

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

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

### **Foundation -3**

**By Sh. 'Abdur Rahmaan 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-'Uthaimen's Commentary, and
- 3-Full explanation by our Sh. (Dr.) Sami ibn Muhammad As-Sghair (summer 1427 A.H./2006 C.E.)

**Prepared by  
Saleh As-Saleh**

**Transcribed** by

Br. Abu Abdullaah al-Amreeki, *Jazaahullaahu Khairan*,  
from live duroos in Paltalk's "[Understanding Islam 1](#)" room.

Text edited by sis Umm Ahmad al-Kanadiyyah, *Jazaahaallaahu Khairan*.

## Basic Rulings and Foundations of Fiqh-3

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

Foundation three is entitled:

**Hardship brings ease, and all the permits and dispensations of *sharee’ah* and the lessening in the degrees of rulings branch from this foundation.**

### Qur’anic Evidence for this Foundation

Ease is the origin of *sharee’ah*. Allaah (ﷻ : *subhannahu wa ta’aalaa*) says (in the translation of the meaning):

**﴿Allaah intends for you ease, and He does not want to make things difficult for you.﴾  
Surah al-Baqarah (2:219)**

In addition, He (ﷻ) affirmed in Surah al-Baqarah (in the translation of the meaning):

**﴿Allaah burdens not a person beyond his scope.﴾  
Surah al-Baqarah (2:286)**

and Allaah (ﷻ) said in Surah at-Talaq (in the translation of the meaning):

**﴿Allaah puts no burden on any person beyond what He has given him. Allaah will grant after hardship, ease.﴾ Surah al-Talaq (65:7)**

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

**﴿And strive hard in Allaah's Cause as you ought to strive (with sincerity and with all your efforts that His Name should be superior). He has chosen you (to convey His Message of Islamic Monotheism to mankind by inviting them to His religion, Islam), and has not laid upon you in religion any hardship﴾ Surah al-Hajj (22:78)**

These verses and others are proofs that the origin in *sharee’ah* is ease.

## Evidence from the Sunnah

The Prophet (ﷺ: *sallallaahu 'alayhi wa sallam*) said:

*“Make the things easy for the people, and do not make things difficult for them; give them glad tidings, and do not repel them.”*<sup>1</sup>

Also, it is reported by al-Bukhaari from Abu Hurairah (*radiyallaahu 'anhu*) that the Prophet (ﷺ) said:

*“Religion is very easy, and whoever overburdens himself in his religion will not be able to continue in that way.”*<sup>2</sup>

## Types of Hardships

There are two different types of hardships. The first type is inseparable from the worship itself, such that the worship cannot be performed without experiencing it. Examples include: fasting when it is hot, the hardships faced during *jihaad*, and the hardships of *Hajj*. These are not entailed by the lessening of hardships.

The second type of hardship can be separated from the associated act of worship, allowing the person to do the act of worship without experiencing it; this type of hardship has three ranks.

1. The hardship may be so great that it becomes intolerable; this necessitates lessening its degree. For example, it is not required to take the ritual bath (*ghusl*) on exceptionally cold days; likewise, if a person is so ill that fasting may harm him, then doing so is forbidden. Similarly, one does not need to attend the congregational prayers if doing that endangers his life. All of these situations require easing of the rulings.
2. The degree of separable hardship may be slight or tolerable. Examples of such hardships would be: fasting with a slight headache and performing *wudhu* or *ghusl* on ordinary winter days. These do not necessitate any easing of the rulings.
3. A hardship's degree may be between great and slight; in such cases, the ruling is the same as that of the hardship which it most closely resembles. If it is closer to an intolerable hardship, then it will inherit that ruling; likewise, if it is closer to a tolerable hardship, then it takes that ruling.

## Forms of Ease with Hardship

Allaah (ﷻ) may lessen the separable hardship's severity in many ways.

---

<sup>1</sup> Reported in *Saheeh al-Bukhaari* (English translation no. 3038)

<sup>2</sup> Reported in *Saheeh al-Bukhaari* (English translation no. 39)

**First**, the easing of the hardship may be by dropping the obligation. For instance, the obligation to perform *Hajj* is lifted if one is unable; likewise, the sufficiently ill person does not need to attend the congregational prayers.

