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Hilal Sighting & Islamic Dates: Issues and Solution Insha'Allaah

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Alhamdulillah. WaSalaatu WasSalaamu Ala Rasoolillaah.
Aoothobillaahi MinasShaytaanirRajeem. BismillaahIrRahmaanIrRaheem.
RabbishRahli Sadri Wa Yassirli Amri WahlUqdatan Millisaani Yafqahoo Qauli.

1 Abstract

This paper investigates different options proposed for determination of Islamic dates including: Global vs. Local sighting; Sighting vs. Calculations; Calculations for Dark Astronomical New Moon vs. Calculations for Visible Crescent (Hilal); Telescopes vs. Naked eye; Saudi sighting process and its implications; Issue of Eid ul Adha date; Group vs. Solo sighting ; Number of witnesses required, Size of Matla etc. Based on discussions with Scholars and Astronomers world wide, including Saudi Arabia simple solution is promoted in harmony with both Shariah and Science Insha'Allaah. May Allaah (SWT) forgive, guide and help us all. Aameen.

2 Basic Information

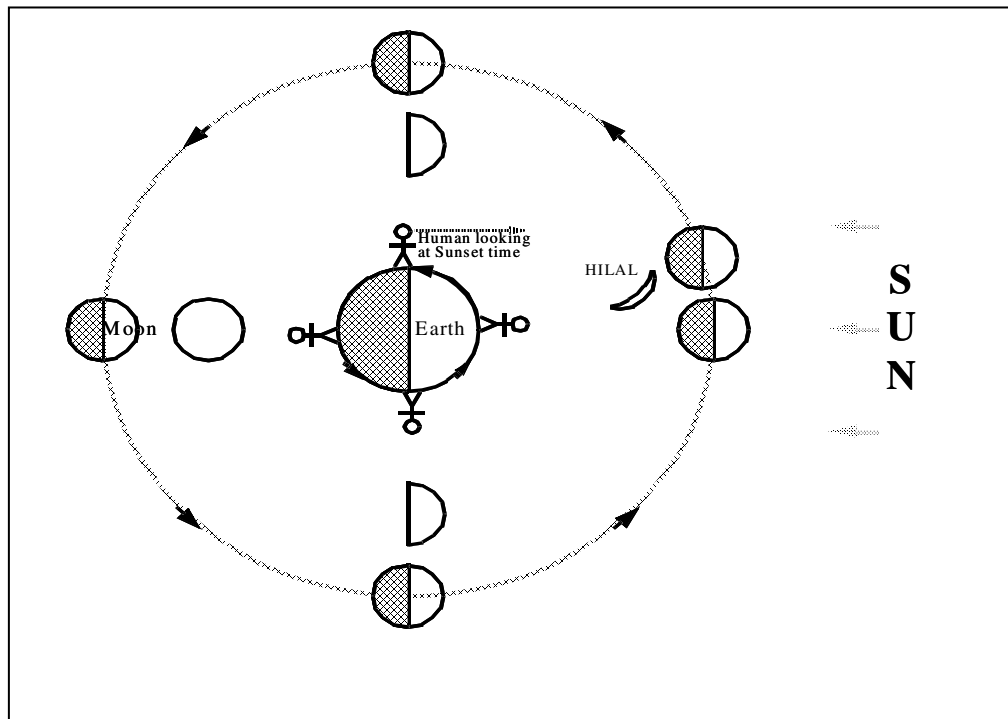


Figure 1: Moon phases

2.1 Hilal is typically a day (or more) after the Astronomical New Moon (No Moon)

The Qur'aan states in Surah YaaSeen (translation): And the Moon,- We have measured for her mansions (to traverse)till she returns like the old (and withered) lower part of a date-stalk.

As the Moon revolves around the Earth, the light of the Sun reflected off the Moon reaching the Earth is seen as Phases of the moon. As shown in Figure 1, when the Earth, Moon and Sun are roughly in a Straight line, it is the instant of "Conjunction" or the "Astronomical New Moon". This is completely Dark / Invisible / "no-moon". This is **not** the Hilal. When the moon moves further, the reflected sunlight appears as the Crescent shape Hilal.

Also, the Astronomical New Moon (No moon) or Conjunction corresponds to the Eclipse. Despite more than one eclipses occurring during the time of the Prophet (SAW), no evidence exists that the Prophet (SAW) asked the Sahaba to start the next month based on the 'eclipse'. Thus arguments of those who want to start the month a day or two early based on Conjunction or the completely dark Astronomical New Moon (No moon) are a misguided innovation, which changes the dates.

Imam Subuki (RH) is reported to have said: "The Muslims are in consensus that there is no legal consideration for the opinion of the astronomer (that the month begins) with the separation of the moon from the Sun at conjunction if visibility is not possible due to nearness of the crescent to the Sun's (alignment) irrespective of whether this is before, after or at the time of sunset.

As the Moon moves along further, it appears to lag behind the apparent motion of the Sun, thus causing the Moonset to be become later and later compared to Sunset as apparently referred in the verse of Surah Yaseen: *It is not permitted to the Sun to catch up the Moon, nor can the Night outstrip the Day: Each (just) swims along in (its own) orbit (according to Law).*

Eventually the Moon reaches the other side of the Earth (opposite to the Sun) thus showing as a "Full-moon". If we were to start the Islamic month with the Astronomical New Moon (No moon), this Full-moon would be close to the 14th, 15th, and 16th of the month. But since the Islamic month starts with the visible crescent Hilal, which is typically a day later, the Full-moon phases correspond to 13th, 14th and 15th month, which are reported in the Hadith as "Siyam Abyad" or "White Fasts". This is another Daleel (proof) that the Islamic New Month starts with visible Hilal and not with the Astronomical New Moon. The Qur'an talks about the visible Hilal with the characteristic shape and NOT "Qamar Jadeed" nor "New Moon" nor "Iqtiran/Mahaq" (Conjunction) nor "Wiladatul-Qamar" (Birth of Moon). As the moon moves further, the shape starts waning, until we see the "reverse crescent" at Fajr. Then it disappears completely, typically for two days until it reappears as the Hilal and the cycle repeats.

2.2 Where on Earth would the Hilal first be seen ?

Some people think that the Hilal will always be seen in the "Eastern" Countries before the "Western" Countries. But since the Earth is not Flat and instead it is roughly Spherical in shape, "East" and "West" are only relative terms. In reality the Hilal can be seen first in just about any country (usually in tropical zone) around the Globe. Once it is seen in one location, then as we go West, the Sunset time would be later and later, thus making the Hilal bigger and bigger and hence easier to be seen. Eventually when we cross the artificial International Date Line, the Solar

conventional date changes and the Hilal is seen “next day” in the countries beyond the International Date Line. Thus the Hilal would typically **not** be seen on a single date all around the world!

3

4 **Saudi Arabian Hilal Sighting Process**

Alhamdulillah I got the chance to live 5 years in Saudi Arabia, meeting Scholars like Sheikh AlOthaimen and Astronomers including the makers of UmmUIQura Calendar. Here are my findings:

4.1 UmmUIQura Calendar is Simplistic and Ahead of Hilal Sighting Possibility

From 1950 to 1972, the UmmUIQura calendar was based on the following: If at sunset on 29th of the month, the moon is at least 9 degrees above the horizon the new month starts the next day. *This was very close to actual visibility of Hilal!* [17] Then in 1973 it was changed to the criterion: if conjunction occurs before midnight at Greenwich, the next day is the new month! This was very far from the visibility of the Hilal. Then in 1998G / 1420H, KACST (King Abdul-Aziz City for Science & Technology, Riyadh) changed it to the criterion: if the Moon sets after the Sun (even by just one second), the next day is new month. Finally, in 1423H / 2002G, the criterion was slightly modified to: if the Moon sets after the Sun and conjunction has occurred (even if by just a second), the next day is new month. This is still quite simplistic and often Ahead of Hilal Sighting Possibility by one or two days and sets early expectations. It is substantially worse than the 1950-1972 criterion!

The authors (Dr. Fayez AlHargan in KACST) knows that even after the astronomical new moon is born, it must reach a certain age (and other factors), to be visible to naked eye. But they say that UmmUIQura Calendar is only for Civil use and hence need not be accurate. The religious dates go by actual sighting of Hilal. But since UmmUIQura Calendar sets the expectations of when to sight, it promotes errors and hence should be updated to reflect the current best models like Odeh criterion (www.icoproject.org).

4.2 Official Saudi Hilal Sighting Committees

I was found that due to the Saudi Government becoming aware of the complaints of errors in the announced dates, around 1419H, the ruling council ordered the formation of Hilal sighting committees. Each such committee includes:

- one member of Qada (Islamic Scholar/Justice department),
- one member of KACST/Astronomer,
- one member of Imarah (ruling council of the city), and
- volunteers.

There are currently at least six such committees in Saudi Arabia - near Makkah, Riyadh, Qassim, Hail, Tabuk and Asir. While they may carry a telescope with them, the official sighting of the committee is with naked eye only. Saudi scholars like Sheikh AlOthaimen (RH) are against use of telescopes. Sheikh AlOthaimen (RH) for example indicated that using telescopes increases the “Takalluf” (Burden) on Muslims, which Allaah (SWT) does not want.

These official committees are excellent but the problem is as follows:

4.3 Majlis AlQada AlAla ignores the Decision of Official Hilal Sighting Committees

The problem is because even though these 6 official Hilal sighting committees exist, the Justice department still accepts the witness of “any” Muslim and not just the 6 official committees mentioned above. Thus, often the new month is declared while NONE of these 6 official Hilal sighting committees saw the Hilal. In fact, most people, including scholars are unaware of the existence of these official committees. In the case of EidUIFitr 1420H, 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 we, nor the other 5 committees sighted the Hilal. But we came back to the Haram Shareef and were astounded to hear the announcement that EidUIFitr was next day (Friday). In fact moonset was before sunset in Makkah for Thursday evening.

4.4 Shaikh AlQaradawi asked people who broke fast following Saudi erroneous announcement to make up for the missed fast

In this case the error was quite brazen. Later I learned that Sheikh Yusuf AlQaradawi issued a Fatwa indicating that Muslims who celebrated Eid 1420H on Friday following the Saudi announcement should make up one missed Ramadaan fast.

الشيخ الفريضاوي: اليوم الجمعة هو المكمل لشهر رمضان

أخذاً بنقارير الحسابات الفلكية العلمية المؤكدة أفنى الشيخ يوسف الفريضاوي بأن اليوم الجمعة 2000/1/7م هو المنتم للثلاثين من شهر رمضان، وعلى أهالي النول التي أعلنت أن اليوم هو عيد الفطر كالسعودية وقطر والإمارات وفلسطين وغيرها، عليهم الإفطار قضاء يوم بدلاً عنه. وكانت الحسابات الفلكية العلمية قد أكدت بصورة قطعية استحالة رؤية هلال شوال ليلة الجمعة، وعليه قال الشيخ يوسف بأنه إذا نفي الحساب الفلكي القطعي إمكانية رؤية هلال شوال فلا تطلب رؤية الهلال وشهادة الشهود لأنها ظنية، والظني لا يقدم على القطعي. وقد أوضح الشيخ يوسف أنه إذا أعلنت السلطة الشرعية في بلد ما تبوت رؤية هلال الحيد فإنها تتحمل المسؤولية وعلى الناس فيها اتباع قرارها، لأنه لا يجوز أن ينقسم الناس في البلد الواحد إلى قسمين أحدهما صائم والآخر مفطر، وأنه إذا كان من المنعز جمع الأمة كلها على يوم واحد في الصيام والإفطار فليس أقل من أن يجتمع أهل البلد الواحد على ذلك. وقال الشيخ يوسف بأن من يعتقد وينتج بصحة الحسابات الفلكية وأفطر في هذا اليوم، فإن عليه قضاء يوم بدلاً عنه.

Sheik Qardawi: Friday is the completion of the holy month of Ramadan.

Taking the confirmed astronomical calculations, Sheik Yousof Al-Qardawi has casuist that Friday, Jan 7th is the 30th day of the holy month of Ramadan. And that the Muslims in the countries that announced Friday to be the first of the Eid like Saudi Arabia, Palestine, Qatar, UAE, and others. They should start Eid on Friday, and fast a day later instead of it. Previous astronomical calculations have confirmed without a shadow of a doubt that sighting the crescent on Thursday was impossible. Consequently, if the calculations showed that there is no Moon to be seen, people should not be asked to fetch it, and no testimony of sighting it should be accepted. Sheik Qardawi has manifested that if a country should announce a day as the first of Ramadan or Shawwal, then it is held responsible. And the citizens of that country must oblige to that. Because there shouldn't be two parties in the same country, one is fasting, the other is feasting. If it's hard or impossible for the whole nation to meet on the same feasting day, then it's not hard for the people of one country to do so. Finally Sheik Qardawi stated" He who believes in the credibility of the astronomical calculations and feasted on Friday, should fast a day instead of it".

Further, the Solar eclipse of Feb 5, 2000G also proved the mistake in Eid date, according to Sheikh AIOthaimeen (RH)'s Fatwa on Solar Eclipse 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. The solar eclipse implied that if the Saudi announcement for EidUIFitr 1420 was correct, then Shawwal 1420 would be 31 days which is impossible. This Fatwa of Sheikh AIOthaimeen is shown later in this paper.

