

Human dignity as a rule of Islamic Jurisprudence

Mahboubeh Abedi^{1,*}, Majid Vaziri²

¹*Department of Jurisprudence and Principles at Islamic Law at Islamic Azad University Central Tehran Branch, Tehran, Iran*

²*Department of Jurisprudence and Principles at Islamic Azad University, Central Tehran Branch, Tehran, Iran*

Abstract: Inherent human dignity is used to express the idea that all human are inherently and equally entitled to be valued and treated ethically simply because they are humans. From view of religion, such right is granted to human by the God, and is one of the inborn and inherent human rights. This research aimed to provide a new view of dignity, and tried to answer the question if human dignity can be introduced as a jurisprudential rule. The results of the analysis of concept of dignity, as well as shariah evidence, and scholars' opinion showed that, 1 – the idea of inherent human dignity has rational bases, rooted in shariah, and is endorsed by scholars, and this concept can be incorporated into Islamic jurisprudence and law, and be used as a comprehensive rules of Islamic jurisprudence in inferring rules of Islamic jurisprudence; 2 – according to the rule of inherent human dignity, it is reasonable to establish proportionality between offense, and punishment, and personality and identity of the offender; and, 3 – the result of such attempt, which was made on the basis of evidence and commentaries, was introduction of the jurisprudential “rule of dignity” as a qa'idah mansus (a comprehensive and general rule exactly adopted from the text of the Qur'an and hadiths), just as the rule of use what is yours in a way that you don't harm what is another's. The statement of the rule of dignity is as follows: every human is entitled to dignity unless evidence to the contrary results in his/her deprivation of such dignity.

Key words: *Dignity; Human; Islamic jurisprudence; Rule; Right*

1. Introduction

Historically, human dignity has been subject of ethical and philosophical contemplations; in Islamic studies, it has been discussed in interpretation of the Qur'an and verdicts of faqihs on human issues; and in international law, it is discussed as part of the human rights. However, it has never been considered that the idea of human dignity can be used as rule of Islamic jurisprudence, and no study has been conducted to determine if this rule matches all details of the Islamic law, as does the maximum of use what is yours in a way that you don't harm what is another's. Therefore, based on the evidence, it seems that wherever enforcement of a judgment contradicts the rule of dignity, such judgment must be limited and controlled with reference to rule of dignity. To this end, it must be established that dignity is an inherent and innate right, and literal and technical meaning of keywords, theoretical bases, scholars' opinions on the matter, various types of rules of Islamic jurisprudence, the process of formation of such maxim, and the evidence and arguments in support of the truth of such rule must be discussed. The result of such attempt can be introduction of a rule of Islam jurisprudence titled rule of dignity, incorporation of which into Islamic jurisprudence and law can solve many individual, social, and even international problems.

2. Literal meaning of dignity

The term *keramat* or *karam* has a wide of range of literal meanings; however, its common meaning, that is, the one that applies to all forms of this term, is dignity, grandness, nobility, and honorability. According to *Lisan Al-Arab*, *karim* (noble) is used to refer to a person or thing that has all merits and good qualities. The opposite of dignity is *baseness*. *keramat* is a noun, and is associated with infinitive *ikram* (to honor, to esteem), and *mukarram* (reputed, respectable, esteemed) is used to refer to a person who is treated with respect by all people (Ibn Manzur, 1993). In *Al-Ayn*, Farahidi said, “*Keramat* is noun that is associated with the infinitive *ikram*, and used interchangeably with it, just as *ta'at* (obedience) is used interchangeably for *ita'at* (obedience) (Farahidi, 1989). In *Dehkhoda Dictionary*, *karamat* is defined as dignity, value, respect, honorability, grandness, esteem, humanity, rank and position (Dehkhoda, 2011).

3. Dignity according to the Qur'an

The Qur'an is linguistically is an Arabic and original work. It is clearly seen from the Qur'an that all terms used in this book had a pre-Qur'anic or pre-Islamic background, or sometimes, were a commonly used term among Arabs, and then, became a keyword in the Qur'an, among examples of such

* Corresponding Author.

terms are the terms virtue and dignity, which assumed spiritual earthly and heavenly meanings in the Qur'an (Izutsu, *The God and The Human*, translated to Persian by Aram, A., 2002).

Keramat has been used in different senses in the Qur'an. For example, according to *Qamus Qur'an*, karam and keramat refers to generosity, nobility and esteem (Qarshi, 1973). Mufradat of Raqib reads, "In the Qur'an, when karamat is used as an attribute of the God, it refers to explicit generosity of the God, and when it is used as a human attribute, it refers to good behaviours and deeds done by human" (Rahiminia, 2007). Al-Tahqiq reads under the entry of karam, "the expression "a thing became noble" means it became valued and appreciated" (Mustafawi, 1989).

