

شرح منظومة القواعد الفقهية
للشيخ السعدي رحمه الله

QAWAED FIQHIYYAH
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English version

About the Book:

All praise is due to Allaah as many times as the number of His Creation and May the peace and blessings of Allaah be upon the Final Prophet Muhammad, his family and companions, and all those who follow them in righteousness till the Day of Judgment.

- Alhamdulillah, Allaah has helped me in compiling 185 jurisprudential points in this book
- Manzumah Al Qawaaid Al Fiqhiyya is a poem on Islamic Jurisprudence which comprises of 49 lines of poetry. It was written by A Great Islamic Scholar of Saudi Arabia i.e. Shaikh Abdur Rehman Nasir Sa'dee
- I have written the explanation of this poem by benefitting from the commentaries, books, articles, journals, dissertations and anecdotes of various Islamic scholars. The list of those scholars is as follows;

1. Sharh of Abdur Rehman Nasir Sa'dee
2. Shaikh Sa'd Shithry
3. Shaikh Mushayqih
4. Shaikh Khalid Sabt
5. Shaikh Ibne Uthaymeen
6. Shaikh Sulaiman Ar Ruhaylee
7. Taqirir al Qawaaid Wa Tahrir al Fawaid of Ibne Rajab al Hanbali (d. 795 hijri)
8. Shaikh Muhammad Hadee Al Madkhalee
9. Shaikh Salih al Fawzan
10. Shaikh Bin Baz
11. Imam Shatibee
12. Al Mughni of Ibne Qudamah
13. Al Majmoo of Nawawi
14. Al Qawaaidul Nooraniyah Al Fiqhiyyah of Ibne Taimiyyah (d. 728 hijri)
15. Books of Ibne Qayyim
16. Shaikh Albanee
17. Majallat al Ahkaam al Adliyyah

18. Al Ashbah Wan Naza'ir of Jalaluddin Suyuti Ash Shafi (d. 911 hijri)

19. Imaad Ali juma'a

20. Shaikh Muhammad Shanqiti

Islamic Legal Maxims has been for whom?

1. Graduates of Islamic Schools/Colleges/Universities
2. Those who can comprehend Arabic Language
3. Those who want to profoundly gain Islamic knowledge.

At this point, I would like to thank all my teachers of Jamia Darus Salam, Tamil Nadu and Jamia Islamia University, Saudi Arabia for making me able to write a book on one of the sophisticated sciences of fiqh. I would also like to adopt an attitude of gratitude towards my AskIslamPedia.com's team for supporting me through their efforts. At last but not the least, I thank my friend Mohammad Faisal Afroze {May Allaah Preserve Him} of Peddapalli for compiling an initial draft of my compilation of explanation of Qawaid Fiqhiyyah in ENGLISH language in some portion of this book.

May Allaah make this book heavy on the scales of the Day of Judgment for all of us. Ameen

Note: Some excerpts from the books of world renowned hadith scholars have been mimeographed in this book for assistance. May Allaah bless all of those authors with goodness.

#From the desk of Arshad basheer Madani

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Lesson no.1

Preface

The word ‘al-qawā‘id’ is the plural of al-qā‘idah, which means principles, and fiqh means Islamic law; therefore, generally al-qawā‘id al-fiqhīyah means the principles of Islamic law. According to Shaikh Salman ar Ruhailee, Al-qawā‘id al-fiqhīyah is defined as “the general fiqh principles which are presented in a simple format i.e. precise phrases consisting of the general rules of Sharī‘ah in a particular field related to it”.

The general meaning of this definition does not differ from the definition given by other prominent scholars of Islamic law. This definition means that al-qawā‘id al-fiqhīyah comprise statements involving general principles, derived from jurisprudent rulings, which can be applied to specific issues of fiqh.

Al-qawā‘id al-fiqhīyya or legal maxims are general rules of fiqh, which can be applied in various cases that come under the common rulings. A maxim can be defined as “a general rule, which applies to all of its related particulars”. These legal maxims play an important role in the formulation of Islamic law, for they are used as principles to deduce many rules of fiqh. Many cases can be referred to these maxims for solutions and, for instance, they can determine the validity of certain deeds.

“Legal maxims are theoretical abstractions, usually in the form of short epithetic statements that are expressive, often in a few words, of the goals and objectives of Sharī‘ah”. They consist mainly of statement of principles derived from the detailed reading of the rules of fiqh on various themes.

Legal maxims (al-qawā'id al-fiqhīyya) exist between the various schools and differences between the madhāhib are, in reality, not significant. Al qawā'id al-fiqhīyya are also closely related, and provide perceptive insights, into the objectives of the Sharī'ah (maqāsid al-Sharī'ah), to the extent that sometimes they have been subsumed under the maqāsid.

“Legal maxims represent the culmination, in many ways, of cumulative progress, which could not have been expected to take place at the formative stages of the development of fiqh”. The words used or contained in a legal maxim are sometimes derived from the Qur'ān or ḥadīth, but typically those maxims were refined and further developed by jurists over time.

Unless they re-affirm a ruling of the Qur'ān or Sunnah, the legal maxims do not bind the jurist in delivering a judgment, but they do provide an important influence in exercising ijtihād in arriving at legal decisions (ḥukm) and opinions (fatwá).

Importance of Qawaaidul Fiqhiyya:

Because life is naturally comprehensive, there must be rules and principles to guide mankind. Law is an essential tool in regulating human life.

The importance of al-qawā'id al-fiqhiyya cannot be overemphasized because of its relationship with the Sharī'a and with the maxim “The branch shares the same rule as the origin” (al-far' lahu ḥukm al-aṣl).

Role of Qawaaidul Fiqhiyya in Islamic jurisprudence:

01. Al-qawā'id al-fiqhiyya are generally composed of single, concise expressions. They have been of inestimable value for the vast discipline of Islamic jurisprudence, by helping to bring together related cases and similar issues from among the numerous branches of law. During the development of Islamic jurisprudence or fiqh, much of the literature was being written in piecemeal fashion and fragmented styles because the majority of scholars were writing independently. At that time there were no guidelines as to standards, style, or presentation. This factor together with many other reasons may have contributed to the wide diversity of opinions in fiqh literature. As their role spread, legal maxims were derived or created as general directives

that articulated theoretical abstracts scattered among the various Schools of Islamic Jurisprudence. Remarking on this important role of al-qawā'id al-fiqhiyya, scholars observed that “were it not for the legal maxims, the rules would have remained dispersed without any ideational connection”. They have not only enabled jurists to understand fiqh rulings with less difficulty but they have also helped judges comprehend the basic tenets of Islamic Law on any contentious issue. For instance, if it is established in the mind of a judge that a (fixed) ḥadd punishment should be averted in the face of doubt, this will convey significant merit when identifying the aim of Islamic Law in offences related to ḥudūd crimes. Exploring such an opportunity would also enhance the ability of Islamic scholars, judges and jurists to deliver sound and impartial legal judgments.

02. Increased understanding of qawā'id gives a student of fiqh the ability to enjoy this concept on intellectual grounds. Al-Zarkashī (d. 794/1392) submits that if detailed issues scattered in the books of Islamic Law are controlled “by the legal maxims”, it will facilitate their memorization and comprehension.
03. The generality of legal maxims creates space in which to compare and contrast past and present occurrences. Thus, knowledge of al-qawā'id al-fiqhiyya helps jurists pronounce judgment on present-day cases that could not have occurred in the distant past. For example, the issue of interest is similar to usury (ribā). However, the role that interest plays in today's world of finance is different from how ribā operated in the past, although the reasons for prohibiting ribā still exist in the modern system of banking: “The branch has the same rule as the origin” (wa-l-far' lahu ḥukm al-aṣl). In a similar way, the maxim “The accessory shares the same rule of the root” (at-tābi' tābi') justifies the prohibition of cocaine as an intoxicant.
04. Since Islamic scholars concur on the majority of qawā'id, their consensus might provide researchers with a broader knowledge about similar opinions held by leading Schools of Islamic Jurisprudence. Moreover, studying how scholars agree on some matters also helps to pinpoint how they differ: i.e.,

what was the genesis of their disagreements on issues and what was the rationale behind such differences.

05. As subject matter, the function of qawā'id underscores how far Islam progressed in coding terminologies, principles, rulings and legal techniques before the onset of common law. Last, but not least, exploiting legal maxims, especially those on arbitration and enforcement of custom, will accommodate non-Muslims living in a state governed by Islamic Law.

In other words, taking into consideration the maxim of customs will emphasize the universality of Islam and the possibility of ruling any society in a just manner.

Difference between Qawaaidul Fiqhiyyah and Usul al Fiqh:

The legal maxims are not similar to uṣūl al-fiqh (principles of Islamic jurisprudence) since maxims are based on the fiqh itself and represent rules and principles that are derived from the detailed rules of fiqh on various issues.

Uṣūl al-fiqh is concerned with the sources of law, the rules of interpretation, methodology of legal reasoning, dealing with the meaning and implication of commands and prohibitions and so on. On the other hand, a maxim is defined as "a general rule, which applies to all or most of its related particulars", which is a generally accepted definition attributed to Taj al-Din al-Subki (d.1370).

According to Shaikh Ruhaylee, The differences can be summarized as follows:

01. Legal maxims are extended products of the legal sources, or extrapolations of legal issues similar to each other. However, al-qawā'id al-uṣūliyya are derived from the same source as the science of uṣūl, which consists of Arabic linguistics, principles of religion, etc.
02. Legal maxims are based on fiqh itself, while uṣūl and its maxims are concerned with legal reasoning, the applied meaning of commands, and prohibitions.

03. Legal maxims can be used directly to derive legal rulings, as opposed to al-qawā'id al-uṣūliyya, which can only be used to derive rulings through the source of Islamic Law. To illustrate this difference, the maxims "Imperative implies obligation" (al-amr yaqtaḍī l-wujūb), and "Matters shall be judged by their objectives" (al-umūr bi-maqāṣidihā) are apt examples. The former is a al-qawā'id al-uṣūliyya, which implies that prayer is an obligatory duty but that implied meaning cannot be directly and clearly understood without imploring the interpretation of Qur'ānic verses such as: "...and observe prayer" (wa-aqīmū aṣ-ṣalāt, (2:43). It is from the imperative form of the verse that the obligatory status of prayer is derived. However, the latter expression, being a legal maxim, can supply the obligation of intention in all human acts.

04. Legal maxims are concerned with acts of a person of sound mind (mukallaf), while al-qawā'id al-uṣūliyya are concerned with legal sources. For example, the legal maxim "Certainty cannot be overruled by doubt" (al-yaqīn lā yazūl bi-sh-shakk) gives a ruling on the certainty of the act of a mukallaf, while the maxim "Imperative implies obligation" (al-amr yaqtaḍī l-wujūb) is about any obligatory legal rule.

05. Legal maxims are not always general and occasionally have exceptions to the rule, in contrast to al-qawā'id al-uṣūliyya that are always general and without exceptions.

Sources of al-Qawā'id al-Fiqhiyya:

To justify any thought in Islamic jurisprudence, its source must be traced and its authenticity confirmed. The same applies to al-qawā'id al-fiqhiyya, which are important aspects of Islamic Law. The word 'source' refers to the fount from which qawā'id are formulated. Medieval scholars paid little or no attention in their narrations to the sources underlying any legal maxim because, at that time, this subject matter had not yet become well established. Rather, their practice was to name a maxim and then state whether its roots were in the Qur'ān or Sunna. When maxims were attributed to earlier scholars, frequently the sources from whence they were derived or formulated were not included.

A general reading of the literature on the science of al-qawā'id al-fiqhiyya, however, provides four main sources from which legal maxims can be derived: namely, the Noble Qur'ān, Ahadīth, ijma' (consensus) and qiyās (analogy by mujtahidūn).

The Noble Qur'ān:

The Noble Qur'ān is the source held in highest esteem from which qawā'id are derived because it is the word of Allaah. Legal maxims deduced either directly or indirectly from the Qur'ān are well established, irrefutable and all encompassing. A legal maxim can be derived without effort directly from the Qur'ān, such as when a layman easily understands the obvious correlation between a legal maxim and the Qur'ānic text.

One example is the following statement from Qur'ānic verse 2:275: "... and Allaah has permitted trade and forbidden usury" (wa aḥalla Allāh al-bay'a wa ḥarrama r-ribā). This verse, which became a universal maxim guiding the theory of transactions (mu'āmalāt), was revealed to teach disputing unbelievers what was or was not legal in trade as well as to refute their claim that "trade and usury are alike".¹²¹ As a principle, this Qur'ānic verse prohibits all unlawful transactions, thus making usury (ribā) the main reason for prohibition by taking as yardstick the objectives of Islamic Law.

Qur'ānic verse 7:199 explicitly serves as an Islamic maxim: "Hold for forgiveness, command what is right, and turn away from the ignorant" (khudh al-'afw wa-'mur bi-l-'urf wa-a'riḍ 'an al-jāhilīn).

Imam Qurṭubī (d. 671/1273) deduces three maxims from this verse, saying:

"This verse of three sentences consists of Islamic principles of command and forbiddance, viz. "Hold forgiveness" (khudh al-'afw) is a maxim for having forgiveness, "Command what is right" (wa-'mur bi-l-'urf)... Muslims are to command and enjoin what is right, no matter the condition, "Turn away from the ignorant" (wa-a'riḍ 'an al-jāhilīn)... no attention should be paid to ignorance."

[al-Jām' li-Aḥkām al-Qur'ān: 7:344]

Qur'ānic verse 9:91 stands as a general legal maxim: "No ground [of complaint] can there be against the good-doers" (mā'alā l-muḥsinīn min sabīl).

Ibn al-‘Arabī comments on this part of the verse when he says:

“This is an indisputable general maxim of Sharī‘a which declares that neither complaint nor punishment should be inflicted on a good-doer”.

[Aḥkām al-Qur’ān 2:249]

Ahadith of The Prophet (sallallahu alayhi wa sallam):

Ahadith are the second textual source for Islamic legal maxims. Legal maxims can also be derived from the ahadīth of the Prophet (sallallahu alayhi wa sallam) in two forms.

Legal maxims have been derived directly from a large number of prophetic expressions, with or without paraphrasing. One maxim derived directly from a prophetic Ḥadīth is: “Any intoxicant is forbidden” [Ibne Majah: 3388] (kullu muskirin ḥarām). This maxim is a reiteration of the Ḥadīth which states that all substances, whether originating from grapes, dates or other substances, that inebriate are regarded as forbidden (ḥarām), since the sole cause for prohibition in this Ḥadīth is inebriety. By analogy, this Ḥadīth also forbids the consumption of cocaine and other similar substances.

Moreover, the Ḥadīth “No harm shall be inflicted or reciprocated” (lā ḍarar wa-lā ḍirār) [Ibne Majah: 2340] lends support to one of the major maxims in Islamic jurisprudence. According to one interpretation, the prophetic tradition indicates that: “Do not harm anyone and do not reciprocate harm for harm”. [Mustadrak Hakim]

Another Ḥadīth upholding a legal maxim is the prophetic saying: No right for the sweat of an oppressor (laysa li-‘irq zālim ḥaqq). [Sunan Abu Dawud: 3594] This Ḥadīth is considered to be a general rule for any issue similar to that which prompted the Prophet’s response. This Ḥadīth is a fundamental principle which establishes nullification of the rights of any aggressor, not only in the particular case to which the Ḥadīth refers but also in any case involving usurpation.

An apt example of a legal maxim derived indirectly from the Qur’ān and Ahadīth are the words “Hardship begets facility” (al-mashaqqa tajlib at-taysīr). [Al-Manṭhūr fī l-Qawā‘id of Zarkashi]

This aforementioned Islamic legal maxim is coded from intertextualizing concepts from various Qur'ānic verses and prophetic traditions. The maxim is said to have been inferred from the following Qur'ānic verses:

(yurīd Allāh bi-kum al-yusr wa-lā yurīd bi-kum al-‘usr);

Allaah intends for you ease, and He does not want to make things difficult for you (2:185)

(lā yukallif Allāh nafsan illā wus‘ahā);

Allaah burdens no individual beyond his capacity (2:286)

(yurīd Allāh an yukhaffif ‘ankum)

Allaah wishes to lighten the burden for you. (4:28)

This maxim also refers to the prophetic Ḥadīth: “Make things easy for people, and do not make things difficult for them, and give them good tidings, and do not make them run away” (yassirū wa-lā tu‘assirū wa-bashshirū wa-lā tunaffirū).[Bukhari: 69]

The major connotation inferred from all these quotations is that the tenet of Islamic Law is to provide facility in the face of hardship or difficulty.

By and large, the quantum of legal maxims derived directly or indirectly from the two main sources of Islamic Law cannot be overstressed.

Ibn al-Qayyim reflects on the importance of the texts in deriving Islamic legal maxims when he remarks:

“If the followers of the different Schools of Thought [madhāhib] have the ability to regulate the opinions of their madhāhib by using some general sayings that encompass what is lawful and what is not, in spite of their lack of eloquence compared to Allaah and His messenger, then Allaah and His messenger are more capable of achieving that. This is because the Prophet (sallallahu alayhi wa sallam) pronounces a comprehensive statement that is considered as a general principle and a universal proposition that encompasses endless detail.” [I‘lām al-Muwaqqi‘īn, 1:25]

Ijma (i.e.Consensus)

The maxim “A ruling established by means of independent reasoning cannot be reversed by a similar effort” (al-ijtihād lā yunqad bi-mithlihi) [al-Suyūṭī, al-Ashbāh, 101] is said to be attributed to a statement by the Caliph ‘Umar ibn al-Khaṭṭāb and is also supported by consensus (ijmā‘) among the Prophet’s Companions.

Although maxims that emerged from this type of consensus are very rare, due to the scope of this discussion the analysis and application of the above maxim will be dealt with in due course.

Statements of Islamic Scholars:

Certain maxims have been brought to light by Islamic scholars (mujtahidūn) as a result of their thorough, detailed research on the sources of Islamic jurisprudence.

Expressions used to formulate Islamic maxims may have originated from the Prophet’s Companions (ṣaḥāba) or Followers (tābi‘ūn, those who followed the companions) or from jurists (fuqahā’) associated with one of the Schools of Islamic Jurisprudence.

