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Research Article

Guarding Human Well-Being: Al-Ghazali's Five Essentials in Dialogue with the Universal Declaration of Human Rights

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Abstrak. When Abū Ḥāmid Al-Ghazali (d. 505/1111) opened his al-Mustasfa min 'Ilm al-Uṣūl with the claim that the revealed law, in its entirety, was promulgated for the preservation of five universals, he was doing something more ambitious than listing legal categories. He was proposing an anthropology. Religion, life, intellect, lineage, and property, in his reading, are not five articles of a code but five conditions without which a human being ceases, in any meaningful sense, to flourish. The present study treats this pentad as a case study in interdisciplinary ethics and asks a comparative question: how does this eleventh-century Islamic grammar of well-being speak to the twentieth-century grammar of the Universal Declaration of Human Rights (UDHR)? Adopting a qualitative case study design and using summative content analysis as the analytic strategy, the study explores each of the essentials in comparison to the closest UDHR equivalent: religion to Article 18, life to Article 3, intellect to Article 26, lineage to Article 16, and property to Article 17. It was found that the principles converge

in terms of the interests protected but differ in the justifications, scopes, and remedies. Islamic philosophy is grounded in the obligations vis-à-vis God and the community, whereas the UDHR is based on the inviolability of human dignity; the former provides additional protection for the religion from internal decay, which the latter does not consider; and several principles are phrased in terms of duties rather than freedoms. The findings have implications not only for the history of ideas. They suggest that the maqāṣid literature can enrich contemporary bioethics, and that comparative religious readings of the UDHR may yet contribute to its ongoing interpretation.

Keywords: Islamic Ethics, Maqasid Al-Shariah, Al-Ghazali, Comparative Religious Ethics, Universal Declaration of Human Rights.

INTRODUCTION

Every tradition that has reflected seriously on law has eventually asked the same question beneath its particular questions: what is all of this *for*? In the Islamic legal tradition, the question acquired a name, *maṣlaḥa*, usually rendered as public interest or human welfare, and with it a technical literature, the *Maqasid Al-Shariah*, the objectives of the revealed law. Of the many jurists who contributed to that literature, none stated its premise more compactly than Al-Ghazali, who wrote that the universals of the law were instituted for the preservation of religion, life, intellect, lineage, and wealth (Al-Ghazali, 1997). The Quranic warrant for this teleological reading of revelation is dispersed across the text, but its most famous concentration is the verse declaring that the Prophet was sent "not but as a mercy for the 'Alamin (mankind, jinns and all that exists)" (21:107). Al-Ghazali reasoned that a law revealed as mercy must be a law ordered toward protecting what creatures need in order to live well.

I came to this material from a different direction. Like many readers trained in the human rights idiom of the post-1945 world, I first encountered Al-Ghazali's pentad as a historical curiosity, a tidy scheme that belonged to the footnotes of legal theory. The curiosity dissolved when I noticed how much of the scheme the drafters of the Universal Declaration of Human Rights had, in effect, reinvented. Article 3 guards life. Article 16 guards the family. Article 17 guards property. Article 18 guards conscience and religion. Article 26 guards the mind, at least in its educated form. Whatever one's view of the UDHR's secular foundations, its articles orbit the same five objects that Al-Ghazali set out nine centuries earlier (United Nations General Assembly, 1948). This observation is not new in kind; historians of the Declaration have long documented the religious and confessional currents that fed its drafting, from Jacques Maritain's circle to the Catholic social teaching that shaped several articles (Glendon, 2001; Mahoney, 2007). What has been done less often, at least in a single structured comparison, is to test one classical Islamic formulation of human well-being against the Declaration article by article, treating the classical formulation as a serious interlocutor rather than as raw material for a genealogy.

That is the task of this paper. It proceeds as a case study, in the methodological sense of an inquiry that investigates a contemporary phenomenon, here the ethical architecture of human rights discourse, within its real-world context and through a bounded, information-rich case (Yin, 2014). The case is Al-Ghazali's pentad of

essentials, and the embedded units of analysis are the five essentials themselves, each compared with its nearest UDHR counterpart. The comparison is deliberately normative and interpretive rather than statistical. Its purpose is not to score the two frameworks but to locate the points at which they illuminate one another, and, more importantly for the argument I want to advance, the points at which they genuinely part company.

