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Universality of Good Conscience and Morality: An Expository Study with Special Reference to Islamic Paradigm

Ansari, Abdul Haseeb

Ahmad Ibrahim Kulliyyah of Laws, International Islamic University Malaysia, Malaysia.

ABSTRACT

Morals are just, fair and good rules of human relations and human behaviours. Good conscience also comprises certain principles for imparting justice and fairness among the people. God conscience and morality are, thus, close to each other. Universality in good conscience will certainly help in developing universal moral rules. But the problem is: what is immoral today may be moral tomorrow; likewise, what is moral at one place may be immoral at another place. Because of this, universality in morality is not achievable. However, in Islamic morality, universality is a possibility because most of the moral rules are derived from the Qur’an and Sunnah; and man-made moral rules or rules developed as customs have to be in conformity with them. As every society has its religious and cultural identity in terms of rules governing human relations and human behaviours, it is, thus, not possible to impose cultural rules of one society on the members of other societies. However, there are a number of intercultural impacts on the people.

Key words: Morals, Morality, Ethics, Good Conscience, Qur’an, Sunnah (Prophetic Traditions)

Prelude:

Morals are just, fair and good rules governing human relations and human behaviours. Morality is a system of morals, e.g. Islamic morality and Western morality. Ethical rules are also moral rules applicable a class of people, e.g. professionals) Good conscience entails awareness of moral and ethical aspects of one’s conduct together with the urge to prefer just and good over unjust and bad, i.e. right over wrong. This is because good conscience requires justice, equity and fairness to be internalised and practiced. There are certain moral values which are universal and eternal and they are in practice without any substantial changes in them. For example, sympathy, compassion, loyalty, perseverance, courage, politeness, justice, freedom, honesty and distribution of resources have always been considered virtues to be emulated and all kinds of crimes to be shunned. They have always been approved by the collective conscience of human beings and popular religions of the world, and will always remain so in all times to come. However, because of changing social perceptions about certain human relations and human behaviours, certain rules governing them have not remained universal and eternal. They changed with the change of time and space. In such a situation the idea to have common consciousness about these faded and lost its existence. This can be observed in most of the Western societies, as they believe that moral values change with the change of time and space. It means, what is moral today may or may not be moral in times to come, and what is moral at one place may not be moral at another place. We can accentuate it by quoting examples from the West: (a) about half a century ago, a woman in the Western Europe was fully covering her body by wearing a gown, socks, gloves, and a hat. But now there is social perception in favour of exposing a woman. (b) Homosexuality was considered as a despicable behavior and, thus, a socially deviant human conduct. (c) Marriage is a union of two opposite sexes. But at some places in the world social perception is building in favour of same sex marriage. In the East, they are still considered as immoral acts as the common consciousness of the people in the East do not consider them based on good conscience, and, thus, rejected them. There has been one exceptional court case, decided by the Delhi High Court. In Naz Foundation v. Government of NTC of Delhi and Others, where law banning homosexuality was considered as violation of the equality clause of the constitution, viz. equal protection of law and equality before the law (Article 140), personal liberty (article 210), and prohibition of discrimination (Article 15). (It is to be noted that an appeal against the decision is pending before the Supreme Court of India)It is notable that the Supreme Court of India had earlier decided in the Lady Chatterley’s Lovers Case, Ranjit D. Udeshi v. State of Maharashtra, that: “When everything said in its favour, we find that in treating with sex the impugned portions viewed separately and also in the setting of the whole book pass the permissible limits judged of from our community standards and as there is no social gain to us which can be said to preponderate, we must hold the book to satisfy the test...” The Court upheld the ban of the book and conviction of the distributor of the book in India. The court
further said what was moral in the West might not be moral in the East. It quoted an example saying opening
legs may be moral there but it may not be moral in the East. Recently, the Supreme Court of India in Kushboo
case decided that she had right to say, under freedom of speech and expression, that there is no problem in
having pre-marital sex. (The Hindu, 4 May 2011) It is notable that her statement was considered by the sizable
majority of the country to be outrageous and worth corrupting the morality of the Indian society. It is for this
reason that 22 cases against her statement were filed before the Madras High Court of the country, and the court
found her guilty for corrupting the morality of the country. In view of these cases, we can say that although the
people of the East are against homosexuality, publicising obscene literatures and encouraging same-sex
marriage, the Indian courts, especially the Supreme Court, are finding technical pretext for justifying them.
Right now, homosexuality has been attempted to be justified. But if this trend continues, same-sex marriage
will also be tried to be justified on technical grounds. This might also happen in other countries of the East or
South-East. In view of this, we can say that universality in good conscience in secular societies, where grip of
the religion is loose on the members of the society, is impossibility. It is because in these societies, morals are
discussed as socially approved rules of human relations and human behaviours. Since states are secular, they
do not bither for infusing religious norms among their people. They respect their peoples’ collective voice;
sometimes, they approve unjustified demands of the minority for political reasons. However, on moral issues,
courts have given their verdicts purely on technical grounds, without considering moral implications of their
judgments.

