

ASTRONOMY CANNOT OVERRIDE THE SHARIAH

Written by Administrator

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ASTRONOMY CANNOT OVERRIDE THE SHARIAH SHAR'I SHAHAADAT MAY NOT BE REJECTED ON THE BASIS OF THE DETERMINATIONS OF ASTRONOMY

QUESTION:

According to some Muftis it is permissible to use the determinations of astronomy to negate false sightings. It is maintained that in this age of fitnah and mischief and questionable testimonies of sighting, it is permissible to use astronomy to refute testimonies of moon sightings. Is this view correct?

ANSWER

There is no scope for re-interpretation of the Ahkaam in Islam. The Yahood and Nasaara had mangled beyond recognition the Shariats of Nabi Musa (alayhis salaam) and Nabi Isa (alayhis salaam) with their processes of re-interpretation, distortion and personal opinion. Thus, there does not remain a semblance of the original Shariats of the Ambiya (alayhimus salaam).

In this regard Islam is unique. The Deen has been finalized at the termination of Nubuwwat. The ahkaam are immutable and will remain in their pure form until the Day of Qiyaamah.

The view of negating Shar'i evidence/testimony on the basis of the determinations of astronomy is incorrect and abhorrent in the extreme because it in effect abrogates a Mansoss Alayh usool (principle) of the Shariah. The principle is that the testimony of Aadil (just and uprighteous) witnesses is Shar'i daleel. Such shahaadat is binding. It is haraam to set aside a Shar'i daleel – a Mansoos Hukm – on the basis of astronomical determinations. How can it ever be Islamically possible and permissible to cancel a Shar'i principle on the basis of a man-made determination?

Whilst the same Muftis maintain that astronomical determinations are not valid for commencing the Islamic month, they illogically aver that such determinations are valid for negating Shar'i Shahaadat. Both principles are Shar'i, and of equal weight and importance.

The argument that this is an age of fitnah and mischief, hence false testimony is made, is baseless. In terms of the Shariah a sighting is not false. The testimony can be false. The Shar'i command is to reject testimony which does not conform to the requisites of the Shariah. Eid, Ramadhaan and the Islamic months in general are never determined on the basis of such testimony which does not conform to Shar'i standards. The Shariah stipulates the requisite of adaalat for those who testify. Aadil persons are generally known in a community. A total stranger who testifies will be majhoolul halaal. His testimony shall not be accepted. However, when Aadil persons testify that they have sighted the hilaal, then confound what the astronomers say. Irrespective of the determinations of astronomy, it is haraam to reject the shahaadat of Aadil persons. Astronomy can never override the Shariah. On the contrary, the Shariah overrides and rejects man-made determinations when these are in conflict with the Law of Allah Azza Wa Jal.

Let us momentarily assume that the Aadil persons who are testifying had made a genuine error in sighting. There was no hilaal, but according to their sightings, the hilaal was seem. Now it matters not whether the hilaal had been sighted or not. Of vital importance is that Aadil

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persons had testified to having seen the hilaal. On the basis of their shahaadat Ramadhaan and Eid shall be declared.

The issue is not the hilaal. The issue is the Hukm of the Shariah. The Shariah commands that Ramadhaan will commence on the basis of the testimony of even one Aadil person, male or female, if the sky is overcast, for example. It matters not what the astronomers say. The fitnah of dishonest people have no role in the determination of the Islamic months, because everyone knows them to be ghair-aadil (not uprighteous). The Shariah prohibits acceptance of the shahaadat of fussiaaq. Thus, the argument of 'mischief' due to the testimony of fussiaaq is a figment of the imagination. The requisite of aadalat precludes false testimony. The Shariah nips in the bud such mischief by simply not entertaining the testimony of fussiaaq. Valid Shahaadat is only by pious and aadil persons.

It should be remembered that Rajm (Stoning the death), cutting off the hand for theft, flogging and numerous other ahkaam of the Shariah are fully reliant of the testimony of Aadil witnesses. The devices of technology cannever override these ahkaam of the immutable Shariah.

It should be clear that the honourable Muftis who have averred the permissibility of overriding the Shariah with astronomy have grievously erred. And Allah knows best.