

Series of Questions Addressed to Eminent Scholar Ata Bin Khalil Abu Al-Rashtah
Ameer of Hizb ut Tahrir through his Facebook Fiqhi Page

Answer to Question

Rules for Joining the Prayers in Winter

To: Yahya Walid Geneina

(Translated)

Question:

Assalamu Alaikum Wa Rahmatullahi Wa Barakatuhu

Our beloved Sheikh, I would like you to clarify the rulings for combining in the winter, and what is the rule for combining? Is cold (weather) without strong winds an excuse that allows combining the prayer? If the rain stops before the *rukhsah* (license) break, does that permit combining?

Please advise us in detail. May Allah grant you barakah.

Answer:

Wassalamu Alaikum Wa Rahmatullahi Wa Barakatuhu.

As you know, we do not adopt in I'badat (worship) except what is related to the unity of the Ummah and the like, and all of that is for legitimate reasons such as Eid and Zakat. But I will quote for you the rulings of prayer related to your question, from the book, *Ahkam Us-Salah*, [Rulings of the Prayer] which was previously issued by the party in the name of Ali Raghib. It is not adopted, but there is credible evidence in it:

[JOINING BETWEEN TWO PRAYERS]

1- It is permitted to join between *dhuhr* and 'asr and between *maghrib* and 'esha in the travel wherein prayer is valid to be shortened. It is not permitted to join between 'asr and *maghrib* nor between 'esha and *subh* nor between *subh* and *dhuhr* due to what ibn 'Umar narrated and said: «كَانَ رَسُولُ اللَّهِ ﷺ إِذَا جَدَّ بِهِ السَّيْرُ جَمَعَ بَيْنَ الْمَغْرِبِ وَالْعِشَاءِ» **“when Rasool Allah (saw) was earnest in travel, he would join between *maghrib* and 'esha.”** And Anas (ra) narrated that the Prophet (saw) «كَانَ يَجْمَعُ بَيْنَ الظُّهْرِ وَالْعَصْرِ» **“would join between *dhuhr* and 'asr.”** It was not narrated from him (saw) that he joined in other than these two situations of the prayers which are *dhuhr* with 'asr or *maghrib* and 'esha. Ritual worships (*'ibadat*) are (*tawqeefiyyah*) restricted to what came in the text, and limited to its contents. It is not permitted to join in prayers other than those mentioned in the text. It is permitted to join between these two, i.e. *dhuhr* and 'asr and *maghrib* and 'esha, in advance (*taqdeem*) or by postponement (*ta'khir*). So it is permitted to join between them in the time of the first prayer and in the time of the second one. However, if the traveller dismounted in the time of the first then it is better to bring forward the second to the time of the first. However, if he were travelling then it would be better to delay the first to the time of the second, due to what was narrated from ibn 'Abbas: «أَلَا أُخْبِرُكُمْ عَنْ صَلَاةِ رَسُولِ اللَّهِ ﷺ؟ إِذَا زَالَتْ الشَّمْسُ وَهُوَ فِي الْمَنْزِلِ قَدِمَ الْعَصْرَ إِلَى وَقْتِ الظُّهْرِ وَيَجْمَعُ بَيْنَهُمَا فِي الزَّوَالِ، وَإِذَا سَافَرَ قَبْلَ الزَّوَالِ أَخَّرَ الظُّهْرَ إِلَى وَقْتِ الْعَصْرِ، ثُمَّ جَمَعَ بَيْنَهُمَا فِي وَقْتِ الْعَصْرِ» **“Should I not inform you of the prayer of Rasool Allah (saw); when the sun declined (from the midday) and he was in the campsite, he brought forward 'asr to the time of *dhuhr* and joined between them at noon, and when he travelled before noon, he delayed *dhuhr* to the time of 'asr then joined between them at the time of 'asr.”** One must intend joining at the beginning of the time of the first and combine the two in the advanced joining. If he made advance joining and reached his residence before the time of the second (prayer) had come, if he had completed the two prayers the joining is valid; otherwise, only the prayer which he had completed is valid.

