بسم الله الرحمن الرحيم

MOONSIGHTING AND FOLLOWING NEIGHBOURING COUNTRIES

Moonsighting Conference in England

المسجدو المركز الاسلامى فى كرائيدن
رجب المرجب 24 \ 1427الهجرى
(Croydon Masjid & Islamic Centre)
Saturday – August 19- 2006

Mufti Ebrahim Desai Saheb was invited to a Hilaal Conference on 19 August 2006. Hereunder is a summary of his travel

The Muslims in England have been facing a dilemma regarding moonsighting especially during Ramadhaan and Eid. The crescent (Hilaal) is not visible in England and the Muslims of England have to rely on crescent sighting from elsewhere. Sometime back, the Muslims of England used to rely on the crescent sighting of Morocco as there is normal visibility there and proper sighting procedures are carried out in Morocco. The Muslims in England started experiencing difficulties in following Morocco due to poor communication and late information. It was then decided to follow the sighting of Saudi Arabia.

The Fiqhi principles following the sighting of another place is:

According to the majority of Fuqahaa, Imaam Maaliki الحمدلله Imaam Ahmad الحمدلله and Imaam Abu Hanifa الحمدلله , Ikhtilaaf-e-Mataalie (different zones) are not considered for fasting. The sighting of one place could be considered for another place on condition the sighting was possible and reliable and sighting of another place will not lead to the month being 28 days or 31 days.

When the Muslims of England started following the sighting of Saudi Arabia, many open and glaring discrepancies of the Saudi sighting have come to the fore. For example, the Saudi calendar is based on GMT (GreenwichMeridian Time) and the announcement for Ramadhaan is made almost 1.5 (one and a half) days before the visibility of the crescent. There is no way that the month of Ramadhaan could commence at that time.

In a recent gathering of approximately 300-400 Ulama in England, this issue was discussed in much detail. The month of Ramadhaan is approaching and some senior Ulama decided to offer guidance to the Muslims in England and arranged this conference.

The conference was hosted by the Croydon Masjid & Islamic Centre (London). الحمدلله, this Centre is suitably located and has the capacity of approximately 4000 Musallees. The Imaam of the Masjid is Mufti Yusuf Danka (Rangooni).

There were many guest speakers at the conference. Some of them were Shaykhul Hadith Hadhrat Moulana Ayub Surti Saheb (Khalifa of Hadhrat Moulana Hakim Akhtar Saheb); Imaam Abdul Jalil Sajid; Hadhrat Mufti Ismail Kaccholvi Saheb (Darul Ifta Wal Irshaad (Khalifa of Hadhrat Shaykh Zakariyya رحمه الله , Former head Mufti of Jaamia Islaamia Dabhel and Ustaadh of many leading Ulama and Muftis); Moulana Sameeruddin Qasmi Saheb (Manchester - expert on moonsighting; author of Sameeri calendar - a detailed explanation on the Saudi sighting, a must for people of England); Hadhrat Moulana Isa Mansuri Saheb; Hadhrat Moulana Ismail Patel Saheb Darul Uloom Leicester; Mufti Ashfaaq Saheb (Bradford) and many others Ulama.

The conference was also attended by representatives of many Masaajid and Islamic Organisations. **الحمدلله,** the conference was very successful and well attended. All the speakers presented a common concern and outlining the open and glaring discrepancies of the Saudi sighting.

I have presented the following Fatwa (attached after summary) with an introduction on the importance of time and the different laws of the Shari'ah which are based on time:

For example: the sun revolves around the earth 360 degrees in 24 hours (1440 minutes). In every 4 minutes, it covers up 1 degree and there is not a single time that is void of any Salaat time anywhere in the world. Somewhere in the world, at any given time, the Adhaan is being called out and Salaat is being performed. Salaat, fasting, Hajj, Iddah, etc. are also based on time.

After my presentation, Hadhrat Mufti Ismail Kaccholvi Saheb gave a detailed explanation on the matter.

Hadhrat Mufti Saheb madda zilluh have raised many important issues. The following point was really thought provoking: He posed the following questions – is it Fardh to follow Saudi Arabia? Is it Waajib? Is it Sunnah? Is it Mubaah?

Even if it is Mubaah, look at the negative factors surrounding following Saudi Arabia. There is so much of disunity in the different communities and families. What is then the point of insisting on following Saudi Arabia? He also pointed out that the Ulama of Germany reliably conduct their own sighting? We could even follow them.

The pain and anguish of the confusion and disunity was clearly visible on Hadhrat's face. He urged the congregation to come on common ground.

I was then called up to conduct a Q/A session on the issue. **الحمدلله**, the congregation forwarded many questions. Most of them expressed their understanding of the Saudi sighting discrepancies but raised the following points:

Q: *Some people claim following their Shaykh as he is a senior person and he follows the Saudi sighting.*

A: There are also many great and senior Mashaaikh, Ulama and Muftis who do not agree with the Saudi sighting. The criterion of following Shari'ah should be based on sound juridical principles and not merely following one's Shaykh. If it has been clearly proven that there are open flaws in Saudi sighting, this being also confirmed by many local Arabs and experts in Saudi Arabia, then to insist on following one's Shaykh is nothing but prejudice and trespassing the boundaries set by the Shari'ah. It will be incorrect to follow one's Shaykh of Tasawwuf in this issue. The Shaykh is not error proof.

Q: *If the sighting of Saudi Arabis is flawed, what about the validity of Hajj?*

A: The validity of Hajj should be viewed from two angles; a) Sighting and correct date, b) Hadith in Jami Tirmidhi, Rasulullah صلى الله عليه وسلم said, 'Hajj is on that day when people perform Hajj'. If the Saudi sighting is incorrect, then too the Hajj will be valid because of the Hadith. Furthermore, there are juridical examples of the day of Arafaat not being on the 9th of Dhul Hijjah, yet the Hajj is valid.

The issue of Ramadhaan in England should not be confused with Hajj. Hajj is performed in Makkah Mukarramah and its surroundings. The people there are bound by the Qadhi's announcement there. That is not the case for Ramadhaan in England (UK).

Q*: Some people claim that following Saudi sighting is in keeping with the honour and respect of Makkah Mukarramah and Madina Munawwarah. Your comments:*

A: The respect for Makkah Mukarramah and Madina Munawwarah is an integral part of our Deen. Imaam al-Bukhari رحمه‌الله has commenced the 30 Juz of Bukhari with topics of respecting the Haramayn – Makkah Mukarramah and

Madina Munawwarah. No Muslim can be a true and honest Muslim if he does not have the respect of Makkah Mukarramah and Madinah Munawwarah. In the same breadth, no Muslim can be a true and honest Muslim if he goes against a clear and direct injunction of Rasulullah صلى الله عليه وسلم and his Hadith. The Hadith is clear, 'Fast when you see the crescent.'