Three claims organize what follows. First, the convergence between the five essentials and the UDHR is real but partial, and the partiality is more instructive than the convergence. Second, the divergences cluster around three features of the Islamic framework: its theocentric justification, its treatment of religion as an essential to be protected from within as well as from without, and its preference for positive duties over bare negative liberties. Third, the pentad retains independent normative force today, most visibly in bioethics, where its categories map onto, and in places correct, the principlist consensus (Beauchamp and Childress, 2013). I develop these claims in five sections: the conceptual background in which *maṣlaḥa* and the *Maqasid* stand; the method; the comparative analysis proper; a discussion of divergences and their implications; and a brief conclusion.

Conceptual Background: Maṣlaḥa and the Objectives of the Law

The word *maṣlaḥa* derives from the root *ṣ-l-ḥ*, to be sound or wholesome, and its juridical career is long. Although Al-Ghazali gave the five essentials their classical formulation, later scholars such as al-Shāṭibī (d. 790/1388) systematized the framework into a hierarchy of necessities (*ḍarūriyyāt*), needs (*ḥājiyyāt*), and improvements (*taḥsīniyyāt*), and modern theorists have extended it into a general philosophy of Islamic law (Ibn Ashur, 2006; Auda, 2008). What matters for present purposes is the status of the five essentials within this hierarchy. Al-Shāṭibī, following al-Ghazali, treated them as necessities in the strict sense: interests whose neglect leads not to inconvenience but to the collapse of worldly order and salvation alike (al-Shāṭibī, n.d., 2:8). Later jurists added honor (*ʿirḍ*) to the list, and some added liberty and the environment, but the fivefold core has remained the canonical anchor of the discipline (Kamali, 2003).

Two features of the classical formulation deserve emphasis before the comparison begins. The first is its derivation. Al-Ghazali did not extract the five essentials from a single proof text. He read them out of the structure of the law itself: the prescriptions of revelation cluster, on inspection, around exactly these five objects, each of which is also guarded by a Quranic verse of no less force. Al-Shāṭibī made the derivation explicit by pairing each essential with what later writers call its "guardian verse": religion with the command to obey God, His Messenger, and those in authority (4:59); life with the proclamation that whoever kills a soul, it is "as if he has killed all mankind" (5:32); intellect with the twofold question about wine and gambling, "in them is a great sin, and (some) benefit for men" (2:219); lineage with the ordinances against unlawful sexual relations (24:2); and property with the prohibition of consuming wealth wrongfully (2:188). Whether or not one accepts this derivation, its method is significant: the essentials are not stipulations but discoveries, read off a law whose mercy (21:107) they are taken to explain.

The second feature is the direction of the protection. The five essentials are framed not as freedoms that the individual holds against the state but as values whose preservation is a *duty* incumbent on the community and its guardians. The law protects life, for example, by imposing reciprocal obligations, and the hadith literature sharpens the point. The Prophet is reported to have said that the blood of a Muslim cannot be shed except in three cases, a Hadith that functions as the prophetic footnote to the fifth sura's prohibition of killing: "The blood of a Muslim who testifies that there is no god but God and that I am God's Messenger may not lawfully be shed but for one of three reasons: a life for a life; a married man who commits fornication; and one who turns aside from his religion and abandons the community" (Al-Tabrizi, n.d., Mishkat al-Masabih, 3446).

For the non-Muslim under protection, the guarantee is stated in terms that leave little room for ambiguity: "If anyone kills a man who has made a covenant (anyone who belongs to a non-Muslim community with whom a treaty of peace has been made), he will not experience the fragrance of paradise, yet its odour can be experienced at a distance of forty years' journey" (Al-Tabrizi, n.d., Mishkat al-Masabih, 3452). A framework that articulates well-being through obligations will, as we shall see, align only imperfectly with a declaration that articulates it through rights. The misalignment is not a defect in either document. It is the substance of the comparison.

