
Sharī'ah Objectives: An Islamic Approach to Human Rights and Dignity

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ABSTRACT

It is the uniqueness of Islam that confirms the human dignity for every human for just being a human, without any discrimination of race, grace, gender, etc. and there are levels of human dignity in Islam on the basis of piety and virtue, without affecting the rights. It best systemized in Sharī'ah Objectives (Maqāsid al-Sharī'ah) in Islam. These objectives formulate the bases for public interests. Some of the interests are essential related to the existence of the person and the foundations of his life. Some of which comes in the second degree, to be a complement to the previous necessary interests, and helps the person to benefit well from the various aspects of life in behavior, transactions, and the organization of relationships. Finally, there are some interests do not depend on life, and are not related to human needs, but are required by morals, good taste, and sound mind, to secure the wellbeing of the people. Sharī'ah Objectives are the systematic foundations for dealing modern day personal, civil, cultural, social and political matters from Islamic viewpoint.

Keywords: Human Rights, Dignity, Islamic approach of Rights, Maqāsid al-Sharī'ah.

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Introduction

Naturally, man is unjust, full of aggression and evil sometimes to his fellow man. The injustice and assault on man by man appeared throughout history in many forms, under various slogans, and for various reasons, internal and external, racial and cultural, moral and financial, religious and economic. The destruction and extermination of a person from his human brother was repeated in the twentieth century in several wars, then the devastating war was the first in the twenty-first century, and injustice and aggression may worsen within the framework of the same family. Therefore, thinkers and reformers in Europe in particular, and in the world in general, warned of this injustice and aggression, and called for recognition of human rights due to his dignity just as a human, until the first human rights declaration appeared in France in 1789. But it was limited to propaganda and a slogan, as it left its impact on educating individuals and peoples until the Universal Declaration of Human Rights was issued in 1948. Then the International Convention on Economic, Social and Cultural Rights, and the International Convention on Civil and Political Rights in 1966, and several human rights organizations appeared. Still there remained several pitfalls and humanity suffered, rather just declarations Islamic approach to human dignity and human rights is more system and fruitful for humanity, where this responsibility is apposed on the state, if it fails then the society is responsible, if society has no control or never care the duty comes to family systems and finally every individual found accountable in this Islamic approach. It ranges the human concerns into basic needs, necessities and luxuries. In this way, man not only enjoys his dignity and natural rights but also he understands dealing with the matters coming to importance levels for the better life on this planet earth.

1.1 Need and Scope of *Sharī'ah* Objectives

There in that phenomena, the question and inquiries on human rights in Islam rose on the horizon due to the absence of a comprehensive Islamic awareness during a few past centuries, the backwardness of Muslims in politics, the abandonment of the application of Islamic *Sharī'ah* in most Islamic countries. Furthermore, for the imposition of foreign thought, cultural conquest and imported laws, the status of the Muslim citizen was disrupted, and rights violations surfaced. So scholars, preachers, and reformers took stand to show that *Allāh* has honored people, and that the true *Sharī'ah* came for the sake of man, while the *Maqāsid* of *Sharī'ah* are the main premise of human dignity that actually applied, and not the propaganda or just slogan. The *Maqāsid al-Sharī'ah* are simply the final goals and objectives from commands of *Sharī'ah* and these objectives were

only brought to honor man according to his needs, necessities and interests. Reaching to better understand, *Maqāsid* is an Arabic word:

Maqāsid is plural of *Maqṣad*, and it is used as; from the purpose of the object, the purpose of it, and the intention to it, from verbal form of chapter *Daraba* comes in meaning 'he requested', 'he came to someone', 'he hoarded it' and 'he proved it'. While the word root *Qasd* means 'to request some', 'to prove it', 'to hoard it', or 'to be just in something'.¹

Therefore *Maqāsid al-Shari'ah* from the language are the purposes and intentions of *Shari'ah*, while from the terminological aspect *Maqāsid al-Shari'ah* are as below:

These are the goals, objectives, results, and meanings brought by *Shari'ah*, and proven in its commands, and sought to achieve, find and reach them at all times and places.²

Qur'ānic teachings prove that *Allāh* Almighty created man in the best shape and sketch. He dignified the children of Adam with the utmost honor, preferred them over all creatures, mocked them on all over the earth and in the heavens and made them the caliphs on the earth. *Allāh* Almighty did not create mankind in vain, and did not leave him in vain, but sent to him the apostles and prophets, and sent books and laws to them, until *Allāh* sealed the messengers with Prophet Muhammad (ﷺ), and sealed books and laws with the *Qur'ān* and the *Shari'ah* of Islam, that guarantees dignity with legislating their due duties and rights.

