

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

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

**By Sh. 'Abdur Rahman ibn Naasir As-Sa'di (rahimahullaah)
(d. 1376 A.H./1956 C.E.)**

Discussion based upon:

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

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The Basic Rulings and Principles of *Fiqh* – Foundation 1

All Praise is due to Allaah, we praise Him, we seek His aid, and we seek His forgiveness. We seek refuge in Allaah from the evils of our souls and from the evils of our actions. Whomsoever Allaah guides, then there is no one to misguide him, and whomsoever Allaah leaves to go astray, then there is no one to guide him. I bear witness that none has the right to be worshipped except Allaah, alone without partners, and that Muhammad is His slave and messenger.

«O you who believe! Fear Allaah as He should be feared and die not except in a state of Islam (as Muslims) with complete submission to Allaah»

Surah Aali-Imran (3:102)

«O mankind! Be dutiful to your Lord, Who created you from a single person (Adam), and from him (Adam) He created his wife [Hawwa (Eve)], and from them both He created many men and women and fear Allaah through Whom you demand your mutual (rights), and (do not cut the relations of) the wombs (kinship). Surely, Allaah is Ever an All-Watcher over you»

Surah an-Nisa (4:1)

«O you who believe! Keep your duty to Allaah and fear Him, and speak (always) the truth. He will direct you to do righteous good deeds and will forgive you your sins. And whosoever obeys Allaah and His Messenger (ﷺ: *sallallaahu 'alayhi wa sallam*) he has indeed achieved a great achievement (i.e. he will be saved from the Hell-fire and made to enter Paradise).»

Surah al-Ahzab (33:70-71)

To proceed:

Indeed, the most truthful speech is the speech of Allaah (*ta'ala*), and the best of guidance is the guidance of Muhammad (ﷺ: *sallallaahu 'alayhi wa sallam*). The worst of affairs are the newly invented matters, and every newly invented matter is an innovation. Every innovation is a misguidance, and every misguidance is in Hellfire.

It proceeds that this book entitled, *al-Qawaa'id wal-Usool al-Jaami'ah wal-Furooq wat-Taqaaseem al-Badee'ah an-Naafi'ah*, (The Basic Rulings and Principles of *Fiqh* – The Beneficial, Eloquent Classifications and Differentiations) was written by one of the greatest scholars of Islam, *ash-Shaykh, al-Allamah* 'Abd ar-Rahman ibn Naasir as-Sa'di (*rahimahullaah*). The importance of this book stems from the nature of its content; this is because the scholars of Islam gave great importance to the study of the basic rulings and principles of *fiqh* so that they are able to encompass the *masaa'il* (various cases) and refer these cases to the basic rulings and principles in order to deduct and apply the judgment in a comprehensive, yet precise manner. In addition, the *'ulama* (scholars) of Islam paid great attention to the matters that seem to be

similar in nature but have different rulings. This book covers the principles and basic foundations regarding the rulings as well as the classification and differentiation between cases.

Biography of Shaykh ‘Abd ar-Rahman ibn Naa’sir as-Sa’di

al-Allamah (the scholar), *al-Faqeeh* (the jurist), *al-Usooli* (the scholar of the principles of *fiqh*), *al-Mufasssir* (the scholar of *tafsir*) *ash-Shaykh*, Abu ‘Abdullah, ‘Abd ar-Rahman ibn Naasir ibn ‘Abdullah ibn Naasir as-Sa’di at-Tamimi descends from the tribe of Bani Tamim. He was born in the city of Unayzah in Qaasim province in Saudi Arabia on the 12th of Muharram in the year 1307 A.H, which corresponds September 8, 1889 C.E.

Shaykh as-Sa’di’s mother died when he was four years old, and his father died when he was seven years old. As an orphan, he was raised by his step-mother (*rahimahallaah*) until he became young, at which point he lived with his elder brother, who took care of him.

