

The Impact Of The Rules Of Fiqh On The Value Of Tolerance: "The Presupposition That A Muslim Is Well-Intentioned" Rule As A Study Case

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Abstract

Tolerance represents a social cosmic norm and a cornerstone in the life of the Muslim. Legislative sources have emphasized the importance of the value of tolerance among people, requiring us to respect the feelings of others and pay attention to them through the Sharia controls that we will refer to in the study. The existence of jurisprudence rules indicates the existence of a logical and elaborate system of Sharia rules in all dimensions. Jurisprudence rules extend their roots to the Holy Qur'an and Sunnah of the Prophet, the saying of Sahabi, or the saying of the owner of an ideology.

The research paper showed the most important traits that have spread in societies as a result of a lack of understanding of the moral system of the Muslim individual, Like hatred, envy, and grudge. which resulted in the severance of propinquity, division, divorce, and assault on some with tongue and hand for reasons that are negligible or misunderstood. This makes us consider the value of tolerance by understanding its philosophy while setting examples in our lives.

One of the most prominent results that the study seeks to show is the effect of the jurisprudential rule of "The Presupposition that a Muslim is well-intentioned" in demonstrating the value of tolerance in societies, trying to identify the aspects of this value and knowing its benefits through the Jurprudential rules aspect, we ask God for success and righteousness.

Keywords : Tolerance, Jurisprudence Rule, The Presupposition of other Muslim's intention, Legislative Sources, Communities.

Introduction

Fiqh rules are a fertile resource for scholars, muftis, and researchers because they generate the fiqh Intellect, by memorizing the many branches with a few words, after they have branched and multiplied the branches so that the student needs to collect their counterparts, which makes it easier for the novice as well as the finite in science to gather the peer to peer, and the like to his like.

Scientists in our time are still interested in the science of jurisprudential rules by compiling

many contemporary issues and jurisprudential issues, and seek the authentic jurisprudence heritage, and Imam Al-Qarafi has referred to its importance in his book (Anwar Albuuroq fi Anwaa Alfurooq), as he said (These rules are important in jurisprudence, of great benefit, and as far as being surrounded by them maximizes the value of the jurist and honors, and the brilliance of jurisprudence appears and knows, and the methods of fatwas are clear and revealed, in which the competition of scholars, and the differentiation of virtues..) (Al-Qarafi,2007), and within the limits of the researcher's knowledge, he

did not find studies related to the value of tolerance in terms of jurisprudence rules; but there is a large number of contemporary researchers who talked about the impact of this value on societies and that it is an intrinsic value in the Islamic religion; and among the most prominent previous studies; the theory of tolerance from the perspective of Quranic diplomacy (Abdulrahman Lu 2021), the study of the concept of tolerance in civil societies in the light of Islamic jurisprudence Analytical study (Al-Zibari 2018), and a study towards activating the concept of tolerance in a pluralistic society (legitimate rooting, and a modern application) (Karim 2019).

To obtain the previous benefits and others in the Jurisprudence Rules aspect, we chose the rule of "The Presupposition that a Muslim is well-intentioned" rule (Alsarkhi,1993), as a model in the statement of its impact on the value of tolerance; and the beholder of this moral value after extrapolating the Holy Quran and the Sunnah of the Prophet will find that it came to address many social relations after God mentioned their situation in the Holy Quran; God Almighty said: for you were enemies one to another but He joined your hearts together. (Āl-‘Imrān, 103) Legitimate reactive emphasized the value of tolerance among people for their well-being, stability, and continuity, and leaving this value 'leaves communities with serious harm in all spheres of life.

The methodology of the study follows the rule of "The Presupposition that a Muslim is well-intentioned", which is rooted in the value of tolerance through historical facts and evidence, and it also followed an extrapolation approach that relies on fact-finding from its sources.

The main addition of the research in the statement of the impact of the " The Presupposition that a Muslim is well-intentioned" rule on the value of tolerance, which was referred to by Imam Alsarkhi Hanafi in his simplified book, reveals to us the effects of the doctrinal rule on the philosophy of tolerance, and that the Hanafi gentlemen have explicitly established it within the " actions and statements of people" and made it a rule through which man bears his actions and statements. And they made it a rule through which

the human being bears his actions and words and this confirms the interest in them for the effects that the study will produce later, and the researcher has shortened the value of tolerance and did not elaborate on it, in order to expand the researchers in it.

