

Prevention of the Means of the Corruption and its Contemporary Application

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Abstract

Praise be to God, Lord of the worlds, and prayers and peace be upon the Messenger of God, and after.

If Mujtahid's pursuit of interest, and warding off counter results to the purposes of Islamic legislation, even by way of exception to the general rules and measurements, it is a legally considered approach, so it is envisaged by prevention of the means of the corruption rule the first in consideration. Because in this accreditation of the interest, and to prevent the anti-intention of the street, without exception from the texts and general rules.

The prevention of the means of the corruption is one of the legally considered rules because it deals with the reality of the behavior and actions of the assigners in a way that does not conflict with the interests that the legislator considered, preserving the Sharia in its provisions and objectives so that the project does not seek intercourse with the forbidden, or with what does not result from the projects of the results of the collision of the purposes that these projects came to achieve in existence, due to circumstances, even if it was not intended by the assigner.

This principle represents the preventive role in Islamic law, by preventing every means from which harm and corruption are expected before it occurs. Because it is decided in the rules of Sharia that: (Push is easier than lifting)) or stronger. Therefore, we will talk, God willing, about prevention of the means of the corruption rule through the following topics

Introduction

A TOPIC ONEE

The nature of means and their place

Definition of prevention of the means of the corruption:

Prevention of the means of the corruption is considered a compound origin, and a title to denote a specific meaning, and it is an additional compound from two words: (prevention) and (Means), therefore, we will first learn about the meaning of prevention of the means of the corruption as an additional origin, so we will learn about the meanings of the words (prevention) and (means of the corruption), and then we will learn secondly about the meaning of the complete composition (prevention of the means of the corruption), through the following points::

First: the definition of prevention in language:

Seen and Dal are one origin, and it indicates the filling of something and its suitability, from that: the notch is plugged in, every barrier between the two things is blocked, and

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from that righteous, the one who is right, that is, the righteousness; As if there is no gap in it. It is also correct to orient. It is said: I said correct. And God Almighty oriented him. And it is said: the the man oriented, if he says right. And from the door: ((there is prevention from want)) by breaking. As well as the blocking of the notch and the gap

Second: Defining of means.

Al-Dhal, Al-Ra'a, and Al-Ain are one origin that indicates an extension and a movement to a foot, then the branches return to this origin. The arm is the human arm, well known. And the Theret': the source of measure the garment, the wall, etc. Then it is said: He is fed up with this matter, if he bears more than he can bear, then he is unable. It is said that his mean: preceded it. And the means of the beast: its legs, and the one is a mean. And the camels invoked the water: they waded with their arms. And the earth's arms: its sides, as if each side of it is like a cubit.

The mean: a camel used by the archer to cover the hunt. That is why he moves with her: walking. And from the door: the man spoke his words. And Athraa: a lot of talking. And a terrible mare: a wide step between the arms. And the legs of measure: are light. And it is said to the light-handed woman spinning: an arm..... And it is said to the herald if he nods with his hand: The herald has forsaken. And it is the sign of the good news.

The excuse: the means. So-and-so has invoked excuse, that is: pleading, and plural excuses, and the excuse is like a pretext..... and the excuse: the reason to the thing, it is said: that person my excuse to you, that is, my reason and my connection that I cause to you.

Third: Definitions of excuse according to some fundamentalists.

By looking closely at the fundamentalists' definitions of excuse idiomatically, we find that the most important of them are:

A - Al-Baji defined the excuse as: ((the issue that appears to be permissible, and by which it reaches the forbidden act)). And that is like: if he sells the commodity for a hundred on credit, and buys it for fifty in cash, then this leads to a loan of fifty in one hundred, by mentioning the capacity.

B- As for Ibn al-Arabi, he defined the excuse in two places in his book *Ahkam al-Qur'an*:

One of them: every seemingly permissible contract is interpreted or can lead to prohibited. And the second: Every apparently permissible action leads to a prohibited act, as the Jews did when they were forbidden to fish on Saturday, so they closed the rivers and tied the whales in it until Sunday.

