

1<sup>st</sup> September, 2008

Sha'ban 30<sup>th</sup>, 1429

## **EXPLANATION AS TO DECISION OF AL-GHAZZALI CENTRE TO DISSENT FROM RAMADHAN ANNOUNCEMENT**

Many of you are probably aware by now of what generally transpired on the evening of observation of the crescent for the Sacred month of Ramadhan, on 31<sup>st</sup> August 2008. Al-Ghazzali Centre, as the coordinator of Australian National Crescent Sighting Coordination Centre (ANCSCC), has been and did relay live updates of the sighting results and decisions as to when the first day of Ramadhan would commence. ANCSCC liaises with the Hilal Sighting Committee comprising of a few Shuyookh from around Australia, which provides a platform for each of them to consult with each other about claimed sightings and deciding on the commencement dates of such important lunar months. I was personally directly involved in the reporting, consultation and analysis process as well, and was in constant telephone conference with each other under the guidance and chair of the Ameer, the esteemed Shaykh Shabbir Ahmad.

The end result was that the Hilal Sighting Committee decided that the 1<sup>st</sup> September, 2008 was to be the first day of Ramadhan. Al-Ghazzali Centre, under my instructions, dissented from that date. Our final live web-update reads:

*Australian 'Ulama have decided to accept sighting report from Darwin. Al-Ghazzali Centre disagrees with the sighting report on the basis of opposing scientific and jurisprudential facts. But according to a majority of Australian 'Ulama, 1st of Ramadhan commences on Monday 1st Of September. Ramadhan Kareem.*

This information may have caused some confusion, and for which I take full responsibility for and seek your forgiveness. I also know, from taking dozens and dozens of phone calls through the night (and continuing), that many individuals understood the reasons and supported our decisions. There are of course, no doubt many others are either still confused or have disagreed with our decision. This letter is to clearly explain why Al-Ghazzali Centre dissented, for the benefit of those who may want to know. I released a public email late last night, briefly explaining the situation as well. I personally would liked to have released this earlier, but it was simply not possible due to time constraints. And again, I personally apologise for not being able to release this explanation any earlier.

From the outset, I humbly ask the reader to please, not to belittle or slander any one of the Shuyookh or myself. I have utmost respect for each and every Shaykh involved in the crescent observation efforts, particularly those who undertake this on a monthly basis. My dissenting from the decision is in no way a sign of disrespect. On the contrary, some of us have spoken since what transpired, and whilst less than happy, are not being disrespectful or slanderous to each other. I ask everyone to seek clarification from all sides, and I invite you to take this Explanation to others for further clarification. I will also be available at any time to meet with anyone in person to discuss this further if one so requested.

This Explanation is about my decisions, not of the other Shuyookh, and I refuse to speak about them, what they said or did, or what my opinion is about their decision- the best person to clarify that will be themselves and I encourage you to speak to them with respect and kindness. Al-Ghazzali Centre fulfilled its duty to relay the date decided by Shaykh Shabbir as the Ameer, after consultation. The letter will solely focus on why I made the decision I did, instructing Al-Ghazzali Centre to adopt the date of 2<sup>nd</sup> September as the start of Ramadhan.

## Summary of Events of 31<sup>st</sup> August

There was a claim of crescent being sighted in Darwin. After investigation, it was confirmed that two individuals did relay that they saw the crescent. It was also established that the claimants were trustworthy individuals, and that was never in question by any party.

After much deliberation and consultation, Shaykh Shabbir, may Allah reward him for his tireless work, announced at approximately 8:40 that the claim of the two witnesses was sufficient and that 1<sup>st</sup> of September was to be the commencement of Ramadhan. I registered my disagreement of the decision and informed that the announcement will be made in accordance with that. Al-Ghazzali Centre made the announcement, as outlined earlier.

## Reasons to Dissent

I must firstly emphasise that I would not have dissented, and never would, if there was a justified room for legally valid reasons about the matter on hand. I took the importance of establishing the day with utmost precision and accuracy as our primary goal, given that the *Sabab for* time-based obligations rely on certainty of time being present to perform the obligation. As such, all considerations related to due process for making such a decision is what I weighed my decision against.

Secondly, my decision was not unilateral. It did include consultation before, during and after what transpired. I also spoke to Scholars from overseas qualified in Astronomy under Shari'ah, as well as expert astronomers from UK, UAE and Jordan. At the point of my decision, I was not only relying on my expertise on the matter but I was also well informed by individuals who are experts in the fields of Observational Astronomy in Islamic Fiqh as well as those in the science of it.

