The Olive Foundation, IRTIS, Byron Street, Bradford, BD3 0AD

The Islamic Calendar according to Muslims in the UK

1.0 Introduction

The Islamic Calendar referred to as the Ḥijrī Calendar is followed by Muslims across the world in order to fulfil their religious obligations. There are certain months which carry more relevance due to the significant religious acts which are performed during them; namely, Ramaḍān, Shawwāl, Dhū al-Ḥijja and Muḥarram, having said that there are religious acts within the other months as well. The purpose of this paper is to investigate the methodology that Muslims in the UK adopt in order to determine the start of the Islamic months. The paper will restrict itself to those positions within the definition of observation rather than astronomical predictions. The reason is two-fold; firstly in order to maintain focus in the study and secondly, more importantly to be legally sound. One matter is clear from the outset which is that this topic has become politically-motivated and divisive within the community of Ulamā and conclusions are jumped to without looking at the legal position. It is for this reason that names of organisations and individual scholars will not be mentioned or attributed to positions unless absolutely necessary; the author will adopt Imām Ṭaḥāwī's remarkable approach for his time of discussing positions rather than personalities. It is important we explore this topic from the perspective of the legal positions rather than the scholars who adopt them. There will be little mention of the supportive or counter Fatāwā that have been amassed unless there is a specific point which will explain a position. This is for two reasons firstly as valuing each fatwā is extremely difficult and secondly each response is based on the question which is being asked and they are also time-dependent; as these are difficult to validate they are considered beyond the remit of this paper. The paper will be structured by discussing each position which will be titled Position; the criteria will be stated with supporting evidence following on from that any arguments against another position will be brought and any counter arguments without going into excessive detail. A large number of texts were utilised for this study and have been listed in the Bibliography. Having said that, many texts were not titled nor dated hence was proving absolutely impossible to acknowledge. Referencing has not been carried out as standards dictate, this is because the aim of the paper has been to attempt to not overtly link organisations and personalities to legal positions.

2.0 Legal Positions

2.1 Position One

1. Astronomical data cannot be used in any capacity - as a result it will not be utilised to determine which night to seek the hilāl, nor to negate any sighting. Evidence from Aḥādīth is brought to support this position stating that we as a community rely solely on sighting and not a community of science with respect to this issue.
2. Kingdom of Saudi Arabia's declaration of the hilāl is the most appropriate for all Muslims to follow – it is difficult to regularly sight the hilāl in the UK so as a result we must look beyond our shores. Morocco's unreliability was the reason why the switch was made to KSA originally also that it states that the Moon should be

attempted to be sighted after a number f hours, and South Africa being considered as a non-Muslim majority state lacks the legal remit. With mass media many individuals are declaring the new months without the need to consult scholars as announcements are made on satellite channels. The methodology KSA applies is through sighting by any number of witnesses as no fixed number is required whose statements are then legislated by the legal body.

2.2 Position Two

1. Efforts should be made to sight the moon locally – if this proves difficult as is expected than any country to the East which has a legally valid method of determining the start of the month will be utilised.
2. Possibility of Sighting (Imkān al-Ru'ya) has to exist – if a claim of sighting is made, particularly if an isolated report (namely one or two individuals), then this needs to be assessed against astronomical data to validate the witness statement. If physically possible then it will be accepted otherwise rejected. A statement is made however that if a large number of individuals bear witness that they have sighted the hilāl then it will be accepted.
3. Sighting will be only be considered valid if made by a large group of witnesses (Jam'a Kathīr/Ghafīr) – the reason for this criterion is to remove any errors which could take place if one or two witnesses were accepted.
4. Declaration from KSA will not be considered due to their unreliability and that the witnessing which is approved has been based on one or two individuals in certain circumstances - significant evidence by many independent researchers have shown the invalidity of the declarations due to months of the year following calculated astronomical data and the reliance upon one or two witnesses declaring the sighting.

2.3 Position Three

1. The first of the month should be declared on that day which does not go against the sharī'a, intellect and the obvious matters.
2. Each locality in the UK should have dedicated individuals who regularly attempt to sight the hilāl; however these individuals must know in which part of the sky the hilāl will be present.
3. Based on point 1 above individuals should be notified that it is the 29th of the month.
4. If on the 29th of the month the hilāl is not sighted then in this case news from countries that are not ahead of us, date-wise as in it is the 30th there and 29th in UK, in other words the country where news is sought from must also be 29th. Also the country should be applying the principles of the Ḥanafī school and its methodologies, furthermore the moon sighting committee of that country is satisfied.
5. There has to be a contractual agreement between the UK committee and the committee of the country the news arrives from; the news must be first-hand and not from another source.

6. As for the other months except Ramaḍān contact made via telephone or written format it must be verified that it is the said individual who is informing. Once all checks and balances are carried out then declaration can be made.
7. If news reaches the public from another country then it is not appropriate to assume that the month has started, rather they should wait until the UK committee makes an announcement.
8. If witness statements of the hilāl are contrary to external factors then they may be rejected; similarly if a transgressor's witness statement correlates with external factors then it may be accepted by the committee.
9. Waiting for news from overseas has to be declared after a fixed time period. So if news does not reach the committee from overseas within that time frame then the month will be considered to have thirty days. This fixed time period will be up to two hours after maghrib in that country.

One finds from the above summary of each Position that both Position Two and Three advocate a move away from view of Position One. Position One has been followed by a significant portion of Muslims since 28th December 1986 when it was decided to move from Morocco's declaration due to their unreliability in terms of speed of declaration. The argument for a move away from Position One is the claim that it is unreliable and not valid to follow. As this is the crux of the difference the evidences gathered by the author will be detailed followed by any response from advocators of Position One. This will be then followed by objections from Position One towards Position Two and Three.

3.0 Position One is invalid and should not be adopted by UK Muslims

3.1 Declaration of the Hilāl is not based on sighting but by following a pre-calculated Calendar

There is a detailed paper by Mohammed Odeh which discusses the KSA dating system and is quoted in full with minor changes in order to facilitate ease of reading.

The Old Criteria (up to 1419AH)

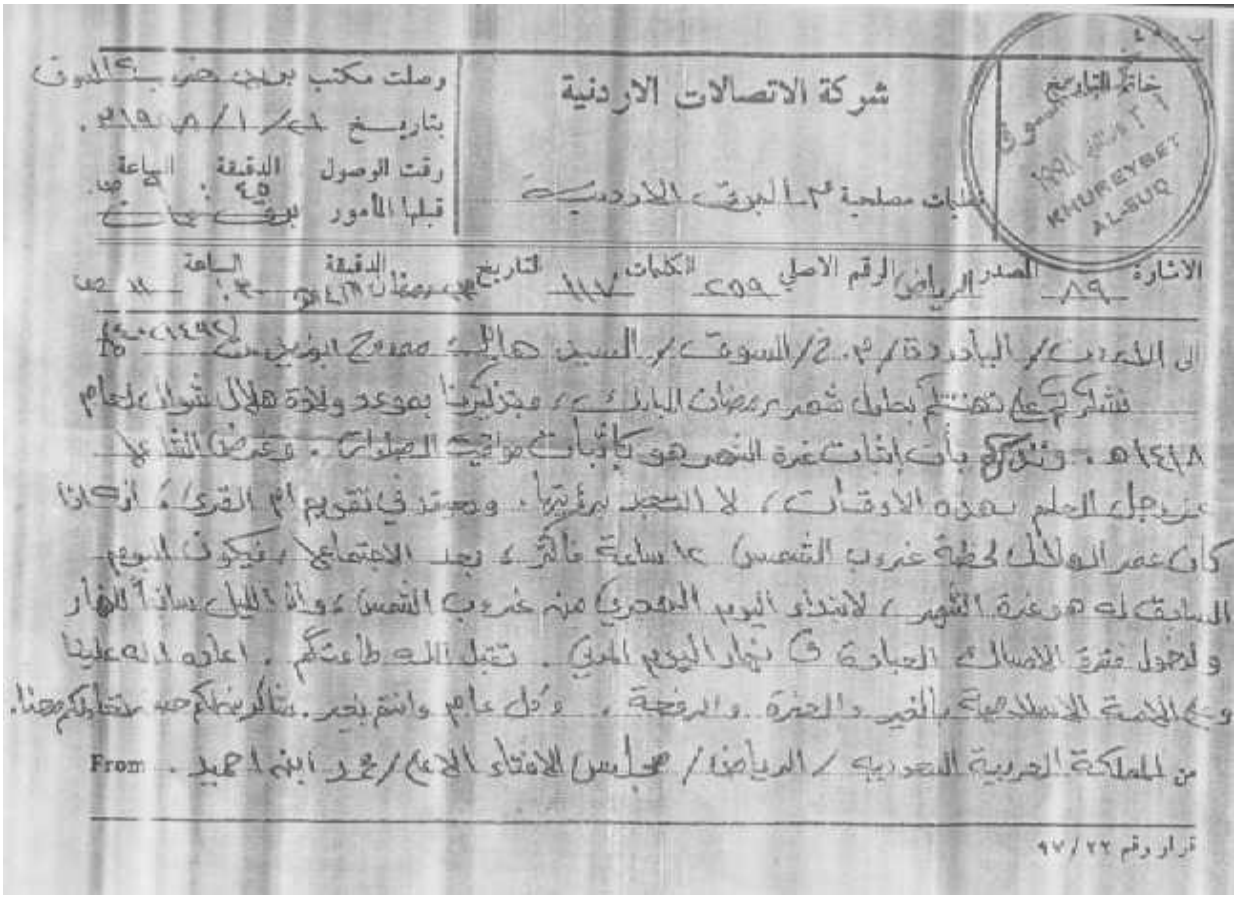
Most people think that Saudi Arabia always adopts the actual sighting of the crescent as the basis to start Islamic months. But during the previous years, it was very clear to the public as well as to astronomers that most of the Saudi months were wrong if the actual sighting is the basis for starting the Islamic month. Fortunately, the Jordanian Astronomical Society (JAS) received a telegram from The Highest Religious Council 'Majlis al-Ifta' al-A'ala' in Saudi Arabia showing the basis of the Saudi official calendar (Umm al-Qura). Below is a literal translation of this telegram.

"(To Jordan/ Al-Yadodeh/ M.Kh./ Al-Sook/ Mr. Hayel Mamdooh Abu-Zeid, dated January 21, 1998/Ramadan 23, 1418H.

We wish to thank you for sending us your greetings of Ramadan, and for reminding us of the date of the New Moon of Shawwal for the year 1418 H. We would like to remind you that determining the first day of the Islamic month is like determining the prayer times, and the aim of His Almighty from these times is to inform us not to take it as worship. It is adopted in Umm-ul-Qura Calendar that if the Moon's age at Sunset is 12 hours or more after the New Moon then the previous day is the first day of the Islamic month, since the Islamic day starts at sunset, and the night is before the daylight, as well as the time of fasting is in the civil daylight. May Allah accept your worship. May Allah bless this Ramadan. Thanking you for your good cooperation.

From: Kingdom of Saudi Arabia/ Al-Riyadh/ The Higher Religious Council "Majlis al-Ifta' al-A'ala"/ Mohammad Bin Ehmead.)"

Mr. Hayel of JAS received other letters also, about the same subject, which were clearer than this telegram. The following example may make their system clearer: If for example 29th Dec is 29 Sha'bān, and the New Moon Phase occurs after sunset in Riyad, say at 11 pm on 29th Dec., then the next day (30th Dec.) at the sunset (for example at 5 pm) the Moon's age will be 18 hours which is more than 12 hours, so that day (30th Dec.) is the first day of Ramadan, even though the New Moon was not even born at the Sunset on 29 Sha'ban (29th Dec.), and generally in such cases the Moon will set before sunset. Below is a copy of the telegram.



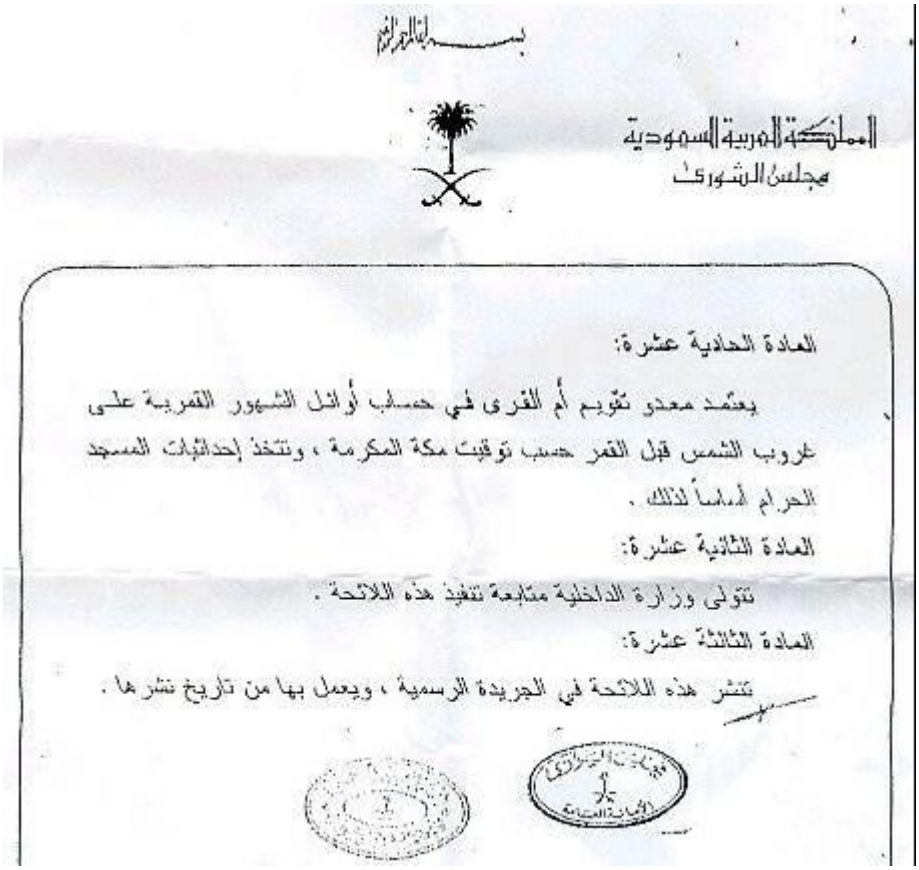
The Second Criteria (1420 AH - 1422 AH)

Starting from 1420AH Saudi Arabia starts the lunar month if the Moon sets after the Sun on the 29th day of the previous month, as seen from Makka. Although the new criteria are much better than the old ones, it still ignores the crescent visibility. Also, at certain months they begin the month while the Moon is not yet in conjunction (i.e. new moon). Setting of the Moon after the Sun does not always imply that the Moon reached conjunction.

Kindly find below a quote from the statement of Al-Shorah Council in which they mentioned their new criteria.

A literal translation of the below quote goes thus:

"To determine the beginnings of lunar months, the collaborators in the preparation of Umm Al-Qura Calendar should adopt the sunset before the moonset according to Makka, and the coordinates of Al-Haram Mosque are adopted."


بسم الله الرحمن الرحيم

المملكة العربية السعودية
مجلس الشورى

المادة الحادية عشرة:

يعتمد معدو تقويم أم القرى في حساب أوائل الشهور القمرية على غروب الشمس قبل القمر حسب توقيت مكة المكرمة ، وتتخذ إحداثيات المسجد الحرام أساساً لذلك .

المادة الثانية عشرة:

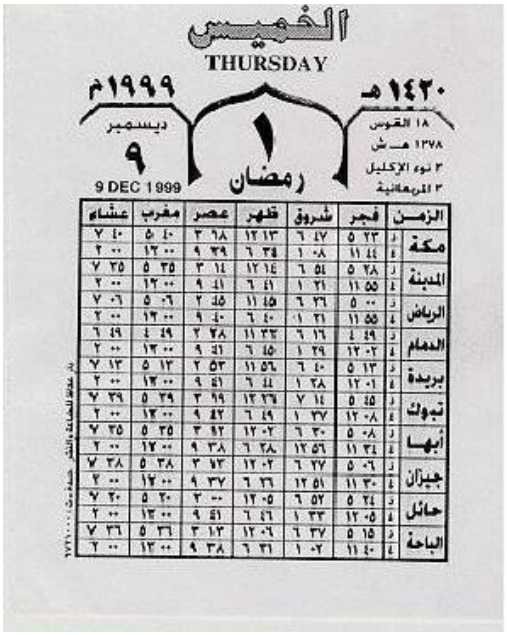
تتولى وزارة الداخلية متابعة تنفيذ هذه اللائحة .

المادة الثالثة عشرة:

تنشر هذه اللائحة في الجريدة الرسمية ، ويعمل بها من تاريخ نشرها .

For example, on 07th December 1999 (29 Sha'ban), the Sun will set in Makka at 17:38 LT, and the Moon will set at 17:29. So since the Moon will set before the Sun, 08th December is not 1st Ramadan. Consequently, 1st Ramadan will be on 09th December.

Kindly, find below two papers. The one to the right is a paper from an old Saudi calendar (which was printed before changing the criteria), showing that 1st Ramadan coincides with 08th December. Whereas the one to the left is a paper from Umm Al-Qura Calendar 1420AH, showing that 1st Ramadan is 09th December 1999.