C - What al-Qarafi mentioned as: ((the means to something, and the meaning of that is: resolving the substance of the means of corruption in repelling it, so when the act that is safe from corruption is a means to corruption, we are prevented from that action, and it is the doctrine of Malik, may God have mercy on him)).

D - And Sheikh Al-Islam Ibn Taymiyyah and his student Ibn Al-Qayyim defined it as: ((It was a means and a path to something)).

E- Finally, Al-Shawkani defined it as: ((The issue that appears to be permissive and leads to the act of the forbidden)).

If we reflect on these definitions, we find that they are close, and some respond that they are not inclusive. Because it is limited to the means of forbidden things, while the excuse pervades all means, whether it is a means for forbidden things, duties, or other provisions... Imam Al-Qarafi says about that: ((Know that the excuse must be closed, it must be opened, and it is hated, lamented, and permitted, for the excuse is the means, Just as the way of Muharram is forbidden, so the way of duty is obligatory, such as the Friday prayer and Hajj. The sources of rulings are of two types:

A- Objectives: It is the path that leads to benefits and harms in and of themselves.

B- The means: the methods that lead to them and their ruling is like the ruling that leads to them in terms of prohibition or permissibility, except that they are of a lower rank than the purposes in their ruling, the means to the best of the ends are the best of the means, and to the ugliest of the purposes the ugliest of the means, and to what is average is medium, and the meaning of the means is indicated by the Almighty's saying: That is because they are not afflicted by thirst, fatigue, or privation in the way of God, nor do they tread. A footing that enrages the unbelievers, and they do not harm an enemy except that it is written in and have a righteous deed for them, God does not waste the reward of the doers of good. So God rewarded them for their thirst and fatigue, even if it was not from their actions, because it happened to them because of begging for jihad, which is a means to honor the religion and protect Muslims, so preparation is a means to a means)).

Also, some definitions are taken from the linguistic concept of the excuse, but the generalization of the thing in it makes it non-obstructive. To enter all the means leading to other than legal rulings, which is not related to the function of the assets.

Therefore, some contemporaries see that the most appropriate definition in defining the excuse is: ((the means leading to the five legal rulings to include everything related to the excuse and its rulings of research. Whether it leads to interests, harms, or other things)). Or that it is: ((The method that is in itself permissible, but it leads to what is forbidden, so it is not what is intended in itself, but what is meant is what it has reached)). Or it is: ((The thing that is not prohibited in and of itself if the accusation is strong in falling into a forbidden act)).

Fourth: Defining the prevention of the means of the corruption idiomatically

The meaning of the excuse is the means, and the meaning of the prevention of the means of the corruption is refusing it, the implication of the speech is that the means of the forbidden is forbidden, and the means of duty is obligatory, so fornication is forbidden, and looking at the private parts of a foreigner is forbidden, because it leads to indecency, and Friday prayer is obligatory, and abandoning selling for the sake of worship is also obligatory, and Hajj is obligatory, and seeking to the Sacred House and all the rituals of Hajj are obligatory for it.

Thus, blocking the excuses mean: (preventing access to the bad if it leads to it)). Or ((preventing every originally legitimate means that leads to the opposite of the lawgiver's intention in the end)) That is, in the event that there are originally legitimate means and methods that lead, in any circumstance, or with regard to a person, or an incident, to results that contradict or collide with the Lawgiver's intention of achieving interests or warding off corruption, then the Mujtahid must then do so, this event or this means leading to such an end is ruled to be invalid or prohibited, in order to prevent causing harm, and to preserve the purposes of the wise legislator from the contradiction or contradiction between the origin and the end, or the means and the destination.

TOPIC TWO

The opinions of scholars and their evidence in the authenticity of the excuses

The principle of excuses, and considering it as one of the foundations of jurisprudence, was taken by Malik in Mashoor, and Imam Ahmed bin Hanbal, may God be pleased with him, approached him in that.

Some jurists have claimed that there is nothing in the origins of any of the jurists other than them, but the Malikis mention that the jurists shared with them in many of his tracks, even if they did not call it by that name.

