Islam and Liberal Citizenship

The Search for an Overlapping Consensus

Andrew F. March

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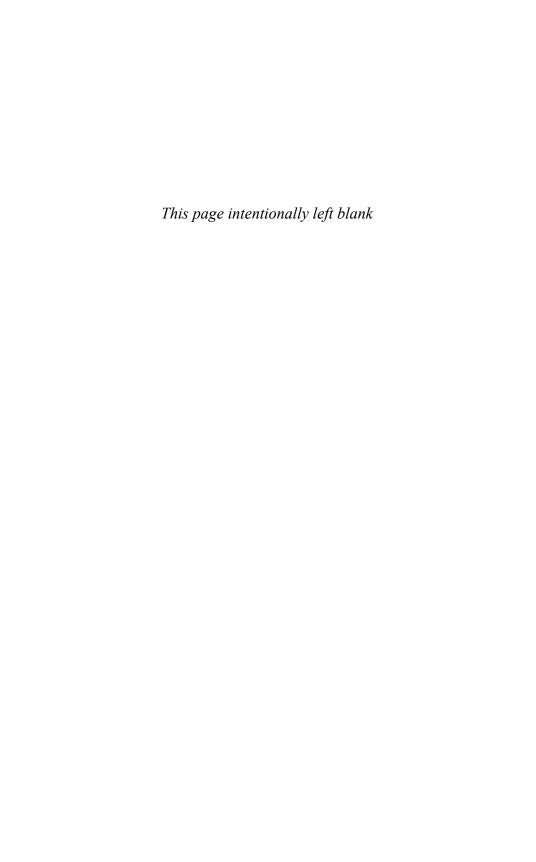*This page intentionally left blank*

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To my parents

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Acknowledgments

My constant companion, joy, and reason for being for the last decade has been my son, Tamir, who has had a vague awareness of this book's preparation. That his awareness has been so vague, and the impact of the work involved for this book on him so slight, is due in great measure to his grandparents, to whom goes my immense, but insufficient, gratitude. That this book is not better is due to many factors, but the most tangible of them is the fact that it was produced in its substance prior to the advent of my wife, Naz. In the subsequent two years, I have been blessed with a glimpse of the conditions of joy, inspiration and intellectual partnership in which all my future endeavors will unfold. It is already difficult to recognize what came before.

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Introduction

*Moral Conflict, Political Liberalism,
and Islamic Ethics*

This book examines whether Muslims, *qua* Muslims, can regard as religiously and morally legitimate the terms of citizenship in a non-Muslim liberal democracy. This involves asking what is involved doctrinally in constructing as religiously legitimate practices such requirements as living in and being loyal to a non-Muslim state, regarding non-Muslims as political equals with whom one might cooperate socially and politically, contributing to non-Muslim welfare, and participating in non-Muslim political systems.

Although I am focusing in this book specifically on the relationship between Islamic doctrine and liberal citizenship, the inquiry itself is a generic one. All religious and philosophical doctrines or, indeed, noncomprehensive collections of beliefs and preferences can be presumed to provide their bearers with a wide set of motivations for action, some of which may conflict with liberal terms of social cooperation. These questions would be of interest even without the recent public examples of value conflict in Western societies, simply because Islam is an important comprehensive doctrine that has achieved a critical presence in existing liberal democracies recently enough for there not to exist a significant philosophical literature on its relationship to liberalism and citizenship. Lest it be thought that asking these questions suggests a *particular* background suspicion or mistrust of Islamic political ethics, it should be borne in mind not only that these questions can be and are posed to all non-Islamic doctrines flourishing in liberal societies but also that these very questions are the subject of earnest, and constant, internal debate among Muslim religious scholars and intellectuals. That internal debate provides the material for this book.

An immediate caveat is in order here. This book does not aim to provide any of the following: a full account of the historical evolution of Islamic doctrine in context or a "genealogy" of Islamic approaches to secularism, an anthropological or sociological study of the practices or views of actual Muslim citizens or communities in Western democracies, a political-psychological study of the creation of motivations on the part of individuals or communities and the status of religious doctrine as an independent variable in those motivations, a political analysis of the long-term motivations or trustworthiness of various political groups or actors within Western Muslim communities, or a historical or genealogical criticism of how contemporary Western, liberal societies "construct the Muslim (as) Other." I believe this book is fully compatible with and complementary to the many excellent such studies in print;[1] however, the present study is, rather, a work of political theory that seeks to analyze Islamic (as opposed to Muslim) attitudes toward shared citizenship through a methodology of comparative political ethics. It is a study of Muslim citizenship in non-Muslim liberal democracies *as a religious problem for believing Muslims.*

The questions raised in this book are familiar ones, as is their framing. They are echoed in the popular and academic discussions of whether "Islam" might be "compatible" with some core liberal value or institution—democracy, human rights, gender equality, just war theory, or even "modernity" at large. There are many good reasons to be skeptical of or dissatisfied with such questions and approaches. They may encourage either a stereotypical negative treatment of Islamic ethics or, alternatively, a superficial and unserious dismissal of the reality of genuine (and perhaps reasonable) moral disagreement.[2] They may gravely overstate the extent to which political conflict can be explained through the consciously affirmed moral and religious beliefs of participants in such conflicts and may thus exaggerate the benefits to be gained by establishing the compatibility of Islam with this or that moral principle. They may suggest that all of the accommodation, reform, or growth in terms of deep moral commitments has to take place on the side of Muslims.[3] They may provide an apologetic ideological cover for the injustices committed by actors who claim to endorse liberalism, human rights, and modernity.[4] They may confuse the explanatory order of things by thinking that political goals are determined by ideological, moral, or religious beliefs.

These objections are appropriate, and their force raises a series of problems that I seek to address in the first two chapters of this book. In those chapters, I seek to make the case that a comparative ethics that does in the end aim at some form of consensus, convergence, or moral agreement is worth pursuing and can be done in a serious way that gives these reasonable reservations their due. In this book, I aim to take the fact of moral disagreement seriously in its own terms while remaining cognizant of the complexities of lived human experience and the limits of formal ethical theorizing. It is driven by a first-order value commitment to a particular conception of justice and citizenship but is not unreflective or uncritical about that conception, and still less of any given political context in which that conception is publicly appropriated. It is motivated by the aim of principled moral reconciliation, but

it also seeks to do justice to the richness, subtlety, and complexity of Islamic political ethics.

