Rawlsian Liberal Pluralism and Political Islam: Friends or Foes?

In M. Hashas (ed.) *Sources of Pluralism in Islamic Thought* **(Dordrecht: Springer).**

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Abstract

In this chapter, I explore what look to be similarities between the Liberal Pluralism of John Rawls' *Theory of Justice* and (a very broad 'Modernist' construal of) Political Islam. Seeing where there may be points of confluence between the two may help us with how to conceive of a pluralistically inclined Political Islam (where the latter is usually presented as at odds with pluralism). The putative similarities I wish to address are that on both accounts: (i) rational agents, under certain idealised conditions, will come to choose a political structure that aims to guarantee both freedom of expression and freedom of belief; (ii) there will be limitations to those freedoms that the rationally chosen political structure will also oversee; and (iii) those limits are to be understood as protections to the very possibility of the freedoms being implemented. However, I wish to argue that these similarities do not really showcase an accord between Rawlsian Liberal Pluralism and Political Islam, but rather illustrate a problem with Liberalism (as a form of pluralism) *per se*. First, because they illustrate how a(n even rational) preference for freedom of expression and belief constitutes a "conception of the good" that was supposed to have been left behind Rawls' famous 'veil of ignorance'. Second, because they illustrate how Liberal Pluralism (a theory apparently made for settling disputes) has trouble with how to settle disputes involving second-order disagreement: in this case, disagreements as to whether specific instances fall under (iii) above. The issue of second-order disagreement, so I argue, continues to be a problem for public reason accounts of Liberalism, as in Rawls' *political* conception of Liberalism articulated in his "later" writings. I end by suggesting how the Medieval Islamic Philosophy (and especially al-Farabi's) may have given us the intellectual resources to move beyond this impasse and towards articulating a "perfectionist" conception of Liberalism that is true to what the later Rawls calls "the fact of reasonable pluralism." In short, then, it is from Islamic philosophy where we can find the resources to fixing some of the conceptual problems with pluralism in the Rawlsian tradition.

I.   Introduction

In this chapter, I explore what look to be similarities between the Liberal Pluralism of

John Rawls' *Theory of Justice* and (a very broadly 'Modernist' construal of) Political

Islam. Seeing where there may be points of confluence between the two may help us

with how to conceive of a pluralistically inclined Political Islam (where the latter is usually presented as at odds with pluralism). The putative similarities I wish to address are that on both Rawls' *Theory of Justice* and on many accounts of Political Islam: (i) rational agents, under certain idealised conditions, will come to choose a political structure that aims to guarantee both freedom of expression and freedom of belief; (ii) there will be limitations to those freedoms that the rationally chosen political structure will also oversee; and (iii) those limits are to be understood as protections to the very possibility of the freedoms being implemented. However, I wish to argue that these similarities do not really showcase an accord between Rawlsian Liberal Pluralism and Political Islam, but rather illustrate a problem with Liberalism (as a form of pluralism) *per se* – that is both for Political Islam as a form of pluralism and Liberalism as a form of pluralism. First, because they illustrate how a(n even rational) preference for freedom of expression and belief constitutes a "conception of the good" that was supposed to have been left behind Rawls' famous 'veil of ignorance'. Second, because they illustrate how Liberalism (a theory apparently made for settling disputes by embracing a kind of pluralism) has trouble with how to settle disputes involving second-order disagreement: in this case, disagreements as to whether specific instances really are limiting cases (whether a specific speech act really is a piece of 'hate speech', for instance).

Rawls in part seems to come to accept these criticisms, and it perhaps can partly explain why in his later work – notably his 1993 *Political Liberalism* - he comes to characterise the doctrine defended in *Theory of Justice* ('Justice as Fairness ') as what he calls a 'comprehensive doctrine'. And as such, he thinks it is incompatible with a brute fact about political life: that we can rationally disagree – what Rawls calls 'the fact of reasonable pluralism'. Rawls' solution in this later work is to appeal to the notion

of an 'overlapping consensus' of *reasonable* doctrines, and thus of a distinctively *political* (not 'metaphysical') account of the theory. I will argue, however, that it is because he cannot fully abandon *epistemic* constraints on the notion of reasonability, Rawls' later restatement of a specifically *Political* Liberalism is doomed to face the very same issues that confronted *Justice as Fairness*, albeit in a reformulated way.

