseless because:

1) The requisite of (*Imkaan*) possibility in the object of testification in terms of the Shariah is not a requirement for *Rooyat*. Rasulullah (Sallallahu alayhi wasallam) did not encumber *Rooyat* with any such conditions which would make the Ummah reliant on 21st century kuffaar American scientists or on *fussaaq* Muslim scientists who grovel at the feet of their western masters.

2) The argument of rational impossibility is baseless. The term 'rational impossibility' has technical significance. A lion with ten heads is not a rational impossibility despite it being a normal impossibility. The human mind can picture a lion with ten heads. It is within the *Qudrat* of Allah Azza Wa Jal. Similarly, *Rooyat* can occur despite impossibility indicated by the astronomers. Thus the argument of *rational impossibility* (*Mahaal-e-Aqli/Al-Mustaheelul Aqli*) is irrelevant and drivel in relation to *Rooyat* commanded by the Shariah.

3) Rasulullah (Sallallahu alayhi wasallam) commanded *Rooyat* at the end of the 29th day. This command debunks the 'impossibility' arguments and confirms the possibility view regardless of the claims of the 21st century scientists of Mr. Bush.

4) The Shariah negates the possibility of falsehood (false testimony) in relation to *Aadil* (uprighteous, pious, trustworthy Muslim Witnesses). The Shar'i impossibility of falsehood which the Shariah predicates to the *Aadil*, overrides the logical argument of rational possibility of falsehood and error.

5) If there is an error in the *Rooyat* of genuine trustworthy witnesses whose *Shahaadat* the Shariah upholds, the Qaadhi/Imaam is not under any Shar'i obligation to institute steps to disprove such testimony on the spurious basis of 'impossibility' indicated by astronomical calculations.

6) The claim that the *Shahaadat* of trustworthy witnesses is prone to greater error than error of the inaccurate calculations of the classical era, is illogical nonsense which is the product of reckless ignorance and intransigence simply to promote such calculations at all cost, even at the cost of scuttling the Shariah. After all, Dr. Shah has conceded that the “Classical jurists were absolutely right in their rejection of the calculations of their era”.

7) From the Shar’i perspective, *kizb* (falsehood) is negated from the witness by virtue of his attribute of *adaalat* (uprightness, piety, truthfulness, trustworthiness), while the possibility of error is negated by the number of witnesses. The number varies, depending on circumstances and interpretations of the Math-habs. These measures instituted by the Shariah to eliminate falsehood and error are sacrosanct and may not be questioned, regardless of the element of rational possibility.

8) The element of error does not pose a formidable barrier for the commencement of the month, hence the Shariah orders the Fast to begin even if just one pious person sees the Ramadhaan *hilaal* on a cloudy night. Obsession with this type of ‘error’ which the Shariah does not consider to be an ‘error’, detracts from the objective of *ibaadat*, and elevates the ‘possibility of error’ to the status of being the objective. The undue importance which the deviates assign to non-objectives such as the possibility of error in human sighting exhibits their lack of comprehension of Shar’i objectives.

9) In the matter of Fasting the month of Ramadhaan, Rasulullah (Sallallahu alayhi wasallam) did not attach importance to ‘precision’ and ‘accuracy’ of the type the modernist deviates are propagating. Human errors committed by trustworthy persons in this regard are tolerable and do not negate the confirmation of *Rooyat*. Hadhrat Ibn Abbaas (radhiyallahu anhu) narrated: “*An A’raabi (illiterate villager) came to Nabi (Sallallahu alayhi wasallam) and said: ‘Verily, I*

saw the hilaal (of Ramadhaan)'. He (Nabi) said: 'Do you testify that there is no deity other than Allah?' The A'raabi said: 'Yes.'. Rasulullah (Sallallahu alayhi wasallam) said: 'Do you testify that Muhammad is the Rasool of Allah?' The A'raabi said: 'Yes.' " Rasulullah (Sallallahu alayhi wasallam) then proclaimed: 'O Bilaal! Announce to the people that they should fast tomorrow.' (Abu Dawood, etc.)

At superficial glance, the A'raabi was truthful to Rasulullah (Sallallahu alayhi wasallam). Nabi-e-Kareem (Sallallahu alayhi wasallam) did not institute any investigation to ascertain the trustworthiness of the village dweller. One illiterate villager from the outskirts reported the sighting of the Ramadhaan *hilaal*. The possibility of error was real. But this type of error is acceptable and tolerable to the Shariah. As long as the 'error' is within the ambit of the Shariah, it shall be overlooked and the Ruling issued on its basis.

Similarly, if an error is made in determining the Day of Arafah, the Shariah overlooks such an error. The Hajj is valid. The sacrifices are valid. Everything is valid even if the rites of Hajj were celebrated on the wrong days. All this proves that the precision of astronomy with which Dr. Shah and the other deviates endeavour to encumber the Ummah is drivel, baseless and false, to be discarded.

In practical terms there is no harm caused by such human errors. Thus, if Ramadhaan and Shawwaal commenced on the basis of *Shar'i Shahaadat*, the Ibaadat is valid notwithstanding any error which may have been committed in the sighting. There is therefore no validity in the arguments attributed to Subki and the other 'minute minority'.

Refuting Subki's views, Ar-Ramali said: *"In these matters action will conform to Shahaadat because Shaari' (i.e. Rasulullah – Sallallahu alayhi wasallam) has accorded Shahaadat the category of absolute certainty. Whatever Subki has said is mardood (rejected). A group of the Muta-akh-khireen (Fuqaha) have refuted him. In acting according to*

Shahaadat, there is no conflict with Rasulullah (Sallallahu alayhi wasallam).” (Rasaail Ibn Aabideen, Vol.1, Page248)

Dr. Shah and the ‘contemporary scholars’ of deviation have kicked up much dust on the basis of Subki’s acceptance of astronomical calculations. While Subki has accepted such calculations, his acceptance does not foster the case of the deviate ‘contemporary’ scholars’ whose primary argument is permissibility of *confirming* the commencement of the month by calculating the moment of birth of the moon or the possibility of sighting, which has no relationship with *Rooyat*.

On the contrary, Subki presents a case for negation of *Rooyat* based on a *Shahaadat* which he believes is erroneous in view of astronomical calculations indicating impossibility of *Rooyat*. The fact that Subki subscribed to the principle of *Rooyat* and *Ikmaal* cannot be concealed under the dust of confusion which Dr. Shah has churned up around the issue of Subki’s acceptance of calculations.

Subki’s uncompromising stance on the incumbency of physical sighting or completion with 30 days constrained him to negate a *Rooyat* which he believed to be based on dubious testimony. All the arguments of Subki which Dr. Shah has cited pertain to rejection of testimony on the basis of astronomical calculation. Subki does not argue for confirmation of the *hilaal* or commencement of the month on the basis of astronomical calculations. In so far as the principle of *Rooyat and Ikmaal* is concerned, Subki is united with all the *Fuqaha* who are unanimous in upholding the *Ijma’* of the Sahaabah on *Rooyat and Ikmaal*. .

Subki’s argument in favour of astronomical calculations pertain to an entirely different issue. It concerns rejection of testimony, not rejection of the principle of *Rooyat and Ikmaal*. Thus he states in his *Fataawa* on the question of *Saum* being permissible or obligatory when the astronomer claims that sighting the moon at sunset will be possible:

“The Ulama have differed in this regarding the permissibility of Saum and its incumbency on the calculator (astronomer) and on others. By this I mean permissibility for others to fast (on the claim of the astronomer). Those who negate incumbency and permissibility, substantiate their case with the Hadith: ‘When you see it, then fast, and when you see it, then end the fast. If it becomes overcast over you, then count for it (Sha’baan).’ And, in another narration it is said: ‘Complete Sha’baan with thirty days.’ This is the most authentic view according to the Ulama.....And, those who assert permissibility, believe that the objective is the presence of the hilaal and the possibility of Rooyat (not actual Rooyat). But the authentic view is the first one (i.e. the view of prohibition).....The hukm (of fasting or ending the fast) is not based on mere possibility (of sighting). Formulating the hukm is the right of the Shaari’ (i.e. Rasulullah (Sallallahu alayhi wasallam)). Verily, he has pivoted the hukm (of fasting) on Rooyat. Divergence from this is not permissible except when the number (i.e. 30 days) have been completed.....

The second is the most authentic, namely, the cause is actual sighting (Rooyat) or completing the number (Ikmaal).

Negating the lunar months determined by the astronomers on the basis of their calculations, Subki says in his Fataawa:

“Verily, Rasulullah (Sallallahu alayhi wasallam) said: ‘Verily, we are an Ummi (unlettered) Ummah, We neither write nor calculate. The month is so much and so much’ (and he folded his thumb the third time).’ Bukhaari and Muslim narrated it from Ibn Umar (radhiyallahu anhu). I have reflected on this Hadith, and I have concluded that its meaning negates the definition of the month given by the astronomers. According to them the month is from the time the hilal departs from the rays of the sun..... Thus the (lunar) month according to them is between these two points.

This is absolutely baatil (baseless) in the Shariah. There is no validity for it. According to the Shariah, the month is between the two hilaals, and this is determined only by either Rooyat of the hilaal or completing the month with thirty days.”

Subki's emphasis on the incumbency of *Rooyat* and *Ikmaal* knocks out the bottom from Dr. Shah's arguments in favour of astronomical calculations for commencing the Islamic months. Like all men of *baatil*, Dr. Shah has manipulated Subki's argument pertaining to rejection of a testimony which is doubtful or erroneous in his estimate, to eke out support for the *baatil* hypothesis of the permissibility, in fact incumbency, of astronomical calculations to determine the Islamic months. He has used Subki's views as a red herring to mislead and confuse. Far from condoning astronomical calculations for determination of the months, Subki flatly rejects such calculation as *baatil*.

While Subki utilizes astronomical calculations to refute 'dubious' testimony which is presented to confirm *Rooyat*, Dr. Shah and his ilk misuse Subki's view by extending it to the opposite of what Subki intended. In other words, Subki utilized astronomical calculations to emphasise the principle of actual sighting by way of negating a reported sighting which according to calculations is not possible. This is precisely the type of argument which the modernist deviates use to mislead the unwary and to dupe them into the deception that the Ulama's opposition to astronomical calculations is inconsistent and unreasonable. They accept calculations for sunset, sunrise, etc., but not for commencing the months.

They should hurl the same argument of deception against Subki and ask: Why did Subki use astronomical calculations to negate testimony confirming *Rooyat* while he rejected astronomical calculations for confirming the month?

Let us dispel the haze which Dr. Shah has created around this question. Subki used calculations to refute a certain type of testimony (*Shahaadat*) which claimed that *Rooyat* had taken

place. When ‘dubious’ testimony was presented, he rejected it and argued that *Rooyat* did not occur, hence the month does not begin. As far as the commencement of the month is concerned, Subki adhered rigidly to only actual sighting or completion with 30 days. Thus, there is absolutely not a vestige of support for the *baatil* theory of the deviate ‘contemporary scholars’ in Subki’s acceptance of astronomical calculations. With his rejection of astronomical calculations for confirming the month, Subki was in fact emphasising the immutable principle of *Rooyat or Ikmaal* ordained by Rasulullah (Sallallahu alayhi wasallam).

Dr. Shah citing another deviate ‘contemporary scholar’, Dr. Qardawi, says: “*Dr. Qardawi ponders what would have been the opinion of Imam al-Subki regarding astronomical calculations and their authenticity in the matters of even Ibadat, had he seen the scientific revolutions of our times.*”

Both Dr. Shah and Dr. Qardawi in their reverie are exhibiting the shallowness of their understanding and superficiality of their knowledge of the Shariah. When they have failed to understand the sphere of Subki’s contention and arguments, we can understand the exclamation of Dr. Qardawi regarding Subki’ is imagined wonder and bewilderment should he have lived to see the advancement of science of this era. If Dr. Qardawi had understood what exactly Subki is arguing, he would not have expressed the figment of his imagination.

Even Dr. Shah has reported in his article that in Subki’s opinion astronomical calculations were absolutely accurate. In fact, so accurate did Subki believe the calculations to be that he adopted the bizarre view of rejection of even Shar’i *Shahaadat* on the basis of astronomical calculations. Subki had professed his view on the basis of astronomical calculations having reached their climax in absolute certitude, hence he terms such calculations as *Qat’i*.

There is no higher category of absolute certitude than *Qat'iiyyat*. If Subki had lived today, his attitude and opinion would have been the same. The strides science has made since his time could not have acquired for the calculations a higher status than *Qat'iiyyat*, for there is no stage of absolute certainty above this category.

But, the strides of science would not have changed Subki's attitude and opinion in the issue of the principle of *Rooyat* and *Ikmaal*. In his day, inspite of him having assigned the pedestal of *Qat'iiyyat* to astronomical calculations, he emphatically refuted such calculations for determining the Islamic months. There is absolutely no reason to believe that he would have altered his stance on the basis of modern science. He did not refute astronomical calculations of his era for confirming the months on the basis of inaccuracy or unreliability. On the contrary he considered the calculations highly accurate and absolutely certain, hence he was prepared to reject even Shar'i testimony on which there exists *Ijma'* of the entire Ummah of all times. He rejected astronomical calculations for determining the months on the basis that Rasulullah (Sallallahu alayhi wasallam) had ordained the principle of actual sighting or completion with 30 days. Dr. Qardawi's pondering is therefore arrant nonsense stemming from his inability to grasp what exactly Subki was saying. He has been unable to differentiate the issues. While Subki was emphasising the principle of *Rooyat* with astronomical calculations, Dr. Qardawi and the other 'contemporary scholars' are refuting the validity of *Rooyat* with astronomical calculations.

Subki argued strongly in favour of *Rooyat* – actual physical sighting – as the only valid method for determining the months, using astronomical calculations to fortify this divine decree. On the contrary, the 'contemporary scholars' of deviation are presenting a case with astronomical calculations for displacing *Rooyat*. About such 'scholars' of shallow

understanding, who crave to be ‘mujtahids’, the Qur’aan Majeed says: “*That is the limit of their understanding.*” They cannot determine what is beyond their noses. The *dunya* – the worldly life – is the limit of their endeavours and understanding, hence the effort to make the Shariah subservient to the “21st century American scientists”.

ROOYAT WAS FOR ONLY THE ‘UNLETTERED’ ARABS

The modernist deviate ‘contemporary scholars’ claim that the only reason for Rasulullah (Sallallahu alayhi wasallam) insisting on *Rooyat* was the illiteracy of the Sahaabah of his age. They contend that since the majority of the Sahaabah could not write and calculate, *Rooyat* was the only method for determining the Islamic months. Since these ‘contemporary scholars’ of superficial knowledge and shallow understanding are ignorant, they believe that the entire Ummah is also ignorant, lacking in understanding. Their contention is fallacious for the following reasons:

1) The Arabs had their method of determining the lunar months long before the advent of Rasulullah (Sallallahu alayhi wasallam). Therefore, Rasulullah (Sallallahu alayhi wasallam) in saying: ‘*We are an Ummi Ummah. We neither write nor calculate.*’, and his insistence on *Rooyat* were in negation of something. For awareness of the months, there was no need to remind the Sahaabah of their illiteracy. Reminding them of their illiteracy is bereft of wisdom and meaning if it was purposeless. The objective in this statement of Rasulullah (Sallallahu alayhi wasallam) was to impress on the Sahaabah that all methods of determining the months are prohibited. The method they had during the time of Jaahiliyyah, the method of the Yahood and of all other kuffaar civilizations are

prohibited. They should adhere to the simple method of *Rooyat* for ensuring a pure lunar calendar unadulterated with the kufr of intercalary months and years.

2) Among the Sahaabah there was a minority who were proficient in writing and calculating. These very Sahaabah, just a few years after the demise of Rasulullah (Sallallahu alayhi wasallam), conquered and ruled the world. A study of the political administrative system of the Khulafa-e-Raashideen will surprise and astonish everyone who believe that the Ummi Nation of Islam was 'uneducated'. Ummi does not mean 'stupid'. Deviate 'contemporary scholars' excel in the attribute of stupidity, not so the illustrious Sahaabah.

Astronomers in relation to the population are a minute minority. Relatively an insignificant number in a nation are astronomers even in this 21st century. There were a sufficient number of literate Sahaabah who could have pursued this science during the age of Rasulullah (Sallallahu alayhi wasallam) if Allah Ta'ala had wanted the Ummah to determine the months by way of astronomical calculations.

Despite their simplicity and even illiteracy, the Arab Muslims were endowed with sufficient intellectual ability to master astronomy and the other sciences, and for centuries did so. A non-Muslim author, Carra de Vaux, paying tribute to Arab scholarship, says:

"These scholars (i.e. the Muslim scholars), so very different in origin, have however several features in common. Their object was to simplify and make lucid. Without having sufficient genius to make generalizations or any great synthesis, they are very good arrangers. They arrange logically. They classify and enumerate, and this simple gift of orderliness and lucidity is almost sufficient to explain the progress which they made. Their manner is didactic; they appear to address themselves not, like the Greeks, to some particular amateur or to some Maecenas interested in learning for itself alone, but rather to all intelligent students. Their books remind one of good secondary or university text-books. The Arabs were

traders, travellers and lawyers; they had the positive mind; their science therefore had a practical object; arithmetic had to serve the needs of commerce, and the division of estates; astronomy the requirements of travellers and those who cross the deserts, or of religion.....The Arab is always practical and never becomes lost in reverie.....The Arab scholars did not write in verse like the Hindus.....They are more positive than the Greeks.... (The Legacy of Islam)

3) Islam is the final Law of Allah Ta'ala. Nubuwwat terminated with Muhammad (Sallallahu alayhi wasallam). Islam had to cater for mankind to the end of worldly time. It is inconceivable that Rasulullah (Sallallahu alayhi wasallam) was deterring the Sahaabah and shutting them off from scientific progress with the expression: '*We are an Ummi Nation. We neither write nor calculate.*' This expression had a special objective, and that was to prohibit astronomical calculations only as a method for determining the Islamic months, hence the emphasis on *Rooyat*. This emphasis was maintained even centuries later when the Muslims had scientifically advanced while the Europeans were still stagnant in barbarism.

This emphasis on *Rooyat* was so rigidly adhered to that even Imaam Subki of the 7th century who subscribed to the belief of the precision of astronomical calculations to the extent of displacing even *Shar'i Shahaadat* with these calculations, vigorously maintained that commencement of Ramadhaan cannot be determined by means of astronomical calculations, and only *Rooyat* or *Ikmaal* is permissible for this purpose.

Rasulullah's expression was not for prohibiting Muslims from learning writing and calculating and from pursuing beneficial practical science. His expression was restricted to the prohibition of astronomical calculations for the determination of the Islamic months. There was no shortage of brains among the Sahaabah to pursue astronomy for the purpose of precision calculations to determine the months if

Rasulullah (Sallallahu alayhi wasallam) had seen any merit in this method of the non-Muslims, and if the Divine Intention was to pivot the Islamic calendar on any specific phase of the moon.

The fact of the termination of Nubuwwat and the completion of the Divine Shariah should not be overlooked. All the *Ahkaam* are the products of the complete and perfect Shariah. There is no scope for abrogation, alteration and displacement of the *Ahkaam* of the Shariah formulated and codified within the confines of the *Khairul Quroon* epoch. Opinions which developed after the *Khairul Quroon* cannot displace the *Ahkaam* of the Shariah.

Therefore, if Allah Ta'ala had willed the Ummah to resort to astronomical calculations for the determination of the Islamic months in time to come, i.e. in the centuries after Rasulullah (Sallallahu alayhi wasallam), He would have left ample latitude in the principles of the Shariah for manoeuvre in order to incorporate the findings of astronomy for the purpose of establishing the Islamic months. But the very emphasis Rasulullah (Sallallahu alayhi wasallam) applied to *Rooyat* and the *Ijma'* of his Ashaab on this principle preclude substitution of *Rooyat* with astronomical calculations.

It is precisely on account of the latitude in the Ahaadith of Rasulullah (Sallallahu alayhi wasallam) that we find the Ulama, all without any exception, accepting calculations and other methods for determining the times of Salaat, the Qiblah direction, etc. Why do the Fuqaha not object to astronomical calculations for determining Salaat times? And, why do they object when such calculations are utilized to determine the beginning of the month? The modernist 'contemporary scholars' should ponder and not formulate conclusions on the basis of conjecture.

HISAAB'S RELATIONSHIP WITH ASTRONOMY

Dr. Shah argues: *“One of the main reasons of such a total rejection, in the view of these (classical) scholars, is the close connection between astronomy and magic, which is forbidden by the Prophet of Islam.....Ibn Hajar strictly prohibits use of calculations by quoting the Prophetic sayings which warn Muslims about the evils of astrology such as “no one would learn any part of astrology except that he has learnt a part of magic.” Caliph Omar has been quoted as saying, “Learn from astrology whatever portion is helpful in guiding you through the land and ocean and then stop.” Therefore any part of astrology other than the directional symbols and signs, to Ibn Hajar, is un-Islamic.”*

The connection which *hisaab* (calculations) had with astrology is not a primary reason for the ‘total rejection’ by the Fuqaha of astronomical calculations for the purpose of determining the Islamic months. There is only one ‘main’ reason for the total rejection, and that is the command of Rasulullah (Sallallahu alayhi wasallam) to begin the month only after actual sighting of the moon at the end of the 29th day or after completing the month with 30 days.

In the Hadith: *“We are an Ummi Nation. We neither write nor calculate.”*, Rasulullah (Sallallahu alayhi wasallam) did not introduce the *Sihr* dimension. He did not allude to any relationship between calculation (*Hisaab*) and *Sihr* (magic). His manner in which he had expressed himself negated actual calculations (*hisaab*) for the purpose of determining the month. The Qur’aan Majeed, the narration of Hadhrat Umar (radhiyallahu anhu) which Dr. Shah has cited (mentioned above), and the general practice of the Sahaabah and the entire Ummah since the inception of Islam to this day, maintain the validity and benefit of *hisaab* (calculations). There is no

denying the benefits and the need for *hisaab*. The very fact that the Qur'aan mentions the benefit of calculations should be sufficient for understanding that Rasulullah (Sallallahu alayhi wasallam) did not prohibit the learning and using of *hisaab* in general. But, he prohibited *hisaab* specifically for determining the Islamic months, not because *hisaab* was a part of magic, but because Allah Ta'ala had ordained that the principle be *Rooyat*. It is inconceivable that Rasulullah (Sallallahu alayhi wasallam) totally prohibited *hisaab* when the Qur'aan permits it. Allah Ta'ala says in the Qur'aan Majeed:

"We have made the night and the day two signs. Then We obliterate the sign of the night and We make the sign of the day for seeing so that you may search for bounty (Rizq) from your Rabb, and so that you may know the count of the years and hisaab (calculation/arithmetic). And We have elaborately explained everything." (Aayat 12, Surah Bani Israaeel)

Other Qur'aanic verses too mention, permit and encourage *hisaab*. In fact, the Shariah's Laws of Inheritance is reliant on *hisaab* (arithmetic). Thus, when Rasulullah (Sallallahu alayhi wasallam) expressed himself strongly against *hisaab* in his expression: "*We are an Ummi Ummah. We neither write nor calculate.*", he did not issue a blanket ban on writing and calculations nor did the Sahaabah and the Ummah after them understand it as being a total ban. His total rejection of astronomical *hisaab* and the *writings* of the astrologers was related to only the determination of the Islamic months. It was in that context that he had expressed himself in opposition to *hisaab*.

