

“A Detailed Fiqhi Analysis of a Local Mufti Sahib’s  
Fatwa on Global Moon Sighting”

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It is the responsibility of Muslims to fulfill the injunctions of Islam regardless of whichever part of the world they live in. Among the many responsibilities of Muslims, one is the communal obligation of preserving the Islamic calendar and the correct method of determining the start of the Islamic months. This is so to ensure that Ibadaat such as fasting in Ramadan, celebration of the two Eids, etc. are performed correctly (on time) and free of error.

A principle:

ما لا يتم الواجب إلا به فهو واجب

That which is necessary to fulfill an obligation is also obligatory.

Numerous texts are present in the Quran and Hadith which establish this obligation to be mentioned in their appropriate places.

When Muslims of the East first migrated to Europe and the Western Hemisphere, no previous Muslim population existed there. They made an effort to fulfill their communal responsibility according to the regulations of Islam. Specifically, they conducted regular moon sightings very carefully as this is the foundation of the Islamic months.

The issue of moon sighting is complicated in some parts of Europe, where countries are geographically small and skies remain overcast throughout the year. This makes sighting the moon with a widespread public viewing, or *ru'yat 'āmmah*, difficult and a major challenge for the resident Muslims. However, countries in the western Hemisphere which are near the equator and whose horizons are usually clear, do not face such difficulties.

Most of North America, specifically those places where a large number of Muslims from the East have migrated to, is geographically positioned close to the equator, and not relatively very far north or south of the equator (called *bilad 'ādiyah* in the terminology of

Fiqh). Muslims reside across many such countries. They gave the issue of moon sighting its due attention and importance to ensure Ramadan and Eid are observed correctly at their prescribed times. This practice of looking for the new moon locally remained a regular activity of the great Islamic institutes besides a few Arab communities.

Various moon sighting committees formed under the supervision of Ulama which all worked together in guiding the public in this matter. Committees such as The Hilal Committee of Chicago and The Hilal Committee of New York have been providing their services for the past 35 and 25 years respectively. With the grace of Allah, the Almighty, this effort in North America has been in close compliance with the regulations of Islam and with much unity until the recent past.

A controversy arose when it was decided the Eid would be celebrated in North America the day after Arafah took place in Makkah. This view gained popularity through the Islamic Society of North America (ISNA). However, many prominent scholars rejected this opinion as an invalid criterion for the Muslims of North America. These refutations ended the controversy. Moreover, ISNA ceased to promote this opinion and continued their practice of local moon sighting.

On August 13, 2006, ISNA, adopting the view of the Fiqh Council of North America, declared the use of astronomical calculations as the means of determining the start of Ramadan and the day of Eid. As such, a large majority of ISNA followers accepted this decision bringing this matter into a major debate.

Subsequently, there immediately emerged three different views in this regard:

1. Follow the local moon sighting
2. Following the announcement of Saudi Arabia and starting Ramadan and Eid based on their announcement.
3. Following the pre-calculated dates dictated by astronomical calculations

The method of determining the Islamic dates by means of astronomical calculation was staunchly disapproved by the Ulama who criticized it to be un-Islamic and putting one's worship at risk.

They further expounded that countries, such as those of North America, where the sighting of the moon is possible, cannot accept the sighting of a specific, fixed place. This theory is not supported by Islamic texts. This also includes those who wish to abide by the sighting of any such place and abandon the effort of local sighting altogether.

The Ulama of North America have earnestly tried to remove much of this confusion with due diligence and patient efforts. They have made necessary arrangements to facilitate the sighting of the moon every month along with bringing awareness of its importance to the public. Specifically during the month of Ramadan and Shawwal, special programs are held to emphasize its significance.

Hilal committees from across the country have collaborated to bring a solution to this matter. On Rajab 3, 1430 / June 27, 2009, a national moon sighting conference was held in New York. The responsible Ulama of the different Hilal committees attended the conference to discuss the various issues concerning moon sighting. It was at the conclusion of this conference that the “Central Hilal Committee” was formed and made to function under the guidelines of the leading Ulama of America.

Recently however, a local scholar of New York adopted a very erratic view in this regard and issued a fatwa titled *Aham Fatwa* (Important Fatwa) in Urdu and *Grand Fatwa* in English, in which he deviated from the path adopted by all the Ulama. He claims his fatwa holds the solution to the moon sighting controversy. Whereas in reality, it only increased the confusion and cluttered the issue further. Not only did he adopt an unwitting view but daringly attributed false statements to the Eminent Predecessors and Luminaries of our past generations. Thus it is necessary to expose the reality of this Fatwa. It will aid the reader to understand that the view of the Respected Mufti is far from the truth and no such view was ever held by the Eminent Ulama of our past.

The prestigious centers of fatwa (*Darul Ifta*) of the Indian subcontinent, historically known for their reliable academic work and service in the different branches of Islamic knowledge are very aware of the prevailing circumstances of Europe and America. The primary recommendation they gave in regards to the issue of moon sighting is to establish local moon sighting committees to fulfill the commandments of the Shariah in

this regard. They also add that if a report of a sighting comes from outside the nation, the committees must investigate such reports. If the report meets the conditions, then the sighting of such countries may be accepted to announce the sighting of the Hilal.

In contrast, our local Respected Mufti vehemently rejected the idea of local moon sighting committees and focused much of his attention in establishing the principal of the ” عدم اعتبار اختلاف المطالع ” (unacceptability of different horizons). He attempted to explain a rather opinion that following the above principal means to unconditionally accept the sighting of Saudi Arabia and in doing lies the perfect solution. He claims there is no other solution.

Based on this, a few questions must be asked:

- (1) Is *Ikhtilaf l'Matali'* (the difference of horizons) truly not accepted?
- (2) Is it correct to conclude that in the event that *Ikhtilaf l'Matali'* is indeed unacceptable, it becomes binding to accept the sighting of Saudi Arabia and none other?
- (3) Is it incorrect to observe local moon sighting and form committees thereof as claimed by the Respected Mufti?
- (4) Should those who observe local moon sighting discontinue their efforts?
- (5) In adopting this method will the controversy truly end and create unity thereafter?
- (6) Another reason for distress is the propaganda spread among the masses that those who do not accept the sighting of Saudi deny the sacredness of the Holy places. Can those who are not satisfied with the sighting of Saudi because it does not fulfill the conditions of *shahadah* be considered disrespectful towards the Sacred Sanctuaries? This, whereas the heart of every Muslim brims with love for these blessed places!

- (7) Was there ever a fatwa issued by a Saudi scholar denouncing such people as hateful towards the Saudis?
- (8) Are there any commands found in the teachings of Nabi ﷺ that mandate the sighting of the moon to be accepted universally or any such ruling ordering the Muslims in distant lands to find out the moon sighting decision of the people of Makkah and Madinah?

This fatwa is sure to stir great confusion and misconception among its naïve readers when faced with these questions. Removing these misunderstandings is crucial along with special clarification about the actual position of the Eminent Elders in this regard, keeping Allah, the All-Knowing, in sight.

The objective of deriving laws from the Quran and Hadith, as dictated by its basic texts, is to follow what is deduced therefrom. This applies to contemporary issue as well; to discern rulings after thorough investigation of the Quran and Hadith. The correct method is not to have a predetermined solution in mind, only to find proofs from the Quran and Hadith and positions of the Eminent Elders to support this view. With this method, there will be no hesitation in altering the intended meaning of the Quran and Hadith and the sayings of the elders.

Unfortunately, this mistake is found rampantly in the Respected Mufti's "Grand Fatwa". Distortions of the Quran and Hadith along with quotes from the Pious Elders which apparently support the concocted solution for the matter are found throughout. Repeatedly, he claimed that 29 hadith support his stated thesis. Whereas, in truth, this claim is contrary to the reality of the matter. He has failed to produce yet a single Hadith substantiating his view. This can be quite easily noticed from his fatwa by a person of common intellect.

Not only did Respected Mufti distort the intended meaning of texts, but also had the audacity to attribute false claims to the pious predecessors. Perhaps he did not contemplate deeply on the contents of his writing. Apart from the above, the Respected Mufti made quite a few other conjectures in his writing.

## **The Respected Mufti's Unacceptable Deviance from the Principal of *Ikhtilaf Matali'* (Differences of Horizons)**

*Ikhtilaf Matali'* (Differences of Horizons) is principal in matters of moon sighting and its validity is matter of further discussion to be presented shortly. It is however necessary to first analyze the depiction of it in the "Grand Fatwa".

The Respected Mufti devoted 23 of 40 pages to prove *Ikhtilaf Matali'* invalid in Hadith, practice of the Rightly Guided Caliphs, and in statements of the Pious Predecessors and scholars of Fiqh. Thus the question remains: Is this idea currently in practice? He emphasized this using the above as reference that irrespective of where the moon is sighted, it will be sufficient for all provided the decision is conveyed in accordance to the conditions given by the Shariah.

By extending this discussion to such a length an attempt is made to engrave in the minds of laymen that *Ikhtilaf Matali'* is completely unacceptable. In the words of the Respected Mufti, "Islam is only in favor of Global moon sighting". He claims this to be established from the Hadith and the practice of the Eminent Scholars. As such there are no other possible alternative in this regards.