It is here that the Islamic Political Philosophers (especially al-Farabi) can help us out of the impasse. For al-Farabi very explicitly constructs a political philosophy *from* a sophisticated epistemology and account of *epistemic* reasonability – wherein the 'fact of reasonable pluralism' can be made sense of. Al-Farabi then may be able to offer us the keys on how to conceive of a Liberalism that is: true to the fact of reasonable disagreement, *and* be a 'metaphysical' account (such as to obviate the possibility that it may make us 'hostage to the demands of the unjust'[1]). In short, it is from Islamic philosophy where we can find the resources to fixing some of the conceptual problems with pluralism in the Rawlsian tradition.

I note that these ends are very ambitious for a brief chapter. My aim here is then to give you the broad outline of how I want to defend this thesis. In §2, I discuss the strong structural similarities between the Modernist conception of Political Islam and Rawls' thesis of *Justice as Fairness,* arguing that these similarities end up showcasing a problem with Liberal Pluralism per se. Then, in §3, I argue that Rawls' later reformulation of Liberalism is vulnerable to the same fundamental problem discussed in 2 I do this with the help of some material from Medieval Islamic Philosophy, raising issues as to the adequacy of Rawls' underlying account of political legitimacy, in its demand for consent at the exclusion of belief (and its attendant aspiration to ultimately

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[1] Jonathan Quong, *Liberalism without Perfection* (Oxford: Oxford University Press, 2011), 162.

being a practical notion divorced from epistemological, or metaphysical concerns). I end, in §4, by suggesting how, through Medieval Islamic Philosophy, we can sensibly articulate a perfectionist kind of Liberalism that is nonetheless true to "the fact of reasonable pluralism." If we are to re-conceive of Political Islam in a way that makes it at home with pluralism, we should not be blind to the problems that other versions of pluralism have faced. The hope is that this investigation will give us the keys to how to conceive of a pluralistic vision of Political Islam that is an improvement on at least one of the major versions of pluralism in the last two centuries.

II. The Modernist conception of Political Islam and *Justice as Fairness*

One of the most famous ideas to come out of Rawls' *Theory of Justice* is the 'original position' thought experiment. The idea, roughly, that to determine how a just society should be organised, we need to imagine asking ourselves this question from an original position [where we do not know how our lives will pan out] and behind a 'veil of ignorance' [where our conception of the good – our religion, say – and contingent features of ourselves such as our race and gender are occulted from us]. According to Rawls, *rational* people ('rational' is to be thought of in terms of instrumental rationality here) honestly performing the experiment will all choose the doctrine of *Justice as Fairness.* One of the most central tenets of the doctrine of *Justice as Fairness* is the idea that in a just society *freedom of belief* and *freedom of speech* are rights that are guaranteed, and are inviolable - famously the book begins with: 'Each person possesses an inviolability founded on justice that even the welfare of society cannot override'. The idea here is that – given certain Pareto uncertainty principles – you would not – rationally - be prepared to gamble behind the veil of ignorance on the possibility of

living in a society where you could not be who you are (freedom of belief) or live in a society where you could not express who you are (freedom of speech).[2]

In the Modernist view of a Political Islam too, we get the idea that because it is a religion that appeals to reason, it must mandate freedom of belief. The thought – roughly – is that Islamic beliefs are true beliefs, representing the world as it really is, and so must be arrived at through rational means (via free reflection and consideration of the evidence). The right to freedom of belief then is, like in Rawls, something that is demanded by the demands of rationality. This is underscored by the famous verse in the Quran that tells us that: 'There is no compulsion in religion' (Quran 2:256). Maybe surprisingly we see this affirmed even by writers that are supposedly at the more "radical" end of the Modernist reform movement, such as Sayyid Qutb[3]:

> It is not the intention of Islam to force its beliefs on people, but Islam is not merely 'belief'. As we have pointed out, Islam is a declaration of the freedom of man from servitude to other men. Thus it strives from the beginning to abolish all those systems and governments which are based on the rule of man over men and the servitude of one human being to another. When Islam releases people from this political pressure and presents to them its spiritual message, appealing to their reason, it gives them complete freedom to accept or not to accept its beliefs…in an Islamic system there is room for all kinds of people to follow their own beliefs, while obeying the laws of the country which are themselves based on the Divine authority.[4]