In many Western countries, homosexuality among consenting adults in private has been allowed by law. So
far judicial solicitude is concerned courts have failed to maintain consistency. The US Supreme Court is the best
example of this. It has already approved homosexuality between consenting adults in private. However, the
court’s position on same-sex marriage is still not clear. The California Supreme Court in Kristine M Perry v.
Arnold Chwarzenegger, (The decision was given on 4 May 2010), held that same-sex marriage was justified
under the equality clause of the Constitution. This got support from the Connecticut Supreme Court on 10
October 2010. It is notable that the California High Court in an earlier case had defined marriage as a union of
two opposite sexes as stated in the Proposition 8. The thing to worry is that in 22 American states same-sex
marriages are banned. If the Supreme Court of the United States pushes it further, the whole perception of
marriage will change. All these are happening in the West in spite of the stern stand of the Church that
homosexuality and same-sex marriage are not at all approved by the religion.

The above paragraphs establish that although universal good conscience should be valued in establishing
moral behaviours, it is difficult to achieve it as the perception of the peoples, governments and courts are
diversified, e.g. uniformity in the approach is lacking.

There is a group of people, especially atheists, who believe that morality is purely a product of the society.
It cannot be imposed from outside. It is for this reason that they reject the religious delineation pertaining to
human relations and human behaviours. (Ash, 2011) But they are not right. Those who believe in religions, they
value religious norms, internalise them and practice. This has support from a relatively larger group. The
supporters of this view have quoted a number of examples: role of religion in correcting people engaged with
drug abuse, correcting negative prison behaviours, alleviating family violence, reducing the number of divorce,
abolition of child labour, and correcting people engaged with terrorism. (Doris, 2005; Bartley 1971; Regnerus
and B. Amy, 2006, pp. 175-194 However, the problem is that the grip of religion is becoming loose in the West,
especially in Norway, Sweden and Denmark, due to dominance of materialism and the changed perception
about life. Many of them do not even believe in any religion. On the contrary, in the East, the position is
different. Islam and Hinduism are playing a lot more role in governing human relations and human behaviours.
However, among the two religions, in Islam, it is much easier to have universal good conscience on a large
number of rules governing human relations and human behaviours.

Islam, Moral Values and Universal Good Conscience:

In Islam, there is much more emphasis in the moral building of the followers. It is one of the most important
aspects of the life in the worldly life. Literally speaking, khuluq, plural of which is akhlq, symbolise just and
good human relations and human behaviors that prevent man from the hellfire and paves the way to Jannah. A
man has two aspects: personal, related to his person; and the other is akhlq, related to the society, as ordained
by Allah (s.w.t.), and rules of just human relations and human behaviours made by man in conformity with the
Qur’an and Sunnah. Nobel deeds in Islam are so significant that, contrary to the Western approach of morality
and law, their observance brings rewards and violation results in accountability consequential to punishment
according the magnitude of the violation. The violator of any moral rule(s), especially fornication (zina),
homosexuality, incest, interest (riba), and efforts to outrage chastity of a woman, faces severe social sanction,
which is generally excommunication from the society, or /and penal sanction from the state. He will also be
accountable for his act in the hereafter. It is for this reason that man prays to Allah (s.w.t.) for the best in the
world and the best in the hereafter. Contrary to this, in Western societies these matters are considered to be immoral, but society does not take it seriously. The persons involved in such immoral acts are simply not liked.

