

Chapter 8

Beneficence

Beneficence connotes acts of mercy, kindness, and charity. It includes all forms of action intended to benefit or promote the good of other persons. The principle of beneficence refers to a normative statement of moral obligation to act for the benefit of others, helping them to further important legitimate interests, often by preventing or removing possible harms. As we have mentioned in the previous chapter on nonmaleficence both are interconnected. Preventing harm and removing harm (or evil) are both considered a type of beneficence.

Prophet Muhammad (PBUH) ordered his companions to do charity daily. They said: Who can do that? He said: Removing a thorny bush, or bones or dirt from the way (street) is a charity; showing the right path for those lost is a charity, enjoining right and forbidding wrong is a charity; helping those who are inefficient in their work is a charity.” One of the companions said, “What if I didn’t do any of these?” He said, “At least do no harm to others.” Narrated by AlBokhari, Muslim and Ibn Hibban [1]. Doing Harm and Reciprocating Harm is Not Allowed [2].

The Qur’an and the Tradition are full of passages and sayings of the Prophet enjoining good and refraining from doing harm. We will quote here a few ayas of the Qur’an:

- (1) Have you seen the one who denies the religion (hereafter)? That is the one who drives away harshly the orphan. And does not encourage the feeding of the poor. So woe to those who pray, (but) who are heedless of their prayers. Those who made show of their deeds and withheld their assistance to their neighbors (Holy Qur’an 107/1-7).
- (2) Woe to every scorner and mocker. Who collects wealth and (continuously) counts it. He thinks that his wealth will make him immortal. No. He will surely be thrown into the crusher (Hellfire which crushes their bones) (Holy Qur’an 104/1-4).
- (3) Whoever does an atom’s weight of good will see it and, whoever does an atom’s weight of evil will see it (Holy Qur’an 99/7, 8).
- (4) And they were not commanded except to worship Allah; (being) sincere to Him in religion, inclining to truth, and to establish prayer and give zakat (obligatory alms giving) and that is the correct religion (Holy Qur’an 98/5).
- (5) Did he not find you (O Muhammad) an orphan and gave you refuge? And He found you poor and made (you) self-sufficient. So for the orphan do not oppress him and for the petitioner do not repel him (Holy Qur’an 93/6-10).
- (6) And the righteous one will avoid it (hellfire). He who gives his wealth (to the needy) to purify himself. And not giving in return for favor but only seeking the countenance of His Lord, Most High (Sura alLayl 92/17-20).

- (7) Does he (i.e., Man) think that never will anyone overcome him. He says, “I have spent wealth in abundance. Does he think no one has seen him?... But he has not overcome the difficult obstacle (steep incline). It is the emancipation of a slave, or feeding on a day of famine an orphan of near relationship, or a needy person in misery. And being among those who believe and advised each other to be patient and compassionate. Those are the companions of the right” (Sura alBalad 90/5-18).

Karen Armstrong in her book “A History of God” [3] says: In practical terms Islam means that Muslims had a duty to create a just equitable society where the poor and vulnerable are treated decently. The early moral message of the Qur’an is simple: It is wrong to stockpile wealth and build a private fortune, and good to share the wealth of society fairly by giving a regular proportion of one’s wealth to the poor” (Holy Qur’an 92/18, 9/103, 63/9, 102/1).

Prophet Muhammad (PBUH) said: “I swear by God, that a person who inflicts harm to his neighbor is not a [full-fledged] believer of God” [4].

In another hadith, he said, “A woman entered hellfire, because she incarcerated a cat until it died of hunger and thirst [5]”.

These two hadiths admonish against maleficence , i.e., doing harm to humans or animals. The following hadith recommended beneficence to a dog: “A prostitute of Bani Israel (Children of Israel) was thirsty, so she came to a well and got water for her to drink. As she finished, she found a dog very thirsty licking the ground from thirst, so she went back to the well and got him water in her shoes until she quenched his (its) thirst. God was pleased with her and let her into paradise [6]”.

AlGhazali said: “If you cannot reach the level of angels, then do not fall into the level of beasts, scorpions and snakes. If your soul is content to come down from the highest heights, at least do not let it be content into the lowest depths (to the rank of beasts, snakes and scorpions). Perhaps you will be saved by the middle way where you have neither more nor less than what suffices” [7], i.e., not doing harm and doing some good.

