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# Weighing Between Evils and Goods

## *Scriptural Foundations for Moral Prioritization in Public Engagement*

A Translation and Analytical Commentary on:

فَضْلُ جَامِعٍ فِي تَعَارُضِ الْحَسَنَاتِ أَوْ السَّيِّئَاتِ أَوْ هُمَا جَمِيعًا

*A Comprehensive Chapter on the Conflict Between Good  
Deeds, Evil Deeds, or Both Together*

By

Imām Taqī al-Dīn Abū al-‘Abbās Aḥmad ibn ‘Abd al-Ḥalīm  
Ibn Taymiyyah  
(d. 728 AH / 1328 CE)

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"الأراء في هذا البحث تعبر عن رأي الباحث وليس بالضرورة عن رأي أمجا"

Opinions in this research are solely those of the author and do not represent AMJA.



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## Preface by the Editor and Annotator

In a time when moral discourse is often flattened into partisanship or performance, the need to return to our legal and theological heritage is more urgent than ever. My aim in this presentation is to offer a carefully translated and annotated study of a crucial chapter by Imām Ibn Taymiyyah—*"Fī Ta'ārūḍ al-Ḥasanāt wa al-Sayyi'āt"*—on the conflict between good and evil actions, and how this foundational discussion intersects with our contemporary challenges in political and social activism.

This is not a call to Machiavellian realism, nor to a cold utilitarian calculus. Islamic law does not permit the abandonment of first principles in pursuit of political expediency. Yet neither does it ignore the realities on the ground and consequences of actions when evaluating conflicting duties. *Where the greater good cannot be attained except through a lesser harm, and where the harm of neglect outweighs the harm of commission, responsibility shifts accordingly—without violating the red lines drawn by revelation.*

As Imām Ibn Taymiyyah and the scholars before him made clear, Islamic ethics is neither strictly deontological nor wholly teleological. It is grounded in obedience to the Moral Lawgiver (*al-Ḥākim*)—with room for measured discretion, human insight, and calibrated prioritization. It affirms that while some acts are categorically impermissible—like murder or rape even under duress—others, such as drinking wine or uttering a lie, may become permissible—or even obligatory—when weighed against a greater harm. Man, Imām Ibn Taymiyyah argues, has the God-given capacity to discern the gradation of good and evil. This discernment is guided by Shar' and perfected by spiritual insight (*ilhām*).

In light of this, Islamic ethics is not merely a system of do's and don'ts, but a principled framework that harmonizes the inviolability of divine command with a conscientious regard for outcomes (*ma'ālāt*) and the welfare of both individuals and communities—core objectives of the Shari'ah—all within the overarching pursuit of spiritual and moral excellence.

In our present time—when, as Imām Ibn Taymiyyah already observed in his own era, the traces of Prophethood have faded—the conflicts between competing obligations and harms have only multiplied. Political and social engagement in the modern world is fraught with moral ambiguity.

In Muslim-majority contexts, activism demands a spiritual and juristic maturity that neither sanctifies chaos nor legitimizes tyranny. And for Muslim minorities in the West, the challenge is often greater still: the delicate balancing of competing interests is made more difficult by the pressures facing our communities and a widespread shortage of both scholarly erudition and situational awareness.

In preparing this presentation, I have undertaken a careful editing of the original text, drawing attention to scribal errors or slips of the pen, organizing it into categories, inserting bracketed headings [ ], sourcing the ḥadīths, explaining technical terms that may be obscure, and adding a commentary that includes reflections relevant to our contemporary context. I relied primarily on the words of the author himself—not because no one else has perceived these meanings, but because I wished to interpret his speech through his own words. I concluded this effort by adding an appendix on contemporary approaches to moral philosophy, given their relevance to the subject of this study.

All of this was done in service of the text, to allow the timeless insights of the Imām to be engaged with more clearly and fruitfully in our time.

It is in that spirit that this presentation is offered—not as a comprehensive methodology, but as an attempt to shed light on Imām Ibn Taymiyyah’s exposition of how to weigh competing considerations with clarity and integrity, take outcomes seriously, remain faithful to the higher objectives of the Sharī’ah, and avoid moral paralysis in the face of complex realities. And if we must disagree—as we surely will—may this framework help ensure that our differences do not fracture our unity, that our passions outlive our slogans, and that our sincerity outlives our passions.

# [Introduction to the Jurisprudence of Balancing and Prioritization]

**[Said the knight of the pen and the tongue, and of the sword and the spear; the erudite scholar and devout worshiper; Shaykh al-Islām, the reviver Imām Taqī al-Dīn Abū al-‘Abbās Aḥmad ibn ‘Abd al-Ḥalīm Ibn Taymiyyah—may Allah have mercy on him and benefit us through his knowledge and insights:]<sup>1</sup>**

A Comprehensive Chapter on the Conflict Between Good Deeds, Evil Deeds, or Both Together: When they coincide and cannot be disentangled—such that the only possibilities are to perform both or to forgo both.<sup>2</sup>

I have previously addressed similar matters in *Qā'idat al-Imārah wa-l-Khilāfah*, explaining that the *Sharī'ah* came to realize benefits (*maṣāliḥ*) and perfect them, to nullify harms (*mafasid*) and reduce them, and that it prefers the greater of two benefits and the lesser of two harms. It seeks the greater benefit at the cost of a lesser one and repels the greater harm by bearing the lesser.<sup>3</sup>

<sup>1</sup> This chapter is taken from *Majmū' al-Fatāwā* by Ibn Taymiyyah (20:48–61).

<sup>2</sup> These conflicts are far from abstract—they are part of daily life for many Muslims, especially those active in the public sphere. Attending events that voice Muslim concerns, whether foreign or domestic, often entails tolerating some level of moral compromise. Those working to build alliances across communities frequently encounter situations that fall short of the ideal or involve violations of religious boundaries. This challenge is not limited to activists: pursuing higher education, entering the workforce, or simply navigating public life often requires enduring, or even engaging in, acts that conflict with Islamic norms. As always, people oscillate between extremes—but as the imām later outlines, the path to moral clarity lies in thoughtful deliberation: a principled weighing of competing interests, rooted in the proportionality and priorities of the *Sharī'ah*.

<sup>3</sup> This is a legal maxim upon which there is consensus. If you ask: What is the difference between this and absolute utilitarianism? We reply: There are indeed distinctions—clearly articulated by the author himself—among them:

1. That reason is not independently sufficient to weigh all benefits and harms:

The Imām said: “Reason is a condition for acquiring knowledge, and for the perfection and soundness of deeds. By it, knowledge and action are perfected; yet it is not independently sufficient. Rather, it is an instinct within the soul, and a potency within it, like the potency of sight in the eye. If joined with the light of faith and the Qur'an, it is like the eye when exposed to the light of the sun or fire. If left to itself, it cannot perceive matters that exceed its capacity. And if removed entirely, then speech and action in its absence are animalistic behaviors—there may be affection, experience, and sensation, as may occur in beasts. Thus, states occurring without reason are deficient, and views that contradict reason are false. The messengers came with what reason is incapable of comprehending, not with what reason knows to be impossible.” (*Majmū' al-Fatāwā*, Ibn Taymiyyah, 3:338.)

And perhaps you noticed his statement: “If joined with the light of faith and the Qur'an”—he did not suffice with “revelation,” but alluded by “the light of faith” to what he extensively affirmed in his works: the importance of spiritual discipline and the rectification of the heart, as a way of restoring one's innate disposition (*fiṭrah*) and attaining worthiness for guidance. He offers a detailed treatment of inspiration (*ilhām*) when properly bound by the *Sharī'ah*—one in which he demonstrated exceptional insight and balance—and we present part of it here due to its relevance to the topic of weighing between competing options in complex cases. He said—may Allah sanctify his soul and illuminate his grave: “Whoever's heart is overcome by the will to seek what Allah loves and hatred for what He detests—yet does not know, in a particular matter, whether it is beloved to Allah or detested—and then finds his heart loving or hating it, that is a form of weighing for him... Those who denied that inspiration (*ilhām*) could ever be a valid guide erred, just as those who considered it a binding source of law in all cases. But if a seeker exhausts his effort in reviewing the outward legal evidences and finds no basis for preference, and is then inspired toward one of the two actions—while maintaining genuine sincerity and a heart inhabited by taqwā—then such inspiration is a valid indicator for him.”

He cited the saying of the Prophet ﷺ: “And the caller atop the bridge is the admonisher of Allah in the heart of every believer,” and the ḥadīth of Wābiṣah: “Righteousness is what your soul finds rest in and your heart is at ease with, and sin is what wavers in your soul—even if the people give you legal opinions and legal opinions.” (*Majmū' al-Fatāwā*, Ibn Taymiyyah, 10:472)

2. And though benefit and harm may be traced back to pleasure and pain, as the Imām said:

“Deeds may be beautiful or ugly (good or evil). The good is that which is suitable and beneficial, and the evil is that which is contrary and harmful. A thing becomes complete, beautiful, and good by what suits and benefits it, and brings pleasure, just as it becomes corrupted and ugly by what contradicts and harms it, and brings pain. Righteous deeds are those that suit the human being, and corrupt deeds are those that conflict with him.” (*Al-Istiḳāmah*, Ibn Taymiyyah, 1:364.)