The conclusion a reader will reach is that sighting of the moon in any part of the world is sufficient for all, whether the sighting took place in Makkah, Madinah, China, or any other foreign country. The Respected Mufti has repeated this in multiple places.

He writes:

"It is unanimously agreed by Imam Abu Hanifa (r), Imam Malik (r), Imam Ahmed ibn Hanbal (r), a few Shafi'i scholars, and the majority of the late Hanafi scholars and even Allamah Ibn Taymiah that , in terms of Fiqh, considering the differences of horizons is completely unacceptable. In layman's terms: it means that global moon sighting is the precise order of the Shar'iah and the Sunnah."  
(page 4)

This is because in about 29 hadith of Six Authentic Books, the Holy Prophet (s) has addressed the entire Ummah, in broad terms, and ordered them to sight the moon. There is no mention whether the order is for distant nations or for nearby localities. Neither is the order given to a specific person, group, or locality.” (Page 3)

It was a common practice between the Sahaba and the Tabi’een to accept the report of moon sightings from distant places.” (Page 4)

It is for this reason that the majority of the Muslim Jurists agree ‘the moon sighting in one country is binding proof for people living in another country’ and keeping fast and observing Eid becomes obligatory, provided the proof of moon sighting is conveyed to them in accordance to Shariah based testimony and evidence. (Page 4)

He writes further in reference to Shaikul Islam Hadhrat Moulana Mufti Taqi Usmani Sahib (d):

According to a statement of Shaikul Islam Mufti Taqi Usmani in an international annual conference of Rabita al-Aalam al-Islami held in Mecca on February 11-13, 2012, the overwhelming majority of scholars from the Arab and non-Arab world declared the best solution to be that, “if the moon is sighted in the eastern part of the world,” and its sighting is established in any part of the western world, then the latter should act upon it. (Page 6)

In these Ahadith the entire Ummat is being ordered to conduct global moon sighting. (Page7)

He writes by reference of Mufti Muhammad Na’eem (of Pakistan):

Thus there are 29 hadith about the order of moon sighting to be broad. There is no mention of any restrictions. The Holy Prophet (s) has addressed and ordered the entire Ummah in general to sight the moon. He did not distinguish between distant nations and nearby localities. Neither did he designate the sighting to a specific person, group, or locality. Nonetheless, as per the rule: a general rule will



remain unrestricted in its application until a textual limitation is found ending its generality. Therefore, based on the hadith giving a general order, the sighting of a group or the sighting of one witness (on condition he is reliable and one whose testimony is acceptable) is sufficient for all Muslims living around the world to commence Ramadan. This is the view and position of the majority of the scholars. (Page 8)

An excerpt from the book *Ru'yut Hilal* is quoted to further substantiate this claim:

According to the opinion of the majority of the scholars, if the moon is sighted in any part of the world it becomes wajib and necessary for the Muslims to act upon it. (Page 15)

The excerpts quoted above are from the Respected Mufti's fatwa. Some are from his own writings and some he used from other books to substantiate his view. What is easily understood from the above texts is obvious that the view of the differences of horizons is unacceptable. Hence, if the moon is sighted in any part of the world, provided the proof of moon sighting is conveyed to them in accordance to Shariah based testimony and evidence, then not only is this sighting sufficient but it becomes wajib to follow. This point was repeated through the above texts.

However, on page 24 a contradictory statement is made by the Respected Mufti. He made a statement that went against everything he tried to establish in the previous 24 pages. He suddenly states that the only accepted sighting is that of the Saudi government. This is after 24 pages of explanation that if the sighting takes place in any part of the world, it will suffice for all, without a limit of any specific individual, group, or locality.

Similarly he stated the sighting of one country will not only suffice for other countries, but will become incumbent for them to accept and to follow. In fact he also mentioned that during the era of Hadhrat Umar (r), when the sighting of Sham reached Madinah, Hadhrat Umar (r) accepted the report and expressed his joy (more details on this later).

He also stated, irrespective of the place of sighting, it will suffice for all to follow. However, he makes an assertion that goes contrary to his previous arguments; that is accepting the sighting of Saudi as the only reliable report. (Please refer to the excerpts. Also see page 24 of the "Grand Fatwa".) The point to look for is that the Respected Mufti

diverts from his position by saying that preference must be given to Saudi's sighting and it should be relied upon.

The contradiction becomes clear from the claim he had made regarding the "unacceptability of the different horizons" and from the claim of the sighting not being limited to any specific individual, group, or locality. Also from his mention of the order being in general terms. He mentions this rule with reference to scholars that a general rule will remain unrestricted in its application until a textual limitation is found ending its generality. Therefore, due to the many quoted hadith being general in command, the sighting of a group or the sighting of an individual for the commencement of Ramadan, provided he is one whose testimony is accepted and is reliable, will be sufficient for all the Muslims living in the world. It seems thereafter that all of these details have been suddenly forgotten because the Respected Mufti began to restrict the hadith that he claimed to be general with absurd interpretations without any evidence from the Quran or Hadith. Further misinterpretations are to come.

**The Honorable Mufti Sahib is wrong to claim that the only acceptable moon sighting report available to the scholars of the nation is that of the Saudi government.**

*The Respected Mufti did not only construct the building, but he also destroyed it.*  
Much effort was exhorted to establish the unacceptability of *Ikhtilaf Matali'*, then he turned away from it.

To establish the permissibility of accepting of the Saudi moon sighting, and its priority, the first reason presented was:

"Many scholars regarded the sighting of the moon by the Saudi government as proof in their fatawa".

This claim of the Respected Mufti is however a flagrant error.

As a review of his previously stated position;

He writes:

"You say that between you and the great scholars of our nation like Hadhrat Maulana Rashidh Ahmed Gangohi, Hadhrat Hakeemul Ummat Thanwi, Hadhrat Mufti Mahmoodul Hasan Gangohi, Mufti A'azamu Deowband, Mufti Nizaam Uddin A'azami, Mufti Hakeebur Rahman, Mufti Azam Deoband Mufti Nizam Uddin Azami, Mufti Azam Pakistan Mufti Rafi Usmani, to the extent that even the founder of the Berelwi School of thought, Hadhrat Maulana Ahmed Rada Khan Berelwi, and Imam of Ahl al-Hadith, Allamah Showkani, and many other prominent scholars have all accepted the sighting of the moon by the Saudi government as proof in their fatawa. Were countries like Japan, China, Malaysia, and America ever in existence during their time? Or did the moon never rise in those countries? Why didn't they mention the sighting of the moon by other countries? Why did they only regard the sighting of the moon in Makkah and Madinah as proof that it should be given preference?" There must be an importance in this. Think about it! Thereafter, practice on the fatawa of your elders. (Page23)

In this excerpt, the underlined, if analyzed properly, the Respected Mufti has claims the following:

1. The great scholars only accept the sighting of the moon in Makkah & Madinah (in Saudi Arabia) as proof.
2. They did not mention the sighting of any other country.

One is amazed to see how such an error can occur from the Honorable Mufti and the how incorrect the above statements truly are. Conversely, he quoted from numerous great scholars that the sighting of a specific area is no more valuable than that of any other.

Another excerpt can be reviewed from the "Grand Fatwa" to understand this better From a fatwa of Hadhrat Mufti Kifayatullah (r):

"In this Hadith, the moon observer is not mentioned. Similarly, the place of the sighting (country and place) is also not mentioned. Due to this, the place of sighting is mentioned in general terms. The sole requirement is proper establishment of sighting. (In conclusion, any Muslim who sights the moon in any part of the world, and the report of

his sighting is conveyed in the manner approved by Shariah, it then becomes wajib upon all the Muslims of the world to accept and act upon it. (Naaqil)” (page 9)

In this fatwa of Hadhrat Mufti Kifayatullah (r), analyze the text carefully. He is clearly mentioning with reference from Hadith that the moon can be sighted from anywhere. The only requirement is for the sighting to be established. He did not give any preference to any specific country or region. Rather, he said, the way the sighting is general, the place of the sighting, in other words, country or region, is also general in terms of where the sighting takes place. After this quote of Mufti Kifayatullah, will it be correct to conclude by saying that the prominent scholars give preference only to the sighting of Saudi?

Read attentively what the Respected Mufti wrote after the quote in which he wrote ‘Naaqil’: “In conclusion, any Muslim who sights the moon in any part of the world”. This is the conclusion drawn by the Respected Local Mufti which he put in brackets after Mufti Kifayatullah's fatwa. Now, consider the contradiction that he mentioned on page 24.

Similarly, the Mufti writes in reference to Hadhrat Moulana Mufti Taqi Usmani: “Therefore, the *Zahir ar-Riwayat* of the Hanafis is that if the moon is sighted in any part of the world, then it can be used as proof for the rest of the people provided the report is transmitted through Shariah approved methods. (Page 10)

What country is Shaikul Islam Hadhrat Moulana Mufti Taqi Usmani (db) giving preference to? He is also clearly stating that, “if the moon is sighted in any part of the world, then it can be used as proof for the rest of the people”. The Respected Mufti quotes this excerpt of Hadhrat Mufti Taqi Usmani (db) in support of his claim of legitimacy of global moon sighting. However, the Respected Mufti then says that the sighting of Saudi is the only one accepted. Does the Respected Mufti not regard Shaikul Islam Hadhrat Mufti Taqi Usmani (db) to among the prominent scholars? Will it be correct to say after this passage of Hadhrat Mufti Taqi Usmani (db) that the scholars exclusively legitimized the sighting of Saudi?

