

Kingdom of Saudi Arabia
Ministry of Higher Education
Al Imam Muhammad Ibn Saud Islamic University
College of Sharia (Islamic Law)

Thesis Abstract

Sheikh Abdul Rahman Al Saadi Selections in Contemporary Juristic Issues

Prepared by:

Maha Bint Abdullah Bin Mohammed Al Siari

Supervisor

His Eminence Sheikh Prof. Dr.

Abdullah Bin Abdul Wahed Al Khamees

Professor at the Department of Jurisprudence,

College of Sharia in Riyadh

Academic Year
2009-2010

- ❖ Sheikh Abdul Rahman Al Saadi was the most eminent scholar at his time, a jurist who was ahead of his time in thinking about many cotemporary juristic issues and rendering on them sound rulings supported by proof.
- ❖ Dental fixtures have no effect on ritual purity, hence they need not be removed or moved when performing Wudhu (ablution) or ghusl (major ablution), because they cover but a small part of the mouth, so just the passing of water on them during ablution or major ablution is sufficient.
- ❖ It is permissible to wipe over torn, ripped or light socks because the socks perform the job of Khuf (leather socks) and they are indeed socks in purport, and Prophet Muhammad, peace and blessings be upon him did not distinguish the rule with a specific description but he generalized it.
- ❖ The blood remaining in the veins and meat of a slaughtered animal is clean. Hence, if such blood falls on the body or the clothes it need not be removed because it is clean.
- ❖ It is Makrooh (disliked) to face a lamp (light) and candle when performing prayer, for the Islamic Sharia adheres to keeping Muslims away from any thing that distracts them from their prayer and facing any kind of fires diverts them from their prayer. However, facing a hearth in prayer is permissible not disliked because there may be need for it during the cold days of winter.
- ❖ It is permissible for a traveler to perform an optional prayer (Tanaful) in a vehicle whatever direction it faces and he gestures for Ruku or Sujud, to the best of his ability. This is to preclude hardship so that he may not cease to perform prayers during his travel.
- ❖ It is not proper to perform an obligatory prayer in a vehicle, because facing the Qibla is a prerequisite for the correctness of prayer and

Qiyam, Ruku and Sujud are pillars of prayer and often the one who performs prayer in a vehicle cannot do that.

- ❖ If a person cannot dismount his vehicle for performing obligatory prayer because of fear from being subjected to harm against himself, his money, etc and there is a short time before the time for obligatory prayer elapses, then it is permissible for him to perform prayer in the vehicle but he must face the Qibla to the best of his ability.
- ❖ Prayer behind a Fasiq (one who crosses the boundary set by Shariah) is proper, because every one whose prayer is proper his Imama (leading of prayer) is proper and there is no proof as to the distinction between properness of prayer and properness of Imama.
- ❖ It is not proper to perform Jumaa prayer and congregational prayers behind a radio set because performing the congregational prayer in the mosque has great benefits that demonstrate that it is an obligatory duty to perform it in a mosque.
- ❖ It is permissible to use loudspeakers in prayer because essentially habits are permissible and they are not ruled prohibited without proof and there is no proof that establishes prohibition of using loudspeakers in prayer.
- ❖ It is not permissible to receive a salary for Adhan (call for obligatory prayer) and Imama (leading of prayers) unless there is a need.
- ❖ It is not permissible to give Zakat (obligatory alms) to the ones who perform a religious job, such as judgeship, teaching, Ifta (giving authoritative legal judgments), etc. unless they are poor, employed in collecting the funds, in debt, conciliation of hostility or fighting in holy battles, because payment of Zakat to everyone who performs such a religious job leads to distributing Zakat among a large number of people in such a way that it will not satisfy the need of the poor who are in greater need for it, which is in conflict with the wisdom of Zakat.

