



Optical Aids and Moon Sighting Practices in the UK

A Critical Evaluation of Two
Contrasting Hanafi Fatwas

BY

Mufti Abdul Waheed,

JKN Fatawa Department, UK

September 2025/Rabi-ul Awwal 1447 AH



Optical Aids and Moon Sighting Practices in the UK:

A Critical Evaluation of Two Contrasting Hanafi Fatwās

By: Mufti Abdul Waheed

Senior Researcher and Director of JKN Fatawa Department

In the name of Allāh, the Most Gracious, the Most Merciful

Abstract


An individual brother from Bolton reported a positive sighting of the Ramadhān crescent in 2025 using optical instruments, despite it being impossible to see with the naked eye. This elicited different responses among local observers in the UK. Proponents of optical aids accepted his sighting after further investigation and concluded Sha'ban with 29 days, while those opposed to optical aids dismissed his sighting and completed 30 days of Sha'ban, following their understanding of the prophetic guidance. The use of optical aids for crescent sightings is a topic of ongoing discussion with significant implications for determining the start and end of Islamic months. This review article critically examines two detailed and contrasting Hanafi fatwās in Urdu on the subject and their arguments that support their respective positions. We conclude with our assessment on the permissibility of using optical aids (binoculars/telescope) for crescent testimony within Hanafi legal principles. Despite this, we encourage corroborating optical aid sightings with naked eye observations to help foster unity and reduce division among local moon sighters.

Acknowledgement

The author wishes to express his heartfelt gratitude towards Brother Qamar Uddin from ICOUK and Brother Imad Ahmed from New Crescent Society for their insightful feedback, critique, and recommendations on this article. I wish to thank dear Shaykh Mufti Saiful Islām sahib (DB) for enabling me to research this topic extensively. Lastly, those scholars who supported me in locating certain resources, as well as providing general feedback on my work and educating me on this topic over the years. I pray that Allāh Almighty rewards them immensely in both worlds and makes this a Sadaqah Jāriyah for them Āmīn.



1. Introduction

In 2025/1446 AH, the commencement of Ramadhān in the United Kingdom prompted diverging views among local moon sighters when a well-known experienced individual from Bolton reported sighting the new waxing crescent (hilāl) using optical equipment (binoculars), though it was not visible to the naked eye. Some accepted his optical aid testimony and declared the start of Ramadhān, while others rejected it due to the absence of naked eye sighting confirmation. Accepting optical aids testimony remains a contentious issue within the broader moon sighting debate, primarily because classical Hanafi legal sources do not address the use of instruments for observing the new crescent. This has led contemporary Hanafi scholars to investigate its permissibility.¹ Shaykh Ashraf Ali Thanvi  was one of the earliest prominent Hanafi jurists in the Indian subcontinent to permit its use, comparing it to using eyeglasses.² Although most Deobandi Hanafi muftis supported his fatwā, a small minority opposed using optical aids based on Hanafi principles. Is sighting the hilāl with optical aids valid in the Hanafi school if not confirmed by naked eye testimony? On what legal grounds are optical aids testimony accepted or rejected? Moreover, what specific types of optical aids are we referring to?

To answer the above questions, this article critically reviews two opposing Hanafi fatwās by first outlining the topic's relevance, then briefly commenting on the Hadīth about starting and ending fasts by crescent sighting. Then it defines ru'yah linguistically and technically, discusses optical aids, and then critically analyzes the fatwās before concluding with our assessment.

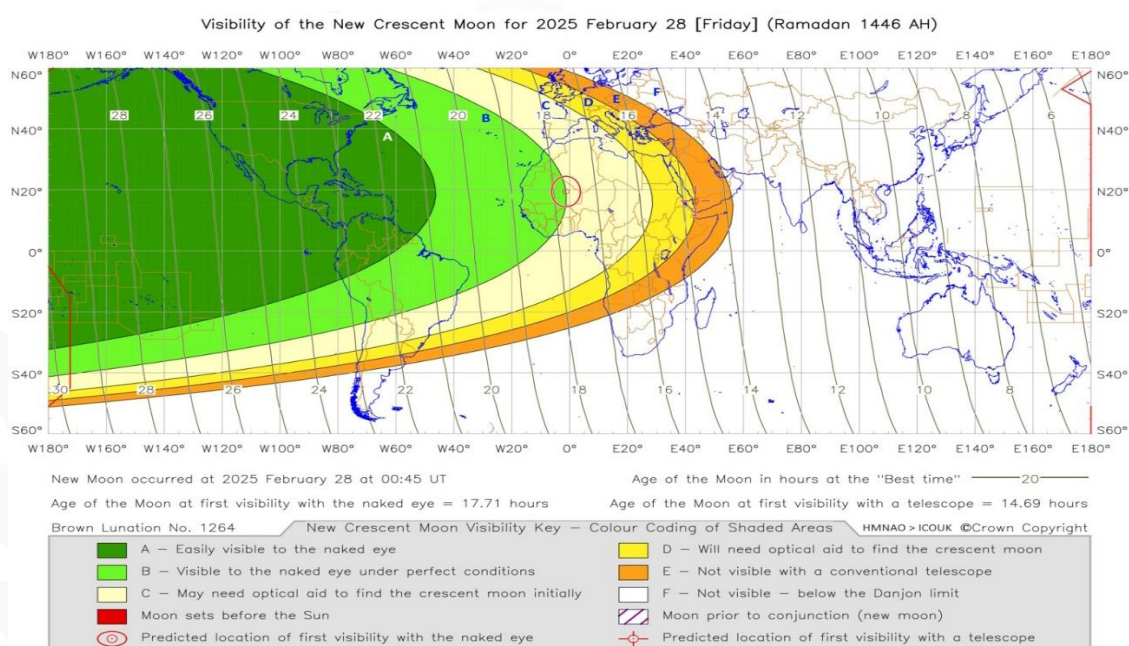
2. Brief Background to the Discussion

On Friday, 28 February 2025 (29th Sha'bān 1446 AH), UK moon sighters searched for the new Ramadhān crescent following the prophetic instruction. Using the HMNAO visibility map, which divides the world into six colour-coded regions (marked A–F), helps predict the new crescent's visibility after local sunset. Regions marked as Code

¹ Hanafi scholars debating include from the Deobandi as well as Berelwi school.

² Shaykh Ashraf Ali Thanvi, Imdadul Fatawa, Ch. Fasting, vol 2, p. 109-110

Red will not see the crescent because the moon sets before sunset. Crescents less than 13 hours old (Codes E–F) will not be visible with the naked eye nor with a conventional telescope/binoculars. If it is 14–17 hours old (Codes C–D) then optical aids is required and if it is 18 hours or older (Codes A–B) it will be visible with the naked eye. Weather conditions and clear horizon must also be factored in when searching for the new crescent.



(source: <https://www.moonsighting.org.uk/moon/sighting-reports/report-1446-09.html>)

In the Hanafi school, if the crescent moon is visible with the naked eye (Code A-B) and the horizon is clear, then a mass group sighting for confirmation is necessary. But under extreme cloudy conditions, testimony from one credible Muslim, male or female, is sufficient to mark the start of Ramadhān (but two male witnesses or one male and two female witnesses are required for the two Eids).³ The above HMNAO visibility map

³ Durrul Mukhtār wa hashiyah Ibn Ābideen Shāmi, Kitābus Salāh, Bāb Shurootus Salāh, vol 2 p. 73

(وَلَوْ كَانُوا بِبَلَدَةٍ لَا حَاكِمَ فِيهَا صَامُوا بِقَوْلِ ثِقَةٍ وَأَفْطَرُوا بِإِخْتَارِ عَدْلَيْنِ) مَعَ الْعِلَّةِ (لِلضَّرُورَةِ) وَلَوْ رَأَاهُ الْحَاكِمُ وَخَدَّهُ خَيْرٌ فِي الصَّوْمِ بَيْنَ نَصَبِ شَاهِدٍ وَبَيْنَ أَمْرِهِمْ بِالصَّوْمِ بِخِلَافِ الْعِيدِ كَمَا فِي الْجَوْهَرَةِ..... (و) قَبْلَ (بَلَا عِلَّةٍ) جَمَعَ عَظِيمٌ يَقَعُ الْعِلْمُ الشَّرْعِيُّ وَهُوَ غَلَبَةُ الظَّنِّ (بِحَبْرِهِمْ) وَهُوَ مُفَوَّضٌ إِلَى رَأْيِ الْإِمَامِ مِنْ غَيْرِ تَقْدِيرٍ بَعْدَدٍ عَلَى الْمَذْهَبِ

indicates that, on the aforesaid date, areas like the UK (excluding Scotland) and Morocco fell under Code C-D, where the moon's age was about 17 hours—making it undetectable without optical assistance. Additionally, the horizon was significantly clouded, which further obfuscated the crescent sighting. Despite these difficult circumstances, one experienced observer from Bolton reported seeing the Ramadhān crescent at Cornwall (UK) using binoculars. Although his reliability as a person was not questioned, some local moon sighting bodies who oppose the use of optical aids disregarded his testimony. This raises the issue of the Islamic legal position regarding accepting the testimony of a trustworthy individual using optical aids.