4. Results

It can be concluded from the literal meaning and Qur'anic meaning of keramat that,

1 - Innateness and inherence are sine qua non of karam and keramat;

2 - The term keramat itself covers the innate and inherent attributes, and it is not required to add the adjectives innate and inherent to this term to show that it has an innate and inherent quality. In much the same way, it can be said that a person is entitled to entity simply because he/she is a human; and,

3 - Technical meaning of keramat suggests that keramat is the inherent and natural quality of all humans, that is, keramat is an inborn attribute of human. Therefore, human is entitled to dignity no matter what he/she has done. The fact that a person has committed must not be used to injury his/her dignity, but such crime must be punished by a punishment not inuring human dignity. For example, punishment must not include humiliation, and must be proportionate with the crime committed (Ja'fari, 1998).

5. Definitions of terms and expressions

5.1. Islamic jurisprudence

Islamic jurisprudence literally means full comprehension (Fayyumi, *Al-Misbah Al-Munir*, 1984), subtlety and deep comprehension (Jazayeri, 1988), rational comprehension, and scientific inference (Mustafawi, 1989).

In the Qur'an, Islamic jurisprudence has been used to refer to insight, intelligence, expert knowledge subtlety, and deep compression (Al-Tahqiq, 1989), like in "They prefer to be with (the women), who remain behind (at home): their hearts are sealed and so they understand not" (Tawbah: 87), and in "Nor should the Believers all go forth together: if a contingent from every expedition remained behind, they could devote themselves to studies in religion, and admonish the people when they return to them,- that thus they (may learn) to guard themselves (against evil)" (Tawbah: 122). It

has also been said the Islamic jurisprudence is deeper and clear than comprehension (Tafsir Mufradat Al-Qur'an, Ruhi, 2008). In the Qur'an, Islamic jurisprudence is used in its literal sense. It should be noted that the subject of such comprehension can include words, oral statements and even objects, because sometimes human gains comprehension from events and objects.

Islamic jurisprudence technically refers to knowledge of shariah as well as knowledge of what is allowed and what is prohibited by shariah (Maqabis Al-Luqah, Ibn Faris, 2008). Shahid Thani said, "Islamic jurisprudence refers to knowledge of applied rules of shariah, which are extracted from detailed Islamic sources (Tamhid Al-Qawaid, Al-Shahid Al-Thani, 1995). Finally, Islamic jurisprudence is the most commonly used means to acquire knowledge of religion and shariah (Qamus Al-Muhit, Firuzabadi, 2009).

5.2. Qaidah (maxim)

Qaidah is derived from the root q-a-d, and literally means basis (Ibn Manzur, 1987). Qawaid is the plural form of qaidah, and literally means basis of something (Tarihi, 2009), technically means the general rule that applies to all of its particular instances (Sabzevari, 2014).

5.3. Rule of Islamic jurisprudence

Rules of Islamic jurisprudence are very general rules, which are used as basis for deducting more particular rules. Such rules are not specific to a particular case, but are the basis of many different rules (Muhaqiq Damad, 2002). In another definition, rule of Islam jurisprudence has been defined as a general jurisprudential rule, which is used as the basis for deducting more particular rules, and used in different areas of Islamic jurisprudence. Examples include rule of use what is yours in a way that you don't harm what is another's, and rule of LA HARAJ (no difficulty in religion), which are used in different areas of Islamic jurisprudence such as sales, necessity of contract, marriage, divorce, etc. (Bahrami Ahmadi, 2010).

6. Categorizations of Islamic jurisprudence Maxims

Rules of Islam jurisprudence are categories in many different ways. Two types of such categorizations have relevance to the discussion of this paper, a) categorization of rules in terms of evidence (Sabzevari, 2014); and b) categorization of rules of Islam jurisprudence in terms of areas of Islamic jurisprudence to which they are applicable (ibid, p. 33).

Category (a) is itself divided into two categories:

1 - Qawa'id Mansus: Rules that are exactly adopted from the text of the Qur'an, prophetic sunnah, and hadiths (Haqiqatpur, *Dignity in Islamic*

jurisprudence and Law, 2013). Examples of such rules are rule of use what is yours in a way that you don't harm what is another's, and rule of khums doesn't apply to subsistence.

Note: The rules whose wording is exactly present in Qur'an or hadiths (Sabzevari, Al-Qawaid Al-Fiqhiyah, 2014).

