

UK MOON SIGHTING

A Case for Shifting from Saudi Arabia to
Local/Regional Moon Sighting



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Abstract

The rapid development in the science of astronomy and moon sighting has ushered us into an unprecedented era where we can precisely predict the time and location of the moon's visibility. This data is now accessible to every computer literate Muslim who can rely on to determine the credibility of moon sighting reports. Saudi Arabia's erroneous sightings have been incrementally exposed over the past decades thanks to the use of astronomical data and the scholar's endeavours in bringing this matter to everyone's attention. Saudi's Islamic dates are pre-calculated according to the new moon conjunction phase and not according to actual visibility. For this reason, their dates are usually a day earlier than everyone else. In light of the existing astronomical data, contemporary fatāwa rulings and shar'ī legal principles namely; change of rulings due to changing circumstances, we argue the case for UK Muslims to diverge from Saudi's sightings towards adopting local or regional sightings. It has been our observation over the years that the underlying cause of Ramadhān and Eid disputes Muslims experience every year is the continuous insistence on following Saudi despite their repeated errors. Adopting local or regional sighting is conducive towards unifying the Muslim community on the traditional practice namely, searching for the hilāl crescent as enshrined in the Sunnah.

Acknowledgement

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

1. Introduction

I was initially reluctant to discuss moon sighting due to its contentious nature until Shaykh Mufti Saiful Islām sāhib (DB) insisted I write a detailed fatwā article addressing the need to diverge from Saudi Arabia's sightings. I then began extensively researching the topic and synthesising all my notes I accumulated over the past five years or so on this topic. In recent decades, the rapid development in the science of astronomy and telecommunication on moon sighting has ushered us into an unprecedented era where we can precisely predict the moon's visibility. Experts and laypeople can now decipher and access astronomical data to determine the credibility of any reports on moon sighting. Saudi Arabia's erroneous sightings have been incrementally exposed over the past decades thanks to the use of astronomical data and the scholar's endeavours who tirelessly brought this to the forefront of our attention. From general observation and discussions with experienced scholars in the field, we firmly believe that the underlying cause of Ramadhān and Eid disputes every year is because of Saudi's repeated errors. A plethora of evidence indicates that sighting the crescent moon (also known as hilāl) is now possible in the UK. Many Muslims under the guidance of scholars actively search for the hilāl and have reported positive sightings across the UK landscape. Despite this, many scholars and Imāms adamantly insist on following Saudi Arabia. So why do they insist on following Saudi's sightings in the first place? On what basis is Saudi Arabia's declarations of Ramadhān and Eid and other Islamic dates problematic? What moon sighting criteria does Saudi Arabia adopt for its calendar? Are UK Muslims even obliged to follow Saudi Arabia when local (or regional)¹ sighting is possible?

This article addresses these fundamental questions and argues for the need to diverge from Saudi Arabia's sightings towards local or regional sightings. The context of our discussion is restricted primarily to the UK Deobandi audience for two reasons. Firstly,

¹ Local sighting specifically refers to UK sighting. Regional sighting includes regions with similar or less significant differences in sunrise and sunset timings to the UK such as Morocco. Details will be discussed further in the article.





the author belongs to the Deobandi tradition and secondly, the polarization of Saudi's credible sighting reports predominantly exists among the Deobandi Imāms and scholars. The discussion begins with the historical reasons for following Saudi Arabia followed by a brief overview of the fiqh of moon sighting which includes the complications with Saudi Arabia's sighting method and their dating system using the Ummul-Qura calendar. The final section then gauges our assessment of the late fatāwa rulings of senior muftis and explores the famous legal maxim, 'changes in rulings due to changing circumstances' that justify divergence from the previous fatāwa that (initially) permitted UK Muslims to follow Saudi Arabia.

2. The Historical Decision on Following Saudi Arabia

Most South Asian Muslims who migrated and settled sporadically throughout the UK in the early 1960s, relied on the sighting reports of their native country respectively for the announcement of Ramadhān and Eid. No moon sighting committee was established in the UK at the time. It was generally assumed that adverse weather conditions and excessive cloudiness obstructed the visibility of the hilāl.² Between 1966 and 1986, senior muftis allowed UK Muslims to follow Morrocco's sighting because it was the closest Muslim country that aligned almost with the same time zone as the UK.³ Imāms and senior scholars used to await confirmation from Morrocco's moon sighting announcement and then disseminate the news to the masses. The news was significantly delayed even close to midnight (depending on the time of the year) or at times the following day. This caused immense inconvenience for people.⁴ So typically, after the 29th of Ramadhān, people awaited in anticipation whether they would

² The geographical location of the UK is such that adverse weather conditions persist throughout the year (as it's an Island between oceans). For this reason, we experience perpetual cloudiness, making it difficult to see the thin waxing crescent at times.

³ Mufti Abdur Rahim Lajpuri sahib (ra) received a query from England on this matter and permitted the UK Muslims to follow the nearest country with similar sunrise and sunset times and strictly adhere to the Islamic principles of testimony for Ramadhan and the two Eids. See Fatāwa Raheemiyah, Kitab Sawm, vol, 5, p. 213, Q:277.

⁴ For more details, see Mufti Musa Karmadi, *Asr Hazir ke pecheedah masail aur unka hal*, vol 1, p. 346-349





complete 30 days and hence perform Tarawih that night or commemorate Eid the following day. If they reported a negative sighting, they would read Tarawih very late but if it were a positive sighting, Eid would be announced the following day and the Salāh was postponed to the 2nd of Shawwāl.⁵

This ordeal of late notification and confusion caused great concerns among senior ‘ulamā (sing: ‘ālim meaning scholars). Some considered abandoning Morocco for other alternatives to create ease for people, whilst others insisted on following Morocco’s sighting since it was the closest Muslim country aligning with UK timings and legally, it cannot be overruled despite late notifications.

Several conferences were convened in the past to solve the Ramadhān and Eid controversy. In 1972, the Saudi Government invited scholars from different regions of the Muslim world to a conference in an attempt to unite the Muslim world on a united calendar. It proposed the new month announcement be based on the ‘birth of the new moon’ rather than the sighting of the crescent moon. Most scholars particularly Deobandi scholars rejected this proposal. Contrarily, in 1984 another international conference at Regent Park Mosque, London was organized. Approximately 350 scholars from various regions of the Muslim world attended including the grand mufti of Egypt, and scholars from Europe belonging to other movements such as Da’wah Tabligh followers, Brelvi, Salafi etc. Mufti Aslam sāhib also attended on behalf of Jamiatul ‘Ulamā Britain (JU). The conference unanimously concluded with the verdict that the moon had to be sighted in the UK (or in any region) with the naked eye (Muhaqqaq Ru’yat Basari) and must be above the UK horizon (i.e. moonset after sunset).⁶ Thirty senior scholars from the UK were present and unanimously agreed to

⁵ According to the Hanafi tradition, if the Imām or qādhi was unable to lead Eid Salah on the 1st Shawwāl then it is permitted to lead the following day and not thereafter.

⁶ In which case, if sighted in Morocco then it will be accepted.





adopt this criterion and signed their names. Some were reported to have withdrawn from this agreement subsequently.⁷

Senior UK 'ulamā from Jamiat 'Ulamā (JU) and Hizbul-'Ulamā (HU) resorted to seeking legal consultations from muftis of various seminaries in India.⁸ Given the immense tension and constraint they experienced, they sought legal rulings on the permissibility of following Saudi Arabia's moon sighting proclamations out of necessity. Mufti Musa Karmadi sāhib documents the fatāwa correspondences permitting UK Muslims to follow Saudi Arabia. Dr Maulana Abdullah Abbas Nadwi رحمته الله, then a senior instructor at Jamiah Ummul-Qura University in Makkah, was consulted on Saudi's moon sighting practices. He confirmed at the time that the Saudi's sighting conformed to the shari'ah principles of hilāl sighting and testimony. These fatāwa documents were read out in front of a large assembly of senior 'ulamā hosted by HU in Blackburn on the 23rd of November 1986. On the 28th of December 1986, both members of the JU and HU assembled at Darul-Uloom Bury to unify everyone on following Saudi. The meeting was facilitated by Shaykh Yusuf Motala sāhib رحمته الله. Mufti Musa Karmadi sāhib, who was also present, recalls their deliberations that sighting the hilāl in the UK was difficult and resorting to Saudi Arabia's sighting was the only viable solution to alleviate inconvenience and confusion. Those same fatāwa correspondences were read out in the meeting and both the JU and HU unanimously accepted the verdicts.⁹ The decision to follow Saudi Arabia's crescent sighting instead of Morocco was then officiated and implemented throughout Deobandi Masājid.

⁷ Mufti Muhammed Yusuf Danka (2013), *The History of the UK following Saudi Arabia*, available at: <https://www.moon-sighting.org.uk/uk-moon-sighting-history.html> [accessed 30th December 2024]

⁸ The Hizbul-U'lamāh UK group was founded in the aftermath of the moon sighting predicament. See the link for more details about the organization; <http://www.hizbululamah.org.uk/about.htm> [accessed January 2025]
Jamiaht U'lamā UK was established in 1966, originally known as Majlis U'lamā, and then changed its name to Jamiat U'lamā in 1977.

⁹ The details of fatāwa correspondences and Dr Abdullah's detailed discussion are mentioned in Mufti Musa Karmadi, *Asr Hazir ke pecheedah masail aur unka hal*, vol 1, p. 349-373





What was initially aimed to create ease eventually marked the beginning of the infamous moon sighting debate among Deobandis that hitherto continues. The decision to follow Saudi Arabia was not created out of a vacuum but for practical purposes to settle moon sighting disputes through legal consultations with senior muftis. This decision was soon to face severe criticism. Shaykh Maulana Samiruddīn sāhib with over thirty years of experience in moon sighting research was among the few scholars in the 1990s to question Saudi's moon sighting criteria. [ICOP](#) (an International Moon Sighting volunteer group) was formed in 1998 to document and expose the errors in Saudi's moon sighting announcements.¹⁰ Several attempts ensued in the 2000s to reconsider the decision to follow Saudi Arabia. For instance, in 2009, a meeting was held between Wifaqul-`ulamā (WU), HU and JU to reconsider the decision to follow Saudi Arabia's sighting after exposing their errors. HU and JU members refused to reconsider their position.

2.1. Why the Insistence on following Saudi Arabia?

We can conclude with three major reasons why the JU and HU strictly followed Saudi Arabia. Firstly, due to historical reasons to create ease and convenience for the masses. Saudi Arabia is 3 hours ahead of the UK time zone, allowing sufficient time for the news to reach the UK for declaring the Ramadhān and Eid dates. Secondly, for the sake of unity. It was the first time that the JU and HU scholars united most Deobandi Masājid on a single issue. Every Deobandi Masjid is affiliated with JU or HU. Retracting their decision could reignite confusion and division. Lastly, the earlier fatāwa of muftis ruled in favour of Saudi's sightings. Senior muftis from India are revered and often consulted on complex issues.¹¹ Their fatāwa gave weight to guidance and practical implementation for minority UK Muslims in settling disputes and discord among Muslims.¹²

¹⁰ See <https://astronomycenter.net/?l=en>

¹¹ Most senior scholars from the JU and HU studied and graduated from India. Unlike Pakistan and Bangladesh, India is a non-Muslim country with a minority population of Muslims. Their challenges are relatable to UK Muslims as of which consultation was for practical reasons.

¹² Other examples of this nature included the infamous debate over the timings of Isha and Fajr during peak summer. See my detailed article available at: https://jknfatawa.co.uk/wp-content/uploads/2021/02/Isha-and-Fajr-during-Persistent-Twilight_compressed.pdf



3. Problems with Saudi's Moon Sighting Practices

Among the debates surrounding Saudi Arabia's errors generally centralises on the Ummul Qura calendar (UQC). This calendar pre-sets the Islamic dates 30 years in advance using astronomical predictions.¹³ As mentioned previously, the Saudi government in 1972 launched its initiative at an international conference to announce a united Ramadhān and the two Eid dates for the Muslim world. It proposed to follow Saudi's declaration of Ramadhān and Eid dates using the 'new moon' criteria rather than the sighting of the crescent moon. This meant that the government could potentially announce the new Islamic month based on the 'new moon' criteria before the hilāl could be sighted anywhere in the world.¹⁴ This not only contravened the traditional Islamic practice for centuries but was vehemently opposed by traditional scholars. As will be explained below, Saudi's sightings are based on pre-calculated dates.

