# 307202 - The five necessities and the difference of opinion as to whether preservation of faith should be given precedence over preservation of life

**the question**

In one of my physics classes, I had a discussion with my professor about the five necessities, as he said that preserving life is more important than preserving faith, and I told him that preserving faith is more important. But he was not convinced of what I said, and he quoted as evidence the fact that Islam permits patients with chronic diseases (diabetes and so on) [to break the fast in Ramadan if fasting is dangerous for them]. He asked for evidence from the Qur'an and Sunnah, and for the views of senior jurists (such as Ibn Taymiyah, ash-Shafa'i and other jurists) in order to be convinced. I would like you to give me these views, with commentary and sources.

**Detailed answer**

Praise be to Allah.

Firstly:

The five necessities are: faith, life, reason, lineage and wealth. Some scholars also add: honour.

Az-Zarkashi (may Allah have mercy on him) said: What is regarded as interest (*maslahah*) may be divided on the basis of how strong the interest is in and of itself, or in relation to the individual's need for that interest, into the following categories: essential, needed or embellishment.

Firstly, that which is essential is that which is needed and cannot be done without in the upholding of spiritual or worldly well-being, in the sense that if it is lacking, worldly affairs will not be sound and there will be corruption, turmoil and loss of life; and in the hereafter there will be no salvation or eternal bliss, and there will be clear loss.

That which is essential is that which helps to preserve one of the five objectives of sharia, which

are:

Preservation of faith, by legislating execution and fighting; execution for apostasy and other crimes that incur capital punishment serves the interest of Islamic faith, as does fighting in jihad those disbelievers who are at war with the Muslims.

Preservation of life, by legislating legal retribution (qisas).

Preservation of reason, by legislating the hadd punishment for consuming intoxicants.

Preservation of lineage by prohibiting zina and legislating punishments for it.

Preservation of wealth by imposing liability on the one who transgresses against it, and by cutting off the hand of the thief.

These objectives are summed up in the verse in which Allah, may He be exalted, says (interpretation of the meaning):

{O Prophet, when the believing women come to you pledging to you that they will not associate anything with Allāh, nor will they steal, nor will they commit unlawful sexual intercourse, nor will they kill their children, nor will they fabricate any lie concerning that which is between their arms and legs [namely a child]} [Al-Mumtahanah 60:12].

At-Tufi al-Hanbali added a sixth objective, in which at-Taj as-Subki followed him, namely the preservation of honour (or reputation). People of reason usually offer their life and wealth to protect their honour and reputation, and the thing that is protected by sacrificing something that is a necessity is more likely to be a necessity itself. (End quote from *Tashnif al-Masami' Sharh Jam' al-Jawami'*, 3/15)

Secondly:

The well-known scholarly view is that preservation of faith takes precedence over preservation of life, hence jihad in Allah's cause – which aims to preserve faith – is prescribed, even though it is possible that it will lead to loss of lives and wealth.

Al-Jalal al-Mahalli said in *Sharh Jam' al-Jawami'* (3/322): That which is a necessity is that for which the need may reach such a level that makes it a necessity, such as preservation of faith. In that case, what is prescribed is to fight the disbelievers and punish those who promote innovations (bid'ah). Then comes preservation of life, for which retaliatory punishment (qisas) is prescribed. Then comes preservation of reason, for which the hadd punishment for consumption of intoxicants is prescribed. Then comes preservation of lineage, for which the hadd punishment for zina is prescribed. Then comes preservation of wealth, for which the hadd punishments for theft and banditry is prescribed. Then comes preservation of honour, for which the hadd punishment for slander is prescribed. The author added this last point, as at-Tufi did, and he added it with the conjunction *wa* ("and") so as to indicate that it is as important as wealth, whereas the four necessities mentioned before it are connected by the conjunction *fa* (translated here as "then comes"), which indicates that they appear in decreasing order of importance.

However, this order of importance is subject to differences of scholarly opinion, and the order may differ when these ideas are implemented.

Ibn Amir al-Haj (may Allah have mercy on him) said: Preservation of faith, which is one of the necessities, is given precedence over all others when there is a conflict, because it is the greatest objective. Allah, may He be exalted, says (interpretation of the meaning):

{And I did not create the jinn and mankind except to worship Me} [Adh-Dhariyat 51:56].

Moreover, the other objectives are sought for the sake of preserving faith, because the outcome of preserving faith is the most perfect of outcomes, for it has to do with attaining eternal bliss with the Lord of the Worlds.

Next, precedence should be given to preserving life over preserving lineage, reason and wealth, because it is connected to the interest of faith, which can only be attained through acts of worship, and acts of worship are dependent upon the survival of the individual.

Next, precedence should be given to preservation of lineage over the remaining objectives, because it is essential to the survival of the child. By prohibiting zina, there will be no mixing of

lineages, so the child will be attributed to one person, who will take care of raising him and preserving his life, otherwise the child may be neglected and die, because he is not able to look after himself.

Next, precedence should be given to preservation of reason over the preservation of wealth, because loss of reason may lead to loss of life, to the extent that when a person loses his reason, he begins to behave like an animal and becomes no longer accountable. If someone causes another person to lose his reason, a complete penalty is due, like the penalty incurred when a person's life is lost, namely blood money (diyah).

