



**Fiqh (Understanding)
of Priorities on the basis
of their Purposes**

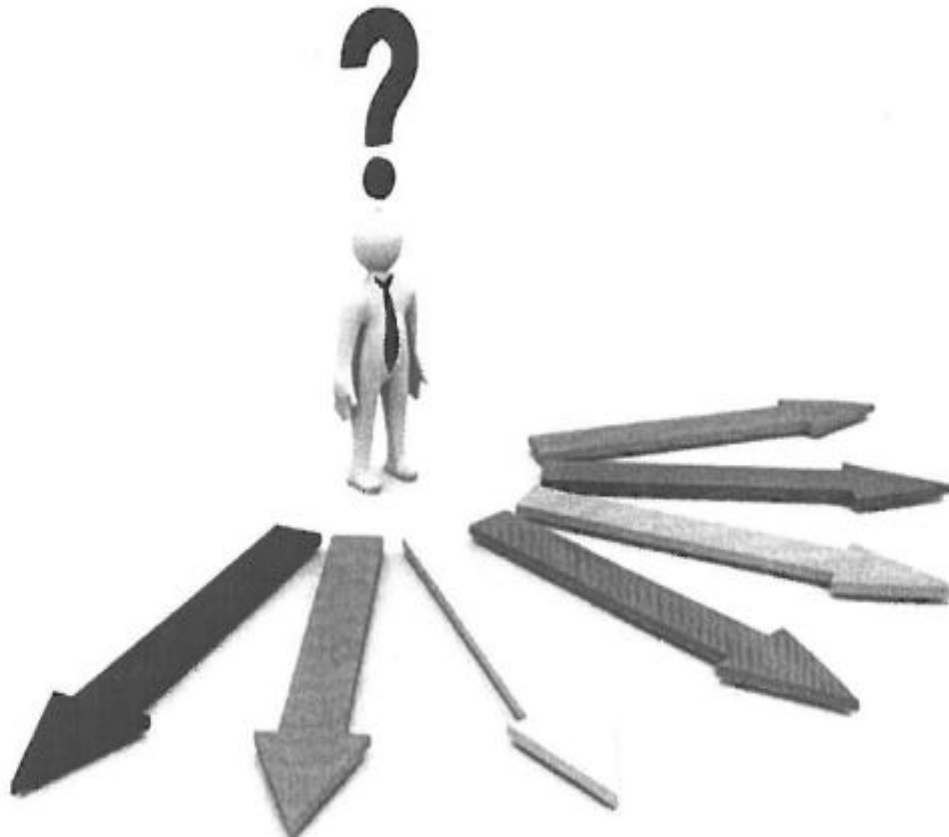
I take the initiative to learn

When the Prophet (ﷺ) sent Mu'adh bin Jabal (رضي الله عنه) to the people of Yemen he said to him: "Verily, you are coming to a people among the people of the Book, so call them to testify there is no God but Allah and I am the Messenger of Allah. If they accept that, then teach them that Allah has obligated five prayers in each day and night. If they accept that, then teach them that Allah has obligated charity to be taken from the rich and given to the poor. If they accept that, beware not to take from the best of their wealth" (Narrated by Al-Bukhari).

I propose:

the term that can be applied to prioritize the orders mentioned in the hadith.

Fiqh (understanding) of priorities on the basis of their purposes.



I use my skills to learn

The concept and emergence of Fiqh of Priorities

Fiqh of Priorities means giving some actions precedence over others based on considerable evidence. The evidence on which priority is based may be a Qur'anic and Sharia text or mental deduction based on qiyas (deductive analogy) and understanding of the purposes and goals of Sharia.

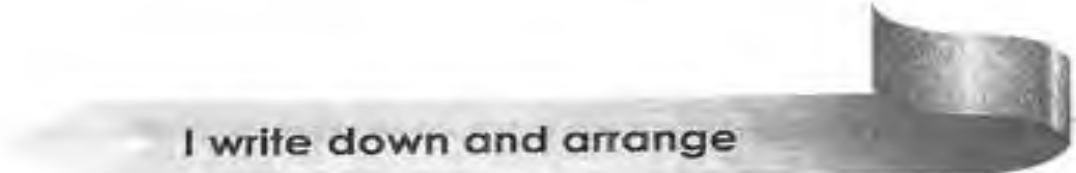
The importance of studying Fiqh of Priorities

The study of understanding (Fiqh) arranging priorities has great benefits to individuals and society alike; these include:

1. Preserving Sharia purposes: This is achieved by observing necessities in the first place; necessities are indispensable to fulfilling people's interests in the realms of religion and day-to-day life. This is followed by satisfying needs through the agency of providing means of living, facilitating things and combating difficulties by offering accommodation and means of transport. Moreover, some improvements are necessary in this regard such as those intended to achieve welfare and a measure of luxury in worldly life such as adornment, travel, tourism, etc. An instance of fallacy in prioritizing matters is to give improvements precedence over needs, or to give needs precedence over necessities in different spheres of life.
2. Saving time and effort and realizing competence in achievement: Knowledge of Fiqh (Understanding) of Priorities equips us with the ability to identify objectives through well-conceived plans, determine the order of precedence and allocate the necessary time for each objective. Such planning and preparation will not allow giving

play and entertainment priority over visiting relatives and studying, for instance.

3. Prioritizing deeds on the basis of importance: values, rulings and deeds vary in the view of Sharia; they are not all in the same rank. This is so because commands involve religious duties (farā'id- فرائض) and voluntary practices (nawafil- نوافل); whereas prohibitions include major sins (al kaba'ir- الكبائر) and minor sins (al sagha'ir- الصغائر) and, therefore, important matters must not take precedence over more important matters. In view of this, the Companions addressed numerous questions to the Prophet (ﷺ) on the best and most lovable deeds to Allah (تعالى). This concern on the part of the Companions derives from a primary fact- a Muslim is required to attain to the best in all his deeds whether those performed in worldly life or those intended to prepare him for the Afterlife.
4. Realizing progress and prosperity: If every individual in society identifies his priorities, delivered every job in a timely manner and with the necessary effort, this will unify the energies and efforts of society and, consequently, achieve the best results and realize the rise and development of the nation.



I write down and arrange

a list of the activities and tasks which I will do during the day and over a week and then arrange them in terms of importance.

Examples of Fiqh of Priorities

1. Giving religious duties (farāḍi- فرائض) precedence over voluntary practices (nawafil- نوافل):

The Messenger of Allah (ﷺ) said: "Allah has said, Whoever harbors animosity towards a friend (wali) of Mine, I declare war upon him. My servant does not draw near to Me with anything more beloved to Me than the religious duties that I have imposed upon him; and My servant continues to draw near to Me with supererogatory works until I love him" (Narrated by Al-Bukhari).

The best deeds are religious duties imposed by Allah (تَعَالَى) on his servants; these are followed in rank by commendable acts (sunan mustahaba- سنن مستحبة). Some people commit the mistake of being keen on performing commendable acts (sunan mustahaba) and voluntary practices (nawafil) and fall short of performing religious duties (farāḍi). An instance of this is one who is keen on praying all night and is not keen on getting up early in the morning to offer the dawn prayer at its time.

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I express a view and give a reason:

- ❖ Someone spends money on going on voluntary Haj and Umrah; but does not pay zakat.

I don't agree Because zakaah is obligatory, but Haj and Umrah are voluntary practices

- ❖ Someone is exhausted by fasting voluntarily during executing his work in a public position and as a result delays transactions indispensable to people's interest.

I don't agree because his performance for his public function and the interests of the people is more important than (al-nafl fasting) and that led to corrupting and disrupt people interests.

2. Giving public interest precedence over private interest:

Islam founded its legislations on ensuring public interests whose benefit goes to society and private interests whose benefit goes to the individual. However, when a conflict arises between the two, public interest is given precedence over private interest provided that a balance and moderation is achieved.

In the year of Ramada Famine (عام الرمادة) when Muslims were hungry and needy, the caravan of Uthman (رضي الله عنه) arrived from Syria with one thousand camels carrying dates, oil and raisin. The merchants in Madinah came to him and said, "You sell to us your merchandise and we give you for every Dirham two". Uthman bin Affan (رضي الله عنه) said, "I have sold it for more than this". The merchants said, "We will increase the price; we will give you for every Dirham five". Uthman (رضي الله عنه) said, "Someone offered me for every Dirham ten". They said to him, "Who increased the price and there are no merchants in Madinah except us?" Uthman (رضي الله عنه) said to them, "I have sold my merchandise to Allah and His Messenger; it is for the poor Muslims".

Had this happened to an ordinary merchant, he would have found a rare opportunity to gain huge amounts of money at the expense of rumbling stomachs and the worries of needy people. However, our master Uthman (رضي الله عنه) gave public interest priority over his personal interest. Abu Bakr (رضي الله عنه) did the same thing when he donated all his wealth to prepare and equip the army of hardship (jaysh al-'usra - جيش العسرة) for Tabuk campaign.