Of course, one of the most standing issues with the idea of rights of freedom of speech and freedom of belief has to do with whether there are any limitations on them, and, if

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[2] Famously, we are also meant to choose certain principles of social justice (e.g. Rawls' famous "difference principle"). This may be a further point where Rawls' conception of justice may be lined to a classical Islamic one; as Hashas puts it: "European Islam seeks and defends social justice, which is originally a classical "Islamic" value that correlates with the idea of justice in Rawls' work." Mohammed Hashas, *The Idea of a European Islam: Religion, Ethics, and Perpetual Modernity* (London and New York: Routledge, 2019), 21.

[3] I do not wish to claim that Qutb is paradigmatic of the Modernist reform movement or the figure to turn to for a pluralistic conception of Islam (as I mention he is usually considered to be an exclusivist). But I think that something important is learnt when we see that we see parallels *even* in Qutb between Political Islam and the early Rawls.

[4] Sayyid Qutb, *Milestones* [1964] (London: Islamic Book Service, 2006), 61.

so, how one can give any principled account of their limitations. Rawls addresses this issue in sections 33, 34 of *Theory of Justice* where he claims:

> ...while an intolerant sect does not itself have title to complain of intolerance, its freedom should be restricted only when the tolerant sincerely and with reason believe that their own security and that of the institutions of liberty are in danger.[5]
> Liberty of conscience is limited, everyone agrees, by the common interest in public order and security.[6]

The underlying idea here, going on Kantian lines, is that if the very possibility of the freedoms of belief and speech is put under threat by the granting of those freedoms to any given speech acts or belief, then those speech acts or beliefs lie outside of the protection of these fundamental human rights. And we see this idea defended also in Qutb: "There can be no decent life if every individual seeks to enjoy his absolute freedom without limit. Such behaviour is guaranteed to destroy both the society and the very individuals."[7]

It is perhaps not so surprising then that several of the Muslim "Modernists" saw such a striking similarity between their version of Political Islam and 'Western' Liberalism. Rawls claims in part that his theory is meant to be a reflection of what the 'West' (and in particular North Americans) already took Modern Liberalism to be (this is similar to his endorsed methodological commitment to 'reflective equilibrium'). And so one can see how part of the Muslim Modernist discourse (especially given the actual historical direction of travel of Aristotle to Western Europe via Averroes) could then develop as such, reclaiming or recovering something that had been stolen or lost:

> We, post-Averroes Arabs, have lived on clinging to the Avicennan moment after Ghazali granted it currency within "Islam". As for Europeans, they went

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[5] John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 193.
[6] Ibid, 186.
[7] Sayyid Qutb, *In the Shade of the Qur'an (Fi Zilal al-Qur'an),* Vol. II., trans. Adil Salahi (Markfield: The Islamic Foundation, 2015)

on to live the very history that we had exited, because they knew how to appropriate Averroes and how to keep living the Averroes moment to this day.[8]

Muhammed 'Abduh is reported to have famously proclaimed: "I went to the West and say Islam but no Muslims; I travelled back East and saw Muslims but no Islam."[9] The tacit premise here is that the word 'Islam' *extensionally* (not intensionally) denotes 'a political system that guarantees human rights', such that Islam is extensionally equivalent to what Rawls called 'Justice as Fairness', at least in broad outline. But Justice as Fairness was supposed to be a *secular* idea, neutral as regards one's conception of the good or any comprehensive doctrine. And so the comparison between Justice as Fairness and Political Islam neatly illustrates why the later Rawls may have come to view the former as a comprehensive doctrine.

Further, if there is still to be a confrontation between a Political Islam and Modern Liberalism it would then involve second-order disagreement. Here, "second-order disagreement", broadly speaking, concerns our standards of appraisal and not so much our first-order evidence – e.g. it is disagreement about how to weigh bits of evidence against each other, or how much evidence is required to reach the threshold of whether it should be regarded as "enough" to mandate full belief instead of suspension of judgement). Consider Qutb again:

> Society has a higher interest which must limit the freedom of the individual, and it is in the individual's own interest to have definite limits to his enjoyment of freedom so that he does not get carried away by his instincts, desires, and pleasures to the point of destruction, and also so that his freedom does not clash with the freedom of others, resulting in endless quarrels, turning freedom into a torment and a hell, and arresting the growth and perfection of life in the interests of a shortsighted individualism. This is what has happened with the "freedom" of the capitalist system.[10]