2 – Qawa'id Istiyati: Rules extracted from a set of hadiths or commandments by faqihs (Haqiqatpur, Dignity in Islamic jurisprudence and Law, 2013).

6.1. Human

Terminologists are divided on the meaning of insan (human); some believe that it is derived from the term ins (human), arguing that human is denoted by ins because human survival and subsistence depends on his/her social relationship with other humans (Rahiminia, translation of Mufradat of Raqib, 2002).

Others, however, believe that insan is derived from nisan (forgetfulness) (Tabarsi, Majma' Al-Bayan, 1987). They argue that human has forgotten the covenant once made with the God. There are hadiths in support of this opinion, for instance, Imam Sadiq (PBUH) said, "Because he forgets" (Hashemi Rafsanjani, Tafsir Rahnama, 1994).

The term uns means fondness, as opposed to hatred (Ibn Manzur, 2009).

Other terms have also been used interchangeably with insan, like bashar, son of Adam, people, which have been referred to in surahs of the Qur'an, for example, "Say, "I am only a man like you" (Kahf: 110).

The term son of Adam appears in the Qur'an seven times, and all occurrences of this term in the Qur'an are either explicitly or implicitly associated with gratification of human (Yadolahpur, 2012). It is seen from the uses of the term insan in the Qur'an that insan doesn't refer to apparent body, as does the term bashar (man), but rather, it refers to the soul, talent, humanity, and emotions (Qarshi, 1973).

6.2. Right

In Qamus Al-Qur'an, right is defined as truth, the opposite of wrong, and a fixed entity (Qarshi, 1973). In Majma' Al-Bayan, right is defined as some that is true of other things, the opposite of wrong, and as a thing that is in its right place, in such manner that it is true of all of its particular instances (Tarihi, 2009).

The concept of right has been defined differently by different sciences. However, because the context of this paper is Islamic jurisprudence, only definitions that are relevant to this context are provided here. There is no consensus among faqihs regarding the substantive definition of the right. However, of the definition provided, the most comprehensive one is as follows: "Right is authority and rule, rather than ownership and possession. Thus, under Islamic jurisprudence, it wrong to consider right as a type of ownership (Javadi Amoli, 2009).

Ja'fari Langerudi said: "Sunni Islamic jurisprudence has not provided any definition with regard to the term "right", but Shiite Islamic jurisprudence has defined it as follows: right is a person's authority under law with regard to another person, over property, or both, whether materially or intellectually (Ja'fari Langerudi, 2003).

6.3. Rule

In Misbah, rule is defined as judgment and enjoinder, and is defined rendering a command as enjoining someone from opposing or refraining from enforcement of an order (Fayyumi, 1984).

According to terminology of Islamic jurisprudence and principles of jurisprudence, rule is addressed by the God to the accountable persons, and divided into two categories: rules governing the acts of an accountable person, rules governing relationships of an accountable person with other people. Faqihs are divided on the concepts of the rule and right.

1 – Many faqihs believe that rules of shariah involved requirement of act or avoidance of an act, while in case of rights provided under shariah, a person has an option between doing an act and not doing that act, and between avoiding an act and not avoiding that act.

2 – Some faqihs believe that there is not substantial difference between rule and right, and that their difference only lies in their effect (Khoie).

3 – Some other faqihs believe that unlike the rule, existence of the right is dependant on its capability of being waived, and that this is the distinction between the right and the rule, and that if some right can be waived, then it is a rule, and it is called a right by mistake (Naeni, Maniyah Al-Talib).

Given these explanations, is dignity a right or a rule? A scholar believed that the right to dignity, in technical sense of the term, may not be alienated or waived, and that the right to dignity is beyond the scope of the rights, and is in the nature of the rule. According to Islam, no body must alienate or waive such privilege granted to him/her by the God as the dignity, honourableness, and esteem (Ja'fari, 2007).

Given this, there seems to be two types of right: inherent right, which is unconventional, and may not be alienated or waived; and conventional right, which is acquired, conventional, and alienable. Although both such rights mean entitlement, the dignity is of the first type.

7. Theoretical Bases of Human Dignity

There are different theories on inherent human dignity, the most important of which are follows:

1) Inherent Rights Theory: Theory of inherent rights has a long history. It was first introduced as a scientific theory by Greek philosophers. According to this theory, inherent human dignity is based on rational capability, personality and moral conscience of human (Rahiminejad, 2008).

2) Individualism: It is clearly seen from anthropological and philosophical principles of the founders of this school that they believed that the basis of individual's nobility, and dignity was human's inherent freedom and autonomy (ibid).