The study included an introduction, three main axes, and a conclusion. The first axis deals with the rule of preassumption of Muslims' words or actions with well-intention, through the concept and related vocabulary and its legitimacy. The second axis deals with the philosophy of tolerance between the individual and society, while the third axis deals with the rule of considering Muslims' words or actions are right; and its impact on the value of tolerance and its applications.

I. The rule of "The Presupposition that a Muslim is well-intentioned", its conception, related words, and legitimacy.

It is customary for jurists to research concepts; to go into detail, especially if the term is of two composite terms; they know it with two considerations, one: a composite, and the other: a nickname, any particular science, and that the introductions related to the concept of jurisprudence rules have been discussed and described by scholars and researchers, and therefore we will be brief for non-repetition and prolongation, so the science of jurisprudence rules in a composite manner: "a total practical legitimacy issue that includes by force the provisions of its subject matter", the definition has been restricted by several restrictions, including (legitimacy), where it comes out with logical, grammatical and other rules, as well as a (practical) restriction that comes out of only jurisprudence and practical provisions such as belief and fundamentalism, and a (total) restriction that comes out with partial provision.“(Shibari, 2007).

I.1 Concept of "The Presupposition that a Muslim is well-intentioned" rule

What is meant by "preassumption" here is as someone who attach a matter to it's judgment (Abu al-Azm,2016), and health means: safety from disease, which is against the sick (Ibn

Manzour,1993); and the rule is that every speaker is meant to speak correctly legally or by custom, and if the speaker's words carry faces that can be carried in a manner that is legitimate that must be carried on him, and it is not permissible to carry it illegally unless evidence of this is strong evidence, and this is a good thing to think of Muslims - which is required by Sharia -; because a Muslim is commanded in good faith by his Muslim brother and all his words and actions until the evidence is based on others (Al-Borno,2000) and the original in a Muslim – as an individual and in Muslims - as a group - that their actions and words are taken into account by rules of Sharia and its provisions, it is not permissible to carry a Muslim or speak illegally without evidence because the good of Muslims, and he has ordered us to do the best, so it is not permissible to say an act, or in the case of Muslims- as a group - if we say or find it is legitimate to do and do so).

1.2 The topics related to the rule:

words of the rule are many, as the phrases of the jurists varied in their expression, so the phrase differed in form and unified in meaning guaranteed, including these words "the authenticity or validity in actions", (Hamzani, 1995), the word: " Consider Muslims words or actions correct Portable with Good Expectation" and the word "absolute the words of the wise carried on health as much as possible" (Al Mabsout,1993).

1.3 The evidence of the jurisprudential rule “The Presupposition that a Muslim is well-intentioned” extrapolated to the Sharia texts will find much evidence of the jurisprudential rule in the Holy Quran, the Sunnah of the Prophet, and the effect. We summarize it as follows:

1- The Almighty says: {O you who believe! Avoid much suspicions } (Al-Ḥujurāt, 12).

The intended meaning: Allah Almighty forbids in the Holy Aya to avoid any suspicions that are not forbidden; in order not to fall into the wrong, this is the fact of precaution; working with it aims not to fall into the violation and sin (Samai, 2006), and Tajuddin Al-Subaki says: "It is not hidden that he is ordering to avoid some of what is not sin for fear of falling into what is sin; and that is precaution" (Al-

Subaki,1991).

2. The Almighty says: {Those who listen to the Word and Islamic Monotheism and follow the best there of those are whom Allah has guided and those are men of understanding}(Az-Zumar,18).

The intended meaning: Ibn Abbas said in the interpretation of the verse: He is the man who hears the good and the ugly, so he talks about the good and stops talking about the ugly, and it was said: They listen to the punishment due to them and pardon and they take pardon. (Cordoba, 1964)

3- the prophet interdication against negative assumption the prophet's saying, " Be aware of negative assumption is the falsest of speech",Al-Nawawi,2003).

The intended meaning : The Prophet (PBUH) forbade suspicion, because hatred, estrangement, and hatred based on anonymous information is only reliance on suspicion, it is not permissible.