The Honorable Mufti writes in his fatwa: It is clearly mentioned in one narration of Sunan Kubra, by Imam Baihaqi, in two narrations of Zawaid Abu Yala Almusili and in other A’thar that Ameerul Mumineen Hadhrat Umar (r) declared the news of the sighting

of the moon based on the testimony of a person traveling from Sham. In fact, while rejoicing he said, “Allahu Akbar! The testimony of one individual has sufficed for the entire Muslims. (Page 10)

It should be known that Hadhrat Umar at the time was in Madinah, in Baqee, as he mentions after the above narration.

The Mufti while commenting on this, further states, “It is clear from these two narrations that Khaleefatul Muslimeen Hadhrat Umar is not accepting the difference of horizons, in other words, he is in favor of global moon sighting. It is for this reason he accepted the sighting of Sham as proof for the people of Madina and rejoiced by saying Allahu Akbar. (Page 12)

Hadhrot Umar (r), while residing in Madina, accepted the sighting of Sham. Is this indicating his preference of Makkah and Madina’s sighting or the sighting not particularly of any place or region? In fact, this proves that if a sighting occurs outside of Madina such as Sham, then it too will be considered valid. Will it be correct to say after reading this passage that the prominent scholars only legitimized the sighting of Saudi?

He cites a fatwa in reference to Shamsul A’imah Hulwani (r): “If the people of the West witness the Hilal of Ramadan, it will be incumbent upon the people of the East to begin their fasts”. (Page 13)

Is there any special order about the sighting of Saudi or any other locality mentioned in this fatwa? After analyzing all of the above texts, is there any scholar who gives preference to a certain country, or do they on the premise of not accepting the different horizons, accept the sighting to be general? Thus far, only passages found in the “Grand Fatwa” have been quoted, none other.

The manner in which these references mention the sighting to be general, not limited to a certain country or region, and after its explicit mention of Sham, East and West, was there a need for the scholars to mention countries such as Japan, China, and America separately?

Since the scholars openly state that the order of sighting the moon is general; not confined to any specific individual, group or locality, and this fact has been repeatedly admitted by the Respected Mufti, can there be any preference given to certain country?

This is clearly understood from the above references of the scholars. As for those scholars who mention the name of certain areas where the sighting should take place, mention of such places was done as a “قيد اتفاقي” (coincidentally mentioned) and not as “قيد احترازي” (preventive mention). It is indeed astonishing to see the Respected Mufti unmindful in noting the difference between the two in the writings of our scholars.

**If (for arguments sake) the sighting of Saudi is considered to be valid, then too it will be against principal to use that as a benchmark for Hilal announcements**

The second reason the Respected Mufti mentioned for giving preference to Saudi’s sighting is that, “the sighting of Saudi is in fact the requirement of Shariah.(refer to: answer to the second question)

After reading this second reason, it truly brings great astonishment to see it coming from a Mufti of such caliber. It was never hoped from him to present such a flimsy and foundationless reason for preference. In establishing the principal of عدم اعتبار اختلاف المطالع the Respected Mufti put a great amount of effort. He repeatedly affirmed that the issue of global moon sighting is established from 29 ahadith. He has also claimed that if the sighting is established in any part of the world, it will be sufficient for the rest of the world.

Of all the proofs presented, is there any mention of adhering to the sighting announced by a particular government? Where among the proofs does it mention regarding such sighting to be the exact requirement of the Shariah?

The Hanafi jurists have stipulated that for Ramadan a large group must witness the Hilal when there is no obstruction in the sky. In the event of any obstruction in the sky, the sighting of a single individual will be sufficient. As for the Hilal of Shawwal, it is similar to Ramadan when there is no obstruction in the sky. If there is any obstruction then the sighting of two individuals will be necessary.

Meanwhile, other jurists have regarded the sighting of one individual for Ramadan and the sighting of two individuals for Shawwal to be sufficient to establish the Hilal. Irrespective of where this condition is met, when such a sighting is established, it will be regarded as a Shar'i sighting. There is not a single jurist that exclusively validates the sighting of a specific country or recognizes the sighting of Makkah and Madinah as the sole and official sighting, nor does it obligate governments to regulate the moon sightings. In not one occasion did they state the sighting of Saudi to be "the Shar'i sighting".

It is possible that the Saudi sighting is acceptable for the Saudis based on the principles of Hanbali fiqh. This is however not the topic of discussion here. What the Respected Mufti said regarding those who do not accept the Saudi sighting will be brought forth and clarified shortly. The point to understand here is regarding the principle of "no differences of horizons" explained by the Respected Mufti. Whoever accepts this principle holds the opinion that it is necessary to equally accept the sighting of all places in light of the Shariah, as long as it is in compliance with the regulations of the Shariah. Those who accept this principle also accept that when a proper sighting is established by the rules of Shariah and the *khabr* of it or the *shahadah* reaches one through *tariq mujib*, or binding means, it is compulsory to act upon it, wherever he may be. Thus, if a sighting is established in any other country before Saudi Arabia and its *khabr* (for Ramadan) or its *shahadah* (for Shawwal) reaches Makkah, Madinah, or anywhere else in Saudi Arabia, through *tariq mujib*, it is compulsory upon them to act according to it like Umar (r) did. This is necessary for those who accept the principle of "no differences of horizons". It is also necessary that each locality makes their own effort of monthly moon sighting like the pious predecessors and elders did.

### **Baseless Accusations against the Scholars and the Misunderstanding of the Respected Mufti**

When the foundation is wrong, anything built upon it will also be wrong. Firstly, an allegation made by the Respected Mufti is that the Scholars have given priority only to the sighting of Makkah and Madinah (that reality of which has already been clarified). This is a false claim. Thereafter, he presented a completely baseless and unrealistic explanation, which, in fact, accuses the Scholars of drifting away from the truth, without possibly even knowing he did so.

As an attempt to rectify and salvage the dignity of our elders, the Mufti of concern, elaborates poses a hypothetical question of his own and elaborates further, “The following question may be posed, If according to your statement, the following is true, that solely, global moon sightings were preferred and solely the sightings of Makkah and Madina were preferred amongst those, then why haven’t the elders, themselves practiced what they’ve preached?” The Mufti, then begins to answer his own hypothetical problem, which was originally created by his false premise, as such,

“There is the fatwa of our elders, and then there’s the practice of our elders, which conflicts their fatwa,” (according to the Mufti). “When one’s speech and actions conflict, speech will be given preference. As far as the actions, in conflict, an excuse of sorts or analogy will be resorted to, as a means of explanation.”

Progressing ahead with his argument, under the guise of possibly explaining the conflicting actions of our elders, please reference what the respected Mufti says,

“What remains is the issue of explaining why the elders’ of this religion were forced to act diametrically opposed to their fatawa or why the elders even diverted their actions to such an unfavorable opinion (local moon sighting). Our personality and dignity dislikes even elaborating on the root of such an issue. Let me suffice by merely hinting at this, by saying, in India, fanaticism between faith-based denominations, juristic schools, and adherence to theological strictness, has blinded factions to “denying truth and demanding falsehood. If one merely blurts that he’s Wahhabi, or this person’s Brailwi, or such and such is Deobandi, no further proof is needed, nor is a clear testimony demanded. Thus, through faction-based fanaticism, one party is deemed defamatory of the Prophet (Peace be upon him), while another gets titled as the leader of the polytheists. However, it may be in India that the force behind anti-Wahhabi fanaticism is vehemently against the unanimous and preferred method of global moon sighting, making it a basis of disagreement, giving birth to the practice of an unfavorable opinion. In fact, this case has nothing to do with Wahhabis. In the Hanafi school of thought, itself, the dominant, agreed-upon verdict (Muftaa Bihi Qawl) is the same. But the validators of truth and the most trusted, noble scholars from amongst the righteous have, out of fear of further confusion and segmentation, have found solace in silence as opposed to letting the preferred, and agreed upon verdict prevail.”



“La Hawla wa La Quwwata Illa Billah” – There’s no power to do good, nor ability to abstain from evil without the help of ALLAH. Possibly, the respected Mufti isn’t even aware of the how defamatory and offensive his above-mentioned words are against the scholars of righteousness and piety. It as if his quote is trying to say that the righteous scholars are practicing an unfavorable opinion in direct opposition to what they understand to be the right opinion. Furthermore, lacking courage to enact what’s appropriate, they found safety and ease in staying silent.

These are the very same scholars who: establish and validate the truth as truth, and establish falsehood as falsehood, in the face of any adversary or adversity without fearing the repercussions of naysayers. In fact, they’ve sacrificed their lives and wealth to establish the truth and denounce falsehood. The Mufti is accusing these very same people of establishing deviant practices and encouraging others on it, silencing the truth out of concern for their safety.

