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SIGHTING THE HILAAL WITH OPTICAL INSTRUMENTS

Question

One of our Mufti Sahibs here in the U.S.A. has done a research regarding the sighting of the hilaal by means of binoculars and telescopes. According to him, it is not permissible to use such instruments to sight the hilaal. Such sightings are not valid. Please study his research and comment. Is it permissible to sight the moon with binoculars and telescopes? Hadhrat Maulana Ashraf Ali Thanvi (Rahmatullah alayh) had issue the fatwa that it is permissible and valid for confirming a sighting. On the basis of Hadhrat Thanvi's Fatwa, all Muftis related to Deoband also say that it is valid.

Answer

We have perused the research of the Mufti Sahib. While we are in agreement that the *hilaal* cannot be confirmed with a sighting by means of optical instruments (binoculars, telescopes, etc.), we do not agree with the *dalai-il* of the Mufti Sahib.

The Mufti Sahib based his conclusions on making *qiyaas* on the masaa-il pertaining to viewing the reflection of certain objects in a mirror or in water. The Fuqaha have rejected the validity of viewing the reflection, hence *Hurmat-e-Musaaharah* is not established, nor is *Khiyaar-e-Rooyat* negated, nor will the *Yameen* be violated.

Although there exists difference of opinion among the Fuqaha on these issues, there is no need to traverse these masaa-il and to extend the ruling to the issue of seeing the hilaal in a mirror or in clear water. According to Hadhrat Maulana Ashraf Ali Thanvi (Rahmatullah alayh) the sighting will be confirmed if the reflection of the hilaal is seen in water or a mirror.

The Mufti Sahib's research to establish the impermissibility of using optical instruments for confirming sightings of the hilaal was unnecessary. The *Ruyat (sighting)* of the hilaal should not be analogized on the basis of the three aforementioned masaa-il. The objectives of the *Ruyat* in the three masaa-il and the hilaal differ. At this juncture it is needless to go into the details of the aforementioned three masaa-il on which the Mufti Sahib has based the impermissibility of optical instruments.

Ruyat of the Hilaal is a separate mas'alah entirely independent of the issues utilized by the Mufti Sahib to arrive at his conclusion with which we do agree. The mas'alah is conspicuous. It is clear and requires no *qiyaas* for substantiating the invalidity of sightings by means of optical instruments.

Rasulullah (Sallallahu alayhi wasallam) had stated the principle very clearly, namely *Ruyat of the Hilaal*. It is imperative to see (*ruyat*) the *hilaal* to confirm it. Seeing its reflection is not *Ruyat-e-Hilaal*. The image in a mirror or in water is not the *hilaal*. Thus the sight of the hilaal in a mirror or in water is not *Ruyat-e-Hilaal*. There is no need for extrapolation or to seek a basis in other masaa-il for this impermissibility.

The image of the hilaal seen with a binoculars and the like is a reflection of the moon. It is not the hilaal which is seen with the naked eye. The image of the hilaal reaches the eye of the observer via a series of mirrors in the optical instrument. Thus it is a reflection of the moon or it could possibly be the reflection of another heavenly body such as the star Venus which could have the appearance of the hilaal as the Mufti Sahib has explained in his research.

Hadhrat Maulana Ashraf Ali Thanvi (Rahmatullah alayh) has erred in this matter. This error casts no adversity and is not an aspersion on the greatness and glory of the Ilm and status of Hadhrat (Rahmatullah alayh). Hadhrat Thanvi (Rahmatullah alayh) had in fact issued many retractions on other masaa-il as well. We are confident that if Hadhrat was alive today and the functioning of the binoculars explained to him, he would readily issue a retraction of his fatwa as he has done with many other fatawaa.

As for the mirror/water image accepted as valid by Hadhrat Thanvi (Rahmatullah alayh), this is clearly an error of opinion in view of the fact that the Hadith categorically states that the *hilaal* must be seen, not its reflection.

If this opinion has to be accepted, then tomorrow it will be argued that sighting the hilaal whose image is projected on a television screen at the same time as people are searching for it, is valid. The reflected/depicted image on the television screen is also a reflection such as the image in the binoculars. In fact, there are devices by means of which hilaal depictions could be made on television screens enabling people to view the 'hilaal' sitting in their homes. This stage may yet develop. There is no dearth of *zindeeqs* to employ this method for confirming the '*hilaal*'.

It is necessary to draw attention to the fact, that the Mufti Sahib had not acquitted himself with complete honesty and *ikhlaas* in his research. In his research paper, he mentioned the fatwas of

Hadhrat Thanvi (Rahmatullah alayh)
Fataawa Darul Uloom Deoband
Mufti Ahmad Khanpuri
Mufti Ebrahim Salejee (Isipingo Beach)

All of the abovementioned venerable Muftis have ruled that sighting by means of optical instruments is valid. They all based it on the Fatwa of Hadhrat Thanvi (Rahmatullah alayh). And, the Mufti Sahib (Yusuf ibn Yaqub of U.S.A.) rejects their fatwas. Ending his research paper, he says:

"Eternally grateful student and servant of the late, great, Mufti Ebrahim Desai (rh)."