Since the astrologers or astronomers in that age dabbled in fortune-telling and magic, Rasulullah (Sallallahu alayhi wasallam) totally prohibited visiting them and learning anything from them, even the beneficial science of *hisaab*. Acquisition of the knowledge of *hisaab* from astrologers was prohibited not because *hisaab* is inherently evil or a branch of magic. The Hadith narrated by Hadhrat Ibn Abbaas

(radhiyallahu anhu) states: *“Whoever acquires any knowledge from astrology, has acquired a branch of magic.”* Astrology was synonymous with *Sihr*, hence prohibited. This statement of Rasulullah (Sallallahu alayhi wasallam) is similar to the statement which we make for emphasis: *Whoever acquires any knowledge from kuffaar universities, has acquired a branch of kufr.* Whether the knowledge acquired is mathematics, geography, or any other lawful science, the statement will be correct since the purport is only to discourage Muslims from destroying their Imaan and Akhlaaq studying at kuffaar universities which are dens of vice, immorality and kufr.

Statements of this nature should not be understood literally. The aim is emphasis on the prohibition of the evil attached to the institution. When Imaam Ahmad (rahmatullah alayh) said in defiance to Khalifah Ma'mun: *“Whatever is between the two covers of the Qur'aan Majeed is uncreated (eternal)”*, it did not have a literal meaning. He did not mean thereby that the covers, the pages and the ink too are uncreated and co-eternal with Allah Azza Wa Jal. He expressed the statement for emphasis to highlight the belief of the Ahlus Sunnah Wal Jama'ah that the Speech of Allah Azza Wa Jal is Uncreated.

Clarifying the prohibition of learning astronomy, Hadhrat Umar (radhiyallahu anhu) said: *“Learn from astronomy whatever knowledge is necessary for guiding you in the darkness of the land and ocean. Then stop.”* That is, learning beyond what is lawful and necessary from the science of astronomy or from any other science is not permissible.

The practical example of the Sahaabah suffices to confirm the permissibility of *hisaab*. Stating this fact, Ibn Daqeequl Eid says: *“It is not permissible to rely on hisaab in the matter of fasting.”* This is the view of all Fuqaha. *Hisaab* has been negated only in relation to *Siyaam* (Fasting) –beginning and ending the month. Despite its permissibility, it remained

unlawful to acquire this branch of knowledge from fortune-tellers (the astrologers).

The association of astronomical calculations with astrologers of the time was never the primary reason for the insistence on *Rooyat*. If *Rooyat* was not the divinely ordained perpetual principle for determining the Islamic months, emphasis on it would have been superfluous. Superfluity and redundancy in the speech of the Nabi who speaks by *Wahi* are inconceivable.

If *Rooyat* was not in the category of an incumbent principle for all time, the Qur'aanic verse: "*Whoever is present in the month of Ramadhaan should fast...*", would have been more than adequate. Rasulullah (Sallallahu alayhi wasallam) would have left latitude for the posterity of the Ummah to resort to astronomical calculations. After all, the Law of Islam was completed and perfected during the age of Nubuwwat.

If calculations were acceptable for the purpose of the months, Rasulullah (Sallallahu alayhi wasallam) would have stated this fact with clarity and would have encouraged the Sahaabah in this direction in the same way in which Hadhrat Umar (radhiyallahu anhu) encouraged the Sahaabah to learn what is beneficial and lawful in astronomy, but for a different purpose as is clear from his statement cited above. It is significant that Hadhrat Umar (radhiyallahu anhu) did not include the Islamic months among the aims of studying astronomy. It is also inconceivable that he would advise the Sahaabah to learn astronomy if Rasulullah (Sallallahu alayhi wasallam) had totally banned it due to its association with the fortune-tellers of the age.

Hadhrat Umar (radhiyallahu anhu) belonged to the same age, yet he allowed the pursuit of astronomy, but never applied it to determine the months. His attitude and the attitude of *all* the other Sahaabah, including Hadhrat Ibn Umar (radhiyallahu anhu), illustrate that they all had understood that the Ahaadith laid down the incumbent principle of *Rooyat* and *Ikmaal*, and that the negation of *hisaab* was confined to the determination

of the months. The issue of *hisaab*'s relationship with the astrologers was secondary. It was merely an added factor of prohibition, not the primary factor. The primary factor precluding *hisaab* was *Rooyat*, hence *Rasulullah's emphasis and the Ijma' of the Ummah on the Principle of Rooyat and Ikmaal*.

IBN DAQEEQUL EID

Ibn Daqeequl Eid was among the authorities of the Shaaf'i Math-hab. Citing Ibn Daqeequl Eid in substantiation of astronomical calculations, Dr. Shah observes that:

- 1) According to Ibn Daqeequl Eid if astronomical calculations indicate that the *hilaal* has appeared above the horizon and that sighting is possible, but due to obscurities (cloud, etc.), *Rooyat* is not confirmed, then fasting becomes obligatory.
- 2) According to Ibn Daqeequl Eid, sighting is not a prerequisite for fasting.

Dr. Shah has either misunderstood the statement attributed to Ibn Daqeequl Eid or he has attempted to conceal the reality of Ibn Daqeeq's statement. The following appears in *Nailul Autaar* in *Kitaabus Siyaam*: "*In Sharhul Umdah, Ibn Daqeequl Eid has preferred the incumbency of Saum in this instance on the haasib (astronomer).*"

It is quite apparent from this comment that in the instance where Ibn Daqeeq has accepted the validity of calculations in regard to fasting, it is applicable to *only* the astronomer, not the others. Dr. Shah has omitted this important explanation in

order to generalize Ibn Daqeeq's conclusion which, anyhow, is rejected by the *Jamhur*.

Firstly, if this attribution to Ibn Daqeequl Eid is authentic, his views in this regard will simply be discarded as weird, erroneous and in conflict with the *Ijma'* of the Ummah. No consideration shall be accorded to such glaringly erroneous views.

Secondly, on page 5 of his article, Dr. Shah cites Shihabuddin Ahmad Ramli, the renowned Shaafi authority, as follows:

"The Prophet (PBUH) did not depend upon calculations at all but absolutely negated it by his statement that, "We are an unlettered nation, we neither write nor calculate.... Ibn Daqiq al-Eid stated that calculations cannot be the source of confirming the fasting (of Ramadan)."

On page 6 of his article, Dr. Shah citing Hafiz Ibn Hajar, states:

"Ibn Hajar strictly prohibits use of calculations by quoting the Prophetic sayings which warn Muslims about the evils of astrology....." This is Dr. Shah's translation of the Arabic text of Hafiz Ibn Hajar's statement. Although Dr. Shah has translated the Arabic text, he has conveniently omitted Ibn Daqeeq's statement which appears in the same Arabic text which Dr. Shah has reproduced and translated. In the Arabic text cited by Dr. Shah, Hafiz Ibn Hajar says: *"Ibn Daqeequl Eid said: 'What I am saying is this: It is not permissible to rely on hisaab in the matter of Saum on the basis of what the astronomers say, for verily, on the basis of calculations they bring the month forward by a day or two days prior to Rooyat (sighting). In validating this is an innovation which Allah has not permitted."*

Ibn Aabideen, states in his *Risaalah*: *"Ibn Daqeequl Eid said: 'In the matter of Siyaam (fasting) reliance on hisaab is not permissible."*

Similarly, other *Kutub* also report that according to Ibn Daqeequl Eid, it is not permissible to use astronomical calculations to determine Ramadhaan.

From the contradictory version attributed to Ibn Daqeequl Eid, we can conclude that the pro-calculation view has been falsely attributed to him or he has contradicted himself or he has illogically confined it to the astronomer who expresses this view. Since his view which rejects astronomical calculations is in accord with the *Ijma'* of the Ummah, rejection of the pro-calculation view attributed to him is more logical and acceptable. Alternatively, in view of the self-contradiction, his entire pro and anti argument could be discarded. He may therefore, not be cited in support of astronomical calculations.

True to his unprincipled and selective methodology of arguing, Dr. Shah conveniently accepts and lauds the glaring contradiction attributed to Ibn Daqeequl Eid, yet he cannot see his way clear to accept the validity of numerous Saheeh Ahaadeeth whose authenticity is unquestionable and on the basis of which is structured the *Ijma'* of the Ummah on the prohibition of astronomical calculation for determine the Islamic month. But he has the audacity to attempt cancelling this sacred *Ijma'* with the contentious, dubious, contradictory and weird view attributed to one jurist.

THE 'IQDIROO' RED HERRING

There are two authentic Hadith versions in which appears the term, '*Iqdiroo*' (اَقْدِرُوا), and both are authentically attributed to Ibn Umar (Radhiyallahu anhu).

1) Ibn Umar (radhiyallahu anhu) narrated that Rasulullah (Sallallahu alayhi wasallam) said: "*Do not fast until you see it*

(the hilaal), and do not end the fast until you see it. If it becomes overcast over you, then count for it (i.e. Sha'baan). ”

(Muslim)

The term, (اقدروا) – *Iqdiroo lahu* – appears in this narration.

2) Ibn Umar (radhiyallahu anhu) narrated that Rasulullah (Sallallahu alayhi wasallam) said: “*The month is so much and so much (Rasulullah – Sallallahu alayhi wasallam – indicated with his ten fingers, then on the third occasion he folded his thumb). Fast on sighting it, and end the fast on sighting it. If it becomes overcast over you, then count for it (i.e. for Sha'baan) thirty (days).*” اقد روا له ثلاثين (Muslim)

Both these narrations appear in the other authentic Hadith kutub as well. These narrations are narrated with different Chains of Transmission (*Asaaneed*), and are *Saheeh* (Authentic) according to all Hadith and Fiqh authorities. There are at least three *Saheeh* Chains of Transmission from Ibn Umar (Radhiyallahu anhu) in which the terms '*Iqdiroo lahu thalaatheen*' (Count for it thirty days), appear.

In some instances when Ibn Umar (radhiyallahu anhu) narrated the Hadith, he mentioned only the term, '*Iqdiroo*' (Count), while at other times he mentioned '*Iqdiroo thalaatheen*' (Count thirty days). Abu Hurairah (Radhiyallahu anhu) too narrates the Hadith in which appears: “*Iqdiroo lahu thalaatheen.*”

Despite the several different *Asaaneed* all passing through Naafi and Ibn Umar (Radhiyallahu anhu), and the Hadith of Abu Hurairah (radhiyallahu anhu), Dr. Shah makes the following blatantly erroneous statement:

“*There is a single report from Hammad that Ibn Umar narrated from the Prophet (PBUH).....This narration from Hammad is the only report which bring the phrase “estimate for it 30 days” instead of “estimate for it”. It is an oddly detached report. It has come through only one narrator*

and cannot be accepted against such a variety of reports from Ibn Umar through Nafi'a....."

Dr. Shah is guilty of the following atrocities which he has blundered in this averment:

* The claim of a 'single' report is a glaring inaccuracy. The Hadith in which appears 'Count thirty (days) for it', attributed to Ibn Umar (Radhiyallahu anhu) through Naa'fi' is narrated with at least five different Chains of Transmission. Two in Muslim Shareef, one in Abu Dawood, namely the one from Hammaad cited by Dr. Shah, and two in Musannaf As-Sanaai'.

The *Isnaad* of the Hadith in Abu Dawood cited by Dr. Shah, contains: Hammaad > Ayyub > Naa'fi' > Ibn Umar, and the one in Musannaf As-Sanaai' contains: Ma'mar > Ayyub > Naa'fi' > Ibn Umar. The other one also in Musannaf contains: Abu Rawaad > Naa'fi' > Ibn Umar.

It is quite possible that there may be more Chains. No one can claim to have encompassed in entirety all the kutub of Hadith. The brazenly erroneous claim of "the only report" made by Dr. Shah displays his ignorance.

* Dr. Shah is also ignorant of the narration of the very same Hadith by Abu Hurairah, hence he has failed to allude to it.

* Dr. Shah erroneously translates 'estimate for it'. In the narration from which the term '*thalaatheen*' has been omitted, what should be estimated? Dr. Shah has all along contended that Ibn Umar (Radhiyallahu anhu) would simply count 29 days for Sha'baan if it was a cloudy day and the moon was not sighted. So what exactly had to be 'estimated'?

In the narration mentioned 'thirty days', the question of 'estimating' is nonsensical. Thirty days cannot be estimated for Sha'baan. Thirty days have to be counted for Sha'baan.

* The Hadith in which the 30 day directive appears is labelled 'oddly detached'. By this he implies that the trustworthy narrators who are accepted as reliable by the Muhadditheen have inserted the fabrication of the term '30 days'. Dr. Shah, a

total non-entity in so far as the Shariah is concerned, deems himself sufficiently qualified to assault the Hadith which the illustrious Muhadditheen had authenticated many centuries ago.

* His comment, *“It has come through only one narrator and cannot be accepted against such a variety of reports from Ibn Umar...”* displays Dr. Shah’s lack of knowledge in the field of Hadith and Fiqh. His claim of ‘one reporter’ as shown above is baseless. His claim of the narration being cited ‘against’ the other narrations from which the term ‘30 days’ has been omitted, is silly and stupid. The Hadith is not cited ‘against’ the other narrations. It is cited as *tafseer* to eliminate the ambiguity which exists in the narrations in which the ‘30 day’ directive does not appear. But modernists who lack understanding gaze at the kutb of the Shariah with oblique mental vision to extract support for their whimsical fancies. For this reason they see conflict in any Hadith which militates against their fallacious theories.

Then Dr. Shah attempts to support his hypothesis by citing the comment of Ibn Qudaamah. Quoting Ibn Qudaamah, Dr. Shah states: *“The report from Ibn Umar that “count for it thirty” opposes the other agreed upon authentic narration from him. It also goes against Ibn Umar’s opinion and his Math-hab.”*

It is necessary to remind Dr. Shah that neither Ibn Umar (Radhiyallahu anhu) nor Ibn Qudaamah subscribed to the permissibility of astronomical calculations. Ibn Qudaamah was a senior Hambali authority. The Hanaabilh are uncompromising in their total rejection of astronomical calculations. Ibn Qudamaah presented an interpretation to substantiate the Math-hab of Imaam Ahmad, not to promote astronomical calculations. On the contrary, Dr. Shah cites Ibn Qudaamah’s interpretation for an entirely opposite aim, namely, permissibility of astronomical calculations and the

negation of the incumbent principle of *Rooyat* and *Ikmaal* to which Imaam Ahmad and Ibn Qudaamah subscribe.

Furthermore, Ibn Qudaamah's interpretation is not accepted by the *Jamhur* Fuqaha. The interpretation also cannot be attributed to Ibn Umar (Radhiyallahu anhu) because there is no evidence to prove that he had offered this interpretation for his act of fasting on the day after a cloudy 29th when the *hilaal* was not sighted even after taking measures to have it sighted.

Ibn Qudaamah does not dismiss the Hadith as unauthentic. He merely states that it is in conflict with the other narrations of Ibn Umar (Radhiyallahu anhu). If Dr. Shah is among the Hanaabilah, then he is entitled to quote Ibn Qudaamah correctly, not with sinister design. The sinister design is the desire to find support for the astronomical calculations hypothesis.

If he is a Hambali follower, then he should not flit around like the holy bulls of India which dig their snouts into the food baskets of just anyone, only to receive a whacking in return. Modernist miscreants have no right to cite orthodox Fuqaha. They do not follow these Fuqaha. They cite them only for convenience and for utter lack of evidence for their baseless theories and postulates of *baatil*.

While Ibn Qudaamah may contend that the '30 day' narration of Ibn Umar (Radhiyallahu anhu) is in conflict with his other narrations, we can retort that there is no conflict. Ibn Qudaamah has overlooked the Hadith principle which states: "*Some Ahaadith explain other Ahaadith.*" Ibn Qudaamah had felt the need to overlook this principle which requires that the ambiguity be eliminated by means of explaining the one with the other, for the sake of finding an interpretation for the action of Ibn Umar, which superficially appears to be in conflict with what he was narrating. But the explanation of the *Jamhur*, employing the relevant principle, removes the ambiguity.

We have already explained in detail Ibn Umar's Math-hab regarding his fasting on the day which the *Jamhur* Sahaabah regarded as the Day of Doubt. Whatever may have been Ibn Umar's Math-hab, and whatever is the interpretation of Ibn Qudaamah, there is not a shred of evidence for the permissibility of astronomical calculations in their views nor do these authorities refute the principle of *Rooyat* and *Ikmaal* as Dr. Shah and the clique of deviate 'contemporary scholars' do. Dr. Shah has cited Ibn Qudaamah in a very unprincipled manner.

3) Abu Hurairah (radhiyallahu anhu) narrated that Rasulullah (Sallallahu alayhi wasallam) said: "*Fast on seeing it and end the fast on seeing it. If it becomes overcast over you, then count thirty (days for Sha'baan).*" (*Saheeh Ibn Hibbaan*)

In this Hadith also appears: '*Iqdiroo thalaatheen*' (*Count thirty days*). This narration is also *Saheeh*.

The 'contemporary scholars' of deviation have desperately laboured on the term, '*Iqdiroo*' in their bid to squeeze out some semblance of 'proof' for their claim of the permissibility of using astronomical calculations for determining Ramadhaan and the Islamic months in general. Their struggle in the quagmire of their red herring revolves around two aspects:

(a) '*Iqdiroo*' means to count/to calculate/ to estimate. In the context of the Hadith, they aver that it means: 'Count 29 days, then begin Ramadhaan and don't worry about sighting the moon.' The 'counting' according to the deviates is to count only 29 days for Sha'baan.

(b) The *Riwaayaat* (Narrations) in which appear '*Iqdiroo thalaatheen* (*Count thirty days*)' are dubious, hence to be

discarded, and only the narrations without the term '*thalaatheen*' (*thirty days*) should be accepted as correct.

For all their claims and desperation to fabricate substantiation for the spurious opinion of the validity of calculations for the determination of the months, they lack in evidence in entirety. Their arguments are baseless as will be shown in this discussion, Insha'Allah.

Dr. Shah states: "*As we will see that Ibn Umar will start the month of Ramadan by just counting the days of Sha'aban and without actually sighting the new Moon if it was cloudy on the 29th day of Sha'aban.*"

The trick of a red herring always involves the perpetration of deception since the move is to mislead by confusion and diversion. Dr. Shah's abovementioned assertion is blatantly false. Ibn Umar (radhiyallahu anhu) did not start Ramadhaan by 'just counting the days of Sha'baan'. The following was the practice of Ibn Umar (radhiyallahu anhu):

* On a cloudy day, he would send out his 'Hilaal Committee' to sight the moon. In obedience to Rasulullah's command to sight the *hilaal*, Ibn Umar (radhiyallahu anhu) would send people out to sight the new moon. If the moon was sighted, the issue was clinched. Ramadhaan begins the next day. If the moon was not sighted, and it was a cloudy day, then too Ibn Umar (radhiyallahu anhu) would fast the next day.

* If it was a clear day on the 29th Sha'baan, Ibn Umar (radhiyallahu anhu) would NOT fast the next day if *Rooyat* was not confirmed.

* For ending Ramadhaan and beginning Shawwaal, Ibn Umar (radhiyallahu anhu) would not adopt his practice of Sha'baan. Without differentiating between cloudy and clear days, he

would end Ramadhaan and begin Shawwaal together with the community.

This practice of Ibn Umar (radhiyallahu anhu) is explained in Abu Dawood and in other reliable kutub of the Shariah, which have already been cited elsewhere in this discussion.

All aspects of Ibn Umar's practice should be borne in mind. We shall, Insha'Allah, revert to his practice further in this discussion.

In the aimless quest to find some ground for resting his feet, Dr. Shah gasps and grasps at another straw and says: *"It is pertinent to mention here that there is no consensus among the jurists even in this interpretation of ---- فاقد روا له (Faqduroo lah)—as a leading authority in Fiqh, Imam Ahmad argues that it means "shorten the month"*

Continuing his argument, Dr. Shah asserts: *"An-Nawawi himself reports that Imam Ahmad and a few others say that the meaning is not complete 30 days but "restrict it or shorten the month by considering the moon under the clouds". That is why Imam Ahmad contends that fasting should be observed the next day, the day after the 29th of Sha'aban, if due to obscurity the Moon is not sighted on the evening of 29th of Sha'aban."*

Noteworthy is Dr. Shah's endeavour to extract support for astronomical calculations from the interpretation of 'Iqdiroo' presented by Imaam Ahmad whose rejection of such calculations is total. Dr. Shah has himself stated the Hanaabilah's uncompromising rejection of astronomical calculations.

However, due to the unprincipled manner of argumentation of the deviate modernists, Dr. Shah without compunction presents Imaam Ahmad's interpretation of 'Iqdiroo' in a vain bid to bolster the hypothesis of astronomical calculations. Irrespective of the interpretation of Imaam Ahmad, he never espoused astronomical calculations for commencing Ramadhaan or the months in general. Imaam Ahmad clearly

subscribed to the belief of the incumbency of *Rooyat and Ikmaal* notwithstanding his adoption of Ibn Umar's practice.

It should be understood that Imaam Ahmad had adopted the whole practice of Ibn Umar. He was not selective. He did not take one aspect of the practice and discard the other angles. *Rooyat and Ikmaal* are clearly mentioned as the obligatory principles in the kutub of the Hanaabilah, which have already been cited.

In the practice of Ibn Umar (radhiyallahu anhu) which according to the predominant Hambali version, Imaam Ahmad had adopted adhered to the rule of *Rooyat and Ikmaal*. Hence, even on a cloudy day, he relied on *Rooyat* as did Ibn Umar (radhiyallahu anhu) for commencement of Ramadhan.

The significant factors in the practice of Ibn Umar (radhiyallahu anhu), which Imaam Ahmad also followed were:

* If it was a clear or a cloudy day, moon-sighting was followed.

* Regarding the ending of Ramadhan and beginning of Shawwaal, neither Ibn Umar (radhiyallahu anhu) nor Imaam Ahmad had any unique practice. They joined the whole community in this aspect. And, it is clearer than daylight that the practice of the community was to sight the *hilaal* at the end of the 29th day whether the sky was clear or overcast. Imaam Ahmad made taqleed of the whole practice of Ibn Umar (radhiyallahu anhu). He did not select only a specific act of the practice. On the contrary, the deviate 'contemporary scholars', select just one part of the practice, namely, his fasting the day after the 29th when the *hilaal* was not sighted due to inclement weather. After selection of this part, they present it as a basis for astronomical calculations. This unprincipled way of arguing is untenable and only serves to illustrate ignorance.

Even if we have to assume that Ibn Umar (radhiyallahu anhu) would begin Ramadhan the next day after the 29th when the

moon was not sighted due to overcast conditions, he did not do so on the strength of astronomical calculations about which the present dispute and argument are all about.

