

CILE International Seminar

The State and Public Morality in Muslim Contexts and Beyond

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Background Paper

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1. Summary

In Muslim contexts and beyond, modern states play a central role in regulating public morality. Yet, there remains a paucity of research on the decisions and actions taken at state level with regard to moral issues. In particular, only few studies in the field of Islamic ethics have been dedicated to why and how the state enforces ethical norms in society. To bridge this gap in our field, we convene a research seminar whose main objective is to explore the interplay of state and public morality in Muslim-majority countries and other regions around the globe. This seminar provides an opportunity for researchers worldwide to contribute to these important discussions and to critically examine related concrete cases, examples, and broad questions.

States use various registers in order to take action and claim authority over moral issues in the public space: law, ethical standards, sharia, pragmatism, authoritarianism, etc. It is therefore necessary to address the question of legitimacy and the justification of state intervention (or non-intervention) on moral issues. The state's role in public morality (gender norms, schools, family, army, or religious institutions), can be seen differently through dissimilar political and philosophical lenses; depending on whether they endorse liberal vs conservative or individualistic vs communitarian views, some ethical standpoints justify this role while others are critical and sometimes even suspicious about the state's action in public morality. This research seminar aims to offer a wide range of perspectives and views on the scope and limits of the state's role in public morality.

The Research Center for Islamic Legislation and Ethics (CILE) will host the proceedings of this Seminar and invite researchers to submit their research papers (written in English or Arabic) on this topic. The proceedings will result in a peer-

reviewed publication, either in the form of an edited volume in the book-series *Studies in Islamic Ethics* or a thematic issue in the *Journal of Islamic Ethics*, both published by Brill.

2. Background

Recently, various actions of the state in the Muslim world heightened tension around the scope and limits of state's role in public morality. In Iran, the police arrested in November 2020 a group of young people for drinking alcohol and taking off the headscarf.¹ In early 2021, Turkey decided to withdraw from the Istanbul Convention, a European treaty on violence against women and the decision was justified by reference to the need to protect family values.² Also in early 2021, Saudi authorities arrested a medical doctor who became involved in practices judged as unlawful, including abortion and hymen reconstruction.³ At the same time, public authorities in Morocco detained a group of young people who broke their fasting during the month of Ramadan, sparking a new debate in the country.⁴ Finally, during the same period, the researcher Said Djabelkhir was detained in Algeria for denigrating Islam after he criticized the feast of 'Īd al-Aḍḥā and other practices in Islam.⁵

In these debates about morality in the public space, the role of religion is not discussed consistently and emphatically. Thus, secular states, including Western liberal countries such as France, the UK, and the US, also claim executive moral authority in the public space. In the UK, for example, it is an offence to practice sexual intercourse in the public.⁶ Most British people would acknowledge the state's authority in public morality and would request the police to hold a couple for having sex in the park.⁷ France has also witnessed a debate about the limits of the state's role in public morality by banning headscarves in public space.⁸

Oftentimes, legal instruments foster the state's role in public morality (for example Moroccan authorities justify their arrest of those who break the rules of fasting during the month of Ramadan by the Penal code, article 222). At times, in regard to mandatory vaccination or drinking alcohol, states act without the support of legislation. Some states would use medieval Islamic concepts of public law such as *hisba* (Egypt) or commanding right and forbidding wrong (Saudi Arabia) to force morality in the public space. Other states would endorse a moralising role through

¹ <https://iranintl.com/ar/-/شخصاً من أعضاء فريق سياحي في قم بتهمة خلع الحجاب وتناول الكحول?page=17>

² <https://theconversation.com/turkey-erdogans-decision-to-pull-out-of-istanbul-convention-has-put-him-in-opposition-to-women-157753>

³ www.youm7.com/story/2021/1/14/5157263/عمليات-إجهاض-وترقيع-على-طبيبة-تجربى-عملیات-إجهاض-وترقيع

⁴ www.alhurra.com/morocco/2021/04/20/التدين-لا-يفرض-بالقانون-جدل-بالمغرب-لا-اعتقال-مفطرين-في-رمضان

⁵ www.alhurra.com/algeria/2021/03/08/جدل-في-الجزائر-لمحاكمة-باحث-بتهمة-الإساءة-للإسلام

⁶ <https://www.legislation.gov.uk/ukpga/2003/42>

⁷ <https://metro.co.uk/2021/06/17/naked-couple-arrested-while-having-sex-in-park-near-playground-14789768/>

⁸ <https://www.conseil-etat.fr/ressources/etudes-publications/rapports-etudes/etudes/etude-relative-aux-possibilites-juridiques-d-interdiction-du-port-du-voile-integral>

ministries of religious affairs which *de facto* make these states religious authorities in the public sphere.