الخميس
THURSDAY
١٤٢٠ هـ
١٩٩٩م
ديسمبر
٩
9 DEC 1999
١
رمضان
١٨ القوس
١٣٧٨ هـ ش
٣ نوه الإكليل
٣ المرهقانية

الزمن		فجر	شروق	ظهر	عصر	مغرب	عشاء
مكة	د	٥ ٢٣	٦ ١٧	١٢ ١٣	٣ ٦٨	٥ ١٠	٧ ١٠
	ع	١١ ٤٤	١ ٠٨	٦ ٣٤	٩ ٣٩	١٢ ٠٠	٢ ٠٠
المدينة	د	٥ ٢٨	٦ ٥١	١٢ ١٤	٣ ١٤	٥ ٣٥	٧ ٣٥
	ع	١١ ٥٥	١ ٢١	٦ ٤١	٩ ٤١	١٢ ٠٠	٢ ٠٠
الرياض	د	٥ ٠٠	٦ ٢٦	١١ ٥٥	٢ ٥٥	٥ ٠٦	٧ ٠٦
	ع	١١ ٥٥	١ ٢١	٦ ٤٠	٩ ٤٠	١٢ ٠٠	٢ ٠٠
الدمام	د	٤ ٤٩	٦ ١٦	١١ ٣٣	٢ ٢٨	٤ ٤٩	٦ ٤٩
	ع	١٢ ٠٢	١ ٢٩	٦ ٤٥	٩ ٤١	١٢ ٠٠	٢ ٠٠
بريدة	د	٥ ١٣	٦ ٤٠	١١ ٥٦	٢ ٥٣	٥ ١٣	٧ ١٣
	ع	١٢ ٠١	١ ٣٨	٦ ٤٤	٩ ٤١	١٢ ٠٠	٢ ٠٠
تبوك	د	٥ ٤٥	٧ ١٤	١٢ ٢٦	٣ ٢٩	٥ ٣٩	٧ ٣٩
	ع	١٢ ٠٨	١ ٣٧	٦ ٤٩	٩ ٤٢	١٢ ٠٠	٢ ٠٠
أبها	د	٥ ٠٨	٦ ٣٠	١٢ ٠٢	٣ ٣٢	٥ ٣٥	٧ ٣٥
	ع	١١ ٤٤	١٢ ٥٩	٦ ٣٨	٩ ٣٨	١٢ ٠٠	٢ ٠٠
جيزان	د	٥ ٠٦	٦ ٢٧	١٢ ٠٢	٣ ٧٣	٥ ٣٨	٧ ٣٨
	ع	١١ ٣٠	١٢ ٥١	٦ ٣٦	٩ ٣٧	١٢ ٠٠	٢ ٠٠
حائل	د	٥ ٢٤	٦ ٥٢	١٢ ٠٥	٣ ٠٠	٥ ٣٠	٧ ٣٠
	ع	١٢ ٠٥	١ ٣٣	٦ ٤١	٩ ٤١	١٢ ٠٠	٢ ٠٠
الباحة	د	٥ ١٥	٦ ٣٧	١٢ ٠٦	٣ ١٣	٥ ٣٦	٧ ٣٦
	ع	١١ ٤٠	١ ٠٢	٦ ٣٦	٩ ٣٨	١٢ ٠٠	٢ ٠٠


رمضان
ديسمبر ١٩٩٩م / يناير ٢٠٠٠م

السبت		٤	١١	١١	١٨	٢٥
الأحد		٥	١٢	١٢	١٩	٢٦
الإثنين		٦	١٣	١٣	٢٠	٢٧
الثلاثاء		٧	١٤	١٤	٢١	٢٨
الأربعاء	١	٨	١٥	١٥	٢٢	٢٩
الخميس	٢	٩	١٦	١٦	٢٣	٣٠
الجمعة	٣	١٠	١٧	١٧	٢٤	٣١

The Current Criteria (1423AH - present)

The official site of Umm al- Qura Calendar mentions that if on the 29th day of the lunar month these two conditions are satisfied, then the next day is the first day of the new lunar month:-

The geocentric conjunction occurs before sunset.

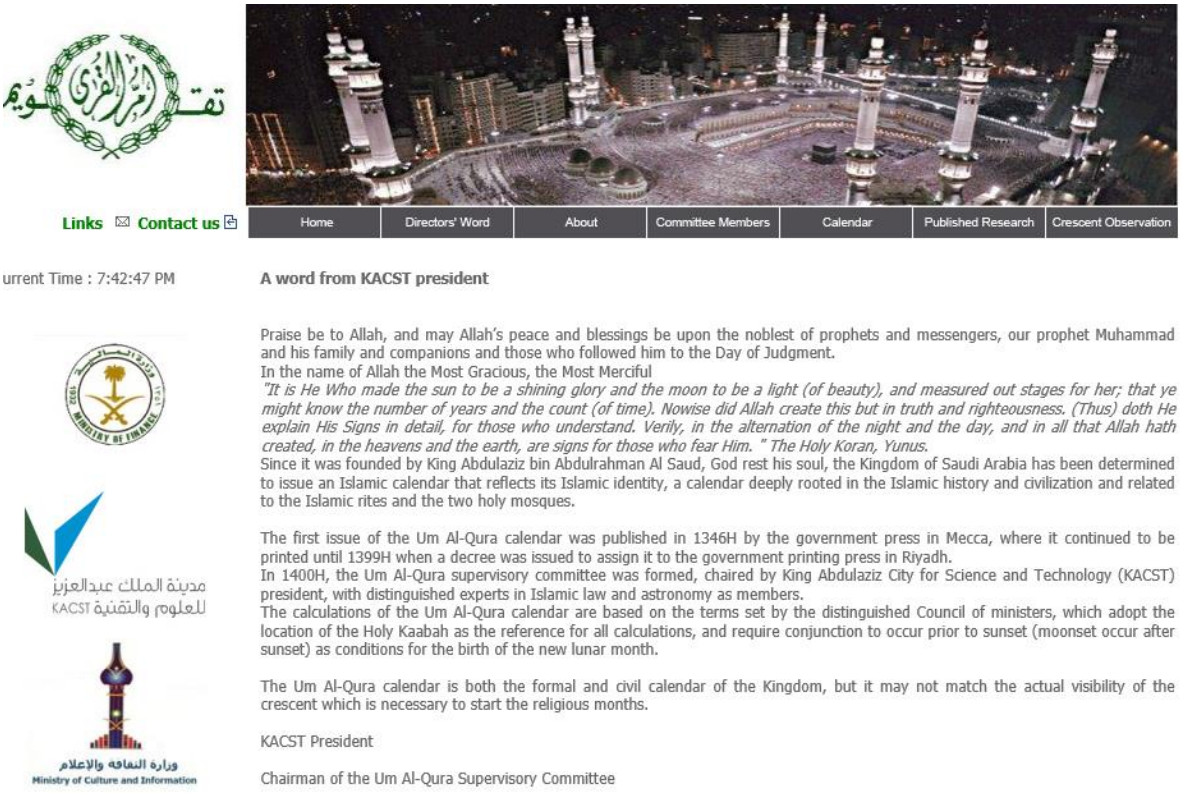
The Moon sets after the Sun.

Notice that the new criteria still ignores the visibility of the crescent.

Private correspondence has confirmed the new criteria discussed by Odeh above.

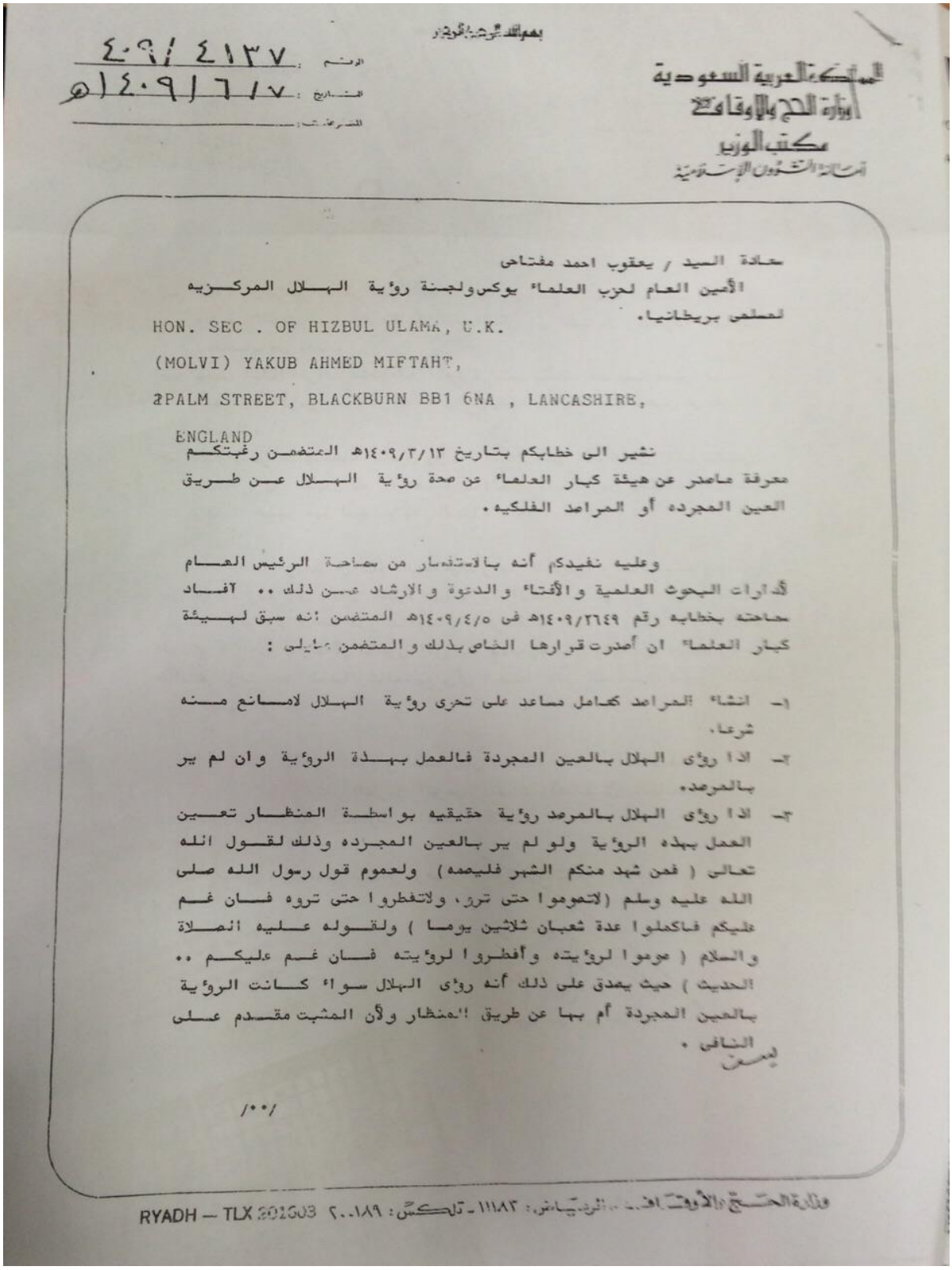
Sat 13/06/2015 21:05
Dr. Zaki A. Almostafa
Islamic Month declaration in KSA :رد
To Amjad Mohammed
This message has been replied to or forwarded.

Dear
Assalam Alykum
Thanks for the email.
Here we are following the announcement of the court for all lunar months.
Our Um Alqura calendar is based on the following two conditions:
1- the conjunction must be before the sunset on the holy Kaba, and
2- the moon sets after the sunset on the holy kaba.
if these two conditions applied, the next day is the first day of the new month, otherwise it will be the last day of the old moth.
Best regards
Zaki



Available from http://www.ummulqura.org.sa/president_address.aspx - accessed on 16th June 2015

There are a couple of declarations by Saudi Arabian organisations which state that observations are made without the use of calculations; in the first case Wizāra al- Ḥajj wa'l Awqāf state that whether by eye only or through the use of equipment at the observatory and is dated 1409AH; in the second case al-Riyāsa al-' Āmma li'l buḥūth al-alamiyya wa'l-Iftā state that unaided sighting is used only and no change in the method has been reported. This in itself is a contradiction.



بسم الله الرحمن الرحيم

الرقم: ٤٠٩/٤١٣٧
التاريخ: ١٤٠٩/٦/٧هـ
المرفقات:

المملكة العربية السعودية
وزارة الحج والأوقاف
مكتب الوزير
لشئون الشؤون الإسلامية

سعادة السيد / يعقوب احمد مفتاحي
الأمين العام لحزب العلماء بوكس ولجنة رؤية الهلال المركزيه لعلماء بريطانيا.

HON. SEC . OF HIZBUL ULAMA, U.K.

(MOLVI) YAKUB AHMED MIFTAHT,

2PALM STREET, BLACKBURN BB1 6NA , LANCASHIRE,

ENGLAND

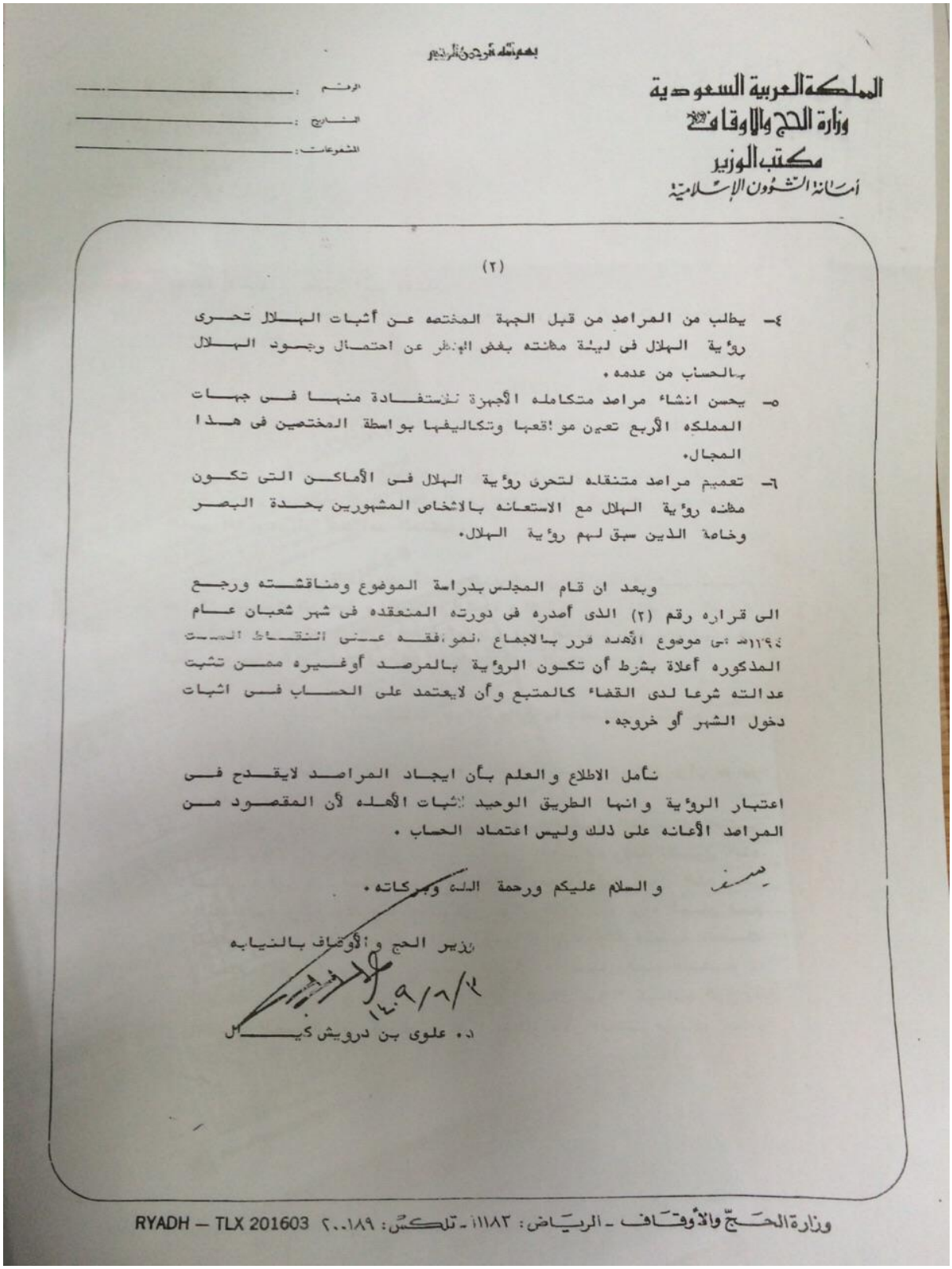
نشير الى خطابكم بتاريخ ١٤٠٩/٣/١٣هـ المتضمن رغبتكم معرفة ماصدر عن هيئة كبار العلماء عن صحة رؤية الهلال عن طريق العين المجرده أو المراصد الفلكيه.

وعليه نفيدكم أنه بالاستفسار من سماحة الرئيس العام لإدارات البحوث العلمية والأفتاء والدعوة والارشاد عن ذلك .. أفاد سماحته بخطابه رقم ١٤٠٩/٢٦٤٩هـ في ١٤٠٩/٤/٥هـ المتضمن انه سبق لهيئة كبار العلماء ان أصدرت قرارها الخاص بذلك والمتضمن مايلي :

١- انشاء المراصد كعامل مساعد على تحري رؤية الهلال لامانع منه شرعا.
٢- اذا رؤى الهلال بالعين المجردة فالعمل بهذة الرؤية وان لم ير بالمرصد.
٣- اذا رؤى الهلال بالمرصد رؤية حقيقيه بواسطة المنظار تعين العمل بهذه الرؤية ولو لم ير بالعين المجرده وذلك لقول الله تعالى (فمن شهد منكم الشهر فليصمه) ولعموم قول رسول الله صلى الله عليه وسلم (لاتصوموا حتى تروه ولاتفطروا حتى تروه فان غم عليكم فاكملوا عدة شعبان ثلاثين يوما) ولقوله عليه الصلاة والسلام (صوموا لرؤيته وأفطروا لرؤيته فان غم عليكم .. الحديث) حيث يصدق على ذلك أنه رؤى الهلال سواء كانت الرؤية بالعين المجردة أم بها عن طريق المنظار ولأن المثبت مقدم على النافي .

/٠٠/

وزارة الحج والأوقاف - الرياض: ١١١٨٣ - تلكس: ٢٠١٨٩ RYADH – TLX 201603



بعونه تعالى نرجو التوفيق

الرقم : _____
التاريخ : _____
المشفوعات : _____

المملكة العربية السعودية
وزارة الحج والأوقاف
مكتب الوزير
أمانة الشؤون الإسلامية

(٢)

٤- يطلب من المراصد من قبل الجهة المختصه عن أثبات الهلال تحرى رؤية الهلال فى ليلة مظنته بغض النظر عن احتمال وجود الهلال بالحساب من عدمه.

٥- يحسن انشاء مراصد متكامله الأجهزة للاستفادة منها فى جهات المملكه الأربع تعين مواقعها وتكاليفها بواسطة المختصين فى هذا المجال.

