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Understanding Human Dignity in Shi'i Islam: Debates, Challenges, and Solutions for Contemporary Issues

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Abstract: This study delves into the nuanced understanding of human dignity as expressed and upheld within the framework of Shi'i Islam. Drawing on the Quran as the primary source of Shi'i interpretation of the law and human rights, this research investigates the portrayal of human dignity in the Shia tradition through Islamic revelation. Furthermore, this study illuminates how certain Shia scholars depict the Quran as striving for the coherence of diverse religions and cultures and how Shia Imams have contributed to the discourse surrounding human dignity through their thoughts and actions. In addition, this study scrutinizes the debates on the compatibility of Islamic human dignity with the Universal Declaration of Human Rights, including contemporary challenges and the responses of Shi'i jurists to these challenges. However, while the Quran and Hadith resources offer sufficient references to human dignity, various approaches to human dignity remain among Shia jurists. Some Shia scholars consider human dignity to be acquired (*Iktisābī*) through human thoughts and deeds, while others ascribe to dignity an essential characteristic of humankind (*dhātī*) unconditionally bestowed by God. This research elaborates on how these interpretations, consequences, and requirements inspire Shia jurisprudence (*fiqh*), particularly in contemporary multicultural and pluralistic societies. Furthermore, it examines how this challenge is being debated among the proponents of each group and how it relates to human rights and current challenges. The study of contemporary developments in Shi'i *fiqh* regarding the role of human dignity and justice as Legal Maxims (*al-qawā'id al-fiqh*) provides a necessary context for understanding and ensuring just legal rulings. Philosophically speaking, if God is the Lawgiver (*Shāri'*) and is Just and Wise, this raises the question of whether it is permissible for a jurist to enact laws that contradict human dignity and justice. This study aims to explore potential solutions to traditional challenges that do not consider human dignity and to suggest ways in which human dignity and justice can be applied as legal maxims.

Keywords: human dignity; Shi'a Islam; justice; maxim of *fiqh*; principles of jurisprudence



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1. Introduction

Examining the Shia Islamic perspective on human dignity constitutes a crucial aspect of Islamic theology and philosophy that offers incisive views on the import of the human being in the context of Islamic revelation. This inquiry sheds light on the human–Divine relationship within the framework mentioned above and the relationships between human beings and nature and among human beings themselves, as discussed in Shia theology and ontology. This question enables a historical and theological evaluation of human dignity. Also, it elucidates how such an appreciation or misappreciation has relevance to other pressing contemporary challenges, such as human rights, freedom, inclusivity, justice, and equality. The way a jurist understands human dignity may have a profound impact on the legal edicts or fatwas that are derived from religious texts and principles. That is why the study of the perspectives of contemporary Shia scholars on the integration of human dignity as a criterion of Shia jurisprudence is relevant.

When examining contemporary discussion on human rights, certain scholars question the relevance of exploring the various religious perspectives on human dignity and rights. From this perspective, the concept of “dignity” may be deemed inconsequential and illusory, as it is posited that human beings are the product of millions of years of evolutionary development. Accordingly, this perspective holds that the unconscious individual is bound by social agreements and conventions intended to ensure the survival and prosperity of the human collective on Earth.

Religious traditions, however, view humans as entities created by God with both spiritual and physical dimensions. Conversely, a materialistic perspective regards human beings as solely physical beings. Given these opposing views, one might question whether the religious and materialistic viewpoints on human dignity are compatible. Eva Kalny’s suggestion that human dignity is “the fragile product of a tragic and at the same time fortunate moment” (Braun and Cicek 2017) in human history raises the question of whether it is an authentic interpretation and sound comprehension of the reality of human existence. Although the invocation of human dignity in the Universal Declaration of Human Rights is not predicated on a religious apprehension of human ontology, can revelation and reason find common ground in their pursuit of this noble ideal? How does Shi’i Islam respond to this pressing issue? This study endeavors to scrutinize the concept of human dignity as construed within the interpretive framework of Shia Islam, drawing on its intellectual heritage, and assess its pertinence vis-à-vis contemporary debates on human rights, equity, justice, and pluralism.

2. Human Dignity in Shia Islam: Why Shi’i Perspective Matters

The Quran’s role as the primary source of Islamic law may prompt one to question the relevance of exploring human dignity from a Shia perspective. While such skepticism may be understandable, several considerations must be taken into account. The interpretative diversity of sacred texts and the multifaceted nature of Islamic revelation are well-known phenomena. Furthermore, the divergent theological perspectives of Shia and Sunni Islam give rise to contrasting views on doctrinal matters.

Central to the Shia understanding of Islam is the concept of Imamah, which designates the successorship of Muhammad confined solely to his household. This belief is bolstered by the existence of separate Hadith collections and has been instrumental in developing Shia jurisprudence based on these resources and interpretations of revelation. Consequently, the Shia perspective on human dignity finds a strong authentication rooted in their distinct interpretative tradition.

