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Human Dignity from an Islamic Perspective: Concepts and Theoretical Base

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Abstract

The issue of dignity is pivotal not only in matters concerning mortality but also in various critical domains from the moment of human birth. It necessitates an interdisciplinary and holistic examination, considering its religious, philosophical, moral, and legal dimensions. This paper aims to contribute to the discourse by evaluating the concept of human dignity from an Islamic legal perspective. Modern views are not extensively covered, as the objective is to present classical approaches that have influenced current debates, rather than addressing contemporary discussions directly. We aim to explore how the concept of human dignity is reflected, particularly in human actions, which can only be adequately conveyed through Islamic legal texts. Furthermore, the paper examines the practical manifestations of this theory through specific examples.

Keywords

human dignity – Islam – *al-Karamah* – *al-Ismaḥ*

1 Introduction

The notion of human dignity is gaining increasing prominence across various disciplines, notably in the realm of bioethics, with expectations for even greater attention in the future. This issue is not confined to matters concerning

death but extends to critical aspects spanning from birth, necessitating an interdisciplinary and comprehensive approach that encompasses religious, philosophical, moral, legal, and medical considerations. Failing to address these dimensions when formulating a theory of dignity can pose significant challenges in bioethical discourse.

This study aims to analyze foundational texts of Islamic law to understand how the concept of human dignity is articulated within them, providing insights into its religious, moral, and philosophical dimensions. The research is primarily based on the legal literature of the four Sunni schools of thought. Rather than presenting all perspectives, it focuses on the prominent and foundational opinions within these schools. By arranging these views chronologically, the study seeks to illustrate the main doctrinal tendencies and the developmental trajectory of the issue.

By analyzing how the concept of human dignity is mentioned in foundational texts of Islamic law, I will construct a theory grounded in this concept. Later, I will demonstrate the reflection of theory in practice with certain examples. I also want to raise some critical questions about human dignity in this paper. To avoid false comparisons and conclusions, I will question the meaning and source of human dignity in Islam, whether it is valid for everyone, whether it is one of the beautiful words that we take refuge in when left without arguments or a striking argument that ends the discussion. My goal is to raise these questions, which require long-term research, to reflect on them, and to guide later studies by analyzing them from various angles.

2 Dignity in Islamic Thought: Concepts and Theoretical Base

The most important aspect to consider when defining or discussing the concept of dignity is the inherent ambiguity it contains. Indeed, due to conflicting relationships between certain concepts and the ideas they seek to express, boundaries are often inadequately defined and left ambiguous. The concept of dignity, being abstract in nature, falls into this category. There are two different approaches to whether this situation renders the concept dysfunctional. Ruth Macklin, who sparked significant debates in the field of bioethics, argues in her article "Dignity is a Useless Concept" that while human dignity is not inherently useless, it is considered meaningless because everyone uses it in different ways and due to its elastic nature (Macklin 2003:1419–20). Conversely, there are authors like Michael who, despite being reluctant to relinquish the allure of the concept, believe that it holds ethical and legal significance and

is never meaningless (Michael 2014:13). Habermas, on the other hand, views the concept of human dignity as both a connecting link between different phenomena and a unique source or foundation from which the meaning and importance of all fundamental rights derive (Habermas 2010:466).

In Islamic thought, the concept of dignity is expressed in various words, such as *al-karamah*, *al-'izzah*, *al-'ismah*, and *al-hurmah*. Although each of these concepts contains the idea of dignity, they are separated from each other in various ways. Based on our studies, *karamah* refers to the dignity that all people have and arising from being a mere human being; *'izzah* is the dignity obtained by believing in God and obeying His commandments and prohibitions; *'ismah* and *hurmah* mean the rights protected against others. From among these concepts, the concept used in a way most similar to the idea of *human dignity* is usually the word *karamah*.

