"Late but Present: The Fiqh of ʿIshāʾ Outside the Perpetual Twilight Period"

بسم الله الرحمن الرحيم

Introduction: The Summer Months in the U.K.

The United Kingdom, situated at a high northern latitude, experiences a unique natural phenomenon during the summer months: *perpetual twilight*. This occurrence has notable *Fiqhi* implications—foremost among them, the timing of the ʿIshāʾ prayer.

According to the majority of classical jurists, the time for ʿIshāʾ begins when the red twilight (*shafaq aḥmar*) disappears from the sky[1]. In practice, however, during the period of perpetual twilight in the U.K., this sign never fully materialises. As a result, the conventional indication for the entrance of ʿIshāʾ time is absent altogether during certain summer nights.

This phenomenon has been addressed in both classical *Fiqh* literature and contemporary *Fatwa* councils. In the following section, I will summarise some of the key discussions from these sources.

However, this is not the primary purpose of this paper.

What has prompted me to write is a concern often overlooked in these discussions: the issue of ʿIshāʾ during summer nights *outside* the period of perpetual twilight. Too often, the discourse around ʿIshāʾ in Britain conflates two separate matters—**the lateness of ʿIshāʾ** and **the complete absence of ʿIshāʾ time**. These are two distinct *Fiqhi* realities, and each demands its own treatment.

The Fiqh of Perpetual Twilight

Before turning to the main subject of this paper, it is important to first explore the scope of *Fiqhi* discourse surrounding the phenomenon of perpetual twilight. This background will help to clarify the situation and prepare the reader for the discussion in the following chapter.

The absence of a clear entry time for ʿIshāʾ is not a new issue. It can be traced back as early as the 4th century Hijri, when the scholar Ibn Faḍlān recorded his travels and encountered the Bulghār people in what is now modern-day Russia. There, he observed that due to perpetual twilight, the community would combine Maghrib and ʿIshāʾ prayers.

Scholarly approaches to this issue can broadly be grouped into four categories:

1. Not Praying ʿIshāʾ at All

[1] This is the position held by three of the major Fiqh madhāhib. Abu Hanifa considered the relevant twilight to be the **white twilight**, but his two companions disagreed and aligned with the majority opinion. كتاب الأصل للشيباني جز 1 ص. 123

This was a position held by some classical Ḥanafī scholars, based on the reasoning that if the sign for ʿIshāʾ never appears, the obligation for that prayer does not apply. They likened it to a person who is missing a limb—when making *Wuḍūʾ*, he simply omits washing that limb because it does not exist. [2]

This opinion, however, is now largely viewed as a historical curiosity. Contemporary scholars overwhelmingly reject it due to the numerous clear evidences establishing the obligation of five daily prayers.

2. Praying ʿIshāʾ at Fajr Time

This view suggests that in the absence of a valid entry time for ʿIshāʾ, one should wait until the time of the next prayer—Fajr—and then perform ʿIshāʾ.

Its rationale lies in *Fiqh* principles: a prayer performed **before** its time is invalid; one performed **after** its time has expired is valid but considered *Qaḍāʾ*. Delaying a prayer without valid cause is sinful—but in this case, it could be argued that the absence of an entry time is a valid excuse. Like the previous opinion, this view has limited traction among contemporary scholars.[3]

3. Estimating the Time

This position involves estimating the time for ʿIshāʾ, typically by calculating a fixed duration after Maghrib—often around 1 hour and 15–20 minutes. The basis for this estimate is that it reflects the "typical" interval between Maghrib and ʿIshāʾ during most of the year.[4]

4. Joining Maghrib and ʿIshāʾ

This view is based on the principle of a *shared time* (*waqt mushtarak*) between Maghrib and ʿIshāʾ. In various circumstances, the *Sharīʿah* allows for the combining of these two prayers. While scholars agree on the permissibility of combining them under certain conditions, they differ on when and how this can be done. Proponents of this view argue that this shared time is the most appropriate solution in the absence of twilight.

