

## When is The Time for 'Ishaa' Prayer Over?

By Shaykh al-Albaanee

Sayyid Saabiq says in Fiqhus-Sunnah, in his section on the time of 'Ishaa' Prayer:

“...And as for the time of 'Ishaa' Prayer then it extends until the time of Fajr, and this is understood from the hadeeth of Aboo Qataadah who said that the Prophet (sallallaahu 'alayhi wa sallam) said, “Negligence (regarding the prayer) is not from oversleeping, but negligence is found with the one who does not pray (while conscious and aware) until the time of the next prayer comes.” [2]

The hadeeth proves that the time of every prayer extends until the entrance of the time for the following prayer, except for Fajr Prayer, for surely it's time does not remain until Dhuhr Prayer, rather the scholars have unanimously agreed that its time ends at sunrise.”

I say (al-Albaanee): The author (Saabiq) is following ash-Shawkaanee and others in their deduction from this hadeeth, but there is no evidence in it for what they are concluding, especially when there is no mention of the times of the prayers in it, nor is it even in the correct context, for this hadeeth is general, mentioning the sin of the one who knowingly and intentionally delays the prayer until its time is gone, whether another prayer comes to end its time ('Asr and Maghrib) or not (Fajr and Dhuhr). This is proven by the fact that this hadeeth is specifically regarding the Fajr Prayer itself, when the Prophet (sallallaahu 'alayhi wa sallam) and his Companions slept through the time of Fajr during a journey. The Companions, may Allaah be pleased with them, were astounded by what happened to them, so the Prophet, (sallallaahu 'alayhi wa sallam), said to them, “Am I not your example?...” then he mentioned our hadeeth, the one found in Saheeh Muslim and others.

So if this hadeeth was intended to mean what they are concluding about the time of the prayers continuing until the entrance of the one that follows it, then it would be a clear proof that Subh (Fajr) extends to the time of Dhuhr, but they are not saying that! Rather they are holding that Fajr is an exception to this rule. So these deductions, after we have made clear the reason the Prophet (sallallaahu 'alayhi wa sallam) said his statement, are invalid because certainly the hadeeth was mentioned specifically about the Subh (Fajr) Prayer, so how can it be an exception to the hadeeth?!?!

In reality the hadeeth is not legislating the times of the prayers, but it is an open disapproval of knowingly and consciously delaying the prayers from their times. Regarding that Ibn Hazm said in al-Muhallaa (3/178) in response to the conclusion we have reviewed:

“This does not prove what they are saying, and they agree with us that the time of Subh (Fajr) does not extend until Dhuhr. The hadeeth does not prove that the time of every prayer connects to the time of the one after it, it only exposes the wrongdoing of the one who delays the prayer outside of its time, whether the end of its time is connected to the beginning of another prayer or not. Also, the hadeeth does not refer to the negligent one who delays the prayer past its time, without entering into another prayer time, nor does it mention his negligence, rather this report is silent regarding these things. However these issues are addressed in other reports that specifically mention the times of the prayers individually and legislate their entrance and exit. And we must say that anyone who

transgresses the time limit of any action from those that Allaah legislated their proper times, he has transgressed the limits of Allaah and He Most High says, "...And whoever transgresses the limits of Allaah, they are the oppressors." [Sooratul-Baqarah 2:229]

So when it becomes clear that the hadeeth is void of any evidence indicating that the time of 'Ishaa' Prayer lasts until Fajr, upon us is a return to the other ahaadeeth that are clear proofs about the legislation of the time of 'Ishaa', like his statement, (sallallaahu 'alayhi wa sallam), "...and the time for 'Ishaa' Prayer is until half of the night..." [3] It is found in Muslim and elsewhere.

And he goes on to complete his thoughts on the subject in his book, referring to what 'Umar Ibnul-Khattaab wrote to Aboo Moosaa al-Ash'aree, "... and pray 'Ishaa' before one-third of the night passes, unless you delay it, then to half of the night, and do not become from the heedless." This report is found with Maalik and at-Tahaawee and its chain is saheeh.

This hadeeth is clear evidence to show that the time of 'Ishaa' goes until the middle of the night only, and that is what is correct. Ash-Shawkaanee favored that in ad-Dararul-Bahee'ah saying, "and the last time for 'Ishaa' to be offered is the middle of the night." And Siddeeq Hasan Khaan followed him in his explanation (1/69-70), and a similar statement has been gathered from Imaam Maalik as found in Bidaayatul-Mujtahid. And it is the choice of a group of Shaafi'ee scholars like Aboo Sa'eed al-Istakhree and others. Refer to al-Majmoo' (3/40).

Additional benefit: The night ends with the entrance of the True Fajr, and that is the saying of all of the scholars, as found in the source book, Fiqhus-Sunnah.

Footnotes:

[1] The following is taken from Tamaamul-Minnaa (p. 140-142)

[2] Related by Muslim (no. 1099)

[3] Related by Muslim (no. 966) and Ahmad (no. 6671, 6698).