We are faced with a situation of following an incorrect announcement of commencing Ramadhaan and the Hadith of Rasululla صلى الله عليه وسلم . The respect of the Haramayn is because of Shari'ah, Allah and His Rasulullaصلى الله عليه وسلم . Not because of the incorrect announcement of some organisation in Saudi Arabia. It will be against respect of the Haramayn to ignore the Hadith of Rasulullah صلى الله عليه وسلم and commence Ramadhaan based on Saudi's incorrect calculation.

Conclusion

After the conference, I have interacted with the congregation. All the people have expressed their satisfaction with the programme and their determination not to follow Saudi sighting. It was decided that the sighting of any other place where the sighting is reliably conducted will be accepted, for example, Morocco, South Africa, Germany, etc.

Apart from the moonsighting issue, I was requested to conduct a programme on Islamic Banking and Business related issues. That was held on Friday night. On Sunday night, I was requested to conduct a programme on Estate and Wills.

Q: Muhtaram Mufti Saheb; اسلام عليكم ورحمة الله

One of the dynamics of Islam is its consistency as regards time. The moon plays an important role in that regard as the Muslim's calendar is based on the moon's movements and sighting. Many Islamic functions depend on it, especially, commencing and terminating of Ramadhaan, the Hajj, Zakaat, etc. Kindly provide us with guidelines based on the below questions:

1. Should Muslims begin Ramadan or Celebrate Eidain on dates fixed by calculation totally disregarding the Hilal (crescent) of the Qur'an, the Sunnah and Fiqh?

2. If Hilal is seen by one Muslim male through binocular or telescope is enough to start the Islamic month? Keep in mind, the same Hilal was NOT visible through naked eye.

3. Some Muslim calendars have fixed the dates of Ramadan and Eidain on the New Moon (conjunction) dates. The Hilal cannot be seen in the evening of those dates or even next day (in many cases). Should Muslims follow these dates?

4. Kindly comment on the reports of Hilaal sighting from neighbouring countries and overseas particularly Saudi Arabia?

A: Introduction

For centuries, the moon has played a pivotal role in many aspects in the life of man in general. Traditionally, full moons were associated with temporal insomnia, insanity (hence the terms lunatic and lunacy) and various magical phenomena such as lycanthropy. The new moon signifies the beginning of the month in lunisolar calendars such as Hebrew, Budhist and Chinese calendars. Chinese Budhists observe a vegetarian diet on the new and full moon of every month. Neopagans hold a monthly ritual called an Esbat at each full moon, etc.

Islam, being a religion that appreciates the role that traditions and customs play, has retained the significance of the moon and its phases, however, contextualising it. In the Holy Qur'aan, Allah Ta'ala declares and enshrines the importance of the moon and its phases, 'They ask you (O Muhammad صلى الله عليه وسلم about the crescents. Say, these are signs to mark fixed periods of time for mankind and for pilgrimage.' (Surah Baqarah Aayat189)

Islam has, however, retained an observational definition of the new moon, marking the new month when the crescent moon is actually seen, and making it impossible to be certain in advance of when a specific month will begin.

Taking into cognisance the bearing that the moon, its phases and the lunar calendar have on the spiritual life of a Muslim (obligatory fasting, Hajj, Zakaat, etc. which are all dependant on the lunar calendar), it is imperative that extreme caution, prudence and proficiency be exercised in determining the new month and its respective number of days.

Deliberate attempts to alter the months and negligence in this respect is the cause of severe censure and rebuke from Allah. Allah states: 'The postponing (of a sacred month) is indeed an addition to disbelief, thereby, the disbelievers are led astray for they make it lawful one year and forbid it another year in order to adjust the number of months forbidden by Allah, and make such forbidden one's lawful. The evil of their deeds is made far seeming to them. And Allah guides not the people who disbelieve.' (Surah al-Tawbah Aayat37)

Henceforth, we embark on an endeavor to outline the phases of the moon, procedure of taking testimony, the role of astronomical data, the Saudi Sighting, Ikhtilaaf-e-Mataali'e and the Issue of Neighboring Countries

1) Islam being a religion that is natural, embraces simplicity and is a perfect way of life for all people of all times irrespective of their age, class, creed, nationality or background has made those aspects upon which is dependant the spiritual life of every believer easily understandable, securable and natural, whether one may be rich or poor, lettered or unlettered.

For example: For Salaat, which is incumbent upon every believer, Allah has made the direction of the Ka'bah (Qiblah) a prerequisite and not the facing of the actual Ka'bah. This type of information can easily be secured and established by every believer whether literate or illiterate. Had this not been the case, this would warrant that in order to discharge the obligation of Salaat, one secure proficiency in the respective field? The result would be that only certain sections of the Ummah would be able to discharge the obligation of Salaat.

Similarly, many aspects of a believer's spiritual life (fasting, Hajj, Zakaat, etc.) are dependant on the Islamic calendar. Therefore, Islam has chosen the actual visual sighting of the moon (Crescent signaling the new month) which can easily be established by every individual of this Ummah.

عن عبد الله بن عمر ؓ أن رسول الله ﷺ قال : ((الشهر تسع و عشرون ليلة فلا

تصوموا حتى تروه، فان غم عليكم فأكملوا العدة ثلاثلين))

In the light of the Ahaadith of Nabi صلى الله عليه وسلم and the references of the Fuqahaa (Jurists), an Islamic month is 29 days. Subsequently, if the moon is sighted, this will signal the beginning of the new month. If the moon is not sighted after 29 days, one more day would be added to the current month after which the new month will commence. (Sahih al-Bukhari Hadith1907)

<u>2) Prerequisites for Accepting Sighting of the Crescent Signalling the Commencement of Ramadhaan</u>

a) If the skies are not clear or are obscured due to dust, smoke, mist, etc. then the declaration of one upright Muslim, whether man or woman is sufficient.

