

The Irreconcilable Conflict between Islam and Liberalism

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Abstract

John Rawls used an apparently neutral apparatus to derive the principles of justice that all “rational” people ought to agree with because they provide the basis of coexistence in a pluralistic society. He believes that religious faith is consistent with the commitment to liberalism. The paper shows that the Rawlsian liberal “self” modelled in the original position is not consistent with the original position recognized by religion in general and Islam in particular. According to Islam, the human self is mukallaf (subject of God) while Rawls treats it non-mukallaf. This is so because Rawlsian original position presumes an atheist self behind the veil of ignorance. This conceptualization of self is not only inconsistent with but also hostile to religion. The claims about liberalism’s tolerance towards religion are superficial. The liberal self can express itself in various religious forms provided these are aligned with the system of rights acknowledged by the liberal atheist self.

Introduction

American moral and political philosopher John Rawls (d. 2002) provided an influential justification for the socio-political tradition of liberalism in the latter half of the twentieth century. He revived the tradition of John Locke (d. 1704), Jeremy Bentham (d. 1832), and John Stuart Mill (d. 1873).¹ Employing the tradition of Locke and Immanuel Kant (d. 1804), Rawls used the social contract theory and conceptualized society as the sum total of the contractually structured relationships between asocial,

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¹ Ronald Dworkin, “Liberalism,” in *Liberalism and Its Critics*, ed. Michael J. Sandel (New York: New York University Press, 1984), 60–79.

self-interested, and mutually disinterested individuals.² He used an apparently neutral-looking apparatus to derive the principles of justice (i.e., distribution of rights and duties) that all “rational” people ought to agree with. Rawls emphasizes that to attain agreement among people on conflicting claims about justice, it is necessary to put people in a state where they do not know their actual or temporal interests. This ignorance about one’s conception of the good was termed by him as the veil of ignorance. The original position, with this formulation, is intended to capture the idea that people having different conceptions of the good should be irrelevant while thinking about justice and all conceptions of the good should be regarded as “equal.” For Rawls, such considerations are arbitrary from the moral point of view.³ He thinks that principles of justice should be chosen behind the veil of ignorance.⁴ Behind this veil, people are assumed to be self-interested such that they are interested in protecting and promoting their higher-order interest, not any particular self-interest. This higher-order interest is the right to choose any set of choices determined by the self-interested individual. People committed to this higher-order interest are said to be in a state of the original position. In this original position, people do not know their specific conceptions of the good and are committed not to any specific good or set of preferences, rather to the preference for preference itself, i.e., their autonomy (in Kant’s word). Rawls invented this original position behind the veil of ignorance to discard the possibility of disagreements among individuals that are motivated by their temporal or actual conceptions of the good—because when deciding upon what is just, people tend to advance their particular interests in the name of justice. This original position seems a neutral way of addressing the question of justice, the basic structure of society, and the policy-making framework.⁵ It is also a conceptual device for keeping religion out of the domain of public reasoning.

Since its inception by Rawls, the “original position” has remained the subject of several controversies. One of the famous lines of criticism against the Rawlsian original position was developed by communitarian thinkers such as Michael Sandel,⁶ Charles Taylor,⁷ and Alasdair

² John Rawls, *A Theory of Justice* (New York: Oxford University Press, 1971), vii.

³ *Ibid.*, 15.

⁴ *Ibid.*, 12.

⁵ Dworkin, “Liberalism,” 60–79.

⁶ Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1998).

⁷ Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, CA: Harvard University Press, 1992).

MacIntyre.⁸ They have argued that conceptualizing the human self as distinct from its ends and communal relationships is, on the one hand, a particular ontological account of the self and, on the other, this account is ontologically incoherent. More recently, Ryan Muldoon and others⁹ explained the possibility of disagreement even behind the veil of ignorance. They argue that though this veil eliminates the possibility of several types of disagreements, it does not resolve disagreements that stem from differences in perspectives of justice in a diverse society. People having different evaluative criteria for justice (say, aggregate utility, capabilities, sum total of liberties etc.) would continue to disagree about what is just and what is not even in the original position. Moreover, not only that shared perspective is necessary for the original position, but it is also important to fix the definition of that perspective for eliminating disagreements (e.g., if primary goods or capabilities are selected as the relevant evaluative criterion, one needs to define what they mean). Building on this argument, Hun Chung¹⁰ has more formally shown the impossibility of assigning rights based on the liberal conceptualization of autonomous self. Moreover, Sonia Sikka has shown that the liberal way of isolating religion from public reasoning is not fruitful even for the cause of liberalism.¹¹

The Ontological Nature of Rawlsian Order and Objective of the Study

In this article, another kind of disagreement is explained that is built in the ontological assumptions of liberalism and Islam (and in fact any religion) about the nature of the original position. Rawls believes that sincere religious belief is not incompatible with the commitment to liberalism.¹² We demonstrate that the disagreement between the two can be reconciled neither by fixing the perspective nor by stipulating its definition because it is about the very nature of *being* that is presumed by these two positions. Moreover, the nature of this disagreement is

⁸ Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (London: Duckworth, 2007 [1981]).

⁹ Ryan Muldoon et al., "Disagreement behind the Veil of Ignorance," *Philosophical Studies* 170, no. 3 (2014): 377–94.

¹⁰ Hun Chung, "The Impossibility of Liberal Rights in a Diverse World," *Economics & Philosophy* 35, no. 1 (2019): 1–27.

¹¹ Sonia Sikka, "Liberalism, Multiculturalism, and the Case for Public Religion," *Politics and Religion* 3, no. 3 (2010): 580–609.