The above-outlined examples (and many more could be added) illustrate the difficulty that states face in Muslim contexts, and beyond, to justify their authority of *Etat moralisateur* (*the moralising state*) as put by the French scholar of public law Cédric Groulier).⁹ Groulier *et al.* argue that the state went through a transformation and increasingly acts in the capacity of “a teacher” to society: either by seeking to promote moral values, or at least to guide conduct towards an order of values considered to be virtuous, or by condemning certain behaviours judged to be immoral or contrary to the dominant values in society. Groulier *et al.* also identified several manifestations of the moralising state in political discourses and actions, on a national and international scale, including the domain of law, as represented in courts, health care, humanitarian work, taxes, and bioethics, comprising cases from France, Tunisia, and Bosnia. Furthermore, they underlined a plethora of motivations behind this tendency of the state to interfere in public morality, from interest groups to moralisation as a means of reasserting itself or compensating for its loss of influence, or even protecting itself. Additionally, the authors of *L'État moralisateur* also showed the implications of moralising restrictions on establishing a balance between individual liberties and communal duties.¹⁰

3. Main Themes and Questions

The state's role in public morality can be elaborated through the following sub-questions which are intended as guideposts rather than limitations. Other subsets of questions are welcome in order to expand the scope of the seminar as wide as possible.

3.1 The functions and limits of the state's moral authority

A first group of questions could address the tension around the state's *moralising function*: Is the protection of values a prerogative of the state? To what extent can the state “protect values” in a Muslim context? Should the state prioritize the individual's freedom or the community's beliefs and interests? Does the state have a moral authority or sovereignty over the moral landscape? Do inclusive policies entail managing morality, as Clem Henricson holds¹¹? What are the limits on seeking *maṣlaḥa*? From the standpoint of Islamic ethics, is it up to the state alone to define and promote the public good? Can the state make the rule and the exceptions at the same time (tax collector, and yet, issuing tax amnesties or arresting locals for drinking alcohol while selling alcohol to Western tourists)? Can the state allow other political actors to enforce morality in the public space? What are the political

⁹ Cédric Groulier (ed.) *L'État moralisateur : regard interdisciplinaire sur les liens contemporains entre morale et action publique*, Paris : Mare & Martin, 2014.

¹⁰ *Idem.*

¹¹ Clem Henricson, *Morality and Public Policy*, Bristol: Policy Press, 2016, p. 21.

purposes that motivate a state to intervene (or not) in public morality? Can the state guarantee morality within its institutions? In what way do states differ across the globe in claiming moral authority?

3.2 Islamic ethics on the state's moralising role

One of the possible questions to be examined during this seminar is how Muslim scholars, like al-Māwardī, al-Ghazālī and Ibn Taymiyya, approached the moral authority of the state, its scope and limits, and its relationship to public interest; submitted research papers could also discuss the roles judges and market inspectors often played in public morality and the legitimate ways and objectives permitted by Islamic political ethics to enforce public morality by the state.¹² The Muslim scholarly discussions on the role of the state in commanding right and forbidding wrong (in pre-modern Islamic ethics) and in public morality (in modern times) are pertinent for our understanding of the state's moral authority. Contributions to this theme should show awareness of the diversity of positions with regard to this matter throughout the Islamic tradition.

3.3 The modern state and public morality in the Western scholarship

Few studies have investigated the relationship of the modern state to public morality in the Western scholarship. One possible explanation is that political science has usually shied away from normativity when it comes to governance. For this reason, an important component of this seminar will be dedicated to critical reviews and analyses of Western scholarship, which addressed the role of the state in public morality, especially from fields like political science, ethics, law, and sociology; we are principally interested in knowing how Western scholarship can be of help for understanding these issues and enriching relevant discussions within Muslim contexts.

Some vivid discussions on the moralising action of the state are currently taking place in specific countries such as France and Belgium and they are quite relevant to Islamic ethics. For example, there are debates about the neutrality of the state in a secular regime with regard to Muslim practices of clothing and eating in schools or about gender. Some voices claim that the state should protect Muslim women and gender equality within its borders (and beyond), while others promote the rights of Muslims to any ethical practice they wish to endorse as an individual right. Furthermore, theoretical discussions in the West about the boundaries between law and ethics, and the role of the state in legislating on ethical matters are also relevant to Islamic ethics, particularly as Muslim jurists and intellectuals debate the relationship between European laws, sharia, and ethics.¹³

¹² S. Narotzky and E. Manzano, "The Ḥisba, the Muḥtasib and the Struggle over Political Power and a Moral Economy: An Enquiry into Institutions", *Medieval Mediterranean*, Vol. 101 (2014): 30-54.