٦- تعميم مراصد متنقله لتحرى رؤية الهلال فى الأماكن التى تكون مظنه رؤية الهلال مع الاستعانه بالاشخاص المشهورين بحدة البصر وخاصة الذين سبق لهم رؤية الهلال.

وبعد ان قام المجلس بدراسة الموضوع ومناقشته ورجع الى قراره رقم (٢) الذى أصدره فى دورته المنعقده فى شهر شعبان عام ١٣٩٤هـ فى موضوع الأهله قرر بالاجماع الموافقه على انتقاء الست المذكوره أعلاة بشرط أن تكون الرؤية بالمرصد أوغيره ممن تثبت عدالته شرعا لدى القضاء كالمتبع وأن لايعتمد على الحساب فى اثبات دخول الشهر أو خروجه.

تأمل الاطلاع والعلم بأن ايجاد المراصد لايقدح فى اعتبار الرؤية وانها الطريق الوحيد لاثبات الأهله لأن المقصود من المراصد الأعانه على ذلك وليس اعتماد الحساب.

والسلام عليكم ورحمة الله وبركاته.

وزير الحج والأوقاف بالنيابه

١٤٠٩/٦/٢

د. علوى بن درويش كيال

وزارة الحج والأوقاف - الرياض: ١١١٨٣ - تلكس: ٢٠٠١٨٩ RYADH — TLX 201603

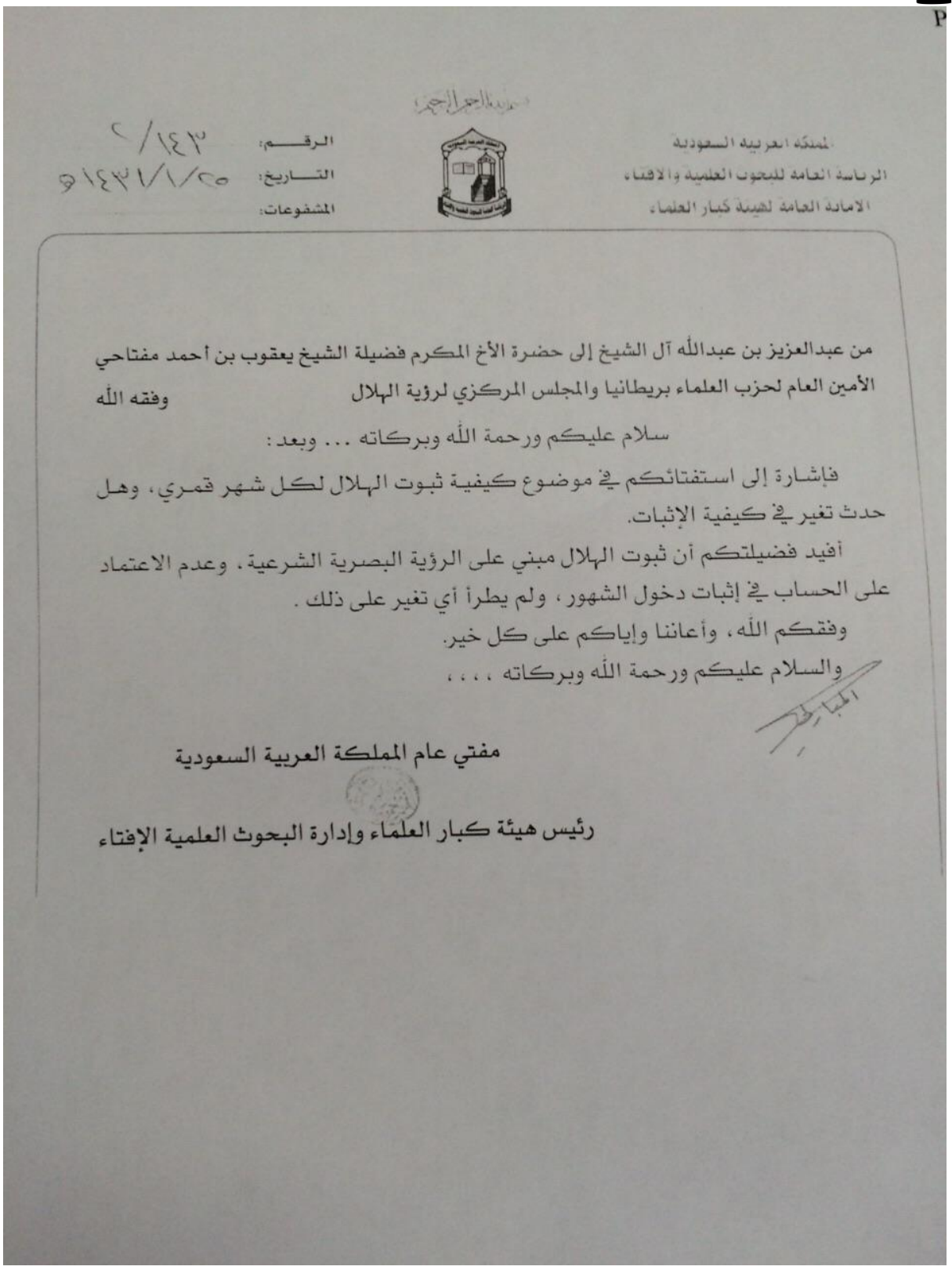
Two interesting points can be ascertained from this statement. Point 3 which as has already been mentioned considers valid the sighting of the hilāl using the observatory telescopes but also that 'this is appropriate because establishing (the hilāl) is prioritised over negating

it.' Point 6 highlights the use of 'sharp-sighted sighters'[1] who have had experience in the past of sighting the hilāl to determine this hilāl. On the other hand the aḥnāf speak about average eye sight individuals of correct vision as Imām Qudūrī mentions in al-Mawsū'a al-Qawā'id al-Fiqhiyya al-Maqārana, al-Tajrīd, Vol. 3, p. 1468;

فأما العدد الكثير فلا بد أن يكون فيهم جماعة يتساوون في حدة النظر وصحة النظر.

"As for the large number it is necessary that amongst them are a group who are similar in eyesight and correctness of vision."

[1] Al-Subki has written against the use of sharp-sighted sighters in his text al-'Ilm al-Manshūr



المملكة العربية السعودية
الرئاسة العامة للبحوث العلمية والافتاء
الامانة العامة لهيئة كبار العلماء

الرقم: ٢/١٤٣
التاريخ: ١٤٣١/١/٢٥
المشفوعات:

من عبدالعزيز بن عبدالله آل الشيخ إلى حضرة الأخ المكرم فضيلة الشيخ يعقوب بن أحمد مفتاحي
الأمين العام لحزب العلماء بريطانيا والمجلس المركزي لرؤية الهلال وفقه الله

سلام عليكم ورحمة الله وبركاته ... وبعد:

فإشارة إلى استفتائكم في موضوع كيفية ثبوت الهلال لكل شهر قمري، وهل حدث تغير في كيفية الإثبات.

أفيد فضيلتكم أن ثبوت الهلال مبني على الرؤية البصرية الشرعية، وعدم الاعتماد على الحساب في إثبات دخول الشهور، ولم يطرأ أي تغير على ذلك.

وفقكم الله، وأعاننا وإياكم على كل خير.

والسلام عليكم ورحمة الله وبركاته ،،،

مفتي عام المملكة العربية السعودية

رئيس هيئة كبار العلماء وإدارة البحوث العلمية الإفتاء

The author has sought evidence from many individuals as to where the declaration of this sighted hilāl is made – as yet nobody could provide that information. One concludes that the declaration does not exist and if it does the news is not readily available. In fact discussions with Dr Zaki alMostafa clearly show that announcements are only made for Ramaḍān to Muḥarram only; that is for five months of the year.

These discussions took place on the 7th July 2015. This seems an improved position from 1st of June 2010 as only two months were announced see from 6mins onwards for that specific point however all is relevant:

www.youtube.com/watch?v=FjitreYTTag

However, Dr Zaki alMostafa was not able to provide where this declaration was being made nor why the other months were not declared.

The following resolution statements from the Islamic Fiqh Academy explains what is expected from the process

أمانة مجمع الفقه الإسلامي الدولي تدعو لتأسيس هيئة شرعية فلكية في مكة المكرمة لإثبات بدء الأشهر القمرية

عقدت في تونس الخضراء ندوة علمية مشتركة حول (توحيد التقويم الهجري) في 11/يونيو 2009م وذلم بمناسبة السنة الدولية للفلك بدعوة من وزارة الشؤون الدينية بالجمهورية التونسية والأمانة العامة لمنظمة المؤتمر الإسلامي بالتعاون مع مجمع الفقه الإسلامي الدولي سعياً لوضع منهج موحد يكفل للمسلمين انتظام حياتهم الجماعية التعبدية وتعزيز وحدتهم.

وقد أكد معالي وزير لشؤون الدينية التونسي الأستاذ الدكتور بوبكر الأخزوري في الكلمة الافتتاحية أن الإسلام يجمع ولا يفرق ييسر ولا يغسر، وهو دين العلم والتطور والاجتهاد، ولا يمكن أن تكون ممارساتنا لشعائرنا وعبادتنا عائقاً أمام كمال ألفتنا وصلتنا الروحية الأخوية.

وبين معالي البرفيسور أكمل الدين إحسان أوغلي الأمين العام لمنظمة المؤتمر الإسلامي أن المناسبات الدينية كانت رابطة وحدة بين المسلمين في العصر الأول وهي حقيقة بأن نكون اليوم كذلك إذ التقويم الهجري الموحد عامل فاعل في ترسيخ العادات الإسلامية الطيبة مذكراً أن منظمة المؤتمر الإسلامي لم تدخر جهداً في إيلاء هذا الموضوع ما يستحقه من اهتمام من خلال النداوت والقمم واقترحت ما ينبغي أن يعتمد في سبيل توحيد التقويم الهجري.

وقد أثرى السادة العلماء والخبراء والمختصون هذه الندوة بإسهاماتهم العلمية التي تناولت التحديات والحلول لتوحيد بدء الأشهر القمرية الهجرية.

وقد ألقى معالي الأستاذ الدكتور عبد السلام داود العبادي الأمين العام لمجمع الفقه الإسلامي الدولي بجدة محاضرة ضافية ذكّر فيها بقرارات مجمع الفقه الإسلامي الدولي في دورته الثانية التي عقدت في جدة عام (1985) ودورته الثالثة التي عقدت في عمّان عام (1986) والتي تقرر فيها:

أولاً: إذا ثبتت الرؤية في بلد وجب على المسلمين الالتزام بها ولا عبرة لاختلاف المطالع، لعموم الخطاب بالأمر بالصوم والإفطار.

ثانياً: يجب الاعتماد على الرؤية، ويستعان بالحساب الفلكي والمراصد، مراعاة للأحاديث النبوية، والحقائق العلمية.

وقد دعا الأستاذ الدكتور عبدالسلام العبادي إلى تأسيس هيئة شرعية في مكة المكرمة مكونة من علماء شرعيين وتضم عدداً مناسباً من الفلكيين تنسق مع جهات أتخاذ قرار إثبات الشهر في العالم الإسلامي ومع منظمة المؤتمر الإسلامي ومجمع الفقه الإسلامي الدولي في كل ما يتعلق بهذا الموضوع الحيوي.

وقد تناولت المداخلات الظروف العلمية لرصد الأهلة، وقدمت التجربة التونسية في التقويم الهجري ومنطومة الشاهد لتوثيق رؤية الهلال وإرساء ميقات بداية الأشهر القمرية

وقد توصلت الندوة إلى جملة من النتائج ومنها.

أولاً: إن استذكار القرارات الصادرة عن مؤتمرات القمة الإسلامية ومجلس وزراء خارجية الدول الأعضاء في المنظمة حول التقويم الهجري الموحد **لبداية الشهور القمرية وتوحيد الأعياد الإسلامية والتي نصت على أن إثبات دخول شهر رمضان وخروجه ودخول شهر ذي الحجة يتم عن طريق الرؤية الشرعية المنفكة عما يكذبها علماً أو عقلاً أو حساً عملا** بقول النبي صلى الله عليه وسلم: "صوموا لرؤيته وأفطروا لرؤيته فإن غم عليكم فأكملوا شعبان ثلاثين يوماً" وبقوله صلى الله عليه وسلم: "لا تصوموا حتى تروه" يحض على الأخذ في الاعتبار الدعوات الملحة إلى ضمان أسباب وحدة الأمة الإسلامية خاصة في مثل هذه المناسبات التي هي من أهم مميزاتها في سبيل تجاوز مظاهر الفرقة والنزاع التي تمس من هيبة المسلمين.

ثانثاً: يجدر التذكير بالاجتماعات التي عقدتها لجنة التقويم الهجري الموحد ولا سيما اجتماعها الأول سنة 1978 والتوصيات الهامة التي صدرت عنها، وفي هذا الخصوص أكد المشارمون أهمية تفعيل عمل هذه اللجنة ويعتبر ذلك واجباً دينياً ومدنياً.

ثالثاً: مما ينبغي أن لا يختلف فيه ضرورة الاعتماد على الرؤية و الاستئناس بالحساب الفلكي واعتماد المراصد تطبيقاً للنصوص ومراعاة للحقائق العلمية واعتباراً لأن الرؤية البصرية طريقة للإثبات واستناداً إلى الحسابات الفلكية الثابتة التدقيق الصادرة عن المرافق والهيئات والجهات المتخصصة، وذلك التزاماً بنص قرار مجمع الفقه الإسلامي الدولي المشار إليه والذي جاء مصداقاً لقوله تعالى (هُوَ الَّذِي جَعَلَ الشَّمْسَ ضِيَاء وَالْقَمَرَ نُورًا وَقَدَّرَهُ مَنَازِلَ لِتَعْلَمُواْ عَدَدَ السِّنِينَ وَالْحِسَابَ مَا خَلَقَ اللّهُ ذَلِكَ إِلاَّ بِالْحَقِّ يُفَصِّلُ الآيَاتِ لِقَوْمٍ يَعْلَمُونَ) يونس: ٥ فتكلم سبحانه عن العلم الذي قد يحصل بالرؤية وقد يحصل بالحساب لانتظام حركة الكواكب والنجوم وفق ما أراد الله سبحانه من انتظام محكم لهذا الكون.

وإن الاختلافات الجزئية في فهم النصوص الظنية الدلالة والاجتهادات الفقهية المتباينة في الاستنباط والترجيح والاختيار لا يمكن أن تكون حائلاً دون تحكيم التطورات العلمية والتكنولوجية، ولا يقبل أن تكون مكرسة للشقاق والغلو والتعصب فديننا يدعو إلى إعمال العقل والنظر والاجتهادي وهو يؤكد على الاحتكام إلى أهل الذكر في كل اختصاص، والفقه الإسلامي أكد عبر التاريخ أن العلماء المحققين اعتبروا الثوابت والمتغيرات وراعوا النص والواقع، وليس لنا بإزاء هذه القضية إلا أن نتوخى منهج التوفيق بين نصوصنا وبين الإنجازات العلمية والتقنية التي تعين على التعاطي مع مسألة رؤية الهلال في سبيل توحيد مواسمنا وأعيادنا الدينية.

رابعاً: **ضرورة إعداد تقويم هجري موحد تلتزم به الأمة الإسلامية وذلك باعتبار ولادة الهلال قبل غروب الشمس وبشرط مغيبه بعد غُرُوبها حسب توقيت مكة المكرمة أو أي بلد إسلامي يشترك معها في جزء من الليل بزمن يمكن أن تتحقق معه الرؤية الشرعية بدخول الشهر وذلك عن طريق لجنة مختصة تقوم بإعداد هذا التقويم وتفعيل دور هذه اللجنة المكلفة بإعداد روزنامة إسلامية تكون مرجع المسلمين في ضبط التقويم الهجري وذلك تماماً كما جاء في قرار مؤتمر القمة الإسلامي التاسع والعاشر.**

خامساً: كل المسلمين معنيون بهذه المقررات حيثما وُجدوا درءاً للاختلافات المبررة بتباعد الأقطار وتغايُر المواقيت.

سادساً: دعوة منظمة المؤتمر الإسلامي إلى إبلاغ هذه التوصيات إلى البلدان والمراكز والهيئات الإسلامية ومتابعة تنفيذ ما يصدر من توصيات وقرارات بهذا الخصوص.

وأعرب المشاركون عن شكرهم الجزيل لسيادة الرئيس زين العابدين بن علي على رعايته السامية لهذه الندوة العلمية مقدرين مابذل من سخي الجهود لضمان أسباب نجاحها.

في جدة : 1430/7/12 الموافق : 2009/7/5	**مجمع الفقه الإسلامي الدولي**

Available from http://www.fiqhacademy.org.sa/akhbar/5-7-2009.htm accessed on 18th June 2015.

Point four clearly states the need for a unified calendar for the Muslim World however it is argued that this would not apply for months with extra religious significance namely, Ramaḍān, Shawwāl and Dhū al-Ḥijja, which has been highlighted in point one.

A discussion held about the practice of declaring the new month contains the views of the Saudi scholars that sighting should be conducted - https://www.youtube.com/watch?v=GafmdZs9pnE&feature=related

In February 2012 it was announced that news of months other than the Ibāda months (Sha'bān, Ramaḍān, Shawwāl and Dhū al-Ḥijja) was proving difficult to gain from the Mahkama 'Ulaya, which had taken over from Majlis Qaḍā al-'Alā three years earlier. Hence it was agreed that the Umm al-Qura calendar would be followed which is based on astronomical calculations however was justified to use because, "The Ummul Qura Islamic Civil dates are nearest in distance to the pure Islamic Shar'ee Rasmi dates as practiced by Saudi Arabia rather than by other Islamic Civil and Rasmi dates because they do not place

conditions of a minimum criterion as used by other countries." Clearly Position One is going against its criterion.

However this has proved problematic as the month's start based on sighting has then differed. For example see below;

Email response from KACST confirming difference in date due to UK Committee declaring on Umm al-Qura date.