The previous fatāwa permitting UK Muslims to follow Saudi Arabia solely relied on secondary information about Saudi's moon sighting system obfuscating the intricate details of the errors. In recent decades senior scholars from the UK revealed many discrepancies in the current calendar. Shaykh Maulana Samiruddīn sāhib was at the forefront of investigating Saudi's Islamic calendar dates. Spending almost a decade corresponding with the senior muftis of Saudi Arabia and astronomers, he highlights three major problems; the decision of the muftis, those making the calendar and the moon sighting committee. Below is a summary of his analysis.¹⁵

The first problem, their senior muftis suffice on one (or even two) person's testimony for Ramadhān's announcement and two witnesses for the two Eids irrespective if the moon is on the horizon or not. They adduce the report where the Messenger of Allāh

¹³ See the predictions of the UQC on the link, available at:

https://webspacescience.uu.nl/~gent0113/islam/ummalqura_adjust.htm [accessed December 2024]

¹⁴ Tuhfatul Al Ma'ee Sharah Tirmidhi vol 3, p56, in. Mufti Muhammed Yusuf Danka (updated 2022), *The History of the UK following Saudi Arabia*, available at: <https://www.moon-sighting.org.uk/uk-moon-sighting-history.html> [accessed 30th December 2024]

¹⁵ See Maulana Samiruddin Qasmi, *Thameeri Calendar*, pp. 16-39

on one occasion accepted one Bedouin's testimony for the hilāl of Ramadhān,¹⁶ and on another occasion two Bedouin's testimony for the Eid.¹⁷ They adopt the literal application of the prophetic report without scrutinising the witnesses. This results in many fundamental flaws such as; unconditional acceptance of the witnesses without verifying their report with astronomical data. If the witnesses claim that they saw the hilāl despite it being impossible, they will still accept it. Moreover, the calendar itself is based on the new moon criteria suggesting that any 'so-called' claim of sighting would be ahead of the actual visibility.¹⁸

The second problem is with those who set the calendar. They set the calendar 30 years in advance based on the conjunction of the new moon, which means that the dates are predicted before the visibility of the hilāl. Albeit they claim to search for the hilāl, their sightings are biased towards the UQC and not congruent with the scientific principles of visibility. This is why their dates are always one day before everyone else, because they search for the hilāl a day before its actual visibility. For example, the 29th date of the UQC is not based on the actual sighting but set according to the new moon conjunction. The conjunction period is one or two days ahead of the actual visibility because the hilāl is only possible 18 - 24 hours after the conjunction. So, they claim to search for the crescent on the 29th of the UQC date is in reality the 28th of the visibility

¹⁶ Sunan Abū Dawood, No: 2340, in, Thameeri Calendar, p. 16.

بَابُ فِي شَهَادَةِ الْوَاحِدِ عَلَى رُؤْيَةِ هِلَالِ رَمَضَانَ

عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: جَاءَ أَعْرَابِيٌّ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ: إِنِّي رَأَيْتُ الْهِلَالَ، قَالَ الْحَسَنُ فِي حَدِيثِهِ يَعْنِي رَمَضَانَ، فَقَالَ: «أَتَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ»، قَالَ: نَعَمْ، قَالَ: «أَتَشْهَدُ أَنَّ مُحَمَّدًا رَسُولُ اللَّهِ؟»، قَالَ: نَعَمْ، قَالَ: «يَا بِلَالُ، أَدْنُ فِي النَّاسِ فَلْيَضُومُوا غَدًا»

¹⁷ Sunan Abū Dawood, No: 2339, in, Thameeri Calendar p. 17

بَابُ شَهَادَةِ رَجُلَيْنِ عَلَى رُؤْيَةِ هِلَالِ شَوَّالٍ

عَنْ رَجُلٍ، مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: اخْتَلَفَ النَّاسُ فِي آخِرِ يَوْمٍ مِنْ رَمَضَانَ، فَقَدِمَ أَعْرَابِيَّانِ، فَشَهِدَا عِنْدَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِاللَّهِ لَأَهْلًا الْهِلَالَ أَمْسِ عَشِيَّتَهُ، «فَأَمَرَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ [ص: 302] النَّاسَ أَنْ يُعْطُوا»، زَادَ خَلْفٌ فِي حَدِيثِهِ: «وَأَنْ يَغْدُوا إِلَى مُصَلَّاهُمْ»

¹⁸ For further information on a scientific investigation into Saudi's mistakes in their sightings please read Amjad Muhammad (2015), *The Islamic Calendar according to Muslims in the UK*, IRTIS, Olive Foundation, Bradford, UK.

date, which scientifically is not possible. See the Visibility Map (Fig.1) and the UQC (Fig.2) for Ramadan 1445 below.

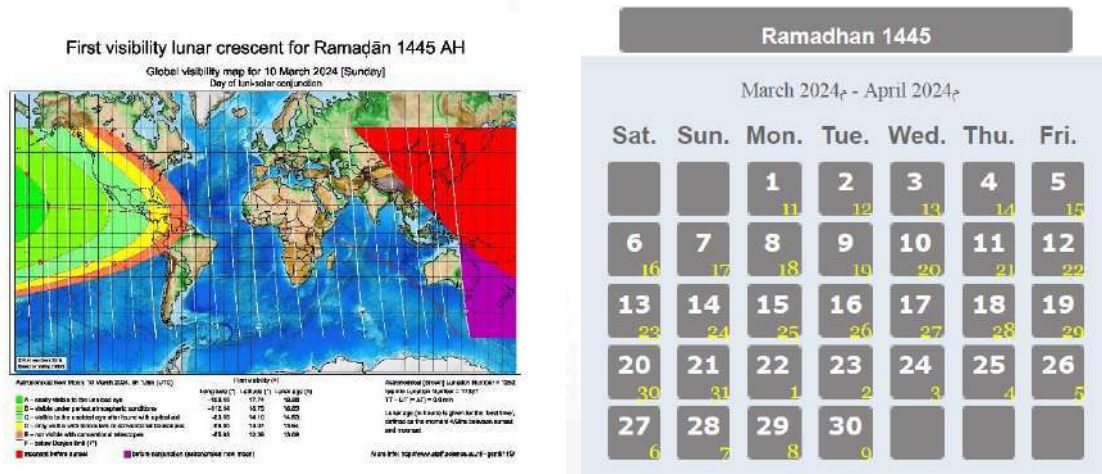


Fig 1: (Source: <https://www.moon-sighting.org.uk/moon/sighting-reports/report-1445-09.html>)

Fig 2: (Source: <https://www.ummulqura.org.sa/yearcalender.aspx?y=1445&l=True>)

According to the above map, the Ramadhān moon on Sunday 10th March 2024 was below the Denjon limit (7 degrees) which was impossible to sight. Despite this, Saudi Arabia declared Ramadhān on the following day, Monday the 11th based on the UQC and read their first Tarawih the night before.¹⁹ Moreover, by their own admission, the UQC does not always match the actual visibility of the crescent moon.²⁰

A famous correspondence between the Jordan Astronomical Society to the Kingdom of Saudi Arabia confirms this;²¹

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

¹⁹ The Islamic dates displayed on the calendar represent the day and not the night. So, if the calendar shows 1st Ramadhan on Monday 11th March, it means the 1st Ramadhan began the night before.

²⁰ A word from KACST president (https://www.ummulqura.org.sa/president_address.aspx)

²¹ See Saudi's dating system, Available at: <https://www.moon-sighting.org.uk/saudi-dating-system.html> [accessed December 2024]



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

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

As also mentioned on their website,

"The calculations of the Um Al-Qura calendar are based on the terms set by the distinguished Council of ministers, which adopt the location of the Holy Kabah as the reference for all calculations, and require conjunction to occur prior to sunset (moonset occur after sunset) as conditions for the birth of the new lunar month. The Um Al-Qura calendar is both the formal and civil calendar of the Kingdom, but it may not match the actual visibility of the crescent [moon] which is necessary to start the religious months."²²

To put this into perspective, Maulana Samiruddin sāhib explains that the original new moon criterion is taken according to the Greenwich New Moon (GNM). As mentioned, Saudi is 3 hours ahead of UK time. If the new moon conjunction was for argument's sake, at 11 pm in the UK then according to Saudi time it would be 2 am. Maghrib is the start of the new Islamic date and so, if the following morning is the first

²² Saudi Dating System available at: <https://www.moon-sighting.org.uk/saudi-dating-system.html> [accessed December 2024]



Islamic date, then the previous night after Maghrib was the first Islamic date which cannot be the case.

See the Table 1 below:²³

Advancement and Postponement of the Ummul Qura Calendar

Year	1 Ramadhān		1 Shawwāl		1 Dhul Hijjah		10 Dhul Hijjah	
	Computed	Announced	Computed	Announced	Computed	Announced	Computed	Announced
1443	02/04/2022	02/04/2022	02/05/2022	02/05/2022	30/06/2022	30/06/2022	09/07/2022	09/07/2022
1444	23/03/2023	23/03/2023	21/04/2023	21/04/2023	19/06/2023	19/06/2023	28/06/2023	28/06/2023
1445	11/03/2024	11/03/2024	10/04/2024	10/04/2024	07/06/2024	07/06/2024	16/06/2024	16/06/2024

Table 1: (source: https://webpace.science.uu.nl/~gent0113/islam/ummalqura_adjust.htm)

The above table shows that over the past three years (1443/2022 – 1445/2024), the computed dates of the Ummul-Qura calendar for Ramadhān, Shawwāl, and Dhul Hijjah consecutively match with their announced dates when the moon was mostly (9 out of 12) not possible to see in Saudi Arabia (Code F). The Saudi astronomers believe it's due to the physiological bias of their civil calendar.²⁴ The third predicament is the moon sighting committee looking for the hilāl on the wrong date and the lack of verification process of the witnesses' reports.

Although some argue that the Saudi government has adjusted the calendar, it nevertheless does not dismiss its unreliability. What is the justification for following Saudi sightings if local/regional sightings are now possible?

4. Moon Sighting Method – *How Does it work?*

It is essential to first understand the correct shar'ī moon sighting methods before discussing the existing complications. This section focuses on two aspects; the first is the general fiqh rulings on moon sightings from both scientific and legal perspectives and the second, using astronomical calculations for sighting.

²³ Advancement and Postponement of the Umm al-Qura Calendar by Dr Robert VanGent
https://webpace.science.uu.nl/~gent0113/islam/ummalqura_adjust.htm

²⁴ The Psychological Effect on Sightings of The New Moon by Dr Ayman Kordi, Saudi Arabia (2003)

4.1 Overview of Scientific Principles on Moon Sighting

Muslims calculate their Islamic dates of each month by the moon phases. Allāh Almighty states; *“They ask you (O Muhammad) regarding the hilāl (moon phases). Say it is (to calculate) the times for people and (the days of) Hajj” (Surah Baqarah 2:189)*

The moon phases not only determine the beginning and end of Ramadhān but are used to calculate important Islamic dates relevant to other legal injunctions such as the sunnah dates of monthly fasts, women calculating their menses and waiting periods, Hajj days, etc.²⁵ Miscalculating the Islamic dates can result in severe implications of the above and missing important dates of the Islamic year.

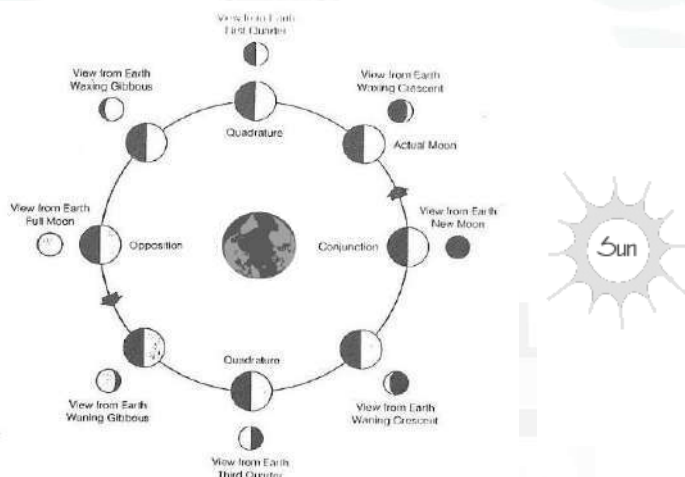


Fig 3: Image of the moon cycle. (Source: https://www.moon-sighting.org.uk/images/moon/YaqubQasmi/Fig1_MoonPhases.jpg)

It takes approximately 29.5 days for the moon to complete an entire orbit around the Earth. The globe of the Earth is tilted by 23.5 degrees and rotates on its axis. The moon simultaneously orbits the Earth in a spherical manner with its same side always facing the Earth. The first date of the Islamic calendar begins with a thin waxing crescent and increases progressively every night during its orbit cycle. This phase is known as the waxing gibbous. A full moon appears when it is directly opposite the sun and the Earth is positioned in the centre. Islamically this full moon is known as Badr (on the 13th -14th day of the Islamic calendar). After the full moon, the moon’s reflected light gradually

²⁵ See Tafseer Qurtubi for further detailed rulings, vol 2, pp. 341- 347

shrinks known as the waning gibbous phase until it reduces to a thin waning crescent. The moon thereafter aligns in the centre in conjunction with the Earth and the sun in a straight line after 29 days. This is the conjunction period or the astronomical new moon (*mahaq*). At this juncture, the moon's dark side faces towards the Earth whilst the illuminated side faces towards the sun. Both scientifically and Islamically, the hilāl is not visible anywhere for at least 1-2 days.²⁶

Sunrise and sunset times vary for each country so, visibility will not be the same everywhere on the globe just as the Salāh timings are not the same everywhere. The crescent moon is not uniform globally. Each region considers its respective sunset and moonset timings including the angular position for the moon's visibility. Due to the Earth's rotation on its axis, the moon orbits in different pathways during the month and passes over different regions of the globe. Hence, the crescent moon's visibility will not always be seen at the same location every month. Astronomers predict using scientific data the possibility of the crescent sighting in those regions that fall within the visibility parabola line.