The methodology that I believe allows this balance to be struck is presented in Part I, but I would like to draw attention here to one argument in favor of this approach. Consider the following hypothetical, idealized reservation about a study that aims at demonstrating the compatibility between Islam and liberal citizenship:

> The search for "compatibility" obscures many other fascinating stories to be told about our present historical moment. It is insensitive to the myriad ways in which problems and conflicts are ideologically constructed on all sides. It does not do justice to the way in which identities and moral commitments are the historical products of many things in addition to formal religious doctrine or rational inquiry, namely the pervasive effects of power imbalances. Islam is many things in addition to a collection of doctrines and rules—it is a cultural and civilizational identity which is available for mobilization and appropriation out of all sorts of political, social, cultural and psychological needs. It is also an identity which is a source of anxiety for a very powerful political-economic-cultural apparatus—again, out of all sorts of political, social, cultural and psychological needs. We should not assume that all episodes of conflict or disagreement between "Muslims" and non-Muslims point to a straightforward case of moral disagreement without regard for the historico-political context in which those disagreements become salient. Besides, it is much more likely that the background fact of moral disagreement is something which is mobilized by people in power to place the debate (whether they know it or not) on grounds which are convenient for them.[5]

I view this book not only as perfectly compatible with the above statements but also, in a curious way, affirmative of some of their underlying suspicions and commitments.[6] There is no doubt that complex and confusing historical moments are often presented by persons with first-order normative value commitments (and, of course, with vested interests) as instances of a *certain kind* of moral conflict. Invariably, this presentation frames the debate in ways that vindicate our own normative commitments and the methodologies from which they are derived.

Take the recurring disputes over the boundary between freedom of expression and religious sensitivity in Europe and North America (from the Rushdie affair to the Danish cartoons). For certain liberals, these disputes are a matter of convincing a group of citizens why freedom of expression cannot normally be curtailed to accommodate religious conceptions of dignity and the sacred.[7] For Muslims (and, indeed, others), they may be a case of secularism's inability to take faith seriously[8] or perhaps the West's need to provoke and degrade Muslims and Islam.[9] For critical social theorists, they may be a case of Europeans' historically unaware and un-self-critical preoccupation with Muslims as an

internal Other[10] and of Muslims' un-self-confident fixation on Islam as an iden-
tity held together by a series of symbols, signs, and disembodied rules, which is
itself a product of their historical subjugation by Western colonialism.

Awareness of this tendency should lead anyone to a certain self-restraint.
Perhaps what we choose to emphasize as the core issue in a given moral con-
flict is not the whole story. How do we know whether we are dealing with a con-
flict between two incompatible but similarly elaborate and autonomous moral
doctrines or a conflict between groups of *people* situated in a pathological power
relationship? Inevitably, both are the case, so how do we begin to untangle the
web of complacent self-descriptions, historical shadows, and power interests?
How can we be sure of the motivations and anxieties of parties in a conflict?
How can we be sure that we are evaluating a certain tendency, ideology, or trend
in terms of its most sophisticated manifestation, rather than its crudest and
least self-aware?

One way is by evaluating the moral conflict in question in terms of the
difference between what the various parties value and what they wish to see
prevail. Conflict over whether to permit cartoons of the Prophet Muhammad
may be many things—evidence of Europe's historically situated anxiety about
Islam and its own Muslim population,[11] Muslims' postcolonial lack of self-
confidence, secularism's inability to take religious belief seriously, Muslims'
admirable resistance to Western arrogance—but it is for that no less about
whether to permit offensive cartoons of the Prophet Muhammad in an exist-
ing, multicultural, secular democracy. Conflict over whether to permit girls to
wear the headscarf in French schools may be many things—evidence of the
West's obsession with "saving brown women from brown men,"[12] the desire
of Muslim men to reassert patriarchal authority over Muslim women, an in-
stance of France's misguided approach to religion and republican desire to cre-
ate certain kinds of subjects—but it is for that no less about whether to permit
girls to wear a headscarf in school. Conflict over whether Canada should allow
Muslim arbitration courts may be many things—a manifestation of Canadians'
fear of Muslim "barbarians at the gates,"[13] a sign of Westerners' hypocrisy and
double standards when it comes to Islam, evidence that Muslim communities
are determined to avoid assimilation into Canadian society—but it is for that
no less about whether a country committed to both civic equality and religious
freedom should allow Muslim arbitration courts. Thus, a first step is to isolate
what precisely is immediately at stake in terms of competing claims about what
is just, good, or permissible. Of course, this is not a call to treat instances of
moral disagreement outside their broader historical and power context; context
is an important factor in assessing the morality of a given course of action.
But while that context *may* show that a given instance of moral disagreement
is "actually about" something else (power, racism, Islamophobia, integration,
class), it may not do that. We certainly cannot assume from the outset that that
is the case. Hence, all the more reason to attempt to isolate the moral-doctrinal
elements from the context-power elements for the purposes of clarity and rigor.
Differently put, we cannot assume (from the outset of an inquiry) that there is
one *single* power context that is determinant of an event's morality *tout court*.

A second step is to isolate what *precisely* about these competing claims is *Islamic* or *liberal*. Is there a *tradition* to thinking in these terms?[14] Are the claims or demands being advanced the *only ones* that can be advanced in the name of Islam or liberalism? How *central* to those moral traditions are the claims or demands? Do these demands or claims tend to emerge in *other social or power contexts*? Are they claims that *inherently* or only *contingently* reinforce certain power dynamics?

Thus, this approach to moral conflict and consensus discards the description of conflict in broad civilizational terms, as if Islam were some grand metaphysical reality and liberalism nothing more than the ideology of late modern capitalism. Although deep causality or grand narrative may be illuminating, it is not always clear that it prescribes a better mode of engaging contemporaries publicly across moral divides. In place of an integrated understanding of civilizational commitments according to which Western liberalism and Islamic ethics meet one another wholesale, this study thus proposes approaching moral conflict in terms of the *specific* points of contact between political liberalism as an ideal theory of social cooperation and Islamic doctrine as a tradition of systematic thought about what Muslims may legitimately regard as permissible. In place of a time-slice view of contemporary Islamic sensibilities, this study seeks to place contemporary Islamic positions in the context of a *juridical and ethical tradition*.[15] In place of an emphasis on the tangled interests and motivations of particular actors, this study abstracts from the details and complexities of particular political contexts in order to theorize an *ideal moral encounter*. The aim is to clarify our understanding of the sources of moral disagreement and what is required for principled moral reconciliation.

The hope is not just moral consensus but also to deflate and to demystify some of the rhetoric surrounding moral disagreement. A typical antagonistic approach to Islamic political ethics is to assert that all undemocratic, antiliberal, or violent Islamic practices are inevitable by-products of an essential Islamic code or ethos. A typical apologetic response to such statements is to place the criticized practices in the context of colonialism or contemporary political antagonism, or to make a distinction between the Islam of medieval legal scholars and the more complex cultural or political practices of particular communities. This book can contribute to that debate. By studying the patterns of moral disagreement in their *specific points of contact*, by studying Islamic moral commitments in terms of a *juridical and ethical tradition*, and by abstracting ourselves from a political analysis of current events to something like an *ideal moral encounter*, it is possible to better understand whether a given political conflict actually has at its root a principled moral disagreement between competing ethical systems. Sometimes there will be evidence of a longer standing conflict of ideals or values. Sometimes liberal terms of citizenship will be shown to be compatible with even very conservative Islamic conceptions of moral obligation. At other times, liberal terms of citizenship will be shown to require substantial revision of long-standing Islamic commitments. *At no point do we assume that actual political conflict and the consciousness of real persons can be reduced to formal religious or philosophical commitments,*[16] but by taking those

commitments seriously enough to study them in their own terms, we avoid both the simplistic judgment that all political conflict between Muslims and non-Muslims is reducible to essential cultural, moral, or religious features and the slightly less simplistic judgment that all such political conflict is a proxy for some kind of anticolonial or counterhegemonic resistance.