David Hume’s moral psychology and virtue ethics makes motives of benevolence all-important in moral life, and maintains that benevolence is an original feature of human nature. He, like AlGhazali, recognizes egotism and selfishness can mask the inherent good in human psyche, and he uses the metaphors of the dove (angel with AlGhazali) wolf (beast) and serpent (snakes and scorpions) to illustrate the mixture of elements in our nature. Hume regards persons as motivated by a variety of passions, both generous and ungenerous, i.e., good and bad [8]. He maintains that these elements vary by degree from person to person. Each person should strive hard to uplift himself from the level of beasts and snakes to the level of doves (peaceful and doing no harm), if he cannot reach the level of angels doing good (as AlGhazali maintains).

The Holy Qur’an says: “We have indeed created man in the best stature, then we abase him to the lowest of the low” (Holy Qur’an 95:4–5).

Man can be almost like an angel, but he also can be like snakes and scorpions.

And those who strive in Our (cause), We will certainly guide them to Our path, for verily God is with those who do right (Holy Qur'an 29/69).

And by the soul and He who proportioned it and inspired it with discernment of its wickedness and its righteousness. He has succeeded who purifies it, and he has failed who instills it in (corruption) (Holy Qur'an 91/7-10).

Islam recognizes that the true nature of man (alFitra) is good, but it can be lured by egotistic desires and the luring of Satan and human devils. Those who strive to purify themselves, abstaining from harming others (humans, animals or environment), performing good and enjoining others and the whole community to do the right things and abstain from evil acts, are the true believers and those will succeed in the Day of Judgment.

Nonmaleficence and Beneficence is the cornerstone of morality and ethics through out history in different nations and cultures.

In the book of dead in the old Egyptian civilization the dead person was brought in front of the Chief God Oziris. He defended himself saying: "I did no crime in all my life. I never assaulted anybody. I never assassinated anybody. I always forwarded sacrifices to the Gods. I never destroyed a cultivated land or do mischief on earth. I never committed fornication or adultery and I never refused to hear the truth, and abide by it. Never I made false promises or deceive anybody in weights, selling or buying or in any way. I never throw dirt into the water (used for drinking or cleaning). I never prevent a baby from suckling (from his mother or his wet nurse) I never close or change the course of water canals (very essential in irrigation in Egypt). I never ignore the voice of God in my heart. I always abstained from doing harm; and aspired to doing good. I am pure!! I am pure [9]"!!

He of course is found, unblemished and ordered to live forever in Heaven.

All other nations had clear rules and orders for abstaining from harm and doing good, e.g., the laws of Hamurabi (Hamurapi) of Babylon (1792–1750 BCE) who ruled a great country in Iraq for 42 years; established a great empire noted for its justice and laws. Hamurabi Code [10], the most complete and perfect extant collection of Babylonian Laws (282 laws). They included economic provisions (prices, tariffs, trade, etc.), family law, criminal law (assault, theft) and civil law (slavery, debt). It also included laws on practice of medicine and surgery. The law established peace and justice in the country, allowing it to develop greatly. Doing good was extolled and doing evil was degraded and punished. The laws of retribution (Qisas), which was later found in Torah, were all there: an eye for an eye, a tooth for a tooth, and a soul (life) for a soul (i.e., murder crimes being punished by slaughtering the offenders).

The Hamurabi Code established nonmaleficence and beneficence in the whole community by establishing the law of justice. It also paid great attention to health, cleanliness, and a proper drainage system for dirty and soiled waters. It was considered a crime to throw dirt in canals and potable water.

The background of the law goes even further in history to Sumerian Law, under which civilized communities lived for many centuries (almost 6000 years from our time). They enjoined doing good and avoiding doing harm to humans, animals or

even to the environment (throwing dirt into canals and potable water was a punishable crime). They particularly enjoined being good to parents, especially the mother. The highest goddess was Po; and the King Judea made many poems and songs for her sake, as he considered her his mother and the mother of all men and women in his Kingdom, where she was caring for them all [11].