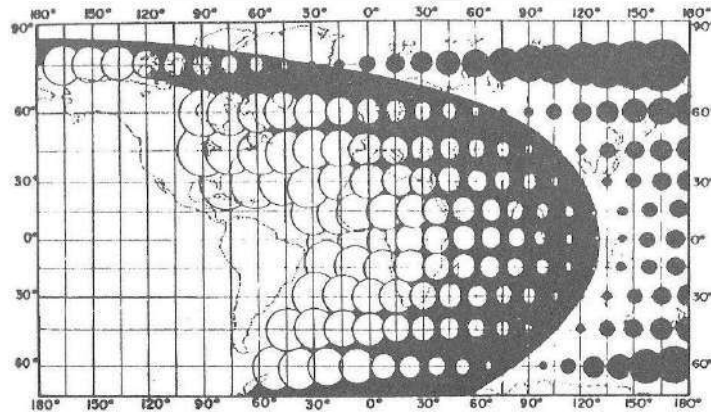


Fig 4: The visibility parabola based on the moon's position. The darker circles in the east show the decreased visibility of the moon whereas the white circles in the west show the probability of sighting.²⁷

²⁶ It is worth noting here that the winning crescent on the 28th and 29th is usually not visible. It therefore takes around one to two days for the waxing crescent, hilāl to be visible.

²⁷ See: An Overview of Crescent Moon Sighting by Maulana Yaqub Qasmi (1993)

https://www.moon_sighting.org.uk/moon/publications/fatāwa/an-overview-of-crescent-moon-sighting.html

The following principles are considered when searching for the crescent:

1. Moon's elongation (angular distance from the sun).
2. The time difference between sunset and moonset.
3. The setting of the sun before moonset
4. The age of the moon after the conjunction.
5. Weather conditions.
6. Aid and assistance of instruments for observation.

During the conjunction phase, it is not possible to see the crescent until at least after a day. Experts such as Dr Muhammad Ilyas²⁸ maintain that visibility is possible when the angular distance between the sun and moon, known as elongation, is between 10-12 degrees and the moon's altitude above the Earth is around 8 degrees (though other reports suggest that even 5 degrees is sufficient) in the horizon after sunset. Using the elongation and altitude principle, astronomers estimate a minimum of 18-24 hours after the conjunction period for the sighting to be possible with the naked eye.²⁹ At this point, the sun's reflected light illuminates 1% of the moon's surface marking what is referred to as the hilāl of the new Islamic month. The lag time (time difference between after sunset and moonset) varies from region to region but must be recorded for visibility purposes. A crescent moon cannot be seen on the horizon if it sets before the sun. The horizon must be clear and dark for the illuminated crescent to be visible on Earth. This occurs when the sun's depression reaches 5 degrees below the horizon which takes around 20 minutes or so for the hilāl to be visible. Despite this, Saudi's moon sighting committees have erroneously claimed to have sighted the hilāl even before sunset or a few hours after the conjunction period on numerous occasions, as will be discussed later.³⁰

²⁸ See *Astronomy of Islamic Calendar* by Mohammad Ilyas (1997), Published by A.S. Noordeen

²⁹ As young as 12 hours old moon has also been reported using optical aids such as telescopes.

³⁰ See the clip below the marsad tumayr claiming to have sighted the crescent of Shawwāl 1444 AH on 20th April 2023 before the sun fully sets and declared Eid the following day. Available at:

<https://www.youtube.com/watch?v=MmwduTrwuus> [accessed February 2025]



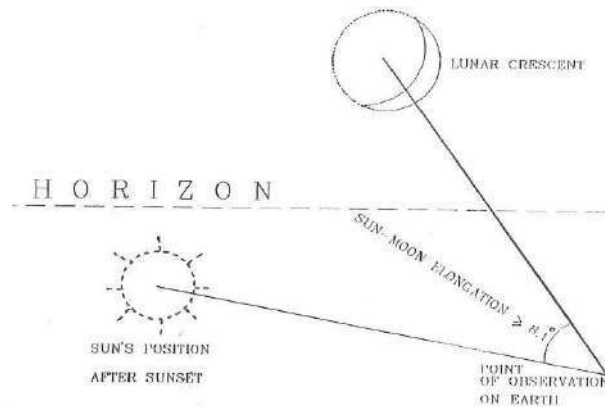


Fig 5: Image of the sun-moon angles visible from Earth. (Source: see footnote 26)

The hilāl remains visible on the horizon for a few minutes or slightly longer until it disappears. Most contemporary muftis allow optical aids such as binoculars and telescopes to increase visibility.³¹ Intense weather conditions such as overcast clouds often obstruct visibility. If the crescent cannot be sighted, then according to the famous hadith we must complete 30 days of the month (as explained in the next section).

4.2 Testimony for the Crescent Sighting

The declaration of the crescent sighting is based on the principles of shahādah (testimony). Eyewitness reporters give testimony to the Muslim judge or the board of scholars of the moon sighting committee of their positive or negative sightings. If they report positive sightings, their claims are verified according to the shahādah principles before declaring the start or end of the Islamic month. Mufti Shafi sāhib رحمته has written extensively on this topic in his treatise *ru'yat hilāl* a synthesis of the legal rulings of shahādah from the major Hanafi works and the most referenced source by senior scholars in this area. Here is a summary of his treatise.³² The Messenger of Allāh ﷺ said, "Do not fast until you see the crescent and do not end the fast until you see it. If it is concealed

³¹ Shaykh Mufti Radha al-Haq, *Fatāwa Darul Uloom Zakaria* vol. 3, p. 252, Zamzam Publishers. Some forbid it by applying the literal application of the Hadith. Its permissibility is justified as an instrument for enhancing the natural vision for clear visibility.

³² Mufti Shafi Usmani, *Ruyat Hilāl*, *Jawahirul fiqh*, vol 3, pp. 469-478

upon you then estimate.” In another narration, he specified completing the full thirty days.³³

According to the above reports, we have been instructed to search for the hilāl and if it is obscured from us, then we complete thirty days of the month. The announcement must be based on a valid testimony, known as shahādah and not khabr (news). Their distinction is that khabr is the dissemination of information through various means such as in person, telecommunication (or social media), newspapers, etc. Contrarily, shahādah involves a thorough investigative process of the witnesses, interrogation of their sighting and trustworthiness. Khabar does not require intense scrutiny like shahādah. The conditions of shahādah as Mufti Shafi sahib رحمته الله explains are;

1. Muslim, sane, mature and fully intact vision (i.e. cannot be blind or partially blind).
2. Upright and veracity. In matters of moon sightings, it is not mandatory to be religiously practising but recommended so long as they are not known to deceive, and their testimony is verifiable by other reliable reports.³⁴
3. To verbally testify that they saw the hilāl.
4. To be physically present in front of the qādhi (or board members) when giving testimony.

How testimony is presented is further divided into three categories:

1. Shahādah – The individuals themselves give testimony.

³³ Sahih Bukhari, No: 1906 & 1907

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ذَكَرَ رَمَضَانَ فَقَالَ: «لَا تَصُومُوا حَتَّى تَرَوْا الْهِلَالَ، وَلَا تُفْطِرُوا حَتَّى تَرَوْهُ، فَإِنْ عَمَّ عَلَيْكُمْ فَأَقْدُرُوا لَهُ»

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: «الشَّهْرُ تِسْعَ وَعِشْرُونَ لَيْلَةً، فَلَا تَصُومُوا حَتَّى تَرَوْهُ، فَإِنْ عَمَّ عَلَيْكُمْ فَأَكْمِلُوا الْعِدَّةَ ثَلَاثِينَ»

³⁴ Mufti Shafi sahib mentions that a fasiq’s testimony is accepted so long as he does not lie although it is preferable to appoint those who are religiously inclined such as they are punctual in their daily Salahs and so forth. See Mufti Shafi Usmani, *Ruyat Hilāl*, Jawahirul Fiqh, vol 3, p. 472

2. Shahādah ala shahādah- An individual saw the hilāl but was unable to attend to give testimony so he nominates two witnesses to give testimony on his behalf in the court that he sighted the new crescent. If two people sighted the hilāl then each of them must appoint two representative witnesses.
3. Shahādah alal Qadha – Individuals giving testimony of a qādhi's declaration of the beginning or end of the Islamic month in another region.³⁵

Any of the above methods are valid forms of shahādah. Except for Ramadhān, Shawwāl and Dhul-Hijjah, the remaining nine lunar months require a minimum of two males or one male and two female upright Muslim witnesses for the crescent sighting no matter the condition of the sky. The rulings for the above three months are different. Sighting the crescent depends on one of the following two main factors; a clear or an obscure horizon,

1. Clear horizon – If the horizon is clear without any clouds obstructing the hilāl's visibility, then a large number of Muslims must witness the sighting of the crescent to establish near certainty and eliminate all possible doubts.³⁶ This is known as Jamm-e-Ghafeer. A handful of testimonies are not sufficient. The reporting of a large group does not require individual assessment of each reporter's sighting because a large number of witnesses themselves establish certainty.
2. Obscure horizon - If the horizon is so cloudy that sighting the crescent is difficult, then one upright truthful Muslim's testimony; male or female is accepted for

³⁵ Mufti Shafi Usmani, *Ruyat Hilāl*, Jawahirul Fiqh, vol 3, pp. 493-494

³⁶ The Hanafi jurists differ in regards to the numbers, however according to Ibn Ābidīn Shāmi v, the decision is delegated to the judge himself to determine the degree of certainty based on the number of eyewitness reports he receives.

Durrul Mukhtār wa hashiyah Ibn Ābidīn Shāmi, Kitābus Sawm, vol 2 p. 388 - Shāmi vla

(بَخَرِهِمْ وَهُوَ مُفَوَّضٌ إِلَى رَأْيِ الْإِمَامِ مِنْ غَيْرِ تَقْدِيرٍ بَعْدِي عَلَى الْمَذْهَبِ
 وَقَالَ خَلْفُ بْنُ أَبِي حَسْمَةَ بِنِيحٍ قَلِيلٍ وَالصَّحِيحُ مِنْ هَذَا كُلُّهُ أَنَّهُ مُفَوَّضٌ إِلَى رَأْيِ الْإِمَامِ إِنْ وَقَعَ فِي قَلْبِهِ صِحَّةٌ مَا شَهِدُوا بِهِ وَكَثُرَتْ الشُّهُودُ أَمَرَ
 بِالصُّومِ اهْ وَكَذَا صَحَّحَهُ فِي الْمَوَاقِبِ وَتَبِعَهُ الشُّرَيْبِلِيُّ وَفِي الْبَحْرِ عَنِ الْفَتْحِ وَالْحَقُّ مَا رُوِيَ عَنْ مُحَمَّدٍ وَأَبِي يُوسُفَ أَيْضًا أَنَّ الْعِبْرَةَ بِمَجِيءِ الْحَبْرِ وَتَوَاتُرِهِ
 مِنْ كُلِّ جَانِبٍ اهْ وَفِي النَّهْرِ أَنَّهُ مُوَافِقٌ لِمَا صَحَّحَهُ فِي السَّبْرَجِ تَأَمَّلْ

Ramadhān. This is an exceptional case out of necessity because the Messenger of Allāh ﷺ accepted the testimony of a single Bedouin who sighted the hilāl for Ramadhān.³⁷ The Hanafies interpreted it to be a cloudy horizon and difficult to see, so he accepted the Bedouin's testimony. As for Shawwāl and Dhul-Hijjah, then two males or one male and two females upright truthful Muslim testimony is required.³⁸

Saudi Arabia's testimony practice generally makes no distinction between the clear or obscure horizon. The Hadīth of the Bedouin is applied unrestrictedly. This results in several predicaments such as the high probability of error and lack of certainty. Saudi's sighting, as previously mentioned, seeks to conform its sightings with their pre-

³⁷ Sunan Abū Dawood, No: 2340,

بَاب فِي شَهَادَةِ الْوَاحِدِ عَلَى رُؤْيَةِ هِلَالِ رَمَضَانَ
عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: جَاءَ أَعْرَابِيٌّ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ: إِنِّي رَأَيْتُ الْهَيْلَالَ، قَالَ الْحَسَنُ فِي حَدِيثِهِ يَعْنِي رَمَضَانَ، فَقَالَ: «أَتَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ»، قَالَ: نَعَمْ، قَالَ: «أَتَشْهَدُ أَنَّ مُحَمَّدًا رَسُولُ اللَّهِ؟»، قَالَ: نَعَمْ، قَالَ: «يَا بِلَالُ، أَدْنِ فِي النَّاسِ فَلْيُصُومُوا غَدًا»

³⁸ Durrul Mukhtār wa hashiyah Ibn Ābidin Shāmī, Kitābus Sawm, vol 2 pp. 386-388 & 391 - Shāmī v1a