It is worth noting that the UK Muslim population both laypeople and scholars are predominantly Ḥanafī. The Ḥanafī school is classically the strictest when it comes to the permissibility of joining prayers. Unsurprisingly, therefore, most UK mosques adopt **Position 3** (estimation).

Since Positions 3 and 4 are the dominant views in the UK today, I will now summarise the main arguments put forward by both sides. However, it is not the purpose of this paper to endorse either position during the period of perpetual twilight.

Position 3: Estimating the Time of ʿIshāʾ

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[2] كنز الدقائق ص 154

[3] For a discussion within the Hanafi school please see **رد المحتار على الدر المختار 365-362**

[4] https://www.wifaqululama.co.uk/highlat/

1. **The Ḥadīth of Dajjāl:**
   The Prophet ﷺ was asked **How long will he (the Dajjāl) remain on the earth?"** He (the Prophet ﷺ) replied:**"Forty days — one day will be like a year, one day like a month, one day like a week, and the rest of his days will be like your (normal) days."** We said:**"O Messenger of Allah, on the day that is like a year, will the prayer of one day be sufficient for us?"** He said:**"No. Estimate the time accordingly."**[5] This hadith demonstrates the principle of estimation when natural signs of prayer are absent.

2. **Concession Becoming Normative:**
   If combining prayers were permitted throughout the summer months—roughly 3 to 4 months of the year—then it would cease to be a concession and instead become the norm. This undermines the nature of *rukhsah* (legal dispensation).

3. **Spiritual Consequences:**
   The division of the day into five distinct prayer times is divinely ordained. Maintaining separate prayer times reinforces spiritual discipline. Reducing this to four practical times could lead to laxity and weaken attachment to prescribed worship routines.

4. **Limited Precedent in the Madhāhib:**
   The classical *Fuqahāʾ* across all four schools placed strict conditions on joining prayers. We do not find this specific scenario discussed as a legitimate basis for joining in their works.

5. **Alternative Estimative Methods:**
   Some Shāfiʿī scholars suggest that ʿIshāʾ begins after the first seventh of the night. This method allows for estimation while remaining within the traditional framework of designated prayer times.

Position 4: Joining Maghrib and ʿIshāʾ

1. **Response to the Ḥadīth of Dajjāl Analogy:**
   The hadith refers to a scenario in which the very structure of the day is altered (e.g., a day lasting more than 24 hours) thus this scenario is different to the one we are experiencing. Critics argue that drawing *Qiyās* (legal analogy) from such eschatological events is problematic, as they have not yet occurred and may not be fully understood.

2. **Duration Does Not Invalidate Concession:**
   The length of time a concession is used does not negate its validity. For example, a person who travels for six months of the year can lawfully shorten their prayers the entire time.

[5] Hadith is found in Sahih Muslim.

3. **Contemporary Issue (*Nāzilah*):**
   This is a new and unprecedented scenario that classical scholars may not have addressed in detail. While Ḥanafī jurists did discuss the phenomenon historically, they often leaned toward Positions 1 and 2, which are no longer deemed viable. Therefore, the absence of Position 4 in early texts is not a valid reason to dismiss it today.

4. **Praying Outside ʿIshāʾ Time:**
   Since ʿIshāʾ time never actually enters, delaying the prayer serves no purpose. Combining ensures it is performed during an actual *Sharʿī* time.

5. **Qur'ānic Basis for Shared Time:**
   The verse, *"Establish prayer from the decline of the sun until the darkness of the night, and the recitation of Fajr"* (17:78), suggests a continuum between Maghrib and ʿIshāʾ. While the Sunnah normally separates these prayers, in the absence of observable signs, returning to the Qur'ānic default of shared time is justified.

