



مہینہ کی کنالہ

FINAL POSITION PAPER #2

GUIDANCE ON

**THE SIGHTING OF THE NEW MOON AND THE TRANSITION OF
MONTHS IN THE ISLAMIC (HIJRI) CALENDAR**

26th Shawwal 1436

12th August 2015

ABOUT THE MAJLIS UL ULAMAA (MAJLISTT)

The Majlis ul Ulamaa is a forum to facilitate the collaboration of Islamic Scholars resident and active within Trinidad and Tobago. It seeks to define the authentic Islamic position as it relates to Islam and the Muslim community of the country, considering the various scholastic positions and schools of law. To this end, it deliberates on issues of importance, and defines the Islamic position. The due process is meticulous, spanning the issuing of a draft position paper, inviting stakeholders and public comment and consultations before a final position is issued.

SHARIAH COUNCIL CHAIRMAN

Maulana Dr. Waffie Mohammed

SHARIAH COUNCIL MEMBERS*

Mufti Ahmed Gulam (Vice Chairman)

Sheikh Alaa Makshat

Mufti Asrar ul Haque

Maulana Kavir Mohammed

Sheikh Munaf Mohammed

Dr. Musa Mohamed

Maulana Mushtaq Ahmad Sulaimani

Hafiz Maulana Shahid Mohammed

Maulana Sharaaz Mohammed

Maulana Siddiq Ahmad Nasir**

Sheikh Umar Khan

Mufti Zaid ur Raza

**(in alphabetical order of first name)*

*** contributing non-member*

Bismillaahir Rahmaanir Raheem
Allahumma salli alaasayyidinaa Muhammadin wabaarik wasallim

Role of the Hijri Calendar

The Majlistt recognises the Hijri calendar which operates within lunar cycles as the basis for signalling Islamic months and related significant events in the annual Islamic year. [Quran 6:96; 2:189; 10:5] These lunar cycles are determined by the sighting of the new moon monthly, and the resulting lunar months are 29 or 30 days. Majlistt notes the duration of the Synodic Period in the rotation and visibility of the new moon of a period of 29 days, 12 hours, 44 minutes and 2.9 seconds, which defines the period of time taken for the moon to return to its same relative position to the sun from the viewpoint of the observer, and refers to the successive time periods for the moon to return to its same phase.

The Majlistt further recognises the fact that the Islamic Hijri calendar can be adopted exclusively, or in combination with other established calendars (such as the Gregorian or Chinese calendars) for the purposes of day-to-day living. However, Majlistt asserts that it is only the Hijri Calendar which can be used for the identification of Islamic months and Islamic calendar events.

Transition of Lunar Months

Majlistt notes that the lunar cycles which signal the transition of months in the Islamic calendar are based on the sighting of the new moon crescent, in accordance with the Qur’anic reference *“They ask you about the crescents. Say, They are but signs to mark fixed periods of time in the affairs of men and for pilgrimage”* [2:189]

Majlistt further notes that visibility of the new moon crescent would vary depending on geographic location according to both the earth’s latitude and longitude. It may be possible for some areas to see the new moon crescent whereas others in a different location, albeit in relatively near proximity, would be unable to see the new moon crescent. Reference is made to the Qur’anic recognition of this reality, where we are guided *“whoever witnesses the month, he must fast the month”*. [2:185]

Challenges in Communities

Majlistt recognises that the use of the pure lunar system in the Islamic Hijri calendar – based on the sighting of the new moon crescent – has been the subject of difference of opinion amongst various Muslim communities locally and internationally, with particular recurring challenges of signal Islamic calendar events such as:

- Start of the month of Ramadan
- Celebration of Eid ul Fitr

Adherence to Shariah vs. Unity of the Ummah

Majlistt acknowledges that everyone wants to follow the Islamic theological stipulations and requirements as ordained in Islam, even as we as Muslims all seek to strive towards a unified Ummah. The variance in the sighting of the new moon crescent, the resulting variance in the observation of signal Islamic calendar events and the inconsistencies which have resulted in the Muslim community are understandable but unnecessary – particularly in a small island such as Trinidad and Tobago and with close proximity and relations with neighbouring Muslim communities regionally.