But for us, pleasure is not limited to the material, nor pain; rather, spiritual and moral pleasure is the greatest of pleasures, and likewise pain. The Imām said:

# [Good and Evil: Their Nature, Divine Source, and the Conditions of Religious Obligation]

So we say: Indeed, Allah and His Messenger ﷺ have commanded actions that are *wājib* (obligatory) and *mustaḥabb* (recommended)—even though what is *wājib* is also *mustaḥabb*, and more—and they have prohibited actions that are *muḥarram* (forbidden) or *makrūh* (disliked).

Religion (*dīn*) is to obey Him and to obey His Messenger ﷺ. It is *dīn*, and *taqwā* (reverent fear of God), and *birr* (moral excellence), and righteous deeds (*‘amal ṣāliḥ*), and the revealed law (*shir‘ah*), and the revealed way (*minhāj*)—even if there are distinctions between these names.

And concerning prohibitions, He said:

**"He has explained to you in detail what He has forbidden you—except what you are compelled to."**

And He said: **"Whoever is compelled, without rebellion or overstepping —there is no sin upon him."**

**"Whoever is compelled, without rebellion or overstepping—Allah is Forgiving, Merciful."**

**"Our Lord, do not hold us accountable if we forget or err."**

**"You will not be blamed for any unintentional mistakes you make."**

**"Had Allah willed, He would have made it difficult for you."**

And the Exalted said: **"They ask you about the sacred month..." — [to the end of the verse].<sup>4</sup>**

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"Among them is intoxication through foods and intoxicating drinks; for the consumer experiences pleasure and joy by it—that is what drives most people to drink it. His mind becomes absent, and his worries and grief vanish in that moment. Some people seek bodily benefit, but harm comes to them from the acts and words that arise due to intoxication, and they are prevented from benefit such as remembrance of Allah and prayer and the like—what is greater in sin and harm than its benefit. For the pleasure found in remembrance of Allah and prayer is lasting, repelling grief and sorrow—not just during prayer time." (*Al-Istiqāmah, Ibn Taymiyyah, 2:145.*)

3. Among the differences also is that God, out of His mercy and wisdom, permitted for us some prohibitions and forgave some obligations for the sake of achieving worldly benefits and repelling harms. But our concern is not limited to worldly interests—rather, religious interests are greater, and the foremost objective of the Shar‘ī‘ah is the preservation of religion, and the pleasure of the hereafter is the lasting bliss and the greatest reward. Among the clearest examples is the legislation of jihād, despite its cost in lives and wealth, to prevent tribulation and the loss of faith. The Imām said:

"Souls are killed when they cause tribulation that drives people away from faith, for the harm of disbelief is greater than the harm of killing a soul." (*Majmū‘ al-Fatāwā, Ibn Taymiyyah, 20:52.*)

This principle was affirmed by the verifying scholars before and after Imām Ibn Taymiyyah, among them Imāms al-‘Izz, al-Qarāfī, and others. And this statement by Imām Ibn Daqīq al-‘Id is one that, as scholars often say, deserves to be written in gold. He said:

"Seventy-second: Among the general legal maxims, when benefits and harms conflict and it is not possible to combine both in attainment or avoidance, the higher of the two benefits is preferred, and the lesser one left aside; and the greater of the two harms is averted, and the lesser one borne. In some cases, the preference is apparent, either by evaluating worldly benefits and harms according to habit and experience, or by considering the legal principles that demand preferring one over the other. Among them are cases that can be understood independently, and others that remain hidden and are only known through the Shar‘ī preference of one over the other. The reason for this is that knowing the number, magnitude, and ranking of benefits and harms is not something reason can do independently; rather, preference may come in the Shar‘ even when the soul feels that the two matters are apparently equal." (*Sharḥ al-Ilmām bi-Aḥādīth al-Aḥkām, Ibn Daqīq al-‘Id, 4:497.*)

See Appendix: On Moral Philosophy at the end of this paper.

<sup>4</sup> Since the Shaykh often addresses scholars in his writings, he at times suffices with allusion. The full verse is: "They ask you about fighting in the sacred month. Say: Fighting in it is grave, but hindering others from the path of Allah, disbelief in Him, the expulsion of its people from al-Masjid al-Harām are graver in the sight of Allah—and persecution [to drive people away from faith] is graver than killing..." (al-Baqarah: 217). Within the verse—through its mention of what is grave and what is graver, and the comparison between them—is clear evidence for what the Shaykh affirms regarding the necessity of weighing between competing obligations and prohibitions, rather than falling into inaction when commands and prohibitions overlap.

And He said, concerning matters that involve conflict:

**"They ask you about wine and gambling. Say: In them is great sin and [some] benefit for people—but their sin is greater than their benefit."**

And He said: **"Fighting has been prescribed for you, though you dislike it. It may be that you dislike something while it is good for you, and it may be that you love something while it is bad for you. Allah knows, and you do not know."**

And He said: **"There is no blame upon you if you shorten the prayer, if you fear that those who disbelieve may harm you."**

And He said: **"And fitnah is worse than killing."**

And He said: **"If you fear danger, then [pray] on foot or mounted."**

And He said: **"And when you are among them and lead them in prayer, let a group of them stand with you..."** — until His saying: **"...and there is no blame upon you if you are suffering from rain or are ill that you lay down your weapons."**

And He said: **"And We have enjoined upon man [goodness] toward his parents..."** — until His saying: **"...but if they strive to make you associate with Me that of which you have no knowledge, then do not obey them, but accompany them in the world with kindness, and follow the path of those who turn to Me."<sup>5</sup>**

<sup>5</sup> Also, al-Bukhārī narrates from Umm Kulthūm bint 'Uqbah (rA) that she heard the Messenger of Allah ﷺ say:

**"The one who reconciles between people is not a liar—he conveys good or says good."**

In some versions of the ḥadīth, there is an additional phrase, but its meaning is acted upon:

**"I never heard him permit lying in anything people say—except in three cases: during war, reconciliation between people, and a man's speech to his wife or a woman's to her husband."**

The Ḥanbalī jurists extended this principle to include any praiseworthy objective that cannot be attained except through lying.

In *Kashshāf al-Qinā'*: **"Ibn al-Jawzī said: Every praiseworthy and good objective that cannot be attained except through it [i.e., lying] is permissible. And it is said in al-Ḥadīth: It is permissible for a person to lie to himself or to others, provided that no harm results from it, if he is using the lie to attain a rightful claim. ... But whenever *ta'rīd* (indirect speech) is possible, lying becomes prohibited."** (*Kashshāf al-Qinā'*, al-Buhūtī, 15:289)

This view is not exclusive to the Ḥanbalīs. Imām Al-Ghazālī states in *Iḥyā' 'Ulūm al-Dīn*:

**"Speech is a means to achieve goals. So, if a praiseworthy goal can be attained through both truth and lying, then lying remains prohibited. But if it can only be attained through lying, then lying becomes permissible if the goal is permissible—and obligatory if the goal is obligatory."** (*Iḥyā' 'Ulūm al-Dīn*, 3:137)

Imām al-Nawawī affirms similar principles in *Riyāḍ al-Sāliḥīn* and *al-Adhkār*. Also, those scholars who prohibited lying entirely still permitted *ta'rīd* (indirect or suggestive speech) in such contexts.

The broader point here is that speech has purposes beyond the exact transmission of information.

The one who lies to reconcile between people may be truer in his servitude to God than the one who tells the truth to create division.

This may seem strange to those shaped by Kantian deontological ethics, which elevates truth-telling as a moral absolute even at the cost of other values.

Such an approach, while noble in aspiration, fails to account for the complexity of lived moral life.

One might imagine a person who refuses to lie to protect someone hiding from torture or death—this reveals a kind of moral reductionism that has long been critiqued in both theology and moral philosophy.

It is for this reason that later forms of **consequentialist ethics**—especially those grounded in a richer understanding of virtue—have gained traction.

The truth is that Islam, as we established in the introduction, brings together the rigor of deontological ethics and the flexibility of consequentialist reasoning—yet it governs both with boundaries and principles that prevent moral chaos. Among these principles: a person may not ransom himself by sacrificing another, nor protect his own wealth by giving away someone else's. Moreover, Islam encases all of this within the framework of **virtue ethics**. Allah says:

**{He has indeed succeeded who purifies it}** [Sūrat al-Shams 91:9].

Without this inner purification, one may read what we have stated regarding the permissibility of lying and turn it into a tool for vile intentions.

**"They seek to deceive Allah, but it is He who deceives them."** [Sūrat al-Baqarah 2:9]

Ultimately, all of this draws its legitimacy from *'ubūdiyyah*—servitude to the Divine Lawgiver.



## [Types of Conflict and Methods of Prioritization]

And we say: If it is established that good deeds (*ḥasanāt*) bring benefit—and if they are obligatory—then their omission entails harm,<sup>6</sup> and evil deeds (*sayyi'āt*) inherently involve harm, and some disliked acts (*makrūhāt*) may contain a degree of good.<sup>7</sup> Thus, when there is a conflict, it may be:

1. Between two good deeds that cannot be combined; in such a case, the better of the two is given precedence, even if that means forfeiting the lesser.
2. Between two harmful deeds from which it is impossible to be free; in this case, the worse of the two is repelled by enduring the lesser.
3. Between a good deed and a harmful deed that are inseparable—such that doing the good inevitably causes the evil, and avoiding the evil necessitates forfeiting the good—then the stronger of the two is preferred, based on the comparative benefit of the good and the harm of the evil.