Dr. Shah even conveniently ignores the vital step which Ibn Umar (radhiyallahu anhu) took on the 29th Sha'baan if it was a cloudy day. As has been explained above, his practice was to send people out to sight the *hilaal*. The contention which Dr. Shah has made arbitrarily and baselessly is that Ibn Umar (Radhiyallahu anhu) would 'just count the days of Sha'ban' to be 29 and on this basis begin Ramadhaan the next day. But Ibn Umar's practice is a conspicuous rebuttal of Dr. Shah's claim.

If it was Ibn Umar's practice to simply fast after counting 29 days for Sha'baan, what was the mystery underlying the despatch of his Hilaal Committee to sight the moon? What purpose would sighting the moon be when according to the deviate 'contemporary scholars', Ibn Umar (Radhiyallahu anhu) began Ramadhaan simply after accepting Sha'baan to be a month of 29 days if it was a cloudy day? Since, according to Dr. Shah, neither *Rooyat* nor *Ikmaal* were the principles guiding Ibn Umar (Radhiyallahu anhu), the moon sighting measures instituted by him were superfluous – a redundant and a wasteful exercise.

But such slander may not be attributed to such a senior Sahaabi of Rasulullah (Sallallahu alayhi wasallam). The steps he instituted to sight the *hilaal* are an unequivocal affirmation of his adherence to the principle of *Rooyat* and *Ikmaal*.

As explained earlier, Ibn Umar's practice on the 29th Sha'baan if it was a clear day was different. On a clear day he would not actively send out people to sight the moon for him, but would fall in line with the community and join the masses in whatever decision was taken. Now why was he so concerned about sighting the moon on a cloudy day and not on a clear day? A little reflection will reveal the reason for this difference.

Ibn Umar (Radhiyallahu anhu) ascribed great importance to *Rooyat*, hence it was logical to take special measures for sighting on a cloudy day whereas on a clear day, if the *hilaal* was visible, too many people would see it and report the sighting. There was therefore no need to take elaborate steps for the sighting on a clear day. Hence, he simply followed the masses the next day. If the *hilaal* was not sighted on a clear 29th day, he would not fast because the sighting was not confirmed. The community did not see the moon, hence no one fasted.

The question remains: Why did he not fast the day after the 29th if it was clear and the moon not sighted, and why did he fast the next day if it was a cloudy day and the moon was also not sighted. From other Ahaadith it is clear that the Sahaabah attached immense importance to fasting during the month of Sha'baan. But Rasulullah (Sallallahu alayhi wasallam) had forbidden fasting on *Yaumush Shakk* (the Day of Doubt).

Which day is *Yaumush Shakk*? There exists difference of opinion on the meaning of the Day of Doubt. While according to the *Jamhur* Sahaabah, the Day of Doubt was the 30th Sha'baan regardless of weather conditions, according to Ibn Umar, *Yaumush Shakk* was the 30th Sha'baan if the 29th was a clear day and the moon was not sighted. There was the possibility of the appearance and visibility of the *hilaal*, but due to its extreme fineness and other conditions, it is quite possible that it was undetectable by the eyes of people. Thus the next day was the Day of Doubt according to Ibn Umar (Radhiyallahu anhu), hence he refrained from fasting in obedience to the command of Rasulullah (Sallallahu alayhi Wasallam).

On the other hand, according to him, if the 29th Sha'baan was a cloudy day and even after having taken steps to sight the *hilaal*, it was not seen, then non-visibility was confirmed. Interpreting '*Iqdiroo*' as such, Imaam Ahmad said that the moon is 'under the clouds'. In view of the moon being under

the clouds, visibility (*Rooyat*) was not possible, hence the next day in terms of this interpretation was not *Yaumush Shakk*. Therefore Ibn Umar (Radhiyallahu anhu) fasted. While he was 100% aware of the existence of the *hilaal* and its presence 'under the clouds', sighting did not take place, hence the next day not being the Day of Doubt, he fasted. This explanation eliminates any conflict which ignoramuses and deviates see between the command of Rasulullah (Sallallahu alayhi wasallam) and the practice of Ibn Umar (Radhiyallahu anhu) of fasting the next day which according to the *Jamhur Sahaabah* was *Yaumush Shakk*.

The significant factors in Ibn Umar's practice confirming the incumbency of *Rooyat* are:

- 1) The steps which he took to establish sighting or non-sighting.
- 2) His attitude at the end of Ramadhaan, which was to celebrate Eid with the masses, and the ONLY method of the community was to end Ramadhaan on the basis of *Rooyat* or *Ikmaal*.
- 3) If 29th Ramadhaan was a clear day, again he followed the community whose principle was *Rooyat* or *Ikmaal*.

It should be clear now that the fast which Ibn Umar (Radhiyallahu anhu) kept on the 30th if the *hilaal* was not sighted the previous cloudy day, was a Nafil fast of 30th Sha'baan, not a Fardh Fast of the 1st Ramadhaan.

The deviates argue that Imaam Ahmad who followed the practice of Ibn Umar (Radhiyallahu anhu) maintained that it was the 1st of Ramadhaan according to Ibn Umar (Radhiyallahu anhu). This view can be negated with Imaam Ahmad's other two conflicting views. Imaam Ahmad has three different views of this issue. One of these views is in diametric conflict. Secondly, Ibn Umar (Radhiyallahu anhu) at no stage explained the status of the fast. Thirdly, the view of Imaam Ahmad cannot be corroborated with statements of any Sahaabah. There is no clarity from the Sahaabah or from Ibn

Umar (Radhiyallahu anhu) to corroborate the view of Imaam Ahmad. Fourthly, Imaam Ahmad's view developed 200 years after the age of the Sahaabah. Fifthly, Imaam Ahmad's view is in conflict with the view of the *Jamhur*, Sixthly, the conflicting views of Imaam Ahmad illustrates the uncertainty of the opinion that it was a Fardh fast.

With this array of adverse factors, the one view of Imaam Ahmad contending that the Fast was a Fardh one cannot be preferred over the view of the *Jamhur*.

Furthermore, of crucial importance is the irrefutable fact that Imaam Ahmad's view is not substantiation for the baseless astronomical calculation claim of the deviates. Imaam Ahmad's Math-hab categorically specifies either *Rooyat* or *Ikmaal*. The difference with the *Jamhur* pertains only to the status of the fast on the day after the 29th Sha'baan when the moon was not sighted due to cloudy conditions. But this has nothing to do with astronomical calculations.

It is therefore highly misleading to present a confused discussion of Imaam Ahmad's difference in an abortive attempt to batter out a basis for the fallacious astronomical calculations hypothesis.

The unprincipled methodology of Dr. Shah's arguments is designed for only confusion and deception. There is no dispute with the followers of Imaam Ahmad's Math-hab. The Hanaabilah have all the right to follow the predominant view and ruling of Imaam Ahmad's Math-hab. However, the trick which Dr. Shah employs is to cite a difference and to construct the conflicting opinion as a basis for his contention while in reality the different minority view pertains to an entirely different issue, unrelated to astronomical calculations. It is ludicrous to cite any view of Imaam Ahmad as support for the calculation view when the illustrious Imaam totally rejected astronomical calculations for determining the Islamic months.

It will be understood from the foregoing explanation that the consensus among the Sahaabah on the principle of *Rooyat* is significant. There is no difference whatsoever in the ranks of the Sahaabah on the essentiality of *Rooyat*. The difference of Ibn Umar (Radhiyallahu anhu) with the *Jamhur* Sahaabah does not pertain to *Rooyat*. All are agreed on the incumbency of *Rooyat*. The difference is related to *fasting on the day after the 29th Sha'baan if the hilaal was not sighted on account of inclement weather*.

Dr. Shah and the conglomerate of deviate 'contemporary scholars' have mismanipulated this difference to mislead unwary and unlearned people into the deception of the permissibility of calculations and the unimportance of sighting. They are blowing much hot air around a difference which does not have a semblance of relationship with astronomical calculations.

They are labouring to trade the impression that Ibn Umar (Radhiyallahu anhu) used to simply count 29 days for Sha'baan, and commence Ramadhaan the next day. We have already shown that this contention is a blatantly false claim in view of the fact that the practice of Ibn Umar (Radhiyallahu anhu) was to send people out to sight the moon for him.

We should also clarify at this juncture that it is not our intention to dissect and refute the Math-hab of Imaam Ahmad Bin Hambal. The Hanaabilah should follow Imaam Ahmad. But the deviate 'contemporary scholars' of our time have absolutely no right to mutilate the Math-hab of Imaam Ahmad, extracting a particular view which is unrelated to calculations, then abortively struggling to raise their structure of fallacy on his interpretation of Ibn Umar's view. Every aspect of Imaam Ahmad's Math-hab based on his interpretation of Ibn Umar's practice should be followed by those who cite him as the basis for their view. The first directive of his Math-hab which they should accept and follow is the inadmissibility of astronomical calculations.

All the arguments which Dr. Shah has tendered regarding the term *Iqdiroo*, in his bid to extract some vestige of support for the fallacy of astronomical calculations is bereft of both Islamic and logical substance. Whatever differences the minute minority of jurists, namely among the Hanaabilah, have with the overwhelming majority of Sahaabah and Fuqaha of the *Khairul Quroon* era, do not concern astronomical calculations, nor do such differences dent the formidable structure of *Ijma'* on the issue of the incumbency of *Rooyat* or *Ikmaal*.

THE MEANING OF 'IQDIROO'

Hadhrat Ibn Umar (Radhiyallahu anhu) himself explained the meaning of *Iqdiroo* in another Hadith narrated by him. In this Hadith he clearly mentions that Rasulullah (Sallallahu alayhi wasallam) said: "*Iqdiroo lahu thalaatheen.*" (*Count for it (for Sha'baan) thirty (days).*) The absolute clarity of this Hadith knocks out the bottom from the contention that *Iqdiroo* means 'simply to count 29 days for Sha'baan' or to 'estimate 29 days'. Dr. Shah has expressed arrant nonsense in offering this claim.

Firstly, it has been shown without the slightest doubt that Ibn Umar (Radhiyallahu anhu) would take steps for having the moon sighted on the 29th Sha'baan if it was a cloudy day. It is quite logical that whatever meaning *Iqdiroo* has would come into operation only after efforts for *Rooyat* have been made. Ibn Umar's practice confirms this.

If *Rooyat* did not occur, then logically and obviously, '*Iqdiroo thalaatheen*' – *Count for Sha'baan 30 days*' came into effect.

Next is the confirmation of the above by Hadhrat Abu Hurairah's narration in which he states without ambiguity that

Rasulullah (Sallallahu alayhi wasallam) ordered: '*Iqdiroo thalaatheen*'. – *Count thirty days for Sha'baan.*'

Furthermore, Ibn Umar's and Abu Hurairah's narrations in which '*Iqdiroo thalaatheen*' is explicitly mentioned, are corroborated by many other *Saheeh Sareeh* (Highly Authentic and Explicit) Ahaadith, all of which substantiate that the meaning of '*Iqdiroo*' is: '*Count for Sha'baan 30 days.*'. Explaining the meaning of '*Iqdiroo*', Shaikh Muhammad Abdul Hayy states in his *Majmuah Rasaail*, Vo.2, Page 216:

"According to Imaam Maalik, Shaafi, Abu Hanifah and the Jamhur of the Salf and Khalf (Predecessors and Successors) it (Iqdiroo) means: 'Count for it (for Sha'baan) the full complement of thirty days. They maintain this on the basis of the Sareeh (Explicit) Ahaadith which we have already mentioned. Similarly, Nawawi has narrated it in Sharh Saheeh Muslim."

Dr. Shah himself mentions in his article 23 *Sareeh Saheeh Ahaadith* in which Rasulullah (Sallallahu alayhi wasallam) expressly commands fulfilment of the month of Sha'baan with 30 days in the event of the impossibility of *Rooyat* due to inclement weather. All these Ahaadith corroborate and support one another, as well as the *Iqdiroo* narration. The avalanche of Hadith evidence confirming *Ikmaal*, i.e. completing 30 days, overwhelms any conflicting idea and eliminates the slightest possibility of '*Iqdiroo*' having any meaning other than completion of 30 days.

Dr. Shah has been constrained to cite these 23 Authentic 30 day Ahaadith for total lack of any basis for his astronomical calculations postulate of *baatil*. If he had any valid grounds for his abortive attempt to erect the calculation theory, he would not have had to creep and grovel at the very bottom of the barrel of *khuraafaat* (abject nonsense) citing 23 *Saheeh Ahaadith* all resoundingly rebutting his palpably false theory of astronomical calculations. However, when a man drowns,

he clutches at every passing straw and blade of grass in his desperate attempt to save his life.

Dr. Shah, by citing the 23 Ahaadith which refute his contention, has introduced another red herring to divert attention, mislead and confuse. Unable to assail the authenticity of these Ahaadith whose authenticity all the Muhadditheen proclaim, Dr. Shah perpetrates fallacious interpretation in the endeavour to scuttle the explicit meaning of these narrations. Thus he states with characteristic cunning: *“There are a number of difficulties involved in the completion portion of these Ahaadith. These difficulties can be appreciated only when we study these reports in depth and compare the ending parts of these reports with each other.”*

The ‘completion’ portion refers to Rasulullah’s command: *‘Complete Sha’baan with 30 days’*. The ‘ending parts’ refer to the different words with which the Sahaabah reported Rasulullah’s instruction to complete the month with 30 days.

Unable to fault the authenticity of these Ahaadith by attacking the highly authentic *Asaaneed* (Chains of Transmission), Dr. Shah resorts to a method which displays his ignorance, and which no Muhaddith or any other Authority of the Shariah utilizes to denounce a Hadith or to proclaim it unauthentic. Dr. Shah has invented his own stupid ‘principle’ for rejecting *Saheeh* Ahaadith. And, that stupid ‘principle’ is word variation. In other words, if a Sahaabi says: ‘Rasulullah (Sallallahu alayhi wasallam) said that Sha’baan should be completed with 30 days’, and another Sahaabi says that Rasulullah (Sallallahu alayhi wasallam) said: ‘Fulfil Sha’baan with 30 days’, and yet another Sahaabi narrates that Rasulullah (Sallallahu alayhi wasallam) said: ‘Count Sha’baan 30 days’, and a fourth Sahaabi says that Rasulullah (Sallallahu alayhi Wasallam) ordered: ‘Count for Sha’baan 30 days’, then all these Ahaadith are dubious and have to be discarded simply on the silly, stupid and spurious grounds of word variation. While this is not a principle of falsifying a

Hadith, Dr. Shah and the modernist juhhaal ‘contemporary scholars’ of this age have fabricated and sucked out from their thumbs, this stupid ‘principle’ of word variations.

The *Juhhaal* ‘contemporary scholars’ of this belated era in close proximity to Qiyaamah lack Hadith and Fiqh qualifications. They have neither the expertise nor the right to formulate stupid ‘principles’ and to denounce Ahaadith which the highest authorities of Ahaadith had authenticated and elevated to the highest pedestal of authenticity almost 14 centuries ago.

Sight should not be lost of the vital factor of the authenticitation of these Ahaadith by greater authorities than the Muhadditheen themselves and long before the later Muhadditheen such as Imaam Bukhaari and others had formulated the science of Hadith accreditation. About 3 centuries prior to the age of the Muhadditheen, the Aimmah-e-Mujtahideen, those illustrious authorities of the Shariah who had acquired their Knowledge of the Shariah sitting at the noble feet of the Sahaabah, had authenticated these very 23 Ahaadith cited by Dr. Shah, and based the *Masaail* pertaining to *Rooyat* and *Ikmaal* on these *Sareeh Saheeh Nusooos* which had emanated from the holy lips of Rasulullah (Sallallahu alayhi wasallam).

It is Islamically absurd and preposterous for *juhhaal* ‘contemporary scholars’ 14 centuries after the event of these Ahaadith to contend that these Narrations are dubious, suspect, incorrect and faulty, hence discardence is imperative. It is even more astonishingly ridiculous for these ignoramuses of this age to expect the Ummah to rescind the teachings and verdicts of the Sahaabah, the Aimmah-e-Mujtahideen and the Fuqaha in general, and to displace the Rulings of the Math-habs they follow so that way could be made for the substitution of the Immutable Law with the theory of astronomical calculations disgorged by the deranged brains of contemporary ‘scholars’ suffering from oblique intellectual

vision. Thus we find them looking with squint eyes at the *Nusoos of the Shariah*.

The many red herrings which Dr. Shah has let loose in his disorgement of noxious intellectual effluvium constrains us to reiterate that the one view of Imaam Ahmad's three different views, may not be presented in substantiation of the arguments of the deviates for the simple reason that this illustrious Imaam, far from supporting the case of calculations, is an implacable foe of astronomical calculations for determining Ramadhaan and Eid. His Math-hab rules with clarity and emphasis that the principle is *Rooyat* or *Ikmaal*. His difference with the *Jamhur* pertains to a different domain unrelated to calculations.

Casting aspersions on the 23 *Saheeh Ahaadith*, Dr. Shah says: "*I will try to analyze some of these reports in an effort to prove that no such consensus exists even when it comes to the completion part of our subject of discussion.*"

In his article cluttered with red herrings, Dr. Shah has laboured, struggled, fretted and sweated in the futile attempt to eke out a basis for his stupid hypothesis. But in the end he has only succeeded in a bloody abortion, mutilating and mangling the meanings of Qur'aanic verses and authentic Ahaadith which have totally no relevance to astronomical calculations.

The manner in which he presents lack of consensus among the authorities of the Shariah on specific issues, is his way of trying to deceive the Ummah and dupe them into believing that the existence of conflict in interpretation of certain terms in these Ahaadith is a licence for the permissibility of astronomical calculations. This is indeed intellectual debauchery, the product of *jahaalat* (ignorance) and *nafsaaniyat* (bestial desire, whim and fancy). Those authorities of the Shariah to whom Dr. Shah attributes the introduction of conflict by means of which the *Ijma'* is supposedly rent asunder, do not subscribe to astronomical

calculations with their conflicting interpretation of the term *Iqdiroo*.

Again it is necessary to draw attention that neither Ibn Umar (Radhiyallahu anhu) nor any other Sahaabah had ever presented the conflicting interpretation of *Iqdiroo*. On the contrary, Ibn Umar (Radhiyallahu anhu) confirmed the meaning by explicitly stating '30 days'. Furthermore, the different meanings developed about two centuries after the Sahaabah when Imaam Ahmad opined that if on a cloudy 29th day of Sha'baan the moon is not sighted (mark, he said not 'sighted'), then it is Waajib to fast the next day. This is one of his three conflicting opinions on the issue.

But as far as the cornerstone principle is concerned, all authorities, from the time of the Sahaabah, through the three noblest eras of Islam (*Khairul Quroon*), and down the long corridor of Islam's 14 century history, to this day, have unanimously proclaimed and upheld *Rooyat* or *Ikmaal* to be the determining factors for confirming Ramadhaan, Eid and the Islamic months.

The differences of opinion on to which Dr. Shah and the deviate 'contemporary scholars' have latched pertain to the following issues:

- 1) Whether it is Waajib to fast the day after a cloudy 29th Sha'baan if despite measures taken for *Rooyat*, the moon was not sighted.
- 2) The meaning of the term, '*Iqdiroo lahu*'. Does it mean, 'Count 30 days for Sha'baan' or regard the moon to be hidden under the clouds and fast the next day *if* sighting did not discover the *hilaal*.

These are the primary two issues on which a 'minute minority' differs with the *Jamhur Fuqaha* and with *all* the Sahaabah. But, on the principle of *Rooyat* and *Ikmaal* there is no difference. Dr. Shah's fallacy is therefore debunked as palpable drivel.

Exhibiting another of his blunders, Dr. Shah states: *“It seems that in the completion portion of the Ahadith some how the reporters are explaining something rather than just reporting the exact words of the Prophet (PBUH). Some of these reports are not as authentic as it deemed to be.”*

In this averment, Dr. Shah utters a calumny. He assaults such Ahaadith whose authenticity all authorities of the Shariah have always upheld from the very inception of Islam. It should be remembered that all the Sahaabah who narrated the Ahaadith in which ‘completing Sha’baan with 30 days’ is mentioned, attribute the command directly to Rasulullah (Sallallahu alayhi wasallam). While the Muhadditheen and the Fuqaha vigorously maintain the authenticity of these Narrations, the *juhhaal* ‘contemporary scholars’ are implying that, *Naauthubillah!*, the numerous Sahaabah who had reported these Ahaadith are all liars since they have attributed a false ‘idea’ to Rasulullah (Sallallahu alayhi wasallam). Thus, Dr. Shah avers: *“Some of these reports are not as authentic as it seems to be.”*

On the fictitious basis of ‘word variation’ he has attributed lies to the Sahaabah while Rasulullah (Sallallahu alayhi wasallam, vouching for the honesty, truth and integrity of his Sahaabah declared:

* “My Sahaabah are like the Stars. Whomever you follow, you will be guided.”

* “My Sahaabah, all of them are uprighteous (just, trustworthy, impeccable in integrity and character).”

* “Honour my Sahaabah, for verily they are your noblest, then those after them, then those after them. Thereafter will appear falsehood.”

Many other Ahaadith testify to the trustworthiness of the Sahaabah. Only people whose minds have become befogged with *ilhaad* possess the reckless temerity of assailing the lofty status of the Sahaabah, and audaciously branding their narrations unauthentic despite the elevated pedestal of

Authenticity accorded to these Ahaadith by the Fuqaha and Muhadditheen of all ages.

None of the authorities cast even a cursory glance at the word variations for the purpose of assaulting the authenticity of these Ahaadith. While word variations may bring about differences in interpretation, they do not constitute grounds for unauthenticity. The very first exercise in the event of word variations is to employ the principle of reconciliation and the principle of explaining one Hadith with another Hadith. The method of the Authorities was never to dismiss an authentic Hadith on the basis of word variation when the *Sanad* of the hadith is highly authentic.

Furthermore, word variation is a standard procedure in Ahaadith dealing with the very same *mas'alah*. Every fundamental of Islam, every rule, etc. have been narrated by different Sahaabah with Ahaadith in which appear word variations. We present here just one Hadith with word variation. In his Muatta, Imaam Maalik records a Hadith narrated by the Sahaabi, Abu Saeed Khudri (Radhiyallahu anhu). Two versions of the Hadith by the same Sahaabi narrator are mentioned. In the first narration, Abu Saeed Khudri (Radhiyallahu anhu) said that Rasulullah (Sallallahu alayhi wasallam) said: *“There is no Sadqah (payable) on less than five zood (camels). There is no Sadqah on less than five awaaq (which is a measure and this refers to silver). And, there is no Sadqah on less than five ausaq (a measure, and the meaning here is five ausaq of dates).”*

In the other version of this Hadith, also narrated by Abu Saeed Khudri (Radhiyallahu anhu), Rasulullah (Sallallahu alayhi wasallam) is reported to have said: *“There is no Sadqah on less than five ausaq dates. There is no Sadqah on less than five awaaq of silver. There is no Sadqah on less than five zood of camels.”*

Different words appear in these narrations. The authenticity of these Hadith narrations have not been assaulted on the basis

of the word variations. However, the Math-habs have differently interpreted certain terms in the Hadith. This is standard procedure of which Dr. Shah is blissfully ignorant or he deliberately has tried to pull wool over the eyes of the unwary. All the ahkaam of the Shariah are based on authentic Ahaadith in which word-variation features.