Additionally, in light of contemporary philosophical challenges and evolving world-views, studying the modern development of Shia jurisprudence is imperative. Doing so will enable a deeper understanding of how Shia Islam grapples with these complex issues while remaining true to its historical and theological heritage.

It is essential to recognize that the concept of Imamah is regarded as a manifestation of human dignity. The appointment of an Imam is viewed as a response to the inherent dignity of humanity, as it facilitates the guidance of individuals toward their ultimate destination and eternal salvation.

It is crucial to underscore that within Shi’i doctrine, the term “Imam” connotes the inherent essence of the Prophet. In this sense, the Imam assumes a role in elevating human dignity. However, the Imam does not hold the status of a prophet. Instead, the Imam serves as a means to access the innermost significance of religious teachings, bringing to light various dimensions of revelation that might otherwise be hidden.

In this context, the martyrdom of Ḥusayn ibn Ali, the third Shia Imam and grandson of Muhammad, is comprehended and construed as a means of reclaiming human dignity that Yazid and his policies revoked. When Yazid’s army besieged Ḥusayn, his response to them revealed his significant commitment to human dignity. Ḥusayn implored the Yazid army, asking them to “Be free if you have no faith.” This statement underscores the relationship between human dignity and the role of the Imam, as the latter catalyzes the revitalization

and restoration of forgotten human dignity. In a separate utterance, Ḥusayn declares that “the intellect (*‘Aql*) is not complete, except by following the truth.” This statement underscores the notion that attaining human dignity and worth is contingent upon one’s adherence to the truth, and a righteous Imam serves as a conduit towards achieving this objective.¹

3. The Quran’s Philosophical and Theological Foundations for Human Dignity

As has been posited, an inquiry may arise as to whether there exists any nexus between religion and human dignity. It is not surprising that some ignore any relationship between the two. Miklós Maróth, in his *Human Dignity in the Islamic World*, puts forth the assertion that “human dignity is not at the centre of interest of any religion, but man, through his relationship to God, comes to the fore.” (Maróth 2011) He depicts religious human dignity emerging because of and secondary to the human–God relationship. One cannot ignore the importance of the relationship between humans and God in the religious worldview. This statement, however, is not an inclusive portrait of the notion of human dignity in religious traditions and, in particular, in Islam.

On the other hand, the Universal Declaration of Human Rights, adopted by the United Nations in 1948, which relies upon and emphasizes human dignity, generated several deliberations on the origins and relations between religions and human rights. Donnelly, concerning some of the works by Muslim scholars such as Abul A’lā Mawdudi (1903–1979), claims that “these claims prove to be almost entirely without basis.” (Donnelly 1982). He additionally states that “in Islam, in the realm of human rights (read human dignity), what really matters is a duty rather than rights, and whatever rights do exist are a consequence of one’s status or actions, not one’s nature.” (Donnelly 1982) It appears that Donnelly did not fully pay attention to the argument made by Muslim scholars. Mawdudi and others claimed that the 1948 human rights declaration reaffirmed and readdressed what Islamic revelation had already provided as rights for man. They supported part of their argument with the claim that Islamic revelation is in accordance with human nature. For this, these scholars point to the Quranic term *Fiṭra* in the Quran 30:30:

Be devoted to the upright religion. It is harmonious with the nature which God has designed for people. The design of God cannot be altered. Thus is the upright religion, but many people do not know.

The concept of *Fiṭra*, an innate disposition or nature, is integral to comprehending the dynamic interplay between revelation and human nature. The Quranic revelation illuminates that God has provided specific guidance to each existing entity that aligns with its respective nature and inherent characteristics. Though Muslim scholars have endeavored to demonstrate that revelation not only upholds but also advocates for preserving human rights, critics such as Donnelly reject any potential correlation between these domains.

The Quran is the preeminent and foundational text for shaping an Islamic worldview. The history of Islam is marked by the emergence of various schools of thought stemming from divergent approaches to interpreting revelation. Within the Shia tradition, the Quran is the primary source for investigating and enhancing human dignity across philosophical, theoretical, and practical domains. The Quran explicitly addresses the concept of human dignity, and within Shia history, at least two distinct interpretations have emerged. Quran 17:70, a canonical verse, is the most prominent reference in discussing human dignity.