4.5 Saudi Media reports the errors

Biggest English language Saudi News paper "**Arab News**" of **Feb. 11, 2000** also acknowledged the mistake, but there was no official correction by the Saudi authorities. Subsequently I also saw nice articles in Arabic in **AdDawah magazine, 6 Shawwal 1420H** etc., and the article of Sheikh AlManea (of Makkah AlMukarramah) in **AlJazeera, December 12, 1999**. I also learned that apparently it is the same few people at certain locations (in Tabouk, Hareeg and Hawtah Sudair ?), reporting on those occasions when the claims are extraordinarily early in Saudi Arabia, year after year. Wallaahu A'alam! I wonder if the presence of numerous objects in the sky today could cause errors. (E.g. see Airplanes, wisp of clouds, crescent of planets, satellites, or even a white hair in the eye, etc.). I was also told by more than one knowledgeable local brothers that there have been some claims to journalist of Hilal sighting BEFORE Maghrib from one of these regular extraordinarily early Hilal sighter! Then in 1425 H, for that year's Dhul-Hijja, when again the start was much earlier than possible, the **Saudi Al-Watan Newspaper of Thursday, 10 Dhû-l-hijja 1425 AH** reported that the KACST Astronomers checking on the reported witnesses found them to be more than 80 years old. The news from the error of Ramadan 1, of 2006 is that again, the announcement was made though the Moonset was before Sunset and the 6 official Saudi Hilal sighting committees gave negative report. This time apparently the witnesses have been asked not to speak with media! **Saudi television reported the Head of KACST Astronomy Dept. Dr. Zaki Mustafa** saying why it was impossible to sight the Hilal on evening of Sept. 22, 2006. Also I learned from reliable sources that for Eid UIFitr 1421H, several "early witnesses" in Saudi Arabia were turned down due to the Solar eclipse. This is perhaps the first occasion I hear of "witnesses" being turned down in Saudi Arabia due to contradiction with basic scientific facts. But apparently they will still accept witnesses from the same people next year! Also see Arab News, Monday 1 October 2007: Eid Al-Fitr Will Be on Oct. 13, Say Astronomers (in spite of this, Saudis declared Eidul Fitr to be October 12, 2007!). <http://www.arabnews.com/?page=1§ion=0&article=101915&d=1&m=10&y=2007> Also see AlManea article: <http://www.alriyadh.com/2007/10/21/article288058.html>

4.6 Meeting with Sheikh AIOthaimeen (RH) in Unayzah

Alhamdulillah Sheikh AIOthaimeen (RH) welcomed us at his big Masjid in Unayzah after the Friday prayers on 15/02/1421H (date per UmmUIQura Calendar) and gave us a special private audience after the 'Asr prayers. We found that Alhamdulillah Sheikh AIOthaimeen was himself aware of some of the errors from other complaints, including one where a person saw the waning crescent at Fajr and the same day evening, Hilal sighting was announced! But he indicated it would take time for most scholars to understand and fix the problem. He asked us to write a letter to the Majlis AIKabair AIUlema (Council of the Senior Ulema), which I believe meets twice a year in Taif. I personally did send a letter, but somehow did not receive any response. I also learned that scholars like I also learned that scholars like Sheikh Abdullaah bin Sulaiman AlManea (Makkah Mukarramah) support using calculations to reduce errors.

So we should write to the scholars of Saudi Arabia that since there are numerous possibilities of errors, perhaps due to so many artificial objects in the sky today, the people who want to sight the Hilal should accompany one of these official Hilal sighting committees which include scholar, astronomer, and local official. This would help check the testimony and reduce the errors. Also we should support scholars like Sheikh Abdullaah bin Sulaiman AlManea (Makkah Mukarramah) who are in favor of using calculations to reduce errors.

Sheikh AlOthaimen also gave us Fatwas for using local sighting for all months including DhulHijja which I have mentioned in a later section.

5 Local vs. Global vs. Saudi Sighting

5.1 **“Only follow Saudi sighting” is neither Local, nor Global sighting and hence invalid** Ikhtilaaf AlMataale – Multiple Horizons – Local sighting and Ittihaad AlMataale – Single Horizons – Global sighting are two well know Fiqhi positions. However these days there is a 3rd **new** position being promoted i.e. “Follow Saudi Arabian sighting”. This position is **different** from Ittihaad AlMataale which would accept the **first** sighting report whether from Nigeria, Egypt or America etc., **without** restricting that report to be from Saudi Arabia. This new position of “Follow Saudi sighting” has **no** basis in Shariah, and can be proved wrong with the following very simple argument:

Let us at Makkah Sunset time, the Hilal was too small to be seen. Now after about 11 hours you happen to be in California where the Sun is now setting. In these 11 hours, naturally the Hilal would become bigger and let us say it becomes big enough to be visible. I am sure no Scholar can justify saying that you **ignore your own sighted Hilal** and wait for **next** day’s announcement of Saudi sighting! This is a simple proof that **“Only follow Saudi sighting” for countries other than Saudi Arabia is an Invalid position.**

Previous Grand Mufti of Saudi Arabia, Sheikh Bin Baz is reported to have ruled: “As for those who say that it is necessary to follow the sighting of Makkah, then let it be known to them, that there is no proof or basis for this in the Qur’aan and Hadith”. (Sheikh Abdullah bin Baz RA AlBa’ath ul Islaami Zil Hijjah 1399 Hijri).

5.2 The chances of the Hilal being seen in California before Saudia are quite high

The time difference between Saudi Arabia and California is 11 hours, while the total time around the world is 24 hours. Thus the chances that the curve for first visibility of Hilal falling between Saudia and California is about $11/24 = 45\%$. Thus for little less than half the occasions, California should sight the Hilal one Date BEFORE the Saudi! In reality this does not happen because of Saudi **errors** as explained later. In fact this is a simple proof without resorting to complicated calculations that the Saudi dates are very often incorrect!

5.3 Ittihaad AlMataale corresponds to “Flat Earth” and is impossible to implement

If the Earth were Flat instead of Spherical, there would be One Matla or Single Horizon. Then the Hilal would have been seen at the same time all over the world. Also there would be no time zones, and the Prayer times would also be same everywhere. But due to Spherical Earth, there are

differences in time zones. Thus when the Sun sets in California and if the Hilal is first seen there, it is already about Fajr time in Makkah and next day around 'Asr in Indonesia. How can Makkah or Indonesia start fasting by California Hilal Sighting ? **It is impossible to implement Ittihaad AlMataale!** Also it is difficult to authenticate far away sightings, and Ittihaad AlMataale (Global sighting) makes us prone to the frequent errors in Saudi Arabia and elsewhere.

5.4 Ikhtilaaf AlMatale is supported by Astronomy and by Scholars world wide including Saudi Arabia

Since the Earth is spherical, the Horizons are multiple (Ikhtilaf AlMatale) and Local sighting of Hilal is as natural as Local sighting of Sun (shadow) for local Prayer times. Shafi, Maliki and Hanabali Jurists support Ikhtilaaf AlMataale. (Ref.: Bidaytul Mujtahid v.1 of Imam Ibn Rushd (A Maliki Qadi, and a prominent Islamic philosopher, of Spain). While some of the early Hanafi jurists, at a time when it was thought that the Earth was flat, supported Ittihaad AlMatale, it was for short distances and not for the whole world. Today for example, in India, Pakistan and Bangladesh, where Hanafi Fiqh is dominant, Ittihaad AlMatale is not practiced. Saudi Arabia also practices Ikhtilaaf AlMataale as mentioned in this Fatwa by Sheikh AlOthaimeen (RH) in the book: Fatawa Islamiya (Sheikh Bin Baaz, Sheikh AlOthaimeen & Sheikh AlJibreen - DarulWatan LilNashr and reproduced below where he says: The sighting of Hilal in a country does Not obligate all other countries by its ruling. Saudi Arabia itself follows Ikhtilaaf AlMataale, not even accepting sighting from next door Yemen!

فتاوى استلامية

لأصحاب الفضيلة العلماء:
سماعة الشيخ عمر بن محمد بن عبد الله بن باز
فضيلة الشيخ محمد بن صالح بن عثيمين
فضيلة الشيخ عبد الله بن محمد بن عبد الرحمن بن الجبرين
إضافة إلى اللجنة الدائمة
وقرارات المجمع الفقهي

الجزء الثاني
إلى نهاية كتاب البيوع
جمع وترتيب:
محمد بن عبد العزيز المسند

أحكام دخول الشهر وخروجه ورؤية الهلال

وغيرها، حيث تكون مساوفاً محجوبة بما يمنع الرؤية فإن للمسلمين في تلك المناطق وما شابهها أن يأخذوا بمن ينقون به من البلاد الإسلامية التي تعتمد على الرؤية البصرية للهلال دون الحساب بأي شكل من الأشكال عملاً بقوله ﷺ: «صوموا لرؤيته وأفطروا لرؤيته فإن غم عليكم فأكملوا العدة ثلاثين». وقوله ﷺ: «لا تصوموا حتى تروا الهلال أو تكملوا العدة ولا تفطروا حتى تروا الهلال أو تكملوا العدة». وما جاء في معناها من الأحاديث.

* * *
رؤية الهلال في بلد.. لا تلزم جميع البلاد بأحكامه

من: يتفاوت ظهور هلال رمضان أو حلال شوال بين الدول الإسلامية. فهل يصوم المسلمون عند رؤيته في إحدى هذه الدول؟

ج: مسألة الهلال تختلف فيها بين أهل العلم فمنهم من يرى أنه إذا ثبتت رؤية هلال رمضان في مكان على وجه شرعي فإنه يلزم جميع المسلمين الصوم وإذا ثبتت رؤية هلال شوال لزم جميع المسلمين الفطر.

وهذا هو المشهور من مذهب الإمام أحمد. - وعلى هذا فإذا روي في المملكة العربية السعودية مثلاً يجب على جميع المسلمين في كل الأقطار أن يعملوا بهذه الرؤية صوماً في رمضان وفطراً في شوال. - واستدلوا على ذلك بحموم قوله تعالى: «فمن شهد منكم الشهر فليصمه»، وعموم قوله ﷺ: «إذا رأيتموه فصوموا وإذا رأيتموه فافطروا».

ومن العلماء من يقول أنه لا يجب الصوم من حلال رمضان ولا الفطر في شوال إلا لمن رأى الهلال أو كان موافقاً لمن رآه في مطالع الهلال لأن مطالع الهلال تختلف بانفاق أهل المعرفة. - فإذا اختلفت وجب أن يحكم لكل بلد برؤيته والبلاد التي توافق في مطالع الهلال فهي تبعاً له وإلا فلا. وهذا القول هو اختيار شيخ الإسلام «ابن تيمية» - رحمه الله - واستدل على هذا بقوله تعالى: «فمن شهد منكم الشهر فليصمه» ويقول النبي ﷺ: «إذا رأيتموه فصوموا وإذا رأيتموه فافطروا» أي بنفس الدليل الذي استدل به من يرى عموم وجوب حكم الهلال لكن وجه الاستدلال عند «ابن تيمية» في هذه الآية وهذا الحديث مختلف. - إذ أن الحكم قد علق بالشاهد والرائي وهذا يقتضي أن من لم يشهد ومن لم ير لا يلزمه الحكم. - وعليه إذا اختلفت المطالع لا تثبت أحكام الهلال بالتعميم.

وهذا لا شك وجه قوي في الاستدلال ويؤيده النظر والقياس.

One Islamic basis for Ikhtilaaf AlMatale comes from “Hadith Kurayb (RA)” where the report of Hilal sighting from Damascus was not used by Ibn Abbas (RA) for Medina. Indeed calculations show that sometimes it is possible to see the Hilal in Damascus and not in Medina!

The Hadith of Kurayb (may Allah be well pleased with him!): *ra'aytu l-hilala bi-sh-shami laylata l-jum'ati thumma qadimtu l-madInata fI Akhiri sh-shahri fa-sa'alanI bnu 'abbAsin raDiya LLAhu 'anhumA matA ra'aytumu l-hilala fa-qultu ra'aynAhu laylata l-jum'ati fa-qAla anta ra'aytahu fa-qultu na'am wa-ra'Ahu n-nAsu wa-SAMU wa-Sama mu'Awiyatu fa-qAla lAkinna ra'aynAhu laylata s-sabti fa-lA nazAlu naSUMu HattA nukmila thalAthIna aw narAhu fa-qultu a-wa lA naktafI bi-ru'yati mu'Awiyata wa-SiyAmihi fa-qAla lA hAkadhA amaranA raSUlu LLAhi Salla rasUlullahi SallallAhu 'alayhi wa-sallama*

[I saw the crescent [of Ramadan] on Friday night while in Damascus. I arrived at Medina at the end of the month and Ibn 'Abbas (may Allah be well pleased with both of them!) asked me: “When did you see the crescent?” I said: “We saw it on Friday night.” He said: “Did you see it yourself?” I said: “Yes, and the people saw it, and they and Mu'awiya fasted.” He said: “But we saw the crescent on Saturday night. So we will not stop fasting until either we complete thirty [days] or we sight the crescent [of Shawwal].” I said: “Is Mu'awiya's sighting and fasting not sufficient for us?” He said: “No, this is how the Messenger of Allah (may Allah's blessings and peace be upon him!) ordered us.”] (Related by Ahmad, the Famous Five except al-Bukhari, and by al-Daraqutni and al-Bayhaqi, with variants).