Fatwā rulings on this issue are diverse. Local moon observers in the UK are generally categorised into three groups: one group accepts testimony from individuals using optical aids such as binoculars and conventional telescopes without condition. Contrarily, another group does not allow the use of optical aids and only acknowledges observations made with the naked eye. The third group takes a moderate approach: permitting testimony that uses optical aids only if it is supported by naked eye observation (Code A-B); otherwise, don't accept testimony when naked eye confirmation is not possible.⁴

The moon observer from Bolton testified in front of a virtual 'ulama panel on the ICOUK under an oath testifying that he saw the hilāl at Cornwall (UK), and his statement was accepted.⁵ Wifaqul 'Ulama accepted his testimony after a thorough

قَبِلَ لِقَوْلِهِ صَامُوا وَأَفْطَرُوا (قَوْلُهُ: لِلضَّرُورَةِ) أَيَّ ضَرُورَةٍ عَدَمَ وُجُودِ حَاكِمٍ يَشْهَدُ عِنْدَهُ..... (قَوْلُهُ: وَقَبِلَ بِلَا عِلَّةٍ) أَيَّ إِنَّ شَرْطَ الْقَبُولِ عِنْدَ عَدَمِ عِلَّةٍ فِي السَّمَاءِ لِهَيْلَالِ الصَّوْمِ أَوْ الْفِطْرِ أَوْ غَيْرِهَا كَمَا فِي الْإِفْتَادِ وَسَيَأْتِي تَمَامُ الْكَلَامِ عَلَيْهِ إِخْبَارًا جَمْعٍ عَظِيمٍ فَلَا يُقْبَلُ خَبَرُ الْوَاحِدِ؛ لِأَنَّ التَّمَرُّدَ مِنْ بَيْنِ الْجَمْعِ الْغَفِيرِ بِالرُّؤْيَا مَعَ تَوَجُّهِهِمْ طَالِبِينَ لِمَا تَوَجَّهَ هُوَ إِلَيْهِ مَعَ فَرْضِ عَدَمِ الْمَانِعِ..... (قَوْلُهُ: يَقَعُ الْعِلْمُ الشَّرْعِيُّ) أَيَّ الْمَصْطَلَحِ عَلَيْهِ فِي الْأَصُولِ فَيَشْمَلُ غَالِبَ الظَّنِّ، وَإِلَّا فَالْعِلْمُ فِي قَرْنِ التَّوْحِيدِ أَيْضًا شَرْعِيٌّ وَلَا عِبْرَةَ بِالظَّنِّ هُنَاكَ ح (قَوْلُهُ: وَهُوَ غَلْبَةُ الظَّنِّ) ؛ لِأَنَّهُ الْعِلْمُ الْمَوْجِبُ لِلْعَمَلِ لَا الْعِلْمُ بِمَعْنَى الْيَقِينِ نَصَّ عَلَيْهِ فِي الْمَنَافِعِ وَغَايَةِ الْبَيَانِ ابْنُ كَمَالٍ وَمِثْلُهُ فِي الْبَحْرِ عَنِ الْفَتْحِ وَكَذَا فِي الْمِعْرَاجِ وَقَالَ الْفُهْستَائِيُّ

⁴ See "Use of Optical Aids for UK Moon Sightings" by Eng. Qamar Uddin

<https://www.moonsighting.org.uk/moon/publications/articles/analysis/use-of-optical-aids-for-uk-moon-sightings.html>

⁵ See "Observation Report for Ramadan 1446 AH" in the ICOUK website, available at:

<https://www.moonsighting.org.uk/moon/sighting-reports/report-1446-09.html> (accessed August 2025)

investigation, and hence declared the 1st of Ramadhān on Saturday, 1st March 2025 by both independent committees. ICOUK ‘Ulama Panel accepts optical aids testimony (after receiving the fatwā from Karachi Darul Uloom), albeit encourages naked eye testimony too.⁶ The New Crescent Society and those who either strictly adhere to local, regional countries like Morocco, or both that recognize only naked eye testimony did not accept his claim. Instead completed 30 days of Sha‘bān and commenced the Ramadhān fast on Sunday, 2 March 2025.⁷

This was one of the rare occasions where UK local sighters (affirming optical aids) and Morocco (that only accepts naked eye testimony) commemorated Ramadhān on two separate dates due to the Major Lunar Standstill in 2025 when the moon was higher on the UK horizon than Morocco.⁸ Wifaqul ‘Ulama initially accepted testimony of those using optical aids. To address the confusion regarding the start date of Ramadhān 1446, they convened a meeting with all Wifaq members (comprising mostly scholars and Imāms) on Saturday, 3 May 2025 to review the criteria for accepting optical aids testimony. I also attended this meeting for the first time. After much deliberation, it was decided that optical aids are in of themselves permitted only to track the moon’s position, but testimony using optical aids will only be accepted if supported by a naked eye report. Testimony will not be accepted based on optical aids alone.⁹ It is apparent that they no longer adopt the first position from the above three categories.¹⁰

Link to the video testimony: <https://www.youtube.com/watch?v=YJtcxnxAcIE> (accessed August 2025)

⁶ The June 2024 Istiftāa to Karachi Darul Uloom (unpublished, but the author was given access to read) was based on 3 UK groups: Wifaq and ICOUK (without or limited use, A-B). Morocco only accepts naked eye testimony.

⁷ The Sunni Hilāl Board (SHB) from Manchester (Barelwis) also followed Morocco (as NCS has mostly Salafi/Barelwi influence) that currently accepts naked eye testimony only.

⁸ See UK Major Lunar Standstills Istiftāa (<https://www.moonsighting.org.uk/publication/news/uk-major-lunar-standstills-istiftaa.html>)

⁹ Wifaqul Ulama (2025), *Evaluating Testimony, Tools, and Trust: Wifaqul Ulama’s Decision-Making for Ramadan 1446 AH*, available at: <https://www.wifaqululama.co.uk/evaluating-ramadan-1446-ah/> (accessed August 2025)

¹⁰ See the ‘Seeking Unity in Diversity’ by Eng. Qamar Uddin: <https://www.moonsighting.org.uk/moon/publications/articles/seeking-unity-in-diversity-uk.html> (accessed August 2025)

If the UK or Morocco ever falls under Code C and D on the visibility map, it will likely cause the same disagreements among local moon sighters unless they collectively adopt a unified position.¹¹ This prompts a review of the Hadīth about beginning and ending the Islamic months by crescent sighting to understand the reasons for such contention on the use of optical aids.

3. Hadīth on Sighting the Hilāl

It is important to reference the famous Hadīth regarding the commencement and conclusion of fasting based on crescent sighting, which informs discussions on the use of optical aids for this purpose. The Messenger of Allāh ﷺ stated: *"Commence fasting upon sighting (ru'yah) the crescent and conclude upon its sighting. If it is obscured from you, then complete thirty days of Sha 'bān."* Another narration conveys: *"When you observe the crescent, commence fasting; and when you observe it again, conclude your fast for Eid."*¹²

This narration is widely accepted as rigorously authentic and found in all major Hadīth collections. It establishes that the Islamic month starts and ends by sighting the new crescent, otherwise completing 30 days is necessary if obscured by the clouds. Ibn Battal رحمته الله notes that sighting the first crescent establishes certainty for the beginning of a new Islamic month. He states as follows,

¹¹ It is important to note that the codes on the visibility map serve as a guide to tracking the crescent's visibility and should not be treated with absolute certainty. Although, Codes C and D require optical aids, it does not dismiss the possibility of naked eye visibility also.