[Type One: Conflict Between Two Good Deeds]

The first type [of conflict] is like that between an obligation (*wājib*) and a recommended act (*mustaḥabb*), or between a personal obligation (*farḍ 'ayn*) and a communal obligation (*farḍ kifāyah*), such as giving priority to repaying a demanded debt over offering a voluntary charity.<sup>8</sup>

The second type<sup>9</sup> [of conflict] is like preferring spending on one's family over spending on *jihād* when it is not individually obligatory; and preferring support of one's parents

<sup>6</sup> A good deed is either recommended or obligatory, and in all cases it is beneficial. If it is obligatory, then omitting it—along with the loss of its benefit—entails harm.

<sup>7</sup> Accordingly, the benefit in certain *makrūh* acts may, in some circumstances, outweigh the usual harm for which they are ordinarily deemed disliked—such as the Prophet ﷺ drinking while standing, and likewise urinating while standing. Similarly, some scholars have stated that the dislikedness of closing one's eyes in prayer is lifted if keeping them open causes distraction—and so on.

<sup>8</sup> Among the tools of balancing priorities here is the well-known maxim: “**The rights of Allah are grounded in forbearance, whereas the rights of human beings are upheld with rigor and demand.**” The Prophet ﷺ refrained from performing the funeral prayer over someone who had known debts, and he said: “**There are two sins whose punishment is hastened in this world: transgression and filial impiety.**” Although Allah's right is the greatest and most emphasized of all rights—indeed, it is the foundation by which all other rights are established—this maxim remains sound. Allah is free of all need, and so He pardons His right, and grants concessions to the distressed and needy. Human beings, however, are inherently impoverished, and so their rights are prioritized due to their need, the severity of the consequences, and Allah's own emphasis on upholding them. Examples of this principle include: the suspension of *ḥudūd* punishments in cases of doubt, and the legal compulsion placed upon a person to earn money in order to pay off debt—but not to earn money for the sake of performing *ḥajj*. (See *Taqrīr al-Qawā'id wa-Tahrīr al-Fawā'id*, Ibn Rajab, 2:502).

But if some become lax and begin to neglect Allah's rights, we remind them of what Imām Ibn al-Qayyim (rA) said: “We do not set parts of the *Sunnah* against one another—taking what is easy and abandoning what is hard, out of laziness, weakness of resolve, and entanglement with a worldly life that has filled the heart, overtaken the limbs, and become a source of comfort to the eyes instead of the prayer.

So the *ḥadīths* of concession regarding it [i.e. prayer] become a pretext that meets desire, a sluggish will, and a lack of eagerness to strive in sincere service. The right of Allah becomes trivialized, and His generosity and self-sufficiency become the main excuses for neglecting and squandering His right, while the act is performed sluggishly, just enough to discharge the obligation—like one reluctantly fulfilling an oath only to free himself from its burden. Such a person constantly repeats: ‘No generous one demands his full right,’ and: ‘Allah's right is built on forbearance, while people's rights are based on strictness and full restitution.’ And so, one stands in the service of creatures as if reclining on soft cushions and riding luxurious mounts, but stands before the Creator, the Originator, as if on burning coals—giving Him only the remnants of one's strength and time, and reserving for the self the fullness of its share...” (*al-Ṣalāh*, Ibn al-Qayyim, p. 328)

<sup>9</sup> The Shaykh continues to offer examples of the first category—conflict between two good deeds—but under that heading lie subtypes. He mentioned the second of those subtypes and built upon it. What he later refers to as “the third type” is in fact the second: conflict between two evils; and what he calls “the fourth” is truly the third: conflict between a good and an evil. The Shaykh did not write as we do today—returning to revise, reorder, and polish his writings. Rather, he wrote the *al-Wāsiṭiyyah* creed in a single sitting after ‘Aṣr. Imām Ibn al-Wardī said in his

over *jihād*, as in the authentic ḥadīth: **"WHICH DEED IS BEST?" HE SAID: "PRAYER AT ITS PROPER TIMES." I ASKED, "THEN WHAT?" HE SAID: "THEN DUTIFULNESS TO ONE'S PARENTS." I ASKED, "THEN WHAT?" HE SAID: "THEN STRIVING IN THE WAY OF ALLAH."**

And like preferring *jihād* over *ḥajj*, as is established in both the Qur'ān and Sunnah—obligatory over obligatory, and recommended over recommended.<sup>10</sup>

Also like preferring the recitation of the Qur'ān over dhikr (remembrance) when they are equal in terms of engagement of the heart and tongue; and preferring prayer (*ṣalāh*) over both when it equally engages the heart. Otherwise, *dhikr* (remembrance of Allah)—with understanding and reverent fear—may be preferable to Qur'ānic recitation that does not go beyond the throats. And this is a vast field.<sup>11</sup>

[Type Two: Conflict Between Two Harmful Acts]

The third [type of conflict] is like a migrating woman undertaking the journey of *hijrah* without a *maḥram*, instead of remaining in the land of war—as did Umm Kulthūm, for

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*Tārīkh*: "He would write, in a single day and night, about four notebooks' worth—whether in tafsīr, or fiqh, or the two fundamentals (uṣūl al-dīn and uṣūl al-fiqh), or in refuting the philosophers and the ancients. He said: And it is not unlikely that his total compilations to this day amount to five hundred volumes." (*Tārīkh Ibn al-Wardī*, Ibn al-Wardī, 2:277) (A kurrās in that context was a stitched booklet of folios, often used to measure scholarly output—roughly 16–32 pages per unit.)

<sup>10</sup> This aligns well with the virtue of *jihād*, especially when it becomes obligatory due to the need to preserve the faith and protect the Muslim community.

And by Allah, I sincerely hope that the callers to the dīn and activists who act with wisdom and strive to defend the interests of Muslims will have a considerable share in the reward of this form of *jihād*. For preserving the religion is not limited to military combat aimed at repelling physical aggression, protecting Muslim interests, and aiding the oppressed. **Rather, repelling intellectual aggression is among the greatest forms of *jihād*.** Allah says: "*And strive against them with it [i.e., the Qur'an] a great striving*" (al-Furqān: 52). Indeed, *jihād* by way of reasoned argument and clear proof is the *obligatory* form of struggle when dealing with those who are not oppressive aggressors—even with those who cast doubt upon the religion—whether they debate us in search of truth, or in defense of what they believe to be truth. On this, Imām Taqī al-Dīn said:

"Secondly, He said: {And do not argue with the People of the Book except in the best manner—except with those who do wrong} [al-'Ankabūt: 46]. The oppressor is not to be debated with kindly. So whoever is unjust, deserving of combat, and not seeking knowledge or religion, is among those not to be debated with in the best manner.

In contrast, one who seeks knowledge and religion and does not show oppression—whether he seeks guidance or believes he is upon the truth and seeks to defend it—is not among the oppressors.

As for one who debates out of stubbornness, knowing he is wrong and yet defending falsehood, then such a person is not to be debated with in the best way either. Rather, he may be addressed with other methods that expose his obstinance, injustice, and ignorance—his treatment being proportionate to his behavior." (*al-Jawāb al-Ṣaḥīḥ*, Ibn Taymiyyah, 1:219)

Moreover, the Imām sought to open a door to sustainable peace—where engagement is through reason and revelation, not sword and spear. He therefore affirmed the permissibility of an open-ended truce with non-Muslims, saying: "The correct view is the third opinion: that it is permissible without restriction." (*al-Jawāb al-Ṣaḥīḥ*, Ibn Taymiyyah, 1:176)

<sup>11</sup> Among the principles of weighing between competing religious actions is the maxim:

**"Abundance or Nobility?"**

Imām Abū al-'Abbās decisively favored *nobility* (*sharaf*) over *abundance* in most cases. However, there is disagreement on this issue within our madhhab.

Imām Ibn Rajab said in the seventeenth principle:

"When two acts are compared—one being singular but noble and elevated in its nature, and the other consisting of multiple acts and greater in number—which is preferred? The apparent view from Aḥmad's statements is that abundance is preferred."

(Taqrīr al-Qawā'id wa-Tahrīr al-Fawā'id, Ibn Rajab, 1:132)

Examples include:

a single fat sacrificial animal versus two of lesser quality;

two long units of prayer versus four shorter ones in the same span of time;

or one person reciting a single sūrah with reflection, while another reads multiple sūrahs rapidly in that same duration.

In summary, there are varying narrations from Imām Aḥmad on whether *quantity* or *nobility* is preferred, though according to Ibn Rajab, most favor *quantity*.

Shaykh Taqī al-Dīn (Ibn Taymiyyah), however, often favored the narrations that prioritized *nobility*.

A reconciliation suggests that the preference between *abundance* and *nobility* depends on the **type of worship**, its **intended purpose**, the **context**, and the **degree of superiority** in nobility.

At times, *quantity* may be preferred due to the increase in reward—such as choosing six seated units of prayer over two standing ones if one is unable to stand easily.

At other times, *nobility* may be preferred because it better achieves the intended spiritual meaning of worship, such as in the case of reflective recitation.

Ultimately, the sincere **desire for Allah's pleasure** is the true measure in all of this. As He said:

"Their meat will not reach Allah, nor their blood, but what reaches Him is your taqwā (God-consciousness)." (al-Hajj: 36)

whom Allah revealed the verse of testing: {**O you who believe, when believing women come to you as emigrants...**} [al-Mumtaḥanah 60:10].

Or like preferring the killing of certain individuals over being subjected to disbelief, as Allah the Exalted said:

{**And fitnah is greater than killing**} [al-Baqarah 2:191].

Thus, Souls are killed when they cause tribulation that drives people away from faith, for the harm of disbelief is greater than the harm of killing a soul.