> -------- Original Message --------
>
> **Subject:**Re: When is hilal sighting for Rajab 1436
>
> **Date:** 2015-04-14 01:07
>
> **From:** "Thamer. Y. Alrefay"
>
> **To:** Qamar Uddin
>
> Walikom asalam,
>
> Yes, the hilal sighting [29th day] will be on Sunday 19 of April. According to highest court announcement.
>
> Thamer Alrefay
>
> --
>
> On ٢٠١٥/٠٤/١٣, at م ١٠:٣١, Qamar Uddin wrote:
>
> Salam Dr Thamer Alrefay,
>
> As you are the manger for the astronomy centre at KACST, please could you confirm that the next hilal sighting will be on Sunday 19 April 2015, 30 Jumada Al Thani 1436 according to the Ummul Qura Calendar as none of the hilal committees sighted the moon on 20 March 2015 (the day of solar eclipse), 29 Jumada al Awwal 1436?
>
> I understand the above date change is by the order of the higher court under the new Minister of Justice, which means the unannounced start date of Jumada Al Thani 1436 in Saudi Arabia was from Sunday 22 March 2015 and not from Saturday 21 March?
>
> I look forward to your reply to clarify the above two points.
>
> Wassalam,
>
> Qamar Uddin

Also on the point of this statement on February 2012 which makes it clear that even though Position One argues that sighting is carried out at the beginning of each month the news was not reaching the UK. However the following email from KACST clearly explains that sighting was only taking place for six months prior to 1430H and only after was attempt made to sight throughout the full year.

Email in response to query about when sighting the months had started.

> -------- Original message --------
> From: "Saleh M. Alsaab"
> Date: 21/06/2015 09:27 (GMT+00:00)
> To: Qamar Uddin UK ,ICOP Google
> Subject: RE: Locations of Saudi Hilal Committees (2009 - Present)
>
> Salam all,
>
> Previous to 1430 we were observing the crescent for the last six months of the year starting from Rajab.
>
> This was from 1404.
>
> Thank you.
>
> Saleh.

3.2 The knowledge of information prior to the event can affect an observer's psychology

Kordi carried out extensive research by collecting data for observations of sightings of the new moon of Ramaḍān during the period 1962-2001. When he compared these with the official civil Umm al-Qura Calendar he found that thirty-five out of a possible forty-two, in other words over 83%, agreed with the civil calendar. This led him to the obvious conclusion that, "prior knowledge of the supposed beginning of Ramadan *via* the civil calendar increases the psychological element in what is a difficult observation, leading to a large number of reports of false observations (Kordi, 2003). Of these thirty-five Kordi found that twenty-four occurred when the moon had already set before sunset or was impossible; three were also seen in Syria. The seven which did not agree with the Umm al-Qura; four sightings where the month of Sha'ban was 29 days, two which made the month 30, and one where it became 28 days.

This extensive study clearly highlights the psychological effects on the observer if he/she is aware of dates or possibility of sighting before carrying out observations. This can be equally held against those positions adopted by others who may go out to observe but are aware that the moon is impossible to be sighted due to astronomical predictions.

3.3 Those months which are termed religious months namely Muḥarram, Ramaḍān, Shawwāl and Dhu al-Ḥijja start by a sighting which is unreliable

The author has seen a large number of fatāwa which refute the use of astronomical predictions for the ḥilāl. However it could be argued that these predictions are those which make no use of sighting or decide which day to go look for the hilāl. Similarly Position One

utilises these fatāwa to argue against the other positions but are forced to adopt them due to delay in announcements for the other non-Ibāda months as detailed above.

There are a number of incidents which have shown the concern of sightings which are considered problematic. Some have been gathered to illustrate the point hence the purpose has not been to catalogue all such events.

1. Hilal Sighting for Eid Ul Fitr 2009/1430AH in Makkah al Mukkarama by Abdul Aziz Raje

   Venue – Makka Hilal Observatory in Shimaysi (600m above sea level) use of a very large Meade LX200 EMC Telescope. Attempt to sight the hilāl from before maghrib and up to 20 minutes after proved unsuccessful as a smog had appeared along the skyline where it was expected. The Research Professor in the Astronomy Department at the King Abdulaziz City for Science and Technology reported a negative sighting to the authorities and names of the fifteen observers were also provided. Seven of the fifteen are as follows:

   Dr AbdulRahman H Maghrabi – King Abdulaziz City for Science and Technology

   Captain Abdullah Alzahrani – Saudi Navy

   Dr Hasan Basuraukh – King AbdulAziz University

   Sheikh Mohammed Saeed – Makkah al Mukkarama

   Abdul Aziz Raje - UK

   Hussain Tutla - UK

   Arif Moghual – UK

   Whilst still on the hill news reached that a local individual had sighted the Moon in Riyadh. The authorities had taken a decision based on that for Eid.

2. The research of the Ulama of Turkey as regards to the Declaration by Saudi Arabia of Eid ul Fitr 1399 AH – a translated extract from Islami Maah and Ru'yat e hilal pp 95-8 – Yaqub Qavi Qasmi

   Head of the religious department of the Republic of Turkey, Tayyar Aalati Qowlaj writes in his report; the five member delegation reached Jeddah Saudi Arabia on 16th August 1979 which was Ramadan of 1399AH. A meeting was organised with the senior scholars, however, after little response or interest from Abdullah bin Baz the delegation reached Taif on the 22nd August 1979 so that they could climb Mount Shifa, which is thirty kms from Taif; it is the highest mountain in Saudi Arabia. An expert astronomer with thirty years' experience in this field was in our delegation by the name of Arif Jowkloo. We attempted to sight the hilāl by binocular but were unsuccessful as the Moon had set twenty minutes before the Sun. The government of Saudi announced on that night that due to testimonies of two witnesses the next day will be Eid ul Fitr – this announcement was in accordance to the American Navy, after the time of conjunction. Even though the people of Saudi celebrated Eid we continued with our fast. On the 23rd of August we returned to Mount Shifa to

attempt a sighting, this time two others joined, engineer Khaleel Torden and Abu Zaruse Qudrat. We did not observe any signs of the hilāl on this night. If it was sighted on 22nd surely it would have been sighted on the 23rd?

What is also startling is that on the 22nd of August there was a solar eclipse[2] which was witnessed by many cities in America. The sighting of the hilāl on an occasion of solar eclipse is impossible. The solar eclipse was witnessed by millions, hence how can testimonies of two unidentified individuals of an impossible sighting be acceptable?

3. 1st of Muharram 1412 declared in KSA when there was a solar eclipse in Hawaii and 1st of Rajab declared when there was a solar eclipse in America. (Kacholwi cited in Rangooni, 2006, p. 27)

4. A number of newspapers have challenged the declaration of the hilāl but could not be independently verified by the author as either the link doesn't work or specific details have not been supplied. A number of comments are based upon the possibility of sighting due to astronomical data which Position One rejects, but as mentioned before is accepted or majority of the year due to lack o information from KSA.

   Dr Salih a member of the six-member Saudi Moon Sighting Committee is not satisfied with the decisions of the Supreme Council. (Daily Jang, 11th October 2005)

   Dr Ali Muhammad al-Shukri, Chairman of the Department of Physics, Saudi Arabia stated that it is not possible for Ramaḍān to start before Wednesday the 5th of October 2005, "i.e. the moon can only be sighted in Saudi on the eve of Tuesday the 4th of October because it will be over 29 hours old and 7.4 degrees above the horizon." (Daily Jang, 11th October 2005). Fasting was started on Tuesday.

   Gulf News reported Rania Habib on 4th October 2006 declares that Ramadan 1427 was incorrectly declared as it was impossible to see on Saturday 23rd September 2006 http://archive.gulfnews.com/articles/06/10/04/10072189.html (could not access)

5. Hilal Sighting in Saudi Arabia - A First Hand Report – Dr Salman Z. Shaikh
   Shaikh spent five years in KSA between the years 1995-2000 (1416-21AH). The following are extracts from his report. The source of Umm al-Qura is KACST and when Shaikh met with them he found a change in computational criteria had been made from 1420AH and further changes were planned in 1423AH (his findings correlate with Odeh's findings above). The authors of Umm al-Qura are well aware that the moonset has to be after the sunset by a long time for it to be observed. But the purpose of Umm al-Qura is not to predict the hilāl but for civil and ministry purposes for setting official dates. Around 1419AH the Saudi Government set six hilāl sighting committees due to the complaints of the errors. Each committee was made up of; a member of Qaḍā (Islamic scholar/Justice department), one member of KACST/astronomer, one member of Imāra (ruling council of the city), and volunteers. There are now nine such places which the hilāl committees go on every

[2] Author has confirmed solar eclipse.

29th day of the Umm al-Qura calendar since 2009 (1430), Makka, Madina, Riyadh, Shaqra, Sudayr, Burayda, Dammam, Hail and Tabuk. Prior to this it was just for the months of Ibada in six areas – Makka, Riyadh, Qassim, Hail, Tabuk and Asir. However these committees do not have exclusive jurisdiction therefore if any Muslim makes a claim of sighting the hilāl then the Justice department can accept it. Therefore, the new moon has been declared many times yet the hilāl committees have not sighted it (even taking their highly powerful telescopes into consideration – Author). I will quote Shaikh's statement if full with regard to Eid al-Fitr 1420 AH

> In the case of Eid-ul-Fitr 1420 AH, I myself went with the Makkah committee to a sighting point on a hilltop of Shamesi outside the city of Makkah Mukarramah on Thursday evening. Neither I, nor the other 5 committee members sighted the Hilal. But we came back to the Haram Shareef and were astounded to hear the announcement that Eid-ul-Fitr was next day (Friday). In fact moonset was before sunset in Makkah for Thursday evening. In this case the error was quite brazen. Later I learned that Sheikh Yusuf Al-Qaradawi issued a fatwa indicating that Muslims who celebrated Eid 1420 AH on Friday following the Saudi announcement should make up one missed Ramadan fast.
>
> Further, the solar eclipse of Feb 5, 2000 also proved the mistake in Eid date, according to Sheikh Al-Othaimeen's fatwa, which implies that if there is a solar eclipse anywhere in the world after sunset in your city, then next day is not the 1st of lunar month for your city.
>
> I also learned that apparently it is the same few people at certain locations, reporting on those occasions when the claims are *extraordinarily* early in Saudi Arabia, year after year. WAllahu A'alam
>
> While Saudi Astronomers are quite aware of the problems, there seemed to be negligible awareness in the community at large. But that is changing. I saw an excellent article in Arab News of February 11, 2000 about the inaccuracy of Eid-ul-Fitr 1420 AH. Subsequently I also saw nice articles in Arabic in Ad-Dawah magazine, 6 Shawwal 1420 AH etc., and the article of Sheikh Al-Manea (of Makkah Al-Mukarramah) in Al-Jazeerah, December 12, 1999. So while the coverage was still limited, at least there was some acknowledgement of the errors, albeit not officially. (Shaikh, 2000)

He does state that due to the awareness which has been raised due to erroneous witnessing the situation is improving as in Eid al-Fitr 1421AH several early witnesses were turned down due to the solar eclipse. But this is no guarantee of a change as a solar eclipse had to occur in order for the judges to determine the error; without a solar eclipse there would be no other way.

In fact this last point Shaikh makes is interesting as it clearly demonstrates that witnessing can be refused based on other information.

3.4 KSA follow the Ḥanbalī school in some form

This is a crucial point as the majority of Muslims follow the Ḥanafī fiqh in the UK whereas KSA at best adopts the Ḥanbalī fiqh; each school has different criteria for witnessing the new Moon and as a result will have a direct impact on whether a declaration is made for the start of the new month.

The Ḥanafī school will be detailed first then followed by the Ḥanbalī school.

3.4.1 Ḥanafī School

Detailed in al-Hidāya, Vol. 1, pp. 215-6

قال: " **ومن رأى هلال رمضان وحده صام وإن لم يقبل الإمام شهادته** " لقوله عليه الصلاة والسلام " صوموا لرؤيته وأفطروا لرؤيته " وقد رأى ظاهرا وإن أفطر فعليه القضاء دون الكفارة وقال الشافعي رحمه الله عليه الكفارة إن أفطر بالوقاع لأنه أفطر في رمضان حقيقة لتيقنه به وحكما لوجوب الصوم عليه.

ولنا أن القاضي رد شهادته بدليل شرعي وهو تهمة الغلط فأورث شبهة وهذ الكفارة تندرئ بالشبهات ولو أفطر قبل أن يرد الإمام شهادته اختلف المشايخ فيه ولو أكمل هذا الرجل ثلاثين يوما لم يفطر إلا مع الإمام لأن الوجوب عليه للاحتياط الاحتياط بعد ذلك من تأخير الإفطار ولو أفطر لا كفارة عليه اعتبارا للحقيقة التي عنده.

قال: " **وإذا كان بالسماء علة قبل الإمام شهادة الواحد العدل في رؤية الهلال رجلا كان أو امرأة حرا كان أو عبدا " لأنه أمر ديني فأشبه رواية الأخبار ولهذا لا يختص بلفظة الشهادة** وتشترط العدالة لأن قول الفاسق في الديانات غير مقبول وتأويل قول الطحاوي عدلا كان أو غير عدل أن يكون مستورا والعلة غيم أو غبار أو نحوه وفي إطلاق جواب الكتاب يدخل المحدود في القذف بعد ما تاب وهو ظاهر الرواية لأنه خبر ديني وعن أبي حنيفة رحمه الله أنها لا تقبل لأنها شهادة من وجه وكان الشافعي في أحد قوليه يشترط المثنى والحجة عليه ما ذكرنا وقد صح أن النبي عليه الصلاة والسلام قبل شهادة الواحد في رؤية هلال رمضان ثم إذا قبل الإمام شهادة الواحد وصاموا ثلاثين يوما لا يفطرون فيما روى الحسن عن أبي حنيفة رحمه الله للاحتياط **ولأن الفطر لا يثبت بشهادة الواحد** وعن محمد رحمه الله أنهم يفطرون ويثبت الفطر بناء على ثبوت الرمضانية بشهادة الواحد وإن كان لا يثبت بهذا ابتداء كاستحقاق الإرث بناء على النسب الثابت بشهادة القابلة.

قال: " **وإذا لم تكن بالسماء علة لم تقبل الشهادة حتى يراه جمع كثير يقع العلم بخبرهم " لأن التفرد بالرؤية في مثل هذه الحالة يوهم الغلط فيجب التوقف فيه حتى يكون جمعا كثيرا بخلاف ما إذا كان بالسماء علة لأنه قد ينشق الغيم عن موضع القمر فيتفق للبعض النظر ثم قيل في حد الكثير أهل المحلة وعن أبي يوسف رحمه الله خمسون رجلا اعتبارا بالقسامة ولا فرق بين أهل المصر ومن ورد من خارج المصر وذكر الطحاوي أنه تقبل شهادة الواحد إذا جاء من خارج المصر لقلة الموانع وإليه الإشارة في كتاب الاستحسان وكذا إذا كان على مكان مرتفع في المصر.**

قال: " ومن رأى هلال الفطر وحده لم يفطر احتياطا وفي الصوم الاحتياط في الإيجاب.

قال: " وإذا كان بالسماء علة لم يقبل في هلال الفطر إلا شهادة رجلين أو رجل وامرأتين " لأنه تعلق به نفع العبد وهو الفطر فأشبه سائر حقوقه والأضحى كالفطر في هذا في ظاهر الرواية وهو الأصح خلافا لما روي عن أبي حنيفة رحمه الله أنه كهلال رمضان لأنه تعلق به نفع العباد وهو التوسع بلحوم الأضاحي " وإن لم يكن بالسماء علة لم يقبل إلا شهادة جماعة يقع العلم بخبرهم " كما ذكرنا

In this discussion we can see that the Qāḍi has a choice of whether to accept the statement from a solitary witness. The reason he can refuse is because of accusing him of error. There are a number of ways the Qāḍi can reach this understanding – one cannot exclude astronomical data as one of those which could lead a Qāḍi to reject the statement.

On an overcast sky then the Qāḍi will accept the statement of a solitary witness.

However on a clear sky then the witness statement will not be accepted until a large group of people testify – the reason why a solitary report will not be acceptable now is because of

considering the sighting to be erroneous. The number to be considered as a large group is fifty according to Imām Abū Yūsuf.

In other months outside of Ramaḍān, for instance Shawwāl then two male witnesses are required at a minimum if the sky is overcast.