METHOD

The study adopts a qualitative single-case design with embedded units, appropriate when the boundaries between the phenomenon and its context are not sharply evident and when the analyst seeks explanation rather than enumeration (Yin, 2014). The case is the Al-Ghazalian pentad as articulated in *al-Mustasfa*; the embedded units are the five essentials. Within the case, the analytic strategy is summative content analysis, which begins with identifying and quantifying particular words or content, with the aim of exploring their usage and the latent meanings they contextualize, and which permits counting and comparisons alongside interpretation (Hsieh & Shannon, 2005). Operationally, the analysis proceeded in three steps. First, the primary texts were fixed: for the Islamic framework, *al-Mustasfa* and the guardian verses and attendant hadiths; for the comparative framework, the thirty articles of the UDHR as adopted in 1948 (United Nations General Assembly, 1948). Quran quotations follow the translation of Al-Hilali and Khan (1996), cross-checked against the corpus-based glosses available at corpus.quran.com (Quranic Arabic Corpus, 2019). Second, each essential was matched to its closest UDHR article or articles on the basis of the interest protected, and the textual pairings were examined for convergence and divergence in justification, scope, and remedy. Third, the divergences were aggregated and interpreted against the secondary literature in both Islamic legal theory and human rights history.

Two limitations should be stated at the outset, because they discipline the claims I allow myself. The first is that Al-Ghazali's five essentials are a juristic construct with a long reception history; treating them as "Islam's view" of human rights would flatten centuries of disagreement, including important modern

contestation over apostasy and the public role of religion (An-Na'im, 1986). I, therefore, speak of the Al-Ghazalian framework, not of Islam simpliciter. The second limitation is that the UDHR is a declaration, not a treaty; its articles were drafted as an aspiration and have since acquired, unevenly, the force of custom and soft law. Comparing a twelfth-century legal-theoretical scheme with a 1948 declaration is thus not a comparison of like legal instruments, and I do not pretend otherwise. The comparison is ethical and conceptual, and it claims no more than that.

The Five Essentials and the Declaration: A Comparative Reading

1. Religion: The First Essential and Article 18

Al-Ghazali places religion first, and the ordering is theologically charged: the other four essentials protect the conditions of worldly life, but religion protects its end (Al-Ghazali, 1997). The Quranic foundation is the absence of compulsion in religion: "There is no compulsion in religion" (2:256), together with the address to the Prophet, "To you be your religion, and to me my religion (Islamic Monotheism)" (109:6). The prophetic Hadith pushes the same point outward: the Prophet reportedly said that he was sent as a mercy to the worlds (21:107) and as a messenger to all peoples, “the red and the black” (Al-Naysaburi, n.d., Sahih Muslim 521a). On its face, this essential aligns closely with Article 18 of the UDHR, which protects freedom of thought, conscience, and religion, including the freedom to change one's religion and to manifest it in teaching, practice, worship, and observance (United Nations General Assembly 1948).

The alignment, however, hides a structural difference that becomes apparent when one asks about the thing that each framework is protecting the religion *from*. The UDHR protects religion from the state and from other persons; its operative verbs are negative. The Al-Ghazalian framework protects religion additionally from the believer's own defection, which is precisely where the classical law of apostasy enters, and where the comparison becomes uncomfortable for both sides. Classical jurisprudence treated apostasy not as a change of conscience but as a public rupture of the political-theological bond, entailing civil death and, in the dominant view, capital liability after opportunity for repentance. Modern Muslim scholars have disputed both the textual derivation and the continuing applicability of that position (An-Na'im, 1986). Article 18, for its part, protects the freedom to leave a religion but is silent on what a community owes its own heritage; it guards the exit and leaves the interior unguarded. My reading is that the first essential and Article 18 protect different aspects of the same interest, and that each exposes a gap in the other: the Islamic formulation risks coercion at the boundary of conscience, while the UDHR risks indifference to the conditions under which a tradition survives at all. Neither gap is acknowledged in the other document, and stating this plainly is one of the analytical payoffs of placing the two frameworks side by side.

2. Life: The Second Essential and Article 3

The guardian verse for life is among the most quoted in the Quran: "anyone killed a person not in retaliation of murder, or (and) to spread mischief in the land - it would be as if he killed all mankind" (5:32). The hadith literature operationalizes the verse with the three-case rule already noted and with the absolute guarantee

extended to the protected non-Muslim (Al-Tabrizi, n.d., Mishkat al-Masabih 3452). Al-Ghazali's formulation treats life as the precondition of every other good, and on this point the convergence with Article 3 is nearly total: "Everyone has the right to life, liberty and security of person" (United Nations General Assembly, 1948).