Shaykh as-Sa’di drew the attention of others at an early age due to his intelligence and inclination towards *al-‘ilm* (knowledge). Shaykh as-Sa’di studied the Qur’an and memorized it at the age of 11. He then began to take knowledge from the ‘*ulama* of his town as well as the scholars that passed through it. He exerted immense effort until he had a great share of knowledge from every discipline.

When the Shaykh reached 23 years of age, he sat to teach while still receiving knowledge. He spent all his time teaching and receiving knowledge. The Shaykh took knowledge from many scholars including:

- 1-*ash-Shaykh* Ibrahim ibn Hamid ibn Jaasir who died in Kuwait in 1338 A.H.
- 2- *ash-Shaykh* Muhammad ibn ‘Abd al-Kareem as-Shibal (1343 A.H.) with whom he studied *fiqh* and the Arabic language.
- 3- *ash-Shaykh* ‘Abdullah ibn Aa’id al-Harbi (d.1322 A.H.).
- 4- *ash-Shaykh* Sa’b ibn ‘Abdullah al-Tuwaijri (d.1353 A.H.)
- 5- *ash-Shaykh* Ali ibn Muhammad as-Sinaani (d.1353 A.H.).
- 6-*ash-Shaykh* Ali Naasir Abu Waadaaye (d.1361 A.H.) with whom he studied the six books of *hadith* and who gave Shaykh as-Sa’di *ijaza* (certificate) on that.
- 7-The Shaykh spent many years with *ash-Shaykh* Saalih ibn Uthman al-Qaadi (d.1351 A.H.) with whom he studied *tawheed*, *tafsir*, *fiqh* principles, and Arabic sciences.
- 8-In addition, he took from *ash-Shaykh* Muhammad ibn ash-Shaykh ‘Abd al-‘Aziz al-Maan’i. (d.1361 A.H.)
- 9-*ash-Shaykh* Muhammad Amin ash-Shanqeeti (d.1351 A.H.) with whom he studied *tafsir*, *hadith*, and the Arabic sciences.
- 10-*ash-Shaykh* Muhammad ibn ‘Abdullah ibn Saleem (d.1323 A.H.)
- 11- *ash-Shaykh* Ibrahim ibn Saalih al-Qahtani (1343 A.H.).

The Shaykh (*rahimahullaah*) had a high status of knowledge, particularly in *fiqh* and its principles. He busied himself and benefited a great deal from the books of *Shaykh al-Islam* ibn Taymiyyah as well as his student ibn al-Qayyim, especially in terms of ‘*ilm of hadith, tafsir, and fiqh*. This had a great influence on the Shaykh’s knowledge.

The Shaykh had many students, from them are: *ash-Shaykh* Sulayman ibn Ibrahim al-Bassaam (d.1377 A.H.), *ash-Shaykh* Saalih ibn ‘Abdullah al-Zughaibi (d.1372 A.H.), *ash-Shaykh* ‘Abdullah ibn ‘Abd al-‘Aziz al-Mutawaa’ (1354 A.H.) as well as our Shaykh Muhammad ibn Saalih al-Uthaimen (d.1421 A.H.). Other students of the Shaykh were: *ash-Shaykh* ‘Abdullah ibn ‘Abd al-Aziz ibn ‘Aqeel, *ash-Shaykh* Ali ibn Hamid as-Saalihi, *ash-Shaykh* ‘Abdullah ibn ‘Abd ar-Rahman Saalih al-Bassam, *ash-Shaykh* ‘Abd al-‘Aziz ibn Muhammad as-Salman, *ash-Shaykh* Ali ibn Zamal Aslaim (d.1418 A.H.), *ash-Shaykh* Muhammad ibn Saalih al-Khuzayem (d.1394 A.H.), and *ash-Shaykh* Muhammad ibn ‘Abd al-‘Aziz al-Mutawaa’ (d.1387 A.H.).

The Shaykh, throughout his life, wrote many books and authored many treatises. This includes his great *tafsir* of the Qur’an entitled, *Taysir al-Karim ar-Rahman fee Tafsir al-Qur’an*, which is composed of five volumes; he finished his work on that in 1344 A.H. Moreover, he issued many fatwa and wrote many letters and comments on various subjects. His works were known for their ease in language and understanding.