و فى رد المحتار: قوله: (لانه خبر لا شهادة) قال فى الهداية: لانه امر دينى فاشبه رواية الاخبار (كتاب الصوم ، ٣٥٢:٣)
و فيه: قاله: (على ما صححه البزازى) و كذا صححه فى المعراج والتجنيس۔ و قال فى الفتح و هو رواية الحسن ، و به اخذ الحلوانى و مشى عليه فى نور الايضاح۔ و اقول: انه ظاهر الرواية ايضا ، فقد قال الحاكم الشهيد فى الكافى ، الذى هو جمع كلام محمد فى كتبه التى هى ظاهر الرواية ما نصه: و تقبل شهادة المسلم و المسلمة عدلا كان الشاهد او غير عدل انتهى.

b) If the skies are clear and no obscurity exists due to dust, mist, etc. then the testimony of even a few individuals will not be sufficient. The Khabar (information) of such a large group of people that would necessitate certainty or overwhelming assurance is required. This is required as the prevailing sky condition warrants that a large group of people sight the moon and that the sighting would not normally be limited to a few individuals.

قال لا ، الا ان يراه الناس ، أخشى أن يكون شبه عليه

Some Fuqahaa (Jurists) have endervoured to specify the number of individuals whose testimony would necessitate Dhann-e-Ghaalib. On the one hand, Khalf Ibn Ayyoob [*radhiallaahu anhu*] considered the testimony of even 500 people insufficient. On the other hand, Hasan ibn Ziyaad [*radhiallaahu anhu*] on the authenticity of Imaam Abu Hanifa [ra] regarded the testimony of 2 males or 1 male and 2 females as sufficient. Allamah ibn Nujaym al-Misri [ra] preferred this view of Hazan ibn Ziyaad [ra] due to the apathy and negligence of the people of his time in regards to moon sighting. (Rasaail-e-ibn Aabideen vol.1 pg.234)

The reality is that this number will vary from time to time, place to place and will depend upon the qualities and attributes of the witnesses.

Furthermore, certain Ulama have asserted that the requirement of the testimony is a large group if a bid'ah (innovation) and unsubstantiated? In refutation to this, we present the narration of Musannaf Abdur Razaak (Hadith 7378)

This prerequisite is furthermore in keeping with the dictates of logic and reason. The sighting of only a few persons

عن ابن عمرؓ قال: تراء ى الناس الهلال فاخبرت رسول الله ﷺ انى رئيته فصام و امر الناس بصيامه رواه ابو داود و الدارمى قال ميرك نقلا عن التصحيح: و رواه الحاكم ، و قال: على شرط مسلم ، و رواه البيهقى ـ انتهى ـ و صحح ابن حبان ، و قال النووى : اسناده على شرط مسلم ـ (مرقاة ٢:٥٠٧) (كذا فى اعلاء السنن ، ٩:١٢٨)

و قال مولف اعلاء السنن : و التقييد بعلة فى السماء ليس مذكورا فى الحديث لكن الدليل عليه ما ذكره صاحب الهداية و نصه : و اذا لم تكن بالسماء علة لم تقبل الشهادة حتى يراه جمع كثير يقع العلم بخبرهم لان التفرد بالروية فى مثل هذه الحالة يوهم الغلط فيجب التوقف فيه حتى يكون جمعا كثيرا بخلاف ما اذا كان بالسماء علة لانه قد ينشق الغيم عن موضع القمر فيتفق للبعض النظر ـ انتهى ـ (٩:١٢٨)

و عن ابن عباسؓ قال: جاء اعرابى الى النبى ﷺ فقال: انى رايت الهلال ـ قال الحسن فى حديثه: يعنى رمضان فقال: ا تشهد ان لا اله الا الله ؟ قال: نعم! قال: ا تشهد ان محمدا رسول الله ؟ قال: نعم! قال: يا بلال! اذن فى الناس فليصوموا غدا ـ رواه ابو داود (١:٣٢٧) و عزاه فى المرقاة (٢:٥٠٧) بنقص بعض الالفاظ الى ابى داود و الترمذى و النسائى و ابن ماجه و الدارمى ، ثم قال صاحب المرقاة : و صحح الحاكم ـ و ذكر البيهقى انه جاء من طرق موصولا و من طرق مفصولا ، و ان كانت طرق الاتصال صحيحة ـ (كذا فى اعلاء السنن ، ٩:١٢٩)

و قال مولف اعلاء السنن : و الحديث الثانى [اى هذا الحديث] يدل على ان من لم يظهر فسقه قبل شهادته فى صوم رمضان فانه ﷺ لم يفتش امر العدالة فى الواقعة ـ (٩:١٢٩)

و فى الدر المختار: (و قبل بلا دعوى و) بلا (لفظ اشهد) و بلا حكم و مجلس قضاء ، لانه خبر لا شهادة (للصوم مع علة كغيم) و غبار (خبر عدل) او مستور على ما صححه البزازى على خلاف ظاهر الرواية لا فاسق اتفاقا (كتاب الصوم ، ٣:٣٥٢)

despite clear and unobscured skies alludes to an error or fabrication.

3) Prerequisites for Accepting the Sighting of the Crescent Signalling the Commencement of Shawwal

a) If the skies are not clear or are obscured due to dust, smoke, mist, etc. then the testimony of 2 males or 1 male and 2 females is required.

عن ربعی بن حراش عن رجل من اصحاب النبی ﷺ قال: اختلف الناس فی آخر یوم من رمضان فقدم اعرابیان فشهدا عند النبی ﷺ بالله لاهلا الهلال امس عشیة فامر رسول الله ﷺ ان یفطروا۔ رواه احمد و ابو داود۔ و زاد فی روایة: و ان یغدوا الی مصلاهم الحدیث۔ سکت عنه ابو داود و المنذری و رجاله رجال الصحیح ، و جهالة الصحابی غیر قادحة (نیل الاوطار ، ۷۲:۱)

(کذا فی اعلاء السنن ، ۱۳۱:۹)

و فی الدر المختار: (و شرط للفطر) مع العلة و العدالة (نصاب الشهادة و لفظ اشهد) و عدم الحد فی قذف لتعلق نفع العبد لکن (لا) تشترط (الدعوی) (کتاب الصوم ، ۳۵۳:۳)

و فی رد المحتار: قوله : (نصاب الشهادة) ای علی الاموال ، و هو رجلان او رجل و امراتان۔ قوله : لتعلق (نفع العبد) علة لاشتراط ما ذکر فی الشهادة علی هلال الفطر ، بخلاف هلال الصوم لان الصوم امر دینی ، فلم یشترط فیه ذلك ، اما الفطر فهو نفع دنیوی للعباد فاشبه سائر حقوقهم فیشترط فیه ما یشترط فیها۔ (۳۵۳:۳)

b) If the skies are clear or unobscured, then as in the case of the month of Ramadhaan, the testimony of a large group that necessitates Dhann-e-Ghaalib is required.

Furthermore, in the remainder ten months of the year, i.e. other than Ramadhaan and Shawwal, the prerequisites for accepting sighting of the crescent are the same as in the month of Shawwal.