Some examples include,

Umar Ibn Al-Khattāb said: (Maqāṭi‘al-huqūq ‘ind ash-shurūṭ) Rights decisively lean on provisions.” [Muwatta Imam Malik]

Alī Ibn Abū Tālib said: (Mann qāsam ar-rebh falā damān ‘alaih) “There is no guarantee upon whom shares profits”. [Musanaff Abdur Razzaq]

From the Followers of the Companions, Shuraih Ibn Al-Hāriṭh Al Kindiy (d.76/695) said: (Mann sharat tā’i‘an ghair mukrah fahuwa ‘aliyh) Whoever optionally, and without coercion, stipulates a certain condition on himself, must fulfill this condition.” [Al Alaam of Zarkali]

Jubair Ibn Nu‘aim said: (Mann aqarr ‘indanā be shai’ alzmnāh iyāh) “Whoever states something, should be responsible for it” [Akhbar al Qudah of Abubakr al Baghdadi]

After the followers of the Companions, many legal maxims were initiated or repeated by different scholars in their books. Examples can be found in the book:

Al-Kharraaj written by Imam Abû Yusuf, Al-Asl, written by Imâm Muhammad Ibn Al-Hasan Shaybani, Imâm ash-Shâfi‘î (d.204/819) wrote his book Al-Umm from which many Qawâ'id can be extracted, Ma‘âlim As-Sunan, written by Imâm Suleimân Ahmad Ibn Muhammad Al Khattâbî Al-Bustiy (d.388/998), At-Tamheed limâ fî Al-Muwatta' min Al-Ma‘ânî wa Al-Asanîd, written by Imâm Abû ‘Umar Ibn ‘Abdul-Bar Al-Qurtubiy Al-Malikiy (d.463/1070) also paid more attention to Al-Qawâ'id Al-Fiqhiyyah etc...

Some Distinctive features of al-Qawâ'id al-Fiqhiyya:

01. They must be based on one of the three sources of Islamic Law; namely, the Qur'ân, Sunnah, and consensus (ijmâ').
02. They must cover all or most of the scope of fiqh.
03. They must be precise phrases.

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Lesson no 2

#HISTORY of al-Qawā'id al-Fiqhiyya

Compilation of al-Qawā'id al-Fiqhiyya:

Al-qawā'id al-fiqhīyah were not written all at once by a particular scholar, but were developed by jurists at the time of the resurgence of fiqh. Among the earliest of the jurists to develop most of the fiqh maxims are the jurists of the Ḥanafī School, although they were known at the time as principles (uṣūl). As for the authors of these maxims, most of them are not known except for those maxims originally deduced from the sayings of the Prophet (sallallahu alayhi wa sallam).

The foundation of Al- Qawā'id Fiqhiyyah is primarily found in the Noble Qur'an, the authentic Sunnah of the Messenger of Allah (sallallahu alayhi wa sallam), the sayings of the companions, and the saying of the Tabi'un (Followers of the Companions).

01. Qawaid During the Lifetime of the Prophet (sallallahu alayhi wa sallam):

Many contemporary researchers maintain that the actual emergence of qawaid can be traced back to the era of the Prophet (sallallahu alayhi wa sallam). To support their argument, they cite several Quranic verses and Prophetic traditions, which have a comprehensive legal nature.

For example, the Quran says, "So whosoever does good equal to the weight of an atom shall see it. And whosoever does evil equal to the weight of an atom shall see it". [99: 7, 8] The Quran in another place says, "Allah burdens not a person beyond his scope", [2:286] which is, according to them, a legal principle that encompasses many particulars in the area of removing hardship. As for the Prophetic traditions, many of them are also of inclusive nature that encompasses varieties of details and particulars.

For example, the Prophet (sallallahu alayhi wa sallam) said, “indeed, the owner of the right has a say”, which has made a significant contribution to the law of claim and legal procedure.

This group of researchers also mentioned some traditions whose wordings per se were utilized by the jurists to express legal principles and stand them as qawaid.

For example, the qaidah, which says, “al-kharaju bi-al-daman” (revenue and responsibility go together), and the other, which says “al-bayyinatu ala al mudda ee wal-yameenu ala man ankar (the burden of proof is on the one who alleges, and oath is on the one who denies); both are from the category of al qawaid al-kulliyah, and are nonetheless also Prophetic traditions.

On the other hand, other contemporary researchers held the view that despite the fact that the sacred nususs are the fundamental sources of fiqh and that many of the nususs are of comprehensive nature, they do not represent the actual commencement of the discipline of al-qawaid al fiqhiyya. This is simply because one of the main functions of qawaid is to regulate the extensive amount of fiqh particulars through grouping them into more general principles in order to facilitate keeping them in the mind. This function, accordingly, could be possible only when the particulars already existed, so that the scholars can find a common legal ruling among a set of particulars in order to formulate out of their legal content a more comprehensive rule that is applicable to them all. This process, according to this group, is among the activities of ijtihaad, which took a long period of time to be established, and could be carried on only after fiqh flourished, which is after the demise of the Prophet (sallallahu alayhi wa sallam).

02. Qawaid During the Era of the Companions and their Followers:

According to many researchers, the foundations of fiqh were established during the lifetime of the Prophet (sallallahu alayhi wa sallam). It was the duty of the companions of the Prophet to deduce the legal rulings for the new issues from the sources of the law endorsed by him, i.e. the Quran, the Sunnah, and ijtihaad. Muslims believe that the companions had done a perfect job and many of them were capable jurists, who were well trained by the Prophet (sallallahu alayhi wa sallam) in discharging this duty. Aishah, the Prophet’s wife, Umar ibn al-Khattab, Abdullah

ibn Abbas, Ali ibn Abu Talib and Muadh ibn Jabal were amongst the companions known for their expertise in fiqh and in producing fatwa (legal opinion).

The period of the companions witnessed the spread of Islam outside the Arabian Peninsula, and resulted in Muslims interacting with other nations. Many new issues emerged, which had not been treated by the Prophet (sallallahu alayhi wa sallam), and needed legal rulings. The companions were required to find solutions to such new questions. New sources of fiqh emerged in this time, i.e. ijma and qiyas.

Therefore, fiqh particulars started gradually to increase, which required the formulation of general rules to control them, and to encompass the future similar particulars within their contents. This was, according to some researchers, the real initiation of qawaid literature, as many inclusive legal principles were formulated during this time, and ascribed to particular figures among the companions.

To give some examples, it was reported by jurists in their qawaa'id that a case was brought before Umar ibn al-Khattab, where a man married a woman who made it a condition that she stay in her own house and not to move her husband's, to which the husband agreed. The man after some time wanted the wife to move to his house, but she refused, adhering to the condition. Umar's rule was in her favour, and replied to the complaint of the husband saying, "maqatiu al huquqi inda al-shurut" which means that the enjoyment of the basic rights can be suspended if there was a condition

Abdullah ibne Abbas has also been quoted saying, "kull shayin fil Qurani: aw, aw, fahwa mukhayyar" (in the Quran, every injunction in which many things are joined together with the conjunctive particle "or" is an indication that a free choice is allowed among these things).

Moreover, Ali ibn Abu Tlib said, "man qasama ala ribha fala damana alayh" (a profit shareholder is not liable for any loss).

Many inclusive legal principles were also attributed to some of the Tabiun (followers of the companions), many of whom were accomplished scholars of fiqh and fatwa. Their legal activities were considered as a sequel of those of the companions, as both eras were complementary to each other and represented the second stage in the development of fiqh.

In this regard, many statements were ascribed to Qadhi Shuraih (d. 78 / 697) and deemed qawaid fihiyyah.

For example, he said, “man damina malan falahu ribhuh” (one is entitled to get the revenue of a thing for which they are legally liable in case of its loss), which originated from the hadith, which says, “al-kharaju bil daman” (revenue and responsibility go together). He also said, “man sharata ala nafsihi taian ghayra mukrahin fahwa alayh” (one is to fulfil whatever conditions he willingly imposed on himself).

03. Qawaid During the Second and Third Century (A.H):

Although the second and third / eighth and ninth centuries were the law-making era of Islamic scholarship, the collection of al-qawaid al fihiyyah in separate written works commenced only in the following century, i.e. the fourth / tenth century. However, legal conceptions of qawaid were known to the leading figures of the madhahib (schools of law) and their disciples.

This is why they enjoy a remarkable presence in the books of the early fuqaha, such as al-Kharaaj of Abu Yusuf, al-Asl of al Shaybani and al-Umm of al-Shafi.

Due to comprehensive and analogical nature of the qawaid, these scholars used them, mainly, to justify their ikhtiyaraat fihiyyah (preferred legal rulings) or for the purpose of ijtihaad. The list of those books is as follows:

01. Kitabul Majmu of Zaid bin Ali (d.122 Hijri)
02. Al Kharaaj of Abu Yusuf (d.182 Hijri)
03. Al Asl of Muhammad bin Hasan Shaybani (d.189 Hijri)
04. Al Umm of Muhammad bin Idrees As Shafi (d.204 Hijri)

04. Qawaid In the Fourth Century (A.H):

01. Al Usul of Karkhi (d.340 hijri) [38 Qawaaaid of Fiqh]
02. Al Usul of Abu Tahir al Dabbas [17 Qawaaaid of Fiqh]
03. Al Usul al-Fitya of Muhammad ibn al Harith al Khushani al-Maliki (d. 361 hijri)
04. Tasis Al Nazair of Abu Layth Samarqandi (d.373 hijri) [74 Qawaaaid of Fiqh]

05. Qawaid In the Fifth Century (A.H):

05. Tasis Al Nazar by Abu Zaid Al Dabbusi (d.430 hijri) [86 Qawaaid of Fiqh]

06. Qawaid In the Sixth Century (A.H):

01. Al Qawaaid of Ibne Dusth (d. 507 hijri)
 02. Al Qawaaid of Qadhi Iyaadh (d. 544 hijri)
 03. Idhaah Al Qawaaid of Alauddin Samarqandi (d. 539 hijri)

07. Qawaid In the Seventh Century (A.H):

01. Al Qawaaid Fi Furu Al Shafiiyah of Abu Hamid Al Jajirmi Ash Shafi (d. 613 hijri)
 02. Qawaid al Ahkam fi Masalih al Anam of Izzuddin Ibne Abdis Salam (d. 660 hijri)
 03. Al Mudhhab Fi Dhabeti Qawaaid al Madhhab of Muhammad Al Bakri Al Qasfi Al Maliki (d. 685 hijri)

08. Qawaid In the Eighth Century (A.H):

1. Qawaaid of Imam Maqarri al Maliki (d. 758 hijri)
 2. Taqrir al Qawaaid Wa Tahrir al Fawaid of Ibne Rajab al Hanbali (d. 795 hijri)
 3. Al Manthur fil Qawaid of Imam Zarkashi Ash Shafi (d. 794 hijri)
 4. Al Ashbah Wan Naza'ir of Sadruddin Ibne Wakil Al Maliki (d. 716 hijri)
 5. Al Qawaaidul Kubra of Najmuddin Al Tufi al Hanbali (d. 794 hijri)
 6. Al Qawaaidul Nooraniyah Al Fiqhiyyah of Ibne Taimiyyah (d. 728 hijri)
 7. Al Majmoo al Mudhhab fee Qawaaid al Madhhab of Salahuddin Alae Ash Shafi (d. 761 hijri)
 8. Al Qawaaid Al Fiqhiyyah of Ibne Qadi al Jabal Hanbali (d. 771 hijri)
 9. Al Ashbah Wan Naza'ir of Tajuddin Subki Ash Shafi (d. 771 hijri)
 10. Al Ashbah Wan Naza'ir of Jamaluddin Isnawi Ash Shafi (d. 772 hijri)
 11. Al Qawaaid fil Furu of Sharfuddin al Ghazzi (d.799 hijri)
 12. Abu Ishaq al-Shatibi (720 - 790 A.H./1320 - 1388 C.E.)

09. Qawaid In the Ninth Century (A.H):

1. Al Ashbah Wan Naza'ir of Ibnul Mulaqqin Ash Shafi (d. 804 hijri)
2. Asna al Maqasid Fi Tahrir al Qawaaid of Muhammad ibne Khudari al Zubayri Ash Shafi (d. 808 hijri)
3. Al Qawaaid of Taqiuddin Ash Shafi (d. 829 hijri)
4. Mukhtasar min Qawaaid Al Ala'ee Wa Tamhid al Isnawi of Ibne Khatib Al Dahshah (d. 834 hijri)
5. Hawashi Al Qawaaid Al Fiqhiyyah of Ibne Nasrullah al Hanbali (d. 844 hijri)
6. Nazm al Dakhair fil Ashbah Wan Naza'ir of Sharfuddin al Maqdisi Ash Shafi (d. 876 hijri)
7. Al Mudhhab fi Dhabeti Qawaaid al Madhhab of Imam Azzum al Maliki (d. 889 hijri)
8. Al Qawaaid Wa Dhawabit of Ibne Abdul Hadi al Hanbali (d. 880 hijri)

10. Qawaid In the Tenth Century (A.H):

1. Al Ashbah Wan Naza'ir of Jalaluddin Suyuti Ash Shafi (d. 911 hijri)
2. Manzumat al Manhaj al Muntakhab of Abul Hasan Zaqqaq Al Maliki (d. 912 hijri)
3. Idaah al Masalik ila Qawaaid al Imam Malik of Abul Abbas al Maliki (d. 914 hijri)
4. Al Kuliiyath Al Fiqhiyyah of Ibne Ghazi al Maliki (d. 919 hijri)
5. Sharh al Manhaj al Muntakhab of Abul Abbas Zaqqaq Al Maliki (d. 931 hijri)
6. Sharh Qawaaid Zarkashi of Sirajuddin Al Abbadi Ash Shafi (d. 947 hijri)
7. Al Nur al Muqtabas fi Qawaaid Malik Ibne Anas of Abdul Wahid Al Maliki (d. 955 hijri)
8. Al Ashbah Wan Naza'ir of Ibne Nujaym al Misri Al Hanafi (d. 970 hijri)
9. Al Maqasid As Saniyyah Wal Qawaaid Al Shariyyah of Abdul Wahab Sharani Ash Shafi (d. 973 hijri)
10. Sharh al Manhaj al Muntakhab of Ahmed bin Ali Al Maliki (d. 995 hijri)

11. Qawaid In the Eleventh Century (A.H):

1. Al Faraid al Bahiyyah Fil Qawaaid Al Fiqhiyyah of Abubakr Ibnul Ahdal al Yamani Ash Shafi (d. 1035 hijri)

2. Al Bahir fi Ikhtisar Al Ashbah Wan Naza'ir of Abu Zayd Al Fasi Al Maliki (d. 1096 hijri)
3. Dhakirat al Nazir Sharh Al Ashbah Wan Naza'ir of Ali al Turi al Hanafi (d. 1004 hijri)
4. Zawahir al Jawahir al Nazair Ala Al Ashbah Wan Naza'ir of Salih al Ghazzi (d. 1055 hijri)
5. Ghamz Uyun al Basair ala Mahasin Al Ashbah Wan Naza'ir of Ahmed al Hamwi (d. 1098 hijri)
6. Al Takmil of Muhammad Ibne Ahmed (d. 1072 hijri)

12. Qawaid In the Twelfth Century (A.H):

1. Majami al Haqaiq of Abu Said al Qadimi (d. 1176 hijri)
2. Hashiyah Ala Al Ashbah Wan Naza'ir of Bahauddin (d. 1133 hijri)
3. Kashf al Sara'ir Ala Al Ashbah Wan Naza'ir of Muhammad al Kufayri (d. 1130 hijri)
4. Sharh Al Ashbah Wan Naza'ir of Abdul Ghani al Nablusi (d. 1143 hijri)
5. Sharh Takmil al Manhaj al Muntakhab of Abdul Qadir (d. 1187 hijri)

13. Qawaid In the Thirteenth Century (A.H):

1. Manafi al Daqaiq Sharh Majami al Haqaiq of Mustafa Kuzalhasari (d. 1215 hijri)
2. Sharh al Khatimah of Sulayman (d. 1287 hijri)
3. Al Mawahib al Saniyyah of Abdullah Jarhazi (d. 1201 hijri)
4. Al Mawahib al Aliyyah Sharh Al Faraid al Bahiyyah of Yusuf al Battah al Ahdal (d. 1246 hijri)
5. Sharh Al Qawaid al Khams of Abdullah Shafi (d. 1234 hijri)
6. Sharh Al Ashbah Wan Naza'ir of Abul Fath Ad Dimashqi (d. 1214 hijri)
7. Al Tahqia Al Bashir Sharh Al Ashbah Wan Naza'ir of Hibatullah (d. 1224 hijri)
8. Nuzhat al Nawazir Ala Al Ashbah Wan Naza'ir of Ibne Abideen (d. 1252 hijri)
9. Majallat al Ahkaam al Adliyyah

14. Qawaid In the Fourteenth Century (A.H):

1. Hashiyah Ala Al Ashbah Wan Naza'ir of Anwar Shah Kashmiri (d. 1352 hijri)
2. Al Manhaj ila Al Manhaj of Muhammad Amin al Jakani al Shanqiti (d. 1325 hijri)
3. Sharh Majallat al Ahkaam al Adliyyah of Salim Rustum al Baz (d. 1328 hijri)
4. Durar al Hukkam Sharh Majallat al Ahkaam of Ali Haydar (d. 1353 hijri)
5. Sharh al Majallat of Khalid al Atasi (d. 1326 hijri)
6. Sharh Al Qawaaid Al Fiqhiyyah of Ahmed Zarqa (d. 1357 hijri)
7. Al Qawaaid Al Fiqhiyyah Ma al Sharh al Mujaz of Izzat Al Da'as

15. Qawaid In the Fifteenth Century (A.H):

1. Mawsuah al-Qawaaid al Fiqhiyyah by Muhammad Sidqi al-Burnu
2. Qawaid al Fiqh al Maliki Min Khilal Kitaab al Ishraf lil Qadhi Abdul Wahab of Muhammad al Ruqi
3. Al Qawaaid wal Dhawaabit al Fiqhiyyah Fi Kitaab al Mughni Li Ibne Qudamah of Muhammad Al Sadan
4. Al Qawaaid wal Dhawaabit al Mustakhlash Min al Tahrir lil Imam Jamaluddin al Husayri of Ali Nadwi
5. Mawsuah al-Qawaaid wal Dhawaabit al Fiqhiyyah al Hakimah lil Muamalaat al Maliyyah fil Fiqh al Islami of Ali Nadwi
6. Al Niyyah wa Atharuha Fil Ahkaam al Shariyyah of Salih Sadlan
7. Qaidah "Imal al Kalam Awla min Ahmalih" of Mahmud Mustafa
8. Qaidah "Al Adaah al Muhakkamah" of Yaqub Buhaysan
9. al-Qawaaid wal Dhawaabit al Fiqhiyyah lil Muamalaat al Maliyyah Inda Ibne Taimiyyah of Abdus Salam al Hasin
10. al-Qawaaid al Fiqhiyyah wa Atharuha Fil Fiqh al Islami of Ali Ahmed Nadwi
11. al-Qawaaid al Fiqhiyyah of Yaqub Buhaysan
12. al-Qawaaid al Fiqhiyyah of Rashed al Amiri
13. al-Qawaaid al Fiqhiyyah lil Tahkim fil Shariah Al Islamiyya of Abdus Salam Hamid
14. al-Qawaaid wal Dhawaabit al Fiqhiyyah lil Mawad al Muharramah fil Ghidha wa al Dawa of Saud Thubayti
15. Ma'alamah al-Qawaaid al Fiqhiyyah is a major project launched by Majma Fiqh al Islami .The aim of the Ma'lamah (which means a major encyclopaedia) basically is to collect all of the qawaaid fiqhiyyah scattered in

the main sources of fiqh of the four schools of law, used by fuqaha in the course of history of Islamic scholarship. The Majma appointed Dr. Ali al-Nadwi and Dr. Muhammad al-Burnu to be the coordinators to achieve this project. The goal was to collect qawaaid scattered in 120 fiqhi books. However, although many scholars have participated in this project, it is still in the early stage, and nothing has been published as yet.