Yet even here the frameworks part ways in emphasis. The classical materials elaborate the sanctity of life chiefly through the law of retaliation and blood money, that is, through remedies after violation, whereas Article 3 is drafted as a shield against the state. The Quran's universality claim in (5:32), which grounds the sanctity of a single soul in the common descent of humanity, has no exact counterpart in the Declaration's preamble, which grounds rights in inherent dignity rather than in shared creation. I note this not to privilege one grounding over the other, but because the difference in grounding generates a difference in reach: a duty-based, theocentric protection of life extends to enemies and protected minorities with the same sentence, while a dignity-based right acquires its universality through the moral consensus of its drafters (Mahoney, 2007). The practical overlap is large. The architecture underneath it is not identical, and the architecture is what survives disagreement.

3. Intellect: The Third Essential and Article 26

Al-Ghazali's third essential, the intellect (*ʿaql*), may strike the modern reader as the least intuitive member of the pentad, and I suspect it is also the most underrated. Its Quranic anchors are the paired verses on intoxicants and gambling: “In them is a great sin, and (some) benefit for men, but the sin of them is greater than their benefit” (2:219), and “Shaitan (Satan) wants only to excite enmity and hatred between you with intoxicants (alcoholic drinks) and gambling, and hinder you from the remembrance of Allah and from As-Salat (the prayer).” (5:91). As detailed in Sahih Muslim (Al-Naysaburi, n.d., Hadith, 2003d), the prophetic Hadith completes the derivation with the rule “Every intoxicant is Khamr and every Khamr is forbidden.” The underlying intuition is that the rational faculty is the instrument by which a person recognizes revelation, deliberates morally, and bears responsibility; a law that aims at accountability must, therefore, protect the condition of accountability. Ibn Ashur would later generalize this into a broad protection of knowledge and education as a public good (Ibn Ashur, 2006).

The UDHR's counterpart is Article 26, the right to education, supplemented by Article 18's protection of thought and Article 19's protection of opinion and expression. The pairing is revealing. The Declaration locates the value of the mind in the person's formation and voice; the Islamic essential locates it in the person's capacity for moral cognition, which is why its paradigmatic prohibitions are directed at what clouds the mind rather than at what withholds schooling from it. The two are complementary rather than contradictory, and I argue that the third essential corrects a real asymmetry in the UDHR: a right to education says nothing about the states of mind, chemical or otherwise, that education is meant to govern. Current arguments about drugs, alcohol, and now attention economies give the traditional intuition a peculiar modernity, although that dispute belongs to another paper.

4. Lineage: The Fourth Essential and Article 16

The fourth essential, lineage or progeny (*nasl*), is anchored in the ordinances against unlawful sexual relations (24:2; 17:32) and, positively, in the description of marriage as a source of tranquility, affection, and mercy between spouses (30:21). The prophetic Hadith treats the protection of lineage as a matter of near-absolute gravity. Here the UDHR correspondence is twofold: Article 16 protects the right to marry and to found a family, and the family is named in the preamble as "the natural and fundamental group unit of society" (United Nations General Assembly, 1948).

The comparison at this point is genuinely instructive. Article 16 is framed as an individual entitlement against interference: adults may marry, with free and full consent, and the state may not obstruct them. The fourth essential is framed as the protection of a social fact, the child's knowledge of parentage and the family's continuity, which is why the classical law spends so much of its energy on paternity, nursing, and the evidentiary rules of descent. The interests overlap in the family but diverge in what threatens it: the Declaration worries about the state and about coercion; the essential worries about confusion of lineage and the dissolution of the bonds that make lineage knowable. A reader who brings only the UDHR to the table will find the classical materials' concern with legitimacy archaic; a reader who brings both will notice that the modern law of reproductive technology has quietly reopened the classical questions about paternity and ancestry, with none of the classical vocabulary available to answer them. This, to my mind, is the strongest single argument for the continuing usefulness of the pentad in bioethical discussion.

5. Property: The Fifth Essential and Article 17

Al-Ghazali's fifth essential is wealth or property (*māl*), guarded by the prohibition "And eat up not one another's property unjustly (in any illegal way e.g. stealing, robbing, deceiving, etc.)" (2:188) and the general rule that trade be by mutual consent (4:29). The law of theft in the Quran (5:38) supplies the penal dimension, and the prophetic Hadith frames economic wrongdoing in terms of communal trust. The UDHR counterpart is Article 17, which protects the right to own property alone and in association, and forbids arbitrary deprivation (United Nations General Assembly, 1948).