1.2 Nature of Rights and Dignity in Islam

The word for right in Islamic sources is *Haqq* (حَقٌّ) or *Al-Haqq* (الْحَقُّ). This word has been used in the Holy *Qur'ān* for more than two hundred and fifty times. It comes in several meanings. *Haqq* is one of the names of *Allāh* and it is used to refer to *Allāh* as real master or ultimate reality³, the name of Holy *Qur'ān*⁴, the truth that is undoubtedly true⁵, the truth opposite of falsehood⁶, the justice⁷, complete description⁸, and obligation⁹. These are the literal meaning of right (*Haqq*) used in various contexts of the Holy *Qur'ān*. While extending discussion of its literal meaning in Arabic language, then we might have to quote the meaning from 'Al-Tarīfāt by Jurjānī¹⁰:

“Unchallengeable thing that cannot be denied; also the share that is enjoined by the law of the individual or group.”¹¹

The right is a rule that is identical to reality, and it is also called on to the different words, beliefs, laws, religions and sects as a whole. The word right can also be defined as a set of laws. The purpose of the right is to achieve the interest and preserve human dignity and happiness in this world and the Hereafter. As for the Muslims, the sources of such rights they have are sacred, because they are revealed from Almighty *Allāh*, and therefore they are besides being compulsory, they are

sacred. This means that there is nothing that can restrict, allocate, introduce, and delay in something, or any other matter required by the interest of the individual and society, except Islamic law.

1.3 Noble Cause of Man's Creation

Islam is a religion that aims to determine, elevate and maintain the honor and dignity of man. In Islam, man is the viceroy of *Allāh* on earth. Each earthly element was created with the purpose of accommodating and facilitating the fulfillment of the noble mission of vice-government of man. Man resides at the center of the universe of Islam. As such, the creation of man represented the last segment of a long process of creation in which everything was created. It meant the culmination of the act of creating the universe of *Allāh*. As for human rights in Islam, Dr. Muhammad *al-Zuhaili* defined it as:

Human rights are divine grant from *Allāh*, the Creator and the Inventor of man, according to the desire of His creation he has created man, to be a successor to Him in the earth and to practice all that *Allāh* has given him in this life. And enjoy all the interests that are good for him and ward off the evils, they are the personal rights of the human being, and the requirement of a protected and sacred to all people at the level of individuals and groups.¹²

The most important knowledge that Islam gives to man is the knowledge of himself, of his Lord and of his relations with him, as well as of the phenomenon of life, of its place and of its role. Indeed, it is the greatest blessing enjoyed by man in Islam. It is a demonstration of the respectable and honorable position of man in the hierarchy of Islamic beliefs, values and principles. It is for this reason that the Holy *Qur'ān* often articulates testimonies such as the best of all those creations that *Allāh* Almighty created¹³, also Holy *Qur'ān* confirms to bestow dignity on the children of 'Adam'¹⁴, hence he must be honored by his fellow people regardless of any external factor of race, grace, color, nation, place and even creeds. Finally Islam regarded them preferred one from among the rest of creations. *Ibne 'Ashūr*¹⁵ said:

“As for the merit of honoring, it is an advantage that *Allāh* has given to the sons of Adam among all the other creatures of the earth, and the honor is to make it generous, i.e. man is not negligible, and neither is humiliated in his image nor in the movement of his walk, and even nor in his skin. The animal does not know the cleanliness, the dress, the entertainment, nor the good to eat, drink or prepare for what benefits it, what is harmful to it, and it is free of knowledge, art and evolution in the ways of life and civilization.”¹⁶

As a result, cultures and civilizations are judged solely on the basis of their authenticity and dignity, and on their ability to materialize such an enterprise.