I apply Fiqh (Understanding) of Priorities:

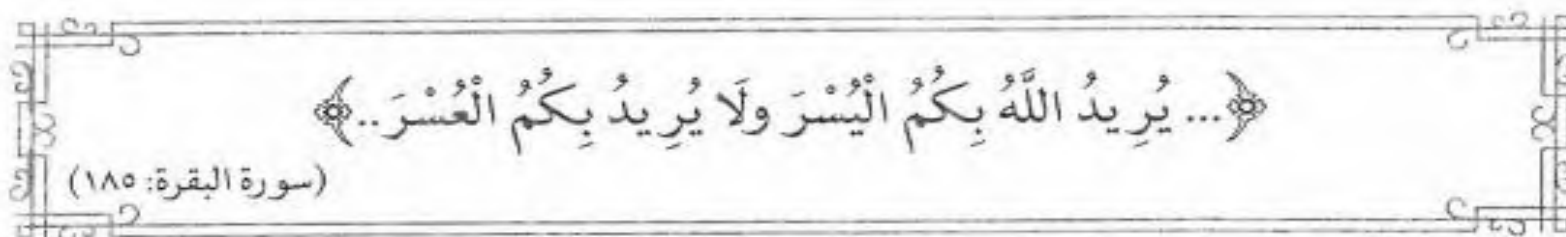
- ✦ The state wanted to construct extensions to a hospital; but this conflicted with a privately owned piece of land adjacent to the hospital. Which of the two interests would you give priority? Explain why?

Public interest is given precedence over private interest. The state expand the hospital and pay appropriate compensation for the owner of the land.

3. Giving easiness and facilitation precedence over strenuousness and difficulty:

In its totality Sharia is built on facilitation and removal of hardship.

Allah (تَعَالَى) says:



Yurīdu Allāhu Bikumu Al-Yusra Wa Lā Yurīdu Bikumu Al-`Usra

“...Allah desires for you ease; He desires not hardship for you...” (Sūrat Al-Baqarah:

Also Allah (تعالى) says:

﴿يُرِيدُ اللَّهُ أَنْ يُخَفِّفَ عَنْكُمْ وَخُلِقَ الْإِنْسَانُ ضَعِيفًا﴾

(سورة النساء: ٢٨)

Yurīdu Allāhu 'An Yukhaffifa ' Ankum Wa Khuliqa Al-'Insānu Īdā' ifāan

"Allah would make the burden light for you, for man was created weak" (Sūrat An-Nisā': 28).

I deduce

an instance of prioritizing actions from the following Sharia texts.

♦Allah (تَعَالَى) says:

﴿...وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا وَإِنْ كُنْتُمْ مَرْضَى أَوْ عَلَى سَفَرٍ أَوْ جَاءَ أَحَدٌ
مِّنْكُمْ مِّنَ الْغَائِطِ أَوْ لَامَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا...﴾

(سورة المائدة: ٦)

*Wa 'In Kuntum Junubāan Fa Atṭahharū⁶ Wa 'In Kuntum Mardā 'Aw 'Alá Safarin
'Aw Jā'a 'Aḥadun Minkum Mina Al-Ghā'iṭi 'Aw Lāmastumu An-Nisā' Falam Tajidū
Mā'an Fatayammamū Ṣa'idāan Ṭayyibāan*

“...If you are in a state of ceremonial impurity, bathe your whole body. But if you are ill, or on a journey, or one of you comes from the closet, or you have been in contact with women, and you find no water, then take for yourselves clean sand or earth...” (Sūrat Al-Mā'idah: 6)

♦ Here consideration of illness or hardship is given priority over the obligation of using water in cleaning oneself.

❖ Allah's Messenger (ﷺ) said,

“When you lead people in the prayer, make it short, because there are among them some people who are weak, ill and old. But when you pray on your own, make it as long as you wish” (Narrated by Al-Bukhari and Muslim).