Let us begin by listing the opinions of the jurists regarding the excuses, which are of two schools of thought:

A- The first doctrine:

It is well-known on the authority of Imam Malik and Ahmad, as they consider the principle of blocking excuses as one of the foundations of jurisprudence, and they work a great deal according to it.

Al-Shatibi says while establishing the basis for looking into the consequences of actions: (Looking into the consequences of actions is considered intended by Sharia, whether actions agree or disagree... This principle is based on rules, including: the rule of excuses that Malik ruled in most chapters of jurisprudence, because its reality is pleaded for what is in the interest to spoiler)).

Imam Ibn al-Qayyim stresses the importance of the rule of blocking excuses. Where one of men of religion considers it; He says: ((And the door of blocking the excuses is one of the quarters of the obligation, because it is an order and a prohibition, and the order is of two types; one: what is intended for itself, and the second: a means to what is intended, and the prohibition is of two types; one of them: what is forbidden is what is corrupted in itself, and the second: what is a means to what is corrupted; So blocking the excuses that lead to what is forbidden becomes one of the quarters of the religion.

B- The second doctrine:

It is well-known of Abu Hanifa and Al-Shafi'i. They prevented the introduction of the rule of blocking excuses. It is worth noting that the books of the principles of their school did not mention anything about their opinion on this subject, and that is because the researcher in this case finds that the books of the principles of Hanafi and Shafi'i do not discuss this principle, but rather what was presented to him by research and detail, and arguments because he is aware of the construction of rulings in the books of the principles of Malikiyah. and the Hanbalis. Al-Baji says: ((Malik, may God have mercy on him, went to the prohibition of excuses.... Abu Hanifa and Al-Shafi'i said that it is not permissible to prevent excuses).

This is confirmed by Ibn al-Najjar when he says: ((And the excuses are blocked, which is what appears to be permissible, and by means of which he reaches the forbidden. And the meaning of blocking them: is the prevention of doing them for the sake of prohibition. Abu Hanifa and Al-Shafi'i permitted it)).

Ibn Hazm denounces Ijtihad through excuses, because that type is one of the sections of opinion, and he denounced the entire opinion with its branches.

Ibn Hazm, as usual, is intense in saying and writing in criticizing the origin of [blocking the excuses], where he says in his judgments: ((So everyone who judges with a charge or a precaution he is not certain of, or with something fearful as excuses to what has not yet happened, then he judged by conjecture, and if he judged by conjecture then he was judged with lies and falsehood, and this is not permissible, and it is a judgment of whims and avoidance of the truth. We seek refuge in God from every doctrine that leads to this, even though this doctrine in itself is weak and contradictory, because no one is more deserving of the accusation than anyone else, and if he forbids something that is lawful, he fears invoking what is forbidden, so let men single out the fear that they commit fornication, and let people be killed for fear that they will become unbelievers, and let the grapes be cut off for fear of making wine from them. In sum, this doctrine is the most corrupt doctrine on earth, because it leads to the nullification of all truths))

By looking closely at Ibn Hazm's previous words, we find the extent of his intolerance to his methodology and his strictness in refuting every chapter of Ijtihad with opinion. And he neglected that the lesson in leading the matter to a prohibition is preponderance, and that it often leads to that, and in a few it does not lead, and therefore it is not correct to say that according to this imposition, men must be castrated so that they do not commit adultery, and people are killed so that they do not become corrupt, and grapes are

prevented so that they do not take wine, etc., for that cannot be achieved, and it cannot be compared to blocking excuses, as it is not common for people to commit adultery, and it is not common for grapes to be taken for wine, etc. Moreover, on top of what was previously mentioned, God Almighty forbade mutilation, urged procreation, and protected souls from being killed, and wealth from being violated. It is not correct to say that men must be castrated and grapevines plucked...etc. Forbidden in and of itself, claiming that it is excuse for what God has forbidden, so it is prohibited in and of itself, so it is not valid for it to be permissible, because it leads to something else forbidden, for fear of an expected injustice.