The Shaykh (*rahimahullaah*), after having spent his entire life serving *al-‘ilm*, died at the age of 69 on a Thursday in the year 1956 C.E. due to an illness that stayed with him for nearly five years. He was buried in the city of Unayzah; his funeral occurred after *duhr* in the grand mosque of that city, with numerous people attending. May Allaah’s mercy be on *ash-Shaykh* ‘Abd ar-Rahman ibn Naasir as-Sa’di.

The Basic Rulings and Principles of *Fiqh* – The Beneficial, Eloquent Classifications and Differentiations *al-Qawaa'id wal-Usool al-Jaami'ah wal-Furooq wat-Taqaaseem al-Badee'ah an-Naafi'ah.*

Introduction

After praising Allaah and seeking His help and forgiveness, the Shaykh began by noting that the knowledge of the principles and foundations, under which, the numerous cases fall is one of the most important and beneficial disciplines. He asserts that he has put forth the principles and foundations that are the most comprehensive in relation to the ordinances. He classified these principles into two categories, those conciliating the rulings as well as those that classify the differences between similar cases having close rulings.

Our Sh. Muhammad ibn Saalih Al-'Uthaimeen (rahimahullaah), and our Sh. Dr. Saami ibn Muhammad As-Sghair (*hafidhahullaah*) commented on the discussions of these foundations which Sh. ibn Sa'di (rahimahullaah) presented in his book. Accordingly, what is presented here is based upon all of these efforts. May Allaah accept them and make the effort presented here a benefit for my self and for all Muslims, and may He, the Most High, reward all those who worked to make the transcription of the lectures from www.understand-islam.net available.

Principle One

The first principle is entitled:

The Lawgiver orders only that which is a purely beneficial (i.e. no evil therein) or predominately beneficial (meaning its benefits exceeds any evil therein). The Lawgiver forbids only that which is purely evil or predominately evil (i.e. the good is negligible when compared to the evil), giving precedence to warding off the evil.

Qur'anic Foundation for Principle One

This foundation comprises the entire *shari'ah*. Nothing is irregular when considered using this foundation. There is no differentiation, whether this foundation refers to the rights of Allaah or the rights of His slaves. Allaah (*subhannahu wa ta'ala*) said (in the translation of the meaning):

«Verily, Allaah enjoins al-'Adl (i.e. justice) and al-Ihsaan, and giving (help) to kith and kin and forbids al-Fahsha (i.e. all evil deeds), and al-Munkar (i.e. all that is prohibited), and Al-Baghye (i.e. all kinds of oppression), He admonishes you, that you may take heed.» Surah an-Nahl (16:90)

From this *ayah*, it is clear that there is no justice or goodness, except that Allaah orders it. Similarly, there is no evil or *munkar* related to the rights of Allaah and no transgression nor oppression related to the rights of people, except that He forbade it. This is where this foundation is deducted from.

Also, Allaah said in the Qur'an (in the translation of the meaning):

«Say (O Muhammad ﷺ: sallallaahu ‘alayhi wa sallam): My Lord has commanded justice and (said) that you should face Him only (i.e. worship none but Allaah and face the Qiblah, i.e. the Ka'bah at Makkah during prayers) in each and every place of worship, in prayers and invoke Him only making your religion sincere to Him» Surah al-‘Araf (7:29)

As such, this verse comprises the basic foundations regarding the commands and reminds us of their goodness. Similarly, the following verse comprises the basis of all the prohibitions while commanding us to say away from them, stating (in the translation of the meaning):

**«Say (O Muhammad ﷺ: sallallaahu ‘alayhi wa sallam): "(But) the things that my Lord has indeed forbidden are al-Fawahish (great evil sins, every kind of unlawful sexual intercourse, etc.) whether committed openly or secretly, sins (of all kinds), unrighteous oppression, joining partners (in worship) with Allaah for which He has given no authority, and saying things about Allaah of which you have no knowledge."»
Surah al-‘Araf (7:33)**

This verse begins by describing those acts that are lesser in gravity, continuing on to those that are the highest in magnitude and forbiddance.