(وَشَرَطُ الْفِطْرِ) مَعَ الْعِلَّةِ وَالْعِدَالَةِ (نِصَابُ الشَّهَادَةِ وَلَفْظُ أَشْهَدُ) وَعَدَمُ الْحَدِّ فِي قَدْفٍ لِتَعْلُقِ نَفْعِ الْعَبْدِ لَكِنْ (لَا) تُشْتَرَطُ (الدَّعْوَى) كَمَا لَا تُشْتَرَطُ فِي عِنَقِ الْأَمَةِ وَطَلَاقِ الْحُرَّةِ (وَلَوْ كَانُوا يَبْلُدَةً لَا حَاكِمَ فِيهَا صَامُوا بِقَوْلِ ثِقَةٍ وَأَفْطَرُوا بِإِخْتَارِ عَدْلَيْنِ) مَعَ الْعِلَّةِ (قَوْلُهُ: مَعَ الْعِلَّةِ) أَيُّ مِنْ عَيْمٍ وَعُبْنٍ وَدُخَانٍ (قَوْلُهُ نِصَابُ الشَّهَادَةِ) أَيُّ عَلَى الْأَمْوَالِ وَهُوَ رَجُلَانِ أَوْ رَجُلٌ وَامْرَأَتَانِ (قَوْلُهُ: لِتَعْلُقِ نَفْعَ الْعَبْدِ) عِلَّةٌ لِإِشْتِرَاطِ مَا ذَكَرَ فِي الشَّهَادَةِ عَلَى هِلَالِ الْفِطْرِ، بِخِلَافِ هِلَالِ الصَّوْمِ؛ لِأَنَّ الصَّوْمَ أَمْرٌ دِينِيٌّ، فَلَمْ يُشْتَرَطْ فِيهِ ذَلِكَ أَمَّا الْفِطْرُ فَهُوَ نَفْعٌ دُنْيَوِيٌّ لِلْعِبَادِ فَأَشْبَهَ سَائِرَ خُفُوقِهِمْ فَيُشْتَرَطُ فِيهِ مَا يُشْتَرَطُ فِيهَا
(و) قَبِيلُ (يَلَا عِلَّةَ جَمْعٍ عَظِيمٍ يَفْعُ الْعِلْمُ) الشَّرْعِيُّ وَهُوَ غَلْبَةُ الطَّرَنِ
أَيُّ إِنَّ شَرَطَ الْقَبُولِ عِنْدَ عَدَمِ عِلَّةٍ فِي السَّمَاءِ هِلَالِ الصَّوْمِ أَوْ الْفِطْرِ أَوْ غَيْرِهَا كَمَا فِي الْإِمْدَادِ وَسَيَأْتِي تَمَامُ الْكَلَامِ عَلَيْهِ إِخْتِبَارُ جَمْعٍ عَظِيمٍ فَلَا يُقْبَلُ خَيْرُ الْوَاحِدِ؛ لِأَنَّ التَّفَرُّدَ مِنْ بَيْنِ الْجَمْعِ الْعَفِيرِ بِالرُّؤْيَةِ مَعَ تَوَجُّهِهِمْ طَالِبِينَ لِمَا تَوَجَّهَ هُوَ إِلَيْهِ مَعَ فَرَضِ عَدَمِ الْمَانِعِ، وَسَلَامَةِ الْإِبْصَارِ وَإِنْ تَقَاوَنَتْ فِي الْحَيْدَةِ ظَاهِرٌ فِي غَلْطِهِ بَحْرٌ قَالَ.....
(قَوْلُهُ: وَالْأَصْحَى كَالْفِطْرِ) أَيُّ دُو الْحَبَّةِ كَشَوَالٍ فَلَا يَتَّبَثُ بِالْعَيْمِ إِلَّا بِرَجُلَيْنِ أَوْ رَجُلٍ وَامْرَأَتَيْنِ وَفِي الصَّحْوِ لَا بُدَّ مِنْ زِيَادَةِ الْعَدَدِ عَلَى مَا قَدَّمَناه وَفِي التَّوَادِرِ عَنْ الْإِمَامِ أَنَّهُ كَرَمَضَانَ وَصَحَّحَهُ فِي التُّحْفَةِ، وَالْأَوَّلُ ظَاهِرُ الْمَذْهَبِ وَصَحَّحَهُ فِي الْهَدَايَةِ وَشُرُوحِهَا وَالتَّنْبِيهِينِ فَاخْتَلَفَ التَّصْحِيحُ وَتَأَيَّدَ الْأَوَّلُ بِأَنَّهُ الْمَذْهَبُ بَحْرٌ (قَوْلُهُ: وَبَقِيَّةُ الْأَشْهُرِ التَّسْعَةِ) فَلَا يُقْبَلُ فِيهَا إِلَّا شَهَادَةُ رَجُلَيْنِ أَوْ رَجُلٍ وَامْرَأَتَيْنِ عُدُولِ أَخْرَارٍ غَيْرِ مَخْدُودَيْنِ كَمَا فِي سَائِرِ الْأَحْكَامِ بَحْرٌ عَنْ شَرْحِ مُخْتَصَرِ الطَّحَاوِيِّ لِلْإِمَامِ الْإِسْبِجَانِيِّ،

calculated Islamic dates. You will therefore notice that their dates are a day earlier than everyone else including Morocco.

4.3 Calculation vs Sighting

One may ask that if a sighting is rejected based on not conforming to scientific principles, then is this not tantamount to using calculations which is forbidden? This is an important question. There is a distinction between using scientific instruments as an aid and adopting astronomical predictions for the Islamic months. Both are not the same. The shari'ah never categorically prohibited Muslims from using instruments for worship in general. It is well-known that the Arabs relied on the stars to navigate the qiblah direction and used astrolabes to determine the daylight Salāh timings. Imām Ghazali رحمته الله emphasised the necessity for studying calculation (*hisāb*) and even considered it a communal obligation (*fardhul kifayah*). He states. "As for that which is not a shar'i science but is required for the maintenance of worldly matters such as medicine, calculation then they are fardhul kifayah."³⁹

Those who reject utilising astronomical information for sighting often adduce the following prophetic report that apparently forbids it. The Messenger of Allāh صلى الله عليه وسلم said, "We are an unlettered nation, we do not write nor calculate. The month is like this and this (indicating to sometimes 29 and sometimes 30)."⁴⁰

³⁹ Kitab al-Majmu' sharhul Muhadhab, in. Maulana Marghūb Ahmad Lajpuri, Ch. Fasting, vol 6, p. 120. Abul Hamid al-Ghazali, Ihya al-Ulumuddin, Kitab al-Ilm vol 1, p.16

بيان العلم الذي هو فرض كفاية
فالعلوم التي ليست بشرعية تنقسم إلى ما هو محمود وإلى ما هو مذموم وإلى ما هو مباح فالمحمود ما يرتبط به مصالح أمور الدنيا كالطب والحساب وذلك ينقسم إلى ما هو فرض كفاية وإلى ما هو فضيلة وليس بفريضة أما فرض الكفاية فهو علم لا يستغني عنه في قوام أمور الدنيا كالطب إذ هو ضروري في حاجة بقاء الأبدان والحساب فإنه ضروري في المعاملات وقسمة الوصايا والموارث وغيرهما وهذه هي العلوم التي لو خلا البلد عن من يقوم بها حرج أهل البلد وإذا قام بها واحد كفى وسقط الفرض عن الآخرين

⁴⁰ Sahih Bukhari, No: 1913

(قَوْلُهُ بَابُ قَوْلِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا نَكْتُبُ وَلَا نَحْسِبُ)



Hafiz Ibn Hajar al-Asqalani رحمه الله comments on this Hadīth stating that the Messenger of Allāh ﷺ was referring to the Arab nations who were generally illiterate in reading, writing, and astronomy except the few who mastered both. By stating calculation, he referred to beginning the fast by the actual sighting so as not to burden people with using calculations to determine the month. For this reason, if the clouds obscure the horizon, then we complete thirty days rather than using calculations to estimate the new month.⁴¹ Its purposeful intent was to describe the Arab nation's illiterate nature in general and to primarily determine the months by the sighting, relative to calculation. Otherwise, the Hadīth too forbids literacy which obviously cannot be applied generically. Whilst the shari‘ah is not wholly based on science, it does not prevent using it for verification purposes either. Allāmah Taqiuddin Subki رحمه الله states, “To affirm or not to affirm the sighting of the hilāl requires the judge to be familiar with the science of astronomy. If he is not familiar with it then to communicate with an expert so he can intuitively accept or reject the testimony of the hilāl sighting.”⁴²

The renowned Hanafī jurist, Ibn Ābidīn al-Shāmī رحمه الله maintains that the science of astronomy itself is not reprehensible. It is permissible so long as one does not use it to

حَدَّثَنَا آدَمُ، حَدَّثَنَا شُعْبَةُ، حَدَّثَنَا الْأَسْوَدُ بْنُ قَيْسٍ، حَدَّثَنَا سَعِيدُ بْنُ عَمْرٍو، أَنَّهُ سَمِعَ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ: «إِنَّا أُمَّةٌ أُمِّيَّةٌ، لَا نَكْتُبُ وَلَا نَحْسِبُ، الشَّهْرُ هَكَذَا وَهَكَذَا» يَعْنِي مَرَّةً تِسْعَةً وَعِشْرِينَ، وَمَرَّةً ثَلَاثِينَ

⁴¹ Ibn Hajar al-Asqalani, Fathul Bhari, Book of Fasting, vol 4, p. 127 – Shāmi v1a

قَوْلُهُ إِنَّا أُمَّةٌ أُمِّيَّةٌ بَلْفِظِ النَّسَبِ إِلَى الْأُمَّةِ فَقِيلَ أَرَادَ أُمَّةَ الْعَرَبِ لِأَنَّهَا لَا تَكْتُبُ أَوْ مَنْسُوبٌ إِلَى الْأُمَّةَاتِ أَيْ إِنَّهُمْ عَلَى أَصْلِ وِلَادَةِ أُمَّتِهِمْ أَوْ مَنْسُوبٌ إِلَى الْأُمَّةِ لِأَنَّ الْمَرْأَةَ هَذِهِ صِفَتُهَا غَالِبًا وَقِيلَ مَنْسُوبٌ إِلَى أُمَّةِ الْفَرَسِ وَقَوْلُهُ لَا تَكْتُبُ وَلَا نَحْسِبُ تَفْسِيرٌ لِكُفْرِهِمْ كَذَلِكَ وَقِيلَ لِلْعَرَبِ أُمِّيُونَ لِأَنَّ الْكِتَابَةَ كَانَتْ فِيهِمْ عَزِيْزَةً قَالَ اللَّهُ تَعَالَى هُوَ الَّذِي بَعَثَ فِي الْأُمِّيِّينَ رُسُلًا مِنْهُمْ وَلَا يَرُدُّ عَلَى ذَلِكَ أَنَّهُ كَانَ فِيهِمْ مَنْ يَكْتُبُ وَيَحْسِبُ لِأَنَّ الْكِتَابَةَ كَانَتْ فِيهِمْ قَلِيلَةً نَادِرَةً وَالْمُرَادُ بِالْحِسَابِ هُنَا حِسَابُ النُّجُومِ وَتَسْبِيْرَهَا وَمَنْ يَكُونُوا يَعْرِفُونَ مِنْ ذَلِكَ أَيْضًا إِلَّا النَّزْرَ الْبَسِيْرَ فَعَلَّقَ الْحُكْمَ بِالصَّوْمِ وَغَيْرِهِ بِالرُّؤْيَا لِرَفْعِ الْحَرَجِ عَنْهُمْ فِي مُعَانَاةِ حِسَابِ التَّسْبِيْرِ وَاسْتِمْرَارِ الْحُكْمِ فِي الصَّوْمِ وَلَوْ حَدَّثَ بَعْدَهُمْ مَنْ يَعْرِفُ ذَلِكَ بَلْ ظَاهِرُ السِّيَاقِ يُشْعِرُ بِنَفْيِ تَعْلِيْقِ الْحُكْمِ بِالْحِسَابِ أَصْلًا وَيُوضِّحُهُ قَوْلُهُ فِي الْحَدِيثِ الْمَاضِي فَإِنَّ عُمَّ عَلَيْنَكُمْ فَأَكْمَلُوا الْعِدَّةَ ثَلَاثِينَ وَمَنْ يَثُلَ فَسَلُوا أَهْلَ الْحِسَابِ وَالْحِكْمَةُ فِيهِ كَوْنُ الْعَدَدِ عِنْدَ الْإِعْمَاءِ يَسْتَوِي فِيهِ الْمَكْلُوفُونَ فَيَرْتَفِعُ الْإِخْتِلَافُ وَالنِّزَاجُ عَنْهُمْ

⁴² Al-Illmul manthur, p.26, in. Maulana Marghūb Ahmad Lajpuri, Ch. Fasting, vol 6, p. 139

claim the knowledge of the unseen or to guess Allāh's decree. Using astronomy to help navigate the qiblah direction for Salāh is permissible. He cites Sayyidunā Umar's ﷺ statement saying, "Study astronomy by which you search guidance in the land and sea and hold firm to it."⁴³

Maulana Marghub Ahmad Lājpurī sāhib in his treatise on moon sighting and astronomy collated the fatāwa of senior Deobandi muftis permitting the use of astronomical data for verifying moon sighting reports. For instance, he quotes Mufti Nizāmuddin sāhib ﷺ (India) stating, "If anyone gives testimony of sighting the new crescent during the conjunction then his testimony is null and void and not reliable because this testimony is erroneous logically and textually."