The scholars who decided to block the excuses and make excuses obligatory looked at the things that are intentionally intended to commit the forbidden. Like someone who takes selling as a way to usury, like someone who takes temporary marriage as a way to make it permissible for her divorced three times, and like someone who gives his money in death's illness to prevent the heirs from inheriting from their legitimate right whose statement is addressed by the Book of God Almighty, so whoever intends to these matters to destroy what the legislator has decided, and violates the Shari'a decisions, and permits the taboos, his intent is rejected, and that is why they said that these excuses are forbidden, and the dispositions that are concluded with their intent are invalid, and the purpose of excuses, whether positive or negative, is to protect what the Lawgiver commanded or forbade, not to exceed the Lawgiver)).

Achieving the point of contention between the four schools of thought:

By looking closely at the fundamentalist books, we find that the origin of blocking excuses was said by the scholars in general, and it is not specific to the Malikis and Hanbalis; The following is evidence of this

A-Al-Qarafi says: ((It is reported from our school that one of its characteristics is considering revenues and the sent interest and blocking excuses, and this is not the case..... As for the excuses, the nation has met that they are three categories; one of them: considered unanimously, such as digging wells in the roads of Muslims, throwing poison in their food, and cursing idols at Whoever knows from his condition that he curses God, and the second: It is canceled by consensus, like growing grapes, because it is not forbidden for fear of alcohol and partnership in the house's residence for fear of Zakat, third: There is disagreement about it, such as the sale of deadlines. We considered excuses in it, and others disagreed with us. The conclusion of the case: we said blocking excuses more than others, not that they belong to us.....))

B - Al-Qurtubi said: Blocking excuses ((Malik and his companions went to it, and most of the people disagreed with it, and worked on it in their most detailed branches, then it liberated the subject of the dispute and said: Know that what leads to falling into the forbidden is either necessary for it to fall definitely first, and the first is not from this section, but from section of pure money from haram except by avoiding it, so doing it is forbidden from section of what the duty cannot be fulfilled except with it, so it is obligatory. With us: the first must be observed, and the second and third the companions differed concerning it, so some of them observe it, and some of them do not observe it, and perhaps they call it the distant charge and the weak excuses.

C - This meaning is confirmed by Ibn Jizzi, where he says: (The people of the school of thought transmit from Malik that he is alone in considering returns, interest, and excuses, and it is not like that, because the habit is the custom, and it is considered in the school, and the interest has been considered by the people of the school as a part of it, but only Malik is alone with a part, The conclusion of this is that he considered the interest and excuse more than others, not that he was the only one with them).

D - Imam Al-Shatibi considered blocking excuse as one of the rules based on the principle of considering the consequences of actions, and concluded his saying with the

following: ((It appears that the rule of excuses is agreed upon in consideration in the sentence, but the disagreement is in another matter)).

Sheikh Abdullah Daraz said in his comment on the words of Al-Shatibi: ((It is in fact a difference in the context in which excuse is achieved, and it is from the verification of the criteria..... So Malik makes the presence of idle talk in the middle pledge an evidence of the intention of the forbidden pleading, and Al-Shafi'i increases in the context more specific evidence than this, if the matter was portrayed as saying that he sold him an animal for ten for a term, then after a month he went out to the market to buy an animal substitute, and he found the thing sold in the market, and the markets had changed, for example, or changed, so he bought it for five in cash, then this is apparent in him that he did not intend the forbidden, but it was corrupt according to Malik even if he did not intend it, as al-Dardir said in his small commentary, and Ibn Rushd said: There is no sin on the one who does it in what is between him and God as he did not intend the forbidden it mean, but that corruption is only to perpetuate the rule of the ruler)).

If we look closely at what has been said, we will conclude the following points;

A - The principle of blocking excuses was said by the scholars in general, and it is not specific to the Malikis and Hanbalis only, except that the Malikis said it more than others.

B - That the disagreement that Al-Shatibi considers is not a disagreement in the origin of the rule, but rather a disagreement in some sections of excuses, which leads to the often forbidden corruption, and the intent of its owner does not appear.