In addition, Allaah said the following verse (in the translation of the meaning):

«O you who believe! When you intend to offer as-Salaat (the prayer), wash your faces and your hands (forearms) up to the elbows, rub (by passing wet hands over) your heads, and (wash) your feet up to ankles. If you are in a state of Janaaba (i.e. had a sexual discharge), purify yourself (bathe your whole body). But if you are ill or on a journey or any of you comes from answering the call of nature, or you have been in contact with women (i.e. sexual intercourse) and you find no water, then perform Tayammum with clean earth and rub therewith your faces and hands. Allaah does not want to place you in difficulty, but He wants to purify you, and to complete His Favor on you that you may be thankful.» Surah al-Ma'idah (5:6)

After mentioning the command that when one wants to perform the *salaah* that he must make *wudhu* with water if it is available or otherwise clean earth, Allaah tells us that His magnificent commands, which are from His greatest favors, are not meant to be difficult but to provide good for us and to purify us.

Furthermore, contemplate His saying in Surah al-Isra (in the translation of the meaning):

«And your Lord has decreed that you worship none but Him. And that you be dutiful to your parents. If one of them or both of them attain old age in your life, say not to them a word of disrespect, nor shout at them but address them in terms of honor.» Surah al-Isra (17:23)

In the same Surah, Allaah affirmed (in the translation of the meaning):

«This is (part) of al-Hikmah (wisdom, good manners and high character, etc.) which your Lord has inspired to you» Surah al-Isra (17:39)

To fully understand this verse, we must look at the preceding verses. Allaah said (in the translation of the meaning):

«And kill not your children for fear of poverty. We provide for them and for you. Surely, the killing of them is a great sin. And come not near to the unlawful sexual intercourse. Verily, it is a Faahishah [i.e. anything that transgresses its limits (a great sin)], and an evil way (that leads one to Hell unless Allaah forgives him). And do not kill anyone which Allaah has forbidden, except for a just cause.» Surah al-Isra (17:31-33)

Allaah continued by affirming (in the translation of the meaning):

«And come not near to the orphan's property except to improve it, until he attains the age of full strength. And fulfill (every) covenant. Verily! the covenant, will be questioned about. And give full measure when you measure, and weigh with a balance that is straight. That is good (advantageous) and better in the end. And follow not (O man i.e., say not, or do not or witness not, etc.) that of which you have no knowledge (e.g. one's saying: "I have seen," while in fact he has not seen, or "I have heard," while he has not heard). Verily! The hearing, and the sight, and the heart, of each of those you will be questioned (by Allaah). And walk not on the earth with conceit and arrogance. Verily, you can neither rend nor penetrate the earth, nor can you attain a stature like the mountains in height.» Surah al-Isra (17:34-37)

Allaah then concluded with this comprehensive statement (in the translation of the meaning):

«All the bad aspects of these are hateful to your Lord.» Surah al-Isra (17:38)

We now end with the statement with which we began.

«This is (part) of al-Hikmah (wisdom, good manners and high character, etc.) which your Lord has inspired to you» Surah al-Isra (17:39)

Contemplate these verses, the commands: their utmost beauty, justice, and general goodness and benefits. And contemplate these prohibitions: the harm, evil, and mischief that can not even be enumerated. This is one of the greatest miracles of the Qur'an and of the Messenger (ﷺ: *sallallaahu 'alayhi wa sallam*).