A further way of avoiding confusion about the purposes of this study is to make explicit the radically different interest various types of scholarship have in the terms *Muslim* and *Islamic*. To fix ideas, let us simplify the distinction as one between an interest in Muslim/Islamic as an *identity* and Muslim/Islamic as a *set of beliefs*. When I pose the question "Can Muslims regard as legitimate the terms of citizenship in a non-Muslim liberal democracy?" a host of perfectly reasonable objections immediately present themselves. These objections are related to the views previously presented in objection to the interest in the "compatibility" between Islam and this or that belief, system, or practice: Why should we assume Muslims are any more hostile to liberal citizenship than any other citizens? Doesn't this recall the degrading, and often racist, suspicions about whether Catholics and Jews could be good American citizens? Why should we assume that Islamic religious texts explain the motivations and interests of actual Muslim citizens rather than focus on their lived practices? Doesn't the discourse on whether Muslims can be good liberal citizens contribute to a dominant understanding of Muslims as illiberal and dangerous, and isn't there something of a double standard in how this discourse is mobilized in Western societies?

All of these objections to the organizing question of this book raise crucial and valid moral concerns. They presume, however, an *identity-based* approach to the study of religious or cultural political encounters, in the sense that "Muslim" and "Islamic" are presumed to function as ascriptive cultural markers of persons and the communities they comprise. There are good reasons, of course, to focus on Muslim and Islamic "identity," as opposed to formal religious doctrine, not the least of which is the fact that many persons themselves are as deeply committed to their public cultural identities as they are to their considered beliefs. Of course, the more compelling reasons are the ways in which nominal identities serve to shape political loyalties, personal consciousness, and social esteem. It is impossible to live socially outside of the range of ascriptive identities by which others recognize us, and it is to a large extent impossible to achieve the social respect necessary for stable individual self-esteem without our ascriptive identities themselves in some way being respected and recognized. That is true for all of us in all times and places, but it is hard to think of a social identity at the present time in the West that is as mobilized, as vilified, as glorified, as scrutinized, and as reified as are "Muslim" and "Islamic." It is thus natural to assume that raising questions about moral disagreement in a diverse society must address the experiences of all persons who might be identified according to the same ascriptive monikers of the groups at the core of a given moral disagreement, in this case "Muslim" and "Islamic."

By contrast, I wish to state as clearly as possible that for me the terms "Muslim" and "Islamic" serve to identify a *set of beliefs* or rather, more accu-

rately, a *tradition of argumentation about the formulation of religious doctrine*. It is, of course, not easy in the case of actual individuals or communities to cleanly separate commitment to an identity from commitment to beliefs. In the case of Islam, the claim is often that the "identity" is derived precisely from a commitment to certain beliefs. Furthermore, the commitment to a certain social identity can be an important factor in the selection of beliefs. Where what we can call identity commitments and belief commitments overlap, it might be impossible to identify primary motivations. For example, the popularity of certain radical Islamic *beliefs* (both in the West and in Muslim-majority countries) often coincides with a very public affirmation of an Islamic *identity*. What is the order of causality here? Does a higher-order desire to be as Islamic (in the identity sense) as possible lead to an elective affinity for certain beliefs? Or, rather, does the conviction that certain beliefs are true result in a natural adoption of the public markings of an Islamic identity and a political commitment to a certain imagined community? Do political events affecting a certain cultural community (in the identity sense) create the conditions for certain beliefs to be adopted as true? Or, rather, is the background fact of certain beliefs being held what creates the terms by which that cultural community was constructed in the first place? Take the case of Islamic *jihād* doctrines. Can we know whether a given Muslim who supports or approves of the activities of so-called jihadi groups does so because of a prior moral belief derived from Islamic doctrine or because of psychological factors related to the dynamics of conflict and "the love of one's own"?

For all of these reasons, it is often extremely difficult to even identify the "moral disagreement" in question, especially when such disagreements take place in a larger context of political antagonism. Traditions of religious doctrine and belief are often (if not always) entangled with the political and social needs of particular communities. It is, for that reason, all the more important to be cautious, precise, and rigorous in speaking about the nature of moral disagreement. My own way of attempting to be more cautious and precise and to avoid making unsubstantiated claims is to limit my focus to the study of traditions of Islamic *internal doctrinal arguments* on the problem of liberal citizenship without expecting that such a study will explain the totality of moral relationships between Muslim *communities* and Western societies.

This distinction I make between identities and beliefs, and my preference for focusing on the latter, is not derived from a methodological or political agenda exogenous to Islam. *All of the substantive questions, problems, and debates I focus on in this book are derived entirely from internal Islamic sources.* Consider the following passage by European Muslim intellectual Tariq Ramadan:

> There are a number of issues which should be tackled and discussed in the debate about the Muslim presence in Europe. To give a clear answer about the Islamic legality and conditions for staying in a non-Muslim society is, of course, of great importance but it is still not sufficient: it is also necessary to determine what Muslims' responsibilities and rights towards their new societies are. For, as soon as

their Religion is respected and their freedom assured, they become part of the host countries' constitution and law. This has to be clarified for Muslims living in the West: i.e., what does it mean to be part of a Western society? Is there a limit or an exception to respect for the law and the constitution? Is there any discrepancy between respecting Western laws and being faithful to the teachings of the Qur'ān and the *Sunna*? Can a Muslim be a true and trustworthy citizen of a European country or has he or she simply the right to apply for Western nationality?[17]

It is clear that the concern with the deep, principled congruence between liberal and Islamic conceptions of justice, the good, and social solidarity is in absolutely equal measure an endogenous Islamic and liberal concern.

Philosophical Motivations

There is another way in which this book contributes to a common debate (both academic and popular) about the conflict between liberalism, secularism, and religion. Of course, political liberalism is committed to a certain form of secularism. This form holds that in modern conditions it is not reasonable to expect that all persons in a given society will be united around a religious foundation for public deliberation, never mind a single religious doctrine; because legitimate political power ought to justify itself to all persons subject to it, public deliberation ought to be conducted in terms of a "public reason" that is accessible to all persons regardless of their religious beliefs. This is the dominant contemporary philosophical understanding of the separation of church and state. Although this understanding also seeks to limit "secular" public reason by not allowing it to proceed on grounds that explicitly deny the truth or value of religious beliefs, it nonetheless does not allow religious doctrine or law to triumph in coercive state institutions. When the two conflict, public reason trumps religious reason. Even if it tries to do so without negating religion, it does not allow that religious truth be brought to bear on society at large.

For many believers, that alone is tantamount to denying religion. For them, there is no neutral space where religion is neither affirmed nor denied. By not affirming it, it is denied. And yet, we are asking for a religious justification of this state of affairs. How could this possibly be? How could there be religious reasons for religion being superseded by secular authority, even secular authority that does not seek to transform all believers into unbelievers? Thus, it is often claimed, there is a necessary and inevitable existential conflict between religion and liberalism.[18] There are, therefore, only two ways for religious citizens to be liberal citizens: One, their religious beliefs may be *replaced* by new ones, at least those beliefs that conflict with liberal justice; two, their religious beliefs may be *augmented* by new ones. A believer may come to accept liberal freedoms—including the freedoms to blaspheme, to apostatize, and to sin—but only by *replacing* her former belief that religion prohibited these freedoms with views from outside religion or by *acquiring* a new belief from outside reli-

gion while not thinking about (or while forgetting) what God might have said on the matter.