If Dr. Shah's stupid and ridiculous fabrication of 'word variation' has to be accepted, then even the Ahaadith-e-Mutawaatirah on which the authenticity of the Qur'aan Majeed is based, and the Ahaadith-e-Mutawaatarah on which the fundamentals of Islam are structured will all have to be dismissed as 'unauthentic'. This glaring stupidity adequately establishes the *dhalaal* and *ilhaad* of the modernist 'contemporary scholars'.

Volumes can be filled with authentic Ahaadith dealing with the same subject, but with word variations.

DIFFERENCES ON THE QUESTION OF SHAHAADAT

Dr. Shah says: *"Moreover, there is no consensus among the majority (al-Jamhur) about the exact nature of Moon sighting whether it is established through sighting of one or more witnesses or a multitude of people. There also exists a host of criteria and characteristics of these witnesses whether male, female, slave or free. Yet there is no consensus about the number of witnesses needed for confirmation of the month of Ramadan and for the month of Shawwal."*

Another typical red herring! Firstly, no one has contended consensus on the details of *Shahaadat* (testimony of witnesses). When consensus on this issue has not been claimed, the superfluity of Dr. Shah's disgorgement should be apparent. There is no need to respond to the drivel he has

stated here because the difference of the Fuqaha on this *mas'alah* is an accepted fact like all the other established differences in the multitude of *masaa-il* of the Shariah.

Secondly, and most importantly, the differences of the Fuqaha on the issue of *Shahaadat* are totally unrelated to astronomical calculations. Permissibility of astronomical calculations cannot be based on the differences of the Fuqaha on an entirely different issue. The dispute does not centre around *Shahaadat* – the testimony of witnesses – on the basis of which *Rooyat* is confirmed or rejected.

Dr. Shah might just as well attempt proving his stupid astronomical calculations hypothesis by citing the differences of the Fuqaha on the number of raka'ts of Salaat, or the differences on Zakaat Masaail, etc. What relationship is there between differences on the *Shahaadat* question and astronomical calculation for Ramadhaan?

The issue of contention is actual *Rooyat* on which there exists no difference. This *Ijma'* cannot be dented by citing differences on another topic. The expert of red herrings presents his argument to convey the impression to unsuspecting readers that the Ulama who oppose astronomical calculations are claiming consensus on the issue of *Shahaadat*. But Dr. Shah has not succeeded in this deception.

In another disgorgement of drivel, Dr. Shah alleges: "*The place does not permit here to go into the details of the issues connected with methodology of sighting.....There is tremendous difference among jurists in the details related to the same subject. Therefore, actual sighting cannot be called as the categorically absolute rule of Islam where there is no difference of opinion. The best it could be described is that it is a Zanni or presumptive and not a Qata'ee or categorical matter in the Shariah.*"

He has spoken utter nonsense. It is highly erroneous to contend that there exists difference in the 'methodology' of sighting the moon. There are no such imagined differences. Sighting is the physical act of the human eyes. All human beings who set out to sight the *hilaal* do so with the same 'methodology'. They utilize their eyes to sight the new moon. On this fact there is consensus.

The differences among the Fuqaha pertain to the acceptance or rejection of the reported sighting. This is another question which has no relevance to astronomical calculations. Discussing this question will therefore constitute a redundant exercise, unrelated to the matter of dispute.

In terms of the Shariah, *Shahaadat* of *Aadil* (Trustworthy) witnesses is not *zanni* grounds. On the contrary, it is *Qati'i* (of absolute certitude) evidence for the progression of the *Ahkaam*, regardless of the rational possibility of error in such *Shahaadat* to which the Shariah has conferred the status of *Qat'iiyyat* (Absolute Certitude) precluding every shadow of doubt. The commands of the Shariah cannot be disputed, denounced and displaced on the basis of the corrupt reasoning of modernist fussaqa 'contemporary scholars'.

Sight should not be lost of the *Hudood* punishments. Persons can be stoned to death on the basis of *Shahaadat*. A hand can be amputated on the basis of *Shahaadat*. A man can be flogged 100 lashes for fornication on the basis of *Shahaadat*. A drinker of liquor is flogged 80 lashes on the basis of *Shahaadat*. A man who slanders a chaste woman is flogged on the basis of *Shahaadat*. Besides, the penal code of Islam, the entire system of Divine Justice is based on *Shahaadat*. It is therefore kufr for Dr. Shah and his ilk to find fault with a system which Allah Ta'ala has ordained for this Ummah..

The rational possibility of '*zanniyat*' (which does not preclude error), is well taken care of by the Shariah to eliminate injustice and the formulation of decisions and decrees based on error. This treatise is not the juncture to

present an exposition of the Shariah's concept of *Shahaadat*. Our topical discussion is astronomical calculations. We shall therefore dump the nonsensical objection which Dr. Shah has raised in his effort to divert, mislead and confuse with red herrings for which he seems to have an inordinate appetite. This is a salient feature in the characters of all men of *baatil* and *ilhaad*. About this type of character, the Qur'aan Majeed announces:

“Verily who misinterpret Our Signs (Laws), they are not hidden from US. Is the one whom We shall cast into the Fire better than the one who will come to us safely (with Imaan intact) on the Day of Qiyaamah? Do as you (O Mulhideen!) please. Verily, He sees whatever you are doing.”
(Surah As-Sajdah)

THE SHADOW OF POLES

In a further attempt to mislead with confusion, Dr. Shah claims:

“Furthermore, the Muslim Ummah in the past many centuries had followed the shadow of poles to determine the timings for the Zuhr and Asr prayers. The Prophet (PBUH) himself stated to follow the shadow of the Sun regarding the prayer timings. Currently we use the astronomically guided watches to offer the prayers.....In the Prophetic times the same objective was achieved through the means available to them. The same objectives are currently achieved through astronomical calculations and the entire Ummah has agreed upon the use of these astronomical calculations in the matters of Din.....”

Yes, but why does the entire Ummah not agree on astronomical calculations for Ramadhaan and Eid?

By this argument Dr. Shah endeavours to predicate inconsistency to those who totally reject astronomical calculations for determining the Islamic months while at the same time they condone such calculations for the times of Salaat and other matters related to the Deen.

The question Dr. Shah should first answer is: Why has the Ummah agreed on the use of calculations for the Salaat times, etc., and not for determining the Islamic months? If the Ulama who reject astronomical calculations for Ramadhaan and Eid are opposed to astronomical calculations or new methods of technology, then why do they not oppose the use of such calculations for Salaat times, etc.? Why do they restrict their opposition and rejection to only the sphere of the Islamic months?

The answer to these questions is no mystery. Brains are not required to fathom and unearth the answer from some unattainable depths. The answer is quite simple. The principle of *Rooyat* and *Ikmaal* regulates the determination of the Islamic months, not so the determination of the Salaat times.

The command of the Shariah is: Perform Maghrib Salaat after sunset. The instruction never was: Perform Maghrib Salaat after ‘seeing’ the setting of the sun, or perform Maghrib on sighting sunset. Nor did Rasulullah (Sallallahu alayhi wasallam) pivot the times of Zuhr and Asr on *rooyat* of the shadow lengths. He did not order: Perform Zuhr when you ‘see’ the shadow has reached one (or two lengths). He did not instruct: Perform Asr on *rooyat* of the shadow...

In short, Rasulullah (Sallallahu alayhi wasallam) never suspended the determination of the Salaat times on *rooyat* (actual seeing) of the natural phenomena governing the Salaat times. He simply informed the Sahaabah that ‘these are the times’. He left wide scope for the methods of determining the times whereas in the matter of Ramadhaan, he restricted the method to *Rooyat* and *Ikmaal*.

In view of this fundamental difference, *Rooyat* in relation to the determination of the Islamic months has assumed Ibaadat proportion. It is among the *maqaasid* (objectives) which may not be displaced and substituted by the desires of stupid persons fourteen centuries after the command was issued.

It is precisely on account of the latitude allowed by Rasulullah (Sallallahu alayhi wasallam) that we find the existence of *Ijma'* on the permissibility of utilizing any method to establish the times of Salaat. On the contrary, in the matter of Ramadhaan and the months in general, there exists *Ijma'* on the principle of *Rooyat* and *Ikmaal*, hence all latitude for divergence from this immutable principle is precluded, negated and refuted with such vehemence as the deviates are observing with astonishment.

In his endeavour to trade the impression of inconsistency which he attributes to the Ulama-e-Haqq, Dr. Shah tenders the fallacious claim: "*The Prophet (PBUH) himself stated to follow the shadow of the Sun regard the prayer timings.*"

This claim is conspicuously false. Rasulullah (Sallallahu alayhi wasallam) did not order: 'Follow the shadow of the sun', nor did he command: 'See the length of the shadow of the sun'. Yet Dr. Shah presented his claim in a style to mislead unwary people with the idea that Rasulullah (Sallallahu alayhi wasallam) had ordered the Sahaabah to see with their eyes the lengths of the shadow of the sun.

Dr. Shah has cited almost all the Ahaadith pertaining to *Rooyat* of the moon desperately puffing and panting to extract some semblance of substantiation for his fallacy of astronomical calculations. But he has miserably failed to present even one Hadith to prove that Rasulullah (Sallallahu alayhi wasallam) had ordered the Sahaabah to 'see' the shadows or 'to follow the shadows of the sun'. This is another red herring sucked out from his thumb to dupe Muslims and to confuse them on the *Rooyat of the Hilaal* issue.

There exists not a single Hadith in which the order to actually ‘see’ the shadows and other natural phenomena with which the Salaat times are associated. We say so with emphasis. There is no need for unnecessary prolixity by way of presenting the many Ahaadith with a wide variety of word variations to show the falsity of Dr. Shah’s baseless analogy. Our emphasis suffices. If Dr. Shah or any of the other ‘contemporary scholars’ have any Hadith to refute our contention, they should produce it

“Bring forth your proof if indeed you are truthful.”

(Qur’aan)

VARIABLE MEANS

On this issue, Dr. Shah also argues: *“Our argument is that the authentic texts of the Qur’an and Sunnah are being implemented in the spirit but not in the letter because following them in the letter was not the objective of Islamic Law. The objective of the Law was to realize the goal prescribed by the Prophet (PBUH).The objectives are constants while the means are variable according to the circumstances. This is the true spirit of Islamic Law that it is flexible in the matters connected with some means so that it can always relate to the modern developments and progress.”*(Underlining ours)

A further red herring introduced to divert attention from the actual contention so as to confuse the unwary and unlearned. Firstly, it was never contended that *all* means are constant. Secondly, some means are constant and invariable. Conceding this fact, Dr. Shah is constrained to concede: *“...Islamic law is flexible in **some means**”*. So what is the difference between Dr. Shah and his opponents who totally reject astronomical calculations for determining the Islamic months? The opponents confirm that according to the Shariah there is flexibility in “some means”. But only in “some”, not in all. Dr.

Shah too restricts flexibility to “some means”, and does not extend it to all means.

His aimless arguments indicate the confusion in which his mind wanders. In order to justify hurling the charge of inflexibility against the negators of astronomical calculations, Dr. Shah is under obligation to first prove that his opponents are extending inflexibility to all means, and that they have decreed all means to be constant to preclude all change and flexibility.

From the aforementioned admission of Dr. Shah, namely ‘some means’ are flexible and variable, it logically follows that there are also such means which are inflexible and constant. We advise him to include *Rooyat* in the category of means which he classifies as inflexible – which do not tolerate change. His argument is devoid of intelligent substance. He has painted himself into a corner from which extrication is not possible.

Rooyat is among the means which fall in the category of objectives. Rasulullah (Sallallahu alayhi wasallam) expressed himself without any ambiguity on this issue. He specifically commanded *Rooyat* as the means for determining Ramadhaan. On the other hand, he did not instruct sighting the natural phenomena for determining the Salaat times, hence these means are variable. They do admit flexibility.

In view of Dr. Shah’s admission that not all means are flexible and that only ‘some means’ are flexible, there is no need to pursue this argument further. His dilation is meaningless in view of his admission because his opponents are not claiming what he tries to impute to them, viz., that it is believed that all means are constant and do not admit any flexibility.

MISINTERPRETING THE QUR'AAN

In the abortive attempt to provide a basis for the fallacy of astronomical calculations, Dr. Shah, like all misguided modernists, cites Qur'aanic verses of a general import to negate the command of Rasulullah (Sallallahu alayhi wasallam). He thus quotes verses such as:

“And the moon, We have ordained for it stages.....It is He (Allah) Who has made the sun a dazzling light and the moon a soft light, and We have ordained for it stages so that you may know the number of years and hisaab.”

In the context of the aayat, the word, *hisaab*, has a wide interpretation. Calculations, counting, arithmetic etc., all come within the purview of *hisaab*.

These Qur'aanic verses do not ordain specific rules. The Aayaat are general and could be applied to all issues requiring the means of counting and *hisaab*. However, Aayaat of such general import may not be utilized or misinterpreted to abrogate a confirmed teaching of the Shariah. The Qur'aanic command to perform Salaat cannot be cited in negation of the specific form of Salaat taught to the Ummah by Rasulullah (Sallallahu alayhi wasallam) nor in confirmation of a new form of Salaat other than the form known to the Ummah and established by *Ijma'*.

The literal meaning of the word, *Salaat*, is not the specific form which the Shariah has given to the Salaat we perform. The form has been provided by Rasulullah (Sallallahu alayhi wasallam). Verbal thikr, contemplation, only sitting or prostrating or standing, etc., all come within the purview of the literal meaning of Salaat. The general meaning of the term may not be cited as grounds for negating the specific Shar'i form of Salaat.

In exactly the same way, the Qur'aanic verses mentioning the stages of the moon, etc. may not be misinterpreted to negate *Rooyat* which was commanded by Rasulullah

(Sallallahu alayhi wasallam) and on which *Ijma'* has been enacted. The relevant Qur'aanic verses merely mention the *Qudrat* of Allah Azza Wa Jal and the benefits of the sun and moon. These verses do not deal with the question of the determination of the Islamic months. The *hisaab* mentioned in the Qur'aan may not be utilized in conflict with the *Ahkaam* of the Shariah. It shall be confined to the variable means, not to the objectives which are constant.

NO OTHER METHOD AVAILABLE

Dr. Shah contends: *"There was no method available to the people of previous generations except seeing it with the naked eyes.."*

The question arises: If this was the only available method, then why did Rasulullah (sallallahu alayhi wasallam) apply so much emphasis on *Rooyat*? Emphasis on sighting would have been redundant in view of the fact that the people would naturally and automatically sight the new moon to begin the month. The Qur'aanic style, *"Whoever is present in the month of Ramadhaan should fast it."*, would have sufficed. What was the need for the superfluity of repeatedly emphasising *Rooyat* in a number of Ahaadith without the slightest change to at least give an indication of latitude and flexibility in the means, if indeed *Rooyat* was only in the category of dispensable means?

The next question for Dr. Shah is: Why did Rasulullah (Sallallahu alayhi wasallam) confine the means of *Rooyat* to Ramadhaan, and not to any other act of Ibaadat, the time or occasion of which, could in that time be determined by only sighting? According to Dr. Shah, sighting was the only available method. So why did Rasulullah (Sallallahu alayhi waallam) not order *Rooyat* for sunrise, sunset, dawn, the length of the shadows, etc.? Why the conspicuous absence of

Rooyat from all the Ahaadith dealing with Salaat times, etc., when sighting was the only available method?

If Dr. Shah and the clique of ‘contemporary scholars’ could only divest themselves of their preconceived opinion which they are painstakingly struggling to hoist on to the Ummah, they would then be able to understand the purport of Rasulullah’s emphasis on *Rooyat*, and also why he had confined *Rooyat* to only the Islamic months, and not to the Salaat times which also depend on seeing for determining the natural phenomena on which the times of Salaat are based.

Prior to the advent of Islam, the Arabs had their method of plotting the lunar months which were known by the very same names of our Islamiic calendar. With regard to their method of establishing the months, the Qur’aan specifically prohibited only one act – the act of *Nasee*’(*postponement of months*), describing it as intense kufr. The prohibition of whatever method was in vogue as well as whatever method would be introduced in the future was commanded by Rasulullah (Sallallahu alayhi wasallam). Hence, the contention that *Rooyat* was commanded merely because it was the only available method is baseless.

DISTORTING SUBKI’S VIEW

We have already explained Subki’s view earlier on. Further elaboration will assist in dispelling the distortion which Dr. Shah has woven around Subki’s view on the issue of using astronomical calculations on the occasion of Ramadhaan.

Dr. Shah alleges: “*His (i.e.Subki’s) main argument is that the astronomical calculations are precisely accurate while there is always possibility of confusion, mix up or mistake in the matters of sighting with human eyes. Therefore the Shariah would not prefer a probable method over a certain and accurate method.....He advises the authorities to take the astronomical calculations into consideration,*

especially in negating the witnesses who claim sighting the Moon when the astronomical calculations prove the otherwise. He also advises not to give too much attention to the views that prohibit use of calculations in the matters of Din. According to al-Subki, the Shariah has not forbidden calculation at all.” (Underlining ours)

Dr. Shah has mistranslated the last sentence of the Arabic text of Subki’s statement. Dr. Shah has quoted the full Arabic text of Subki’s statement. The last sentence of the Arabic text reads:

و لا نقول الشرع الغي قول الحساب مطلقا

Dr. Shah has translated this sentence as follows: “*And, we do not say that the Shariah has abolished use of astronomical calculations at all.*” The purport of this translations is: The Shariah has not at all abolished astronomical calculations. In other words, astronomical calculations are valid and permissible for all acts of the Deen without exception.

However, this is not Subki’s claim. Subki said something entirely different. The correct translation of Subki’s statement is: “*We do not say that the Shariah has totally discarded astronomical calculations.*” In other words, while the Shariah has prohibited astronomical calculations in certain matters, it has allowed its use for some other issues of the Deen.

Adding weight to the distortion of Subki’s view, another ‘contemporary scholar’ of deviation, Dr. Qardawi, is quoted by Dr. Shah as follows: “*Dr. al-Qardawi ponders what would have been the opinion of Imam al-Subki regarding astronomical calculations and their authenticity in matters of even Ibaadat, had he seen the scientific revolutions of our times (of the kuffaar American scientists, the deities of Dr. Shah, Qardawi and their like of deviants).* – (Words in brackets our)

The foregoing statements of Dr. Shah and Qardawi – their comment on Subki’s view –are cunningly designed to convey to the unsuspecting person that:

- 1) Subki had advocated unfettered use of astronomical calculations for the confirmation of Ramadhan.
- 2) Subki had condoned discardence of the principle of *Rooyat* and *Ikmaal* in favour of astronomical calculations.
- 3) Subki had proclaimed calculations to have greater precision than human sighting, hence preference should be accorded to astronomical calculations when determining the new month.

These conclusions based on the style of Dr. Shah's presentation of Subki's views, are baseless. Subki at no stage allowed unfettered use of astronomical calculations. In so far as Ramadhan and the months in general are concerned, Subki fanatically clings to the principle of *Rooyat* and *Ikmaal*. Since Subki's view is in diametric conflict with Dr. Shah's hypothesis of astronomical calculations, he (Dr. Shah) conveniently refrains from stating Subki's ruling on this issue. Let Subki explain himself.

In his *Fataawa*, Subki says: "*The commencement of the month is between two hilaals, and this is acquired either by Rooyat of the Hilaal or by Ikmaal of the number with 30 days*".

After accepting all the Ahaadith in which appear 'completion with 30 days' – not only the '*Iqdiroo*' Hadith, but all the other explicit and authentic Ahaadith on this question, he states: "*In a narration it is said: "Then complete the number of Sha'baan with 30."*. This is the most authentic view according to the Ulama.....*The first view (of Rooyat and Ikmaal) is the correct one on account of the meaning of the Hadith..... Hisaab dictates imkaan (possibility of sighting, not actual sighting). It is not incumbent to formulate the hukm (of the Shariah) on mere possibility (of sighting). Formulation of the Hukm is the right of the Shaari' (Rasulullah –Sallallahu alayhi Wasallam), and undoubtedly, he had based the Hukm (of fasting) on Rooyat. Trespassing beyond this hukm is not permissible*

except after completion of the number (of 30 days –then rooyat is no longer applicable).”

Subki has stated without ambiguity that the *sabab* (cause of compulsion – Wujoob) is either *Rooyat* or *Ikmaal*. It is therefore employment of chicanery to manipulate Subki's view to develop the idea that he had advocated the use of astronomical calculations for establishing Ramadhaan, and in this regard he had discarded the principle of *Rooyat* and *Ikmaal*.

The other deception perpetrated by Dr. Shah is the idea he has subtly injected in the words we have underlined above. He has attributed the following statement to Subki: *“He advises the authorities to take the astronomical calculations into consideration, especially in negating the witnesses who claim sighting the Moon when the astronomical calculations prove the otherwise.”*

No where in the relevant Arabic text of Subki, cited by Dr. Shah, does Subki say: “especially in negating....” Dr. Shah has interpolated the word, ‘especially’ to convey the impression that Subki has urged the authorities to reject the claims of eye witnesses in general, and in particular to negate the testimony of witnesses who claim to have sighted the moon when astronomical calculations indicate impossibility of sighting.

Subki's advice to the authorities pertains to *only* negation not to confirmation. That is, if calculations indicate that sighting is impossible, then the word of witnesses claiming to have sighted the moon should not be accepted. Subki does not advise acceptance of astronomical calculations for confirming the month on the basis of the presence of the moon in a specific stage or when astronomical calculations confirm its birth. But, Dr. Shah's fabrication of the word ‘especially’ conveys the idea that Subki had applied the validity of

astronomical calculations to both negation and confirmation, which is palpably false.

Subki's conclusion that "calculations are more certain than human eyes" is cited by Dr. Shah out of context to create the misleading idea that his statement applies to confirming the Islamic month. On the contrary, his conclusion is confined to negating the testimony of witnesses who claim sighting when calculations indicate impossibility of sighting.

In response to Qardawi's 'pondering' and wondering what would Subki's reaction have been if he had lived in our day and seen the strides of technological progress of the American scientists, we should enlighten the deviate 'contemporary scholars' that Subki would not have been able to enhance his ruling to a higher pedestal. Seven centuries ago Subki had already promoted astronomical calculations to the pedestal of *Qat'yyat* beyond which there is no higher category of Absolute Certitude. He had already proclaimed seven hundred years ago that astronomical calculations were precise, hence he committed the colossal blunder of demoting the *Qat'yyat* which the Shariah assigned to valid *Shahaadat*. However, despite the extraordinary pedestal of elevation he had accorded astronomical calculations, he categorically rejected the determination of the Islamic months with such calculations. This was his rigid adherence to the principle of *Rooyat* and *Ikmaal*. Dr. Shah has thus miserably failed in succeeding to utilize Subki's views to build his structure of permissibility of astronomical calculations.