The basic dictionary meaning of the word *karamah*, the root of which is derived from Arabic, is generosity. When used as an adjective in the form of *karīm*, this word means generous and honorable. *Karamah* in the concept of *karamatu'n-nas*, which is used in the sense of human dignity, is a word derived from the verb *karuma*, which means dignity and honor (Ibrahim Mustafa et al. 1960/1380:784). There is a subtle and vital connection between these two words derived from the same root. God raises the dignity and position of his generous servant in both worlds.

The prevalence of the term *karamah* within scholarly sources to delineate human dignity stems from its Quranic usage. Specifically, the term *karramnā* in the 70th verse of Surah Isrā and the phrase *akramnā* in the 13th verse of Surah Hujūrāt underscore the significance accorded to human dignity within Islamic discourse. These two verses serve as pivotal references concerning human dignity within both classical and contemporary texts. In verse 70 of Surah Isrā: “We have dignified the children of Adam,” it is emphasized that a human being is dignified and honorable. Notably, this verse, which has definite implications (*al-dalalah al-qat'iyah*),¹ has a general meaning and uses the phrase “children of Adam” instead of believers. The expansive nature of this verse suggests that the dignity conferred upon the human race is boundless. For instance, Ālūsī, a prominent Quranic exegete of the thirteenth century AH (d. 1270/1854), elucidates this verse by asserting that every individual, irrespective of their moral character, is endowed with dignity (Ālūsī n.d.:xv/117). This point, which Ālūsī emphasizes, has also been expressed by other scholars. For example, in his

1 *al-dalalah al-qat'iyah* refers to the type of evidence or implication derived from religious texts that is clear, unambiguous, and leaves no room for doubt or differing interpretations.

work, *Tabyīn al-Haqa'iq*, al-Zaylaī, a prominent theologian and jurist of the fourteen century (d. 743/1342) refers to the expression that people have honor without any limitations as evidence for human dignity and the dignity of every child born legitimately or illegitimately (al-Zaylaī 1313/1895:11/106). Al-Zaylaī mainly used the phrase illegitimate to eliminate any possible questions. Indeed, this formulation unequivocally denotes that every offspring, irrespective of the legitimacy of their birth according to Islamic tenets, is deemed dignified.

According to scholars' interpretations, it is noteworthy that the dignity highlighted in the verse is not contingent upon any specific attributes. This circumstance demonstrates that an individual embodies the attribute of dignity (*al-karamah*), affirming the absence of a hierarchical notion of dignity based on status within Islam. In contrast to divergent viewpoints, the idea of dignity has been conceptualized as a universal bedrock applicable to all individuals since the inception of Islam. Al-Bābertī, a Hanafi jurist, underscores dignity as a profound divine gift bestowed upon humanity (al-Bābertī 2007:111/393). Consequently, this inherent value, bestowed upon believers and all humankind, is deemed the quintessential attribute of human existence. Furthermore, within Islamic discourse, the concept of dignity represents a value so intrinsic to human essence that it remains immutable and beyond voluntary relinquishment or transference. As al-Bābertī asserts, only divine decree can relinquish dignity inherently conferred by God. Given its intimate connection to human character and intrinsic worth, human dignity remains impervious to voluntary surrender or transfer by individual volition.

In Islamic discourse, the notion of dignity bestowed upon individuals solely by their humanity provokes inquiry into whether believers, non-believers, or hypocrites possess equal dignity. While religious faith may confer distinct status upon individuals, the inherent dignity derived from human existence is a unifying principle across all humanity. Despite the potential for individuals to regress below even the status of animals due to their evil actions, Islam upholds the inherent sanctity and honor accorded to human beings by mere virtue of their humanity. This principle is underscored by the prohibition of disrespect towards the deceased, irrespective of their religious affiliation, as evidenced by historical events such as the Battle of *Uhud*. Notably, Prophet Muhammad (peace be upon him) expressly forbade any inhumane treatment of the deceased, even those who were polytheists, thereby reflecting Islam's profound reverence for human dignity (Muslim 2000:Jihad wa al-Siyar, 3). In addition, in another incident, the Prophet stood up at a funeral passing by him and paid respects to the dead. When he was told that the dead were not Muslim, he said: "isn't it a human life?" teaching the companions to respect

“human life” (Muslim 2000:Jana’iz, 81). The actions of the Prophet Muhammad (Pbuh) exemplify that human dignity is an inherent attribute bestowed upon individuals solely by their humanity, independent of any specific qualities or characteristics. Consequently, believers and non-believers possess an equal share of this intrinsic dignity.