- ❖ It is not permissible to spend Zakat on a building in a cemetery because when the way of Allah is uttered in the law of Islam it comes to the mind that it is struggle in the way of Allah. In fact, in the holy Qura'an it most often was in this sense, so much so that the terms seems to be restricted to Jihad, so, it is not permissible to spend Zakat on a building in a cemetery.
- ❖ It is proper to rely on the telegram and cannon in announcing the beginning and end of the fasting month because if this is established to the judge the document of this ruling will most often be reviewed only by the person who undertakes it, be him a judge or the like, but other people of the town as well as the people of the country and other countries will only receive the news by spreading it via a call on high places, firing of cannons or sending of telegrams. This has been going on for centuries without disapproval. However, some of the methods used in this regard are recent, including telegrams and the like. Hence, it has become known that the Islamic nation is unanimous on adopting such a kind of proof.
- ❖ It is proper to rely on the radio in spreading the news of the advent and end of the fasting month because the general good is taken into consideration in Islamic Law. Hence, if the advent or end of the fasting month is established to the judge it becomes a duty to inform people so that they fast or break the fast and the general good calls for announcing the news as soon as possible and in fact announcing such news via the radio is faster than any other means in conveying the news to all people, so the general good has entailed adopting it.
- ❖ It is not proper to fast the six days of months other than the month of Shawal because if a Muslim does not fast the six days of Shawal for a reason it is hoped that he will receive its full reward.

- ❖ The use of syringes for medicine depends on the medicine in them, if the medicine is permissible then their use is permissible but if the medicine is prohibited then using the syringes is prohibited.
- ❖ Nutrient syringes spoil fasting because the All-wise legislator does not distinguish between two things that are similar in purport. Hence, that which brings about nutrition and managing without food and drink takes the rule of food and drink in causing a fasting Muslim to break the fast.
- ❖ It is permissible for a person in the state of Ihram to shade himself with an umbrella because shading with something that does not touch the head while it is accompanying him is not called wearing but shading and that which is prohibited is the covering of the head not the shading.
- ❖ It is incumbent upon on the people of Jeddah to offer the blood of Tamattu (performing Umrah before Hajj) and Qiran (performing Hajj along with Umrah) in the same state of Ihram, because they are non-residents of Makkah.
- ❖ It is permissible to move the Maqam (station of Prophet Ibrahim beside the Ka'ba) for broadening the width of Sai track because this view is in no conflict with the Holy Qura'an or Prophet Muhammad's Sunna (tradition).
- ❖ Riba (usury) in its two kinds occurs in pieces of paper money as it occurs in gold and silver and other measures of value. Hence, they must not be sold for each other or for other monetary kinds be they gold or silver or other, on credit at all. An American dollar must never be sold for five Saudi riyals or more or less on deferred payment. A type of money must not be sold for the same type at a more amount, be that hand by hand or on deferred payment, for example, eleven Saudi riyals of paper money must not be sold for eleven Saudi riyals of paper money.

- ❖ Smoking and dealing in tobacco is prohibited. Whoever smokes or deals in tobacco must repent to Allah sincerely because it is included in the general texts that demonstrate its prohibition, in the general expression and meaning.
- ❖ The radio set is an instrument for which the ruling varies in accordance with what is heard from it; if what is heard from it is singing, music and prohibited speech then it is prohibited to listen to it and trade it, and if what is heard from it is permissible news and speeches then it is permissible to listen to it and trade in it. Furthermore, if it broadcasts scientific lectures and lessons and readings from the Holy Qura'an then it is advisable to listen to it provided it distracts a Muslim from essential matters.
- ❖ It not permissible to sell fuels for grains or dates on deferred payment because all grains are measured and so are fluids and both are edible.
- ❖ It is prohibited to exchange an Arabic riyal for a French riyal overlooking the remainder because this is selling silver for silver with a difference in the amount.