فی الدر المختار: (و) هلال (الاضحی) و بقیة الاشهر التسعة (کالفطر علی المذهب) ۳۶۱:۳)

و فی رد المحتار: قوله : (و بقیة الاشهر التسعة) فلا یقبل فیها الا شهادة رجلین او رجل و امراتین عدول احرار غیر محدودین کما فی سائر الاحکام۔ بحر عن شرح مختصر الطحاوی للامام الاسبیجابی۔ و ذکر فی الامداد انها فی الصحو کالرمضان و الفطر : ای فلا بد من الجمع العظیم ، و لم یعزه لاحد ، لکن قال الخیر الرملی : الظاهر انه فی الاهلة التسعة لا فرق بین الغیم و الصحو فی قبول الرجلین لفقد العلة الموجبة لاشتراط الجمع الکثیر ، و هی توجه الکل طالبین ، و یویده قوله فی سائر الاحکام ، فلو شهدا فی الصحو بهلال شعبان و ثبت بشروط الثبوت الشرعی یثبت رمضان بعد ثلاثین یوم من شعبان ، و ان کان رمضان فی الصحو لا یثبت بخبرهما ، لان ثبوته حینئذ ضمنی ، و یغتفر فی الضمنیات ما لا یغتفر فی الصدقات انتهی (کتاب الصوم : ۳۶۱:۳)

و فی مراقی الفلاح : (و یشترط فی الثبوت (لبقیة الاهلة) اذا کان بالسماء علة (شهادة رجلین عدلین او) شهادة (حر و حرتین غیر محدودین فی قذف) و الا فجمع عظیم۔ (ص ۶۵۵)

4) The Moon and its Phases

A phase of the moon is any of the aspects or appearances presented by the moon as seen from earth, determined by the portion of the moon that is visibly illuminated by the sun. The lunar phases vary cylically as the moon orbits the earth and the earth moon system orbits the sun, according to the relative positions of the earth, the moon and the sun. Since the moon appears bright only due to the sun's reflected light, only half of the moon facing the sun is illuminated.

With the relative positions of the sun, the earth and the moon changing, the full moon will appear when the sun and the moon are on opposite sides of the earth. At this phase, the moon as seen from the surface of the earth is fully illuminated by the sun, presenting a 'full' round disk to viewers.

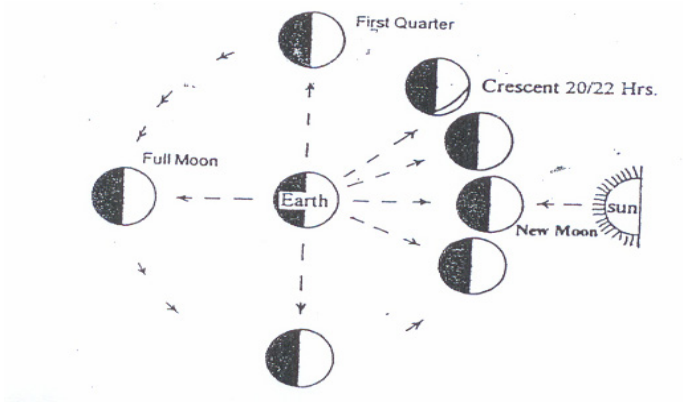
The new moon is the lunar phase that occurs when the moon, in its monthly orbital motion around earth, lies between earth and the sun, and is therefore in conjunction with the sun as seen from the earth.

At this time, the illuminated half of the moon faces directly towards the sun, and the dark or unilluminated portion of the moon faces directly towards earth, so that the moon is invisible as seen from earth. To base an Islamic calendar

upon the birth of the new moon is contrary to the Ahaadith of Nabi صلى الله عليه وسلم as at this time to sight the moon is impossible.

After the birth of the moon, as it moves away from the sun, sunlight falls on the moon's surface at the rate of 15.41 km per hour. The moon requires about 275 km of light on its surface for it to be visible from earth. This calculates to about +-18 hours from the birth of the moon. This time is called 'Imkaan al-Ruyat' or Visibility Time. Anyone seeing the moon before this is either mistaken or breaching the truth. At this stage, the moon will be visible from the earth and is called the waxing crescent.

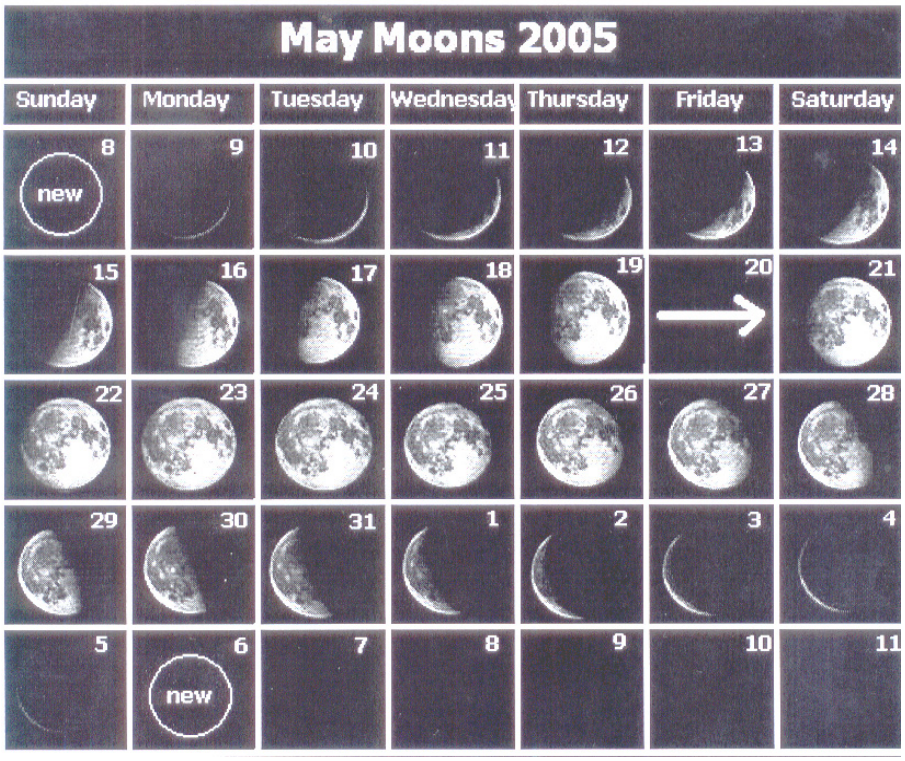
The period between the waxing crescent and the new moon as well as the new moon and the waxing crescent is called the dark moon. At this stage, the moon appears so close to the sun in the sky that it cannot be seen even near sunset or sunrise, i.e. there is insufficient light on the moon's surface for it to be seen from earth. The dark moon may last up to 3.5 days.