¹² Sahih al-Bukhari, Kitab Sawm

صُومُوا لِرُؤْيَيْهِ وَأَفْطَرُوا لِرُؤْيَيْهِ، فَإِنْ غُيِّبَ عَنْكُمْ فَأَكْمِلُوا عِدَّةَ شَعْبَانَ ثَلَاثِينَ
إِذَا رَأَيْتُمُ الْهِلَالَ فَصُومُوا، وَإِذَا رَأَيْتُمُوهُ فَأَفْطَرُوا
لَا تَصُومُوا حَتَّى تَرَوْا الْهِلَالَ، وَلَا تُفْطَرُوا حَتَّى تَرَوْهُ، فَإِنْ غُمَّ عَنْكُمْ فَافْطَرُوا لَهُ
الشَّهْرَ تِسْعَ وَعِشْرُونَ لَيْلَةً، فَلَا تَصُومُوا حَتَّى تَرَوْهُ، فَإِنْ غُمَّ عَنْكُمْ فَأَكْمِلُوا الْعِدَّةَ ثَلَاثِينَ
صُومُوا لِرُؤْيَيْهِ وَأَفْطَرُوا لِرُؤْيَيْهِ، فَإِنْ غُيِّبَ عَنْكُمْ فَأَكْمِلُوا عِدَّةَ شَعْبَانَ ثَلَاثِينَ

*"The majority of jurists view that Ramadhān fast is not to be observed except with certainty of the completion of Sha'bān, either by sighting the new moon or by completing Sha'bān as 30 days. Likewise, Ramadhān is not to be declared except with similar certainty, because it is possible for the month to be 29 days. Thus, the sighting validates this and establishes certainty, just as completing the count to 30 does so with certainty."*¹³

Sighting the crescent is objectively the universal principle for declaring the start and end of the Islamic month. It is known to be the primary cause (sabab/سبب) for the start of Ramadhān.¹⁴ It is especially important for other Islamic months such as Muharram, Shawwāl and Dhul-Hijjah. The companions consistently searched for the hilāl to mark each new month, otherwise completed 30 days if it was not sighted.¹⁵ Despite strong

¹³ Ibn Battal, Sharh Bukhari vol 4, p. 27-28

باب قَوْلِ النَّبِيِّ عَلَيْهِ السَّلَامُ: (إِذَا رَأَيْتُمُ الْهَالَالَ فَصُومُوا وَإِذَا رَأَيْتُمُوهُ فَأَفْطِرُوا)
(صُومُوا لِرُؤْيَيْهِ وَأَفْطِرُوا لِرُؤْيَيْهِ، فَإِنْ غُمِّيَ عَلَيْكُمُ فَأَكْمِلُوا عِدَّةَ شَعْبَانَ ثَلَاثِينَ). ذهب كافة الفقهاء إلى أن معنى قوله عليه السلام: (فاقدروا له)، مجمل يفسره قوله: (فأكملوا العدة ثلاثين يوماً)، ولذلك جعل مالك في الموطأ (فأكملوا العدة ثلاثين يوماً)، بعد قوله: (فاقدروا له)، كما صنع البخاري، لأنه مفسر ومبين لمعنى قوله: (فاقدروا له)، وحكى محمد بن سيرين أن بعض التابعين كان يذهب في معنى قوله عليه السلام: (فاقدروا له)، إلى اعتباره بالنجوم، ومنازل القمر، وطريق الحساب، ويقال: إنه مطرف بن الشخير (فإن غم عليكم فأكملوا العدة ثلاثين يوماً)، نص في أنه عليه السلام لم يرد اعتبار ذلك بالنجوم والمنازل، لأنه لو كلف ذلك أمته لشق عليه، لأنه لا يعرف النجوم والمنازل إلا قليل من الناس، ولم يجعل الله تعالى في الدين من حرج، وإنما أحال عليه السلام على إكمال ثلاثين يوماً، وهو شيء يستوى في معرفته الكل، وقد انضاف إلى أمره باعتبار العدد ثلاثين عند عدم الرؤية فعله في نفسه. فروى عن عائشة أنها قالت: (كان رسول الله يتحفظ من شعبان ما لا يتحفظ من سائر الشهور، فإذا رأى هلال رمضان صام، وإن غم عليه عد شعبان ثلاثين يوماً وصام)، ولو كن هاهنا علم آخر لكان ليعمله أو يأمر به. وجمهور الفقهاء على أنه لا يصام رمضان إلا بيقين من خروج شعبان، إما برؤية الهلال أو إكمال شعبان ثلاثين يوماً، وكذلك لا يقضى بخروج رمضان إلا بيقين مثله، لأنه ممكن في الشهر أن يكون تسعة وعشرين يوماً، فالرؤية تصحح ذلك وتوجب اليقين كإكمال العدة ثلاثين يقيناً

¹⁴ Islamic rulings broadly fall under two categories: taklifi and wad'i. Taklifi are those commands that require the mukallaf (legally responsible Muslim) to enact, abstain, restrain or choice of either. Rulings such as fardh, wajib, haram, makrūh, sunnah, mustahab etc fall into this category. Wad'i are rulings contingent on certain aspects of rulings such as sabab, shart, mān'i. In the context of moon sighting, the prophetic command of sighting the moon is a wajib command which is taklifi and sighting the crescent is the sabab wad'i for the wujūb of fasting. (see Zuhayli, al-Wajiz fi Usul al-fiqh, pp. 121-122)

¹⁵ Mawsū'at ul Fiqh al-Kuwaitiyyah, vol 22, pp. 23

رُؤْيُ الْهَالَالِ أَمْرٌ يَقْتَضِيهِ اِزْتِبَاطُ تَوْقِيتِ بَعْضِ الْعِبَادَاتِ بِهَا، فَيُشْرَعُ لِلْمُسْلِمِينَ أَنْ يَجِدُوا فِي طَلَبِهَا وَيَتَأَكَّدُوا ذَلِكَ فِي لَيْلَةِ الثَّلَاثِينَ مِنْ شَعْبَانَ لِمَعْرِفَةِ دُخُولِ رَمَضَانَ، وَلَيْلَةِ الثَّلَاثِينَ مِنْ رَمَضَانَ لِمَعْرِفَةِ خَتَائِمِهِ وَدُخُولِ شَوَّالٍ، وَلَيْلَةِ الثَّلَاثِينَ مِنْ ذِي الْقَعْدَةِ لِمَعْرِفَةِ ابْتِدَاءِ ذِي الْحِجَّةِ. فَهَذِهِ الْأَشْهُرُ الثَّلَاثَةُ يَتَعَلَّقُ بِهَا

historical support, New Moon calculations as advocated by many modernists, cannot replace the traditional practice of actual moon sighting.

3.1. Definition of Ru'yah

The debate on using optical aids centres on the definition of ru'yah – seeing – as cited in the prophetic report. Understanding its technical meaning helps determine if optical aids fulfil the prophetic instruction of ru'yah. Below is a summary from mawsū'atul fiqh al-kuwaitiyyah, an encyclopaedia detailing legal definitions and their rulings in the four Sunni schools. It identifies three related terms: ru'yah (رؤية), idrāk (ادراك) and nazar (نظر).

Ru'yah linguistically refers to the perception of an object through visual senses. Alternatively, it can denote observation using both sight and heart (intellect). Among the jurists, the term is predominantly interpreted as sensory perception via eyesight, exemplified by the sighting of the crescent moon (hilāl), viewing items for sale, or witnessing events as a legal observer. Al-Jurjānī characterizes ru'yah as visual perception (al-mushāhadah bil basar), applicable both in the present world and the Hereafter. Idrāk (perception) encompasses knowledge attained through both sensory experience and conceptual understanding. Technically, idrāk involves forming a mental representation of an (observed) object, rendering the term broader than ru'yah. The object's perception may arise from sight or other senses. Accordingly, Ibn Qudāmah states, *"That which is perceived and upon which testimony is based includes sight, hearing, smell, taste, and touch."*¹⁶

The term nazar refers to perceiving something through sight or other senses, including contemplation with the heart. Unlike ru'yah, which is actual perception by sight or heart, nazar is the act of directing one's attention to see something. According to Al-

رُكْنَانٍ مِنْ أَرْكَانِ الْإِسْلَامِ هُمَا الصِّيَامُ وَالْحَجُّ، وَلِتَحْدِيدِ عِيدِ الْفِطْرِ وَعِيدِ الْأَضْحَى وَقَدْ اهْتَمَّ الصَّحَابَةُ رَضِيَ اللَّهُ عَنْهُمْ فِي حَيَاةِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَبَعْدَ وَفَاتِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِرُؤْيَةِ هِلَالِ رَمَضَانَ فَكَانُوا يَتَرَاءَوْنَهُ.

