

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 -2

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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-2

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 two is entitled:

The means take on the same rulings as their aims.

What branches from this foundation is the following:

- 1) Whatever is required to fulfill an obligation is itself an obligation.
- 2) Whatever is required to fulfill a recommendation is itself recommended
- 3) Whatever leads to the establishment of a *haraam* (prohibition) is itself prohibited.
- 4) Whatever leads to the establishment of a *makrooh* (detested act) is itself detested.
- 5) Whatever follows-on from acts of worship and actions takes the same rulings as they do (i.e. worship and actions).

All of these stem from the second foundation, “**The means take on the same rulings as their aims do.**” In this comprehensive foundation, the phrase, “**The means**” refers to the methods and ways taken to achieve the aim or the cause that leads to the objectives; in addition, it implies the matters upon which the aims depend as well as what it entails from the existence of something and also the rulings’ conditions.

If Allaah (ﷻ) and His Messenger (ﷺ) command a matter, then it is a command concerning the matter itself and also what is required to fulfill it; this is because the One Who legislated the rulings is *al-'Aleem* (All Knowledgeable) *al-Hakeem* (All Wise) and knows rulings’ requirements, conditions, and fulfillments. Similarly, forbidding something means forbidding it in essence as well as all that leads to it.

Examples:

- 1) Walking to the congregational prayers, circles of knowledge or to uphold the ties of kinship as well as to visit the sick and to follow the funerals are parts of their respective acts of worship.
- 2) From the moment the person leaves his residence for *Hajj*, *Umrah*, or *Jihaad* in the cause of Allaah, he is in a state of continuous worship since these are means to the completion of those acts.

Allaah (ﷻ : *subhannahu wa taa’alaa*) says (in the translation of the meaning):

﴿ It was not becoming of the people of Al-Madinah and the Bedouins of the neighborhood to remain behind Allaah's Messenger (Muhammad ﷺ) when fighting in Allaah's Cause) and (it was not becoming of them) to prefer their own lives to his life. That is because they suffer neither thirst nor fatigue, nor hunger in the Cause of Allaah, nor they take any step to raise the anger of disbelievers nor inflict any injury upon an enemy but is written to their credit as a deed of righteousness. Surely, Allaah wastes not the reward of the *Muhsineen*. Nor do they spend anything (in Allaah's Cause) - small or great – nor cross a valley, but is written to their credit, that Allaah may recompense them with the best of what they used to do (i.e. Allaah will reward their good deeds according to the reward of their best deeds which they did in the most perfect manner). ﴾ **Surah at-Tawbah (9:120-121)**

The point of evidence in this verse is clear. Also, in the *Sunnah*, it is reported that the Prophet (ﷺ : *sallallahu 'alayhi wa sallam*) said concerning the seeker of knowledge,

*“Whoever pursues a path to seek knowledge, then Allaah will thereby make easy for him a path to Paradise”*¹

We ask Allaah (ﷻ) from His bounty.

Replete are the evidences from the authentic *Sunnah* concerning the reward of the person who walks to the congregational prayers; one example is the authentic *hadeeth* reported by Abu Hurairah who narrated that the Prophet (ﷺ) said,

*“Prayer offered in congregation is twenty-five times better than prayer offered at home or in the marketplace alone. If any one of you does wudoo’ and does it perfectly, then comes to the masjid for no other purpose than to pray, then he does not take a single step but Allaah raises him in status one degree thereby and removes one sin from him, until he enters the masjid.”*²

Likewise, concerning verse 12 from Surah Ya-Sin (in the translation of the meaning):

**﴿Verily, We give life to the dead, and We record that
which they send before (them), and their traces ﴾
Surah Ya-Sin (36:12)**

some maintained that the phrase, “**We record that which they send before (them), and their traces,**” refers to the recording of their footsteps and of the deeds performed to conclude the acts of obedience or disobedience; in another interpretation, others asserted that this verse discusses that which is left behind from righteous deeds after one’s death, such as: beneficial knowledge, authorship, endowments, continuous charity, etc.

Therefore, the footsteps leading to the *salaah* are something that follows-on the worship. Correspondingly, the footsteps that lead to sin fall under the same ruling as the sins themselves do; as such, these footsteps would also be sins. The command to

¹ Part of a *hadeeth* reported in *Saheeh Muslim* (English Translation No. 6518, Book 35)

² In the wording of al-Bukhari, vol. 1, *hadeeth* no. 621. It is also reported by Muslim.

perform the *salaah* is a command to do the *salaah* as well as to do that, without which, the *salaah* would not be complete, such as the *tahaarah* (purification), placing a *sutrah*, facing the *qiblah*, learning the rulings of *salaah*, and the rest of the *salaah*'s conditions. The same applies to the other of the acts of worship. Thus, with this insight, the branches of this foundation that were mentioned previously become clear.