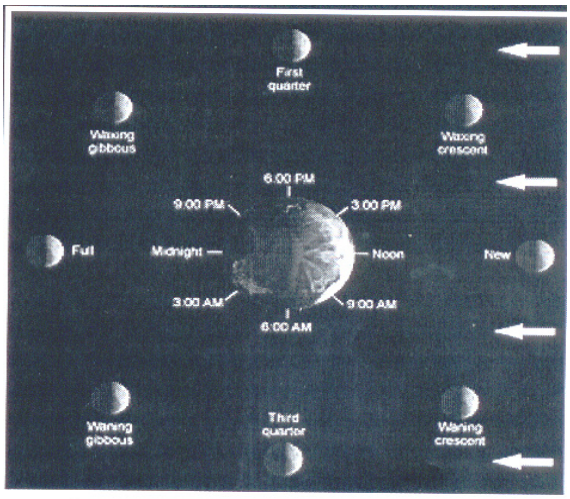


The time between 2 full moons (or between successive occurences of any two phases, e.g. ¼ moon to next first quarter moon is about 29.53 days (or 29 days, 12 hours, 44 minutes)

The different phases of the moon have different names. As the moon waxes (the amount of the illuminated surface as seen from the earth is increasing), the moon moves through the new moon, crescent moon, first quarter moon, gibbous moon and full moon phases before returning through the gibbous moon, third quarter moon, crescent moon and old moon phases. The terms new moon and old moon are interchangeable.

5) Diagram of phases





The lunar phase depends on the Moon's position in orbit around Earth. This diagram looks down on the North pole;

Dark moon – not visible
Waxing crescent – right 1 – 49% visible
Waxing gibbous – 51% - 99% visible
Waning gibbous – left 51 – 99 % visible
Waning crescent moon – left 1-49 % visible

New moon – not visible
First quarter – Right 50% visible
Full moon – fully visible
Third quarter – left 50% visible
New moon – not visible

Casual observers will not typically notice a waxing crescent moon until about 18 hours after it has passed in conjunction with the sun, i.e. after new moon. But some individuals have crafted a hobby out of attempting to view the moon after a much shorter interval than this. Informal records and their confirmality vary; some have claimed to have seen the moon as little as 12 hours after the moment of conjunction. Three factors increase the likeliheood of spying a very young moon:

Firstly, the angle the moon makes with the ecliptic must be favourable for the applicable side of the earth. The optimum scenario for this would be a new moon that falls in mid March in the Northern hemisphere or in mid September in the Southern hemisphere.

Second: the moon should be at or near pedigree, causing it to appear to move faster (and hence draw away from the sun sooner) and

Third: the new moon must be at or near its maximum separation from the node in a favourable direction based on the hemisphere of the observer. These same principles can be applied to a very old moon just before conjunction.

6) Astronomical Data and its relevance in the Shahi'ah

Certainly, Allah after creating the sun, the earth and the moon has not left them to wonder at random, rather they move within an organised, fixed pattern without any scope or margin for error or variance as a basis for the calculation of time and the calendar.

الشَّمسُ وَ القَمَرُ بِحُسبَان (الرحمٰن : ٥)

هُوَ الذِی جَعَلَ الشَّمسَ ضِیَآءً وَّ القَمَرَ نُورًا وَّ قَدَّرَهٗ مَنَازِلَ لِتَعلَمُوا عَدَدَ السِّنِینَ وَ الحِسَابَ مَا خَلَقَ اللهُ ذٰلِكَ اِلَّا بِالحَقِّ (یونس : ١٠)

وَ القَمَرَ قَدَّرنَاهُ مَنَازِلَ حَتّٰی عَادَ كَالعُرجُونِ القَدِیمِ (یٰس : ٣٩)

فَالِقُ الإِصبَاحِ وَ جَعَلَ اللَّیلَ سَكَنًا وَّ الشَّمسَ وَ القَمَرَ حُسبَانًا ذٰلِكَ تَقدِیرُ العَزِیزِ العَلِیمِ (الانعام : ٩٦)

Appreciating this fact (movement of the moon, earth and the sun are the basis of calculting time and passing thereof), the question that arises is that to what extent has atronomy secured this information; how reliable is it and what components thereof can be proven conclusively without a reasonable doubt.

In response to the above question, experts in the field have proven that the undermentioned aspects can be established conclusively, without a shadow of doubt with relative ease:

1. The time of conjunction (when the moon, the sun and the earth are in a straight line) can be calculated to the second;

2. Altitude of the moon in relation to the horizon or observer can be calculated to the degree;

3. Azimuth – the direction of the moon, measured clockwise around the observer's horizon from the north. So, when the moon is due north it has azimuth of 0 degrees, when due east 90 degrees, South 180 degrees and West 270 degrees;

4. Elongation of the moon, i.e. it's angular separation from the sun;

5. The phase, width and age of the moon;

6. Astronomical sun and moon rise and set times (which are already relied upon for selective purposes).

Although the above can be established conclusively, certain aspects that are pertinent and critical to the issue of moonsighting cannot be conclusively proven and are the facts of personal experience and research which may be questioned or debated. Amongst them are:

Firstly, the Danjon limit of visibility of the lunar crescent, i.e. what is the minimum degree of elongation at which moonsighting is possible? Named after Andre Danjon, an astronomer who in 1932 announced based on research and

experience that at an elongation of 7 degrees or less, moonsighting is impossible. The Malaysian Professor Muhammad Ilyas is of the opinion that an elongation of 10.5 degrees or less will not allow moonsighting. Of late, research at the department of Physics, University of Durham, has shown this limit to be 7.5 degrees. They have attributed the finding of Andre Danjon to an imprudent estimate and that of Professor Ilyas to the underestimation of the power of sight.

Resulting from the above differences of opinion, a deduction that may be made, although not conclusive but very persuasive, is that the elongation limit of visibility is at least 7 degrees (as this is what all parties are agreed upon). A reported sighting of less than 7 degrees will be unacceptable according to all.

Secondly, the altitude of the moon in relation to the horizon can be calculated accurately to the hundredth of a degree. However, the minimum altitude at which point moonsighting is possible is speculative. Experts have asserted that at an alttitude of less than 5 degrees moonsighting is very difficult. This is due to various reasons, amongst them:

1. Environmental conditions: the difficulty that dust, smoke, etc. in the horizon poses at a lower altitude is greater than at high altitute.

