

*Al-Qawaa'id wal-Usool al-Jaami'ah wal-Furooq wat-Taqaaseem al-Badee'ah an-Naafi'ah.*

## **The Basic Rulings and Principles of *Fiqh* – The Beneficial, Eloquent Classifications and Differentiations**

### **Foundation -6**

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(d. 1376 A.H./1956 C.E.)**

**Discussion based upon:**

- 1-Sh. Ibn Sa'di's original explanation
- 2-Our Sh. Muhammad ibn Saalih Al-'Uthaimen's Commentary, and
- 3-Full explanation by our Sh. (Dr.) Sami ibn Muhammad As-Sghair (summer 1427 A.H./2006 C.E.)

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## Basic Rulings and Foundations of Fiqh-6

All Praise is due to Allaah, and may the *salaah* and *salaam* be on Prophet Muhammad, his household, the noble companions and those who follow them until the Day of Resurrection. This is a continuation of the explanation of *The Basic Rulings and Principles of Fiqh—The Beneficial, Eloquent Classifications and Differentiations* by Imam ‘Abd ar-Rahman ibn Naasir as-Sa’di (*rahimahullaah*).

Foundation six is entitled:

**The initial condition (*al-Asl*) concerning worship is prohibition; nothing is permitted except that which Allaah (ﷻ: *subhaanallaahu wa ta’aalaa*) and His Messenger (ﷺ: *sallallaahu ‘alayhi wa sallam*) legislated. The initial condition concerning transactions and traditions is permissibility, except that which Allaah (ﷻ) and His Messenger (ﷺ) made forbidden.**

### Evidences for Foundation 6

This foundation comprises two great principles; Imam Ahmad (*rahimahullaah*) along with others from the imams, mentioned them. They are based upon evidences from the Qur’aan and *Sunnah*. Concerning the first part of this foundation that acts of worship are forbidden except that which Allaah (ﷻ) and (or) His Messenger (ﷺ) legislated, an evidence is His (ﷻ) saying (in the translation of the meaning):

**﴿Or have they partners with Allaah (false gods), who have instituted for them a religion which Allaah has not allowed.﴾ Surah ash-Shura (42:21)**

Also, Allaah (ﷻ) commanded that He (ﷻ) be worshiped alone in many places in the Qur’aan, including the verse (in the translation of the meaning):

**﴿And the mosques are for Allaah (Alone), so invoke not anyone along with Allaah.﴾  
Surah al-Jinn (72:18)**

It is also established in the *Sunnah* that the Prophet (ﷺ) said:

*“Whoever does any action that is not in accordance with this matter of ours (Islam) will have it rejected.”*<sup>1</sup>

In another narration, it is reported that he (ﷺ) said:

*“Whoever innovates anything in this matter of ours (Islam) that is not a part of it, will have it rejected”*<sup>2</sup>

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<sup>1</sup> Reported in *Saheeh Muslim*, (English translation no. 4267, book 18)

Thus, in principle, all acts of worships are forbidden except if there is proof for their permissibility. The explanation of this is that a worship is a command, either it is an obligation or praiseworthy. Every *waajib* (obligation) that Allaah (ﷻ) or His Messenger (ﷺ) obligated or every act that is *mustahabb* (recommended) is worship. Anyone who obligates or recommends a worship, which has no proof in the Qur'aan nor *Sunnah*, innovates in the *deen* (religion) that which Allaah (ﷻ) did not permit; therefore, it will be rejected.

With regard to the second part of this foundation that nothing is forbidden from habits, traditions, and transactions except that which Allaah (ﷻ) and (or) His Messenger (ﷺ) prohibited, an evidence for it is in the statement of Allaah (ﷻ) (in the translation of the meaning):

**﴿He it is Who created for you all that is on earth.﴾  
Surah al-Baqarah (2:29)**

This includes that all that which is beneficial, and everything is beneficial except that which The Legislator has made forbidden due to its harm. Moreover, Allaah (ﷻ) affirmed (in the translation of the meaning):

**﴿And has subjected to you all that is in the heavens and all that is in the earth﴾  
Surah al-Jathiyah (45:13)**

Furthermore, the Prophet (ﷺ) said:

*“Whatever He was silent about is permissible.”<sup>3</sup>*

In addition, Allaah (ﷻ) stated (in the translation of the meaning):

**﴿Say (O Muhammad ﷺ): "Who has forbidden the adoration with clothes given by Allaah, which He has produced for his slaves, and *At-Taiyibaat* [all kinds of *Halaal* (lawful) things] of food?" Say: "They are, in the life of this world, for those who believe, (and) exclusively for them (believers) on the Day of Resurrection (the disbelievers will not share them).﴾ Surah al-A'raf (7:32)**

Therefore, Allaah (ﷻ) denounced forbidding what He (ﷻ) created for His slaves from food, drinks, clothing, and what is related to that.