Apart from the concept of *karamah*, another essential term connected with human dignity is *’ismah* (Şentürk 2019). The word *’ismah* defines how a person should be treated, as in the concept of honor. In other words, the most important feature of *’ismah* is that it protects a human from all kinds of unfair interference, as in human dignity, and is directly related to being a human. For this reason, a person cannot transfer or give up the quality of *’ismah*. Al-Sarakhsī, one of the most important scholars of the eleventh century (d. 483/1090), emphasized this issue, saying that “God has made the human being inviolable so that he may have reason and be competent in the requirements of the rights of God” (al-Sarakhsī 1954:II/334). In Islam, the principle of human responsibility in worship is intricately linked to the fundamental concept of the inviolability of the right to life. This connection arises from the understanding that for an individual entrusted with observing religious duties and prohibitions, the fulfillment of these obligations hinges upon safeguarding their fundamental rights, including the right to life, intellect, property, lineage, and honor. Protecting these rights lays the necessary groundwork for individuals to discharge their religious duties effectively.

In Islamic legal philosophy, human dignity is expressed through the terms *karamah* and *’ismah*. These concepts often serve as pivotal arguments in discussions concerning Islamic jurisprudence, particularly when grappling with jurisprudential issues. Human dignity emerges as a critical factor in analyzing various jurisprudential dilemmas, including but not limited to the legality of contracts involving the sale of human organs or tissues, matters related to funerary rites, and the principles guiding punitive measures in criminal law. In the subsequent discussion, I will detail some of these significant issues.

3 Some Exemplary Issues Related to Human Dignity

Until now, the theoretical framework regarding this matter has been established by elucidating the fundamental concepts of human dignity, their definitions, and the interpretive methodologies applied. Subsequently, the forthcoming section will pivot toward the pragmatic dimensions of the discourse, prioritizing practical implications over theoretical explanation.

Furthermore, it is imperative to underscore the significance of the examples provided in this section, as they are crucial for a comprehensive understanding of the subject matter from the perspective of Islamic jurisprudence. These examples will serve as critical illustrations, elucidating practical applications and shedding light on the nuanced intricacies inherent in the discourse surrounding human dignity within the framework of Islamic law.

3.1 *Human Organs Being the Subject of Sale Contracts*

In the intricate tapestry of Islamic jurisprudence, discussions on human dignity are significant, resonating across various legal contexts and ethical considerations. One such critical juncture where human dignity intersects with legal discourse is the contentious issue of including any fragment of the human body within the purview of a sales contract. Islamic jurists have long deliberated upon this matter, drawing upon foundational principles to uphold the sanctity of human dignity (al-Sarakhsī 1403/1982:xv/82–83).

Within this broader conversation, the principles of Islamic law are invoked to affirm the inviolability of human dignity, emphasizing that no part of the human body should be subject to commercial transactions (Ibn al-Humam 1970:v/203; Ibn Nujaim 2002:vi/133). This stance, rooted in the inherent worth and sanctity accorded to human life, underscores the profound ethical implications associated with the commodification of body parts. Such transactions are deemed degrading and fundamentally at odds with the core tenets of Islamic ethics, which prioritize the preservation of human dignity above all else (al-Bābertī 2007:iii/585–587).

Moreover, scholars like al-Bābertī underscore that the act of commodifying body parts constitutes a betrayal of humanity itself, an affront to the divine honor bestowed upon individuals by their Creator. This perspective reinforces that human dignity transcends material considerations, encompassing broader moral and ethical imperatives that resonate deeply within Islamic legal philosophy. Thus, the prohibition against the sale of human body parts is a testament to the enduring commitment within Islamic jurisprudence to uphold the intrinsic dignity of every individual, irrespective of circumstance or condition (al-Bābertī 2007:iii/585–587).