This is a weird fear: their fear of confusion and segmentation. They’ve publicly given their fatwas in favor of the right opinion, but their practice is in opposition to their fatwas. Didn’t they share that same fear when it came to publishing their fatwas, this great fear of ‘confusing and segmenting the masses’, which forced them to practice against what they preach? Furthermore, who are these scholars, specifically being referenced by this respected Mufti? Is he referring to the great scholars of the Deoband seminary in our current time? Is he referring to the presiding Mufti of Pakistan, the notable and respected Mufti Rafi Uthmani (DB), or the great scholar of Islam, Mawlana Mufti Taqi Uthmani (DB), or others as being , in the words of this Mufti, “knowingly ignoring the favored and agreed upon opinion of ‘sighting globally’ and practicing the disliked opinion of locally sighting, out of fear of confusion and segmentation. Can the respected Mufti, provide the name of a single notable scholar that fits the description of what he’s accusing all the great scholars of doing? Since the Mufti has referenced the Fatwas of the presiding Mufti of Pakistan, the notable and respected Mufti Rafi Uthmani (DB), and ShaykhullIslam, Mawlana Mufti Taqi Uthmani (DB), and others, in his own fatwa concerning the preference of Global Moon Sighting, and dislike of local moon sighting, it’s obvious that at a minimum, this Mufti is accusing all of them of choosing a disliked opinion out of fear, whilst knowing the right opinion being counter to their actions.

It's so disheartening to know that this Mufti has slandered and defamed our great scholars in the manner that he has done. The only safe conclusion, we can come to is that this Mufti had not done his due diligence, necessary homework and appropriate analysis concerning the topic of sighting the moon, which has resulted in him attributing such falsehood to the names of our great scholars and elders.

Let's be very clear on this topic, and remove any misconceptions. First, as described earlier, the scholars who 'disregard sightings from disparate horizons', have never made sightings exclusive to Saudi. This was explained at length above. In line with this principle, a sighting from anywhere in the world will suffice, even though this is only half of the principle. The principle in full is as follows: wherever the moon is sighted in the world, testimony of this sighting must be validated, and only a validated testimony should be communicated. Once a testimony of sighting is validated thoroughly, if that validated testimony reaches an external community, then, and only then will it be obligatory to accept and follow it. If, however, a sighting occurs in a nation, unverified, and this non-validated sighting reaches a neighboring country or even a faraway nation, then this sighting cannot be binding nor obliging on that 2<sup>nd</sup> group, according to the Saudi scholars and Non-Saudis alike, Hanafis and Non-Hanafis alike, and according to all scholars of jurisprudence in general. This unverified, unauthenticated, non-validated sighting cannot be declared as binding sighting, according to all.

Furthermore, the 'testimony's transmission requirements': the concept of transmitting a validated moon-sighting testimony, is described by scholarly jurists (Fuqaha/ scholars of jurisprudence) as such: once the moon sighting testimony is validated in a particular locality, if that news is for the moon of Ramadan, then at least one witness must convey the news directly, and in the case of Shawwal, the minimum quantity of testimony is necessary and must be mentioned, then, at least 2 witnesses must convey the testimony, in person, in front of that 2<sup>nd</sup> location's appointed sighting-committee, using the words of testimony, "I bear witness that testimony for moon-sighting has been validated and the requirements met in *my location*", mentioning the name of that location.

Specifically concerning the sighting of Shawal's moon (crescent), imagine if validated moon sighting testimonies for Shawwal's moon were attained at one location and the

news of the testimony reaches a 2<sup>nd</sup> disparate location, without meeting the ‘testimony’s transmission requirements,’ this news will not be binding on the 2<sup>nd</sup> group, even if valid for the 1<sup>st</sup> group, due to missing the necessary testimony transmission requirements. In fact, the 2<sup>nd</sup> community will continue using their local moon sighting information, since their no validated sighting to counter their local information. After such a clarification, why did the Mufti deem it necessary to insult these scholars by saying there’s a conflict between their practice and their fatwas?

The complete fatwa of the scholars who ‘disregard sightings from disparate horizons’, is: “Sighting independence between disparate horizons is not acceptable. Therefore, the validated sighting testimony in one location is binding on other locations, provided the following condition is met: that the required, validated testimony of sighting is communicated to the 2<sup>nd</sup> location in a manner that meets the testimony’s transmission requirements, forcing the sighting to be binding. If the testimony is not conveyed in such an authenticated manner, then this deficient testimony will not be considered as a testimony. Instead the local moon sighting practice will be adhered to.”

This is the practice of the Indian subcontinent’s scholars, and similar scholars elsewhere. In the past, those scholars that have generally mentioned the name of a certain nation, or given a fatwa in general about the permissibility of following a sighting from anywhere in the world, still necessitate meeting the ‘testimony’s transmission requirements’ for it to be valid. So, when scholars who disagree with “Sighting independence between disparate horizons” upon hearing of a sighting in other locations, will still announce their local sightings. The reason behind such actions is that the ‘testimony’s transmission requirements’ weren’t met, and as such the deficient testimony cannot be binding or even acceptable to them and their localities. They are absolutely not choosing to deviate out of fears of being reprimanded nor are they silencing their own oppositions as a deliberately blissful alternative, as the Mufti has unintelligently framed our great Scholars as being complicit to. Now it has become absolutely clear that our great scholars and elders have acted completely according to the mandates of religion and their actions are in accordance to the popular and agreed upon opinion.

**Global Moon Sighting necessitates Local Moon Sighting as a prerequisite**

Part of the honorable Mufti's fatwa includes an adamant rejection of certain necessary points when in fact this stance counters the necessary proofs his argument leans on and puts him in direct opposition to his own platform. For example, he has denounced local moon sighting, in an attempt to singularly legitimize global moon sighting, when doing so precludes his global moon sighting platform. Global moon sighting is built upon the foundation of having the moon sighted locally. A global moon sighting stance is inconceivable, if a sighting has not been witnessed somewhere locally first.

In his fatwa the respected Mufti repeatedly stated that there is no local moon sighting in Islam, rather there is only a view of global moon sighting. For example, he said "there is no clear order for local moon sighting in any hadith". (page 4) This analysis has however no connection with the comprehension of hadith.

If this claim were to be correct that local moon sighting is not correct, global moon sighting would also be disproven therefrom. According to respected Mufti, if a group of people sight the moon it is enough for everyone throughout globe. The idea of a global moon sighting highlights the importance of the local moon sighting effort, wherever a Muslim may be. This is clearly order to perform a local moon sighting effort. Local committees can present their testimonies globally but the point to understand is opposing local moon sighting is indirectly opposing global moon sighting.

### **Disagreement Regarding Sighting of the Moon and the Decisions of the Contemporary Saudi Government**

The most important point emphasized by the Respected Mufti throughout his fatwa is that the Saudi moon sighting is purely in compliance to the Shariah. It seems as though the point of the unacceptability of the differences of horizons was brought forth to delegitimize the local moon sighting effort and establish the Saudi sighting as compulsory upon all. Further, it seems as though the Respected Mufti mistakenly established the points about the differences of horizons, thinking it would complete his objective. Unfortunately, since his foundations were laid incorrectly, this point did not further his objective much.

It has already been clarified that even if the Saudi moon sighting was accepted to be in compliance to the Shariah, it still does not support the premise that Saudi is the only sighting necessary to followed. This is because in order to disregard the differences of horizons, it is necessary to accept the sighting of any country where the moon is sighted first, whether it is Saudi Arabia or elsewhere, as sufficient for all. Thus, it cannot be made

a rule that the Saudi sighting is the only acceptable one. If the earliest sighting occurs in Saudi Arabia and it reached the other nations through *tariq mujib*, it is sufficient for them. However, it must not be restricted only to Saudi Arabia. The Respected Mufti has emphasized the Saudi sighting, and only the Saudi sighting, very much whereas it baseless and unsubstantiated by the evidences of the Deen.

Another issue to ponder over is the reason why the Ulama who do not accept the Saudi moon sighting announcement have so much doubt about it. Keeping in mind however that the reasons proposed by the Respected Mufti of Wahhabism, speculative doubts, or fear are merely childish thoughts. The detailed responses to these allegations have already been provided. One reason is the lack of *tariq mujib* (binding means) in the communication of the *khabr* or *shahadah*. Other reasons are listed below.

The first misconception to remove is that all Ulama have shown contentment about the Saudi moon sighting. This is a fallacy created by the Respected Mufti. Many Ulama have not shown complete contentment about the Saudi sighting's compliance with the Shariah. A few Ulama, whose knowledge and virtue are testified to, will be mentioned by name and their books. They do not fear the insults of the defamers nor subside from the truth due to fear or doubts. They guide to the truth and act accordingly themselves. A few of these great scholars have falsely been alleged by the Respected Mufti to be completely content with the Saudi moon sighting in contrary to the truth.