The origin of blocking excuses is a legislative plan that directs the footsteps of Mujtahid with opinion or shields him from arbitrariness in understanding and applying to renewable partial facts, as Mujtahid descends with general theoretical rules and partial rulings from its abstract theoretical horizon to the present reality in its ambiguous circumstances. So he works to harmonize between the requirements of the abstract theoretical rule and the general reality, in order to achieve the interest and justice, and to ward off the outcomes that are forbidden by the Sharia, by preventing everything that is permissible in the Sharia in its origin, if it leads to what contradicts the intention of the Lawgiver as a result, fruit, or outcome, which is the meaning of the saying of Sheikh Abu Zahra: (The principle of blocking excuses documents the general principle on which all Islamic legislation is based). This is a kind of consideration of the outcome, without a doubt.

Evidence for the authenticity of blocking excuses

Imam Ibn al-Qayyim excelled in listing the evidence for the prevention of doing what leads to the forbidden, even if it was permissible in itself, so he, may God have mercy on him, inferred the necessity of blocking excuses with ninety-nine evidence. Below we mention the most prominent of these evidence:

The first evidence: The Almighty said (And do not insult those they invoke other than Allāh, lest they insult Allāh in enmity without knowledge. Thus We have made pleasing to every community their deeds. Then to their Lord is their return, and He will inform them about what they used to do.) And the reasoning is from this noble verse:

That God has forbidden insulting the gods of the polytheists - with the insult being anger and vengeance for God and an insult to their gods - because it is excuse for insulting God Almighty, and the interest of leaving insulting him, the most high, was more important than the interest of insulting their gods, and this is like a warning, but rather an explicit statement on preventing what is permissible so that it does not become a reason for doing what is not permissible.

The second evidence: The Almighty said (And let them not stamp their feet to make known what they conceal of their adornment. And turn to Allāh in repentance, all of you, O believers, that you might succeed.) and the point of evidence: that God prevented them

from striking their feet, although it was permissible in Himself, so that it would not be a reason for men to hear the sound of anklets, and that would excite the causes of lust for men.

The third evidence: What Al-Bukhari and Muslim reported from Abdullah bin Omar that the Messenger of God, may God's prayers and peace be upon him, said: ((It is among the major sins that a man insults his parents. They said: O Messenger of God, does a man insult his parents? He said: Yes, he curses a man's father, and he curses his father, and he curses his mother, so he curses his mother) Agreed upon, and the wording of Al-Bukhari: ((It is among the greatest of major sins that a man curses his parents. It was said: O Messenger of God, how does a man curse his parents? He said: He curses a man's father, and he curses his father, and he curses his mother, so he curses his mother)). The man curses his parents for causing him to do so and pleading with him, even if he did not mean it.

The fourth evidence: that he, may God's prayers and peace be upon him, forbade being alone with a non-Mahram woman, even when reading the Qur'an, and traveling with her, even if during Hajj and visiting parents, to block excuse for what he warns of sedition and prevailing in nature.

Al-Tirmidhi narrated in his Sunan from the Prophet, may God bless him and grant him peace, that he said: ((A man should not be alone with a woman who is not his Mahram, because the third of them is Satan).

Fifth Evidence: God Almighty commanded lowering the sight - even if it falls on the virtues of creation and contemplation of God's creation - to block excuse of will and lust that leads to forbidden things.

The sixth evidence: The Prophet, peace and blessings of Allah be upon him, forbade building mosques over graves, and cursed those who did that, and he forbade plastering graves, honoring them, and taking them as mosques, and praying to them and next to them, and lighting lamps on them, and ordered them to be leveled, and forbade taking them as feasts, and forbidding travel to them, lest that be an excuse to take them as idols and engaged with them, and it is forbidden for those who intend them, and did not intend it, but rather intended its opposite in order to block excuse.

The seventh evidence: that he, may God's prayers and peace be upon him, forbade imitating the People of the Book in many hadiths, such as what Al-Bukhari included in his Sahih that the Prophet, may God's prayers and peace be upon him, said: ((The Jews and Christians do not dye themselves, so differ from them)) and he, may God's prayers and peace be upon him, said: ((Be different from the Jews, because they do not pray in their shoes or slippers,)).

