

Must the Isha salaah be Performed in Places where The time for Isha does not Arrive?

Q: Salaah-80: Night lasts only four and half hours in London between the 22' of May and the 21" of July. The light does not disappear from the Horizon during this period of time. What will the ruling be with regard to the Isha salaah when Isha usually starts only after the light of the horizon disappears. Please explain the following:

1. Is the Isha salaah Fardh (obligatory) in places where the time for Isha does not set in?
2. If the salaah is Fardh, when should it be performed?
- 3 Can Qadhaa be performed after sunrise and if so, at what time and should it be performed in Jamaa'ah or not?

Answer: (1) Is Isha Fardh (obligatory) for people in places where dawn breaks before the light on the horizon disappears or immediately after sunset, leaving no time for them to perform the Isha salaah? There is a difference of opinion in this regard. Some Fuqahaa state that Isha is not Fardh (obligatory) for them because the cause for Isha being obligatory is non-existent. People in such lands will therefore be obliged to perform only four salaahs, just as a person without arms is obliged to wash only three limbs for wudhu.

The preferred opinion however is that Isha salaah is obligatory for them. The reason is that Allaah has made five salaahs obligatory for all Muslims and none is absolved of following the Shari'ah. There is a difference between the person who has no arms and the issue of the time of salaah. Close analysis of the matter will reveal that the obligation of salaah in itself is established by a hidden cause and that the time of the salaah is merely the apparent cause that acts as a sign for the hidden cause. Therefore, the absence of the apparent cause will not mean that the obligation will also be absent. The actual obligation is proven by several factors, such as the Hadith of Mi'raaj. The Hadith states that the initial command was to perform fifty salaahs, after which the number was gradually reduced to five salaahs. The Hadith does not specify places and countries, and it must be borne in mind that Allaah has knowledge of all lands and conditions. No place is therefore exempt from this command.

Then there is the Hadith of Dajjaal in which Rasulullaah SAW. spoke of a day equal in length to a year, another day equal in length to a month and another day equal in length to a year. When the Sahabah RADI. asked Rasulullaah SAW. whether five salaahs would suffice in these long days. Rasulullaah SAW. told them that it would not and that they would have to estimate the times of the various salaahs to perform them as they would during normal days. This makes it clear that the apparent cause for salaah is not taken into account when establishing the obligation.

(2) It may be performed at the time it is performed when there is time to perform it or according to the times of the nearest area. The Isha and Witr may also be performed after dawn and then followed by the Rakaahs of Fajr. Durrul Mukhtaar (Vol.1 Pg.335/6) states that when no time sets in for the Isha salaah, people should determine the time between the Maghrib and Isha salaahs as they perform them at other times and then apply the same times during period when the time

does not set in. They may also use the times in which people perform their salaah in nearby areas. They will however not make the intention of Qadhaa salaah because Qadhaa is that salaah that was missed during its time and performed afterwards. It will not apply here because the time did not set exist in the first place.

(3) The Isha may be performed after sunrise, but because sequence has to be maintained, the Isha and Witr should be performed after dawn with Adhaan, Iqaamah and in Jamaa'ah, but before the Fajr salaah. Witr will be performed in Jamaa'ah only during Ramadhaan. And Allaah knows best what is most correct.

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