¹⁶ Mawsū'atul Fiqh al-Kuwaitiyyah, vol 22, pp. 15-17

وَلِذَلِكَ يَقُولُ ابْنُ قُدَامَةَ: مُدْرِكُ الْعِلْمِ الَّذِي تَقَعُ بِهِ الشَّهَادَةُ: الرُّؤْيَةُ وَالسَّمْعُ وَالشَّمُّ وَالذُّوقُ وَاللَّمْسُ

Bāqillānī, “Nazar is reflection or thought aimed at gaining knowledge or forming a predominant assumption.”¹⁷

Ru'yah can be interpreted as looking (nazar) with the eye and the heart. It is the verbal noun (masdar) of the verb ra'ā (he saw). The true essence of ru'yah when attributed to observable objects (a'yān) is that it occurs through eyesight, as in the saying of the Allāh's Messenger ﷺ, “Fast upon seeing it (the crescent), and break your fast upon seeing it.” However, it may sometimes be intended metaphorically to mean knowledge. It is also said that the crescent moon is called *hilāl* until its light overpowers the darkness of the night which can continue until the seventh night (but it is more logical to assume it being between 1-3 nights). Nevertheless, what is meant by ru'yat al-hilāl (sighting of the crescent) is observing it with the eye after the sunset of the 29th day of the previous month, by someone whose report is reliable and whose testimony is accepted — and thus, the start of the (new) month is confirmed through their sighting.¹⁸

¹⁷ Mawsū'atul Fiqh al-Kuwaitiyyah, vol 22, pp. 15-17

وَقَالَ الْبَاقِلَانِيُّ: النَّظَرُ هُوَ الْفِكْرُ الَّذِي يُطْلَبُ بِهِ عِلْمٌ أَوْ غَلْبَةُ ظَنٍّ

¹⁸ Mawsū'atul Fiqh al-Kuwaitiyyah, vol 22, pp. 15-17

- 1 - الرُّؤْيَةُ لُغَةً: إِدْرَاكُ الشَّيْءِ بِحَاسَّةِ الْبَصَرِ، وَقَالَ ابْنُ سَيِّدَةَ: الرُّؤْيَةُ: النَّظَرُ بِالْعَيْنِ وَالْقَلْبِ. وَالْغَالِبُ فِي اسْتِعْمَالِ الْفُقَهَاءِ لَهُ هُوَ الْمَعْنَى الْأُولَى، وَذَلِكَ كَمَا فِي رُؤْيَةِ الْهَيْلَالِ، وَرُؤْيَةِ الْمَبِيعِ، وَرُؤْيَةِ الشَّاهِدِ لِلشَّيْءِ الْمَشْهُودِ بِهِ وَهَكَذَا. وَقَالَ الْجُرْجَانِيُّ: الرُّؤْيَةُ: الْمُشَاهَدَةُ بِالْبَصَرِ حَيْثُ كَانَ فِي الدُّنْيَا وَالْآخِرَةِ
- أ - الْإِدْرَاكُ:
- 2 - الْإِدْرَاكُ: هُوَ الْمَعْرِفَةُ فِي أَوْسَعِ مَعَانِيهَا، وَيَشْمَلُ الْإِدْرَاكَ الْحِسِّيَّ وَالْمَعْنَوِيَّ . وَهُوَ فِي الْإِصْطِلَاحِ: انْطِبَاحُ صُورَةِ الشَّيْءِ فِي الذِّهْنِ. وَبِذَلِكَ يَكُونُ الْإِدْرَاكُ أَعَمُّ مِنَ الرُّؤْيَةِ؛ لِأَنَّهُ قَدْ يَكُونُ بِالْبَصَرِ وَبَعِيْدًا مِنَ الْحَوَاسِّ، وَلِذَلِكَ يَقُولُ ابْنُ قِدَامَةَ: مُدْرِكُ الْعِلْمِ الَّذِي تَقَعُ بِهِ الشَّهَادَةُ: الرُّؤْيَةُ وَالسَّمْعُ وَالذُّوقُ وَاللَّمْسُ
- 3 - النَّظَرُ: طَلَبُ ظُهُورِ الشَّيْءِ بِحَاسَّةِ الْبَصَرِ أَوْ غَيْرِهَا مِنَ الْحَوَاسِّ. وَالنَّظَرُ بِالْقَلْبِ مِنْ جِهَةِ التَّفَكُّرِ. وَالْفَرْقُ بَيْنَ النَّظَرِ وَالرُّؤْيَةِ أَنَّ النَّظَرَ تَقْلِيْبُ الْعَيْنِ حِيَالِ مَكَانٍ مَرْتَبِيٍّ طَلَبًا لِرُؤْيَتِهِ، وَالرُّؤْيَةُ هِيَ إِدْرَاكُ الْمَرْتَبِيِّ. وَقَالَ الْبَاقِلَانِيُّ: النَّظَرُ هُوَ الْفِكْرُ الَّذِي يُطْلَبُ بِهِ عِلْمٌ أَوْ غَلْبَةُ ظَنٍّ

Mawsū'atul Fiqh al-Kuwaitiyyah, vol 22, pp. 22-23

الرُّؤْيَةُ: النَّظَرُ بِالْعَيْنِ وَالْقَلْبِ، وَهِيَ مَصْدَرٌ رَأَى، وَالرُّؤْيَةُ بِالْعَيْنِ تَتَعَدَّى إِلَى مَفْعُولٍ وَاحِدٍ، وَبِمَعْنَى الْعِلْمِ تَتَعَدَّى إِلَى مَفْعُولَيْنِ . وَحَقِيقَةُ الرُّؤْيَةِ إِذَا أُضِيقَتْ إِلَى الْأَعْيَانِ كَانَتْ بِالْبَصَرِ، كَقَوْلِهِ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ صُومُوا لِرُؤْيَتِهِ وَأَفْطِرُوا لِرُؤْيَتِهِ ، وَقَدْ يُرَادُّ بِهَا الْعِلْمُ مَجَازًا.....
وَقِيلَ يُسَمَّى هِلَالًا إِلَى أَنْ يَبْهَرَ ضَوْؤُهُ سَوَادَ اللَّيْلِ، وَهَذَا لَا يَكُونُ إِلَّا فِي اللَّيْلَةِ السَّابِعَةِ.

The above understanding of ru'yah and its associated terms can be summed up as follows:

1. Perceiving (idrāk) the observed object through the natural senses (i.e. vision).
2. Seeing with the eyes known as mushāhadah bil basr (visual perception).
3. Forming a mental image and identifying the observed object.
4. Visual observation leads to confident understanding and establishes certainty of the object seen.
5. Perception is attained within the limits of natural vision.

When applied to the context of seeing the new crescent, it simply means seeing the hilāl whereby the observer is convinced both in the heart and mind and becomes fully cognizant that this is the hilāl of Ramadhān or Eīd. The ruling therefore necessitates in declaring the start of Ramadhān and Shawwāl Eīd upon sighting it.¹⁹

4. Basics of Optical Aids

The way a human eye works is that a light from an object enters the eye lens, bends, and focuses on the retina at the back of the eyeball. The optic nerve sends these signals to the brain, which forms an image in the visual cortex—this is normal vision. In near-sightedness, the eyeball is wider, so the focal point lands before the retina, causing blurry vision. A corrective lens shifts the focus onto the retina, allowing clear sight again as the optic nerve transmits accurate visual information to the brain. In technical legal terms, the mushahadah bil-basr (visual perception) is attained by the naked eye whilst the information transmitted to the brain is idrāk and nazar.

وَالْمَقْصُودُ بِرُؤْيَةِ الْهِلَالِ: مُشَاهَدَتُهُ بِالْعَيْنِ بَعْدَ غُرُوبِ شَمْسِ الْيَوْمِ التَّاسِعِ وَالْعَشْرِينَ مِنَ الشَّهْرِ السَّابِقِ مِمَّنْ يُعْتَمَدُ حَبْرُهُ وَتُقْبَلُ شَهَادَتُهُ فَيُنْبِثُ دُخُولَ الشَّهْرِ بِرُؤْيَيْهِ

¹⁹ Mawsū'atul Fiqh al-Kuwaitiyyah, vol 22, pp. 19-21

أَثَرُ الرُّؤْيَةِ:

لِلرُّؤْيَةِ أَثَرٌ فِي بَعْضِ الْأَحْكَامِ وَمِنْ ذَلِكَ:

أ - وَجُوبُ الصَّوْمِ لِلرُّؤْيَةِ هَلَالَ رَمَضَانَ وَوُجُوبُ الْفِطْرِ لِلرُّؤْيَةِ هَلَالَ شَوَّالٍ لِقَوْلِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: صُومُوا لِلرُّؤْيَةِ، وَأَفْطَرُوا لِلرُّؤْيَةِ، فَإِنْ غُمِّيَ عَلَيْكُمْ الشَّهْرُ فَعُدُّوا لَهُ ثَلَاثِينَ.

The standard conventional telescope (refracting) consisted of a tube containing two lenses, one at each end. The front lens, termed the objective lens, is larger while the lens at the opposite end, the eyepiece, is smaller. Magnification occurs based on the distances from each lens to its respective focal points, which can be calculated mathematically by dividing the focal length of the objective by that of the eyepiece. It is important to clarify that the same light from the object passes through both lenses into the observer's eye, essentially transmitting the same image to the brain like naked eye.

