

THE HILAAL CONTROVERSY

Written by Administrator

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THE BASELESS INTRUSION OF THE ASTRONOMERS IN THE DOMAIN OF THE SHARIAH

Entering the hilaal fray caused by the Saudi announcement of Eid on 30 August 2011, a group of 18 astronomers while criticizing the attitude of Saudi Arabia, exceeded the bounds by elevating themselves to the status of authorities on matters of the Shariah despite disclaiming this. Thus, the group stated:

"Therefore, fuqahas had 3 options that were scientifically and religiously coherent." (The term 'fuqahas' is grammatically incorrect. It is Fuqaha.)

While they are entitled to acquit themselves on the aspect of scientific coherence of their theories, they lack the right and the ability for proclaiming their scientific theories to be religiously, i.e. in terms of the Shariah, coherent. The three 'scientific' options mentioned by the group of astronomers are:

- (1) "To base themselves on the presence (not sighting) of the moon in the sky at a given altitude in one location or another and decree the start of Shawwaal for Tuesday 30th; this is the principle/criterion used by countries such as Turkey and Malaysia."
- (2) "To accept the possibility of sighting (imkan-al-ruyah) of the crescent in Southern Africa or South America, whether one waits for that sighting to be confirmed or not, and decree Eid-ul-Fitr for Tuesday 30th; this is what the European Council for Fatwa and Research decided."
- (3) To insist on local or regional sightings and testimonies (as countries such as Oman and Morocco do), and in this case Eid could only be on Wed.Aug.31; this is what Oman did with its highly civilized announcement a week before and what Morocco did after receiving testimonies on the 30th.

The Immutable Shariah of Allah Azza Wa Jal has laid down its principle for ending and commencing the Islamic month. No one has been invested with a licence to interfere in any way whatsoever with any principle of the Shariah. The principle ordained by Allah Azza Wa Jal is Ruyatul Hilaal (the physical sighting of the crescent moon). Announcing this immutable principle, Rasulullah (sallallahu alayhi wasallam) said: "Fast when the (hilaal) is sighted, and end the fast when sighting it (the halaal)." There is no need to cite the Hadith references for this narration which is of the Tawaatur category. There is consensus on the authenticity and meaning of this Hadith.

The new principle, wujood (the presence of the moon in the sky), mentioned in the first option above, is in diametric conflict with the Shariah's immutable principle of Ruyah (physical sighting), hence it (the principle of the moon's presence in the sky) is mardood (rejected) and haraam.

Everyone is aware that the moon is always present in the sky at some place or the other. To relate the termination and commencement of the Islamic months to 'presence' is to follow in the

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footsteps of non-Muslim civilizations who also have their own principles for their lunar months. But such principles are at variance with the Islamic principle. The moon's presence, movement and position in its orbit at any point are absolutely of no significance relative to the Islamic months.

The commencement of the Chinese lunar month was with the sunrise immediately before the new moon. Months of 29 or 30 days begin on the days the new moons are astronomically calculated, not by means of actual sighting. In the Hindu system, the month begins with the full moon. Islam has rejected all systems and has adopted only the principle of Ruyah. While the presence, position and movements of the moon could be accurately determined with the instruments of astronomy, there is absolutely no way to astronomically determine Ruyah, for this is the function of only the physical eyes. Possibility and impossibility of sighting is not Ruyah.

The eyes are wonderful bounties of Allah Azza Wa Jal. They are capable of competing with even telescopes. Confirming this fact, the group of astronomers avers:

"...the all-time world record for a crescent seen by naked eyes is 29 minutes, and by telescopes 20 minutes."

The difference in the abilities of the two media (eyes and telescopes) is a mere 9 minutes. The astronomers have confirmed that a sighting with the eyes had taken place just 29 minutes.

The other new principle stated in the second option above, is imkan al-ruyah or the possibility of sighting the hilaal. This principle too is in flagrant conflict with the immutable principle of the Shariah. Allah Ta'ala has ordained that the principle is Ruyatul Hilaal, not imkaanur ruyah (the possibility of sighting the hilaal). The fabrication of this new principle is a haraam interpolation and abrogation of the divine command. Such interference with the Shariah is tantamount to kufr. Since Allah Ta'ala has ordained Ruyah, no one is then entitled to arrogate to himself the right to scuttle this principle and substitute it with wujood (presence) or imkaan (possibility). The astronomers have therefore transgressed the limits of the Shariah by pronouncing 'religious coherence' for these two haraam principles fabricated in this belated era, fourteen centuries down the line. Their attempt to supersede the Shariah is mardood.

Neither is the theory of wujood nor imkaan denied in relation to astronomical calculations and predictions which are all zanniyaat (conjectural regardless of the high degree of accuracy) as opposed to the Qat'iyyat (Absolute Certitude) of the Ruyah principle of the Shariah.

Thus, it is haraam to plot the commencement of Ramadhaan or Eid or any of the Islamic months on the basis of the aforementioned two principles (wujood and imkaan). Turkey, Malaysia, the European Council for Fatwa and Research and whoever else may have adopted one of these two baatil and mardood principles, are miscreants and come within the scope of the strictures of the Qur'aanic verses:

"These are the limits of Allah. Therefore do not transgress them."