2. Seasonal conditions – the difficulty that mist, cloudiness, etc. poses is also greater at lower altitudes.

3. At lower altitudes, the brightness after sunset in the horizon will outshine the crescent making it difficult to sight.

Furthermore, one's position on the globe also has a bearing such that if the moon is in the southern hemisphere, then as we move northwards, the moon will draw closer to the horizon until such a point when it will be below the horizon. At this point, it will be impossible to sight the moon because its light will not reach you. Also, at higher altitudes the density is lower, making moonsighting easier.

We, therefore, conclude that the minimum altitude at which moonsighting is possible is speculative and although experts have set a limit of 5 degrees, this may vary with changes in environmental conditions, seasonal conditions, proficiency and strength of eye sight.

7) Can We rely on astronomical data or not?

There are 3 opinions on this issue:

1. **Those that place complete reliance on astronomical data, negating any role of actual sighting**. According to this group, the new month will begin as forecasted by astronomical data irrespective of whether actual sighting took place or not. This view goes contrary to Ahaadith of Nabi صلى الله عليه وسلم and is therefore unacceptable.

2. Those that place complete reliance on actual sighting allowing astronomical data no influence. According to this group, the ultimate decision will be based on the reliability of witnesses bearing testimony of moonsighting. If they are reliable, then their testimony will be accepted and a ruling passed accordingly irrespective of whether such a testimony appears reasonable or logical, and whether it is acceptable in terms of astronomical predictions or not. This group seek support for their view from the Ahaadith that commands the commencement and ceasing of fasting with actual sighting of the moon – and that we are a simple unlettered Ummah. Many ibaaraat of the Fuqahaa can also be found in support of this view.

3. **Those that give astronomical data, persuasive influence but not conclusive authority.** This group purports that issuing a ruling solely based on actual sighting even though it may be contrary to reason and logic is against the teachings of Islam. They purport that although certain aspects or rulings of our deen may be supralogical, they will never be illogical and just as Islam has embraced simplicity and a natural way it also embraces logic and reason. Allamah Jassas in al-Fusool (vol.4 pg.80) and Allaamah Shatbi in al-Muwaafaqaat (vol.3 pg.131) have brought chapters in support of this. According to this group, actual sighting of the moon will still be the basis of issuing a ruling (and not astronomical data). Astronomical data will merely be used to authenticate the veracity of testimonies given. If testimonies are given that are impossible according to astronomical data, they will be rejected.

This was the view of the great Shaafi'ee scholar, Allamah al-Subki (Fataawa al-Subki vol.1 pg.209) and the Taabi'ee Mutarrif ibn Abdullah (commentary of Sahih Muslim – al-Minhaj vol.1 pg.347).

Rejecting the testimony of one, two or a few people whose collective testimony does not necessitate absolute conclusive information is not something new to Islam if it is contrary to conclusive, absolute information. This is also why the testimony of moonsighting of one or two people in the context of clear skies is not accepted.

Consider also the following from the works of the great Ulama.

و من القرائن التى يدرك بها الوضع ، ما يوجد من حال الراوى ـــ و منها ما يوجد من حال المروى ، كان يكون مناقضا لنص القرآن ، او السنة المتواترة ، او الاجماع القطعى ، او صريح العقل، حيث لا يقبل شيء من ذلك التاويل۔ (نزهة النظرشرح نخبة الفكر ، ص ٧٠)

A question may arise that how can the testimony of a reliable Muslim be rejected based on astronomical data whilst the astronomers are at variance with themselves. In response to this: Certain astronomical information can be proven conclusively (like time of conjunction) and some not as in the case of the minimum altitude of which moonsighting is possible.

Therefore, if a group of individuals (that has no reached the level of Tawaatur – absolute) testify to sighting the moon before conjunction time, then this testimony will be rejected. The time of conjunction as presented by astronomical data is absolute and if contradicted by that which is not absolute, then the absolute will be give preference.

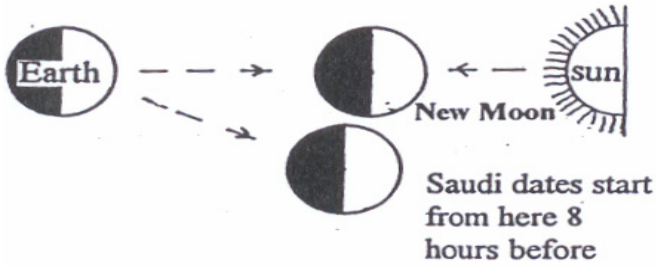
By way of example: if sunset is predicted (by astronomical data) to be 5:15 pm, and a group of individuals testify under oath that they had performed Maghrib Salaat at 4:35 pm because they witnessed sunset at 4:30 pm., then their collective testimony will be rejected. This rejection will be on the basis that astronomical data, which is absolutely conclusive, is being contradicted by that which is not absolute.

However, if astronomical data which is not absolute, such as the minimum altitude for moonsighting is 5 degrees is contradicted by the testimony of a few individuals, e.g. moonsighting at 4 degrees, then their testimony will not be rejected on mere contradiction (as both contradicting sides are of equal strength). Rather, either side will be give preference due to outside factors.

8) The Saudi Sighting

The Saudi calendar as regulated by the Majlusl Qadhaa a'Alaa was based on a 32 year pre-set calendar set in accordance with the Greenwich New Moon Astronomical Timetable from 1409 AH to 1440 AH. This resulted in the month commencing approximately 1.5 days prior to the visibility of the moon or some 8 – 9 hours before its own new moon time.

To explain, the Saudi calendar was set according to GM Time which starts at 12 o'clock midnight, corresponding to 3am Saudi time. So, if the new moon is shown to be just before 12 o'clock midnight in Britain, then the next morning is counted as the first of the next lunar month in Saudi. Once they announce that the first is from the morning, it implies, that the moon was sighted at Maghrib the previous night. If we presume Maghrib to be at 6 pm, then the announcement, in Saudi Arabia has come some 9 hours before their new moon time. Because the new month should commence with visibility time, the Saudi calendar begins approximately 1.5 days early.



Subsequently, since 1420AH, the Saudi calendar was adjusted to the new moon time. This calendar still falls short of the actual visibility time, which is some 18 hours after the new moon time resulting in the calendar still being one day ahead.

9) Ikhtilaaf al-Mataali'e

Matala refers to the place of rising of the moon. The moon is born in different parts of the world and accordingly will rise and set at different times depending on the various geographic locations. Thus, the moon will rise and will be visible at a particular place and might not be visible at another place at the same time due to the latter having different moonrise and set time. Based on the above, two questions arise: Is this concept of ikhtilaaf-e-Mataali'e recognised in the Shari;ah, and will it be considered for calendar purposes?