3.4.2 Ḥanbalī School

Detailed in al-Inṣāf f ī Ma'rifa al-Rājiḥ min al-Khilāf 'ala Position al-Imām Aḥmad ibn Ḥanbal, Vol. 3, pp, 194-5

قَوْلُهُ (**وَيُقْبَلُ فِي هِلَالِ رَمَضَانَ قَوْلُ عَدْلٍ وَاحِدٍ**) . هَذَا الْمَذْهَبُ، نَصَّ عَلَيْهِ، وَعَلَيْهِ جَمَاهِيرُ الْأَصْحَابِ، وَقَالَ فِي الرِّعَايَةِ: وَيَثْبُتُ بِقَوْلِ عَدْلٍ وَاحِدٍ، وَقِيلَ: حَتَّى مَعَ غَيْمٍ وَقَتَرٍ، فَظَاهِرُهُ: أَنَّ الْمُقَدَّمَ خِلَافُهُ. قَالَ فِي الْفُرُوعِ: وَالْمَذْهَبُ التَّسْوِيَةُ، وَعَنْهُ لَا يُقْبَلُ فِيهِ إلَّا عَدْلَانِ كَبَقِيَّةِ الشُّهُودِ. وَاخْتَارَ أَبُو بَكْرٍ أَنَّهُ إنْ جَاءَ مِنْ خَارِجِ الْمِصْرِ، أَوْ رَآهُ فِي الْمِصْرِ وَحْدَهُ، لَا فِي جَمَاعَةٍ: قُبِلَ قَوْلُ عَدْلٍ وَاحِدٍ، وَإِلَّا اثْنَانِ، وَحَكَى هَذِهِ رِوَايَةً. قَالَ فِي الرِّعَايَةِ، وَقِيلَ عَنْهُ: إنْ جَاءَ مِنْ خَارِجِ الْمِصْرِ أَوْ رَآهُ فِيهِ لَا فِي جَمْعٍ كَثِيرٍ: قُبِلَ وَإِلَّا فَلَا، فَقَالَ فِي هَذِهِ الرِّوَايَةِ " لَا فِي جَمْعٍ كَثِيرٍ " وَلَمْ يَقُلْ " وَإِلَّا اثْنَانِ "، فَعَلَى الْمَذْهَبِ: هُوَ خَبَرٌ لَا شَهَادَةٌ. عَلَى الصَّحِيحِ مِنْ الْمَذْهَبِ. فَيُقْبَلُ قَوْلُ عَبْدٍ وَامْرَأَةٍ وَاحِدَةٍ، وَقَالَ فِي الْمُبْهِجِ: أَمَّا الرُّؤْيَةُ: فَيَصُومُ النَّاسُ بِشَهَادَةِ الرَّجُلِ الْعَدْلِ أَوْ امْرَأَتَيْنِ، فَظَاهِرُهُ: أَنَّهُ لَا يُقْبَلُ قَوْلُ امْرَأَةٍ وَاحِدَةٍ. وَيَأْتِي الْخِلَافُ فِيهَا، وَعَلَى الْمَذْهَبِ أَيْضًا: لَا يَخْتَصُّ بِحَاكِمٍ. بَلْ يَلْزَمُ الصَّوْمُ مَنْ سَمِعَهُ مِنْ عَدْلٍ. قَالَ بَعْضُ الْأَصْحَابِ: وَلَوْ رَدَّ الْحَاكِمُ قَوْلَهُ، وَقَالَ أَبُو الْبَقَاءِ: إذَا رُدَّتْ شَهَادَتُهُ وَلَزِمَ الصَّوْمُ، فَأَخْبَرَهُ غَيْرُهُ: لَمْ يَلْزَمْهُ بِدُونِ ثُبُوتٍ، وَقِيلَ: إنْ وَثِقَ إلَيْهِ لَزِمَهُ. ذَكَرَهُ ابْنُ عَقِيلٍ، وَعَلَى الْمَذْهَبِ: لَا يُعْتَبَرُ لَفْظُ " الشَّهَادَةِ " وَذَكَرَ الْقَاضِي فِي شَهَادَةِ الْقَاذِفِ: أَنَّهُ شَهَادَةٌ لَا خَبَرٌ، فَتَنْعَكِسُ هَذِهِ الْأَحْكَامُ، وَذَكَرَ بَعْضُهُمْ وَجْهَيْنِ، هَلْ هُوَ خَبَرٌ أَوْ شَهَادَةٌ؟ قَالَ فِي الرِّعَايَةِ: وَفِي الْمَرْأَةِ وَالْعَبْدِ إذَا قُلْنَا يُقْبَلُ قَوْلُ عَدْلٍ وَجْهَانِ، وَأَطْلَقَ فِي قَبُولِ الْمَرْأَةِ الْوَاحِدَةِ إذَا قُلْنَا يُقْبَلُ قَوْلُ عَدْلٍ وَاحِدٍ الْوَجْهَانِ فِي الرِّعَايَةِ الصُّغْرَى، وَالنَّظْمِ، وَالْحَاوِيَيْنِ، وَالْفَائِقِ، وَقَالَ فِي الْكَافِي: يُقْبَلُ قَوْلُ الْعَبْدِ؛ لِأَنَّهُ خَبَرٌ، وَفِي الْمَرْأَةِ وَجْهَانِ. أَحَدُهُمَا: يُقْبَلُ؛ لِأَنَّهُ خَبَرٌ، وَالثَّانِي: لَا يُقْبَلُ؛ لِأَنَّ طَرِيقَهُ الشَّهَادَةُ. وَلِهَذَا لَا يُقْبَلُ فِيهِ شَهَادَةُ شَاهِدِ الْفَرْعِ مَعَ إمْكَانِ شَاهِدِ الْأَصْلِ، وَيَطَّلِعُ عَلَيْهِ الرَّجُلُ كَهِلَالِ شَوَّالٍ. قَالَ فِي الْفُرُوعِ: كَذَا قَالَتْنِبِيهٌ: ظَاهِرُ كَلَامِ الْمُصَنِّفِ وَغَيْرِهِ: أَنَّهُ لَا يُقْبَلُ قَوْلُ الصَّبِيِّ الْمُمَيِّزِ وَالْمَسْتُورِ، وَهُوَ صَحِيحٌ، وَهُوَ الْمَذْهَبُ وَقَطَعَ بِهِ أَكْثَرُهُمْ. وَقَالَ فِي الْفُرُوعِ: يَتَوَجَّهُ فِي الْمَسْتُورِ وَالْمُمَيِّزِ الْخِلَافُ.

فَائِدَةٌ: إذَا ثَبَتَ الصَّوْمُ بِقَوْلِ عَدْلٍ ثَبَتَتْ بَقِيَّةُ الْأَحْكَامِ عَلَى الصَّحِيحِ مِنْ الْمَذْهَبِ، جَزَمَ بِهِ الْمُجِدُ فِي شَرْحِهِ فِي مَسْأَلَةِ الْغَيْمِ، وَقَطَعَ بِهِ فِي الْقَاعِدَةِ الثَّالِثَةِ وَالثَّلَاثِينَ بَعْدَ الْمِائَتَيْنِ، وَقَالَ: صَرَّحَ بِهِ ابْنُ عَقِيلٍ فِي عُمَدِ الْأَدِلَّةِ، وَقَدَّمَهُ فِي الْفُرُوعِ، وَقَالَ الْقَاضِي فِي مَسْأَلَةِ الْغَيْمِ مُفَرِّقًا بَيْنَ الصَّوْمِ وَبَيْنَ غَيْرِهِ: وَقَدْ يُثْبِتُ الصَّوْمَ مَا لَا يُثْبِتُ الطَّلَاقَ وَالْعِتْقَ وَيُحِلُّ الدَّيْنَ، وَهُوَ شَهَادَةُ عَدْلٍ، وَيَأْتِي إنْ شَاءَ اللَّهُ تَعَالَى: إذَا عَلَّقَ طَلَاقَهَا بِالْحَمْلِ، فَشَهِدَ بِهِ امْرَأَةٌ قَوْلُهُ

(**وَلَا يُقْبَلُ فِي سَائِرِ الشُّهُورِ إلَّا عَدْلَانِ**) ، وَهُوَ الْمَذْهَبُ، وَعَلَيْهِ الْأَصْحَابُ، وَقَطَعَ بِهِ أَكْثَرُهُمْ. وَحَكَاهُ التِّرْمِذِيُّ إجْمَاعًا وَقَالَ فِي الرِّعَايَةِ الْكُبْرَى: وَعَنْهُ يُقْبَلُ فِي هِلَالِ شَوَّالٍ عَدْلٌ وَاحِدٌ بِمَوْضِعٍ لَيْسَ فِيهِ غَيْرِهِ، فَعَلَى الْمَذْهَبِ: قَالَ الزَّرْكَشِيُّ: قَبُولُهُ بِشَهَادَةِ عَدْلَيْنِ يُحْتَمَلُ عِنْدَ الْحَاكِمِ، وَيُحْتَمَلُ مُطْلَقًا. وَبِهِ قَطَعَ أَبُو مُحَمَّدٍ، فَجَوَّزَ الْفِطْرَ بِقَوْلِهِمَا لِمَنْ يَعْرِفُ حَالَهُمَا، وَلَوْ رَدَّهُمَا الْحَاكِمُ لِجَهْلِهِ بِهِمَا، وَلِكُلِّ وَاحِدٍ مِنْهُمَا الْفِطْرُ. انْتَهَى.

The Ḥanbalī school do not take into consideration whether the sky is overcast or not rather for Ramaḍān a solitary, just male witness will suffice and in the other months two male, just witnesses once the Qāḍī accepts their testimonies.

There is going to be a clear difference in cases where it is a clear sky as one witness will suffice for the Ḥanbalī school but will not be legally acceptable in the Ḥanafī school; a very important point.

For the sake of completion and reference the Mālikī and Shāfi'ī positions are detailed.

3.4.3 Mālikī School

Detailed in al-Mudawwana al-Kubrā, Vol. 1, pp. 291-294.

قُلْتُ: أَرَأَيْتَ مَنْ رَأَى هِلَالَ رَمَضَانَ وَحْدَهُ أَيَرُدُّ الْإِمَامُ شَهَادَتَهُ؟ فَقَالَ: نَعَمْ.

قُلْتُ: وَهَذَا قَوْلُ مَالِكٍ؟

قَالَ: نَعَمْ.

قُلْتُ: أَفَيَصُومُ هَذَا الَّذِي رَأَى هِلَالَ رَمَضَانَ وَحْدَهُ إِذَا رَدَّ الْإِمَامُ شَهَادَتَهُ؟ فَقَالَ: نَعَمْ.

قُلْتُ: وَهَذَا قَوْلُ مَالِكٍ؟ قَالَ: نَعَمْ.

قُلْتُ: فَإِنْ أَفْطَرَ أَيَكُونُ عَلَيْهِ الْكَفَّارَةُ مَعَ الْقَضَاءِ فِي قَوْلِ مَالِكٍ؟

قَالَ: نَعَمْ.

قُلْتُ: فَإِنْ رَآهُ وَحْدَهُ أَيَجِبُ عَلَيْهِ أَنْ يُعْلِمَ الْإِمَامَ فِي قَوْلِ مَالِكٍ؟

قَالَ: نَعَمْ، لَعَلَّ غَيْرَهُ قَدْ رَآهُ مَعَهُ فَتَجُوزُ شَهَادَتُهُمَا.

قُلْتُ: أَرَأَيْتَ اسْتِهْلَالَ رَمَضَانَ، هَلْ تَجُوزُ فِيهِ شَهَادَةُ رَجُلٍ وَاحِدٍ فِي قَوْلِ مَالِكٍ؟

قَالَ: قَالَ مَالِكٌ: لَا تَجُوزُ فِيهِ شَهَادَةُ رَجُلٍ وَاحِدٍ وَإِنْ كَانَ عَدْلًا.

قُلْتُ: فَشَهَادَةُ رَجُلَيْنِ؟

قَالَ: هِيَ جَائِزَةٌ فِي قَوْلِ مَالِكٍ.

قُلْتُ: أَرَأَيْتَ هِلَالَ شَوَّالٍ؟

قَالَ: كَذَلِكَ أَيْضًا لَا تَجُوزُ فِيهِ أَقَلُّ مِنْ شَهَادَةِ رَجُلَيْنِ، وَتَجُوزُ شَهَادَةُ الشَّاهِدَيْنِ إِذَا كَانَا عَدْلَيْنِ.

قَالَ: وَكَذَلِكَ قَالَ مَالِكٌ قُلْتُ: أَرَأَيْتَ الْعَبِيدَ وَالْإِمَاءَ وَالْمُكَاتَبِينَ وَأُمَّهَاتِ الْأَوْلَادِ هَلْ تَجُوزُ شَهَادَتُهُمْ فِي اسْتِهْلَالِ رَمَضَانَ وَشَوَّالٍ؟

قَالَ: مَا وَقَفَنَا مَالِكٌ عَلَى هَذَا، وَهَذَا مِمَّا لَا شَكَّ فِيهِ أَنَّ الْعَبِيدَ لَا تَجُوزُ شَهَادَتُهُمْ فِي الْحُقُوقِ فَفِي هَذَا بُعْدٌ أَنْ تَجُوزَ فِيهِ.

قَالَ: وَقَالَ مَالِكٌ: فِي الَّذِينَ قَالُوا إِنَّهُ يُصَامُ بِشَهَادَةِ رَجُلٍ وَاحِدٍ؟

قَالَ: قَالَ مَالِكٌ: أَرَأَيْتَ إِنْ أُغْمِيَ عَلَيْهِمْ هِلَالُ شَوَّالٍ كَيْفَ يَصْنَعُونَ أَيُفْطِرُونَ أَمْ يَصُومُونَ وَاحِدًا وَثَلَاثِينَ، فَإِنْ أَفْطَرُوا وَخَافُوا أَنْ يَكُونَ ذَلِكَ الْيَوْمُ مِنْ رَمَضَانَ.

قُلْتُ: أَرَأَيْتَ هِلَالَ ذِي الْحِجَّةِ؟

قَالَ: سَمِعْتُ مَالِكًا يَقُولُ فِي الْمَوْسِمِ إِنَّهُ قَالَ: يُقَامُ بِشَهَادَةِ رَجُلَيْنِ إِذَا كَانَا عَدْلَيْنِ.

قَالَ ابْنُ وَهْبٍ عَنْ ابْنِ لَهِيعَةَ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ عَنْ ابْنِ شِهَابٍ قَالَ: إِذَا شَهِدَ شَاهِدَانِ فِي رُؤْيَةِ هِلَالِ رَمَضَانَ صِيمَ بِشَهَادَتِهِمَا. قَالَ ابْنُ وَهْبٍ عَنْ عَمْرِو بْنِ الْحَارِثِ عَنْ يَحْيَى عَنْ سَعِيدٍ: أَنَّ عُمَرَ بْنَ الْخَطَّابِ أَجَازَ شَهَادَةَ رَجُلَيْنِ عَلَى رُؤْيَةِ هِلَالِ رَمَضَانَ وَقَالَ يَحْيَى بْنُ سَعِيدٍ فِيمَنْ رَأَى هِلَالَ رَمَضَانَ وَحْدَهُ: إِنَّهُ يَصُومُ؛ لِأَنَّهُ لَا يُفَرَّقُ بِذَلِكَ جَمَاعَةٌ وَلَا يُصَامُ بِشَهَادَتِهِ.

Detailed in Sharḥ Mukhtaṣar Khalīl lil Kharshī, Vol. 2, p. 234.

. (قَوْلُهُ: مِنْ إضَافَةِ الْمَصْدَرِ لِلْفَاعِلِ إلَخْ) جَوَابٌ عَمَّا يُقَالُ: كَانَ يَنْبَغِي لَهُ أَنْ يَذْكُرَ مَفْعُولَ رُؤْيَةٍ لِيُمَيِّزَ بَيْنَ الرُّؤْيَةِ الْبَصَرِيَّةِ وَالْعِلْمِيَّةِ، وَهَذَا الْجَوَابُ لِلتَّتَّائِيِّ فَأَجَابَ بِقَوْلِهِ: إضَافَةُ الْمَصْدَرِ لِفَاعِلِهِ وَحَذْفُ مَفْعُولِهِ وَهُوَ الْهِلَالُ لِوُضُوحِهِ، وَأَرَادَ بِالْعَدْلَيْنِ مَا قَابَلَ الْمُسْتَفِيضَةَ وَإِنْ كَانُوا ثَلَاثَةً فَأَكْثَرَ، وَفِي الْعِبَارَةِ حَذْفٌ وَالتَّقْدِيرُ: الْحُرَّانِ الْمُسْلِمَانِ إلَى آخِرِ مَا يَذْكُرُ فِي تَعْرِيفِهِ فِي بَابِ الشَّهَادَةِ مِنْ كَوْنِهِ غَيْرَ فَاسِقٍ تَارِكًا مَا لَا يَلِيقُ بِهِ إلَخْ (قَوْلُهُ: أَيْ أَوْ بِرُؤْيَةِ عَدْلَيْنِ هِلَالَهُ) أَيْ: لِصَوْبٍ وَاحِدٍ، أَوْ لَا وَلَكِنَّهُمَا مُتَقَارِبَانِ وَلَوْ ادَّعَيَا رُؤْيَتَهُ فِي الْجِهَةِ الَّتِي وَقَعَ الطَّلَبُ فِيهَا مِنْ غَيْرِهِمَا وَلَمْ يَرَ رُؤْيَتَهُمَا (قَوْلُهُ: فَلَا يُصَامُ بِرُؤْيَةِ عَدْلٍ) أَيْ: لَا يَصُومُ النَّاسُ بِرُؤْيَةِ عَدْلٍ أَيْ: خِلَافًا لِابْنِ الْمَاجِشُونِ.

وَأَمَّا هُوَ فَيَلْزَمُهُ الصَّوْمُ (قَوْلُهُ: وَلَا عَدْلٍ وَامْرَأَةٍ) أَيْ: خِلَافًا لِأَشْهَبَ.

(قَوْلُهُ: وَلَا عَدْلٍ وَامْرَأَتَيْنِ) خِلَافًا لِابْنِ مَسْلَمَةَ، قَالَ بَهْرَامُ: وَهُوَ بَعِيدٌ؛ لِأَنَّ شَهَادَتَهُنَّ إنَّمَا يُعْمَلُ بِهَا فِي الْحُقُوقِ الْمَالِيَّةِ، أَوْ مَا يَطَّلِعُ عَلَيْهِ الرِّجَالُ (قَوْلُهُ: وَعَرَفَةَ وَعَاشُورَاءَ) هَذِهِ الْمَوَاسِمُ الْمُشَارُ بِقَوْلِهِ وَغَيْرِهِ مِنْ الْمَوَاسِمِ، وَعَاشُورَاءُ وَنِصْفُ شَعْبَانَ مَوْسِمٌ مِنْ حَيْثُ الصَّوْمُ وَغَيْرُهُ مِمَّا يُطْلَبُ فِيهِ، وَالْمَوَاسِمُ جَمْعُ مَوْسِمٍ الزَّمَنُ الْمُتَعَلِّقُ بِهِ الْحُكْمُ الشَّرْعِيُّ وَلَمْ يُرِدْ بِعَرَفَةَ مَوْضِعَ الْوُقُوفِ بَلْ أَرَادَ بِهِ زَمَنَهُ وَهُوَ الْيَوْمُ التَّاسِعُ مِنْ ذِي الْحِجَّةِ، وَأَرَادَ بِعَاشُورَاءَ الْيَوْمَ الْعَاشِرَ مِنْ الْمُحَرَّمِ وَقَوْلُهُ: كَحُلُولِ دَيْنٍ أَيْ: كَزَمَنِ حُلُولِ دَيْنٍ وَقَوْلُهُ: أَوْ إكْمَالِ الْعِدَّةِ أَيْ: زَمَنِ إكْمَالِ الْعِدَّةِ فَزَمَنُ حُلُولِ الدَّيْنِ تَعَلَّقَ بِهِ وُجُوبُ قَضَاءِ الدَّيْنِ، وَزَمَنُ إكْمَالِ الْعِدَّةِ تَعَلَّقَ بِهِ حِلِّيَّةُ النِّكَاحِ، وَقَوْلُهُ: وَأَمَّا إذَا أُرِيدَ بِالْهِلَالِ عِلْمُ التَّوَارِيخِ أَيْ: هَذَا إذَا أُرِيدَ بِالْهِلَالِ الزَّمَانُ الْمُتَقَدِّمُ، وَأَمَّا إذَا أُرِيدَ بِهِ الزَّمَانُ الْمُتَعَلِّقُ بِحُلُولِ حَادِثَةٍ كَوِلَادَةٍ، أَوْ مَوْتٍ أَوْ غَيْرِ ذَلِكَ مِمَّا يُبْحَثُ عَنْهُ فِي عِلْمِ التَّوَارِيخِ وَبِهَذَا يَظْهَرُ لَك الْمُسَامَحَةُ فِي عِبَارَةِ الشَّارِحِ؛ لِأَنَّهُ لَمْ يُرِدْ بِالْهِلَالِ نَفْسَ الْعِلْمِ الْمَذْكُورِ، وَعِلْمُ التَّوَارِيخِ هُوَ الْعِلْمُ الْمُبَيَّنُ فِيهِ حُدُوثُ مَا يَحْدُثُ فِي الْأَزْمِنَةِ كَمَا قُلْنَا.