¹³ Wael B. Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament*, New York: Columbia University Press, 2013.

The Seminar will offer the opportunity for researchers to address a wide spectrum of cases across the world. We also welcome research papers that examine the type of arguments used by the state, in Muslim contexts and beyond, to justify its action or the different ways states mobilise ethics as an instrument of public policy. Moreover, the door is open for studies that examine particular interventions (and their nature whether religious, political or both) of the state in public morality and their implications.

4. Selection Criteria

All submitted papers will be peer-reviewed by an academic committee, and will be evaluated based on relevance, critical engagement, and field work:

4.1 **Relevance:** all papers should be pertinent to the question of the state's moral action, aiming at unfolding its ambiguities, dynamics, and limits, as illustrated in section 3. Moreover, all studies should attempt to make a contribution to the field of Islamic ethics.

4.2 Theoretical papers are expected to display deep **critical engagement** (with different ethical traditions), demonstrating awareness of the main academic literature, a contribution to the scholarly discussions and a clear argumentation.

4.3 Case studies should originate from **field work or developed familiarity with data in specific contexts**. These research papers should not be merely descriptive or generalising; they have to provide sufficient data and analysis to allow comparison and showcase the complexity of the phenomenon.

5. Benefits

Authors who will be invited to this seminar will receive the following benefits:

- A refereed publication that has an international impact,
- The CILE will cover the expenses of making the publication available via open access,
- The CILE will also cover the travel and accommodation costs of all participants during the seminar to be held in Doha (under normal circumstances),
- Finally, a simultaneous translation of the presentations during this seminar as well as the translation of accepted papers (Arabic-English and English-Arabic) will be provided.

6. Practical Information & Deadlines

Interested researchers are kindly requested to send:

- An abstract (300-500 words), which briefly outlines the endorsed argument and method,
- A short biography (150-200 words) about the participant's credentials, academic affiliation, and main publications in the field of Islamic ethics,
- Selected participants, who will be invited to present their papers in this research seminar, will be expected to send their articles (between 7,000 and 9,000 words) according to the planned schedule (see below). Full papers should follow the style outline in the attached file "[Instructions for Authors](#)".

While applying to this research seminar, please keep track of the following important dates:

- **30 November, 2021:** Deadline for submitting an abstract and short biography,
- **07 December, 2021:** Authors will be notified about the acceptance (or not) of their abstracts,
- **10 March, 2022:** Selected participants submit their full-text papers.
- **10 April 2022:** Authors will be notified about the acceptance (or not) of their full-text papers,
- **09-11 May, 2022:** The proceedings of the seminar will take place in Doha,
- **10 July, 2022:** Deadline to submit the revised versions of all papers.

7. Languages

Submitted abstracts and full papers should be written in either *English* or *Arabic*.

8. Publication Plan

The accepted research papers within this seminar will undergo a thorough peer-review and editing process, and will be published either in the form of an edited volume in the book series [Studies in Islamic Ethics](#) or a thematic issue in the [Journal of Islamic Ethics](#), both published by Brill.

9. Call for Papers

The Doha-based Research Center for Islamic Legislation and Ethics (CILE) is delighted to invite scholars, academics and researchers to submit their research

papers to a closed three-day seminar on **The State and Public Morality in Muslim Contexts and Beyond** to be held in Doha during the period of **May 9-11, 2022**.

The seminar is convened by Dr. Abdessamad Belhaj, CISMOC-UCLouvain, Research Institute for Religion and Society-NUPS. The proceedings will result in a peer-reviewed and Open-Access publication, either in the form of an edited volume in the book-series [Studies in Islamic Ethics](#) or a thematic issue in the [Journal of Islamic Ethics](#), both published by Brill.

10. Contact Us

Submissions must be sent to public.morality@cilecenter.org. *Please note that only submissions sent to this e-mail address will be considered and evaluated.*

For any inquiries about this call-for-papers, or about the accompanying Background Paper, please contact

- Dr. Abdessamad Belhaj (abdessamad.belhaj@uclouvain.be), CISMOC-UCLouvain, Research Institute for Religion and Society-NUPS.
- Dr. Mohammed Ghaly (mghaly@hbku.edu.qa), the Academic Director of the Research Center for Islamic Legislation & Ethics (CILE), CIS, HBKU.

For more information about CILE, please visit the website:

<https://www.cilecenter.org/>

For inquiries about the *Journal of Islamic Ethics* or the book-series *Studies in Islamic Ethics*, please contact jie@brill.com or visit

<https://www.editorialmanager.com/JIE/default.aspx>

11. References

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