In response to the first question, it is a unanimously accepted fact that is, in keeping with the Ahaadith and the works of the Fuqahaa that ikhtilaaf-e-Mataali'e is recognised for purposes of Salaat. Based on this, the setting of the sun at place A, which will usher in the time of Maghrib will not necessitate the compulsion of Maghrib Salaat on Place B which is still experiencing daylight. Since this issue no longer remains a point of contention, we will refrain from any further elucidation.

Secondly is the sighting of two different places sufficient for one another if their location is different for moonsighting purposes?

According to the former Hanafi, Hanbali and Maaliki scholars, ikhtilaaf-e-Mataali'e plays no role for moonsighting purposes and by virtue of this, the moonsighting of two different places (irrespective of the distance) will be sufficient for one anotrher.

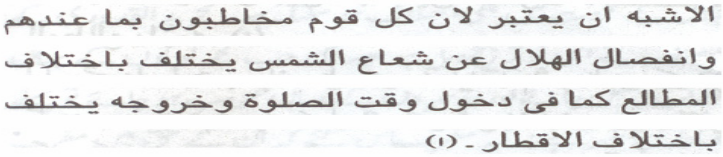
ولاعبرة لا ختلاف المطالع فى ظاهر الرواية كذا فى فتاوى قاضى خان و عليه فتوى الفقيه ابى الليث وبه كان يفتى شمس الائمة الحلوانى قال لو رأ ى اهل مغرب هلال رمضان يجب الصوم على اهل مشرق كذا فى الخلاصة(فتاوى عالمگيرى ج ا ص ٢١١ باب روية الهلال)

واذاثبت فى مصر لزم سائر الناس فيلزم اهل المشرق برؤية اهل مغرب فى

Support for this view is solicited from the Hadith which commands commencement of fasting with the sighting of the moon. This command is general such that once the moon is sighted, the compulsion of fasting will fall irrespective of where one may be in the world.

However, applying this view as a blanket ruling poses certain pertinent difficulties. The most critical is that because the time difference between some cities of the globe is more than 12 hours, applying this view will result in the month having only 28 days or at times 31 days. This result in direct conflict with the Hadith of Nabi صلى الله عليه وسلم limitating the range of a number of days of a month from 29 to 30 days.

It is with this in mind that some latter day Hanafi Fuqahaa have qualified this view to be applied only between two places whose mutual reliance (for moonsighting purposes) would not lead to the month being 28 days. Allamah Shabbir Ahmad Uthmaani رحمه‌الله mention in Wa'zul Ushr page 877


الاشبه ان يعتبر لان كل قوم مخاطبون بما عندهم
وانفصال الهلال عن شعاع الشمس يختلف باختلاف
المطالع كما فى دخول وقت الصلوة وخروجه يختلف
باختلاف الاقطار ۔ ()

Allamah Zayla'ee after rigorously discussing the issue of Ikhtilaaf-e-Mataali'e mentions (Tabyeen vol.1 pg.221):

Furthermore, contemporary Hanafi Muftis have ruled that two places that do not normally see the moon on the same day (stemming from a great difference) cannot rely on each other for moonsighting purposes (see attached Fataawa).

The official ruling of the Shaafi'ee Madhab differs with the Hanafi, Maaliki and Hanbali Madhaahib. The sighting of a place will not be valid for another if they fall in different matlas with 24 Farsakh being the minimum distance for a change in matla. However, some contemporary Shaafi'ee scholars have opted for another view from within the Shaafi'ee Madhab that is in line with the Hanafi Madhabs official ruling.

10) Procedure of taking testimony

Principally, the responsibility of taking testimony on moonsighting and making announcement on the commencement of the respetive months accordingly lies with the Qadhi or Hakim. In non-Muslim countries or countries with Muslim minorities, the Muslims may adopt any one of the following to facilitate this function:

1. Appoint an Ameer or leader;

2. Setup Hilaal committees

3. Each locality appoint any Aalim as an authority.

(Umdah al-Riaayaha vol.1 pg.309)

After the testimonies are taken and an announcement is made accordingly, then the decision reached by any of the above 3 groups is binding upon its area of jurisdiction.

Hereunder are a few guidelines which although may not be applied absolutely, are generally persuasive in ensuring that the testimony is satisfactorily authenticated resulting in an accurate ruling:

1. The witness should be reminded of the serious consequences and repercussions of his testimony and of his accountability unto Allah;

2. Testimony should not be taken if the skies were clear. This is because in this condition, the testimony of 1 or 2 people will not suffice;

3. Generally, if a person sees the moon once, he will see it a second time with relative ease. If the witness saw it once and was unable to see it a second time, the possibility that might have been mistaken is increased.

4. One who has seen the moon will be able to show another with relative ease. If this second person was unable to see it, despite the witness pointing it out to him, it will create doubt in the testimony of the witness;

5. The witness should not merely give an account of his experience but should use the words of testimony thereby sensitising him of the seriousness of his actions;

6. The body language and facial expressions of the witness should be observed. He should not seem pressurised to give testimony.

7. A pertinent point to bear in mind is that the one taking testimony is not obligated to accept the testimony merely on the basis that there are witnesses presented who are prepared to testify. If the testimony is not convincing due to outside factors or inconsistencies, then the testimonies may be rejected and the resultant ruling will be binding.

11) Neighbouring Countries and their Moonsighting

Muslim communities of the neighbouring countries, i.e. Zimbabwe, Zambia, Malawi, etc. have always relied on South Africa for moonsighting purposes (if moonsighting was not reported within their own countries) and consider South Africa's moonsighting as sufficient and valid for their calendar purposes. Ulama in South Africa had adopted a policy to accept moonsighting in South Africa only (and not that of neighbouring countries) for various reasons. Amongs them:

1. If the moon was not sighted in the eastern parts of the country, then it would in most cases be sighted in the Cape (due to its far west geographic location), depleting on the need to rely on moonsighting outside South Africa.

2. Due to poor co-ordination and administration difficulties (between South Africa and neighbouring countries), the Shar'ee contact, which is a prerequisite for reliance of moonsighting, was found to be unacceptable in terms of the precedence of high standards created by the South African Hilaal Committee.

Of late, the infrastructure in neighbouring countries in respect to Hilaal committees as well as their Shar'ee contact (co-ordination and administration) have been receiving attention. This has resulted in Ulama from neighbouring countries questioning the South African policy on accepting moonsighting in South Africa only. These sentiments were also emotionally echoed by their respective communities driven largely by the fact that they have always accepted our moonsighting (so why not us theirs) as well as in the interests of unity.