Binoculars direct the light from an object to the eye, resulting in a clearer, three-dimensional image. However, there is a slight difference compared to viewing the object directly with the eye. When using a telescope, the image becomes inverted because the light rays from the top of the objective lens reach the bottom of the eyepiece and vice versa, which causes this inversion. In the case of binoculars, there are corner blocks (e.g., porro-prism) that invert the image back to the right way up as seen normally by the naked eye. The result is a magnified image (by 10 to 20 times), passing the light of the object (e.g., moonlight) to the observer's eye.²⁰

Digital cameras are widely used by astronomers to capture faint objects that are often outside the human eye's visibility wavelength. Digital cameras use lenses to focus the object onto an image sensor. Unlike in the previous cases, there is no human eye behind the camera lens. The image from the sensor is processed by the microprocessor (and filters sunlight from the image) to produce the final image of the object. The images are then displayed on the LCD screen or stored in the internal memory card (SSD) for later use. The significant difference between optical aids and digital cameras is that optical aids still pass the moonlight through to the human eye, whereas a digital camera or an Astro-camera (CCD or CMOS) does not pass the moonlight to the human eye. It is now possible to process the CCD images at a much faster rate to produce a live image

²⁰ See "Use of Optical Aids for UK Moon Sighting" by Eng. Qamar Uddin, available at:

<https://www.moonsighting.org.uk/moon/publications/articles/analysis/use-of-optical-aids-for-uk-moon-sightings.html> (accessed August 2025)

Some useful links for or information on binoculars, telescopes and CCD cameras.

How do binoculars work: <https://youtu.be/yKoADmJqK6s>

How a telescope works: <https://youtu.be/jAFrlzOtz-Y>

How CCD cameras work: <https://youtu.be/kMSR8tB5wqQ>

of the moon before saving on an SSD card, and see the faint crescent (in infrared) around the New Moon Conjunction time.²¹

It is important to clarify that throughout our discussion, the term ‘optical aids’ will specifically refer to conventional telescopes and binoculars designed for image magnification. Devices such as CCD cameras (or highly sophisticated telescopes) that operate outside the wavelengths visible to the naked eye are excluded from this definition, as their use for testimony is not permitted by consensus.

5. A Review of Two Opposing Fatwās on Optical Aids

The legal status of optical aids is a contemporary Ijtihādīc issue with no explicit textual evidence, resulting in differing fatwās. The contention is whether optical aids fulfil the criteria of valid ru’yah. Typically, most Hanafi fatwās are concise and transmit opinions of other senior scholars. However, the two fatwās selected for review provide an extensive analysis in Urdu, employing analogical deduction (qiyās) by citing specific legal cases to substantiate contrasting perspectives. One asserts that optical aids do not meet the requirements for ru’yah according to Hanafi principles, while the other (in response) maintains that such aids are permissible within the same framework. Below is our critical review and analysis of both fatwās.²²

²¹ “Live Recording of the New Moon with an Astro Camera (CCD/CMOS)”: <https://youtu.be/QoJa9q-yipQ>




“Use of Optical Aids for UK Moon Sighting” by Eng. Qamar Uddin available at: <https://www.moonsighting.org.uk/moon/publications/articles/analysis/use-of-optical-aids-for-uk-moon-sightings.html> (accessed August 2025)



Also see, <https://www.digitalcameraworld.com/buying-guides/the-best-ccd-cameras-for-astrophotography> (accessed August 2025)

²² Click the below link to access the full Urdu article of both fatwās. <https://hilalcommittee.org/articles/darul-ifta-darul-uloom-karachi-response-to-an-objection-on-the-fatwa-of-hazrat-hakim-al-ummah-thanwi-regarding-the-validity-of-moonsighting-through-binoculars> (accessed August 2025)

Attached pdf article: <https://hilalcommittee.org/uploads/files/86443760-1cf5-4028-8924-b91217bcf5bd.pdf>

5.1. Fatwā on the Invalidity of Optical Aids

On 21st of April 2022 (20th Ramadhān 1443 AH), Mufti Yusuf ibn Yaqub from the USA published an extensive Urdu article against the use of optical aids for moon sighting. As a principal and the head mufti of Madinatul ‘Ulum Virginia, a senior member of the DMV ‘Ulama Council and a former student of the late Mufti Ebrahim Desai sahib  from Azad Ville, South Africa, he criticized the Central Hilāl Committee's (CHC) acceptance of telescope and binocular testimony for Ramadhān 1443 AH. While not disputing optical aid itself, he argued against accepting such testimony for moon sighting for not fulfilling the shar‘ī requirements of a valid ru’yah and challenged the uncritical transmission of permissive views attributed to Shaykh Ashraf Ali Thanvi .²³ He approved the use of binoculars to enhance vision for observing the moon crescent, comparing it with eyeglasses to satisfy the requirements for direct visibility and therefore,²⁴ on page 4-8, Mufti sahib lists the fatwās of senior Deobandi scholars who transmitted Shaykh Thanvi’s  fatwā on the permissibility of optical aids for testimony.²⁵

His contention against their permissibility is summed up as follows. Firstly, scholars transmitting fatwās of predecessors without investigating the evidence or context problematizes fatwā rulings. He invokes Ibn Ābidīn al-Shāmī  who in his famous treatise, rasmul-mufti (etiquettes of a mufti – a legal manual guide for mufti trainees) critiqued many classical Hanafi jurists who unquestionably transmitted erroneous fatwās and included them as part of the madhab without fact-checking their original source or evidence. Secondly, the disanalogy of optical aids with eyeglasses because eyeglasses are exceptional due to necessity (and therefore acceptable for testimony). Contrarily, optical aids merely display a reflection of the image (which is explained later) and not the actual object itself. His third contention is that Shaykh Ashraf Ali Thanvi  overlooked the most crucial fatwā principle in the Hanafi school namely, the

²³ Mufti Yusuf ibn Yaqub, Tahqīq ru’yat al-Hilāl bi Alāt Jadidah, p. 1

²⁴ Mufti Yusuf ibn Yaqub, Tahqīq ru’yat al-Hilāl bi Alāt Jadidah, p. 4

²⁵ Mufti Yusuf ibn Yaqub, Tahqīq ru’yat al-Hilāl bi Alāt Jadidah, p. 4-8

impermissibility of issuing a ruling based on analogy without first resorting to classical subsidiary legal cases.²⁶ He further argues that Hanafi jurists categorically qualified and defined shar‘ī ru’yah citing specific case examples which help demarcate shar‘ī ru’yah for the new crescent. They understood that reflections of images or objects do not represent the nature of observable objects and so, they dismissed reflections from actual ru’yah. Optical aids function in a similar manner.

He presents three salient case examples to substantiate his point: khiyār ru’yah, the law of musaharah when gazing at a woman’s inner vaginal area, and oath of divorce. Khiyār ru’yah means the option to return a purchased item after seeing it. If someone purchases a sale item without first seeing it, then he can return the item and demand full refund after seeing it (if dissatisfied with the sale item).²⁷ The choice to return and demand of refund is revoked if he sees the product based on the ru’yah criteria before purchasing it (except if he discovers an unknown defect in it thereafter). The reason for granting the customer the option to return the product after seeing it is not having full awareness of it before its purchase. This is enshrined in a Hadīth reported from Sayyiduna Abu Hurairah ؓ where the Messenger of Allāh ﷺ said, “Anyone who purchases anything he has not seen then he has the choice (to accept or return) when he sees it.”²⁸ It raises the question of what qualifies ru’yah that revokes the option to return and what doesn’t.

²⁶ The general principle in the Hanafi tradition is that issuing a fatwā ruling of a new case based on legal maxims or the principle of analogy is not valid without primarily searching for the closest subsidiary ruling relevant to the new case. Resorting to maxims or the use of analogy is allowed is a last resort only after exhausting all efforts of searching for a legal case in the classical Hanafi legal corpuses.