Or like preferring the cutting of the thief's hand, stoning the adulterer, and lashing the drinker— *over tolerating* the harm caused by theft, fornication, and drinking.

And likewise with all the prescribed punishments: they were only legislated despite being bad in their essence and harmful—because they repel something more harmful than themselves: namely, the crimes that necessitate them. Indeed, such greater corruption cannot be averted except through this lesser corruption.<sup>12</sup>

And similarly, in the realm of jihād: although it is forbidden to kill those who do not fight—such as women, children, and others—when a situation arises where fighting becomes necessary in a manner that encompasses them, such as with catapulting or night raids, then it becomes permissible. This is as the Sunnah has affirmed in the siege of Ṭā'if, when they were struck with catapults, and in cases where disbelievers are attacked by night in their dwellings. This, too, is a case of repelling the corruption of fitnah by the incidental killing of those whom it is ordinarily impermissible to target.<sup>13</sup>

And likewise, the issue of *tatarrus* (the enemy using human shields), which the jurists have discussed: since *jihād* is the repelling of the fitnah of disbelief, it sometimes involves harms that are less than the harms it seeks to prevent. For this reason, the jurists unanimously agreed that if it is not possible to repel harm from the Muslims except by means that lead to the killing of those who are being used as human shields, then that is permissible. However, if there is no direct fear of harm, but jihād cannot be carried out except by a means that leads to their killing, then there are two legal views on the matter. And those who deem this permissible say: their killing is justified for the benefit of combat—just like the killing of Muslim fighters who die as martyrs, or like the implementation of the ḥadd punishment upon the openly immoral, or the fighting of rebels and others like them.

<sup>12</sup> Reflect on his awareness of the harm that can result from enforcing these punishments, and that they were not legislated for the sake of vengeance, but rather to repel a greater harm. Recognizing this leads us to conceal the faults of those who commit such acts—for the Prophet ﷺ said:

**“Had you covered him with your cloak, it would have been better for you.”**

We therefore seek to ward off the implementation of such punishments through doubts (*shubuhāt*) as much as we are able. But if their enforcement becomes necessary, we carry it out in submission to divine command—with humility and solemnity before the authority of the Almighty, the Compeller.

You will notice that there are five prescribed ḥudūd punishments in the Shari'ah, and they do **not** include acts like consuming usury, carrion, or swine—despite these being among the major sins.

The foundational principle of the Shari'ah was articulated by Imām Taqī al-Dīn as follows:

“The rule of the Shari'ah is that what the soul desires from among the prohibited acts—like wine and fornication—carries a ḥadd punishment, and what it does not desire—like carrion—carries a discretionary punishment (*ta'zīr*).”

(Majmū' al-Fatāwā, Ibn Taymiyyah, 34:214)

Thus, when an act is among the forbidden things to which the soul is naturally drawn—such as drinking wine or engaging in fornication—the Shari'ah attaches a fixed legal punishment to it.

Likewise, acts driven by angry impulse, like false accusation, are punished to restrain the self and protect both the individual and society.

But when the act involves something the soul does **not** naturally desire—like eating carrion—the Shari'ah does not assign a ḥadd punishment to it. Some of these acts may carry discretionary penalties proportionate to their nature.

<sup>13</sup> The imām **further qualifies this allowance** by stating: “For this reason, things are permitted in obligatory jihād that are not permitted elsewhere—even striking the enemy with a catapult, even if that leads to the killing of women and children. However, deliberately targeting them is forbidden.” (Majmū' al-Fatāwā, Taqī al-Dīn Ibn Taymiyyah, 24:269)

Included in this also is the permissibility of marrying a slave woman out of fear of falling into hardship (‘*anat*). And this, too, is a vast field.

[Type Three: Conflict Between a Good Deed and an Evil One]

As for the fourth type: it is like eating carrion in a state of starvation, because eating it becomes a *good deed* and a *duty*, though it can only be fulfilled through what is ordinarily a *bad act* (i.e., consuming something prohibited). Yet, in this case, the benefit clearly outweighs the harm.

The opposite case is that of using harmful or impure medicine: its harm outweighs its benefit, because other treatments may take its place, and because recovery through it is not certain.<sup>14</sup> And likewise: drinking wine for medicinal purposes.

## [When an Evil Is Tolerated and a Good Is Forgone: Principles for Balancing Conflicting Benefits and Harms]

It thus becomes clear that a *bad act* (*sayyi’ah*) may be tolerated in two situations:

1. To repel something worse than itself, when that greater harm cannot be repelled except through it.
2. To attain something more beneficial than its avoidance, when that benefit cannot be achieved without it.

And a *good act* (*ḥasanah*) may be abandoned in two situations:

1. When performing it would forfeit something better than it.
2. When it would necessitate a *bad act* whose harm outweighs the benefit of the good.

## [Between Religious and Worldly Prioritization: Where the Sharī’ahs Align and Diverge]

This [previous discussion] applies to matters involving balancing religious interests (*al-muwāzanāt al-dīniyyah*).

<sup>14</sup> It is likely that what Imām Taqī al-Dīn – may Allah have mercy on him – stated was closer to correct **in his time**, but not necessarily **in ours**, as acknowledged by the majority of rational observers. This is because the effectiveness of medication in our time may, in some cases, reach a level of **predominant probability approaching certainty**—as is seen with insulin, for example, or certain antibiotics. As for the **prohibition of using impure substances for treatment**, this is the position of the Mālikīs and Ḥanbalīs. However, **later scholars** from both schools, such as Ibn ‘Āshūr and Ibn ‘Uthaymīn, permitted it **when the medicine is definitively needed and no alternative exists**. Among the earlier scholars who considered it a case of necessity was Imām Ibn Ḥazm – may Allah have mercy on him. In my view, the disagreement between **the earlier Mālikīs and Ḥanbalīs and their later counterparts** ultimately goes back to the **stage of taḥqīq al-manāṭ** in the process of issuing fatwā—namely, the effort of the jurist to ascertain whether the legal cause (‘*illah*) exists in the specific case under consideration. The cause (‘*illah*) for permitting carrion to the one in dire need is the **preservation of life**. So the question is: Does **medical treatment with a forbidden substance prescribed by a physician** serve to preserve life? The **earlier jurists** did not see it as such, due to the frequency of medical error and the limited effectiveness of medicine in their time. But the **later jurists**, informed by modern developments in the medical sciences, have found that treatment as prescribed by qualified physicians **often serves to preserve life**, and thus reaches the level of **necessity—or something very close to it**. See: *Athar Taṭawwur al-Ma‘ārif al-Ṭibbiyyah ‘alā Taghayyur al-Fatwā wa-al-Qaḍā’* (*The Impact of the Advancement of Medical Knowledge on the Evolution of Fatwā and Legal Rulings*), Hatem al-Haj, p. 436.

As for the waiving of an obligation due to worldly harm, and the permissibility of a prohibition due to a worldly need—such as the waiving of fasting due to travel, or the allowance for violating prohibitions of *iḥrām* or leaving out certain pillars of prayer due to illness—this belongs to a different category. It falls under the ease and leniency of the religion, and the lifting of hardship, in which the revealed laws may differ.<sup>15</sup> This is unlike the first category, for its kind is of the sort in which the *sharī'ahs* cannot differ—even if they differ in particulars—because it is grounded in reason. As the saying goes: "The intelligent person is not the one who knows good from evil, but the one who knows the better of two goods and the worse of two evils." And it is also recited in poetry:

*Indeed, the intelligent one—when two different ailments appear in his body—treats the more dangerous of the two.*

This principle holds true across all domains. For example, a physician may need both to strengthen the body's vital force and to repel illness—yet bloodletting (*al-fiṣād*)<sup>16</sup> is a tool that stimulates both at once. Thus, when the body's strength is abundant, the treatment may be withheld in order to weaken the illness. But when strength is diminished, the treatment is applied—because preserving both the strength and the illness is better than losing both together. For the loss of strength leads to destruction.

And for this reason, it is firmly rooted in people's minds that, during times of drought, rainfall is considered a mercy—even if what it causes to grow is used by some to strengthen their injustice. Its absence, after all, would bring even greater harm. And so, people prefer the existence of a ruler—despite his injustice—over the absence of any ruler, just as one of the wise once said: "Sixty years under a tyrannical ruler are better than a single night without one."<sup>17</sup>

## [The Validity of Assuming Office Despite the Occurrence of Injustice]

<sup>15</sup> Our religion is founded on ease and the removal of hardship. The Messenger of Allah ﷺ said, "I was sent with the upright, easy-going religion." Yet despite this, it is also "firm," and "no one overburdens himself with the religion but it will overcome him." So let us heed the advice of our Prophet ﷺ, who said, "Take on only as much as you can manage." And let us follow the path of the firmly grounded scholars—those who guide people toward balance, fairness, and what best suits their circumstances. They understand their context and do not impose hardship. It was reported from the two Sufyāns that they said, "True knowledge, in our view, is a dispensation from a reliable authority; as for severity—anyone can manage that."

<sup>16</sup> In the original: "wa-l-fasād" (and corruption), which is clearly a mistake.

<sup>17</sup> What the Shaykh affirms here is the plain and manifest truth. Whoever reflects on the words of the Messenger ﷺ cannot doubt that Islam stands for civil peace and social stability—and against chaos and unrest. People need to be reminded of this—for when were they ever fully pleased with their rulers? Our Imām Aḥmad said: "This is 'Alī—may Allah have mercy on him—who could not control the people. So how much more so today, when people are in such a state... and I do not like the sword either." (al-Sunnah, al-Khallāl, 1:140)

But as with other difficult issues, people tend to fall into extremes—of negligence or excess. Each side seeks to conscript the Sunnah to justify its own stance, projecting it—and the words of the jurists—onto present realities without deliberation or depth.