The company of brokers is proper in two cases:

1. If the merchant knows and consents to the broker's case and his association with other brokers, because the broker is the merchant's agent and the agent may appoint another as his agent by permission of his client.
 2. If there is a known tradition that the broker hands the commodity to whoever he trusts because the known tradition is like a stipulated condition.
- ❖ It is proper to be compensated for a Salam debt after its maturity with a similar or less price on the spot, because dealings are essentially permissible and there is no evidence for their prohibition, not from

Qura'anic or Sunna texts, not from consensus of Muslim scholars and not from correct deduction by analogy.

- ❖ It is permissible to hand livestock to the one who attends to them and takes their milk and wool or fleece, because there is a need for such transactions on the part of the two sides: the giver needs to have his livestock reared and increased and the receiver needs to get the aforesaid materials in return for rearing and attending to the livestock.
- ❖ It is permissible for a person who officiates the marriage contract to take a charge for the marriage contract if he does not receive a salary from the state, but it is not permissible for him to stipulate an amount of money upon officiating the marriage contract even if he does not receive a salary from the state.
- ❖ It is permissible to receive the aba charge from the same gold or silver material from which the aba is woven providing exchanging possession at the contract place because upon combining two different contracts one with departing permissible before taking possession such as sale or Ijara and the other with departing before taking possession not permissible such as exchange and Salam, if the price is received in the contract place or in case of taking possession of the price where departing from the contract place price is not permissible before a contract in the contract place then the contract is valid.
- ❖ It is permissible for men to wear an aba woven with gold and silver because the threads of the aba are not gold or silver as confirmed by the experts.
- ❖ Essentially a copy of the Holy Qura'an endowed to the mosque must remain in the mosque to which it is endowed and must not be taken out of it unless there is a need for that, such as in the case where the mosque or its utilities are damaged, because that is more beneficial, but if the copy of the Holy Qura'an is endowed for reading and

memorization, not to a specific mosque, then it is permissible to take it out for the general good.

- ❖ Essentially the marriage contract will be in the expression Inkah or Tazweej (both meaning to give in marriage). Combining the two expressions Inkah and Tazweej has not been reported to be used by Prophet Muhammad, peace be upon him, nor his companions, may Allah be pleased with them and none of the people of knowledge stood up for that.
- ❖ Nominating a Sadaq (mahr) in the contract different from what is real is not appropriate because it is lying and because it leads to conflict and disagreement between the couple.
- ❖ There is no proof in the Holy Qura'an, Sunna, or prophet Muhammad's companions sayings and practices as to the permissibility of reading of Surat Al-Fatihah and offering its reward to prophet Muhammad peace and blessings upon him at the conclusion of marriage contracts and other contracts. This being so, it is an innovation in religion and it is not permissible to act accordingly. This is because reading of the Holy Qura'an is an act of worship and acts of worship are established only by a proof. This includes reading at the a proof. This includes reading at the instance of the contract, at stipulating conditions in the contract and after concluding the contract, all are an innovation in religion with no foundation in Islamic Sharia.
- ❖ It is a duty to maintain broken and torn pages of copies of the Holy Qura'an and to protect them from indignity. That can be achieved by burning or burying in the ground.
- ❖ It is permissible to cut open a pregnant woman's stomach after her death for taking out her live embryo, because the protection of human beings is one of the purposes of Islamic Sharia. In this time which has witnessed great advances in medicine and performance of very

complicated surgeries cutting of the dead woman stomach for taking out the live embryo is considered to be easy and safe.