Indeed, We have conferred dignity (*Karramnā*) on the Children of Adam, and carried them over land and sea, and provided them with all the good things, and preferred them with a complete preference over many of those We have created. (Quran, 17:70)

The verse quoted above, beginning with a word of affirmation, emphasizes the divine origin of human dignity as bestowed by God upon all of humankind, referred to in the text as “the Children of Adam.” This interpretation underscores the universality of human dignity, which is not contingent on any individual characteristic such as religion, color, sex,

race, or ethnicity. From a philosophical perspective, the privileged position of humankind in Islamic revelation is a topic of longstanding debate among Muslim scholars. One possible explanation is that human beings were created in the image of God, a concept shared by Abrahamic faiths that outlines the cosmological and ontological framework of the universe. Another perspective is that of the Quranic verse, “And I breathed into him [Adam] of My Spirit” (Quran 15:29; 38:72), which implies a spiritual connection between humankind and the Divine. This further emphasizes human dignity’s universal and inclusive nature, transcending any particular category or status. Alternatively, the Quranic verse in question can be interpreted as an assertion of the human body as the locus of divine manifestation, akin to the concept of the human body as a temple of God in the Christian tradition, as stated in 1 Corinthians 6:19. This interpretation provides a religious framework for understanding human dignity, grounded in the notion of sacredness and divine ownership. As the site of the Divine manifestation, the human body is thus inherently imbued with dignity and deserving of respect and protection.²

The inclusive verse of the Quran, 17:70, mentioned above, has provided a basis for certain Shia scholars to view human dignity as an inherently divine concept, as also suggested by verse 17:17, which transcends the boundaries of time, place, race, religion, and so on. This has led some to argue that the Quranic affirmation of the 1948 Universal Declaration of Human Rights is implicit in the concept of human dignity, as it applies to all human beings regardless of their social, cultural, or religious affiliations. Another indication of human equality and dignity in the Quran is the following verse,

People, We have created you all male and female and have made you nations and tribes so that you would recognize each other. The most honorable among you in the sight of God is the most pious of you. God is All-knowing and All-aware. (Quran, 49:13)

The above verse expresses the unity of the human family on the one hand and the equality of all in being human. Furthermore, human diversity is described as a way to recognize and acknowledge. This recognition is not only at the individual level but also at national, international, and interstate levels.

There are other supportive verses about human dignity in the Quran. Another component of this discussion is Quran 2:256, where freedom of religion is expressed as, “There is no compulsion in religion.” In another instance of the Quran’s inclusive approach to religious freedom, one may find the following statement intriguing.

The Quranic verse, “The Apostle and the faithful have faith in what has been sent down to him from his Lord. Each [of them] has faith in Allah, His angels, His scriptures, and His apostles. [They declare,] ‘We make no distinction between any of His apostles.’ And they say, ‘We hear and obey. Our Lord, forgive us, and toward You is the return.’” (2:285) establishes the foundation of faith in Islam. It emphasizes that belief in God, His angels, His scriptures, and His messengers, including the Prophet Muhammad and his predecessors, is a shared tenet among believers. This inclusive approach to faith is also reflected in another Quranic verse, “O you who have faith! Have faith in Allah and His Apostle and the Book He sent down to His Apostle and the Book He had sent earlier. Whoever disbelieves in Allah and His angels, His Books and His apostles, and the Last Day has certainly strayed into far error” (4:136), which warns against denying any aspect of divine revelation and guidance. Therefore, true faith in Islam entails not only accepting the Prophet Muhammad as the last messenger of God but also recognizing the prophethood and authenticity of the previous messengers and their scriptures. As exemplified by the Prophet Abraham, Islam emphasizes submission to the will of God and adherence to His guidance, manifested in following the teachings of all His messengers.

Thereupon the Quran narrates that Abraham, after building the Ka’ba, as such prayed to God,

Our Lord! Make us Muslims [in submission] to You and from our descendants a Muslim nation [in submission] to You. (Quran 2:128)

Abraham enjoined this [creed] upon his children, and [so did] Jacob, [saying], 'My children! Allah has indeed chosen this religion for you, so do not die except as those who have surrendered [*Muslimūn*] themselves [to Allah]. (Quran 2:132)

Were you witnesses when death approached Jacob, when he said to his children, 'What will you worship after me?' They said, 'We will worship your God and the God of your fathers, Abraham, Ishmael, and Isaac, the One God, and to Him do we submit [*Muslimūn*].' (Quran 2: 133)

When Jesus sensed their faithlessness, he said, 'Who will be my helpers [on the path] toward Allah?' The Disciples said, 'We will be helpers of Allah. We have faith in Allah, and you be witness that we have submitted [*Muslimūn*] [to Him]. (Quran 3: 52)

Say, 'We have faith in Allah and in what has been sent down to us, and what was sent down to Abraham, Ishmael, Isaac, Jacob, and the Tribes, and that which Moses, Jesus, and the prophets were given by their Lord. We make no distinction between any of them, and to Him do we submit.' (Quran 3:84)

In all of these instances, Islam is defined as submission to God. Furthermore, in the religious term, the Quran is not abrogating other religions but is rather indicating that all those who sincerely submit their heart to their creator are following the path of God.