Two just male witnesses are required and based upon their witness statement it would be considered correct for a Qāḍī to pass judgment and declare the starting of a new month.

3.4.4 Shāfi'ī School

Detailed in al-Wajīz fī Fiqh Position al-Imām al-Shāfi'ī, p. 109.

فرؤية الهلال ويثبت بشهادة عدلين وإن كانت السماء مصحية ويثبت بشهادة واحد علي قول احتياطا لالعبادة بخلاف هلال شوال

Two just male witnesses are required and based upon their witness statement it would be considered correct for a Qāḍī to pass judgment and declare the starting of a new month. However for Ramaḍān an exception is made to act on one witness if the sky is overcast.

3.5 There are times when an Islamic month date is repeated on two separate days

On a number of occasions when news of the start of the month is delayed in reaching the UK and the Umm al-Qura Calendar is followed or an error is made in the sighting we see that a day which has a single Gregorian date has two Islamic dates. Examples are brought for illustration purposes.

1. The 29th of Ṣafar 1433H and the 1st of Rabbī al-Awwal 1433H was on the same day – 24th January 2012.

   http://www.hizbululama.org.uk/highlights/1433ah/safar/SAFAR_1433AH.pdf

   http://www.hizbululama.org.uk/files/rabiulawwal1433h.pdf

2. "Saudi Moon sighting committee moved the start date by one day 4-5 days into the month. This was based on the testimony of two 80 year old witnesses (as interviewed by a delegation from the King Abdul College of Science and Technology (KACST)) reported in the Al-Watan Saudi newspaper on the 20th of January 2005 (http://www.alwatan.com.sa/daily/2005-01-20/writers/writers04.htm[3]) since the moon was just 3 hours old and set 3 minutes BEFORE sunset, the reported sighting was impossible." (Khan, Version 0.8)
3. Friday 28th December and Saturday 29th December 2007 were both reckoned as 19th Dhu al-Hijja.
   http://www.staff.science.uu.nl/~gent0113/islam/ummalqura.htm

3.6 Efforts to sight the Hilāl should take place in the locality

It is not appropriate to rely on sighting of another country unless there is a necessity, by adopting KSA declarations one is relinquishing ones responsibility too easily. The validity of the declaration has to be the locality one lives in (Humaydi, 2015). When attempt is made locally and sighting has proved impossible then one can utilise information from overseas.

3.7 The means by which the KSA declaration reaches the UK is not sharī'a-compliant

For the months when the Saudi High Court is not making any announcements Position One supports the view of following the Umm al-Qura calendar; however this is also problematic as accessing the data can be difficult. One such episode was Jamād al-Thānī 1436 as discussed above. The start of the month was based on the date selected by KSA Ministries which is based on the Umm al-Qura calendar and incidentally a number of news outlets. Hence, it is a case of gaining that information from their respective websites, but does that meet the sharī'a criteria for declaring the start of a new month?

[3] The website was not accessible to the author and as a result cannot be verified.

The means by which news reaches the UK especially during the so called non-Ibāda months is none existent instead an announcement is not followed but the Umm al-Qura Calendar is followed.

The following is an extract on what methods can be legally utilised for declaration and the starting of a new Islamic month.

ساری دنیا میں کسی ایک جگہ بھی چاند دیکھ لیا جائے اور دوسری جگہ اس کا ثبوت شرعی طریقہ پر ہو جائے تو ثبوت ہلال ہو جائے گا

متاخرین حنفیہ نے بلاد نائیہ اور بلاد قریبہ کا جو فرق کیا ہے ، یہ اختلاف مطالع کی حقیقت کے خلاف ہے اس لئے کہ بلاد نائیہ اور قریبہ ذا حنفیہ کی ظاہر الروایۃ یہی ہے کہ ساری دنیا میں کسی ایک جگہ بھی چاند نظر آجائے تو دوسرے اھل دنیا سے کوئی فرق نہیں پڑتا، ہ کے لئے وہ حجت ہو سکتا ہے بشرطیکہ اس کا ثبوت دوسری جگہ شرعی طریقہ سے ہو جائے

ایک تو یہ ہے کہ **شہادت** ہو، آدمی آکر چاند دیکھنے کی شہادت دیں اور آجکل یہ مشکل نہیں رہا، یہ بھی ہوسکتا ہے کہ یہاں کا آدمی دیکھ کر گیا اور جاکر امریکہ میں شہادت دے دی، یہ اس واسطے کہ یہاں اور امریکہ میں دس گھنٹے کا فرق ہے اور امریکہ کے بعض علاقوں میں بارہ تیرہ گھنٹے کا فرق ہے تو شہادت کی بنیاد پر رؤیت ہلال کا فیصلہ ہو سکتا ہے۔

دوسرا طریقہ شہادت نہ ہو تو **شہادت علی الشہادۃ** سے بھی رؤیت ہلال کا فیصلہ ہو سکتا ہے

تیسرا طریقہ یہ کہ **شہادت علی القضاء** ہو کہ ایک قاضی نے ایک جگہ ثبوت ہلال کا فیصلہ کر دیا، اب کوئی شخص اس بات کی شہادت دے کہ میں گواہی دیتا ہوں کہ فلاں جگہ پر قاضی نے یہ فیصلہ کردیا ہے۔

چوتھی چیز **استفاضہ خبر** ہے تو اس سے بھی رؤیت ہلال کا ثبوت ہو جاتا ہے، اور یہ سب عید کے چاند کی بات ہے، البتہ رمضان کے لئے تو ایک آدمی کی خبر بھی کافی ہے لیکن عید میں استفاضہ خبر بھی شہادت کے قائم مقام ہوتا ہے۔

استفاضہ خبر کا مطلب یہ ہے کہ بہت سارے لوگوں کی خبریں آگئیں اور وہ کہتے ہیں کہ ہم نے چاند دیکھا ہے اور اتنے لوگوں کی خبریں آگئیں کہ ان کے اوپر اطمینان ہو گیا کہ ہاں یہ صحیح بات کہہ رہے ہیں تو اس صورت میں استفاضہ خبر سے بھی چاند کا ثبوت ہو جاتا ہے۔

(Usmani, 2012, Vol. 5, pp.492-4)

The four methods mentioned apart from witnessing the moon oneself are:

a) Shahāda – the witnessing itself
b) Shahāda ‘alā al-Shahāda – witnessing the witness’s declaration
c) Shahāda ‘alā al-Qaḍā – witnessing the declaration of the Saudi Courts
d) Al-Istifāḍa – some discussion is required.

The one which requires some detail in order to clarify its meaning is al-Istifāḍa which is discussed in Radd al-Muḥtār, Vol. 2, p. 102,

قلت: ووجه الاستدراك أن هذه الاستفاضة ليس فيها شهادة على قضاء قاض ولا على شهادة لكن لما كانت بمنزلة الخبر المتواتر، وقد ثبت بها أن أهل تلك البلدة صاموا يوم كذا لزم العمل بها؛ لأن البلدة لا تخلو عن حاكم شرعي عادة فلا بد من أن يكون صومهم مبنيا على حكم حاكمهم الشرعي فكانت تلك الاستفاضة بمعنى نقل الحكم المذكور، وهي أقوى من الشهادة بأن أهل تلك البلدة رأوا الهلال وصاموا؛ لأنها لا تفيد اليقين فلذا لم تقبل إلا إذا كانت على الحكم أو على شهادة غيرهم لتكون شهادة معتبرة، وإلا فهي مجرد إخبار بخلاف الاستفاضة فإنها تفيد اليقين فلا ينافي ما قبله هذا ما ظهر لي تأمل.

[تنبيه] قال الرحمتي: معنى الاستفاضة أن تأتي من تلك البلدة جماعات متعددون كل منهم يخبر عن أهل تلك البلدة أنهم صاموا عن رؤية لا مجرد الشيوع من غير علم بمن أشاعه كما قد تشيع أخبار يتحدث سائر أهل البلدة ولا يعلم من أشاعها كما ورد: أن في آخر الزمان يجلس الشيطان بين الجماعة فيتكلم بالكلمة فيتحدثون بها ويقولون لا ندري من قالها فمثل هذا لا ينبغي أن يسمع فضلا عن أن يثبت به حكم. اه-.

This does not correlate absolutely as described previously in that having seen the moon was required. In this case the general news reaching the Muslims via means of communication will suffice as the Muslims in this country (in our case KSA) will be acting upon the ruler's decision. In the case of KSA the Courts are acting on behalf of the King. Therefore we can see that there is a legally-valid way that the news reaches the Muslims in the UK. However, the news should reach the UK Committee through many channels from various sources to be correct according to their Ghālib al-Zann.

[تَنْبِيهٌ] قَالَ الرَّحْمَتِيُّ: مَعْنَى الِاسْتِفَاضَةِ أَنْ تَأْتِيَ مِنْ تِلْكَ الْبَلْدَةِ جَمَاعَاتٌ مُتَعَدِّدُونَ كُلٌّ مِنْهُمْ يُخْبِرُ عَنْ أَهْلِ تِلْكَ الْبَلْدَةِ أَنَّهُمْ صَامُوا عَنْ رُؤْيَةٍ لَا مُجَرَّدِ الشُّيُوعِ مِنْ غَيْرِ عِلْمٍ بِمَنْ أَشَاعَهُ كَمَا قَدْ تَشِيعُ أَخْبَارٌ يَتَحَدَّثُ سَائِرُ أَهْلِ الْبَلْدَةِ وَلَا يُعْلَمُ مَنْ أَشَاعَهَا كَمَا وَرَدَ: أَنَّ فِي آخِرِ الزَّمَانِ يَجْلِسُ الشَّيْطَانُ بَيْنَ الْجَمَاعَةِ فَيَتَكَلَّمُ بِالْكَلِمَةِ فَيَتَحَدَّثُونَ بِهَا وَيَقُولُونَ لَا نَدْرِي مَنْ قَالَهَا فَمِثْلُ هَذَا لَا يَنْبَغِي أَنْ يُسْمَعَ فَضْلًا عَنْ أَنْ يَثْبُتَ بِهِ حُكْمٌ. اهـ.

قُلْت: وَهُوَ كَلَامٌ حَسَنٌ وَيُشِيرُ إلَيْهِ قَوْلُ الذَّخِيرَةِ إذَا اسْتَفَاضَ وَتَحَقَّقَ فَإِنَّ التَّحَقُّقَ لَا يُوجَدُ بِمُجَرَّدِ الشُّيُوعِ

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قَوْلُهُ: بِبَلْدَةٍ) أَيْ أَوْ قَرْيَةٍ قَالَ فِي السِّرَاجِ: وَلَوْ تَفَرَّدَ وَاحِدٌ بِرُؤْيَتِهِ فِي قَرْيَةٍ لَيْسَ فِيهَا وَالٍ وَلَمْ يَأْتِ مِصْرًا لِيَشْهَدَ وَهُوَ ثِقَةٌ يَصُومُونَ بِقَوْلِهِ. اهـ. قُلْت: وَالظَّاهِرُ أَنَّهُ يَلْزَمُ أَهْلَ الْقُرَى الصَّوْمُ بِسَمَاعِ الْمَدَافِعِ أَوْ رُؤْيَةِ الْقَنَادِيلِ مِنْ الْمِصْرِ؛ لِأَنَّهُ عَلَامَةٌ ظَاهِرَةٌ تُفِيدُ غَلَبَةَ الظَّنِّ وَغَلَبَةُ الظَّنِّ حُجَّةٌ مُوجِبَةٌ لِلْعَمَلِ كَمَا صَرَّحُوا بِهِ وَاحْتِمَالُ كَوْنِ ذَلِكَ لِغَيْرِ رَمَضَانَ بَعِيدٌ إذْ لَا يُفْعَلُ مِثْلُ ذَلِكَ عَادَةً فِي لَيْلَةِ الشَّكِّ إلَّا لِثُبُوتِ رَمَضَانَ (قَوْلُهُ: لَا حَاكِمَ فِيهَا) أَيْ لَا قَاضِيَ وَلَا وَالِيَ كَمَا فِي الْفَتْحِ (قَوْلُهُ: صَامُوا بِقَوْلِ ثِقَةٍ) أَيْ افْتِرَاضًا لِقَوْلِ الْمُصَنِّفِ فِي شَرْحِهِ وَعَلَيْهِمْ أَنْ يَصُومُوا بِقَوْلِهِ إذَا كَانَ عَدْلًا. اهـ. ط (قَوْلُهُ: وَأَفْطَرُوا إلَخْ) عِبَارَةُ غَيْرِهِ لَا بَأْسَ أَنْ يُفْطِرُوا وَالظَّاهِرُ أَنَّ الْمُرَادَ بِهِ الْوُجُوبُ أَيْضًا

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One would expect that the starting of Ramaḍān and start of Shawwāl could be demonstrated by the presence and absence of the Tarāwīḥ, respectively, via the satellite channels and the number of phone calls received by family and friends if they are centralised at the UK Committee. However, news of Sha'bān and Dhū al- Ḥijja is relayed to the UK Committee by one individual hence it will not fulfil the criterion of al-Istifāḍa.

There are a number of responses from Position One which further substantiates their argument also counter-arguments are recorded where they have come to the attention of the author.

4.0 Position One's Responses and Rebuttals

4.1 In response Position One declares that Astronomical Calculated Dates are unreliable and the Hilāl can be seen at times which may be deemed 'impossible' according to the Danjon Limit of Elongation of 7^0

The Danjon Limit states that below 7^0 no light is reflected from the Moon and therefore cannot be seen from Earth. There is a record in 1871 that a Moon of 15.4hrs was seen when at an elongation of 9.3^0 and in more recent times between 17-21 hours at an elongation of 10.5^0. (www.moonsighting.com/faq-ms.html)

In Position One documentation Dr Jim Stamm's observation carried out in Tuscon Arizona in October 2007 is suggested as evidence in proving the Moon can be sighted below the Danjon Limit. Other reports have been added of various astronomers. However there are no references for these statements or they are not in full (http://www.icoproject.org/icop/shw28.html) or they are denied by the astronomers (Martin Elsasser emails have been seen by the author and he denies that he made those statements). In fact it is appropriate to quote the relevant part of Elsasser's email from Position Two documentation, "We all know that astronomical calculations of position of the celestial bodies are extremely precise. This can be proven anytime and anyplace, again and again by the precise prediction of the observable events. My daytime observations rely on this fact, so that I can point my telescope at the calculated position of the crescent, without seeing it visually. Of course, local weather conditions influence the visibility of these events, but only in a **negative way, by obscuring a situation.** Any visibility claim that contradicts these basics, **such as 'seeing' a crescent that had already set is obviously false.**" (Emphasis added).

They key point is that any influence on the visibility would so in a negative way meaning delay the seeing of the new moon, no conditions could improve in seeing the moon.

With respect to Stamm's sighting in Tuscon it has been recorded in a Correspondence by Mostafa (2003) in which he draws a comparison between his sighting and the original record by Stamm, bearing in mind that both used telescopes. Key data has been detailed below:

Table 1 – Earliest Telescopic Moon Sightings Records – Arizona vs KACST

	KACST's record	Arizona's record
Time of new moon	05:04	04:52
Age of moon at time of sunset	12:58	12:53
Moonset	18:24	17:24
Angular separation from Sun	$7^{o}\,01^{1}\,42^{11}$	$7^{0}\,32^{1}\,52^{11}$
Sunset	18:02	16:45
Observers	Zaki A Al-Mostafa Moataz Kordi	James Stamm

(Extracted from Mostafa, 2003)

Important point to note is Stamm's sighting, via telescope, is the youngest crescent ever to be sighted.

Mostafa had made a bravado claim on the KACST website (www.ummulqura.org.sa/ahela.aspx) that he had broken the world record on March 14th 2002 by sighting the moon at 4^{0} elevation. However, it seems very doubtful as a year later he would correspond with The Observatory and make a lesser claim of 7^{0}.

