

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 -5

**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.)

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Basic Rulings and Foundations of Fiqh-5

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

Foundation five is entitled:

The *sharee’ah* is based upon two principles, sincerity to Allaah (ﷻ: *subhaanallaahu wa ta’aalaa*) the One who deserves to be worshipped Alone, and following the Messenger (ﷺ: *sallallaahu ‘alayhi wa sallam*).

Evidences for Foundation 5

These two principles constitute the conditions for every religious deed, whether it is apparent, such as the utterances of the tongue and the actions of the body parts, or it is from the inward actions of the heart. Allaah (ﷻ) said (in the translation of the meaning):

**﴿Surely, the religion (i.e. the worship and the obedience) is for Allaah only.﴾
Surah az-Zumar (39:3)**

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

﴿And they were commanded not, but that they should worship Allaah, and worship none but Him Alone﴾ Surah al-Baiyinah (98:5)

The meaning of this *deen* (religion) was defined and interpreted by the Prophet (ﷺ) in the *hadeeth* of Jibreel. It constitutes the five pillars of Islam and the six pillars of *eeman* (faith), as well as its realities, namely *al-ihsan* (benevolence), which is the basis of the actions of the heart. All of these matters must be sincere for Allaah (ﷻ) Alone, seeking His Face, Pleasure, and Reward. Similarly, all actions must be based upon the Book and authentic *Sunnah* of the Prophet (ﷺ). The Messenger (ﷺ) was trusted with teaching the means to make the *deen* upright and to have the acts of worship practiced correctly. Allaah (ﷻ) said concerning following the Messenger (ﷺ) (in the translation of the meaning):

﴿And whatsoever the Messenger (Muhammad ﷺ) gives you, take it, and whatsoever he forbids you, abstain (from it)﴾ Surah al-Hashr (59:7)

Combining both principles that constitute this fifth foundation, Allaah (ﷻ) stated (in the translation of the meaning):

﴿And who can be better in religion than one who submits his face (himself) to Allaah (i.e. follows Allaah's Religion of Islamic Monotheism); and he is a *Muhsin* (a good-doer)﴾ Surah an-Nisa (4:125)

The phrase, “**submits his face**,” means that the person’s inward and outward actions are for Allaah (ﷻ) Alone. Similarly, the “*Muhsin*” does the good deeds of Islam by following the Messenger (ﷺ). Thus, it serves as an evidence for both principles.

In many verses, we know that Allaah (ﷻ) commanded us to obey the Messenger (ﷺ). He (ﷻ) affirmed (in the translation of the meaning):

**﴿And obey Allaah and the Messenger (Muhammad ﷺ)﴾
Surah al-Ma'idah (5:92)**

The action that combines these two principles is accepted. If both are lacking or only one of them is present, then the action is rejected. If a person does a deed without sincerity, then there is *shirk*; if he acts without following the Messenger (ﷺ), then there is innovation. This falls under the saying of Allaah (ﷻ) (in the translation of the meaning):

**﴿And We shall turn to whatever deeds they (disbelievers, polytheists, sinners, etc.) did, and We shall make such deeds as scattered floating particles of dust.﴾
Surah al-Furqan (25:23)**

Therefore, if the deed does not include both of principles or even only one of them, then it is rejected.

Allaah (ﷻ) explained the difference between the deeds of the sincere doer and those of the one who shows off. He (ﷻ) affirmed (in the translation of the meaning):

﴿And the likeness of those who spend their wealth seeking Allaah's Pleasure while they in their own selves are sure and certain that Allaah will reward them (for their spending in His Cause), is the likeness of a garden on a height; heavy rain falls on it and it doubles its yield of harvest.﴾ Surah al-Baqarah (2:265)

In comparison, He (ﷻ) said (in the translation of the meaning):

﴿And (also) those who spend of their substance to be seen of men, and believe not in Allaah and the Last Day [they are the friends of *Shaytaan* (Satan)], and whoever takes *Shaytaan* (Satan) as an intimate; then what a dreadful intimate he has!﴾ Surah an-Nisa (4:38)

Moreover, the Prophet (ﷺ) said concerning the emigration, which is one of the best of deeds:

"The reward of deeds depends upon the intention, and every person will get the reward according to what he has intended. So whoever emigrated for Allaah and His Messenger, then his emigration was for Allaah and His Messenger. And whoever

emigrated for worldly benefits or for a woman to marry, his emigration was for what he emigrated for.”¹

Thus, the sincere one’s emigration was for Allaah (ﷻ) and His Messenger (ﷺ). Similarly, one of the companions asked the Messenger (ﷺ) about those who fight, enquiring:

“A man may fight for the sake of booty, and another may fight so that he may be mentioned by the people, and a third may fight to show his position (i.e. bravery); which of these regarded as fighting in Allaah's Cause?’ The Prophet said, ‘He who fights so that Allaah's Word (i.e. Islam) should be superior, fights for Allaah's Cause.’”²