3) Kant's Theory of Moral Autonomy: In this regard, Kant said, "The main basis of inherent human dignity is spiritual and moral capability of human to enact comprehensive codes of ethics". In other words, he believed that such dignity must be sought in moral autonomy and inherent independence of human. He also said, "What gives us dignity and value is our humanity, we humans are free, autonomous and self-legislating creatures (ibid).

4) Revelation-based theory of dignity: People who believe that the Qur'an is revealed by the God consider inherent human dignity to be an anthropological and inherent quality that is rooted in human essence and nature, rather than based a conventional or rational quality, and believe that such dignity can be justified based on divine rules and commandments. According to this view, inherent human dignity is not due to human free will or faculty of reason, but because human has a divine nature (Rahiminejad, 2008).

Human is viceroy to the God; and a person committing bloodshed or becoming licentious doesn't challenge his/her position as the viceroy to the God, because these are extrinsic, and do not challenge the human position as the viceroy to the God; what is blameable for these is not human existence or essence, but his/her conduct and the act he/she has done, because human essence and human conducts are two separate entities (Ibn Arabi, Fusu Al-Hikam, n.d.).

This theory in fact supports the hypothesis of this paper. And on the strength of such theories and opinions, it is proved that human is inherently entitled to dignity, and human may not be deprived of such a right. It is the conduct and act that is criminal, and punishable (which is practiced in all communities), and such act doesn't negate that person's dignity.

8. Human Dignity according to Islamic Scholars

Mula Sadra: In his view, human dignity has a divine and spiritual origin. Given the framework of Mula Sadra's philosophy, he believed human dignity to have a philosophical-religious nature (Mohammadpur Dehkordi, 2002).

Allamah Ja'fari: According to him, the right to dignity is a right guaranteed for all humans. He believed that all humans were members of one family, equally share the inherent dignity granted by the God to them, and are equal in terms of inherent obligation, unless a person deprives himself of such right of his/her own free will by committing a crime, by treason, or polytheism (Ja'fari, 1998).

Ayatollah Javadi Amoli: He believed human dignity was a precious essence, which was vested in all humans, and related to truth of human. He believed that such dignity was not exclusive to any

person(s) (Javadi Amoli, interpretation of verse 70 of surah Isra's, website).

Allamah Tabatabai: He stated, "Given the verse, "We have honoured the son of Adam" (Isra': 70), the son of Adam here refers to all human, rather than a specific group with special merits. He believed that son of Adam has a special feature, which distinguishes him from other creatures, with such feature being the faculty of reason by which human can distinguish between the right and the good from the wrong, and the bad (Tabatabai, 1996).

Motahari: According to him, there are two types of honoring: the way humans honor each other, which is a conventional way; and the way has honors human when he says, "We have honoured the sons of Adam" (Isra': 70), he means he born human honourable; in this case, dignity is part of human nature (Motahari, 2005).

Conclusion: Majority of scholars believe in inherent human dignity. However, they believed that such dignity may be lost, while others believe it may not be lost.

9. Various Types of Dignity

There are two types of dignity:

1 - inherent dignity: It is an inherent and natural that is vested in the being of human qua human, so that every human, no matter of what race, colour of skin, decent, cultural or belief, is inherently entitled to dignity (group authors, collected essays on principles of dignity, 2007).

2 - Acquired dignity: It is the dignity that human acquires of his/her own free will (Rajani, 2000). Human acquires acquired dignity through optional faith and righteous deed, which are human and divine principles, and results in proximity of the God; however, ignorance and pursuit of lustful desires keeps human away from reach such acquired dignity (Yadollahpur, Human dignity according to the Qur'an, 2012).

9.1. Evidence of inherence of human dignity

The evidence of inherence of human dignity is provided by many verses of the Qur'an, which say humans have a divine soul, human is viceroy to Allah, angels prostrate human, human has power and free will, human is a trustee with respect to the God, and human has a divine nature.

9.2. Rule of Islam jurisprudence of dignity

Given the above discussions, and inherence of human dignity, can dignity be introduced as a rule of Islamic jurisprudence? And what is the place of human dignity in Islamic jurisprudence?

To answer these questions, first the process of formation of this rule must be explained. Two categorizations of rules are relevant in this context: 1 - categorization of a rule in terms of evidence supporting that maxim, which was explained before;

and, 2 – categorization of a rule based on areas of Islamic jurisprudence to which it is applicable, according to which, rules are divided into two categories: general and particular. Rules that apply to most areas of Islamic jurisprudence are called general maxims; examples include rule of use what is yours in a way that you don't harm what is another's, and rule of no difficulty in religion; and, those rules that are applicable only in one or a few number of areas of Islamic jurisprudence, like rule of possession that is applicable in the area of sale, are called particular rules (Zarei Sabzevari, 2014).