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[8] Mohammed Abed al-Jabri, *Arab-Islamic Philosophy: A Contemporary Critique, trans. Aziz Abbasi* (Austin: The University of Texas Press, 1996), 124.
[9] In 1888 on having returned from France, reported here: Ahmed Hasan, "Democracy, Religion and Moral Values: A Road Map Toward Political Transformation in Egypt", *Foreign Policy*, July 2nd, 2011, https://www.foreignpolicyjournal.com/2011/07/02/democracy-religion-and-moral-values-a-road-map-toward-political-transformation-in-egypt/
[10] Qutb, *In the Shade of the Qur'an,* Vol. II.

Qutb here looks to be disagreeing not with the idea that there should be freedoms, but that they have limits, nor with the idea that the US does not see that they must have limits, rather the criticism is that the West has failed to identify genuine limiting cases as limiting cases – the West has failed to weight the evidence correctly. But neither Justice as Fairness, nor a Political Islam conceived of a version of Justice as Fairness can itself resolve this sort of second-order disagreement about what constitutes a genuine limiting case – this is a simple corollary of the fact that both *agree* that there are both limits to freedom of speech and what those limits are; nonetheless, the two are paradigmatically conveyed as if to be in a confrontation about those very matters. Put differently, if one's pluralism extends to cases where there are reasonable second-order disagreements, one admits of having less than the full facts of the matter about what are the limitations to one's pluralism. Yet, the absence of such facts of the matter threatens to render one's pluralism "hostage to the demands of the unjust" and so to ultimately undermine one's pluralism. This *may* partly explain why the later Rawls himself came to think that Justice as Fairness is incompatible with the fact of reasonable pluralism/ the possibility of rational disagreement.[11] In order to be reasonable, citizens, according to the later Rawls, need to accept what he calls "the burdens of judgement."[12] Here we get an explicit acknowledgement of the issue of second-order disagreement I have just been highlighting: "Even where we agree fully about the kinds of considerations that are relevant, we may disagree about their weight, and so arrive at different judgements."[13]

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[11] Cf. Rik Peels and Anthony Booth, "Why Responsible Belief is Permissible Belief" *Analytic Philosophy* 55:1 (2014), 198 – 207, for an account of how reasonable disagreement is always made possible by appeal to higher-order disagreement (aka a defence of 'epistemic permissibility').
[12] John Rawls, *Political Liberalism,* expanded edition (New York: Columbia University Press, 2005), 56-58.
[13] Rawls *Political Liberalism*, 56.

I take it here, surely un-controversially, that assigning weight is a second-order concern, and so disagreements about weight are going to be second-order disagreements (like the disagreement between Qutb and "western" Liberalism). [14] I now move to evaluate the extent to which Rawls' restatement of Political Liberalism can adequately deal with this problem.

III. Rawls' conception of Reasonability and Political Legitimacy in Medieval Islamic Philosophy

In *Political Liberalism* Rawls introduces the notion of an 'overlapping consensus' of reasonable doctrines and thus to a distinctively political (not 'metaphysical') account of Liberalism. This account of Liberalism, unlike his earlier account, is explicitly meant to be compatible with the idea that some disagreements (especially those involving second-order disagreement, as those discussed in the preceding section) may be intractable. As ever with Rawls the theory is a highly detailed one; but at its heart is a distinction between 'rationality' and 'reasonableness', and an appeal to the latter as the operative notion within his reformulated *political* Liberalism – we are to understand the justification of *political* Liberalism using the normative notion of reasonableness and not rationality. In *Political Liberalism* Rawls lists the following five criteria for his notion of the reasonable, such that a subject S is reasonable just in case:

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[14] Rawls does mention a number of other reasons to accept the "burdens of judgement" including that "evidence – empirical and scientific – bearing on [a given] case is conflicting and complex, and this hard to assess and evaluate" and "to some extent (how great we cannot tell) the way we assess evidence and weigh moral and political values is shaped by our total experience, our whole course of life up to now; and our total experiences must always differ" (Rawls, *Political Liberalism*, 56 – 57). In my view, though I do not have the space to argue for this claim here, none of the reasons he lists here are fully independent from the problem of second-order disagreement, such that if the latter were not a problem there would be no reason to accept what Rawls calls "the burdens of judgement".