The Shari'ah is both a code of law and code of good conducts. It is a comprehensive scheme of human relations and human behaviour. They have either descended from Allah as the Qur'an and Sunnah, or they have been developed by man through the prescribed means in conformity with them. It can be said that contrary to the Western approach of law and morality, basically in Islam, there is no watertight division between law and morality, as the basic source of the Shari'ah does not maintain distinction between law and morality so significantly as it exists in civil laws. However, it can be said that from the point of view of sanctity and importance, morals that are derived from the Qur'an and Sunnah are universal, eternal and immutable. Contrary to this, man-made moral rules developed on the basis of social practice, can vary with the change of time and space, i.e. they can be modified or changed. There are many contemporary social issues, which demanded juristic opinions, have been resolved on the basis of various ways, especially on the basis of ijithad. Notable among them are: use of contraceptives, abortion, artificial insemination, surrogate mother, organ donation, cloning, gene manipulation for improving the animal and plant species, wife's battering, child marriage, child labour, dowry, wearing headscarf, male domination, and treatment of women at the place of work. There is no consensus among the fatwa given on these issues, but they do not suffer from skepticism because all of them have been given in light of the injunctions (ahkamat) in the Qur'an and Sunnah. It is notable here that although there is not prohibition on multiplicity of opinions, it is better to have ijma on these matters. It is right to say that a collective opinion on a question of law is not possible. The author is of the opinion that efforts for ijma can be made at the country level. For example ijma of ulama of Pakistan is a good ijma for that country. This has got support from Allama Iqbal. There is possibility that ijma of one place can be acceptable to another place. This is how a popular juristic opinion gets popularity and commands wide acceptance.

We have noted above that in Islam, morals can be categorised into two: Morals based on the Qur'an and Sunnah. These morals are universal, eternal and immutable because that are based on divine wisdom. The other category of morals, which are based on human wisdom, can change with the change of time and space. The validity of the second category of morals depends on their conformity with the first category of morals. For example, all acts, which have been prohibited (negative command), they remain prohibited at all places and for all times to come; likewise certain acts, which have been classified as obligatory (positive command), have to be obligatory at all places and for all times to come. Contrary to this, man-made morals can vary with the variation of the time and space. The best example of this is customary rites appended to solemnisation of marriages. They are not the same at all places and that can be changed with the change of time and space. But for their validity it is necessary that they must conform to the Qur'an and Sunnah. If a socially developed moral rule is in conformity with the Qur'an and Sunnah, it will be considered as an act of worship (ibadah) of the man who practices it, because ibadah does not only mean recitation of the Qur'an, performing solat, giving away zakah (poor’s alms) and performing hajj (the pilgrimage). If a man keeps himself busy all the time in praying and fasting and ignores his families wellbeing, he is not carrying out the message of Islam, as bringing up children and making them continued charity (sadaqa jariah) is also a kind of ibadah. A man, who takes care of his family and finds time for the pleasure of Allah (s.w.t.), he is better than who ignores his family and engages himself all the time in praying and fasting. Thus, in Islam, the distinction between legally enforceable rules and morally observable rules is also maintained. (Ansari, 2005)

Human relations and human behaviors in Islam are divided into two: virtues (ma’rufat) – they are mainly mandatory (fard), recommendatory (matlib) and permissible (mubah); and vices (munkarat) – they are mainly prohibited (haram) or disliked (mukruth). Islam wants its followers to lead a virtuous life, and if any act of the other category has been committed, one must seek pardon from Allah (s.w.t.) immediately because nobody knows the time of his death. A virtuous life will lead the follower to the Jannah; and he will be given the place according to his deeds (Aa’mal) there. If he fails to have a virtuous life, he might be sent to the Hellfire (dozakh), and he might reside there forever if does not have even a bit of faith (im’an). These facts are the driving force to bring the followers of Islam to adopt taqwah, and to renounce shirk and other prohibited and disliked acts. Islam supports double sanction for crimes. A crime, for example, is punishable both under the law of the state, if so, and in the hereafter. This double sanction plays a positive role in keeping the followers within the boundaries of moral values of Islam.