The Quranic verse "Indeed, the faithful, the Jews, the Christians, and the Sabaeans—those who have faith in Allah and the Last Day and act righteously—shall have their reward from their Lord, and they will have no fear, nor will they grieve" (2:62) highlights the Quranic concept of human dignity in religious terms. It refutes the notion that mere names and labels confer salvation, emphasizing the importance of faith in God, the Day of Judgment, and virtuous deeds instead as the true means of attaining felicity. This rejection of the superficiality of labels and the emphasis on the sincerity of servitude is a recurring theme in the Quran, as noted by the renowned Shi'i scholar and philosopher Ṭabāṭabāī (1904–1981) in his commentary on this verse. According to him, genuine honor and happiness stem from a deep and genuine commitment to servitude, which cannot be achieved through mere labels or adjectives unless correct beliefs and good deeds accompany them. (Ṭabāṭabāī 1983).³ The verse indicates the insufficiency of actions related to dishonoring other faith communities.

The Quran reveals other instances of God's dignification of humankind. For example, in verse 15:29, "when I have formed him fully and breathed into him of My spirit, then fall down to him in prostration", humans are ranked above many other forms of creation, emphasizing their elevated status. At the same time, another verse (5:32) confirms a Divine decree from the Old Testament that underscores the equality of human dignity, stating that the unjust killing of one soul is equivalent to the killing of all humankind, while the saving of one life is akin to safeguarding the lives of all humans. These examples illustrate a practical dimension of human dignity in the Quran that underscores the importance of respecting the sanctity of human life and the inherent worth of every individual, regardless of social or religious distinctions.

4. Different Kinds of Human Dignity?

The Quran's unequivocal endorsement of human dignity is beyond dispute, yet hermeneutical challenges persist. Notably, a schism has emerged among Shia theologians concerning the ontological status of human dignity. While certain scholars assert that the Quran extols innate human dignity (*Kirāmat dhātī*), others proffer an alternative reading, emphasizing acquired dignity. In the latter interpretation, the foundation of human dignity is predicated upon the praxis of human existence or acquired dignity. The former view, by contrast, posits a secure connection between the essential essence of humanity and its dignified status. Within the purview of religious thought, the notion of human dignity is firmly rooted in the idea of divine creation. It is held that God, in His infinite wisdom and benevolence, created humankind and imbued it with inherent worth and value. Those who

advocate for the posteriority of human dignity posit that it is a quality realized through human actions and aspirations toward a higher goal.

Notwithstanding the discordance on the ontological status of human dignity, esteemed Shia scholar Ṭabāṭabāī, in his seminal work *Al-Mīzān Fī Tafṣīr al-Qurān* argues that the Quranic verse in question is not a statement of willful intention (*inshā*), but rather an informative statement (*ikhbār*) regarding the actual nature of humanity. Furthermore, Ṭabāṭabāī draws attention to the use of the term “*Banī Ādam*” (Children of Adam) in verse, which underscores the priority of human dignity. Alternatively, he suggests that if the verse were intended solely for people of faith, it would have been framed differently.

Sayyid Muḥammad ‘Alī Ayāzī (1954–),⁴ a contemporary Shia scholar whose scholarly pursuits focus on exploring the concept of human dignity within Shia jurisprudence, highlights three implications of the Quranic verse, “Indeed, we have conferred dignity on the Children of Adam” (Quran 17:70). Firstly, Ayāzī argues that the Quranic understanding of dignity is universal and inclusive, applicable to all individuals, regardless of their faiths or beliefs. Secondly, the verse suggests that humans have been endowed with unique resources and privileges that differentiate them from other creatures without implying favoritism. Lastly, Ayāzī classifies the Quranic terminology regarding human ranking into two categories: innate dignity and preference (*Tafḍīl*). Ayāzī posits that dignity is an essential and absolute status, independent of any other attribute.

For those who support the posteriority of human dignity, dignity is acquirable via human acts. As much as it is acquirable, it is also in danger of being lost through unjust and immoral actions. Ayāzī argues that the principle of forbidding harm to others in jurisprudence also applies to ethics. However, some interpretations of jurisprudence and historical commentaries on religious laws conflict with contemporary ethical values. It is essential to recognize that jurisprudence cannot exist independently of the notions of good and evil and must issue rulings grounded in justice and human dignity. Failure to do so may contradict both divine and Quranic principles.

Among the advocates of acquired dignity, one can mention Shaykh al-Ṭūsī (d. 460/1067),⁵ and among our contemporaries, Muḥammad Taqī Jafarī (1925–1998),⁶ Jawādī Āmulī (b. 1933), and Miṣbāḥ Yazdī (1935–2021). When dealing with human dignity, the latter three scholars are concerned with human perfection through actions rather than considering whether the Quran is speaking about a human being as a created being or his actions ranking him as dignified.⁷

Āmulī Jwādī (1990) posits that the foundation of the posteriority of dignity lies in human consciousness of the Divine. In his view, the realization of human dignity is made possible through this awareness.