The Buddhists, the Indians, and the Chinese had different civilizations, but all of them stressed doing good and shunning and avoiding evil, to man, animal and environment. The Greek Philosophers similarly laid down the Philosophy of morality, which was built on the principle of nonmaleficence and beneficence. Hippocratic Oath and writings stressed, “Primum non nocere” “Above all do no harm,” and Beneficence. It was already discussed in detail.

The Old Testament (Torah and other books) stressed these important principles.

The Ten Commandments (Exodus 20/1-17) starts by “Worship no God but Me,” monotheism, observing the Sabbath and then “Respect your father and your mother. Do not commit murder (thou shall not kill). Do not commit adultery. Do not steal. Do not accuse anyone falsely and do not desire another man’s house; do not desire his wife, his slaves, his cattle, his donkeys or anything that he owns” [12]. It is a clear message of nonmaleficence.

Treatment of Slaves. (Exodus 21/1-11 and Deut 15/12-18) [12]. They should be treated fairly. If the slave is a Hebrew then he should be freed on the 7th year. If he is not Hebrew, then he should pay for his emancipation. The laws about violent acts are harsh by today’s standards. “Whoever hits his father or his mother is to be put to death. Whoever curses his father or mother is to be put to death” (Exodus 21/15, 17). Lending money to Jews should be without interest, but lending money to non-Jews, should be with usury. (This is definitely put by the Rabbi’s).

Premarital, extramarital sexual practices, sodomy, and bestiality are all punished by killing those who practice it (Leviticus 18/1-30) [13].

The respect of parents is repeated several times. “Do not steal or cheat or lie. Do not make promise in my name if you do not intend to keep it (that allows breaking promises if not under oath in God’s name” [13].

Do not take advantage of anyone or rob him. Do not hold back the wages of someone you have hired, not even for one night. Do not curse a deaf man, or put something in front of a blind man so as to make him stumble over it. Be honest and just. Do not bear a grudge against anyone, but settle your differences with him so that you will not commit a sin. Do not take revenge on anyone or continue to hate him, but love your neighbor as you love yourself (Leviticus 19/11-18) [13].

That is clear beneficence, and not only nonmaleficence. The Israelites generally didn’t keep these commandments and betrayed God, worshipped idols, did all the crimes they were told to avoid, and disobeyed their prophets and killed many of them and when Jesus, the last Prophet who came to them they called him a quack, a magician and accused his mother with adultery. They tried to kill him and crucify him (the Muslims believe that he was saved from crucifixion and raised to Heaven, while Christians believe that he was crucified, buried and raised from the grave on the third day and then raised to Heaven).

Jesus warned against the teachers of the law and Pharisees and called them hypocrites: “How terrible for you teachers of the Law and Pharisees. You hypocrites. You lock the door of the Kingdom of Heaven in the people’s faces, and you yourselves don’t go in, nor do you allow in those who try to enter” (Mathew 23/13-27, Luke 11/39-42, 52, 20/47) [14].

Jesus had many sermons to his followers in which he asked them to give all their property to the poor and needy, and to forgive all who wronged them. He said in the Sermon on the Mount (Mathew 5/3-12): “Happy are those who are humble...Happy are those who are merciful to others...Happy are the pure in heart...Happy are those who work for peace...” [15].

Love for enemies (Mathew 5/43): “Love your enemies and pray for those who persecute you.”

Teachings about revenge (Mathew 6/38, Luke 6/29-30) [15]: “You have heard that it was said: an eye for an eye, and a tooth for a tooth. But now I tell you: do not take revenge on someone who wrongs you. If anyone slaps you on the right cheek, let him slap you on the left cheek too...when someone asks you for something, give it to him.”

He warned against performing religious duties in public as hypocrites do. (Mathew 6/1-17) [15]. “Do not store up riches for yourselves here on earth, where moths and rust will destroy it and robbers break in and steal. Instead, store up riches for yourselves in heaven” (Mathew 6/19-20) “You cannot serve both God and money” (Mathew 6/24) [15].