Hasanzadeh (2012) carried out extensive research on the Danjon Limit and its relationship with the moon crescent sighting. Andre Danjon an astrophysicist, in 1931, collected 75 observational reports from all over Europe and he noticed that as the separation angle of the moon from the sun reduces then the length of the arc shortens. This means that at an angle of 7^{0} it reached zero and no part of the moon is bright. Hasanzadeh mentions the work by McNally in which he reckoned it was 5^{0} (McNally, 1983). Fatoohi et al (1998) considered it to be 7.5^{0} and Sultan using the 'Blackwell Model' calculated it to be 5^{0} (Sultan, 2005, 2007), Hasanzadeh used 74 observational data from various sources. Here is analysis of his data

Table 2 – Analysis of Hasanzadeh's Collated Data on Moon Sighting

Methodology	Number of Observations	Elongation Range (degrees)	Mean of Elongation (degrees)
Eye Only	50	9.23-22.48	16.13
Binocular	20	7.51-22.72	12.59
Telescope	4	7.30-8.42	7.91

This is important to appreciate that the telescope is sighting the moon significantly earlier than the eye alone on average (cf 7.91 to 16.13 respectively). By plotting and finally extrapolating these results he found that theoretically 5^0 is the point at which it will no longer be visible. He does mention a number of individuals who have claimed to have detected the crescent below the Danjon limit. James Stamm with his assistant has claimed to have sighted Sha'bān 1425AH morning crescent on 13th October 2004 at 6.5^0 using an 8 inch telescope, however his report has been doubted by some experts (Sinnott, 2006). He goes further, to mention Martin Elsasser who on the 15th June 2007 using image processing took photos of the Moon crescent at less than 5^0 in daylight. What is more profound is that he managed to detect the moon crescent 5 minutes after conjunction on 15th May 2008. Furthermore on 14th April 2010 Legault (2010) used a similar method to determine the crescent at 4.5^0. However these are images via powerful cameras using Infra-Red Light, impossible to be seen by any other method.

Elsasser describes the apparatus used to capture this image:

Special baffle in front of the telescope to block the light of the sun, with ladder to adjust the baffle

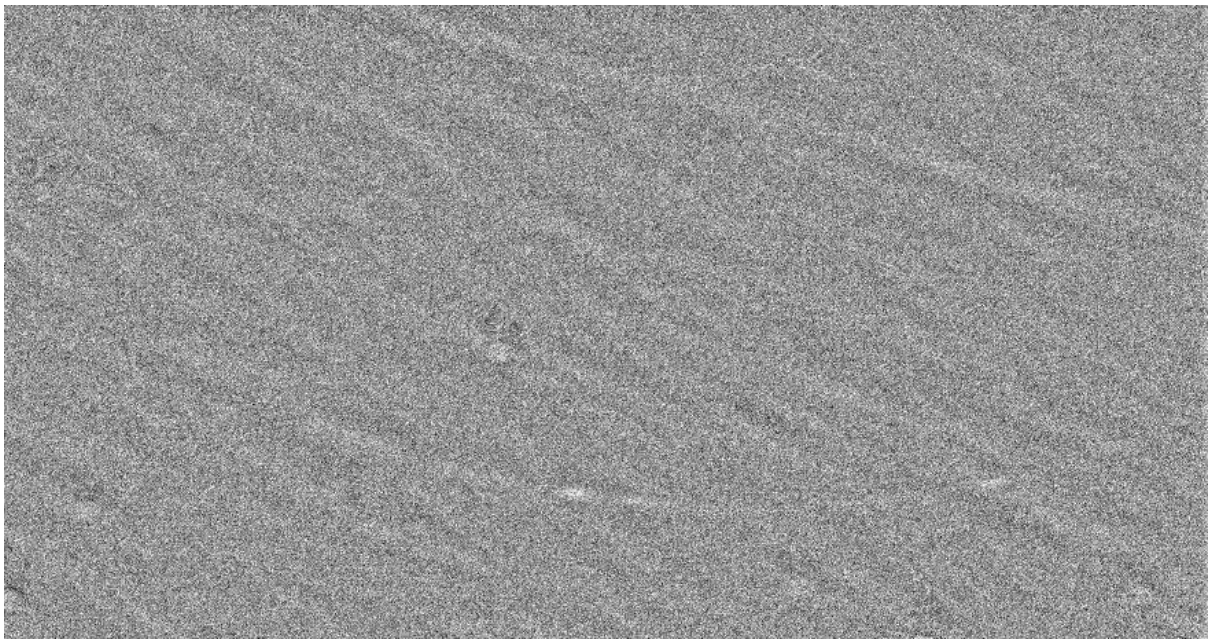
High-quality refractor telescope Williams FLT110, aligned with the baffle

Visual/Infra-Red filters in the telescope, transmission starts at 680nm

Massive astronomical mount MAM 50 to handle all the weight despite gusty wind

Optimised digital camera DMK41AF02.AS. The camera was operated through the native IC Capture AS software.

Notebook with assortment of required software, Guide 8, AstroArt 4, Giotto

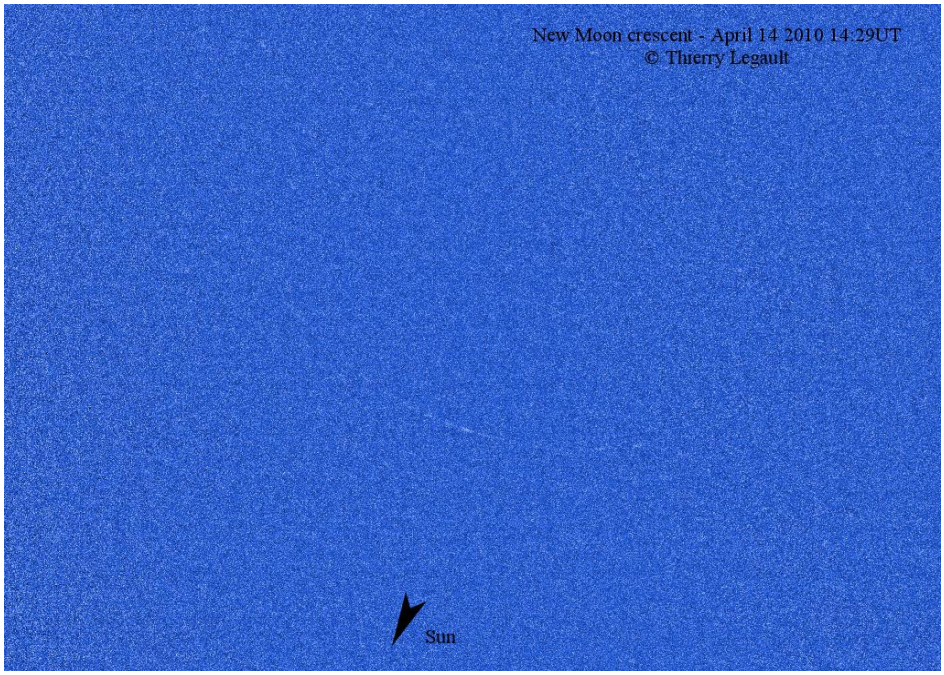


45 minutes after Geocentric Construction

Elsasser does state, "Due to the numerous technical means required to capture this faint lunar crescent, these images probably do NOT show what could be seen through a telescope. It is quite possible that the lunar crescent will never be visible to human eyes from earth at these elongations, due to the low contrast. Of course, the lunar crescent is still there, even if we cannot see it with the naked eye. The main reason for using cameras is to capture things the eye could not see and to document these, too." (Elsasser, 2010).

This can be compared with the camera image of the crescent which was shown after the declaration as the start of Ramadan 1436H. These are not visual sightings but images captured by an advanced specialised camera.

Legault also managed the feat at literally the birth of the moon.



Legault explains, "From the shooting site (Montfaucon, France, 44°41'52"N, 1°34'30"E, altitude 300m), the angular separation between the Moon and the Sun was only 4.55° (nine solar diameters). At this very small separation, the crescent is extremely thin (a few arc seconds at maximum) and, above all, it is drowned in the solar glare, the blue sky being about 400 times brighter than the crescent itself in infrared (and probably more than 1000 times in visible light). This explains that it has never been observed visually or even photographed until now. In order to reduce the glare, the images have been taken in close infrared and a pierced screen, placed just in front of the telescope, prevents the sunlight from entering directly in the telescope." (Legault, 2010)

He also offers some advice for Muslims, "Most Muslims consider the visibility of the first crescent after the New Moon to determine the beginning of Ramadan, but this vision must be performed visually without optical instrument and not photographically." (Legault, 2010)

Therefore, it is not correct to use these photographic images as evidence that the Moon can be seen at conjunction or just after as these are photographically viewed with various

techniques as described above. Also the Danjon Limit relates to visible light wavelength and not to CCD Imaging from Infra-Red wavelength (Yallop, 1997).

Mostafa discusses the new Saudi criterion in his paper *Lunar Calendars: The New Saudi Arabian Criterion* and states that it 'depends on the *probability* of seeing the crescent rather than the *capability* (first visibility), reduces the errors the occurred with the old Saudi Criterion.' (Mostafa, 2005, p. 25). He highlights Danjon's criterion of 7^0 in that he deduced that the crescent cannot be seen if it is less than this value from the Sun regardless of the Moon's age or any observing condition; however this does not mean that it is visible after 7^0 as there may be other reasons it isn't; for example low altitude, twilight brightness etc. This was based on extrapolation on available observations. Ilyas's criterion is 10.5^0 which agrees with the Royal Greenwich Observatory. According to some this is very high. Mostafa then discusses the Saudi Criterion in which he cites Ilyas's description of a lunar month he states that the lunar calendar is governed by the following rules:

> (i) the length of the month is 29 or 30 days; ii) the length of the year is 354 or 355 days; iii) the maximum number of consecutive 30-day months is four, and for 29-day months is three; iv) (a) each new month begins with the first moonlight of the new crescent visible on the western horizon after the local sunset, (b) attempts are made to see the new Moon on the 29th day of the month, but if it cannot be seen then (even because of cloud) then take the month as lasting 30 days, (c) the visual-sighting report must be supported by a witness report, (d) the persons involved in the reporting must be reliable, adult, truthful, sane and have good eye-sight (punishable if a report is proved to be deliberately misleading), (e) the visual sighting report must not conflict with basic scientific understanding and natural laws, and (f) the sighting must be carried out in an organised way each and every month. (Mostafa, 2005, p. 27)

The method as explained by private correspondence and mentioned a number of times already is explained. He quotes Hoffman by stating it is difficult to define an experienced observer suggesting "someone who produces a reliable observation near the limit of visibility which means either seeing a difficult Moon or seeing an easy Moon early." He cites Ilyas who quotes McNally, "...whether observatory scientists have been able to set a standard by which you can be certain of the evening when a new Moon will appear, then I am afraid the answer is no..., one can specify a certain angle but there is always a chance that someone with particularly keen sight, in a particularly steady and clear atmosphere, might just be able to detect the Moon prior to its reaching its statutory position."

Mostafa then concludes by saying it is difficult to refute any claim of seeing a difficult crescent. He states, "the only clear refutation are when the Moon is actually below the horizon or before conjunction." He goes further by stating that some individuals who report seeing the moon have the ability to see Venus and Jupiter at midday. Hence experienced observers are a requirement and uncertain claims should be dismissed by the court.

This last point has been discussed by Gent (2015) in which he mentions that official moon sighting committees were set up to determine sighting. However, the religious authorities

also allow testimony from less experienced observers and as a result they, "announce the sighting of the lunar crescent on an evening when none of the official committees could observe the lunar crescent or even on an evening when the lunar crescent actually set before sunset." He goes on further to state that, "In nearly all these of these cases, a retrospective analysis indicates that these extremely early reports of the lunar crescent are impossible and are based on false sightings. Most of these false sightings were probably caused by a bright star or planet (such as Venus) or an airplane contrail viewed near to the western horizon."

Table 3 – Gent's Comparison of Umm al-Qura and Announced dates of Ramadān, Shawwāl and Dhū al- Ḥijja

His analysis of the last fourteen years is summarised below:

year	1 Ramaḍān		1 Shawwāl		1 Dhū 'l-Ḥijja		10 Dhū 'l-Ḥijja	
	computed	announced	computed	announced	computed	announced	computed	announced
1422	16 Nov 2001	16 Nov 2001	16 Dec 2001	16 Dec 2001	13 Feb 2002	13 Feb 2002	22 Feb 2002	22 Feb 2002
1423	6 Nov 2002	6 Nov 2002	5 Dec 2002	5 Dec 2002	2 Feb 2003	2 Feb 2003	11 Feb 2003	11 Feb 2003
1424	26 Oct 2003	27 Oct 2003	25 Nov 2003	25 Nov 2003	23 Jan 2004	23 Jan 2004	1 Feb 2004	1 Feb 2004
1425	15 Oct 2004	15 Oct 2004	14 Nov 2004	13 Nov 2004	12 Jan 2005	11 Jan 2005	21 Jan 2005	20 Jan 2005
1426	4 Oct 2005	4 Oct 2005	3 Nov 2005	3 Nov 2005	1 Jan 2006	1 Jan 2006	10 Jan 2006	10 Jan 2006
1427	24 Sep 2006	23 Sep 2006	23 Oct 2006	23 Oct 2006	22 Dec 2006	21 Dec 2006	31 Dec 2006	30 Dec 2006
1428	13 Sep 2007	13 Sep 2007	13 Oct 2007	12 Oct 2007	11 Dec 2007	10 Dec 2007	20 Dec 2007	19 Dec 2007
1429	1 Sep 2008	1 Sep 2008	1 Oct 2008	30 Sep 2008	29 Nov 2008	29 Nov 2008	8 Dec 2008	8 Dec 2008
1430	22 Aug 2009	22 Aug 2009	20 Sep 2009	20 Sep 2009	18 Nov 2009	18 Nov 2009	27 Nov 2009	27 Nov 2009
1431	11 Aug 2010	11 Aug 2010	10 Sep 2010	10 Sep 2010	7 Nov 2010	7 Nov 2010	16 Nov 2010	16 Nov 2010
1432	1 Aug 2011	1 Aug 2011	30 Aug 2011	30 Aug 2011	28 Oct 2011	28 Oct 2011	6 Nov 2011	6 Nov 2011
1433	20 Jul 2012	20 Jul 2012	19 Aug 2012	19 Aug 2012	17 Oct 2012	17 Oct 2012	26 Oct 2012	26 Oct 2012
1434	9 Jul 2013	10 Jul 2013	8 Aug 2013	8 Aug 2013	6 Oct 2013	6 Oct 2013	15 Oct 2013	15 Oct 2013
1435	28 Jun 2014	29 Jun 2014	28 Jul 2014	28 Jul 2014	25 Sep 2014	25 Sep 2014	4 Oct 2014	4 Oct 2014
1436	18 Jun 2015	18 Jun 2015	17 Jul 2015		14 Sep 2015		23 Sep 2015	

The computed dates are based on the Umm al-Qura calendar which is the latest criteria except the first year and announcements made on Fatwa Online.

Out of a total of forty-two months there are only three cases in which the Ramaḍān moon was sighted on the evening **after** the evening of probability predicted by the Umm al-Qura. However, the cause for concern is that on seven occasions the moon was sighted on the evening **before** the evening of probability predicted by the Umm al-Qura in which the moonset occurred before the sunset. In these seven occasions there would have been an extra day which would have made the month thirty-one days is not possible within an

Islamic month and as a result two Gregorian days would have to have the same Islamic date as has been discussed earlier.

4.2 In response Madhab One states that we cannot utilise Astronomical Data as we are told to sight

This response is seriously problematic as for eight months of the year Position One is left with little choice but to follow the pre-calculated Umm al-Qura Calendar as no evidence was uncovered which detailed the method by which news of sighting of these months reached the UK Committee. Furthermore, an International Conference was held in Makka on 11-13th February 2012 in which many Muslim scholars from many nationalities gathered to discuss the Moon sighting declarations from KSA. The following was proposed with respect to the use of Astronomical calculations to dismiss outlier sightings;

تیسرا موقف یہ تھا کہ اگر چہ چاند کی رؤیت کا ثبوت

تو صرف حسابات کے ذریعے نہیں ہوسکتا، لیکن اگر کسی دن چاند کا نظر آنا حسابات کی رو سے ممکن نہ ہو، مثلا چاند سورج سے پہلے غروب ہوگیا ہو، تو ایسی صورت میں اگر کوئ شخص چاند دیکھنے کی شھادت دے تو وہ شھادت معتبر نہیں سمجھنی چاہئے

چونکہ یہ موقف سعودی عرب -حاضرین کی اکثریت اس تیسرے موقف کے قائل تھی، **میں نے اپنے مقالے میں بھی دلائل کے ساتھ اسی موقف کو ثابت کیا تھا** کے مفتی عام کے موقف کے خلاف تھا، اور سعودی عرب میں عمل بھی اس کے خلاف ہوتا رہا ہے، اس لئے اس موضوع پر مفصل بحث ہوئ، اس موقف کے قائلین کا کہنا یہ تھا کہ اس نقطہ نظر کا یہ مطلب نہیں ہے کہ رؤیت کے بجائے حسابات کو ثبوت ہلال کا معیار بنایا گیا، بلکہ اس کا حاصل شھادت کی چھان بین ہے، چاند دیکھنے کی شھادت اس وقت معتبر ہوتی ہے جب اس پر ہر لحاظ سے بھروسہ کیا جاسکتا ہو، اس لیے اگر کوئ شخص کسی غلط سمت میں تو اسے معتبر نہیں مانا جاتا، **اسی طرح اگر حسابات کے ذریعے ثابت ہو جائے کہ چاند سورج سے پہلے غروب ہو گیا تھا، تو ایسی** چاند دیکھنے کی شھادت دے، **شھادت متہم ہونے کی بنا پر قابل قبول نہیں ہے**، میں نے اپنے مقالے میں علامہ تقی الدین سبکی رحمۃ اللہ علیہ کا مفصل مضمون نقل کیا تھا جس میں انہوں نے یہی موقف اختیار فرمایا ہے، اور عام طور سے جو یہ سمجھا جاتا ہے کہ وہ اس مسئلے میں متفرد ہیں اور جمھور کے خلاف انہوں نے رؤیت کے بجائے حساب کو بنیاد بنایا ہے، خود علامہ سبکی رحمۃ اللہ نے اس خیال کی تردید فرمائ ہے

چنانچہ طویل مباحثے کے بعد حاضرین کا اس بات پر اتفاق ہو گیا

A translation[4] of the above follows;
The third opinion is that although calculations cannot be exclusively used for sighting (of the moon) but if calculations negate the possibility of sighting on a particular day e.g. the moon set before the sun set and a person testifies to sighting of the moon then such a testimony will not be considered authentic.