2.1 Racism Free Equality

The uniqueness in dignity with Almighty does not truly overlook, because: people are equal in rights and duties, their freedom is preserved, their respect is preserved, they are not entertained, and it is not permissible to violate their bodies, thoughts, opinions, or possessions. Equality between black and white is a divine grant that was not because of their persecution by Muslims, Islam granted this right to the black 1400 years ago without a struggle from the black people, but rather it became a right by the words of the Prophet (ﷺ):

You should listen to and obey to your ruler even if he was an Ethiopian (black) slave whose head looks like a raisin. ¹⁷

This happened when Obama has ruled America, what is this only after a bitter struggle of black people. Even though, some Americans saw the presidential candidacy of Barack Obama, who served as president of the United States from 2009 to 2017 and was the nation's first black president, as a sign that:

"The nation may have a way to go yet to reach colorblindness." ¹⁸

Just two months later, Chris Matthews, an MSNBC host, said that:

"President Obama, is post-racial by all appearances. You know, I forgot he was black tonight for an hour." ¹⁹

The most modern societies remained the victim of racism. Human dignity is represented by the fact that man is a rational, conscious creature capable of thinking and building civilizations. A person with the perfection of his creation is distinguished from other creatures, because he is a creature that enjoys freedom of choice and decision-making. Hence it is not morally correct to sacrifice a person for another person, and it is not permissible to harm a person for the benefit of another. For example, it is not acceptable to take an organ from a person's body without consent, to implant it in the body of another human being who needs it, even if it contains saving his life, just as it is not acceptable to give a person's money to another under duress. Likewise, it is also not acceptable to use a patient or a correct one in medical research, without the express and clear consent based on full and complete knowledge. The dignity of the human being requires that he be discouraged from any absurd practice, diagnostic, therapeutic or research. The claim that human beings are of a divine nature, or that they naturally deserve it even without *Allāh* Almighty, even addition to that this dignity is not because *Allāh*'s commandment for human, cannot be attached to this approach of human dignity, which is the result of *Allāh*'s words:

And We bestowed dignity on the children of 'Adam and provided them with rides on the land and in the sea, and provided them with a variety of good things and made them much superior to many of those whom We have created.²⁰

Rather, the dignity of a person is based on his unique relationship with *Allāh* Almighty, through the will and wish of *Allāh* Almighty. The relationship depends on the first of which is best creation in Shape and Figure, the creation in the best structure, he is entitled to freedom and self-governance, his succession in the land, the prostration of angels to him, and his faithfulness.

2.2 Human Dignity in Practice

The mentioned above are not just the philosophy without realities but rather reasoning derived from a practical society, some of them are as below:

- *Sahl bin Hunaif* and *Qais bin Sad* were sitting in the city of *Al-Qadisiya*. A funeral procession passed in front of them and they stood up. They were told that funeral procession was of one of the inhabitants of the land i.e. of a non-believer, under the protection of Muslims. They said: A funeral procession passed in front of the Prophet (ﷺ) and he stood up. When he was told that it was the coffin of a Jew, he said, "Is it not a living being (soul)."²¹
- There is a message in *Qur'ān*: They ask you as to what they should spend. Say: Whatever good you spend should be for parents, kinsmen, orphans, the needy and the wayfarer; and whatever good you do, *Allāh* is all-aware of it.²²
- *Khuithama* reported: While we were sitting in the company of 'Abdullah bin 'Umar there came in his steward. He (*Ibn 'Umar*) said: Have you supplied the provision to the slaves? He said: No. Upon this, he said: Go and give (the provision) to them, as the Prophet (ﷺ) has said: This sin is enough for a man that he withholds the subsistence from one whose master he is.²³
- *Abu Aziz bin Omair*, brother of *Musab bin Omair*, said: It was day of Day of Badr when I was in prisoners, and the Prophet (ﷺ) said: Take good advice with the prisoners. I was with a group of *Ansār* when they locked up, so when they provided food, they singled me with bread and they themselves ate dates for the commandment of the Prophet (ﷺ) what he gave them for us. He says that I was ashamed, so I returned it but he gave back it to me.²⁴
- One the Prophet (ﷺ) saw a donkey that was marked in the face and said: *Allāh* has cursed one who has cauterized it (on the face).²⁵

So the merciful dealing in Islam is not merely restricted to the Muslims but for non-Muslims, prisoners, animals and any living things enjoy it.

