

**Introduction to Important Definitions
and Perspectives on:**

**The Fundamental Foundations
(*al-Qawaa'id al-Usooliyyah*),**

**The Foundations of Jurisprudence
(*al-Qawaa'id al-Fiqhiyyah*),**

And

Ad-Dhawaabit

By

Saleh As-Saleh

**Based upon an Introduction
to the Explanation of
Qawaa'id Ibn 'Abdul Haadi (*rahimahullah*).**

By our Sh. Dr. Sami Al-Saghair

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**In the Name of Allaah, the Beneficent, the Most Merciful
I Begin:**

*Introduction to Important Definitions and Perspectives on:
The Fundamental Foundations (al-Qawaa'id al-Usooliyyah),
The Foundations of Jurisprudence (al-Qawaa'id al-Fiqhiyyah),
And Ad-Dhawaabit.*

1-Definitions:

Al-Qaa'idah:

1-Linguistically, "Settledness and Firmness," "Foundation, Basis of a thing (e.g. house)."

2-Technically, "a universal comprehensive rule applicable upon all of the issues falling under it."

Ad-Dhaabit (Pl. *Ad-Dhawaabit*): keeping, preserving, guarding, or taking care of, a thing, with prudence, precaution, or good judgment, or effectually.

Technically it is synonymous with the Foundation, however, the Foundation is not restricted to one class, It comprises all or most classes, whereas as *Ad-Dhaabit* is one that comprises subdivisions of one class. *Ad-Dhaabit* firmly retains the issues and effectually preserves them, such that the person does not get disordered, or discomposed.

2-Differences:

The Differences between the *Usooliyyah* and *Fiqhiyyah* Foundation

The Fundamental Foundation	The Fiqh Foundation
1-Subject Matter: Comprehensive evidences that encompass every ruling of a single kind, such as <i>Al-Amr (command)</i> , <i>An-Nahye (forbidance)</i> , <i>'Aam (general)</i> , <i>Khaas (specific)</i> , <i>Mutlaq (absolute)</i> , <i>Muqayyed (restricted)</i> , <i>Mujaml (comprehensive)</i> , <i>Mubayyan (explicit)</i> , <i>Naskh (abrogation)</i> , and so forth.	Subject Matter: Examining the similar Fiqh rulings, and organizing them under one Foundation. So it is related to the action of the <i>mukallaf (legally responsible)</i> .
Origin: Based upon Arabic terms and how they are utilized in commands, prohibitions, generalization, restriction, etc.	Origin: Based upon rulings and issues of similar kinds.
Consistency: Uniform and consistent in its application without exception	Consistency: Mostly so with exceptions.
Combines both the evidence and the ruling	Comprises issues without mentioning of evidences.
Does not offer an understanding of the wisdoms of sharee'ah.	Offers an understanding of the wisdoms of shar'eeah

3-Types of Qawaa'id:

With Respect to Their Sources	With Respect to Their Comprehensiveness
<p>1-Textual, like [Actions are only by Intentions], and [There shall be no harming in the first instance, nor in return or requital], and so forth.</p> <p>2-Deducted and non-textual. The '<i>aalim</i> (scholar) collects many issues under a single foundation.</p>	<p>1-Comprehensive Foundations covering all categories of Fiqh. They are the Five Great Foundations: (i) <i>al-umoor bimaqaasidiha</i> (matters are judged by their motives), (ii) <i>al-yaqeen la yazulu bish-shak</i> (Certainty is not invalidated by doubt), (iii) <i>al-Mashaqah tajlibut-tayseer</i> (difficulty brings about ease), (iv) <i>ad-darar uzaal</i> (Harming is to be removed), (v) <i>al-'Aadah ('urf) Muhakamah</i> (what is commonly conventional is referred to in case there is no specification of limits by <i>shar'eeah</i>). These Foundations are agreed upon by all schools of Fiqh.</p> <p>2-Foundations cover most of the classes of Fiqh and not specific to anyone of them. Like [<i>Ijtihad</i> is not nullified by <i>Ijtihad</i>]. These are agreed upon by most schools of Fiqh.</p> <p>3-Foundations comprising specific matters related to specific classes of Fiqh. They are known as The Lesser Qawaa'id. Some scholars refer to them as <i>Dhawaabit</i>. Like [All dead animals are impure except for fish and locus], and [Every part declared unlawful to look at is forbidden to touch]. These foundations are not agreed upon by all the schools of Fiqh but largely agreed upon in the individual schools of Fiqh.</p>

4-The Benefits of Knowing the Foundations

1-Collects the dispersed issues in one uniform path, restricts the irregular, and brings close what is apart.

2-Ease in preserving the issues and renders one free from memorizing the details.

3-Leads to the true understanding of Fiqh and develops mastery in its cases.

4-Leads to a better understanding of the positions of scholars regarding certain issues.

5-Protects against contradictions in rulings.

6-Links together the various classes of Fiqh making it easy to preserve the issues. Example, the Foundation [Certainty is not invalidated by doubt] is applicable to classes of *Tahaarah, Salaat, Tawaaf, Divorce, and others*.

7-Makes easy the deduction of rulings regarding newly arising issues by analogy to already covered ones.