Also, the Hadees 'We are Ummi we do not write or calculate' ends by saying 'month is 29 and 30'. 'Haakaza wa Haakaza'. So that means month will be 29 and 30 (in different places). The Hadees does not say 'Hakaza aw Hakaza' which would then mean month is 29 or 30.

Also see www.ummah.net/moonsighting/fatawah/saudalim.htm and Fatwa of Mufti Taqi Usmani supporting Ikhtilaaf AlMataale:

“Eid al-Adha with Hajj” Criteria Evaluated by A Renowned Scholar

By: Maulana Mufti Muhammed. Taqi Usmani - Deputy Chairman, Islamic Fiqh Academy – OIC (Jeddah) ; Vice President & Professor (for over 25 years) of Religious and Arabic Sciences, Fiqh and Hadith at Darul Uloom (Karachi); Chairman, Shariah Council, Accounting & Auditing Organization for Islamic Financial Institutions (Bahrain); Judge, Shariat Appellate Bench, Supreme Court of Pakistan; Shariah Advisor, HSBC Amanah Finance, Abu Dhabi Islamic Bank, Al Baraka Group, Citi Islamic Investment Bank, Dow Jones Islamic Index, First Islamic Investment Bank, Saudi American Bank, and others.; Author of several Islamic books and Editor of several Islamic magazines, including Albalagh International.

Responding to ISNA Fiqh Council's claim, "Element of place is dominant in Eid al-Adha," Maulana Mufti M. Taqi Usmani, a renowned scholar of Darul Uloom in Karachi wrote the following: (May 2000)

I have gone through the article of ISNA and with the utmost respect for their sentiment for Muslim unity, I am forced to say that the view expressed in the article (Eid al-Adha on next day of Arafat) is in total disagreement with the teachings of Quran and Sunnah, and with the Shari'ah position recognized throughout the centuries. This is an unprecedented view which has never been adopted by any of the Muslim jurists during the past 1400 years, and it has a number of intrinsic defects and anomalies, some of which are summarized here.

1. The article admits that the celebration of Eid al-Fitr should be tied to the sighting of the moon in each country and should not be linked with the celebration of Eid al-Fitr in Saudi Arabia. At the same time, however, the article calls for celebration of Eid al-Adha according to the Saudi Calendar regardless of the local dates, which means Eid al-Adha will be celebrated in North America on 8th or 9th of Zul-Hajjah. It is thus clear that the theory proposed in ISNA's article is impractical.

2. The article has laid much emphasis on the concept of unity of the Muslim Ummah, which no one can deny. At the same time, however, one must appreciate that unity does not mean that the entire Muslim Ummah throughout the world should perform their acts of worship at one and the same time, because it is physically not possible. It is evident that when people in Saudi Arabia are performing their Fajr prayers, those in North America may still have not completed their Isha prayers of the previous day. Similarly, when Muslims in Los Angeles offer their Fajr prayers, those in India and Pakistan are offering their Maghrib or Isha prayer of the same day.

If it is made obligatory on all the Muslims in the world to offer their acts of worship at one and the same time for the sake of unity, such unity can never materialize (because of the time differences). It is, therefore, obvious that offering one's acts of worship at different times do not affect the concept of Muslim Unity.

What does the Muslim unity mean? It means that all Muslims should treat each other with brotherly sympathy and affection and should not spread disorder and dissention among them. Nor should they invent new ideas foreign to the teachings of Quran and the Sunnah which may lead to division and conflict among Muslims.

It is also astonishing that the article views the celebration of Eid al-Adha on different days as being against the concept of Ummah while in the matter of celebration of Eid al-Fitr, this concept is dispensed with. If the celebration of Eid al-Fitr on different days does not affect the concept of unity, how can it be said to harm unity in the case of Eid al-Adha?

3. It is true that Eid al-Adha falls immediately after the day of Arafat in Saudi Arabia, but it is not necessary that the Muslims in every country should follow the same dates in their respective areas. Hajj, no doubt, is tied with a particular place but the celebration of Eid al-Adha is not confined to that place alone. It is celebrated everywhere in the world and cannot be tied to the Saudi calendar.

4. The article admits that the celebration of Eid al-Adha in other countries was never linked with its celebration in Saudi Arabia throughout the past 14 centuries. This, the author's claim was because of a lack of communication facilities. With vastly improved communication today, they argued that everyone almost anywhere can find out the day of Hajj, and should celebrate Eid al-Adha based on Saudi calendar.

There is a clear admission in this argument that it is not obligatory according to Quran or the Sunnah to celebrate Eid al-Adha according to Saudi calendar. Had this been so, Muslims would have tried their best to find the exact date of Hajj in Saudi Arabia. It is not correct to say that it was not possible in those days for people living outside Saudi Arabia to know the exact date of Hajj, because this date is normally determined on the first night of Zul-Hijjah. There is a nine day period until which is more than sufficient to acquire this information. However, no jurists has ever stressed that such information be collected in order to celebrate Eid al-Adha according to Saudi dates.

Further, if the argument of the article is accepted and it is held that the real intention of Quran and Sunnah was to link the celebration of Eid al-Adha with the Saudi dates, as a mandatory provision for all Muslims in the world, it means that the Shari'ah has stressed a principle which was not acceptable for 1300 years. Is it not against the Quranic declaration that Allah does not make a thing mandatory unless it is practical for the human beings.

If the authors argue that the celebration of Eid al-Adha was not linked with the dates in Makkah in the past but it has become a mandatory requirement of the Shari'ah now, then the question arises, who has abrogated the previous principle and on what basis? There is no provision in Quran or the Sunnah which orders the Muslims to celebrate Eid al-Adha according to their local dates up to a particular time and to link it with the dates in Makkah thereafter. Whoever considers this and similar questions arising out of this unprecedented theory advanced in the article can appreciate its fallacy.

5. Finally, I would like to inform you that the question of sighting the moon for each lunar month including Zul-Hijjah was thoroughly discussed at the annual sessions of the Islamic Fiqh Academy (held in Jordan, October 11-16, 1986) attended by more than a hundred outstanding scholars of Shari'ah. The academy adopted the resolution recommended that all Muslim countries should determine all the lunar months including Zul-Hijjah on the same basis for both Eid al-Fitr as well as Eid al-Adha. This resolution represents the consensus of Muslim jurists throughout the world. The proposal contained in the ISNA article, however, goes totally against this consensus - ([see note below](#)).

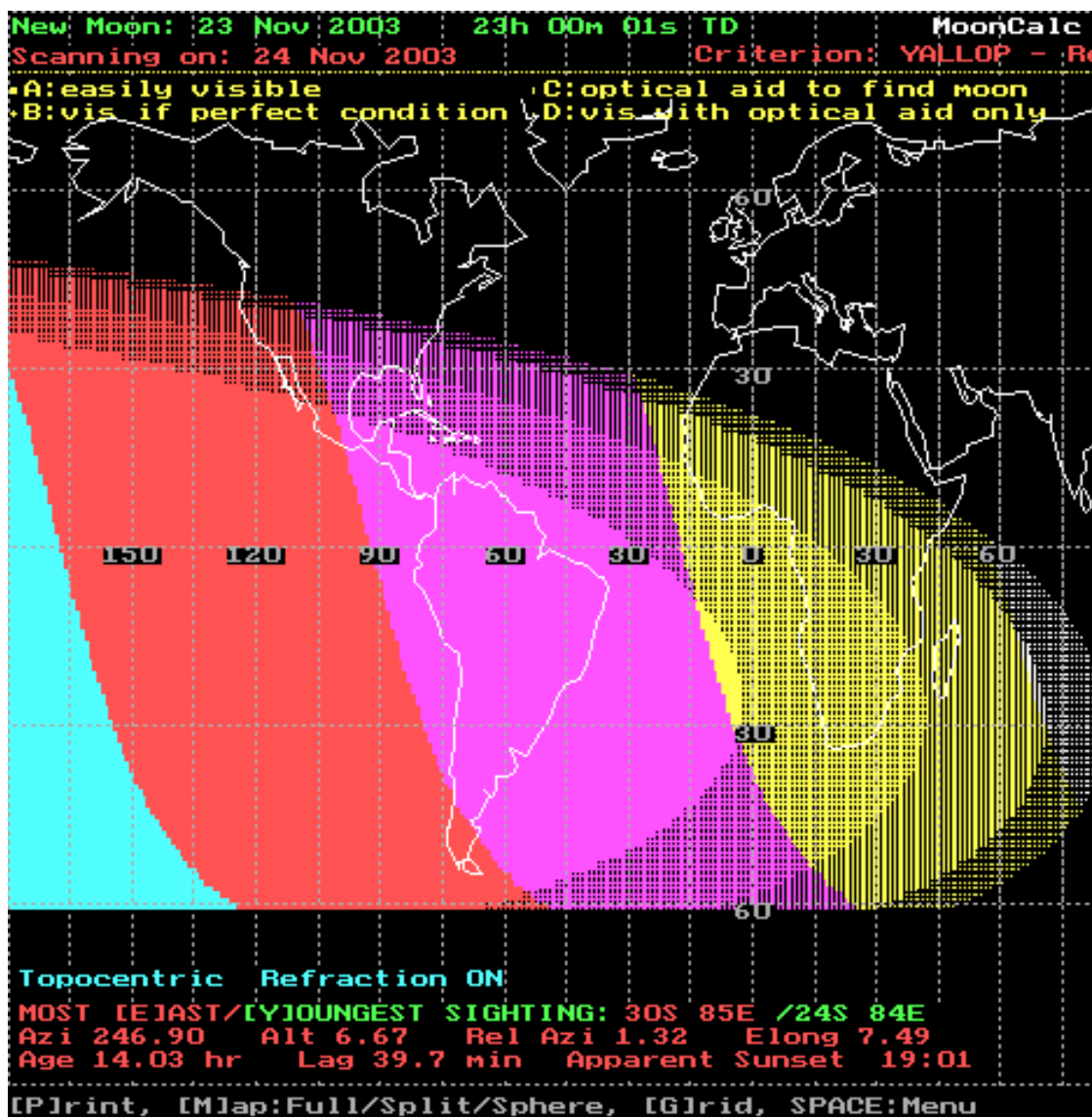
Before parting with the subject, I would like to emphasize that such unprecedented proposals can never advance the cause of Muslim unity. Rather, they may create a new point of disunity and dissention among Muslims. Before venturing such opinions as

definite "Fatwa", these should be discussed at some responsible international forum of contemporary Muslim jurists like the International Islamic Fiqh Academy in Jeddah. May 2000. www.ummah.net/moonsighting/fatawah/isnaqa.htm.uk

PLEASE NOTE: Since the above ruling, ISNA held a conference in November 2000 and subsequently had changed their position - to follow local moon sighting news, instead. But later, unfortunate pressure forced them to go back.

Astronomy supports Ikhtilaaf AIMataale since the First Hilal Sighting ("Lunar Date Line" for a month) can occur anywhere Around the Globe for a particular month, and divides the world into different parts which see the Hilal on different days. See figure below for Hilal visibility model using Mooncalc written by Dr. Monzur Ahmed of UK.

So much of the populated world should start Ramadan, Eid ul Fitr etc. within about 24 hours, but TWO Solar dates because of the artificially fixed International (Solar) date line. Note that even at one moment of time there are two Solar dates in the world. E.g. if it is Sunday evening in America, it is Monday morning in Indonesia!



Later I also found the following very illustrative Fatwa of Sheikh Al Uthaimen (RH) **Ref: Al-Aqalliyat Al-Muslimah - Page 84, Fatwa No.23**, supporting Ikhtilaaf AlMataale from the Qur'aan, Hadith, and Qiyas (Analogy).

Question: Should we fast and end our fast according to the sighting of the new moon in Saudi Arabia or should we do it according to the sighting of the new moon in the country where we are?

Response: There are as many as six different opinions amongst the scholars concerning this issue. However, there are two main points of view. The first is that everyone should sight the moon in their own country and those countries where the moon rises at the same time should follow them. The reason for this is that the time at which the moon rises, varies from place to place. The second opinion is that the beginning of the new month need only be confirmed in any one of the Muslim countries. If the sighting of the new moon is confirmed in any Muslim country, it is then obligatory for all Muslims to use that sighting to begin the fast of Ramadhaan or end it. According to this last opinion, if the new month is confirmed in Saudi Arabia it is obligatory upon all Muslims, in all parts of the world, to fast if it is the beginning of Ramadhaan and to end their fast if it is the beginning of Shawwaal. This is the most common opinion held by the followers of the madhhab of Imaam Ahmad Ibn Hanbal.

However, the first opinion is more correct because of the evidence in the Qur.aan, Sunnah and because of analogy. With regards to the Qur.aan, Allaah (Subhaanahu wa Ta'aala) says: **{The month of Ramadaan in which was revealed the Qur.aan, a guidance for mankind and clear proofs for guidance and the criterion (between right and wrong). So whoever witnesses the month should fast it...}**, [Soorah al-Baqarah, Aayah 185].

This last sentence is a conditional sentence, and the ruling contained in a conditional sentence is established for whomever the condition applies to and it is annulled for anyone for whom the condition does not apply. So the sentence:

((Whoever witnesses the month should fast it)) implies that whoever does not witness it does not fast it.