Is there a third option? Might it be the case, despite what seem to be irreconcilable conflicts of authority, that religious doctrine can provide believers with some account of why and when secular authority is legitimate, why and when unbelievers can be embraced in at least civic friendship, why and when it is permissible to allow sin to go unvanquished? Is it possible that affirmations of liberal citizenship might emerge from *within* religion, or at least receive doctrinal justification on grounds entirely *internal* to religion? This knot has often been thought irresolvable even in the case of Christianity; could it possibly be the case that a religion like Islam, with an utterly unambiguous claim to worldly authority, could provide *principled* reasons for this self-restraint?

This is the main question this book addresses. My main starting premise is that this question need not be treated in grand terms, as if the politico-theological question needed to be treated as a *proof* in need of *axiomatic* demonstration in one way or another. What if the question were an open one, subject to historical or "empirical" treatment? By the latter, I mean that whether a believer regards a social or political context as fundamentally incompatible with religious commitment is a question that demands study into *particular* political demands and theological beliefs. Does *this* religious ethical tradition have the resources to endorse *this* context of social cooperation? Is it reasonable to hope that political institutions we are committed to for our own moral reasons can be the object of commitment for different reasons that our fellow citizens find authoritative? Given the broader state of religious and philosophical disagreement on how to live, may we at least hope for compatibility between most religious and philosophical views on how to live *together*?

The idea of "compatibility" or agreement is something that comes easily to the moral imagination. We encounter conflict in the world, and one intuitive response is to seek out commonality with our moral contemporaries. Often, we are magnanimous enough to imagine that what we believe to be a fair resolution of a conflict must have some echo in the other's moral perspective. The idea of grounding cooperation on what is worthy of being agreed to by all parties or of searching for moral foundations for cooperation from a variety of disparate sources is also an approach to moral conflict with strong appeal within political philosophy.

In *Political Liberalism*, John Rawls writes: "There are many reasonable comprehensive doctrines that understand the wider realm of values to be congruent with, or supportive of, or else not in conflict with, political values as these are specified by a political conception of justice for a democratic regime."[19] When it is, in fact, the case that comprehensive religious and philosophical "doctrines endorse the political conception [of justice], *each from its own point of view*,"[20] society enjoys what Rawls refers to as an "overlapping consensus." Because a liberal society ought not to impose on its citizens a single religion or philosophical doctrine, the dilemma of instability arising from deep moral disagreement (which a liberal society creates and tolerates) is resolved or moderated not when we all come to share a moral doctrine but "when the doctrines making up the

[overlapping] consensus are affirmed by society's politically active citizens and the requirements of justice are not too much in conflict with citizens' essential interests."[21] The claim is that metaphysical disagreement that results in different conceptions of value and how to live need not preclude principled agreement on the terms of political cooperation. Even religious doctrines are presumed to have the resources to provide an internal account of the legitimacy of a liberal political order: "Here I shall suppose—perhaps too optimistically—that, except for certain kinds of fundamentalism, all the main historical religions admit of such an account and thus may be seen as reasonable comprehensive doctrines."[22]

How optimistic indeed is Rawls being here? Can a political conception of justice based on the values of individual freedom and civic equality be affirmed by those believing in revealed conceptions of truth and justice that allow—indeed, require—that the community uphold extensive, paternalist forms of authority? Can individuals who believe in the truth of their ethical doctrines recognize the authority of governments not founded with the express purpose of advancing those doctrines? Does recognition of a purely political conception of justice require that believers bracket their religious beliefs or that they find within their religious beliefs affirmation of values that can underpin the political conception?

These questions have, at times, been answered in the affirmative in relation to the ethical pluralism to be found in Western constitutional democracies. Many Christians of various sects and denominations, for example, have found ways of both upholding the truth claims of their religion and adopting the political values required to recognize the legitimacy of constitutional democracy. A yet stronger claim is that the liberal political values that support constitutional democracy, particularly individual autonomy and civic equality, are generally embedded in Western political culture and found even in those "comprehensive ethical doctrines" that are not otherwise forms of liberalism. That is, not only do many Christians, for example, as heirs to a broader Western political tradition, believe in civic equality *in addition to and apart from* their religious beliefs but also they draw precisely on those religious beliefs in order to affirm the distinctively political values necessary for democratic legitimacy.

Increasingly, however, Western political communities are composed of citizens endorsing doctrines and beliefs other than those drawn from, sustained by, or shown to be compatible with secular political traditions, including ones based on Islam and other non-Western traditions. Does this fact add a new dimension to our attempts to deal with ethical pluralism in Western societies? Any arguments for the legitimacy of political liberalism based on the existence of a common post-Reformation or post-Enlightenment shared tradition of secularism and political liberties (separate from attempts to show a theological basis for these values) would, for one, seem to be inapplicable. Beyond this, however, in the face of an increasingly complex cultural and ethical pluralism, are we at all compelled to ask how the specific doctrines held by citizens of a liberal state might overlap with our conceptions of justice? In this book, this question takes the following form: Is there an interpretation of Islamic moral

commitments, one not in great conflict with orthodox, Sunni[23] Islam, by which Islam may be considered among the doctrines that understand the wider realm of values to be congruent with, or supportive of, or else not in conflict with, political values as these are specified by a political conception of justice for a democratic regime? Can there be an Islamic doctrine of citizenship in liberal democracies?

Comparative Ethics

This book is not simply a work of scholarship, in the sense of studying Islamic thought in its historical context. It is, rather, in some ways an exercise in what Rawls referred to as "conjecture," or the attempt to argue for the existence of an "overlapping consensus" between a liberal political conception of justice or citizenship and a particular comprehensive ethical doctrine *that is not one's own*. Such a project must be understood partly as a *civic exercise*, in the way that an inquiry into normative public principles would be. The objective is not to provide the most convincing account of why certain claims are advanced as "Islamic" in a given context, what the necessary (historical, political, psychological) conditions are for such a claim being so advanced, or what the implications are of such claims being advanced. Rather, the aim is to investigate what is involved Islamically in arguing for the religious legitimacy of liberal citizenship in such a way that believers (particularly those open to arguments *against* liberal citizenship) might be convinced. Thus, this project is best understood as an exercise in comparative ethics because it treats both liberalism and Islam as first-order moral traditions that provide justificatory reasons for their adherents and that are presumed to have the capacity to both conflict and overlap.