Allah (تعالى) says:

❖ يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِنْ قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ (١٨٣) أَيَّامًا مَّعْدُودَاتٍ فَمَنْ كَانَ مِنْكُمْ مَّرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ وَعَلَى الَّذِينَ يُطِيقُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٍ فَمَنْ تَطَوَّعَ خَيْرًا فَهُوَ خَيْرٌ لَهُ وَأَنْ تَصُومُوا خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ (١٨٤) ❖

(سورة البقرة)

183. *Yā 'Ayyuhā Al-Ladhīna 'Āmanū Kutiba 'Alaykumu Aṣ-Ṣiyāmu Kamā Kutiba
'Alá Al-Ladhīna Min Qablikum La'allakum Tattaqūna*

184. *'Ayyāmāan Ma'dūdātin Faman Kāna Minkum Marīdāan
'Aw 'Alá Safarin Fa'iddatun Min 'Ayyāmin 'Ukhara Wa
'Alá Al-Ladhīna Yuṭīqūnahu Fidyatun Ṭa'āmu
Miskīnin Faman Taṭawwa'a Khayrāan Fahuwa Khayrun Lahu Wa
'An Taṣūmū Khayrun Lakum 'In Kuntum Ta'lamūna*

183. *O you who believe! Fasting is prescribed for you, even as it was prescribed for
those before you, that you may ward off (evil);*

184. *(Fast) a certain number of days; and (for) him who is sick among you, or on
a journey, (the same) number of other days; and for those who can afford it (with
hardship) there is a ransom: the feeding of a man in need. But whoso does good of*

his own accord, it is better for him: and that you fast is better for you if you did but know(Sūrat Al-Baqarah).

Considering hardship of traveling given priority over the obligation to fast in Ramadan

4. Giving purposeful planning priority over decisions taken in haste:

This informs of the way Islam induces modernity. Today people live in an age in which everything is built on knowledge where improvisation and randomness are no longer acceptable. Every serious work should have prerequisite studies, planning and employing figures, statistics and feasibility studies before implementation. This is of the very essence of Fiqh (Understanding) of Priorities in Islam.

Hudhayfah bin al-Yaman (رضي الله عنهما) reported: "We were in the company of the Allah's Messenger (ﷺ) when he said,

'Count for me those who profess al-Islam' (Narrated by Muslim).

In another narration "Write down the number of those who profess Islam. We wrote them down and the number was one thousand and five hundred" (Musnad 'Awana). Hence the Messenger (ﷺ) was the first one to order an organized statistics of those who had believed in him after his migration to Madinah. The effect of planning in his biography appeared in various forms and situations such as planning *al-Hijrah al-Nabawiyah* (The Prophet's Migration). Planning is the foundation of any successful action.

5. Prioritizing spending:

Allah's Messenger (ﷺ) said,

"Spend money on yourself first, if something is left spend it on those whom you have to look after, if after that something is left spend it on your relatives, and so on and so on" (Narrated by Muslim).

The following is an example of prioritizing spending:

Abdullah bin Al Mubarak set out for Haj. He passed a certain region where a bird with them died. He ordered that it be thrown in a heap of garbage. A young girl came out from a home nearby, went to the garbage, took the dead bird, rapped it and hurried back to her home.

Abdullah went to her and asked her about what she did. The girl replied, "My brother and I live here and we have nothing except for our clothing. We have no food except for what is thrown in the heap of garbage. For the past few days even the dead body has become permissible for us".

Abdullah ordered the supplies of the trip to be taken back to his home and said to his agent, "How much do we have in terms of spending?" He said, "One thousand dinars." Abdullah said, "Take from those twenty dinars which should be enough for our return journey to Merv (مرو) and give the rest to her for that is better than our Haj this year". He then returned home.

Abdullah bin Al Mubarak

A scholar and jurist from Merv (مرو). He was born in 128 AH and died at the age of 63.

I form a view:

of my likes and dislikes as regards the following acts:

1	Muhammad sticks to the list of groceries when buying from the Coop.
2	Ahmed spends on the needy and then on his family.
3	Maisa is keen on acquiring the most recent mobile phones as soon as they are on sale and pays from the family's maintenance money.
4	Jasim saves part of his monthly pocket money for the time of need.
5	Saeed borrows beyond his means to spend lavishly on luxuries

How to prioritize:

- ❖ When there is a conflict of interests the most important interest is given priority such as giving public interest priority over private interest.
- ❖ When faced with choosing between two corrupt practices, we choose the 'lesser of the two evils; as in the case of Allah's prophet Yusuf (عليه السلام) when he chose to go to prison instead of committing adultery:

﴿ قَالَ رَبِّ السَّجْنُ أَحَبُّ إِلَيَّ مِمَّا يَدْعُونَنِي إِلَيْهِ... ﴾

(سورة يوسف: ٣٣)

Qāla Rabbi As-Sijnu 'Aḥabbu 'Ilayya Mimmā Yad' ūnanī Ilayhi Wa 'Illā

“He said: O my Lord! Prison is more dear than that unto which they urge me...