The test of morality in Islam is taqwa, which appropriately means God consciousness. Some say taqwa means fear of Allah. But why one has to be fearful of Him? He loves man as He is Raheem, He is sustainer as He is Rabb, and He encompasses every one as He is al-Moheet. A muttaqui, therefore, is said to have a virtuous life. In Islam, all followers have to streamline their relations and behaviors for the happiness of Allah (s.w.t.). If He becomes happy, He grants pardon and that is the deliverance to a Muslim (Hamidullah, 1989). Full hadith is: "Actions are only according to intentions, and to each only what he intended. Whoever emigrates towards God and His Messenger, his emigration is towards God and His Messenger; whoever emigrates for the attainment of a worldly goal or in order to marry a woman, then his emigration is only towards what he emigrated to.", Bukhari, Hadith No. 001.
The nature of human relations and human behaviors, in Islam, are determined on the basis of motive and circumstances. For example, in compelling circumstances, prohibited things become permissible, provided the act is done with the sense of rejection about it, the circumstances are really compelling, and the act has to be done to its minimum.

On the basis of the foregoing paragraphs, we can say that Islam has put in three categories: 1. People who are at the right path and do whatever they do for the pleasure of Allah. 2. People who do not have faith (im'an). These people are not at the right path, but there is possibility that by the mercy (rahmah) of Allah, they may embrace Islam and wholeheartedly practice it. 3. People who pretend to be Muslim, but in fact they are enemy of the religion. They are hypocrites. They are more dangerous to the religion than the people of the second category. These people are incorrigible and thus classified as the worst class of people.

**Motive:**

In Islam, for judging an act to be just or unjust, motive and circumstances are taken into consideration. Allah says: “Acts or omissions will be judged only according to intention pertaining to them”. Same act can be moral if it is done for predominantly good intention, but the same act done for any sinister purpose might be considered as an immoral act. All acts which are committed with good intention for the good of the doer and that are not opposed to the Qur'an and Sunnah, are moral acts. Likewise, all acts done for the public interest (maslahah mursalah) and that if they are in conformity with the Qur'an and Sunnah are moral acts. They will remain moral as long as the good intention exists. If there is no good intention, the act will be considered as bad no matter it yields good or bad results. So is the case of circumstances. We have noted that under compelling circumstances, prohibited (haram) things become halal (permitted). For example, drinking wine is haram, but in compelling circumstances and for medicinal purposes, it will not be tainted with a bad deed. However, if cough syrup or mouthwash, which generally has methanol (a kind of alcohol), will not be permissible if alternatives to them without methanol is available. So is the case of animal-based emulsifier, which is used as a taste enhancer in chocolates and biscuits. Eating them is not permissible, because chocolates and biscuits having soy-based emulsifier are available in the market. Man can survive without eating them. A pious man, who always thinks about the pleasure of Allah (s.w.t.) and who does not think of violating divine injunctions, has very high moral values and thus will not consume any medicine that has alcohol unless it is imperatively demanded for his survival; likewise, he will abstain from eating chocolates and biscuits that have animal-based emulsifier. On the contrary, a non-pious man will happenily consume them. It has rightly been said by the Prophet (s.a.w.) that: “The sum-total of wisdom is the fear of God”. Islamic morality starts with acts that please Allah (s.w.t.), and renunciation of those acts that displease Him. This is because salvation of the man only depends on Allah’s pleasure. For this reason, a Muslim, who has high degree of morality, is always God conscious (or God fearing).

To sum up, as noted above, Islam puts human relations and human behaviours into three categories, virtues (marufat) and vices (munkarat). Virtuous acts are further classified as mandatory (fard) and recommendatory (matlub), and permissible (mubah). Likewise, vices are classified as, prohibited (haram), and disliked (makruh). All such acts have clearly been specified in the Qur’an and Sunnah and accentuated by Muslim jurists. The key of success to a man is to practice virtues and to abstain from vices. In other words, man will have to lead his life as a muttaqi, i.e. he will have to be all times to be God conscious so that he could please Allah (s.w.t.) and get his pardon. He will have to save himself from vice (munkar); otherwise, he will be accountable for it in the hereafter and will face the penalty meted out by Allah (s.w.t.) for it if he is not granted pardon for the act. We can notice here that Islamic morality is supported with rewards and sanctions. The Qur’an says to the effect: “Allah has revealed to human nature the consciousness and cognition of good and evil” (Qur’an, 91:8) The person who internalises and practices virtues, he is considered to be doing good deed (amal-e-swaleh); and based on his good deeds, he will get a place (darjah) in the Jannah. Although moral values for women and men in Islam are different, but there has to be no discrimination against women. Discriminatory treatment in Islam is actually a favour to them. (Ansari, 2011: Alam, 2005) It is evident that Islam has established its own moral systems based mainly on divine wisdom. Even where certain moral rules are developed on the basis of human wisdom, they have to be in conformity with the injunctions (ahkam) contained in the Qur’an and Sunnah.