It is not the place of a non-Muslim political theorist to determine how the Islamic revelatory sources are best converted into truth claims or normative judgments. In addition to the complexity of moral consciousness experienced by actual persons acknowledged previously, a multiplicity of intellectual and spiritual traditions exist that give shape to the idea of "Islamic ethics." However, the aim of this book is neither simply to pay homage to the bare fact that Islam is a complex and polyvalent living tradition nor to add to the apologetic literature in opposition to the crude and uninformed claims about Islam's essential dangerousness ("What about Rumi?"). I take those points for granted but do not see them as adequate accounts of internal Islamic understandings of the margin and the periphery in formal moral justification. Rather, I conceive of comparative ethics as the effort to structure a rigorous encounter between two serious and widely endorsed systems of thought. It is my claim that the corpus that best suits this purpose from within Islam is the tradition of Islamic law, broadly within which I include Qur'anic exegesis (*tafsīr*), *ḥadīth* commentary, jurisprudence (*uṣūl al-fiqh*), and substantive legal-ethical rulings (*furū' al-fiqh*, or *aḥkām*). This book thus analyzes Islamic sources, mostly juridical, and aims at a relatively comprehensive survey of existing views and arguments on

the problem of liberal citizenship with some claim to stem from orthodox Islamic methods and commitments, putting what I will call "compatible views" into a context of relative orthodoxy or centrality. Further, it involves analyzing the underlying moral reasoning of views that ostensibly endorse the terms of liberal citizenship, recognizing the complexity and ambiguity found within religious polemics.

Outline of Chapters

This book is divided into three parts with a total of eight chapters. Part I, "Justificatory Comparative Political Theory: The Search for Overlapping Consensus through 'Conjecture,'" outlines the methodological and analytic framework that I adopt and develop to defend a conception of liberal citizenship and structure an investigation in Islamic discourses. Chapter 1, "Purposes: The Place of Justificatory Comparative Political Theory," argues why political theorists interested in liberal citizenship (but not necessarily interested in Islam) might be interested in an inquiry of this nature and defends it against a number of anticipated criticisms. Chapter 2, "Methods: The Ethics of Comparative Ethics," develops a method for engaging in this form of comparative political theory, with special reference to religion, again anticipating a series of important objections and reservations, some of them discussed above.

Part II, "Islam and Liberal Citizenship: Patterns of Moral Disagreement and Principled Reconciliation," is divided into two chapters. Chapter 3, "Islamic Objections to Citizenship in non-Muslim Liberal Democracies," presents the range of Islamic arguments found in both classical and contemporary sources that problematize liberal citizenship. The aim in this chapter is merely to provide evidence that liberal citizenship *can be* contested within formal Islamic religious doctrine. These internal Islamic discourses show that before we can discuss the central liberal concerns of justifying state neutrality and individual freedoms to revise one's conception of the good, it is necessary to look at a series of questions related to Muslim belonging, loyalty, and solidarity in a non-Muslim state. *There is, however, no case made or suggested that, because of these Islamic juridical-doctrinal debates, actual Muslim citizens (in the cultural, identity sense) must experience liberal citizenship as problematic.*

Based on this background ideal-typical case against liberal citizenship, I argue in chapter 4, "Identifying Equilibrium: An Ideal-Typical Islamic Doctrine of Citizenship," what views emerging from within Islamic doctrine on the questions discussed in chapter 3 would be regarded as reasonable from the perspective of political liberalism while requiring the least revision of traditional Islamic commitments. I refer to this as the search for a certain kind of equilibrium. I argue that political liberalism has a preference for an Islamic doctrine of citizenship that would be the *least demanding possible* for committed Muslims in the sense of requiring minimal departure from traditional or widely held beliefs (thus including in an overlapping consensus the widest possible spectrum

of Islamic commitments) while remaining fully compatible with justice and a well-ordered society (thus not making the overlapping consensus "political in the wrong way"). I argue in this chapter for a certain set of ideal-typical Islamic statements that would be representative of a reasonable affirmation of liberal citizenship; I then use these statements as the benchmark for my analysis of Islamic polemics in the final part.

Part III, "Islamic Affirmations of Liberal Citizenship," has four chapters that all respond to the main doctrines presented in chapter 3 contra liberal citizenship. All four chapters demonstrate that very strong and authentically Islamic arguments exist for accepting all of the core demands of citizenship, many being found even in medieval works of Islamic jurisprudence. Crucially, Islamic arguments shown to support the idea of an overlapping consensus also vindicate many of the claims of Rawlsian political liberalism to be a more appealing form of liberalism to nonliberals precisely because of its abstention from claims to metaphysical truth.

Chapter 5, "Residence in a Non-Muslim State," examines the classical and contemporary arguments for permitting legal residence within a non-Muslim state. The emphasis in this chapter is not only on the technical Islamic arguments against the prohibition of such residence (encountered in chapter 3) but also on the treatments of the underlying reasons for discouraging residence and of the conditions under which residence is regarded as legitimate. Chapter 6, "Loyalty to a Non-Muslim State," examines Islamic discussions on when Muslims can exhibit loyalty to non-Muslim states, particularly through contributing to their self-defense. This chapter focuses heavily on the Islamic legal discourse on contract, particularly the notion of the *amān* contract of mutual security, which Islamic jurists from the earliest times to the present have used to justify what I argue amounts to a social contract of (at the least) loyal residence and political obligation. Chapter 7, "Recognition of Non-Muslims and Moral Pluralism," builds on the doctrines discussed in the preceding chapters by examining Islamic affirmations of the potential permanence of moral disagreement (which in a liberal society cannot be confined to recognition of "Abrahamic fraternity" with Jews and Christians) and the idea that "justice" (as opposed to contingent accommodation) is the standard by which political relations with non-Muslims are regulated. These discourses centralize the Islamic commitment to proselytizing (*daʿwa*), which remains essentially ambiguous from a liberal perspective. This chapter thus considers whether and in what circumstances a privileging of the possibilities for proselytizing can be regarded as compatible with a moral commitment to liberal citizenship. Chapter 8, "Solidarity with Non-Muslims," treats the liberal conceptions of civic friendship and social cooperation in terms of two tangible requirements, a willingness to contribute to the political and social welfare of those who do not share one's conception of truth and a willingness to participate in a non-Islamic political system. This chapter emphasizes long-standing Islamic distinctions between cooperation for this-worldly ("political" in the Rawlsian sense) goods and for spiritual or metaphysical aims. These final two chapters

also reveal some creative and possibly inspiring attempts by contemporary Islamic scholars (not otherwise "reformist" or "modernist" thinkers) to theorize and theologize the moral character of relationships with non-Muslims in the context of shared social cooperation beyond the (already significant) resources provided by the legal tradition.

Justificatory Comparative Political Theory

The Search for Overlapping Consensus through "Conjecture"

Contemporary political philosophy is rich in treatments of ethical and cultural diversity. Critics of liberalism claim that it fails to take seriously the claims of culture in general and minority cultures in particular. Liberals claim that multiculturalism and group rights fit comfortably within a liberal framework, while differing on just how accommodating liberal political systems should be of nonliberal minorities, as well as on what features of liberalism make it fair to cultural minorities. The substantive values of nonliberal perspectives, for their part, are usually assumed to be either excluded or out-weighed by "universal" liberal claims. But treatments of their specific claims and their own attempts to relate to liberal norms and expecta-tions tend not to be the fare of political theory.