(i)   S is both responsive to moral reasons (has "the capacity for a sense of justice and the capacity for a conception of the good") and to epistemic reasons (so has "the intellectual powers of judgement, thought, and inference").

(ii)   S is willing to propose terms of co-operation that others are likely to endorse (and is willing to abide by them so long as this is reciprocal).

(iii) S is able to recognise that there can be rational disagreement (S is able to recognise the "burdens of judgement"). Thus a subject who does not accept rational disagreement is not reasonable.

(iv)   S is a "normal, fully cooperating" member of society and wants to be regarded as such ("this supports their self-respect as citizens").

(v)   S – in virtue of satisfying the above – has developed a concomitantly reasonable moral psychology: S instinctively trusts other reasonable citizens; S naturally wishes to do their part in a co-operative reasonable set of political arrangements; S has the intellectual capacity to develop conceptions of justice and fairness.[15]

Of central importance here then is that reasonableness for Rawls necessarily involves didactic co-operation *between* agents (as per (ii) above) – it is impossible for S to be reasonable without having interacted at all with other agents (hence why his approach to political justification is sometimes referred to as a "public reason" approach). This makes the notion of reasonableness decidedly overall a non-epistemic notion – its criteria for success is *practical* (effectively what Rawls calls 'stability' toward the ultimate end of achieving a 'well-ordered society') even though it may contain certain epistemic components (as per the ability to recognise the fact that there can be rational disagreement). And it is ultimately because reasonability has non-epistemic success

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[15] Rawls, *Political Liberalism*, 81-86.

conditions that Rawls can say that his theory is not 'metaphysical' and so *political*, since the underlying normative notion of justification is a non-epistemic one. That is, we do not accept this conception because we take it to be independently the most likely to be true (compared with other conceptions), but rather we come to accept it because, ultimately, our accepting it (together with the accepting it of others) will lead to a well-ordered society. As Martha Nussbaum has recently argued, if Rawls' notion of reasonability were not a non-epistemic notion, then his newest version of *political* Liberalism would effectively collapse into a Perfectionist Liberalism (more akin, perhaps, to his earlier theory). It is this worry that makes her concerned about the epistemic criteria within his overall definition of reasonability:

> The theoretical [epistemic] criteria raise some troublesome questions. As we shall see, they carry Rawls uncomfortably close to the Raz/Berlin position, adding an unnecessary element, or at least risk, of perfectionism to Rawls's view.[16]

It is also worth highlighting here that since the notion of reasonability is *practical,* reasonable citizens end up *accepting* reasonable doctrines. The implicit assumption here is that belief is not (at least typically, or in any straightforward way) sensitive to practical reasons.

I think there are *at least* two major problems with Rawls' view about reasonability. The first is that if reasonability for Rawls is a non-epistemic/social notion, then it looks like the doctrines eligible for overlapping consensus are not strictly going to be *believed* by the relevant participants, as I have just mentioned. Rather, the latter must merely come to *accept* (where acceptance is not belief) these doctrines. Thus one could legitimately worry whether the emerging 'overlapping' consensus between reasonable doctrines

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[16] Martha Nussbaum, "Perfectionist Liberalism and Political Liberalism," *Philosophy and Public Affairs* 39:1 (2011), 9.

will be *in any sense* a true reflection of the beliefs of those who hold those doctrines (not merely because some items of their doctrine will not overlap, but because even where they overlap, they may not be a true reflection of *belief*). I think this has important, un-salutary repercussions concerning the question of whether this reformulation of Liberalism could even in principle have political legitimacy.[17] "Public Reason" conceptions of political legitimacy –which seem popular today – are keen to highlight voluntary *consent* (where consent is going to be some sort of an action) as the underlying notion through which to understand political legitimacy ("public" because it involves something like Rawls' notion of reasonability, a social notion). Not many theorists today (though perhaps with the exception of Fabienne Peter) give much weight to the notion of *belief* as grounding political legitimacy - partly, I suspect, as a result of Rawls' emphasis on not giving a *metaphysical* conception of justice, alongside the current un-popularity of so-called 'ideal' political theorising (which focuses on justice, say, rather than legitimacy, which is then conceived to be a non-ideal concept[18]).