**Second**, the lessening of the hardship can be through minimizing the number obligated. An example of this is that the traveler prays a reduced number of units of prayer (rakat) in *salaah*.

**Third**, the lessening can be by changing the obligation to something lesser in magnitude. For example, *wudhu* and *ghusl* can be substituted with *tayammum* when appropriate; similarly, the person who is unable to stand during *salaah* may sit. Moreover, the ill person may feed poor people if he will be unable to fast.

**Fourth**, the easing of the hardship may be through delaying or advancing the act of worship. An example of this is the combining of the prayers; the person may do what is easiest for him (i.e. perform both prayers together during the earlier or later time).

**Fifth**, the hardship may be reduced by changing the form or description of the worship. The *salaah* of fear for instance, takes different forms based upon the situation (e.g. the enemy is behind the person or the enemy is in front of him).

**Sixth**, the unlawful can be made permissible in cases of necessity.

**The Legal Decree (*ash-shar'iyah*<sup>3</sup>) Lightens the Universal Predecree (*al-kawniyyah*<sup>4</sup>)**

Closely related to this foundation is the statement:

If Allaah (ﷻ) tests and tries the person by way of a universal predecree, then He will lighten the matter upon him through a legal decree.

**Examples of this are the following:**

1. The *faqeer* (poor person) is tested by Allaah (ﷻ) through the predecree. However, He did not necessitate upon him *Hajj*; as such, He lightened upon the poor the universal predecree via the legal decree.
2. The ill person who cannot stand prays sitting; if he cannot pray sitting, then he prays on his side or in accordance with his condition.
3. The person who is unable to perform the obligatory fasts may make them up on other days.

Therefore, all of these matters were lightened through the legal decree (*ash-shar'iyah*) because Allaah (ﷻ) tests the creation by the universal predecree (*al-kawniyyah*).

---

<sup>3</sup>*Ash-shar'iyah*: pertains to Allaah's Legislations (commands and prohibitions).

<sup>4</sup>*Al-kawniyyah*: pertains to all that Allaah wills to bring to exist such as life, death, illness, health, calamities, ease, and so forth.

## The Rulings are Easy

All of the *sharee'ah* is based upon worshipping none but Allaah (ﷻ); in this, there is generosity in rulings and actions.

### Examples:

1. The *salaah* is the mother of all acts of worship. If the time required to complete all five daily prayers was combined, it would be 75 minutes if you assumed 10 minutes for each *salaah* and 5 minutes for each *wudhu*; this time is distributed across an entire day, with most of the prayers being obligated while people are awake.
2. The amount of *zakaah* due on gold, silver, and merchandise is only one part out of forty (i.e. 2.5%). In addition, not all wealth is subject to *zakaah*.
3. Fasting is only required for one month out of twelve, with the person free to eat, drink, and enjoy his spouse as he wishes during the other months. Even during this one month out of twelve, half of it is eating, drinking and enjoyment during the night; this makes it very easy, *al-hamdulillaah*.
4. It is specifically mentioned that *Hajj* is due only from those with the ability to fulfill it, as Allaah (ﷻ) states (in the translation of the meaning):

**﴿And Hajj (pilgrimage to Makkah) to the House (Ka'bah) is a duty that mankind owes to Allaah, those who can afford the expenses (for one's conveyance, provision and residence)﴾ Surah aal-Imran (3:97)**

There are hardships in *Hajj*, such as reaching Makkah and performing the rituals; however, Allaah (ﷻ) made ease therein by conditioning it on ability.

The examples mentioned previously refer to situations in origin; however, things may emerge or occur. **Examples where the origin has been eased are the following:**

1. A person in a state of either minor or major ritual impurity can make *tayammum* instead of using water if he is ill and fear his destruction. The Qur'an made this clear in *ayat at-tahaarah* where Allaah (ﷻ) says (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)**

As such, Allaah (ﷺ) necessitated the purification with water, but if the person is ill and the illness may be intensified or the cure delayed, then he resorts to *tayammum* (dry ablution). Likewise in the authentic *hadeeth*, it is reported that ‘Abdullah ibn ‘Amr ibn al-‘Aas was sent by the Prophet (ﷺ) on a dispatch. During his journey, he entered a state of sexual defilement on a cold night; as such, he made *tayammum* and later led his companions in prayer. To this, the Prophet (ﷺ) asked:

*“Did you lead your companion in prayers while you were in a state of sexual defilement?”*

He replied:

*“O Messenger of Allaah. I remembered the saying of Allaah, ‘**And do not kill yourselves. Surely, Allaah is Most Merciful to you.**’ (Surah an-Nisa 4:29)”*

The Prophet (ﷺ) smiled in approval of his action.<sup>5</sup>

2. It is mandatory for the person to pray standing in the *fard* prayers. Regarding the person who is unable to do so, the Prophet (ﷺ) told Umran ibn Hussain (*radiyallaahu ‘anhuma’* : may Allaah be pleased with both of them):

*“Pray standing, but if you cannot, then sitting, but if you cannot, then on your side.”<sup>6</sup>*

3. If a person’s wealth is not in his hands because he gave a loan to someone, then he is not commanded to borrow money in order to pay *zakaah*. However, he is responsible to pay the *zakaah* when the loans are repaid. Therefore, if someone gave loans to rich people who are able to pay it back, then *zakaah* on that person is due, though the *zakaah* can be deferred until the money is returned.
4. In terms of *sawm* (fasting), the issue is clear, and examples have been given for the traveler or the ill to whom Allaah (ﷻ) has given the permit to break the fast.
5. In *Hajj*, it is mandatory that the person performs it by himself if he has the necessary wealth. If someone has the money required to complete *Hajj* but is physically unable to do so as a result of an illness he anticipates he will not recover from, then he may delegate someone to do *Hajj* on his behalf with his wealth. A woman came to the Prophet (ﷺ) and asked:

*“My father has come under Allaah's obligation of performing *Hajj*, but he is a very old man and cannot sit properly on his mount. Shall I perform Hajj on his behalf?”*

The Prophet (ﷺ) responded:

---

<sup>5</sup> Reported in *Sunan Abu Dawood, hadeeth* no. 334, and authenticated by Shaykh al-Albaani.

<sup>6</sup> Part of a *hadeeth* reported in *Sunan Abu Dawood, hadeeth* no. 922

“Yes, perform Hajj on his behalf.”<sup>7</sup>

This is another ease.

6. Concerning those upon whom it is binding to spend, Allaah (ﷻ) said (in the translation of the meaning):

﴿Let the rich man spend according to his means, and the man whose resources are restricted, let him spend according to what Allaah has given him.﴾ Surah at-Talaq (65:7)

Therefore, there is no hardship in origin in this *deen*; all of it is ease, *al-hamdulillaah*. As to the previous legislations, there were hardships in some matters. Allaah (ﷻ) said describing the Prophet (ﷺ) (in the translation of the meaning):

﴿He releases them from their heavy burdens and from the fetters (bindings) that were upon them.﴾ Surah al-A'raf (7:157)

### Reconciling Different *Fatawa* Regarding the Same Issue

Under this foundation, there is a branch of particular importance. One may seek a *fatwa* from two reliable and fit *'ulama* (scholars) yet receive two different rulings. If the scholars are equal in knowledge as well as in *deen*, then the *'ulama* have three sayings concerning this matter.

**First**, if the person was to take the more severe *fatwa*, then this is more precautionary and will free him of culpability.

**Second**, the person could take the more lenient *fatwa* as it is closer to the objectives of *sharee'ah* since, in origin, the person is free of responsibility; as such, we should not make matters binding on the slave of Allaah (ﷻ) unless it is certain that Allaah (ﷻ) did so.

**Third**, the scholars have said that the person has the choice due to the opposition of the causes. Our *Shaykh*, Muhammad ibn Saalih al-'Uthaimeen (*rahimahullaah*), said:

“It is closer to me that he takes by that which is easier because this is closer to the essence of *sharee'ah*, except if one does not feel comfortable with that ruling. In this case, he takes by that which is more severe and satisfying.”