The teachings of Jesus were very hard to follow. Only very few could raise themselves to this high standard of beneficence, charity, and nobility. All through Christian history only saints were capable to fulfill what Jesus ordered his followers to practice. The rich young man came to Jesus asking to receive the eternal life. He ordered him to worship and love God (the 10 commandments), but the young man asked for more Jesus said, “Go and sell all you have and give the money to the poor and you will have riches in heavens then come and follow me. The young man went away as he was very rich and the disciples said: “Who then can be saved? Jesus answered: This is impossible for man, but for God everything is possible” (Mathew 19/16-26) [16].

The beneficence ordered by Jesus was considered by his followers as supererogatory as it can never be reached and practiced except by saints. However, Jesus gave a very good example of beneficence that could be done by ordinary person. This is the parable of the Good Samaritan (Luke 10/25-37) [17]. The Samaritans were considered nonbelievers by Jews. They had their own temple in Mount Gerzim in Samaria (near Nables today), and refused to go to Mount Temple in Jerusalem. They only acknowledged the Torah and refused the other books of Old Testament. They also refused the Talmud.

Jesus said: “There was once a man who was going down from Jerusalem to Jericho when robbers attacked him, stripped him and beat him up leaving him half dead. It so happened that a priest was going that road, but when he saw the man, he walked on by on the other side. In the same way a Levite (the tribe of Moses and Aaron) also came along, went over and looked at the man, and then walked on by,

on the other side. But a Samaritan who was travelling that way came upon the man, and when he saw him, his heart was filled with pity. He went over to him, poured oil and wine on his wounds, and bandaged them; then he put the man on his own animal and took him to an inn, where he took care of him. The next day he took out two silver coins and gave them to the innkeeper: "Take care of him," he told the innkeeper, and when I come back I will pay you whatever else you spend on him."

Jesus concluded: "In your opinion, which one of these three acted like a neighbor towards the man attacked by the robbers."

The teacher of the law answered: "The one who was kind to him". Jesus replied: "You go then, and do the same."

This parable of the Good Samaritan is quoted by anybody who speaks about beneficence. It is an important illustration of what we can do to fellow humans in such circumstances. It is certainly a praiseworthy act, but definitely not an extreme ideal that is only done by saints and heroes.

Beauchamp and Childress [18] after quoting the parable of the Good Samaritan agreed that the Samaritan's motives and his actions were beneficent, but considered the parable as an ideal and not an obligation. "Only ideals of beneficence incorporate such extreme generosity." Definitely, the actions of the Samaritan are commendable but they are not of extreme generosity and should be done by any decent human being.

It may be almost obligatory to help in such a case, but the action definitely deserves praise and will be rewarded by God in Heaven. It cannot be considered supererogatory as these authors claim; as it should be done by any kind-hearted man. Saving human life takes precedent over any other argument in Islam, unless such a person is incriminated by murder or doing great mischief on earth. "We decreed upon the children of Israel that whoever kills a soul unless for a soul, or for corruption (done) in the land it is as if he had slain mankind entirely. And whoever saves one (life), it is as if he saved the whole of mankind" (Holy Qur'an 6/32).

What the Samaritan did should be emulated by every human being, if there are no real obstacles to fulfill it.

Traditionally acts of beneficence are done from obligation (like the case of the Samaritan), but may be supererogatory (optional moral ideals where things are done more than required).

"Not all supererogatory acts of beneficence are exceptionally arduous, costly or risky e.g. generous gift-giving, uncompensated public service, forgiving another's costly error and complying with requests made by other persons for benefit when these exceed the obligatory requirements of ordinary or professional morality" as Stanford Encyclopedia of Philosophy say [8].

Beneficence is a continuum starting with obligatory morally, and sometimes legally, as in saving a life, when one can do it without any hazard to himself. Professionally things which are considered as supererogatory for the public become obligatory for the professional, e.g., a physician or nurse in a hospital where he is tending patients with highly infectious diseases, e.g., Ebola virus, tuberculosis, epidemic of influenza, etc. He or she cannot abstain from treatment of these patients

as it is one of his/her duties. In emergency the physician/nurse may work extra hours forgoing his other duties to his family and friends.

All cultures, religions and philosophies considered non maleficence-beneficence as the cornerstone of morality and ethics.

In modern times Hume considered motives of benevolence all important in moral life, and the origin of morality [8].