Yet, he deemed it prudent to conceal the fatwa of the "great Mufti Ebrahim Desai". The following is the Fatwa of the "great Mufti Ebrahim Desai":

"QUESTION

3 August 2019

Asslamou Alaikoum Warahmatu;llah.

Respected Mufti saahib, i would like to inquire about the issue of moon sighting of Eid nor new month using binoculars and telescopes. What is the sahar'ee ruling? There are some new groups in my country recently created

a moon sighting committee claiming they will use any technological means and that it is perfectly fine according to sharia instead of naked eye sighting. Can i have some source material i could refer to?

Jazakumullah Kheiran

ANSWER

In the Name of Allah, the Most Gracious, the Most Merciful.

As-salāmu ‘alaykum wa-rahmatullāhi wa-barakātuh.

What do you mean by any technological means to sight the moon? If you are referring to sighting the moon through binoculars and telescopes, then that is permissible. The sighting of the crescent through a binocular or telescope is valid.[i]

If you refer to anything else, then please clarify what other technological means you are referring to as the ruling may differ.

You may email your clarification to: admin@daruliftaa.net Ref: Hammad Jogiat

And Allah Ta’āla Knows Best

Hammad Ibn Ismail Jogiat

Student Darul Iftaa

Cambridge, Ontario, Canada

Checked and Approved by,

Mufti Ebrahim Desai.

فتاویٰ قاسمیہ - مؤلف : حضرت مولانا مفتی شبیر احمد القاسمی صاحب - ناشر : مکتبہ اشرفیہ دیوبند الہند
[i] (ج: 11 ص: 443)

دور بین و خورد بین کی رؤیت کا حکم

باسمہ سبحانہ تعالیٰ

الجواب وبالله التوفیق: فقہاء نے خورد بین اور دور بین کو عینک کا درجہ دیا ہے ، لہذا اس سے رؤیت معتبر ہے ۔
(مستفاد: امداد الفتاویٰ ۲/۱۵) فقط واللہ سبحانہ وتعالیٰ اعلم

کتاب المسائل - مؤلف : مولانا مفتی سید محمد سلمان منصور پوری صاحب - ناشر : المرکز العلمی للنشر
والتحقیق مراد آباد، انڈیا (ج: 2 ص: 124)

دور بین سے چاند دیکھنا

دوربین اور خوردبین سے بھی چاند دیکھنا شرعاً معتبر ہے۔ (کیونکہ یہ آلات صرف دیکھنے میں سہولت پیدا کرتے ہیں، معدوم کو موجود نہیں کر سکتے)

امداد الفتاویٰ جدید - جدید مطول حاشیہ شبیر احمد القاسمی - ناشر : زکریا بک ڈپو دیوبند ، سہارنپور ، یوپی
انڈیا (ج:4 ص:191)

حضرت والا تھانویؒ نے دور بین اور خوردبین سے چاند دیکھنے کو عینک اور چشمہ لگا کر دیکھنے کی (۴) طرح قرار دیا ہے؛ لہذا دور بین اور خورد بین سے چاند دیکھنے کی صورت میں رؤیت معتبر ہو جائے گی۔

امداد الفتاویٰ - مؤلف: مولانا اشرف علی تھانوی - ناشر: مکتبہ دار العلوم کراچی (ج:2 ص:140)

فتاویٰ دار العلوم زکریا - مؤلف: مفتی رضاء الحق - ناشر: زمزم پبلیشر (ج:3 ص:243)

رمضان اور جدید مسائل - جدید محقق و اضافہ شدہ ایڈیشن - مؤلف : حضرت مولانا مفتی محمد شعیب اللہ خان صاحب مفتاحی - ناشر : شعبہ تحقیق و اشاعت - الجامعة الاسلامیہ مسیح العلوم ، بنگلور انڈیا (ص:70)

محمود الفتاویٰ - مؤلف: مفتی احمد خانبوری - ناشر: مکتبہ انور (ج:4 ص:323)

Read more at https://www.askimam.org/public/question_detail/42892
(End of the fatwa of the “great Mufti Ebrahim Desai”)

Why did this “great Mufti’s” student, Mufti Yusuf ibn Yaqub, conceal the fatwa of his Ustaadh? He has taken to task our illustrious Hadhrat Maulana Ashraf Ali Thanvi (Rahmatullah alayh), as if Hadhrat was some junior, and he has dismissed the fatwas of the other Muftis, but he sought to conceal the fatwa of his own Ustaadh, the “great Mufti Ebrahim Desai” whose fatwa is 100% in concurrence with the Fatwa of all the other seniors. In fact, the fatwa of the “great Mufti Ebrahim Desai” is based 100% on the Fatwa of Hadhrat Maulana Ashraf Ali Thanvi (Rahmatullah alayh).

By concealing his Ustaadh’s view, Mufti Yusuf ibn Yaqub conveys the impression that the “great Mufti Ebrahim Desai” held the view of impermissibility of using optical instruments.

May Allah Ta’ala always guide us and bestow to us the bounty of *Ikhlaas*.