

Rationale for Suspending Friday Prayers, Funerary Rites, and Fasting Ramadan during COVID-19: An analysis of the fatawa related to the Coronavirus

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Abstract

This article explains the rationale for why Muslim jurists decided to suspend the Friday prayers and funerary rites as well as the option for healthcare professionals to postpone their fasting in Ramadan during the COVID-19 pandemic. The explanation provides guidance for both Muslim jurists as well as medical professionals on how to advise their staff and communities in relation to the dispensations provided in the fatawa in the hope to curb further spread of the Coronavirus. The article highlights the issue of necessity during the Covid-19 pandemic and how the fatawa contribute to medical ethics.

Suspension of Friday prayers

In March 2020, Muslim jurists and councils from around the world including the Muslim World League (MWL) (1), the European Council for Fatawa and Research (ECFR) (2), Saudi Arabia's Hay'at al-Ulama (3); and the Supreme Religious Authority in Najaf (4) announced nationwide to suspend daily congregational prayers as well as the Friday prayers either temporarily or indefinitely to ensure that Muslims helped curb the spread of COVID-19. The jurists reached the conclusion by applying *ijtihad maqasidi*, or the theory of the objectives of the law to solve unprecedented situations. These objectives are believed to include the preservation of religion, life, wealth, and health; both physical and mental.

The necessity to take action was determined after the World Health Organisation characterised Coronavirus a pandemic on March 13 (5). The anticipated death toll was believed to be catastrophic and consequently the jurists deemed it necessary to temporarily suspend and discourage any action that would become a threat to life. As COVID-19 is known to spread by inhalation or touch, actions that require close contact such as congregating for prayers were deemed dangerous and therefore suspended. The maxim applied in relation to COVID-19 was '*al dharurat tubihu'l mahdhurat*', meaning 'necessity legalises

the prohibited'. However, the jurists maintained consensus that the daily prayers themselves were not waived because of the maxim '*al dharuraat tuqaddar bi qadriha*', which means that 'dispensations are provided according to need', and since prayers can still be observed individually or in pairs within one's home, the prayers should continue.

Suspension of funerary rites

Funeral rites also play a significant role for Muslims both theologically and socially. The Prophet of Islam instilled the value of honouring the deceased through set rituals which include: the *ghusl*, which is the washing of the body; the *takfeen* process which involves shrouding the deceased to ensure the body is not left exposed; the *janaza* or the prayer for the deceased; and *tadfeen* which is to bury the body in the ground, as opposed to other forms of burial such as cremation. Muslim jurists including Al-Sarakhsi (6), Ibn Nujaim (7), and Al-Babarti (8) highlight that the rites themselves, and not communal participation, are obligatory which means that even if one or two individuals observed the rites, the moral obligation is fulfilled on behalf of the Muslim community.

For a martyr however, the above-mentioned rites are waived and in place of the rites, the deceased is conferred the honorific title of '*al-Shahid*' or the one who will be

a witness to God's majesty in the afterlife. The Prophet said, 'The one who dies in a plague dies a shahid' (9). With regards the deceased due to COVID-19, the Dar al-Iftha al-Misriyya declared that the deceased are to be considered shahid (10). This view was also endorsed by the Vice President of the European Council for Fatwa and Research Sheikh Dr Abdullah Al-Judai as well as by the Federation of Mosques, Sheffield; South Yorkshire Council of Mosques; United Council of Mosques South Yorkshire; the Burnley Muslim Burial Trust, and the United Council of Mosques Pendle among other organisations (11). According to this opinion, the deceased is to be buried in the manner that they are prepared for the morgue by healthcare professionals, and that there is no need to wash the body or shroud it according to custom.

This approach is also important based on the maxim 'la darar wa la dirar' which ensures that no harm is brought to those preparing the funeral. Non-maleficence in the Shariah constitutes a commitment to strive to ensure individuals are not harmed. Although an action such as conducting the funerary rites is believed to benefit the deceased, it may also seriously impair the physical and mental health of the living, or in the case of COVID-19, possibly cause death. Due to these circumstances, the jurists applied the maxim of 'al mashaqqa tajlibu't taysir', which means 'hardship begets ease' and the funerary rites would be suspended to preserve the life and health of the living. The British Board of Imams & Scholars (BBSI) assures families that they should be comforted that 'their loved ones receive the deaths of martyrs, and that any short-comings in normal funerary rites will not affect this' (12).

Nevertheless, some families may still insist on observing the ritual of ghusl for cultural reasons. However, those involved in conducting the rites must read carefully the status of the body. If the morgue tags the body bag as 'DO NOT OPEN', then ghusl of the body must be avoided, however, using wet gloves, the body bag could be wiped head to toe. If there is no tag, then the BBSI emphatically exhorts that those who conduct the funerary rites take strong precautions in line with the guidance from Public Health England (PHE), the Royal College of Pathologists, and the National Burial Council. Shaykh Dr Asim Yusuf, chair of the BBSI, said: 'By combining religious and medical expertise, we hope to provide Muslims with an Islamically authentic way of navigating the outbreak in a socially responsible manner' (13).