John Stuart Mill (the utilitarian English Philosopher) considered the principle of utility, or the greatest happiness principle as the basic principle of morality and ethics. Actions are right if they bring happiness and wrong if they bring pain and suffering. It is a straightforward principle of beneficence (though it may cause harm to few) [8].

Mill holds that the concept of duty, obligations and rights are subordinated to, and determined by, that which maximizes benefits and minimizes harms, i.e., utility based on beneficence and non maleficence. Kant rejects the utilitarian understanding of beneficence. He calls for beneficence and non maleficence from the point of view of duty. Any other motive is not really moral or ethical, though it may be commendable in itself. The motive of benevolence, so admired by Hume is morally unworthy in Kant's theory unless the motive is that of duty.

Some philosophers like Gert maintains that there are no moral rules of beneficence, only moral ideals. In Gert's theory, the general role of morality is to minimize evil or harm. Rational persons can at all times act impartially and abstain from doing harm (evil), but they cannot impartially promote good for all persons at all times. Gert considers non maleficence (doing no harm) as obligatory [19]. He accepts moral rules such as "Do Not Kill" don't cause pain or suffering of the others and so forth. Rules of nonmaleficence are negative prohibitions of actions. That must be followed impartially, while beneficence actions are positive actions which are usually non obligatory except in life saving situations, and the person can easily save the others without any risk to himself.

It is definitely laudable and supererogatory if saving others involves high risk to the benevolent rescuer. But it is obligatory to save others if it does not pose any risk to the rescuer. It may be also obligatory even if it involves risks to those health professional, firefighters, and ambulance workers. What may be supererogatory to the public may be obligatory to those professionals whose jobs and duties entail rescue operations.

Beneficence played a major central role in the practice and ethics of medicine since AmHotib (deified Egyptian physician who lived 4000 years from our time). Hippocratic Oath is wholly dependent on non maleficence and beneficence.

Only in the 1970s that autonomy, patient's rights, and contractual procedures replaced gradually beneficence from its throne in medical ethics.

Benefit in medicine is limited historically to healing. Nowadays medicine is used for other purposes, e.g., gender selection, transsexualism, preventing fertility by pills or operations, providing purely cosmetic surgery and genetic manipulation to improve posterity, and nonmedical abortions.

All these types of medical interventions, surrogacy, and new methods of procreation are outside the boundaries of classical medicine which treats patients.

These are no longer patients and hence called customers (clients); and doctors and nurses are now called health providers.

New problems are also arising both in medicine and biomedical research. End of life issues, withholding or withdrawing life support measures, e.g., do not resuscitate (DNR) policy, do not intubate (using ventilator) and using morphine and its derivatives to control pain whereby it has “a double effect,” i.e., alleviating pain and may depress respiratory center of the brain, especially in patients suffering from chronic pulmonary disease, or patients suffering from diseases affecting the brain, or phrenic nerve that supplies the diaphragm (the main muscle for respiration).

Medical practice became more complicated and decisions are not only built on the old rules of nonmaleficence and beneficence, but should involve the patient and/or his family in all decisions pertaining to life and death. Many cases are not solved except by the intervention of the law and court decisions, especially in cases where ventilation or nutrition and hydration are withdrawn and stopped. Physician hastened death by the request of the patient \pm request of the family is highly debatable in the West. It is not accepted in Muslim countries and to Muslim patients anywhere. Euthanasia is still considered a crime in the majority of the world countries.

Organ transplantation has been accepted as a modality of treatment that improves the patient's suffering from end stage organ failure and may be life saving. It has been accepted in Islamic countries (with some resistance from some jurists and even some physicians). Many Fatwas (decrees) of Islamic Jurisprudence Council's have been issued since 1959 till 2003. It allowed organs to be donated from living adult competent donor, without any form of compulsion; and from deceased (decedents, cadavers) provided that they have agreed to donate or their families have agreed to donate after their death (usually these are brain dead cases). In all these cases, informed consent is essential without any duress or any type of compulsion or entrepreneuring.

The scarcity of organs have prompted new policies in Europe, which is called “presumed consent or opt out system” (sometimes called opt in) whereby every patient in Government hospitals is presumed that he agrees to donate his organs, if the brain death is firmly diagnosed. He can during his life time object to this rule and it will be accepted. But if there is no such objection then he is presumed consenting and organs will be taken from his body without any need for the consent of the family.