In Islamic jurisprudence, the prohibition against the sale of human hair finds its rationale in the overarching principle of safeguarding human dignity – a cornerstone of ethical and legal discourse within Islamic thought. This prohibition, echoed by Muhammad bin Hasan al-Shaibani (d.189/805), a distinguished Muslim jurist and key student of Abu Hanifa, underscores the intrinsic value accorded to human life and its attendant dignity (al-Laknawī 1986:329).

By refraining from commercializing human hair or utilizing bodily remains posthumously, Islamic jurisprudence reaffirms its commitment to upholding the sanctity of human dignity, even in matters seemingly peripheral to traditional legal frameworks (Buhūti 1982:1/57).

Central to this prohibition is the recognition that human dignity transcends material considerations, encompassing broader ethical imperatives that underscore the inherent worth of every individual. The act of commodifying human hair or exploiting bodily remains posthumously is thus viewed as antithetical to the foundational principles of Islamic ethics, which prioritize the preservation of human dignity above all else. This perspective reflects a deep-seated commitment within Islamic legal philosophy to safeguarding the inherent dignity of every human, regardless of circumstance or condition.

According to Islamic jurisprudence, human dignity transcends religious boundaries, emphasizing equal rights and protections for all individuals, regardless of their religious affiliation. This egalitarian stance underscores the universal applicability of human dignity, affirming its intrinsic value irrespective of religious identity. As elucidated by al-Sarakhsī (al-Sarakhsī 1403/1982: XV/82–83), commodifying a free human through contractual arrangements constitutes a grave affront to their inherent worth, resulting in their devaluation and objectification within economic transactions.

In essence, Islamic legal philosophy maintains that human dignity is an inalienable right inherent to every individual, irrespective of religious beliefs. This principled stance reflects a broader commitment to upholding universal ethical values that transcend religious, cultural, or social distinctions. By refraining from religiously based distinctions in matters about human dignity, Islamic jurisprudence underscores the universal applicability of ethical principles grounded in the sanctity of human life.

In conclusion, the human dignity principle in Islamic jurisprudence is a cornerstone of ethical and legal discourse, emphasizing all individuals' inherent worth and equality before the law. By upholding the sanctity of human life and dignity as universal values, irrespective of religious affiliation, Islamic legal philosophy reaffirms its commitment to fostering a just and equitable society. In doing so, it provides a framework for addressing contemporary ethical challenges and offers enduring insights into the timeless principles underpinning Islamic ethics.

Contemporary Muslim jurists generally do not accept the sale of any part of a human because it harms human dignity. The most important reason for their negative approach to this issue is that they oppose the transformation of a human into an "object." When any part of the human becomes an object

of a sale contract, it degrades the status of a human into an object. It removes the characteristic distinguishing the human from other living beings. It is also important to note that, although the majority of contemporary Sunni Muslim scholars oppose the sale of organs, they endorse organ donation. They assert that the discussions in the works of classical scholars pertain to the commodification of organs and receiving monetary compensation in exchange. However, when it comes to saving another person's life without expecting any compensation, it is argued that organ donation is permissible. With such a disposition, a human being is degraded into a simple object, and by ignoring the values that he/she constitutes as a human being, their objective quality is denigrated. As mentioned earlier, dignity is a critical quality which distinguishes humans from others. A human should pay attention and act accordingly to avoid losing their distinctive characteristics.