It is well known amongst astronomers that the time the moon rises differs from place to place. The moon might be seen in one place and not in another. Therefore, according to the verse, whoever does not see it is not obliged to fast.

With regards to the Sunnah, the Prophet (sal-Allaahu `alayhe wa sallam) said:

((If you sight it (the new moon of Ramadaan), then fast and if you sight it (the new moon of Shawaal), then end the fast. And if it is obscured from you, then complete thirty days (of Sha'baan)))).

He (sal-Allaahu `alayhe wa sallam) said:

((If you sight it)). He therefore linked the ruling to the sighting and if a ruling is linked to an effective cause, then that ruling is annulled in the absence of that cause.

With regards to analogy, we say that in as much as the times for beginning the fast and breaking the fast every day vary from place to place so, in the same way, the times for the beginning and ending of the monthly fast also vary. We here in Riyadh, for example, begin our fast every day before the people in Al-Hijaaz and we also break our fast before they do. It is, therefore, obligatory

upon us to start fasting while they are still eating. On the other hand, at the end of the day we are eating while they are still fasting. If, therefore, each place has its own ruling due to the variation in the time that the sun rises and sets, the same also applies due to the variation in the time that the moon rises and sets.

Therefore, the answer to the question is clear. It is obligatory for you to follow the sighting of the new moon in the place where you are.

Shaykh Ibn 'Uthaymeen

Ref: Al-Aqalliyat Al-Muslimah - Page 84, Fatwa No.23

Prof. Muhammad Ilyas of Malaysia, a pioneer in the calculations of Hilal prediction, Masha'Allaah has hence proposed for civil use, a Tri-zonal Hejiri calendar: dividing the earth into 3 zones: Americas; Europe-Africa-West Asia; Asia-Pacific and calculating Hilal visibility separately for each region. This Tri-Zonal Calendar concept has also gained support in the Jordanian Astronomical Society (Mohammed Odeh et.al) and elsewhere Alhamdulillah. Please see www.starlight.demon.co.uk/ildl/zone3 for details. Thus for example, sometimes Hilal sighting in North America can be One Date *Before* Hilal sighting in Saudi Arabia, e.g. see projection from MoonCalc in Illustration 8. Also see www.ummah.net/moonsighting for more details.

Also see Arab News: Monday 11 September 2006:

<http://www.arabnews.com/services/print/print.asp?artid=86399&d=11&m=9&y=2006&hl=Beginning%20of%20Ramadan:%20Following%20the%20Saudi%20Moon%20Sighting>

Beginning of Ramadan: Following the Saudi Moon Sighting. Edited by Adil Salahi

Q. Some people in my home country do not begin the Ramadan fast according to their country; they follow Saudi Arabia. They do the same with the Eid and mark it on the same day as in Saudi Arabia, while people at home may be still fasting. Please comment.

A.S. Al-Jaidy

A. These people are well meaning. They think that Islam is practiced in its best form in Saudi Arabia and they want to follow it. But their practice is wrong because it does not have a solid basis. If we were to extend their practice to its logical conclusion, we should offer prayers according to the timings in Saudi Arabia, rather than our own timings. Thus, we should import Saudi calendars and follow the timings indicated in them. Similarly, we should fast the same number of hours as fasting is indicated in Saudi Arabia. This is easy nowadays, because of satellite television. We can always watch the time in Saudi Arabia and follow it. Needless to say, no one will agree to this although some logical argument could be presented in its support, such as the unity of all Muslims.

Yet the practice of all Muslims is that each locality has its own timings. The difference in prayer time between Jeddah and Dammam, at the two coasts of Saudi Arabia is around an hour. No one suggests that it should not be observed. In fact if it is not observed, we run the risk of having our prayers rendered invalid.

The difference in starting Ramadan has always been known, and the Prophet's (peace be upon him) companions accepted it. Abdullah ibn Abbas asked someone who had traveled from Damascus to Madinah about the day they started Ramadan. When he was informed of the day, he mentioned that the people of Madinah sighted the moon on a different day. People asked him whether he would defer to the sighting in Damascus since it was the capital city of the Muslim state at the time, but he said: "Each have their own sighting." This is a clear answer to those people by one for whom the Prophet prayed to be a scholar. Needless to say, he was a scholar of high distinction.

5.5 Ikhtilaaf AlMatale is applicable to all 12 months, including Dhul-Hijja (Eidul Adha)
 Having had a chance Alhamdulillah to personally meet Sheikh AlOthaimeen in Unayzah, Saudi Arabia, I asked him about Muslims worldwide following Saudi announcement for start of Dhul-Hijja for Eidul Adha. He mentioned that all 12 months follow the same ruling, and there was no exception for DhulHijja. He advocated Ikhtilaaf AlMataale for all 12 months. Attached is the Fatwa he gave on this.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
 سماحة الشيخ محمد بن صالح العثيمين / حفظكم الله
 سلام عليكم ورحمة الله وبركاته

فلقد اطلعنا على فتوى سماحتكم في كتاب «فتاوى اسلامية» حول رؤية الهلال في بلد لا تنقسم جميع البلاد بأحكامه .

فعلينا ينظرون هذا على رؤيته هلال محمد الله (صلى الله عليه وسلم) (شكرية الحجة).

أفيدونا ما جدير به
 جزاكم الله خيرا الجزاء

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
 وعليكم السلام ورحمة الله وبركاته

الهلال تختلف مطالعه بين أرض وأخرى في رمضان وغيره والحكم واحد في الجميع لكني أرى أن يتفق الناس على شيء واحد وأن يتبعوا ما يقوله أمير الجالية الإسلامية في بلاد غير المسلمين لأن الأمر في هذا واسع إن شاء الله حيث إن بعض العلماء يقول: متى تبنت رؤية الهلال في بلد الإسلام في أي قطر لزم الحكم لجميع المسلمين في جميع الأقطار الإسلامية . كتبه محمد صالح المنجد في 2011/01/10

Translation: BismillahIrRahmaanIrRaheem

Respected Sheikh Muhammad bin Saleh AlOthaimeen

May Allaah protect you.

AsSalaamu Alaykum w.r. w.b.

We have observed the Fatwa from your respected self, in the book "Fatawa Islamiya" relating that the **sighting of Hilal in one country does not obligate all other countries to abide by (it's date). Is this also applicable to Hilal sighting for EidUIAdha (month of DhulHijja) ?**

Please benefit us (explain to us). May Allaah (SWT) reward you.

Jazakum Allahu Khayr AlJaza

BismillahIrRahmaanIrRaheem

Wa Alaykum AsSalaam w.r. w.b.

For Hilal the Matale (sighting) are different from one place to other – for Ramadaan as well as other months. The same rule for Hilal applies for all the months. However I view that the people should agree on one thing, and follow the resolution of the Ameer of the Islamic society in their non-Muslim countries. Since this matter is wide (multiple views) Insha'Allaah. i.e. some scholars say: once the sighting of Hilal is confirmed in any one Islamic country or state, it obligates all Muslims in all Islamic states to abide by (its date).

This is written by

Muhammad bin Saleh AlOthaimeen on 15/02/1421H

Similar Fatwa from Sheikh AlOthaimeen exists www.ummah.net/moonsighting/fatawah/saudalim.htm:

Saudi Aalim Asks Muslims in N. America NOT to pray Eid on Day after Arafah

(Famous Saudi Aalim and Faqih, Sheikh Mohammad Ibn Salih Al-Uthaimen tells Muslims about the correct date of Eid al-Adha in N. America to be on 10th Zul-Hijja of North America, and not the day-after Arafah in Makkah, as some claim.)

From: Abdulrahman bin Abdallah Al-khalidy (Ithaca, NY)

Al Hamdulillah wa salatu wa salamu ala rasulillah,

I was troubled when I read the e-mails regarding the discrepancies in deciding the first day of Dhil-Hijjah which would mean that we will have to accommodate two separate dates for the Day of Arafah and the Eid. I called Sheikh Mohammad bin Uthaymeen and asked him about this particular situation and his position has relieved me; wal Hamdulillah.

Q: Should we abide by the local sighting in determining the Eid-al-Adha or should we follow the pilgrims' schedule, knowing that North America sighting of crescent may come a day before Saudi Arabia's sighting?

A: "You should abide by the city you're living in."

Q: This means that we will fast the 9th of Zul-Hijja of North America and pray Eid on 10th Zul-Hijja of North America!

A: "Yes, and this is what you should do without any (Haraj) or mental anxiety."

Any questions regarding this conversation? Contact oa12@cornell.edu

Wish you good luck in fulfilling the Ibadah, fasting on the 9th Zul-hijja based on your area moonsighting and celebrating Eid-al-Adha on 10th Zul-hijja. Those who do it this way, they would have followed the Sunnah of the Prophet. May Allah bless you all.

WalHamdulillahi RabbilAlameen

Further evidence on celebrating Eid ul Adha by local 10th of Dhulhijja instead of Saudi announcement comes from the following:

- We do not see any evidence from Seerah that Prophet Muhammad (SAW) ever attempted to synchronize the Eid ul Adha date in Medinah with the Hajj date in Makkah ? (Please note that 10 nights and 9 days were enough to send a messenger from Makkah to Medinah with the news).
- On the contrary, Sheikh Ibrahim Memon, Principal of Darul Uloom AIMadania, Buffalo, New York, USA has proven in his paper at www.madania.org/english/article_ramadan_moonsighting.php that during the last year of Prophet Muhammad (SAW), the Dates of Makkah and Medinah were **different**.
- We do not see any evidence of the Khulafa Rashideen doing this synchronization between Makkah and Medinah or elsewhere
- For over a 1000 years of Islamic History it was impossible for Muslims in far-away countries like Indonesia to find the Hajj date in time for Eid ul Adha ? How could Allaah (SWT) ask us to do this synchronization, which was impossible for over a 1000 years ?
- As explained earlier in this paper, "Following Makkah sighting for World wide dates" is NEITHER Ikhtilaaf AIMataale - Local sighting, NOR Ittihaad AIMataale - Global sighting - which means follow FIRST report worldwide - whether Saudia or Nigeria or Fiji etc. ?
- As mentioned in another section, it can be possible in certain years to see Dhul-Hijja Hilal in North America one date BEFORE Saudi Arabia. Following Saudi announcement for Dhul-Hijaa would then mean we ignore the Hilal if seen locally and wait an extra day for Saudi Arabia sighting! This can't be justified in Shariah.
- Hajj became obligatory in 9th Hijri year, while EidUlAdha was instituted soon after Hijrah. (we find in Tirmidhi: Reported on the authority of Ibn Umar (RA): Rasulallah (SAW) lived in Medina for ten years and made sacrifice each year). Furthermore Eidul Adha prayers are not for the Hujjaaj.
- In addition to Fatawa above of Saudi Scholars like Sheikh AIOthaimeen (RH), other major world scholars like Mufti Taqi Usmani (Deputy Chairman of Islamic Fiqh Academy, OIC, Jeddah), and the Annual Session of Fiqh Academy, held in Jordan, October 11-16, 1986 attended by more than 100 outstanding scholars of Shariah adopted a resolution recommending that all Muslim countries should determine all the lunar months including Dhul-Hijjah on the same basis for both EidulFitr and EidulAdha.
- There are frequent errors in the Saudi Announced date due to reasons explained in another section and hence better to go by local sighting anyway.

5.6 Way for Unity of Muslims for Eid ul Adha

An argument often presented to "follow Saudi announcement" is "Unity of Muslims". First of all, Unity has to be based on Qur'an and Sunnah. We can't say that the whole world should pray Fajr by Makkah time for unity! Furthermore, if we want unity locally, - isn't it permissible for those who believe in the incorrect early date to still delay and pray Eid on "their second day" Insha'Allaah, since the Eid prayers are permissible on any of the 3 days ? But those who follow the correct date can't pray a day early and accept an unfounded innovation (since it is neither Ikhtilaaf AIMataale nor Ittihaad AIMataale).

6 Sighting and Calculations are complementary and BOTH are needed

6.1 Use Calculations for Hilal Visibility, NOT for Astronomical New Moon (No Moon)

The Qur'aan states in Sura ArRahmaan #55, Verse 5: (Yusuf Ali translation): The sun and the moon follow courses (exactly) computed. The time of conjunction or completely dark Astronomical New moon can be exactly computed. But the Calculations for Islamic Dates should be for the Visible Crescent by naked-eye from the surface of earth in local Matla, and not the calculations for the dark invisible astronomical new moon (no moon), which is typically one day before the Hilal. Similarly Moonset after Sunset does NOT mean that the Hilal will be visible. (So current UmmUIQura Calendar does not work). Likewise the age of the moon is NOT the main criterion (hence the 2006 criterion of ISNA/FC is incorrect). The main criterion for Hilal visibility is the angular separation between the Sun and the Moon at sunset. There are excellent models for predicting naked-eye visibility of Hilal now available including Odeh criterion at www.icoproject.org Alhamdulillah and CFCO etc.

6.2 Zone of Uncertainty (ZOU) in Calculations

Looking at the Visibility curves shown earlier in this paper, we find that the models can give 3 answers. Either the model can tell for sure that Hilal would not be visible in our area. Or they could tell for sure that the Hilal would be visible. Or in about 25% of the cases, when the Western part of our Matla is in the "Zone of Uncertainty", the Calculations can NOT give a definite answer. This uncertainty is due to variations of atmospheric optics etc.