5. Hadith

In Shia religious tradition, the corpus of Hadith comprises the recorded sayings of the Prophet of Islam and their subsequent re-narrations and interpretations by esteemed Shia Imams. In this regard, Shia Hadith share some similarities with their Sunni counterparts while exhibiting notable distinctions. These differences pertain to the context and provenance of the narrators of Hadith, as well as the mechanisms employed in the authentication of these oral traditions. Certain narrators regarded highly in Sunni sources are held in relatively lower regard within the Shia tradition. Nevertheless, four canonical Hadith collections in the Shia tradition function as a secondary source of interpretation of religion. Yet, it is important to mention that the science of Hadith (*Ilm al-Ḥadīth*) seeks to study and evaluate traditions for their connotation, authenticity, meaning, etc. A notable point of divergence between the organization of Hadith collections in Sunni and Shia Islam pertains to their divergent approaches. Whereas Sunni collections are typically structured with a chapter entitled *Kitāb al-Īmān wa al-Kufr* (The Book of Faith and Disbelief), the Shiī collections commence with *Kitāb al-‘aql wa al-Jahl* (The Book of Intellect and Ignorance). This organizational divergence bears significant implications for understanding these two Islamic traditions’ distinctive epistemological and doctrinal frameworks. The differential

approach in organizing Hadith collections between Sunni and Shia Islam may offer insight into their divergent historical modes of comprehending and explaining religious doctrine. Notably, in the Shia Hadith, human beings are revered for their intellectual and rational capacities, which are fundamental prerequisites for engaging with divine revelation and gaining knowledge of the Divine. This epistemological emphasis underscores the importance of reason and intellect in Shia thought and how they play a pivotal role in understanding and interpreting religious teachings. Nevertheless, the intellect is understood not merely as a rational and logical faculty, but as hierarchical from the first intellect to the human intellect.⁸

The significance of Hadith in any discussion of human dignity in Shi'i Islam lies primarily in their role in explaining revelation. We know that in Shi'i Islam, there are multiple approaches to understanding the law. The most distinguished are the *Uṣūlī* and *Akhbārī* divisions. Yet, there are undeniable sayings of Shi'i Imāms that are canonical in understanding human dignity in the eyes of the first Shi'i Imam, namely 'Alī ibn Abī Ṭālib (600–661). Within the framework of Shi'i Islam, Ali, as the rightful successor of the Prophet Muhammad, occupies a preeminent position of significance. One of the most notable and consequential legacies of Ali is his celebrated epistle addressed to al-Malik al-Ashtar al-Nakhī, wherein he delineates the requisite qualifications and obligations of a governor, as well as the ethical and administrative framework that should govern the exercise of this high office in the governance of Egypt. This letter has been subject to extensive commentary by scholars across the centuries. In it, Ali reiterates to Mālik the necessity of fulfilling his duty in an inclusive manner that recognizes the diverse plurality of the community:

Be it known to you, O, Malik, that I am sending you as governor to a country which in the past has experienced both just and unjust rule Remember, Mālik, that amongst your subjects, there are two kinds of people: your brothers in faith and your equals in humanity. People of either category suffer from the same weaknesses and disabilities that humans are inclined to. ([Sharīf al-Raḍī 1321](#); [Abbas 2021](#); [Lakhani 2006](#))

In his letter, Ali expounds a categorization of individuals into two groups: those who are brethren in faith and those who are equal in humanity. This schema is congruent with the Quranic verse 17:70. It signifies a fundamental principle that, despite the importance of “becoming” in religious development, the inherent worth of “being” should be regarded with utmost respect and dignity.

6. Human Dignity and Justice as Maxims of Fiqh and the Shi'i Ijtihad

Within the Islamic context, fiqh (Jurisprudence) can be conceptualized as the scholarly discipline of extracting legal rulings on both individual and societal levels from religious sources. This process does not involve a mere identification or discovery of legal precepts, but instead entails an earnest endeavor to apprehend the divine mindset as the Legislator. Such a pursuit is encountered by all religious traditions, although Shi'i legal scholars have adopted distinctive approaches to engage with religious resources. It follows, therefore, that one's comprehension, interpretation, and definition of religion profoundly impact how one undertakes comprehending and extracting disparate and, at times, contradictory legal rulings from the same sources. It is crucial to acknowledge that, among many considerations, the pivotal roles of time and space cannot be disregarded in this predicament.

Within the Shi'i tradition, an approach characterized by a more literalist understanding of religion, known as *Akhbārī*, explicitly precludes human rationality from playing a substantial role in deriving legal rulings. In contrast, the *Uṣūlī* school emphasizes the role of *'Aql* (reasoning) in comprehending and extracting legal precepts. *Uṣūlī* scholars contend that the Quran endorses and encourages human reflection and contemplation. Furthermore, the distinction between good and evil transcends the boundaries of religion. Consequently, understanding the evil nature of an unjust act does not necessitate strict adherence to divine revelation.