Islamic countries, USA, UK, Canada, and Australia are still requiring a clear consent from the person during his lifetime, or/plus consent of the family. The routine retrieval of organs from all dead candidates is not justified on the traditional grounds of respect of autonomy. The advocates of the new policy are reverting to the rule of beneficence, which they have in many aspects refused and called it paternalistic medicine. Now, because of shortage of organs, they are going back to the old regime, i.e., paternalistic medicine built on the principle of beneficence.

Breaking confidentiality to prevent harm, e.g., if a psychiatric patient tells his doctor that he is going to kill a person (due to delusions and hallucinations), then the psychiatrist has a duty to inform the police, and also to inform the person to be attacked, so that he may take steps to avoid being attacked. Similarly if a consort is

having HIV, then the physician has a duty to inform the other consort of the true diagnosis (i.e., HIV). He should take the permission from the infected person, or require him to tell his consort in his presence of the true diagnosis; otherwise he would be allowing harm to occur. If the health authorities require reporting infectious diseases, then it should be reported, so that measures could be taken to protect the whole community; and breaking confidentiality in such cases is allowed. If the magistrate ordered the physician to divulge the true diagnosis, in most cases he has to obey, lest he would be accused of obstructing justice.

Social Beneficence

Some ethicists like Singer suggested taking 10 % of the income to provide services of the poor. This is not new as the Torah ordered Israelites to pay tithe which was 10 % of whatever they earn, or produce in the fields.

In Islam, it is obligatory to pay 2.5 % of all your wealth annually to the poor and needy. It is also highly recommended to pay more, but that is supererogatory. It is incumbent on every adult male to support himself, his wife, his children and his parents if they are in need. If he is wealthy enough then he should support the poor members of his family which will involve grandparents, grandchildren, brothers and sisters, aunts and uncles. It may extend to cousins, nephews, and nieces, or may even involve other members of the tribe depending on his ability and their condition. It becomes obligatory and could be enforced by the law, provided he is the only one capable of supporting them, and they are in real need of his support. It is not supererogatory in such cases but becomes obligatory.

This rule differs greatly from secular systems especially in the West, which extol autonomy, and the societal obligations are kept at minimum. However, these countries usually provide a type of welfare state, and hence individuals are relieved from these duties. Beauchamp and Childress talked about “specific beneficence and obligations in families, friendship or special commitments, such as explicit promises and roles with attendant responsibilities, e.g., physicians and nurses caring for contagious patients. Promoting the welfare of the patients—not merely avoiding harm—expresses medicine’s goal, rational, and justification. As the American Nurses Association puts it: “The nurse primary commitment is health welfare and safety of the client.” Likewise, in the Hippocratic Oath, physicians pledge that they “will come for the benefit of the sick, will apply treatment for the benefit of the sick according to their ability and judgment, and will keep patients from harm and injustice.” Preventative medicine and active public health interventions have also long embraced concerted social actions of beneficence, such as vaccination programs and health education as obligatory rather than optional [18].”

This is of course paternalism which was decried since 1970s and replaced by autonomy, patient’s rights, and informed consent. Only in cases of an incompetent minor or mentally incompetent adult that paternalism (parental guidance and control) is allowed.

Paternalism is defined as the intentional overriding of one person's known preferences or actions by another person who overrides it, justifies the action by the goal of benefiting or avoiding harm to the person whose preferences or actions are overridden [18].

The tendency is to refuse this type of paternalism, and consider it unjustified except in certain specified cases [18] viz:

- (1) A patient is at risk of significant preventable harm
- (2) The paternalistic action will probably prevent the harm
- (3) The projected benefits to the patient of the paternalistic action outweigh its risks to the patient
- (4) The least autonomy-restrictive alternative that will secure the benefits and reduce the risks is adopted.

However if a Jehovah witness patient needs blood to save his life, but he refuses blood, then his refusal should be respected. In fact, any modality of treatment could be refused, even if it is essential to save life if it is done by a competent adult person without duress and with information about the dangers of his decision to his health and life [18].

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