Majority of the attendees agreed with this third opinion and I also proved this opinion (with evidence) in my presentation. Since this opinion is against the opinion held by the Grand Mufti of Saudi Arabia and the prevailing (local) practise therefore, this opinion was

[4] Slightly modified translation provided by Sajid Patel.

thoroughly debated and discussed. Those who agreed with this opinion argued that this does not mean that calculations are being (exclusively) used to replace sighting rather; the purpose of calculations is to investigate (the testimonies) as the testimony only becomes authentic when it can be relied upon (completely). Thus if a person testifies to sighting the moon in the wrong direction then it cannot be relied upon, similarly if a person testifies to sighting of the moon when it can be (conclusively) proven with calculations that moonset occurred before sunset then such a testimony is not acceptable due to it being doubtful. I narrated the detailed treatise of Allama Taqi al-Din Subki in my presentation in which he has also adopted this opinion and the notion that Allama Taqi al-Din Subki is alone in this opinion and against the majority-view and that he has made calculations as opposed to sighting the criterion is negated by Allama Subki himself. After a lengthy discussion the attendees were in agreement on this opinion (Usmani, 2012, p. 2).

Full Urdu text is available at
http://deeneislam.com/ur/horiz/halate_hazra/2055/article.php?CID=2055

The Conference concluded and decided to adopt a number of motions tabled during the Conference; the relevant one has been recorded below:

رابعاً: أن الحساب الفلكي علم قائم بذاته, له أصوله وقواعده, وقد كان للمسلمين فيه إسهام متميز, وكان محل اهتمام من الفقهاء المسلمين, وبعض نتائجه ينبغي مراعاتها؛ ومن ذلك معرفة وقت الاقتران, ومعرفة غياب القمر قبل غياب قرص الشمس أو بعده, وأن ارتفاع القمر في الأفق في الليلة التي تعقب اقترانه قد يكون بدرجة أو أقل أو أكثر.
ولذلك يلزم لقبول الشهادة برؤية الهلال ألا تكون الرؤية مستحيلة حسب حقائق العلم الصحيحة وحسب ما يصدر من المؤسسات الفلكية المعتمدة، وذلك في مثل عدم حدوث الاقتران أو في حالة غروب القمر قبل غياب الشمس.

سابعاً: أن إثبات بدايات الشهور القمرية فيما يتعلق بالعبادات مسألة شرعية فهي من مسؤولية علماء الشريعة المخولين من قبل جهات معتمدة أو ما في حكمها, وأن مسؤولية الفلكيين و الجهات الفلكية تقديم الحسابات الفلكية الدقيقة بشأن ولادة القمر وموقع الهلال, وتقدير ظروف الرؤية لأي موقع على سطح الكرة الأرضية، وغيرها من المعلومات التي تساعد الجهات الشرعية المختصة في إصدار القرار الدقيق الصحيح.

ثامناً: الشريعة لا تمنع من الاستفادة من العلوم الحديثة, كالحساب الفلكي بمستجداته، وتقنيات الرصد المتقدمة، ونحوها، في مصالح الناس ومعاملاتهم, فالإسلام لا يتعارض مع العلم وحقائقه

Motion Four – The methodology of Astronomical Calculations is an established science with principles and rules. There is significant contribution from Muslims and a subject of interest for the Muslim legal experts and some of the resulting data are worthy of compliance. They are knowledge of the time of conjunction, the setting of the Moon before the disappearance of the Sun disk or after it and the rising of the Moon on the horizon on a night after the conjunction and in what state. It is for this reason that it is necessary for accepting the witnessing of the sighting of the Moon that it is not a sighting which is impossible based upon sound knowledge and that which is produced from the reliable astronomical institutes. This is applicable in situations when the conjunction has not taken place or the Moon has set before the Sun set.

Motion Seven – The confirming of the beginning of the lunar months which are associated with acts of worship is an issue of the sharī'a; as a result it is under the remit of the authorised scholars of the sharī'a from the reliable institutes or those of a similar legal capacity. The remit of the astronomers and the institutes of astronomy is to submit the precise astronomical calculations [to the sharī'a institutes], like details about the birth of the Moon, place of the hilāl, prediction of the circumstances of the hilāl, for instance where upon the globe it will be seen, also other such matters which will assist the sharī'a institutes in issuing a correct precise decision.

Motion Eight – The sharī'a does not forbid the use of technological developments like the recent astronomical calculations' developments or the historical methods of observation in the interests of the people and in their affairs because Islam does not oppose science and scientific facts.

Full Arabic text of the Conference Motions adopted is available at

http://www.icoproject.org/%D8%A7%D9%84%D9%85%D8%B4%D8%A7%D8%B1%D9%83%D8%A9-%D9%8A-%D9%85%D8%A4%D8%AA%D9%85%D8%B1-%D8%A7%D9%84%D8%A3%D9%87%D9%84%D8%A9-%D9%8A-%D9%85%D9%83%D8%A9-%D8%A7%D9%84%D9%85%D9%83%D8%B1%D9%85%D8%A9_ed-id!54.ks Accessed on 6th July 2015

In conclusion, one can see that there is a general agreement amongst the contemporary scholars that Astronomical Data should be utilised to challenge and dismiss 'sightings' by one or two individuals when it is a physical impossibility to see the Moon not to replace or validate sightings

4.3 In response Position One declares that taking the statements of unknown witnesses is a practice of the Prophet

This has been discussed when detailing the four schools' positions and is acceptable within the Ḥanafī school to accept a solitary witnessing for Ramaḍān on an overcast sky. However on clear skies a large group of witnesses are required. Furthermore as adherents to a school we must abide by our books of fiqh in matters which have been disclosed rather than performing ijtihād on the source texts. Usmani explains in his text Uṣūl al-Iftā under the chapter of Taghayyur al-Aḥkām bi Taghayyur al-Zamān with respect to evaluating witnesses and how the situation changed between Imām Abū Ḥanīfa and the subsequent Imāms Abū Yūsuf and Muḥammad (Usmani, 2011, p. 264).

4.4 In response Position One states that we should all follow KSA for the sake of unity

Most recently it has been argued that for the purpose of unity rather than adopting the preferred view one should adopt the lesser view. As both views are deemed correct then there is no harm. An example offered is the choice which the Prophet took by not rebuilding the Ka'ba on its original foundations (preferred view) but rather leaving it on its new foundations (lesser view) as the Quraysh had recently accepted Islam. The backdrop to this event is that the Quraysh of Makka had rebuilt the Ka'ba on other than the foundations which Prophet Ibrahīm had built it. So when Prophet Muḥammad gained authority of Makka he

chose not to rebuild it on the original foundations as he feared, due to the relative ignorance of the new Muslims, confusion and a backlash. However this analogy is problematic in a number of ways; firstly the Quraysh had recently accepted Islam, secondly unity cannot be defined in this way as unity is described as a way that all Muslims treat each other with respect and not spread disorder as well as not inventing ideas foreign to Islam which may lead to division and conflict (Usmani, 2000). Furthermore unity must be based on the application of the fiqh school being followed which is based on Qur'ān and Aḥādīth. In addition, unity is near impossible as a significant number will want the more correct view if the premise that both views are correct is applied.

4.5 In response Position One states that we cannot act on news from non-Muslim Countries when declaring a new month

وَأَمَّا بِلَادٌ عَلَيْهَا وُلَاةٌ كُفَّارٌ فَيَجُوزُ لِلْمُسْلِمِينَ إقَامَةُ الْجُمَعِ وَالْأَعْيَادِ وَيَصِيرُ الْقَاضِي قَاضِيًا بِتَرَاضِي الْمُسْلِمِينَ، فَيَجِبُ عَلَيْهِمْ أَنْ يَلْتَمِسُوا وَالِيًا مُسْلِمًا مِنْهُمْ اهـ وَعَزَاهُ مِسْكِينٌ فِي شَرْحِهِ إلَى الْأَصْلِ وَنَحْوُهُ فِي جَامِعِ الْفُصُولَيْنِ. مَطْلَبٌ فِي حُكْمِ تَوْلِيَةِ الْقَضَاءِ فِي بِلَادٍ تَغَلَّبَ عَلَيْهَا الْكُفَّارُ

وَفِي الْفَتْحِ: وَإِذَا لَمْ يَكُنْ سُلْطَانٌ، وَلَا مَنْ يَجُوزُ التَّقَلُّدُ مِنْهُ كَمَا هُوَ فِي بَعْضِ بِلَادِ الْمُسْلِمِينَ غَلَبَ عَلَيْهِمْ الْكُفَّارُ كَقُرْطُبَةَ الْآنَ يَجِبُ عَلَى الْمُسْلِمِينَ أَنْ يَتَّفِقُوا عَلَى وَاحِدٍ مِنْهُمْ، وَيَجْعَلُونَهُ وَالِيًا فَيُوَلِّي قَاضِيًا وَيَكُونُ هُوَ الَّذِي يَقْضِي بَيْنَهُمْ وَكَذَا يُنَصِّبُوا إمَامًا يُصَلِّي بِهِمْ الْجُمُعَةَ

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قَوْلُهُ: بِبَلْدَةٍ) أَيْ أَوْ قَرْيَةٍ قَالَ فِي السِّرَاجِ: وَلَوْ تَفَرَّدَ وَاحِدٌ بِرُؤْيَتِهِ فِي قَرْيَةٍ لَيْسَ فِيهَا وَالٍ وَلَمْ يَأْتِ مِصْرًا لِيَشْهَدَ وَهُوَ ثِقَةٌ يَصُومُونَ بِقَوْلِهِ. اهـ. قُلْت: وَالظَّاهِرُ أَنَّهُ يَلْزَمُ أَهْلَ الْقُرَى الصَّوْمُ بِسَمَاعِ الْمَدَافِعِ أَوْ رُؤْيَةِ الْقَنَادِيلِ مِنْ الْمِصْرِ؛ لِأَنَّهُ عَلَامَةٌ ظَاهِرَةٌ تُفِيدُ غَلَبَةَ الظَّنِّ وَغَلَبَةُ الظَّنِّ حُجَّةٌ مُوجِبَةٌ لِلْعَمَلِ كَمَا صَرَّحُوا بِهِ وَاحْتِمَالُ كَوْنِ ذَلِكَ لِغَيْرِ رَمَضَانَ بَعِيدٌ إذْ لَا يُفْعَلُ مِثْلُ ذَلِكَ عَادَةً فِي لَيْلَةِ الشَّكِّ إلَّا لِثُبُوتِ رَمَضَانَ (قَوْلُهُ: لَا حَاكِمَ فِيهَا) أَيْ لَا قَاضِيَ وَلَا وَالِيَ كَمَا فِي الْفَتْحِ (قَوْلُهُ: صَامُوا بِقَوْلِ ثِقَةٍ) أَيْ افْتِرَاضًا لِقَوْلِ الْمُصَنِّفِ فِي شَرْحِهِ وَعَلَيْهِمْ أَنْ يَصُومُوا بِقَوْلِهِ إذَا كَانَ عَدْلًا. اهـ. ط (قَوْلُهُ: وَأَفْطَرُوا إلَخْ) عِبَارَةُ غَيْرِهِ لَا بَأْسَ أَنْ يُفْطِرُوا وَالظَّاهِرُ أَنَّ الْمُرَادَ بِهِ الْوُجُوبُ أَيْضًا

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The incidents above clearly demonstrate the legality of an individual or body of representatives acting on behalf of the Muslims in a Muslim minority setting to determine and execute rulings. In short this position is legally sound and as a result all aspects of Qaḍā are applicable.

Also in the Moon Sighting Conference in Makka mentioned above Motion Six which was also accepted stated that:

سادساً: بالنسبة للبلاد التي فيها أقليات إسلامية , ولا يمكنهم رؤية الهلال لسبب من الأسباب، فإن عليهم الأخذ برؤية أقرب بلدٍ إسلامي, أو أقرب بلد فيه جالية إسلامية, صدر ثبوت الهلال فيه عمن يمثلها من المراكز الإسلامية ونحوها

Motion Six – With respect to those countries with a Muslim minority who cannot sight the Moon due to some reason then it is necessary upon them to follow the nearest Muslim-majority country or the nearest country with a Muslim community in which the sighting of the Moon is established similar to those Islamic centres and the like.

4.6 In response Position One states that we cannot utilise a statement of a Fāsiq when declaring the sighting of the Moon

(قَوْلُهُ بِشَهَادَةِ فَاسِقٍ نَفَذَ) قَالَ فِي جَامِعِ الْفَتَاوَى: وَأَمَّا شَهَادَةُ الْفَاسِقِ، فَإِنْ تَحَرَّى الْقَاضِي الصِّدْقَ فِي شَهَادَتِهِ تُقْبَلُ وَإِلَّا فَلَا اهـ فَتَأَلْ: وَفِي الْفَتَاوَى الْقَاعِدِيَّةِ: هَذَا إذَا غَلَبَ عَلَى ظَنِّهِ صِدْقُهُ وَهُوَ مِمَّا يُحْفَظُ دُرَرٌ أَوَّلَ كِتَابِ الْقَضَاءِ، وَظَاهِرُ قَوْلِهِ وَهُوَ مِمَّا يُحْفَظُ اعْتِمَادُهُ اهـ.

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Details provided above clearly demonstrate that with supporting evidence which proves the truthfulness of a suspect witness, then their testimony can be utilised in declaring judgements.

In fact if we look at the most recent announcement of Ramaḍān this year 1436 then we have little evidence of the sighting from KSA except a digital image using a highly powerful camera via Infra-Red and taking an image during the day compared to an announcement of sighting by Morocco at around the same time, which clearly demonstrates the efficiency and timely nature of news reaching the UK Committees from Morocco.

Announcement by KSA

KSA declaration via CCD imaging which is not valid according to the sharī'a as it is not observed because light reflected from the moon does not enter the eye.

Announcement from Morocco

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861 . 1

Kingdom of Morocco
Ministry of Religious Endowments and Islamic Affairs

1436 شعبان 29
2015 يونيو 17

Department of Islamic Affairs
Meshour Essaid,
Rabat,
Morocco.

[redacted]

Islamic crescent observation
For the UK
00441904352221

Communiqué:

Assalamu Alaykum

The Ministry of Religious Endowments and Islamic Affairs did watch today Wednesday the **29th of Chaaban 1436A.H.** Corresponding to **June , the 17th 2015 A.D.** the crescent moon of **Ramadan 1436 A.H.** in the 278 points covering all the territory of The Moroccan Kingdom.

The sighting proved to be **POSITIVE** according to the rules of the Sharia. **Therefore, the first day of Ramadan 1436 A.H.** will be **Thursday, June the 18th 2015 A.D.**

Wassalam alaykum wa Rahmatullahi Wabarakatuhu.

P. Le Ministre des Habous et des Affaires Islamiques et par Délégation
Directeur des Affaires Islamiques
Signé KOSTAS Ahmed

This document may be obtained from the ICOUK website at www.moonsighting.org.uk

5.0 Conclusions

Drawing the lengthy discussions above together we draw a number of conclusions with respect to Position One's view which are seriously problematic:

a) There is no structure or criterion in place to attempt to sight the Moon within the UK.
b) Eight months of the year are based on Umm al-Qura Calendar – therefore based on astronomical calculations.
c) The news, as no declaration is made, for the eight months is not valid.
d) Due to b) one day which has a single Gregorian date has to have two Islamic dates in order to retrospectively assimilate the date when following the Umm al-Qura with the date of sighting which becomes known at a later.
e) Sha'bān, Ramaḍān, Shawwāl and Dhu al-Ḥijja although based on sighting which has proved to be problematic can be validated due to the decision of the courts. However Muslims in the UK are not within the legal jurisdiction of KSA Sharī'a Courts. The news reaching the Muslims in the UK can be considered as legally sound in the cases of Ramaḍān and Shawwāl only.
f) There is no agreement between the courts of Saudi Arabia and the Muslims of the UK in order to ensure validity with respect to the four so-called Ibāda months. That can be overlooked in the case of Ramaḍān and Shawwāl due to Istifāḍa but would require it for the remaining two.
g) KSA Courts will allow sighting via telescopes at observatories as has been discovered, even though a perception exists that unaided sighting takes place. The unaided eye is what is stipulated as telescopes could potentially determine the sighing a day earlier. There are reports of the use of CCD imaging which is invalid for accepting as a 'sighting'.
h) According to the fiqh applied there will be months where a solitary witness will be accepted by the Saudi Courts but is considered unacceptable according to the Ḥanafī fiqh when there is a clear sky.
i) The psychological effect has been proven to exist when the starting of months is known due to the Umm al-Qura Calendar to those individuals who attempt to sight the Moon. Hence they will attempt to see it and 'believe' they have.

From the understanding arrived at following this study it is the view of the author that adopting Position One is seriously problematic. This does not mean that the fasts of Ramaḍān and the 'Īd of Shawwāl are invalid as there is a scope of permissibility of considering them valid due to the declaration of the Courts and its news reaching the UK Committees via a shar'ī means. However, the approach is legally lacking in many areas.

That leaves the two alternatives, Position Two and Three. The positions are sound from a legal perspective, however if pushed to adopt one of the two positions even though they are similar then one would suggest Position Three. The reasons being that there is the possibility that error can creep in due to dependence on Imkān al-Ru'ya for Position Two as the same psychological effect discussed above in i) can cause the one who attempts to sight

with the 'belief' that it is not possible to see then there may be a dismissal of a valid sighting. Position Three was found to be a well detailed and structured methodology and criteria based on the Ḥanafī school; the only use potentially of astronomical data was to dismiss isolated reports or in support of an unscrupulous witness both are not being used to dismiss sightings but to determine the veracity of the witness statements.

6.0 Recommendation

It is the recommendation of the author that the research presented in this study is scrutinised and assessed with great attention; if found wanting in certain areas due to lack of data or erroneous conclusions then forward those to the author for it to be evaluated and taken into consideration, which may or may not result in a change of analysis or conclusions. On the other hand if what presented in this study is considered sound, generally speaking, then it is imperative that action is taken. It is essential that in each city a Ḥilāl Committee forms and starts to engage with the Masājid, many of those in these said committees will be Imāms in these Masājid, and enlightening those responsible of the position which should be adopted for UK Muslims in terms of how to declare a new Islamic month. These committees can then network with one another thought out the UK.

This will produce an accurate and uniformed understanding and practise of all the months of the year for the Muslims of UK, particularly Ramaḍān and the two 'Īds.

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19th Ramaḍān 1436/6th July 2015

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