2- The joining in the prayer is established by the authenticated *Sunnah*. On the authority of Anas who said: «كَانَ رَسُولُ اللَّهِ ﷺ إِذَا ارْتَحَلَ قَبْلَ أَنْ تَرَبِّعَ الشَّمْسُ آخِرَ الظُّهْرِ إِلَى وَقْتِ الْعَصْرِ، ثُمَّ نَزَلَ فَجَمَعَ بَيْنَهُمَا، «When Rasool Allah (saw) would travel before the sun moved from the zenith, he would delay *dhuhr* to the time of 'asr then he halted and joined between them. If the sun moved before he travelled, he prayed the *dhuhr* then mounted.» On the authority of Anas from the Prophet (saw) «أَنَّهُ إِذَا عَجَلَ عَلَيْهِ السَّفَرُ يُؤَخِّرُ الظُّهْرَ إِلَى أَوَّلِ وَقْتِ الْعَصْرِ فَيَجْمَعُ بَيْنَهُمَا، وَيُؤَخِّرُ الْمَغْرِبَ حَتَّى يَجْمَعَ بَيْنَهَا وَبَيْنَ الْعِشَاءِ حِينَ يَغِيبُ الشَّفَقُ» that when he hastened the travel, he postponed *dhuhr* to the time of 'asr and postponed *maghrib* until he joined between it and 'esha when the light disappeared.» And on the authority of Mu'adh (ra) «كَانَ فِي غَزْوَةِ تَبُوكَ إِذَا رَاغَتِ الشَّمْسُ قَبْلَ أَنْ يَرْتَحِلَ جَمَعَ بَيْنَ الظُّهْرِ وَالْعَصْرِ، وَإِنْ ارْتَحَلَ قَبْلَ أَنْ تَرَبِّعَ الشَّمْسُ (Mu'adh (ra) أَخَّرَ الظُّهْرَ حَتَّى يَنْزِلَ لِلْعَصْرِ، وَفِي الْمَغْرِبِ مِثْلُ ذَلِكَ؛ إِنْ غَابَتِ الشَّمْسُ قَبْلَ أَنْ يَرْتَحِلَ جَمَعَ بَيْنَ الْمَغْرِبِ وَالْعِشَاءِ، وَإِنْ ارْتَحَلَ قَبْلَ أَنْ تَغِيبَ الشَّمْسُ أَخَّرَ الْمَغْرِبَ حَتَّى يَنْزِلَ لِلْعِشَاءِ ثُمَّ جَمَعَ بَيْنَهُمَا» that Rasool Allah (saw) would in the Battle of Tabuk, if the sun moved from the zenith before he departed, he joined between *dhuhr* and 'asr. If he departed before the sun moved from the zenith, he postponed *dhuhr* until he halted at 'asr. And similarly at *maghrib*, if it was sunset before he departed, he joined between *maghrib* and 'esha. And if he departed before the sunset, he postponed *maghrib* until 'esha came and he joined the two" All these *ahadith* are authentic, and they indicate in a way without any ambiguity the permissibility of joining between *dhuhr* and 'asr in advance or by postponement, similarly between *maghrib* and 'esha in advance or by postponement.

3- However this joining is not allowed except on the Day of 'Arafah at Arafaat, the night of Muzdalifa therein, in the travel wherein prayer is shortened and in rain. As for 'Arafah and Muzdalifa, this is because the Prophet (saw) joined in 'Arafah and Muzdalifah. As for the travel, this is because the *ahadith* which indicated the occurrence of joining in other than rain indicated of its occurrence in travel only. That is clarified in the wording of the *ahadith* despite their numerous number. So you find the *hadith* stating «إِذَا جَدَّ بِهِ السَّيْرُ»، «إِذَا ارْتَحَلَ»، «إِذَا عَجَلَ عَلَيْهِ السَّفَرُ» that when he was earnest about travelling, when he departed, when he hastened the travel" and other *ahadith* that indicate the travel. Some of the narrations are explicit about the travel, so in the *hadith* of ibn 'Abbas: «كَانَ رَسُولُ اللَّهِ ﷺ يَجْمَعُ فِي السَّفَرِ بَيْنَ صَلَاةِ الظُّهْرِ وَالْعَصْرِ إِذَا كَانَ عَلَى ظَهْرِ سَيْرٍ، وَيَجْمَعُ بَيْنَ الْمَغْرِبِ وَالْعِشَاءِ» Rasool Allah (saw) would join in travel between the two prayers of *dhuhr* and 'asr when he was in the midst of travelling, and join between the *maghrib* and 'esha." And from ibn 'Abbas about the Prophet (saw) that «كَانَ إِذَا رَاغَتِ الشَّمْسُ فِي مَنْزِلِهِ جَمَعَ بَيْنَ الظُّهْرِ وَالْعَصْرِ قَبْلَ أَنْ يَرْكَبَ، وَإِذَا لَمْ تَرَغْ لَهُ فِي مَنْزِلِهِ سَارَ حَتَّى إِذَا حَانَتْ الْعِشَاءُ نَزَلَ بَيْنَ الظُّهْرِ وَالْعَصْرِ، وَإِذَا حَانَتْ الْمَغْرِبُ فِي مَنْزِلِهِ جَمَعَ بَيْنَهَا وَبَيْنَ الْعِشَاءِ، وَإِذَا لَمْ تَحِنْ فِي مَنْزِلِهِ رَكِبَ حَتَّى إِذَا حَانَتْ الْعِشَاءُ نَزَلَ» he would in travel, when the sun moved (from the zenith) in his halting place, join between *dhuhr* and 'asr before he mounted. If it did not move while in his halting place, he would travel until when 'asr came he alighted and joined between *dhuhr* and 'asr. And when *maghrib* came while at his halting place, he joined between it and 'esha. And if it did not come while at his halting place, he mounted until it was 'esha, alighted and joined between the two." All this has linked therein the joining with the restriction/condition (*qayd*) of travel. What is intended here is the travel wherein shortening of prayer is valid. This is because "al" in the travel (*al-safar*) is of what is well known (*ma'hud*) which is the *Shar'ai* travel that is considered a travel for shortening the prayer.