### **Shaikhul Islam Mufti Taqi Usmani is Not Completely Satisfied with the Saudi Moon Sighting**

Secondly, the Respected Mufti stated that, those who say Saudi moon sighting as following astronomical calculations, are oppressive. He then cited the Fatwa of Sheikh Abdullah bin Baaz that the Sheikh clearly denied it and strongly stated otherwise. And he said that those who accuse the Saudi Government of using a civil calendar and announcing the moon sighting to coincide with it accuse Saudi falsely. The basis of the announcements in Saudi is sighting, and not calculations.

Sheikh Abdullah Bin Baaz is indeed a respected scholar. However many other great scholars are dissatisfied of Saudi moon sighting and have views that their moon sighting is incorrect.

The Respected Mufti cited Shaikhul Islam Mufti Taqi Usmani as rejecting the notion of Saudi's decisions being made based on pre-calculated calendars, but he shows personal dissatisfaction with the Saudi moon sighting. Even though Saudi does not decide the

moon sighting by the calculation, their moon sighting system is not proper. The Respected Mufti did not clarify the reason of dissatisfaction. It is not only the civil calendar or astronomical calculation issue, but rather there is another aspect to it. He casually mentioned it at the end of his fatwa and moved on without fully explaining the connection of it with his argument, whereas, this aspect was the reason why Mufti Taqi Usmani was not fully satisfied with the Saudi moon sighting. The Respected Mufti should realize that it is an academic dishonesty to utilize the words of Shaikhul Islam Mufti Taqi Usmani, a world renowned *faqih*, to prove the Saudi moon sighting as proper and not based on astronomical calculation, yet ignore his words of dissatisfaction about its current system, only to mention these words briefly at the end of the fatwa without clear indications of who said them. These words of dissatisfaction are found in the same *Inaam al-Bari* referenced by the Respected Mufti repeatedly throughout his. These issues of dissatisfaction from Shaikhul Islam Mufti Taqi Usmani were indeed found by the Respected Mufti but possibly ignored for whatever reason.

When judging about a problem, honesty demands that relevant views of scholars are mentioned in their respective places. The opinions and quotations in favor of one's argument should be the only ones presented while the opposing evidence is ignored. If one disagrees with an opinion they should present their own justification and rebuttal against it. There is no problem if one differs with legitimate rebuttal arguments but unfortunately the Respected Mufti failed to adopt this path of honesty.

Sheikh Mufti Taqi Usmani expresses his dissatisfaction about the Saudi moon sighting system:

However in Saudi Arabia, since the verification (of sighting) is not matched with astronomical calculations, as a result, it happens often that the moon is not even born, but *shahadah* is brought forth. Thus Ramadan starts or Eid is announced. Accordingly, a difference of two days can be found at times between Saudi and the other countries. We do not consider this to be correct and thus do not follow it. Otherwise, we could have simply followed the Saudi decision in Pakistan as well. (*In'am al-Bari* Vol 5:496)

Please note how clearly Mufti Taqi Usmani states that Pakistan does not follow the Saudi decision because Saudi's system of moon sighting is not correct. Also be note that the Respected Mufti quoted from *In'am al-Bari* numerous times in his fatwa. To establish credibility for his argument, he even quoted from this very volume, a few pages in proximity, but he made Mufti Taqi Usmani's expression of dissatisfaction on the Saudi moon sighting unclear and ambiguous.

Hazrat Mufti Taqi Usmani's stance is to be observed in this passage. He agreed that moon sighting in Saudi is not based on astronomical calculations but he also stated that their method of moon sighting does not meet the legal criteria, thus it is not acceptable.

The Respected Mufti has completely ignored this important opinion of Mufti Taqi Usmani regarding unacceptability of Saudi's moon sighting. The first part of Mufti Taqi Usmani's word are cited in such a way that the reader gets the misconception that Mufti Taqi Usmani wholly supports following the Saudi moon sighting.

Thereafter the opinion of Hazrat Mufti Taqi Usmani regarding England's specific situation and the necessity to follow a neighboring Islamic country for moon sighting is presented as an open choice for all countries.

However, this opinion is only applicable to England's specific conditions (i.e. consistent cloud cover and improbable chances of sighting the moon). This cannot be applied to the countries in North America which have clear horizons and normal moonrises and settings. This is absolutely foolish and creates disruptions among the general public. After ISNA's decision in 2006 to follow astronomical calculations, Mufti Taqi Usmani has not issued any fatwa related to North America. Rather, in response to a question regarding North America's moon sighting situation, he clearly said "I do not adequate information about the current circumstances". The Respected Mufti has also referenced this text in his fatwa. To universally apply Mufti Taqi Usmani's fatwa about a specific situation in England is simply another academic dishonesty.

### **Hazrat Mufti Rafi Usmani Also Has Conditions for Accepting the Saudi Sighting**

Unfortunately, the Respected Mufti misquotes the great scholars numerous times. For example, he mentions Mufti Azam Pakistan Hazrat Mufti Rafi Usmani as if he supports the Saudi moon sighting system and speaks in favor of it, which it completely untrue. In truth, Mufti Rafi Usmani holds the opinion that there are differences in horizons in regards to moon sighting. He also has the same reservations as Mufti Taqi Usman regarding the Saudi moon sighting system.

Hazrat Mufti Rafi Usmani says, "When it is possible, to even the slightest extent, to sight the moon and the *khabr* or *shahadah* comes forth, it should be accept and not doubted. If however, there is no possibility of sighting, it is not acceptable. The *shahadah* will be doubtful and rejected." To make the matter easier he further says, "Nonetheless, to accept this, the view of the Hanafis, in situation of a clear horizon, can be adopted: if this *shahadah* comes from a *jamm ghafeer* (a large body of witnesses) it should be accepted

and the decision made accordingly.” (Fatwa 1176-2, date 1/7/1430 Jamia Darul Uloom Karachi)

The above fatwa was deliberated in regards to the contemporary situation of the Saudi moon sighting system. If a *shahadah* comes forth when it is impossible to sight, Mufti Rafi Usman has stipulated a *jamm ghafeer* for it to be acceptable. The problem however is the Saudi Arabia does not uphold such conditions. They unconditionally accept any *khabr* (for Ramadan) or *shahadah* (two for Shawwal) whether the sighting is possible or not and regardless of the condition of the horizon. They make the final decision based on such as well.

There is no clear acceptance or denial from Saudi Arabia of the opinion presented by Mufti Rafi Usmani. In spite of this, the Respected Mufti says that Hazrat Mufti Rafi Usmani unconditionally supports the Saudi moon sighting. Mufti Rafi Usmani supports the Saudi moon sighting on certain conditions, not unconditionally. If his conditions are met, his support is there, not otherwise. Also, the quoted fatwa of Mufti Rafi Usmani has been attested to by Mufti Taqi Usmani as well.

It is not that Respected Mufti is unaware of this, rather he knows it very. Thus he mentioned this at the end of his fatwa but in brief and vague terms but without clearly mentioning the names of Mufti Taqi Usmani or Mufti Rafi Usmani. He also rejected the opinion of Mufti Rafi Usmani, because he knows well that Saudi Arabia will not accept it and thus he will be unable to convince the public to follow Saudi Arabia, which he looks to establish desperately.

### **The Fatwa of *Faqih al-Asr Mufti Azam* Hazrat Mufti Rashid Ahmed, may Allah have mercy on him**

Firstly, it is questionable whether the moon sighting *khabr* of Saudi Arabia reaches the *hadd istifadah* (a measure of acceptability in Fiqh) or not.

Secondly, besides the fact that the moon sighting decisions made by the Saudi government do not conform with the conditions of Hanafi Fiqh, they are contradictory to the axiomatic laws of nature as well. Therefore, they are not acceptable as proof for Pakistan. According to the Hanafis, the sighting of a great number of witnesses is a condition when the horizon is clear. In Saudi Arabia however, the decision is made according to the *khabr* of one witness (for Ramadan) or the *shahadah* of two reliable witnesses (for Shawaal and Zhul Hijjah), regardless of the situation (whether horizon is clear or not).



Quoted below is an important excerpt of an answer provided by the Saudi High Court regarding this issue:

بسم الله الرحمن الرحيم

الرقم \_ ١٥٢٩

المملكة العربية السعودية

التاريخ \_ ١٧/١٠/٩٣

وزارة العدل

مكتب الوزير

السلام عليكم ورحمة الله وبركاته! \_\_\_\_\_ نفيدكم باننا قد احلنا هذا الاستفسار الي الهيئة القضائية العليا برقم ٣٨٤ في ٢٩/٣/١٣٩٣ هـ فتلقينا اجابتها بخطاب فضيلة رئيسها رقم ٦٥٦/هـ/ق في ٦/١٠/٩٣ هـ المتضمن ان المعمول به في المملكة العربية السعودية في كيفية اخذ الشهادة لرؤية الهلال بالنسبة للاشهر عموماً ولرؤية الهلال عند حلول شهر رمضان المبارك وانسلاخه \_\_\_\_\_ انه ثبت لديه بشهادة فلان و فلان وهما عدلان ثقتان بأنهما رأيا هلال شهر شعبان \_\_\_\_\_ فيكون تحري رؤية هلال شهر رمضان ليلة ..... فان شهد احد لدي احد القضاة فليرفع نص شهادته \_\_\_\_\_ علماً بان شهر رمضان يثبت بشهادة عدل واحد بخلاف سائر الشهور فلا يثبت دخولها الا بشهادة رجلين عدلين \_\_\_\_\_ والله يتوفى الجميع لتوفيته.