And also his saying, peace be upon him ((He who imitates others is not among us)). And Imam Ahmed narrated in his Musnad that the Prophet, peace be upon him, said: ((Whoever imitates a people is one of them)). The secret of this is that similarity in the apparent gift is excuse for agreement in the intent to work..

The eighth evidence: he, may God's prayers and peace be upon him forbade for a woman and her paternal aunt to marry, and a woman with her maternal aunt. He said: ((A man does not combine between a woman and her paternal aunt, nor between her and her paternal aunt)). And he justified that by saying: ((If you do that, you will cut off your ties of kinship)), even if the woman agreed to that, it is not permissible, because that is excuse for the forbidden severance

The ninth evidence: that the Prophet, may God bless him and grant him peace, forbade a man to combine a loan and a sale. It is known that if one of them separates from the other, it is valid, but that is because the association of one with the other is excuse to lend him a thousand and sell him a commodity worth eight hundred for another thousand; So he

would have given him a thousand and a commodity for eight hundred in order to take two thousand from him, and this is the meaning of usury, so look at its protection as excuse for that in every way.

Finally: Adhering to the principle excuses is not correct to exaggerate, because one who is drowned in it may refrain from a permissible, recommended, or obligatory matter, for fear of falling into injustice, such as the refusal of some just people to take over the money of orphans or the money of endowments, and because it has been observed that some people may refrain from many things for fear of falling into the forbidden, and for this reason Ibn Al-Arabi included in his book the rulings of the Qur'an: that what is forbidden for excuse is only proven if the forbidden person whose excuse is blocked proves its prohibition by a text.. It is not correct to leave taking charge of the orphan's money for fear of injustice, and therefore Al-Qurtubi said: ((If it was said: It is necessary to leave the owner of his origin in the accusation and to block excuse if it is permissible for him to buy from an orphan, the answer is that this is not necessary, rather it is a excuse for what prohibited actions lead to stipulated prohibited actions, as for here, God Almighty permitted the form of mixing, and entrusted those involved in that to their trustworthiness in his saying: (And they ask you about orphans. Learn the spoiler from the reformer, and had God willed, He would have helped you. Indeed, God is Mighty, Wise.). And every matter that is feared and all that God, Glory be to Him, entrusted with his trustworthiness, is not said about it: that it invokes a forbidden thing and refrains, just as God made women trustworthy in their private parts, with the great consequences of their saying in that of rulings, and related to it in terms of permission, prohibition and lineage, even if it is permissible for them to lie..

TOPIC THREE

Divisions of excuses for fundamentalists

If we look closely at the books of the people of fundamentals and jurisprudence, we find that they look at the excuses and their divisions in two ways:

The first consideration: the divisions of excuses based on the ruling and the opinion of scholars regarding them.

Excuses vary depending on the ruling into types, and among those who referred to this division is Imam Al-Qarafi, where he states that the rule of excuses does not mean that every excuse to the forbidden is forbidden, rather there is some detail in the matter. He divides excuses into three categories:

Section one: considered unanimously; Such as digging wells in the roads of Muslims, throwing poison in their food, and cursing idols when he knows that he is cursing God Almighty at that time.

Section two: unanimously canceled; Like growing grapes, it is not forbidden for fear of wine, and sharing in residence the house for fear of Zakat.

Section three: There is a difference of opinion about it. Like the sale of deadlines, we considered it excuse in it, and others disagreed with us - that is, the Shafi'is)).

Section one is unanimously agreed upon by the nation to block it, prevent it, and resolve it. As for section two, the nation has unanimously agreed not to prevent it, and that it is excuse that cannot be blocked, and a means that cannot be resolved.

There is a difference of opinion among the scholars regarding section three, is it closed or not?! Like selling on deferred terms according to the Malikis, it is like someone who sold a commodity for ten dirhams for a month, then bought it for five before the month:

A - So Malik says that he took out five from his hand now and took ten at the end of the month. This is a means of making a five-for-ten advance on a deferred basis, as an excuse to show a copy of the sale for that.