3.1 Shari'ah Objectives Laying in Commandments

Shari'ah Objectives: An Islamic Approach to Human Rights and Dignity

Shari'ah aims to achieve happiness for man in the world by accomplishing his succession in the land. So *Shari'ah* commands came to secure his interests, which are to bring benefits to him. Hence *Shari'ah* guides him to goodness, directs him to the right path, leads him to righteousness, and takes his hand to the straight guidance. So it revealed factual interests to him. Then, legal commandments have been set for him to be a guide for achieving these purposes and goals. The scholars specified the Objectives of the *Shari'ah* as achieving the interests of people in this world and the hereafter, or in the urgent and future, like *Al-Ezz al-Din Bin Abdul Salam*²⁶ said specifying *Maqāsid al-Shari'ah*:

Allāh Almighty did not legislate one of his commandments except for an urgent or future interest, or urgent as well as future, preferring him over His servants... It is not one of the effects of kindness, compassion, ease and wisdom in imposing responsibility at hardworking servants without immediate or future benefit, but he called them to all that brings them closer to him. ²⁷

The interests of the people in this world are everything that carries benefits, goodness and happiness for them. This is everything that helps them to avoid harm, hurt, and push away the corruption for the benefits in this world and hereafter. The *Shari'ah* rulings have been received to bring interests to people, and to pay evil for them, and that every legal ruling came down to secure one of the interests, or to pay one of the evil, or to achieve the two things together. There is no interest in this world and the hereafter except that the legislator has nurtured it and created the provisions that guarantee its creation and preservation. The *Shari'ah* did not leave a spoiler in this world and the hereafter, sooner or later, except for people, and warned them against them, and guided them to avoid them and distance them, while finding an alternative to them. Evidence for this is the complete extrapolation of the legal texts on the one hand, and the interests of the people on the other hand. *Allāh* does not do things in vain in creation, discipline, and legislation. Therefore the legal texts in beliefs, acts of worship, ethics, transactions, financial contracts, legal policy, penalties, etc., are justified to achieve interests of people and keep away the evil from them. Man's interests are categorically expressed in the call to morals, good manners, and kindness to man, and avoiding offending him, even with movement, reference, word, tongue, hand and behavior, and finally to prevail affection among people. These are well portrayed by the Prophet (ﷺ):

The similitude of believers in regard to mutual love, affection, fellow-feeling is that of one body; when any limb of it aches, the whole-body aches, because of sleeplessness and fever. ²⁸

The doctrine of its origins and branches came to take care of the interests of man in his guidance to the true religion and true faith. At the same time, it came for honoring him and his transcendence from the pitfalls of delusion and deviation, and saving him from false doctrines, different passions and animal lusts. Here it necessitates mentioning the importance of knowing the purposes. The determination of the objective and purpose of an action is the motivator for its performance, the drive for its achievement, and the inspiration for its completion and compliance with it. Hence the Purposes of *Sharī'ah* not only point the aspects of human dignity but also motivate in the accomplishment and fulfillment. The goal and purpose also determine the proper way to reach destination, to shorten the time, and choose the optimal approach for it. So the passions do not diverge and efforts do not dissipate.

3.2 Bounties of Knowing *Sharī'ah* Objectives

Knowing the purposes of the *Sharī'ah* in its commands and branches has great importance and many benefits, for the Muslim in general, and for the researcher, the scholar, the jurist, and the diligent in particular, and it is manifested in the following matters:

- ❖ Knowing the intentions shows the general framework of the *Sharī'ah*, the complete perception of Islam, and the comprehensive picture of the teachings and commands, so that the overall view of the branches is formed, and in this way the person knows what is included in the law, and what comes out of it. So everything that achieves the interests of people in the urgent and future, in the world and the Hereafter, it is commandment from the *Sharī'ah*, duty on the Muslim and a right for others. Everything that leads to corruption, harm, hardship and turmoil is not from the *Sharī'ah*, instead it is prohibited from it, so it is forbidden for the Muslim to do it because doing that harms himself or others, and must others should refrain from it in order to protect the right of other people.
- ❖ The knowledge of *Maqāsid al-Sharī'ah* shows the lofty goals that the *Sharī'ah* aims to in the commands, and clarifies the great goals that the Apostles came for, and the books revealed for. So the believer gets greater faith, conviction in his conscience, and loves the law, adherence to his religion, and steadfastness on his straight path.
- ❖ The Objectives of the *Sharī'ah* help in the comparative study to suggest the opinion that accomplishes the purposes, and is consistent with its goals in bringing benefits and paying spoilers, such as taking into account the side of the poor in *Zakāt*, caring for the side of children and orphans, and the elimination of grievances.