Shaykh Mufti Taqī Usmanī sāhib states, "Contemporary scholars state about Saudi scholars that when sighting the moon is logically impossible then in this case, the testimony presented will be questionable and because it being questionable it is not reliable and therefore the decision cannot be made on this basis."⁴⁴ Shaykh Mufti Ridhau-Haq sāhib in response to a query on using astronomical data to confirm sighting reports to verify testimony also affirms its permissibility.⁴⁵

To summarise, scientific instruments in of themselves are not prohibited if they do not conflict with the sacred text. Using astronomical data is permitted for verification to

⁴³ Ibn Ābidīn Shāmī, muqadamah Raddul-Muhtar, vol 1 p. 44 (Shāmī vla)

وَفِي مُخْتَارَاتِ النَّوَازِلِ لِصَاحِبِ الْهِدَايَةِ أَنَّ عِلْمَ النُّجُومِ فِي نَفْسِهِ حَسَنٌ غَيْرٌ مَذْمُومٌ، إِذْ هُوَ قِسْمَانِ: حِسَابِيٌّ وَإِنَّهُ حَقٌّ، وَقَدْ نَطَقَ بِهِ الْكِتَابُ. قَالَ اللَّهُ تَعَالَى - { الشَّمْسُ وَالْقَمَرُ بِحُسْبَانٍ } [الرحمن: 5] - أَي سَيَّرَهُمَا بِحِسَابٍ. وَاسْتِدْلَالِيٌّ بِسَيْرِ النُّجُومِ وَحَرَكَةِ الْأَفْلَاقِ عَلَى الْحَوَادِثِ بِقَضَاءِ اللَّهِ تَعَالَى وَقَدْرِهِ، وَهُوَ جَائِزٌ كَاسْتِدْلَالِ الطَّيِّبِ بِالنَّبْضِ مِنَ الصَّحَّةِ وَالْمَرَضِ وَلَوْ لَمْ يَعْتَقَدْ بِقَضَاءِ اللَّهِ تَعَالَى أَوْ ادَّعَى الْعَيْبَ بِنَفْسِهِ يَكْفُرُ، ثُمَّ تَعَلَّمَ مِقْدَارَ مَا يُعْرِفُ بِهِ مَوَاقِيتُ الصَّلَاةِ وَالْقِبْلَةَ لَا بَأْسَ بِهِ. اهـ. وَأَفَادَ أَنَّ تَعَلَّمَ الرَّائِدَ عَلَى هَذَا الْمِقْدَارِ فِيهِ بَأْسٌ بَلْ صَرَخَ فِي الْفُضُولِ بِحُرْمَتِهِ وَهُوَ مَا مَشَى عَلَيْهِ الشَّارِحُ. وَالظَّاهِرُ أَنَّ الْمُرَادَ بِهِ الْقِسْمَ الثَّانِي دُونَ الْأَوَّلِ؛ وَلِذَا قَالَ فِي الْإِحْيَاءِ: إِنَّ عِلْمَ النُّجُومِ فِي نَفْسِهِ غَيْرٌ مَذْمُومٌ لِذَاتِهِ إِذْ هُوَ قِسْمَانِ إِحْسَانٌ قَالُوا لَكِنَّهُ مَذْمُومٌ فِي الشَّرْعِ. وَقَالَ عُمَرُ: تَعَلَّمُوا مِنَ النُّجُومِ مَا تَهْتَدُوا بِهِ فِي الْبَرِّ وَالْبَحْرِ ثُمَّ امْسِكُوا،

⁴⁴ Maulana Marghub Ahmad Lajpuri, Ch. Fasting, vol 6, p. 125

⁴⁵ Shaykh Mufti Radha al-Haq, Fatāwa Darul Uloom Zakaria vol. 3, p. 241-242, Zamzam Publishers.

ensure our worships are observed correctly, not to replace sighting itself. Saudi Arabia's sightings are biased towards pre-calculated UQC's dating systems and not on the actual visibility. As previously shown, their dating system is always a day or two ahead giving the obvious assumption that their reports of sightings are announced closer to the new moon conjunction period which is virtually impossible to see with the human eye.

In recent years, modernist scholars such as Dr Yasir Qadhi, Dr Zulfiqar Ali Shah from Fiqh Council of North America (ISNA) and others advocated for the use of scientific calculation to replace the sighting of the crescent. They commonly argue that the Quran does not prevent the use of astronomical calculations, and its precision nature provides a consistent way to determine Islamic dates and unify people on important dates.⁴⁶ The arguments for calculation pose many problems. Firstly, it conflicts with the established text where the Messenger of Allāh ﷺ said, "Do not fast until you see it and do not end it until you see it."⁴⁷ Its authenticity is undisputed among the Hadith scholars. The Islamic months, as confirmed by Ibn Hajar al-Asqalani ﷺ, were always determined with a sighting by the consensus of the scholars of the past. Relying on calculation for the Islamic months without sighting compromises the clear textual command and the historical practice of the Ummah.

Secondly, we are instructed to search for the crescent and if obstructed by the clouds then to complete thirty days. Adopting astronomical data would mean abandoning the sunnah practice for searching the crescent and otherwise, completing thirty days on most occasions. Sayyidunā Abdullah Ibn Abbas ﷺ himself reports the necessity of sighting. He said, "The Messenger of Allāh ﷺ extended the sighting so that is for the night which you have seen."⁴⁸ Finally, as Mufti Shafi sāhib ﷺ himself argues, the sharī'ah is

⁴⁶ See M. Khan (2024), *The Unending Moon Sighting Debate: A Comprehensive Guide to Understanding the Approaches and Arguments*, available at: <https://muslimdirectoryapp.com/blog/moon-sighting-debate-guide-understanding-approaches-arguments/> [accessed December 2024]

⁴⁷ Sahih Bukhari

⁴⁸ Sahih Muslim, No: 1088

لَا تَصُومُوا حَتَّى تَرَوْا الْهَيْلَالَ، وَلَا تُفْطِرُوا حَتَّى تَرَوْهُ، فَإِنْ غَمَّ عَلَيْكُمْ فَأَقْدُرُوا لَهُ ."

بَابُ بَيَانِ أَنَّهُ لَا اعْتِبَارَ بِكَبْرِ الْهَيْلَالَ وَصِغَرِهِ، وَأَنَّ اللَّهَ تَعَالَى أَمَدَهُ لِلرُّؤْيَةِ فَإِنْ غَمَّ فَلْيُكْمَلْ ثَلَاثُونَ

universally applicable to Muslims irrespective of their location. Judging by the sighting ensures a consistent practice that establishes certainty for the declaration of the start or the end of the Islamic month. Scientific calculations may not be accessible to all Muslims around the world, for instance, villagers or non-advanced countries. Hence, the sighting was mandated to unify the practice of Muslims globally irrespective of the differences in the dates.⁴⁹

5. Diverging From Saudi Arabia

Given the erroneous claims and problems discussed above, evidence shows that sighting the hilāl in the UK is now possible. We favour both local and regional sightings such as Morocco for moon sighting since the differences between them are not so significant and more so, it is the closest Muslim country with similar time zones.⁵⁰ This section focuses on three aspects to justify divergence from Saudi's sighting; *ikhtilāf matāl'i*, the fatwa of scholars on the prohibition of following Saudi's sighting and the principle of change of rulings due to change of circumstances.

5.1 *Ikhtilāf matāl'i* Argument

This means differences in horizons. The search for the hilāl on the horizon after sunset in one city may not necessarily be the same for other cities. Weather conditions vary from city to city. Cloudy conditions obstructing the hilāl visibility in Bradford (UK) for instance, doesn't necessarily prevent the possibility of sighting (let's say) in Manchester or London (UK) if they have clear skies. It is also plausible that the crescent may not be

عَنْ عَمْرِو بْنِ مُرَّةَ، عَنْ أَبِي الْبُخَيْرِيِّ، قَالَ: حَرَجْنَا لِلْعُمْرَةِ، فَلَمَّا نَزَلْنَا بِطَنْ نَحْلَةَ قَالَ: تَرَاءَيْنَا الْهِلَالَ، فَقَالَ بَعْضُ الْقَوْمِ: هُوَ ابْنُ ثَلَاثٍ، وَقَالَ بَعْضُ الْقَوْمِ: هُوَ ابْنُ لَيْلَتَيْنِ، قَالَ: فَلَقِينَا ابْنَ عَبَّاسٍ، فَقُلْنَا: إِنَّا رَأَيْنَا الْهِلَالَ، فَقَالَ بَعْضُ الْقَوْمِ: هُوَ ابْنُ ثَلَاثٍ، وَقَالَ بَعْضُ الْقَوْمِ: هُوَ ابْنُ لَيْلَتَيْنِ، فَقَالَ: أَيُّ لَيْلَةٍ رَأَيْتُمُوهُ؟ قَالَ قُلْنَا: لَيْلَةَ كَذَا وَكَذَا، فَقَالَ: إِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: «إِنَّ اللَّهَ مَدَّهُ لِلرُّؤْيَةِ، فَهُوَ لِللَّيْلَةِ رَأَيْتُمُوهُ»

⁴⁹ Mufti Shafi Usmani, *Ruyat Hilal*, Jawahirul fiqh, vol 3, pp. 448-456. He also includes this to be the position of Allamah Shabbir Ahmad Usmani and Maulana Anwar Shah Kashmeeri.

⁵⁰ See Local and Regional Moon Sighting Boundary by Eng. Qamar Uddin (2021), available at: <https://www.moon-sighting.org.uk/moon/publications/articles/analysis/local-and-regional-moon-sighting-boundary.html> [accessed December 2024.]

visible anywhere in the UK but in Morocco. Similarly, it can happen that the hilāl may not be sighted anywhere in the UK or Morocco but in far distant countries. The validity in accepting another region's crescent sighting depends on the unity of horizons (different regions sharing the same horizon for the hilāl sighting). If they have a united horizon then their sighting suffices for each other but if they don't then it will not be accepted and must follow their independent sighting. But what demarcates united horizons (ittihad matāl'i) and different horizons (ikhtilāf matāl'i)?

The classical legal corpora that discuss unity of horizons as Shaykh Mufti Taqī Usmanī sāhib also observes, is based on the customary travelling distance between two regions.⁵¹ If the travelling distance is short enough that one region's sighting makes visibility possible for the other then this falls under unity of horizon. For instance, Baghdad and Basra have a united horizon so the people of Baghdad's sighting is valid for the people of Basra (and vice-versa). Contrarily, Iraq, Syria and Hijaz (Saudi Arabia) have independent horizons and therefore would not be valid for each other due to the extended travelling distance between them.⁵² Imām Kasanai رحمته الله, a Hanafi jurist,

⁵¹ Shaykh Mufti Taqī Usmanī, Buhuth Qadhayah al-Fiqhiyyah, *Ru'yatul Hilāl*, vol 2, p. 253. Mufti sahib however concludes with the position of maintaining a united horizon between all regions irrespective of the distance.

⁵² This view is according to the Shafi'i school of thought and later adopted in the Hanafi Madhab. Ibn Qudamah al-Mughni, *Kitab Sawm*, vol 3, p. 107,

[فَصْلٌ إِذَا رَأَى الْهِلَالَ أَهْلُ بَلَدٍ لَزِمَ جَمِيعَ الْبِلَادِ الصَّوْمِ]

(2002) فَصْلٌ: وَإِذَا رَأَى الْهِلَالَ أَهْلُ بَلَدٍ، لَزِمَ جَمِيعَ الْبِلَادِ الصَّوْمِ. وَهَذَا قَوْلُ اللَّيْثِ، وَبَعْضُ أَصْحَابِ الشَّافِعِيِّ. وَقَالَ بَعْضُهُمْ: إِنْ كَانَ بَيْنَ الْبَلَدَيْنِ مَسَافَةٌ قَرِيبَةٌ، لَا تَحْتَلِفُ الْمَطَالِعُ لِأَجْلِهَا كَبَغْدَادَ وَالْبَصْرَةَ، لَزِمَ أَهْلُهُمَا الصَّوْمَ بِرُؤْيَةِ الْهِلَالِ فِي أَحَدِهِمَا، وَإِنْ كَانَ بَيْنَهُمَا بُعْدٌ، كَالْعِرَاقِ وَالْحِجَازِ وَالشَّامِ، فَلِكُلِّ أَهْلٍ بَلَدٍ رُؤْيَتُهُمْ. وَرُوِيَ عَنْ عِكْرَمَةَ، أَنَّهُ قَالَ: لِكُلِّ أَهْلٍ بَلَدٍ رُؤْيَتُهُمْ.