Therefore, the person who intends by his verbal and practical *jihad* to give victory to the truth, then he is sincere for Allaah (ﷻ); whoever intends other than this will have that which he intended, and his actions will not be accepted. Concerning the deeds that are lacking, Allaah (ﷻ) said (in the translation of the meaning):

﴿Say (O Muhammad ﷺ): “Shall We tell you the greatest losers in respect of (their) deeds?” “Those whose efforts have been wasted in this life while they thought that they were acquiring good by their deeds!”﴾ Surah al-Kahf (18:103-104)

We seek refuge in Allaah (ﷻ) from this. Also, Allaah (ﷻ) affirmed:

﴿But if they answer you not (i.e. do not believe in your doctrine of Islamic Monotheism, nor follow you), then know that they only follow their own lusts. And who is more astray than one who follows his own lusts, without guidance from Allaah?﴾ Surah al-Qasas (28:50)

As such, the righteous deeds are done according to these two principles.

Types of Showing Off

If a person shows off in his worship, then this falls under four categories.

1. If showing off is the driving force behind doing the act of worship, then the worship is invalid. It is reported in the *hadeeth qudsi* that Allaah (ﷻ) said,

“I am the One, One Who does not stand in need of a partner. If anyone does anything in which he associates anyone else with Me, I shall abandon him with one whom he associates with Allaah.”³

2. If a person begins his worship sincerely and showing off occurs later at which point he tries to stop showing off, then his worship is valid. Otherwise, if he

¹ Reported in *Saheeh al-Bukhaari* (English translation vol. 1, *hadeeth* no. 51) and in *Saheeh Muslim* (English translation no. 4692, book 20)

² Reported in *Saheeh al-Bukhaari* (English translation vol. 4, *hadeeth* no. 355) and in *Saheeh Muslim* (English translation no. 4681, 4682, and 4687, book 20)

³ Reported in *Saheeh Muslim*, (English translation no. 7114, book 42)

continues and does not attempt to ward it off, inclining towards it, then one examines whether the latter part of this worship depends on its earlier part or vice versa. For example, with *salaah* and *wudhu*, these worships would become invalid in this case.

On the other hand, if the worship is distinguished such that the parts are independent, then whatever occurred before showing off is valid, and whatever occurred after the person began to show off is invalid. For instance, a person gives \$50 in charity sincerely. Later, he gives \$500 to show off. His first donation is valid while the \$500 are invalid.

3. If a person begins to show off after concluding the worship, then the worship is valid. However, this nullifies the reward for the worship. Allaah (ﷻ) said (in the translation of the meaning):

﴿O you who believe! Do not render in vain your *Sadaqah* (charity) by reminders of your generosity or by injury, like him who spends his wealth to be seen of men, and he does not believe in Allaah, nor in the Last Day. His likeness is the likeness of a smooth rock on which is a little dust; on it falls heavy rain which leaves it bare. They are not able to do anything with what they have earned. And Allaah does not guide the disbelieving people.﴾ Surah al-Baqarah (2:264)

4. The showing off is in the descriptive manner of the worship, not its origin. As such, the person initiates the action for the sake of Allaah (ﷻ) but shows off in its description. For instance, someone begins his *salaah* sincerely, but he hears someone come, at which point he begins to perfect his *salaah* more than normal. In this situation, all of that which he added to the sincere part of the *salaah* will have no reward.

The Distinction between the Inward and Outward Acts

The actions that the person does for Allaah (ﷻ) but they lack sincerity or are not in accordance with the *sharee'ah* are invalid. Similarly, the creeds that oppose the Book and the *Sunnah* of the Prophet (ﷺ), such as the creed of *ahl al-bid'ah* (the people of innovation) fall under the saying of the Prophet (ﷺ):

*"The reward of deeds depends upon the intention, and every person will get the reward according to what he has intended."*⁴

Secondly, they fall under the saying of the Prophet (ﷺ):

*"Whoever does any action that is not in accordance with this matter of ours (i.e., Islam) will have it rejected."*⁵

⁴ Reported in *Saheeh al-Bukhaari* (English translation vol. 1, no. 51) and in *Saheeh Muslim* (English translation no. 4692, book 20)

⁵ Agreed upon. Reported in *Saheeh al-Bukhaari* (English translation vol. 3, no. 861) and in *Saheeh Muslim* (English translation no. 4266, book 18)

The first *hadeeth* on the intentions is the scale for the inward deeds while the latter is the scale for the outward deeds.

The Nature of Sincerity

Sincerity to Allaah (ﷻ) regarding everything is what came in the textual proofs in the Qur'aan and *Sunnah*, both of which mention its merits and fruits as well as the nullification of the deeds that lack it. Sincerity is much more difficult to achieve than simple following. Some of the *Salaf* (*rahimahumullaah*) said,

“I did not exert a stronger effort on myself than I exerted on sincerity.”