The selective citation of Subki's views on astronomical calculations by Dr. Shah is the commission of intellectual and moral debauchery. It is difficult to accept that Dr. Shah is not aware of Subki's stance on the issues of *Rooyat* and *Ikmaal*. Dr. Shah has gone to great lengths in the exercise to extract

capital from Subki's views for his astronomical calculation fallacy. But in this dishonest process he has taken care to conceal Subki's views pertaining to sighting the moon and completing the month with 30 days.

If perhaps Dr. Shah is genuinely ignorant of Subki's views on this subject, then we invite him to do a better research to ascertain what exactly he had said about calculations. Subki, as we have already mentioned, states unequivocally that Ramadhaan pivots on either *Rooyat* or *Ikmaal*. He offers no third option. He labels the views of the astronomers regarding the commencement of the month as "absolutely *baatil*".

Subki further clarifies in his *Fataawa* that rejection of astronomical calculations for determining Ramadhaan is not based on unreliability of the calculations. Rather, the calculations are rejected on the basis of the incumbency of *Rooyat* and *Ikmaal*.

Dr. Shah and the deviate 'contemporary scholars' perpetrating their debauchery of Subki's views, overlook and conceal the actual concept which Subki expounds. They select from his concept only his statements which laud the accuracy of astronomical calculations on the basis of which he rejects testimony which is provided for confirming *Rooyat*.

In rejecting the validity of the testimony which confirms *Rooyat*, Subki emphasises and fortifies the *Wujoob* (compulsory nature) of *Rooyat*. The rigidity with which Subki upholds the principle of actual sighting has constrained him to even reject the validity of *Shahaadat* which confirms sighting if astronomical calculations indicate impossibility of *Rooyat*.

Thus, far from accepting astronomical calculations for confirming the month – a perception which Dr. Shah deviously sought to create – Subki is in total rejection of calculations for establishing Ramadhaan and the Islamic months. The mismanipulation of Subki's views on astronomical calculations by Dr. Shah is scandalous. In similar scandalous fashion does Dr. Shah deviously

misinterpret the views of some other members of the ‘minute minority’ who uphold the accuracy of astronomical calculations.

Subscribing to the accuracy of astronomical calculation should not be construed as affirmation by the upholder of this view that calculations for initiating Ramadhaan or any Islamic months are permissible.

THE CONFLICTS OF IBN DAQEEQUL EID

Despite the vast and overwhelming majority of authorities of the Shariah of all Math-habs rejecting astronomical calculations, Dr. Shah and the deviate ‘contemporary scholars’ persist in clinging to straws for the life support of their fallacious hypothesis. Their fossilized intellectual capacity compels them to intransigently reject the 14 century official and authoritative position of the Shariah. And, they abortively labour to achieve this absurd stunt by latching on to peculiar and weird views of one or two Ulama to whom permissibility of astronomical calculation is attributed.

If every Tom, Dick and Harry such as those who constitute the league of deviant ‘contemporary scholars’, possesses the licence to interpolate, change, displace and substitute in the Shariah whimsical opinions on the basis of the astonishingly weird opinions of an extremely minute and negligible minority, there will remain no Shariah as was taught and imparted by Rasulullah (Sallallahu alayhi wasallam).

If Islam had to permit the process of mutilation which the Yahood and Nasaara had perpetrated to the Shariahs of Nabi Musaa (alayhis salaam) and Nabi Isaa (alayhis salaam), then today the Shariah of Muhammad (Sallallahu alayhi wasallam)

would have acquired the form in which we observe present-day Judaism and Christianity.

Islam has placed a rigid ban on interpolation. Departure from the *Ijma' of the Ummah* or from even the *Ijma' of the Jamhur* is haraam. It is not permissible. Doing so on the basis of the slips and errors of the Ulama, such as is the methodology of the slaves of opinion, is self-deception and heresy (*ilhaad*).

The slips (*zallaat*) of the Ulama do not constitute *daleel* (proof/evidence) or a basis for scuttling the official position of the Shariah. The errors of the Ulama have to be set aside, interpreted and reconciled with the official position of the Shariah. If such reconciliation is impossible due to the glaring conflict, the view shall simply be labelled *baatil* (baseless) and discarded. It may not be presented as a basis to justify fanciful opinion for which there exists no grounds nor justification in the Shariah as taught by the Sahaabah.

The self-contradictory view of Ibn Daqeequl Eid represents one such serious slip of an accepted authority of the Shaafi Math-hab. Even the Shaafi Fuqaha reject the conflicting view of Daqeeq. Citing Ibn Daqeequl Eid, Dr. Shah states:

“Actual sighting is not a prerequisite to the fasting. There is agreement (among the Jurists) that if someone was imprisoned in the basement and knew, either through completing 30 days or through estimation by following signs, that the month of Ramadan has started, then he is required to start fasting even if he has neither sighted the Moon by himself nor was informed by one who had actually sighted it.”

Besides the Ambiya (alayhimus salaam), even Men of elevated status in the realm of Taqwa and Knowledge occasionally demonstrate human weakness by descending from the heights of sublimity to the level of ludicrousness. The Fuqaha in general have expressed astonishment at the

absurdity of Ibn Daqeeq's analogy with a prisoner who is deprived of all means of ascertaining the commencement of Ramadhaan. Rejecting Ibn Daqeeq's analogy, Imaam Nawawi states in *Al-Majmoo'*:

"The prisoner in the cell is ma'zoor (excused), hence to ponder with regard to the entry of the occasion is incumbent on him. It is then incumbent on him to act in accordance with the directive of his ijtihaad.."

In *Kitaabul Mabsoot*, Vol. 3, Page 59, Imaam Shamsuddin Sarakhshi states: *"If the month of Ramadhaan becomes confused to the prisoner, he should make taharri (i.e. reflect and acquire a directive from his heart) and fast the month on the basis of the Taharri. because he (too) has been commanded to fast, (and in his case) all the means (ways of the Shariah for ascertaining the Month) have been blocked just as is the matter of the Qiblah."*

If a person is unaware of the Qiblah and there is no one to whom he could refer, it becomes necessary for him to reflect (*Taharri*). He shall accept the directive of his heart after reflection, face that way and perform his Salaat. It is indeed total ignorance to argue on this basis that it is not necessary for people to face the Qiblah when performing Salaat. To analogise it with a man who is unaware of the Qiblah is absurd. This absurdity is quite apparent in the analogy with the prisoner attributed to Ibn Daqeeq.

The thinking of Dr. Shah is truly lamentable. He seeks to abrogate the 14 century principle of *Rooyat* upheld by all Four Math-habs, with such a legless and utterly baseless argument which has been attributed to Ibn Daqeeq. There are many hadith fabrications which have been attributed to Rasulullah (Sallallahu alayhi wasallam). Similarly, baseless fiqh narrations have been attributed to even the Fuqaha. Should the

attribution be correct, the argument simply has to be discarded. An absurdity of a solitary Faqeeh cannot cancel the *Ijma' of the Ummah* and even the *Ijma' of the Jamhur*.

Dr. Shah, by attempting to extract capital for his theory from the absurd argument attributed to Ibn Daqeeq, has only insulted his own intelligence.

Furthermore, in Al-Majmoo' it appears: "*Ibn Daqeeul Eid has given preference in Sharhul Umdah to the incumbency of Saum in this case on the astronomer.*" In other words, in the situation explained by Ibn Daqeeq, the validity of the Saum applies to only the astronomer who feels convinced of the accuracy of his calculations. Although this too is *baatil*, it nevertheless narrows the scope of the absurdity.

The greatest discrepancy in this supposition attributed to Ibn Daqeeq is his express refutation of astronomical calculations. His denial has been conceded by even Dr. Shah who says on page 5 of his article: "*Ibn Daqiq al-Eid stated that calculations cannot be the source of confirming the fasting (of Ramadan).*" (Ar-Ramli)

On page 6 of his article, Dr. Shah presents the Arabic text of Ibn Daqeeq's statement without offering the English translation. Ibn Daqeeq states in the Arabic statement cited by Dr. Shah: "*What I am saying is that it is not permissible to rely on calculations in the matter of Fasting.....for verily, they (the astronomers) advance the month a day or two by means of calculations (choosing calculations) over Rooyat In so doing, is an innovation which Allah does not permit.*"..

Even if we should accept the conflicting narration of Ibn Daqeeq, it should be discarded on the basis of his categorical rejection of astronomical calculations as well as on the basis of its conflict with the *Jamhur*. Furthermore, the fiqhi (juridical) unsoundness of the argument is sufficient for its

dismissal. Only ignorant men whose intellect has been subjugated by their desires, intransigently tender such baseless arguments. It clearly displays their intellectual bankruptcy.

There is also the probability of a fabrication attributed falsely to Ibn Daqeequl Eid. Fabrications of this nature having crept into the kutub cannot be discounted. The glaring self-contradictions lends weight to this supposition.

MUTARRIF BIN SHAKHEER

Dr. Shah has also tried his utmost to capitalize on a view attributed to Mutarrif Bin Shakheer who was a senior Faqeeh of the Taabi'een era. In one narration attributed to him, it is mentioned: *"Mutarrif Bin Abdullah, Abul Abbaas Bin Suraij, Ibn Qutaibah and others say: 'Its meaning is to calculate the moon on the basis of (its) phases.'"*

This statement has been interpreted by Dr. Shah to mean that according to Mutarrif Bin Abdullah there is unrestricted licence for the utilization of astronomical calculations to begin Ramadhaan. But on page 51 of his article, Dr. Shah citing some modernist Fiqhi encyclopedia states:

"This opinion holds astronomical calculations as genuine method of estimating the stages of Moon. It has been attributed to Mutarrif bin Abdullah al-Shakhir from the successors, Abu-al-Abbas bin Sarij from the Shafa'ee school and Ibn Qutaybah from the Hadith scholars. Ibn Abd al-Birr denied that Mutarrif espoused such a view. He also rejected what Ibn Sarij had attributed to Shafa'ee because it had been known that he was with the majority (Jamhur) opinion."

On the page 52 of his article, Dr. Shah states: *"Mutarrif has been reported to have said that the astronomer must follow his calculations. Abu al-Abbas Ibn Sarij the renowned Shafa'ee scholar of the third century (AH), has taken the position that "calculate" is an address to the people who possess the*

knowledge of calculation and “sighting” is for consumption of the common Muslims.”

Rejecting this weird interpretation of Ibn Suraij, Ibn Arabi avers: “This supposes different factors of compulsion for Ramadhaan. On some, according to this interpretation, Ramdhaan becomes Waajib on the basis of sun and moon calculations, and on others on the basis of counting the number (of days). This is extremely far fetched. How could it be expected of Ulama?” – Nailul Autaar

Besides this interpretation being weird, it is absurd. In matters of *Asbaab-e-Wujoob* the Shariah has not differentiated among classes of people. Ibaadat applies uniformly to all people. Centuries after Rasulullah (Sallallahu alayhi wasallam) was this weird interpretation ventured. Even if it was the interpretation of a ‘renowned Shaafi scholar’, it is bizarre and has to be incumbently discarded. It has no validity. Only ignoramuses such as th deviate ‘contemporary scholars’ will cite such bizarre and ridiculous interpretations for want of some straw to clutch on to.

Dr. Shah should have deemed it an insult to his own intelligence to have tendered this absurd and totally untenable interpretation which was in all probability fabricated by someone and falsely attributed to Ibn Suraij. The logical conclusion of this ridiculous interpretation is that Ramadhaan willll begin on different days for different people. The astronomers would commence Ramadhaan on the day their calculations indicate possibility of sighting, and the masses would commence the day thereafter on the basis of *Ikmaal*.

This interpretation of Ibn Suraij effectively defeats the aim underlying the desire for the adoption of astronomical calculations in substitution of sighting. The objective for the adoption of astronomical calculations according to the modernist ‘contemporary scholars’ is uniformity and unity. In this regard, Dr. Qardawi says: *The Ummah can be spared of countless confusions and problems by following*

calculations.....Accepting calculations can bring the Ummah out of this severe controversy which takes place at the times of confirming the month of Ramadan, Eid al-Fitr and al-Adha.”

If any credence has to be accorded to the absurd interpretation attributed to Ibn Suraij, then these deviate ‘contemporary scholars’ will not be able to achieve the objective which they believe astronomical calculations offer.

In presenting this absurd interpretation, Dr. Shah confidently exudes: *“Abu al-Abbas Ibn Sarij, the renowned Shafa’ee scholar of the third century..”* Dr. Shah would have portrayed some responsibility and sagacity if he had rather cited and accepted the interpretations of the renowned Shaaafi Scholars such as Imaam Shaafi, Imam Nawawi, Ramali, Ibn Hajar and countless others who comprise the *Jamhur* whose interpretations are logical and uphold the practices of Rasulullah (Sallallahu layhi wasallam) and the Sahaabah. There is no absurdity and no weirdness in the stance of the *Jamhur*.

Throwing more light on the attribution of astronomical calculations to Ibn Suraij, the following appears in *Nailul Autaar*: *“Regarding astronomical calculations, Ibn Suraij did not relate it to everyone. He applied it specifically to the one versed in this science. He furthermore did not claim that Saum becomes obligatory on the astronomer on the basis of calculations. He merely said that fasting is permissible for him (the astronomer) on the basis of his calculations.. Ar-Rooyaani has narrated this from him.”*

There exists a mass of conflict, doubt, uncertainty and confusion in the ranks of the ‘minute minority’. Despite this confusion, Dr. Shah expects the Ummah to adopt such baseless views bereft of Shar’i basis, while he and the clique of modernist deviate ‘contemporary scholars’ of this age deem it intelligent to abandon the 14 century Ruling of the Shariah which was upheld by all the Sahaabah and the entire Ummah of all ages.

Let us now examine the views attributed to Mutarrif Bin Shakheer. The following facts in this regard are to be noted:

- 1) Among the huge body of hundreds of thousands of Taab'een, only the name of Mutarrif Bin Shakheer has been tendered as a supposed supporter of astronomical calculations.
- 2) Ibn Abdul Barr and others have refuted the authenticity of the claim which attributes this view to Mutarrif. He has outrightly rejected the claim and exonerates Mutarrif from this baseless opinion.
- 3) Should it be assumed that Mutarrif did in fact argue in favour of astronomical calculations, no one is able to say what exactly was his view. In which field did he permit the acceptability of astronomical calculations? Dr. Shah and others have attempted to conceal Subki's concept and had selectively mentioned his view to portray that he was in favour of astronomical calculations for confirming Ramadhaan, when in fact this impression is blatantly false.

Similarly, there is no clarification regarding the full concept of Mutarrif. Claims have been made and views have been attributed to Mutarrif without full exposition. It is quite possible that Mutarrif expounded the view of acceptance of astronomical calculations to negate claims of witnesses who had seen the *hilaal* when calculations indicate impossibility of sighting.

It is also possible that Mutarrif's acceptance of calculations applied to entirely other issues and not to Islamic months. Besides brief mention of his view and even attribution of the calculation view to Mutarrif by anonymous narrators, there is no clarity on any aspect of Mutarrif's conception.

- 4) If the attribution to Mutarrif is to be accepted as authentic, the effect of his view is conflicting. Some say that his view indicates acceptance of calculations for commencing the month of Ramadhaan. Others say that according to Mutarrif the adoption of astronomical calculation is valid for

only the particular astronomer who has made the calculations, and that his calculations are not binding on others.

5) In terms of Imaam Nawawi's attribution of the view of calculations to Mutarrif, the applicability is confined to the 29th of Sha'baan if it is cloudy and the moon is not seen., hence Nawawi presents Mutarrif's view in the context of the '*Iqdiroo*' Hadith which applies to only a cloudy 29th Sha'baan when the *hilaal* is hidden by obscurities. From this it appears that Mutarrif had restricted his view to only this occasion and it was in fact the same view which Imaam Ahmad more than a century later espoused with the difference that the Imaam had not vindicated Ibn Umar's practice on the basis of astronomical calculations while Mutarrif did. This interpretation will apply only if the attribution to Mutarrif is authentic.

6) Some claims suggest that Mutarrif would question a number of astronomers. If he found them to be unanimous, he would follow them. However, it is not specified in what sphere exactly he would accept their views. It is unacceptable that Mutarrif would accept astronomical calculations for beginning Ramadhan. There are three reasons for this:

(a) During the Taabi'een age as well as thereafter right until today, Ramadhan never commenced on the basis of astronomical calculations nor did it terminate on this basis, regardless of whatever views have been attributed to an infinitesimal minority of Ulama.

(b) Mutarrif is reported to have said that only the astronomer who believes in the accuracy of his calculation may act on its basis.

(c) It can never be accepted that such a senior Authority among the Taabi'een would reject the principle of *Rooyat* and *Ikmaal* on which there existed *Ijma'* of the Sahaabah. In fact Sahaabah were his Asaatizah. When even the seventh century 'champion' of astronomical calculations, Subki, refuted such calculations for the commencement of Ramadhan and

vigourously upheld *Rooyat* and *Ikmaal*, it would be a reckless and and intransigent *jaahil* who would maintain that Mutarrif had refuted this unanimous principle of the Shariah.

Then also, the claim of Ibn Abdul Barr is of great significance. He has outrightly negated the attribution to Mutarrif as false. This categorical claim by Ibn Abdul Barr is of decisive importance and it constitutes adequate cause for the total rejection of the weird opinion which has been attributed to Mutarrif Bin Shakheer.

Thus it is total ignorance to present the decrepit, dubious, confused, uncertain and highly questionable views attributd to Mutarrif, Ibn Suraij, Ibn Qutaibah and Ibn Muqaatil in refutation of the *Ijma'* of the Sahaabah, the *Ijma'* of the Taabi'een and the *Ijma'* of the entire *Ummah* of all ages down to the present time.

Not even the 'contemporary scholars' of today can deny the practical consensus of the *Ummah*, including themselves, on the principle of *Rooyat* and *Ikmaal*. Hitherto even the 'contemporary scholars' have been constrained by the 14 century circumstances of the Shariah to observe Ramadhaan and Eid on the basis of *Rooyat*. If there had been a departure from this principle at any stage in Islamic history, the deviate 'contemporary scholars' of our day would not have been abortively struggling and labouring in the exercise to change the position from *Rooyat* to calculations.

Of vital importance is the fact that the only difference in the *Ummah* pertaining to initiation of Ramadhaan was the 29th Sha'baan if it happened to be cloudy and the *hilaal* was not sighted. In this event there are some interpretations pertaining to Ibn Umar's fasting on the next day. The entire argument centres around the category of this Fast of the Day of Doubt. It was *Yaumush Shakk* according to the *Jamhur* Sahaabah and *Jamhur* Fuqaha, while according to Ibn Umar (Radhiyallahu anhu) it was not the Day of Doubt, hence Khattaabi and others claims that the Fast of Ibn Umar on the 29th was a Nafil one.

The dispute does not concern the phantom of astronomical calculations. However, the modernist deviate ‘contemporary scholars’ of our age are attempting to exploit this difference which concerns another domain, to eke out some support for their absolutely *baatil* and *mardood* view of kufr, which is: *the displacement of the immutable Law of the Shariah – the Law of Rooyat and Ikmaal – and to substitute it with the astronomical calculation view of the American scientists of the 21st century.*

THE ‘MINUTE MINORITY’ VIEW

The ‘minute minority’ view of the classical scholars is a very devious red herring let loose by Dr. Shah. By blowing a lot of hot air around this theme, Dr. Shah has portrayed the exceptionally dubious, confused and uncertain astronomical calculation view of a handful of Scholars of the classical era as a ‘formidable’ opinion in refutation of the *Ijma*’ of the Ummah on the absolute imperativeness of the principle of *Rooyat* and *Ikmaal*.

The emphasis which Dr. Shah places on the negligible, insignificant and dispensable views of a handful of Scholars, is for the purpose of diverting attention from the complete unanimity of the Ummah, including all those who constitute the ‘minute minority’ of the classical era – their unanimity on the principle of *Rooyat*. While some may have expressed views lending credence to astronomical calculations, such views were *never* presented by the ‘minute minority’ in refutation of *Rooyat* and *Ikmaal*. On the contrary, the *Wujoob* of this principle was never challenged by any of those to whom the calculation view is attributed. The attitude of Subki, whose view constitutes the linchpin of the argument of the modernist deviate ‘contemporary scholars’, should suffice as irrefutable evidence for the inflexible attitude of all

persuasions of the Classical Era which initiated with the age of the Sahaabah.

Subki of the 7th Hijri century, despite being the strongest votary of astronomical calculations for limited application, and despite the massive blunder he had committed in denying the validity of Shar'i *Shahaadat* on the fallacious basis of astronomical calculations, vehemently upheld the principle of *Rooyat* and *Ikmaal*. In fact, in defense of this immutable principle of the Shariah, he branded astronomical calculations which he so much espoused, to be *baatil* and unacceptable for determining Ramadhaan and Eid.

Dr. Shah's selective citations of isolated and Islamically untenable views, and his devious manipulation of such dubious and decrepit opinions especially by ripping them out of their contextual meanings, constitute a grave act of interpolation and an attempt to subvert the Divine Shariah. The notoriety of this crime against the Shariah is not palliated by the baseless attribution of the modernist fallacy to illustrious personages such as Mutarrif, Ibn Qutaibah, Ibn Muqaatil, Ibn Suraij, Ibn Daqeeq and Subki.

We say unequivocally to the deviates of our time – the so-called 'contemporary scholars' – that these august Classical Scholars, irrespective of their views on the accuracy and limited applicability of astronomical calculations, did not present these calculations in negation of the *Wajib* principle of *Rooyat* and *Ikmaal*. All of them subscribed to the *Ijma'* of *the Ummah* on this score.

THE UNPRINCIPLED STYLE OF ARGUMENT OF DR. SHAH AND THE 'CONTEMPORARY SCHOLARS'

Since Dr. Shah and the deviate ‘contemporary scholars’ lack in sound knowledge of the Shariah, they adopt unprincipled ways of argument. Their presentation of an argument lacks coherence. They sway backwards and forwards, dithering and slithering in darkness unable to distinguish between right and left.

The reader should bear in mind that the aim of Dr. Shah’s pallid dissertation of futility is to substantiate Islamic validity for the adoption of astronomical calculations for beginning the month of Ramadhaan and Eid. To secure this objective, the imperative requisite is to displace the principle of *Rooyat* and *Ikmaal* which the Ummah considers sacrosanct and immutable.

In the attempt to achieve this goal, the only flimsy, in fact, fallacious grounds Dr. Shah has ventured, were the statements attributed to an infinitesimal number of authorities of the classical period. We have already discussed and neutralized these arguments of Dr. Shah.

While Dr. Shah has perspired excessively in his struggle to develop a semblance of coherent substantiation from the mess he has presented as Shar’i argument, he has miserably failed to cite even one astronomical calculation supporter of the classical period who had refuted the validity of the *Rooyat* and *Ikmaal* principle.