6. **Ease and Upliftment of Hardship:**
   Facilitating ease and removing hardship is one of the core objectives of the Sharīʿah. Allowing joining in this context serves the community's best interest without compromising core legal principles.[6]

Outside of Perpetual Twilight

While the majority of scholarly discussions and research focus on the issue of perpetual twilight, there is a critical but often overlooked matter: how should ʿIshāʾ be approached during the remainder of the summer months, outside the period of perpetual twilight?

One of the challenges in determining the correct ʿIshāʾ time in the UK lies in the varying scholarly opinions regarding the astronomical angle (in degrees) used to mark the disappearance of twilight. Among the positions adopted by different observatories and councils are 15°, 16°, and 18°. Each corresponds to a different threshold for the end of twilight and, therefore, the beginning of ʿIshāʾ.

However, regardless of which degree is adopted, the underlying phenomenon remains the same. The disagreement on degrees determines when the twilight disappears—not whether it disappears. As the summer progresses, the disappearance of twilight is delayed more and more each night, until the point where it no longer vanishes entirely—i.e., the period of perpetual twilight begins.

The practical result of this is that the start time of ʿIshāʾ becomes increasingly later until it no longer enters. Then, after the perpetual twilight period ends, the same pattern occurs in

[6] The most comprehensive piece I found on the topic was by Sh Abdullah Judai, and benefitted massively from his piece. بيان حكم صلاة العشاء في صيف بريطانيا حين يفتقد وقتها

reverse: ʿIshāʾ begins again—initially very late—and gradually becomes earlier as the nights lengthen.

Ḥaraj and Praying 'Early'

In response to the challenges posed by late ʿIshāʾ times during the summer months, most mosques in the UK adopt a policy of **"capping"** the ʿIshāʾ prayer at a fixed hour.

> The following is taken from an extract from Wifaqul Ulama " *Ishāʾ* times should be locked at a certain time regardless of the latitude and sunset time for our country e.g. 23:00. *Ishāʾ* times at each latitude should be calculated at 15° degrees and if it goes beyond 23:00 it should be ignored and the time should remain locked at 23:00 until it becomes less then 23:00."

This is typically justified by appealing to the legal maxim of **ḥaraj** (undue hardship), acknowledging the difficulty faced by congregants in praying at very late hours—often between 11:00 PM and 1:00 AM.

In practice, what has also become widespread is a **blanket estimation** of ʿIshāʾ time—usually set between 1 hour and 1 hour 30 minutes after Maghrib—across the entire summer period. This approach is applied **regardless of whether the red twilight has actually disappeared**, again citing ḥaraj as the underlying justification. Although mosques cap Isha time at a certain time, what happens in practise is even before this 'capped time' Isha will be prayed before the actual Isha entry time as throughout the Summer 'Haraj' is implicated[7].

Unlike the well-documented discussions surrounding **perpetual twilight**, the issue of how to determine and perform ʿIshāʾ *outside* of that specific period remains under-explored. However, this period where twilight eventually disappears, albeit very late poses its own distinct Fiqhi question, one that deserves independent consideration.

During this time, three primary possibilities emerge for how ʿIshāʾ might be performed:

1. Praying ʿIshāʾ in Its Actual (Sharʿī) Time

This would entail waiting for the true disappearance of twilight, which during some days will occur between **11:00 PM and 1:00 AM** depending on location and calculation method. While this may be the most precise option from a strictly legal standpoint, in **practical terms**, it is almost universally *abandoned* due to the significant hardship it imposes. As a result, very few if any mosques or official timetables in the UK adopt this position.

2. Praying ʿIshāʾ at an Estimated Time

[7] https://www.wifaqululama.co.uk/highlat/ Wifaqul ulama is a council of scholars that create prayer timetables that many mosques in the U.K follow.

This is the **most commonly adopted approach**. Similar to the method used during the period of perpetual twilight, ʿIshāʾ is estimated by adding **approximately 1 hour to 1 hour 30 minutes** after Maghrib. While the exact duration may vary by council or locality, this estimation is not based on astronomical observation but rather on ease and consistency.