16.al-Qawaaid al Fiqhiyyah of Abdur Rehman Nasir Sa'dee

17.al-Qawaaid al Fiqhiyyah of Shaikh Sa'd Shithry

18.al-Qawaaid al Fiqhiyyah of Shaikh Mushayqih

19.al-Qawaaid al Fiqhiyyah of Shaikh Khalid Sabt

20.al-Qawaaid al Fiqhiyyah of Shaikh Ibne Uthaymeen

21.al-Qawaaid al Fiqhiyyah of Shaikh Sulaiman Ar Ruhaylee

and many ancient and contemporary ulama have frequently quoted qawaed fiqhiyah in their books like

22.imam shatibi in almuwaaqaat ,23.imam shoukani in nail autaar and assailul jarrar ,24.imam ibne hajar in fathul bari

25.Shaikh Muhammad Hadee Al Madkhalee

26.Shaikh Salih al Fawzan

27.Shaikh Bin Baz

28.Shaikh Albanee

29.Shaikh Muhammad Shinqiti

30.Imaad Ali juma'a

31.shaikh muqbil

May Allaah grant reward all these ulam abouduntly and gave us hidaya to learn this important subject and apply and convey to the next generation ameen

The end



Lesson no.3

BIOGRAPHY OF THE SHAIKH `ABDUR-RAHMAAN IBN NAASIR AS-SA`DEE -rahimahullaahu ta`aalaa

[Abridged from the book ‘ash-Shaikh `Abdur-Rahmaan ibn Naasir as-Sa`dee wa juhooduhu fee tawdeehil-`Aqeedah’ of Shaikh `Abdur-Razzaaq `Abdil-Muhsin al-`Abbaad]

Firstly: His lineage:

He is the great scholar, the pious person, the Zaahid (one who abstained from the unnecessary things of this world), the jurist, the scholar of the principles of Fiqh. The great scholar of al-Qaseem, and our Shaikh, Aboo `Abdillaah `Abdur-Rahmaan ibn Naasir ibn `Abdillaah ibn Naasir ibn Hamd Aal Sa`dee, from the tribe of Banoo Tameem.

Secondly: His birth:

He was born in `Unayzah, in al-Qaseem, on the twelfth of Muharram 1307 AH and he lived as an orphan, without either of his parents.

Thirdly: His upbringing:

His father gave importance to his cultivation, and before his death he instructed his eldest son to look after him, and he took on the task of caring for him in the best manner. So he was equipped with a righteous environment, and with a great desire to seek knowledge, and he exerted in it day and night, day after day.

He had already attracted attention at a young age with his intelligence and his strong enthusiasm for learning. After the death of his father, he had read the Qur`ān, then thoroughly memorised it by the time he was eleven years old. Then he began learning from the learned men of his town and those who visited it. He worked hard until he acquired a respectable amount of knowledge in every field. When he reached the age

of twenty-three, he began teaching. Like that, he used to both learn and teach, and the entirety of his time was spent doing that. It was like that until in the year 1351H, he was placed in charge of education in his town, and became a mentor for all the students.

Fourthly: His characteristics:

(a) His physical characteristics:

He was of medium height, his hair was dense; and he had a full, round face, and a dense beard. He was whitish in colour, with a reddish tinge. He had a handsome face, with light upon it, and a pure complexion.

(b) His manners:

- He was good-humoured, and beloved to the people on account of his good nature. Anger would not be seen upon his face.
- He had a great degree of humility and modesty, and he was amiable, to an extent that is rarely found.
- He was humble with the young and the old, the rich and the poor.
- He had a high level of manners, decency, uprightness, and firm resolve in all his affairs.
- He abstained from the unnecessary things of this world, and was one who withheld (from asking).
- He had selfrespect, despite his possessing very little.
- He felt compassion towards the poor, the needy, and the strangers.
- He would give money to the poor and needy students, so that they could free themselves from preoccupation with seeking a livelihood.
- He loved to bring about peace and rectification between the people.
- His clothing was moderate in fineness, and avoided conspicuousness.

Fifthly: His life in the field of knowledge:

His overriding concern in his life was to derive the benefit of knowledge, and to utilize his time for that. So he began with memorization of the Qur·aan at an early age, and he had memorized it proficiently by the age of eleven. Then he began acquiring the rest of the branches of Islamic knowledge.

He did not restrict himself whilst seeking knowledge to a single field of knowledge; rather he studied many fields: so he studied Tafseer, Hadeeth, Creed and Belief, Fiqh, Usool, Science of Hadeeth, the sciences of the language, and other than this.

The Shaikh gave a great deal of attention to the books of the two Shaikhs of Islaam: Ibn Taimiyyah and Ibnul-Qayyim; he devoted himself to reading and revising them, and to memorising and understanding them, and to writing and abridging them..

He first sat to teach at the age of twenty three, and he used to divide his time between learning and teaching. He would spend some time in reading to the scholars, and some time in sitting to teach the students. He would also spend some time in referring to the books, and in researching within them. He would not allow any of his time to be lost without his utilising it, to such an extent that teaching in his city fell to him, and all of the students relied upon him with regard to their education.

Sixthly: His Shaikhs:

- (1) Shaikh Ibraaheem ibn Hamd ibn Jaasir (1241-1338 H).
- (2) Shaikh Muhammad ibn `Abdil-Kareem ash-Shibl (1257-1343 H).
- (3) Shaikh Muhammad ibn ash-Shaikh `Abdil-`Azeez al-Muhammad al-Maani` (1300-1385 H).
- (4) Shaikh Muhammad al-Ameen ash-Shanqeetee (1289-1351 H).

He studied under Shaykh Ibrāhīm ibn Ḥamd ibn Jāsir. He was the first person he read to. He used give descriptions about his teacher's recollection of ḥadīth, and he would talk at length about his fear of Allāh and his love of sharing with the poor despite his lack of means. Often, a poor person would come to him on a cold winter's day and he would strip himself of one of his pair of garments from his own poverty and dress him in it – despite his own needs.

Another one of the author's teachers is Shaykh Muḥammad ibn `Abd al-Karīm al-Shibl. With him, he studied Fiqh, Arabic sciences and other subjects. From amongst his teachers was also Ṣāliḥ ibn `Uthmān, the judge of `Unaizah, with whom he studied Tawḥīd, Tafsīr, the principles of Fiqh as well as its various branches, and

Arabic sciences. It was with him that the author studied most, and he stuck with him earnestly until his death.

Other teachers include Shaykh ‘Abdullāh ibn ‘Ayiḍh, Shaykh Sā‘id al-Tuwaijirī, Shaykh, ‘Alī ibn al-Sinānī, Shaykh ‘Alī Nāṣir, Shaykh Abū Wādī – with whom he studied ḥadīth, the six major books and others, and who gave him a teaching endorsement for them. Mentioned amongst his teachers is also Muḥammad, the son of Shaykh ‘Abd al-‘Azīz al-Muḥammad al-Mānī, KSA Director of education at the time – the author studied with him in ‘Unaizah. Shaykh Muḥammad al-Mukhtār al-Shiniqīrī – resident of al-ḥijāz back in the day and afterwards, Zubayr – was also one of his teachers. He came to ‘Unaizah and remained there in order to teach. At that time, the author learnt from him Tafsīr, ḥadīth, and Arabic sciences such as Grammar, Morphology, and the like.

Seventhly: His students:

- (1) Shaikh Muhammad ibn Saaalih al-`Uthaymeen. He took over from his Shaikh in the duty of Imaam of the Congregational Mosque of `Unayzah, and in teaching, admonishing, and delivering the khutbah.
- (2) Shaikh `Abdullaah ibn `Abdir-Rahmaan al-Bassaam. He is the Member of the Discretionary Committee in the Western Region.
- (3) Shaikh `Abdul-`Azeez ibn Muhammad as-Salmaan. He studied in the Imaamud-Da`wah Institute in ar-Riyaad, and he followed the path of his shaikh in authorship.

Eighthly: His Academic Calibre:

He had extensive knowledge of Fiqh, both its theoretical and practical aspects. In the beginning, following in the footsteps of his teachers, he adhered to the Ḥanbalī school of thought and memorised some of its textbooks. Around the time, he authored a book on the subject of Fiqh consisting of about 400 verses of poetry based on the Rajz poetic metre and concisely explained it. However, he did not wish for it to be published because it was based on his views from his first days as a student.

His greatest preoccupation was with the books of Shaykh al-Islām Ibn Taimiyyah and his student, Ibn al-Qayyim, which were also his greatest influences. They did him a lot of good in terms of learning fundamental principles, Tawḥīd, Tafsīr, Fiqh,

as well as other useful subjects. Due to the insight he gained from the two aforementioned scholars, he became unattached to any particular school of thought.

Instead, what he considered the strongest opinion on a matter would be the one supported by legitimate proof. Yet he would not speak ill against the scholars of the various schools the way some confused people do, may Allāh ﷻ guide them along with us to the proper path.

He was highly accomplished in the field of Tafsīr, having read many works of various scholars. He excelled in it and himself authored an important book of Tafsīr consisting of many volumes. He wrote it spontaneously, without there being a single book of Tafsīr or any other book present with him at the time. Consistently, he would read the Qur'ān with the students and explain it offhand without prior preparation. He would branch into different topics and clarify some of the meanings of the Qur'ān and mention some of its lessons. He would deduce its inimitable benefits and important concepts, to such an extent that his listener would wish for him to prolong because of his eloquence, the wealth of his vocabulary and his elaborate discussion of evidences and stories. Whoever shared his company, read to him and researched with him realised his high academic calibre. The same goes for anyone who reads his books and legal verdicts.

Ninthly: His Academic Works:

1. 'al-Adillatul-Qawaati` wal-Baraaheen fee Ibtal Usoolil-Mulhideen`;
2. 'al-Irshaad ilaa Ma`rifatil-Ahkaam`;
3. 'Bahjatu Quloobil-Abraar wa Qurratu `Uyoonil-Akhyaar fee Sharh Jawaami`il-Akhbaar`
4. 'Tawdeehul-Kaafiyatish-Shaafiyah`;
5. 'at-Tawdeeh wal-Bayaan lishajaratil-Eemaan`;
6. 'at-Tanbeehatul-Lateefah feemahtawat `alaihil-Waasitiyyah minal-Mabaahithil-Muneefah`;

7. 'Tayseerul-Kareemir-Rahmaan fee Tafseer Kalaamil-Mannaan';
8. 'ad-Durratul-Mukhtasarah fee Mahaasin Deenil-Islaam';
9. 'Risaalah fil-Qawaa`idil-Fiqhiyyah';
10. 'Risaalah Lateefah Jaami`ah fee Usoolil-Fiqhil-Muhimmah'; and it is before your eyes, along with annotations upon it;
11. 'Tareequl-Wusool ilal-`Ilmil-Ma·mool bima`rifatil-Qawaa`id wad-Dawaabit wal-Usool';
12. 'al-Fataawas-Sa`diyyah'. They were gathered after his death -rahimahullaahu ta`aalaa.
13. 'al-Qawaa`idul-Hisaan li-Tafseeril-Qur·aan';
14. 'al-Qawlus-Sadeed fee Maqaasidit-Tawheed';
15. 'Manhajus-Saalikeen wa Tawdeehul-Fiqh fid-Deen';
16. 'al-Wasaa·ilul-Mufeedah lil-Hayaatis-Sa`eedah'
17. Irshādu li al-Başā`ir wa al-Bāb li-Mā`rifati al-Fiqh bī Aqrabī al-Turuq wa Aisar il-Asbāb
18. Al-Khūṭub al-‘Aşriyyah al-Qayyimah
19. Wujūd al-Ta`āwun bayn al-Muslimīn wa al- Ādhu al-Jihād al-Dīn

His main purpose in writing was to disseminate knowledge and call people to the truth. This is why he compiled, wrote and printed as much as he was able to of his works, not gaining any transient or material compensation, but rather, distributing them for free so that anyone and everyone could benefit from them. I pray that Allāh

ﷻ rewards him kindly for his service to Islam and the Muslims, and makes it possible for us to do things that please him.

Tenthly: His illness and death:

After a blessed life of almost 69 years spent entirely in the service of knowledge, he left to be closer to his Lord in the year 1376H, in the city of 'Unaizah, part of the land of al-Qaṣīm, may Allāh ﷻ show him abundant mercy.

He fell ill in the year 1371 H, i.e. five years before his death, with the illness of high blood pressure and arteriosclerosis, and it would strike him time after time, and he bore it patiently, until he moved on to his Lord, at the time of Fajr, on Thursday the 22nd of Jumaadal-Aakhirah 1376 H - may Allaah forgive him, and his parents, and our parents, and all of the Muslims

The end

Manzoomah qawaed fihiyyah

مَنْظُومَةُ الْقَوَاعِدِ الْفِقْهِيَّةِ

لِلْعَلَّامَةِ

عَبْدِ الرَّحْمَنِ بْنِ نَاصِرِ السَّعْدِيِّ

1307-1376 هـ

رَحِمَهُ اللهُ تَعَالَى

اعْتَمَدْتُ فِي تَصْحِيحِ هَذِهِ الْمَنْظُومَةِ طَبَعَتَانِ :

1- (رَوْضَةُ الْفَوَائِدِ شَرْحِ مَنْظُومَةِ الْقَوَاعِدِ لِابْنِ سَعْدِي) تَأَلِيفُ الدُّكْتُورِ : مُصْطَفَى بْنِ كَرَامَةِ اللهِ مَخْدُومٍ (ط : دار إشبيليا 1420هـ) .

وهو كتاب نفيس جداً ؛ وفي من الفوائد الشيء الكثير ؛ ورمزت له بـ(مخدوم) .

2- (شَرْحُ نَظْمِ الْقَوَاعِدِ الْفِقْهِيَّةِ) لِلْعَلَّامَةِ السَّعْدِيِّ . اعْتَنَى بِهِ وَعَلَّقَ عَلَيْهِ وَصَحَّحَ النَّظْمَ : مَجْدِي بْنِ عَبْدِ الْوَهَّابِ الْأَحْمَدِ (ط : دار ابن حزم 1425 هـ) .

وَقَدْ صَحَّحَ بَعْضَ الْأَبْيَاتِ ؛ وَأَدْرَجْتُ هُنَا كُلَّ تَصْحِيحَاتِهِ فِي الْحَاشِيَةِ .

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

- الْحَمْدُ لِلَّهِ الْعَلِيِّ الْأَرْفَقِ [1] وَجَامِعِ الْأَشْيَاءِ وَالْمُفَرِّقِ
 ذِي النَّعَمِ الْوَاسِعَةِ الْغَزِيرَةِ [2] وَالْحَكَمِ الْبَاهِرَةِ الْكَثِيرَةِ
 ثُمَّ الصَّلَاةُ مَعَ سَلَامٍ دَائِمٍ [3] عَلَى الرَّسُولِ الْقُرَشِيِّ الْخَاتَمِ
 وَآلِهِ وَصَحْبِهِ الْأَبْرَارِ [4] الْحَائِزِي (1) مَرَاتِبِ الْفَخَارِ (2)
 اعْلَمْ هُدَيْتَ أَنَّ أَفْضَلَ الْمِنَّةِ [5] عِلْمٌ يُزِيلُ الشَّكَّ عَنْكَ وَالِدَّرْنَ
 وَيَكْشِفُ الْحَقَّ لِدِي الْقُلُوبِ [6] وَيُوصِلُ الْعَبْدَ إِلَى الْمَطْلُوبِ
 فَاحْرُصْ عَلَى فَهْمِكَ لِلْقَوَاعِدِ [7] جَامِعَةِ الْمَسَائِلِ الشَّوَارِدِ
 فَتَرْتَقِي فِي الْعِلْمِ خَيْرَ مُرْتَقَى [8] وَتَقْتَفِي سُبُلَ الَّذِي قَدْ وُفِّقَا
 فَهَذِهِ قَوَاعِدُ نَظْمَتِهَا [9] مِنْ كُتُبِ أَهْلِ الْعِلْمِ قَدْ حَصَلَتْهَا
 جَزَاهُمْ الْمَوْلَى عَظِيمِ الْأَجْرِ [10] وَالْعَفْوِ مَعَ غُفْرَانِهِ وَالْبِرِّ
 (النَّبِيَّةِ) (3) شَرْطُ لِسَانِ (4) الْعَمَلِ [11] بِهَا الصَّلَاحُ وَالْفَسَادُ لِلْعَمَلِ
 الدِّينِ مَبْنِيٌّ عَلَى الْمَصَالِحِ [12] فِي جَلِبِهَا وَالِدَّرْءِ لِلْقَبَائِحِ
 فَإِنَّ تَرَاحِمَ عَدَدُ الْمَصَالِحِ [13] يُقَدِّمُ الْأَعْلَى مِنَ الْمَصَالِحِ (5)

(1) حَازَ الشَّيْءَ جِيَازَةً : ضَمَّهُ وَمَلَكَهُ . [الْوَسِيطُ (صَفْحَةٌ : 206)]

(2) فَخَّرَ فَخْرًا وَفَخَّرًا وَفَخَّارَةً : التَّبَاهَى بِمَا لَهُ أَوْ لِقَوْمِهِ مِنْ مَخَاسِنَ . وَفِي بَعْضِ الطَّبَعَاتِ [الْأَحْمَدُ] : (الْفَخَّارُ) .

(3) فِي بَعْضِ الطَّبَعَاتِ [الْأَحْمَدُ] : (وَنَبِيَّةٌ)

(4) أَي : كُلُّ الْعَمَلِ [مَخْدُومٌ] .

(5) [الْأَحْمَدُ] : (فَإِنَّ تَرَاحِمَتْ مَصَالِحٌ كَثُرَتْ • أَعْلَاهَا فَلْتَقَدَّمَ مَنْ لَا تَدْرُ .