Shari'ah Objectives: An Islamic Approach to Human Rights and Dignity

- ❖ The purposes also assist in weighting when the total and partial evidence contradicts the branches and commands, which confirms that the conflict is apparent between the evidence, and it needs to know the way to reconciling.
- ❖ The statement of the purposes of *Shari'ah* highlights the goal of the Islamic preaching that aims to achieve the interests of the people, and push the spoils from them, and this guides to the means that achieve happiness in this world, and in the Hereafter.
- ❖ The mission of the prophets and messengers was aimed at achieving these purposes. The scholars are the inheritors of the prophets in calling for righteousness and reform, and they strive for good, righteousness and virtue, and warn against corruption, sin, apostasy and evil. So the functions of the prophets were the noblest of works and the most honorable things in determining human rights, which are the highest and most sacred goals. Those who followed their path also entitled to receive their rewards. Therefore the preachers and reformers are keen to follow the apostles, and call for a commitment to the true *Shari'ah* to achieve happiness for human, and to prevent the abuse of his rights.
- ❖ The *Maqāsid al-Shari'ah* enlighten the way in knowing the total and partial *Shari'ah* commands from its original and subsidiary guides. It stipulated the researcher, the jurist to understand the legal texts and interpret them correctly when applying them to the facts, and also guide the right in determining the meanings of the legal terms and their meanings, to define the intended meaning of them.
- ❖ It is also beneficial that primary source of *Qur'ān* and *Sunnah* could not be understood or found on new issues and facts, the jurist, the judge and the imam refer to the *Maqāsid al-Shari'ah* to derive commands by diligence, measurement and approval, and to fill the pretexts, reclamation and custom, in accordance with the spirit of religion, and the purposes and principles of the *Shari'ah*.

These benefits make it imperative for the researcher, the scholar, the jurist, and the diligent to put the *Maqāsid al-Shari'ah* in mind, to illuminate the path for him and help him to reach the truth, justice and righteousness. Legislators have touched on this importance and benefits, and the legislative authorities in contemporary countries have resorted to developing an explanatory memorandum of the law, or the system, to show people the general purpose of it. So that judges, lawyers and law professors can better understand the *Shari'ah*, implement it well, and measure it in expanding, preserving, or developing in accordance with the spirit of the legislation and the intent for which it was put in place. *Shari'ah* jurists agreed that

the actions of the imam or his representative depend on the interest. Hence all the actions of rulers and officials are related to achieving the interests of the people. The division of the Purposes of *Sharī'ah* is completely a systematic way to reach the human dignity. It grades the fulfillment of the things and matters on the basis of needs, interests and luxuries of all kind of human. It was also evident from the above that the *Maqāsid al-Sharī'ah* are to achieve the interests of the people, while the interests always are not on the same level in terms of importance and seriousness and the need of people to it. They are at different levels and multiple degrees. Some of the interests are essential related to the existence of the person and the foundations of his life. Some of which comes in the second degree, to be a complement to the previous necessary interests, and helps the person to benefit well from the various aspects of life in behavior, transactions, and the organization of relationships. Finally there are some interests do not depend on life, and are not related to human needs, but are required by morals and good taste, and sound mind, to secure the wellbeing of the people, and achieve luxuries for them. Hence, the scholars restricted the interests of the people into three sections. They divided them according to their importance, seriousness and impact on life, and the people needing them, and that the purposes of the *Sharī'ah* came to achieve these interests with these three sections for achieving the destiny of human greatness and dignity, so at priority his necessities are fulfilled, then the interests and still on the capacities the luxuries are met.