Even the legacy of the author of this chapter is contested by opposing camps. Yet those most worthy of it are the moderates: those who neither encourage anarchy nor excuse tyranny; those who seek only reform and righteous governance—without ambition for worldly gain or a craving for power. They are the ones who recognize our people's need for a new social contract—one that rescues the ummah from tyranny and corruption—yet they also acknowledge that this corruption has infected the body from top to bottom. They distinguish between armed rebellion and senseless destruction on one hand, and public engagement and grassroots reform movements that are embedded in the social fabric on the other. They have learned, from history, the dangers of using religion as a political weapon. Yet at the same time, they call for the re-normalization of Islam's role in the life of the ummah—and they reject the erasure of religion from public life.

As for the sword, it too has its time. And I truly believe that if the two Aḥmads were alive today, they would be among the first to prostrate in gratitude for the liberation of Syria—if not among the liberators themselves.

None who has read—thoughtfully and without bias—the history of Abū al-'Abbās, the reformist mujahid of Damascus, will be left in doubt about that.

Then, the ruler is held accountable for the injustices he commits and the rights he neglects despite having the ability to fulfill them. However, I say here: if the one assuming general leadership—or one of its branches such as governorship, administrative authority, judiciary, or the like—cannot fully fulfill all his obligations nor entirely avoid the prohibited, yet deliberately undertakes the role with the intention of fulfilling duties and avoiding prohibitions, to the best of his ability, in a way that others would not or could not do, then assuming that position is permissible for him—and perhaps even obligatory.

This is because if leadership is among the obligations—such as safeguarding public interests through fighting the enemy, distributing war gains, enforcing punishments, and securing public safety—then undertaking it becomes a duty. So if carrying that out necessarily involves appointing some people who do not deserve it, or taking some things that are not fully lawful, or giving to those who do not fully merit it, and he cannot avoid that, then this falls under the principle of: “What is necessary to fulfill a duty or recommended act becomes obligatory or recommended,” so long as the harm involved is less than the benefit of fulfilling that duty or recommendation.

Indeed, even if assuming leadership was not obligatory in itself, and that position involved injustice, and whoever held it perpetuated injustice—yet someone then took it on with the intention of reducing the injustice within it, and repelling the greater part of it by tolerating the lesser part—then doing so with that intention would be commendable. And his performance of certain wrongful acts, done with the intention of repelling something worse than them, would be sound and praiseworthy.<sup>18</sup>

<sup>18</sup> Here, the Imām builds on his deep legal insight—rooted in both revelation and the universal patterns (*sunan kawniyyah*) of how harm and benefit unfold in the world. He clarifies what some may misunderstand from the oft-quoted maxim, “**Preventing harm takes precedence over attaining benefit**,” wrongly assuming it applies absolutely and without qualification. In truth, the more accurate phrasing is: “**Preventing harm takes precedence over attaining benefit when the two are equal.**”

It is true that avoiding prohibitions has been given stronger emphasis than fulfilling commands—based on the Prophet’s ﷺ statement in the well-known ḥadīth of Abū Hurayrah (in both Ṣaḥīḥs): “**When I forbid you from something, avoid it. And when I command you to do something, do of it what you are able.**”

But this is because avoidance is typically easier than action, and because acting often requires additional capacity and conditions.

However, to claim that the *entire category* of avoiding prohibitions is categorically superior to fulfilling commands is incorrect. Imām Ibn Taymiyyah devoted an entire section to the principle:

“That the genus of fulfilling commands is greater than the genus of avoiding prohibitions; and that the genus of abandoning obligatory acts is more severe than the genus of committing prohibitions.”

He supported this with over thirty evidences, among them:

- That the greatest of all good deeds is *faith in Allah and His Messenger*, which is a positive, existential act;
- That the five pillars of Islam are all *acts of obligation*, and while scholars have differed over whether abandoning them leads to disbelief, no one from Ahl al-Sunnah has claimed that committing forbidden acts leads to disbelief—unless they negate faith altogether;
- That Iblīs was condemned for *abandoning a command* (prostration), while Ādam’s sin was in *committing a prohibition* (eating from the tree)—and Iblīs’s sin was both greater and prior;
- That good deeds (*ḥasanāt*)—which are acts of obedience—*erase* the punishment of sins, while sinful deeds do not erase the reward of good deeds.

(Majmū‘ al-Fatāwā, Ibn Taymiyyah, 20:85)

Thus, we say that there are cases where the sin (*mafsadah*) may be greater than the good deed (*maṣlaḥah*), in which case the good must be left.

For example, Allah says:

{**They ask you about wine and gambling. Say: In them is great sin, and benefit for people. But their sin is greater than their benefit.**} (al-Baqarah: 219)

Yet there are other cases in which the benefit clearly outweighs the sin—and in such situations, the harm is tolerated while efforts are made to minimize it. Consider the ḥadīth of Abū Sa‘īd al-Khudrī (in both Ṣaḥīḥs), in which the Prophet ﷺ said: “**Beware of sitting in the pathways.**”

The companions replied: “*O Messenger of Allah, we have no choice but to sit there and converse.*” He said: “**If you insist, then give the road its due.**”

They asked: “*And what is its due?*” He said: “**Lowering the gaze, refraining from harm, returning greetings, enjoining good, and**

## [What Matters Is the Intention of the Officeholder]

And this is a matter that varies based on intentions and objectives. If a powerful wrongdoer demands money from someone and compels him to pay it, and a man intervenes between them in order to lessen the injustice inflicted on the oppressed, and he takes from the oppressed and gives to the oppressor—while choosing not to oppress, and while he would have prevented it altogether if he were able—then he is considered a doer of good. But if he had intervened in order to assist the oppressor, then he is blameworthy.<sup>19</sup>

But what predominates in such situations is the corruption of both intention and action. As for the intention, it is because the person seeks power and wealth. And as for the action, it is because he commits prohibitions and abandons obligations—not due to any real conflict between duties, nor out of a sincere desire to pursue what is more beneficial or more upright.

Moreover, even if holding public office is permissible, recommended, or obligatory, in the case of a specific individual, something else may be more obligatory or more beloved to Allah. In such a case, the better of the two good options is to be prioritized—sometimes as an obligation, and other times as a recommended course.

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**forbidding evil.**” The Prophet ﷺ thus permitted sitting in the pathways, provided that its proper manners are upheld—because the benefit in social engagement outweighed the potential harm.

Even in a more sensitive context, Allah says: {It has been revealed to you in the Book that when you hear the signs of Allah denied and mocked, do not sit with them until they change the subject...} (al-Nisā': 140)

Yet this verse allows one to sit with them again once the mocking stops—acknowledging the human need for coexistence and the necessities of social and civil interaction. As is often said: *man is a social being by nature*.

Now, one might ask: *Can harm and benefit ever be truly equal in real-world cases?* Ibn al-Qayyim denied this possibility altogether in his *Miftāḥ Dār al-Sa'ādah* (2:897). Still, whether this occurs in external reality or not, it certainly occurs in the **subjective estimation of the morally responsible person (al-mukallaf)**.

And when that happens—does one prioritize the benefit or avoid the harm?

The maxim rules out pursuing the benefit at the cost of the harm—it obligates the opposite. Some scholars held that one has a choice in such cases (*takhyīr*), while others suspended judgment (*tawqīf*).

One might sense from Ibn Taymiyyah's statements about the primacy of fulfilling obligations over avoiding prohibitions that he leans toward allowing it—but he never stated this, and he did not contradict the established rulings of the madhhab in cases where a *permission* (*mubāḥ*) and a *prohibition* (*ḥāẓir*) converge, such as the example of a mule born of a horse and a donkey, or a sister unknown among a confined group of non-relatives.

My understanding is that Imām Ibn Taymiyyah's aim was not to overturn the maxim, but to counteract excessive hesitation and moral paralysis among the ummah—a kind of exaggerated scrupulosity (*wara'*) that impedes the pursuit of noble ends and legitimate benefits—both spiritual and temporal—while disregarding the more essential scrupulosity of fulfilling one's obligations.

<sup>19</sup> At this point, pens are lifted, words have reached their limit, and the role of the tongue comes to an end—giving way to the speech of the heart. How often we deceive ourselves! How many are those whose evil deeds were made to seem fair to them, yet they are unaware. And what grants us true security in our choices and positions—if not a deep faith, a precise understanding, and a strong bond with the Lord of the Worlds? These three, as Shaykh 'Abd al-Karīm Zaydān identified, are the foundation for a successful caller to the truth. Whoever lacks them is wandering in a wilderness—no matter how fluent his speech or how polished his slogans.