- وَصِدُّهُ تَزَاحُمُ الْمَفَاسِدِ [14] يُرْتَكَبُ الْأَدْنَى مِنَ الْمَفَاسِدِ (6)
- وَمِنْ قَوَاعِدَ [شَرَعْنَا] (7) : التَّيْسِيرُ [15] فِي كُلِّ أَمْرٍ نَابَهُ تَعْسِيرُ
- وَلَيْسَ وَاجِبٌ بِلاِ اقْتِدَارِ [16] وَلَا مُحَرَّمٌ مَعَ اضْطِرَّارِ
- وَكُلُّ مَحْظُورٍ مَعَ الضَّرُورَةِ [17] بِقَدْرِ مَا تَحْتَاجُهُ الضَّرُورَةُ (8)
- وَتَرْجِعُ الْأَحْكَامُ لِلْيَقِينِ [18] فَلَا يُزِيلُ الشَّكَّ لِلْيَقِينِ (9)
- وَالْأَصْلُ فِي مِيَاهِنَا الطَّهَّارَةَ [19] وَالْأَرْضِ وَالشِّيَابِ وَالْحِجَارَةَ
- وَالْأَصْلُ فِي الْأَبْضَاعِ وَاللُّحُومِ [20] وَالنَّفْسِ وَالْأَمْوَالِ لِلْمَعْصُومِ
- تَحْرِيمُهَا حَتَّى يَجِيءَ الْحِلُّ [21] فَافْهَمْ هَذَاكَ اللَّهُ مَا يُمَلُّ
- وَالْأَصْلُ فِي عَادَاتِنَا الْإِبَاحَةَ [22] حَتَّى يَجِيءَ صَارِفُ الْإِبَاحَةِ (10)
- وَلَيْسَ مَشْرُوعًا مِنَ الْأُمُورِ [23] غَيْرُ الَّذِي فِي شَرَعِنَا مَذْكَورِ (11)
- وَسَائِلُ الْأُمُورِ كَالْمَقَاصِدِ [24] وَاحْكُمْ بِهَذَا الْحُكْمِ لِلزَّوَائِدِ
- وَالْحُطَا (12) وَالْإِكْرَاهُ وَالنِّسْيَانُ [25] أَسْقَطُهُ مَعْبُودُنَا الرَّحْمَانُ (13)
- لَكِنْ مَعَ الْإِتْلَافِ يَثْبُتُ الْبَدَلُ [26] وَيَنْتَفِي التَّائِيْمُ عَنْهُ وَالزَّلَلُ

(6) [الأحمد] • أَدْنَاهَا فَارْكَبَنَّ ذِي الْمَوَارِدِ .

(7) فِي الْأَصْلِ (الشَّرِيْعَةُ) ؛ وَالتَّصْوِيبُ مِنْ [مَخْدُومٍ] .

(8) [الأحمد] : (مَسْطُورَةٌ) .

(9) [الأحمد] [إلى اليقين ترجع الأحكام • بالشك لا يزال يا همام] .

(10) [الأحمد] • صَارِفٌ صَرَاحَةٌ) .

(11) (مَذْكَور) الْأَصْلُ فِيهَا سَكُونُ الرَّاءِ ؛ وَيُمْكِنُ كَسْرُهَا مَعَ كَسْرِ الرَّاءِ فِي الشَّطْرِ الْأَوَّلِ مِنْ بَابِ الْجَزِّ بِالْمَجَازَةِ ؛ كَقَوْلِهِمْ : (جَحْرٌ ضَنْبٌ خَرْبٌ) [

مَخْدُومٌ] .

[الأحمد] • الْمُبْرُورِ) .

(12) بِالْقَصْرِ ؛ وَفِي الْمَطْبُوعَاتِ بِالْهَمْزِ . وَفِي بَعْضِ الطَّبَعَاتِ (وَالْحُطَا الْإِكْرَاهُ) .

(13) [الأحمد] (أخطأونا الإكراه والنسيان • أسقطها) .

- وَمِنْ مَسَائِلِ الْأَحْكَامِ فِي التَّبَعِ [27] يَثْبُتُ لَا إِذَا اسْتَقَلَّ فَوْقَ (14)
- وَ(الْعُرْفُ) مَعْمُولٌ بِهِ إِذَا وَرَدَ [28] حُكْمٌ مِنَ الشَّرْعِ الشَّرِيفِ لَمْ يُحَدِّ
- مُعَاجِلُ الْمَحْظُورِ قَبْلَ آئِهِ (15) [29] قَدْ بَاءَ بِالْحُسْرَانِ مَعَ حِرْمَانِهِ
- وَإِنْ أَتَى التَّحْرِيمُ فِي نَفْسِ الْعَمَلِ [30] أَوْ شَرْطِهِ ، فَذُو فَسَادٍ وَخَلَلٍ
- وَمُتَلَفٌ مُؤْذِيهِ لَيْسَ يَضْمَنُ [31] بَعْدَ الدِّفَاعِ بِأَلَّتِي هِيَ أَحْسَنُ
- وَ(أَلٌ) تَفِيدُ الْكُلَّ فِي الْعُمُومِ [32] فِي الْجَمْعِ وَالْإِفْرَادِ كَالْعَلِيمِ
- وَالنَّكِرَاتُ فِي سِيَاقِ التَّفْيِ [33] تُعْطَى الْعُمُومَ أَوْ سِيَاقِ التَّهْيِ
- كَذَلِكَ (مَنْ) وَ (مَا) تُفِيدَانِ مَعَا [34] كَلَّ الْعُمُومُ يَا أَخِي فَاسْمَعَا
- وَمِثْلُهُ الْمَفْرُودُ إِذْ يُضَافُ [35] فَافْهَمْ هُدَيْتَ الرُّشْدَ مَا يُضَافُ (16)
- وَلَا يَتِمُّ الْحُكْمُ حَتَّى تَجْتَمِعَ [36] كُلُّ الشُّرُوطِ وَالْمَوَانِعِ تَرْتَفِعُ
- وَمَنْ أَتَى بِمَا عَلَيْهِ مِنْ عَمَلٍ [37] قَدْ اسْتَحَقَّ مَا لَهُ عَلَى الْعَمَلِ
- وَكُلُّ حُكْمٍ دَائِرٌ مَعَ عِلَّتِهِ [38] وَهِيَ الَّتِي قَدْ أُوجِبَتْ شَرْعِيَّتُهُ (17)
- وَكُلُّ شَرْطٍ لَازِمٌ لِلْعَاقِدِ [39] فِي الْبَيْعِ وَالنِّكَاحِ وَالْمَقَاصِدِ
- إِلَّا شُرُوطًا حَلَلَتْ مُحَرَّمًا [40] أَوْ عَكْسَهُ فَبَاطِلَاتٌ فَاعْلَمَا

(14) [الأحمد] (وبعض أحكامنا قد تثبت • تبعاً لها دون إفراد يثبت).

(15) (إنه) أن يبين أننا؛ مثل: خان يجين حيناً - وزناً ومعنى - . والأوان - بفتح الهمزة وكسرها لغة - : هو الجين . وأما (أن) في الأمر يثون أوناً؛ فمعناه: رفق به . فالصواب لغة أن يقال: (قبل أوانه) ولكنه لا يستقيم وزناً . أو يقال: (قبل أوانه) [مخدوم].

(16) [الأحمد] (.....) • كنعمة الله فلا تُعاف.

(17) في الطبقات (لشرعيتها) وبه يختل الوزن . وقد يقال: (لشرعيتها).

- تُسْتَعْمَلُ الْقُرْعَةُ عِنْدَ الْمُبْهَمِ [41] مِنَ الْحُقُوقِ أَوْ لَدَى التَّرَاحِمِ
 وَإِنْ تَسَاوَى الْعَمَلَانِ اجْتَمَعَا [42] وَفَعِلَ إِحْدَاهُمَا فَاسْتَمَعَا (18)
 وَكُلُّ مَشْغُولٍ فَلَا يُشْغَلُ [43] مِثْلُهُ الْمَرْهُونُ وَالْمُسَبَّلُ
 وَمَنْ يُؤَدِّ عَن أَخِيهِ وَاجِبًا [44] لَهُ الرُّجُوعُ إِنْ نَوَى يُطَالِبَا
 وَالْوَارِعُ الطَّبْعِيُّ عَنِ الْعِصْيَانِ [45] كَالْوَارِعِ الشَّرْعِيِّ بِلَا نُكْرَانِ
 وَالْحَمْدُ لِلَّهِ عَلَى التَّمَامِ [46] فِي الْبَدءِ وَالْخِتَامِ وَالِدَوَامِ
 ثُمَّ الصَّلَاةُ مَعَ سَلَامٍ شَائِعٍ [47] عَلَى النَّبِيِّ وَصَحْبِهِ وَالتَّابِعِ

[أَسْأَلُ اللَّهَ أَنْ يَنْفَعَ بِهَا إِنَّهُ وَلِيُّ ذَلِكَ وَالْقَادِرُ عَلَيْهِ]

وَكْتَبَهُ ابْنُ سَالِمٍ

فَلَا تَنْسَوْنَا مِنْ صَالِحِ دُعَائِكُمْ

Lesson no.4

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

- | | | | | | | |
|----|------------------|-------------|----------------|-------------------|------------------|----------------|
| 1 | وَجَامِعِ | الأَشْيَاءِ | وَالْمُفَرِّقِ | الْحَمْدُ لِلَّهِ | الْعَلِيِّ | الأَرْزَقِ |
| 2 | وَالْحَكَمِ | البَاهِرَةِ | الكَثِيرَةِ | ذِي النِّعَمِ | الْوَاسِعَةِ | الغَزِيرَةِ |
| 3 | عَلَى الرَّسُولِ | القُرَشِيِّ | الخَاتِمِ | ثُمَّ الصَّلَاةُ | مَعَ سَلَامٍ | دَائِمٍ |
| 4 | الخَائِزِي (19) | مَرَاتِبِ | الفَخَارِ (20) | وَالِهِ | وَصَحْبِهِ | الأَبْرَارِ |
| 5 | عِلْمٌ يُزِيلُ | الشَّكَّ | عَنْكَ | وَالدَّرَنَ | اعْلَمْ هُدَيْتَ | أَنَّ أَفْضَلَ |
| 6 | وَيُوصِلُ | العَبْدَ | إِلَى | المَطْلُوبِ | وَيَكْشِفُ | الحَقَّ |
| 7 | جَامِعَةٍ | المَسَائِلِ | الشَّوَارِدِ | فَاخْرُصْ | عَلَى | فَهْمِكَ |
| 8 | وَتَقْتَفِي | سُبُلَ | الَّذِي | قَدْ | وُفِّقَا | فَتَرْتَقِي |
| 9 | مِنْ كُتُبِ | أَهْلِ | العِلْمِ | قَدْ | حَصَلَتْهَا | فَهَذِهِ |
| 10 | وَالعَفْوِ | مَعَ | عُفْرَانِهِ | وَالْبِرِّ | جَزَاهُمْ | المَوْلَى |
| | | | | | | عَظِيمِ |
| | | | | | | الأَجْرِ |

(19) حَازَ الشَّيْءَ حِيَازَةً : ضَمَّهُ وَمَلَكَهُ . [الوسيط (صفحة : 206)]

(20) فَعَرَ فَعْرًا وَفَخَّرَ وَفَخَّارًا : التَّبَاهَى بِمَا لَهُ أَوْ لِقَوْمِهِ مِنْ مَحَاسِنَ . وَفِي بَعْضِ الطَّبَعَاتِ [الأحمد]: (الفخار) .

01. All praise is for Allāh; Al-‘Aliyy (Most High), most gentle. The one who connects matters, and separates them.
02. Possessing blessings, vast and abundant; and wisdom, splendid and numerous.
03. Thereafter salutations and peace, everlasting, upon the Messenger, from Quraysh, the seal;
04. And upon his family and noble companions bearers of glorious ranks.
05. Know, may you be guided, that the most virtuous of blessings is knowledge which removes from you doubt and dirt [of sins];
06. Exposing truth to those possessing hearts, and leading a person to what is sought.
07. So, focus your understanding on the principles, which connect together far dispersed issues,
08. Such that you are able to progress well in your knowledge, thereby following the paths of those guided to success.
09. And these principles, I penned as poetry, from the books of the people of knowledge, I gathered them.
10. May the Guardian reward them with a great reward and pardon along with His forgiveness and goodness

11- النِّيَّةُ شَرْطٌ لِسَائِرِ الْعَمَلِ بِهَا الصَّلَاحُ وَالْفَسَادُ لِلْعَمَلِ

Some qawaid are related to this rule

الأمر بمقاصدها/ لا ثواب إلا بنية/ القصد مؤثرة ما يقصد بها.

Translation of first Qaidah:

Intentions are a prerequisite for all actions, with regard to acceptance or rejection of the deeds in Islam.

proof:

The acceptance and rejection of the deeds depends on the intention. The reason for this is because the Prophet (peace be upon him) said: Innamal Amalu binniyyaat(Sahih Bukhari: 1)

Explanation with some jurisprudential points:

1. Al-Murad Binniyyat : An-niyat al khalisa

meaning of Niyyat: pure Intention

2.Is intention a Sharth or Rukn? :

The condition (sharth) is something outside the deed (amal),the rukn is internal part of the deed (amal) , since intention is related to the deed internally and externally, thus some scholars say that the intention is condition(sharth) and also rukn.

3. al farqu baina aadati wal ibadah

How to distinguish between habits and worship?

The niyyat (intention) is the means to distinguish , For example a person does things sometimes as a habit and sometimes as a worship that is why intention is a condition for acceptance of ibadah.(Shaykh Saadi).

4. By intention (Niyyat), types of worship can also be distinguished, and habits and worship can also be distinguished. (Shaykh Saadi)

5. importance of Niyyat :

acceptance and rejection of the deeds depends on the the intention. The proof is, that the Prophet (peace and blessings of Allaah be upon him) said that the deeds are based on good intentions. (Sahih al-Buqari: 1)

(1) Imam Behaqi said: It is my wish to write this Hadith before the beginning of every chapter. (2) Some scholars said that this is 1/3rd of knowledge, (3) Some others said that this hadith is 1/4th of knowledge

Sahih bukhari started with this hadith and every chapter that comes after it talks about a deed and every deed requires a sincerity (pure intention).

6. CONDITIONS for acceptance of deeds:

After faith, (1) Al Ikhlas intention (sincerity) and (2) Al Ittiba following the steps of Prophet Muhammed sallalahualaihi wasallam

are two conditions for acceptance.

Imam Ibn Taymiyah (may Allaah have mercy on him) says: The essence of Islam lies in two questions: (1) whom do you worship ?{Man tabud} the Answer is that we worship only Allaah alone with ikhlas (2) how do you worship (kaifa tabud) we worship by following the way of prophet Muhammad sallallahualaihi wasallam(الاتباع)

7. importance of Niyyat:

Sincerity (ikhlas) is what makes even the common deeds eligible to be rewarded by Allaah subhanahu watala like Eating, drinking, sleeping, earning wealth and marriage etc. If their purpose is to avoid haram then even these deeds are worship and are acts capable of reward.

8. In the Shariah, there are two kinds of commandments: an order or command which has the purpose of doing and carrying out the order, for such an action ,it is must to do niyyat for reward, while the order or command (hukm)which is about leaving the forbidden does not require Niyat for reward like removing filth (izalatunnjasat)

9. Intention refers to objective and purpose.

10.meaning of sharth :For example, purity is a condition which means that if there is no purity no Salat, then Salat is invalid but it is not necessary that the salah is completed if the purity is in place (Mohammed Bin Hadi madkhaly, Audio Clip, YouTube)

11. ilmy naqd (criticism and objection): some ahle ilm said : an order of shariah which has the purpose of doing a religious deed , for such an action ,it is must to have intention(do niyyat) for reward, while the order (hukm) which is about leaving the filth (izalatunnajasat) does not require Niyat for reward .

For example, intention is a condition for prayer but not for something like removing dirt (najasat) from the body.

12. There are two types of conditions:

A. **sharte Sihhat**, such as purification is the condition for prayer , and prayer is not correct without purification,

B .**sharte wujoob**. for Hajj, such as istita'at is a condition but if a woman does Hajj without a mahram, the Hajj was not

obligatory upon her, but here in this condition her hajj was complete and correct but going without mahram was incorrect (Ibn 'Uthaymeen)

the benefit of this knowledge will be useful in the case if some mahram dies during the journey of hajj then the women can still carry out the hajj

13. As per Hanafi fiqh, the niyaat is not obligatory for wuzu as they regard wuzu as ibadate gair mahza but the majority of scholars regard wuzu as ibadate mahza (Ibn Rusd mentioned in Bidayatul Mujtahid)

14. Why differentiate between rukn and the Wajib and the Sunnah, and what is the difference between the Rukn and the wajib?

For example, According to the Prophet's (peace be upon him) teaching, one will have to repeat the rak'ah or complete prayer if the rukn (like sajdah, ruku etc.) is missed and notice here that when the Prophet sallallahu alaihi wasallam left second tashahhud, the rak'ah was not repeated, he performed sajde sahv Only. (Sahih Ibn Khuzima: 1031;

15. Sunnah: once Abu Hurairah enquired about the Dua of istiftah and then Prophet Mohammed sal lal laahu alayhi wa sallam informed him the dua. In this case we can notice that this dua is not obligatory as if it was, then the Prophet Mohammad sal lal lahu alayhi wa sallam would have ordered it himself.

Note :The difference between Rukn,Wajib, and Sunnah was there at the time of prophet but the terminologies were coined in later generations

16.The origin of intention is the heart

To perform the niyat through the words is an innovation

"المنع العبادة في الأصل / التوقيف العبادات في الأصل", that is, the principle of worship (ibadate mahza) that is, to not to do any thing unless you have proof. (للشاطبي الموافقات)

17.But a question arises that why do you say the intention by tongue when you start salah with takbeer and sacrifice and dua when you start Umarh and Hajj

The answer to this is that the scholars say that it is not a pronounciation of niyah by tongue but a permanent worship(mustaqil ibadah), In salah, after the intention, the salah starts with Takbir Tahreema Allaahu Akbar.

18.While slaughtering an animal, it is not permissible to intentionally skip saying 'Bismillah, Allahu Akbar', and if one intentionally skips then that animal will not be lawful, however,if it is because of forgetfulness, then it is lawful to eat because forgetfulness is forgiven and it is not counted as FISQ. (Imam Bukhari / Sheikh Saleh Al-Fawazan)

19. In case of any unlawful act done by mistake unintentionally, , then it is forgiven. (Baqarah: 286) But the kaffarah is required accordingly .

20.There is the difference between sarahat and Kinaya regarding Talaqa Subject

In Sarahat of Talaq (clarity) meaning when one has said clearly 'I have given you talaq' intention or niyyat will not be enquired but in Kinayat (unclear statements about talaq)the niyyat must be enquired For example ,Sarahat means I gave you TALAQ and Kinaya means something like go back to your Home etc.