5. In the aftermath: What was said about Amir al-Mu'minin, Omar ibn al-Khattab, may God be pleased with him; he said: "Don't think of a word that came out of your brother badly and you find her in goodness loaded" (Al-Suyuti, 2009). And in the words: "Don't think" a word that came out of a Muslim evil and you find her in goodness loaded.

The intended meaning: Perhaps the counterpart of many of the rights mentioned in the title of the right of the believer over his brother, which do not apply to all Muslims, or even all believers, but rather to those among whom ties of affection and fraternity have been established, as achieved in the title of the rights of the believer. In the light of the foregoing, the affairs of Muslims are carried on health unless they declare the party responsible for corruption.

2. The philosophy of intolerance between the individual and society is that the concept of tolerance is broad and large and its meanings in the language as it is in its term have been varied, in the language: ease and facilitation, and it has been stated in the surrounding dictionary; forgiveness: leniency, and tolerance: leniency (Turquoise Abadi, 2013), and this is confirmed by the Prophet (PBUH) saying in what he tells about his Lord; God Almighty says: "Allow my servant as he allows his servant to my servant" (Al-

Jazari, 2009). As for its concept in terminology; it is defined in different aspects depending on the perspective through which it is taught, it can be defined morally, behaviorally, socially, etc...., In and in a concise way it can be defined as it is soft and lenient (Al-Zibari, 2018), respecting dissenting positions, with the right to reply or express legitimate public controls.

In light of the above, Allah Almighty has commanded this value “tolerance” with its’ different terms ,it was not mentioned exactly as” tolerance” but its’ different terms and related applications were used. It was mentioned almost with same origin meaning or something near to it . with almost its meaning or evidence. We find that God asked his prophet to show the highest degree of tolerance. The Almighty said: { forgive them, and overlook Verily, Allah loves Al-Muhsininun } (Al-Mā’idah,13), so pardon here: leaving the punishment of guilt, and the meaning of forgiveness: leaving the effect of guilt out of the human’s self , and the fact of leaving the effect of guilt out of the human’s self ,this will be the highest degree of tolerance.

Other texts inspire adherence to the value of tolerance, such as the saying of the Almighty: {Invite to the Way of your Lord with wisdom and fair preaching, and argue with them in a way that is better. Truly, your Lord knows best who has gone astray from His Path, and He is the Best Aware of those who are guided} (An-Nahl,125). Significance: Tolerance is found to be forgiveness, pardon, and charity, matched by intransigence, intolerance, extremism, and hyperbole.

The Prophet (PBUH) urged mercy, which includes love, tolerance, and forgiveness. The Prophet (PBUH) said, “The merciful have mercy on them, have mercy on those in the earth, have mercy on those in the sky.” (Abu Dawood,2009; Al-Tirmidhi, 2014).

The intended maning : that compassion here includes all people, but all creatures.

PBUH has said, “May God mercy forgiving if he sells, if he buys if he needs” (Ibn Habban, 2010), and this prophetic text includes dealing with the Muslim and non-Muslims. It is intended to facilitate and leave the quarrel, and there are many stories and evidence of compassion and tolerance in the life of the Prophet (PBUH); through the covenant of the companions and followers; and to this day, with Muslims and non-

Muslims, including When the delegation of Nasari (Najran) came to the Prophet (PBUH), he dropped them off in the mosque and when the time came for their prayers, he left them praying in the mosque, so they prayed on one side of it, and when they discussed the Prophet (PBUH), he matched with them with patience and generosity of thought, and argued with them about what is the best and established argument against them, and did not force them to enter Islam, but left them with the freedom to choose, and some of them became Muslim after they returned to Najran.)Ibn Hisham,2007; Sealed Nectar,2003).

Achieving tolerance between the individual and society requires us to revive the appropriate and effective ways that support this; such as reviving the human conscience, and achieving the brotherhood of the link to which the Holy Quran referred. The Almighty said: {The believers are nothing else than brothers} (Al-Ḥujurāt,10). And compassion is that hearty emotion in which the intention of harm does not meet, and reviving awareness towards moral and social responsibility (see Karim,2019).