However, if there is a notion of political legitimacy to be found in Medieval Islamic Philosophy it is one where *belief* plays centre stage. In Ibn Rushd's commentary on Plato's Republic, for example, we find an explicit reference to the idea that a city whose inhabitants are virtuous in actions alone, and not in belief, will not be the most fully virtuous city: "Their [sc., these cities'] inclining will be of two kinds at once – i.e., in their deeds and [in] their beliefs… The cities that are virtuous in deeds alone are those called aristocratic."[19]

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[17] Finlayson, however, takes this feature to make Rawls' account invulnerable to the familiar criticism from Quong I mentioned earlier; James Gordon Finlayson, *The Habermas-Rawls Debate* (New York: Columbia University Press, 2019).

[18] Though this thought is *obviously* circular: legitimacy is a non-ideal condition because legitimacy is about consent, not belief.

[19] Ralph Lerner. *Averroes on Plato's Republic* (Translated, with an Introduction and notes by Ralph Lerner) (Ithaca: Cornell University Press, 1974), 79, 1 – 8.

It is *precisely for this reason* that for Ibn Rushd we need mythologies and religion to get the masses to believe what they would, otherwise they would be unable to believe (this is crucial in my interpretation[20] of all of Medieval Islamic Philosophy):

> Untrue stories are necessary for the teaching of the citizens. No bringer of a nomos is to be found who does not make use of invented stories, for this is something necessary for the multitude to reach their happiness.[21]

> In teaching wisdom to the multitude he [Plato] used the rhetorical and poetical ways because they [sc., the multitude] are in two situations: either they can know them [sc., the speculative truths] through demonstrative arguments, or they will not know them at all. The first [situation] is impossible [for the multitude]. The second is possible – since it is fitting that everyone obtain as much of human perfection as is compatible with what is in his nature to obtain of this and with his preparation for it.[22]

The idea behind these remarks, I think, is that only an epistemic elite will have the cognitive capacities to use theoretical reason well enough to acquire the best kind of knowledge (yielded by demonstrative proof, following Aristotelian syllogism). The most virtuous city will be run according to the latter, which may include knowledge about human nature, but will have to be in a sense autocratic (so 'aristocratic') if its inhabitants only *act* in accordance with rules based on this knowledge, and do not themselves have the knowledge themselves. I do not think it is too much of a stretch then to interpret Ibn Rushd here as complaining that a political regime whose legitimacy was based solely on people compliance with respect to *actions* (and so not on beliefs) would be deficient on democratic grounds. Thus the need for Platonic "noble lies", "invented stories", allegories that approximate the truth in such a way that the truth is then believed by "the multitude." Different epistemic standards then apply to the

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[20] Anthony Booth, *Islamic Philosophy and the Ethics of Belief* (London: Palgrave Macmillan, 2016).
[21] Lerner, *Commentary on Plato's Republic*: 30.22 -32.22.
[22] Lerner, *Commentary on Plato's Republic*: 25.14 -23.

epistemic elite, and the epistemic non-elite (I have called this view 'Islamic Moderate Evidentialism' in *Islamic Philosophy and the Ethics of Belief*).

If this is correct then it looks like the view of political legitimacy espoused in Medieval Islamic Philosophy is more like that found in Joseph Raz's *Perfectionist* Liberalism[23], than Rawls's *Political* Liberalism.[24] Raz's view, roughly stated, is that political power is legitimate just in case it enforces measures that have as an aim the ensuring (of making it more likely to be the case) that citizens will behave in line with reasons that apply to them anyway, regardless of whether that state exists. The underlying idea is simply that there are reasons, and a political authority is legitimate when it gets us to better comply with those reasons than had the authority not existed. It seems quite natural to include among the objects to be evaluated, not just citizens' behaviours, but citizens' beliefs, such that the relevant reasons for political authority are also epistemic reasons. For instance, on this view, teachers have legitimate authority over their students in the context of a class because were they not to have the authority they do the students would not come to know (comply with epistemic reasons) as much as they would while the authority is in place. The view, when applied to beliefs, then looks equivalent to Islamic Moderate Evidentialism, and its attendant view on political legitimacy: a political regime rules over a fully virtuous city (i.e. is legitimate) only if it ensures that its citizens have beliefs they have independent reason to believe (since they are true) [and does so via the effective use of allegory and religion].[25]