For ghusl, only those trained in the use and disposal of Personal Protective Equipment (PPE) should be allowed to conduct the ghusl. PPE equipment includes gloves, eye protection, face masks, waterproof gowns and sleeves, and, in some cases, respiratory protective equipment (RPE). Appropriate training of PPE was also endorsed by the Fiqh Council of North America (14), the Canadian Council of Imams, the Muslim Medical Association of Canada (15)

as well as the Majlis-e-Ulama-e-Shia of Europe (16). A few healthy trained individuals from the family may be selected to give the ghusl, ideally of the same gender as the deceased. Furthermore, a few mosques should be designated for the ghusl to avoid the potential spread of any of infection. Under the circumstances, washing the entire body would not be required. In fact, removing the disinfectant from the face of the deceased must be avoided and pouring water neck-down would suffice (17).

Alternatively, if ghusl is not possible, then those conducting the service may employ tayammum, or symbolic cleansing, which involves the one observing the rites patting on a stone with both hands wearing gloves and then wiping the gloves over the face, hands, forearms, and elbows of the deceased according to Sunni jurisprudence (18) or simply the forehead and palms according to fiqh Ja'fariyya (19). In any case, proper disposal of PPE is paramount.

Whilst Muslims in the UK are still expecting the death toll to rise, Muslims in Italy have already begun to experience dilemmas in relation to the funerary rites of those who have died of COVID-19. The Associazione Islamica Italiana degli Imam e delle Guide Religiose, or the Italian Islamic Association of Imams and Religious Guides, stated that the safety of the living individual is a greater priority than the ghusl of the deceased and consequently, if neither ghusl nor tayammum is possible then both would be waived and the community need not feel shame or guilt for the Qur'an says: 'Allah does not burden any soul beyond its scope' (20)(21). Ustadha Rehanah Sadiq, Senior Muslim Chaplain for Birmingham Women and Children's Hospital, also emphasised that 'Now more than ever, we need to pull together as a nation, and do everything we can to prevent the spread of Covid-19' (22). According to Sayyad Ali Sistani, if a recommended act becomes harmful then it becomes discouraged and must be avoided (23).

As for takfeen, the purpose of the kafan, or shroud, is to ensure that the body is dignified by not leaving it exposed. A thick body bag serves this purpose. Furthermore, generally three pieces of clothing are used for males and five for females, with both of them sharing the lifafa, which is the large outer piece approximately four feet by eight feet and is tied on both ends. The lifafa may be placed open in the coffin and the body bag placed on the lifafa. The lifafa could then be closed and tied on both ends. Whilst this is also not necessary, the lifafa may allow families to find solace in what would appear as the customary kafan, or shroud, within a coffin.

Transporting the body must also be conducted safely and volunteers must ensure that the vehicles, trolleys, and other equipment used is decontaminated and disinfected. Jurists from Northwest England strongly advised that the janaza prayer must take place without delay (24) and in the cemeteries as far as possible rather than in a mosque,

and all forms of post-burial food events should likewise be avoided (25). Even if a select few conduct the janaza prayer, the communal obligation is fulfilled. However, individuals over 60 as well as those showing symptoms of COVID-19 must avoid attending the janaza prayer in person.

According to the Shafi'i and Hanbali schools of jurisprudence, al-janaza ala'l gha'ibin is an alternative whereby family members and friends who are unable to attend the janaza prayer may observe the prayer from their homes. This alternative was also endorsed by the Associazione Islamica Italiana and by the BBSI. Furthermore, according to reports from Iligan City and Marawi City, Philippines, the janaza of two Muslims who died of COVID-19 were performed by a Muslim burial team who wore hazmat suits (26). The Fiqh Council of North America (FCNA) also stated that the janaza prayer could be broadcasted live to family members (27). Ibn Uthaimen explained that anyone, who was of age at the time of death of a loved one, may offer the janaza prayer any time in the future. Accordingly, once the pandemic subsides, Muslims will have the opportunity to offer the janaza prayer at the resting place of their loved ones (28).

The above recommendations from Fiqh Councils around the world is what was stated in March 2020. By April 7, the death toll in the UK was 6,159 with 854 deaths occurring on Tuesday 7 April including a five-year-old child (29). With 55,242 confirmed cases in the UK, self-isolation is paramount as the Prophet said, 'A Muslim is one by whose hands and tongue others remain safe' (30), under the circumstances this literally means thoroughly washing the hands and avoiding coughing and sneezing into the open air. The Prophet also recommended keeping a spear's distance from an infected person; this distance is about two meters (31). The Muslim Council of Britain highlighted that in the worst-case scenario, up to 900,000 deaths are anticipated which includes an estimated 50,000 deaths of British Muslims. While all lives are equal in sanctity, the statistical prediction is worthy of note for burial purposes. Even if two bodies, separated by a barrier, were buried in one grave, still approximately 25,000 graves would be required, an amount which Muslim cemeteries would struggle to accommodate (32). The Associazione Islamica Italiana as well as the European Council for Fatwa and Research announced that Muslims can be buried in non-Muslim cemeteries (33). Furthermore, jurists may need to investigate rulings regarding mass graves and cremation and may also need to welcome non-Muslim burials in Muslim cemeteries.