Ramli, *Nihayatul Muhtaj ila Sharhi al-Minhaj*, *Kitab Sawm*, vol 3, p. 155

(وَإِذَا رُئِيَ بِبَلَدٍ لَزِمَ حُكْمُهُ الْبَلَدَ الْقَرِيبَ) مِنْهُ فَطَعَا كَبَغْدَادَ وَالْكُوفَةَ لِأَنَّهُمَا كَبَلَدَةٌ وَاحِدَةٌ كَمَا فِي حَاضِرِي الْمَسْجِدِ الْحَرَامِ (دُونَ الْبَعِيدِ فِي الْأَصْح) كَالْحِجَازِ وَالْعِرَاقِ، وَالنَّابِي يَلْزَمُ فِي الْبَعِيدِ أَيْضًا (وَالْبَعِيدُ مَسَافَةُ الْقَصْرِ) وَصَحَّحَهُ الْمُصَنِّفُ فِي شَرْحِ مُسْلِمٍ لِتَغْلِيْقِ الشَّرْحِ بِمَا كَثِيرًا مِنَ الْأَحْكَامِ (وَقِيَانِ) الْبَعِيدُ (بِاخْتِلَافِ الْمَطَالِعِ. قُلْتُ: هَذَا أَصْحٌ، وَاللَّهُ أَعْلَمُ) إِذْ أَمُرُ الْهِلَالِ لَا تَعْلُقُ لَهُ بِمَسَافَةِ الْقَصْرِ، وَلِمَا رَوَى مُسْلِمٌ عَنْ «كُرَيْبٍ قَالَ رَأَيْتَ الْهِلَالَ بِالشَّامِ، ثُمَّ قَدِمْتَ الْمَدِينَةَ فَقَالَ ابْنُ عَبَّاسٍ: مَتَى رَأَيْتُمُ الْهِلَالَ؟ قُلْتُ: لَيْلَةَ الْجُمُعَةِ، قَالَ: أَنْتَ رَأَيْتَهُ؟ قُلْتُ: نَعَمْ، وَرَأَى النَّاسُ وَصَامُوا وَصَامَ مُعَاوِيَةُ، فَقَالَ لَكِنَّا رَأَيْنَاهُ لَيْلَةَ السَّبْتِ فَلَا نَزَالَ نَصُومُ حَتَّى نُكْمِلَ الْعِدَّةَ، فَقُلْتُ: أَوْلَا نَكْتَفِي بِرُؤْيَةِ مُعَاوِيَةَ وَصِيَامِهِ؟ قَالَ: لَا هَكَذَا أَمَرَنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -»

maintains that a united horizon is considered between two or more regions with short-distance travel. If the travel distance between two regions is significantly remote then, they shall not suffice for each other.⁵³

This is evident in the famous Hadīth of Kurayb in Sahih Muslim who travelled for an errand from Madinah to Damascus (Syria). He witnessed the Ramadhān crescent on a Friday with the people of Damascus and when he returned to Madinah towards the end of Ramadhān, he discovered that they witnessed the Ramadhān crescent on a Saturday. Sayyidunā Abdullah Ibn Abbas ؓ enquired from him, and he confirmed that the people of Damascus saw the crescent on Friday night, hence Sayyidunā Mu'awiyah ؓ and the people began fasting (the following day). Sayyidunā Abdullah Ibn Abbas ؓ reported that they saw the Ramadhān crescent on Saturday night and we will complete 30 days. Kurayb asked, "Will Mu'awiyah's sighting and fasting not suffice?" He replied, "No. This is what the Messenger of Allāh ﷺ commanded us to do."⁵⁴ Imām Muslim adduces this Hadīth to establish that the horizons of far distant regions do not suffice for one another. Later Hanafi jurists as Shaykh Mufti Shafi sāhib ؓ also confirms, adopted this position that regions with close proximity have a united horizon for moon sighting

⁵³ Shaykh Mufti Taqī Usmani, Buhuth Qadhayah al-Fiqhiyyah, Ru'yatul Hilāl, vol 2, p. 251 Kasān, Badā'i Sanāi, Kitāb Sawm, vol 2 p. 83

[فصل أنواع الصيام]

وليس على أهل البلد الآخر فضاؤه لما ذكرنا أن الشهر قد يكون ثلاثين وقد يكون تسعة وعشرين، هذا إذا كانت المسافة بين البلدين قريبة لا تختلف فيها المطالع، فأما إذا كانت بعيدة فلا يلزم أحد البلدين حكم الآخر لأن مطالع البلاد عند المسافة الفاحشة تختلف فيعتبر في أهل كل بلد مطالع بلدهم دون البلد الآخر.

⁵⁴ Sahih Muslim, No. 1087

باب بيان أن لكل بلد رؤيتهم وأهم إذا رأوا الهلال ببلد لا يثبت حكمه لما بعد عنهم

عن كريب، أن أم الفضل بنت الحارث، بعثته إلى معاوية بالشام، قال: فقدمت الشام، فقضيت حاجتها، واستهل علي رمضان وأنا بالشام، فرأيت الهلال ليلة الجمعة، ثم قدمت المدينة في آخر الشهر، فسألني عبد الله بن عباس رضي الله عنهما، ثم ذكر الهلال فقال: متى رأيتم الهلال؟ فقلت: رأيته ليلة الجمعة، فقال: أنت رأيته؟ فقلت: نعم، ورأه الناس، وصاموا وصام معاوية، فقال: "لكننا رأيناه ليلة السبت، فلا نزال نصوم حتى نكمل ثلاثين، أو نراه، فقلت: أو لا تكفي برؤية معاوية وصيامه؟ فقال: لا، هكذا أمرنا رسول الله صلى الله عليه وسلم" وشك يحيى بن يحيى في نكتفي أو تكفي

whereas far distant regions have independent horizons whose sightings cannot be considered locally.⁵⁵

Modern transportation since the past 50-plus years has revolutionised travelling distances. Weeks of journey back then can now be covered in less than 24 hours. Thus, the classical understanding of travel distance can no longer demarcate the boundaries of unity or differences of horizons. Arguably, regions with similar or less significant time zones (and sunset time) differences to the UK can potentially demarcate a united horizon. When searching for the hilāl, the lag time between sunset and moonset must be considered. Regions with similar or less significant time differences in sunset usually see the crescent around the same time. As generally observed over the years, both the UK's and Morocco's sightings have been the same and so both can be considered united horizon. Some do not consider expanding united horizons beyond the UK and strictly adopt local sightings and only borrow from regions such as Morocco when necessary.⁵⁶

Those who persist in following Saudi's sighting apply Imām Abū Hanifah's ﷺ opinion of the difference of horizons not being considered (لا عبرة لاختلاف المطالع). Meaning that the entire globe can be considered as a united horizon for sighting irrespective of the significant time difference and travel distance. This opinion is promoted primarily to support the uniformity of Ramadhān and the two Eids and hence the legality of following Saudi. Shaykh Maulana Samiruddin sāhib and Shaykh Abdul Malik sāhib, from Bangladesh, independently investigated the validity of this position and concluded that the discussion of united horizons does not exist anywhere in the primary classical texts of the Hanafi school (zāhir riwāyah). This was a later addition by the late Hanafi jurists wrongfully assuming that this was the classical authoritative.⁵⁷ Shaykh

⁵⁵ Mufti Shafi Usmani, *Ruyat Hilāl*, Jawahirul fiqh, vol 3, pp. 480-481

⁵⁶ *Local and Regional Moon Sighting Boundary* by Qamar Uddin (2021), available at: <https://www.moon-sighting.org.uk/moon/publications/articles/analysis/local-and-regional-moon-sighting-boundary.html> [accessed December 2024]

⁵⁷ The Hanfi juristic positions are classified into three hierarchical orders



Abdul Malik sāhib suggests that the differences in horizons position was attributed to a nawādir position (second to zāhir riwāyah in rank) as quoted by later Hanafī scholars. Otherwise, most classical Hanafī mutūn (manual texts) known to transmit zāhir riwāyah opinions such as Mukhtasarul Quduri, Bidayatul Muftadi and so forth do not.⁵⁸ Maulana Samiruddin traces the earliest mention of the unity of horizons to allāmah Nasafi (d. 711 AH/1310 CE) in his famous text, Kanzu Daqaiq. It was then followed by allāmah Tumurtashi in Tanwīr Absar (d:1004 AH) and commented by Ibn Ābidīn Shāmī (d:1252AH/1836 CE) in his Raddul Muhtar. He affirms the position of a united horizon globally to the extent that the crescent sighting for the people in the West becomes necessary for the people.⁵⁹

This is impractical for the following reasons. Firstly, it doesn't account for the divergences of time zones across different regions. Just as Salāh timings are significantly different then so shall the crescent sighting. Secondly, Eastern countries tend to see the crescent before Western countries. If the West for instance, America sight the

1. Zahirur Riwayah – Legal rulings transmitted from the six major canonical works of Imām Muhammad namely; Mabsoot, Jami al-Sagheer, Seer al-Sagheer, Jami al-Kabir, Jami al-Sagheer, Ziyadāt. Rulings of this category are deemed the authoritative positions in the Hanafī school.
2. Nawadir – Books authored by Imām Muhammad other than the above categories such as Kaysaniyat and haruniyat. They are second in rank.
3. Fatāwas – These comprise of books authored by later jurists of those legal rulings not reported from Imām Abū Hanifah such as fatāwa Qadhi Khan etc. This is the lowest rank.

⁵⁸ Shaykh Mufti Abdul Malek, A detailed investigation on the Differences of Horizon, PDF: Zahir AlRiwayat by Abdul Malek (https://bit.ly/ZahirAlRiwayat_pdf)

⁵⁹ Ibn Ābidīn Shāmī, muqadamah Raddul-Muhtar, Kitab Sawm vol 2 p. 393 - Shāmi vla

مَطْلَبٌ فِي اخْتِلَافِ الْمَطَالِعِ
(وَاخْتِلَافِ الْمَطَالِعِ) وَرُؤْيَتُهُ نَهَارًا قَبْلَ الزَّوَالِ وَيَعْدَهُ (غَيْرُ مُعْتَبَرٍ عَلَى) ظَاهِرِ (الْمَذْهَبِ) وَعَلَيْهِ أَكْثَرُ الْمَشَائِخِ وَعَلَيْهِ الْفَتْوَى (فَيَلْزَمُ أَهْلَ الْمَشْرِقِ
بِرُؤْيَةِ أَهْلِ الْمَغْرِبِ) إِذَا نَبَتَ عِنْدَهُمْ رُؤْيَةُ أَوْلَيْكَ بِطَرِيقٍ مُوجِبٍ كَمَا مَرَّ
وَأَمَّا الْخِلَافُ فِي اعْتِبَارِ اخْتِلَافِ الْمَطَالِعِ بِمَعْنَى أَنَّهُ هَلْ يَجِبُ عَلَى كُلِّ قَوْمٍ اعْتِبَارُ مَطْلِعِهِمْ، وَلَا يَلْزَمُ أَحَدَ الْعَمَلِ بِمَطْلِعِ غَيْرِهِ أَمْ لَا يُعْتَبَرُ اخْتِلَافُهَا بَلْ
يَجِبُ الْعَمَلُ بِالْأَسْبَقِ رُؤْيَةً حَتَّى لَوْ رُئِيَ فِي الْمَشْرِقِ لَيْلَةُ الْجُمُعَةِ، وَفِي الْمَغْرِبِ لَيْلَةُ السَّبْتِ وَجَبَ عَلَى أَهْلِ الْمَغْرِبِ الْعَمَلُ بِمَا رَأَاهُ أَهْلُ الْمَشْرِقِ، فَيَقْبَلُ
بِالْأَوَّلِ وَاعْتَمَدَهُ الرَّئِيعِيُّ وَصَاحِبُ الْفَيْضِ، وَهُوَ الصَّحِيحُ عِنْدَ الشَّافِعِيِّ؛ لِأَنَّ كُلَّ قَوْمٍ مُحَاطَبُونَ بِمَا عِنْدَهُمْ كَمَا فِي أَوْقَاتِ الصَّلَاةِ، وَأَيَّدَهُ فِي الدَّرَجِ بِمَا مَرَّ
مِنْ عَدَمِ وَجُوبِ الْعِشَاءِ وَالْوَتْرِ عَلَى فَاقِدِ وَفَيْهِمَا وَظَاهِرُ الرَّوَايَةِ الثَّانِي وَهُوَ الْمُعْتَمَدُ عِنْدَنَا وَعِنْدَ الْمَالِكِيَّةِ وَالْحَنَابِلَةِ لِتَعَلُّقِ الْحُطَابِ عَمَلًا بِمَطْلِقِ الرُّؤْيَةِ فِي
حَدِيثِ «صُومُوا لِلرُّؤْيَةِ» بِخِلَافِ أَوْقَاتِ الصَّلَوَاتِ،



Ramadhān crescent before the people in the East, then according to the above principle, the East has missed a day of fasting which is farfetched. Lastly, it conflicts with the explicit Hadīth of Kurayb that every region follows its independent sighting (because Damascus and Madinah do not have a united horizon).⁶⁰

In short, a united global horizon was not the authoritative position in the Hanafi school and moreover, adopting this view is impractical. It can be theorised that this position was subsequently adopted to unify the expanding Islamic empire. This is no longer the case in our time as Muslims are dispersed as small communities throughout the world. We must therefore consider our independent sightings or Muslim regions closer to the UK.

