



## Call for Papers

### **Fiqh and Justice in an ‘Abnormal’ Context: Connecting Islamic Tradition to Contemporary Challenges**

International Conference

Depok, Indonesia, November 7-9, 2023

Organisers: Muhammad al-Marakeby & Haula Noor

Since the 9/11 terrorist attacks, Islam has been largely seen as a problem that we need to study, analyze and resolve. Instead, the objective of this conference is to place Islam in conversation with various global challenges. Rather than perceiving Islam as a problem, the conference seeks to highlight the potentiality of Islam in inspiring creative ways to address a global issue like justice. Nancy Fraser famously argued that we live in an abnormal context that is dramatically different from any other moment in history. Sustaining justice in this context is challenging because we lack a shared understanding of what justice is, for whom, and by which people. Who is responsible for world poverty? Are people impoverished as a result of their misfortune? It is asserted that even though we sympathize with them, we are not responsible for their poverty as long as we have not done them any injustice. The claim of irresponsibility, more or less, is what some liberalists tend to emphasize. On the other hand, this viewpoint has been fiercely criticized for failing to recognize that poverty is social in character. Is it not true that capitalism, social institutions and political organizations unwittingly, and sometimes wittingly, create an unjust structure that is not caused by individuals, and for which no single person is liable? Then who is ultimately responsible for such an unjust structure and how can it be remedied? To what extent does power make some people predisposed to take advantage of others, and how can the non-discriminatory treatment of all people as having the same rights and obligations mask underlying structures of injustice? Moreover, the recent advances in the debates of transnational movements, globalization and world citizenship brings the question of ‘justice for whom?’ to the fore again. Another concern arises about the type of justice that we should promote and whether we need to transcend the question of material justice to think of other kinds like recognition or representation. Many of these questions date as far as Plato's time. Nevertheless, whether we agree that we live in an abnormal world or not, it goes without saying that the modern context has added more sophistication to it and that we need to re-think these meta-disputes before we can have any meaningful discussion about justice.

This conference seeks to raise a question about how we can bring *fiqh* into constructive dialogue with such controversies on justice without falling into the anachronism trap. It is argued that the modern social concerns of power, class, gender and race, which are intimately linked to the question of justice, were largely absent from premodern Islamic legal thought. Although this claim may be plausible on the level of theorization, no legal system can avoid engaging with these questions. *Fatwa* literature offers a wealth of practical examples of how Islamic law addressed the questions of power, class and gender in practice, even if it lacked theoretical foundations. For instance, one can find questions about whether it is allowed for someone to refuse to pay illegal taxes if he can evade paying them because of his privileged social status, considering that the rest of the villagers would bear the responsibility of paying their shares. Other examples elaborate on how some *ulama* were cognizant of the injustice that was not directly caused by their actions. Questions were raised, for example, about using gold coins that were originally excavated by labourers who worked in inhumane conditions, in mines thousands of miles away. The conference is not concerned with what is deemed injustice from an Islamic law perspective only, but also to ask if Muslim lawyers developed juristic techniques to contest that injustice and to see how the *ulama* practiced their ‘remedial responsibility’. We can find that some Muslim scholars instrumentalized their *fatwas* to redress forms of injustice that were structurally embedded in society. For instance, some people used to endow their wealth to their sons during their lifetime in order to disinherit their daughters. In response to this, some *ulama* declared that an endowment that was dedicated exclusively to males was invalid. However, what is interesting about this ruling is that the same *ulama* did not consider an endowment for females only as invalid. This demonstrates a preferential ruling towards women, where Islamic law scholars recognized the positional particularity of women within a social structure that was designed to systematically deprive them of inheritance. The *ulama* in this case did not adhere to a formal notion of justice that was blind to the context-bound reality.

**Possible topics include, but are not limited to:**

- Typology of justice in Islamic law: beyond materialism.
- Justice between law and ethics: how should we understand *fiqh*?
- *Ummah*, nation-state and globalization: *zakah* and territoriality in the contemporary world.
- Islamic law and different levels of justice: individualistic, organizational and structural.
- Justice, equality and politics of difference in *fatwa* literature.
- Responsibility vs accountability towards the poor and vulnerable: beyond Islamic obligations.
- Discriminatory customs and instrumentalizing *fiqh* for remedial justice.
- *Fiqh al-wāqī*, order and unjust reality: condoning or changing?
- Situating Islamic justice in light of the controversy of liberalism and communitarianism.
- Anachronism and the challenges of translating Islamic concepts of justice into contemporary political and legal contexts.

**Invited Speakers:** (alphabetically)

- Prof. Alfitri, UIN Sultan Aji Muhammad Idris, Samarinda, Indonesia
- Prof. Ahmed Atif Ahmed, University of California Santa Barbara, USA.
- Prof. Euis Nurlaelawati UIN Sunan Kalijaga Yogyakarta, Indonesia
- Dr. Heba Rauf Ezzat, Ibn Khaldun University, Turkey.
- Prof. Khaled Abou El Fadl, UCLA, USA (Online)
- Prof. Mohammad Fadel, University of Toronto, Canada.
- Dr. Mu‘taz al-Khatib, Hamad Bin Khalifa University, Qatar.
- Prof. Nadjma Yassari, Max Planck Institute, Hamburg, Germany.
- Dr. Ovamir Anjum, Toledo University, USA.
- Dr. Samer Rashwani, Hamad Bin Khalifa University, Qatar.
- Prof. Sari Hanafi, American University in Beirut, Lebanon.

We welcome proposals for papers in English that explore these and related questions from a range of disciplinary perspectives, including Islamic studies, law, philosophy, sociology, political science and history. The conference will take place in the Faculty of Islamic Studies, at the Indonesian International Islamic University (IIU) in Depok, Indonesia, from the 7<sup>th</sup> to the 9<sup>th</sup> of November.

To participate, please submit an abstract of no more than 300 words and a brief CV by September 10th, 2023 via this link: <https://shorturl.at/bsxzG>. We will respond to all applicants by September 15th, 2023. Limited funding for travel and accommodation will be available for scholars who require financial support. Kindly note that full papers must be submitted by January 15<sup>th</sup>, 2024, and selected papers will be considered for publication in a special issue of the *Journal of Islamic Ethics* (Scopus Q1) published by the Center for Islamic Legislation and Ethics, Doha.

If you have any inquiries, please do not hesitate to contact us at [igc@uiii.ac.id](mailto:igc@uiii.ac.id). We look forward to a stimulating and thought-provoking conference that brings together scholars from around the world to explore the rich and complex relationship between Islam and justice in today's 'abnormal' world.

For more information about the center, please visit: <https://fis.uiii.ac.id/center-of-islam-andglobal-challenges-igc/>