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### ROLE OF RELIGION IN UNDERSTANDING NORMS AND VALUES

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#### ABSTRACT

*Islam distinguishes itself from other religions, ideologies and worldviews by its absolute and universal norms. These norms and values not only provide legal safeguards, but also a very effective moral system. Islamic values are next to the nature of man, and are complimentary to his moral and spiritual evolution. The fundamental Islamic norms and values provide effectiveness and solidarity to the community, establishment and development; the values and philosophy stipulate a particular social constitution and interpersonal associations; taking temperance, restraint, harmony, serenity and equanimity as its fundamental principle as against hostility, antagonism and vengeance. Muslim thinkers developed different views regarding the role of religion (Islam) in society. The religious modernists advocate the modernization of society and restrict the application of religion to private sphere of life, i.e. they tend to separate the religion and state, while others advocate the application of norms of religion as contained in religious law to all aspects of life, in particular social and public life. They want to base the actions on norms contained in Shariah (Islamic Law) with direct reference to the Quran and Sunnah. Islamic approach for the establishment of peace and welfare of humanity emphasize on --the establishment of social peace, moderation and snubbing all destructive activities and permitting only the positive actions.*

#### INTRODUCTION

The globalization of norms and values has been the focus of continuous debates internationally. The scholars and proponents of each religion stress on the input of their religious, political and social values to be contributed and replace the existing values and norms. The most likely part of Islam in the context of contemporary norms and values is to be comprised of an illustration of the fundamental Islamic values which provides effectiveness and solidarity to the community, establishment and development; the values and philosophy stipulate a particular social constitution and interpersonal associations; taking temperance, restraint, harmony, serenity and equanimity as its fundamental values as against hostility, antagonism and vengeance. Apart from the damaging exposure around Islam and everything, one has to take practical steps for harmonization so as to ascertain synchronization.<sup>3</sup>

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Religion does not change because a legal set of norms change. To see who believes that *Shariat* disappears with the amendment of a set of legal norms are on a dangerous path as change is one of the characteristic of *Shariat*. In the past we regarded a certain act as contrary to Divine will and, now a days, we donot, but all at once both claims equally preserve the spirit of religion (Abd al Karim Surush 1996a:68).<sup>4</sup>

### **The Frame Work of Islamic Values**

Values are those concepts and ideals which move individual and collective behavior of man in the transactions of life. Islamic values are next to the nature of man, and are complimentary to his moral and spiritual evolution. That which blocks this path or acts as a hurdle is considered as an un-Islamic value: these are ill-assorted to human nature-they originate in ignorance and ego; arrogance and eccentricity of man; and are the source of all misdemeanor of humanity.<sup>5</sup>

### **Fundamental Values for All Human beings**

The value system of Islam is immutable and does not tolerate change over time for the simple fact that human nature does not change. The basic values and needs are classified hierarchically into three levels: (1) necessities (*Zarūriyyāt*), (2) convenience (*Gājiyyāt*), and (3) refinements (*Kamāliyyāt*=*Tehsīniyyāt*). In Islamic legal theory (*Ulm al-fiqh*) the general aim of legislation is to realize values through protecting and guaranteeing their necessities (*al-Zarūriyyāt*) as well as stressing their importance (*al-Hājiyyāt*) and their refinements (*Tehsīniyyāt*).<sup>6</sup>

The imperative values for mankind, that needs to be preserved according to Islam, are five. Islam advise to keep harmony, peace and tranquility by preserving these fundamental values even though how smallest or least possible for an adequate standard of life. The five fundamental values thus consist of capability for performance of ethical duty; security of life, acquisition of food, clothing and lodging, education, the right to work etc.<sup>7</sup> At the present stage, the right to earn does not mean the right to live in comfort or luxury. Islam urges on the provision of these fundamental values for the subsistence of human beings.<sup>8</sup> These values are to be provided, protected and respected by each state and individual.