You may find two people next to each other performing *salaah*. They both appear to be in a state of tranquility, praying correctly. However, with respect to their intention and sincerity, they could be as far apart as the East and West. If the person achieves sincerity, then following the Prophet (ﷺ) is easier.

Types of Intention

With respect to the intention, it is of two types. They are:

1. Intention of the deed itself - This involves a person intending to do some specific deed. For instance, one makes the intention that a particular *salaah* is *dhuhr*, not *'asr*. This will differentiate the deeds, for example between *fard* and *sunnah*.
2. Intention for the One to whom the action is done - This entails seeking Allaah (ﷻ) in one's action.

Transactions

These two principles render matters either legally acceptable or illegal. It covers not only worship, but also transactions, such as trade, rent, etc. If the parties involved agree upon something but the transaction is illegal, then their agreement is invalid and forbidden. No consideration is paid to their acceptance, since acceptance comes only after having the deed accepted by Allaah (ﷻ) and His Messenger (ﷺ).

Example: Two people agree to a transaction involving usury where one party was lent \$1000 with a 5% increment. This is forbidden because if acceptance was made the criterion, then the two who committed adultery will also say they accepted the illegal sexual intercourse.

The matter of legalization is based upon the *sharee'ah*, not the agreement or acceptance of the parties involved.

Additional Branches of this foundation include:

1. With respect to donations, gifts, or bequeaths, they must all follow the *sharee'ah*, without preference.

2. The conditions put on endowments must not in any way oppose the *sharee'ah*. If they do, then they are to be cancelled.

3. The determining criterion for conditions is the saying of the Prophet (ﷺ):

*“The Muslims are bound by the conditions they set between themselves, except a condition which makes the halaal(legal) haraam forbidden) or the haraam(forbidden) halaal (legal).”*⁶

4. All of that which is associated with marriage, including its pillars, conditions, what is lawful in it, what is unlawful in it, irrevocable/revocable divorce, etc., must be in accordance with the legal way, or it is to be rejected.

5. When a person makes an oath, then he does so by Allaah (ﷻ), One of His Attributes, or One of His Names. With respect to breaking oaths, the Prophet (ﷺ) said:

*“Whoever makes an oath and then finds other than that to be better, then let him do that which is better and expiate his oath.”*⁷

6. If you make a vow to obey Allaah (ﷻ), then you must obey Him, and if you make a vow not to disobey Allaah (ﷻ), then you must not disobey him.

7. Judicial matters, proofs, evidences as well as that which is related to them are all based on the *sharee'ah*. Allaah (ﷻ) stated:

﴿But no, by your Lord, they can have no Faith, until they make you (O Muhammad ﷺ) judge in all disputes between them, and find in themselves no resistance against your decisions, and accept (them) with full submission.﴾ Surah an-Nisa (4:65)

Also, Allaah (ﷻ) said:

﴿O you who believe! Obey Allaah and obey the Messenger (Muhammad ﷺ), and those of you (Muslims) who are in authority. (And) if you differ in anything amongst yourselves, refer it to Allaah and His Messenger (ﷺ), if you believe in Allaah and in the Last Day. That is better and more suitable for final determination.﴾ Surah an-Nisa (4:59)

⁶ Reported in At-Tirmitheh (no. 1352) and others, and At-Tirmitheh graded it as good-authentic. It was also authenticated by Ibn Hibbaan (see *Buloogh al-Maraam*, no. 257). The *hadeeth* is reported from several chains of transmission none of them is free from weakness, but taken together, the transmissions support and strengthen each other (Ibn Taymeeyah in *al-Fataawa* 29/147). The same conclusion was reached by Ibn Al-'Arabi, as in *'Aaridat al-Ahwadhee* (3/323). Ibn al-Qayyim also considered it as *Saheeh* (*al-Furoosiyah*, p. 164). Al-Albaani graded it as "*hasan* (good)" due to the same reason (i.e. chains supporting each other) as in *At-Ta'leeqaat Ar-Radiyyah* 2/174.

⁷ Reported in *Saheeh Muslim*, (English translation no. 4052, 4053, 4054, 4058, & 4062, book 15)

The Types of References in *Fiqh*

The *fiqh* itself from its beginning till its end is not an exception to this foundation. Rather, the rulings are taken from four references; they are:

1. The *Book*
2. The authentic *Sunnah*
3. *Ijmaa'* (consensus)
4. Analogy

The Book and the *Sunnah* are the origins; the *ijmaa'* depends upon them, and analogy is deducted from them. As such, nothing exists, except that it falls under this great foundation.

Conclusion

The fifth 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-Naaft'ah* (The Basic Rulings and Principles of *Fiqh* – The Beneficial, Eloquent Classifications and Differentiations), is entitled:

The *sharee'ah* is based upon two principles, sincerity to Allaah (ﷻ) the One who deserves to be worshipped Alone, and following the Messenger (ﷺ).

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
13th Ramadhan 1427 A.H.
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