The Kingdom of Saudi Arabia  
Ministry of Justice  
Office of the Minister

No. 1529  
Date: 17/10/1993

Assalamu'aliakum wa rahmatullah wa barakatuh

...The practice of the Kingdom of Saudi Arabia in terms of the acceptance of testimony (*shahadah*) for the sighting of the moon for all of the months and that of the commencement of Ramadan Mubarak and its completion is affirmation in his presence that two reliable witnesses have seen the Hilal of Shaban, so the Hilal of Ramadan should be sought on such and such night...if one witness comes forth in the presence one of the

judges, he should accept his testimony knowing that Ramadan begins by the testimony of one witness as opposed to the rest of the months as they will not commence without two male witnesses...May Allah conclude all matters by His *taufeeq!*

Minister of Justice  
Muhammad ibn Ali al-Harkan

In response, I wrote, “Your sightings are contradictory to the apparent conditions. That was the reason of the question.” No response came thereafter.

The Respected Mufti has repeatedly emphasized and claimed in his fatwa that all the Elders are satisfied with Saudi moon sighting and completely follow it and agree upon it. However, this is a clear deception. The indolent attitude regarding the acceptance of the *khabr* and *shahadah* of moon sighting is an age old problem. The Ulama of the past and present, who dealt with questions on a global scale, have cautioned against this and have declared the decisions of Saudi moon sighting to be doubtful.

Opinion of Mufti Rasheed Ahmed in *Ahsanul Fatawa* regarding this issue:

1. Even one day after the announcement of Saudi moon sighting, there is no *ruyat ‘ammah* (general public sighting), i.e. on the second day of the sighting when the moon is two days old.
2. The full moon must occur on the 14<sup>th</sup> and 15<sup>th</sup> night, whereas it does not appear until the 16<sup>th</sup> or 17<sup>th</sup> night.
3. It is impossible to sight on the day when the moon is sighted in the east during the morning or even a day after that. This is because on those days moonset occurs before sunset. The announcement of moon sighting by the Saudi government is made on those very days when the moon is sighted in the east in the morning.
4. In Saudi, they get a testimony of sighting even though the moon is not sighted anywhere else in the world, not even in the far west.
5. According to Saudi *shahadah*, the first day of the month is declared on the first day of the new moon, which means the Hilal can be sighted even before the moon is born. (*Ahsanul Fatawa*, vol. 4, pg. 426-7)

Mufti Rasheed has given other reasons as well. He has, however, given this concession to those residing in Saudi Arabia and visitors that they should follow the announcement made there and also gave reasons for this concession. He also mentioned in other fatawa that it is not right for people outside of Saudi jurisdiction to follow the Saudi announcements of moon sighting. (*Ahsanul Fatawa*, vol. 4, pg. 421)

### **The Opinion of Hazrat Mufti Saeed Ahmad Palanpuri on Saudi's Moon Sighting**

The previous narrations demonstrate the scholars' dissatisfaction with the sightings of Saudi. The Shaykhul Hadith of Dar al-Ulum Deoband, Mufti Saeed Ahmad Palanpuri, is also in agreement with these Ulama. Mufti Palanpuri has clearly expressed his viewpoint in his splendid commentary on Tirmidhi, *Tuhfa al-Ilma'i*.

About 40 years ago, in the Rabita al-Alam al-Islami (Muslim World League), a seminar was held discussing various topics, in which one of the topics was "Unification of the Crescents." The matter of determining the lunar calendar through calculating the new moons was brought as a suggestion. However, the scholars did not hesitate to reject it until the issue was dropped. Mufti Palanpuri writes:

"Yet, we find that Saudi continues to announce the new moon. They deceive the masses about Ramadan and the two Eids each and every year by allegedly bringing two witnesses in front of the Qadi<sup>1</sup>. Based on their testimonies, the declaration is given thereafter (that the moon Ramadan or the respective Eid has been decided), whereas no other sighting was reported throughout the entire world. Amazingly, the skies of Arab land are generally clear, but somehow only one or two people manage to sight the moon. Some may assert: 'But aren't the Saudi people Muslims!?' (i.e. they would not lie) to which the simple answer is: 'Of course, but entire, massive continents such as Africa or the Americas were unable to sight the moon at all, so how did these witnesses manage to see it, with their eyes closed?'"<sup>2</sup>

The words of the Respected Mufti Palanpuri should be read with careful attention and recognize the stern tone used to deliver this message. How does a person find the audacity to fallaciously validate Saudi's sighting through our Elders, asserting that this is an agreed upon matter?

The great *faqih* of his time, Mufti Rasheed Ahmad, as well as the Shaykhul Hadith of Deoband today, Respected Mufti Saeed Palanpuri, have both explicitly mentioned that

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<sup>1</sup> Islamic Judge

<sup>2</sup> Tuhfah al-Ilma'i 3/56-57

testimonies are ascertained every year in Saudi. If, for sake of argument, the announced sighting of both Makkah and Madinah is considered a valid Shari' sighting for all other countries, **the startling reality is that the Saudi government pays no attention to the sightings found in these two cities. There is not a single example recorded to assert that Saudi base its announcement on the sightings of Makkah and Madinah. Yet we find our local officials bellowing the names of Makkah and Madinah in an attempt to beguile the people. The majority of announced sightings come from Najd (Riyadh area) and surrounding areas, where the sighting information is received. This means that there is a specific group of individuals within that area who gather the supposed sighting reports.**

Note: It is specifically mentioned 'announced sighting' throughout this piece, because there is no actual sighting, rather just an announcement.

Moreover, for one to say that Saudi endeavors to sight the moon every month according to the Shariah, is blatantly mistaken. Besides Ramadan and the two Eids, Saudi does not bother to search for the Hilal any of the Islamic months throughout the year. On the flipside, Muslim officials in the majority of Eastern countries, such as the Indo-Pak region, have endeavored to sight the moon every month through their respective moon sighting committees under the supervision of noble scholars. The sighting, whether observed or not, is then delivered to the news stations to be disseminated to the masses. This goes to such an extent that very little importance is given to verifying the sightings of Makkah or Madinah, and nowhere is it found that these countries collect information on the sightings, yet they merely announce them. Yet, although there are crowds of people coming to Makkah and Madinah for Ramadan and Hajj every year, including those who sincerely strive to sight the moon, no sighting is reported from these areas, while Riyadh and other areas have their reports announced by the courts. If anyone would like to claim that there is any shred of evidence verifying the sightings of Makkah and Madinah, they should go forth. Nonetheless, it still remains clear that from the records of the courts where Saudi announces its sightings from, and the testimonies are found therein. There is no mention of the testimonials from the areas of Makkah or Madinah.

There are some scholars who reject the notion that Saudi bases its announcements on its official calendar, since Saudi utilizes the Umm al-Qura calendar, which is based on astronomical calculations. On the contrary, Saudi tries to maintain its monthly announcement in accordance to the dates on their calendar, and there is evidence to support this. On the 28<sup>th</sup> day of Ramadan in 1434 AH, the Public Court requested for the moon sighting reports of the month. This was because although the actual day of Ramadan was the 28<sup>th</sup>, in conformance to the Umm al-Qura calendar, it was the 29<sup>th</sup> of

Ramadan. What does it even mean to search for a sighting on the 28<sup>th</sup>? Can anyone deny that the Saudi moon sighting system is heavily influenced by its calendar after this? The result of such tomfoolery is what occurred on the month of Dhu al-Qa'dah in 1431 AH. The month terminated on the 28<sup>th</sup>. To Allah is our return, how will our religion remain preserved through such heinous acts?

There are even more telltale signs which make this Saudi story even more doubtful.

Whether or not the sighting information is authentic, Saudi maintains its announcement through two witnesses, using the words "Two witnesses testified in the presence of the Qadi." The decision is given based on this statement, especially at the time of Ramadan, when the entire world is engaged in sighting the moon. But, when the rest of the world disagrees with the Saudi sighting, a different expression is utilized, i.e. "By the testimonies of a number of reliable witnesses." Also, the previous announcements would have, "From the Body of Elder Scholars," as the verifying agency, yet we find now that the expression "From the High Court" is adopted. Unfortunately, Saudi does not have a worthy expression that leaves one free of doubt.

### **Concerning the Respected Local Mufti's Reliance on Hazrat Gangohi's Alleged Support of Saudi Moon Sighting**

From the aforementioned narrations, it becomes apparent that the claim of our Elders supporting the Saudi sighting is baseless. The common person should feel content by these narrations. But the Respected Mufti has unfortunately plunged the layman in confusion and disarray. He has asserted that Moulana Gangohi was in favor of Saudi's sighting. Mistakes of this caliber are unfortunate, as Hazrat Gangohi had passed away in 1905, while the Saudi Kingdom was founded approximately 28 years after, in 1933. This is a treacherous method used to deceive readers by employing the names of our elders to defend an already flawed viewpoint. Hazrat Gangohi had used Makkah as an example to demonstrate that there is no consideration for differences of horizons. The Respected Mufti misquoted this to affirm his viewpoint of accepting the Saudi government's decision. SubhanAllah, what a proof! How audacious is the writer, as a myriad of interpretations can be supported if this much leniency is allowed in the interpretation of texts. Allah allow us to quote our Elders in a proper manner, Ameen!