3. Joining Maghrib and ʿIshāʾ

The third approach mirrors the ruling applied during the period of perpetual twilight: **joining Maghrib and ʿIshāʾ**. Although this position is less widely adopted, some scholars and councils consider it valid in light of the hardship posed by late ʿIshāʾ timings. The justification rests on the same legal and scriptural foundations as discussed in the context of perpetual twilight—namely, the concept of *shared time* and the permissibility of joining prayers under exceptional circumstances.

Reassessing the Estimation of ʿIshāʾ Outside Perpetual Twilight

As previously noted, the vast majority of mosques in Britain adopt the practice of **praying ʿIshāʾ at an estimated time** during the summer months—typically by adding 1 to 1.5 hours after Maghrib. This period, while not falling under perpetual twilight, still features a **very delayed actual entry** of ʿIshāʾ time. The Fiqhi reality is that this widespread practice results in people **praying ʿIshāʾ before its Sharʿī time** a serious legal matter that deserves scrutiny.

Unlike the context of **perpetual twilight**, many of the evidences cited to justify estimation or joining do **not apply** here. Let us consider a few of these:

1. The Ḥadīth of the Dajjāl

This hadith is frequently cited in the context of perpetual twilight, where the signs of prayer times disappear entirely. However, in this case, **ʿIshāʾ time does enter**, albeit very late. Thus, the prophetic instruction to estimate during a period when normal temporal markers are absent is **not applicable** here.

2. Turning Concession Into Norm

The current practice effectively permits via concession, **praying ʿIshāʾ before its actual time**, citing hardship. This transforms a theoretical **exception** into a **normative rule**, spanning several weeks of the year. So the concern of turning a combining concession into a normative rule, is no different to turning the concession of praying before time as a normative rule.

3. Limited or No Precedent in the Madāhib

To my knowledge, none of the four Sunni schools of law and no classical scholar permits a prayer to be performed before its time due to hardship. In fact, from a juristic standpoint, if one is unable to pray within the designated time, it is preferable to make up the prayer (qaḍāʾ) afterwards rather than performing it before its entry.

This leads to a somewhat paradoxical conclusion: the classical position of praying ʿIshāʾ at Fajr time, though highly inconvenient and abandoned in practice, may be more legally sound than the current norm of praying it early.

Summary of the Fiqh.

The case of ʿIshāʾ entering at a very late hour is fundamentally different from the phenomenon of perpetual twilight. In the latter, the legal issue arises due to the absence of any observable sign indicating the entrance of ʿIshāʾ time. In the former, however, ʿIshāʾ time does enter, but its timing imposes significant hardship on the community. This distinction is critical. The evidences used for estimation apply to a period of no entry time for Isha and do not apply to a late Isha.

There is no legal precedent (aṣl) in the Sharīʿah for performing an individual prayer before its appointed time under any circumstance. By contrast, the principle of joining prayers is established. Therefore, if we are to find a concession for people to pray their isha prayers due to 'Haraj' joining Maghrib and ʿIshāʾ during this period of extreme delay is a more sound and legally grounded approach than praying ʿIshāʾ before its time.

Given the above, I would also like to propose the following:

Transparency in prayer timetables is crucial. Where mosques adopt the position of joining Maghrib and ʿIshāʾ, they should still **display the actual Sharʿī entry time for ʿIshāʾ**. This helps to eliminate confusion among the congregation and educates the public why the joining of prayers is being performed. It also provides an opportunity for those who do not want to take the concession of joining due to hardship to pray Isha in its proper time.

This proposal aims to **re-establish Fiqhi clarity**, maintain legal consistency, and respond to community needs in a manner that is both practical and principled. The goal is not to create division or accusations of invalid prayer in existing masājid practices, but to invite a **more nuanced approach** to a very real and ongoing issue.

I welcome all critique and engagement on the Issue

Mustafa Razzak

razzakmustafa@yahoo.co.uk

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