It is a fundamental requirement for substantiating his claim that he first dispels with solid arguments of the Shariah the validity and incumbency of *Rooyat* and *Ikmaal*. Citing dubious and conflicting views of stragglers and wanderers in isolation without being able to prove that these wanderers in the wilderness of weirdness had rejected *Rooyat* and *Ikmaal* in favour of adoption of astronomical calculations, besides being unprincipled, is an admission of defeat and a confession of inability to prove the case for the validity of the calculations.

To support his case for astronomical calculations, it is necessary for Dr. Shah to show that:

- (i) **Mutarrif, Ibn Qutaibah, Ibn Muqaatil, Ibn Suraij and Subki had presented the astronomical calculation hypotheis in refutation of Rooyat and Ikmaal.**
- (ii) **These classical authorities who constitute an extremely tiny segment, did not subscribe to the incumbency of *Rooyat* and *Ikmaal***

The only achievement of Dr. Shah in his redundant article was to show the permissibility of using astronomical calculations in general for issues related to Deeni practices. This is an issue which was never rejected or criticized by those who are in total rejection of the use of astronomical calculations for determining Ramadhaan and Eid.

Dr. Shah has not served his objective by quoting Subki and other authorities of the Shariah who state the permissibility of using astronomical calculations. Similarly, he has not enhanced his cause by arguing the permissibility of using modern means of warfare, modern means of transport and all the other bounties of Allah Ta'ala which were not available during the time of Rasulullah (Sallallahu alayhi wasallam).

Such silly arguments lacking in lustre and perspective, do not assist the cause espoused by Dr. Shah. These irregular analogies are utterly superfluous in view of the fact that modern means of acquisition, be it acquisition of Deeni goals, have never been prohibited or even frowned on by the Ulama who prohibit astronomical calculations as the basis for the Islamic lunar calendar.

His attempt to show the permissibility of astronomical calculations would have been worth his while only if his opposition contested the permissibility. But when the opposition accepts the permissibility of using astronomical calculations, it is downright stupid, a waste of time and brains, and absolutely futile to try and prove permissibility of astronomical calculations.

The permissibility of astronomical calculations is not by itself proof for permissibility to use such calculations to refute *Rooyat* and to pivot the Islamic calendar on the basis of these calculations of the astronomers. The dispute pertains to only one issue, namely, permissibility or prohibition of using astronomical calculations for determining Ramadhaan and Eid. The modernist deviates contend that it is not only permissible, but *Waajib*. On the otherhand, the followers of the Sunnah and Shariah unequivocally maintain Rasulullah's decree of prohibition.

Dr. Shah has miserably failed to substantiate the baseless opinion of those who contend permissibility. We have, Al-hamdulillah, neutralized and demolished every claim and argument of the modernist deviate 'contemporary scholars'. From their style of unprincipled argument and from the type of 'proof' they present, it is quite apparent that these modernists are not Scholars of the Shariah. Their intellectual comprehension of Shar'i issues is extremely shallow. Their 'research' is shockingly defective. This shallowness is aggravated by the pernicious influences of liberalism and modernism – evils of westernism.

All suit and tie 'scholars' with microscopic beards suffer from these diseases of westernism. Their shallow knowledge of the Shariah is spurious. A verse of a western poet sums up their 'courage' in the field of Shar'i Uloom:

"I doubt the sapling courage that goes without the beard."

THE MOON OF THE 31ST NIGHT

Descending further into his rut of absurdity, Dr. Shah contends: *"If actual sighting was such an objective or a prerequisite that fasting cannot be started except by it then it*

would have been required even on the 30th Sha'aban. Nobody goes out to see the new Moon on the 30th Sha'aban or on the 30th Ramadan."

The Lawmaker is Allah Ta'ala and the Transmitter of the Divine Laws is Rasulullah (Sallallahu alayhi wasallam). Despite the absurdity of Dr. Shah's argument, we shall discuss it to highlight the ignorance in which he wallows.

Sighting the *hilaal* on the 30th Night, i.e. when the 29th day ends, is by the command of Allah Ta'ala. Refraining from sighting it on the 31st night, i.e. at the end of the 30th day is on account of such sighting not having been ordained by Allah Ta'ala. No one has the right to question the prerogative authority and power of Allah Azza Wa Jal. He has ordained 2 raka'ts for Fajr. Only a thoroughly stupid person will ask: Why not 4 raka't? Similarly, it is only crass stupidity which has prompted the question of sighting on the 31st night of the month. When the Shariah does not require such sighting for determining the commencing of the month, only *jahaalat* will motivate a man to seek a basis of support in such a negative aspect.

It was never contended that *Rooyat* is the requisite even on the 31st night. It was made abundantly, emphatically and repeatedly clear to the deviates that the principle of *Rooyat* is restricted to the 30th night, and when *Rooyat* is not confirmed, then the substitute is *Ikmaal*. It is, therefore puerile and absurd for Dr. Shah to attempt to negate the incumbent principle of *Rooyat* on the basis of the non-applicability of *Rooyat* on the 31st night.

The Ummah refrains from sighting the moon on the 31st Night simply because this is not required by the Shariah and because *Ikmaal* comes into operation. If Dr. Shah removes his blinkers of *jahl-e-murakkab* (compound ignorance), he will then not fail to discern that abstention from sighting on then 31st night in no way compromises the immutable principle of

Rooyat which Rasulullah (Sallallahu alayhi wasallam) had restricted to the 30th night.

Offering a baseless explanation for abstention from sighting on the 31st night, Dr. Shah says: *“Everybody knows that the new Moon must be in the horizons by the 30th of Sha’aban and nobody worries about seeing it.”*

“Nobody worries about seeing” on the 31st night, not because of their awareness of the moon’s presence on the horizon. On the 31st night this thought is furthest from the minds of people. The entire Ummah from the time of Rasulullah (Sallallahu alayhi wasallam) until the present day has been aware that the month never has 31 days. They refrain from sighting on the 31st night since the Shariah does not require such sighting. Hence to engage in sighting on this night would be futile and redundant, unless, of course, someone happens to be a moon-watcher or an astronomer.

Furthermore, Rasulullah (Sallallahu alayhi wasallam) himself informed that the month has either 29 or 30 days. It was never contended that the principle of *Rooyat* was the only requisite for commencing Ramadhaan. But due to density of intellectual perception, comprehension of simple facts has become an insurmountable obstacle to the clan of ‘contemporary scholars’. The position of the Shariah is crystal clear. At times, *Rooyat* is the principle, and on other occasions *Ikmaal* is the requisite. Dr. Shah’s stupid question would have had validity if the contention of the opposition was that *Rooyat* is the only prerequisite on the basis of which Ramadhaan commences.

Sinking further into his rut of absurdity, Dr. Shah very childishly argues: *“If it is said that sighting is not required on the 30th of Sha’aban because the Prophet (PBUH) said, “complete 30 days if it is cloudy.” I will argue that this Prophetic statement commands that complete 30 days if it is cloudy. It does not say “Do not see the new Moon on 30th of Sha’aban if it was not cloudy on 29th of Sha’aban.”*

The ludicrousness of this argument should be manifest and self-evident to everyone. No one says what Dr. Shah has imagined here. Abstention from sighting is simply because the Shariah does not require sighting on the 31st night which in fact is the 1st night of the new month. The answer which Dr. Shah has imagined is silly and baseless. Sighting on the 31st night is not required by decree of the Shariah. This is the *Consensus of the Ummah*.

If Rasulullah (Sallallahu alayhi Wasallam) had ordered sighting to take place even at the end of the 30th day, then of course, this would have been a command which everyone would have had to submit to. But in the absence of such a command, Dr. Shah's puerile argument is palpable nonsense.

Disgorging more nonsense, Dr. Shah says: "*Sighting is not a prerequisite for fasting even on the 29th of Sha'aban. Had it been a precondition then no Muslim will be allowed to start the month of Ramadhan except through sighting the new Moon on the 29th day of the month of Sha'aban. Ibn Umar along with Aisha, Asma bin Abi Bakr used to start fasting the next day if it was cloudy on the 29th Sha'aban and the new moon was not sighted because of obscurities.....They will not fast that day as a supererogatory day of fasting but as a mandatory day of Ramadan, That was the case with many Tabi'een and a whole school of Fiqh is based upon this opinion. Imam Ahmad, following the actions of these Companions of the Prophet (PBUH), has adopted this position and the entire Hanbali School follows this position of Imam Ahmad.*"

Firstly, Dr. Shah has no entitlement of seeking support from Ibn Umar (Radhiyallahu anhu), Imaam Ahmad and the Hanaabilah. Dr. Shah is a deviate modernist who does not subscribe to the view of the Hanaabilah. The entire School of the Hanaabilah totally rejects astronomical calculations for determining Ramadhana. But the intransigence of Dr. Shah

blinds him to this reality. He cites the Hanaabilah to fabricate a basis for astronomical calculations despite the irrefutable reality of the Hanaabilah's rejection of such calculations.

Secondly, Dr. Shah should at least have some shame for exhibiting his ignorance so conspicuously. He does concede Imaam Ahmad's rejection of astronomical calculations. He is forced to admit that despite Imaam Ahmad and the entire School of Hanaabilah accepting the fast after the 29th Sha'baan, they remain vigourously opposed to astronomical calculations. With what conscience and justification does Dr. Shah then stupidly cite these opponents of astronomical calculations in support of his abortive bid to erect a structure for such calculations?

Dr. Shah brazenly claims: "*a whole school of Fiqh is based upon this opinion.*" What opinion? With such audacity Dr. Shah attempts to peddle the notion that 'a whole School of Hambali Fiqh' is based on the opinion that sighting the *hilaal* even on the 29th Sha'baan is unnecessary and not an incumbent requisite of the Shariah. But this is a glaring falsehood which Dr. Shah has implied. The "whole School of the Hambali Fiqh" states the diametric opposite of what Dr. Shah has alleged.

The Hanaabilah declare without the slightest ambiguity that the principles for commencing Ramadhaan are *Rooyat* or *Ikmaal*. All Four Math-habs unanimously proclaim these two principles as incumbent requisites for commencing Ramadhaan. The arguments pertaining to a 'cloudy day' belong to the academic domain. None of the Math-habs presents the differences pertaining to the 'cloudy day' in negation of the principles of *Rooyat* and *Ikmaal*. We have already mentioned the relevant references from the kutub of the Math-habs earlier on in this book.

Dr. Shah has tendered his stupid argument in refutation of the incumbency of *Rooyat* of even the 29th Sha'baan. When a man puts forward a claim, he is expected to produce his evidence.

Totally bereft of any Shar'i basis for his fallacy, Dr. Shah scrapes the very bottom of the barrel of nonsense by citing the practice of Imaam Ahmad and the view of the Hanaabilah in general despite the fact that Imaam Ahmad and the Hanaabilah do not regard their practice of fasting on the day after the 29th as a refutation of *Rooyat*. On the contrary, they confirm the essentiality of *Rooyat* with vigour and clarity.

Dr. Shah's claim about "a whole school of Fiqh" is a brazen lie. There is no School of Fiqh of any of the Math-habs which holds the view that sighting is not a requisite on the 29th Sha'baan. All Math-habs and every authority, even the extremely 'minute minority' who holds some lop-sided views on the issue of calculations, unanimously uphold the principle of *Rooyat* as an incumbent act on 29th Sha'baan whether the day is clear or cloudy. Dr. Shah cannot produce a single incidence of difference on this score.

All those Sahaabah and Taabieen, and all the Hanaabilah who maintain the validity of fasting on the day after a cloudy 29th Sha'baan if the moon is not sighted, subscribe to the incumbency of *Rooyat* at the end of the 29th day regardless of weather conditions.

Very cunningly Dr. Shah endeavours to mismanipulate Ibn Umar's fasting practice to portray the picture discardence of *Rooyat* by Ibn Umar (Radhiyallahu anhu). Dr. Shah has mentioned in his article, and we have already discussed this issue, that on a cloudy 29th Sha'baan, Ibn Umar (Radhiyallahu anhu) would send out men to sight the *hilaal*. This is clear and unassailable evidence for Ibn Umar's belief in the incumbency of *Rooyat* whether the day was cloudy or clear.

The fasting of Ibn Umar, some other Sahaabah, some Taabi'een and of the Hanaabilah on the next day after a cloudy 29th Sha'baan if the moon was not sighted has absolutely no relevance to either astronomical calculations or to the negation of *Rooyat* by these august personalities of Islam. Whatever interpretation they had for justification of the

fast on that particular day of contention, they never denied the importance and essentiality of *Rooyat*. Only ignorant ‘contemporary scholars’ of our age present fallacies and seek to bolster these with fictitious ‘proofs’ bereft of every vestige of Shar’i substance.

Dr. Shah also arbitrarily, without valid grounds, claimed that the particular fast of Ibn Umar (Radhiyallahu anhu) was not Nafl. He maintains that it was a ‘mandatory’ fast. But for this claim he has produced no evidence. A claim minus evidence is a fallacy, and modernist, deviate ‘contemporary scholars’ excel in the fabrication of fallacies.

Since Dr. Shah does not subscribe to Imaam Ahmad’s view of *Rooyat* and *Ikmaal* nor to his total rejection of astronomical calculations, he (Dr. Shah) should not seek refuge in the folds of the Hanaabilah. He has no licence to adopt any argument of the Hanaabilah in his support because the Hanaabilah refute his astronomical postulate as well as his anti-Rooyat hypothesis.

Furthermore, one of the views of Imaam Ahmad on this issue is that fasting is not incumbent on this particular day. Then Imaam Ahmad also has a third view on the very same issue. Mention of this has already been made. Dr. Shah therefore has no positive *daleel* for claiming that the fast of Ibn Umar (Radhiyallahu anhu) was Fardh and not Nafl. In fact, many Fuqaha have argued that the fast of Ibn Umar (Radhiyallahu anhu) was Nafl.

If the Fast was Fardh according to Ibn Umar (Radhiyallahu anhu), it would have been meaningless for him to send out sighters to see the moon. When the sighters reported that the *hilaal* was not sighted, he would fast. Now that sighting was not confirmed, he understood that the next day is still Sha’baan, hence he kept the Nafl fast. But if the moon was not sighted on a clear 29th Sha’baan, he would not fast the next day. The reason for this was: (1) Since there was no sighting, Ramadhaan did not begin. (2) Since there was the possibility

of the moon being on the horizon, but the gazes of the people could not detect it, the next day was the Day of Doubt, hence in obedience to the command of Rasulullah (Sallallahu alayhi Wasallam), he refrained from fasting. This is the best and most logical explanation of the *Jamhur* which eliminates all conflict and reconciles all seemingly conflicting narrations.

The position of the Hanaabilah with regard to the obligation of Ramadhaan fasting, is stated in *Sharhul Kabeer*, Vol.3, as follows:

“The summary of this (whole discussion) is that the Saum of Ramadhaan becomes incumbent (Waqjib) with one of three factors. The first is: The Saum of Ramadhaan becomes compulsory by sighting the hilaal of Ramadhaan. On this there is Ijma’ because of the statement of Rasulullah (Sallallahu alayhi Wasallam): ‘Fast on seeing it, and end the fast on seeing it.’ – Muttafaq Alayh. The second is: Completion of Sha’baan with 30 days makes Saum compulsory because with this (i.e.with Ikmaal) there is certitude on the entry of the month of Ramadhaan. We do not know of any difference of opinion on this issue.

The third is: On the 30th night of Sha’baan cloud or rain prevents sighting the hilaal. In this case, in terms of the prominent view fasting becomes obligatory. And this fast will suffice if in fact it is the month of Ramadhaan...;And there is a second version narrated from Imaam Ahmad, namely, Saum does not become Waajib and this fast does not suffice for Ramadhaan if one had fasted (on this day).”

This is the stand of the Hanaabilah which Dr. Shah tries to subvert, misinterpret and batter to fabricate ‘evidence’ for his claim, namely, *Rooyat* is not necessary even on the 29th Sha’baan, i.e. the night following the ending of the 29th day of Sha’baan.

The foregoing discussion proves beyond doubt that there exists *Ijma’* of the entire Ummah of all Schools of Thought on the imperativeness of *Rooyat* at the end of the 29th day of

Sha'baan irrespective of cloudy or clear skies. The only difference which the Hanaabilah have with the other Math-habs pertains to the category of the fast on the day after the 29th Sha'baan when the moon was not sighted due to inclement weather.

A factor further weakening the predominant Hanaabilah version, is Imaam Ahmad's conflicting view which categorically rejects the compulsory view, i.e. the view that the next day's fasting is compulsory and that it will suffice for Ramadhaan if indeed it transpires that Ramadhaan has been confirmed. But in these views and mutual conflict, there is no substantiation whatsoever for the spurious claim that sighting is not necessary on the 29th.

Two significant facts emerge here:

1) The one view of the Hanaabilah in which fasting is compulsory on the next day, has no relationship with the astronomical calculation hypothesis of the deviate 'contemporary scholars'. There is absolutely no support in this Hambali view for the fallacy of Dr. Shah & Co.

2) In terms of the view mentioned in No.1, above, the fast will be an adequate substitute for the fast of Ramadhaan only if it is established that indeed Ramadhaan has been confirmed. This explanation in the kutub of the Hanaabilah clinches the argument and dispels all ambiguity pertaining to the category of the fast on that day even if it is regarded as compulsory.

This statement explains that if the next day is indeed Ramadhaan, then the fast will suffice for the first *Saum* of Ramadhaan. The logical conclusion of this ruling is that according to the Hanaabilah, the commencement of Ramadhaan cannot be inferred on the basis of the Fast being considered to be compulsory. Nevertheless, if the next day is truly Ramadhaan, then the fast will be in lieu of the obligation of Ramadhaan.

3) The compulsory fasting view of the Hanaabilah is not in refutation of *Rooyat*. The Hanaabilah categorically proclaim the incumbency of *Rooyat*, and at the same time advocate sighting on the 29th Sha'baan as the practice of Ibn Umar (Radhiyallahu anhu) testifies. And, sighting on the 29th was the unanimous practice of the Sahaabah and of the entire Ummah. On this score there is no difference whatsoever.

Sighting the *hilaal* on the 29th is in fact a *Wajib* obligation devolving on the community as a whole. If no one in the community searches for the *hilaal* at the end of the 29th day, the entire community is sinful. Shaikh Muhammad Abdul Hayy says in this regard: *“On the 29th Sha'baan it is Wajib on the people to search for the hilaal of Ramadhaan.....In this regard there is the following Hadith of Tirmizi: Abu Hurairah (Radhiyallahu anhu) narrated that Rasulullah (Sallallahu alayhi wasallam) said: ‘Keep count of the hilaal of Sha'baan for (the purpose of) Ramadhaan.’ Aishah (Radhiyallahu anha) narrated that Rasulullah (Sallallahu alayhi wasallam) would remember (the days) of Sha'baan more than what he would during the other months. Then he would fast on seeing (the hilaal) of Ramadhaan. If it became overcast, then he would count thirty days (for Sha'baan).”*

(Majmooah Rosaail, Vol. 2, Pages 3 – 5)

Sighting the *hilaal* on the 29th is by the explicit command of Rasulullah (Sallallahu alayhi wasallam). This is not a *mas'alah* which has been ordained by deduction or interpretation. It is an express command, hence Dr. Shah's claim is dismissed as utterly baseless and ludicrous.

BIRTH OF THE NEW MOON

In refutation of the Shariah's principle of *Rooyat*, Dr. Shah tenders the personal opinion of a modernist deviate belonging to the clique of 'contemporary scholars' of this 21st century. Thus, Dr. Shah cites one Mahmud Shakir as follows:

"Now once it has become obligatory to turn to the astronomical calculations only, because the reason for its prohibition is gone, then it becomes obligatory also to turn to the accurate calculations which are connected with the new months and possibility or non-possibility of sighting. Therefore the precise beginning of the new month will be the evening when the Moon will be setting after the Sunset even a second after Sunset."

Before presenting our refutation of the fallacy suggested by Mahmud Shakir, it will be appropriate to tender Subki's rejection of the falsehood stated by Mahmud Shakir. Dismissal of Shakir's view with Subki's refutation has special significance since the modernist deviates accord Subki's view on astronomical calculations pivotal importance in their labour to negate *Rooyat* and to substitute it with calculations. It should be remembered that according to the 7th century Subki who is a Shaafi authority, astronomical calculations are completely accurate and absolute in certitude.

Rejecting the view of Mahmud Shakir, Subki states in his *Fataawa* while elaborating on the Hadith: *"We are an Ummi Ummah. We neither write nor calculate. The month is so much and so much and so much.....(i.e. 29 or 30 days)"*:

"Verily, I reflected on this Hadith, and I found that its meaning negating (as nonsense) the view of the astronomers, namely, that the month according to them is from (the moment of) the hilaal's separation from the rays of the sun. This (moment) is thus the beginning of the month by them.....This is absolutely *baatil* (baseless and false) in the Shariah. There is no validity for this.....

The month according to the Shariah is between two hilaals. And that is acquired either by sighting the hilaal or by completing the number

with 30 (days). The validity of completing 30 days is the *daleel* for not waiting for the *hilaal* in case of this event (of 30 days).”

Refuting the claims and concepts of the astronomers regarding the meaning of a lunar month, Subki affirmed that Islamically speaking the month commences only by means of one of two methods: (1) Rooyat, or (2) Ikmaal. This is a clear and total rejection by Subki of every argument and hypothesis Dr. Shah and the deviate ‘contemporary scholars’ have tried to raise and give validity.

Let us now examine the preposterous claims of Mahmud Shakir.

1) He claims that adoption of the views of the astronomers of our time, primarily the American scientists (as averred by Dr. Shah), is *Waaajib*.

In regard to this monstrosity, we say that the compulsory imposition of an injunction, teaching or belief on the Ummah is the prerogative of Allah Ta’ala. Only Allah Ta’ala has the right to ordain an act to be *Fardh* or *Waaajib*. Rasulullah (Sallallahu alayhi wasallam) was the Medium by which the Divine ordinances were transmitted to the Ummah.

Discardence or violation of a Fardh/Waaajib injunction is a grave sin which is a punishable offence – punishable with the Fire of Jahannum. Such punishment is exclusive to violations of the Divine Law transmitted by Rasulullah (Sallallahu alayhi wasallam).

No one else’s opinion regardless of its beauty, benefit and rationality may be elevated to the pedestal which the divine *Ahkaam* occupy. To violate a *Waaajib* act is *fisq*. Mahmud Shakir has unilaterally and summarily elevated his personal opinion to the pedestal of *Wujoob* as if he has been invested with the attributes of Nubuwwat. By claiming that adoption of astronomical calculations for confirming the month is *Waaajib*, Mahmud Shakir implies that rejection of the view of the scientists of this age is *fisq* and a sin punishable with the Fire of Jahannum

His preposterous view has elevated the opinion of human beings of this age, be they kuffaar scientists, to the level of promulgations made by the Shariah. His ridiculous opinion advocates abrogation of the 14 century Ruling of the Shariah in favour of the adoption of something emanating from the minds of today's astronomers and scientists. Thus, discardence of a unanimous Ruling of the Shariah is not only tolerable according to him, but incumbent to make way for the introduction and application of a view which the Shariah has unanimously refuted from the very inception of Islam, the first rejector being Rasulullah (Sallallahu alayhi wasallam) who had explicitly and unequivocally refuted the validity of astronomical calculations for the establishment of the Islamic months.

