

The Hukm of Fasting in the Scandinavian Countries

Allah Ta'Aalaa has made fasting the month of Ramadhan Fard upon the Muslims. He Ta'Aalaa said:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ﴾

“O you who believe! Observing As-Saum (the fasting) is prescribed for you as it was prescribed for those before you, that you may become Al-Muttaqun (pious)” [Al-Baqarah: 183].

And He Ta'Aalaa said:

﴿فَمَن شَهِدَ مِنكُمُ الشَّهْرَ فَلْيَصُمْهُ﴾

“So whoever of you sights (the crescent on the first night of) the month (of Ramadan i.e. is present at his home), he must observe Saum (fasts) that month” [Al-Baqarah: 185].

In a Hadeeth related by An-Nasaa'i that an Arab Bedouin approached the Messenger of Allah (saw) and said: 'Inform me of the fasting that Allah has made obligatory upon me'. He (saw) said:

«صِيَامُ شَهْرِ رَمَضَانَ، إِلَّا أَنْ تَطَوَّعَ شَيْئًا»

“The Siyaam (fasting) of the month of Ramadhan unless you (choose to) volunteer something”

The Siyaam (fasting) is Imsaak (refraining) from eating, drinking and all of those matters that break the Fast from dawn until sunset connected to the Niyah (intention). This is due to His Speech Ta'Aalaa:

﴿وَكُلُوا وَاشْرَبُوا حَتَّىٰ يَتَبَيَّنَ لَكُمُ الْخَيْطُ الْأَبْيَضُ مِنَ الْخَيْطِ الْأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتُمُوا الصِّيَامَ إِلَى اللَّيْلِ﴾

“And eat and drink until the white thread (light) of dawn appears to you distinct from the black thread (darkness of night), then complete your Saum (fast) till the nightfall” [Al-Baqarah: 187].

Allah (swt) has made Asbaab (causes) for the beginning of the day of fasting and for its end. So the day of fasting begins when its Sabab (cause) is present and this is the coming of Al-Fajr As-Saadiq and it ends when its Sabab comes into being which is the sunset. The 'Ulemaa (Scholars) of Usool (jurisprudence) have defined the Sabab as being a precise apparent description (Wasf Zhaahir Mundabit) that the Daleel As-Sam'iy (transmitted evidence) has indicated to be that which lets you know when the Hukm is present (or comes into being). This therefore means that Sabab is the 'Amaarah' or 'Alaamah' (indicator or sign) that the Shaari' (Legislator) Subhaanahu has provided to make the Mukallaf (the servant who is legally responsible and accountable to abide by the Islamic rulings) aware of the presence of the Hukm (ruling). As such the existence of the ruling is dependent upon the existence of the Sabab and when it does not exist the Hukm does not exist. The end of the day of fasting is clear and evident and this is the sunset (Ghuroob Ash-Shams). 'Umar Ibn Al-Khattaab (ra) said: The Messenger of Allah (saw) said:

«إِذَا أَقْبَلَ اللَّيْلُ مِنْ هَا هُنَا وَأَدْبَرَ النَّهَارُ مِنْ هَا هُنَا وَغَرَبَتِ الشَّمْسُ فَقَدْ أَفْطَرَ الصَّائِمُ»

“If the night approaches from here and the day turns back from here and the sun sets then the fasting person breaks fast.” (Narrated by Bukhari and Muslim).

Therefore the Sabab (cause) for the end of the day of fasting is the sunset and this matter in these lands (i.e. in Scandinavia) is clear and evident in the case where the sun sets in a normal manner even if the daytime length is long in the summer months.

The disappearance of the sun in these countries is covered within the previous Hadeeth related by the two Sheikhs:

«إذا أقبل الليل من ها هنا وأدبر النهار من ها هنا وغربت الشمس فقد أفطر الصائم»

“If the night approaches from here and the day turns back from here and the sun sets then the fasting person breaks fast” (Al-Bukhaari and Muslim).

As for the beginning of the fasting day then the Shaar'i (Legislator) Subhaanahu has also tied it to a Sabab (cause) and its Sabab is the manifestation (or distinction) of the white thread of Fajr (dawn) from the black thread. Allah Ta'Aalaa said:

﴿وَكُلُوا وَاشْرَبُوا حَتَّىٰ يَتَبَيَّنَ لَكُمُ الْخَيْطُ الْأَبْيَضُ مِنَ الْخَيْطِ الْأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتَمُوا الصِّيَامَ إِلَى اللَّيْلِ﴾

“And eat and drink until the white thread (light) of dawn appears to you distinct from the black thread (darkness of night), then complete your Saum (fast) till the nightfall” [Al-Baqarah: 187].

As such the Siyaam (fasting) begins at the rising of the Fajr As-Sadiq.