This is in line with the *hadeeth* of the Prophet (ﷺ):

“Righteousness is that which the self feels satisfied and comfortable with and the same with the heart. The sin is that which wavers in the chest.”<sup>8</sup>

<sup>7</sup> Reported in *Saheeh al-Bukhaari* (vol. 3, book 29, *hadeeth* no. 79) and in *Saheeh Muslim* (*hadeeth* no. 1334).

<sup>8</sup> Reported in *Saheeh Muslim* (English translation no. 6195, book 32) and is *hadeeth* no. 27 from Nawawi's “40 *Hadeeth*”

Similarly, if the textual proofs appear in opposition to each other with one more difficult than the other, then take by that which is lighter since, in origin, ease is the essence of *sharee'ah*. Likewise, in origin, the self is free of responsibility.

### **Motivation to Perform the Acts of Worship**

For all acts of worship, Allaah (ﷻ) associated causes that will help motivate the believer to perform them. For instance, the congregations for the five daily prayers, the day of *jumu'ah*, and the days of *'Eid* incite the believer to perform these acts. Similarly, the *nawafil* and the *Sunan* before the obligatory *salaah* form a prelude that helps us to condition ourselves (tune in) to do the *salaah*. Moreover, in Ramadan, fasting with others is much easier than fasting alone. Likewise, if someone prayed *taraweeh* by himself, he may see it as a burden and not complete it; however, it becomes easy in *jama'at* to the extent that one truly enjoys it. In addition, Allaah (ﷻ) has mentioned the merits of specific acts of worship such as walking to and returning from *salaah*. All of these matters will help make the believer eager to perform these acts.

Moreover, Allaah (ﷻ) has issued warnings and threats for abandoning the acts of worship and what punishments that entails. These help the person attain good while reminding him that he should not become lax in striving for that which is beneficial for him in this life and in the Hereafter.

Furthermore, through the legal excuses such as incapacitation, inability, the absence of certain criterion, or the presence of threats, Allaah (ﷻ) has created ways of helping us to attain that which is beneficial. For instance, the traveler is allowed to shorten the prayer, combine them if needed, not fast, as well as wipe on the leather socks or boots for three days and nights; moreover, all of the things that the traveler or the ill used to do when they were in residence or were healthy will still be written for them.

### **There are many other rulings Allaah (ﷻ) has made easy in general, including:**

1. The pardoning regarding small amounts of *najis* (impure) blood.
2. The sufficiency of *istijmar* (i.e. removal of the traces of what comes out of the two exits of urine and feces with stones) when water is not available for *istinja'* (cleaning the two exits with water).
3. The ease that cats are not filthy as the Prophet (ﷺ) mentioned, since they go around and around us.
4. The forgiveness regarding the mud in the streets since in origin it is *taahir* (pure) although we may expect it to be filthy.
5. The sufficiency of sprinkling water on the urine of the young boy who still suckles milk.
6. The pardoning concerning the vomiting of babies since vomit is not *najis*, as there is no evidence for its impurity.



7. The sufficiency of washing only the area of a garment where *najaasa* (impurity) is suspected if one is not sure of the filth's location.
8. The ease that if it is not possible to be sure when the *salaah* commences, then the believer works by that which is most likely, but if he later discovers that his conjecture was incorrect, then most of the scholars ask that he repeats his *salaah*.
9. In *Hajj*, the one who makes *tamat-tu'* and the *qiran* complete both *Hajj* and *Umrah* in one journey, instead of one travel for each. This is the reason why they are required to give *hadee* (a sacrifice) out of gratitude for this *ni'mah* (blessing).

Under this great foundation falls making the unlawful lawful. For instance, carrion can be eaten if there is no substitute available, and it would help the person to stay alive. Moreover, if someone chokes with nothing around him except wine or alcohol, then he may drink that which is sufficient to clear his throat and save himself from destruction. Furthermore, the offender's extended family must pay the *diyyah* (blood money) when the person accidentally or intentionally kills someone; this indemnity is deferred for three years.

## Conclusion

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

*Hardship brings ease, and all the permits and dispensations of sharee'ah and the lessening in the degrees of rulings branch from this foundation.*

The branches of this foundation are great and *In shaa'-Allaah* what has been presented is a sufficient clarification.

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  
 28<sup>th</sup> Sha'baan 1427 A.H.  
 21<sup>st</sup> Sept. 2006 C.E.