- ❖ It is prohibited to torture animals and play with them or hunt them for making them pets and play with them because this means making little of them and lack of mercy.
- ❖ If two vehicles collide with the two drivers doing that intentionally, then if the two drivers die there will be no legal retaliation because of their death. Their blood money and that of other dead persons as well as the damaged cars and effects will be due, and if one of the drivers die by the collision while the other remains alive then legal retaliation will be taken from him because it is most likely that the collision has caused the death.
- ❖ If a driver drives rashly and violates the regulations by speed exceeding normal speed or ignores traffic lights at dangerous intersections or swerves his vehicle intentionally on another vehicle causing it to topple or strike against a wall or a column leading to the death of its driver or the passengers with him then this is semi-intentional murder where blood money must be heavy.
- ❖ If young lads or their like hang to a vehicle and fall with the vehicle driver not ordering them to do so nor knowing about them he bears no consequences because the fault in this case is of the victim and he is to bear the consequences.
- ❖ If young lads or their like hang to a vehicle and fall from it with the vehicle driver ordering that or knowing it then the vehicle driver bears the consequences because the victims are ordered or permitted to do so.
- ❖ If a person mounts a vehicle and then dismounts it while it is moving with damage resulting from that, then he bears the consequences and there is no liability on the part of the vehicle driver because the doer of the action is liable even if he does not intend that or transgress.

- ❖ If a sane discerning person mounts a vehicle and dismounts it while it is moving at the driver's order, then the liability is his because the fault in this case is committed by the victim so he bears the consequences.
- ❖ If a young or insane person mounts a vehicle and then dismounts it while it is moving at the driver's order, then the driver bears the consequences because the damage is shared by the driver and the passenger and the cause is stronger than the practice and hence the causer, i.e. the driver, bears the consequences.
- ❖ It is permissible to transfuse blood from one person to another in need of it if a number of conditions are fulfilled:
 1. Existence and confirmation of necessity.
 2. Lack of an allowable alternative.
 3. Great likelihood that it will be of benefit.
 4. Confirmation of the absence of risk to the donor.
 5. Transfusion will be performed by a skillful surgeon.
 6. Transfusion will be restricted to the necessary amount.
- ❖ It is permissible to transplant body parts if a number of conditions are fulfilled:
 1. The person to whom the part is transplanted must be a Muslim.
 2. The transplant must be made to a person needing that part for saving his life or for restoring one of the main functions.
 3. Taking the part from the donor will not cause a damage that will upset his life.
 4. Donation will be voluntary.
 5. The transplant will be performed by a skillful surgeon who believes that the surgery will most likely be successful.
 6. The transplant must be through donation, not through selling.

- ❖ Prohibition of photography is more appropriate because it is more prudent and more away from sinning and from the threat given to drawers.
- ❖ Playing with playing cards for a return of money, food or drink or any other little or great thing is prohibited according to the consensus of scholars.
- ❖ Playing cards without recompense is prohibited because it almost bears no benefits, it does not impart experience or scientific or other skill. Indeed, it is an object of great evils that vary according to the players ethics and values.
- ❖ Playing the game of Um Khotot ranges between admissibility and impermissibility pursuant to the consequences of that game.
- ❖ The game of Almadafin is prohibited because it is a sort of gambling which is prohibited by the Holy Qura'an, the Sunna and consensus of Muslim jurists.
- ❖ Congratulating a Muslim on the occasion of a matter that makes him happy such as occurrence of a new boon or repelling of a misfortune or calamity is generally permissible whatever permissible expression is used to make a Muslim happy because habits are essentially permissible until there appears a proof that takes them from permissibility to another rule.
 - ◆ Congratulation at certain times with an origin in Sunna or action of our righteous ancestors is generally permissible.
 - ◆ Congratulation at certain times without an origin in Sunna or practice of our righteous ancestors and connected with a religious occasion such as congratulation on Prophet Muhammad's birthday is prohibited because it is congratulation on a religious innovation.
 - ◆ Congratulation at certain times with no origin in Sunna or practice of our righteous ancestors and not connected with a religious occasion,

such as congratulation on the first day of a new year, is prohibited because the Hijiri calendar is not intended for observing occasions and for congratulation but it is intended for observing contracts, so turning it into an occasion for exchanging congratulations makes it a means for religious innovations.

And I ask Allah, Glory to Him, to cause this work to be auspicious, sincerely for the sake of Allah and beneficial to mankind. And, praise be to Allah and peace and blessings be upon prophet Muhammad, his family and his companions.