Ibn 'Umar (rah) related from the Messenger of Allah (saw) that he said:

«إن بلالاً يؤذن بليل فكلوا واشربوا حتى يؤذن ابن أم مكتوم»

“Indeed Bilaal performs the Adhaan at night so eat and drink until Ibn Umm Maktoom performs the Adhaan.”

Related by the two Sheikhs in their two Saheeh books.

This is because Bilaal used to perform the first Adhaan to wake the people up so that they could prepare themselves and then when the time (of Fajr) was entered into Ibn Umm Maktoom would perform the Adhaan. So the Fajr in which the Imsaak (refraining) becomes obligatory is that which splits from the night (to reveal its appearance). What happens in these lands is that the evening glow or twilight does not disappear.

It is true that the sun disappears in a regular manner however the red or the white does not disappear and this is whilst the disappearance of this evening glow (Shafaq) is the Sabab for the 'Ishaa prayer. It was recorded in Saheeh Muslim:

«ثم أمره فأقام العشاء حين غاب الشفق...»

“So he commanded him so that he would perform the Iqaamah for the 'Ishaa (prayer) when the evening glow had disappeared”.

And in another narration:

«ثم أمره بالعشاء حين وقع الشفق...»

“Then he ordered him with the 'Ishaa (prayer) when the evening glow fell” (i.e. disappeared).

As such the presence of the Shafaq (evening glow) does not have an effect upon the Iftaar (breaking of the fast) after the subset and similarly it does not have an effect upon the beginning of the fast and even if the darkness of the night is partial like it is in the lands that we reside in. So when this darkness changes to white that is spread in the sky upon the horizons then this is when the time for Imsaak (refraining) begins. And the white which mixes with the darkness of the night at the time of Fajr does not mean the seeing of everything but rather it is the monitoring of the horizons in the East (place of sunrise) and so we find that the

partial darkness has begun to disperse i.e. that the sight has become spread to the right and the left in the horizons with the difference of the hours of what came before it.

Therefore, the fasting is obligatory upon every Muslim from the dawn of Fajr until the setting of the sun as the Shariah evidences have made clear and there is no significance in respect to the long length of the day or its shortness because the signs and causes are apparent. This is unless there is an 'Udhr (Shariah excuse) that prevents the fasting like the illness or travel. Allah (swt) says:

﴿فَمَنْ كَانَ مِنْكُمْ مَرِيضًا أَوْ عَلَىٰ سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ﴾

“But if any of you is ill or on a journey, the same number (should be made up) from other days” [Al-Baqarah 184].

As for the one who is incapable of fasting like elderly person or someone who has a chronic illness, he breaks fast and pays a Kafaarah (expiation) for everyday that he breaks his fast.

Allah (swt) said:

﴿وَعَلَى الَّذِينَ يُطِيفُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٍ﴾

“And upon those who are able, a ransom [as substitute] of feeding a poor person [each day]” [Al-Baqarah: 184].

The meaning of ‘Yuteeqoonahu’ ﴿يُطِيفُونَهُ﴾ in the Aayah is ‘being unable’.

This applies to whoever fasts and the fasting becomes difficult upon him where he is unable to complete his day. It does not mean the hardship that accompanies every fasting person because that type of hardship or discomfort something natural that the fasting person finds in these lands and other lands as there is no fasting without some discomfort. However what is intended by hardship in this case is that which brings harm to the one fasting and as such this person would break his fast and make up the days missed after Ramadan.

It is therefore to begin with not allowed under any circumstances to break fasting without a Shar’ii ‘Udhr (excuse) and similarly it is not permitted to shorten the hours of the fasting to a specified or set number of hours through different medical explanations or other types. This opinion does not have any Shar’ii basis or Daleel (evidence) as long as we are living in lands in which the night and the day join together in a single day through 24 hours and even if the hours of the day are very long as compared to the hours of the night. This is what the Shariah evidences from the Kitaab and the Sunnah have brought and no significance is given to any opposing opinions because all of them are not derived from a Shar’i Daleel (evidence) and not even to a Shubhat (semblance) of a Daleel.

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اسْتَجِيبُوا لِلَّهِ وَلِلرَّسُولِ إِذَا دَعَاكُمْ لِمَا يُحْيِيكُمْ وَاعْلَمُوا أَنَّ اللَّهَ يَحُولُ بَيْنَ الْمَرْءِ وَقَلْبِهِ وَأَنَّهُ إِلَيْهِ تُحْشَرُونَ﴾

“O you who have believed, respond to Allah and to the Messenger when he calls you to that which gives you life. And know that Allah intervenes between a man and his heart and that to Him you will be gathered” [Al-Anfaal: 24].

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Hizb ut Tahrir

Scandinavia