

The Difference in Horizons (Ikhthilaf Al-Matali'): Its reality and effect

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(Translated)

It is stated in the book, "Fiqh of the Four Madhahib"

إذا ثبتت رؤية الهلال بقطر من الأقطار وجب الصوم على سائر الأقطار، لا فرق بين القريب من جهة الثبوت والبعيد إذا بلغهم من طريق موجب للصوم. ولا عبرة باختلاف مطلع الهلال مطلقاً عند ثلاثة من الأئمة (الحنفية والمالكية والحنابلة)؛ أما الشافعية فقالوا: إذا ثبتت رؤية الهلال في جهة وجب على أهل الجهة القريبة منها من كل ناحية أن يصوموا بناء على هذا الثبوت، والقرب يحصل باتحاد المطلع، بأن يكون بينهما أقل من أربعة وعشرين فرسخاً تحديداً (120 كلم)، أما أهل الجهة البعيدة فلا يجب عليهم الصوم بهذه الرؤية لاختلاف المطلع.

"When the Hilaal crescent moon sighting is confirmed in any of the regions, it is obligatory upon the rest of regions to fast. There is no difference between the nearest and farthest regions in terms of confirmation, when the news reaches them in an obligatory manner for fasting. There is no consideration for the difference in the horizon of crescent [meant here is the new moon] absolutely amongst three of the four schools of thought, Hanafi, Maliki and Hanbali. As for the Shafi'i madhab, it is said that when the crescent moon sighting is confirmed in one proximity, it is obligatory upon the people nearer to the proximity from every side to fast based on that confirmation. The proximity is obtained by the union of the horizon, such that the distance between them should be less than twenty-four *farsakh* specifically, i.e. 120 km. As for the people who are far from the proximity of moon sighting, it is not obligatory upon them to fast upon this sighting, due to the difference in horizon."

When the 'Ulema of the Shafi'i madhab estimated the union of horizon in a geographical circle, with a center of sighting and a radius of 120 km, they did not rely on the divine texts. Instead, they made an analogy to the distance of shortening the Salah while traveling.

Upon scrutiny, one can find that the opinion of the other three 'Ulema is sounder than that of the Shafi'i madhab. The subject is dependent on the scrutiny of reality (tahqeeq ul manaat). Scrutiny of the reality demands the knowledge of the reality and not just the divine texts.

When we go to the reality, we can find that astronomy has presented us with vast knowledge in these times, which were not accessible in the days of the four Imams, may Allah be pleased with them. For instance, today we know that the birth of the new moon (hilal) takes place at a single time for all regions of the earth. As for its sighting, it differs according to the locations. Birth of the new moon for the month of Rajab during the year 1410 AH was on Friday, January 26th around 19 GMT (21 Beirut time), during that time a solar eclipse occurred. The solar eclipse occurs at a time of the birth of the new moon, because the moon at that moment comes in a straight line between the Earth and the sun and so the moon is hidden behind the sun from the earth and thus the solar eclipse occurs. Before these moments, we were still in the month of Jumada al-Akhira. And during the moments of the eclipse, we were in between Jumada al-Akhirah and Rajab. And after the end of the eclipse, the new moon for the month of Rajab was born.

If we are certain that the birth of the new moon, in relation to any place on Earth, for the month of Rajab was around 19:00 GMT on the 26th of January, and if we know that the month of Rajab equals around 29 and a half days, and if we know that the month of Shaban equals around 29 and a half days, then we can conclude that the birth of new moon for the month of Ramadan for the year 1410 AH will be around 19:00 GMT on Monday, March 26, 1990 CE.

Moreover, we know from the Shariah texts that the beginning of lunar months is not counted from the moment of birth of its new moon. Instead, it is counted from the time of the actual sighting the new moon. Moon sighting is not possible until after several hours of its birth. This is because when the crescent is born, it will be smaller and nearer to the sun and so the light of sun dominates the light of crescent, thereby its sighting is prevented.

We know that the new moon lags behind the sun every day for around 48 minutes i.e. if the new moon sets an hour after the disappearance of sun, then on the following day the crescent

will disappear around one hour forty-eight minutes after the disappearance of sun. This means the moon lags two minutes behind the sun every hour.

Accordingly, when the new moon for Ramadan is born in 19:00 GMT on 26 March 1990, then its sighting is possible for around 24hrs of the same day, because the new moon may lag behind the sun around eleven minutes i.e., the new moon disappears eleven minutes, after the setting of the sun. That is, it can be seen in many parts of the world, such as Morocco, for example.

