66176 - Is the person who sights the new moon of Ramadaan on his own obliged to fast?

the question

A man saw the new moon of Ramadaan on his own – is he obliged to fast? If that is the case, is there any evidence?.

Detailed answer

Praise be to Allah.

If a man saw the new moon of Ramadaan on his own, or he saw the new moon of Shawwaal on his own, and he told the qaadi or the people of the city but they did not accept his testimony, should he fast on his own or should he only fast with the people? There are three scholarly points of view:

1 – He should act upon his own sighting in both cases, so he should fast from the beginning of the month and break the fast at the end on his own. This is the view of Imam al-Shaafa'i (may Allaah have mercy on him).

But he should do that secretly so that he does not show openly that he is doing something different than the people and so that this will not lead to them thinking badly of him or regarding him as a fast-breaker when they are fasting.

2 – He should act upon his own sighting at the beginning of the month and fast on his own, but at the end of the month he should not act upon his own sighting, rather he should break the fast when the people do.

This is the view of the majority of scholars, including Abu Haneefah, Maalik and Ahmad (may Allaah have mercy on them).

This view was also favoured by Shaykh Ibn 'Uthaymeen (may Allaah have mercy on him) who said: This is in order to be on the safe side, so that we may be on the safe side with regard to starting

and ending the fast. With regard to fasting, we say to him: fast, and with regard to breaking the fast, we say to him: Do not break the fast, rather you should fast. End quote from al-Sharh al-Mumti', 6/330.

3 – He should not act upon his own sighting in either case; rather he should start fasting and stop fasting with the people.

This was the view of Imam Ahmad in one report, and it was the view favoured by Shaykh al-Islam Ibn Taymiyah, He quoted a great deal of evidence to support it, and he said: The third view is that he should start and end the fast with the people. This is the most correct 9?) view, because the Prophet (peace and blessings of Allaah be upon him) said: "Your fast is the day when you fast, and your breaking the fast is the day when you break the fast, and your sacrifice is the day when you offer the sacrifice." Narrated by al-Tirmidhi, who said it is hasan ghareeb. Also narrated by Abu Dawood, and by Ibn Maajah, who mentioned breaking the fast and the sacrifice only. Also narrated by al-Tirmidhi from the hadeeth of 'Abd-Allaah ibn Ja'far from 'Uthmaan ibn Muhammad from al-Maqbari from Abu Hurayrah, that the Prophet (peace and blessings of Allaah be upon him) said: "The fast is the day when you fast, the breaking of the fast is the day when you break the fast, and the sacrifice is the day when you offer the sacrifice." Al-Tirmidhi said: This is a hasan ghareeb hadeeth. And some scholars interpreted this hadeeth as meaning that one should start and end the fast with the community and the majority of the people. End quote from Majmoo' al-Fataawa, 25/114.

He also quoted as evidence the fact that even if he sighted the new moon of Dhu'l-Hijjah on his own, none of the scholars suggested that he should observe the standing at 'Arafah on his own.

He said that the basic principle concerning this matter is that the ruling is connected to the new moon of the month. Allaah says (interpretation of the meaning):

"They ask you (O Muhammad) about the new moons [ahillah]. Say: These are signs to mark fixed periods of time for mankind and for the pilgrimage"

[al-Baqarah 2:189]

Hilal (pl. ahillah) in Arabic refers to when something is announced and everyone knows about it. If the hilal shows in the sky but people did not recognize it and announce its sighting, then it is not a hilal.

Similarly the word shahr (month) is taken from the word shuhrah (fame); if it is not well known among the people then the month has not begun. Many people make a mistake with regard to this matter and think that when the moon appears in the sky, that night is the first of the month, whether it appears to the people and they announce it or not. But that is not the case, rather it has to appear to the people and they have to announce the beginning of the month when they see it. Hence the Prophet (peace and blessings of Allaah be upon him) said: “Your fast is the day when you fast, and your breaking the fast is the day when you break the fast, and your sacrifice is the day when you offer the sacrifice” i.e., this day on which you announce the beginning or end of the fast or the sacrifice. If you do not recognize it, then no ruling can be based on that. End quote from Majmoo’ al-Fataawa, 25/202.

This view was expressed in a fatwa issued by Shaykh ‘Abd al-‘Azeez ibn Baaz (may Allaah have mercy on him).

Majmoo’ Fataawa al-Shaykh, 15/72.

The hadeeth, “The fast is the day when you fast…” was classed as saheeh by al-Albaani (may Allaah have mercy on him) in Saheeh Sunan al-Tirmidhi, no. 561.

See the views of the fuqaha’ in al-Mughni, 3/47, 49; al-Majmoo’, 6/290; al-Mawsoo’ah al-Fiqhiyyah, 28/18.

And Allaah knows best.