

In the Name of ALLAH Most Merciful Most Compassionate

A Fatwa on the Islamic rule regarding combining the two prayers when the night prayer (Isha) approaches midnight; or its time does not exist for three months in the summer every year in this country as there is no time span between dusk and dawn.

Praise be to ALLAH the Lord of the worlds and I bear witness that there is no God but ALLAH, the only one who has no partners. I bear witness that Muhammad is His servant and messenger. May the prayers of ALLAH be upon him and his family.

Here you should know - May Allah bless you - that the duties of Sharia are adapted to human capability. People have different capabilities. The flexibility of the Islamic Sharia is there to meet the capabilities of all men however much they differ. This is evident when ALLAH says:

“On no soul doth ALLAH place a burden greater that it can bear. It gets every good that it earns, and it suffers every evil it earns. . .” (Surat al-Baqarah, “The Cow” Qur’an 2: 286)

“ALLAH puts no burden on any person beyond what He has given him. After a difficulty ...” (Surat Talaq “Divorce” Qur’an 15: 7)

Giving ALLAH the fear He deserves and striving in His cause is equal to the capabilities of every Muslim as ALLAH says:

“And strive in His cause as ye ought to strive (with sincerity and under discipline). He has chosen you, and has imposed no difficulties on you in religion; . . .” (Surat al-Hajj “Pilgrimage” Qur’an 22: 78)

The lateness of Isha prayer until nearly midnight to the point where there is only three hours between its time and dawn prayer (Fajr) in some days, is no doubt a hardship to many people. Yet Sharia was created to encourage the performance of the prayers on time. The idea was that each prayer time was specified and is known and distinguished from the other prayer time by par head signs. So Isha time does not start before Maghreb according to Sharia.

What we are dealing with here, however, is not natural in that it does not suit the capabilities of people in general. It is not normal for many people that they do not sleep until after mid-night. Even if some people are used to staying up late at night, it cannot be taken as a measure on which to hang a Sharia rule. The Prophet, peace be upon him, once delayed the Isha prayer until mid-night while people were waiting for him in the Mosque to lead the prayer. They slept and woke up and then slept and woke up again until ‘Umar Bin al-Khattab called out to the Prophet: “Prayers! The young people and the ladies have fallen asleep.” Then the Prophet came out and said: “If I had known my followers had suffered hardship I would have ordered them to pray Isha so late” For this reason the Prophet was not accustomed to delay the Isha prayer. Even if our issue here is different because the specified prayer time has not started, the same reason does cover us as well because the lateness of the prayer makes it difficult. So can we find the scope in Sharia to bring the Isha prayer forward in Maghreb?

It has been confirmed as a Sunnah to combine two prayers for a traveller to make it easy for him. The combination is also allowed for a non-traveller if there is a reason preventing him from going to the mosque such as rain, fear or a prolonged period for a woman.

Certainly Bin Abbas has narrated that the Prophet peace and the blessing of ALLAH be upon him has prayed Dhuhr and Asr together and Maghreb and Isha together at al-Madinah while he was in residence and not travelling. He did that while he was not at war, and he was not travelling; and it was not raining. Bin Abbas was asked why the Prophet did that; and he answered: "So as not to make it difficult for his Ummah."

This combination of prayers in this way has no obvious reason but the intention to show the allowance of the combination to make it easy for his Ummah. For this reason some groups of scholars took the general meaning of this Hadith as evidence that combining the two prayers of Maghreb and Isha or Dhuhr and Asr is allowable; if it is difficult to pray them in time. The scholars listed many reasons that make praying in time difficult such as illness, running urine, or uncontrollable belching. Some of the scholars said that every reason allows a person not to attend a congregational prayer can also allow him to pray the two prayers together.

A man came to Saeed Bin al-Musayyab and said: "I am a shepherd looking after camels. When the evening comes I pray Maghrib. Then I place a rug to sleep on missing the night prayer. He told him: "Do not sleep until you pray the night prayer. If you fear that you would sleep; pray the two together. (Narrated by Bin Abi Shaybah in his volume 2/459 and based on a reliable source)

In general combining two prayers for a necessity is right and allowable. The most correct among the schools of thought according to the Sharia licence is combining any of the prayers with another at the time of one of them.

Our problem which is being discussed here can be classified on what has "been mentioned before regarding Isha prayer in a congregation in a mosque or at home. As long as the reason is there the licence is valid. The Sharia licence is valid as long as the reason for it is still in existence and for as long as it takes.

The second part of the issue is the loss of the Isha prayer time and the best route here is combining the Isha prayer with the Maghreb prayer at the Maghreb prayer time. Here delaying the prayer is meaningless because delaying it does not mean that you are praying it in time.

Remember that the combination here is not for the sake of the difficulty that lateness may cause; but it is for the sake of necessity because there is no time for the prayer as Isha time starts at Maghreb time. And this is what is called by the Shafi'i and others, "pardoning time"

As we said that combining the two prayers is allowable and it should be performed as follows. There should be no break as the combination for travelling or when it is raining. If there was a break it would not be harmful but it is better not to have a break.

It is also possible that we can pray the regular post-Maghreb nafl after praying the Isha prayer for those who wish to do so and there is nothing wrong with this as long as the Maghreb time has run out. This also goes for post Isha Nafl and Witr. Not only that, but voluntary prayer a Muslim used to pray after Isha can be prayed after praying Maghreb and Isha together, according to some sections of the scholars and their evidence. And ALLAH knows best.

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