21.The act of intending before every step of salah is wrong ,it is as an exaggeration

22.Changes of intention during salah : it allowed to change an intention from Farz and sunnate muakkadah to nafil but not visa versa

23.Farz and nafeel are not allowed to be joined with one niyyat But tahiyaatul masjid and farz salah can be merged with one niyyah as per tadakul ruling .

Lesson no.5

12- الدِّينُ مَبْنِيٌّ عَلَى الْمَصَالِحِ فِي جَلْبِهَا وَالذَّرَّاءِ لِلْقَبَائِحِ

translation of second verse

Religion is based on wisdom, in doing good and keeping away from evil

دليل: وَيُجِلُّ لَهُمُ الطَّيِّبَاتِ وَيُحَرِّمُ عَلَيْهِمُ الْخَبَائِثَ. (الأعراف: 157)

1. Every Islamic law is based on some wisdom. Which has benefits for humankind. There are spiritual and physical benefits

قال تعالى: أَلَا بِذِكْرِ اللَّهِ تَطْمَئِنُّ الْقُلُوبُ (الرعد: 28)

مَنْ عَمِلَ صَالِحًا مِمَّنْ ذَكَرَ أَوْ أُذُنِي وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيَاةً طَيِّبَةً. (النحل: 97)

مَا أَنْزَلْنَا عَلَيْكَ الْقُرْآنَ لِتَشْقَى (طه: 2)

2. Imam Shatibi in al-Muwafaqat, Shah Waliullah Muhaddith Dahlawi in Hujjatullah il-Baaliagha, Ibn Taymiyyah in fatawa and Ibn Qayyim in al-Miftahu dari-Sa'adat and Shaykh Saleh Fauzan's book "Al-At'ima" have

discussed the issues and wisdom of Shariah and called as 5 necessity of DEEN
e Islam

حفظ الدين (حرمة الارتداد)
حفظ النفس (حرمة القتل)
حفظ العقل (حرمة الخمر)
حفظ النسل (حرمة الزنا)
حفظ المال (حرمة السرقة)

(Protection of Religion , Protection of life and honor , Protection of intellect ,
Protection of progeny, Protection of wealth)

3.to Understand the objectives of Shariah is one of biggest asset and strength
of a student of fiqh

One of them is to differentiate between

Zuroorah ,Hajah ,and tahseenat

(1) Example of zuroorah : The permission of haram in the times of emergency.

(2) Example of Hajat: fixing a damaged cup with silver even though in normal
times drinking in silver is not allowed

(3) example of tahseenaat : areas where adornment makeup ,dress etc) and
luxuries (comforts and conveniences) are considered then permission of
haram is not granted

Lesson no.6

13- فَإِنْ تَرَاحَمَ عَدَدُ الْمَصَالِحِ يُقَدَّمُ الْأَعْلَى مِنَ الْمَصَالِحِ

Translation of third verse :

If many issues are to collide, high priority will be taken

1. The rule which is very popular in this regard **أعلى المصلحتين**
2. the farz Salah will be preferred upon sunnat Salah at the time of priority due to non-flexible time

14 - وَضِدَّهُ تَرَاحُمُ الْمَفَاسِدِ يُرْتَكَبُ الْأَدْنَى مِنَ الْمَفَاسِدِ

On the contrary, if many impermissible issues collided or assembled, choose the less harmful

Popular rules in this regard

أَهْوَنُ الْبَلِيَّتَيْنِ Ahwanul Baliyyatain

أَخَفُ الضَّرَرَيْنِ Akaffuzzararain

Azzururaat tubeehul Mahzooraat

الضَّرُورَاتُ تُبِيحُ الْمَحْظُورَاتِ

Some points to be noted from above 3 verses

1. how to choose the priorities

- a. priority on the basis of time and place
- b. priority on the basis of limited benefits and unlimited benefits
- c. priority on the basis of farz and nafil
- d. priority on the basis of nafil salah and gaining obligatory Islamic

Knowledge

2. how to choose the lesser harmful

On the basis of comparison between rights of Allaah and rights of people

On the basis of comparison between haram and makrooh

On the basis of comparison between shirk and haram

On the basis of comparison between haram and mushtabih

On the basis of comparison between zarar (harm), mashaqqat (difficulty) and (zeenat) adornments

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Lesson no.7

15. وَمِنْ قَوَاعِدِ الشَّرِيعَةِ التَّيْسِيرُ فِي كُلِّ أَمْرٍ نَابَهُ تَعْسِيرٌ

(1) الْمَشَقَّةُ تَجْلِبُ التَّيْسِيرَ (2) إِذَا ضَاقَتِ الْأُمُورُ اتَّسَعَتْ

(3) لَا ضَرَرَ وَلَا ضِرَارَ (4) الضَّرَرُ يَزَالُ

: In some versions

قاعدة الشريعة التيسير

1- " يُرِيدُ اللَّهُ بِكُمْ الْيُسْرَ وَلَا يُرِيدُ بِكُمْ الْعُسْرَ " - (بقرہ: 185)، ترجمہ: اللہ تعالیٰ کا ارادہ تمہارے ساتھ آسانی کا ہے، سختی کا نہیں۔

.50

2- يُرِيدُ اللَّهُ أَنْ يُخَفِّفَ عَنْكُمْ - (نساء: 38)، ترجمہ: اللہ چاہتا ہے کہ تم سے تخفیف کر دے۔

.51

3- فَمَنْ كَانَ مِنْكُمْ مَّرِيضًا أَوْ بِهِ أَذًى مِّن رَّأْسِهِ فَفِدْيَةٌ مِّن صِيَامٍ أَوْ صَدَقَةٍ أَوْ نُسُكٍ -

(بقرہ: 196)، ترجمہ: البتہ تم میں سے جو بیمار ہو، یا اس کے سر میں کوئی تکلیف ہو (جس کی وجہ سے سر منڈالے) تو اس پر فدیہ ہے، خواہ روزے رکھ لے، خواہ صدقہ دے دے، خواہ قربانی کرے۔

Translation:

One of the rules of Shari'ah is to ease in all the matters in which there is difficulty.

Rules related to this

(2) الْمَشَقَّةُ تَجْلِبُ التَّيْسِيرَ (2) إِذَا ضَاقَتِ الْأُمُورُ اتَّسَعَتْ
(3) لَا ضَرَرَ وَلَا ضِرَارَ (4) الضَّرْرُ يُزَالُ

Some versions have:

قاعدة الشريعة التيسير

Explanations and some jurisprudential points:

proof:

49.

1. (Baqarah: 185), Translation: Allaah intends for you ease, and not hardship.

50.

2.. (Nisa: 38), Translation: Allaah wants to reduce the burden from you.

51.

.3

(Al-Baqarah: 196)

Examples:

52.

* If the patient feels hardship (mashaqqat), then the excuse for breaking the fast is permissible in shar'iah.

53.

* If the patient does not feel any hardship (mashaqqat), then there is no shar'i excuse to break the fast.

54.

* If the patient fears both hardship and harm (zarar), then fasting is haraam because suicide is haraam in Islam.

55.

* Similarly, if the traveler feels hardship, then it is mustahabb not to fast, and if the traveler does not feel hardship, then it is mustahabb to fast.

56

4- وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ - (حج: 78)، ترجمہ: اور تم پر دین کے بارے میں کوئی تنگی نہیں

ڈالی۔

5. In some acts of worship, there is a reward for hard work, but it does not mean that a person should put in hardship purposely.

58.

6. The Shari'ah did not issue such orders which are out of the capacity of human being (Ibn Uthaymeen)

59.

.7

The Shari'ah which has issued orders, if there is difficulty in it, then Shariah has made it easy in the form of reducing or forgiving. (e.g =Qasr, tayammum, Salat al-Qa'ood (performing salah in the sitting position , the combination of 2 salah, no responsibility of salah and tawaf at time of period

Lesson no.8

16. وَلَيْسَ وَاجِبٌ بِلاِ اِقْتِدَارٍ وَلَا مُحَرَّمٌ مَعَ اضْطِرَارٍ

Translation:

And it is not obligatory in the absence of ability and it is not haraam in times of compulsion (unavoidable circumstances).

Rules which is related to this rule:

لا وَاجِبٌ مَعَ الْعَجْزِ وَلَا مُحَرَّمٌ مَعَ اضْطِرَارٍ.

Explanation with examples and some jurisprudential points:

proofs:

60

1.

" لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا " (2:286)

61

2. Prophet Muhammed sallallahu alaihi wasallam said :

:فَإِذَا أَمَرْتُكُمْ بِشَيْءٍ فَأَتُوا مِنْهُ مَا اسْتَطَعْتُمْ . وَإِذَا نَهَيْتُكُمْ عَنْ شَيْءٍ فَدَعَوْهُ. (صحيح

مسلم: 1337)

Example:

62.

Encyclopedia of Islamic jurisprudence of Twaijiri: If one is unable, then the obligatory is forsaken (discarded).

63.

1- Whoever is unable to perform, then the (Shuroot شرط), Waajibaat and obligations (furooz and Arkaan) are waived and forsaken (discarded) and he will perform as much as he can afford.

64.

2.

In the same way, if a person who does not have the strength to fast due to old age or if he has a disease for which he does not hope to get healthy, then he should leave or break his fast and feed a poor person as Kaffarah

65.

Similarly, If a person is not able to perform Hajj, then Hajj is not obligatory upon him. (Al-Imran: 97)

66.

4 - When Anas (may Allah be pleased with him) became old, he did not fast and fed one poor person in return for every fast (he fed 30 poor people).

67.

5 - And if he has left the fast due to travel or if he has left the fast due to temporary illness and then he has recovered, he will make up the missed SAUM.

(Taghabun: 16) فَأَنْقُوا اللَّهَ مَا اسْتَطَعْتُمْ. (تغابن: 16)،

68.

6- Shaykh Ibn Baaz (may Allaah have mercy on him) said: الضرورات تبيح المحظورات (Haram become lawful in the case of unavoidable circumstances) this rule is based on the ayat Surah Anam 119

69.

7 - Knowledge of RUKSAT and AZEEMAT (determination) is necessary knowledge:

That is, it is necessary to know about RUKSAT and AZEEMAT (determination). In the same way, it is necessary to know the prohibitions (mani), causes (ASBAAB), conditions (shart), ARKAAN, WAJIBBAT, sunnahs, reasons (illat), Nullifiers (nawaqiz), reason for obligations (MUJIBAAT), corruption and invalidity (fasad or BUTLAN)

مانع، سبب، شرط، ركن، واجب، سنن وعلت ونواقض وموجبات وفساد وبطلان فَأَنْقُوا اللَّهَ مَا اسْتَطَعْتُمْ. (تغابن: 16)،

70.

If a person is so hungry that if he does not eat he will die – and if he has only haraam food then he can eat something in such a state – this is the proof in (surah Baqarah: 173)

71.

9- In the same way, one does not become a disbeliever by saying kufr in compulsion (unavoidable circumstances). Ammar ibn Yasir (may Allah be pleased with him) uttered the word kufr in the state of compulsion. (Surah Nahal: 106) –

72

Applied Example: Forms of Inability:

1. Ablution: If the hand is broken, then the ablution is complete even though there is no water on it.

2. Compensation (kaffarah)

3. Unable to reach wudoo 'because of the enemy

4. Or if he is able to perform half deed then he has to perform half and other half will be excused for example if he can stand in Qiyam but not in Rukoo so he cannot use the chair while standing, but he can use while bowing.

Note: It is important to know the effects of state of not deliberateness or forgetfulness or ignorance Before issuing rulings, it is important to ask the

questioner whether you did it deliberately or intentionally or by mistake or in ignorance. The rulings are based on these.

In jurisprudence of worship, Shaykh Ibn 'Uthaymeen (may Allaah have mercy on him) has observed this in his fatwa.

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Lesson no.9

17. وَكُلُّ مَحْظُورٍ مَعَ الضَّرُورَةِ بِقَدْرِ مَا تَحْتَاجُهُ الضَّرُورَةُ

And every haraam thing will be permissible in the state of unavoidable circumstances as much as is required and do not excess more than requirement

Explanation and examples and some jurisprudential points:

73

1. Necessity or distress or compulsion is defined as the abandonment of which causes great harm and doesn't have substitute. Some have taken it to mean the loss of life or limbs.

74

2

"necessary, need, benefit, adornment and waste".

You should differentiate in all

74

Need: If you don't eat, you will die.

Hajat: an example of HAJAT is To fill the crack for making the cup with silver, it is a type of Hajat .

Benefit: Lack of which causes loss and causes benefit from gaining.

Adornment: There is benefit from getting and there is no harm from not getting.

Waste: which does not cause harm if done some time but it is harmful in excess

75

Knowledge of hierarchy and division: It is important to keep these things in mind when deciding on rulings:

1. state of Compulsion is the opposite of state of ability
2. Deliberateness is the opposite of deliberateness
3. remembrance is the opposite of forgetfulness
4. knowledge is the opposite of ignorance
5. Helplessness is the opposite of ability and capability

.76

- Note: If there is a way to resolve the compulsion, do not commit Muharram, such as if the woman is sick, and female doctor is available then she should not consult a male doctor In the same way, do not commit Muharram even if there is no solution to the compulsion.

77

4. Note: Avoid extensions in committing prohibitions.

78

5. As soon as the cause of mahzur (haram) is over, the act should be stopped.

For example if you get the water then no need to go for the option of tayammum

79

6. Compulsion does not invalidate the rights of people, for example: if a camel came to attack and was killed to save the innocent , then the owner of the camel will not have the right to demand for money but if a man sacrifices and eats the camel in a state of compulsion then the owner of camel can demand the money or compensation.

80

-7- If a man saw someone's possession falling on him and he is unable to save the falling possessions and happens to save himself from harm due to the falling possession the he will not be accountable , but If he throws someone's belongings and did not throw his own, then the owner of the property has the right to demand because the weight on the boat was due to everyone.

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Lesson no.10

18. Wa Tarji'ul Ahkaamu Lil Yaqeeni Fa la yuzeelush shakku lil yaqeeni

Translation: And rulings are based on certainty, as certainty is not removed by doubt.

Maxim: Certainty is not removed by doubt

Explanation, Examples and Some Jurisprudential Points:

81:

- 1) There are five types of thoughts that arise inside the human perception.
 - a) Al Yaqeen (Certainty)
 - b) Zann E Ghalib (Strong Probability)
 - c) Zann E Masaawi (Equal Probability)
 - d) Shakk (Doubt)
 - e) Wahm (Illusion)

82:

- 2) If a person comes to pray insha and he doubts the validity of his ablution (i.e whether it has been broken or not) after he was certain that he was in as state of purity from maghrib, then this doubt will not overrule certainty until another strong certainty breaks the origin. This doubt is from the devil. Allah Subhanahu Wa Ta'ala says, "Certainly, conjecture can be of no avail against the truth."(Surah Yunus,10:36)

83:

- 3) A man woke up in a state of impurity and intended to perform ablution but at the time of dhuhr, he doubted his ablution. In this scenario, because of Asl(origin), his ablution will not be considered.

84:

Note: Shaikh Bin Baz Rahimahullah Says: “If doubt arises regarding the validity of ablution, then judgment will be based on certainty. It will not be based on doubt, hesitation, strong probability and equal probability. Unless you are certain that your ablution has been nullified, ablution is not obligatory.”(Fatwa No. 4951)

85:

- 4) In the same manner, what about a person who imagined to have passed wind during salat? Allah’s Messenger Sallallahu Alayhi Wa Sallam Said: “He should not leave his salat unless he hears sound or smells something.”(Sahih Bukhari: 137)

86:

- 5) Similarly, what should be done if one doubts the number of praying units? It was narrated from Abu Sa’eed Khudri Raziallahu Anhu that the Prophet Sallallahu Alayhi Wa Sallam said: “If one of you is not sure about his prayer, let him forget about what he is unsure of and complete his prayer on the basis of what he is sure of.”(Sunan Nasai: 1239)

87:

- 6) If one was in a state of purity in the morning and then after doubted his ablution, then based on the Asl (Origin) he will be considered as pure [But jurists differ on this issue. According to Malikiyah, prayer should be offered in a state of certainty]. In order to remove oneself from this difference and doubt, ablution must be performed precautionarily. But the door of doubt should not be enlarged so that a man becomes crazy or lunatic and afflicted with skepticism. As Ibne Qayyim Rahimahullah Says, “Don’t get hunted by that illusion, in which people even after immersing in the sea doubt whether water has touched them or not? Or else devil will play with you like he plays with a pebble.” (I have heard this from my teacher during a class while I was studying in Jamia Islamia) In this state, the first solution given by Shaikh Bin Baz Rahimahullah will be implemented upon.

Allah knows best

Lesson no.11

19. Wal Aslu Fee Miya'hinath Taharah Wal Arzi Was Siyaabi Wal Hijaarah

Translation: Concerning water, the principle is that it is pure, as well as the earth, clothing, and stones.

The Original Case [Asl]: [The principle on which verdicts are continuously based] A principle based on which, the verdicts are perpetuated.

Explanation, Examples and Some Jurisprudential Points:

88:

7) Everything has its own basic principles. Rulings will be issued based on those principles.

89:

An Applicable Example:

8) Let us assume that a person has illegally occupied the house of another person. Though the prayer will be considered as valid in that house because the conditions of prayer are being fulfilled, yet he will be considered as sinful. The basic ruling on land is that it's pure until there is clear evidence on its impurity. Theft is a sin but it will not impurify the land.

90:

There are four scenarios of this maxim, they are as follows:

- A. If there is a clear evidence of permissibility, then it will be ruled out as permissible.
- B. If there is a clear evidence of prohibition, then it will be ruled out as prohibited.
- C. If there is a contradiction between the evidences of permissibility and evidences of prohibition, then preference would be given to prohibition.
- D. If neither there is evidence of prohibition nor of permission, then the judgment will be based on its basic principles.

91:

First Applicable Example:

If you are ignorant of the impurity of water, then based on its basic principle, the water will be considered as pure because the principle ruling on water is that it is pure.

“And it is He who sends the winds as good tidings before His mercy, and we send down from the sky pure water.”[25:48]

Abu Sa'eed AI-Khudri narrated:

"It was said, 'O Allah's Messenger! Shall we use the water of Buda'ah well to perform ablution while it is a well in which menstruation rags, flesh of dogs and the putrid are dumped?' Allah's Messenger said: 'Indeed water is pure, nothing makes it impure.'" [Sunan Tirmidhee: 66]

92:

Second Applicable Example:

Principle ruling on earth is that it is pure:

Narrated Jabir bin `Abdullah:

Allah's Messenger (ﷺ) said, "I have been given five things which were not given to any amongst the Prophets before me. These are: -1. Allah made me victorious by awe (by His frightening my enemies) for a distance of one month's journey. -2. The earth has been made for me (and for my followers) a place for praying and a thing to perform Tayammum. Therefore my followers can pray wherever the time of a prayer is due. -3. The booty has been made Halal (lawful) for me (and was not made so for anyone else). -4. Every Prophet used to be sent to his nation exclusively but I have been sent to all mankind. -5. I have been given the right of intercession (on the Day of Resurrection.) [Sahih Bukhari : 438]

93:

Third Applicable Example:

The companions of the prophet {May Allah be pleased with all of them} used to wear the clothes stitched by the disbelievers without washing them. Shaikh Uthaymeen Rahimahullah said that the principle ruling on the clothes made by disbelievers is of permissibility, as long as it doesn't contradict the shariah.