Generally, the Shi'i tradition is known to be more in line with that of the Mu'tazilite rationalists of the early history of Islam. *Mu'tazilite* influence declined in the history of Sunni Islam, while much of their worldview and theology were found to be in sympathy with Shi'i doctrines. For their emphasis on justice, Shi'ites were called *al-Adlīyya*, given to a justice-oriented reading of Sharī'a in history. They believed that a just God does not act or rule unjustly. This approach to theology then results in jurisprudence. A jurist needs to consider his resources, but he is not only a narrator. There are other fundamental sciences, such as *Usul al-Fiqh* (legal theory)⁹ and maxims of *fiqh* (*Qawā'id al-Fiqh*)¹⁰, along with the science of *Rijāl* and Hadith, which assist jurists. These sciences act as tools and foundations by which a jurist tries to understand the mind of the Lawgiver. In brief, in the Shi'i tradition, the following are designated to be the sources of *Ijtihād* (a jurist's effort to extract religious law):¹¹

The Quran represents the foremost source of Islamic revelation. In numerous verses, it proclaims its status as a comprehensive guide, such as in the following verse, "We have sent down the Book to you as a clarification of all things and as guidance" (Quran 16:89).

Sunnah, or the tradition of Muhammad, includes the sayings, actions, or the silence of the Prophet about an issue.

Ijmā', or consensus, is the agreement that Islamic scholars have reached on a point of Islamic law. This, however, is not an authentic reason; rather, it is a way to know the Sunnah or the prophet's tradition.

'Aql, (Reason/ Intellect) is the final judgment of theoretical and practical reason. We can understand and distinguish good and evil. A prophetic tradition states that there is a correlation between what reason dictates and the determination of the Lawgiver (called *qa'ida al-mulazama*).¹²

"Moral rationalism" plays an important role in Shi'i jurisprudence. However, this jurisprudence has been developing throughout history. *Usul al-Fiqh* (legal theories) help jurists in extracting laws. There, however, exist Maxims of *fiqh* (*Qawā'id al-Fiqh*), which represent several critical concepts that are accepted as the main guidelines in jurisprudence.¹³

Considering the guidelines mentioned above, one of the most formidable challenges facing the history of *fiqh* is the compatibility of legal principles with ethical norms, notions of justice, and human dignity. How can legal precepts derived from religious sources maintain their harmony with the concept of a just God on the one hand and respect for human dignity on the other? The crux of the issue is whether it is conceivable for a faqih to issue a fatwa that contains elements of injustice or a legal ruling that disregards principles of human dignity and morality. From the perspective of scripturalists, the text serves as the sole criterion for consideration. Nonetheless, it is crucial to note that their adversaries also accord the text great importance. The pressing question is how to understand and interpret the text appropriately. Additionally, to what extent do temporal and spatial factors come into play when issuing a fatwa? With the emergence of modern thought and the canonization of discourses of human rights and dignity in contemporary legal theory, it has become an essential question for some Shi'i jurists to find ways to make religious law more compatible with these criteria. When asserting that a particular revelation upholds human dignity, a significant query arises: if a revelation indeed unequivocally champions human dignity, can a jurist, in good conscience, issue a fatwa that contradicts the principles of human dignity and justice?

These matters have been the subject of extensive discourse amongst Shi'ite scholars throughout history. Within the history of Islamic thought, two preeminent theological schools have espoused opposing perspectives concerning the primacy of faith or reason. The Ash'arite theological school places greater emphasis on the precedence of faith and the attribution of human actions to God. In contrast, the Mu'tazilite school is renowned for advocating reason and the agency of human free will.¹⁴ In the context of an inquiry regarding the legitimacy of an unjust law, an Ash'arite scholar would respond by asserting that the justice of any divine decree is unassailable, regardless of whether it aligns with human conceptions of morality or dignity. Specifically, the Ash'arite position maintains

that the righteousness of an act or command is contingent upon its divine origin, rendering it inherently just and good. Thus, any action or directive issued by God is, by definition, equitable and commendable.

On the contrary, rationalists stress Divine justice, human dignity, and the essential goodness of justice. In response to the abovementioned questions, certain Shi'ī theologians maintain that justice supersedes religion as the foundation of law. In other words, religion is in service of humanity, with justice as its focal point. Within the Shi'ī framework, the cosmos is governed by Divine justice; as such, the principle of Divine justice follows that of Divine unity. Consequently, this perspective situates justice as a paramount concept for comprehending the nature of God and how He exercises control over the universe.