The issues that surface as a result of this context are identified as the following which need to be addressed:

1. A position on the use of calculations vs. the sighting of the new moon crescent
2. The governing region and respective boundaries for acceptance of the sighting of the new moon crescent by the Muslim community of Trinidad and Tobago
3. The form and particulars by which testimony on sighting of the new moon crescent must be given, and accepted, based on Islamic Shariah
4. Acceptable verification forms and particulars by Scholars of Shariah on the sighting of the new moon crescent
5. The role of the Majlistt Shariah Council Members in the coordination and collaboration for new moon sighting

It is necessary in this context to note that this situation of contention of the start and end dates of Islamic months is not a recent occurrence, but did occur in Sunnah and therefore has a precedent in Hadith of both its occurrence and its treatment.

Issue 1: A Position on the Use of Calculations vs. the Sighting of the New Moon Crescent

Majlistt rejects the use of calculation as the basis for the determination of religious dates and events. This is on the basis of the Hadith in which the Holy Prophet (pbh) is reported to have said, *“Do fast when it is sighted and break the fast when it is sighted”*. (Sahih Muslim)

Majlistt further recognises that the use of calculations – while it serves to project dates in the future with certainty based on rules which are adhered to, cannot substitute for actual visibility by representatives within communities to signal the transition of the month. This is based on the Hadith in which Hazrat Umar (ra) reported that the Holy Prophet (pbh) said, *“We are unlettered people, we neither write nor calculate. The month is this way and that, sometimes 29 and sometimes 30.”*(Bukhari)

Majlistt further notes that there is no requirement for each individual to see the moon. It recognises the Hadith that the Holy Prophet Muhammad (pbh) commenced fasting based on moon sighting by other people. [Abu Dawud and Hakim; Tirmidhi]

In a Fatwaa given by Shaykh Bin Baaz, the Grand Mufti of Saudi Arabia, the Shaykh wrote as follows:

All Muslim scholars should do away with relying on calculations as the Messenger of Allah (pbh) said the early generation of this Ummah did and they follow moon sighting or completing the number of days (in the month) as was explained by the Messenger of Allah (pbh) in the Sahi Hadith. Shaykh al Islam Ibn

Taymiyah (may Allah have mercy on him) said in Al Fataawa (25/132, 133) that the scholars were unanimously agreed that it is not permissible to rely on calculations for proving the beginning and end of the fast and so on. Al Haafiz narrated in Al Fath (4/127) that Al Baaji said, the consensus of the Salaf is that calculations should not be relied on, and their consensus is proof for those who come after them. (Majmoo Fataawa wa Maqaalaat Mutanawwiah (15/74-76))

Issue 2: The Governing Region and Respective Boundaries for Acceptance of the Sighting of the New Moon Crescent by the Muslim Community of Trinidad and Tobago

- ***Universal Sighting:***

Majlistt understands universal sighting to be when a community in one location sees the moon, all other communities can act based on this single instance of moon sighting. Majlistt further recognises that the Shariah basis for justification of this is the reference that the Muslim community globally is but one Ummah.

Majlistt recognises that there is a case made for universal sighting based on Muslim community being one Ummah. Majlistt also notes that in the time of the Holy Prophet Muhammad (pboh) different locations within Arabia marked different days for the transition of months in the Islamic calendar, and therefore in some places a new month had started whereas in others the month had not yet started.

It is proven from Ibn Abbaas (may Allah be pleased with him) that when Kurayb told him that the people of Syria had started fasting on a Friday, Ibn Abbaas said: We saw it on the night before Saturday, and we will carry on fasting until we see the new moon or we complete thirty days. He did not follow the sighting of the people of Syria, because Syria is far away from Madinah, and there may be a difference in moon sighting between the two.

In a Fatwa given by Shaykh Abdul Azeez bin Baaz, he wrote as follows:

You have to stay with the people of your country. When they fast, then fast with them, because the Prophet (pboh) said. The fast is the day when you fast, and the breaking of the fast (al iftaar) is the day when you break the fast, and the sacrifice (al-adha) is the day when you offer sacrifice. And because dissent is evil, so you have to be with the people of your country. So when the Muslims in your country break the fast, then break the fast with the, and when they fast then fast with them. (Fataawa wa Maqaalaat Mutanawwiah (15/100-103))

In light of the aforementioned, Majlistt adopts the position that Universal sighting would not be used, nor is it acceptable as the basis of identification of transition dates and religious events in the Islamic calendar.