²⁷ Mufti Amīm Ihsan, Majm‘ u Qawāid al-fiqhiyyah, p. 176, Fatāwa Hindiyyah, Kitāb al-Buyu, vol 3, p. 58

[البَابُ السَّابِعُ فِي خِيَارِ الرُّؤْيَةِ وَفِيهِ ثَلَاثَةُ فُصُولٍ] [الفَصْلُ الْأَوَّلُ فِي كَيْفِيَّةِ ثُبُوتِ الْخِيَارِ وَأَحْكَامِهِ]

مَنْ اشْتَرَى شَيْئًا لَمْ يَرَهُ فَلَهُ الْخِيَارُ إِذَا رَأَهُ إِنْ شَاءَ أَخَذَهُ بِجَمِيعِ ثَمَنِهِ وَإِنْ شَاءَ رَدَّهُ سَوَاءَ رَأَاهُ عَلَى الصِّفَةِ الَّتِي وُصِفَتْ لَهُ أَوْ عَلَى خِلَافِهَا كَذَا فِي فَتْحِ الْقَدِيرِ هُوَ خِيَارٌ يَنْبُتُ حُكْمًا لَا بِالشَّرْطِ كَذَا فِي الْجَوْهَرَةِ النَّيِّرَةِ

²⁸ Imām Baihaqi, Sunan al-Kubra No: 10426, in Mufti Yusuf ibn Yaqub, Tahqīq ru’yat al-Hilāl bi Alāt Jadīdah, p. 11

بَابُ مَنْ قَالَ يَجُوزُ بَيْعُ الْعَيْنِ الْعَائِيَةِ عَنْ أَبِي هُرَيْرَةَ , قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " مَنْ اشْتَرَى شَيْئًا لَمْ يَرَهُ فَهُوَ بِالْخِيَارِ إِذَا رَأَهُ

According to many Hanafi jurists, actual sighting means seeing the item in its full form which leaves minimal doubt about the product. If he saw the product's reflection through a mirror or water or saw it behind a clear glass, then his choice to return based on sighting remains intact.²⁹ If an image's reflection does not equate to actual sighting, then similarly sighting the crescent moon through optical aids does not qualify actual ru'yah.³⁰ This, however, is exceptional to those products that require touching and smelling in addition to seeing, such as scented oil or perfume. It is obvious that a customer is unable to ascertain full knowledge of a perfume by just seeing it.³¹ The shar'ī requirement is ensuring the customer is fully aware of the product intended for purchase and where this is fulfilled by qualified sighting, then the khiyār ru'yah becomes null and void.

The second case example cited for qualified ru'yah is hurmatul-musāharah (prohibition through musāharah). Musāharah means if a male and a female physically engage in intimate acts; sexual intercourse and lustful touching, or a man sees a woman's internal vagina with lust then it becomes prohibited for them both to marry each of their ascendants and descendants. The salient point is the latter. This is enshrined in a prophetic report where the Messenger of Allāh ﷺ said, "Whoever looks at a woman's vagina, then her mother and her daughter do not become lawful for him (for marriage)."³² Ru'yah in this context implies to gazing at the woman's internal vagina for

²⁹ Fatāwa Hindiyyah, Kitāb al-Buyu, vol 3, p. 63

[البَابُ السَّابِعُ فِي خِيَارِ الرُّؤْيَةِ وَفِيهِ ثَلَاثَةُ فُصُولٍ] [الفصل الثاني فيما تكون رؤيته بعينه كروية الكل في إبطال الخيار] وَلَوْ رَأَى مَا اشْتَرَاهُ مِنْ وَرَاءِ زُجَاجَةٍ أَوْ فِي مِرْآةٍ أَوْ كَانَ الْمُبِيعُ عَلَى شَفَا حَوْضٍ فَتَنَظَّرَ فِي الْمَاءِ فَلَيْسَ ذَلِكَ بِرُؤْيَةٍ وَهُوَ عَلَى خِيَارِهِ كَذَا فِي السِّرَاجِ الْوَهَّاجِ.

³⁰ Mufti Yusuf ibn Yaqub, Tahqīq ru'yat al-Hilāl bi Alāt Jadidah, p. 30-31

³¹ Fatāwa Hindiyyah, Kitāb al-Buyu, vol 3, p. 63

[البَابُ السَّابِعُ فِي خِيَارِ الرُّؤْيَةِ وَفِيهِ ثَلَاثَةُ فُصُولٍ] [الفصل الثاني فيما تكون رؤيته بعينه كروية الكل في إبطال الخيار] وَلَوْ اشْتَرَى ذَهْنًا فِي قَارُورَةٍ فَتَنَظَّرَ إِلَى الْقَارُورَةِ وَلَمْ يَصُبَّ الدُّهْنُ عَلَى رَاحَتِهِ أَوْ عَلَى أُصْبُعِهِ فَهَذَا لَيْسَ بِرُؤْيَةٍ عِنْدَ أَبِي حَنِيفَةَ - رَحِمَهُ اللَّهُ تَعَالَى - كَذَا فِي الْمَخْلَاصَةِ.

³² Musannaf ibn Abi Shaybah, No: 16235, in Mufti Yusuf ibn Yaqub, Tahqīq ru'yat al-Hilāl bi Alāt Jadidah, p. 11

الرَّجُلُ يَقَعُ عَلَى أُمِّ امْرَأَتِهِ أَوْ ابْنَةِ امْرَأَتِهِ مَا خَالَ امْرَأَتَهُ عَنْ أَبِي هَانِيٍّ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ نَظَرَ إِلَى فَرجِ امْرَأَةٍ، لَمْ يَحِلَّ لَهُ أُمُّهَا، وَلَا ابْنَتُهَا»

the application of hurmat (prohibition). Seeing its reflection through a mirror or water is not classed as actual ru'yah and musaharah won't apply (although he still bears the burden of sin). This is different if he saw it through a clear glass or water in which she was swimming. Prohibition of musaharah will be established in this case.³³ The difference is that a glass mirror or water is not deemed a hindrance to seeing the actual vagina as opposed to its reflection because reflection, as explained earlier, linguistically does not fall under the definition of actual ru'yah. The third example used is the case of someone taking an oath that he will not see the face of a person and ends up seeing their reflection, which won't be considered breaching his oath for the similar reason as above.

The author argues that Hanafi jurists negated reflection as actual ru'yah in all three cases because of not fulfilling the full objective. Customarily speaking, seeing someone's reflection does not equate to actual sighting either. Optical instruments function in a similar manner. They use mirrors where light is reflected at various angles through the optical tube. The light of the object enters the optical tube, reflects off the primary mirror located at the bottom of the tube, then passes to the secondary mirror at the top of the tube. The eyepiece of the telescope catches the light and then magnifies the image. Similar principle to the binoculars.³⁴ The author assumes that the light does not enter the pupil to visualize the image, rather reflected on the lens. He further argues that the analogy of eyeglasses is problematic for the following reasons.

- Firstly, eyeglasses are an exceptional case due to necessity, which disqualifies the application of legal analogy.

³³ Mufti Yusuf ibn Yaqub, Tahqiq ru'yat al-Hilāl bi Alāt Jadidah, p. 15, Fatāwa Hindiyyah, Kitāb al-Nikah, vol 1, p. 274

[الْقِسْمُ الثَّانِي الْمَحْرَمَاتُ بِالصَّهْرِ]

وَلَوْ نَظَرَ إِلَى فَرْجِ امْرَأَةٍ بِشَهْوَةٍ وَرَأَى رَجُلًا يَسْتَبِينُ فَرْجَهَا تَثْبُتُ حُرْمَةُ الْمَصَاهَرَةِ وَلَوْ نَظَرَ فِي مِرْآةٍ وَرَأَى فِيهَا فَرْجَ امْرَأَةٍ فَتَنَظَرَ عَنْ شَهْوَةٍ لَا تَحْرُمُ عَلَيْهِ أُمُّهَا وَابْنَتُهَا؛ لِأَنَّهُ لَمْ يَرِ فَرْجَهَا وَإِنَّمَا رَأَى عَكْسَ فَرْجِهَا وَلَوْ كَانَتْ الْمَرْأَةُ عَلَى شَطِّ حَوْضٍ أَوْ عَلَى قَنْطَرَةٍ فَتَنَظَرَ الرَّجُلُ فِي الْمَاءِ فَرَأَى فَرْجَهَا فَتَنَظَرَ عَنْ شَهْوَةٍ لَا تَثْبُتُ الْحُرْمَةُ، كَذَا فِي فَتَاوَى قَاضِي حَافٍ. وَهُوَ الصَّحِيحُ، كَذَا فِي الْخُلَاصَةِ. وَلَوْ كَانَتْ الْمَرْأَةُ فِي الْمَاءِ فَرَأَى الرَّجُلُ فَرْجَهَا وَنَظَرَ عَنْ شَهْوَةٍ تَثْبُتُ الْحُرْمَةُ، كَذَا فِي فَتَاوَى قَاضِي حَافٍ

³⁴ Mufti Yusuf ibn Yaqub, Tahqiq ru'yat al-Hilāl bi Alāt Jadidah, p. 19

- Secondly, the precedent used for analogy must be generically accepted by all and rational based (to identify the legally effective cause for it to be transferable). The use of eyeglasses is not acceptable by all and is neither rational based, thus negates the qiyās principle.
- Thirdly, according to qiyās methodology, there must exist a strong similarity between the precedent (maḳīs alayhi e.g. eyeglasses) and the subsidiary (maḳīs e.g. telescope/binoculars). Should a significant difference exist, or someone affirms dissimilarity between them then the qiyās is annulled. As affirmed that their functions are not the same, therefore using eyeglasses to establish optical aids is incorrect.³⁵

5.2. Fatwā on the Validity of Optical aids

The above fatwā article was presented to the Dārul Iftā institute Karachi, Pakistan whose head mufti is Shaykh Mufti Taqi Usmānī, for a detailed analytical response. The response was co-authored by two scholars, namely Maulana Suhaib Kamran and Maulana Faizan Muhammad Wazir and endorsed by a panel of senior muftis of the institute dated 7th February 2024/25th Rajab 1445 AH. It addresses each of Mufti Yaqub's contentious points. Apart from mentioning the obvious fatawās of senior muftis permitting the testimony of optical aids, below is a summary of the detailed responses.