Accordingly, when some of the Muslims see it and inform other Muslims about that sighting, then all should abide by this sighting and there is no effect in the reality due to difference in horizons. This is because the birth of the new moon occurs in a single place and in a single time in relation to all parts of the world. The difference lies only in the sighting and sighting of few people binds the others.

The texts of ahadith oblige the Muslims to abide by the sighting of few. It has now become an obligation for the followers of Shafi'i madhab to change in this mas'alah (legal issue). Neither the liability of the Mujtahid nor the liability of understanding muqallid (imitator) is absolved if they pay attention to the subject matter.

The Uncertainty (shubha) upon which the 'Ulema of Shafi'i rely on over the difference in horizons is the hadith reported by Muslim:

«عَنْ كُرَيْبٍ، أَنَّ أُمَّ الْفَضْلِ بِنْتَ الْحَارِثِ، بَعَثَتْهُ إِلَى مُعَاوِيَةَ بِالشَّامِ قَالَ فَقَدِمْتُ الشَّامَ فَقَضَيْتُ حَاجَتَهَا وَاسْتَهَلَّ عَلَيَّ رَمَضَانُ وَأَنَا بِالشَّامِ فَرَأَيْتُ الْهَيْلَالَ لَيْلَةَ الْجُمُعَةِ ثُمَّ قَدِمْتُ الْمَدِينَةَ فِي آخِرِ الشَّهْرِ فَسَأَلَنِي عَبْدُ اللَّهِ بْنُ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمَا - ثُمَّ ذَكَرَ الْهَيْلَالَ فَقَالَ مَتَى رَأَيْتُمُ الْهَيْلَالَ فَقُلْتُ رَأَيْتَاهُ لَيْلَةَ الْجُمُعَةِ . فَقَالَ أَنْتَ رَأَيْتَهُ فَقُلْتُ نَعَمْ وَرَأَاهُ النَّاسُ وَصَامُوا وَصَامَ مُعَاوِيَةَ . فَقَالَ لَكِنَّا رَأَيْنَاهُ لَيْلَةَ السَّبْتِ فَلَا نَزَالَ نَصُومُ حَتَّى نَكْمَلَ ثَلَاثِينَ أَوْ نَرَاهُ . فَقُلْتُ أَوْ لَا تَكْتَفِي بِرُؤْيَا مُعَاوِيَةَ وَصِيَامِهِ فَقَالَ لَا هَكَذَا أَمَرَنَا رَسُولُ اللَّهِ ﷺ»

"Kuraib reported that Umm Fadl, daughter of Harith, sent him (Fadl, i.e. her son) to Mu'awiya in Syria. I (Fadl) arrived in Syria, and did the needful for her. It was there in Syria that the month of Ramadan commenced. I saw the new moon (of Ramadan) on Friday. I then came back to Medina at the end of the month. Abdullah b. 'Abbas (Allah be pleased with him) asked me (about the new moon of Ramadan) and said: When did you see it? I said: We saw it on the night of Friday. He said: (Did) you see it yourself? I said: Yes, and the people also saw it and they fasted and Mu'awiya also fasted, whereupon he said: But we saw it on Saturday night. So we will continue to fast till we complete thirty (fasts) or we see it (the new moon of Shawwal). I said: Is the sighting of the moon by Mu'awiya not valid for you? He said: No; this is how the Messenger of Allah (saw) has commanded us."

The fact is that Ibn Abbas (ra) made ijthihad for his opinion upon the saying of the Messenger of Allah (saw), **"Make fasting upon sighting the moon and break it upon its sighting"**. Thus when Ibn Abbas (ra) said, "this is how the Messenger of Allah (saw) has commanded us," he was indicating this hadith and he did not rely on divine text to indicate that each land has its own moon sighting and has its own day for fasting or Eid. This ijthihad of Ibn Abbas (ra) has an error in understanding the reality (manat) and it is followed by the 'Ulema of Shafi'i.