"Whoever transgresses the limits of Allah, verily he has committed injustice to himself."

The third option, namely, Ruyah or actual physical sighting is the only valid Shar'i principle.

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Those countries – and they are the vast majority – which had celebrated Eid on the basis of this principle acted correctly within the bounds of the Shariah.

It is salubrious that in countries where the only principle employed was Ruyah such as South Africa, there was absolutely no controversy. This year, there was no moon controversy in South Africa since the principle of Ruyah was followed. However, where the Ruyah principle was abandoned, controversy prevailed. In all matters, whenever the limits of the Shariah are transgressed, the consequence is controversy and fitnah.

In rejection of the Saudi's dubious system, the astronomers say: "But decreeing that whenever the moon sets after the sun by one minute or less it is potentially visible as a crescent is simply an attempt to trespass into the astronomers' expertise and prerogatives and an unjustified rejection of the hundreds of papers and thousands of observations that are recorded in the scientific literature, a body of knowledge that we challenge anyone to discredit."

At the outset let us make it quite clear that we hold no brief for Saudi announcements even if they adopt the principle of Ruyah. The rejection of Saudi pronouncements is based on other factors which are unrelated to this discussion. Shar'i facts may not be denied regardless of the source of their emanation. Therefore, we shall corroborate and support the Saudi system which they claim is the principle of Ruyah notwithstanding our rejection of Saudi pronouncements, nor the refutation by the astronomers of the Saudi claim of the possibility of Ruyah even if moonset is one minute after sunset.

The Saudi 'one minute' claim is acceptable to the Shariah in view of the fact that it is linked to Rasulullah's command to search for the hilaal at the end of the 29th day of the Islamic month. However, Saudi Arabia has weakened its Shar'i position with the stipulation of moonset after sunset. The Shariah's principle is Mutlaq (unrestricted by any condition). Regardless of moonset being before or after sunset, the Shariah commands the search for the hilaal at the end of the 29th day. There would have been greater credibility and Shar'i force in the Saudi system if the moonset business had been discarded. It is imperative for the correct operation of the Shariah's command to isolate astronomy in entirety for the purposes of determining the termination and commencement of the Islamic months. Regardless of the accuracy of astronomical calculations, and without contesting their validity, astronomy does not feature anywhere in the Islamic system for determining the months.

The Saudi state Ulama vehemently claim that they are following the Shariah's command, viz., searching for the hilaal at the end of the 29th day. Whether this is factual or not, we do not know. Nevertheless, this claim is 100% correct. If the requisites of the Shariah pertaining to Shahaadat (testimony) are complied with, and on this basis if Eid, etc. are proclaimed, it will be valid and binding regardless of the noises made by the astronomers. Even if all the astronomers of the world unite to say that it is a total impossibility to sight the moon, the Shariah's command to search for the hilaal at the end of the 29th day may not be abandoned. Regardless of astronomical impossibility, if a sighting satisfies the requisites of the Shariah, the new month will be incumbently declared.

If the hilaal can be sighted 29 minutes after sunset as is confirmed by the astronomers, there is

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nothing to prevent Allah Ta'ala to make the hilaal visible to the naked eye even one minute after sunset as the Saudi's assert. The determinant is not moonset and minutes. The determinant is the Sunnah system of establishing the commencement of the months. However, since the Saudi regime is an oppressive, brutal appendage of the U.S.A., the announcements made by Saudi state agencies lack credibility. The announcers are bereft of the Shar'i requirement of adaalat.

The Saudi stance, if it is true that they physically sight the hilaal at the end of the 29th day, does not "trespass into astronomers' expertise and prerogatives" as the group of astronomers claims. The claim of the Saudi Ulama regardless of it emanating from the state Ulama, merely confirms the position of the Shariah. It does not concern itself with astronomy. If this stance refutes the expertise of the astronomers, it matters not. The astronomers simply have to digest it and understand that they have no right of intrusion into the domains of the Shariah. For the sake of respecting the theories, observations and findings of the astronomers, it is haraam to render the Shariah subservient to astronomy or any other science. When there is a clash between the Shariah and astronomy, the latter will be dumped in the waste, and the Shariah will prevail regardless of how irrational the Shar'i stance may appear.

Furthermore, the view of the astronomers that it is humanly impossible to sight the hilaal after a few minutes after sunset is not based on any scientific or rational evidence. At most, 'thousands of observations' are presented as the grounds for their averment. But 'thousands of observations' are not conclusive and absolute evidence for substantiating the claim that the hilaal cannot be visible after one minute. Despite all the thousands of observations, only one case of a 29 minute sighting has been recorded. Let us assume that this one case was not recorded, or it was never reported, then the astronomers would have claimed that the hilaal can never be sighted with the naked eyes after 29 minutes simply because the feat accomplished by powerful telescopes is 20 minutes. Such a claim would not be scientific regardless of the number of observations. If a fact lacks the absolute certitude with which an irrefutable logical, rational or scientific principle cloaks it, it cannot be termed scientific. According to the Shariah, the impossibility of Ruyah in terms of astronomy is a Zanni issue.

If Saudi Arabia basis its announcement genuinely on Ruyah, then its ruling will be valid for the inhabitants of that land. Beyond Saudi Arabia's borders no one is under any obligation to accept the announcement made by the Saudi regime.