

“The Indefensibility of the Jurisprudential Theory of Disrespecting the Opposite Opinion in the Imami Jurisprudence with Emphasis on the Dignity-based Teachings of Islamic Human Rights”

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Abstract

In recent centuries, a theory has emerged among some Imami jurists that some Shari'a rulings are based on the principle of lack of immunity and lack of respect for the beliefs of religious dissenters (non-Shi'ites), which is interpreted in jurisprudential literature as “opposite.” This theory, however, contradicts the teachings of Islamic human rights and presents a repellent, inhumane image of the Imami school. The need to re-read the alleged evidence is therefore doubled. Given the paramount importance of this issue, the present research adopts a descriptive and analytical method, utilizing library resources to scrutinize the arguments presented by these jurists. After explaining and analyzing their evidence, the study concludes that the claimed argumentations lack the necessary jurisprudential validity and are insufficient to substantiate such a viewpoint; therefore, the requirement of the basic rules is the need to respect and protect the honor and dignity of all Sharia people, and any violation from this first principle will require a valid shar'i statement and reason.

Keywords: Respect, Opponent, Islamic human rights, Imami jurisprudence.

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