Dr. Mohammad Ilyas of Malaysia, the founder of modern day Hilal visibility models, in his book "A Modern Guide to Astronomical Calculations of Islamic Calendar, Times and Qibla" (Page 69), cautions readers on the limitations of science (and scientists) by pointing out that: "there are numerous ill informed astronomers assuming the role of experts who on occasions have made claims about astronomical calculability of the visibility far beyond the limit permitted by the then status of our standing of the underlying physical phenomenon...the ability 'to land man on the lunar surface' has been wrongly assumed to be a valid defense of the astronomical calculability. This reflects the lack of understanding of the physical aspects of a New Moon's first visibility as distinct from locating the body accurately". This was quoted in the Ramadan 1426/October 2005 booklet on FAJAR AND ISHA By Yaqub Ahmed Miftahi, Hizbul Ulama U.K., 74 Upton Lane, London, E7 9LW, England, UK, Info@hizbululama.org.uk sent by ICOP member Br. Yusuf Karolia [yusufkarolia@yahoo.com].

6.3 Use Calculations to Negate False sighting, but NOT to completely Replace Sighting

Thus if the calculations say with Certainty that Hilal can not be visible, then we should Reject / Negate the False sighting and reduce errors. But when we happen to be in the Zone of Uncertainty, then we should use actual sighting only. We should keep on refining calculations models using worldwide data, and atmospheric optics research, as being done at www.icoproject.org so that they become more and more accurate and the move to replace sighting completely with calculations could become as natural as using calculations for Salaah times. Until that stage comes, we still need to use sighting. According to the 4 dominant Madhabs (Ref. Kitaab al-Fiqh al-Madhahibil Ar'b'ah), and according to Imam Nawawi (Ref. Sharhul Muslim) and Sheikh Ibn Taimiyah (Ref. Majmu' Fatawa) etc., Calculations can NOT replace sighting. I feel that we may use Calculations

for affirmation too, but ONLY outside the Zone of Uncertainty. Past Islamic Scholars like Imam Taqi al-Din al-Subki (d.1355 GC) said in one of his rulings on the subject: “Calculation provides certain and confirmed information, while testimony based on sighting provides only probable information. What is probable cannot counterbalance what is certain, let alone be preferred to it. Evidence is accepted only if what is testified for is possible physically, logically and legally. If we assume that calculation indicates with certainty the impossibility of sighting, then a testimony of sighting must be rejected because it testifies to what is impossible. Islamic law does not make impossible requirements.” (Source: Arab News, 05 November 2002). Also, Sheikh Ibn Taimiya has written on how long it takes for the Hilal to appear after the “old moon” (seen at Fajr) disappears. Ibn Taimiya has also given a Fatwa that if the Altitude of the Hilal at Sunset is less than a certain degree, it is impossible to see and if it is more than another limit, we can see it easily, if there are no physical obstacles. However in between these limits there are differences, and we can not be certain one way or another. But of course none of these support calculations to completely replace sighting. Besides Zone of Uncertainty in Calculations makes it necessary that we continue using Hilal sighting in with Calculations in a complementary fashion.

مَجْمُوعٌ
فِي سَائِرِ الْأُمُورِ
شَيْخُ الْإِسْلَامِ أَحْمَدُ بْنُ تَيْمِيَّةَ
(قَدَسَ اللَّهُ رُوحَهُ)

بِصَحَابَةِ وَرَثَتِهِ الْفُقَهَاءِ إِلَى اللَّهِ
عَبْدُ الرَّحْمَنِ بْنِ مُحَمَّدِ بْنِ قَاسِمِ الْعَاصِمِيِّ النَّجْدِيِّ الْحَنْبَلِيِّ «رَحِمَهُ اللَّهُ»
وَسَاعِدُهُ ابْنُهُ مُحَمَّدٌ «رَفَقَهُ اللَّهُ»

المجلد الخامس والعشرون

الجزء الخامس من كتاب
الفقه
الزكاة والصوم

دار عالم الكتب
دار عالم الكتب

Sheikh AIOthaimeen RH of Saudi Arabia has given a nice Fatwa about Solar Eclipse and Islamic dates as follows:

In the name of Allaah, Most Gracious, Most Merciful

Sheikh Muhammad bin Saleh AIOthaimeen Fatwa on Eclipse & Dates

The question:- AsSalaamu Alaykum WaRahmatullahi WaBarakaatuhu. If the solar eclipse happens fully or partially after the sunset in the kingdom of Saudi Arabia and this eclipse was witnessed in the region west of the kingdom, what is the ruling of the following day for this country in which the solar eclipse happened? Is this the completion of the 30th day of the month? If the following month started on that day through calculation or sighting of Hilaal, what is the ruling? *Presenter: Abdul Aziz Sultan Almar'esh, General Manager responsible for watching Hilaal at the department of Astronomical research at King Abdul Aziz City for Science & Technology.*

BismillahirRahmaanirRaheem Wa Alaykum AsSalaamu WaRahmatullahi WaBarakaatuhu.

If an eclipse takes place after sunset in any place on earth, it becomes impossible to have a new month the next day. This is due to the fact that scholars and experts are of the same opinion that the physical reason for the eclipse is the presence of the moon between the sun and the earth.

It is also a common fact to the scholars and the public that a new month would not start without the sighting of Hilaal, some time after sunset.

If that is the case, then a new month would not possible in the same night where eclipse has taken place after sunset. This is impossible based on the norms that the Almighty Allah set for the rotation of the sun and the moon.

The Almighty Allah stated in the Glorious Qur'an, (Sura Al-An'am 6:96): He makes the night for rest and tranquillity, and the sun and moon for the reckoning (of time): Such is the judgment and ordering of (Him), the Exalted in Power, the Omniscient.

And (in Sura Ya-Seen 36:38-40): And the sun runs his course for a period determined for him: that is the decree of (Him), the Exalted in Might, the All-Knowing. And the Moon,- We have measured for her mansions (to traverse) till she returns like the old (and withered) lower part of a date-stalk. It is not permitted to the Sun to catch up the Moon, nor can the Night outstrip the Day: Each (just) swims along in (its own) orbit (according to Law).

And (in Sura AshShams: 91:1-2): By the Sun and his (glorious) splendor; By the Moon as she follows him;

This verse indicates that the moon in the night of the Hilaal, follows the sun. Therefore

if the moon follows the sun, it is consequently coming later than the sun and not possible for it (e.g. the moon) to be in the middle between the sun and the earth. So how would it jump in order for it to be between (the sun) and the earth ?

Furthermore, a person who observes the movement of the sun and the moon, notices that the moon always lags the sun in its movement. Thus, you can see the moon in the first night of the month- for example the moon would be two or three meters away from the sun. The second night, the moon would move further away from the sun. The third night, the moon would still get further and further, and so on until the middle of the month. At that time, the moon would be on the opposite side of the horizon from the sun. Thus between them would be like between the East and West.

Therefore, if a person claims that the month began in the same night when an eclipse took place after sunset, is like a person who claims that the moon would be in a full-moon position in the same night when it is born. Or, like the person who claims that the sun would rise before dawn, or like a baby will show up before he gets out of the womb of his mother. All these things are impossible according to the rules & behavior that the Almighty Allah has ordained for this splendid universe, in its precise system.

As for the belief in the power of the Almighty Allah, there is no doubt that the Almighty Allah is Capable to do anything. And He is also capable to combine the two moons, and to separate them and to dim them or to make them shining in their light at any time. As He stated in the Glorious Qur'an:

(Sura Al-Qiyama 75:7-10): At length, when the sight is dazed, And the moon is buried in darkness. And the sun and moon are joined together,-

That Day will Man say: "Where is the refuge?"

But the rules that the Almighty Allah laid down concerning the sun and the moon of this world are fixed, and do not change, except in case of a miracle for a Prophet or in the honor of a Wali (closely befriended man to the Almighty Allah). This is written by Muhammad AsSaleh AIOthaimeen 30/1/1412H.

عفنه الله

فضيلة الشرح محمد بن صالح العثيمين

السؤال :-

السلام عليكم ورحمة الله وبركاته وبعد:-

إذا حصل كسوف كلي أو جزئي للشمس بعد غروبها في المملكة العربية السعودية وشاهد هذا الكسوف في المناطق التي تقع غرب المملكة فما حكم اليوم التالي لتلك الليلة التي حصل فيها الكسوف . هل هو تكملة الشهر ثلاثين يوماً . وإذا ادخل الشهر التالي في ذلك اليوم سواء عن طريق الحساب أو عن طريق الرؤية فما الحكم .

مقدمه :-

عبدالعزیز سلطان المرعشي مدير مرآة الأملة الكلكف بمعهد بحوث الفلك بعدينة الملك عبدالعزیز للعلوم والتقنية

بسم الله الرحمن الرحيم واليك السلام ورحمة الله وبركاته

جاء - إذا وقع كسوف الشمس بعد غروبها في أي مكان من الأرض فإنه يتعذر أن يكون في اليوم التالي أول شهر جديد وذلك لأنه من المعلوم عند المحققين من أهل العلم شرها وأهل الخبرة حسب أن سبب كسوف الشمس هي حيلولة القمر بينه وبين الشمس ومن المعلوم عند العامة والخاصة أن دخول الشهر لا يكون إلا بصحة رؤية الهلال بعد غروب الشمس متأخر عنها فإذا كان كذلك فإنه لا يمكن أن يحكم بدخول الشهر في الليلة التي يقع فيه كسوف الشمس بعد الغروب لأن ذلك مستحيل حسب العادة التي أجزى الله تعالى في صياحه الشمس والقمر فقال الله تعالى: (وجعل الليل بيننا وبين القمر حسب ما نأذ لك تقدير العزيز العليم) (وقال تعالى: (والشمس تجري لمستقر لها ذلك تقدير العزيز العليم) والتقديرات هنا حتى عاد كالعرجون القديم لا الشمس ينبغي لها أن تدرك القمر ولا الليل سابق النهار وكل في فلك يسعدون) . وقال تعالى: (والشمس وضحاها والقمر إذا تلاها) وفي هذه الآية نص على أن القرينة المراد بها

قال للشمس فإذا كان تأليها فهو متأخر عنها بعيدا عن الحيلولة بينهما وبين الأرض فكيف يقفز حتى يحول بينه وبين الأرض . والنظر في سير الشمس والقمر يرى أن القمر دائما متأخر عن الشمس في سيره فتراه في أول ليلة من الشهر (مثلا) يبعد عنها بقدر مقبول أو ثلاثة وهي الليلة الثانية بأكثر وهي الليلة الثالثة بأكثر وهلم جرا حتى تكون في منتصف الشهر في الجانب المقابل لأمه الأفق فتكون بينهما ما بين المشرق والمغرب وعلى هذا فمن زعم دخول الشهر في الليلة التي تكسف فيه الشمس بعد الغروب فهو كمن زعم أن القمر يكون بعد ليلة الهلال أو أن الشمس تخرب قبل طلوع الفجر أو أن الجنين يستدل قبل أن يخرج من بطن أمه . ومن المعلوم أن هذا لا يمكن حسب السنة التي أجزاها الله تعالى في هذا الكون البديع في نظامه وإتقانه . أما حسب القديرة الألفية فلا إشكال في أن المدلول على كل شئ قدير ولأنه قادر على جمع القمرين وتقريبهما وطمسهما وإصاوتهما في كل وقت قال الله تعالى: (فإذا برق البصر وخسف القمر رجعت الشمس والقمر يقول الإنسان يومئذ أين المخرج) لكن السنة التي أجزاها الله تعالى في سير الشمس والقمر في هذه الدنيا سنة مطروقة لا تتكلف إلا هيبة تقع آية النبي أو كرامة لولي . كتبه بر العبد العفيف في ١٠/٣/١٤١٢هـ

عبدالعزیز سلطان المرعشي

I repeat for emphasis from this Fatwa of Sheikh AlOthaimen RH: As for the belief in the power of the Almighty Allah, there is no doubt that the Almighty Allah is Capable to do anything. And He is also capable to combine the two moons, and to separate them and to dim them or to make them shining in their light at any time. ... But the rules that the Almighty Allah laid down concerning the sun and the moon of this world are fixed, and do not change, except in case of a miracle for a Prophet or in the honor of a Wali.

This fatwa is also published in: Al-Daawah Magazine, Issue No. 1725, Dated: 6 Shawwal 1420, Saudi Arabia.

The Second Islamic Astronomical Conference, in Amman, Jordan, October 29-31, 2001, jointly organized by the Arab Union of Astronomy and Space Sciences (AUASS), Jordanian Astronomical Society (JAS) and the Jordanian Ministry of Islamic Affairs, where I presented a paper, there were some excellent resolutions, including:

- REJECTION OF THE CLAIM OF SIGHTING THE CRESCENT, IF IT IS INCONSISTENT WITH THE CONDITIONS FOR A POSSIBILITY OF SIGHTING THE CRESCENT.
- Verification of the meticulousness and the honesty of the witnesses to a sighting of the crescent, and not only the honesty.
- Consultation of an astronomical adviser in every committee being entrusted with the determination of the beginning of months in the Islamic countries.
- Providing the Muslim scholars of the fundamentals of sighting the crescent, as well as providing the astronomers of the information about sighting the crescent from Shari'a perspective.
- Encouraging the Muslims in different countries of the world to do a monthly observation of the crescent.
- Support of the Islamic Crescents' Observation Project (ICOP).