Most of the rules governing human relations and human behaviours are almost the same in the four Sunni schools of thought (Madhahib). On certain matters pertaining relations between man and man (muamalat), there are disputes (ikhtilafat). But the best thing among them is that they do not condemn each other. Rather, one school of thought by not criticising others supports them. This is because all differing interpretations are based on the Qur’an and Sunnah. A Muslim is, thus, free to emulate any of the four Imams, e.g. Imam Hambal, Imam Abu Hanifa, Imam Malik and Imam Shafe’i. Based on this, we can say that Islam believes in universality in good consciousness which reflects uniform moral values to be practiced by Muslims. Other religions have also demonstrated some kind of virtuous acts. Many of them are in line with the Islamic virtue system, for example practicing love, imparting justice, social and economic, obligation to promote common good, and sovereignty of God. (The Geaner, 2010) A recent report in Psychology Today concluded: "The most significant predictor of a
person's moral behavior may be religious commitment. People who consider themselves very religious were least likely to report deceiving their friends, having extramarital affairs, cheating on their expenses accounts, or even parking illegally.” Perhaps, because of dominance of materialism and change of social perspectives about human relations and human behavior, some religions are losing the grip on their followers. It is true to say that when material and social factors dominate religiosity fades, and sometimes some of them have no more value than rituals. There lacks internalisation and commitment towards religious social norms. Other problem with these religions is that they are more concerned about worship. They have simply given guidelines about social behaviours. For example, in Hinduism, there is the concept of good deeds (dharma), but it has not been spelled out enough to cover all aspects of human lives. For example the family law in India was mainly based on customs. Most of the rules pertaining to it were not acceptable after its independence. It is for this reason that Main extensively criticised it. After the independence, the Nehru regime replaced whole of it with new a legal regime governing marriage, divorce, succession, maintenance, guardianship and adoption. Similarly, Christianity suffered from behavioral uncertainty because of deep-rooted difference between Roman Catholics and Protestants. It is to be noted that main difference between them is: Protestants believe that the Bible alone is the sole source of God’s special revelation to mankind, and as such it teaches us all that is necessary for our salvation from sin. Protestants view the Bible as the standard by which all Christian behavior must be measured. This belief is commonly referred to as “Sola Scriptura”. Catholics on the other hand reject the doctrine of “Sola Scriptura” and do not believe that the Bible alone is sufficient. They believe that both the Bible and sacred Roman Catholic tradition are equally binding upon the Christian.

Role of Culture and Intercultural Conflict:

An Impediment In Developing Universal:

Moral Principles:

Culture:

Culture in fairly innate and in broad sense denotes to the totality of the social environment in which a human being is borne and brought up. It is community’s institutional impacts on human behaviours and human relations, including the aesthetic sense. Thus, moral development of sensibility, attitude, beliefs, skills and modes of dispositions reflect the community’s institutional impacts. (Pekarsky, 2011) In it, the role of religion and language plays a significant role. Culture also refers to certain customs, practices, languages, values and world views that define social groups such as those based on nationality, ethnicity, region or common interests. Cultural identity is important for people’s sense of self and how they relate to others. A strong cultural identity can contribute to people’s overall wellbeing. Cultural identity based on ethnicity is not necessarily exclusive. People may identify themselves as New Zealanders in some circumstances and as part of a particular culture (e.g. Maori, Chinese or Scottish) in other circumstances. They may also identify with more than one culture. The desired outcomes recognise the importance of a shared national identity and sense of belonging, and the value of cultural, social and ethnic diversity. They recognise New Zealand is a multicultural society, while also acknowledging that Maori culture has a unique place. For example, under the Treaty of Waitangi, the Crown has an obligation to protect the Maori language. (Cultural Identity report, 2010)