Thirdly, the reasons I explain below were submitted to the Hilal Sighting Committee during our oral consultations.

Fourthly, science is an integral part of the process of determining the sightability of the crescent, but only positive naked-eye sighting can provide certainty. It cannot be used to pre-determine the lunar calendar at all. The greatest of Jurists of all time - Abu Yusuf, Ibn Taymiyah, Abu Ishaq al-Abjadi, al-Burayni, as-Subki and many others - accepted the use of scientific facts (as opposed to probability) as a guiding tool. It is also used as a form of negating evidence. Science cannot be rejected but is amongst the tools subjugated by Allah to humans, as long as it fulfils the goals of Shari'ah.

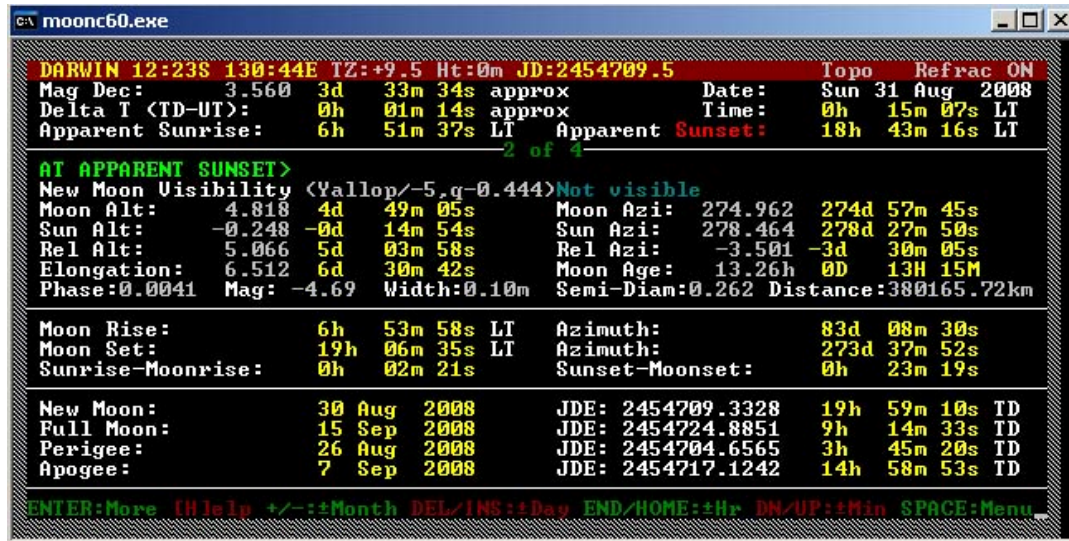
Fifthly, I will avoid technical jargon as much as possible, and will keep my explanation to simple English. I will not explain the details of the scientific data and criteria for sightability. To do that, will make this Explanation into a much longer document! Al-Ghazzali Centre runs regular workshops on this and I invite you to attend them, because once you do learn them, the issue becomes quite plain and simple.

### 1<sup>st</sup> Reason

Scientific data about the lunar crescent can be broken down into the following categories of possibility:

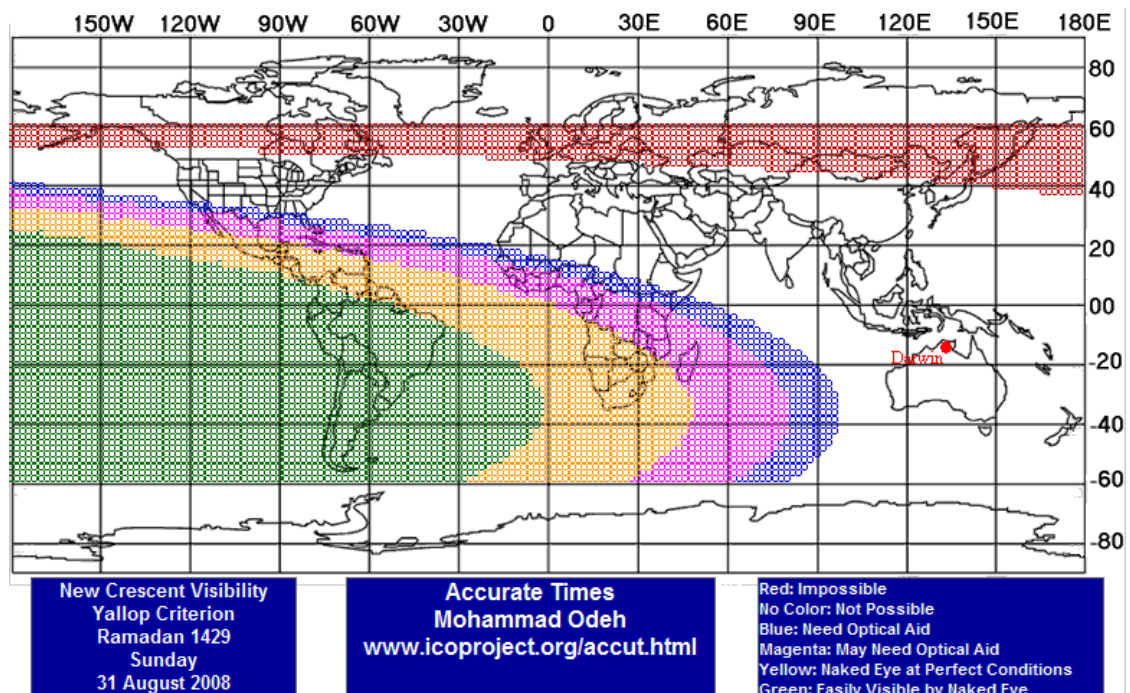
- i) Certainty of presence of the crescent (after a certain period from new moon). The conditions of 31<sup>st</sup> August did not fit in this category at all;
- ii) Good probability of presence. The conditions of 31<sup>st</sup> August did not fit this category at all;
- iii) Some probability of presence. The conditions of 31<sup>st</sup> August did not fit in this category at all.
- iv) No probability of presence. The conditions of 31<sup>st</sup> August strongly fitted this category, and which the Hilal sighting Committee did agree.

Below is a generation of the data for Darwin on 31<sup>st</sup> August:



Ignoring all the technical information, please note that the new moon is **not visible in Darwin** on 31<sup>st</sup> august, 2008. The probability of sighting is not only too low, but close to zero.

I would also like to share with you a lunar sighting chart, which indicates the different areas of sightability of the crescent on the 31<sup>st</sup>. The above data is based on what is called the “Yallop criteria”, after a famous and highly expert Astronomer from Greenwich Observatory, UK, Bernard Yallop, who is also a friend and colleague of mine and who I consulted with on the matter:



You will note that Darwin is in the “no color” zone, in which it is not possible to sight the crescent.

Further, there are well-scrutinised and established criteria that if not met, it is a reality that the crescent cannot be sighted. Below is a table of some (not all) of these criteria, in comparison to the conditions of Darwin on 31<sup>st</sup> August:

Criterion	Minimum Required	Darwin Reality	Fulfills Requirement?
<b>Moon Age</b>	18-21 hrs	13.2 hrs	No
<b>Moon Altitude</b>	5 deg.	4.7 deg	No But very close
<b>Sun-Moon Separation</b>	9-12 deg.	6.5 deg	No
<b>Moonset From sunset time</b>	48 mins	23 mins	No

These are the minimum criteria the new moon must reach to, before sighting can be *possible*, not even yet certain. In addition, the above criteria and others like atmosphere, etc, must all come together in a holistic way in order for the earliest crescent based on these criteria to be seen. The conditions in Darwin do not come anywhere close to the reality of possibility under any one of the criteria to sight the crescent.

The analogy that may help understand is that someone suggesting to a person to pray Fajr in Australia today, at say, 2am. It is impossible to accept that because it is clear the time for the prayer would not yet be present.

It is important to note that the evidence about the moon at its stage on 31<sup>st</sup> August is well known amongst Scholars, and is not just a possibility or rumour. If a reasonable possibility existed, then undoubtedly, one must give the benefit to the claimants of the sighting, but it is clear that was not the case. This issue is important as evidence under Islamic Jurisprudence, and discussed below, if one was to take *all* information holistically to strive to make a thorough and complete decision.

Finally, under this point, if the Darwin sighting was true, it would set a new world record for the earliest (but quite far from the common) crescent to have been sighted by naked eye, at the moon age of approximately 15 hours. This is besides the point and not relevant to our discussion, but it highlights the extreme rarity, at best, of the situation at hand.