94:

Fourth Applicable Example:

Stones are from one of the categories of earth. The principal ruling on earth is that it is pure. So praying on it, performing tayammum from it and purification from its stones was made permissible.

20. Wal Aslu fil Abza'ee wal Luhoomi	Wan Nafsil Amwaalil Masoomi
21. Tahreemuha Yajee'al Hillu	Fafham Hadaakallahu Ma Yumallu

Translation: Concerning marriage (nikah) and the types of (haram) meat and (innocent) life and property of the protected, the principle is that it is forbidden (haram) until there is a proof of its permissibility. May Allah guide you to understand i.e. what you have been dictated.

Note: Ma Yumallu: Quran has used the word 'Fal Yumlil' [2:282]

Explanation, Examples and Some Jurisprudential Points:

95:

“And they who guard their private parts” [23:5]

“Prohibited to you [for marriage] are your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, your brother's daughters, your sister's daughters, your [milk] mothers who nursed you, your sisters through nursing, your wives' mothers, and your step-daughters under your guardianship [born] of your wives unto whom you have gone in. But if you have not gone in unto them, there is no sin upon you. And [also prohibited are] the wives of your sons who are from your [own] loins, and that you take [in marriage] two sisters simultaneously, except for what has already occurred. Indeed, Allah is ever forgiving and Merciful.” [4:23]

- 1) Sexual Intercourse: Sexual Intercourse is absolutely forbidden until restrained by clear evidence.
- 2) In Principle, sexual intercourse is absolutely forbidden and marriage is absolutely permitted. While some fuqaha (Jurists) argue that marriage is also absolutely forbidden until restrained by clear evidence.

96:

Honor And Dignity:

“O you, who have believed, let not a people ridicule [another] people; perhaps they may be better than them; nor let women ridicule [other] women; perhaps they may be better than them. And do not insult one another and do not call each other by [offensive] nicknames. Wretched is the name

of disobedience after [one's] faith. And whoever does not repent - then it is those who are the wrongdoers." [49:11]

97:

Life:

Say, "Come, I will recite what your Lord has prohibited to you. [He commands] that you not associate anything with Him, and to parents, good treatment, and do not kill your children out of poverty; we will provide for you and them. And do not approach immoralities - what is apparent of them and what is concealed. And do not kill the soul which Allah has forbidden [to be killed] except by [legal] right. This has He instructed you that you may use reason." [6:151]

Narrated `Abdullah bin `Amr:The Prophet (ﷺ) said, "Whoever killed a Mu'ahid (a person who is granted the pledge of protection by the Muslims) shall not smell the fragrance of Paradise though its fragrance can be smelt at a distance of forty years (of traveling)." [Sahih Bukhari: 6914]

98:

Property:

"O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful." [4:29]

Narrated Ibn `Umar:The Prophet (ﷺ) said at Mina, "Do you know what day is today?" They (the people) replied, "Allah and His Apostle know better," He said "Today is 10th of Dhul-Hijja, the sacred (forbidden) day. Do you know what town is this town?" They (the people) replied, "Allah and His Apostle know better." He said, "This is the (forbidden) sacred town (Mecca a sanctuary)." And do you know which month is this month?" They (the People) replied, "Allah and His Apostle know better." He said, "This is the Sacred (forbidden) month." He added, "Allah has made your blood, your properties and your honor Sacred to one another (i.e. Muslims) like the sanctity of this day of yours in this month of yours, in this town of yours." [Sahih Bukhari: 6043]

99:

Meat:

- 1) According to sheikh sa'di, in principle, meat is absolutely forbidden whereas according to sheikh shitri, meat is absolutely permitted. The evidence of sheikh sa'di is:

Narrated `Adi bin Hatim: I said, "O Allah's Messenger (ﷺ)! I let loose my hound after a game and mention Allah's Name on sending it." The Prophet (ﷺ) said, "If you let loose your hound after a game and you mention Allah's Name on sending it and the hound catches and kills the game and eats of it, then you should not eat of it, for it has killed it for itself." I said, "Sometimes when I send my hound after a game, I find another hound along with it and I do not know which of them has caught the game." He said, "You must not eat of it because you have not mentioned, the Name of Allah except on sending your own hound, and you did not mention it on the other hound." Then I asked him about the game hunted with a Mi'rad (i.e. a sharp edged piece of wood or a piece of wood provided with a sharp piece of iron used for hunting). He said, "If the game is killed with its sharp edge, you can eat of it, but if it is killed by its broad side (shaft), you cannot eat of it, for then it is like an animal beaten to death with a piece of wood." [Sahih Bukhari:5486, Sahih Muslim:4974]

100:

2) Jurisprudential differences between meats and animals:

According to fuqaha(jurists), In Principle, animals are absolutely permitted until restrained by clear evidence. According to sheikh sa'di, In Principle, meat is absolutely forbidden.

101:

- 1) Animals: In principle, animals are permissible until it doesn't contradict the shariah. For example, if an animal hunt with their tooth/claws, mutilates their prey or an animal that has been clearly or explicitly prohibited in the quran or sunnah. [Mukhtasar Al Fiqh Al Islami]

Those animals and birds which have been prohibited in the shariah:

- A) Animals that have been clearly and explicitly declared as impure and filthy in the quran or sunnah, such as pig, donkey etc...
- B) Animals which are restrained by a clear text (evidence), such as animals with canines and incisors.
- C) All predatory birds i.e. those who hunt with their claws/talons are considered forbidden.
- D) Animals whose impurity and filthiness is known, such as rats, insects etc...
- E) Animals that have been commanded to kill in the quran or sunnah, such as scorpions, snakes etc...
- F) Animals that have been prohibited to kill in the quran or sunnah, such as frog.
- G) Animals which consume smelly dead bodies of other animals.
- H) Animals whose one parent is permitted (halal) and the other parent is haram (forbidden). Such as mule, it is the offspring of a male donkey (haram) and a female horse (halal).
- I) Animals which are dead and to be abandoned. The animals to be abandoned are those on which Allah's name was not mentioned before slaughtering and animals which

shariah has forbidden to consume such as animals which have been robbed or stolen etc...

- J) All animals that hunt with their tooth are considered forbidden such as tiger, lion, cheetah, wolf, elephant, jaguar, dog, fox, pig, cat, monkey etc... However, hyena is permissible (halal). Shaikh Albanee Rahimahullah and Shaikh Bin Baz Rahimahullah declared it lawful based on a clear text of sunan tirmidhee, hadith no. 851.

Ibn Abi Ammar said: "I asked Jabir bin Abdullah: 'Is the hyena game?' He said: 'Yes'" He said: "I said: 'Can it be eaten?' He said: 'Yes.'" He said: "I said: 'Did the Messenger of Allah say that?' He said: 'Yes.'"

- K) All birds of prey i.e. those who hunt with their claws/talons are considered forbidden (haram) such as falcon, eagle, kite, hawk, bat, owl etc...
- L) All birds which consume smelly dead bodies of other animals such as vulture, woodpecker, raven, latora, qitaaf (a bird similar to swallow) etc...
- M) All land animals are lawful except those animals which have been discussed previously and likes of those animals. Therefore, cattle is lawful to eat such as cow, camel, goat, zebra, horse, hyena, goh, deer, rabbit, blue bull, giraffe etc... and other wild animals as well.
- N) All birds are lawful except those birds which have been discussed previously and likes of those birds. Therefore, birds such as ostrich, hen, pigeon, sparrow etc... are lawful to eat.

[For Further Details Refer To The Book, "Mukhtasar Al Fiqh Al Islami"]

102:

2) Meats:

However, In Principle, meat is absolutely forbidden until restrained by clear text. For example, if an animal got shoot by an arrow and fell into water. Animal died. Now the doubt arises that whether it died due to arrow or water? Based on the principle, it will considered as forbidden.

Narrated An-Nu'man bin Bashir: "I heard Allah's Messenger (ﷺ) saying, 'Both legal and illegal things are evident but in between them there are doubtful (suspicious) things and most of the people have no knowledge about them. So whoever saves himself from these suspicious things saves his religion and his honor. And whoever indulges in these suspicious things is like a shepherd who grazes (his animals) near the Hima (private pasture) of someone else and at any moment he is liable to get in it. (O people!) Beware! Every king has a Hima and the Hima of Allah on the earth is His illegal (forbidden) things. Beware! There is a piece of flesh in the

body if it becomes good (reformed) the whole body becomes good but if it gets spoilt the whole body gets spoilt and that is the heart.”[Sahih Bukhari: 52]

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Lesson no.12

22.Wal Aslu fee Adaatinal Ibaaha

Hatta Yajee'aa Saariful Ibaaha

Translation: Concerning the customs (of the society) is that it is allowed unless there is a proof that says otherwise.

Maxim: Custom is the basis of judgement.

Explanation, Examples and Some Jurisprudential Points:

103:

1) Entire Life Is Worship:

“And I did not create the jinn and mankind except to worship me.” [51:56]

Say, "Indeed, my prayer, my rites of sacrifice, my living and my dying are for Allah, Lord of the worlds. [6:162]

104:

2) Worship Is Of Two Kinds:

- a) Religious Acts
- b) Customary Acts

105:

Difference between religious acts of worship and customary acts:

Religious acts of worship (Beliefs, Acts of Worship and Pillars of Islam): The basic rule regarding acts of worship is of silence and prohibition until the evidence of commandment doesn't become clear.

“Al Asl Fil Ibaadah Al Mana Hatta Yatee Daleel”

The proof for this maxim is:

“Or have they other deities who have ordained for them a religion to which Allah has not consented? But if not for the decisive word, it would have been concluded between them. And indeed, the wrongdoers will have a painful punishment.” [42:21]

Customary acts of worship: The basic rule regarding customary acts is of lawfulness until the evidence of prohibition doesn't become clear.

The proof for this maxim is:

“It is He who created for you all of that which is on the earth. Then He directed Himself to the heaven, [His being above all creation], and made them seven heavens, and He is Knowing of all things.” [2:29]

Anas ibn Malik reported: The Messenger of Allah, peace and blessings be upon him, passed by people grafting trees. The Prophet said, “**It would be better if you did not do that.**” They abandoned the practice and there was a decline in the yield. The Prophet passed by again and said, “What is wrong with your trees?” They said, “You said not to do so.” The Prophet said, “**You have better knowledge of the affairs of your world.**”

In another narration, the Prophet said, “**If doing so would benefit them, then do so. Verily, I had an opinion, so do not blame me for my opinion. If I tell you something about Allah, adhere to it. I never lie about Allah Almighty.**” [Sahih Muslim: 2363]

106:

Explanation:

- 1) Customs stands for those acts which are neither religious nor done with intention of seeking reward.
- 2) Customs refers to traditional acts/practices.
- 3) Mubah: Mubah refers to those acts regarding which the shariah is neutral. {It's equal even if you do it or not. You will be neither be punished nor be rewarded for performing it or abstaining from it }
- 4) Note: Reconciliation between religious acts and customary acts will be done by the firmly grounded scholars, not by laymen.

“It is He who created for you all of that which is on the earth. Then He directed Himself to the heaven, [His being above all creation], and made them seven heavens, and He is Knowing of all things.” [2:29]

Lesson no.13

23. Wal Laysa Mashru'an Minal Umoori Ghairullazi Fee Shar'eena Mazkoori

Translation: And there is nothing legislated except which that is mentioned in our shariah (legislation).

Maxim: The basic rule regarding acts of worship is of silence and prohibition.

Explanation, Examples and Some Jurisprudential Points:

107:

3) Evidences:

“Or have they other deities who have ordained for them a religion to which Allah has not consented? But if not for the decisive word, it would have been concluded between them. And indeed, the wrongdoers will have a painful punishment.” [42:21]

Al-'Irbad ibn Sariyah reported: The Messenger of Allah, peace and blessings be upon him, prayed with us one day. Then, he faced us and delivered an eloquent sermon that brought tears to our eyes and by it shook our hearts. It was said, “O Messenger of Allah, it is as if this is a farewell address. What do you instruct for us?” The Prophet said, “**I advise you to fear Allah, listen, and obey, even if an Abyssinian slave is put in charge of you. Whoever lives after me will see many conflicts. You must adhere to my Sunnah and the Sunnah of the righteous, guided successors. Hold firmly to it as if biting with your molar teeth. Beware of newly invented matters, for every new matter is an innovation and every innovation is misguidance.**” [Sunan Abu Dawood: 4607]

Aisha reported: The Messenger of Allah, peace and blessings be upon him, said, “**Whoever innovates into this matter of ours that which does not belong to it, it will be rejected.**” In another narration, the Prophet said, “**Whoever performs a deed that is not in accordance with our matter, it will be rejected.**” [Sahih Bukhari: 2550, Sahih Muslim: 1718]

108:

First Applicable Example:

If a man prays five units of prayer in zuhr with the intention of seeking reward, then not only his fifth unit of prayer will become invalid but also his entire zuhr prayer becomes invalid.

109:

Second Applicable Example:

During ablution, if someone washes any body part four times, Then washing for the fourth time will be incorrect but overall is ablution will not be incorrect.

110:

Third Applicable Example:

- 1) It is wrong to innovate prescribed acts of worship.
- 2) It is also wrong to innovate in prescribed acts of worship with regards to its numbering, way of performing, place, congregationally and individually unless restrained by a clear text.
- 3) It is wrong to innovate our own acts of worship until the evidence doesn't become clear to us.

[Refer to the books of Shaikh Saleh Al Fawzan Hafizahullah]

Lesson no.14

24. Was Sa'ilul Umoori Kal Maqasidi Wahkum Bi haazal Hukmi Liz Zawa'idi

Translation: And roads that lead to an end (whether haram or halal), then the ruling is applied to that as well.

Explanation, Examples and Some Jurisprudential Points:

111:

- 1) Every process can be divided into three stages:
 - a) Leave
 - b) Reach
 - c) Return

For instance, we leave for mosque, then reach it and pray there. At last, we return to home.

Whenever we want to complete a process, usage of integral factors becomes obligatory. The ruling on those integral factors will be same that of the process.

112:

- 2) If a non-muslim prays, his prayer is invalid because for the validity of prayer, his being muslim is a must requirement (or) an obligation.

113:

3) Maxims Of Fiqh:

- Whatever is necessary to complete an obligation is itself an obligation.
- Whatever is necessary to complete a recommended act is itself recommended.
- Whatever leads to forbidden acts is itself forbidden.
- Whatever leads to disliked acts is itself disliked.
- Whatever leads to neutral acts is itself neutral.

114:

- 4) Prayer is obligatory. So we can understand from this maxim that leaving for masjid also becomes obligatory. Thus, if something is commanded, then whatever factor is required to complete it is also commanded. Means of forbidden acts are forbidden, Means of disliked acts are disliked and Means of recommended acts are recommended.

115:One Command Can Be Divided Into Three Components:

- 1) Purposes, For Example Prayer.
- 2) Integral Factors, For Example Solution.
- 3) You will be rewarded until you return to your home as long as you don't change your intention for another permissible act and act by it.

25. Wal Qa'ta'oo Wal Ikrahu Wan Nisyanu Asqata'hu Ma'boodunar Rehmanu

Translation: As far as honest mistakes, being forced, or forgetting (is considered) then such is pardoned by the most merciful, whom we worship.

Explanation, Examples and Some Jurisprudential Points:116:Evidences:

Allah does not charge a soul except [with that within] its capacity. It will have [the consequence of] what [good] it has gained, and it will bear [the consequence of] what [evil] it has earned. "Our Lord, do not impose blame upon us if we have forgotten or erred. Our Lord, and lay not upon us a burden like that which you laid upon those before us. Our Lord, and burden us not with that which we have no ability to bear. And pardon us; and forgive us; and have mercy upon us. You are our protector, so give us victory over the disbelieving people." [2:286]

On the authority of Ibn Abbas (may Allah be pleased with him), that the Messenger of Allah (peace and blessings of Allah be upon him) said:

"Verily Allah has pardoned [or been lenient with] for me my ummah: their mistakes, their forgetfulness, and that which they have been forced to do under duress." [Al Jamius Saheeh: 1836]

Explanation:

117:

1) Qata'oo: Forgetfulness / Mistakes, Asqaat: To remove the effect of something.

2) Qata: Meaning contrary of reward, Meaning contrary to the right path or unintended.

“And never is it for a believer to kill a believer except by mistake. And whoever kills a believer by mistake - then the freeing of a believing slave and a compensation payment presented to the deceased's family [is required] unless they give [up their right as] charity. But if the deceased was from a people at war with you and he was a believer - then [only] the freeing of a believing slave; and if he was from a people with whom you have a treaty - then a compensation payment presented to his family and the freeing of a believing slave. And whoever does not find [one or cannot afford to buy one] - then [instead], a fast for two months consecutively, [seeking] acceptance of repentance from Allah. And Allah is ever knowing and Wise.” [4:92]

“Call them by [the names of] their fathers; it is more just in the sight of Allah. But if you do not know their fathers - then they are [still] your brothers in religion and those entrusted to you. And there is no blame upon you for that in which you have erred but [only for] what your hearts intended. And ever is Allah Forgiving and Merciful.” [33:5]

“Allah will not impose blame upon you for what is meaningless in your oaths, but He will impose blame upon you for [breaking] what you intended of oaths. So its expiation is the feeding of ten needy people from the average of that which you feed your [own] families or clothing them or the freeing of a slave. But whoever cannot find [or afford it] - then a fast of three days [is required]. That is the expiation for oaths when you have sworn. But guard your oaths. Thus does Allah make clear to you His verses that you may be grateful.” [5:89]

An Example:

If a person strikes an arrow towards a prey but mistakenly it strikes a Muslim. Then,

“And never is it for a believer to kill a believer except by mistake. And whoever kills a believer by mistake - then the freeing of a believing slave and a compensation payment presented to the deceased's family [is required] unless they give [up their right as] charity. But if the deceased was from a people at war with you and he was a believer - then [only] the freeing of a believing slave; and if he was from a people with whom you have a treaty - then a compensation payment presented to his family and the freeing of a believing slave. And whoever does not find [one or cannot afford to buy one] - then [instead], a fast for two months consecutively, [seeking] acceptance of repentance from Allah. And Allah is ever knowing and Wise.” [4:92]

118:

3) Forgetfulness:

An Example:

If a man was immersed in a work before the arrival of prayer time and in such a manner that prayer time ended. In a state of forgetfulness, he is still waiting for prayer. He will be forgiven for his forgetfulness and he should pray as soon as he remembers.