British Muslims face unprecedented times, however, the Sunnah of the Prophet continues to be a precedence for resilience and faith. The Prophet, who established the funerary rites, due to dire circumstances and necessity was himself unable to conduct funerary rites for his own family

members (34). During the three-year boycott in the Valley of Abu Talib, his noble wife Khadija died and the Muslims struggled to provide a shroud. Before even returning from the battle of Badr, his daughter Ruqayya had been buried. At the Battle of Uhud, the body of his uncle Hamza was grossly mutilated. The body of his grandson Husain bin Ali was also inhumanely mutilated and left exposed. Husain's son, Ali Zain al-Abideen after being freed from captivity from Damascus returned to bury the remains at a later date. Alongside these unbearable experiences, when the Prophet's baby Ibrahim died, he embraced the reality and being mindful of how anyone would feel under the circumstances encouraged the people to stay in high spirits by saying: 'our eyes weep and our hearts are in mourning, yet we will continue to glorify the will of our lord' (35).

Postponement of Fasting during Ramadan

Based on the principles of preserving life and avoiding non-maleficence, healthcare professionals will require reflecting over fasting during Ramadan. The Qur'an explicitly states that God wishes no unnecessary hardship (36) and consequently allows those who are sick or travelling to postpone their fast until a later date. Furthermore, jurists agree that it is not prohibited to travel during fasting even if that means having to postpone the fast until after Ramadan. According to the Permanent Committee for Scholarly Research and Ifta (al-Lajnah al-Da'imah li'l-Buhuth al-'Ilmiyyah wa'l-Ifta) occupations and professions that involve hard labour should also be offered the same dispensation to postpone fasting such as for agricultural workers and bakers working in extreme heat in order to preserve their source of income as well as to protect their produce (37).

The responsibility of healthcare professionals towards COVID-19 patients is of utmost importance and requires greater care than preserving food produce. Several fatawa, therefore, have been offered to ensure healthcare professionals are able to fulfil their duties. Shaykh Abd al-Aziz ibn Baz, Shaykh Salih al-Fawzan, Shaykh Abd al-'Aziz Aal ash-Shaykh, and Shaykh Bakr Abu Zayd (38) state that doctors may terminate their fast to provide the best care for their patients. The Fiqh Council of Birmingham (39) endorse this position to ensure that patient care is not compromised. Jurists and chaplains from across the UK including Mufti Muhammad Zubair Butt and Sheikh Yunus Dudhwala also endorsed this view due to 'the strong likelihood of dehydration and severe thirst along with the risk of making clinical errors which could potentially affect lives' (40). A healthcare professional may continue to fast until there is fear that continuing to fast will affect attention and work. Accordingly, healthcare professionals are to ensure they maintain a healthy balance with regards to sleep and ensure having a healthy breakfast before sunrise. As each day progresses, each individual healthcare worker is advised to use discretion and continue fasting

and if there is fear that the fast will affect one's ability to care for the patients then the fast may be terminated and made up at a later date.

With regards to making up the fast, some jurists argue that some countries, where daylight hours are exceedingly long compared to Mecca, require dispensations with regards to rulings on fasting. The longest fast of the year in Mecca is estimated at around 15 hours. Jurists have, therefore, examined what Muslims are expected to do if the fast terminates or requires termination after the fifteenth hour. According to Ali Gomoa (41) and Sayyad Sadiq al-Shirazi (42), an 18-hour fast is complete as according to the maxim 'al-thuluthu kathir', a fast that has been kept for two-thirds of the day is considered sufficient because no fast is longer than this duration in Mecca, which according to the Qur'an is the Umm al-Qura, or the centre of all places. The shortest fast in the UK, during Ramadan 2020 will be no less than 16 hours and according to the 18-degree calculation, no less than 17 hours. Furthermore, towards the end of Ramadan, this will increase to 17 to 18 hours respectively. Accordingly, any healthcare professional who has already fasted 15 hours and feels that they are unable to continue and, therefore, decides to end the fast, the fast will be complete without the need to make up for it at a later date.

Conclusion

The fatawa that strongly emphasised suspension of Friday prayers as well as funerary rites were based on the preservation of life, which is one of the objectives of the Shariah. The decision to implement this fatwa was made after consultation with leading virologists and medical professionals. At the time of writing this article, no vaccine was available and the best course of action as instructed by virologists was to socially distance ourselves to curb the spread of the Coronavirus. Based on this necessity, dispensations were offered in the fatawa whereby Friday prayers as well as funerary rites were modified; Zuhr prayers could be offered as an alternative to Friday prayers and the janaza prayer could be offered from home. A positive mindset as exemplified by the Prophet also provides a precedence for how to maintain a healthy mental state during dire circumstances. Fasting may be postponed until a later date for healthcare professionals to ensure optimal patient treatment. Muslim healthcare professionals and jurists play a crucial role in advising and giving confidence to their communities by understanding that the decisions stated in the fatawa are rooted in the Shariah with the aim to save as many lives as possible.

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