The convergence is again broad and again superficial. Article 17 protects an individual right of ownership against the state; the fifth essential protects a system of acquisition and transfer against injustice within the community, which is why the Quran's principal prohibitions run against wrongful consumption (*al-akl bi-l-bāṭil*) rather than against confiscation. The difference mirrors a familiar one in comparative law between property as liberty and property as social institution. What the Islamic materials add, and what the UDHR lacks, is an explicit link between property and the other essentials: wealth in the classical scheme is a means toward the preservation of religion, life, intellect, and lineage, not an end that stands beside them. A modern reader who finds this instrumentalization of property alien should consider that Article 22 of the UDHR, with its turn to social security, quietly concedes the same point from the opposite direction. The frameworks arrive at welfare from different premises, but they arrive.

DISCUSSION

Where the Frameworks Diverge, and Why It Matters

Aggregating the five comparisons, three divergences recur with enough regularity to be treated as structural rather than incidental.

The first is justificatory. The Al-Ghazalian essentials rest on God's will and mercy (21:107), and preserving them is a duty for believers and rulers alike; the UDHR grounds its articles in inherent dignity, and its operative logic is the individual claim against interference (Mahoney, 2007). This is the divergence most often noted in the literature, and it is real, but I want to resist the conclusion sometimes drawn from it, namely that the two frameworks are, therefore, incommensurable. Historians of the Declaration have shown how deeply confessional ethics, especially Catholic and personalist, shaped its text (Glendon, 2001). The UDHR's secularism is a thin surface over a thick moral history, and that history includes conversations in which Islamic thinkers participated and in which the classical vocabulary of *maṣlaḥa* was not absent. In practice, the divergence in justification narrows to a divergence in idiom.

The second divergence is substantive and, to my mind, the most important finding of this study: the Islamic framework protects religion from within, whereas the UDHR protects it only from without. Article 18 guards conscience against coercion; it has nothing to say about apostasy as a social fact, about the conditions of transmission of a tradition, or about the community's interest in its own continuity. The classical essential guards all of these, at the price of the coercion problem discussed above. Without amendment, both documents cannot absorb the other's concern. This suggests a modest proposal that I offer with some hesitation: comparative religious work on the UDHR, extended to other traditions as this study has done for one, might identify a family of protections that a purely liberal-rights language systematically under-describes, and might thereby contribute, not to a rewriting of the Declaration, but to a richer interpretive tradition around it.

The third divergence concerns remedy and register. The classical materials think in duties and their enforcement; the UDHR thinks in rights and their recognition. Hsieh and Shannon's distinction between summative counting and the interpretive recovery of latent meaning is useful here (Hsieh & Shannon, 2005): the surface-level count of convergent articles is high, but the latent meanings attached to each protected interest differ systematically. A right is held; an essential is guarded. The practical consequence is that the Islamic framework generates positive obligations, for example to educate or to secure welfare, where the UDHR generates aspirational articles that acquired obligatory force only later and unevenly. For bioethics, which must operationalize values in institutional form, the duty-register has an obvious advantage: it tells the practitioner what to do, not merely what not to do (Beauchamp & Childress, 2013). The mapping between the five essentials and the four principles of biomedical ethics is not one-to-one, but the essentials supply what principlism notoriously lacks, namely a theory of why these and not other values are basic. That the basic values turn out, across a nine-century gap, to resemble one another more than their respective justificatory languages would predict is, I think, the deepest result of this case study.

CONCLUSION

This study set out to ask what Al-Ghazali's five essentials of well-being can say to the Universal Declaration of Human Rights, and what the comparison costs each framework. The answers, in summary, are these. The convergence is real: the five essentials and the corresponding articles of the UDHR protect substantially the same circle of interests, and the circle is neither accidental nor trivial. The divergence is equally real, and it clusters in three places: justification, the interior protection of religion, and the register of duty versus right. The divergence is not a verdict against either framework. It is an invitation, which I hope this paper extends, to further comparative work: the same procedure applied to other religious traditions, to the Cairo Declaration, or to particular bioethical controversies, would test the generality of the pattern reported here and would likely modify it. Al-Ghazali wrote that the law was sent as a mercy. The drafters of 1948 wrote that human rights flow from dignity. It has been the argument of this paper that two sentences so differently grounded can still be about the same five things, and that noticing this is a gain for both of the traditions that produced them.

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