This ICOP – www.icoproject.org has had a great role in ongoing education and correction of Islamic dates worldwide, with input to publications and online magazines etc.

7 Use Naked-Eye Sighting instead of Telescopes

Arguments are made to use telescopes or satellites etc. for Hilal Sighting. But firstly, these instruments do NOT reduce the Uncertainty, since behind the telescope eventually is still the naked-eye! Thus two people could look through a telescope – one able to see the Hilal and the other not able! Furthermore, **Using a telescope may result in seeing the Hilal one day earlier on many occasions.** (See MoonCalc picture - Areas between Curves C and D would see Hilal only by telescope. Naked eye visibility for this area would be next day). Adding the possibility of using Telescopes also increases the Zone of Uncertainty, since now there is an added element of telescope being present or not present. Using naked eye sighting also appeals to the logic that whatever criterion we use today should back calculate to the same dates that were likely decided at the time of Prophet Muhammad (SAW). Thus for example Br. Yaser ElMenshaw, Chairman of the Majlis AshShoora (Council of Masajid) of New Jersey, USA, supports naked eye sighting, as this would result in the Hilal (Islamic New moon Crescent) being typically One Day After the Astronomical new moon (Dark moon / Invisible / No moon) and thus makes 13,14,15 of month as “white fasts” (full moon) as mentioned in Seerah and explained earlier in this paper.

As mentioned before, scholars like Sheikh AlOthaimeen (RH) support naked eye sighting rather than using telescopes. He indicated that using telescopes increases the “Takalluf” (Burden) on Muslims, which Allaah (SWT) does not want. Thus even though the Official Saudi Arabian Hilal committees may carry a telescope, the official witness is only on naked eye visibility. Other scholars also cite Surah Al Baqarah, verse 189 which refers to the Hilal as a definite sign that ushers in each new Islamic lunar month and a sign is something that is visible to a common person. This also makes Islam easy for ordinary Muslims, no matter where, since the ordinary Muslim does not have a telescope. If the telescope criterion was used, the majority of Muslims would be effectively excluded from the Hilal sighting process.

Of course I do not equate eye-glasses to telescopes. Since eye-glasses are meant to correct the vision, and make it equivalent to the normal naked eye. Further, the use of correctional eye-glasses does not introduce the “Takalluf” / burden (as referred to by Sheikh AlOthaimeen (RH) above). Rather I feel that dis-allowing eye-glasses may introduce a burden. The unaided (naked eye) sighting has proved to be a method that is, straightforward, pure and not complex, used successfully and correctly by overwhelming majority of the Muslim Ummah Alhamdulillah year after year (including India, Pakistan, Bangladesh and Indonesia which comprise about 70% of the entire Muslim population).

However, telescopes and satellites etc. can and should be used to refute erroneous naked-eye sightings.

8 Use Group Sighting, and establish Hilal Sighting Committees

8.1 Replace Hilal-Fighting with Hilal-Sighting

Insha’Allaah we should encourage the Sunnah of Naked-Eye Hilal Sighting. After seeing the Hilal, the recommended du’a is: “Allaahu Akbar, Allaahu Akbar, Allaahu Akbar. Alhamdulillah Aladhi Khalaqani Wa Khalaqaka, Wa Qaddara Laka Manazil Wa Ja’alalaka Ayatna Lil Aalameen” (Translation: Allaah is the Greatest, Allaah is the Greatest, Allaah is the Greatest. Praise be to Allaah who created me and you and decreed for you the phases and made you a sign for the universe). Those countries where Hilal-sighting is common in the masses, e.g. India, Pakistan, Bangladesh etc. the errors are rare. On the other hand, in countries like Saudi Arabia, most of the masses never consider trying to sight the Hilal.

8.2 Use “Group Sighting” to reduce errors.

Research shows error in reports of (honest) solo observers. Further, we observe from the times of our Pious Predecessors the following incident: It was puzzling when Hadrat Anas (RA) (very old age) claimed to have seen a crescent moon when everybody else, at the same location could not see the crescent moon. Then on removing the white hair from the eyebrow of Hadrat Anas (RA), he was asked to see again. Now he could see no ‘crescent moon’. (See Aujaz al Masalik v.5, p.21, Tantawi’s Irshad p.154, Bain al- Sunnah wal Ijtihad by Nimr p.50 etc. Similar cases where Qadi rejected the claim of sighting/Shahadah of very prominent people only because others did not see any crescent from the same location. (Shuraih, etc.)”. Many of the Ahadith referring to Hilal sighting also apparently indirectly imply that it was a group of Muslims who did the sighting. The

Hadith of Ikrama and Salim (Tabi'in) also indicates ignoring the sighting in "Astara" around 20 miles from Medina (Reference: "Musannaf Ibn Abi Shibah").

Following the same principle, for improving the process in Saudi Arabia too, Insha' Allaah, I suggest that we write to the Ulema, Ambassadors, WazaratulAdal, the Crown Prince, Majlis AIQada AIAala, Masjlis AIKabair AIUlema etc. of Saudi Arabia, and support that all who wish to sight the Hilal in Saudi Arabia should accompany one of the several existing Official Saudi Hilal Sighting Committees which include Scholar, Astronomer & Government representative, and thus use group sighting to reduce human errors Insha' Allaah.

8.3 Require large number of witnesses

It is reported that Schools of Imam Abu Hanifa, Imam Malik and Imam Ahmad required a large number of witnesses (for a town, not a continent) when the sky was clear. Hanafi jurists refer this requirement to "Jamme Ghafir" or a large number. Shafi'i accepted one witness for Ramadan and two for Eid. But their Matla was about 48 miles only – the travel distance for shortening prayers – Qasr: al-Fath al-Rabbani v.9 p.271 . Also, Al-Fiqh 'ala-l Madhahib al-Arb'a v.1, p.550 states Shafi'i position in more precise "Farsaks". The distance (between two places X and Y) less than 24 Farsakh will determine the two as having the same Matla. A farsakh was a measurement of distance in old days. It is close to 1 1/2 to 2 miles. Hence 24 Farsakh may be as little as 36 miles and as much as 48 miles (as mentioned in al-Fiqh 'ala-l Madhahib al-Arb'a).

Imam Abu Yusuf is reported to have required 50+ in Baghdad of his time (He was the Qadi). Imam Abu Yusuf and Imam Muhammad required a group from each mosque in town. (Such a large number that it is difficult to discredit them). Imam Khalf b. Ayyub asked for a minimum of five hundred in Balkh (He was Qadi, and false witnesses for Eid became common by then). Hadrat Umar (RA) as Khalifa did not accept the claim of sighting by some if the moon was not visible to others, including him, at the same spot. I believe one basis of these rulings is that the Hadith in which Prophet Muhammad accepted the Shahada Hilal sighting of a beduin coming from outside Medinah also mentions the **it was cloudy in Medinah** in that evening: (Ibn Majah: Kitab Saum: Babul maa Jaaa fee asshadata ra'aita al hilal): "The hilal of Shawwal **was clouded/covered to us**; so we fasted. Then came some riders at the end of the day and they testified to the Prophet (SAW). Indeed we did see the hilal yesterday; and then the Prophet ordered for the fast to be broken and to proceed for Eid next day".

Mufti Taqi Usmani at www.albalagh.net/qa/moon_sighting_Saudi_Arabia.shtml has said: ... about the issue of sighting of moon at the occasion of Eid-ul-Fitr and about the acceptability of evidence despite its being impossible according to the astronomical calculations..... I personally believe that if it is certainly proved that the moon is not yet born and its sighting is not at all possible on a particular evening, the evidence of only a few persons should not be taken as a proof of existence of moon at the horizon and the Ramadan or Eid should not be started on that basis alone unless there is evidence of people in overwhelming numbers that they themselves have seen the moon in which case it may be said that there was something wrong in the astronomical calculation. But in the absence of such an evidence, the only evidence of two or some more persons should not be relied upon. This view of mine is based on the ruling given by a large number of jurists that if the Horizon is clear the evidence of two persons is not enough for proving a crescent moon unless it is

established by the evidence of a great number of people about whom it is not is not imaginable that they may have connived to give a false evidence. The requirement of such an overwhelming evidence in this case is based on the common sense that if the horizon is clear the moon must have been seen by a large number of people and merely the evidence of two persons is doubtful. By the analogy, if the astronomical calculation proved that new moon cannot be sighted on a particular day the evidence of a few people should not be relied upon.

8.4 Hilal sighting committee of North America (www.HILALSIGHTING.org)

Recognizing that our pious predecessors also saw the problem of erroneous sighting, and required large number of witnesses to solve this, the Hilal sighting committee of North America has also adopted this approach and recommends this. It also requires that if Hilal sighted at a place, then it should also be visible west of it if the weather is clear. Further it cross-questions witnesses, especially in cases where Astronomy indicates that sighting is improbable. Experts are also deputed to critical sighting points.

8.5 Size of Matla

One important is the size of Matla. Imam Shafi'i' is reported to have accepted cities whose boundary is within the Qasr distance (48 miles) of the city which sights the Hilal. Most jurists today support a bigger Matla. But clearly the Matla sizes should not be so wide (latitude) that it becomes a problem for people on the Eastern part of the Matla to wait late in the night for news to arrive after sunset in the Western Part. Also the longitude distance should not be too much since the seasonal variations have a large effect on Hilal visibility. After all, one of the main basis of Ikhtilaaf AlMataale is Hadith Kurayb, where Damascus sighting was not accepted for Medina. Note that the difference in location of Damascus and Medina is more of Latitude than Longitude. During winters in the Northern Hemisphere (and hence summers in the Southern Hemisphere), the Hilal is more easily visible in the Summer Hemisphere. So for example, North America should not include South America in its Matla. The Hilal in winters will thus appear bigger but still counted as the 1st as apparently referred to in the following Hadith:

Muslim-Hadees no.1088: Abu'l-Bakhtari reported: We went out to perform Umra and when we encamped in the valley of Nakhla, we tried to see the new moon. Some of the people said: It was three nights old, and others (said) that it was two nights old. We then met Ibn 'Abbas and told him we had seen the Hilaal, but that some of the people said it was three nights old and others that it was two nights old. He asked on which night we had seen it; and when we told him we had seen it on such and such night, he said the Prophet of Allah (may peace be upon him) had said : Verily Allah deferred it till the time it is seen, so it is to be reckoned from the night you saw it.

My view is to use the Hilal visibility Curves to decide Matla. Thus if Hilal is sighted at a location then all locations having a similar or higher probability of sighting should accept this sighting. This also implies that all locations west of a sighting location will accept this sighting (providing of course that the sighting was authentic and not astronomically impossible).

9 Conclusions

1. Visible Hilal with its characteristic Crescent shape is typically a day (or more) after the completely dark/invisible Astronomical new moon (no moon). Qur'aan & Hadith refer to Hilal (visible crescent) and NOT to “Qamar Jadeed” (New Moon) nor “Iqtiraan/Mahaq” (Conjunction) nor “Wilaadah” (Birth).
2. Any place around the earth (closer to the equator) can be the point of first visibility of Hilal. Then as we go west of this place, Hilal should be bigger and easier to be seen. Thus often Hilal could be seen in California one date before Saudia.
3. “Follow Saudi announcement for world wide date” is neither Ikhtilaaf AlMataale (Local Sighting), nor Ittihaad AlMataale (Global sighting - which means follow first sighting no matter where, without restricting to Saudia), and hence it is not a valid Shariah position. This is also obvious from the case where say California sees the Hilal one date before Saudia (chances are about 45%). Then California can't be expected to ignore its own sighting and wait next date for Saudi sighting.
4. Ittihaad AlMataale (Single Horizon / Global sighting) would be valid if the earth were Flat. Because of Spherical shape of Earth it is impossible to follow say California sighting in Indonesia where it is already next day afternoon at the time of California sunset.
5. Ikhtilaaf AlMataale (Multiple horizons / Local sighting) is supported by Astronomy and by Scholars world wide including Saudi Arabia and is as natural as using local time for Salah (daily prayers).
6. Ikhtilaaf AlMataale (Local sighting) also applies to DhulHijja / Eid ul Adha per Sheikh AlOthameen of Saudi Arabia, Mufti Taqi Usmani (Deputy Chairman of Islamic Fiqh Academy, OIC, Jeddah) and scholars worldwide. Following Saudi announcement for Eidul Adha e.g. in California means a 45% chance that California has to ignore its own hilal sighting and wait an extra day. Further, we see no attempts of Prophet Muhammad (SAW) trying to synchronize Eidul Adha of Makkah and Medinah even though 9 days and 10 nights were sufficient to send a messenger from Makkah to Medinah.
7. Much of the populated world should start Ramadan, Eid ul Fitr, Eid ul Adha etc. within about 24 hours, but TWO Solar dates because of the artificially fixed International (Solar) date line.
8. Those who believe in the wrong early Saudi date can pray Eid ul Adha on their second day for unity, while those who believe in the correct later date can't pray a day early.
9. UmmUIQura Calendar is Simplistic and ahead of Hilal Sighting Possibility. It is meant for civil use but sets the expectations and hence promotes errors in religious dates. KACST should be asked to update it to reflect the current best models such as Odeh criterion on www.icoproject.org Insha'Allaah. The *single biggest* factor in predicting Hilal visibility is NOT the time after astronomical new moon birth, nor the moonset – sunset lag. Instead, the *single biggest factor* is that the angular separation between moon and sun at local sunset must be at least the Danjon limit for Hilal to be visible.
10. Majlis AlQada AlAala of Saudi Arabia ignores the Decision of 6 Official Hilal Sighting Committees and accepts impossible claims. They should ask the extraordinarily early Hilal sighters to go with these official committees to reduce the errors.
11. Saudi errors are acknowledged in Saudi Press such, AlWatan newspaper, Arab news, AdDawa magazine and in AlJazeera and Saudi Television, and are criticized by scholars