4.1 Necessary interests (*Masalih al-Daruriyat*)

These interests are the basis of people's religious, worldly life, their existence in the world and their survival in the hereafter depend on them. At the same time these necessary interests are the basis for human rights and dignity. Whether they are general rights advocated by all nations and peoples, constitutions and global covenants, international laws and agreements, called fundamental human rights; including the right to life, the right to religion, the right to freedom, and the right to equality, or whether they are subsidiary and special rights. Both types of these rights are duties on others that they must abide by, and preserve them for those who deserve, because every right corresponds to a duty, and the right is a legitimate interest determined by law. So the right is a benefit that is established for one person over another, and therefore right is an interest. It is decided by *Shari'ah* for the benefit of its owner and enjoys its advantages. In Islam, the essential interests are limited to five things, which are religion, self, mind, offspring, and money. The *Shari'ah* came to preserve these necessary interests, by legislation of the provisions that preserve religion, the soul, the mind, the offspring, the offer, or the lineage, and the money. Judaism, Christianity and Islam agreed to observe these basic rights and the necessary interests of people, and they all spoke for them, took care, and worked to protect and preserve them, like the *Hujjat-al-Islam al-Ghazali*²⁹ said:

The purposes of *Shari'ah* for people are five: to preserve their religion, their soul, their mind, their offspring, and their money. All that includes keeping these five assets is an interest, and everything that misses these assets is corrupt and kicking it out is an interest... And these five principles of their preservation are located in the rank of necessities, as they are the strongest rank of interests.³⁰

It is forbidden to miss these five things. It is impossible for the legislation that intend to betterment of people and does not include these basic things, and therefore the revealed laws did not differ in the prohibition of infidelity, killing, fornication, theft, and drinking of intoxicants.

4.2 Interests of Needs (*Masalih al-Hajiyat*)

These are the things that people need to secure life affairs easily and conveniently, remove hardships, reduce trouble, and help them bear the burdens of life. If these things are lost, the life system does not disturb, and the existence of people does not threaten, and they do not suffer from danger, destruction and chaos. But embarrassment, distress, and hardship inflict upon them. Therefore the commands that achieve these needy interests of the people come to remove hardship and facilitate the means of dealing, and help them to maintain and perform their needy interests, and preserve them through the necessary provisions of commands and guidance.

4.3 Interests of Luxuries (*Masalih al-Tahsiniyat*)

They are the things that morals, ethics, and general taste require. People need them to conduct life affairs in the best way, complete the style, and approach the way. If these things are lost, the affairs of life are not disturbed, and people do not suffer from embarrassment and hardship, but they feel weary and shy, their souls are disgusted, minds are denounced, and their innate nature is lost. These improvement matters are due to what is required by virtue morals, high tastes, and complements the necessary interests, and the needy interests at the highest level and in the best condition. All of this shows the close connection between the purposes of *Shari'ah* and human dignity, which are mutual duties and obligations between individuals to administer human affairs, as well as groups.

5.1 Conclusion

Finally here are below the quick glimpses, and extracts that are meager about the *Maqāsid al-Sharī'ah* and its relation to human dignity:

- ❖ The Objectives of *Shari'ah* are the fundamental basis of human dignity.
- ❖ The true *Shari'ah* originally came for the sake of man, and achieving his intentions by bringing benefit to him, averting harm from him, and securing the relevant means, and ensuring care to preserve the rights.
- ❖ The true application of human rights lies in the practical application of the true religion, and this calls for a serious return to adherence to the correct faith, and full and comprehensive religion, without limiting the propaganda and slogans and trading in human rights for colonial goals: political, economic, intellectual, educational, cultural, and self-interest.
- ❖ The interests of a person are graded in degrees, the most important of which are the necessary interests, which are the preservation of religion, the preservation of the soul, the preservation of reason, the preservation of offspring or presentation, and the preservation of money, then the needy

interests that take care of the five purposes come, then the improvement interests that complement the purposes, and preserve them at best.

Islam confirms that *Allāh* organized the creation of the soul in the best way, and was keen to preserve it, and decided the right of life for every person even to the fetus, granted the right of chastity, possession, religion, and thought, in a way that is practicle and practiceable in every society. It is neither just slogan nor it formulated in the demand of people or time, but granted by *Allāh*, the Lord of all human and the Lord of whole the world. Hence, this dignity is with every human without any discrimination.



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- ⁴ ibid 6: 66
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- ²⁸ Muslim, *Al-Jāme Al-Sahīh*, Hadīth no. 959
- ²⁹ Abū Ḥāmid Muḥammad aṭ-Ṭūsiyy al-Ġazālīy, died in 505 AH/1111 C. E. was one of the most prominent Muslim philosophers, theologians, jurists, and mystics.
- ³⁰ Abū Ḥāmid Muhammad Al-Ghazālī, *Al-Mustasfā*, Beirut: Dār al-Kutub al-'ilmiah, 1st Ed., 1413 A. H /1993, 1/174