The current challenges facing human dignity and justice have brought forth a new phase in the ongoing discourse amongst Shia scholars. While modernists have critically examined traditional religious viewpoints, particularly concerning women's rights, Muratazā Muṭaharī, emphasizing Divine justice, argues that the legal distinctions between genders are not rooted in "discrimination" as understood in the Western sense, but rather are a consequence of the essential differences between the genders. In this argument, equality does not necessarily equate to justice; rather, justice ensures that everyone's rights are recognized according to their needs and essential natures (Muṭahharī 2004). Nonetheless, Muṭaharī was among the theologians who discussed the necessity of reevaluating the position of justice as a fiqhi maxim. In contrast, Sayyid Ali Sistānī's Qā'ida Lā Ḍarar wa Lā Dirār presents an alternative perspective on justice in Shi'ī jurisprudence:

The principle of justice is one of the most important principles of *fiqh*, even though it is not entitled as a chapter in juristic books. It is also inferred from the Quran that God almighty said: Indeed, Allah enjoins justice and kindness." (Sistānī 2017, p. 325)

Of greater significance, Muṭaharī, in his *Barrasī-i ijmalī-i mabānī-i iqtisād-i Islāmī*, elucidates a more profound level of justice as it relates to laws. He posits that justice serves not only as a juridical principle but also as the very foundation upon which all other principles are established:

The principle of justice is one of the measures of Islam . . . justice is in the chain of the causes of laws, not in the chain of its effects. It is not accurate to say that what religion says is justice; rather, one should state that religion orders [itself] to what is just. (Muṭahharī 1982)

While justice is explicitly highlighted in the theoretical sources of Islam and is considered the bedrock of creation, Muṭaharī elucidates that some jurists have failed to recognize or appreciate its significance as a fiqhi principle in the science of the maxims and principles of fiqh. Owing to the criticality of justice, some theologians in the Shi'ī tradition have identified human dignity as an essential principle of fiqh.

Applying the principle of justice to comprehend religion and its sciences leads to a unique worldview and legal comprehension of human status and dignity widely accepted among prominent Shi'ī scholars. This understanding is indispensable in the modern era, wherein human dignity and justice issues have received significant attention, particularly in diverse societies. One of the instances that appears to contradict the fundamental principles of human dignity in traditional legal discourse is the disparity in the "blood money" between Muslim and non-Muslim individuals. This matter has engendered debates among Shi'ite legal scholars, particularly recently. Some contemporary jurists view this disparity as inconsistent with the Quranic tenets and the underlying basis of human dignity, as the Quran strongly emphasizes the inherent worth of all individuals. As a result, in their evaluations, they have referenced this discrepancy and posited that the unequal treatment of Muslims and non-Muslims is inconsistent with the sacred reverence for humanity espoused in Islamic revelations.¹⁵

Shia theologians across different regions, including Iran, Iraq, and Lebanon, have examined the importance of human dignity in legal rulings, considering contemporary

challenges. For instance, Ayatullah Montazeri, advocated for the inherent value of human dignity regardless of religious beliefs.¹⁶ In his “*Naqd az Khud*” (self-criticism), Montazeri criticizes his predecessors for neglecting human dignity and attributing human rights solely to Western thought. Montazeri emphasizes that these issues are grounded in Islamic resources and require further reflection (Montazeri 2009, pp. 164–65).

Similarly, Ayatullah Sanei (1937–2020) emphasizes the significance of human dignity in his approach to legal rulings. Sanei asserts that recognizing the inherent worth of human beings is crucial and that Islamic revelation honors human dignity, regardless of race, religion, nationality, or geographic origin.¹⁷

In addition to Montazeri and Sanei, other prominent Shia scholars have also advocated for the importance of human dignity in legal rulings. One such figure is Jannati, who follows a similar path in emphasizing the inherent value of all human beings, regardless of their religious beliefs or other personal characteristics. By recognizing the fundamental worth of every person, Jannati and other scholars have sought to create a legal framework that promotes justice and equity for all. Their efforts represent an important development within the Shia seminary as it continues to evolve and address contemporary challenges while remaining rooted in its core principles.

7. Conclusions

In this paper, I have delved into the Shi’i comprehension of human dignity, which is rooted in the primary source of the Islamic worldview, the Quran. My examination of the Quranic verse, “Indeed, we have conferred dignity on the Children of Adam” (Quran, 17:70) revealed that its interpretation among Shi’i scholars is diverse and has led to a disparity in applying human dignity in jurisprudence and law. Some view it as contingent upon faith, while others assert that the verse endows humans with dignity without limitations. The latter interpretation of human dignity, devoid of any restrictions, is gaining increasing support in response to the contemporary challenges faced by society.

Furthermore, I have investigated the role of Hadith, another source of Shi’i religious articulations of human dignity, and the influence of Shia theologians, or fuqahā, in shaping the understanding of human dignity. My study has also highlighted the challenge in applying justice and human dignity in Shi’i jurisprudence, emphasizing the need to revisit and reevaluate these principles as key components of Shia jurisprudence.

In conclusion, this paper has comprehensively explored the Shi’i understanding of human dignity and its role in shaping contemporary jurisprudence and law. Through an analysis of primary sources and the perspectives of various Shi’i scholars, I have discerned the diverse interpretations of human dignity and its application in fiqh.