### **Islamic Norms**

“Norm is a commanding rule or criterion by which an incident, tradition, custom or an act is judged and because of that it gets endorsement or condemnation. The standards of right and wrong, beauty and ugliness, and truth and falsehood are some of the paradigms of norms.”<sup>9</sup>

The system of ethical and juristic norms is called *Fiqh* and developed by Muslim scholars and judges from the eighteenth century of our era onwards. *Fiqh* is a system of rules and methods, and jurists regard it to be the normative interpretation of the revelation, the application of its principles and commands to the realm of human acts.<sup>10</sup>

Islam distinguishes itself from other religions, ideologies and worldviews by an extraordinary consciousness of norms it hold to have revealed. These norms are considered to be absolute and of universal validity, providing human thought and action an unconditional regulator. *Ulema* and *fuqaha* have implied certain rules of behavior, norms, towards the adherents of religion. These are

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3 Akgunduz, A. Norms and Values in Islam @ [www.uga.edu/islam/norms\\_values.html](http://www.uga.edu/islam/norms_values.html)

<sup>4</sup> Surush c.f. Ashk Dahlen, (2003) *Islamic law, Epistemology and Modernity: Legal Philosophy in Contemporary Iran*, Routledge. P.237

<sup>5</sup> Ziauddin Sardar, (1979) *The Future of Muslim Civilisation*, Taylor and Francis. P.35

<sup>6</sup> Akgunduz, A. *The Journal of Rotterdam Islamic and Social Sciences*, Vol. 1, No. 1, 2010, p. 9-32.

<sup>7</sup> Al-Allaf, Mashhad (2003) *Mirror of realization: God is a percept, the universe is a concept*, M. Al-Allaf, p. 83-85

<sup>8</sup> Asgharali Engineer, (2003) *On developing theology of peace in Islam*, Sterling Publishers, p. 177-179

<sup>9</sup> The Columbia Electronic Encyclopedia, [www.cc.columbia.edu/cu/cup/word/norm](http://www.cc.columbia.edu/cu/cup/word/norm).

<sup>10</sup> Mahdavi Kani Sadiqeh, (2009) *Non-Differentiation of Ethical Judgements and Juristic Judgements in regard to Obligation*, 11(1):73-102.

universal fundamental rights for humanity as a whole, which are to be observed and respected under all circumstances. These norms not only provide legal safeguards, but also a very effective moral system.

Islam has paid great attention to norms that protect basic values. All the Islamic norms relate to basic values categorized in four kinds of norms: 1) norms (rules) concerned with belief (I'tiqādiyyāt), 2) norms (rules) concerned with law (Amaliyyāt); 3) general legal norms (Qawā'id al-Kulliyya al-Fiqhiyya); 4) norms (rules) concerned with ethics (Wijdāniyyāt = Alāqiyyāt = Ādāb = social and moral norms).<sup>11</sup>

### Specific and Particular Norms

Muslim societies generally observe two kinds of norms and values. The first category includes the ones that are valid only within an Islamic community while other category includes those norms and values have been proclaimed explicitly to all humankind and are considered valid for all human beings.

The first category norms are more specific and particular in their essence and tend to have a particular nature. The latter, the more universal ones are addressed to all mankind so they have a generalized nature. The universal notions of Prophet Muhammad (S.A.W) in the Holy Quran are valid at the time of their revelation independent of the ways Islam developed historically. Later during the course of history, Islam further developed specific doctrines, norms and values that all Muslims should adhere to.