Additional Branches of This Foundation

- 1) The '*ulama*' (scholars) said that if the time of a prescribed prayer commences upon someone who has no water available, then he should seek it in the places he hopes to find it. Likewise, it is required that he buys water or a *sutrah* in situations where he may not have them available. This is because whatever is required to fulfill an obligation is itself an obligation.
- 2) It is obligated for people to learn the industrial knowledge, small or great, that they need in their *deen* or *dunya*. These skills will help reduce the people's reliance on other nations, especially the *kufar*, through increased self-sufficiency. Beneficial knowledge is of two types.
 - a. The first type of knowledge is an individual obligation (*fard 'ayn*); it includes all that which is needed by the person for his *deen*, worship, and transactions, each in accordance with his own condition. This is required of every legally and morally responsible, mature, and sane individual. Example: if a person has wealth then it is binding upon him to learn the rulings of *Zakaat*, otherwise it is not mandatory if he does not possess wealth. Similarly with respect to the one who wants to go for Hajj or want to be an *Imaam*. He must learn the related rulings, otherwise the knowledge thereof is of the second type (collective duty).
 - b. The second type of knowledge is a collective obligation (*fard kifaayah*); it includes all that which people need but is not required of them individually. Examples of communal obligations are: the learning of the different branches of knowledge, the *adhaan*, the lesser and greater leadership, enjoining that which is right, forbidding that which is evil, preparing the deceased for burial, the funeral prayer, carrying the body to the graveyard, the burial itself, agriculture, and irrigation. The performance of these is sought from the morally responsible collectively, not from every person individually.
- 3) The measures taken to earn that which is needed to establish the rights of the self, family, children, and animals fall under this principle. For instance, if a person does not have wealth and he fears his destruction, then saving the self is an obligation. Whatever is required to fulfill an obligation is itself an obligation; as such, the seeking of sustenance would be an obligation.
- 4) It is obligated to learn the evidences for the direction of the *qiblah*, time, as well as directions in general for those who need them.
- 5) The *sharee'ah* knowledge is of two types, objectives and means. The objectives are learning the Book and the *Sunnah*; the means to that is the Arabic sciences. This is because the knowledge of the Book and *Sunnah* is dependant upon knowing the Arabic sciences and cannot therefore be

completed except through that. However, if someone learns Arabic to become a writer or a poet, then this is *mubaah* (allowable) and will be neither for him nor against him, as it is independent of the *sharee'ah* knowledge.

- 6) Every allowable matter taken to abandon an obligation or to perform a forbidden act is itself *haraam* (forbidden). This is because in this foundation, the means take on the same ruling as there aims. That is why it is forbidden to trade or buy after the second call for *jumu'ah*; Allaah (ﷻ) states.

﴿ O you who believe (Muslims)! When the call is proclaimed for the *Salaat* (prayer) on the day of Friday (*Jumu'ah* prayer), come to the remembrance of Allaah [*Jumu'ah* religious talk (*Khutbah*) and *Salaat* (prayer)] and leave off business (and every other thing), that is better for you if you did but know!﴾ **Surah al-Jumu'ah (62:9)**

Similarly, it is forbidden to indulge in trade if someone fears missing the time of the *salaah* or the congregational prayers. In addition, it is not permissible to sell something to one who intends to use it in a sinful manner. For example, selling weapons to the people of *fitnah* or bandits is forbidden. Likewise, one can not sell an ingredient that is used in alcohol preparation if you know it will be used for that purpose. Moreover, deceptive practices in transactions are forbidden if they lead to *haraam*, such as the trade in *'eena* (selling a commodity to another person for a deferred price due at a certain time while then buying the same commodity from him at a lesser price).