It would not be farfetched to say that the Respected Mufti had interpolated the text by replacing the words 'Makkah's sighting' with 'Saudi's sighting.' Allah knows best of his intentions, but on the surface it seems as though this is a mistake on his part, as this happens in both places where the excerpt of Hazrat Gangohi's words were brought as

evidence; once where he discussed the inconsideration towards differences of horizons<sup>3</sup>, second, place where he attempted to prove that Saudi's declared sighting is a Shari' sighting<sup>4</sup>.

Concerning the second section, the Respected Mufti boldly enumerates the Elders in support of Saudi's sighting, claiming that this is a ruling by consensus, and brings Hazrat Gangohi's statement at the forefront of the list. This has, in reality, no connection to what the Mufti is trying to prove.

### **Differences of Horizons Musr be Taken into Consideration**

From the onset, the claims presented in the fatwa of the Respected Mufti were addressed, clarifying the obvious errors, the places where he contradicted himself, and resolving the matter by bringing into light the flaws in his evidences. This is only by using the evidences presented by him, in order to refute his evidences along with his suppositions.

The Respected Mufti has mentioned that there is no consideration given to the differences of horizons by any of the scholars. This statement is pure ignorance. The reality is that there are many of Elders who consider the differences of horizons valid and they have supplied ample proof to uphold this stance. The Respected Mufti states that the Hanafi Scholars do not approve of significance of the differences of horizons, since it is in clear contradiction with the *Zahir al-Riwayah* (the basic texts of Hanafi Fiqh). What sermon is the respected Mufti delivering, that the hard-boiled Hanafi scholar should never tolerate opposing *Zahir al-Riwayah*? This is just as the Mufti says, "Allah forbid! A Hanafi scholar cannot even imagine such a thing!"<sup>5</sup> If this is the criterion to distinguish Hanafi vs. non-Hanafi, he in fact opposed a Hanafi opinion in his fatwa himself<sup>6</sup>. The Respected Mufti blatantly opposed the Hanafis, or in clearer terms, opposed the *Zahir al-Riwayah* of the Hanafis.

Secondly, does this precept not create some fanatical grip on one's methodology? Whereas the research scholars are supposed to remain on the path illuminated by evidences, and opinions are only chosen based on proper grounding through proofs. Of course, this is with the condition of being completely impartial, and acting only on the strongest proofs. This is not how the Mufti depicts the scene, clenching onto fatwas through an un-academic method. The reason this is emphasized is because there are a

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<sup>3</sup> Pg. 14-15 on the Fatwa

<sup>4</sup> Ibid, pg. 18

<sup>5</sup> Pg. 4

<sup>6</sup> Pg. 35, Answer Number 4

myriad of latter-day Hanafi scholars who, in light of the evidences, decided that the differences of horizons should be considered. This is a subtle point to be kept in mind.

Mentioned briefly below are the actions to be taken to verify the sighting of the moon every month, including Ramadan, and the two Eids.

### **Differences of Horizons: To Consider or Not?**

An academic compendium, titled “Sighting the Moon in Contemporary Times,” compiled by the Respected Moulana Mufti Shu’aybullah al-Miftahi (One of the elite students of the *Masih al-Ummah* Moulana Masihullah Khan Jalalabadi, the Khalifah of *Hakim al-Ummah* Thanwi, may Allah have mercy on them), brings the opinions of various, prominent scholars, which referenced below:

The *Fuqaha* are divided into three groups concerning this issue:

- 1) No consideration is given to the differences of horizons, whether near or far (unified horizons). Therefore, any city which sights the moon and another city receives it properly, must act according to the *khabir* of the sighting. This opinion has been attributed to the Three Imams: Abu Hanifah, Malik, and Ahmad, may Allah have mercy on them. This also appears in the Hanafi texts as the opinion of Zahir al-Riwayah<sup>7</sup>.
- 2) All differences of horizons are considered, whether in close proximity or far. Ibn Hajar al-Asqalani, quoting Ibn al-Mundhir, states this opinion to be attributed to Ikrimah, Qasim, Salim, and Ishaq, may Allah have mercy on them. He continues to say that Imam al-Tirmidhi also relates this opinion, stating this is the opinion of the people of knowledge. Al-Mawardi says this is one opinion of the Shafi scholars.<sup>8</sup>
- 3) Only the differences of horizons of far places are considered. Therefore, cities within close proximity to each other will accept each other’s sighting, whereas farther-off cities will not be regarded as one area. This is the opinion of the majority of Shafi’ scholars<sup>9</sup>.

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<sup>7</sup> Al-Bahr al-Raiq 2:279, al-Durr al-Mukhtar with Shami 2:393, Maraqi al-Falah 124, Al-Fiqh ‘ala al-Madhahib al-Arba’ 1:550)

<sup>8</sup> Fath al-Bari 4:123

<sup>9</sup> Al-Fiqh ‘ala al-Madhahib al-Arba’ 1:550

As for the scholars of Hanafi Fiqh, many have given preference to the reliability of the third opinion, such as Abdul Hayy al-Lucknowi, Allamah at-Tahtahwi, al-Imam al-Quduri, the author of *Fatawa al-Tatarkhaniya*, the author of *al-Hidayah*, Allamah Zayla'i, and other *fuqaha* with explicit mention. Allamah Abdul Hayy has expressed his preference in the following words:

“This opinion is the most sound by both narration and reasoning. If the distance of one city to another is so great that it causes the horizon to change, such as the distance of one month’s journey, then there is no consideration given to that distant city’s sighting. Any city within the distance of one month’s journey will be regarded [as within one area and its sighting] applicable.”

### **The “Different Horizons” Opinion According the Scholars of Deoband**

- 1) Allamah Anwar Shah Kashmiri has also opined in a similar manner, as written by Allamah Binnori in his commentary of Tirmidhi, and Allamah Binnori has also expressed the same opinion.<sup>10</sup>
- 2) Allamah Shabbir Ahmad Usmani has given preference to this opinion in *Fath al-Mulhim*.<sup>11</sup>
- 3) Allamah Mufti Shafi’ Usmani has also said the same. In his treatise, titled “Sighting of the Moon,” he writes:

“In the age of air travel, the entire world, East and West, has become unified. Thus, to deliver the message of one area’s sighting to another is no longer a daunting task. Rather, this can be accomplished in less than a day. Yet, if the East were to accept the sightings of the West, or vice-versa, this will lead to months terminating on 28<sup>th</sup> days, and in other places months will be fixed to 29 days. Therefore, if the distance between two cities is so great that it would create some increase or decrease in the days of the month, the sighting will be not be accepted (it becomes a separate horizon). This opinion is in agreement with the methodology of the Hanafis.”<sup>12</sup>

The Council for Research of Shariah of Nadwatul Ulama in Lucknow, India gathered on the 27<sup>th</sup> of May, and brought together the various ideas of scholars and members of select institutions on this issue. They agreed on the following resolution:

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<sup>10</sup> Ma’arif al-Sunan 5:337

<sup>11</sup> *Fath al-Mulhim* 3:113

<sup>12</sup> *The Sighting of the Moon* pg. 48



“It is obvious that the entire world is not one single horizon. Rather, the accepted precept is that there are various horizons. This is acknowledged by the *Fuqaha* in which there is no difference of opinion. The *Fuqaha* merely differ in regards to the days of fasting: Are these different horizons considered or not (in determining the commencement of each month including Ramadan and the two Eids)? The Hanafi researchers and the scholars of the Ummah, through their explicit statements, in the light of sound evidences, have brought the Council to consensus that remote cities are regarded as a separate horizon.”<sup>13</sup>

This lengthy explanation should elucidate that the majority of Hanafi scholars, especially in the last century, have opined that differences of horizons are taken into consideration in determining the start of Ramadan and the two Eids.

Allamah Yusuf Binnori has brought some splendid words to further illuminate this issue, whereby he states that the four Imams’ opinion is also in favor of taking into consideration the difference of horizons. He writes:

“The opinion that has reached us from the Imams is to disregard for differences of horizons indefinitely, with no distinction between close or far. This unequivocal statement is the only opinion transmitted from them. The reasoning behind this is that in examining both the communication systems and the transportation systems in that era, it would be improbable that they could reach the next horizon over and inform them of their sighting within the span of one month. It was simply not possible for a man to sight the moon and then thereafter reach another city where the horizon is different. Thus, the ruling was made that this sighting is acceptable in the light of Shariah and disregard for [the sighting in] different horizons (since there would be no way to reach the next horizon in time to inform them of the sighting). Yet it is clear the Imams, the Sages of this Ummah, would not be aloof to the concept differences of horizons.