The Ulama in the eastern parts of South Africa (predominantly Hanafi) find themselves torn between two loyalties. If they accept moonsighting of the neighbouring countries which is acceptable in terms of the official ruling of the Hanafi Madhab as well as the Fataawa of the contemporary Hanafi Muftis, they expose themselves to the risk of this moonsighting being rejected by the Shaafi'ee Ulama in the western parts of the country because of them being on a different Matla`. The result would be the South African Muslim split into two.

On the other hand, if they take a decision that will be acceptable to the Shaafi'ee community of the Cape (and reject moonsighting in a neighbouring country), they fear a feeling of disunity and tension being created between South African Muslims and its neighbours.

The challenge is for the South African Shafi'ee Ulama, working within their Madhab, to adopt such a policy (for moonsighting purposes) that will maintain and strengthen unity between not only the Shaafi'ee and Hanafi communities of South Africa but also between South Africa and its neighbouring countries.

A suggestion would be to improve and strengthen co-ordination and Shar'ee contact between the countries and for SA to consider the moonsighting of its neighbouring countries if it is acceptable in terms of astronomical data (as explained in point 6)

FATWA ON MOONSIGHTING:

Q: Who should we follow?

Darul Uloom Deoband, India (دارالعلوم دیوبند)

I have studied your queries very attentively. It has been written from here in the past, that announcements should be made for the sighting of the moon, based upon information of sightings from your close country, Morocco. It is incorrect to make announcements for Eid and Ramadan by following Saudi for the sake of ease. Even if a fatwa has been obtained for this purpose, it is against the principles of Shariah. There is a far greater distance between Britain and Saudi, whereas Morocco is a lot closer to Britain. To abandon a close country's sightings and to accept Saudi's sighting, is in contradiction with the principles of Fiqh. Thereafter, considering the state of the Saudi observations and the difficulties that are arising from them, which you have written and drawn attention towards. After reading them, no decision should ever be made blindly in accordance with Saudi observations. You should enforce with full strength the practice of following Morocco sightings. This is closest to the truth.And Allah knows best.
Mufti Habibur Rahman, Mufti Darul Uloom Deoband. 18th Safar 1424AH

Mazahirul Uloom, Sharanpur, India (مظـــاهرالعلوم ســـهارنبو)

This answer is correct and is in accordance with the rulings of Shariah. The closest countries should be taken into account where there is less difference in the sunset etc.
Mufti Muhammad Tahir, Darul Ifta Mazahirul Uloom Sharanpur. 1st Sha'baan 1424 AH

Jamia Islamia Taleemud Deen, Dahbel, Gujrat, India.

I fully agree and I am satisfied with the above reply.
Mufti Ahmed Khanpuri Darul Ifta Jamia Islamia Dahbel.2nd Rabius Thani 1424 AH

Khairul Madaaris, Multan. Pakistan.

We have learned from very reliable sources that the thirty two year Saudi Calendar has been set according to Greenwich (London) and the announcements for Eid, Ramadan are made according to it and not to moons sighting or by following principles laid down in the Islamic Shariah. A basic proof of this fact is the statements made in the forward of the Saudi Calendar. The second proof is that when officials of Wazaarat Ad-Diffa wat-Tairaan (Ministry of Defense and Aviation) were asked that on 21st of February 1993 it will be 30th of Sha'baan but id there actually a chance of of sighting the moon; both ministries admitted that according to moons sighting calculations there was no chance of sighting yet Ramadan was announced in Saudi the next day. The third proof is that in Saudi moon sighting is not common amongst the common population despite clear horizons; no one can be presented in Saudi who has fasted upon sighting the moon himself even though in case of clear horizon, perpetual sighting is necessary. The fourth proof is that moon is generally sighted else ware 2-3 days later. Maulana Sameerudeen has noted many statements of people supporting this matter in his book; Ru'yat-e-Hilal. The fifth proof is that the phases of the moon are out of synch i.e full moon is not seen on the fourteenth in Saudi etc. and this can be seen by anyone in Saudi. Based upon this evidence it can be understood that moon sighting is not praticed in Saudi Arabia. Therefore to make Saudi the basis of these decisions would be wasting your acts of worship and this is also the opinion of Mufti Taqi Usmani as well.
Mufti Muhammad Abdullah
Mufti Abdus-Sattar Darul Ifta Khairul Madaaris Multan. 24th Jamadius Thani 1424AH

Jamiatul Uloom Islamia. Binnori Town. Karachi. Pkaistan.

It should be clear that it is duty upon Muslims living in non-Muslim countries to arrange for moon sighting in their country of residence and to place their trust in their own sighting as stated in the Ahadeeth to start and finish with moon fasting. If the moon cannot be sighted in one's own country then the sighting of the closest Islamic country should be followed; the sighting of a distant country is not reliable. Therefore in the following circumstances it is necessary for the Muslims in England to follow Morocco or Algeria which are closer to England in Shariah and to trust their moon sighting. It is not permissible to follow Saudi, Pakistan or any country which is far from England.
Mufti Abdul Kareem Deenpuri Darul Ifta Jamiatul Uloom Islamia Binnori Town Karachi. 21st Ramadan 1424AH

Darul Uloom Karachi, Pakistan.

You have discussed the problems of moon sighting in the United Kingdom. The decision of moon sighting based entirely on calculations is not correct according to Jamhoor-Ummat and I think that Shar'eet communication should be established with Morocco and its moon sighting should be considered valid for the UK. Saudi moon sighting may also be valid (as a principle) according to Shariah but the system currently in place in Saudi makes it very difficult for other countries to place their trust in it.

Mufti Taqi Usmani Daul Uloom Farachi.19th Dhul Hijja 1412 AH

I have replied to you letter and I hope that you have now received the earlier letter. In summary I would like to say that the inhabitants of Britain in the present circumstances should not consider the moon sighting of Saudi Arabia as sufficient and they should contact Morocco in case of the weather not being clear. In Saudi Arabia the sighting of the moon has been accepted before even the birth of the moon on many occasions which is impossible in my view. I have discussed the situation with many Saudi Ulama and they are also disturbed with these occurrences however since this is in the hands of the Majlisul Qadha Al-A'la they are helpless.

Mufti Taqi Usmani Darul Uloom Karachi. 19th Rabius Thani 1413AH

Mufti Justice Sheikh Muhammad Taqi Uthmani

الشيخ مفتى محمد تقى عثمانى حفظه الله

and Allah Ta'ala Knows Best

Mufti Ebrahim Desai

Secretary of Jamiat-ul-Muftieen.
Mufti of Jamiat-Ul-Ulama.
(South Africa)