The emphasis on "comprehensive doctrines" to be found in Rawls's later work does not characterize much of the literature on multiculturalism and minority rights. In addition to the conflict emerging from the type of pluralism envisaged by Rawls—that of groups seeking to use the state to impose or advantage a vision of the good life derived from a relatively elaborate philosophical or religious doctrine—contemporary political philosophy has also grappled with the demands of less philosophically grounded pluralism. While Rawls seems to imagine a more or less symmetrical conflict between worldviews,[1] the broader literature on multiculturalism and group rights is concerned with various asymmetrical power relationships and the ways in which the interests of women, racial minorities, sub-national ethnic and linguistic groups, native populations, and

religious minorities may not be fully protected by traditional liberal conceptions of equal citizenship on an individual basis. The themes of asymmetry and power permeate the multiculturalism debate: Critics of universal citizenship seek to point out the asymmetries in power held by various groups; many liberals concede this while refusing to neglect the concurrent asymmetry between those minority groups and their individual members.

Theories of liberal neutrality and multiculturalism have thus developed as a way of preserving universal, equal citizenship in the conditions of both religious and/or ethical pluralism and the group demands of minority or marginal cultural groups. The fact of "reasonable moral pluralism" leads to a liberalism that seeks to justify basic political institutions without reference to any single controversial doctrine. The fact of cultural pluralism leads to calls for policies to assist the survival of minority groups, to offer group-based representation, to provide exemptions from public duties, to alter traditional conceptions of the cultural basis of political communities, to establish forms of differential treatment, or simply to "recognize" the particularity of various group experiences.

The presence of Islam within liberal democracies intersects all of these philosophical, ethical, and social debates insofar as *Islam* is a (Rawlsian) comprehensive ethical doctrine and *Muslim communities* constitute cultural, and often racial and linguistic, minority groups. Moreover, the practice of Islam represents a textbook illustration of both the appeals and the challenges of liberal neutrality. On the one hand, liberals would claim that Muslim minorities benefit from the religious neutrality of secular, liberal democracies. Muslims in the West do not face the stark choice between political rights and the practice of their religion. As a minority community, Muslims enjoy protections against certain majority impositions. On the other hand, the practice of Islam free from the state imposition of Christianity, atheism, or another doctrine directly incompatible with Islamic truth claims is balanced by the protection of individual Muslims from communal authority. Muslims in liberal democracies enjoy rights deriving from the value of individual autonomy that do not figure in traditional elaborations of Islamic law, particularly the right to freedom of conscience (including apostasy), the right to free speech (including blasphemy), and the right of free marriage (including for women). Similarly, liberal neutrality may not provide Muslim communities with all the rights and protections they may find desirable, such as protection from offensive speech. Furthermore, there are questions related to Muslim citizenship in liberal democracies that are particular to Islamic legal and ethical discourses and rarely considered by liberal political philosophers. The very questions of living in a non-Muslim country, cooperating with non-Muslims, and exhibiting loyalty to non-Muslim authorities are all very much contested within Islamic legal-political thought. It is clear that Islamic citizenship in liberal democracies faces not only all of the cultural, social, and political problems faced by all cultural and racial minorities in the West but also, on top of these, problems of a distinctly ethical, conscientious, and doctrinal nature.

The aim of this book is thus to examine whether Muslims *qua* Muslims can regard as religiously legitimate the demands of citizenship in liberal de-

mocracy. This involves asking whether requirements such as living in and being loyal to a non-Muslim state, regarding non-Muslims as political equals with whom one might cooperate socially and politically, and allowing fellow Muslims to practice or not practice their religion as they see fit can be regarded as legitimate practices. At worst, one would look for attitudes, values, and proclamations that regard such concessions as necessary evils given the minority status of Muslims in liberal democracies, but one day perhaps to be overcome in the conditions of a pious majority. At best, one would look for statements that portray cooperation with non-Muslims and freedom of conscience for Muslims as values sanctioned or even encouraged by Islamic texts, that is, as *Islamic* values. Thus, this is primarily a search for a religiously based ethical *doctrine.* By contrast, the liberalization of individual Muslims or of whole societies, whether that means abandoning religious belief or enriching one's repertoire of beliefs with liberal values expressly regarded as new or exogenous to religion, is properly regarded as a sociological phenomenon. That process may be more historically important, sociologically interesting, or politically reliable as a path to the stability of liberal institutions, but it is not the object of this inquiry.

This type of inquiry is a form of *comparative political theory*. What is comparative about it is the attempt to pose similar questions across philosophical and ethical traditions with the aim of identifying the possible grounds for consensus. It differs from the traditional concerns of hermeneutics, discourse analysis, genealogy, or intellectual history to the extent that it is concerned with a particular form of normative argumentation, or justification. Comparative political theory (what I will also refer to as "conjecture," following Rawls, or simply as comparative ethics) on my understanding does not pretend to be disinterested or value-neutral. It is openly concerned with justifying certain normative principles from different philosophical, ethical, or religious foundations.

The need for this type of comparative political theory is not necessarily assumed by Western political theorists. A philosopher might ask the following questions: Given that the liberal political conception of justice is derived and justified independently of those doctrines, what need does it have to be justifiable within them? Why should we care whether Muslims (or the Amish, or Southern Baptists, or Mormons, or hedonists) have the resources *within* their religious doctrines to become the kinds of citizens that political liberalism requires them to be? Shouldn't nonliberals simply be asked to accept the principles of justice (if they are to be reasonable, that is)? What if we discover that there is no foundation for an overlapping consensus between political liberalism and a given comprehensive doctrine? Would that detract at all from our liberal commitment to equal rights and individual liberties? Would it lead to any meaningful conclusions about the status of the holders of that doctrine as citizens? Furthermore, isn't the whole inquiry a bit contradictory? Isn't it the very point that these are *nonliberal* doctrines that by definition prioritize the good and the true over the right? Aren't theories of justice supposed to be independent of the accommodation of power or considerations of popularity? Isn't that what makes them theories of justice rather than theories of prudence, social stability, or political decision making?[2]

Other theorists (perhaps various communitarians, multiculturalists, or critical theorists) might object to the liberal bias in the methodology. After all, isn't it assumed here that it is liberal values that we are trying to find the foundation or justification for in nonliberal doctrines and not the other way around? Isn't there an assumption operating that for various doctrines and traditions to be treated with respect (as "reasonable" in Rawls's terms) that they must be able to find the resources to become certain types of liberals? Isn't this approach just another form of intellectual hegemony designed to undercut minority traditions by more subtle means? Rephrasing, there might be at least three important reservations about this form of comparative political theory.