## 2<sup>nd</sup> Reason

There are rules for due process of assessing a claim of a witness under Islamic Law. And, this issue cannot be forgotten as it is fundamentally connected to the situation we found ourselves on 31<sup>st</sup> August. Below is an extremely brief explanation of how the rule of evidence is assessed in Islamic Jurisprudence. The application of the principles in reality from the time of 'Ali's Khilafah, may Allah be pleased with him, are simply too numerous to mention here, and suffice to say, it is a fundamental part of the study of *Usool ul-Fiqh*.

Firstly, it had been established, and it was never an issue for Al-Ghazzali Centre, regarding the trustworthiness of the two witnesses. The fact that the number of witnesses differed from one person to another is something that can be overlooked, and again was not an issue for Al-Ghazzali Centre.

Secondly, once the trustworthiness of the witnesses are established (as was the case once when 'Ali himself, as the Khalifah, was brought to court as a witness), it is important to assess real evidences, including expert reports. This becomes a priority if when a claim is based on something which is not probable. In our case regarding the conditions of Darwin, the sightability was not only doubtful, but simply improbable. In fact, when a claim is found to contradict real data as evidence, the claimant cannot be accepted as a viable witness for that matter at that point of time (as was the case with 'Ali, for example, where evidence was against him as the most trustworthy of witnesses. His claim was not accepted.). This in no way labels or defines the claiming witnesses as liars; they could have made a genuine mistake quite easily, as will be seen below. In crescent sighting, such mistakes are made by best of astronomers if they are not careful, let alone amateurs without guiding equipment.

Thirdly, the claim of sighting would need to have been given more weight if a significant number of areas WEST of Darwin at a similar latitude with clear skies were also able to see it. Every city that I am aware of which are west from Australia (Malaysia, Brunei, Philippines, Bangladesh, Pakistan, Oman, Saudi Arabia, etc) were unable to sight the crescent, even though some of them used powerful telescopes (which itself is a negating proof, but we will not be concerned with it here). Indonesia made an official statement of sighting, but every independent sighting group denied sighting.

Claims of reports- rumours, have even hit the internet that the crescent was also sighted in Perth. This is simply not true, and was confirmed by the Shuyookh. I also spoke to numerous sighters in many areas of Perth, and it was cloudy and no crescent was sighted. One person initially reported that he has seen "something like a crescent", and that was resolved.

The factual evidences were significantly much weightier than the witnesses, particularly given the fact, errors and claims of similar nature has often occurred in the past. Because data-based evidences are fully admissible at the very least as a negating evidence against a claiming witness, there is no room for doubt in this situation that the claim had to be declined.

### 3<sup>rd</sup> Reason

A common mistake, in fact too common (and often recorded as false sightings), is mistaking another celestial object for the moon. And for northern Australia, it is quite easy to do exactly that currently, particularly in comparison to someone searching for a feint and narrow crescent, because a bright planet Venus is currently setting just after the moon. The brightness is quite odd at sunset times, because the star brightness can be mistaken to have an elongated tail if not carefully observed. Below is a depiction of Venus over Darwin:



For me this was a side issue, but nonetheless a possibility that adds more weight against the claim of sighting the moon, given the circumstances.

#### 4<sup>th</sup> Reason

The births of the new moon are a miracle of Allah Subhanahu wa Ta'ala, and the way its ending and commencement are measured by Allah is quite profound. In order to verify extremely rare or strange claims of sighting (the English equivalent- rare, strange, etc have specific Arabic words important in Fiqh), it is important to assess it with when the *next* new moon will be born. This is a standard due process in Islamic Astronomy. Why is this important? Let me explain.

The next new moon, hence the crescent that will follow it, will be for the month of *Shawwal* (for '*Eid ul-fitr*'). The established *Sabab* of commencing a lunar month and ending it, is the certainty of the crescent moon. The crescent is only observed at the sunset of the 29<sup>th</sup> day of that particular month- in our case, the 29<sup>th</sup> of Ramadhan. The examination of the *Sabab* required by the Shari'ah can ONLY occur if:

- The new moon is born before that sunset;
- The new moon is to set after that sunset

To simplify, *Sabab* is the (natural) cause that brings the presence of the obligation, e.g., sunset brings the obligation to break fast, or to pray *Maghrib*. It cannot be undertaken prior to that; in fact it is prohibited to do so.