So let hearts speak after pens fall silent. Let awe rise where articulation ends. For knowledge alone is not enough unless joined with sincere intent, and a heart set in motion toward God. Among the luminous insights of Imām Taqī al-Dīn is his saying:

“The heart has two faculties: knowledge and intent—just as the body has perception and voluntary motion. If bodily perception and movement depart from their natural state, the body becomes corrupt; likewise, the heart becomes corrupt when it strays from its innate state: to acknowledge its Lord and desire Him. This is true servitude: the perfection of love in the perfection of humility. If the heart's movement, direction, and desire are not toward Allah, it is in ruin—either due to heedlessness and denial, or due to weak remembrance that fails to draw it toward love and devotion. But when the heart's knowledge and remembrance grow strong, they necessarily produce a directed, purposeful drive (*qaṣd*) toward Him.” (Majmū' al-Fatāwā, Ibn Taymiyyah, 18:164)

To know Allah through knowledge, to humble oneself before Him in worship, to draw near to Him through love and constant remembrance, to empty the heart of all rivals by beholding His majesty and the nearness of the meeting with Him, to reflect continually on His Book, and to emulate His Messenger ﷺ—then the righteous among the first generation and the righteous of every generation, and to keep the company of the righteous, to treat others with excellence, and to show mercy to creation—this is the path by which we hear the admonisher of Allah within our hearts. Through it, our hearts attain a clarity that inclines them toward the truth, strengthens them in its pursuit, removes the shadows of doubt from our insight, and frees our resolve from the captivity of desire.

## [Cases of Political Participation under Non-Islamic Authority: Yūsuf's Governance under the King of Egypt]

And from this same category is Yūsuf al-Ṣiddīq's assumption of authority over the storehouses of the land under the king of Egypt. Indeed, he even requested to be placed in charge of the storehouses—even though the king and his people were disbelievers, as Allah the Exalted said: **"And indeed, there came to you Yūsuf before with clear proofs, but you continued to doubt what he brought..."** [Yūnus 10:83] And Allah said regarding him: **"O my two fellow inmates of the prison! Are separate lords better, or Allah, the One, the All-Dominant?" "You worship nothing besides Him but names which you have named, you and your forefathers..."** [Yūsuf 12:39–40] It is well known that, given their disbelief, the people must have had customs and practices regarding the collection and disbursement of wealth—allocating it to the king's court, his household, his army, and his subjects—which would not have been conducted according to the way and justice of the prophets. And Yūsuf could not carry out everything he wished in accordance with what he knew of Allah's religion, for the people did not accept his call. However, he did what justice and excellence he was able to, and through his position of power, he was able to honor the believers from his family in ways that would not have been possible without that authority. And all of this falls under the divine command: **{So fear Allah as much as you are able}** [al-Taghābun 64:16].<sup>20</sup>

<sup>20</sup> Imām Ibn Taymiyyah did not limit his evidentiary examples to the case of Prophet Yūsuf; he also invoked the case of **al-Najāshī**, the king of Christian Abyssinia, saying:

"Al-Najāshī, though he ruled over the Christians, was not followed by his people in accepting Islam—only a handful entered with him. That is why, when he died, there was no one there to perform the prayer over him, and so the Prophet ﷺ led the Muslims out to the musallā in Madinah, formed them into rows, and prayed over him, informing them of his death the day it occurred, saying: *'A righteous brother of yours from Abyssinia has passed away.'*... We know with certainty that he was not able to rule among his people by the law of the Qur'an. And Allah commanded His Prophet in Madinah that when the People of the Book come to him, he must judge only by what Allah revealed, and warned him not to be turned away from any part of what was revealed... Al-Najāshī could not have ruled by the Qur'an, because his people would not have allowed it... Al-Najāshī and those like him—who were excused due to their inability—are among the blessed in Paradise, even though they did not observe aspects of Islamic law they were incapable of upholding. Instead, they ruled by what they were able to implement of just rulings that would not provoke the rejection of their people." (*Minhāj al-Sunnah al-Nabawīyyah*, Ibn Taymiyyah, 5:112)

And marvel, if you will, at the objectivity of this exceptional imām—who spent a large portion of his life resisting the Mongols with pen, tongue, sword, and spear—yet still had the humility to say:

"Many times, a man may serve as a judge—or even as an imam—between Muslims and Mongols, while holding just rulings in his heart that he wishes to apply, but cannot. In fact, there may be those who actively prevent him. And Allah does not burden a soul beyond its capacity." (*Minhāj al-Sunnah*, Ibn Taymiyyah, 5:113)

Here, the Imām does not stop at articulating legal principles—he applies them to real-life circumstances. His objectivity does not prevent him from excusing scholars in constrained contexts, nor does an affected piety prevent him from affirming the truth.

Though the details may differ between Yūsuf, al-Najāshī, and the Muslim officials under the Mongols, the **legal maxim (qā'idah)** should be applied consistently—unless there are differences that materially affect the legal basis.

Contemporary applications of this framework can be found in the rulings of the **Assembly of Muslim Jurists of America (AMJA)**, such as: It is OK for expatriate Muslims to hold political positions that would hopefully enable them to realize some good common benefits and interests and reduce as much as possible harms and corruptions, and to remain committed to justice at all times, so that they would be advocates for the oppressed, and not deputies for the oppressors to assist them in executing their injustices.

And in the realm of political engagement:

Expatriate Muslims' participation in political work may involve some benefits mixed along with some corruptions or evils, as follows:



## [Do Obligation and Prohibition Remain Applicable in Cases of Conflict?]

If two duties conflict and both cannot be fulfilled, and the more emphasized one is given precedence, then the other is no longer considered obligatory in that situation. One who leaves it for the sake of fulfilling the more emphasized duty is not, in reality, abandoning an obligation.

Likewise, when two prohibitions conflict, and the greater prohibition cannot be avoided except by committing the lesser, then performing the lesser in such a situation is not, in truth, prohibited.

Even if, by general expression, this may still be described as “abandoning an obligation” or “committing a prohibited act”; such terminology, used broadly, does not harm the reality of the ruling.

And in such cases, it is said: the obligation was left due to an excuse, or the prohibition was committed for the sake of an overriding interest, or out of necessity, or to repel something even more forbidden.

This is similar to what is said about someone who sleeps through a prayer or forgets it—that he performed it outside of its original time, as make-up (qada'). And the Prophet ﷺ said: **“WHOEVER SLEEPS THROUGH A PRAYER OR FORGETS IT, LET HIM PRAY IT WHEN HE REMEMBERS IT, FOR THAT IS ITS TIME. THERE IS NO EXPIATION FOR IT OTHER THAN THAT.”** <sup>21</sup>

## [Conflicting Duties in Times of Religious Estrangement: A Cause of Fitnah Among Muslims]

The beneficial interests are: The positive contribution in solving the problems of such countries from the Islamic perspective, and presenting the correct image about Islam as the true religion, and about Muslims as good citizens who make significant contributions in the realm of civilizations in all aspects of life, and maintaining expatriate Muslims' rights, and supporting their just and fair causes within their home lands. The corruptions or evils are: These meetings would involve witnessing falsehoods and some Shari'ah violations, and that would lead to dissections among Muslim groups and the eruption of temptations and disruptions or to compelling them to give up some concessions without any likely returns.

Political work is one of the main subjects of Shari'ah policy whose rulings evolve around comparing or balancing between interests (benefits) and harms (corruptions), and it becomes legal if it has the good intent and the interests or benefits are explicit, and is not opposed by a likely corruption. It could reach the degree of being obligatory, if it is made clear that it is a means to realize some preferred interests or fending off some explicit corruptions. Also, it could be prohibited if its corruption is aggravated, and its harms outweigh its benefits. And if it leads to a corruption in faith or belief, then the Fatwa about it changes according to the changeability of time, place, and conditions, and this is because of the changeability of benefits and interests.”

### [Recommendations of AMJA's Fourth Annual Convention.](#)

There is no doubt that residing outside the lands of Islam has an impact on legal rulings, even according to non-Hanafis. Difficulty (‘usr) and widespread affliction (‘umūm al-bahwā) are recognized causes for legal concessions, and the prevalence of non-Islamic legal norms is itself a basis for leniency. There is also scholarly disagreement regarding whether non-Muslims are addressed with the subsidiary rulings of the Shari'ah. Imām Ibn Taymiyyah adopted a middle position between the Hanafis and the majority on this issue. I have elaborated on this matter in detail in the following paper:

### [Muslim Providers Prescribing Forbidden Drugs for Non-Muslims – AMJA 2023 – Dr. Hatem al-Haj \(English Only\)](#)

<sup>21</sup> Imām Ibn Hajar said in *al-Talkhīṣ al-Ḥabīr* (1:409): “‘Let him pray it when he remembers it, for that is its time’—this is agreed upon by al-Bukhārī and Muslim from the narration of Qatādah from Anas, but without the phrase: ‘for that is its time’. Instead, both of them report: ‘There is no expiation for it except that.’ However, al-Dāraqutnī and al-Bayhaqī narrated a version similar to the wording cited by the author, from Ḥafṣ ibn Abī al-‘Aṭṭāf, from Abū al-Zinād, from al-A‘raj, from Abū Hurayrah—marfū‘: ‘Whoever forgets a prayer—its time is when he remembers it.’ But Ḥafṣ is very weak.”

And this field of conflicting interests (*bāb al-ta'āruḍ*) is a field immensely vast, especially in times and places where the traces of Prophethood and the Caliphate upon its model have diminished. Indeed, such dilemmas multiply under those conditions—and the greater the deficiency, the more frequent and complex these issues become.

And the presence of such circumstances is among the causes of fitnah (civil strife and confusion) in the ummah. For when good deeds become intermixed with evil ones, confusion and entanglement arise.<sup>22</sup>

Some people focus only on the good, and so they favor one side—even though it involves great evils.

Others focus only on the evils, and so they favor the opposite side—even if that entails abandoning great good.