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[23] Joseph Raz, *A Morality of Freedom* (Oxford: Oxford University Press, 1986).
[24] Indeed, as Nussbaum notes, many objectors to Raz's view dislike it precisely on the grounds that it ends up looking like a form of religion: "It is because many people think that Raz's sort of comprehensive liberalism is the only viable form of liberalism that they also think that liberalism is not neutral about the good life, but is a form of religion in its own right." Nussbaum, "Perfectionist Liberalism and Political Liberalism," 2011, 35.
[25] See Hashas, *The idea of European Islam*, 2019, for an account of how an Islamic political conception of justice may be considered a reasonable comprehensive doctrine and so up for consideration as a doctrine worthy of overlapping consensus.

Be that as it may, however, it seems to me that the Medieval Islamic Philosophers did make a good point, if their point was to worry about whether political legitimacy can be only about consent, and can fail to be also about belief. If the who that we are is at least partly constituted by our beliefs are well as our actions surely a state or political regime fails to represent us when it fails to represent our beliefs, even if we have consented to its having political authority.

A second more obvious problem with Rawls' re-formulation of Liberalism, in my eyes, has to do with the fact that Rawls could not possibly have done away with *any* epistemic constraint on his notion of reasonability. If the criterion for adequacy is going to have something to do with *stability* then we had better *know* for any acceptance in doctrine X we are evaluating, whether acceptance of X will - in point of actual fact- accord with *stability*. But since there can clearly be rational disagreement about that, we have not obviated the issue of second-order disagreement that plagued Justice as Fairness simply by appealing to a *political* conception of Justice. Put differently, since we can rationally disagree about whether any person is reasonable (even when accepting Rawls' criteria for reasonability) there is no ultimately non-arbitrary way of determining what are the doctrines worthy of being considered as doctrines with overlapping consensus - and this is the case *even if we agree with Rawls' criteria for reasonability*. Therefore, ultimately, there can be no non-arbitrary justification for *any* conception of justice. Rawls himself even seems to concede something *close* to this at times; as Finlayson puts it:

> Indeed, he allows that the focus or object of the overlapping consensus can be "a class of liberal conceptions that vary within a certain more or less narrow range." And indeed, in the Second Introduction he allows that this family includes "different and incompatible political conceptions of justice" that are

> nonetheless reasonable, and that the question of which one is the most reasonable is a matter of reasonable disagreement.[26]

The point I am making here is that if Rawls is willing to concede that whichever of the doctrines within the overlapping consensus of reasonable doctrines is *the most reasonable* is a matter of disagreement he should also concede, on pain of inconsistency, i.e. to concede that whichever doctrines are reasonable *simpliciter* can also be a matter of reasonable disagreement.

IV. Medieval Islamic Philosophy to the rescue

What I think is ultimately the problem here is with the suppressed premise regarding what an *epistemic* account of reasonability looks like, and with its concomitant view of what knowledge amounts to. And it is here that Medieval Islamic Philosophy, and especially al-Farabi in this case, is of tremendous assistance. For let us start with the thought that in English the word 'knowledge' cannot be graded (and correlatively cannot come in plural formation): <I know that Casablanca is in Morocco> is a felicitous expression, where <I sort of know that Casablanca is in Morocco> is not, and neither can we felicitously talk about 'knowledges' in English. This is interestingly *not* the case for the Arabic word *'ilm* (knowledge) which is gradable and correlatively can admit of plural formation (as per *'ulum*). The important corollary is that someone - S_1 - with evidence enough for epistemic justification can still be said to *know* as much as S_2 even when S_2 has had to meet much more exacting demands in order to have epistemic justification (so possesses better evidence). And al-Farabi's epistemology (compared to Rawls' tacit one) mirrors this difference, which as such is going to be much more amenable to a kind of fallibilism about knowledge than is the one centred on the English word for knowledge. In one essay in particular, *The Conditions of*

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[26] Finlayson, *The Habermas-Rawls Debate, 2019*, 27.