Given the prominence of human reasoning within Shi’i thought many progressive scholars in Shia society assert the significance of embracing human dignity and justice as foundational principles of fiqh. They argue that this inclusion is vital for formulating appropriate and meaningful responses to the contemporary challenges confronting society. Such a renewed focus can aid in creating practical and pertinent solutions to modern-day challenges.

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Notes

¹ For more on Imam Ḥusayn see [Veccia \(2012\)](#).

² In this sense, injustice against oneself is the worst kind of injustice and wrongdoing.

³ For a more in-depth analysis of Ṭabāṭabā’i and his scholarly contributions, see, [Asghari \(2022\)](#).

- 4 For more on his scholarship see Sayyid Muḥammad ‘Alī [Ayāzī \(1389/2010\)](#). *Milākāt Aḥkām wa Shīweh-hāyi Istikshāf Ān* (Qum: Pajuheshgah ‘Ulūm wa Farhang Islāmī) See also, *Qur’ān Va Farhang-I Zamānah. Chāp-i 1. Rasht: Kitāb-i Mubīn, (Ayāzī 1378/1999)*. The latter discusses the relevance and applicability of the Quran to the contemporary cultural and social context.
- 5 He is also called Shaykh al-Ṭā’ifāh, (“master of the school”). He is the author of two of the four official Shi’i hadith collections, namely *Tahdhīb al-aḥkām* and *al-Istibṣār*. For more on Shia hadith collections see [Ehteshami \(2021\)](#).
- 6 For his view on human rights, see [Ja’fari et al. \(2014\)](#).
- 7 Among the advocates of the priority of human dignity in contemporary Shia exegesis, one can name Muḥammad ḥusayn Fadlallah, Jannānī, Ma’rifat, and Makarim Shūrāzī.
- 8 For more on the intellect in the Shi’i hadith, See [Asghari \(2017\)](#).
- 9 Usul al-fiqh, as Muhammad Baqir al-Sadr defines it, is “a study of the general principles [established] for the inference of a juridical ruling” (al-‘ilm bi-l-anasir al-mushtarika fi ‘amaliyya istinbat al-hukm al-shari). See [Takim \(2021\)](#).
- 10 The term “Islamic legal maxims” (al-qawā'id al-fiqhiyyah) refers to overarching legal principles utilized to deduce more specific legal rulings in various branches of Islamic jurisprudence. These maxims are typically general formulae that are not confined to specific cases and may be applied across multiple domains of jurisprudential inquiry. One paradigmatic example of such maxims is the principle of “no harm and no hardship” (lā ḍarar wa-lā ḍirār), which is invoked in a wide range of legal domains.
- 11 Ijtihād can be defined as the process of employing independent reasoning by a proficient scholar of Islamic jurisprudence, or the comprehensive application of a jurist’s cognitive abilities to derive a resolution for a legal issue.
- 12 For more on Shia sources of Ijtihad see, [Takim \(2021\)](#). See also [Modarressi Tabataba’i \(1984\)](#). There are four common sources in the four Sunni Schools as follows: Quran, Tradition, Ijmā’ and Qiyās or analogy, which in practice has been the application of a law in one issue to another issue with no textual evidence, based on a common ground. There are different categories of Qiyās. Some versions of analogy are not accepted by Shia Imams for they argue that Faqīh cannot fully grasp the philosophy of religious law and therefore finding a commonality between two issues might not be a complete commonality and therefore misleads. There are debates between Ja’far al-Sādiq, the six Shia Imams, and Abū Hanifa on these disagreements. For more see, [Bernard \(2013\)](#).
- 13 Followings are several maxims that traditional Fiqh primarily employs: “Revenue and responsibility go together” (al-kharāj bi-d-ḍamān), i.e., a government that taxes its subjects must guarantee their safety, “No harm shall be inflicted or reciprocated” (lā ḍarar wa-lā ḍirār), “Any substance whose large quantity intoxicates is also prohibited in a small quantity” (mā askara kathīruhu, fa-qalīluhu ḥarām), and “The burden of proof is on the claimant and the oath is on the one who denies” (al-bayyina ‘alā l-mudda’i wa-l-yamīn’alā man ankar) are but a few of those prophetic expressions that emerged as legal maxims.” See [Zakariyah \(2015\)](#).
- 14 For the history and developments of the Ash’arite School see ([Ahmad and Waley 2015](#)).
- 15 Among the advocates of this approach in the Shia Mujtahids are Hossein Ali Montazeri, Sānei, Sayyid Kamāl Haydarī. For more on Montazeri’s thought see, [Muntaziri \(1388; \[1398\] 2019\)](#).
- 16 For more on Montazeri and his thought and approach with human dignity and human rights see [Ghobadzadeh \(2022\)](#).
- 17 For more on Sanei’s thought on human dignity and legal ruling see [Akbar \(2021\)](#).

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