Given what was said, which of these categories does the rule of dignity fall in? Given the body of evidence from the Qur'an, Sunnah, rational argument, etc., it seems that this rule can be a qa'idah mansus, and the verse "We have honored the sons of Adam" (Isra': 70) explicitly suggests this maxim, and there are other Qur'anic verses in support of this rule as well. However, if the rule is not a qa'idah mansus, then, it is a qa'idah istiyati. However, in author's opinion, rule of human dignity can be exactly derived from the text of the Qur'an and hadiths. As for scope of this rule with regard to areas of Islamic jurisprudence, there rises a question if it is general or particular.

9.3. Hypotheses regarding rule of dignity

There are four hypotheses in this regard as follows:

1) The entitlement to dignity is a prevailing that prevails over all other rules.

2) The entitlement to dignity is a philosophy that is used as the basis of many rules (not all rules), but it cannot constrain any rule because philosophy cannot limit and control rule of shariah.

3) The entitlement to dignity is prescribed by a rule that provides all humans must consider other humans as being entitled to dignity.

4) Human dignity is a presumption that is held to be true as long as no evidence to the contrary is provided.

1 – If entitlement to human dignity is considered to be a rule prevailing over all other rules of shariah, then, the rule of entitlement to dignity will constrain and control all rules, and any rule enforcement of which undermines dignity must be constrained and suspended.

2 – In this case, the entitlement to dignity is seen a philosophy, which has been the basis of many of rules, and can be traced in many of rules, but it cannot limit any rule of shariah, because philosophy cannot limit rules of shariah.

In the first case, human dignity is a prevailing rule, which controls and limits rules of shariah. In this case, dignity is a prevailing rule.

In second case, respecting human dignity is mere philosophy, and it is not a rule or duty; and philosophy cannot limit rules of shariah.

3 – If it is duty of all humans to respect human dignity, then, entitlement to dignity will be a rule among other rules, such as the rules prohibiting

backbite, slander, and the rules requiring duties of fasting, or ablution, etc., and therefore, it will not prevail other rules.

In this case, rule of dignity provides that it is incumbent on all human not to do any act that injures humans in their social relationships with others. Example of such acts include cursing, backbite, defamation, etc.

4 – Presumption of Human Dignity

In this case, human is presumed to be entitled to dignity, as long as there is no evidence to the contrary. In this case, rule of dignity is a rule like rule of presumption of innocence, and rule of permission, according to which as long as there is no evidence to prove a crime, the accused is considered to be innocent.

Result: Of the above said hypotheses, the ones that are closer to argument of this paper are the first and fourth ones. That is dignity is a prevailing rule, and in terms of the areas of Islamic jurisprudence to which it applies, it is like rule of LA ZARAR. Given what was said, the statement of this rule will be as follows: "every human is entitled to dignity unless evidence to the contrary results in his/her deprivation of such dignity".

9.4. Evidence in Support of legitimacy of rule of human dignity

1 – The Qur'an: The firmest evidence of a rule of Islam jurisprudence is the Qur'an. Qur'anic verse is sufficient proof, and other evidence just supports it. The verse is support of legitimacy of rule of human dignity is verse 70 of surah Isra', as mentioned above. However, interpretations by Sunni and Shiite interpreters were used for clarification.

1-1- Shiite Interpretations: One of the credible and reliable Shiite interpretations is Tafsir Al-Mizan. This interpretation considers this verse as the firmest and best known evidence of human dignity. According to this interpretation, this verse doesn't address any specific group, and includes all sons of Adam, including polytheists, disbelievers and licentious people (Tabatabai, 1996).

Another interpreter believes that human be entitled to dignity simply because he/she is human, that human has a soul that constitutes his/her truth, and such soul is naturally entitled to dignity and honorable (Javad i Amoli, 1985).

Shubbar's interpretation reads, "We honored the son of Adam" means the God entitled human to dignity on account of his/her reason, power to speak, power to control his/her emotions, and power to control the objects (Shubbar, 1993).

Majma' Al-Bayan reads, "We honored son of Adam" means "We preferred them", and such honoring applies to all humans, including disbeliever, because "We honored" means we provided them with worldly favors such as beautiful face, control over objects, prophets, etc. (Tabarsi, 1985).

1-2- Sunni Interpretations: There is not much difference between Sunni and Shiite interpretations

in this regard. According to Zubdah Al-Tafsir, the interpretation of verse 70 of surah Isra' is as follows: the grounds of human dignity are reason, power to speak, and language, and human face. Another interpretation includes control of human over other creatures, and even understanding and writing in addition to the above said items (Al-Ashqar, 2006). And Another means of knowledge, type of food, and clothing, as well as the fact that human stands on his/her feet are enumerated as the reasons why human deserves dignity (Bashir Ibn Yasin, 2003).