«And the slaves of the Most Beneficent (Allaah) are those who walk on the earth in humility and sedateness, and when the foolish address them (with bad words) they reply back with mild words of gentleness. And those who spend the night before their Lord, prostrate and standing. And those who say: "Our Lord! Avert from us the torment of Hell. Verily! Its torment is ever an inseparable, permanent punishment.»» Surah al-Furqan (25:63-65)

Allaah continued by stating (in the translation of the meaning):

«And those, who, when they spend, are neither extravagant nor niggardly, but hold a medium (way) between those (extremes). And those who invoke not any other ilah (god) along with Allaah, nor kill such life as Allaah has forbidden, except for just cause, nor commit illegal sexual intercourse and whoever does this shall receive the punishment. The torment will be doubled to him on the Day of Resurrection, and he will abide therein in disgrace; Except those who repent and believe, and do righteous deeds, for those, Allaah will change their sins into good deeds, and Allaah is Oft-Forgiving, Most Merciful. And whosoever repents and does righteous good deeds, then verily, he repents towards Allaah with true repentance. And those who do not witness falsehood, and if they pass by some evil play or evil talk, they pass by it with dignity. And those who, when they are reminded of the ayat (proofs, evidences, verses, lessons, signs, revelations, etc.) of their Lord, fall not deaf and blind thereat. And those who say: "Our Lord! Bestow on us from our wives and our offspring who will be the comfort of our eyes, and make us leaders for the Muttaqun" Those will be rewarded with the highest place (in Paradise) because of their patience. Therein they shall be met with greetings and the word of peace and respect.» Surah al-Furqan (25:67-75)

Also, in Surah al-Mu'minun, Allaah began the Surah with (in the translation of the meaning):

**«Successful indeed are the believers.»
Surah al-Mu'minun (23:1)**

Allaah then described the qualities of the believers (in the translation of the meaning):

«Those who offer their Salaat (prayers) with all solemnity and full submissiveness. And those who turn away from Al-Laghw (dirty, false, evil vain talk, falsehood, and all that Allaah has forbidden). And those who pay the Zakat. And those who guard their chastity (i.e. private parts, from illegal sexual acts) Except from their wives or (the captives and slaves) that their right hands possess, for then, they are free from blame; But whoever seeks beyond that, then those are the transgressors; Those who are faithfully true to their Amaanat (all the duties which Allaah has ordained, honesty, moral responsibility and trusts etc.) and to their covenants; And those who strictly guard their (five compulsory congregational) Salawaat (prayers) (at their fixed stated hours). These are indeed the inheritors. Who shall inherit the Firdaus (Paradise). They shall dwell therein forever.» Surah al-Mu'minun (23:2-11)

Furthermore, in Surah al-Ahzab,

«Verily, the Muslims (those who submit to Allaah in Islam) men and women, the believers men and women (who believe in Islamic Monotheism), the men and the women who are obedient (to Allaah), the men and women who are truthful (in their speech and deeds), the men and the women who are patient (in performing all the duties which Allaah has ordered and in abstaining from all that Allaah has forbidden), the men and the women who are humble (before their Lord Allaah), the men and the women who give Sadaqat (i.e. Zakat, and alms, etc.), the men and the women who observe Sawm (fast) (the obligatory fasting during the month of Ramadan, and the optional Nawafil fasting), the men and the women who guard their chastity (from illegal sexual acts) and the men and the women who remember Allaah much with their hearts and tongues (while sitting, standing, lying, etc. for more than 300 times extra over the remembrance of Allaah during the five compulsory congregational prayers) or praying extra additional Nawafil prayers of night in the last part of night, etc.) Allaah has prepared for them forgiveness and a great reward (i.e. Paradise).» Surah al-Ahzab (33:35)

We ask Allaah (*subhannahu wa ta'ala*) to make us like those in all of these *ayat* (verses) where Allaah (*subhannahu wa ta'ala*) described the best of creation. These verses are perfect in their benefits. We remember the saying of Allaah (in the translation of the meaning):

**«And who is better in judgment than Allaah
for a people who have firm Faith.»
Surah al-Ma'idah (5:50)**

With respect to the rationale behind mentioning these preceding verses, the Shaykh (*rahimahullaah*) said:

All that which is in the *shariah* from the worship, transactions, commands, and giving the due rights to its people are all details and branches for what Allaah stated in these verses.