It begins with the prophetic report on beginning and ending the fast upon sighting the crescent suggesting the actual sighting to be the objective itself irrespective of the medium. Classical Hanafi jurists discussing shar'ī ru'yah using case examples like khiyār ru'yah, laws of musaharah, and oath (discussed above) was to exempt reflection of images from a valid ru'yah, not the medium itself. This is as if rejecting someone's testimony of seeing the new crescent's reflection through a mirror or water. Transparent mediums such as a clear glass or clear water were not contrary to valid ru'yah. For instance, if someone took an oath that if he saw someone's face then his wife is divorced, and he saw them through a clear transparent glass or water then the

³⁵ Mufti Yusuf ibn Yaqub, Tahqīq ru'yat al-Hilāl bi Alāt Jadidah, p. 12

conditional divorce is fulfilled and now divorced.³⁶ Similarly, if he saw a sale item or a woman's inner vagina in clear water, then his khiyar ru'yah is void in the former case and musaharah is established in the latter according to the prophetic report.

They argue that nufuz al-basr - passing the vision through a transparent medium that causes refraction with minor alteration does not hinder the validity of ru'yah.³⁷ Seeing the crescent through a telescope or binoculars is like seeing through a transparent glass. The magnification is increased through refraction, not reflection. The light entering the pupil and reflected on the object to establish a clear vision with a naked eye is the same as with binoculars and telescopes, except magnified.³⁸

Jurists not validating ru'yah in the case of khiyar ru'yah and musaharah via reflection could be due to various reasons. For instance, citing scholars such as Shaykh Mufti Taqī Usmanī and Ibn Humam, it is essential in khiyar ru'yah the customer to have full awareness and knowledge of the product before purchasing which is attainable through a valid ru'yah i.e. seeing in its natural form (in addition to touch and smell in other instances). As for the musaharah case then that ruling is based on mere precaution due to its sensitive nature. Ru'yah can also be determined by local custom i.e. urf like in the case of oath and conditional divorce.³⁹

Conclusively, they argue, jurists did not consider the medium or instrument as the basis of accepting or rejecting a valid ru'yah, rather the lack of fulfilment in the objective of complete knowledge and full transparency of the observed object in its natural form. When a valid ru'yah is fulfilled through a transparent glass or clear water, then this too can be fulfilled via optical instruments. As for the argument that scholars transmitting

³⁶ Maulana Suhaib Kamran and Maulana Faizan Muhammad Wazir, Fatwā response to Mufti Yaqub, No:20/2569, p. 2

³⁷ Maulana Suhaib Kamran and Maulana Faizan Muhammad Wazir, Fatwā response to Mufti Yaqub, No:20/2569, p. 2

³⁸ Maulana Suhaib Kamran and Maulana Faizan Muhammad Wazir, Fatwā response to Mufti Yaqub, No:20/2569, p. 7

³⁹ Shaykh Mufti Taqī Usmani, Fiqhul Buyu', vol 2, p. 833 & Ibn Humam Fathul Qadeer, vol 6, p. 348 in, Maulana Suhaib Kamran and Maulana Faizan Muhammad Wazir, Fatwā response to Mufti Yaqub, No:20/2569, p. 8-9

Shaykh Ashraf Ali Thanvi's fatwa without verification is incorrect as they understood his statement to imply the objective of ru'yah being fulfilled according to the prophetic instructions.

6. An Assessment of Both Fatwās

The opposing fatwās conclude their respective positions using Hanafi sources. They are unanimous on the necessity of sighting the new crescent for beginning the new Islamic month and reject New Moon (invisible moon) calculations. They also disallow accepting testimony of the use of highly sophisticated digital camera, such as the one with a CCD (in infrared wavelength) for crescent sighting as they operate beyond the natural vision. The contention lies in relying on the testimony of a sighter using telescopes and binoculars and whether they equate to the naked eye visibility. Mufti Yaqub equates them to seeing a reflective image and not the image itself, while the fatwā response rejects this assumption. There are three fundamental usulī discussions here.

The first is the primary application of the term ru'yah known as haqīqī. Haqīqī is the name of that word originally coined for any known thing.⁴⁰ Any word that carries the haqīqī meaning is its primary vernacular and gives the first impression of a specific meaning when it is mentioned. Haqīqī as Zuhayli states, divides into various types: linguistic, shar'ī and urfi (customary).⁴¹ As most usulī jurists agree that the primary usage is determined by one of the above, it cannot be superseded by its secondary (majāz) meaning if the primary meaning is applicable. Ru'yah entails full perception of the observed object (idrāk), visualizing the object (mushahadatul bil basr) in its natural form, full awareness of the observed object and contemplation (nazar) with near certainty. The case examples cited by both fatwās and their differences are contingent on the application of the haqīqī meaning of ru'yah using certain mediums. It was argued

⁴⁰ Usul Sarakhsi, vol 1, p. 170

فصل في بيان الحقيقة والمجاز

الحَقِيقَةُ اسْمٌ لِكُلِّ لَفْظٍ هُوَ مَوْضُوعٌ فِي الْأَصْلِ لَشَيْءٍ مَعْلُومٍ مَأْخُوذٌ مِنْ قَوْلِكَ حَقٌّ يَحِقُّ فَهُوَ حَقٌّ وَحَقٌّ وَحَقِيقٌ وَهَذَا يُسَمَّى أَصْلًا أَيْضًا لِأَنَّهُ أَصْلٌ فِيمَا هُوَ مَوْضُوعٌ لَهُ

⁴¹ Wahbah Zuhayli, Usul al-Fiqhil Islami, Ch. Haqīqī and Majaz, vol 1, p. 292-293



that the jurists excluded reflective object from haqīqī ru'yah but validated haqīqī ru'yah through transparent glass or water despite refraction in many cases (except for sale due to possibility of ambiguity but negotiable in specific contexts).

Ru'yah can also be based on urfi (custom) vernacular. Urf in many cases can specify definitions and rulings in the absence of a clear text. The Prophetic Hadīth mentions ru'yah but does not define it, and so, Hanafi jurists consigned its meaning to linguistic and urfi understanding using legal cases to extract its correct shar'ī application. Using optical aids is not the same as seeing an object through a reflective mirror or water. It magnifies a distant object's visibility to attain its full knowledge and awareness. In fact, they enhance visibility in comparison to seeing through transparent glass.

Another underpinning usuli discussion is legal analogy, qiyās. Qiyās literally means estimating and identifying the quantity of something. Technically, it means applying or transferring a textual based ruling on to a new (non-textual) case because of a common underlying legal reasoning (illah) existing between them.⁴² The shared underlying legal reasoning assumes that both share common characteristics either in entity (dhāt) or genus (jins) and their commonality outweighs their dissimilarities. Should a jurist prove significant difference between the precedent (maqees alayhi - original text-based ruling) and the subsidiary (maqees - the new case), then the analogy becomes invalid. Moreover, other crucial conditions for a valid analogy include the original case not being specific to a case not transferable to other cases and the underlying illah to be discernible rationally and apparent (wasf dhahir).⁴³

Both fatwās cite legal cases using analogy to support their respective position. Mufti Yaqub disallows optical aids (maqees) based on reflection (illah) using the case of khiyar ru'yah, musaharah and oath (maqees alayhi). Contrarily, the Karachi fatwā responds claiming them to be case based only whilst citing a transparent glass and water as an analogy for allowing optical aids because of refraction. The underlying illah in both cases are rationally discernible but also contested. Where the commonality lacks are the analogy with a reflective mirror and water to disregard optical aids for the hilāl sighting.

