

Fatwa from Dar al-Ifta al Misriyyah; Number: 2806

Subject **Fasting in countries where the nights are short.**

Date **8/8/2010**

Question:

We reviewed request no. 1256 for the year 2009 which includes the following: What is the ruling for fasting in northern (Scandinavian) countries where there is an interval of only two hours between sunset and dawn in the southern parts of these countries and where daylight hours extend to 24 hours in the northern parts during which the sun does not set?

Answer of the Fatwa Council:

Muslims in countries with extreme variations in daylight hours and nights and **where it is difficult to fast**, are to estimate the time for starting and breaking their fast. They are to disregard the signs on which the legal rulings for prayers and fasting are based such as dawn, sunrise, midday, sunset, the disappearance of twilight and the like.

This is because the Divine injunctions deal with common circumstances and situations without establishing a ruling on what is uncommon. From this, Muslim legal theorists and jurists stated that the Lawgiver's intent with regards to the general meanings of the texts concerns common circumstances that are present in the lives of people.

Scholarly opinions:

- The hadith scholar, Ibn Hajar al-'Asqalani, mentioned in Fath al-Bari (2/62): "*The [primary] texts pertain to common and normal circumstances and not to what is uncommon.*" In the same book (2/199), he cites Imam Abu al-Fath ibn Sayed al-Nas al-Ya'mari, "*Rulings are contingent upon what is common and not on what is uncommon.*"
- The luminary and Hanafi scholar, Ibn 'Abdin, wrote in Rad al-Muhtar 'ala al-Dur al-Mukhtar (2/123): "*... the general texts are construed in reference to what is prevalent and common and not in reference to what is uncommon and unknown.*"

From the above, many scholars of the principles of jurisprudence established that uncommon and exceptional circumstances do not fall under the general meanings of the [primary] texts. Scholars, who maintain otherwise, do not contradict the specificity of uncommon circumstances in the existence of evidence. A conflict thus arises: Are these statements that denote specificity general or appear general but are intended [exclusively] as specific? After scholars agreed that the general texts do not include specific circumstances, this amounts to but a fruitless lexical controversy with regard to the ultimate outcome of the matter.

Sheikh Ibn Taymiyah, the Hanbali scholar, determined that the timings mentioned in Islamic law pertain to normal days. He mentioned in Mukhtasar al-Fatawa al-Misriyyah (1/38): "*The [prayer] times which Jibril (peace be upon him) taught the Prophet [pbuh] and which the Prophet [pbuh] taught his community, are those which the scholars*

mentioned in their books and which refer to normal days. There is a different ruling for the day of which the Prophet said will extend to the length of one year. Concerning this day, he said, "Estimate [the timings of prayer]."

In applying this principle of estimation to the issue of prayer and fasting timings in countries where daylight hours and nights are not moderate, Imam Mohammed Abdou - the former Grand Mufti of Egypt- (as cited by his student Sheikh Mohammed Rashid Reda in Tafseer al-Manar [2/163]) said: "*Allah—who revealed the Qur'an, Knower of the unseen and Creator of the Heavens—gave ordinances that can be followed by everyone alike. The command to establish prayers is general; the Prophet [pbuh] specified prayer times based on the hours that suit countries with moderate hours and which constitute the greater part of the world. This was the norm until Islam reached those countries where day and night is longer than usual. Muslims living in these countries may estimate prayer times depending on their independent reasoning and in analogy to the timings specified by the Prophet [pbuh] in the hadith of al-Dajjal.*"

The same applies to fasting. The fast of Ramadan is obligatory only upon those who witnesses the month of Ramadan i.e. are present. Therefore, the principle of estimation facilitates the matter for those living in regions where it is difficult to perceive the beginning and end of the month. Scholars mentioned the principle of estimation after they became aware that some countries have long nights and short daylight hours while others have long daylight hours and short nights. However, they differed on which country to base the fasting hours of Ramadan. One opinion stated that fasting hours must be estimated based on the timings of the cities with moderate hours where religious rulings were prescribed such as Mecca and Medina. Another opinion stated that fasting hours should be estimated according to the timings of the nearest country with moderate hours. Both opinions are permissible; the matter is open to independent reasoning since it is not dealt with in primary texts."