3.2 *Dignity of the Dead Body*

Human dignity, an inherent quality intrinsic to the human condition, transcends the temporal boundaries of life, extending its significance beyond mortal existence into the realms of death and beyond. As illuminated by the teachings of the Prophet Muhammad (peace be upon him), the sanctity of dignity is unequivocally affirmed, irrespective of the transition from life to death. Prophet Muhammad's directives underscore the imperative of honoring the deceased, emphasizing the equality of reverence accorded to both Muslims and non-Muslims alike (Abū Dāwūd, *Janaiz*, 60). This profound reverence for human dignity extends beyond mortality, finding expression in the rich tapestry of scholarly discourse concerning the posthumous treatment of human remains. Classical works within Islamic jurisprudence engage in extensive deliberation regarding the ethical implications of utilizing human body parts even after death, echoing the enduring sanctity attributed to human dignity beyond the confines of earthly life (al-Ansarī 2001:1/27; al-Bujeirīmī: 1978 1/90; al-Rāfi'ī 1997:1v/31). The perpetual nature of dignity, evident in life and beyond, receives explicit validation from Maliki scholar Muhammad bin Muhammad al-Ilish (d. 1299/1882). He asserts that individuals, regardless of their religious affiliation, merit respect in both life and death – a viewpoint widely shared within Islamic scholarship (Muhammad Ilish 1984:1/50).

Funeral protocols serve as crucial illustrations of individuals retaining their dignity even after death. According to Muslim jurists, consideration of the washing, shrouding, and burial of the dead as an obligation and carrying it on the shoulders instead of an animal or a vehicle is related to human dignity. It is especially noteworthy that Muslim jurists stated that the coffin should not

be carried on an animal. For example, al-Kasānī, a prominent scholar sees it as a betrayal of human dignity to have human bodies on borne on animal backs like objects, even if they are dead. According to him, even if it is a child, the coffin must necessarily be carried on the shoulders. Even in cases where it is necessary due to distance, people should sit on an animal and hold the coffin on their shoulders (al-Kasānī 1998:iv/338). Although there is such an approach in classical literature, no detriment has been understood by modern scholars in the transport of funerals on a vehicle due to necessity, and this has not been considered a violation of human dignity.

3.3 *Protection of Dignity in Islamic Criminal Law*

Regulations safeguarding human dignity can be discerned within Islamic jurisprudence, particularly in the realm of criminal law. The richness of its content often warrants separate scholarly investigation, distinguishing Islamic criminal law as a notable field of study. The observance of human dignity has a significant share in the prohibition of drinking alcohol, adultery, and manslaughter. It is forbidden to harm a human's life, property, intellect, and dignity or even to engage in any humiliating behavior towards a human. Playing with human dignity and honor is considered one of the heaviest transgressions of rights, as it causes havoc that leaves deep scars in the human soul. This issue is clearly stated in both the verses and the hadiths. For example, in the Quran it says that "O believers! Do not let some 'men' ridicule others, they may be better than them, nor let 'some' women ridicule other women, they may be better than them. Do not defame one another, nor call each other by offensive nicknames. How evil it is to act rebelliously after having faith! And whoever does not repent, it is they who are the 'true' wrongdoers." (Hujrat 49/11; For more information see: Mutaffifin 83/29–36; Humazah 104/1; Muslim, "Birr," 32).

The regulations related to protecting human dignity include several important principles. These principles emphasize the base of *original innocence*² and the prohibition of torture or any humiliating treatment. They also ensure that prisoners are not subjected to punishment beyond what they deserve and prohibit methods like *musla* (torture and other forms of bodily harm). Additionally, sentences may be postponed for individuals with valid excuses, such as illness or pregnancy. In cases of uncertainty, penalties are reduced, and

2 In Islam, the concept of original innocence, refers to the innate state of purity and goodness with which every human being is born. It is believed that Allah creates each individual in a state of fitrah, free from sin and with an inherent inclination towards goodness and righteousness. This concept emphasizes the natural disposition of humans to recognize and adhere to moral values and ethical principles. Islam encourages believers to seek guidance from the teachings of the faith to maintain and nurture their fitrah, enabling them to lead virtuous lives in accordance with the will of Allah.

in some instances, the concealment of certain crimes is recommended (for more information, see Sabri Erturhan 2013; Saffet Köse 2013).