5.2. *Fatāwa on Following Local/Regional Sighting*

The Islamic Crescents Observation for the UK (ICOUK) group has been observing moon sightings since 2008 on the 29th of Morocco date. In 2018, they began observing 2 days/month (the 29th and the next day) and discovered that UK-only moon sightings met the 29-30 days/month rule, so they wrote to many Darul Uloom for permission to leave Morocco and follow UK-only moon sightings.⁶¹ Brother Qamar Uddin from ICOUK with almost 30 years of experience in the field of moon sighting and well-engaged with both astronomers and scholars, advocated for local sighting (since 2021). In his treatise, UK Moon sighting fatāwa, brother Qamar Uddin has collected data from over 4 years of reports and actual photos of the visibility of the hilāl crescent in the UK alone. The treatise (see the footnote reference) includes his fatāwa correspondences with senior muftis from various prestigious seminaries.⁶²

Darul-Uloom Deoband, Mazahir ul-Uloom Saharanpur, Jamia Islamia Dabhel, and others issued the verdict that depending on Saudi's sighting decision for Ramadhān and

⁶⁰ Shaykh Samiruddin, Is the Matla, one for the world or not? (Urdu) PDF:

⁶¹ Brother Qamaruddin strictly maintains the position of local sighting, see above references for local and regional moon sighting link.

⁶² Complete book available at this link: <http://bit.ly/fatāwaBooklet> [accessed January 2025]



Eid is incorrect. Even if there are fatāwa permitting it, it goes against the principles of the shari‘ah. People should follow local sightings or the nearest Muslim country, Morocco. (Fatāwa Darul Uloom Deoband, Mazahir ul-Uloom Saharanpur, Jamia Islamia Dabhel, (18/Safar/1424 AH) 20/4/2003). Mufti Rashid Ahmed Ludyanwi sāhib ﷺ stated: ‘The news of the moon sighting in Saudi Arabia reaching the status of ‘Istifaadha’ (beneficial) is questionable and further, due to the sighting in Saudi Arabia being against the principles of the Hanafi Fiqh and true logic; it is unacceptable to be accepted for Pakistan. According to the Hanafi Fiqh, when the skies are clear a large group (Jamme Ghafeer) of witnesses is a condition. The government of Saudi Arabia in all conditions decides upon one or two witnesses in Ramadhān, Shawwāl and Dhul Hijjah.’⁶³

Shaykh Mufti Taqi Usmani sāhib’s response to Shaykh Maulana Samiruddin sāhib’s fatwa inquiry also confirms the need to avoid the Saudi sighting dated 14/9/1413 AH. It reads;


“I have replied to your letter and I hope that you have now received the earlier letter. In summary, I would like to say that the inhabitants of Britain in the present circumstances should not consider the moon sighting of Saudi Arabia as sufficient and they should contact Morocco in case of the weather not being clear. In Saudi Arabia the sighting of the moon has been accepted before even the birth of the moon on many occasions which is impossible in my view. I have discussed the situation with many Saudi Scholars and they are also disturbed by these occurrences. However, since this is in the hands of the Majlisul Qadha Al-A’la (Saudi Supreme Court Riyadh), they are helpless.”⁶⁴

⁶³ Mufti Rashid Ahmad Ludhyanvi, Ahsanul Fatāwa, vol4, p. 426

Mufti Muhammed Yusuf Danka, *The History of the UK following Saudi Arabia*, available at: <https://www.moon-sighting.org.uk/component/content/article/the-history-of-the-uk-following-saudi-arabia.html?catid=33&lang=en-GB&Itemid=116> [accessed 30th December 2024]

⁶⁴ Maulana Samiruddin Qasmi, *Samiree Calendar*, p. 41. Also see other fatwa correspondences from Darul-Uloom Deoband, (p. 40) and Shaykh Abul Hasan Ali Nadwi (ra) (p. 42).



Mufti Habibur Rahman  the senior Mufti of Darul-Ulum Deoband considered it impermissible for Muslims to follow Saudi's sighting whilst abandoning Morocco.⁶⁵

"I have studied your queries very attentively. It has been written from here in the past, that announcements should be made for the sighting of the moon, based upon information of sightings from your close country, Morocco. It is incorrect to make announcements for Eid and Ramadhān by following Saudi Arabia for the sake of ease. Even if a fatwa has been obtained for this purpose, it is against the principles of shari'ah. There is a far greater distance between Britain and Saudi, whereas Morocco is a lot closer to Britain. To abandon a close country's sightings and to accept Saudi's sightings is in contradiction with the principles of Fiqh. Thereafter, consider the state of the Saudi observations and the difficulties that are arising from them, which you have written and drawn attention towards. After reading them, no decision should ever be made blindly by Saudi observations. You should enforce with full strength the practice of following Morocco sightings. This is closest to the truth."

And Allah knows best.

Mufti Habibur Rahman, Mufti Darul Uloom Deoband. 18th Safar 1424 AH

To ascertain the possibility of sighting the crescent in the UK, I joined the moon sighting for Rajab 1446 on Wednesday 1st of January 2025 at a nearby location in Shipley, Bradford ("Top of the World") with another experienced brother who has been sighting at that location for almost a year. He too confirmed visibility at that same location in the past. We arrived at the rendezvous around 3:35 pm and Maghrib was at 4:01 pm. We waited just over an hour but due to cloudy conditions in Bradford, the visibility was not possible. Subsequently that evening, brother Qamar Uddin convened a zoom meeting with the panel of scholars; Maulana Abdullah Ahmed sāhib, Maulana Yusuf Mota sāhib, Shaykh Suliman Gani sāhib and the witnesses. I also joined the virtual meeting as an observer. The meeting reported both positive and negative sightings and

⁶⁵ For more details on fatwas see the conference paper Fatwa on Moon Sighting (and Following Neighbouring Countries) (2006) Available at: https://www.moon-sighting.org.uk/docs/Fatwa_on_Moon_sighting_and_Following_Neighbouring_Countries.pdf [accessed January 2025]



waited for further confirmation. Reports of positive sightings from other cities in the UK were later confirmed such as Ashton-under-Lyne and Manchester (see the panel meeting in footnote).⁶⁶ Morocco also confirmed their sighting on the same night and hence, the 1st of Rajab 1446 was declared on Thursday 2nd January 2025 (www.moonsighting.org.uk). See the Rajab 1446 visibility hilāl and the visibility maps below.



Fig 6: (Source <https://www.moon-sighting.org.uk/moon/sighting-reports/report-1446-07.html>)

According to the ICOUK website data, the New Moon conjunction time was on Monday, 30th December 2024, at 10:26 pm and most certainly not visible as the moonset was before sunset. On the following day (Tuesday 31st December 2024), Bradford moonset time was 3:56 pm, and sunset was also at 3:56 pm (Maghrib at 4:01 pm) with zero chance of visibility. Come Wednesday, 1st of January 2025, visibility across all continents was possible. The waxing crescent was 41 hrs and 35 mins old from birth. The altitude at sunset was 6.5 degrees above the horizon. Elongation (distance from the sun) was 21.8 degrees. See the visibility maps below.⁶⁷

⁶⁶ Link to the virtual panel meeting for Rajab 1446 sighting available here:

<https://www.youtube.com/watch?v=zoGfeZ9fNZY> [01-01-25]

⁶⁷ Access to the visibility maps here: <https://www.moon-sighting.org.uk/moon/visibility-maps.html>

Access to the UQC here: <https://ummulqura.org.sa/yearcalender.aspx?y=1446&|=True>

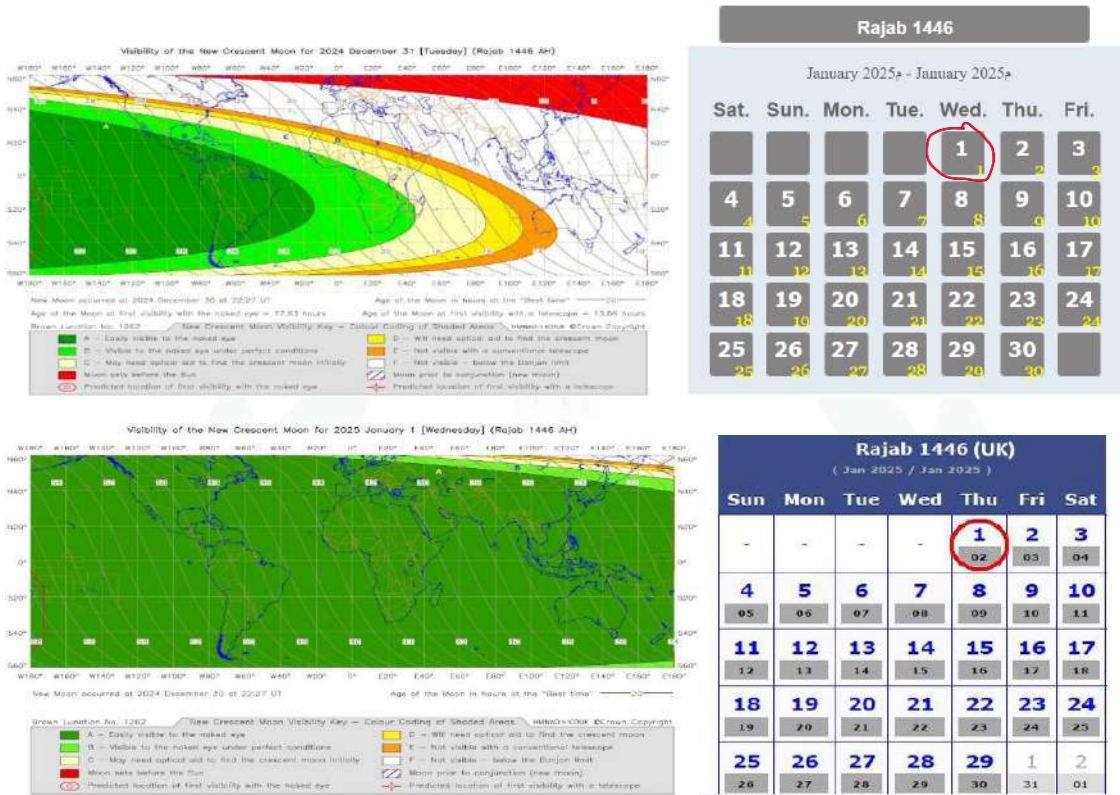


Fig 7: (Source <https://www.moon sighting.org.uk/moon/visibility-maps.html> and <https://ummulqura.org.sa/yearcalender.aspx?y=1446&l=True>, <https://www.moonsighting.org.uk/calendars/1446AH-summaryCalendarUK-only.pdf>)

According to the above data, sighting the hilāl on Tuesday 31st December in Saudi Arabia (Code F) was impossible. The hilāl was visible on Wednesday evening. Regardless, the UQC displays that the 1st of Rajab had fallen on Wednesday 1st January (Tuesday evening after Maghrib). Coming to the end of January, many Muslims, including myself went out to search for the hilāl of Sha‘bān 1446 on Thursday 30th of January, after Maghrib. I went to the same location in Bradford along with another experienced brother who confirmed his sighting in the past. That same evening, brother Qamar Uddin hosted an online conference meeting of scholars and other witnesses for the hilāl confirmation. I, too, participated in the conference meeting as an observer and all confirmed their positive sighting of the hilāl. The 1st of Sha‘bān 1446 was announced

on Friday 31st of January 2025 (see details of the meeting and visibility map in the footnote).⁶⁸

5.3. Fatāwa Rulings Change due to Changing Circumstances

It is an accepted principle that fatwa rulings change over time to adapt to changing circumstances. Ibn Qayyim Jawziyyah رحمته الله stated;

*The change of fatāwa and their differences are contingent on the change of times, places, circumstances, intentions and habits. This subject is immensely beneficial and being oblivious of it (results in) grave mistakes in the shari'ah rulings that necessitate hardship, difficulties and unwarranted (la sabeell ilyhi) burdensome.*⁶⁹

Ibn Qayyim refers to the famous legal maxim which reads, يتغير الاحكام بتغير الزمان (tr. rulings change with the change of time).⁷⁰ In other words, fatāwa rulings that are ijthad in nature or circumstantial change over time with the change of people's needs and conditions.⁷¹ Rulings embedded in clear and categorical text meant for eternity remain fixed and not subject to change such as the prohibition of alcohol, fornication, and so forth. Ijtihadic (analogical) injunctions that reflect customs, change of legal ratio (*illat*), extreme duress (life or death situation), or blocking the means are the ones that

⁶⁸ Link to the virtual panel meeting for Sha'ban 1446 moon sighting reports in which I was also participated as an observer with other scholars and witnesses. Available her:

<https://www.youtube.com/watch?app=desktop&v=lgCdiA3qswU> [30-01-25]

View the visibility maps for Sha'ban 1446 moon sighting reports here:

<https://www.moonsighting.org.uk/moon/sighting-reports/report-1446-08.html>

[Accessed 30th January 2025]

⁶⁹ 'I'lamul Muqi' in vol 3, p. 2, in. Shakh Khalid Saifullah Rahmani, Muhadharat Usul al-Fiqh, *ch. Principles and Rulings related to change of Fatāwa*, p. 415

⁷⁰ Sharhul Uqud rasmil Mufti, pp. 77-78 and Usul al-Ifta wa adabuhu, p.240.