First, theorizing across existing doctrines is based on nothing more than historical contingency and thus has *no justificatory force*. The moral force of intersubjective agreements is that they are not based merely on self-interest or strategy but that they can be justified from the standpoint of all human beings. Merely pointing out that a value or a norm can also be found in another ethical tradition does not advance this constructivist moral claim. The approach is either anthropological or sociological (in that it may be of empirical or historical interest) or else political (in that it may represent a path to social stability or accommodation), but it is of no inherent philosophical or ethical interest. *We have nothing to learn, as it were, about how we should organize our societies from studying, for example, Islamic texts, insofar as we cannot take their claims literally or seriously consider adopting them as our own.*

In addition to these concerns, it is not clear that, where one might aspire to a normative consensus or a deliberative outcome between citizens, one is looking for a consensus between *doctrines*. Part of the aspiration of political constructivism, discourse ethics, deliberative democracy, and public reason is that citizens will be able to appeal to each other *qua* citizens and not merely *qua* rationalists, Christians, Muslims, and so on. We aspire toward agreement precisely based on arguments that citizens can endorse regardless of whether these arguments are grounded in their more controversial beliefs. Thus, when we do engage intellectually with nonliberal cultural or religious groups over a particular policy dispute (such as the Danish cartoon affair, abortion, or school prayer) and are willing to examine our received beliefs in light of the views they advance, what is important to us are not the arguments put forward from within their ethical traditions (i.e., arguments that presume the veracity of those traditions in order to be accessible) but only arguments that can be "translated" into a form of public reason. For example, we are willing to consider how far our defense of freedom of speech can be carried in the Danish cartoons affair but only in relation to other publicly accessible political values, like protection against offense or respect for beliefs, and not, for example, Qur'anic or doctrinal injunctions against insulting the Prophet. We are willing to debate Christians on the morality of abortion but only in terms of whether it is *reasonable* for us to consider a first-trimester fetus as a human and not whether it is *divinely ordained* for us to do so.

Thus, seeking to ground the ethical values that support a commitment to public reason, discourse ethics, or deliberative democracy in comprehensive doctrines, as opposed to public reason, may be something that we actually want

to avoid. There might be a special force to this concern for those invested in political liberalism's commitment to a free-standing public justification. Because a political conception of justice is not justified by a public appeal to its truth and instead relies on its relation to truth or rationality remaining ambiguous, "trying to pry open the specific affirmations that relate the political conception to moral truth [might] compromise the purity of a merely political conception of justice."[3]

Second, to the extent that one of the purposes of comparative political theory is to find consensus, the project is *implausible*. It is chimerical to assume that one will always be able to arrive at similar enough conclusions (even about how to disagree) from different first principles. Furthermore, such intersubjective agreement between parties based on different comprehensive values or principles will be inherently unstable and unreliable, if not purely tactical on the part of actors. This objection is put most forcefully from within a liberal perspective by Brian Barry. For Barry, the liberal requirement that nonliberals tolerate behavior they regard as wrong cannot be sweetened by public self-restraint in the way that tolerance is justified (say, through arguments based on "neutrality" or "reasonableness"). "We have to abandon as illusory the hope that people might be left undisturbed in the dogmatic slumbers while somehow being cajoled into accepting liberal policy prescriptions. Dogmatism must give way to scepticism before the appropriately attenuated concept of wrongness can become attractive. . . . There is no way that non-liberals can be sold the principle of neutrality without first injecting a large dose of liberalism into their outlook."[4] Because persons who not only hold comprehensive doctrines but also hold them dogmatically will have little interest in looking outside those doctrines for moral arguments or motivations, they will not regard themselves as morally bound to a liberal political conception of justice should they acquire political power. Thus, even if an overlapping consensus can be shown between *some* doctrines, short of all non-(politically)liberal doctrines disappearing, we are no closer to understanding what to do about such "unreasonable" pluralism. In fact, the commitment to a public language of neutrality and reasonableness may deprive liberals of crucial resources for combating intolerant, illiberal doctrines operating in society.

Third, "justificatory" comparative political theory is really a form of *cultural hegemony* with a human face. The assertion is that minority cultures are obliged to become liberal to a certain extent in order to enjoy equal citizenship or recognition as valuable expressions of human experience. This reveals the inherent paradox in liberal claims to neutrality or universality: On the one hand, political liberalism claims to be a doctrine that tolerates nonliberal forms of life and conceptions of the good, yet on the other, it requires that doctrines, associations, or communities eligible for this toleration already exhibit enough liberalism to be able to share in this project of mutual toleration. This objection is put forcefully by Bhikhu Parekh:

A widespread consensus among comprehensive doctrines then might not be available and yet it is badly needed to make political

liberalism viable. Rawls's society has no choice but to *create* one. Since liberal values are embodied in the basic structure of society and enjoy enormous power and prestige, Rawls hopes that all, or at least most, comprehensive doctrines would over time adjust to and be informed by political liberalism. Since the latter is grounded in comprehensive liberalism, this would mean the dominance of the latter over other comprehensive doctrines. Rawls's political liberalism is, or could be seen by some as, not a principled and self-limiting moral position but a political device with a large hidden agenda.[5]

It is clear from these criticisms that this type of inquiry is open to criticism from both flanks: that, in carefully testing liberalism's appeal to nonliberals, it is too agnostic about liberal foundations and that, in searching for resources to "liberalize" nonliberal doctrines, it is too uncritical of them. There may not be a fully satisfactory response to much of this. Nonetheless, even if direct and final refutations of these concerns may be lacking, one can still call into question the extent to which they are important and argue for other values and purposes of theorizing that are neglected by these objections. In the following two chapters, I first examine the purposes of theorizing across ethical doctrines in various meta-ethical approaches and then summarize why, and to what extent, liberal political theorists should be interested in the comprehensive views of nonliberal fellow citizens. I then examine some moral and methodological problems in comparing ethical traditions with the aim of justifying common principles, refute some common objections or reservations, and propose a set of principles for guiding this form of inquiry.

I

Purposes: The Place of Justificatory Comparative Political Theory

So why do we need an Islamic doctrine of citizenship in liberal democracies, any more than we need a Catholic, Mormon, Amish, or hedonist doctrine of citizenship? Why is it not enough to determine through public reasoning what is reasonable for the state or political community to demand of its citizens and leave it at that? If citizens comply with just laws and act in a way that allows a well-ordered democratic society to enjoy stability, is it even proper for political theorists to be inquiring into what comprehensive beliefs citizens should hold?

The concern with the possibility of an overlapping consensus or support for liberal institutions from comprehensive doctrines is part of a long tradition in political theory of addressing moral psychology, human motivations, and the conditions for stability. Political philosophers have often concerned themselves not only with justifying their normative theories but also with addressing how those theories can overcome the many barriers standing in the way of a just society: ignorance, greed, envy, superstition, amour propre, ideology, and so on. Some philosophers have imagined that the inherent intellectual and moral limitations of the masses of ordinary people create a need for additional institutional or policy mechanisms to increase the likelihood that they will support just and good regimes. Plato thus anticipated that the ordinary citizens of his *kallipolis* would need to be taught a number of "noble lies" for them to assent voluntarily to the rule of the highest class. Others, including utilitarians such as John Stuart Mill, have traditionally put great emphasis on the ability of education to narrow the gap between the beliefs of ordinary citizens and the true, good, or rational guiding philosophy of the society.[1] Yet in these theories, these subsequent mechanisms are remedies for

dilemmas that, however anticipated, arise from outside the theory itself. Others have imagined that the very implementationof the proposed ideal society would inherently bring about a resolution of the problem of stability. Theorists such as Rousseau and Marx, who imagined that greed, selfishness, and egotism are not innate human features but rather the products of socialization in existing institutions, thus asserted that the implementation of an ideal order (the true republic or communism, respectively) would itself by necessity remove the root causes of the opposition to justice or freedom.