- 7) Those who take wealth through illegal means will be prevented from achieving what they intend. An example of this would be the deliberate killing of person to whom a bequest has been made or an heir. Likewise, the one who divorces his wife during an illness he fears is incurable will be treated in a manner opposite to his intention; as such, she will still inherit from him since the man only divorced her in order to deprive her of the inheritance. Also, one cannot treat his wife harshly in order to take back some of the *mahr* (bridal money given by the husband to his wife at the time of marriage) by forcing her to resort to *khula'*. Allaah (ﷻ) says:

﴿ you should not treat them with harshness, that you may take away part of the *Mahr* you have given them ﴾
Surah an-Nisa (4:19)

Similarly, the husband should not send his wife to her parents' house and leave her situation suspended in order to force her to seek *khula'*. In such situations, it is not permissible for him to take any of the *mahr* since anyone who hastens something before its proper time will be prevented from achieving what he intends.

- 8) If someone gives a gift out of bashfulness or fear, then it is obligatory that the gift to be returned to him.
- 9) This foundation includes the deceptive approach used by some to make the wife permissible for her former husband who had divorced her three times.

This is forbidden, and the person who engages in this is cursed. For example, if an individual instructs someone to marry his former wife whom he had divorced three times, with the intention of marrying her later, and that person makes a contract to marry her, this is in fact adultery, even though it takes the form of a contract.

- 10) Allaah (ﷻ) forbade all *fawahish* (evil things and sins) as well as all the means of approaching them when it is feared that the person may fall into *haraam*. For instance, being in seclusion with women who are legally unrelated to person as well as looking at the *haraam* are both forbidden. That is why the Prophet (ﷺ) said:

“That which is lawful is plain and that which is unlawful is plain, and between the two of them there are doubtful matters about which not many people know. Thus he who avoids doubtful matters clears himself in regard to his religion and his honor, but he who falls into doubtful matters falls into that which is unlawful, like the shepherd who pastures around a sanctuary, all but grazing therein. Truly every king has a sanctuary, and truly Allaah’s sanctuary is His prohibitions.”³

- 11) The prohibition regarding that which instigates enmity and hatred between Muslims as well as the incitement to all that which encourages friendship and cooperation from sayings and actions are branches of this principle.
- 12) This foundation includes what Allaah (ﷻ) said concerning trusts; He (ﷻ) affirmed (in the translation of the meaning):

**﴿Verily! Allaah commands that you should render back the trusts to those, to whom they are due﴾
Surah an-Nisa (4:58)**

This verse covers all types of trusts, such as what someone deposits with you, taking care of an orphan’s wealth, taking care of an endowment, etc. One of the means of rendering back the trusts to their people is by preserving them and spending upon them if they are creatures with souls (e.g. animals). Likewise, the one who is entrusted must not be negligent nor do to them that which is not permissible.

The Association between the Act and the Intention

Many of the branches previously mentioned are governed by their intentions. For instance, the deceitful act done with the intention of achieving something forbidden or to abandon an obligation is *haraam*. However, if deceit is used to extract lawful, permissible rights, then this is lawful and may even be commanded, except in cases where it may be harmful to the person; this is because the slave is ordered to take his rights in open ways, but also sometimes in hidden ways. This is clear when we examine the situation of Prophet Yusuf (*‘alayhis salaam*); Allaah spoke about him, saying (in the translation of the meaning):

³ Part of a *hadeeth* reported in *Saheeh Muslim* (English Translation No. 1599)

﴿ So he [Yusuf (Joseph)] began (the search) in their bags before the bag of his brother. Then he brought it out of his brother's bag. Thus did We plan for Yusuf (Joseph). He could not take his brother by the law of the king (as a slave), except that Allaah willed it. ﴾ Surah Yusuf (12:76)

In addition, the same applies to methods taken to protect lives or wealth. An example of this is the case of Khidr and the ship, in Surah al-Kahf, where he made a hole in the boat in order to save it from the oppressive king who would have unlawfully taken over any working vessel. **Therefore, such plots depend on their intention, good or bad.**

Exclusion of Vows

Excluded from this foundation are vows due to a specific wisdom, particular to them. Vows of obedience are obligatory to fulfill. However, the making of the vow itself is *makrooh* (detested) as it does not bring good as the Prophet (ﷺ) said; rather, vows simply extract things from the miser. Similarly, they diminish and reduce sincerity.

What Follows the Objective Takes the Same Rulings as Objective Itself

Finally, in is as much as the means taken to reach the objectives inherit the same rulings as the objective itself, what follows or completes the aims also takes the same ruling as their aims do. Accordingly, going to perform good deeds as well as returning to the place of departure are acts of worship. That is why some of the companions said:

“I anticipate my return to my home from *salaah* as I anticipate my departure from my home for *salaah*.”

Conclusion

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

The means take on the same rulings as their aims do.

And Allaah, the Most High, Knows Best.

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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