In modern times, the more universal norms, present in the meccan part of the Holy Quran are increasingly stressed as they are applicable and valid for all times. However, the specific and particular norms are bound to tradition oriented societies. The particular and specific norms regain importance with the revitalization of Islam, to implement them in Islamic societies.<sup>12</sup>

Professor Leon Buskens states in “An Islamic triangle: Changing relationships between *Shariah*, a State Law, and Local Customs” that “or comprehending the oddities in diverse legal structures, the sources of legal norms are to be recognized, i.e. religion, the state, and society. The society consists of social norms, i.e. local custom and the actions of social restructuring associations. Religion comprehensively includes traditional interpreters of religion, who pronounce the legality of act by the social order and by state, i.e. state actions including legislative acts. As for state, a central regime control the execution of consistent and appropriate legal norms, provides explanation to understand the frequently varying relations between the three spheres of influence.”<sup>13</sup>

### Definitive and In-definitive Norms

*Shariah*-based norms have different values: such norms are either definitive or indefinite. In defining Islamic *Shariah* principles, it is stated that definitive principles are Islamic norms that are not debatable with respect to either their source or their precise meaning. Such definitive norms must be applied. All other Islamic norms are indefinite in that they are susceptible to different interpretations and-because of their nature-changeable in response to the exigencies of time, place, and circumstances.

Such flexibility reflects not a defect, rather strength because it allows the principles to be adapted to changing realities and ensures their continued validity and elasticity. Only in the realm of Islamic indefinite norms may the legislature intervene to regulate matters of common concern and achieve

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<sup>11</sup> Akgunduz, A. *The Journal of Rotterdam Islamic and Social Sciences*, Vol. 1, No. 1, 2010, p. 9-32.

<sup>12</sup> Jacques Waardenburg, (2002) *Muslims and Others: Relations in Context*, de Gruyter. P. 69-75

<sup>13</sup> Buskens, L. (2000). *ISIM Newsletter*, p.8.

related interests. It must do so consistent with basic Islamic norms, the aim of which is preservation of religion, reason, honor, property and the body. The legislature might develop different practical solutions to satisfy variable societal needs. The bulk of Islamic indefinite norms are highly developed, intrinsically in harmony with changeable circumstances, repulsive of rigidity, and incompatible with absolute firmness.

So there has been an established distinction between definitive or peremptory provisions or norms of Islamic Law on one hand and its indefinite or non-peremptory provisions or norms on the other. So, all legislation must adhere to definitive or peremptory norms of Islamic Law. Where no such definitive norm exists, the legislature should adhere to the *Ijtihad* most favorable for the people, selected from among in definitive or non-peremptory norms of the Islamic Law.

Thus, *Ijtihad* governs the process of determining the best applicable rule within indefinite norms. *Ijtihad* within the non-peremptory provisions in Islamic Law is a process of reasoning to deduce practical rules to regulate the life of the people and achieve their interests. It should, therefore cope with the context of events prevailing at time. While the legislature might choose a specific interpretation at the basis of legislation, it cannot give that interpretation the status of binding doctrine, except on those who accept it. The court's jurisprudence is based on viewing such multiple possibilities as a sign of divine mercy that encourages Muslims to think and discuss, diminishing the possibility of human error. The existence of in definitive norms is also taken to ensure that the Islamic Law always develops and displays flexibility to accept *Ijtihad* for achieving public interest.

While invoking Islamic norms, therefore one must first search for authoritative norms and, if finding none, looks at *Ijtihad* that is consistent with the challenged legislation and achieving the interest of the people. Then the purpose of legislation is checked by the court and at the outset, it is determined that whether the challenged provision is consistent with the interest of the people and decides its constitutionality on the basis of this conclusion.

The definitive norms of Islamic Law are usually called "*al-nusus al-qat'iyyat al-dalala wa al-thubut*", which is an old terminology of *Fiqh* with its classical meaning and usage. This term refers to texts of *Shariah* sources (i.e. Quran and Sunnah) that are definitive and indisputable both in their meaning and in their authenticity. Such texts are beyond doubt. They must be historically accurate and authentic and have only one meaning.<sup>14</sup>

### **Constancy and Modification in Islam**

A civilization must, of necessity, pass through various phases of change and a process of absorption and diversification. Its strength and weakness will be judged by its ability or inability to adjust to a changing environment, yet preserve its original distinctiveness and limitations.