In Tafsir Al-Jalalayn ma'a Al-Hawashi, the above said reasons are enumerated; and an important point is noted with regard to interpretation of dignity. This point related to the words of Mula Abu Al-Sa'ud quoted in this book as follows: "Dignity applies to all sons of Adam, both good people and licentious people" (Tafsir Al-Jalalayn ma'a Al-Hawashi, 2012).

Overall, these interpretation show evolution of interpretation, and also, suggest consensus of interpretations with respect to concept of dignity, which according to these interpretations, includes inherent and non-acquired attributes, or the very inherent dignity of human qua human.

2 - Sunnah: The collection of the words, acts and inaction of inerrant Imams are invoked alongside the Qur'an in this study. In this regard, there are many hadiths from Imams and Prophets Muhammad in relation to human dignity in different areas.

Human Freedom: Zakaria Bin Adam said, "I asked Imam Reza (PBUH), "A hungry man of who was ahl al-kitab (the people of the book) told me, "Feed my son, and take him in exchange your slave", is such an act allowed?" To which Imam replied, "Free man cannot be object of transaction, and neither you nor any person who is ahl al-kitab is not allowed to do such an act".

In this regard, Imam Ali said, "O people, sons and daughters of Adam (PBUH) were neither slave nor maid; all people are free, and can live on autonomously (Kulaini, 1986).

Permanent and Temporary Marriage with People of the Book: Ash'ari asked Imam Sadiq about a man who intends to marry a woman who is ahl al-kitab, whether Jewish or Christian, and Imam answered, "Such marriage is allowed", then Ashari asked about marriage with Magian, to which Imam replied, "Such marriage is not allowed" (ibid). There another hadith that reads as follows: Imam said, "A Muslim should not ignorantly impute something to a Jewish, Christian, or Magi (Nuri Tabarsi).

This suggest rule of human dignity, suggesting that all persons, no matter of what religion, are entitled to human dignity, and may not be subject to imputation, as long as they have not done anything bad.

Behaviour towards captives: Imam Sadiq quoted the words of his father as follows, "A captive is necessarily entitled to have access to food and to be treated well, even if he is to be killed the next day" (Namazi, 1997).

3- Reason:

There are two opinions with respect to rule of the reason on the dignity:

1 - In the field of principles of Islamic jurisprudence, there is a question which of these two rules prevails over another: rule of *NULLA PENA SINE LEGE*, or rule of necessity of warding off probable loss or damage. However, with regard to this question, one thing is taken for granted in the field of principles of Islamic jurisprudence, that thing is that in case worldly damage involves reputation, life and property, there will be rational consistence between the rule of necessity of warding off damage and rule of the God. The command of the God in this regard is insulting another person is absolutely prohibited.

2 - All scholars in the world unanimously believe that it is an indecent act to insult another person without justified excuse, although they may be divided on the particular instances of insult, there are many similarities between their opinions. For example, all scholars believe that it is an indecent act to insult a person for his/her color of skin or race; however, since, according to principles of Islamic jurisprudence, inherent decency and indecency is exclusively specific to subjects of "justice and injustice", then, it should be said that as long as preserving dignity of a person is an instance of justice, it is an decent act, and if such act constitutes injustice, it will be an indecent act.

It can be concluded from these two opinions that:

The rule of reason indicates that it is indecent act to slander any person, because such act constitutes injustice, and every thing that is considered indecent by the reason is considered to be indecent also by the creator of the reason. On the other hand, by the rule of reason, preserving dignity of people is a good act, and an act of justice, and what is a good act according to the reason is a good act to the God as well (Haqiqatpur, Human Dignity according to Islamic jurisprudence and Law, 2013).

Rule of Islam jurisprudence of dignity can be inferred from what was said above, although the firmest evidence in favor of this rule is the very verse 70 of surah Isra'. And if such meaning is not recognized to be the meaning of this verse, and the verse is considered to be mere description, without any message, which is contrary to the fact that verses of the Qur'an have been revealed to fulfill a mission and convey a message.

Conclusion

This paper tries to provide a definition of dignity and human according to the Qur'an, and scholar's opinion. The term dignity received a different treatment from the Qur'an and Imam (PBUTH) from the one from Arabs in pre-Islamic period. Human is inherently dignified and noble in creature according to religious doctrines, at the same time as he/she can acquire dignity. Colour of skin, race, and religious cannot deprive human of such right, unless human injures his/her dignity by his/herself on freewill.