Furthermore, within the realm of Islamic criminal law, there exists a steadfast prohibition against practices that violate human dignity. This encompasses a range of measures, including the meticulous avoidance of targeting the face and vital organs during the execution of punitive measures such as lashing, as well as the categorical proscription of barbaric acts like eye gouging, skin flaying, or casting individuals into wells or before predators (for more information, see Abd al-Qādir Udeh 1977:1–11). Indeed, the legal framework surrounding criminal proceedings underscores a profound reverence for human dignity, ensuring that individuals accused of crimes are shielded from any treatment that might impugn their honor until proven guilty. The safeguarding of dignity extends to every facet of the legal process, with protocols designed to tilt in favor of the accused in cases of ambiguity, the prohibition against coerced confessions, and the provision of rights such as self-defense and the appointment of a trustee. Moreover, allegations impinging upon human honor lacking substantial evidence incur punitive measures for slander, encompassing both tangible and intangible repercussions.

4 Conclusion

Throughout Islamic history, the principle of universal human dignity has remained steadfast, reflecting an ethos that transcends temporal and cultural boundaries. From the early epochs of Islamic jurisprudence, a plethora of terms such as *karamah*, *‘ismah*, and *hurmah* have been invoked to articulate this foundational concept. This inherent dignity, bestowed by the Divine, is inextricably linked to the concept of *al-adamiyah* – the shared lineage of humanity traced back to Adam – and is regarded as a divine grace beyond the purview of human discretion or transfer.

In Islamic jurisprudence, human dignity extends beyond theoretical discourse to inform practical considerations of ethical conduct. Central to this discourse is the *‘ismah* theory, which espouses protecting fundamental human values – life, property, chastity, lineage, and intellect – from unjust encroachments. Indeed, preserving human dignity is woven into the fabric of Islamic legal thought, finding expression in diverse Islamic jurisprudence issues ranging from contractual agreements to social justice, criminal law, and ethical conduct in both public and private spheres.

Human dignity affirms the intrinsic worth and sanctity of every individual, unequivocally rejecting any notion that reduces humans to mere objects or means to an end. As articulated in the hadith tradition, human dignity

transcends corporeal boundaries, persisting beyond death to safeguard the honor and integrity of the individual. To violate this sanctity, whether in life or death, is to assail the essence of human existence and undermine the foundational principle of human dignity – the common thread that unites humanity in its shared pursuit of honor and reverence.

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Resumen

El tema de la dignidad es fundamental no solo en cuestiones relacionadas con la mortalidad, sino también en los diversos hitos críticos desde el momento del nacimiento del ser humano. Requiere un análisis interdisciplinario y holístico que tome en cuenta sus dimensiones religiosas, filosóficas, morales y legales. Este artículo pretende contribuir al tema mediante la evaluación del concepto de dignidad humana desde una perspectiva legal islámica.

No se tratan ampliamente los puntos de vista modernos, ya que el propósito es presentar enfoques clásicos que han influido en planteamientos actuales en lugar de abordar directamente las discusiones contemporáneas. El objetivo es explorar cómo el concepto de dignidad humana se refleja en las acciones humanas en particular, y son transmitidas adecuadamente en los textos legales islámicos. Además, el artículo examina las expresiones prácticas de esta teoría a partir de ejemplos concretos.

摘要

尊严问题不仅在涉及生死的问题上具有关键作用，而且在人类出生之初的各个重要领域中也至关重要。它需要从宗教、哲学、道德和法律等多方面进行跨学科和整体性的审视。本文旨在通过评估伊斯兰法律视角下的人类尊严概念，为相关讨论作出贡献。但并未对现代观点作广泛探讨，因为本文的目的是呈现那些影响当前辩论的经典方法，而非直接进行当代讨论。我们旨在探讨人类尊严的概念如何反映在人类行为中，特别是通过伊斯兰法律文本才能充分表达的行为。此外，本文还通过具体例子探讨了该理论的实际体现。