What the *'ulama* (scholars) detailed from the benefits and the fruits of the commands and the evils of what is forbidden all falls under this foundation. This is why the scholars of *fiqh* relate the rulings to the benefits and the evils.

Examples of that which is Purely Beneficial and Purely Evil

The statement of the Shaykh that, **“The Lawgiver orders only that which is a purely beneficial (i.e. no evil therein)”** refers to the majority of *al-ahkam ash-shariyyah* (the legal commands). *Iman* and *tawheed* are purely beneficial to the heart, the soul and the body in this life and the Hereafter.

From the examples of things that are purely beneficial, it is clear that which is purely evil, namely *shirk* (ascribing partners to Allaah in worship) and *kufr* (disbelief). They are purely harmful to the heart, the soul and the body in this life and the Hereafter.

Another example of that which is purely good is justice. Similarly, an example of that which is purely evil is oppression and injustice. Likewise, magic is purely evil.

Concerning magic, Allaah stated in Surah al-Baqarah (in the translation of the meaning):

«And they learn that which harms them and profits them not. »

Surah al-Baqarah (2:102)

Examples of that which is Predominantly Beneficial and Predominantly Evil

Sidq (truthfulness) is purely beneficial; lying is the opposite (i.e. purely evil). However, there may be situations where in some forms of lying, there may be a greater benefit that exceeds the evil therein. This would be an example of predominately beneficial, meaning the benefits far exceeds the evil. A specific instance of this is lying regarding war plans and reconciliation between people; the Prophet (ﷺ: *sallallaahu 'alayhi wa sallam*) permitted this, as in the hadith of Umm al-Kulthoum bint 'Uqbah:

"He who makes peace between the people by inventing good information or saying good things, is not a liar." [Narrated by al-Bukhari, hadith no. 2692]

In a similar narration in *Saheeh Muslim*, Umm al-Kulthoum reported that the Prophet (ﷺ: *sallallaahu 'alayhi wa sallam*) said:

"A liar is not one who tries to bring reconciliation amongst people and speaks good (in order to avert dispute), or he conveys good."

Ibn Shihab said he did not hear that exemption was granted in anything what the people speak as lie but in three cases: in battle, for bringing reconciliation amongst persons and the narration of the words of the husband to his wife, and the narration of the words of a wife to her husband (in a twisted form in order to bring reconciliation between them). [Narrated by Muslim, hadith no. 6303]

In this situation, there is a greater benefit that exceeds the evil.

Examples of that which is predominately evil are gambling and drinking alcoholic beverages. Their evil far exceeds their benefit, and that is why they are forbidden. Allaah (*subhannahu wa ta'ala*) stated in Surah al-Baqarah (in the translation of meaning):

«They ask you (O Muhammad) concerning alcoholic drink and gambling. Say: "In them is a great sin, and (some) benefit for men, but the sin of them is greater than their benefit."» Surah al-Baqarah (2:219)

In certain situations, there could be greater benefit in some forms of gambling; in such cases, the *shariah* takes that into account. For example, taking wages is allowed in three things: racing camels, racing horses, and shooting arrows; these are allowed since they encourage people to prepare for *jihad*; as such, there is a greater benefit that exceeds the evil therein. The same applies to contemporary means of *jihad* like tanks, rockets, planes, etc.

The general ruling concerning carrion, blood, and pork is that they are forbidden since they are harmful. However, if regarding these matters, there arises a situation of a greater benefit, for instance staying alive, then they are allowed. Allaah said (in the translation of the meaning):

«But as for him who is forced by severe hunger, with no inclination to sin (such can eat these above-mentioned meats), then surely, Allaah is Oft-Forgiving, Most Merciful.» Surah al-Ma'idah (5:3)