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<sup>2</sup> Reported in *Saheeh al-Bukhaari* (English translation vol. 3, *hadeeth* no. 861) and in *Saheeh Muslim* (English translation no. 4266, book 18)

<sup>3</sup> Reported from Abu al-Darda' (رضي الله عنه) by al-Daaraqutni in his *Sunan* (2/137), al-Haakim in *al-Mustadarak* (2/406 and 10/12), at-Tabaraani in *Musnad al-Shaamiyeen*. Concerning this *isnaad* (chain of transmission), Imam al-Dhahabi said it is “interrupted.” It is also narrated through another *isnaad* from Salman al-Faarisi (رضي الله عنه) by at-Tirmitheh in his *Sunan* (*hadeeth* no. 1726), ibn Maajah (*hadeeth* no. 3367), al-Haakim (4/129), al-Bayhaqi in *al-Kubra* (9/320 and 10/12), and at-Tabaraani in *al-Kabeer* (6/50). Regarding this *isnaad*, al-Albaani said it is very weak in *al-Ta'leeqaat al-Radiyyah* (3/54). The *hadeeth* is reported from several chains of transmission none of them is free from weakness, but taken together, the transmissions support and strengthen each other. For this reason, an-Nawawi classed it as “good” in *al-Adhkaar* (505); it was classified as *saheeh* by ibn al-Qayyim in *I'laam al-Muwaqqi'een* and by ibn Kathir in his *Tafsir* (1/405). Al-Albaani said it was “good” in *Tahqeeq al-Emaan li ibn Taymiyyah* (43) for the same reason.

## Types of Innovation in Worship

Innovation in worship is of two types. **First**, the innovation may entail performing a worship whose kind has no legal basis. For example, celebrating the Prophet's (ﷺ) birthday is taken as a worship, while there is no legal basis for it.

**Second**, the innovation may be through adding a certain description to a legal worship, without a legal proof. For example, someone chooses to make *sujood* three times during *salaah* as means of nearness to Allaah (ﷻ); however, we know that the legal prostration is only twice. The third *sujood* is an addition in the description of the worship. The *salaah*, in principle, is a legal worship, but he added a description to it not approved by *sharee'ah*. Moreover, if instead of saying *Subhan Allaah*, *al-Hamdulillaah*, and *Allaah Akbar* thirty-three times each following the *salaah*, a person decides to say them each thirty-five times; this entails innovating in the description of the worship.

## Conditions That Must be Fulfilled for an Act of Worship to be in Accordance with the *Sharee'ah*

A worship that follows the Prophet (ﷺ) and the *sharee'ah* fulfills six matters; if the act does not agree with any of these six criteria, then it is invalid and rejected, as it is an innovation in religion.

**First**, the worship must follow the *sharee'ah* in **cause**. If someone performs a worship due to a cause that Allaah (ﷻ) did not legislate, for example when a person enters his house he offers two *rakat* and makes this a *Sunnah*, then this is in opposition to the *sharee'ah*. Similarly, if a person makes a celebration for the victory of the Muslims at the Battle of Badr, then there is no legal cause since Allaah (ﷻ) and His Messenger (ﷺ) did not legislate a basis for that.

**Second**, the action must be in agreement with the *sharee'ah* in **kind**. If someone worships Allaah in a way the kind of which is not legalized, then it will be rejected. For instance, if a person offers a horse as a sacrificial animal instead of cattle on the day of sacrifice, then this would not be acceptable since it opposes the *sharee'ah* in kind. However, if he slaughters a horse and gives its meat in charity, then this is permissible because he did not take slaughtering as a means of nearness to Allaah (ﷻ) but to give its meat in charity.

**Third**, the action must be in accordance with *sharee'ah* in its **extent**. If someone worships Allaah (ﷻ) to an extent not legalized by *sharee'ah*, such as washing each part four times during *wudhu*, then this is not acceptable since it goes beyond the extent established.