Sheikh Mahmud Shaltut, the former Grand Imam of al-Azhar (may Allah have mercy on him) stated in Fatawa (p. 125): "*There is no doubt that specifying prayer times during the day and night and months in the year in the manner which people have known and followed from one generation to the next, was based on the timings of countries with moderate hours where the specific timings are discernible over the course of day and night and where the month of Ramadan is discernible in the year; these countries constitute the greater part of the globe. At the time when religious rulings were legislated, people did not know of those parts of the world where the year is divided into a single day and night, or where daylight hours are longer than the night to the extent that the night constitutes only a small portion of the day, or where the night is longer than daylight hours to the extent that the day is very short.*"

Sheikh Gad al-Haq Ali Gad al-Haq determined that the ruling to fast from dawn until sunset is applicable to the majority of countries which are those with moderate hours, and not to uncommon circumstances or to countries lying in the Polar regions and other nearby countries as has become evident after the era of legislation.

Adopting the principle of estimating prayer times and fasting hours and disregarding the signs that define these times is based on a legal source—the hadith relating to al-Dajjal's

[Antichrist] time on earth. ¹In the hadith, the Companions asked the Prophet [pbuh], "*O Messenger of Allah! How long will he stay on Earth?*" The Prophet [pbuh] replied, "*Forty days: one day will be like a year, one day will be like a month, one day will be like a week and the rest of the days will be like your days.*" We [the Companions] asked, "*O Messenger of Allah! Will one day's prayers suffice for the prayers of the day that will be equal to one year?*" Thereupon, the Prophet said, "*No, you must estimate the timings (of prayers).*"

The conditions during the time of al-Dajjal in regard to the disappearance of the timings are the same as those in the Polar regions where day and night last for six months each. Scholars included the regions lying near the Poles where the days are long and the nights are short under the principle of estimating prayer times during the time of al-Dajjal due to the rational cause of each, which are the extreme variations in the timings upon which acts of worship are contingent. Therefore the ruling applied to the disappearance of the signs is likewise applicable to their variations.

Ibn 'Abdin mentioned in his meta-commentary Rad al-Muhtar 'ala al-Dur al-Mukhtar (1/366): "*I do not know of someone in our school of jurisprudence who discussed the issue of fasting in lands where dawn breaks just as the sun is setting or sometime after it sets such that there is not enough time for a person who is fasting to eat enough food to sustain him. It cannot be maintained that they are obligated to fast in such a continuous manner since this is harmful. Therefore, if we were to maintain the obligatoriness of the fast in their regard, then it is necessary to estimate the time [for starting and breaking the fast]. However, are they to estimate the time based on the nearest countries as the Shafi'is maintain, estimate the time that suffices for eating and drinking or are they only to forgo fasting and make up the fast [at a later time]? All of these options are possible. We cannot maintain that fasting is not obligatory under these conditions due to the existence of the reason for the fast—witnessing part of the month [of Ramadan] and the break of dawn every day. This is what is apparent to me and Allah Almighty knows best.*"

The principle of estimating fasting hours that extend beyond the normal hours is derived from actual circumstances. People living in countries with extreme variations in daylight hours and nights face an 18 hour fast or more (more than three quarters of the entire day) which is certainly a difficult feat. Expert opinions determined the inability of the human body to tolerate such extended periods of fasting which definitely poses harm. Therefore, we cannot maintain that harm is the objective of Islamic law.

Furthermore, we cannot maintain that it is permissible for whoever is incapable of fasting in countries of extreme latitude to break his fast and make it up at a later time under more favorable conditions. The ruling for this person is the same as that of another with an excuse [for not fasting]. Since the command to fast from dawn until sunset is general, it does not specify a certain country or community.

The dispensation of breaking the fast and making it up at a later time is applicable to the obligations which can be endured by the majority of the people but which are interrupted for some by exceptional circumstances rendering them unable to perform these religious duties. When it becomes known, based on facts, that it is difficult for the

human body to tolerate fasting for extended periods and experts established that this is harmful to the healthy individual; scholars determined that causing harm is not the purport of the Lawgiver. However, it cannot be maintained that it is permissible for a person who is unable to fast to refrain from observing this duty and make it up at a later time. This is because it will lead to either entirely waiving the obligation of fasting, harming the person fasting by interrupting his work and interests and disrupting his life (if exceptional circumstances continue for the entire year) or fasting during a month other than Ramadan when the hours are more moderate (if there are months when extreme variations in the hours of the day are absent). All of the above are incongruous with the Divine wisdom behind the obligation of fasting.