- ***Regional Sighting***

Majlistt notes that there is precedent for the acceptance of the sighting of the new moon crescent from surrounding countries including Barbados, Grenada, Guyana and Suriname. This was based on the extent of integration and close relations of the various Muslim communities in these countries, and their close geographic proximity to Trinidad and Tobago.

This acceptance has been conditional and inconsistent – there were instances where sighting of the new moon crescent by surrounding countries were not accepted based on the fact that their start dates for the relative Islamic months were inconsistent with the start dates observed in Trinidad and Tobago.

Majlistt is of the position that regional sighting is acceptable for the purposes of signalling the transition dates for Islamic months, but will accept regional sighting for determining the day of Eid ul Fitr (Eid), only if in the country in which the moon was sighted for Eid, began fasting on the same day as we did in Trinidad and Tobago.

Majlistt is further of the opinion that **for regional sighting to be accepted, the start dates of the months in question for those countries must be consistent with those start dates of Trinidad and Tobago.**

- ***Local Sighting***

Majlistt notes that visibility ranges throughout the length and breadth of Trinidad and Tobago – based on the topography of the terrain and the variance in latitudes (by 6° from the most eastern point of Tobago to the most western point of Trinidad).

Based on this fact, Majlistt recognises that there is need for local moon sighting committees, whereby persons from different locations within the country need to look for the new moon crescent – people in some areas have a higher or lower probability of sighting the new moon crescent than those in other areas of the country.

Majlistt is of the position that any credible sighting occurring within the country of Trinidad and Tobago must be accepted by the Muslim community. This is based on the view that the Muslim community of the country is a single community, and are too integrated a body, with too small a population and geographic space, for any divisions for moon sighting to be justifiable or justified.

Issue 3: The form and particulars by which testimony on sighting of the new moon crescent must be given, and accepted, based on Islamic Shariah

Sighting and the Variables Associated with Sighting of the New Moon Crescent

Majlitt notes that there are a number of variables that impact the sighting of the new moon crescent, including but not limited to:

- 'Age of Moon' – the new moon crescent may only be visible to the naked eye after a period of time has passed, and this has ranged from 14 hours after birth of the new moon to 24 hours and beyond. The older the new moon is, the more visible the crescent is likely to be. Majlitt further notes that the age of the new moon alone is not sufficient in and of itself to determine crescent visibility
- The latitude of the observer
- Atmospheric conditions,
- The extent of pollution
- Variations in human vision

Based on these and other variables, sighting of the new moon varies, and as such it is easy to mistake clouds, contrails, etc. for the crescent while seeking sighting of the new moon crescent. This reality of the difficulty in sighting the new moon is recognised in Shariah, based on the tradition where the Holy Prophet Muhammad (pbh) is reported to have said "Allah differed it until the time it was seen, so it is to be reckoned with from the night it was seen." [Muslim 534]

Stipulations on the Witness of New Moon Crescent

Majlitt recognises that seeking for sighting of the new moon crescent is a tradition of the Holy Prophet Muhammad (pbh) based on Hadith, and is a Tradition we should all seek to emulate.

Majlitt recognises the Shariah requirements on the conditions for acceptance, and the number of witnesses required, for sighting of the new moon. Stipulations are identified as follows:

On the night of the 29th of Shabaan, if the sky is cloudy, the evidence of sighting of one Muslim is sufficient for the Muslims to begin the fast the next day.

If the sky is clear the evidence of one person, who may be, at the time in an open field, or on a high ground, when the moon has to be seen, gives evidence of sighting, his evidence will be accepted, even if it was not seen in the town.

If the sky is clear, the evidence must be many people in the same locality who shall testify that the moon has been sighted.

For the other 11 months, in the case of the sky not being clear, there should be two reliable witnesses otherwise there should be many witnesses.

Issue 4: Acceptable verification forms and particulars by Scholars of Shariah on the sighting of the new moon crescent

When evidence is taken from others, it is necessary that the person who testifies that he saw the moon makes another person witness to his testimony.

The Moon Sighting Committees can also give the verdict that the moon was sighted based on the evidence that they would have received from their agents posted at any one of the different locations.