Certainty, al-Farabi enumerates the grades of certainty one can have – with – in my interpretation defended elsewhere – the Prophet's state of certainty forever out of reach of the ordinary person. The important implication being that for us ordinary humans we have to make do with an imperfect kind of knowledge – but that it is *knowledge* nevertheless, and accompanied with the correct level of certainty! This crucial insight, I believe, can underscore a 'metaphysical' conception of Liberalism ('metaphysical' in the Rawlsian sense) which builds-in from the start (so it is not an obstacle to) the possibility of reasonable disagreement, and will be one where the State will have less licence to be tyrannical about policing its limiting cases/its frontier. So what we get from Medieval Islamic Philosophy is a Perfectionist Liberalism which pays heed to Rawls's burdens of judgement, and the fact of rational disagreement, while circumventing Rawls' own attempts to account for how a theory of justice can nevertheless be justified where epistemic uncertainty rules. This is achieved not by inventing a new notion of political justification, of a different order from epistemic justification (as per the later Rawls), but by relaxing, and then indexing the demands of epistemic justification.

To see this better, consider Fabienne Peter's[27] recently articulated objection to doxastic ("belief based") accounts of political legitimacy, according to which a political regime X is legitimate just in case X actually bears some property Y which grounds its legitimacy– political legitimacy, on this kind of view, involves our "getting things right", our having the right *beliefs* about who should govern, and on what basis. Peter's complaint is simply that we can be in positions of epistemic uncertainty as to whether

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[27] Fabienne Peter, *Political legitimacy under epistemic constraints: why public reasons matter, i*n Jack Knight and Melissa Schwartzberg, eds. *Political Legitimacy, NOMOS LX (61)* (New York: NYU Press, 2019), 147-173.

Y obtains (though she also thinks that Public Reason (or "will based") views are deficient as to the demand that we should "get it right"[28]). And, crucially, that these conditions of epistemic uncertainty are such that they are very likely to affect *everyone* – including those wielding political power. Islamic Moderate Evidentialism *seems* to assume, however, that there is an epistemic elite that has absolute certainty over certain matters, even while for everyone else epistemic uncertainty prevails. Peter would then be right to question that assumption. Fortunately, however, Islamic Moderate Evidentialism makes no such assumption. As I have attempted to argue elsewhere[29], for al-Farabi only the Prophet can be completely certain (where certainty here is a normative notion, different from the psychological feeling of certainty). For everyone else then, including the epistemic elite, something short of evidence entailing full certainty will suffice for knowledge – for the non-elite less evidence than for the elite. If we operate under this epistemology (and not the tacit Rawlsian one where knowledge is an all or nothing affair) we can both pay deference to the fact that our epistemic conditions are less than perfect (as per Rawls' "burdens of judgement") but nonetheless hold that it is the *right beliefs* (judging by the standards of evidence, and not by the standards of practical reason) that underscore and ground legitimate political power. Thus by looking to Medieval Islamic Philosophy we can find a way out of the problems that have plagued Rawlsian Pluralism, and I suggest that it is to it that one should turn if one is to re-imagine a Political Islam that is committed to a robust form of pluralism.

V. Conclusion

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[28] This is a version, I think, of the Quongian objection with respect to public reason accounts making us vulnerable to the demands of the unjust.
[29] Booth, *Islamic Philosophy and The Ethics of Belief,* 2016.

To conclude, then, let me re-visit the question: Political Islam and Rawlsian Liberalism - are they friends, or are the foes? My answer has been that at first blush, and when homing in on *Justice as Fairness*, they seem to be close friends. But so close in fact that their closeness reveals the problematic nature of both accounts, namely that their structural closeness, but perceived distance, is exemplary of the issue of second-order disagreement, and so of what Rawls later called the "fact of reasonable pluralism". However, when we begin to evaluate Rawls' own response to the fact of reasonable pluralism, and consider some of its attendant problems, I think we can bring Islamic Medieval Philosophy[30] and its concomitant epistemology (enmeshed in, and perhaps a product of, the Arabic language itself), to help us make progress. In that sense, then, my conclusion is that the two are good friends indeed! And how fitting will it seem to some people that a way forward for any kind of Liberalism is to be found by turning back?

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[30] As I have argued in Booth, *Analytic Islamic Philosophy* (London: Palgrave Macmillan, 2018). I take Islamic Medieval philosophy itself to be a precursor to Political Islam – though I think it was often also misunderstood by people working under the banner of 'Modernism' and by people at the more radical end such as Qutb.

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