The role of culture in moral development is very well recognised. It can very well be understood from educational institutions where students pursue their primary and secondary education. Moral development of students is greatly impacted by perceptions predominantly understood notions about human relations and human behaviours in the schools. It is evident in a country like Malaysia where followers of different faith can have schools of their choice. In Malaysia, for example there are Chinese schools, Tamil schools and predominantly Malay schools. The culture, as specified above, of students in one school is significantly different than the other two schools. This is because of different religious and linguistic background of most of the students. There might be negligible exception of small number of students coming from different backgrounds. Even these students inherit few habits from the majority which reflect in their future lives. John Dewey in his treatise Democracy and Education has right pointed out that: “Success or failure (of moral development) depends more upon the adoption of educational methods calculated to effect the change than upon anything else. For the change is essentially a change in the quality of mental disposition - an educative change. This does not mean that we can change character and mind by direct instruction, apart from a change in industrial and political conditions. Such a conception contradicts our basic idea that character and mind are attitudes of participative response in social affairs. But it does mean that we may produce in schools a projection in type of the society we should like to realise, and by forming minds in accord with it gradually modify the larger and more recalcitrant features of adult society.” (Dewey, 1916, p. 370)
At a later stage, when students of different backgrounds reject their parents’ and teachers for being old
fashioned or having obsolete ideas, interact among themselves and develop new culture. In this process, the role
of mass media, especially internets, television, globalisation of the world and cinema, have played a noteworthy
role. Popularity of discos and amusement clubs are the best examples for this. When they go to their practical
lives, they think about their family and future. Their collective thinking varies from profession to profession.
Even at this stage, social and religious factors play a significant role. Effect of social factors depends on the
extent of their acceptability. So is the case of religious factors.

An Islamic society has different impacts on the society comprising predominantly by its followers than the
societies influenced by other beliefs. For example, in an Islamic society, especially that of an Islamic republic,
where pork, wine, gambling, fornication and other things declared as prohibited (haram), people must not go
near them. Likewise, women will wear headscarves (will cover their awrah). In societies other than it, these
things may be allowed; and women may or may not wear headscarves. This is because cultural identity is an
important contributor to people’s wellbeing. Identifying with a particular culture helps people feel that they
belong to the society, and it gives them a sense of security. An established cultural identity has also been linked
with positive outcomes in areas such as health and education. It provides access to social networks, which
provide support and shared values and aspirations. Social networks can help to break down barriers and build a
sense of trust between people, a phenomenon sometimes referred to as social capital. However, strong cultural
identity expressed in the wrong way can contribute to barriers between groups. And members of smaller cultural
groups can feel excluded from society if others obstruct, or are intolerant of their cultural practices. (Cultural
Identity Report, 2010)

Sometimes, social norms are so deep rooted that no individual can go against them. For example in South
Asian countries, dowry is in practice, i.e. parents of the bride have to pay robust gifts to the bridegroom. If they
are unable, they might not get a suitable match for their daughter. In order to meet the demand, many parents
have to sell out or put on mortgage their properties. This immoral practice is there in India even after passing of
the Dowry Prohibition Act. (Act No. 28 of 1961) The irony is that Muslims in India are also following this evil
practice, although Islam is against it. Rather, the bride is entitled to receive dowry from the bridegroom as a
consideration for the marriage. This immoral practice could be stopped by one community in Kamsar, Ghazipur,
India because the whole community stood up against this evil practice. However, in other parts of India, it exists
in one or the other form.

To sum up, the role of a healthy cultural development for augmenting moral values is quite significant. The
process starts from the schools and passes through various stages of transformation with the age and social
conditions. Religion also plays an important role in the whole progression. However, there cannot be
universality in the cultural development vis-à-vis moral development.

Cultural Relativity and Intercultural Impacts:

Cultural relativity supports the idea that moral values are relative and subjective. There is no universality in
them. Those who subscribed to this idea quoted slavery and cannibalism as intra-cultural morals in the societies
which practiced them. But when we examine them on the basis of ‘reason as a test of morality’, this idea has to
be rejected. (Genn, 1993, pp. 39-40) We may then label them as cultural arrogance. It is useful here to note
Walzer’s view, in his book Sphere of Justice, which is that ‘there are conventions which are appropriate to each
one’s “sphere” of justice and that the recognition of the co-existence of these conventions is a necessary part of
understanding what justice in general is about. As long as what is appropriate to each “sphere” does not “spill
over” into another sphere, so that the standards of fairness in one do not (let us say) pollute the standards of
fairness of another, social justice is maintained’. (Walzer, 1984, p. 56) This is how we premise intra-cultural and
approve universality in morality.