B - And Al-Shafi'i says that he looks at the image of the sale, and carries the matter on its face, and that is unfair. And these sales say that it reaches a thousand issues that are specific to Malik, and Al-Shafi'i disagreed with him.

Then, may God have mercy on him, he clarified that blocking excuses is not specific to the Maliki school of thought. Rather, the nation has unanimously agreed to consider Sharia as a general blocking excuses.

Included within this consideration is what Ibn Rifa'a al-Shafi'i mentioned, where he divided the excuses into three categories:

One of them: What is cut off by reaching the forbidden is forbidden for us and for them (Shafi'is and Malikis)

Second: what is definite that it does not reach, but it is mixed with what is connected, so it was precaution to close section, and attach the rare image that it was determined that it does not lead to the forbidden, mostly of which is connected to it. This is an exaggeration in saying by blocking excuses.

Three: what is possible and possible. And it has different ranks and the weighting differs because of their disparity. Then Ibn Rifa'ah said: We disagree with them in all of them except for section one for his discipline and the establishment of evidence for it.

The second consideration: The divisions of excuses, given that they lead to corruption.

The excuses are divided according to this consideration into two categories:

Section one: with regard to the results arising from it in general,

Section two: with regard to the degree of excuse leading to corruption.

Section one: Ibn al-Qayyim's division of excuses in relation to the type of their results.

Ibn al-Qayyim divided excuses in relation to the type of their results into two parts, and he mentioned, may God have mercy on him, that the action or saying that leads to corruption is of two types:

A - To put it in order to lead to it, such as drinking intoxicants that lead to corrupt intoxication, and like ejaculation that leads to corrupt infidelity, and adultery that leads to mixing of water and corruption of the bed, and so on; These are actions and sayings that were designed to lead to these evils, and they have no apparent other than that.

B - It is intended to lead to a permissible or desirable matter, so he takes a means for the forbidden: either with his intent, such as someone who contracts marriage with the intention of making it permissible, or he contracts a sale with the intention of usury, or he divorces with the intention of perjury, and so on. or unintentionally, which are of two types:

A - That the benefit of the act outweighs its harm; Such as looking at the fiancée, the one who is in touch with her, and the witness to her, and the one who has intercourse with her and treats her, and the act of those with reasons in times of prohibition and the word of truth with an unjust ruler, and so on.

B - That his corruption outweigh his interest, and that is cursing of the gods of the polytheists among their backs, and the adornment of the deceased in her waiting period, and likes of that.

We conclude from the words of Ibn al-Qayyim that he divided excuses into four categories:

A - A means designed to lead to the corrupting: like drinking intoxicants that lead to the corrupting of intoxication.

B - A means established for the permissible with the intention of reaching the corruption, such as the one who performs the marriage contract with the intention of premising it.

C - A means established for the permissible, it is not intended to reach the corrupt, but it leads to interest mostly, and its interest outweighs its corruption, such as looking at the fiancée, and speaking the truth to an unjust ruler.

E-A means established for the permissible, it is not intended to reach the corruption, but it often leads to it, and its corruption outweighs its interest, such as praying in times of prohibition, and cursing the gods of the polytheists among them.

Ruling on each of these sections:

Ibn Al-Qayyim said about section one: The law came to prevent it.

And about section three: Sharia law came with its permissibility.

And he said about section two and four: They are under consideration. Did the Sharia allow or prohibit them? Then Ibn al-Qayyim demonstrated the prohibition with ninety-nine faces

Contemplative looks:

Some of the later scholars took Ibn al-Qayyim to make it part one of excuses, which he expressed as a means designed to lead to corruption. etc. What Ibn al-Qayyim mentioned was considered as a purpose, because these actions contain corruption in themselves, and are not a excuse for a greater corruption.

Dr. Al-Duraini says: ((It is noted on this division that Ibn Al-Qayyim confused in section one between excuses to the corruptions, and the corruption in themselves, drinking alcohol, adultery, and defamation are not excuses at all, rather they are prohibited in and of themselves for the purposes of prohibition, so their inclusion in excuses category is not as it should be)).