- like Sheikh AlOthaimen, Sheikh AlManea (Makkah Mukarramah) and Sheikh Yusuf AlQaradawi.
12. Calculations should be used for Hilal Visibility, NOT for Astronomical New Moon (No Moon).
 13. Calculations for Hilal visibility have a Zone of Uncertainty and if the western part of our Matla is in this zone, calculations can't give an answer and sighting is the only way.
 14. We should use Calculations to Negate False sighting, but NOT to completely Replace Sighting
 15. We should promote refinement of calculations models by joining and reporting sightings to www.icoproject.org
 16. We should use naked-eye sighting only, since telescopes change the date, while not reducing the uncertainty, since eventually behind the telescope is still the naked-eye which brings back the uncertainty. But telescopes can be used to negate errors in naked-eye sighting.
 17. We should encourage Hilal sighting and establish Groups of Hilal sighting committees to reduce errors.
 18. Hilal sighting committee of North America (www.HILALSIGHTING.org) requires a large number of witnesses for confirmation following precedent from earlier scholars who require "Jamme Ghafir" in case of clear skies.
 19. Size of Matla should not cover "too many" latitudes or "too many" longitudes. Ideally the city (or town or village) could be the unit and visibility curve be used to define Matla.

Please continue the efforts and du'as and forward / translate / publicize any information from this paper as appropriate. May Allaah (SWT) forgive, guide and help the entire ummah in every issue. Aameen. SubhanAllaahi Wa Bi Hamdihi. SubhanakAllaahumaa We BiHamdika Nashhadu AlLaa ilaaha Illa Anta, Nastghfiruka Wa Natoobu Ilayk. Aoothobillaahi MinashShaytaanirRajeem. Subhana Rabbika Rabbil Izzati Amma Yasifoon Wa Salaamun AlalMursaleen WalHamdulillaah RabbilAalameen. Aameen.

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ISLAM IN PERSPECTIVE

Edited By Adil Salahi

The sighting of the moon and the start of fasting

Q. According to reliable data concerning the birth of the new moon for Ramadan and Shawwal this year, it was clear that the new moon could not have been sighted anywhere in the Middle East on the evening of Dec. 8. Nor the new moon of Shawwal could have been sighted on the evening of Jan. 6. However, it was announced in many Arab countries that Ramadan started on Dec. 9 based on sighting the moon the previous night, and it ended in Saudi Arabia and other countries on Jan. 7 based on eye sighting. May I ask how is this possible and why are not astronomical data taken into consideration in these matters?

A. A. Maeenai
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A. This is only one of many letters I have received on the subject of confirming the beginning and ending of the fasting month on the basis of the sighting of the new moon. Practically all these letters refer to the accuracy of the astronomical calculation of the birth of every new moon and the fact that this could be done well in advance. In fact it can be calculated many hundred years in advance. Hence the writers question the wisdom of sighting the new moon with the naked eye as the sole method of confirming the beginning and end of lunar months. Indeed the question is raised practically every year, because there is seldom a year when the sighting of the new moon is not subject to controversy.

Scholars differ markedly over the question of using any method to sight the new moon and confirm the beginning and end of any lunar month, particularly Ramadan. Those who have a good idea of the modern science of astronomy and the accuracy it achieves in calculating the position of stars and planets so much in advance have no qualms about relying on this science to determine the beginning of each lunar month. This is not new in Islamic scholarship. Leading scholars of older times, such as Imam As-Subki, acknowledged that knowledge gained through astronomical calculation is certain, while that gained through observation with the naked eye is assumed.

However, many scholars, particularly those who have the noble attitude of strict following of the Sunnah, maintain that it is necessary to sight the moon with our eyes, and not rely on astronomical calculation, accurate as it may be. They cite in favor of their argument the Hadith: "We are an unlettered community, not versed in writing or arithmetic. Therefore, fast when you sight the new moon and end your fasting when you sight it (again)." They insist that such sighting is the only way of following the Prophet's instructions. Hence, when people come forward to testify that they have sighted the new moon, they have no option but to act on their testimony.

A number of points may be raised in this connection. The first and most valid is that it is wrong to ignore completely the information gained through astronomical calculation in favor of sighting with the naked eye. Indeed, the two methods can easily be employed together, without fear of contradiction, particularly when we take into consideration what scholars like As-Subki have said. What the authorities concerned

explains how to determine the beginning and end of Ramadan. The Hadith specifies the condition of the Muslim community at the time of the Prophet. It does not make the state of being unlettered a permanent one which the Muslims must always maintain. In fact Islam encourages learning and makes it a duty of the Muslim community to acquire knowledge in every field. Therefore, when the community is no longer unlettered, it should resort to the two areas which help it in its affairs, writing and arithmetic. When we know that astronomical calculation provides us with certain knowledge, it is not right from the Islamic point of view to ignore it in favor of the method which gives us only assumed knowledge.

What happened last Ramadan was that it was absolutely confirmed on the basis of astronomy that the new moon was impossible to sight anywhere in the Middle East, Asia, Africa and Europe on the evening of Jan. 6. Yet that evening it was declared that witnesses have testified to sighting it, and Ramadan was ended that night. Here we have a case of "assumed" knowledge contradicting "certain" knowledge.

The first should have been tested thoroughly and rejected, like a court may reject the testimony of a witness after cross-examination. The point is that it is perfectly possible not to see something when it is present, but it is impossible to see something when it is not there. If the moon is not born yet, how can it be sighted? To end such cases of wrong testimony, the authorities concerned should play a more active part in the process and assign the task of sighting the moon to commissions as has been explained.

This method is followed in some countries and it has proved to be a far more reliable method than leaving the matter open for anyone to come forward to testify. After all we have no way of ascertaining that what such people say is correct. It remains the duty of the concerned authorities to employ the best available means to ensure the correct start and finish of one of the most important acts of worship in Islam.

THE DISCOURSE

with issuing Islamic rulings, or fatwa, should do is to assign the task of sighting the moon to a number of committees, with three people in each committee, working in different areas of the country and sending information on the results of their mission directly to Dar Al-Ifta. If no committee is able to sight the moon in the area assigned to it, then no other testimony should be entertained. If the committees are briefed about the calculation of the birth of the new moon, they will be able to combine that knowledge with the results of their own missions. Thus we avoid any mistakes in the sighting and benefit by astronomical calculation. Our fasting would be more accurate than it is the case at present.

The Hadith quoted above has a clear indication that calculation has a clear role in the determination of the beginning and end of the month of Ramadan. The Prophet says, "We are an unlettered community, not versed in writing or arithmetic." He then

الخميس 10 ذو الحجة 1425هـ الموافق 20 يناير 2005م العدد (1574) السنة الخامسة



الأرشيف

نبذة عن المؤسسة

الإدارة العامة

هيئة التحرير

مجلس الإدارة

قائمة المراسلات

إتشارك

أضف للمفضلة

الصفحة الرئيسية



الأولى

السياسة

المجليات

الاقتصاد

الثقافة

الرياضة

المجتمع

رأي الوطن

قضية وحوار

كتاب اليوم

خدمات واستشارات

الكاريكاتور

نقاشات

شهود المستحيل

حمزة المزيني

ما تزال مشكلة الأهلة تثير نقاشا واسعا. وكان الغالب أن يثور النقاش بمناسبة دخول شهر رمضان وخروجه. أما في هذه المرة فقد ثار بمناسبة إثبات دخول شهر ذي الحجة لسنة 1425هـ. والسبب، كما هي العادة، اعتماد مجلس القضاء على شهادة أناس يشهدون بأنهم رأوا الهلال رؤية بصرية مباشرة، على النقيض من الواقع.

وقد أصدر المجلس في هذه المرة بيانا في بداية الأمر بين فيه أن الذين تعود على قبول شهادتهم لم يشهدوا برؤية الهلال ليلة الثلاثاء. وكان العذر أنه غم عليهم؛ لذلك قرر أن بداية الشهر يوم الأربعاء. إلا أن شاهدين تقدما بأنهما رأياه في تلك الليلة، وهذا ما جعل المجلس يصدر قرارا لاحقا بأن الثلاثاء هو أول أيام شهر ذي الحجة.

وقد جاء القرار مفاجئا للجميع؛ ذلك أن مدينة الملك عبد العزيز للعلوم والتقنية أصدرت بيانا بأن الهلال غاب عن أرجاء المملكة كافة قبل غروب الشمس يوم الاثنين. ويعني هذا أن رؤية الهلال مستحيلة بعد غروب شمس ذلك اليوم لسبب بسيط هو عدم وجوده فوق الأفق.

وقد انزعج كثير من الناس من رؤيتهم للهلال مساء الأربعاء عاليا. وظنوا أن سبب علوه أنه هلال ثلاث. لكن التفسير العلمي لهذا العلو بسيط جدا؛ ذلك أنه مضى على ولادته سبع وثلاثون ساعة تقريبا. وربما يحسن أن نتذكر أن الشيخ صالح اللحيدان رئيس مجلس القضاء احتج بعلو الهلال في البيان الذي أصدره في 1425/11/9هـ، وهذا مما يعزز الانطباع الخاطئ عند الناس عن الارتباط بين علو الهلال ودخول الشهر.

ومما يلفت النظر في البيان الذي أصدره رئيس مجلس القضاء الأعلى، وفي المقابلة التي أجرتها معه صحيفة عكاظ، العبارات الكثيرة التي وصف بها الشاهدين اللذين اعتمد عليهما المجلس في إثبات الرؤية ليلة الثلاثاء. فقد وصفهما بأنهما: "من الرجال العقلاء الفاهمين"، وأنهما "من أهل العدالة والأمانة والمعرفة"، و"هؤلاء رجال وليسوا بأطفال أو أنهم يخفي عليهم حال القمر لأنهم أهل رعي وإبل".

ويمكن أن نقرأ هذا القوة في تزكية الشاهدين على أنها دليل على إحساس المجلس بقوة القول باستحالة رؤية الهلال تلك الليلة. لهذا فلا بد من اللجوء إلى إضفاء أبلغ الأوصاف على الشاهدين لمعادلة قوة تلك الحجة. وقد أدت هذه المبالغة في وصف الشاهدين إلى وصفهما بأي شيء ممكن؛ وإلا فما علاقة كونهما "أهل رعي وإبل" بصحة شهادتهما.

أما المصادر الأخرى فتورد صورة أخرى عن الشاهدين. فقد ذهب مراسل "صحيفة الحياة" إلى "الرين" وحاول الاتصال بهما، لكنه أبلغ بأنهما لا يريدان لقاء أحد "الخوفيهما من الحسد، وأنهما يتهيآن للحج". وهناك سبب ثالث وهو أنهما منعا من مقابلة أحد إلا بشروط معينة. وأشار المراسل إلى وصف بعض الناس لهما ببعض الأوصاف التي لا تدل على أنهما يتميزان بشيء خارق للعادة.

كما ذهب وفد من المتخصصين بعلم الفلك من مدينة الملك عبد العزيز للعلوم والتقنية إلى تلك المنطقة ونجح في مقابلة الشاهدين. وقد وجدتهما كبيرين في السن يتجاوز عمر كل واحد منهما الثمانين. وليس قصدي هنا التشكيك في شخصيتهما ولا في صدقهما في رواية ما ظناه هالاً؛ لكنني أريد فقط أن أشير إلى أنه كان يجب بذل مزيد من الجهد في التأكد والتثبت من شهادتهما.

ومن اللافت للنظر أيضاً أن مجلس القضاء خرج عن الفهم الحرفي الذي عهدناه في فهمه لحديث "صوموا لرؤيته وأفطروا لرؤيته، فإن غم عليكم فأكلوا العدة ثلاثين يوماً". فيوحي ظاهر نص الحديث أنه مرتبط برمضان. لكن المجلس يستدل به الآن على وجوب الرؤية في دخول الشهر وخروجه في غير رمضان. فيقول الشيخ اللحيان: "لا تخرج العبادة المقيدة بشهر تام إلا برؤية الهلال دخولا ثم برؤيته خروجا ولا يتحقق أيضاً أداء الحج في وقته الذي يريده الله أن يكون فيه إلا بأعمال أدلة إثبات الهلال ومعرفته".