4- As for joining in the rain, this is due to what was narrated from Abu Salamah bin 'Abdurrahman who said: «إِنْ مِنْ السَّنَةِ إِذَا كَانَ يَوْمٌ مَطِيرٌ أَنْ يُجْمَعَ بَيْنَ الْمَغْرِبِ وَالْعِشَاءِ» Of the *Sunnah* is that joining between *maghrib* and 'esha when it is a rainy day" (Narrated by Al-Athram). His saying "of the *Sunnah*" indicates the *Sunnah* of Rasool Allah (saw), so it accounts to a *hadith*. Hisham bin 'Urwah said: "I saw Aban bin 'Uthman joining *maghrib* and 'esha between the two prayers in a rainy night. And 'Urwah bin Az-Zubair, and Abu Salamah bin 'Abdurrahman and Abu Bakr bin 'Abdurrahman prayed them with him. They did not deny it and no one is known to oppose them in their time, so it was *Ijma'a*" (narrated by Al-Athram). It is also due to what was narrated from ibn 'Umar «أَنَّ النَّبِيَّ ﷺ جَمَعَ فِي الْمَدِينَةِ بَيْنَ الظُّهْرِ وَالْعَصْرِ فِي الْمَطَرِ» that the Prophet (saw) joined in Madinah between the *dhuhr* and 'asr in the rain," and it was narrated from Jabir bin Zaid from ibn 'Abbas «أَنَّ النَّبِيَّ ﷺ

«**that the Prophet (saw) prayed in Madinah seven and eight (days), *dhuhr* with *'asr* and *maghrib* with *'esha*. Ayyub said: Perhaps it were a rainy night? He said: Yes perhaps**» (Narrated by Al-Bukhari). It means that Ayyub as-Sakhtiyani said to Jabir bin Zaid who is Abu ash-Sha'atha: Perhaps this joining was on a rainy night, so he said to him: Perhaps it is as you say. The likelihood of rain was also asserted by Malik immediately after he extracted this *hadith*. All these *ahadith* indicate as a whole the permissibility of joining in rain in advance or by postponement. What is meant by rain is what is called generally as rain which is what wettens the clothes irrespective of whether there is a difficulty therein or not, due to what was narrated that the Prophet (saw) joined in the rain and there was nothing between his room and the mosque, and irrespective of whether he was in the mosque or the house, and irrespective of whether the rain was falling at the time of performing the prayer or not. This is because the *hadith* does not include reason (*illah*) of difficulty, so it is taken verbally (*tawqeefiyyah*). It is also because no text came to say it is in the mosque or not, so it remains unrestricted (*mutlaq*). Not to mention that it is established that the Messenger (saw) «كَانَ يَجْمَعُ **would join in the houses of his wives to the mosque**» and because the *hadith* says «فِي الْمَطَرِ» «**a rainy day**», «**in rain**» and the likelihood of Ayyub as-Sakhtiyani in which he said «لَيْلَةٍ مَطِيرَةٍ» «**a rainy night**». The meaning of this is that it is time of rain not that rain was falling at the time of starting the prayer. It is also because once the cause (*sabab*) of joining existed, which is the excuse permitting joining of the prayer, it is permitted to make joining absolutely like travel. Similarly, once the rain existed, it is permitted to make joining absolutely, whether there was a difficulty therein or not and whether it was in the mosque or not.

5- However, as for other than 'Arafah and Muzdalifah, travel and rain, joining is not permitted at all and no analogy (*qiyaas*) is done with it, with the pretext of difficulty due to the absence of a legislative reason (*'illah*) for joining, and because difficulty did not come as a *Shar'ai 'illah* in the texts, an analogy does not work without an *'illah*. Besides the (*'ibadat*) are not reasoned nor is *qiyas* done on them...] End of quote.

I hope that this is sufficient, and Allah is Most Knowledgeable and Most Wise.

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

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The link to the answer from the Ameer's Facebook page:

<https://www.facebook.com/HT.AtaabuAlrashtah/posts/685354819818557>