”(Sūrat Yūsuf: 33).

- ✦ When interests conflict with corrupt acts, we take into consideration the outcomes because it is possible to commit minor sins to realize a major interest, or suspend an interest to avoid a corrupt act. This is best illustrated by the decision of doctors to amputate a limb infected with gangrene to save the rest of the body.

I deduce:

An instance of Fiqh (Understanding) of Priorities in the following holy verse:
Allah (تَعَالَى) says:

﴿أَمَّا السَّفِينَةُ فَكَانَتْ لِمَسَاكِينَ يَعْمَلُونَ فِي الْبَحْرِ فَأَرَدْتُ أَنْ
أَعْيِبَهَا وَكَانَ وَرَاءَهُمْ مَلِكٌ يَأْخُذُ كُلَّ سَفِينَةٍ غَصْبًا﴾

(سورة الكهف: ٧٩)

*'Ammā As-Safīnatu Fakānat Limasākīna Ya`malūna Fī Al-Baḥri
Fa'aradtu 'An 'A`ibahā Wa Kāna Warā'ahum Malikun Ya'khudhu Kulla
Safīnatin Ghaṣbāan (Sūrat Al-Kahf: 79)*

*“As for the ship, it belonged to poor people working on the river, and I wished
to mar it, for there was a king behind them who is taking every ship by force”
(Sūrat Al-Kahf: 79).*

The good man chose the lesser evil

The presence of a simple defect in the ship better losing the whole ship.

I organize my concepts

Understanding arranging priorities on the basis of purposes

The concepts of understanding arranging priorities	The importance understanding arranging priorities	Models of understanding arranging priorities
The knowledge of priority of some action based on their purposes	<ol style="list-style-type: none"> 1. Preserving sharia purposes 2. Save time 3. Prioritizing deeds on the basis of importance 4. Realizing progress and prosperity 	<ol style="list-style-type: none"> 1. Provision of obligation on nafil 2. Priority of public interest over private interest. 3. Provide mitigation and ease of emphasis. 4. Planning 5. Priorities spending

✦ **First**, I make a judgment on each of the following matters and give a reason:

1. Someone spends his money in voluntary charity (sadaqah) and does not repay his debts.

It is permissible because paying debt and returning the rights to the owner is more important than spending money in charity.

2. Someone does not use perfumes containing alcohol, but accepts presents given to him because of his job.

It is not permissible because he paid attention to the formal issues and neglect something the scholars agreed it is haram which is bribery.

3. Someone does not pray the night prayer sunnah because he intends to pray 'Taraweeh'.

It is not permissible because Isha sunnah is confirmed. It should be chosen over taraweeh

✦ **Second**, explain the following:

1. It is not permissible to commit oneself to voluntary charity and neglect zakat al-fitr (end of Ramadan zakat).

Because zakat al-fitr is voluntary while charity is obligatory due to scholars the obligatory acts of worship has priority over voluntary act.

2. One must study the consequences and outcomes of actions.

Because they may have a greater disadvantage, the Prophet chose to kill hypocrites toward of greater evil which is to alienate people from Islam, who do not know about them.

❖ **Third**, a young man possesses enough money to do one of two things: marriage or performing Haj. He is puzzled. In your view which should he give priority to: Haj or marriage?

The priority of the most important due to the case if he need to marry otherwise he will fall into adultery he has to choose marriage.

❖ **Fourth**, how do you prioritize the following cases:

1. When corrupt practices conflict with one another

We choose the lesser evil and lesser spoilers

2. When interests and corrupt practices conflict

We take into account the result and the consequences of our actions we can choose the minor act to achieve great interest or disrupt the interest to avoid spoiling

3. When interests conflict with one another

To choose the importance one such as choosing the public interest over private interest

Enriching my experience

I write a short report on Imam al-Shatibi's book Al-Muwafaqaat.

I assess myself

SN	Aspect of Learning	Degree of achievement		
		Average	Good	Excellent
1	I explain the concept of Fiqh (Understanding) of Priorities.			
2	I infer the importance of Fiqh (Understanding) of Priorities.			
3	I explain some models of Fiqh (Understanding) of Priorities.			
4	I apply Fiqh (Understanding) of Priorities on different matters			
5	I make sure of benefiting from Fiqh (Understanding) of Priorities in different affairs of my life.			