**Fourth**, the action must agree with the *sharee'ah* in the manner. If someone takes an act as worship but its manner opposes the *sharee'ah*, then it will not be accepted from him. For example, if a person makes *sujood* before *rukoo*, then his *salaah* is invalid as it is not in agreement with the *sharee'ah* in manner. Moreover, if someone began making *wudhu* by washing his feet first and washed his head last, then this is also rejected.

**Fifth**, the worship must be in accordance with *sharee'ah in time*. For instance, if a person prays the prescribed prayer before its time, then it is rejected. Similarly, if someone offers the sacrifice before the *'Eid* prayer, it is also not acceptable.

**Sixth**, the worship must be in agreement with the *sharee'ah* in place. For example, a person makes *'itikaaf* at city hall, his school, or in his home; this is invalid as *'itikaaf* must be in the *masjid*.

### Examples:

1. Someone trades after the second *adhan* on the day of *Jumu'ah*, and the prayer of *Jumu'ah* is binding upon him. His trade contracts made during this time are invalid as they are not in accordance with the legal time of trade.
2. Someone sells an ounce of gold for an ounce and a half. This sale is invalid since it is not the proper extent. The Prophet (ﷺ) said:

*“Do not sell gold for gold unless equal in weight.”<sup>4</sup>*

### Types of Newly Invented Worldly Matters

Transactions, manners, and habits, such as eating, drinking, clothing, work, business, traditions, etc., are all, in principle, permissible. Anyone who forbids anything that neither Allaah (ﷻ) nor His Prophet (ﷺ) prohibited is an innovator, just as some of the *mushrikeen* (plural of *mushrik*) forbade some of the cattle that Allaah (ﷻ) and His Messenger (ﷺ) made allowable.

Due to ignorance, some want to make certain kinds of clothes, manufactures, or newly invented, worldly matters forbidden without a proof; anyone who follows this way is misguided. The newly invented world matters fall into the following categories:

1. Purely good – An example of this type is watches.
2. Purely evil – An example of such things is musical instruments.
3. A combination of both good and evil – Most newly invented worldly matters are of this type. The list of such things is great and includes: tape recorders, computers, mobile phones, etc. The ruling concerning them is in accordance with their utilization. If they are used in good, then they are good; if they are used in evil, then they are evil.

With regard to selling such things of the combined type, the ruling depends on the situation. If you are certain that its usage is *haraam* or that is more likely, then it is forbidden for you to sell it. For instance, if someone is known for listening to music, then you should not sell that which will aid him in this *haraam* action. However, if you do not know how the item will be used but

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<sup>4</sup>Reported in *Saheeh al-Bukhaari* (English translation vol. 3, *hadeeth* no. 383, 384, and 385) and in *Saheeh Muslim* (English translation no. 3848, book 10)

most likely the person will not use it in *haraam*, then the principle is permissibility.

### Categories of Harm from the Forbidden Matters

It should be known that Allaah (ﷻ) did not make something forbidden except that it is harmful to us. Anyone who engages in the forbidden matters will find that it covers four categories of harm.

1. Harm to the heart – This includes music as it sprouts hypocrisy in the heart.
2. Physical harm – Examples of things that would cause such harm are drugs and alcohol.
3. Religious harm – An example of this are all forms of *bid'ah* (innovations)
4. Worldly harm – This includes *riba* (usury) and the like.

That is why it is from amongst the greatest favors of Allaah (ﷻ) that He (ﷻ) made such things forbidden.

### Conclusion

The sixth foundation in Imam ‘Abd ar-Rahman ibn Naasir as-Sa’di’s book, *al-Qawaa'id wal-Usool al-Jaami'ah wal-Furooq wat-Taqaaseem al-Badee'ah an-Naafi'ah* (The Basic Rulings and Principles of *Fiqh* – The Beneficial, Eloquent Classifications and Differentiations), is entitled:

**The fundamental principle concerning worship is prohibition; nothing is permitted except that which Allaah (ﷻ) and His Messenger (ﷺ) legislated. The fundamental principle concerning transactions and traditions is permissibility, except that which Allaah (ﷻ) and His Messenger (ﷺ) made forbidden.**

All Praise is due to Allaah, and may the *salaah* and *salaam* be on Prophet Muhammad, his household, the noble companions and those who follow them until the Day of Resurrection.

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Saleh As-Saleh  
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