But if a moral practice has been derived from a religion and if it is necessary for maintaining the cultural
identity (This is because culture also reflects the behavioural patterns, values, assumptions and experiences
derived from particular religion) of the followers of the religion, universality has no inroads, because divine
wisdom is always superior to decisions based on human wisdom. In other words, we cannot test divine wisdom,
which is absolute, on the basis of human wisdom, which is limited. Dress code is the best example of this
notion. The concept of wearing headscarf for covering head and chest (awrah) is based on a divine command
(hukum), which is one of the definitive commands (nusus), and followers of Islam have no choice but to observe
it. Its observance has to be universal, eternal and immutable. It is notable here that Hanafi religious experts
(‘ulama), especially of the South Asia and ‘ulama of some other countries, interpret the concept of awrah to
include covering the face also and recommend for wearing burqa (naqab). When France and Belgium banned
wearing burqa at public places, it was resented by Muslim residents of these courtiers and also residents of
many other countries. In France, few women have already been fined for violating the law on burqa ban. (The
Telegraph, 23 September 2011) They did it in the name of secularism, preventing terrorism and bridging about
communal harmony. It is notable here that the vast majority of Muslim women in these countries do not cover
their faces. In view of this, one can say that the ban is not going to achieve the indicated objectives. The author is of the opinion that along with proper education among Muslims around the word, the practice to cover face is itself fading, because most of the working women cannot afford to cover their faces. He also opines that such interference is against human rights enshrined in the constitutions of these countries. It is for this reason that Thomas Hammarberg, Commissioner of the European Council of Human Rights, criticised the ban saying “The banning may run counter to European human rights standards, in particular the right to respect for one’s private life and personal (cultural and religious) identity.” He further said “The way the dress of a small number of women has been portrayed as a key problem requiring urgent discussion and legislation is a sad capitulation to the prejudices of the xenophobes.” (Nikolas and Goessel, 2011) In such situations, imposing one culture on the other culture is not advisable at all. The British Court of Appeal took a realistic stand by quashing a high school’s ban on wearing a kind of rob (jubba) in the school premises. The reason given by the courts are: 1. She has freedom to manifest her religion or belief in public was being limited. 2. School governors, when holding an oral hearing to consider her complaint, should have considered, firstly, whether there had been any infringement of their pupil's right under the European Convention on Human Rights to manifest her religion. This decision is a realistic decision which recognises the reality that culture of one community cannot be imposed on another community in pretext of secularism or maintaining uniformity in attire.

However, intercultural impacts cannot be denied. There are examples to support this notion. Notable ones of them are: Before the partition of India in 1947, Hindu women in Muslim majority Punjab were observing the Muslim attire. 2. Muslims in South Asia practice evil practice of dowry of their Hindu counterpart. 3. Globalisation in casting impacts on cultural practices of all society in the world. 4. The Western culture is dominating on the religious and cultural practices of Muslim youth.

Conclusion:

Good conscience gives us certain universal moral principles. But there are a large number of other moral principles which develop with societies. It is for this reason that a large number of moral principles vary with change of time and space. Contrary to this, in Islam the basic sources of morals are the Qur’an and Sunnah, and man-made moral rules, for their validity have to be in conformity with them. Thus, according to the Western approach, possibility of universality of morality is unwelcoming. On the contrary, this is a possibility in the Islamic moral system. In order for a Muslim to be within the precinct of morality, he will have to lead life of a God Conscious man (muttaqi).

As culture depicts the collective religious and social identity of a class of people, it is not possible to have uniformity in social practices. But if we judge these practices on the basis of justice, fairness and public interest, we may disapprove certain practices which may ultimately determine to some extent certain universal moral principles. However, if certain social practices are based on religious injunctions and demonstrate the cultural identity, to change them is a very difficult task. This is because all countries around the world have granted religious freedom and because of this reason they cannot change any religious behavior of followers of regions of the country. At the same time, intercultural impacts do occur. Sometimes, these impacts are serious.

References