In its early phases, Islamic civilization came into contact with Greek, Roman, Persian, Indian and Chinese civilization. At each contact, Islamic civilization was able to filter the concepts and values of these civilizations, accepting and incorporating that which agreed with its fundamental principles and characteristics and rejecting that which was contradictory to its values and norms. It was thus able to derive benefits from these concepts and be radiant.

Similarly, contemporary Muslim society has to adjust to change and to understand Islam with reference to changed conditions of life. Islam being eternal; by adjusting to change, it means that the passage of time per se increases the knowledge of mankind. The new knowledge may bring scientific and technological changes in society; some may have far-reaching effects on the very


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<sup>14</sup> Brown, N. J. & Sherif, A. O. (2006). Inscripting the Islamic Shariah in Arab Constitutional Law In : Islamic Law and the Challenges of Modernity, Alta-Mira Press, USA, p. 55-79.

structure of society. Islam has to be re-understood in the light of new conditions of life; failure to adjust to this change results in progressive decline. The Muslim society would result retrogression if it fail to transform the theoretical civilization framework of Islam into an operational form. Yet, Islam not only recognizes change as real but also urges the Muslims to adjust to it.<sup>15</sup>

Islam appeals its followers to study the history of nations. This appeal has a dual purpose, first, it reinforces the belief in God, in His greatness and sovereignty and thus locates man's place in the universe. Secondly, by the study of rise and fall of nations, historical and social growth and decay, one can derive lessons for his own survival as Muslims. The Quran says:

وَكَمْ أَهْلَكْنَا مِنْ قَرْيَةٍ بَطَرَتْ مَعِيشَتَهَا فَبَلَكَ مَسْكِنُهُمْ  
لَمْ تُمْسِكْ مِنْ بَعْدِهِمْ إِلَّا قَلِيلًا وَكُنَّا نَحْنُ الْوَارِثِينَ



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*“and how many communities have we destroyed that were thankless for their means of livelihood and yonder are their dwellings which have not been inhabited after them save a little.”*

The problem then is how to separate the permanent from the temporary, the transient from the abiding. For righteousness cannot just be practiced by individuals in isolation. It has to be practiced in a growing and expanding society, so that the message of Islam is spread to humanity at large and does not remain the preserve of a few nations and groups.

Islam is a holistic system with fundamental framework-articles of faith, basic injunctions, patterns of norms and values-which do not admit any modification with time, and an underlying dynamic which requires understanding with the passage of time.<sup>17</sup>

The cardinal framework is eternal. Truth remains unchanged; but human conditions do not. It is the principles of Islam that are eternal; but not their space-time operationalization. The beloved prophet (صلى الله عليه وسلم) and the rightly guided caliphs varied the application of the principles of Islam as the circumstances changed, but always within the parameters of Islam. They had fully understood the spirits of Islam. Technological progress, for example, changes the material involvement of man's life. The progress of man's thought direct the attention of man to new planes of understanding the nature of cosmos and poses new questions. Increased material involvement, increased social communication, rapid pace of living and the new development of thought subject the individual personality to new apprehensions and call for renewed adjustments. These changes call for readjustment in organizational and administrative, social and economic, national and international patterns of human activity. The underlying dynamics of Islam must be re-understood with these changed physical conditions. When Muslim society will understand the underlying dynamics of Islam, it would have progressive advance; when their creativity and imagination will gave way to rigid formalism and rituals, internal conflict and power struggle, it would have progressive decline.<sup>18</sup>

<sup>15</sup> Ziauddin Sardar, (1979) The Future of Muslim Civilisation, Taylor and Francis. P. 41-49

<sup>16</sup> Al-Quran, Al Qasas, 28:58.