The later work of John Rawls contains a unique contribution to this tradition. For Rawls, in addition to all of the familiar obstacles placed by human nature, a well-ordered society is also threatened by the efforts of persons to advance, through the state, aims derived from their conceptions of the good (or "comprehensive doctrines"). Such persons are not necessarily ignorant or selfish in the ways imagined by Plato, Hobbes, or Marx. They do not use the values and symbols of a conception of the good simply as a mask or legitimation for material self-interest. Nor does Rawls declare that certain conceptions of the good are false, and that *these doctrines* must be overcome or transcended. Rather, Rawls argues that intrasocietal disagreement about truth, the good, the valuable, and the rational is an inevitable feature of human life in the conditions of freedom. A public language of justification based on the truth of any single doctrine will either face perennial opposition from some segment of the population or rely on state coercion (including indoctrination) to secure assent. Thus, however sincere or well motivated they are in their adherence to their deepest philosophical beliefs, persons who seek to impose those beliefs through the state are fundamentally *unreasonable* in the sense of being unwilling to "propose and abide by fair terms of cooperation" or by failing to recognize fellow citizens as free and equal. Citizens so motivated will thus have little to no loyalty to a liberal political regime.

The problem of stability in political liberalism is thus twofold: First, many citizens will be motivated to oppose a liberal political order in the name of what they believe to be true, rational, or good. Second, the liberal political order itself does not publicly claim to be true or rational and thus does not provide its citizens with a complete philosophical account of how liberal principles fit into a larger conception of a well-lived life, an account that could be used to answer the claims of those who believe that their true beliefs ought to inform the basic structure of society.

The idea of an overlapping consensus thus largely functions as a way of showing how a just and well-ordered society is *possible*: If one of the main threats to the stability of a just society is the impact of undemocratic and unreasonable comprehensive doctrines (in addition to selfishness, envy, irrationality, class conflict, and the like), then at least *that* threat can be removed or mitigated when "there are many reasonable comprehensive doctrines that understand the wider realm of values to be congruent with, or supportive of, or else not in conflict with, political values as these are specified by a political conception of justice for a democratic regime."[2] If one of the requirements of political liberalism is that it not take sides in deep philosophical questions

about truth, then at least that vulnerability can be overcome when citizens are able to relate a liberal conception of justice in some way to their own conception of truth.

A fuller account of these ideas is elaborated later. However, it is important to stress that the interest in political and social stability need not derive from a commitment to any *particular* normative or justificatory project, such as (Rawlsian) political liberalism. Whatever the strength of rational arguments for liberal principles, we can easily recognize that actual agents often require additional motivations for action, without thinking that those motivations provide independent philosophical justification.[3] On an aggregate level, we can acknowledge that liberal institutions are more stable when a persistent majority of citizens do not hold comprehensive views that declare those institutions to be illegitimate, thus contributing to a range of social goods about which liberals care, such as stability, social order, trust, harmony, efficient decision making, solidarity, social integration, political legitimacy, and respect for rights.[4] Perhaps, following Tocqueville, we feel that the stability of a democratic society relies at some level on "the different concepts men adopt, the various opinions which prevail among them and to the whole collection of ideas which shape mental habits."[5] One may feel that the appeal to religious beliefs for such support is an unfortunate, perhaps even cynical, tactic for achieving social stability,[6] or one may argue in principle that all beliefs are ultimately derived from controversial metaphysical commitments and that the appeal to another's value commitments in moral argumentation is all we have.[7] However, unless one believes that religious or philosophical doctrines never provide their adherents with motivations for action, or that they ought not to be indulged by appealing to them to endorse the reasonableness of liberal terms of social cooperation, one has no reason to be indifferent to an investigation of their capacity to support or oppose liberal conceptions of justice or citizenship.

Although to be interested in whether the comprehensive doctrines in a society are part of an overlapping consensus does not require taking sides in the debate on the philosophical or justificatory role of an overlapping consensus, it is true that political liberals—those who believe that political justification in public should not refer to any single controversial comprehensive metaphysical doctrine or conception of the good—have special reasons for being interested in the prospects for an overlapping consensus in any given political society. In what follows I outline the place of the idea of an overlapping consensus in political liberalism and show that the liberal interest in the existence of such a consensus in the case of any *particular* comprehensive doctrine is primarily political rather than justificatory. However, while this book presumes a commitment to a liberal conception of citizenship as a framework for morally evaluating Islamic views on membership in non-Muslim liberal democracies, and draws on Rawls's idea of an overlapping consensus as a way of structuring our interest in Islamic ethics, I believe this inquiry is robust vis-à-vis many ongoing debates about the desirability, success, or possibility of the specific justificatory scheme laid out in Rawls's later work. For this reason, after my survey of Rawls's concept of an overlapping consensus, I examine two popular alternatives to

political liberalism (Habermas's and Benhabib's views on discourse ethics and deliberative democracy, and two forms of historical relativism). My conclusion is that the understanding of the precise value of actual consensus or agreement about the terms of social cooperation, and thus of the purpose of exploring Islamic doctrines at this book's level of detail, is actually quite comparable across these three perspectives. Thus, I believe there need arise no significant concern among political theorists broadly sympathetic to liberalism about my preferring the language of political liberalism throughout this book ("overlapping consensus," "reasonableness," "fair social cooperation," and so on).

Stability and the Overlapping Consensus in Rawlsian Political Liberalism

Much of recent philosophical liberalism is defined by a concern to defend a liberal conception of justice that is neutral not only between (reasonable) conceptions of the good in the political sphere but also in its very justification of such neutrality.[8] Rawls's earliest formulation of his theory of justice had been subjected to the criticism that not only were the principles of justice arrived at it in his original position not neutral in their effect on various conceptions of the good life but also his account of stability (how the principles of justice would come to enjoy the support of citizens subject to them) presumed that citizens would come to adopt the moral principles underlying the conception of justice as a true comprehensive doctrine. Rawls became convinced that enduring disagreement about moral, philosophical, and theological questions is the result, not of the failure of human reason, but of the so-called burdens of judgment. Those burdens include inconclusive evidence, the differential assignations of weight to facts, the indeterminacy of concepts, the influence of personal experience on judgment, and the incommensurability of values.[9] Because of the way these burdens bear on human reason, reasonable persons will—in the conditions of freedom from oppressive state power—arrive at different judgments on questions of morality and the good. This is Rawls's "fact of reasonable pluralism."[10] Disagreement that is attributable to the burdens of judgment, unlike disagreement caused by bias and self-interest, is therefore reasonable and ought to be tolerated. It is not to be regarded as a misfortune but rather as the inevitable result of life in the conditions of freedom. Because, in Rawls's own view, his account of stability in *A Theory of Justice* (that reasonable citizens will all converge on a broad moral reflective equilibrium) was fundamentally inconsistent with its own political institutions (freedom of thought and association), it was defective and needed to be revised.

Rawls's revision asserted that his principles of justice were meant to apply only to a specific object, namely, political cooperation, and not as general moral principles. This involved a revision of some of the more controversial concepts of justice as fairness—namely, the conceptions of the person, rationality, and autonomy required for the theory to be coherent—so that they did not imply a