The most important evidence in support of human dignity is the verse of the Qur'an, "We have honored the sons of Adam" (Isra': 70). Most

commentators, whether Shiite or Sunni, emphasize that fact that all humans are entitled to inherent human dignity, and even some have stated that sinful deed doesn't contravene the right to dignity, because the God has honored and dignified all humans. It should be noted that there are many Qur'anic verses in support of the above said verse.

Based the Qur'an and hadiths (Sunnah), as well as the rational arguments, and faqihs' opinions, it can be said that human dignity is recognized by Islam, the instances of dignity such as the right to freedom, to life, and freedom of religion, and belief, *etc.*, must be recognized, because these are divine gifts.

Inherent human dignity is therefore an undeniable necessity; and for it to be introduced into social space, it must be incorporated into Islamic jurisprudence and law as a rule of Islamic jurisprudence, so that such inherent quality is recognized and applied as a right in Islamic jurisprudence.

In this research, human dignity was approved based on the verse "We have honored the sons of Adam" (Isra': 70). And the rule of human dignity was introduced as follows: "every human is entitled to dignity unless evidence to the contrary results in his/her deprivation of such dignity".

References

- Al-Farahidi, Kh.B.A. (1989), 2nd ed, Qom: Hijrah Press.
- Al-Fayyumi, M.B.A. (1984), Al-Masabih Al-Munir, vols. 1 & 2, Qom: Muassisah Dar Al-Hujrah Press.
- Al-Firuzabadi, M.I.Y. (2009), Mu'jam Al-Qamus Al-Muhit, Beirut: Dar Al-Marifah Press.
- Al-Hikmat, B.Y. (2005), Al-tafsir al-mukhtasar al-sahih, 1st ed, Beirut: Dar Al-Mu'ashir Press.
- Al-Jazayiri, N. (1988), Furuq al-luqat, annotated by Al-Dayah, M.R., Tehran: Farhang Eslami Press.
- Al-Kulaini, M.B.Y. (1986), Al-Kafi, vol. 8, Tehran: Dar Al-Kutub Al-Islamiyah.
- Al-Muhammad Reyshahri (2001), Muntakhab Mizan Al-Hikmah, 1st ed., Qom: Dar Al-Hadith.
- Al-Mustafawi, H. (1989), Al-Tahqiq fi Kamat Al-Qur'an Al-Kareem, 1st ed. Nashr Press.
- Al-Qarshi, S.A.A. (1973), Qamus Al-Qur'an, Tehran: Dar Al-Kutub Al-Islamiyah.
- Al-Ruhi, M. (2008), Tafsir Mufradat Al-Qur'an, 1st ed, Tehran: Ihya' Al-Kitab Press.
- Al-Sa'di, Sh.A. (2003), Tafsir Al-Qur'an fi Tafsir Kalaam Al-Mannan, 1st ed., Beirut: Dar Ibn Hazm Press.
- AL-Shahid Thani, H.B.Z. (1997), Ma'alim Al-Usul, 2nd ed, Dar Al-Fikr Press.
- Al-Shahid Thani, Z.B.A. (1995), Tamhid Al-Qawaid, Qom: Maktab Al-'lam Al-Islami.
- Al-Shubbar, S.A. (1993), H.B.Z., Tafsir Al-Qur'an Al-Kareem, 3rd ed, Qom: Dar Al-Hujrah Press.
- Al-Suyuti, J. (2011), Tafsir al-jalalayn ma'a al-hawashi, 2nd ed, Pakistan, Muassisah Maktabat Al-Bushra Press.
- Al-Tabarsi, Sh.B.A. (1986), Majma' Al-Bayan, 1st ed., Tehran: Naser-e Khosro Press.
- Al-Tarihi, F. (2009), Tab'ah AL-Ula, Beirut: Muassisah Al-Ilmi Al-Matbuat.
- Al-Taskhiri, M.A. (2010), Al-qawaid al-usuliyah wa al-fiqhiyah ala mazhab al-imamiyah, vols. 2 & 3, 2nd ed., Tehran: The World Forum for Proximity of Islamic Schools of Thought Press.
- Al-Tusi, A.J.M. (2008), Al-istibsar fima ikhtalif min al-akhbar, vol. 3, edited by Al-Qifari, Qom: Dar Al-Hadith Press.
- Al-Zarei Sabzevari, Sh.A. (2013), 2nd ed., Muassisah Nashr Islami.
- Bahrami Ahmadi, H. (2010), Rules of Islamic jurisprudence, Vol. 1, 2nd ed., Tehran: Imam Sadeq University Press.
- Dehkhoda (2011), Dehkhoda Dictionary, Vol. 1, 2nd ed., Tehran: The University of Tehran Press.
- Fayz Kashani, M.M. (2009), vol. 1, 1st ed, Atr-e Etrat Press.
- Haqiqatpur, H. (2013), Human dignity according Islamic law and Islamic jurisprudence, 1st ed., Tehran: Imam Sadeq University Press.
- Hashemi Rafsanjani, A.A. (1994), Tafsir Rahnama, 1st ed., Qom: Publishing House of Islamic Propagation office of Islamic Seminary of Qom.
- Hurr Amili (1993), Wasa'il Al-Shiah, vol. 29, 2nd ed, Qom: Muassisah Aal Al-Bayt.
- Ibn Al-Arabi, M. (n.d.), Fusus al-hikam, Beirut: Dar Al-Kutub Al-Arabiyyah.
- Ibn Faris, B.Z. (2008), Mu'jam al-maqabis al-luqah, Beirut: Dar Al-Ihya' Al-Turath.
- Ibn Manzur, M. (1987), Lisan Al-Arab, annotated by Shirazi, A., Beirut: Dar Al-Ihya' Al-Turath.
- Idem (1993), vol. 2, hadith No. 2, Beirut: Dar Al-Ta'araf lil Matbu'at.
- Idem (1997), Dignity according to the Qur'an, 5th ed., Tehran: Raja Cultural Publication Center.
- Idem (2003), Rationales behind political principles of Islam, 1st ed., Tehran: Astan Quds Razavi.
- Idem (2009), vol. 10, Qom: Dar Al-Hadith.
- Idem, legal treatises, 1377, Vol 1, First Edition Tehran, Institute of dignity.
- Izutsu, T. (2002), God and Human in the Qur'an, translated to Persian by Aram, A., 4th Ed., Tehran: Sherkat Sahami Entershar Press.