Any testimony by a third party on the sighting of the new moon crescent must be in the following format

- The third-party declares shahaadah
- The third-party swears by Allah that he did see the moon

Issue 5: The role of the Majlistt Shariah Council Members in the coordination and collaboration for new moon sighting

Majlistt recognises that past conflict existed among various scholars locally and between scholars and others in administrative positions of various organisations. Majlistt notes that persons turn to guidance from the scholars, and therefore the scholars can contribute to resolve differences proactively – before the occurrence of an incident, and correctively – when there arises an incident that requires communication, coordination and dialogue.

Proactivity

To ensure proactive resolution of potential issues, the members of the Shariah Council of Majlistt hereby agree to adhere to the guiding principles and frameworks itemised in this paper, and recognise that the positions may be subject to review by a formal review process conducted by the Shariah Council.

Live Cases

Majlistt recognises that the window for sighting of the new moon crescent is relatively short – ranging in some cases as little as five (5) minutes to as much as thirty (30) minutes. This suggests that the information can be assimilated into decision making relatively quickly.

It is further recognised that many would await the decisions and expect them to be made as early as possible, for a number of reasons but in particular given the need to know whether Salaatul Taraweeh needs to be prayed.

However, it is recognised that the time taken for information to be compiled from a variety of sources presents particular challenges for the assimilation of information, especially when it comes from various local and overseas sources.

As such, Majlistt proposes the establishment of a hotline that would allow for consolidation of all sighting on new moon crescent. This would be a structure to simply help consolidate the reports of sighting, and is geared to provide the scholars and other stakeholders with the information on whether sighting occurred, and the sources of the reports.

This would need to be augmented by pre-screening – the reports would be accepted by persons who are clear in the requirements, and have done the necessary screening. So for example, all Imams can be given the theological criteria and requirements for the sighting of the new moon crescent, and can then conduct an evaluation of the report before advising the Majlistt of the report.

Majlistt would make available the information requirements and stipulations to the stakeholders to apply in the screening process.

Remediation

To ensure that the scholars of the Majlistt Shariah Council are able to effectively collaborate at the required times and coordinate their positions, the Majlistt hereby adopts the following, which represent resolutions adopted at the Shariah Council meeting on June 11th, 2014.

1. Only evidence of actual sighting of the hilaal (crescent) will be valid to determine when the month of Ramadan shall commence and end.

We also agree that the same principle shall apply in the determination of the beginning and end of all the Islamic Lunar months.

2. The evidence must be from theologically approved witnesses.
3. We shall communicate with the established moon-sighting committees and provide the necessary guidance when required, regarding the decision as to when the month actually begins or ends.
4. We shall also keep in contact with the known Organizations of the Region in order to be able to verify the evidence of sighting that they may have.
5. We do not accept the determination of the first and last days of the Holy Month of Ramadan based on calculations only. However, we shall use the scientific information to assist in making known whether the hilaal (crescent) can be visible on a particular day and time it will be visible to the naked eye.
6. We do not accept the principle of universal sighting to determine the first and last days of the Holy Month of Ramadan.

7. We shall do whatever is required to ensure that correct information from authentic sources be given to the media and others in the region.

Glossary

Governing region – means the area for which the rules of moon sighting are applicable for this paper

Regional Sighting – acceptance of new moon sighting by third parties in the surrounding countries of Barbados, Grenada, Guyana and Suriname

Synodic Period – the period of time the moon takes to complete a revolution around the earth, and return to its same point or phase relative to the sun, from the viewpoint of the observer based on earth.

Third Party – any moon sighting committee, individual or group of individuals who bear testimony that the crescent moon was sighted. They can be of a single, or various schools of law, and resident in any country or locality within the governing region

References:

- Mohammed, Isa, Moon Sighting and the Islamic Calendar, Presentation to Majlistt, <http://www.youtube.com/watch?v=SBOsC5K1k7o>
- The Sighting of the New Moon: For meeting of Council of Scholars held on Wednesday 14th May, 2014; By Mufti Mohammad Zaidurraza Misbahi Azhari
- Caesarean Moon Births Part 1 and 2, Hamza Yusuf, 2006
- Importance of Moon Sighting, Mufti Asrarul Haque Al Azhari
- The Sighting of New Moon and Determination of Dates in the Muslim Lunar Calendar, S. N. Naqvi
- Variation in Sighting of Crescent, Sheikh Alaa Makshat
- Anwar ul Hadith commentary – Confirming Sighting of the Crescent
- Moon Sighting, Madrasa Arabia Islamia, Azaadville, South Africa
- Majmoo Fataawa wa Maqaalaat Mutanwwiah