

Sadd adh-Dharai` (Blocking the Means)

The original unmodified lecture by Shah Abdul Hannan can be accessed from: http://www.wponline.org/vil/Books/SH_Usul/sadd_al_dharai_and_hukm_sharii.htm
Modifications based on Prof. Hashim Kamali's book "Principles of Islamic Jurisprudence"

In Usul, Sadd adh-Dharai` means blocking the means to evil. The concept of Sadd adh-Dharai` is founded on the idea of **prevention of evil before it materializes**. For instance, Khulwah or illicit privacy between members of the opposite sexes is unlawful because it constitutes a means to zina¹ (fornication or adultery) **whether or not it actually leads to it**. Another example can be the ruling by some jurists that close relatives may neither act as witnesses nor as judges in each other's disputes lest this lead to prejudice in favor or against one of the parties. There are examples of Sadd adh-Dharai` in the Quran (for instance, 6:108²). The means must conform to the ends (objectives of Shari`ah) and ends must prevail over the means. If the means violate the purpose of Shari`ah, these must be blocked.

A general principle has been adopted by jurists that **'preventing harm takes priority over securing a benefit'**. As such means, if they lead to evil, these must be rejected. Authority for Sadd adh-Dharai` is also found in the Sunnah. The Prophet (saw) forbade a creditor to take a gift from debtor because this could be used to circumvent the ban on riba. He (saw) also forbade killing of hypocrites because this could have led to dissention within community, and also to wrongful killing on suspicion. The leading Companions are also known to have entitled to inheritance the divorced woman whom her husband had irrevocably divorced during his death illness in order to exclude her from inheritance. This was forbidden by the Companions so that a divorce of this kind would not become a means to abuse.

Despite the aforesaid, the scholars of Usul are not in agreement over Sadd adh-Dharai`. Some accept it; some do not accept it. In fact most scholars have accepted it in principle and they differ only in application.

Dharai` have been divided into the following four types from the point of view of their probability of leading to evil ends:

¹ Or to some forbidden sexual acts short of zina.

² "Reville not those unto whom they pray beside Allah lest they wrongfully revile Allah through ignorance." Although it may appear praiseworthy to denounce and vituperate the false gods, doing so is prohibited on the basis of this verse. The reason given in the verse is that this will cause the unbelievers to revile Allah (swt) through their ignorance. So to prevent this blasphemy from materializing, the means to it are rendered forbidden.

- a. Means which definitely lead to evil. Such means are totally forbidden.
- b. Means which most likely to lead to evil and rarely leads to benefit. Most scholars have invalidated such means.
- c. Means which frequently lead to evil, but there is no certainty or even dominant probability. Jurists differ widely on the illegality of such means.
- d. Means which rarely lead to evil. Scholars have ruled in favor of permissibility of these means.

Sadd adh-Dharai` should not be used too much, particularly in the 3rd category stated above. Such use would render the Mubah (lawful) and the Mandub (recommended) unlawful which can not be accepted. People of extremist tendencies can use Sadd adh-Dharai` to restrict human freedom granted by Allah and the Prophet(SM) which must not be allowed to happen. **The Quran is clear on declaring that rendering unlawful what is lawful is as reprehensible as rendering lawful what is unlawful³.**

³ Examples: "O you who believe! Do not forbid (yourselves) the good things which Allah has made lawful for you and do not exceed the limits; surely Allah does not love those who exceed the limits," (5:87). "Say: Tell me what Allah has sent down for you of sustenance, then you make (a part) of it unlawful and (a part) lawful. Say: Has Allah commanded you, or do you forge a lie against Allah?" (10:59). "And, for what your tongues describe, do not utter the lie, saying 'this is lawful' and 'this is unlawful,' in order to forge a lie against Allah; surely those who forge the lie against Allah shall not prosper," (16:116).