

An Islamic Approach to Human Rights Human Dignity as a Shariah Objective

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Abstract

This lecture presents an attempt to analyze the concept of human dignity, which is the basis of human rights. Dignity is an objective that humanity strives to fulfil through a legal approach, but Islam could contribute a more comprehensive and objective-oriented conception. I present briefly shortcomings with the current streams of Islamic thought; disciplinary, critical, legal, purposefulness, and reformist, followed by a critique of the mainstream secular theory of dignity and related rights theories. Secular theories are legalistic, minimalistic, disconnected from responsibilities and sanctions, and unrelated to faith and God. An outline of an objective-based methodology is presented, in which dignity is conceptualized based on a number of related objectives, concepts, groups, universal laws, values, proofs and commands - all read in the Quran and the Prophetic tradition. The best approach to better the situation of human dignity, according to this methodology, is to deal with contemporary phenomena that compromise it in any of its dimensions.

Problems with the current Islamic approaches

There is a dire need for a new and comprehensive Islamic approach due to the following problems with the status quo schools:

1. **Disciplinary approaches** consider human dignity under an academic discipline such as law, economics, politics or psychology. The philosophical and theoretical basis of these disciplines, from an Islamic point of view, are fragmented and materially driven. The “Islamization” attempts produce Islamic human rights charters that apologetically Islamize the outlook and the wordings and do not question their epistemological basis.
2. **Deconstructionist approaches** build on the current postmodern critical theories, rather than the Quranic critical theories. Historicism, post-structuralism, feminism, neo-orientalism are dominant streams in academia, including Islamic studies, and they

render the Quranic concepts to be “cultural products” of the interplay between knowledge and power. They often conclude the superiority of the secular human dignity theory over the Quranic theory.

3. **Legalistic approaches** do not differentiate between Shariah (divine guidance) and Fiqh (ethics/law), nor between fiqh and the history of fiqh. They consider the opinions of the inherited schools of Islamic law to be proof in their own rights. This is problematic in case of human dignity, since the inherited fiqh has been influenced by the tyrannical systems of governance and scholarship.
4. **The purposefulness (maqasid) contemporary school** of Islamic jurisprudence suffered from rigidity over the inherited historical theories of objectives, despite their inadequacy to address contemporary challenges. This is due to the old theories’ extreme generality and stemming out of the inherited fiqh roots and not the Quranic objectives and purposes. The historical preservation of honour (‘ird) concept is not as comprehensive as the Quranic concept of dignity (karamah), as we will show.
5. **Reformist Islamic views** have been wrongly dividing fields of knowledge into “Islamic/religious” and “professional/secular”, and therefore approach professional issues in a positivist way. Some reformists overcome this secular division, but deal with Islam only in the spiritual, historical or ethical dimension. Other reformists called for a dialogue between the scholars of text and context, despite the absence of a common language or methodology, and despite the basing of context merely on positivism and text merely on jurisprudence.

Methodological critique of secular human dignity theories

This critique, to start with, does not negate the academic and practical achievements of the current human dignity theories and charters. Yet, our objective here is to illustrate the Islamic theory and highlight its potential contribution, since it is different from the secular theory in the following regards.

1. Contrary to Islam, secular human dignity theory abstracts it in a theory of rights, and thus deals with in the realm of constitutions, laws and charters. Any related political, economic, environmental, cultural rights, etc., are considered “third generation theories” or “green theories”, and are left to the local legislators and are not “universal”.
2. Contrary to Islam, secular human dignity theory is a minimalist theory, and therefore protects humans at the minimum level of avoiding murder, torture, etc. However, it

does not consider the higher levels of developing and enriching the human life to be part of human dignity or rights theories. These are left to the fields of “development”, which are measured according to certain economic and political interests, as is well known.

3. Contrary to Islam, secular human dignity theory is not tied to particular well-defined sanctions and punishments for breaking it, and therefore left to the politics of United Nations and its security council, which uses many ethical standards and not one - as is well known.
4. Contrary to Islam, secular human dignity theory is not addressing the future generations, and therefore considers future generation considerations under “progressive” theories that are not part of mainstream theories and charters.
5. Contrary to Islam, secular human dignity theory is not related to faith, any faith, and therefore does not allow religions - Islam in our case - to contribute to the cause of dignity. There is a confusion between the concept of “freedom of faith” and “faith” itself. The Quranic concept, on the other hand, does guarantee a minimum level of dignity to every human, regardless of their faith, yet it allows humans to increase in dignity through increasing in faith, good manners and good deeds.

Towards a comprehensive Islamic theory of human dignity

The Maqasid Approach is an objective-oriented methodology that the Maqasid Institute developed through a network of researchers in different countries. It is a comprehensive approach in analyzing all of the Quran and prophetic traditions to discover all dimensions of human dignity. The following is an outline of the methodology:

1. The objectives of studying dignity would be to achieve the following objectives: reach objectives, correct concepts, identify groups, achieve coherence with universal laws, follow values, establish proofs and abide by commands - all as defined in the revealed knowledge.
2. Reading the Quran through “cycles of reflection”, while attempting to answer a number of methodological questions related to the following fundamentals: objectives, concepts, groups, universal laws, values, proofs and commands.
3. Reading the narrations of the Prophetic traditions as illustrations of the Quranic message and fundamentals. This allows us to filter out odd narrations that are not compatible with the Quranic and Prophetic conceptualization of human dignity.

4. In conceptualizing a theory of human dignity, and according to the cycles of reflection, we shall avoid the mistakes of: blind following, partitioning, misinterpretation, mythologization, materialism and forsaking the Quran. These faults are mentioned, albeit briefly, in order to avoid the methodological problems we mentioned above.
5. The methodology lead us to conceptualize human dignity based on a number of related objectives, concepts, groups, universal laws, values, proofs and commands - all read in the Quran and the Prophetic tradition.
6. And the best approach to better the situation of human dignity, according to this methodology, is to deal with contemporary phenomena that compromise its in any of its dimensions, such as: lack of faith, murder, wars, poverty, monopoly, tyranny, drugs, racism, environmental crisis, Islamophobia, and new technologies that compromise human dignity in any way.

The following figure offers an outline of the sub-network of principles around the theory of human dignity in Islam.

Hoping for a better state of human dignity

Human dignity is beyond a theory of rights, and related political, economic, environmental, cultural rights have to be included in the universal theory. Human dignity is not a minimal protection theory, but rather aspires to the higher levels of developing and enriching human life, including - according to the Islamic theory - healthy life, adequate residence, facilitated transportation, means for marriage, and guarantees for security and dignified dealings. Human dignity is tied to particular and well-defined sanctions and punishments for breaking its components, and these should be part of every law. Human dignity is for future generations as much as it is for this generation, and we have to leave earth for them in the best balance we can. And finally, human dignity - according to the Islamic theory - is indeed tied to faith, and humans are asked to increase in dignity through faith in God and doing good deeds.

It is through the cooperation of the human race in dealing with the phenomena mentioned above, while aiming at achieving the objectives mentioned above - would we be able to raise the level of human dignity in today's world.

“Now, indeed, We have conferred dignity on the children of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and favoured them far above most of Our creation”. Quran (17:70)