Next comes preservation of wealth. And it was said that preservation of wealth may be given precedence over preservation of faith, let alone preservation of life, reason and lineage, as more than one of the scholars narrated. It is more appropriate to give precedence to these four over preservation of faith, because they are rights that belong to the human being, and the human being is intolerant and stingy with regard to his rights, and he may be harmed if he misses out on these things, whereas faith and religious commitment are rights that belong to Allah, may He be exalted, and the rights of Allah are based on tolerance and forgiveness. Moreover, Allah is independent of means and is sublime, so He will not be harmed if some people fall short in their duties towards Him. One example of giving precedence to these things over preservation of faith is not attending Jumu'ah and prayers in congregation, which are both religious matters, in order to preserve wealth, which is a worldly matter. Abu Yusuf said: Prayer may be interrupted for the sake of a dirham that you fear may be stolen from you. In the wording of the book *al-Khulasah*: If a dirham is stolen from a person or from someone else, he may interrupt his prayer, whether it is obligatory or supererogatory. (End quote from *at-Taqrir wa't-Tahbir*, 3/231).

Thus you will realize that the view which gives precedence to preserving life is a sound view, and there is a great deal of proof to support it, such as the fact that it is permissible to utter words of disbelief when one is compelled to do so for the purpose of preserving one's life, and that it is permissible to eat meat that was not slaughtered in the prescribed manner and to drink alcohol, when forced by necessity for the purpose of preserving one's life. This is in addition to the fact that

it is permissible not to attend Jumu‘ah and prayers in congregation if one fears for one’s life because of an enemy or a wild animal, and the like.

Al-Amidi spoke at length in support of the view that precedence is to be given to preserving what is fundamental to faith, and he refuted the argument that suggests otherwise.

Among other things, he (may Allah have mercy on him) said: Their argument is that what is essential to preserving life takes precedence, on the grounds that the purpose of faith and belief is to fulfil the rights of Allah and the purpose of the other necessities is to preserve the rights of the human being. The rights of the human being may take precedence over the rights of Allah, may He be exalted, because they are based on stinginess and intolerance, whereas the rights of Allah are based on tolerance and ease. Allah, may He be exalted, will not be harmed if His rights are not fulfilled, therefore preserving the rights of the human being takes precedence over preserving the rights of the One Who will not be harmed if His rights are not fulfilled. Hence we give precedence to the rights of the human being over the rights of Allah, may He be exalted, on the grounds that if there is a conflict between the rights of Allah, may He be exalted, and the rights of the human being in a particular situation, and it is difficult to fulfil  both, as in the case of one who apostatised and killed someone deliberately and with malice aforethought, then we execute him in retribution (qisas) for murder, not for his disbelief (apostasy).

Moreover, we give precedence to preserving life over preserving faith and religious duties, as we reduce the burden of the traveller by waiving two rak‘ahs [from the four-rak‘ah prayer] and excusing him from fasting, and we reduce the burden of the one who is sick by allowing him not to pray standing and not to fast. We also give precedence to preserving life over upholding the prayer in the case of having to save a drowning person. Even clearer than that is the fact that we give precedence to preserving wealth over preserving faith when we allow a person not to attend Jumu‘ah and prayer in congregation when there is the necessity to preserve the least amount of wealth, and we give precedence to the interests of the Muslims which have to do with allowing ahl adh-dhimmah to live among them over the preservation of faith, to the extent that we protect the life and wealth of the dhimmi, even though in other circumstances it is permissible to fight

disbelievers.

In refutation of the above, we say: with regard to preservation of life, although it is connected to the rights of the human being with regard to some rulings, it is also connected to the rights of Allah, may He be exalted, with regard to other rulings. Therefore it is prohibited to kill oneself or to behave in ways that could lead to loss of one's life. So giving precedence to either of them is to be determined by examining the rights of both, and there is nothing to prevent giving precedence to the rights of Allah or the rights of the human being in issues that have to do purely with the rights of Allah.

With regard to reducing the burden for the traveller and the one who is sick, it is not to be understood as giving precedence to preserving life over preserving one of the fundamentals of faith; rather it is giving precedence to preservation of life over one of the minor issues of faith, and the minor issues of a fundamental matter are not the same as the fundamental matter itself.

Moreover, it is worth noting that the difficulty involved in praying two rak'ahs when travelling is equal to the difficulty involved in praying four rak'ahs when not travelling. Similarly, the difficulty involved in the sick person praying sitting is the same as the difficulty involved in his praying standing when he is in good health. So in principle, there is no difference.

With regard to fasting, the individual does not miss out on fasting completely; rather the fast is deferred until he is able to make it up.

The arguments mentioned above refute what they said regarding the scenario of saving a drowning person, not attending Jumu'ah or prayers in congregation in order to preserve wealth, and allowing ahl adh-dhimmah to remain among the Muslims and protecting their lives and wealth. That is not because it serves the interests of the Muslims; rather it is so that the dhimmi may see the beauties of Islam and learn about the fundamentals of the faith, so that his heart will be softened towards it, in the hope that he will be guided. That is in the interests of faith and is not in the interest of anything else. (End quote from *al-Ihkam fi Usul al-Ahkam*, 4/275).

Therefore, the difference of scholarly opinion regarding the order of importance of these objectives

is valid, and each view has its proof and evidence.

And Allah knows best.