

A Comparative Analysis of the Concept of the "Right to Social Dignity" in Islamic Jurisprudence and Theories of Social Justice

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Background and Research Problem

In contemporary societies, social justice is recognized as a fundamental issue within legal, political, and ethical systems. Among these concerns, the concept of "social dignity" — as a core dimension of human dignity — plays a pivotal role in the quality of individual life, social cohesion, and the legitimacy of public institutions. Unlike human dignity, which is regarded as inherent, immutable, and inalienable, social dignity possesses a social, relative, and context-dependent nature, shaped by cultural frameworks, institutional structures, and power relations. Despite the significance of this concept within two major intellectual traditions — namely Islamic jurisprudence (fiqh) as the primary source of legislation and social ethics in Muslim societies, and modern theories of social justice (particularly within liberal, social-democratic, and critical traditions) — there exists a notable research lacuna in comparative studies between these two intellectual systems. Most existing scholarship either examines Islamic jurisprudence in a unidimensional manner or remains confined within Western theoretical frameworks, without establishing an analytical connection between the two approaches. This gap is particularly palpable and consequential in Iran's academic context, which is simultaneously informed by a rich jurisprudential heritage and confronted with modern social justice challenges such as class disparities, structural discriminations, and identity crises.

Research Questions and Hypotheses

The principal research question is: What are the foundations, conceptual structure, and practical implications of the "right to social dignity" within the two intellectual frameworks of Islamic jurisprudence and theories of social justice, and what is the relationship between them? The subsidiary research questions include: elucidating the concept and nature of the right to social dignity in Islamic jurisprudence; analyzing the position of this concept within theories of social justice; identifying points of convergence and divergence between the two approaches in terms of

foundations, the origin of the right, and enforcement mechanisms; and assessing the feasibility of integrating these two approaches in formulating a more comprehensive legal system for Muslim societies. In response to these questions, three main hypotheses are proposed: First, Islamic jurisprudence, relying on the inherent and divine dignity of human beings, defines social dignity as a fixed, divine right grounded in reciprocal obligations between the individual and society, whereas theories of social justice regard dignity as relative, historical, and dependent upon social structures, resource distribution, and cultural recognition. Second, despite fundamental differences in epistemological and anthropological foundations, both systems converge on the shared goal of preserving human inviolability and preventing humiliation. Third, the integration of ethical-jurisprudential norms with the institutional mechanisms of justice theories can offer an effective and indigenous model for achieving structural justice in Muslim societies.

Research Objectives

The general objective of this research is to conduct a comparative study of the concept of the "right to social dignity" within the two intellectual frameworks of Islamic jurisprudence and theories of social justice, and to propose an integrative model for the preservation and enhancement of social dignity in Muslim societies. The specific objectives are: elucidating the concept, nature, and individual, ethical, and social dimensions of social dignity in Islamic jurisprudence, drawing upon authoritative Shi'a and Sunni sources; analyzing and explicating the position of social dignity in contemporary theories of social justice; identifying and comparing the anthropological and teleological foundations and the origin of the right in the two approaches; discovering points of convergence and divergence in the social and legal functions of the right to social dignity; and offering practical strategies for integrating the capacities of Islamic jurisprudence and theories of justice within legal systems, policymaking, education, media, and judicial processes.

Research Methodology

This research employs a descriptive-analytical method with a comparative approach. In the Islamic jurisprudence segment, authoritative Shi'a and Sunni sources were examined, including Qur'anic exegeses (particularly *Al-Mizan* by 'Allamah Tabataba'i), hadith collections (*Wasā'il al-Shī'a*, *Bihār al-Anwār*, *Mustadrak al-Wasā'il*), jurisprudential maxims (the rule of *lā ḍarar* [no harm], the rule of the

sanctity of the believer), and the fatwas of contemporary jurists such as Imam Khomeini, Ayatollah Sistani, Ayatollah Subhani, and Ayatollah Shahroudi. Additionally, the works of Islamic thinkers including Murtada Mutahhari, Ayatollah Javadi Amoli, Martyr Muhammad Baqir al-Sadr, and 'Allamah Tabataba'i were utilized. In the section on theories of social justice, the views of four prominent thinkers were analyzed: John Rawls (justice as fairness and the basic structure of society), Nancy Fraser (three-dimensional justice encompassing distribution, recognition, and participation), Axel Honneth (the theory of the struggle for recognition at three levels: love, rights, and solidarity), and Amartya Sen (the capabilities approach and quality of life indicators). For data analysis, qualitative content analysis and systematic comparison based on the framework of comparative theories in the philosophy of law and social ethics were employed. The comparison was conducted at three levels: anthropological and teleological foundations; the origin and nature of the right; and social and legal functions and enforcement mechanisms.