Narrated Anas: The Prophet (ﷺ) said, "If anyone forgets a prayer he should pray that prayer when he remembers it. There is no expiation except to pray the same." Then he recited: "Establish prayer for my (i.e. Allah's) remembrance." (20.14). [Sahih Bukhari : 597, Sahih Muslim : 684]

119:

Principle Of Forgetfulness and Mistake:

If someone commits a mistake in forbidden, disliked, and necessary matters then he will be forgiven for not fulfilling the rights of Allah Subhanahu Wa Ta'Ala. But, If he mistakenly doesn't perform any obligatory act during hajj then Damm (Sacrifice of a small animal such as sheep or goat) becomes obligatory on him. Based on the evidences, scholars have differentiated between obligation and violations.

The Prophet (ﷺ) commanded a companion to repeat his prayer because the companion missed out obligatory pillars of the prayer. On the other hand, a companion mistakenly (or) unknowingly spoke during prayer but he was not commanded to repeat his prayer. In the same manner, recovery of loss is a must so blood money was declared as a compensation for the mistake of killing.

120:

4) Compulsion: If someone was compelled to commit a blasphemous act or a forbidden act.

121:

5) It will be considered as his necessity when the situation will not be under his control. There are three persons. First person warned second person that if he didn't kill the third person, he would be killed. If second person disobeys first person and gets killed, then he would be considered a martyr. If second person obeys first person and kills third person, then both of them would be retaliated.

Narrated Zaid: That he heard the Messenger of Allah (ﷺ) saying: "Whoever is killed over his wealth then he is a martyr, and whoever is killed over his religion, then he is a martyr, and whoever is killed over his blood, then he is martyr, and whoever is killed over his family, then he is martyr."

[Abu Dawood: 4774, Sunan Tirmidhee: 1421]

122:

6) There are many scenarios of compulsion:

- A. **Uncontrollable Compulsion:** If a person is thrown from the mountain cliff.
- B. **Secured Uncontrollable Compulsion:** A person warned B person that if he didn't kill C person, he would be killed. In this case, 'A' should not make necessity as an excuse and kill 'C' because killing an innocent is forbidden in shariah.
- C. **Unsecured Uncontrollable Compulsion:** If he disobeys 'C', then judgment must be based on the collation between benefit and harm. By obeying the Islamic laws as well as the law of the land, Prefer a lesser harm to a greater harm.[Shaikh Shitri Hafizahullah]

Lesson no.15

26. However, with damage [to property], a liability is affirmed, whilst the sin and shortcoming are negated.

Translation: However, with damage [to property], a liability is affirmed, whilst the sin and shortcoming are negated.

Explanation, Examples and Some Jurisprudential Points:

123:

If a man commits sin mistakenly or in a state of forgetfulness, then he will not be considered sinful. However, he has to compensate for the sin.

124:

Example:

- 1) A man pushed a man on another man. Due to this, the man (on whom the second man fell) died. The second man will not be held responsible for this sin because the accident was not under his control. However, the first person has to compensate for the sin and he has pay the diyat (i.e. blood money).

125:

- 2) A man promised to meet another man on a given specific time. He forgot his promise and could not make up for the meeting. Though he is not sinful, yet he needs to apologize to that person.

126:

- 3) If a person killed someone by mistake, He will not be sinful but he has to pay the diyat (i.e. blood money).

127:

- 4) In the Islamic shariah, if a man consumes the stolen meat of the hen in a state of helplessness, Though he will not be sinful, yet he needs to compensate for the sin in order to please the owner of the hen. Meaning, the sin will not be considered but in order to remove the effects of the sin, we need to compensate for the sin.

128:

- 5) If a man utters a blasphemous statement when he is threatened to be killed, then he will not be considered a disbeliever.

“Whoever disbelieved in Allaah after his belief, except him who is forced thereto and whose heart is at rest with Faith but such as open their breasts to disbelief, on them is wrath from Allaah, and theirs will be a great torment.” [16:106]

129:

- 6) Waiving off a greater liability is unacceptable, Waiving off an easy liability is forgiven. Similarly, compound ignorance is unacceptable, simple ignorance is forgiven.

Allaah knows best

27. From the rulings of connected matters, is allowance; however not when it independently occurs.

Translation: From the rulings of connected matters, is allowance; however not when it independently occurs.

130 .Maxim: Connected matters are allowed but not independently.

Explanation, Examples and Some Jurisprudential Points:

131:

First Example:

1. Unknown/Ambiguous sale is forbidden:

If a man buys a heap of chilies, he sees a chilly between the two heaps. He is not sure to which heap this chilly belongs. If he considers this chilly to be from his heap, then it is permissible

(However, leaving it is recommended). Because, this is simple ignorance and the matter is connected (Therefore, allowed).

132:

Second Example:

A man doesn't eat insects habitually. But if insects fall on fruits and rice, and he unknowingly eats them. Then, there is no sin upon him. For the time being, eating those insects will become permissible for him.

133:

Third Example:

An unknown sale is forbidden but it is permissible even if the basis of cultivation is unknown (On the basis of simple ignorance and being a connected matter). Selling a baby goat (which is still in the womb) is absolutely forbidden. However, selling it along with its mother (i.e. goat) is permissible.

134:

Third Example:

A house can be sold along with all its assets

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Lesson no.16

28. Customs are implemented in the case of a ruling of the noble shariah, left ambiguous.

Translation: Customs are implemented in the case of a ruling of the noble shariah, left ambiguous.

Explanation, Examples and Some Jurisprudential Points:

135:

First Example:

Allaah has ordered to being good to one's parents. The meaning of 'good behavior' will be defined according to the customs. This definition should not contradict the shariah.

136:

Second Example:

If one's parents leave in india and he (himself) leaves in another country, then he will provide living expenses to their parents according to the customs of india. He will not provide money based on his living expenses.

137:

Third Example:

If two wives of a person live in different countries or cities, then they will be provided living expenses based on their country's/ city's customs.

“O you who believe! You are forbidden to inherit women against their will, and you should not treat them with harshness, that you may take away part of the Mahr you have given them, unless they commit open illegal sexual intercourse. And live with them honourably. If you dislike them, it may be that you dislike a thing and Allaah brings through it a great deal of good.” [4:19]

138:

Difference between customs and urf:

Clarification: ‘Adaah’ is related to individuals and ‘urf’ is related to congregation/group.

139:

The meaning of ‘Lam Yuhadd’ is that the shariah didn’t prescribe a limit for an issue/ruling. For example, it was said regarding the mahr (i.e. dowry) that it should be confined by the locality. This is called ‘urf’.

Allaah knows best

29. The one, who hastens to a forbidden [reward] before it’s time, will be at a loss as well as deprived of it.

Translation: The one, who hastens to a forbidden [reward] before it’s time, will be at a loss as well as deprived of it.

Explanation, Examples and Some Jurisprudential Points:

140:

First Example:

If a person has deliberately taken his testator’s or legator’s life, he will be deprived of inheritance.

- The Messenger of Allaah (SallAllaahu Alayhi Wa Sallam) said: There is nothing for the murderer; and if he (the victim) has no heir, his heir will be the one who is nearest to him

among the people, but the murderer should not inherit anything. [Sunan Abu Dawud: Hadith No.4564]

- Abu Hurairah narrated that the Prophet (SallAllaahu Alayhi Wa Sallam) said: "The murderer will not inherit." [Sunan Tirmidhee: Hadith No.2109]

141:

Second Example:

When one, in last illness, divorces his wife, without her acceptance, to prevent her from inheritance; then, he died during her 'Iddah, she will inherit her share of his inheritance. [Fatawa Ulema Baladul Haram: Pg.334]

142:

Third Example:

However, wearing the ihram before the prescribed time and having the pre-dawn fasting meal before the prescribed time is permitted.

Allaah knows best

Lesson no.17

30. Translation: If a prohibition is committed within an action, or on its conditions; the action is corrupted and deficient.

Maxim: Prohibition causes corruption depending on the multi dimensions of the issue/ruling.

Explanation, Examples and Some Jurisprudential Points:

If the prohibition is related to an action or its conditions, then the action is corrupted. However, if the prohibition is related to an action or its conditions externally, then the action will be deemed correct. But, its sin will be written separately.

143:

Prohibition should neither be related to the action nor to its conditions:

Example:

A person performed ablution through golden utensils. Though he is sinful, yet his ablution will be deemed valid. The golden utensils are neither related to the action nor to the conditions of the action. It's an external factor. Performing ghusl (i.e. bath) and ablution through golden utensils is forbidden. (Shaikh Bin Baz)

144:

Note:

These kinds of issues are called multi-dimensional issues. Generally, a single ruling will be having two sides in these types of issues.

145:

“Najash” is a prohibited act. But it will neither have impact on the essence of sale nor on the contract of sale. So contract of sale is correct.

146:

Interfering while the sale is being contracted between two brothers is forbidden. But it will not impact the contract of sale. In the above two scenarios, the factors were external and not internal.

147:

Prohibition within an action:

Example:

Prohibition within an action: For example, praying maghrib during sunset, eating or drinking, speaking while praying, intentionally leaving an obligatory part of salah, forgetting to perform the pillars of salah etc...

148:

Prohibition within an action’s conditions:

Five Examples:

- Intentionally performing ablution with impure water
- Intentionally praying in the wrong direction
- Intentionally praying with filthy clothes
- Intentionally praying without purification
- Intentionally praying without ablution

Allah knows best

31. The one, who harms the aggressor, is not liable, after trying to repel in a manner, appropriate.

Translation: The one, who harms the aggressor, is not liable, after trying to repel in a manner, appropriate.

Explanation, Examples and Some Jurisprudential Points:

149:

Evidences:

“The way (of blame) is only against those who oppress men and wrongly rebel in the earth, for such there will be a painful torment”. [42:42]

“And fight them until there is no more Fitnah (disbelief and worshipping of others along with Allaah) and (all and every kind of) worship is for Allaah (Alone). But if they cease, let there be no transgression except against Az-Zalimun (the polytheists, and wrong-doers, etc.)”. [2:193]

150:

Clarification:

In the Islamic shariah, if someone harms you then there is no sin upon you for harming him in retaliation. But, you should retaliate in the best manner (i.e. without transgression). Avoiding the harm is different from causing the harm. If you harmed someone while avoiding the harm, then you are forgiven. You should retaliate by being in the prescribed limits of shariah.

“And indeed whosoever takes revenge after he has suffered wrong, for such there is no way (of blame) against them.” [42:41]

151:

Note: Defending yourself for the time being is permissible, whereas disobeying the law is impermissible.

152:

We should always follow “Law of the Land”. Peace loving citizens always obey the law and islam also says, “O you who believe! Fulfill (your) obligations” [5:1]. So, we have to keep our promises and be firm upon it. We shouldn’t take the law in our hands. We should seek counsel from the scholars regarding retaliation. We should never oppose the shariah and law of the land.

153:

Example:

If someone bites your hand and you have shook your hand suddenly. Due to this, his teeth broke. Now, there is no compensation on you. However, breaking his entire teeth will not be correct.

154:Example:

In the Islamic shariah, if you harm the eyes of a person who peeks into your house then there is no diyah (i.e. blood money) upon you. But, harming his head will be incorrect.

Narrated Abu Huraira: Abul Qasim (SallAllaahu Alayhi Wa Sallam) said, "If any person peeps at you without your permission and you poke him with a stick and injure his eye, you will not be blamed."

[Sahih Bukhari: Hadith No.6902, Sahih Muslim: Hadith No.2158]

Allaah knows best

Lesson no.18

32. Translation: **The ال (*) indicates a comprehensive generality, In plurals and individual entities like Al Aleem.**

Translation: The ال (*) indicates a comprehensive generality, In plurals and individual entities like Al Aleem.

- ❖ The ‘definite article’ is when a noun is suffixed with ‘Alif’ and ‘Laam’ such as ‘Al Aleem’ as opposed to ‘Aleem’.

Explanation, Examples and Some Jurisprudential Points:

155:

In the Islamic shariah, Al Aleem means ‘The All Knowing’. If I just say Aleem, then I have to add ‘Bizatis Sudoor’ to it.

“Surely, Allah is All-Knowing, All-Wise.” [9:28]

Here ‘Al’ is used for plurality.

“And Allah is All-Aware of the Zalimun (polytheists and wrong-doers)”. [2:95]

“For Allah knows well those who are Al-Muttaqun”. [3:115]

“And He is the All-Knower of everything”. [57:3]

Allah knows best

33. : An indefinite object, mentioned in the context of a negation, indicates a generality; [similarly an indefinite article] in the context of a prohibition.

Translation: An indefinite object, mentioned in the context of a negation, indicates a generality; [similarly an indefinite article] in the context of a prohibition.

Explanation, Examples and Some Jurisprudential Points:

156:

Negation:

“And they will never compass anything of His Knowledge except that which He wills.” [2:255]

In this example, the object is indefinite and there is negation in the beginning. The meaning it provides is, ‘No one encompasses his knowledge’.

157:

Prohibition:

“And invoke not any other ilah (god) along with Allaah”. [28:88]

Allaah knows best

Lesson no.19

34. And also “Whoever” (i.e. ‘man’ in Arabic) and “Whatever” (i.e. ‘min’ in Arabic) both indicate, every generality, O my younger brother, so listen.

Translation: And also “Whoever” (i.e. ‘man’ in Arabic) and “Whatever” (i.e. ‘min’ in Arabic) both indicate, every generality, O my younger brother, so listen.

Explanation, Examples and Some Jurisprudential Points:

158:

Evidences:

“So, whosoever does good equal to the weight of an atom (or a small ant), shall see it.” [99:7]

“And whatever good you do, (be sure) Allaah knows it.” [2:197]

Allaah knows best

35. Similarly, a singular noun if it is possessive, understand, may you be guided to intelligence, what proceeds.

Translation: Similarly, a singular noun if it is possessive, understand, may you be guided to intelligence, what proceeds.

Explanation, Examples and Some Jurisprudential Points:

159:

Evidences:

“And proclaim the Grace of your Lord (i.e. the Prophethood and all other Graces).” [93:11]

“And if you would count the graces of Allaah, never could you be able to count them.” [16:18]

Bismillah: According to sheikh sadi, ‘Bismillah’ means ‘In the All Names of Allaah’. It’s incorrect to translate ‘In the Name of Allaah’.

Allaah knows best

Lesson no.20

36. A ruling is not passed until there is a fulfillment of all conditions; and preventions are lifted.

Translation: A ruling is not passed until there is a fulfillment of all conditions; and preventions are lifted.

Explanation, Examples and Some Jurisprudential Points:

160:

Conditions of Takfeer and its hindrances:

Conditions (Ibne Uthaymeen):

1. We should be aware of person's transgression that renders him a kaafir.
2. He transgressed voluntarily.
3. There is no misinterpretation.

* If he transgressed involuntarily, this may take two forms:

- Ignorance
- Compulsion

Guidelines and Principles of Takfeer (ruling someone to be a kaafir):

Determining whether someone is a kaafir or a faasiq (faasiq) is not up to us, rather it is up to Allaah, may He be exalted, and His Messenger (peace and blessings of Allaah be upon him). This is one of the rulings of sharee'ah that is to be referred to the Qur'aan and Sunnah, so we should be very careful and base our judgement on clear proof. No one may be judged to be a kaafir or faasiq except the one whom the Qur'aan and Sunnah indicate is a kaafir or faasiq.

The basic principle is that the one who appears outwardly to be a Muslim of good character is regarded as still being a Muslim of good character, until it is proven that this is no longer the case

by means of evidence that is acceptable in sharee'ah. It is not permissible to take lightly the matter of judging someone to be a kaafir or faasiq, because that involves two very serious matters:

- 1 – It implies fabricating lies against Allaah with regard to this ruling, and fabricating lies against the one who is being judged.
- 2 – Falling into that which one accused one's brother of, if he is free from that.

In Saheeh al-Bukhaari (6104) and Saheeh Muslim (60) it is narrated from 'Abd-Allaah ibn 'Umar (may Allaah be pleased with him) that the Prophet (peace and blessings of Allaah be upon him) said: "If a man declares his brother to be a kaafir, it will apply to one of them." According to another report: "Either it is as he said, otherwise it will come back to him."

Secondly:

Based on this, before ruling that a Muslim is a kaafir or a faasiq, two things must be examined:

- 1 – The evidence of the Qur'aan or Sunnah that this word or this action implies that a person is a kaafir or a faasiq.
- 2 – Applying this ruling to a specific person who says or does that thing, such that the conditions of judging a person to be a kaafir or faasiq will be met in his case, and there are no impediments.

Among the most important of these conditions are the following:

- 1 – That he should be aware of his transgression that renders him a kaafir or faasiq, because Allaah says (interpretation of the meaning):

“And whoever contradicts and opposes the Messenger (Muhammad ﷺ) after the right path has been shown clearly to him, and follows other than the believers' way, We shall keep him in the path he has chosen, and burn him in Hell — what an evil destination!” [al-Nisa' 4:115]

“And Allaah will never lead a people astray after He has guided them until He makes clear to them as to what they should avoid. Verily, Allaah is the All-Knower of everything” [al-Tawbah 9:115]

Hence the scholars said that a person who denies obligatory duties should not be judged to be a kaafir if he is new in Islam, until that has been explained to him.

- 2 – A reason why he cannot be ruled to be a kaafir or faasiq is if he does something that incurs such a judgement involuntarily. This may take several forms such as:

For example, he may be forced to do that, so he does that because he is forced to, not because he accepts that. He is not a kaafir in that case, because Allaah says (interpretation of the meaning):

“Whoever disbelieved in Allaah after his belief, except him who is forced thereto and whose heart is at rest with Faith; but such as open their breasts to disbelief, on them is wrath from Allaah, and theirs will be a great torment” [al-Nahl 16:106]

Another example is when he is not thinking straight, so he does not know what he is saying because of extreme joy or sorrow or fear and so on. The evidence for that is the report narrated in Saheeh Muslim (2744) from Anas ibn Maalik (may Allaah be pleased with him) who said: The Messenger of Allaah (peace and blessings of Allaah be upon him) said: “Allaah rejoices more over the repentance of His slave when he repents to Him than one of you who was on his mount in the wilderness, then he lost it, and his food and drink are on it, and he despairs of finding it. He goes to a tree and lies down in its shade, having lost hope of finding his mount, and whilst he is like that, there it is standing in front of him, so he takes hold of its reins and says, because of his intense joy, ‘O Allaah, You are my slave and I am your lord,’ making this mistake because of his intense joy.”

3 – Misinterpretation. He may have some confusion and some misinterpretation that he adheres to, thinking that it forms evidence for his beliefs, or he may not be able to understand and comprehend shar’i evidence and proof in the proper way.