Dr. Wajnat Maimani confirms this meaning by saying: ((As for the method of division, Ibn al-Qayyim included in the chapter of excuses what is not from it, and he came with a chapter of purposes, by setting examples in section one, which is a means developed to lead to corruption, so he represented him by slander, adultery, and drinking alcohol, in fact, all of these actions are corrupt in and of themselves, and they are not a means to a greater corruption than it, so alcohol is a corruption and not a means to a greater corruption than it, and so is adultery...etc.)).

This trend is not directed, for Ibn al-Qayyim and his sheikh Ibn Taymiyyah before him, they noticed in the example of alcohol: drinking, for drinking is excuse, a means, and a reason by which it reaches the corrupting effects of drunkenness, including enmity, hatred, and serious crimes, all of which lead to drinking alcohol. Likewise, slander is a cause and a pretext that leads to libel and other corruptions, and likewise adultery is a pretext that leads to the mixing of waters, so the lineages are mixed, and the bed is corrupted, to other corruptions, for this reason, God forbids adultery, alcohol, slander, and other taboos, because of the dangerous evils that are involved for humanity.

Perhaps they noticed this in their mention of it, although it was mentioned in order to limit the division only, not that it is considered, and therefore they did not consider this section as a matter of blocking excuses intended for the research. This Ibn Taymiyyah, may God have mercy on him, says about that: ((As for if it leads to corruption that is not really such as drinking wine leading to drunkenness, and adultery leading to mixing of water, or the thing itself is corruption such as murder and oppression. This is not from this chapter, for we know that things are forbidden, Because it is in itself a corruption to the extent that it is harmful without benefit)).

Section two: Al-Shatibi's division of excuses according to the strength of their results.

Imam Al-Shatibi divided the pretexts according to the power of leading to the corrupt, and in consideration of its fate and the consequent harm or corruption, this was during his speech on the fifth issue of the intent of the assigned person (the act is in the interest of oneself and is harmful to others), where he mentioned that bringing interest or warding off corruption, if it is authorized, is of two types:

One: that it is not necessary for him to harm others

Second: that he must do that, and this second is twofold:

One of them is that the bringer or the pusher intends to cause harm. Like the licensed one in his commodity with the intention of seeking his pension, and his companions with the intention of harming others.

And the second: that he does not intend to harm anyone, and it is of two types:

(1) the damage is general; Such as receiving goods, selling the present to the Bedouin, and refraining from selling his house or plow when people have been forced to do so for a mosque or something else.

(2) To be special, which is of two types:

One of them is that the bringer or pusher may cause by preventing him from doing harm, and he needs to do so. Such as defending himself from a wrong that he knows will happen to someone else, or he proceeds to buy food, or what he needs, or hunting, firewood, water, or other things, knowing that if he possesses it, he will harm others by not having it, and if he takes it from his hand, he will be harmed.

Conclusion

Praise be to God alone, and prayers and peace be upon the one after whom there will be no prophet. And after: I have completed, praise be to God, writing in this scientific research (Prevention of the means of the corruption and its contemporary application), and through research on this subject, I have reached the following results:

- Deep belief in the validity of Islamic jurisprudence, the perfection of its approach, and that it is characterized by richness and fulfillment of all the requirements of life, and the developments of the age.
- Confirming the richness and diversity of Islamic jurisprudence, and that it is not small in size or superficial deep, as many orientalist and their hateful idiot students claim.
- The genius of Islamic scholars in jurisprudential aspects, and their wonderful contributions, and that they served this Sharia a great service, thus paving the way for those who came after them to delve into emerging issues that require a new scientific study.
- Addressing contemporary issues, problems and emerging realities; Every era has its own issues, problems, and renewable facts that the previous jurists did not talk about. It is imperative for jurists with well-established jurisprudential faculties to diligently deal with these issues, problems and facts, otherwise this will lead to the isolation and freezing of society.
- The emergence of Islamic jurisprudence as a balance that should be invoked in order to uncover ambiguous issues and solve intractable problems in the light of the scales of Islamic jurisprudence.

And Praise be to Allah, the Lord of the Worlds

God bless Mohammad and his family and companions

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