⁴² Wahbah Zuhayli, al-Wajeez fi Usul al-Fiqh, Ch. Fourth Evidence: qiyās, p. 56

⁴³ ibid

Seeing a reflective image is different from seeing in its natural form, like someone testifying to see the hilāl on live TV or in a mirror before the court. Optical aids enhance the vision of a distant observable object, enabling one to see the image in its full form. The rays of the light enter the human eye through the optical aids just like using the naked eye. Khiyar ru'yah was prescribed to ensure full knowledge of the product was achieved to avoid potential disputes between both parties. Full knowledge cannot be ascertained through a reflection, hence the shari'ah allowed discretion to return the product because the objective was not fulfilled.⁴⁴ Arguably, optical aids fulfil the same objective of seeing the hilāl in its complete and natural form. As for the case of musaharah then that the prohibition was established on precautionary grounds. Forbidding optical aids based on precaution leads to unnecessary difficulty. As for Shaykh Thanvi رحمه الله basing its permissibility on eyeglasses, was just by way of example, not intended to apply qiyās, explaining that optical aids are like someone with eyeglasses seeing the crescent with better vision.

A final noteworthy point is that, to argue against using optical aids because it was not the general practice in the Prophet's era is a cliché argument as not everything can be

⁴⁴ Mawsū'atul Fiqh al-Kuwaitiyyah, vol 22, pp. 18-19

رُؤْيَةُ الْمَبِيعِ:

8 - مِنْ شُرُوطِ صِحَّةِ الْبَيْعِ الْعِلْمُ بِالْمَبِيعِ، فَلَا يَصِحُّ الْبَيْعُ مَعَ الْجَهْلِ بِالْمَبِيعِ، وَقَوْلُهُ تَعَالَى: {وَأَحَلَّ اللَّهُ الْبَيْعَ} (3) مَخْصُوصٌ بِمَا إِذَا عَلِمَ الْمَبِيعُ. وَمِنْ الْأُمُورِ الَّتِي يَتِمُّ بِهَا الْعِلْمُ بِالْمَبِيعِ الرُّؤْيَةُ الْمُقَارِنَةُ لِلْعَقْدِ، فَإِذَا رَأَى الْمُتَعَاقِدَانِ الْمَبِيعَ حَالَ الْعَقْدِ يَكُونُ الْبَيْعُ لَا رَيْبًا فَلَا يَكُونُ فِيهِ خِيَارُ الرُّؤْيَةِ، وَهَذَا بِاتِّفَاقٍ، وَيَقُومُ مَقَامُ الرُّؤْيَةِ الْمُقَارِنَةِ لِلْعَقْدِ الرُّؤْيَةُ السَّابِقَةُ عَلَى الْعَقْدِ بِزَمَنِ لَا يَتَغَيَّرُ فِيهِ الْمَبِيعُ غَالِيًا تَغْيِيرًا ظَاهِرًا فِيهِ لِحُصُولِ الْعِلْمِ بِالْمَبِيعِ بِتِلْكَ الرُّؤْيَةِ، أَشْبَهَ مَا لَوْ شَاهَدَاهُ حَالَةَ الْعَقْدِ، وَالشَّرْطُ إِنَّمَا هُوَ الْعِلْمُ، وَإِنَّمَا الرُّؤْيَةُ طَرِيقُ الْعِلْمِ، وَلَا حَدَّ لِلزَّمَنِ الَّذِي لَا يَتَغَيَّرُ فِيهِ الْمَبِيعُ، إِذِ الْمَبِيعُ مِنْهُ مَا يُسْرِعُ تَغْيِيرَهُ، وَمَا يَتَبَاغَدُ، وَمَا يَتَوَسَّطُ، فَيُغَيَّرُ كُلُّ بِحْسَبِهِ، فَإِذَا وَجَدَ الْمَبِيعَ عَلَى حَالِهِ لَمْ يَتَغَيَّرْ أَصْبَحَ الْبَيْعُ لَا رَيْبًا وَلَا خِيَارَ فِيهِ، وَإِنْ وَجَدَ الْمَبِيعَ مُتَغَيِّرًا عَنِ الْحَالَةِ الَّتِي رَأَاهُ عَلَيْهِمَا ثَبَتَ الْخِيَارُ لِلْمُشْتَرِي.

⁴⁴ Mawsū'atul Fiqh al-Kuwaitiyyah, vol 22, pp. 19-21

الرُّؤْيَةُ الْمُعْتَرَةُ:

9 - الْمُعْتَرُ فِي رُؤْيَةِ الْمَبِيعِ الْعِلْمُ بِالْمَقْصُودِ الْأَصْلِيِّ مِنْ مَحَلِّ الْعَقْدِ عَلَى حَسَبِ اخْتِلَافِ الْمَقَاصِدِ، فَلَيْسَ مِنَ اللَّازِمِ رُؤْيَةُ جَمِيعِ أَجْزَاءِ الْمَبِيعِ، بَلْ قَدْ تَكْفِي رُؤْيَةُ الْبَعْضِ الَّذِي يُدَلُّ عَلَى بَقْيَتِهِ وَعَلَى الْعِلْمِ بِالْمَقْصُودِ؛ لِأَنَّ رُؤْيَةَ جَمِيعِ أَجْزَاءِ الْمَبِيعِ قَدْ تَكُونُ مُتَعَدِّرَةً كَمَا إِذَا كَانَ الْمَبِيعُ صَبْرَةً فَإِنَّهُ يَتَعَدَّرُ رُؤْيُهُ كُلُّ حَبَّةٍ مِنْهَا، وَلِذَلِكَ يُكْتَفَى بِرُؤْيَةِ مَا هُوَ مَقْصُودٌ، فَإِذَا رَأَاهُ جَعَلَ غَيْرَ الْمَرْئِي تَبَعًا لِلْمَرْئِي.

ruled out with this simplistic view. Otherwise, using times and clocks to determine Salāh times should also be forbidden by that same logic. What is forbidden is replacing the textual command of sighting with an alternative that conflicts with the command's objective. Using instruments to facilitate the prophetic command is in correspondence with the text, like someone using a qiblah compass to determine the qiblah direction for Salāh.

7. Conclusive Summary, Limitations & Implications

Accepting the hilāl testimony using optical aids has been a contested issue. Whilst most Hanafi muftis allow it, a minority of reputable Hanafi muftis do not accept optical aids testimony. The prophetic Hadīth instructs us to base the lunar calendar on the visual sighting of the hilāl, albeit it does not define the limits of ru'yah. Hanafi jurists resorted to ijtihad to demarcate the definition and limits of ru'yah. We critically reviewed both fatwās in light of the Hanafi principles on the legal position of accepting positive sighting of the hilāl using optical aids and whether it fulfils the criteria of a valid ru'yah. We conclude that optical aids resembling naked eye testimony seems to be the most plausible position for the following reasons.

- Firstly, it does not conflict with the definition of actual ru'yah.
- Secondly, from the usul perspective, equating it to reflective mirror or water is implausible and disanalogous. Urf plays a vital role in quantifying ru'yah. Optical aids like the naked eye fulfils the same objective of ru'yah, namely full awareness and knowledge of the hilāl, which is the purpose of the Hadīth.
- Lastly, optical aids are sophisticated instruments that enhance the visibility of a distant object. The same light rays that enter the eyes with naked sighting also enters when using optical aids. We excluded CCD cameras in the beginning as they function beyond the natural visibility wavelengths, like infrared vision. Standard binoculars and telescopes, on the other hand, function within the parameters of natural vision with increased magnification.



Therefore, provided no other external evidence exist to dismiss the brother's positive sighting residing in Bolton, his testimony from a legal standpoint was legitimate and the declaration of Ramadhān in 2025/1446 AH was valid. Though principally, optical aids are admissible evidence, corroboration with naked eye testimony within Codes A-D on the visibility map is a precautionous and safer position for many reasons. Firstly, this approach facilitates the unification of local sighters by establishing a common foundation and minimizing future differences. Secondly, it helps prevent inconsistencies in the Islamic calendar among local sighters. Finally, it promotes a standardized methodological practice for moon sighting and, more importantly, broadens opportunities for collaboration with other groups within the Muslim community. It is essential to clarify that accepting optical aids testimony must conform to well-established scientific principles of visibility as well as other shar'ī requirements such as trustworthiness, the correct number of testifiers, mass group sighting and so forth. Should any of the above conditions fall short, then the moon sighting committee can reject any claims of positive sighting, irrespective of naked eye or optical aids.

We acknowledge the limitation of this paper only because to keep the paper focused on the Hanafi perspective. The rapid development of technology requires contemporary muftis to remain abreast of and assess their legal implications on moon sighting testimony in light of the Shar'iah principles. Further discourse is needed to demarcate the limits of highly advanced telescopes enabling us to see the planets and distant stars and their implications on hilāl testimony.

Allāh Knows Best

Mufti Abdul Waheed

September 2025/Rabi'ul Awwal 1447 AH

Disclaimer: The above article was authored and thoroughly researched by Mufti Abdul Waheed and attested by Shaykh Mufti Saiful Islām. No part of this article can be published or reproduced on any other platform without prior permission from the author.