Thereafter came some individuals who overstepped their own authority, that which the Imams did not intend, and mistook their opinions as all-inclusive of all horizons. Yet I see the matter (of a unified horizon) as unwelcome, as it is imperative that different borders, conditions, and intents (between us and the earlier scholars) be observed.”<sup>14</sup>

Ibn Taymiyyah, may Allah have mercy on him, has noted down some important findings which support al-Allamah Binnori’s reasoning:

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<sup>13</sup> The Sighting of the Moon, by Moulana Muhammad Miah sb pg. 104

<sup>14</sup> Ma’arif al-Sunan 338-339

“The accurate understanding of this matter (of fasting), is as soon as the news reaches a person (he must fast). This is in accordance to the hadith of Nabi: “Fast when you sight it.” Hence, once the information is confirmed that the moon has been sighted, it must be practiced on in its own right. This is unrestricted by distance in principle, and agrees to what ibn Abdul Barr has mentioned that the city would receive news only after a month, so there would be no value to the sighting. This is in contrast to cities where the information would reach them before the passing of a month, where there is room for consideration of such news.”<sup>15</sup>

Therefore, distant cities are not considered within the horizon, and the majority of scholars have given preference to this.” (End quote from Mufti Shu’aybullah al-Miftahi’s book, “Sighting the Moon in Contemporary Times”)

### **Present day Arab and Saudi Scholars State that There is Consideration of the Differences of Horizons**

Keep this in mind that this is not the opinion of the elders of Deoband but the opinion of the Islamic Fiqh Council (which is in Makkah Mukkaramah and is under the supervision of the Muslim World League) in which the leading scholars of the Muslim world, in addition to a team of eminent Saudi scholars. On one hand the Respected Mufti states that the Muslims of North America should follow the decision of the Saudi government because there is no consideration of the differences of horizons. However the Islamic Fiqh Council (which is under the supervision of the Saudi government) underwent a lengthy process of research regarding whether **there is a consideration of differences of horizons. Some of the opinions of the leading scholars after this lengthy process of research are found below.**

It was said on behalf of the Islamic Fiqh Council in Makkah Mukarramah that:  
“The Islamic Fiqh Council has evaluated the topic of differences of horizons. The Council is of the opinion that Islam is a religion of *fitrah*, and is naturally easy and simple. A sound mind and intellect will find it easy to grasp and accept. Therefore instead of using astronomy we should only adhere to visual sighting as definitively established by the Shariah. Similarly, Islam takes differences of horizons into consideration, so moon sighting remains simple and easy for the people as this is the correct opinion. The call for unity for Eid and fasting is against both Shariah and intellect.

Scholars of all methodologies agree that according to the Ulama there is consideration for differences of horizons. Allamah Ibn al-Barr has stated that the consensus is upon: “a

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<sup>15</sup> Majmu’ Fatawa ibn Taymiyyah 25/107v

country should not consider the sighting of another country which has the distance of Khurasan and Andalusia". Every city will have its own ruling. The books of the four mazhahib are filled with Shar'i proofs of considering differences of horizons.

From the previous quote, special attention should be paid to the words: a country should not consider the sighting of another country which has the distance of Khurasan and Andalusia. As well as to the fact that Andalusia was the most western city of the Muslim world and at the present time would be equivalent to North and South America.

Notice, the respectable Mufti is trying to prove and vehemently claiming that there is no consideration of differences of horizons. And the Ulama say that according to the sources of Shariah, it is known that there is a consideration of differences of horizons. Therefore, every locality should make their [own effort of] sighting.

From these proofs it becomes very clear that countless well researched scholars some of whom are Hanafi and other who are not all agree that there is consideration of the different horizons. The previous passages clarify that this is the opinion of the Elder Ulama. To the extent that Hazrat Mawlana Muhammad Shafi, may Allah have mercy on him, has mentioned in his book *Royatul Hilal* the opinion of his teachers Hazrat Allamah Kashmiri and Hazrat Allamah Shabbir Ahmad Usmani that there is a consideration of differences of horizons.

### **The Claim of Unity in Regards to the Eids and Fasting**

Another propaganda made by those who want to follow the sighting made by Saudi, is that this will lead to unity of the Muslims throughout the world. Instead of replying to this claim from our one perspective, take a look at the opinion of the Islamic Fiqh Council (which is in Makkah Mukkaramah), in which the Ulama have clearly stated: The call for unity for Eid and fasting is against both Shariah and intellect. It is a shame that after the Ulama have clearly mentioned this, that a call for unity is propagated in the name of Islam.

Another excerpt from the Islamic Fiqh Council further states, "In light of this, the Academy agrees there is no need for the unity of Eid or sighting the moon. By having Eid on the same day, unity of the Muslims will not be achieved.

The Ulama have mentioned, having Eid on one day will not cause the unity of the Muslims. Regardless though, it is the insistent claim of the Respected Mufti that the formula for unity among the Muslims is to have Eid on one day. The reality is that even if

those who consider the differences of horizons left their opinion and accepted the sighting of Saudi, even then this formula for unity would be useless. This is due to the fact that there are those present who follow astronomical calculation and do not follow Saudi's sighting. In other words, it would be impossible to achieve unity by following Saudis announcement of moon sighting. The example of this is the month of Ramadan in the year 1434H/2013. ISNA, which follows astronomical calculations, and all Islamic centers who follow them, started the month of Ramadan on Tuesday while the remaining Muslims started Ramadan on Wednesday. The result of this was that a husband and wife started their fast on different days in one house. This example disproves the call for unity by following Saudi's moon sighting.

### **Allegations of Opposing the Haramain**

From the previous passages it becomes clear that not following the moon sighting decision of Saudi is not at all disrespecting the Haramain. Those who do consider it as a disrespect have misunderstood the matter. It should be explained to them that the Islamic Fiqh Council of Makkah Mukkaramah has decided that there is a consideration of differences of horizons. Also, the call for unity by having Eid on one day is against Shariah as well as intellect. Instead of following the Haramain, one should follow their locality. It should also be understood that the Ulama of Haramain have said that following the moon sighting of each area's own locality is the correct method, and this is not disrespecting the Haramain.

### **Summary**

Even if the differences in horizons are not taken into consideration, one specific location still cannot be made the basis for determining the beginning of each Islamic indefinitely. This is especially true because many well-researched Ulama have proven the consideration of differences of horizons in light of the Quran and Hadith.

Therefore the claim that the announcement of Saudi sighting is the criteria for the entire world is incorrect. The Shariah does not condone following the announcement of Saudi's moon sighting [exclusively].

It is also difficult to accept the announcement of Saudi's moon sighting to meet the requirements of the Shariah. This is due to the apparent fact that Saudi announcement of moon sighting is effected by cultural influences. In addition, the Ulama have considered their announcement to be doubtful and are not clear about it.

This claim is also incorrect that all of the Elder Ulama unanimously accept the principle of ‘not considering the differences of horizons’ and none other. On the contrary, many Elder Ulama hold the opinion that there are significant differences in horizons for *balad ba’edah* (cities outside of close proximity), such as Hazrat Allamah Abdul Hay Laknawi, Hazrat Allamah Anwar Shah Kashmiri, Hazrat Allamah Shabbir Usmani, Hazrat Allamah Yusuf Binori, and Hazrat Allamah Mufti Muhammad Shafi.

It is also clear that not following Saudi’s moon sighting is not at all a disrespect to the Haramain. It is also clear that having Eid and Ramadan and the same day will not lead to unity among the Muslims.

It is also proven that relying on global moon sighting is completely against the ahadith of the Messenger of Allah, peace be upon him. This is why having moon sighting in every locality is a demand of the Shariah and every locality should form their own moon sighting committee. This will safeguard the worship related to the Islamic lunar calendar.

Further, it is of the utmost importance that the Muslims of North America establish their own moon sighting system to safeguard their Islamic (Hijri) lunar calendar and their Islamic dates especially for the start of Ramadan and the Eids. This was the way of the Elders, such as Hazrat Allamah Abdul Hay Laknawi, Hazrat Allamah Anwar Shah Kashmiri, Hazrat Allamah Shabbir Usmani, Hazrat Allamah Yusuf Binori, and Hazrat Allamah Mufti Muhammad Shafi. Their opinion is the correct one and in accordance to their research, there is a consideration for the differences of horizons. This is the correct understanding derived from the Quran and Hadith. Each locality should make an effort to sight the moon and the reports and testimonies of those localities which are in the same horizon and are acceptable should be evaluated.

Committees should evaluate the sightings of the same horizon and in the light of the Quran and Sunnah a final verdict should be made for the entire surrounding Muslim community.

The moon sighting should be given the same importance as is given to ensuring Ramadan is accepted by Allah, with even more ambition since Allah (swt) has attributed this month to Himself. It is mentioned in a *hadith qudsi*, “Every action of the son of Adam is for himself except for fasting, for verily it is for me and I will give the reward for it myself.” (Sahih Bukhari). The acceptance of Ramadan is dependent on two conditions: (1) Ikhlas (sincerity) i.e. this action should only be done for the sake of Allah; there should be no interest of showing off or impressing others involved in it. (2) This action should be according to the rules of Shariah, all of its requirements should be fulfilled. In other

words, it should be according to the way the Messenger of Allah, peace be upon him, performed it. A thorough effort should be made not to put the coming Ramadan in jeopardy due to negligence and carelessness, forgetting the necessary requirements and demands (of the Shariah).