Therefore, judging someone to be a kaafir is not valid except in the case of one who deliberately goes against the shar’i evidence and who knows that he is wrong.

Allaah says (interpretation of the meaning):

“And there is no sin on you concerning that in which you made a mistake, except in regard to what your hearts deliberately intend. And Allaah is Ever Oft-Forgiving, Most Merciful” [al-Ahzaab 33:5]

Ibn Taymiyah (may Allaah have mercy on him) said in Majmoo’ al-Fataawa (23/349):

Imam Ahmad (may Allaah be pleased with him) prayed for mercy for them (i.e., the caliphs who were influenced by the view of the Jahamis who claimed that the Qur’aan was created, and supported it) and prayed for forgiveness for them, because he knew that it was not clear to them that they were disbelieving the Messenger and denying what he had brought, rather they misinterpreted and erred, and followed those who said that to them. End quote.

And he (may Allaah have mercy on him) said in Majmoo’ al-Fataawa (12/180):

With regard to takfeer (judging someone to be a kaafir), the correct view is that a member of the ummah of Muhammad (peace and blessings of Allaah be upon him) who strives to reach the truth concerning a certain issue, but reaches the wrong conclusion, is not to be deemed a kaafir, rather he will be forgiven for his mistake. But the one who understands the message brought by the Messenger, but deliberately goes against the way of the Messenger (peace and blessings of Allaah

be upon him) after true guidance has become clear to him, and follows a path other than that of the believers, is a kaafir. The one who follows his whims and desires and fails to seek the truth and speaks without knowledge is a disobedient sinner, and may be a faasiq, but he may have some good deeds that outweigh his bad deeds. End quote.

And he (may Allaah have mercy on him) said: (3/229):

However, and those who sit with me know this about me, I am always one of those who most emphatically forbid describing a specific person as a kaafir, faasiq or sinner, unless it is known that shar'i proof has been established against him, and it has been proven whether he is a kaafir, a faasiq or a sinner. I affirm that Allaah has forgiven this ummah for its mistakes, which includes mistakes in narrative and practical issues. The salaf continued to debate many of these issues but none of them testified that anyone else was a kaafir or a faasiq or a sinner.

He mentioned some examples, then he said:

I also state that what has been narrated from the salaf and the imams, stating that the one who says such and such is a kaafir, is also true, but it is essential to differentiate between general rules and specific cases.

... Takfeer is a kind of warning; even though the words may be a rejection of what the Messenger (peace and blessings of Allaah be upon him) said, the man may be new in Islam, or he may have grown up in a remote region. Such a person cannot be ruled to be a kaafir, no matter what he denies, unless proof has been established against him.

The man may not have heard of those texts, or he may have heard them but they were not proven to him, or he may have some ideas that are contrary to what he heard, that led him to misinterpret the text.

I always remember the hadeeth in al-Saheehayn, which speaks of the man who said: “ ‘When I die, burn me and crush (my bones), then scatter me in the sea, for by Allaah, if Allaah grasps hold of me He will punish me as He has not punished anyone else in the world.’ They did that, and Allaah said: ‘What made you do what you did?’ He said: ‘Fear of You.’ And He forgave him.”

This man doubted the power of Allaah and doubted that He would restore him if his remains were scattered; rather he believed that he would not be resurrected, which is kufr according to the consensus of the Muslims. But he was ignorant and did not know about that; however, he was a believer who feared that Allaah would punish him, so He forgave him because of that.

One who is qualified to engage in ijtihaad and who bases his incorrect notion on some misinterpretation of some text but is sincere in his keenness to follow the Messenger (peace and blessings of Allaah be upon him) is even more deserving of forgiveness than such a person. End quote.

(Based on Khaatimah al-Qawaa'id al-Muthla by Shaykh Ibn 'Uthaymeen (may Allaah have mercy on him).)

Because the matter of takfeer is so serious, and mistakes therein are so grave, the seeker of knowledge, especially if he is a beginner, should refrain from indulging in that, and he should focus on acquiring beneficial knowledge that will set his own affairs straight in this world and the Hereafter.

Thirdly:

Before we suggest some books to you, we should advise you to seek knowledge directly from scholars of Ahl al-Sunnah, because that is the easiest and safest way; but that is subject to the condition that the one from whom you learn is trustworthy in terms of his knowledge and religious commitment and following of the Sunnah, and in avoidance of whims and desires and innovations.

Muhammad ibn Sireen (may Allaah have mercy on him) said: This knowledge is the (foundation of) religion, so watch from whom you learn your religion. Narrated by Muslim in the Introduction to his Saheeh.

If it is not possible where you are to attend lessons given by scholars, then you can make use of their tapes, as it has become easy to obtain them on CDs and websites, praise be to Allaah. You can also benefit from some seekers of knowledge who are keen to acquire shar'i knowledge and follow the Sunnah; hardly any place is without such people, in sha Allaah.

Fourthly:

Books which you should strive to acquire and study include the following:

Tafseer: Tafseer Ibn Sa'di; Tafseer Ibn Katheer.

Hadeeth: al-Arba'een al-Nawawiyyah (al-Nawawi's 40), with a commentary thereon; al-Ihtimaam bi Jaami' al-'Uloom wa'l-Hukam by Ibn Rajab; Riyaadh al-Saaliheen – you may pay special attention to this blessed book, and you can also learn from the commentary thereon by Shaykh Ibn 'Uthaymeen (may Allaah have mercy on him).

Aqeedah: Study Kitaab al-Tawheed by Shaykh Muhammad ibn 'Abd al-Wahhaab, with its commentary; al-'Aqeedah al-Waasitiyyah by Shaykh al-Islam Ibn Taymiyah; some other useful essays on this topic such as Tahqeeq Kalimat al-Ikhlaas by Ibn Rajab and al-Tuhfah al-'Iraaqiyyah fi'l-A'maal al-Qalbiyyah by Ibn Taymiyah.

You can also benefit from Zaad al-Ma'aad by Ibn al-Qayyim (may Allaah have mercy on him) and many of his other books such as al-Waabil al-Sayyib and al-Da' wa'l-Dawa'.

This is a start. If you study these books, especially if there is someone who can help you to read and understand them, then you can move on to other books, in sha Allaah.

And Allaah knows best.

<https://islamqa.info/en/answers/85102/guidelines-on-takfeer-ruling-someone-to-be-a-kaafir>

161:

Some More Examples:

First Example: Conditions of takfeer and its hindrances

Second Example: Conditions of supplication and its hindrances

Third Example: Prayer and ablution

Fourth Example: Fasting, Charity (i.e. zakat) and Pilgrimage (i.e. hajj)

1. Pillars and Conditions of prayer and its hindrances or nullifiers.
 2. Pillars and Conditions of ablution and its hindrances or nullifiers.
 3. Pillars and Conditions of pilgrimage and its requisites.
 4. Pillars and Conditions of charity and its hindrances or nullifiers.
 5. Pillars and Conditions of fasting and its hindrances or nullifiers.
- Everyone should know these rulings precisely.

162:

Refer: Al Fiqh Wa Adillatuhu of Dr. Wahb Zuhaylee, Mukhtasar Fiqh Al Islami of Tuwayjiri, Al Mughni of Ibne Qudamah, Sharh Umdatul Fiqh of Ibne Jibreen, Sharh Umdatul Ahkaam wa Sharh Bulughul Maraam of Abdullah Fawzaan, Taleeqatur Raziyyah of Albanee, Shawkani and Nawab Siddiq Hasan Khan, Naylul Awtaar and Saylul Jaraar of Shawkani, Tamaamul Minnah of Albanee, Duroosul Muhimmah of Shaikh bin baz, Sharh Zaad al Mustaqni of Shaikh Uthaymeen, Shurooth wa Arkaanul Ibaadath of Madkhali, Muhammad bin Abdul Wahab and Shaikh bin baz, Mulakhisul Fiqh of Shaikh Salih Fawzan etc...

163:

Example:

Supplication will be accepted when it fulfills its conditions and it's free from its nullifiers/hindrances. Every act of worship has its own conditions and hindrances/nullifiers.

Unless, all the conditions are combined and all the nullifiers are removed, the action will not be complete. If a condition is missed or a nullifier exists, then action will not be complete.

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Lesson no.21

37) Whoever fulfills the requirements of an action is deserving of what is due from the action.

38) A part of an obligation is fulfilled, if there is difficulty in fulfilling the entirety of the obligation.

39) Everything which emanates from an allowance, such an action, for it, there is no liability.

Translation:

37) Whoever fulfills the requirements of an action is deserving of what is due from the action.

38) A part of an obligation is fulfilled, if there is difficulty in fulfilling the entirety of the obligation.

39) Everything which emanates from an allowance, such an action, for it, there is no liability.

Explanation, Examples and Some Jurisprudential Points:

164:

- 1) If a man performs an action (which was obligatory on him), He will be held accountable for the consequences of that action.
- 2) A man has cut the wrist of another man. The blood flew so immensely that he died. But, the man (who has cut the wrist) will not be held accountable or he will not pay the diyat (i.e. blood money). Because, he was an executioner. He was cutting the hand of a thief. He was on the correct side, so he will not be considered a criminal. But, money will be paid to the family of thief from the public treasury (i.e. Baitul Maal). If a layman would have been in the place of an executioner, then would have been held accountable and he would have also needed to pay the diyat (i.e. blood money).

165:

A good action will have good effects; a bad action will have bad effects.

Example:

If a person digs a well across the path and someone dies by falling into it, then there are two scenarios of this issue:

- 1) If the owner of the well has dug the well intentionally in order to harm the people, then he has to pay the diyat (i.e. blood money).
- 2) If the owner of the well has dug the well in his own garden and someone (i.e. thief) entered into it without permission and dies by falling into the well, then there will be no diyat (i.e. blood money) upon the owner of the well.

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Lesson no.22

40. Every ruling revolves around its cause, which has obligated its legislation

translation: Every ruling revolves around its cause, which has obligated its legislation

Explanation, Examples and Some Jurisprudential Points:

166:

Illath: The cause based on which the ruling takes place.

167:

Example:

Alcohol is forbidden and the cause is “Al Khamr” (i.e. it intoxicates the mind).

- Narrated Ibn `Umar: `Umar delivered a sermon on the pulpit of Allaah's Messenger (SallAllaahu Alayhi Wa Sallam), saying, "Alcoholic drinks were prohibited by Divine Order, and these drinks used to be prepared from five things, i.e., grapes, dates, wheat, barley and honey. Alcoholic drink is that, that disturbs the mind."

[Sahih Bukhari: Hadith No.5588, 4343; Sahih Muslim: Hadith No.3032]

Every intoxicant will have the same ruling (i.e. forbidden) like nabidh (i.e. a drink made from raisins/grapes/dates), hashish, marijuana, opium etc...

168:

Example:

If someone is travelling, then he can shorten (qasar) his prayers. Shortening of prayers is due to the hardships of travelling.

169:

Example:

Analogy (Qiyas) has four conditions; Cause (Illath) is one of them.

170:

One of the differences between us and other religions is ‘the correct analogy’. This is from the perfections of islam.

Excellency of Islam: An orientalist said: “Islam is applicable and a system of life in every age”

Allaah knows best

41. Every condition is binding upon the contractor, in transactions, marriage and other objectives.

Translation: Every condition is binding upon the contractor, in transactions, marriage and other objectives.

Explanation, Examples and Some Jurisprudential Points:

171:

Evidences:

- 1) “O you who believe! Fulfill (your) obligations.” [5:1]
- 2) “And fulfil (every) covenant. Verily! The covenant will be questioned about.” [17:34]
Aqd: Someone who/what decides
- 3) Example: If a seller tells the customer to buy the product and the seller takes the responsibility of delivering the product to him.
- 4) ‘Umar ibn al-Khattaab said: “Rights are connected to conditions.” [Muwatta of Imam Malik]
- 5) Narrated by al-Bukhaari (2721) and Muslim (1418), that the Messenger of Allaah (SallAllaahu Alayhi Wa Sallam) said: “The conditions that are most deserving to be fulfilled are those by means of which intimacy becomes permissible for you.”
- 6) Messenger of Allaah (SallAllaahu Alayhi Wa Sallam) said: “So, any condition which is not present in Allaah's Laws is invalid”. [Sahih Bukhari:Hadith.No. 2563]

Allaah knows best

42. Except conditions which permit a prohibition, or it opposite; they are invalid, you should know.

Translation: Except conditions which permit a prohibition, or it opposite; they are invalid, you should know.

Explanation, Examples and Some Jurisprudential Points:

172:

According to sheikh sa'ad al shithri, there are six conditions of commercial transactions.

- 1) Sale should fulfill the requisites of the contract, it shouldn't negate it. Requisite of sale is that it will stipulate ownership and conditions. I will hand you the ownership, this enforcement will be the requisite of the sale.
- 2) Wisdom must be reconciling with the contract, if you stipulate the conditions of safekeeping, lease, mortgage and security, all these conditions will be correct.
- 3) If profit is gained completely by one of the two contractors i.e. I will return the ownership to you after benefitting from it before one week, this condition is correct. "He made the stipulation that I should be allowed to ride back to my family." [Sahih Muslim: Hadith.No. 715]

Some said: This condition is not correct.

Some others said: One condition is correct, the second one is incorrect. Penalty on delaying the sale is incorrect.

Ibne Taimiyyah said: As long as the purpose of sale is not corrupted, then those conditions are correct. Conditions (may be one or two) for reconciling wisdom are correct.

- 4) Conditional Contract: If someone buys it, then I will buy it.
- 5) Contract on Contract: I will rent you my house if you sell me your car.

* It was narrated that Abu Hurairah said: "The Messenger of Allaah forbade two transactions in one." [Sunan Nasai: 4632, Sunan Abu Dawud: 3461, Sunan Tirmidhee: 1231]

- 6) Conditions which makes the sale defective: "I will sell the product but not hand it to you", "I will sell the product but you shouldn't sell it to others" etc... These conditions are null.

Allaah knows best

Lesson no.23

43. Lots are drawn in cases of ambiguity, in rights or [in conflict] due to overcrowding

Translation: Lots are drawn in cases of ambiguity, in rights or [in conflict] due to overcrowding.

Explanation, Examples and Some Jurisprudential Points:

173:

1. Ibhaam refers to the 'thumb', whenever ambiguity arise in the human mind, he questions.
2. Sometimes, we don't know the rightful deserver. There is a symbol of him. We don't know or we know but there is overcrowding. However, we can give this thing to only one man not everyone.

174:

Evidences:

"He (agreed to) cast lots, and he was among the losers." [37:141]

"You were not with them, when they cast lots with their pens." [3:44]

175:

- 1) Drawing lots (with the belief) to know the destiny, future, to decide (whether to travel or not) etc... is not permissible. This act was performed by the pagans of makkah.
- 2) As regards drawing lots and choosing according to it, then this act is permissible only when there are many people sharing one right, or when there is a dispute about a particular right, it is in this case that drawing lots is a means for finding out who deserves it among a group of people, all of whom deserve it.

Example:

If you want to gift one of your students who come on time, four of them arrived at the same time, and then you have to draw lots. Drawing lots is only permissible in the case of equality.

176:

Differences between the acts of worship and the commercial transactions:

Example:

If you have ambiguity in the acts of worship, For example, you prayed one prayer out of five prayers. In that case, you have to precautionarily repeat the five prayers. However, in fulfilling the rights of creation, you have to draw lots.

Allaah knows best

44. If two actions of similar [legislation] coincide at the same time, either one can be performed, so listen attentively.

Translation: If two actions of similar [legislation] coincide at the same time, either one can be performed, so listen attentively.

Explanation, Examples and Some Jurisprudential Points:

177:

Example:

If a person used to fast on Mondays and Thursdays; If Ayyam E Beedh (i.e. 13, 14 &15 of the month) coincides with those days of the week, then he will be doubly rewarded.

178:

Clarification:

One is able to achieve two acts of worship by carrying out one action. In this case, it is stipulated that one intends both actions together.

179:

Example:

A man enters the masjid and prays two units of supererogatory prayers, then it is sufficient for him for tahiyyatul masjid (but along with the intention).

180:

Example:

A man leaves the wind (i.e. gas) once and again he leaves the wind, One ablution will be enough to purify him.

181:

One is able to achieve one of the two acts of worship by intention, and the other act is waived thereby.

Example:

When entering a masjid and the call to commence the prayer in congregation is announced (iqamah), then the prayer of entering the masjid (al tahiyyah) is waived when one joins the congregational prayer.

Allaah knows best

Lesson no.24

45. Every person engaged [with a contract], cannot be engaged further, an example of it is a pawned item and an endowment.

Translation: Every person engaged [with a contract], cannot be engaged further, an example of it is a pawned item and an endowment.

Explanation, Examples and Some Jurisprudential Points:

182:

Endowing in the path of Allaah:

If any property has been charitably endowed, then carrying out any worldly activity there is impermissible. [Because this activity contradicts the rules of the charitable endowment]

Allaah knows best

46. Whoever fulfills an obligation on behalf of his brother, for him is a return, if he intended to request it.

Translation: Whoever fulfills an obligation on behalf of his brother, for him is a return, if he intended to request it.

Explanation, Examples and Some Jurisprudential Points:

183:

Example:

A person owes some money to the shopkeeper; his friend paid that money to the shopkeeper on his behalf. Then, the friend has the right to ask the money to him. [Is there any reward for good other than good? (55:60)] Fulfilling the obligations of shariah after seeking person's permission, is permissible.

184:

Those acts of worship (which can be performed on someone's behalf) are permissible. Other acts can't be performed in this manner. For example, the five obligatory prayers. (No one can perform these prayers on someone's behalf)

185:

If someone is unable to pay his zakat, then his friend pays the zakat on behalf of him (after seeking his permission), then this obligation will be waived off from him.

Allaah knows best

47. A natural deterrent from a sin is similar to a religious deterrent, without any denial.

48. All praise is for Allaah, upon completion; in the beginning, ending and throughout.

49. Thereafter salutations along with peace in abundance upon the prophet, his companions and followers.

Translation:

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Explanation, Examples and Some Jurisprudential Points:

Four cases of “Laa hawla wa laa quwwata illa Billaah”:

- 1) There are people who are far away from the both (i.e. good and evil). This is incorrect.
- 2) There are people who are forward in both (i.e. good and evil). This is incorrect.
- 3) There are people who are forward in evil and backward in good. This is incorrect.
- 4) There are people who are forward in good and backward in evil. This is correct.

While reciting Laa hawla wa laa quwwata illa Billaah, we have to be conscious of the fact refraining from the sins and performing the good deeds is not possible except with the tawfeeq and help of Allaah.

Note: If someone is naturally inclined to refrain from the sins, then this is a great blessing of Allaah upon him.

Allaah knows best

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