It is also seen that the philosophy of tolerance; leaving systematic suspicion in its place for doctrinal certainty and replacing the dissemination of ideas with its analysis and criticism (Shoukir; Radwan, 2014), Falakandi (1) is the first of the idea of tolerance in Islamic philosophy when he called for tolerance with the sinner, but he also demands his thanks for the effort exerted, and we find the son of Rushd (2), who specializes and testifies to his tolerance by defending others and respecting their religious and civil freedom (Al-Jabri,1995; Suleiman, 2014), as well as in the modern Western philosophy, the idea of tolerance emerged and they cared for it well (see: Al-Falahi,2021), and through practical applications on Al Qaeda as will come the above, we will find the impact of this value, especially if it is truly understood, tolerance does not eliminate conflict or difference, but it helps to accept it and deal with it positively, so that it does not turn into intolerance or conflict leading to oppression and hatred.

3. The rule of’ The Presupposition that a Muslim is well-intentioned”; its impact on the value of tolerance and its applications.

The above shows the presentation and study of the value of tolerance as a value based on the best examples in achieving social harmony and compassion and improving many habits and

behaviors spread among communities; we will present a set of practical and verbal applications that people use in their lives through their family and social relations, which are understood unintentionally which results in bad effects as mentioned previously, and often “tolerance” do not be understood according to hidden intention which may be good but the people’s judgment is on the apparent behaviors without any considerations.

Islamic jurisprudence has taken into account the Urf (recurring practices which are acceptable to people of sound nature) and custom. How their usage affects the change of judgment; and that what societies are familiar with becomes a rule, such as who swore an oath not to eat meat and eat fish, is it perjured here? Knowing that Allah has blessed and exalted the fish with meat; the Almighty said: {That you eat thereof fresh tender meat} (An-Nahl,14).

There are many contracts referred to by scholars in their books, such as the Mawardi in his book *The (Alhawi Alkabeer)*, the issue of selling something of its own kind if something other than its kind is added to it. It is a controversial issue among scholars; the Shafi 'iya do not allow it and they infer that each kind in which usury has been proven, while the **Hanafism** approved this and they inferred that it is a priority to consider the contract to be valid other than to be void contract; such as selling a sword ornamented with gold for gold (accessories), and price for the sword would be gold (as accessories). So that the excessive amount of gold will be a price for the sword. It is understood as gold for gold as two things equal in rank. (Al-Mawardi, 2016) Ibn Ya'la has stated in his book *The Layers of Hanbalah* that Imam Ahmad – may God have mercy on him - used to consider Muslim matters with well-intention (Ibn Ya'la, 2016).

As for the issue of disagreement among the contractors about the contract validity, and there is no evidence of their speech, then the predominant and apparent in the contracts of Muslims run on the rule of validity, and encourage them to be upright and virtuous, also protecting them from the commission of taboos, as for corruption is considered incidental to the contract, and it is not supposed to be there in the contract, so considering a contract to be right rather than to be void is a core point. As for applications related to the rule of “the presupposition that a Muslim is well-intentioned”,

we will address three applications of Al Qaeda, and perhaps activating the value of tolerance according to the rule is the closest to the right and it is as follows:

3.1 First Application: Professional (Administrative) Relationships

People used to have many perceptions about professional relations, especially between the boss and the subordinate or between the manager and his employees, claiming that this manager is dominant over his employees or that he is unfair or similar; this perception occurs at a rate of at least 95 percent in societies and that the satisfaction rate with him does not exceed the 5 percent that remained; knowing that he applies the laws entrusted to him and the decisions that he owns without shortage or increase, so we took the negative character of issuing judgments against him assuming (bad-intention); the original according to the rule is to suppose the rightness in the matter and that the decisions issued by him did not violate the law and did not make a right; it is tolerance to keep the matter the same until the injustices are known. The issuance of judgments in this way was due mainly to a lack of religious motivation and failure to seek an excuse, and the entry of the medium so that the manager would be lenient and tolerant of many irregularities and reflect on the sincerely working managers.

3.2 Second Application: Social Relations (Family).

The principle is that social relations are based on tolerance, and therefore families are formed in the Muslim community through trust and respect between the spouses, and thus what is done by the spouses; is meant to be well-intentioned until the family relations are good, but our contemporary reality witnesses a very high divorce rate, and when investigating the reasons for these family disputes, you find that family intolerance is the top of the list of reasons for marital separation, all of these come as a result for mistrust and intolerance. , and not taking into consideration the well- intention of others.