وكان المتوقع أن يلتزم المجلس بحرفية الحديث ولا يعسمه على إثبات دخول الأشهر الأخرى. وبين بيان الشيخ اللحيان ومقابلة عكاظ معه أن المجلس يتعامل مع لجان معروفة في إثبات الأهلة ويرسل معها قضاة، فيقول: "... وتهيأت اللجان مع القضاة في المحاكم التي عادة يرى الهلال في نطاقها وخرجت للتحري وترصدها لرؤية الهلال وخرج معهم بعض منسوبي المرصد الأخرى الحكومية ثم انصرفوا من أماكن انتظارهم فلم يروا هلال ذي الحجة ليلة الثلاثاء فعم علينا الهلال".

ويفصل هذا الأمر في قوله: "عند قدوم الشهر وبخاصة الشهر الذي يتعين الاعتناء بقدمه تُبَلِّغ المحاكم ويطلب القضاة من الناس الذين يعرف أنهم عادة يتحررون رؤية الهلال وعندهم حدة في البصر ويخرج عدد ومعهم القاضي ومندوب من المحافظة أو المركز الرسمي قبيل المغرب ويبقون في مكان المركز لتحري رؤية الهلال ولذلك فإن هذا الأمر مأخوذ به منذ زمن".

ويؤكد الشيخ اللحيان مرة أخرى أن المجلس يأخذ بما تقوله المرصد منذ زمن بعيد. لكن ما ورد في بيانه وفي المقابلة يشير إلى أن تعامل المجلس مع المرصد مشوب بكثير من النفور والانتقاص. فيقول عن رأي المتخصصين بعلم الفلك في ارتفاع الهلال ليلة الأربعاء: "ومن المؤسف أن أهل الحساب أو كما يقال الفلك كانوا قد قرروا مع هذا الارتفاع الهائل بأنه يغرب يوم الثلاثاء قبل غروب الشمس" (هكذا، والمقصود "يوم الاثنين). ويجب أن أشير هنا إلى أن الشيخ اللحيان نفسه قال في المقابلة إن ارتفاع الهلال ليس دليلاً بنفسه على عمر الهلال. ولما سأله مندوب الصحيفة عن احتمال أن يكون المتخصصون في علم الفلك مخطئين في رصدهم للهلال قال: "لا ندري ولكنهم ينظرون إلى الأفق وينظرون إلى الدفاتر". يوحى هذا الرد بعدم تقدير الشيخ اللحيان لما يقوم به الفلكيون، أو ربما عدم معرفته بما يقومون به. بل إن وصفه

هذا إنما هو حكم على عدم أهليتهم.

ويكرر الشيخ صالح اللحيدان تسويغه لعدم اعتماد المجلس على المتخصصين في علم الفلك وعملهم في المرصد بأنه ناتج عن أنه من النادر أن يتقدم هؤلاء إلى المحاكم لإثبات شهاداتهم عن رؤية الهلال. والسؤال الآن هو: ما دام أن مجلس القضاء الأعلى يكلف بعض القضاة بالخروج مع اللجان التي تتحرى رؤية الهلال بالعين المجردة وهو الذي كثيراً ما تكون نتائجه خاطئة، أو ليس من الأولى، إن كان المجلس حريصاً على الدقة وعلى الاستعانة بالفلكيين، أن يرسل بعض القضاة إلى مدينة الملك عبد العزيز للعلوم والتقنية ليثبتوا شهادة المتخصصين بعلم الفلك في أماكن الرصد؟ ويمكن لهؤلاء القضاة أن يتأكدوا هم بأنفسهم من رؤية الهلال عبر المناظير المقربة.

ويختتم الشيخ صالح اللحيدان المقابلة التي أجرتها معه جريدة عكاظ بقوله: "أوصي الجميع بتقوى الله وصدق الحديث وتجنب الدخول في أمور لا تعنيهم وقد يفكر مجلس القضاء بأن يضع عقاباً لمن يتدخل في كتابات عن الهلال بأنه تمت رؤيته أو العكس لأن ذلك قد يثير التشويش لدى الناس خاصة أنهم غير عارفين في هذا الأمر".

والمخيف في هذا النص أنه يدعم أسوأ حجج خصوم الهيئات الدينية الرسمية السعودية؛ وهي أن الآراء الدينية التي تصدرها هذه الهيئات لا تقوم على الإقناع، بل تقوم على الرأي الواحد وعلى الزجر والإرغام والإلزام وعدم إتاحة الفرصة للأخريين كي يبينوا وجهات نظرهم في الأمر المناقش.

وقد كنا لزمنا طويلاً ضحايا لمثل هذه التهم، والآن يؤكدنا صراحة رئيس إحدى كبريات المؤسسات الرسمية.

ومن اللافت للنظر تعبير الشيخ اللحيدان بـ"وضع عقاب"، بدلا من التعبير عن ذلك بالمحاكمة. ويعني هذا أن مجلس القضاء الذي هو الملجأ الأخير للعدل وعدم عقاب الناس إلا بعد ثبوت إدانتهم بما يتهمون به ربما يتجاوز هذه الوظيفة الشريفة إلى أن يصدر عقاباً من غير محاكمة إذا كان هو طرفاً في قضية.

ثم إن تكرار التعبير عن أن أمراً من الأمور لا يعني المواطنين مما يوجب إسقاط حقهم في الكلام عنه أمر لا مسوغ له؛ ذلك أن فيه احتكاراً للحقيقة ووصاية على المسلمين وحرماناً لهم من حرية التفكير والتعبير في أمور يرون أنها تهمهم.

أما الجريمة التي يريد رئيس مجلس القضاء الأعلى أن يعاقب الكتاب عليها فهي "التشويش" على الناس. لكن الواضح أن مصدر التشويش هو تلك البيانات المتعاقبة المتناقضة التي لم تن على أسس علمية.

وخلاصة القول إن ما حدث هذه السنة في خروج شهر رمضان، وعدم الشهادة بدخول شهر ذي القعدة، والاضطراب والتناقض في دخول شهر ذي الحجة يوجب على الدولة اتخاذ بعض الإجراءات للقضاء على هذا الوضع الذي لا يجوز استمراره، خاصة أن لدينا في المملكة من الوسائل ما يمكننا من الوصول إلى قرارات دقيقة صائبة لإثبات دخول الأشهر وخروجها، وهو ما بحررنا من الوقوع ضحايا لشهود المستحيل.

*كاتب سعودي

Al-Watan Newspaper
Thursday, 10 Dhû-l-hijja 1425 AH
Testimonies of the Impossible

Hamza Q. Al-Muzainy (King Saud University, Riyadh)

The issue of the crescent continues to stir widespread debate, especially for the beginning of the month of Ramadan and its end. However, this time it has been raised on the occasion of confirming the beginning of the month of Dhul al-Hijja 1425 AH. The reason as always is because of, the Supreme Court relying on the testimony of people claiming to have seen the crescent directly with their eyes, contrary to reality.

On this occasion the Supreme Court originally issued a statement saying that those who's testimony is relied upon have not witnessed the crescent on Monday night, the reason being that conditions are more cloudy, therefore it has been decided that the beginning of the month will be Wednesday, however thereafter two witnesses came forward claiming to have seen the crescent on that night. This has led the Supreme Court to issue a statement that Tuesday was the first day of Dhul al-Hijja.

The statement came as a shock to everyone, due to the fact that the 'King Abdul Aziz City for Science & Technology' had stated that the crescent had set on the Saudi horizon before sunset on Monday, this in turn means that the sighting of the crescent is impossible after sunset on that day for the simple reason of it not being present on the horizon.

Many people were misled when they saw the crescent very high in the sky on Tuesday night believing it to be the crescent of the night before. However the correct scientific explanation for it being so high is that approximately 37 hours had passed since its birth. It is also worth pointing out that Sheikh Salih al-Lahaydan head of Supreme Court had used the height of the crescent as evidence in his statement issued on 9/11/1425. This supported the incorrect view of those people who linked the height of the crescent and the beginning of the month.

In an interview by the head of the Supreme Court to the 'Okaz Paper' a number of phrases used by him to describe the witnesses on whose testimony the Court relied upon in determining the crescent on Tuesday night are worth considering such as: "intelligent men of understanding" and they are "Trustworthy, reliable and men of knowledge" and "These men are not children or that the matters of the moon are unknown to them because they are shepherds?"

It is possible to understand from these very strong attestations for the two witnesses that it is evidence that the Court feels that the view of impossibility of seeing the crescent on that night as being a very strong view. Therefore it was forced into giving the strongest possible attestations to the witnesses in view of the strong opposing view. This exaggeration has led to describing the witnesses with every possible hyperbole; otherwise what is the link between them "being shepherds" and the validity of their testimony.

Other sources draw a different picture of the witnesses. Correspondents from 'Al-Hayat Paper' went to 'Al-Rayn' and endeavored to contact them but they were told that they do not wish to meet anyone "because of their fear of jealousy, and that they are preparing for hajj." There is also a third reason: they have been prevented from meeting anyone except on certain conditions. The correspondents mentioned some characteristics of the witnesses conveyed to them by some local people, which do not show any extraordinary qualities.

A group of astronomic experts from 'King Abdul Aziz City for Science & Technology' went to that area and succeeded in meeting the witnesses. They found them to be over eighty years old...

My intension here is not to throw doubt on their personality or in their honesty in reporting what they thought they saw, but all I want is to point out that more rigor and investigation should have been used when accepting their testimony.

Another point of interest is that the Supreme Court has contrary to what we are accustomed from them, forsaken the literal meaning of the "...fast upon seeing it and end fast upon see it, and if it is cloudy then complete the month 30 days." The text of the hadith relates to Ramadan but the Court now cites it as evidence for establishing the beginning and end of months other than Ramadan, as Sheikh al-Lahaydan says: "an act of worship connected to a complete month does not end or begin except by the sighting of the crescent at the beginning and the end and also Hajj cannot be performed in the time prescribed except by the practice of sighting and establishing the crescent."

It was expected that the Court would abide by the letter of the hadith and not generalize for determining the beginning of other months. Sheikh al-Lahaydan's interview with the 'Okaz Newspaper' makes it clear that the Court works with other committees known for determining the crescent and sends with it judges, he says "The many committees and judges responsible for sighting the crescent in their respective regions went out and with them some other governmental organizations, they returned having not seen the crescent on Monday night, therefore the crescent was hidden from us." He further elaborates this issue: "On the advent of a new month especially a month whose beginning is necessary for us to know, the courts are made aware and judges request people who generally seek the crescent and have good eyesight to go out with a judge and a representative of the region before Maghrib and stay at the specific place to see the crescent and this routine has been followed for a long time."

Sheikh al-Lahaydan further emphasizes that the committee has been taking into consideration what the observatory says for a long time. However in his interview he indicates that the Supreme Court's view of the observatory is biased by dislike and distrust. He comments on the view of the astronomy experts about the height of the crescent on Tuesday night: "It is unfortunate that the scientists or as they are known astronomers, have declared, notwithstanding this great height, that it would set on Tuesday night before sunset" (thus; although it should be Monday). It is necessary to point out here that Sheikh al-Lahaydan himself had said in his interview that the height of the moon is not proof of its age. When asked by the reporter about the possibility of the astronomers being wrong he said: "We don't know, but they look at the horizon and in books." This answer indicates Sheikh al-Lahaydan's contempt of astronomers or possibly him not knowing what they do, although this comment of his is a judgement of them being non-competent. Sheikh Salih al-Lahaydan's comments reiterate the fact that the Supreme Court does not rely on the astronomers and the observatory when confirming a sighting.

The question now is: As long the supreme court compels some judges to go out with the committees that sight the crescent with a naked eye, which is wrong in many times. If the Supreme Court wants precision and help from the astronomers, then they should send some judges to 'King Abdul Aziz City for Science & Technology' to confirm the testimony of the astronomers at the observatories! It is possible for these judges to further confirm it by seeing the crescent by way of telescopes.

Sheikh al-Lahaydan ends his interview with 'Okaz Newspaper' by saying: "I advise all to fear Allah and to speak the truth and refrain from interfering in matters that do not concern them, it is possible the supreme court may punish whoever interferes in writing about the determination or otherwise of the crescent because this causes confusion in the public especially when they have no knowledge of this matter." The frightening thing from this comment is that it strengthens the view of those who claim that the official Saudi religious organizations base their views not on convincing evidence but rather on one single view and on threats, denial and compulsion and suppressing all opposing views & opinions on the matter. We were for a long time victims to these kinds of accusations and now the chairman of major governmental organization confirms it.

Another point to ponder about is Sheikh al-Lahaydan's expression "to punish" rather than saying, "to prosecute." This means that the Supreme Court, which is the last point for justice and not to punish anyone until evidence proves one guilty could possibly bypass this noble path and lay down a punishment without prosecution if they hold an opposing view.

Also the statement: "A matter that does not concern public" takes away their right to express an opinion is one, which is wholly uncalled for, because it is manipulating the truth and admonishing the Muslims which stops them from free thinking and expressing their views on matters which they see as concerning them. As for the crime the chairman of the Supreme Court wants to punish the writers for i.e. "confusing the public" although the source of confusion whose contradictory views are based on non scientific foundations.

In conclusion what happened this year at the end of Ramadan with no witnesses for the beginning of the Ramadan and the confusion and contradiction that happened at the beginning of Dhul al-Hijja compels the government to take the same positive steps to resolve this matter which should not continue anymore, especially when we in the Kingdom have means to match precise and correct decisions for determining the beginning & end of months, which will free us from falling victim to impossible testimonies.