The argument of the modernist sect that Rasulullah's prohibition of using calculations was constrained by the illiteracy of the then Arabs, is absolute bunkum as has already been explained. Not a single authority of the Shariah of any Math-hab, including Subki who believed in the precision of astronomical calculations, shares the stupid view that Rasulullah's prohibition was linked to the illiteracy of the Sahaabah. This is the view of only the deviate modernists 'contemporary scholars' of this belated 21 st century.

2) In the view entertained by the deviates, Mahmud Shakir has presented one concept of a lunar month. The concept which Shakir has presented is not the Shar'i meaning of a lunar month. There are different kuffaar concepts of a lunar month. The different concepts developed on the basis of the *presence (stages) of the moon in its orbit*. A lunar month could be plotted from any point of the moon in its orbit, or from any particular phase of the moon. Thus, if the initiation point of the month is taken to be full moon, and the ending of the month is also determined by full moon, then while this

will be a true and a valid lunar month, it will not be a Shar'i lunar month.

If the initiating point of the month is fixed as the birth of the moon, it will also be a true and a valid lunar month. But it will not be a Shar'i lunar month. Thousands of years ago Chinese astronomers initiated their lunar month with the sunrise immediately before a new moon. The Hindus opted for a lunar month from one full moon to another full moon.

A lunar month could be fixed from any specific phase of the moon, e.g. from quarter moon to quarter moon or from half moon to half moon, or from any other phase. All these phases can be accurately plotted with great precision by the American scientists with whom Dr. Shah is so much infatuated.

While all these concepts will be valid lunar months, none of them can be called a Shar'i lunar month. The Shar'i or Islamic lunar month commences with *only Rooyat* or *Ikmaal*, and with nothing else. And, unfortunately, to the chagrin of the modernist deviates, astronomical calculations cannot establish *Rooyat*. While calculations can predict possibility of sighting, such prediction is not actual sighting. Sighting can be confirmed by only the act of the physical eyes of the human being. In the past there were hybrid lunar-solar months and even today there are such months. All such concepts of lunar months have absolutely no validity in the Shariah regardless of the precision of astronomical calculations by means of which such months are established.

What Dr. Shah and others of his brand have failed to comprehend is that in the Shariah it is not a question of the moon being in a specific phase or position in its orbit which constitutes the criterion for the commencement of the Shar'i month. They are unable to understand that Rasulullah (Sallallahu alayhi wasallam) had ordained *Rooyat* or *Ikmaal* as the standard for the Islamic month. The attempt by the modernist sect to refute this standard of the Shariah with

baseless arguments and fallacies displays their ignorance and their inability to grasp what Rasulullah (Sallallahu alayhi wasallam) and *all* the Authorities of the Shariah have proclaimed in this regard.

The suggestion that the Islamic month should commence with the 'birth of the moon' is spawned by human brains wrapped in ilhaad (heresy). It is presented as a substitute in opposition to the divine Shar'i concept of Rooyat. This latest concept concocted by the brains of deviation has neither origin nor sanction in the Shariah. There simply is no basis for such an innovation.

The Shariah has hinged its acts of Ibaadat to *Asbaab* (factors of compulsion). When the *Sabab* (sing. of Asbaab) comes into existence, the act of Ibaadat becomes incumbent. For example: in general Maghrib Salaat is compulsory. But compulsory execution of this Fardh act comes into force only when its *Sabab-e-Wujoob*, namely sunset occurs.

A modernist may and perhaps in future will argue that this *sabab* (cause of incumbency), viz., sunset, was ordained because 14 centuries ago, in that primitive society, this was a simple method for plotting the time of a particular Salaat. But sunset is not the objective. The objective is the performance of the Salaat. Everyone was able to avail of this simple physically discernible natural phenomenon of sunset. But today in this highly 'civilized' world where science has made stupendous strides of progress, the natural phenomena of sunrise, sunset, etc. should be discarded in view of these not being the objectives. For ease, uniformity and unity, the times of the five Salaat should be evenly spread out over the 24 hours.

This argument the modernist could bolster with even the Hadith of the longest day during the era of Dajjaal, when calculation will be implemented to fix the Salaat times., and in fact, calculations are used even in the present day to fix the Salaat times in abnormal time zones such as Norway, etc.

Today the modernist deviates are clamouring for the displacement of the *Rooyat* principle regarding Ramadhaan. Tomorrow those who will have ‘advanced’ considerably in modernism and *ilhaad* while having drastically deteriorated in Imaan and Deen, will call for the displacement of sunset and sunrise times in favour of a sophisticated standard which the *mulhideen* will fabricate. In this manner the entire Deen will collapse by the erosion of one law after the other.

The perfection and completion of the Shariah of Islam coinciding with the termination of Nubuwwat is the strongest *daleel* for unacceptability of any diversion from the immutable principles and injunctions of Islam. Where the Shariah itself has given latitude, the scope for flexibility shall be condoned. But where the Shariah has rigidly decreed a *hukm* which does not permit for flexibility, no diversion can be tolerated.

All people whose thinking process is not blemished with the scars of *ilhaad* and modernism will readily understand that the principle of *Rooyat* which Islam has upheld for the past 14 centuries, is a divine law which cannot be altered or displaced, and that it is not the product of illiteracy and primitivity as Dr. Shah would love Muslims to believe.

REDUNDANCY OF DR. SHAH’S ARGUMENTS

Lacking in entirety in Shar’i basis for the modernist contention of permissibility of astronomical calculations for the determination of Ramadhaan and Eid, Dr. Shah has been constrained to fabricate an argument, the salient feature of which is redundancy – the presentation of arguments to ‘prove’ something which has never been contested.

For example, he raises the topic of the term ‘shahida; mentioned in the Qur’aanic aayat: *“Whoever of you is present in the month (of Ramadhaan) should fast the month.”* He singles out the verb ‘shahida’ which means ‘is present’, then meanders off into a baseless supposition:

“The following Qur’anic phrase (i.e. the sentence containing the ‘shahida’ verb – words in brackets, ours) is usually translated to mean witnessing actual Moon sighting.”

He then proceeds to structure an argument on this false premises. He writes almost five sheets to prove the ‘error’ which he has supposed, namely, translation of the term to mean ‘actual sighting of the hilaal’.

This extravagant exercise in redundancy and futility exhibits the malfunctioning of the thinking process of the modernist deviates. No one has claimed that ‘shahida’ means actual moon-sighting. So what capital has Dr. Shah extracted and what benefit has he achieved by darkening so many pages with his stupid futilities?

Another example of devious redundancy in which Dr. Shah wanders off aimlessly in a wilderness of mental confusion is his 9 page (9 x A4 sheets) dilation on the history and functioning of the Jewish calendar. He structured this grossly wasteful exercise on the following baseless supposition:

“One of the leading reasons for rejecting the calendar based upon astronomical calculations, in the view of many Muslim jurists, is also to oppose the Jewish community in their adoption of a calendar solely based on calculations.”

The claim of imitating the Jews in this respect being ‘a leading argument for rejecting astronomical calculations’, is baseless. In general, Muslims are discouraged, in fact prohibited by Islam from emulating the unnecessary, superfluous, immoral and destructive ways, customs and methods of kuffaar. The prohibition is not restricted to emulation of the Jews. Furthermore, the prohibition is

restrictive, not general. This is not the occasion to elaborate on this issue.

It will suffice here to mention that the claim of emulation in this regard being a 'leading reason for rejecting astronomical calculations is incorrect and baseless. Some Ulama while using this general argument could not have held the view of it being 'a leading reason' for the prohibition. Also, the Fuqaha in general did not present this dimension for the prohibition. The Authorities of the Shariah, with complete unanimity, present only the highly authentic numerous Ahaadith of Rasulullah (Sallallahu alayhi wasallam) to substantiate the Shariah's position.

The points of rationality which have been advanced by the later jurists and Ulama for the prohibition are not the basis of the prohibition. All the rational reasons tendered for the prohibition are the products of the human mind which does not enjoy the support of *Wahi* (Divine Revelation), hence the rationale may be assaulted and demolished logically and by means of the teachings and principles of the Shariah. But not so the Commands which emanate from the Office of Nubuwwat.

The supposed imitation of the Jews argument, is a negligible factor in the stance of prohibition adopted by the Authorities of the Shariah. Dr. Shah's laborious wanderings in futility are therefore ludicrous and unbecoming of a man who has portrayed himself as a 'contemporary scholar' of Islam.

A further example of indulgence in stupid redundancy and futility bereft of even an iota of benefit for the argument, is Dr. Shah's unnecessary prolixity in trying to explain why the new moon is termed '*hilaal*'. While he has supposed the 'linguistic' meaning of the term to perhaps also be a primary or leading reason for the prohibition of astronomical calculations, he has failed in his article to cite even one Faqeeh who has based the prohibition on the linguistic meaning of the word.

In general the Fuqaha have explained the reason why the term ‘hilaal’ was appropriated for the new moon. Regardless of the reason, it is not the grounds for the prohibition. Dr. Shah’s ‘linguistic’ exposition is therefore redundant. There is no need for its rebuttal because the prohibition is not based on the literal or figurative or linguistic meaning and derivative of the word.

Another example of the deviate’s redundant efforts is his averment that the Shariah has not rejected astronomical calculations. In support for this claim, he cites Subki as follows: *“It cannot be that the Shariah has categorically prohibited usage of astronomical calculations. That is not the case. How could it be while the calculations are being used on the obligatory as well as other matters (of Din). The oft quoted Hadith mentions writing and calculations. Now when writing is not forbidden how could astronomical calculations be!”*

In view of the atrocity of the translation, we shall present the correct version for proper understanding. Subki said: *“It should not be believed that the Shariah has totally negated usage of hisaab (arithmetic). It is not so. And how could this be so, when arithmetic is used in calculating inheritance and in other spheres? Verily, the Hadith (in which there appears negation) mentions writing and calculating. However, writing is not forbidden. Similarly is it with hisaab (i.e. just as writing is not forbidden so too is arithmetic, etc. not forbidden).”*

Dr. Shah’s objective in citing this statement of Subki is to convey to the unwary reader the false impression that while the orthodox Ulama (the Ulama-e-Haqq) refute astronomical calculations, Subki and other classical Scholars have shown that in accordance with the Shariah such calculations are permissible.

Dr. Shah’s article is replete with such redundancies introduced with sinister designs. The Ulama are in full agreement with Subki and others in the averment that the

Shariah has not negated arithmetic and astronomical calculations. In fact, we take a step further than Subki and claim that there is absolutely no prohibition for arithmetic in the Shariah.

Although Dr. Shah has translated the term '*hisaab*' to mean 'astronomical calculations', in the context in which Subki uses the word in the text cited by Dr. Shah, it means *only* 'arithmetic'. It does not mean astronomical calculations. The Shariah's shares of inheritances and division of the deceased's assets are executed with arithmetic, not with astronomical calculations. In the text of Subki, he mentions '*hisaab*' in the context of *Faraaidh*, i.e. the shares of Inheritance and the proportionate distribution of the mayyit's estate among his heirs.

Now when the validity and permissibility of arithmetic and astronomical calculations and of all other calculations whether pertaining to geometry, trigonometry, physics, etc., etc., have never been rejected or branded unlawful, of what purpose is it to introduce the superfluity? The introduction of Subki's statement by Dr. Shah is redundant. While we do understand the motive for this redundant introduction, it has not benefited the fallacious theory of Dr. Shah and the deviate, misguided 'contemporary scholars'.

DR. SHAH'S 'PRINCIPLE' OF WORD VARIATION

The command to fast when seeing the *hilaal* and to end the fast when seeing it, and in the event of sighting not being confirmed, to complete Sha'baan with 30 days, is stated by Rasulullah (Sallallahu alayhi wasallam) in many Ahaadith reported by numerous Sahaabah. All these narrations are highly authentic. The authenticity of all such Ahaadith related

to this issue has always been upheld from the very inception of Islam. There is no question of doubt as to the authenticity of these Ahaadith. Dr. Shah, himself cites 23 *Saheeh* Ahaadith which commands *Rooyat* and *Ikmaal*.

Dr. Shah and the clique of deviate ‘contemporary scholars’ have realized that assailing the authenticity of these numerous Ahaadith by attacking the *Asaaneed* (Chains of Narration), is simply an impossible exercise. They have therefore resorted to a devious, unfounded and downright stupid stratagem. They have latched onto the different words with which the Sahaabah report the command of Rasulullah (Sallallahu alayhi wasallam).

Although we have already discussed this spurious ‘word variation principle’ fabricated by Dr. Shah, the purpose of reiteration here is to illustrate the inconsistency and unprincipled methodology of Dr. Shah. He employs his fabricated ‘principle’ selectively. Where he feels that his nonsensical ‘principle’ is supportive of his *baatil* view, he invokes it, and where it goes against his grain, he conveniently refrains from it. There is no principled methodology in the arguments of the ‘contemporary scholars’. It will be correct to term their arguments as ravings and rantings of unqualified men guilty of sinful intrusion in the domain of Shar’i Uloom.

Propounding his nonsensical principle, Dr. Shah states: *“It is pertinent to note the beginning part of these reports is quite consistent in almost all Ahadith but the completion part has quite a big array of variety. It seems that in the completion portion of the Ahadith some how the reporters are explaining something rather than just reporting the exact words of the Prophet (PBUH). Some of these reports are not as authentic as it seems to be.”*

Dr. Shah is treacherously alluding that the Sahaabah had fabricated the ‘*Ikmaal*’ (*Completing with 30 days*) portion of the Ahaadith, and had attributed their personal idea (“the something”) to Rasulullah (Sallallahu alayhi wasallam). He

has absolutely no explanation for the different words appearing in these unquestionably *Saheeh* Ahaadith, but he audaciously hovers on the brink of kufr by surreptitiously decrying the authenticity of these highly authentic Ahaadith.

All the Muhadditheen have proclaimed the authenticity of these Narrations. They appear in all the reliable Kutub of Hadith and the Aimmah-e-Mujtahideen and all the Fuqaha centuries prior to the advent of the Hadith books, had formulated the *Ahkaam* of Ramadhaan and Eid on the basis of these very Ahaadith which Dr. Shah is labouring to discredit simply for the sake of sucking from his thumb some semblance of support for the fallacy of astronomical calculations.

Not a single Muhaddith or Faqeeh had criticized the authenticity of the Ahaadith. Not a single Authority had seen it proper to negate the authenticity of these Narrations because of the variations of the word which all convey exactly the same message, namely, complete Sha'baan with 30 days. The Deen of Islam is not the product of anyone's opinion, especially the corrupt opinions of liberals, deviates and heretics of this 15th Islamic century and of the 21st Christian century in which the American scientists are held in so much awe and reverence by men of Dr. Shah's kind.

He then proceeds to illustrate the *small* variety of words used by the Sahaabah to convey the command of Rasulullah (Sallallahu alayhi wasallam). He baselessly describes the small variety of words as '*quite a big array of variety*' He makes this observation to fabricate the idea that the Ahaadith cannot be authentic. If they were authentic, the so-called big array of variety would not have existed. This is an opinion of *jahaalat*. Hence, no one in Islam has ever ventured such arrant nonsense for testing the authenticity of Hadith narrations.

Stating Rasulullah's command to fulfil Sha'baan with 30 days in the event the moon is not sighted, the Sahaabah who narrated the command used slightly different words to convey

exactly the same maning. And, the meaning in every version is only one: “Complete the month of Sha’baan with 30 days”, i.e. if the *hilaal* is not sighted.

Ignorance of the *Usool of Hadith* has emboldened Dr. Shah into his rush to discredit the highly authentic Ahaadith with the figment of his imagination – the word-variety stupid ‘principle’ which he has fabricated to cast aspersions on the Ahaadith to facilitate the design of rejection.

There is a variety of reasons for the different words appearing in these Ahaadith. The Fasting of Ramadhaan became obligatory during the second year of the Hijri era. Rasulullah (Sallallahu alayhi wasallam) departed from this ephemeral worldly life eight years later. The obligation of Ramadhaan was revealed about two months before the memorable Battle of Badr. At that stage there were relatively speaking, very few Sahaabah in the constant company of Rasulullah (Sallallahu alayhi wasallam). Badr had only 313 participants. At the time of Rasulullah’s demise, there were 124 thousand Sahaabah.

It is quite logical and reasonable that Rasulullah (Sallallahu alayhi wasallam) did not explain the *Rooyat* and *Ikmaal* principle only once when the Fasting was decreed obligatory. Over the next 8 years he most certainly must have explained the *Ahkaam* on numerous occasions to different groups of Sahaabah. There is not a vestige of proof for negating the claim that Rasulullah (Sallallahu alayhi wasallam) did in fact express the *Ikmaal* as well as the *Rooyat* issues in different words on different occasions.

Even if it be assumed on the basis of *Riwaayat bil Ma’na*, which is a principle of the Muhadditheen, that some of the Sahaabah did convey Rasulullah’s command in their own words, neither the *Asaaneed* (Chains of Narration) nor the content-matter of these Ahaadith could be criticized and faulted on this basis. The *Riwaayat bil Ma’na* principle cannot

be presented to dismiss the credibility and authenticity of these particular Ahaadith which have a lofty stage of authenticity.

Furthermore, it was always the practice of trustworthy and uprighteous Narrators to use the term 'ou' (or) if they were in doubt. In this regard we find a single Hadith in which the narrator expresses some ambiguity. Narrating one of these Ahaadith, Muhammad Bin Ziyaad said: *"I heard Abu Hurairah (Radhiyallahu anhu) say: The Nabi (Sallallahu alayhi wasallam) said, or he (Abu Hurairah) said: Abul Qaasim said: "Fast on seeing it, and end the fast on seeing it. If it becomes overcast on you, then complete the number (of days) of Sha'baan thirty (i.e. with 30 days)."*

In this particular Hadith, the narrator was not certain if Abu Hurairah (Radhiyallahu anhu) said: "The Nabi" or he said "Abul Qaasim", which is the title of Rasulullah (Sallallahu alayhi wasallam). This style of narration by trustworthy narrators confirms the correctness of their attribution of the Hadith to Rasulullah (Sallallahu alayhi wasallam). The narrator, Muhammad Bin Ziyaad, made known his doubt. But in attributing the actual command of *Ikmaal* to Rasulullah (Sallallahu alayhi wasallam), he expresses no uncertainty or doubt. If he had any doubt, he would have used the term 'ou' (or), which he did with regard to the word 'the Nabi' and 'Abul Qaasim'.

In short all the Ahaadith commanding *Rooyat* and *Ikmaal* unanimously state the very same meaning with the word variations. Furthermore, these Ahaadith corroborate one another, thereby confirming the meaning of *Rooyat* and *Ikmaal* which is the 14 century Ruling of the Shariah on which *Ijma'* exists. For the variety of words, there is a variety of valid reasons. Not a single authority, including Subki, Mutarrif, Ibn Suraij, etc., contested the authenticity of these Ahaadith nor the validity of the one simple meaning conveyed by these authentic Ahaadith with their word variations.

Let us now see the selective application of the baseless ‘principle’ by Dr. Shah. He has reproduced 21 highly authentic Ahaadith. All authorities of Hadith vouch for the authenticity of the Ahaadith in which Rasulullah (Sallallahu alayhi wasallam) commands *Rooyat* and *Ikmaal*. Dr. Shah has however deemed it appropriate to cast aspersions on the uprighteous Narrators, and to assail the authenticity of these Ahaadith with a view to negate the imperativeness of sighting the moon. He labours in self-deception by thinking that he has achieved his goal with his fabricated word-variation ‘principle’.

Although he freely employs his concocted ‘principle’ to denigrate the *Saheeh* Ahaadith, he does not use his ‘principle’ to gauge the authenticity and correctness of the views attributed to Mutarrif, Ibn Qutaybah, Ibn Muqaatil, Ibn Suraij and Subki. Besides different words having been used by the Fuqaha to explain the astronomical calculations views of these Ulama, there is an array of factors which assaults, casts doubt, creates confusion and even outrightly denies the validity, authenticity and correctness of the calculation views which have been attributed to the aforementioned Ulama.

If despite the unanimity of the Muhadditheen and Fuqaha on the authenticity of the *Asaaneed* and the meaning of the moon-sighting Ahaadith, Dr. Shah could feel audacious enough to dismiss the credibility of Rasulullah’s authentically reported commands, what prevents him from employing the very same ‘principle’ to dismiss the unsubstantiated, incongruous, doubtful and confused views of an extremely tiny minority of isolated Ulama whose statements are not backed up by authentic *Asaaneed* nor enjoy the support of the *Ijma*’ of the Ummah, nor even the support of a large minority of Fuqaha?

Dr. Shah is not prepared to accept the 100% authentic Ahaadith of Rasulullah (Sallallahu alayhi wasallam) on the basis of which the Ummah has structured its *Ijma*’ on the issue

of sighting the *hilaal*, merely on the basis of some variations of words which do not change the meaning. But he is fully prepared to accept highly questionable views of a couple of later-day Ulama despite the volume of criticism levelled against these views by all Math-habs, and despite the variety of words with which these astronomical calculation views have been reported. The *nafsaaniyat* of the deviate ‘contemporary scholars’ is conspicuous. Their mission is not to know or establish the truth. Their sinister motive is to scuttle the immutable Shariah and raise in its place a concoction of whimsical fancies which will prove palatable to their kuffaar masters of technology – the 21st century American scientists in Dr. Shah’s own words.

DR. SHAH’S RA’A YAR’A ARGUMENT

Dr. Shah, in his ‘*Ra-a Yara*’ argument makes a mockery of himself. Let us first explain the basis on which he has tried to structure his drivel. ‘*Ra-a*’ is a past tense Arabic verb which means ‘He saw’. ‘*Yaraa*’ is a present-future tense verb which means either, ‘He sees or he will see.’

This verb sometimes is used in a figurative sense to convey the meaning of thinking, pondering, realizing. Capitalizing on the figurative meaning, Dr. Shah attempts to dispel the literal meaning of actual sighting with the eyes. In so doing he only professes stark ignorance of both Arabic and the context in which Rasulullah (Sallallahu alayhi wasallam) used the term ‘*Fast on seeing it*’.

Very very stupidly, Dr. Shah says: “*Moreover, the verb “Ra’a Yar’a; ‘seeing or sighting’ is usually used in the above quoted Ahadith in the sense of actual act or physical sighting but linguistically the verb is not confined to it.....In a number of these verses the Qur’an has used the verb “seeing” in the*

context of pondering or ascertaining without resort to sighting by human eyes.”

His conclusions are truly mind boggling. By this explanation he attempts to convey the idea that the term ‘see’ or ‘sight’ which Rasulullah (Sallallahu alayhi wasallam) used in the many Ahaadith pertaining to sighting the *hilaal* did not have a literal meaning. In other words, when Rasulullah (Sallallahu alayhi wasallam) instructed: “*Fast on seeing the hilaal and end the fast on seeing it.*”, he meant: “Begin the fast on pondering about the moon and end the fast on pondering about the moon.”