And as for the moderate ones who try to look at both aspects, many of them may be unable to discern the actual scale of benefit and harm, or even if they do discern it, they find no one to help them carry out the good and abstain from the evil, because desires have entangled with opinions. For this reason, it has come in the

ḥadīth: **"INDEED, ALLAH LOVES PENETRATING INSIGHT WHEN DOUBTS APPEAR, AND LOVES A COMPLETE INTELLECT WHEN DESIRES DESCEND."**<sup>23</sup>

## [The Fiqh of the Scholar in Situations of Conflict]

So it is necessary for the scholar to contemplate the various types of these cases. And in some of them, as I have explained earlier, what is obligatory may be to withhold from commanding or forbidding in certain matters, not declaring them permissible or waiving their obligation.

Such as when commanding someone to perform an act of obedience would result in committing a sin greater than the one being addressed. In such a case, the command is left aside in order to prevent that greater sin. An example is reporting a sinner to a

<sup>22</sup> I say: if that was true in his time—or even long before his time—then what can be said of our own times?

How greatly we are in need today of showing gentleness toward one another, and excusing one another.

And how greatly we are in need of mutual consultation—perhaps, through reviving this neglected Sunnah, we may be granted guidance and divine assistance.

Indeed, Ḥafīz (rA) spoke truly when he said in his *ʿUmarīyyah*: “The view of the group will not lead a land to ruin—despite disagreement—but the opinion of one man alone will bring it down.”

How much we need today to honor our elders. How noble was the act of Imām al-Bukhārī when he entitled a chapter in his *al-ʿAdab al-Mufrad*:

**“Chapter: Granting Leadership to the Elders.”**

The *akābir* (elders) are those who combine knowledge and wisdom with credibility, piety, age, and experience.

The Prophet ﷺ was not sent until he reached the age of forty—and so it was for most of the prophets.

None of the Rightly Guided Caliphs took up the caliphate before reaching fifty. Age was one of the valid factors in their selection. And the

Prophet ﷺ said: **“Give precedence to the elders,”** and **“Let the eldest among you lead [in prayer].”**

That said, there is nothing wrong with consulting the youth in matters of great importance—in fact, it may even be necessary, given the sharpness of their minds, the clarity of their thoughts, and the sincerity of their emotion. The greatest of elders used to consult them, and the example of ʿUmar (rAa) is not far from us. Yet they never acted independently of their elders, nor did they diminish their due respect. Likewise, there is no harm in appointing young people to weighty responsibilities—indeed, the best and wisest of creation ﷺ entrusted them with such roles. But they always remained under the authority of those who appointed them.

As the line of poetry goes: “People cannot thrive in chaos without leaders—and there are no true leaders if the ignorant are put in charge.”

O Allah, rectify our affairs.

<sup>23</sup> Al-ʿIrāqī said in *Takhrīj Aḥādīth al-Iḥyāʾ*: “It was reported by Abū Nuʿaym in *Ḥilyat al-Awliyāʾ* from the narration of ʿImrān ibn Ḥuṣayn. In its chain is Ḥafṣ ibn ʿUmar al-ʿAdanī, whom the majority of scholars have declared weak.” (*Takhrīj Aḥādīth al-Iḥyāʾ* = *al-Mughnī ʿan Ḥaml al-Asfār*, al-ʿIrāqī, p. 1774)

tyrannical authority, who would then punish him with an excessive and unjust measure, causing more harm than the original sin itself.

Or another case: where forbidding a particular wrong would result in the loss of a greater good, such that he remains silent fearing that such forbiddance would result in the abandonment of something Allah and His Messenger have commanded, and which, in his view, is more important than simply eliminating that particular wrong.<sup>24</sup>

Thus, the scholar may at times command, at times forbid, at times permit, and at times remain silent—refraining from commanding, forbidding, or permitting—such as when commanding what is purely or predominantly good, or forbidding what is purely or predominantly corrupt. And when conflict arises between competing considerations, the stronger option is given precedence—as previously explained—in accordance with what is possible.

As for when the one being commanded or forbidden does not abide by what is realistically possible—whether due to ignorance or injustice—and it is not possible to remove that ignorance or injustice, then perhaps the wisest course is to withhold from commanding or forbidding him altogether. As it has been said: some matters are best answered with silence—just as the Lawgiver initially remained silent regarding certain commands and prohibitions until Islam became established and prominent.

Likewise, the scholar—when it comes to clarification and communication—may delay explaining or conveying certain matters until the time is right,<sup>25</sup> just as Allah, glorified is He, delayed the revelation of certain verses and the clarification of certain rulings until the time when the Messenger of Allah ﷺ was able to clarify them.<sup>26</sup>

This is clarified by Allah's statement: **"And We do not punish until We have sent a messenger."** [Sūrat al-Isrā' 17:15]

## [Religious Responsibility Is Conditional Upon Knowledge and Ability]

<sup>24</sup> In this matter too, people tend to split into extremes—with a middle ground in between.

Some, for the sake of harmony and outreach, are hardly ever seen commanding good or forbidding evil.

You'll find them, in political work or social activism, refraining from mentioning anything about their religion or its virtues—even when the opportunity arises and the context allows—out of fear of alienating allies and friends. Others, by contrast, see only the duty of enjoining and forbidding, and leave no room for bridge-building and alliance-making.

Some mosque leaders spend twenty years without once mentioning the hijab of the Muslim woman. Others may confront a woman directly and even harshly, pushing her children away from the mosque, and perhaps pushing her away from the religion altogether—God forbid, even into apostasy.

A righteous brother of mine told me just days before writing these lines that a man, newly converted to Islam, asked him about the ruling on music. He said: "I remembered your advice about prioritization, so I avoided the question, since I noticed musical instruments in every corner of his room. But he kept asking, and I then remembered your other advice—not to say anything we don't believe. So I gave him my answer. We never saw him again."

I said to myself and to him: *Allah guides whom He wills*. There is no doubt some people will find parts of our religion difficult. We will not change it to please them. But had I been in your place, I would have said: *Scholars differed on the matter. Some prohibited it, some permitted it, but in my view the prohibition is stronger*.

This—despite involving some withholding of knowledge—would have been the better answer in that moment.

<sup>25</sup> This matter varies depending on the individuals and the circumstances. As a general rule, one of the recognized legal maxims is: **"What is attainable is not nullified by what is unattainable."** So if speaking on a particular issue may cause harm to the speaker, or if no benefit is expected from speaking, there may still be benefit in addressing something else. In short, the believer—wherever he may be—strives to do good, speak the truth, and call others to it, whether through the language of speech, the language of conduct, or both together.

<sup>26</sup> May Allah be pleased with the jurist of this ummah, the truthful daughter of the truthful, 'Ā'ishah (rA), who said—as narrated by al-Bukhārī and others: "The first part of the Qur'an to be revealed was from the shorter chapters (al-mufaṣṣal), and it contained mention of Paradise and Hellfire. Then, once the people had inclined toward Islam, the verses concerning lawful and unlawful matters were revealed. If the first thing to be revealed had been, 'Do not drink wine,' they would have said, 'We will never give up wine!' And if it had been revealed, 'Do not commit fornication,' they would have said, 'We will never give up fornication!'"

And the proof (*hujjah*) is established upon people only through two conditions:

1. The availability of knowledge regarding what Allah has revealed,
2. And the ability to act upon it.

As for the one who is unable to acquire knowledge—like the insane—or the one who is unable to act, then no command or prohibition applies to him. And if knowledge of part of the religion is cut off, or there is inability to act upon part of it, then this applies to the one who is incapable of knowing or acting, just as it applies to one cut off from all knowledge of the religion, or unable to act upon any of it, such as in the case of insanity. These are what are known as periods of interruption (*awqāt al-fatarāt*).<sup>27</sup>

## [Gradualism in Conveying the Message: The Prophet's Way and the Method of Reformers]

Then, when someone arises to uphold the religion—whether scholars, rulers, or a combination of the two—their clarification of what the Messenger came with, little by little, takes the same position as the Messenger's own gradual clarification of his message.

It is known that the Messenger would only convey what could be known and acted upon. The Sharī'ah did not come all at once. As it is said: *'If you wish to be obeyed, command only what can be carried out.'*

Likewise, the one who revives the religion and the one who restores the Sunnah does not convey except that which is possible to teach and act upon—just as one entering Islam cannot be taught all its rulings at once, nor can he be obligated with them all immediately.<sup>28</sup>

The same applies to the penitent, the learner, and the seeker of guidance: they cannot be charged at the outset with the entirety of the religion or be informed of all knowledge, for they are unable. And if they are unable, then it is not obligatory upon them at that stage. If something is not obligatory, then neither the scholar nor the authority may impose it upon them at the start. Rather, he must defer commands and prohibitions that the individual cannot know or act upon until a later time when it becomes possible—just as the Prophet ﷺ deferred certain rulings until their time came.

<sup>27</sup> Many Muslims throughout different times and places have faced similar periods of disconnection, and what occurred in the Central Asian republics during Soviet rule is not far from our minds. Many of them remained attached to the testimony of faith, sincere in their hope, and we ask Allah to pardon them, deal with them by His grace, and bless their descendants. I once visited some Muslims in Yugoslavia during the communist era and witnessed such deep religious ignorance and alienation that grieved me—yet I also found such sincerity of feeling that it alleviated some of that grief. Understanding the Shaykh's words here helps preserve the bonds of faith with those who have been cut off, and encourages their brothers to show empathy for their constraints and strive to support them rather than diminish their worth.