Findings and Results

The findings indicate that Islamic jurisprudence, emphasizing the inherent dignity of the human being and the principle of the "sanctity of the believer" (*ḥurmat al-mu'min*), regards social dignity as a divine, fixed, and inalienable right, the preservation of which is incumbent upon both the individual and society through ethical and legal obligations. Within this framework, social dignity derives from divine will and the inherent dignity of the human being, and its protection constitutes a religious duty (*taklīf*). Maxims such as the prohibition of backbiting (*ghība*), the obligation of concealment (*satr*), the prohibition of exposing faults, the forbiddance of insult, the rule of *lā ḍarar*, and the rule of *ḥurmat al-muslim* are regarded as foundational principles prohibiting harm to the honor and reputation of the believer. In Islamic political jurisprudence, the preservation of human dignity is enumerated among the duties of the Islamic ruler; as exemplified in the letter of Imam 'Ali (peace be upon him) to Malik al-Ashtar, which emphasizes the observance of individuals' social standing, particularly among the vulnerable classes. Conversely, theories of social justice conceive social dignity as a relative matter arising from social structures, resource distribution, cultural recognition, and equality of opportunities, viewing its realization as contingent upon legal institutions and public policies. In Rawls's theory, social dignity is analyzed within the framework of fair equality of opportunity and justice-oriented institutional structures. Fraser, with her three-dimensional theory of justice, posits social dignity alongside distribution and recognition as a pillar of justice, maintaining that deprivation of social dignity stems

not only from economic poverty but also from cultural misrecognition and symbolic discrimination. The comparative results demonstrate that, in anthropological foundations, Islamic jurisprudence emphasizes inherent and divine human dignity, whereas theories of justice, Rawls emphasizing autonomy and rationality, Fraser emphasizing the social nature of the human being, and Honneth emphasizing mutual interdependence and the need for social recognition — offer differing perspectives. Regarding the origin of the right, Islamic jurisprudence derives right from divine will and the system of divine legislation (*tashrī'*), while theories of justice consider it either the product of rational contract (Rawls), social and historical structures (Fraser), or human ethical and psychological needs.

Conclusion

The research concludes that the integration of the ethical and divine elements of Islamic jurisprudence with the institutional mechanisms of modern theories can facilitate the formulation of a more comprehensive legal system in Muslim societies — one that remains faithful to human dignity while attending to structural justice. This integration, particularly in societies that are both committed to religious tradition and confronted with modern justice challenges, can offer sustainable, indigenous, and ethics-oriented solutions. At the practical level, proposed strategies include: developing indicators for measuring citizen dignity and status in public policymaking; revising criminal, employment, and welfare laws with the aim of preventing discriminatory practices; incorporating education on mutual respect and citizenship rights into school and university curricula; drafting a media code of ethics based on the prohibition of humiliation and stigmatization; and strengthening the observance of the dignity of defendants, witnesses, and victims in judicial proceedings. The implementation of these strategies can serve as a basis for redesigning social institutions, reforming legal procedures, and developing theories of justice within religious and civil contexts such that social dignity is transformed from an abstract concept into a concrete criterion for measuring justice and legitimacy. Ultimately, social dignity should be regarded not merely as a theoretical concept, but as a practical principle in the design of public policies, legislation, education, media, and adjudication. The preservation of human inviolability is a precondition for the legitimacy of any legal and ethical system, and justice is realized only when no one within the social structure is deprived of public respect.

Keywords:

Social Dignity, Islamic Jurisprudence, Social Justice, Human Dignity, Fundamental Rights, Theories of Justice