<sup>17</sup> John Obert Voll, (1994) Islam, Continuity and Change in the Modern World. Syracuse University Press. Syracuse, NY. P. 3

<sup>18</sup> Ziauddin S. (1979) The Future of Muslim Civilization, Leaper & Gard Limited, Bristol, Britain, p.41-51.

The concept of permanence and change according to ages and the relationship of laws revealed by divine being have been explained as

*'Sacred laws change according to the ages. Indeed, in one age different prophets may come, and they have come. Since subsequent to Islamic Law is sufficient for all peoples in every age, no need has remained for different laws. However, in secondary matters, the need for different schools has persisted to a degree. Just as clothes change with the change of the seasons and medicines change according to dispositions, so sacred laws change according to the ages, and their ordinances change according to the capacities of peoples. Because the secondary matters of the ordinances of the Islamic Law look to human circumstances; they come according to them, and are like medicine. At the early times, since social classes were far apart and men's characters were both somewhat coarse and violent, and their minds, primitive and close to nomadism, the laws at that time came all in different forms, appropriate to their conditions. There were even different prophets and laws in the same continent in the same century. If, like students of a school of higher education, the vast majority of mankind were clothed in the same sort of social life and attained the same level, then all the schools could be united.'* (Bediuzzaman, Said Nursi, The Words, 27th Letter).

### **Harmonizing Norms and Values and Islamic Approach**

The positive role of religion, specifically Islam cannot be ignored for the revitalization of moral principles having universal approach for the purpose of unification of humanity in achieving objectives of fairness, impartiality for all sections of society.

Islamic Law is a heterogeneous set of legal traditions which are accomplished by customs, society, people and their understanding of and interaction with it. Legal practices and theoretical formulations of norms shape each other in a dialectical fashion. The formulations are based on the interaction between two social practices – the rendering of judgments in courts and tribunals on the one hand, and formulating normative theory about Islam on the other.<sup>19</sup> So the jurists, in order to Islamic Law, take theoretical formulations into account and consider their sources, and the logic of their judgments, to provide new insights into judgments in various Muslim contexts.

Muslim thinkers developed different views regarding the role of religion (Islam) in society between two polar positions. The religious modernists advocate the modernization of society and restrict the application of religion to private sphere of life, i.e. they tend to separate the religion and state. At the other extreme are those thinkers who advocate the application of norms of religion as contained in religious law to all aspects of life, in particular social and public life. They want to base the actions on norms contained in *Shariah* (Islamic Law) with direct reference to the Quran and Sunnah. Apart from this 'modernist' and 'orthodox' approach, there are reformists who do not accept unconditionally all the external values (from West). Both the reformists and traditionalists are orthodox in belief and practice, but they retain their different interpretations of what constitutes orthodoxy.<sup>20</sup>

There is more interaction between people in the present age than in the earlier period. People have more exposure to the cultures, values and norms of each other globally that was not possible in the older times. The basic norms and principles within each culture directs towards protection of human rights and eradication the issues of social disparity, gender discrimination and human rights, and a collective effort for the fight against injustice for achieving global solidarity. Global

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<sup>19</sup> Jean Jacques Waardenburg, (1978) Reflections on the study of religion, Walter de Gruyter, P. 281

<sup>20</sup> Katarzyna Jędrzejczyk-Kuliniak (2007). Islam and global governance: approach or distance? *Paper for the 6<sup>th</sup> CEEISA convention, University of Wrocław, Wrocław, Poland, 24-26 May*

solidarity tackles to the natural disasters and works united for eradication of poverty, hunger and safety of mankind.

Islamic approach for the establishment of peace and welfare of humanity emphasize on --the establishment of social peace, moderation and snubbing all destructive activities and permitting only the positive actions. Thus positivity and sense of brotherhood and sincerity is the hallmark that puts forward the necessity of association and unity. Islam is totally against any such association that may provoke negativity and disparity among the society like tribalism, racialism, and negative nationalism.

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