When we interpret the term 'union of horizon' as being the regions where crescent is seen simultaneously, this resembles the union of horizon of the sun. Thus the regions, upon which the sun rises at same time, mostly lies along from south to north i.e. it lies on single latitude or closer latitudes according to the season of the year. As for the regions that lie along the closer longitudes according to the season of the year, it is where the horizon differs. This is the reality in relation to the rise of the sun and also to the rise of the moon. Therefore, the difference in horizons is based on the distance extending from east to west and not from south to north. There is no value for the farthest distance, if the regions are located over the stretch between north and south. This shows the error in adopting the greatest qasr, shortening the Salah, distance of 120 km, when a traveler travels from south to north or north to south as he almost remains in the same horizon.

If a traveler moves from east to west or from west to east, then the time for sunrise differs and also the time for moonrise differs. The estimation of the time difference to the distance difference is just over four minutes for a distance of 120 km. To be more precise, if the sun rises in a place at 6 o'clock and 4 minutes and 18 seconds approximately, when the two places are at

the same altitude, at sea level, for instance, similarly, if the moon rises in one place at six o'clock, 18:00, and we consider another place which is 120 km far from the first place towards west, then the moon will rise at the second place approximately at four minutes and twenty-two seconds past six, i.e. 18:04:22. This is because the moon is slower in its movement than the sun, when we are considering the relative movement in our sky.

These four minutes are barely considered, so how can we consider them for the (Ikhthilaf) difference in the beginning of the fast and the difference in the beginning of the Eid amongst Muslims?

We know that the circumference of the globe is approximately 40,000 km. Accordingly, the farthest distance between two points on the surface of the Earth is no more than 20,000 km. And, the longest time difference for the rise of crescent does not exceed more than 12 hours and 24 minutes. Thus, when the new moon is seen by some Muslims on the surface of Earth and they declare their sighting according to Shariah perspective, the Muslims who are located in their east will take their sighting and fast, if the night is still there for them, or they will abstain and make Qadha fasting on another day, if the day has already appeared to them. The Muslims who are located in their west can clearly see the crescent, if the sky is clear to them.

One can benefit from the astronomical calculations for estimation, though the sighting is the cause. Shariah does not prevent from the benefit of calculations, instead it ties the issue of fasting, breaking the fast and Hajj to the actual sighting. The calculations in these days have reached the level of accuracy that can be relied upon and benefitting. Based on the calculations, all Muslims can know the time of crescent birth and the time of its sighting and accordingly they can be prepared for fasting or Eid. However, it is only when some of them actually see the crescent and announce the sighting that all Muslims will proceed with them regarding their fasting, breaking the fast and making Eid.

It is appropriate to mention here that those who say to rely on calculations and being content with calculations without seeing the crescent, their opinion is an Islamic opinion because the evidence which they understood from the Sahih narration reported by Muslim from the Messenger of Allah (saw), «إِنَّا أُمَّةٌ أُمِّيَّةٌ، لَا نَكْتُبُ وَلَا نَحْسِبُ الشَّهْرَ هَكَذَا وَهَكَذَا» **“We are an unlettered Ummah; we neither write nor compute, make fasting when the crescent is sighted and break the fast when the crescent is sighted”**.

They understood that the 'Illah (Legal Reasoning) for the matter being dependent on sightings, is our nature of not being good at calculation and so if we became good at calculation, then there is no need for sighting. This is an Islamic opinion, and it is not permissible to ridicule the people of its opinion as they have adopted it based on such Ijtihad.

However, a more accurate understanding, according to our understanding of the divine texts, is to consider the actual sighting alone, whilst there is no objection to making use of the calculations.

At the beginning of the subject, we have mentioned that the Hanafi, Maliki and Hanbali madhabs say that there is the obligation of fasting in all the regions if Muslims from any region see the Hilaal crescent and the sighting of few Muslims becomes the binding sighting for all others, whilst the people of Shafi'i alone maintain the difference of horizons. However, what is happening today in the Islamic world is not the imitation (taqlid) of the Shafi Madhab. Instead it is an action without evidence. This is because the Egyptians start following Egypt's political border in their fasting and Eid. Similarly Moroccans, Iranians, Syrians and Turks all follow their respective political borders. They did not consider the distance of 24 farsakh i.e. 120 km as maintained by Shafi'i. Instead, they say they are following the rulers of their regions, as if such regions have become divine borders, upon which their fasting and breaking the fast are based.

The Muslims are one Ummah and they are obliged to abide by the Shariah legal rulings alone. If some Muslims see the crescent, their sighting is the sighting of all of their brothers upon the face of the earth. There is no value for such borders in the Deen of Islam.