- Ja'fari Langerudi, M.J. (2003), *Schools of Islamic Law*, 3rd ed., Tehran: Ganj-e Danesh Library Press.
- Ja'fari Tabrizi, M.T. (1998), *A message of wisdom*. 1st ed., Tehran: Keramat Institute Press.
- Javadi Amoli, A. (2009), *Rights and Obligations under Islam*, 3rd ed., Qom: Asra Press.
- Javadi Amoli, A., *Tafsir of Surah Al-Isra'*, website of Esra International Institute of Revealed Sciences, www.portalesra.ir.
- Khoei, A., *Misbah Al-Fiqahah*, vol. 2, website of The Center for Islamic Data and Documents (Islamic Library), www.islamicdoc.org.
- Moein, M. (1985), *Moein Dictionary*, Tehran: Amir Kabir Press.
- Montazeri, H.A., (1992), *Istifta'at*, 1st ed., Qom: Tafakor Press.
- Motahari, M. (1999), *Collected Works: World View*, 1378, vol 2, 8th ed., Qom: Sadra Press.
- Muhammadpur Ali Dehkordi, S. (2012), *Human dignity from perspective of Mulla Sadra and Kant*, 1st ed., Qom: Bustan Ketab Press.
- Muhaqiq Damad, S.M. (2002), *Rules of Islamic jurisprudence: Civil Matters*, Vol. 1, 2nd ed., Tehran: Center for Promotion of Islamic Studies.
- Na'ini, M.H., *Maniyah Al-Talib*, vol. 1, website of The Center for Islamic Data and Documents (Islamic Library), www.islamicdoc.org.
- Namazi Shahrudi, H.B.A. (1997), *Mustadrak Al-Wasa'il*, vol. 18, Qom: Muassisah Aal Al-Bayt.
- Qavami, S. (2013), *Fiqh Al-Idarah*, 1st ed., Qom: Sobhan Publishing House.
- Rahiminejad, E. (2008), *Human dignity under criminal law*, 1st ed., Tehran: Mizan Press.
- Rahiminia, M. (2007), *translation of Mufradat of Raqib*, 1st ed., Tehran: Sobhan Publishing House.
- Rajabi, M. (2000), *Anthropology*, 1st ed., Qom: Imam Khomeini Educational and Research institution.
- Sorush, M. (2007), *Dignity-Oriented Approach to Islamic jurisprudence*, website of Comprehensive Portal for Human Sciences, www.ensan.ir.
- Tabatabai, S.M.H (n.d.), *Tafsir Al-Mizan*, translated to Persian by Mousavi Hamadani, vol. 13, Qom: Islami Publishing House.
- Yadollahpur, B. (2012), *Human dignity according to the Qur'an*, 1391, 1st ed., Tehran: Adyan Press.