For this reason, Imam Mahmud Shaltut (may Allah have mercy on him) stated in Fatawa: "*There is no doubt that adopting the known prayer times and fasting hours [of Ramadan] in areas [of extreme latitude] will lead a Muslim to perform only five prayers during the day and night (which constitute the entire year in regard to his location) distributed over the entire year. Additionally, it will lead Muslims in some regions to perform only four obligatory prayers or less, depending on the length of the day, obligate Muslims living in these regions to fast Ramadan when they do not witness it in the first place, while in some places it will lead to fasting 23 out of 24 hours. All of the above are inconsistent with the wisdom and mercy of Allah, the Most Merciful. Therefore, they must be ruled out.*"

The luminary Mustafa al-Zarqa stated in his book Al-'Aql wa al- Fiqh fi Fihm al-Hadith al-Nabawi (p. 124): "*Generalizing [the principle of adopting normal prayer times to countries of extreme latitude] based on the ability to distinguish between day and night regardless of the great difference in their length, totally contradicts the objectives of Islamic law and the legal principle of mitigating harm. It is unreasonable to distribute the prayers performed during daylight hours and night over a half hour period as it is likewise unreasonable to break one's fast for one hour and fast for twenty three.*"

We propose to those living in countries of extreme latitudes to fast according to the time of Mecca since Allah designated it as the 'Mother of Villages'; a mother is the source of existence. Moreover, Mecca is the city to turn to, not just for the Qibla [direction of prayer] but also when estimating timings when there are extreme variations in day and night.

Estimating the times for starting and ending a fast based on the nearest country with moderate hours is an extremely confusing matter. Those who are in favor of this method, stipulate knowledge of the precise calculations for starting and terminating the fast in the nearest countries with moderate hours without any difficulty or confusion. From experience and practice, both of these conditions are lacking in the above method of estimation, giving rise to greater confusion. For this reason, Sheikh Gad al-Haq, the former Grand Imam of al-Azhar, ruled out this method after mentioning another alternative. He called upon the residents of countries with lengthy daylight hours to follow the timings of Mecca or Medina. He said: "*It may be difficult to calculate precisely [the fasting hours] of the nearest countries to Norway with moderate hours. Therefore, I call upon Muslims living in Norway and other countries with similar circumstances to fast the same number of hours as Muslims in Mecca or Medina. They*

are to start their fast at the time of true dawn according to their location and disregard the number of hours for day and night as well as sun set (for breaking the fast), the disappearance of the sun's light and the coming of nightfall. This is based on scholarly opinions which have been derived from the previously mentioned hadith on al-Dajjal and on following the commands of Allah and His instructions in the Qur`an which is a mercy to His servants."

Modern scholars who maintain that it is permissible for Muslims living in countries where daylight hours are long and nights are short to adopt the fasting hours of Mecca include:

- Sheikh Mohammed Abdou, the first to hold the office of Grand Mufti of Egypt. He favored this opinion which he derived from juristic opinions on this issue as mentioned earlier. This is likewise the opinion that was implemented later by Dar al-Ifta al-Misriyyah.
- Sheikh Gad al-Haq Ali Gad al-Haq (in fatwa no. 214 for the year 1981 CE).
- Sheikh Abdul Latif Hamza (in fatwa no. 160 for the year 1984 CE).
- Dr. Mohammed Sayed Tantawi (in fatwa no. 171 for the year 1993 CE and in fatwa no. 579 for the year 1995 CE).
- Dr. Nasr Farid Wasil (in fatwa no. 438 for the year 1998).
- Dr. Ali Goma Mohammed, the current Grand Mufti of Egypt.
- Dr. Mohammed al-Ahmadi abu al-Nur, former Minister of Endowments and member of the Islamic Research Academy, in the fatwa issued on 24 April 1983 CE by the Fatwa Committee at al-Azhar in his capacity as president of the Committee.
- The luminary Mustafa al-Zarka.
- Dr. Mohammed Hamidullah in his book Al-Islam.
- Sheikh Mahmud Ashur, former deputy to the Grand Imam of al-Azhar and member of the Islamic Research Academy.

This is the opinion maintained by other contemporary scholars as well as the opinion implemented for fatwa by scholars from various religious bodies around the globe such as the Board of Fatawa in Amman, Jordan in a fatwa signed by Sheikh Mohammed Abdou Hashem, the Grand Mufti of Jordan, on 19 September 1399 AH. This is the opinion that best serves the objectives of Islamic law and the most lenient in realizing the welfare of man on earth.

Allah Almighty knows best.

1- The hadith is included in Sahih Muslim and elsewhere through al-Nawas ibn Sam'an (may Allah be pleased with him).

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