Hence the saying of Abu Darda to his wife: “If I get angry, please me, and if you get angry I’ll please you. Otherwise

when we will not be like this, we will split up quickly.”. (Ibn Habban,2020).

3.3 Third Application: Financial Relationships (Sale, Purchase, and Loans)

Many financial contracts are executed between people, especially between relatives, without documentation, out of overconfidence, and in order not to cause suspicion and embarrassment, especially between relatives, you may deal with someone you think is good, and because this close and well relationship among, and love in God. You may buy or borrow from him, or vice versa, without agreeing conclusively and in a detailed way or without writing down these agreements between you in registered contracts, here the devil opens his entrance between you at the end, after it is too late, thinking that there will be no disagreement due to this brotherhood and affection. At that moment, you will be surprised by a disaster, disagreement occurs and you find that the affection and excess of this "false hope" became the nightmare that threatens your relationship, and blows up the affection between you. Although God has ordered us to write our contracts and agreements and to record our debts, and not to leave it to guess, the devil may have entered, and obsessed with one of you, and each of you thought that the right is with him, so the consent to sell turned into disagreement and indignation, so affection turned into backbiting and gossip, and litigation, which may push each of the two to harm or take away rights of others. the basis is to consider their matter with well-intention, so that the method of convening is correct. In case if they do not write it from the beginning, they consider their words and their behavior on well-intention in selling, buying, loan, leasing, and all Muslim contracts, in terms of the type of sale, its value, and the time of its payment. We have to apply what the Almighty said: " And do not forget graciousness between you." (Cow, 237), and we have to not forget the great moral between us, which is tolerance.

Conclusion:

Based on the foregoing ,The basis in Muslims' life is that their actions and words are taken into account by the rules

and provisions of the mistrust of Muslims is forbidden Sharia, because the goodwill in a Muslim is a duty, and we have been ordered that, it is not permitted to mistrust Muslims if they did or say something with considering their doings or sayings as right from religion perspective. Thus, the rule includes validity in the words and beliefs: The Almighty said in the Children of Israel {And when we took a covenant from the Children of Israel Worship none but Allah and be dutiful and good to parents, and to kindred, and to orphans and Al-Masakin, and speak good to and perform As-Salat and give Zakat. Then you slid back, except a few of you, while you are backsliders} (Al-Baqarah,83). From Sunnah: "The believer does not accuse his brother and that if he accuses his brother , faith leaves heart, likewise salt dissolves in the water (Bahrain Complex 2/265, Alkaline 2/361. The accuser of his brother is said to be cursed" (Kafi. 2/362).

Among them is what was mentioned by the Amir of the believers, Omar, may God be pleased with him" Put your brother affair at his best until what will overcome you from it ,and do not think a word that came out of your brother is bad and you find it bearing good in it " (Approach to Rhetoric 1/430).

As well as what he wrote by Ishaq Alnakai for his loyalty to Egypt (rhetorical approach): And do not be the benefactor and the abuser with you in the same way, as this is lavish for the people of charity in charity, and training for the people of abuse! Each of them binds himself (1) and now that there is nothing more good than a responsible good sense of his kindness to them (2) and his relieving them, and he leaves their disdain for what is not before them (3). Let there be from you in that a matter of good faith for you, and if more right than your good faith is with him, and if more right than your evil faith is with him (4).

Results:

- 1- The study tried to root the value of tolerance in terms of the Faculty of jurisprudence.
2. Demonstrate the impact of “The Presupposition that a Muslim is well-intentioned” through applications.
- 3- Working on this rule in the affairs of our whole lives is a way to live a happy life without discomfort, quarrels, and disagreements.

Recommendations:

1. The researchers recommend that attention be paid to studying issues and cases related to the value of tolerance and its social applications following the rules of jurisprudence.
2. Constantly sensitizing society to many issues, especially misperception and its effects on society
3. That is, it is better for the benefactor than he committed himself to, which is the merit of charity. The abuser was punished by what he also committed himself to do, which is to be punished.
4. There is no reason for the governor to be reassured that the hearts of the people with him are like charity to them and justice in them and lightening the burdens on their shoulders. Otherwise, they are enemies of his, who take advantage of the opportunity to revolt against him, and if that makes him feel bad about them,
5. before them, pronounced either with kasraa or fathaa(Arabic diacritical marks).
6. The miserable event : making, okay or something.

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