Therefore, in origin, carrion is forbidden because is harmful. However, since it is allowed in cases of necessity, then the harm is removed in such situations for two reasons. The first reason is that Allaah (*subhannahu wa ta'ala*) would not allow something for His slaves if there was harm in it. In addition, the person only eats carrion when there is a real need. Imam ibn al-Qayyim (*rahimahullaah*) pointed to this matter and gave the example of the story of Suhaib when he was touched by a sore inflamed eye (a form of trachoma); Suhaib came to the Prophet (ﷺ: *sallallaahu 'alayhi wa sallam*) and found with him (ﷺ: *sallallaahu 'alayhi wa sallam*) some pieces of bread and some dates (know that the person inflicted with this kind of eye disease should not eat dates). The Prophet (ﷺ: *sallallaahu 'alayhi wa sallam*) told Suhaib to come close and eat, so he ate from the dates. The Prophet told him, "You eat dates when you have a sore, inflamed eye." Suhaib replied, "I chew the dates from the other side." To this, the Prophet (ﷺ: *sallallaahu 'alayhi wa sallam*) smiled in approval. From this, Imam ibn al-Qayyim (*rahimahullaah*) deducted the point of benefit that if the self is inclined to take that which is harmful due to the necessity, then the harm will be driven away by the intensity of his eagerness and inclination.

Application of Principle One to Modern Technologies

Imam as-Sa'di (*rahimahullaah*) was well educated and had a broad intellect that no one at his time could reach. In addition, he based much of his learning upon the teachings of *Shaykh al-Islam* ibn Taymiyyah and ibn al-Qayyim; they were also known for their comprehensive and vast knowledge. *Shaykh al-Islam* ibn Taymiyyah was not someone strictly rigid in his thoughts and so forth; he had *ijtihaadat* and conclusions that sometimes even opposed the opinions of the four imams. Shaykh as-Sa'di was greatly affected by the way of ibn Taymiyyah. He also used to read a great deal, including magazines from India, Egypt and Greater Syria. Shaykh Muhammad ibn Saalih al-'Uthaimeen (*rahimahullaah*) even mentioned to our Shaykh, Sami as-Sghair (*hafidhahullaah*) that Imam as-Sa'di told him that during his time, they were thinking about reconciling the vibrations in the air so they could come to know the words of people that travel through the air and to try to figure out these sounds; currently, they are still doing extensive research into this, and Shaykh as-Sa'di spoke about this over sixty years ago. Moreover, he was one of the first to speak about the issue of organ transplants, and he considered it to be permissible then. All of those who write about organ transplants in our time refer to his name as one great reference in this respect. Furthermore, the Shaykh was known for writing, advising and even correcting things in certain publications. He used to write the magazine, *al-Manaar* that was published years ago by the scholars of Egypt, including Shaykh Muhammad Rashid Ridah (*rahimahullaah*).

With a thorough and vast knowledge of the technological progress of his time, the Shaykh (*rahimahullaah*) notes that this foundation, regarding that which is purely beneficial/harmful and predominantly good/evil, applies to all the contemporary discoveries and innovations that are beneficial to people in their lives and in their deen; they are from the matters which Allaah and His Messenger commanded and are beloved to them and are part of the favors of Allaah on His slaves. The Shaykh (*rahimahullaah*) mentions the examples of the cables for communication and industry; he says this foundation is applicable to them as well. Some advancements may fall under that which is obligated, others recommended, and others allowable. Similarly, in our times, these invented matters of instruments and so forth are classified into three categories. Some are used only in good, and the ruling on them is clear; some are used purely in evil, and the ruling on them is also clear. Some are used for both good and evil. In origin, this third type is allowable; however, whoever uses it in evil, for them it is *haram*, and for those who use it for good, it is *halal*. Examples of this include radios, recordings, computers, networks, and even the knife; the knife can be used in goodness like sacrificinh to Allaah, and the knife can also be used in evil to harm people. However, if most people use any instrument to do evil, then we prevent it and say it is not allowed.

Conclusion

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

The Lawgiver orders only that which is a purely beneficial (i.e. no evil therein) or predominately beneficial (meaning its benefits exceeds any evil therein). The Lawgiver forbids only that which is purely evil or predominately evil (i.e. the good is negligible when compared to the evil), giving precedence to warding off the evil.

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

Saleh As-Saleh
1st Sha'baan 1427
25th August 2006