⁷¹ Whilst discussing the preferability of completing the Quran during Ramadhan Taraweeh, Ibn Abideein Shāmi v points out many rulings changing based on the needs of people. Ibn Ābidin Shāmi, muqadamah Raddul-Muhtar, Kitab Salāh vol 2 p. 46 - Shāmila

[بَابُ الْوُتْرِ وَالنَّوَافِلِ]

وَفِيهِ إِشْعَارٌ بِأَنَّ هَذَا مَبْنِيٌّ عَلَى اخْتِلَافِ الزَّمَانِ، فَقَدْ تَنَغَّرَ الْأَحْكَامُ لِاخْتِلَافِ الزَّمَانِ فِي كَثِيرٍ مِنَ الْمَسَائِلِ عَلَى حَسَبِ الْمَصَالِحِ،

change.⁷² Other reasons for change include the decline in moral standards, scientific knowledge and masālih (public welfare needs).⁷³ Shaykh Khalid Saifullah Rahmani s̄ahib adds that it is not the essence of the ruling that changes, rather it is the quality nature that changes over time because of changing circumstances. Anything that was once considered permissible (at one time out of necessity) may no longer be permitted and vice versa due to any of the above reasons. Just to quote one among the plethora of examples he cites, a woman's face is not considered an awrah and it was permissible for her to expose it by earlier scholars. Later scholars ruled it mandatory for women to cover their faces due to the prevailing fitna.⁷⁴ Other examples include women attending the Masjid, all forms of alcoholic beverages to be prohibited irrespective of their quantity and so forth.

Relevant to our case, announcing the beginning or the end of the Islamic month by the sighting of the crescent is established in clear text and supported by consensus. This is not subject to change, nor can it be replaced by total reliance on calculations, as this would overrule the clear text. The method of its application however, changes, i.e. whether to follow Saudi's sighting or independent sighting. Divergence from Saudi Arabia's sighting can be justified under the principle change of *illah* (legal reasoning) and the advancement of modern scientific knowledge under the broad spectrum of changes of rulings due to changes in circumstances.

Legal ratio – also known as *illah* in legal terms – predicates all Islamic rulings, apart from worship such as Salāh, which either permits or prohibits an action due to an underlying legal cause. So long as this legal cause exists then the ruling too exists and if the legal cause is absent, then it's ruling ceases. For instance, alcohol is prohibited primarily due to intoxication (according to the prophetic narration that proscribes consuming all forms of intoxication). If the intoxicating effect, the underlying reason for its prohibition, is eliminated by converting it to vinegar, then it becomes halāl to

⁷² Mufti Taqi Usmani, *Usul alifta wa adabuhu*, p. 240, Muhammad Harun, Fathul Rabbani, commentary of *Usul al-ifta wa adabuhu*, 527-528

⁷³ Shakh Khalid Saifullah Rahmani, *Muhadharat Usul al-Fiqh, ch. Principles and Rulings related to change of Fatāwas*, p. 406

⁷⁴ Shakh Khalid Saifullah Rahmani, *Muhadharat Usul al-Fiqh, ch. Principles and Rulings related to change of Fatāwas*, p. 406

consume.⁷⁵ Shaykh Mufti Taqi Usmani sâhib elucidates that the *illah* is either expressed in the text or deduced through Ijtihâd. The former is binding because the shari‘ah itself stipulates the legal reasoning such as dispensation for an ill person and a traveler not to fast (surah Baqarah 2:184) and the prophetic narration of the cat’s saliva touching water not being ruled as impure for wudhu due to constant circulation. Ijtihad-based *illah* is not binding like the text and is subject to legal differences among the jurists that potentially change over time. This further divides into various sub-categories which is beyond the scope of our discussion.⁷⁶

Given the historical background we discussed above, the primary reason for following Saudi Arabia was to maintain consistency and unity to create ease for the people. This was subjective to the existing conditions. Given the constraints Muslims experienced in the early 1960s and 1990s and the impossibility of sighting the crescent back then, following Saudi was a practical solution. Because of this, senior muftis allowed the Muslims to follow Saudi’s declaration out of necessity. With the emerging evidence of the possibility of sighting in the UK and the fatâwa of the scholars in resorting to local or regional sighting (as we discussed above), arguably following Saudi is no longer necessary. The argument of uniformity is also subject to change. Following the actual sighting of the waxing crescent based on the Prophetic Hadîth not only gives people

⁷⁵ Mawsoatul kuwaityyah vol 10 p. 278 - 9

الإِسْتِحَالَةُ:

مِنْ مَعَانِي الإِسْتِحَالَةِ لَعَنَةُ: تَغْيِيرُ الشَّيْءِ عَنْ طَبِيعِهِ وَوَصْفِهِ، أَوْ عَدَمُ الإِمْكَانِ. (2) فَالإِسْتِحَالَةُ قَدْ تَكُونُ بِمَعْنَى التَّحْوُلِ، كَاسْتِحَالَةِ الأَعْيَانِ النَّجِسَةِ مِنَ العُدْبَةِ وَالْحُمْرِ وَالْحَنْزِيرِ وَتَحْوُلِهَا عَنْ أَعْيَانِهَا وَتَغْيِيرِ أوصَافِهَا، وَذَلِكَ بِالإِحْتِرَاقِ، أَوْ بِالتَّخْلِيلِ، أَوْ بِالأَوْفُوعِ فِي شَيْءٍ، كَمَا سَيَأْتِي تَفْصِيلُهُ. أَحْكَامُ: التَّحْوُلِ: لِلتَّحْوُلِ أَحْكَامٌ تَغْتَرِيهِ، وَهِيَ مُتَخَلِّفٌ بِإِحْتِلَافِ مَوَاطِنِهَا، أَهْمُهَا مَا يَلِي أ - تَحْوُلُ العَيْنِ وَأَثَرُهُ فِي الطَّهَارَةِ وَالْحِلِّ

^[1] Ibn Humâm, Fathul Qadeer, Kitâb at-Taharah, vol 1 p. 200

وَكَثِيرٌ مِنَ المَشَايِخِ اِخْتَارُوا قَوْلَ مُحَمَّدٍ، وَهُوَ المُخْتَارُ لِأَنَّ الشَّرْعَ رَتَّبَ وَصْفَ النَّجَاسَةِ عَلَى تِلْكَ الحَقِيقَةِ، وَتَنَتَفَى الحَقِيقَةُ بِإِنْفَاءِ بَعْضِ أَجْزَاءِ مَفْهُومِهَا فَكَيْفَ بِالكُلِّ، فَإِنَّ المِلْحَ غَيْرُ العَظْمِ وَاللَّحْمِ، فَإِذَا صَارَ مِلْحًا تَرْتَّبَ حُكْمَ المِلْحِ وَنَظِيرُهُ فِي الشَّرْعِ النُّطْفَةُ نَجِسَةٌ وَتَصِيرُ عَاقِمَةً وَهِيَ نَجِسَةٌ وَتَصِيرُ مُضَعَّةً فَتَطْهُرُ، وَالعَصِيرُ طَاهِرٌ فَيَصِيرُ حُمْرًا فَيَنْجَسُ وَيَصِيرُ خَلًّا فَيَطْهُرُ، فَعَرَفْنَا أَنَّ اسْتِحَالَةَ العَيْنِ تَسْتَتْبِعُ زَوَالَ الوُصْفِ المُرْتَبِّ عَلَيْهَا.

⁷⁶ Mufti Taqi Usmani, Usul alifita wa adabuhu, pp. 248-250

assurance but the likelihood chance of unifying the Muslim community on a single standard.

The second principle of change is the development of new scientific knowledge. Shaykh Khalid Saifullah Rahmanī sāhib argues this to be another justifiable reason for the change in rulings. Many classical rulings, particularly those related to the medical field, were based on primitive medical knowledge at the time. Given the technological advancement and the development of medical science in today's time, superimposing ancient medical-based rulings in the modern era is impractical. An example of this is the ruling on blood transfusion and organ donation. Classical jurists deemed it as a defilement of human sanctity with no purpose and so, they forbade it. Both are now considered to save human lives.⁷⁷ Another example, Ibn Ābidīn Shāmī رحمہ اللہ discusses that classical Hanafi jurists initially forbade using a snake's skin that was tanned. Later Hanafi jurists permitted it due to its benefit for people which they eventually came to discover.⁷⁸

One such recent example of rulings changing based on new knowledge is the ruling on whether inserting oil or medicine in the ear nullifies the fast or not. Almost all Hanafi legal manuals deem it to nullify the fast assuming there was a direct passage between the ear canal and the brain and from the brain to the stomach. Modern medical research suggests this is no longer the case and therefore, as Shaykh Mufti Rafi Usmani sāhib رحمہ اللہ ruled in his treatise 'Muftirāt' the fast does not break. Similarly, a woman inserting a lubricated tool or wet fingers inside her vaginal passage. Classical jurists ruled it breaks the fast based on the ijthadī assumption that there was a direct passage between the vagina and the stomach. A basic understanding of biology confirms this not to be the case and so, many scholars including Mufti Rafi Usmani sāhib رحمہ اللہ ruled it does not break the fast.⁷⁹ These are some precedented examples of changes in rulings.

⁷⁷ Shakh Khalid Saifullah Rahmanī, *Muhadharat Usul al-Fiqh, ch. Principles and Rulings related to change of Fatāwas*, p. 435

⁷⁸ *ibid*

⁷⁹ Mufti Rafi Usmani, *Dhabitul Muftarat fi Majali Tadawi*, p. 3

Data graphs show almost precisely the location of the moon and the possible visibility of sighting. On many occasions, Saudis have claimed to have sighted the crescent during conjunction or even before sunset which is scientifically impossible to see. We previously discussed the permissibility of using astronomical data to aid in sighting and using it to verify sightings. Advanced technology enables us to calculate the precise time, date, and location of the crescent's visibility. Moreover, communication avenues have now advanced in recent decades. Receiving news from neighbouring Muslim countries such as Morocco (a regional sighting with a similar horizon as the UK) is much easier compared to the 1960s to 1990s. Hence, the available information on their erroneous claims and the possibility of sighting in the UK landscape justifies divergence from Saudi on this principle.

6. Conclusion

The incremental exposure of Saudi's erroneous decelerations of Ramdhān and Eid based on false sightings is a major cause of concern. The public use this as an excuse to launch scathing criticisms against Saudi proponents. This is further compounded when many Deobandi Masājid committees strictly insist on following Saudi for historical reasons and based on old fatāwa rulings. We, therefore, conclude with the following key points from the above detailed analysis.

1. Following Saudi Arabia's sightings was an alternative solution to alleviate constraints because of the significant delay in receiving the news from Morocco (not because Morocco's sighting was wrong).
2. Senior scholars adhering to the earlier fatāwa rulings permitting Muslims and Imāms to follow Saudi was to ensure consistency and avoid reigniting unrest and division.
3. Details of the errors were not apparent until the late 1990s which transpired legitimate enquiries into Saudi's Ramadhān and Eid announcements. It was established that their sighting reports hitherto do not conform to the correct Islamic principles nor according to the established astronomical data. Saudi Arabia's sighting is biased towards UQC which bases its calendar on the new

moon conjunction and not on the moon's visibility. Their Islamic dates are pre-calculated using astronomical calculations.

4. Later senior muftis ruled it impermissible for UK Muslims to rely on Saudi's sightings and should actively adopt local sighting or follow the closest Muslim country such as Morocco. This is closer to the Islamic legal principles.
5. Change of rulings due to changing circumstances also justifies divergence from Saudi's sightings. The previous fatāwa permitting following Saudi Arabia's declaration was circumstantial and not meant to be treated as forever binding. Whilst the necessity of sighting the hilāl is explicit in the text and not subject to change, its application and methods are subject to change over time. Muslims in the UK must now resort to practising local or regional sighting (i.e. Morocco). This assures our fasts, Eid and other important Islamic dates are observed correctly and more importantly, allows consistency in following the traditional Sunnah practice of searching the hilāl. Saudi proponents who unquestionably follow Saudi seldom consider searching for the hilāl crescent or investigating their sighting methods which is sadly the root cause of much public tension and confusion.

Preparing this fatwa article was merely intended to draw the attention of Saudi supporters among senior 'ulamā/Imāms to reconsider their decision of following Saudi Arabia in light of the sharī'ah principles. We acknowledge this is a difficult task in the beginning stages. However, positive change is a gradual process that starts with increased awareness and collective effort of senior scholars. We pray to Allāh Almighty to unite us all upon the truth, unite our hearts, grant us sincerity and eliminate disharmony amongst us, Āmīn.

Allāh Knows Best

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