Understanding all of that, here are the data for the upcoming month of *Shawwal*, and how the announcement of the start of Ramadhan to be on 1<sup>st</sup> or 2<sup>nd</sup> September measures against it:

Critical Information	<i>Shawwal</i> New Moon Data	If Ramadhan starts on 1 <sup>st</sup> Sept.	Fulfills Requirement?
New moon date & time	29 <sup>th</sup> Sept. 19:52		
Sunset time	17:57	New moon is well after sunset!	NO
Moonset time	17:54	Moon sets before sunset!	NO
When moon must be sighted		29 <sup>th</sup> September	
Ramadhan date		29 <sup>th</sup> Ramadhan	

In other words, if we are to accept 1<sup>st</sup> September (the official announcement) as being the first day of Ramadhan, this will naturally equate to 29<sup>th</sup> Ramadhan to be on 29<sup>th</sup> September. On this day, the new moon will just be born, some 2 hours AFTER sunset, and set some 3 minutes BEFORE sunset- both critical conditions **breaking** the requirement for the *Sabab* to exist to consider completing fasting.

Critical Information	Shawwal New Moon Data	If Ramadhan starts on 2 <sup>nd</sup> Sept.	Fulfills Requirement?
New moon date & time	29 <sup>th</sup> Sept. 19:52		
Sunset time	17:57	New moon is on the previous day	YES
Moonset time	18:55	Moon sets after sunset	YES
When moon must be sighted		30 <sup>th</sup> September	
Ramadhan date		29 <sup>th</sup> Ramadhan	

In other words, if we are to accept 2<sup>nd</sup> September (Al-Ghazzali Centre announcement) as being the first day of Ramadhan, this will naturally equate to 29<sup>th</sup> Ramadhan to be on 30<sup>th</sup> September. On this day, the new moon will be some 22 hours old, and set some 57 minutes after sunset- both critical conditions **fulfilling** the requirement for the *Sabab* to exist to consider completing fasting.

As you can see, assessing the issue was not easy and some not so apparent issues had to be taken into account. I did, and it was clear to me that 1<sup>st</sup> of Ramadhan could not start on 1<sup>st</sup> of September.

#### 5<sup>th</sup> Reason

The Prophet ﷺ termed the day after the 29<sup>th</sup>, the 30<sup>th</sup> day of any month the day of doubt, or the day of uncertainty, because as you can see much doubt does exist when the crescent is impossible to be sighted on the 29<sup>th</sup> of any given month. Further, the majority of Jurists are emphatic that fasting on the 30<sup>th</sup> of *Sha'ban* is prohibited. Those who disagreed, held it to be at leady strongly reprehensible, i.e., close to prohibition. Acting upon a prohibition is not a small thing, and must be avoided.

Given the burden of the responsibility that an entire nation is going to act upon an announcement, it is best to err on the side of caution to avoid the prohibition; it is a simple juristic principle, particularly because if the error became known, one can simply make the fast up, and legally there is no sin on such genuine error.

Consequently, I chose to guide towards the path where a prohibited act (fasting on a prohibited day) would not be acted upon. The weight of all evidences places significant doubt (hence the day of doubt...), at the very least on starting to fast on 1<sup>st</sup> September. In my humble opinion, it is not only a significant doubt but one that is as good as practical fact.

#### Conclusion

The facts in front of me and that which I aired on the night, were too significant to ignore. Such facts are similar to someone expecting you to pray at a wrong time, whether for the sake of unity or that they just got the time wrong. If you knew that the time is not correct, firstly you naturally would not agree, and secondly, it would be prohibited for you to pray. Similarly, I had to make such a decision. The certainty of facts is too strong to place it aside and I firmly decided that I was not going to agree on something otherwise. If the opposing facts were merely possible or weak, I would never have dissented; in fact I would have sat quietly and merely listened to the rest of the Committee. Consequently I registered my disagreement, dissented and instructed the announcement to the public as I explained and outlined earlier.



I hope, *insha Allah*, my explanation allows you to understand why I made the decision that I did. I only took the stance because I am obliged to stand alongside the facts of the matter as they existed for the night. Holistically, the fact of the matter pointed clearly and emphatically towards 2<sup>nd</sup> September as the first day of Ramadhan, and that 1<sup>st</sup> September will indeed be the day of doubt, as the Sunnah stipulates.

May Allah forgive me for any wrong I have done, and may Allah reward you for your patience and kindness towards me despite such a heavy matter which I am sure has affected many.

Ramadhan Mubarak was Salaam

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