<sup>28</sup> In fact, one of the grounds for legal facilitation in our Sharī'ah is **encouragement toward Islam**. Islam wipes away what came before it, and so the one who embraces it is exempt from making up past acts of worship and other obligations owed to Allah—even according to the view that non-Muslims are held accountable for the detailed rulings of the Sharī'ah. After entering Islam, a person is excused for being unaware of certain prohibitions, and that ignorance constitutes a valid legal doubt that prevents the application of ḥudūd punishments (al-Mughnī, Ibn Qudāmah, 12:501). An example of this facilitation is giving zakāh to a non-Muslim whose conversion is hoped for—this is the view held by our school and the Mālikī school. Similarly, a non-Muslim may inherit from his Muslim relative if he converts before the distribution of the estate, as an incentive for him to embrace Islam—this is among the unique positions of the Ḥanbalī school (Daqā'iq Uwlī al-Nuhā, al-Buhārī, 2:552). Another example is the validation of conversion to Islam even with a corrupt condition—such as someone embracing Islam on the basis that he will only pray two daily prayers. This too is among the school's unique positions. Aḥmad said: **"Islam is valid even with a corrupt condition, but thereafter the person is obligated to uphold all the laws of Islam."** (Jāmi' al-'Ulūm wa-l-Ḥikam, Ibn Rajab, 1:228)

This is not a case of tolerating what is forbidden or neglecting what is obligatory, for obligation and prohibition are themselves conditional upon the possibility of knowledge and action. If that condition is absent, the ruling does not apply. Reflect on this principle, it is profoundly beneficial.

And from this, it becomes clear that many of these matters—though originally obligatory or prohibited—may be waived due to the lack of access to the communication through which Allah's proof is established for obligation or prohibition. For inability (‘ajz) lifts the burden of command and prohibition, even if the matter was originally obligatory. And Allah knows best.

## [When Ijtihāds Diverge: One Does Not Invalidate the Other]

And among the matters that fall under these ijtihād-based affairs—both in knowledge and in action—is that when a scholar or ruler says or does something based on ijtihād (independent reasoning) or taqlīd (following another), and another scholar or ruler does not agree with the first one’s view, then he should not command it, or should only command what he sees as a clear benefit, and he should not forbid it, for he has no right to forbid someone from following his own ijtihād, nor to compel him to follow his own opinion. Such matters, for him, fall under the category of excused actions—he neither commands nor forbids them, but they remain between permissibility and pardon.<sup>29</sup> And this is a vast field—so reflect upon it deeply.

## Appendix 1: On Moral Philosophy

The discussion of moral philosophy in the Western tradition typically centers around three dominant frameworks: Consequentialism, Deontology, and Virtue Ethics. While each seeks to define what makes actions morally right or wrong, they diverge in their sources of value and methods of judgment.

Islam, as we will show, draws from each framework in a balanced and principled manner that avoids their respective shortcomings.

### 1. Consequentialism (Utilitarianism)

Consequentialism holds that the moral worth of an action depends on its outcomes. The most prominent subtype is Utilitarianism, which argues that actions should maximize overall happiness and minimize suffering. Its early advocates include Jeremy Bentham, who viewed pleasure and pain as the only meaningful measures of good and evil, and John Stuart Mill, who refined the theory by distinguishing between higher and lower pleasures.

Modern variations include:

- Act Utilitarianism (judges individual acts by their consequences)

<sup>29</sup> The principle here is: “Ijtihād is not overturned by another ijtihād.”

It is reported that ‘Umar ibn al-Khaṭṭāb (rAa) ruled in a case involving a woman who passed away, leaving behind her husband, her mother, her maternal siblings, and her full siblings (from both father and mother).

He assigned the one-third share jointly to both the maternal and full siblings. A man said to him: “You did not assign them jointly in such-and-such a year.” ‘Umar replied: “**That was according to what we ruled at the time, and this is according to what we rule now.**” There is no report of the Rightly Guided Caliphs overturning the rulings of those who preceded them, despite their differences in various issues.

However, any ijtihād that contradicts a definitive, established text or a certain consensus (*ijmā‘*) is subject to invalidation. And the jurists have detailed discussions on this matter, which may be consulted in their proper sources.

- Rule Utilitarianism (evaluates rules that generally lead to good outcomes)
- Altruistic Utilitarianism (seeks the good of all, not just oneself)
- Egoistic Utilitarianism (focuses on self-interest)

In the Muslim conscience, utilitarianism is often equated with egoism or moral relativism, but this is a misunderstanding. Philosophers like Peter Singer have used utilitarian reasoning to argue that those living in luxury while others die of preventable causes are morally blameworthy, since they could have sacrificed pleasures to save lives.<sup>30</sup> This vision is far from selfish.

However, Islam protects us from utilitarianism's tunnel vision and moral short-sightedness by anchoring our ethics in divine law. Unlike Bentham—who in his essay *Offences Against One's Self: Paederasty* argued that private sexual behavior should not be punished since it causes no apparent harm<sup>31</sup>—Islamic ethics maintains moral boundaries not only because they are grounded in transcendent revelation, but also because human judgment is often short-sighted and fails to grasp the deeper and long-term harms of moral corruption, especially in matters of sexuality, where distorted innate dispositions and stunted moral sensibilities—particularly when overcome by the sway of desire—often fail to perceive the truth.

Additionally, Islam recognizes that pain and pleasure are not merely physical. Even Aristotle, in his concept of eudaimonia (flourishing), emphasized that the good life requires virtue, not just material comfort.<sup>32</sup>

A classic thought experiment reveals utilitarianism's limits: should a sheriff frame an innocent man to prevent a riot that could kill many? Utilitarian logic might say yes. But in Islam, actions like killing and rape are categorically prohibited—even under coercion. The controversial attribution to Imām Mālik that "killing one-third to save two-thirds" applies to legitimate warfare, not to deliberate murder. The same legal distinction applies to the jurisprudence of *tatarrus*—human shielding—where even in battle, the deliberate targeting of innocents remains a grave and categorically restricted matter.

Having said that, it is important to note that in the context of coercion and necessity, Muslim scholars have permitted acts such as lying, drinking wine, and other otherwise prohibited actions when necessary. Where they differed, their disagreements often reflected the natural tension between outcome-based and duty-based ethical reasoning. I have devoted more space to comparing Islamic ethics with the consequentialist moral framework because Islamic ethics—while distinct and encompassing elements of all major frameworks—can be described as a form of divinely regulated and finely tuned consequentialism. This characterization is especially relevant to our discussion on weighing between competing benefits and harms, where the consideration of outcomes is of paramount importance, though always governed by the boundaries and guidance of divine revelation.

## 2. Deontology (Duty-Based Ethics)

Deontological ethics, most famously developed by Immanuel Kant, asserts that morality is based on duties and rules, not outcomes. Right actions are those done from duty,

<sup>30</sup> Peter Singer, "Famine, Affluence, and Morality," *Philosophy & Public Affairs* 1, no. 3 (1972): 229–243.

<sup>31</sup> Jeremy Bentham, "Offences Against One's Self: Paederasty," *Journal of Homosexuality* 3, no. 4 (1978).

<sup>32</sup> *Nicomachean Ethics*, Aristotle, Book I, trans. Terence Irwin, 1999.

according to principles that could be universalized.<sup>33</sup> For Kant, lying is always wrong, even to save a life, because the act itself violates a moral law.

Deontology seeks objectivity through universal principles, but its rigidity exposes a weakness: it depends on which principles one adopts as inviolable. Moreover, its lack of texture becomes apparent in cases like the runaway fugitive: should you lie to a murderer asking if someone is hiding in your home? Deontology says no, but Islamic ethics says yes—because preserving life is a higher priority, and truthfulness is not violated when higher moral aims are at stake.

Islam recognizes the moral gravity of actions and speech, but it also balances between truth (al-ḥaqq), goodness (al-khayr), and beauty (al-jamāl). The richness of this balance reflects Islamic ethics' profound awareness of life's complexities and grants it a flexibility and moral texture often absent in deontological ethics.

### 3. Virtue Ethics

Virtue ethics, grounded in Aristotle and revived by modern thinkers like Alasdair MacIntyre and Elizabeth Anscombe, focuses on moral character rather than rules or results. The central ethical question becomes: What kind of person ought I to be?<sup>34</sup> Anscombe, in her famous essay "Modern Moral Philosophy," argued that modern ethical theories lack foundations because they severed the idea of moral obligation from a divine lawgiver.

In contrast, Islam grounds all obligations in God's command, and all virtue in the quest to purify the soul: "**Qad aflaḥa man zakkāhā**" — "**He has succeeded who purifies it**" [al-Shams 91:9]. Without this tazkiyah—the inner purification of the soul—I argue that all rules become susceptible to manipulation, and every dispensation, such as permitting lying for a greater purpose, becomes prone to overuse and abuse.

Islam, then, is not merely compatible with virtue ethics—it completes it. It fills the conceptual gaps and answers the foundational questions that contributed to virtue ethics' decline in modern moral thought. Islam offers not only a vision of the virtuous person but also a coherent system of obligations and consequences, all firmly rooted in the recognition of the Moral Lawgiver as the ultimate source of moral authority and motivation.

Nietzsche claimed in his book *On the Genealogy of Morals* that the prevailing moral systems in his environment were merely social constructs, shaped by historical and power struggles. His critique underscores that, without a transcendent reference point, morality becomes subject to deconstruction and manipulation.

Islam avoids this collapse by integrating:

- The goal-consciousness of consequentialism
- The principled clarity of deontology
- The soul-refining depth of virtue ethics

All of this is under the sovereignty of Allah, the ultimate reference for distinguishing between good and evil, and in constant pursuit of His pleasure.

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