We doubt if even a man with the densest brains will ever accept this absolutely absurd, stupid and laughable interpretation which stems from the figurative meaning of the root word, *rooyat*, and all its derivatives such as *ra-a*, *yara*.

Is it possible for the doctor to have lapsed into such a stupor of stupidity to make the ridiculous suggestion that Rasulullah (Sallallahu alayhi wasallam) did not mean actual physical sighting, rather he meant ‘pondering’? The entire Ummah from the age of the Sahaabah to this day without a single exception – Dr. Shah excluded of course – say and believe that these Ahaadith command physical sighting, not thinking with the mind.

The context in which the word is mentioned absolutely refutes the stupid interpretation of ‘pondering’ which Dr. Shah ridiculously labours to hoist. Dr. Shah in terms of his nonsensical idea is constrained to translate the Hadith: ‘Fast on pondering about the moon, and end the fast on pondering about the moon. If it (the weather) becomes overcast over you, then complete Sha’baan with 30 days.’

The logical effect of Dr. Shah’s interpretation is that one has to think about the moon. But he does not clarify when the

stupid thinking should occur. He also does not state what exactly should be pondered about the moon. Do we have to ponder about the beauty of the moon or its brilliance or its size or its existence or on any of the myriad of things we can imagine about the moon? And what is the duration of the pondering time?

Suppose by some concocted standard the time duration and the object of ponder could be fixed, then do we start Ramadhaan the next day by completing Sha'baan with 30 days if it is cloudy. This absurd conjecturing highlights the *jahaalat* with which Dr. Shah has spoken.

Degenerating deeper into his rut of mental rot, Dr. Shah, after citing another Hadith, observes: *"If we were to take his words literally, then we will have to go out every evening to actually see the night coming from the East to break our fast. Presently nobody goes out in the evening to see the night coming from the East to break the fast. Muslims all over the world just follow the astronomical calculations and know the timing of Iftar."*

We do understand that we are against a formidable wall of *jahaalat*, or worse, *jahl-e-murakkab* (compound ignorance). Nevertheless, we are constrained to briefly entertain this despicable ignorance which Dr. Shah has exhibited in particular in this absurd argument in which he claims that Rasulullah (Sallallahu alayhi wasallam) had used the word 'sighting' in a figurative sense to mean, 'Ponder!'.

The very fact that not a single person in the Ummah of all ages had ever understood the particular Hadith (the one which Dr. Shah has cited for his evidence) to actually mean 'going out into the open to witness the the setting of the sun for making iftaar, should be adequate explanation for the

Ummah's acceptance of astronomical calculations and time tables for Iftaar timings.

The fact that physical sighting of sunset never was the view of any Sahaabi, any Taabi'ee, or of any of the Fuqaha from Rasulullah's time to the present era, is more than adequate to explain why physical sighting is not necessary for establishing the Iftaar time and even the Salaat times.

The *Ahkaam* of the Shariah are not based on the personal opinion and understanding of the Qur'aan and Hadith of anyone, least of all unqualified personnel such as the deviate 'contemporary scholars'. It is a display of massive ignorance on Dr. Shah's part to seek justification for his astronomical calculations concoction by presenting interpretations of Ahaadith, which no one in the Ummah ever has even imagined of – such interpretation which leads to such silliness (as pondering about the moon) which makes the proclaimer a befitting target for mockery.

In the Hadith which Dr. Shah has cited for his figurative interpretation in the bid to negate the literal meaning of 'sighting the moon' mentioned in the dozens of other authentic Ahaadith, Rasulullah (Sallallahu alayhi wasallam) said: *"When you see the night approaches from there (i.e. from the east), then the Saa'im should break the fast."*

The stupid argument of Dr. Shah on the basis of this Hadith is that while Rasulullah (Sallallahu alayhi wasallam) mentions 'seeing' in this Hadith too, no one has taken it in its literal meaning, hence no one goes outside to actually witness sunset before Iftaar.

The inability of Dr. Shah to understand the issues involved is not surprising. His mind, trapped in retrogression, has been sufficiently exhibited in his article to preclude surprise when

he disgorges plain nonsense. He implies that since in the abovementioned hadith, the word 'see' is used in its figurative meaning, it is not necessary to actually see the sun setting for Iftaar purposes. Similarly, his logic demands that in the moon-sighting Ahaadith, 'sighting' is used figuratively, hence there is no need for actual sighting of the moon. One need not be an Aalim of the Deen to understand the absurdity of this stupid argument and analogy.

In the aforementioned hadith which mentions 'seeing the approach of the night', the word, 'see' is not used in a figurative sense. It does not mean 'ponder' in the context of the hadith. The effect will be total absurdity if a figurative meaning is accorded to the word. The translation would then be: *"When you ponder about the night coming from that direction then the fasting person should break his fast."* What utter nonsense! The time for iftaar in terms of this stupid interpretation is when the fasting person ponders about the approach of the night from the east. We need not add further to this absurdity.

The meaning in this Hadith as well is actual seeing, i.e. when The approach of the night is seen with the physical eyes. Now remains the question: Why is it not necessary to physically see sunset for iftaar purpose, when it is essential to physically sight the moon for beginning Ramadhaan? We are sure that even a moron will be able to answer and understand the difference.

- 1) The Sahaabah did not understand this Hadith to mean actual physical sighting of sunset.
- 2) No Sahaabi and no Math-hab teaches physical sighting of sunset for effecting Iftaar.
- 3) It was not the practice of the Sahaabah to physically see sunset for Iftaar, nor was there even a murmur of contention on this issue.

These are the three primary and in fact only reasons why we do not go out of our homes every night to sight sunset before making Iftaar. If the Shariah had ordered physical sighting of sunset, then without the slightest hesitation the Ummah would have adopted the very same rigid stance it has solidified on regarding sighting of the *hilaal* for determining the Islamic month.

Any rational reasons which the Ulama may advance to fortify the ruling in this regard, are man-conjectured, and may be correct or incorrect. The *Ahkaam* are not pivoted on the rationalization of the human mind.

In support of his nonsensical *Ra-a-Yara* contention, Dr. Shah has presented three Hadith narrations. All three narrations pertain to precisely the same incident. However, the Chains of Transmissions differ. Although the three Chains are different, they unite at the juncture of the Narrator, *Ash-Shaibaani*. The narrators report the very same incident and attribute the statements to Rasulullah (Sallallahu alayhi wasallam). Despite these three Ahaadith being narrated by the very same two narrators who constitute the last two links in the Chain of Transmission, the episode is described in a wide variety of words all attributed to Rasulullah (Sallallahu alayhi wasallam).

The episode described in the three narrations is the same. The event occurred only once, and the same narrators each time describe the same episode with word variations. Dr. Shah has deemed it fit to cite these three Ahaadith with widely differing words as evidence despite his concocted ‘principle’ of word-variation on the basis of which these three Narrations should be discredited and not cited as ‘proof’ for the baseless ‘pondering’ view which Dr. Shah stupidly suggests.

This is the kind of unprincipled reasoning which Dr. Shah employs in the gibberish of his so-called ‘fiqhi’ discussion.

When in his opinion some support could be squeezed out from a Hadith, he will conveniently forget about his ‘principle’ of word variation, and cite such narrations in substantiation of his view ignoring the ‘wide array of word variation’.

We are sure that not even the deviate ‘contemporary scholars’ will deny the existence of *Ijma*’ on the ruling that Maghrib Salaat begins after sunset and Fajr ends with sunrise. If Dr. Shah should examine the relevant Ahaadith on which the Salaat times and even Iftaar times are based, he will not fail to discern the array of word-variation in these Ahaadith. Similarly, with all other *Masaail* of the Deen. Ahaadith are reported by the same Narrators with variety of words. The same message or rule is explained, but different words are used by the narrator and attributed to Rasulullah (Sallallahu alayhi wasallam). Yet no Authority refutes the validity of these Ahaadith merely on the basis of word-variation.

The Shariah’s laws formulated on the basis of such Ahaadith with a variety of word changes, are accepted by the entire Ummah. Thus, the ‘principle’ of word-variation which Dr. Shah has concocted and which he selectively manipulates for the benefit of supporting his theory, is a stupid fallacy.

If the authenticity of Ahaadeeth should be discredited simply on the basis of the stupidity forged by Dr. Shah, there will not remain a single *hukm* of the Shariah with firm basis in the Qur’aan and Hadith. Word variation is a standard procedure accepted by all authorities of the Shariah.

THE SUPPORT BASE OF THE ‘CONTEMPORARY SCHOLARS’

Dr. Shah and the so-called ‘contemporary scholars’ have no allegiance to any of the four Math-habs which comprise the *Ahlus Sunnah Wal Jama’ah*. They believe themselves to be

Mujtahids on par with, in fact, superior to the Aimmah-e-Mujtahideen such as the illustrious Imaams of the Four Math-habs. They believe that they possess the knowledge, expertise and ability to formulate Islam anew directly from the Qur'aan and from such Ahaadith which their base opinions dictate to be authentic. The standard of authenticity by them is whatever suits their whimsical palates.

However, since they are fully aware that Muslims will not offer an ear to the crass nonsense they tender in the name of Islam, they have no alternative other than to cite the names of the great Savants of Islam whose views and rulings they distort and misinterpret to fabricate a basis for their hedonistic concoction which they endeavour to promote under guise of the Shariah.

In his article, Dr. Shah has mentioned many great Ulama and Fuqaha of Islam in his attempt to forge a basis for his fallacy of astronomical calculation to displace the immutable law of *Rooyat*. He has selectively extracted portions of their statements, cited out of context, distorted the meanings and has generally perpetrated stupidity and skulduggery with the views of the Fuqaha to confuse and mislead those who are not well-versed in the Shariah.

Among the great Ulama and Fuqaha whom Dr. Shah has presented in substantiation of his corrupt hypothesis are Hadhrat Ibn Umar (Radhiyallahu anhu), Mutarrif Bin Shakheer, Imaam Ahmad, Ibn Qutaibah, Ibn Muqaatil, Ibn Suraij, Ibn Daqeequl Eid, Ibn Qudaamah, Allaamah Qushairi, Subki and others.

By means of selectively citing them, he conceals their views on the issue of *Rooyat and Ikmaal*. He has painstakingly laboured to create the impression that all of these Ulama preferred astronomical calculations and that they did not subscribe to the *Rooyat and Ikmaal* Ruling of the Shariah.

Dr. Shah has subtly put forward the idea that the views of these personalities are in conflict with what the Ummah has

all along believed in and accepted over the past 14 centuries of Islam's history, namely, sighting of the moon. He struggles stupidly in his article to breed the notion that there is no *Ijma'* in the Ummah on the 14 century practice of sighting the moon for Ramadhaan and Eid. He conducts himself despicably in the attempt to convince Muslims that there was no such consensus, implying thereby that there were other methods besides moon-sighting to determine Ramadhaan and Eid. But every Muslim understands this glaring falsehood which the deviates are propagating in the name of Islam.

We have already presented the views of some of the authorities whom the deviates regard as their support base. We shall here present the views of the other Fuqaha in their support base whose views have not yet been cited.

Al-Qalyubi:

“Saum becomes incumbent by completing Sha’baan 30 days or by sighting the *hilaal* on 30th night of Sha’baan. Rasulullah (Sallallahu alayhi wasallam) said: *“Fast on seeing it and end the fast on seeing it. If it becomes overcast over you, then complete the number of Sha’baan thirty days.”* Bukhaari narrated it.”

“In view of the the *Wujoob* being restricted to these two factors (Rooyat and Ikmaal), the incumbency is not with anything else besides these two, such as the information of the astrologer and the astronomer. On the contrary, it is not permissible for others besides them to repose reliance on them (i.e.on their calculations). (However), it is permissible for them (the astrologer and the astronomer to follow the dictates of their calculations. (But), their fasting will not compensate for the Fardh (of Ramadhaan)..”

Dr. Shah had quoted certain statements of Qalyubi to indicate permissibility of astronomical calculations for commencing the month of Ramadhaan. However, the

aforegoing clear statements from *Haashiyataan Qalyubi*, clarifies the official belief and stance of Qalyubi. He fully subscribed to the *Wujoob* of *Rooyat* and *Ikmaal*.

The doubtful permissibility applies to only the astronomer himself. Furthermore, Qalyubi clarifies that the fasting of the astronomer on the basis of his calculations will not be the *Fardh* of *Ramadhan*. It will be *nafl*.

Al-Mausoo-atul Fiqhiyyah

This kitaab is an encyclopedia of the present age. Dr. Shah has extracted certain statements from this encyclopedia to support his fallacy. However, the kitaab states the official and authoritative view and ruling of the *Shariah* as follows:

“The meaning of *Rooyatul Hilaal* (Sighting the Moon) is to see it with the eyes after sunset on the 29th of the month. ...Searching for the moon by sighting is an imposition of the *Shariah*.....It is an order of the *Shariah* for Muslims to make effort in searching for the *hilaal*, and this has greater importance on the 30th night of *Sha’baan* in order to know the entry of *Ramadhan*.. Similarly, on the 30th night of *Ramadhan* to know the end of *Ramadhan* and the beginning of *Shawwaal*.....Abu Hurairah (Radhiyallahu anhu) narrated that Rasulullah (Sallallahu alayhi wasallam) said: ‘Fast on sighting it, and end the fast on sighting it. If it becomes overcast on you, then complete *Sha’baan* with 30 days..’ It is also narrated from Ibn Umar (Radhiyallahu anhu) that Rasulullah (Sallallahu alayhi wasallam) said: ‘The month is 29 nights. Therefore, do not fast until you have seen it (the *hilaal*). If it becomes overcast over you, then complete the number (of days of *Sha’baan*) with thirty (days).’

“The *Sahaabah* would diligently make arrangements to sight the moon during the lifetime of Rasulullah (Sallallahu alayhi asallam) and also after his demise. “

While the encyclopedia presents a discussion of the other views as well, the aforementioned is the official position of the Shariah. It is the 14 century Ruling of the Shariah on which there is *Ijma*;

We have already explained in this treatise the views of Imaam Ahmad, Ibn Qudaamah, Subki , Ibn Dageequl Eid and others. Although certain weird differences of opinion have been dubiously attributed to them, they all are unanimous in the principle of *Rooyat* and *Ikmaal*.

Dr. Shah presented the conflicting views in a manner to convey that these Ulama did not subscribe to *Rooyat* and *Ikmaal*. But this claim is manifestly erroneous.

THE CONSPECTUS

In concluding this treatise, we present a brief summary of the entire discussion for the benefit of those who lack the time or the comprehension or the interest for plodding through the meandering technical nature of the topic.

1) The Fiqh Council of North America is an association of liberal, modernist ‘scholars’. This council of liberals has disseminated an article on the question of astronomical calculations for determining Ramadhaan and Eid, authored by its member, Dr. Zulfiqar Ali Shah.

2) The council of liberal scholars is propagating the idea that the 14 century unanimous Ruling of the Shariah of sighting the moon for Ramdhaan and the Islamic months, has become redundant in this age. The American scientists of the 21st century are able to present precision astronomical calculations.

3) The precision astronomical calculations should be implemented by Muslims instead of going by the 14 century Shariah's ruling of sighting the moon. In fact, according to the modernist council of 'scholars', it is incumbent to adopt astronomical calculations and discard moon-sighting which is an obsolete and troublesome method unbecoming of Muslims living in this modern age of technology.

4) Adoption of astronomical calculation for determining the Islamic lunar months leads to the displacement of the Shariah's principle of *Rooyat* (physical sighting of the moon) and *Ikmaal* (completing Sha'baan with 30 days in the event of sighting of the hilaal not confirmed at the end of the 29th Sha'baan).

5) There has been Consensus of the entire Ummah – all Math-habs – that *Rooyat* and *Ikmaal* are the incumbent principles of the Shariah for determining the Islamic months.

6) The issue is not the presence of the moon at some stage in its orbit. The Shariah has hinged the law of Ramadhaan, Eid and the months in general on *Rooyat* (sighting) or *Ikmaal* (completing the month with 30 days, if there is no sighting). These two principles are unanimous and inflexible. It is haraam to compromise and displace these principles for the new 'principle' which the modernist association of liberal 'scholars' suggests.

7) The new 'principle' the council of liberals suggests is the birth of the moon. This stage of the moon is determined by means of astronomical calculations which the liberals wish to hoist on to the Ummah as if it is the Divine Writ – the Law of Allah Ta'ala.

8) The council of liberal, modernist ‘scholars’ presents as their grounds for their contention of the permissibility of astronomical calculations to determine the Islamic months the following spurious claims:

(a) Sighting was meant for the primitive age of the Sahaabah when they did not have the advantage of astronomical calculations.

(b) The Sahaabah, because of their illiteracy, had no other method other than physical sighting of the moon to determine Ramadhaan and Eid.

(c) There is no consensus in the Ummah on the Ruling of sighting the moon. Some Sahaabah would ignore sighting and simply count Sha’baan as a month with 29 days, then commence Ramadhaan.

(d) There has been a ‘minute minority’ of classical Ulama who advocated acceptance of astronomical calculations.

(e) Modern science, especially American science, has reached such a level of authenticity that it outweighs the authenticity and accuracy of the Sunnah method. The Sunnah method, being now obsolete, should in this age be abandoned in favour of the method of astronomical calculations in which the American scientists excel.

(f) Sighting the moon is not an objective, hence it should be discarded in favour of astronomical calculations which in turn necessitates abandonment of the Shariah’s principle of sighting to be substituted with the new ‘principle’ of the birth of the boon offered by the liberal,. modernist council of deviated ‘scholars’.

All these claims are baseless and fallacious. Each one of these fallacies has been rebutted with Shar’I arguments.

9) Throughout his article, Dr. Shah has misinterpreted, distorted and deviously manipulated Qur’aanic verses, Authentic Ahaadith and statements of the Fuqaha. He has torn

statements and rulings out of their contextual meanings to fabricate ‘proof’ for his blatantly false hypothesis.

10) We have, Alhamdulillah, conclusively illustrated, neutralized and demolished the massive errors and deviation of these modernist heretics who seek to displace the Divine Shariah of Islam. Every argument which their spokesman, Dr. Shah, has presented and dilated, has been thoroughly examined and refuted in our response in this book.

11) The Ruling of the Shariah on the issue of sighting the moon today in the American scientific 21st century is exactly the same as it was in the noble Camel Age of Muhammadur Rasulullah (Sallallahu alayhi wasallam).

12) The Shariah was completed and perfected in the age of Rasulullah (Sallallahu alayhi wasallam) in whose holy Personage Nubuwwat was finalized and terminated. Thus Islam tolerates no addition, no deletion and no mutilation of its Divine, Immutable Shariah which is here to remain intact until the Day of Qiyaamah.

13) All the arguments of the liberal ‘scholars’ are devoid of Shar’i substance and are absolutely legless. Their case for astronomical calculations is based on deception, red herrings, lack of understanding of the Shariah and their personal opinion, whim and fancy.

14) It is absolutely forbidden to accept the arrant nonsense of displacing the Shariah’s principle of sighting the moon in favour of the **baatil** new concept of birth of the moon which has neither origin nor sanction in the Shariah.

15) It is Waajib for Muslims to remain steadfast on Islam's laws and to continue with the initiation of the Islamic month by the immutable command of the Shariah to sight the *hilaal*.

16) If the moon is not sighted at the expiry of the 29th day of Sha'baan, then it is Waajib to complete Sha'baan with 30 days. It is haraam to accept the version based on the birth of the moon.

ADVICE FOR MUSLIM COMMUNITIES IN AMERICA

Muslims living in America are advised and urged to totally reject the 'fatwa' of corruption which the North American Fiqh Council has issued regarding the determination of Ramadhaan and Eid. It is haraam to accept the concocted 'fatwa' which urges Muslims to abandon the Command of Rasulullah (Sallallahu alayhi wasallam).

Rasulullah (Sallallahu alayhi wasallam) commanded the Ummah: "*Fast when sighting the hilaal and end the fast when sighting it*".

This has been the position of the Shariah from the very inception of Islam more than 14 centuries ago. It is not permissible for Muslims to abandon this immutable Law of Islam for the sake of the stupidity which the 'fatwa' of corruption and fallacy of the so-called Fiqh Council of North America has fabricated in diametric conflict with Allah's Law.

Every community should endeavour to sight the *hilaal*. If the sighting is confirmed, Ramadhaan and Eid will commence. If

the sighting is not confirmed, consider the month to be a full complement of 30 days as commanded by Rasulullah (Sallallahu alayhi wasallam), then begin the month of Ramadhaan.

The modernist deviates will undoubtedly blow much hot air and accuse those who remain steadfast on the Shariah as spreading disunity. But the truth is that they are the creators of fitnah and discord with their 'fatwa' of whimsical fancy.

Remember that a 'disunity' based on obedience to Allah Ta'ala is Ibaadat. If two Eids have to be celebrated in the same town due to the fitnah of the modernists who clamour for the fallacy of astronomical calculations, let it be so. Those who are part of the Ahlus Sunnah Wal Jama'ah, should not submit to the demands of the modernist deviates. Begin Ramadhaan and celebrate Eid in terms of the methodology of Allah's immutable Shariah, not according to the base desires of those who follow the 21st century godless American scientists.

The simplest, safest and best line of action is for every town/city to go by its own sighting although it is permissible to accept a confirmed sighting of another region on condition that the information of such sighting is conveyed reliably, precluding every vestige of doubt regarding the authenticity of the news thus conveyed.

Faxed messages and radio broadcasts are not accepted in the Shariah as reliably transmitted information. Anyone can send a faked message by fax. The radio stations are not in the control of uprighteous Muslims of the Ahlus Sunnah Wal Jama'ah, hence broadcasts emanating from fussaag, fujjaar and deviates have no standing in the Shariah.

Prior arrangements could be made with reliable and trustworthy men of Knowledge in other centres for news of

confirmed sightings to be conveyed telephonically. If the voice is fully recognizable and there is no element of doubt regarding the identity of the person conveying the confirmed sighting telephonically, then such information may be accepted and Ramadhaan/Eid be commenced.

The identifiable person who conveys the information telephonically, should not testify to the sighting. In other words, he should not bear *Shahaadat* testifying that he had seen the moon. If the sighting has been confirmed by the local pious Islamic leadership of the community and the commencement of Ramadhaan or Eid has been officially proclaimed, then the one who conveys the information telephonically should say something to the effect: “*Ramadhaan has been confirmed by our Ulama, and tomorrow the first Fast will begin.*” , or, “*Our Ulama have confirmed the sighting of the hilaal and have announced the beginning of Ramadhaan (or Eid as the case may be).*”

Shahaadat over the phone is not valid. *Shahaadat* has to be stated in person. By Ulama, is meant Ulama who follow one of the Four Math-habs of the Ahlus Sunnah Wal Jama’ah. Modernists and liberals such as the members of the North American Fiqh Council, are not Ulama in the context of the Qur’aanic and Shar’i meaning. Their information and announcements have no validity in the Shariah. They compromise and barter away the immutable Shariah, subjecting it to the expediencies of the nafs.;

“And upon us is to only deliver the Clear Message”