¹² John Rawls, *Political Liberalism*, 2nd ed. (New York: Columbia University Press, 1996).

beyond what is recognized in the existing criticism of the Rawlsian position on religion. Nicholas Wolterstorff demonstrates that the Rawlsian proposal for the possibility of religion requires that when it comes to matters of public policy, religious people should base their ideas on a source independent of their religious perspectives so that they may be acceptable for the “reasonable” people. This supposed “neutrality” proposition leads to “silencing of religion” in the public domain and requires religious persons to debate and act politically for reasons other than religious reasons which is an unfair treatment to them.¹³ While Wolterstorff has highlighted the epistemological and ethical implications of liberalism for religion,¹⁴ this article will bring forth the ontological foundations of these implications and then relate them to those discussed by Wolterstorff. Similarly, Charles Develennes discusses how atheism is shaping the policy-making process in the liberal secular order.¹⁵ However, he also does not deal with its ontological basis.

To put the nature of this disagreement in perspective, one should note that “for Rawls to think about what would be a just or fair organization of society is to imagine what principles would be agreed to by the people who were denied knowledge of certain particular facts about themselves.”¹⁶ Rawlsian veil of ignorance is a tool of modelling people as free and equal in a specific sense by excluding certain information. One important piece of information that is denied to people behind this veil is the knowledge about a person’s religion. This exclusion embodies two substantive claims about the relationship between justice and religion: (1) The question of just principles and social order is prior to all religions and (2) the principles of justice are to be determined by an autonomous self, which does not recognize itself as a creature of God (i.e., the Rawlsian liberal self considers itself *being without God*). Put alternatively, the liberal conception of self is transcendent and prior to religious consciousness. This *areligious* self can assume various religious identities in a liberal society. However, these identities have no substantive role to play in the derivation of just

¹³ Nicholas Wolterstorff, “Why We Should Reject What Liberalism Tells Us about Speaking and Acting in Public for Religious Reasons,” in *Religion and Contemporary Liberalism*, ed. Paul J. Weithman (Notre Dame: University of Notre Dame Press, 1997), 162–81.

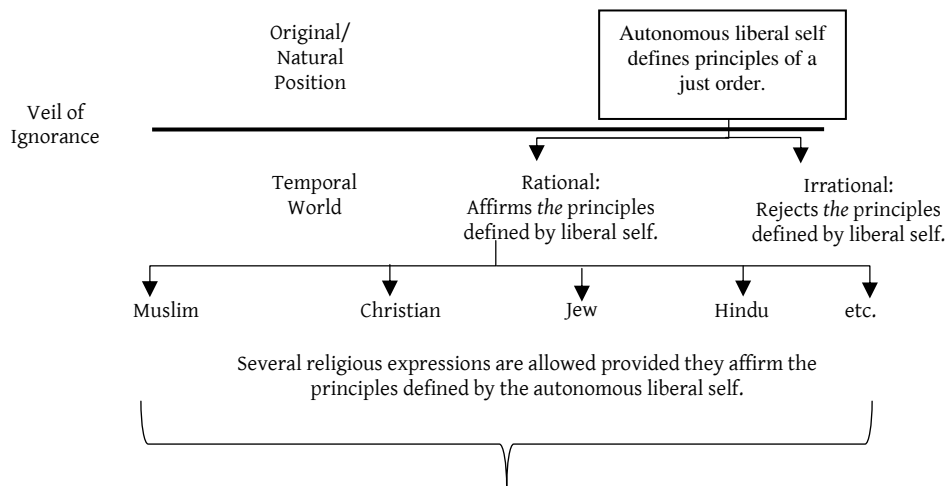
¹⁴ *Ibid.*

¹⁵ Charles Develennes, “Atheism, Secularism and Toleration: Towards a Political Atheology,” *Contemporary Political Theory* 16, no. 2 (2017): 228–47.

¹⁶ Stephen Mulhall and Adam Swift, *Liberals and Communitarians* (Oxford: Blackwell, 1992), 3.

principles in the original position. This ontological nature of the liberal framework is shown in figure 1 where the autonomous liberal self is placed prior to various religious positions which it can assume (more discussion on it coming in the next section).

Figure 1: The ontological structure of the liberal framework



According to liberal theory, these religious positions are nothing more than the arbitrary preferences of the autonomous self, which is essentially committed to the higher-order interest and these religious positions are permitted in a liberal society as long as their proponents do not negate the principles of justice sanctioned by the areligious self. The rest of the article discusses the implications of this framework vis-à-vis the Islamic framework.

To make the discussion more traceable, we deal with two issues in this paper: (1) the primacy of humanity or Muslimhood and (2) the nature of religious diversity permitted by liberalism. The next two sections discuss these two issues and the last section concludes the article. It is important to note at the outset that the discussion about Islamic theology is meant not to prove the superiority of Islam over other religions but to highlight the conflicting relationship of liberalism with a religious framework in general and with Islam in particular. The relevant sources and debates for the Islamic position of selfhood asserted in this article are mentioned and discussed in the footnotes to keep the flow of discussion in the main text. The exposition of the liberal self as articulated by Rawls is based on his *Theory of Justice*.

The Ontological Disagreement: Essentially Human or Muslim?

The apparently neutral character of the Rawlsian framework gives birth to a moral appeal for the liberal secularist order. To relate this appeal to the ontological foundation pointed out above, let's ask the tricky question, "Are you essentially or primarily a Muslim or human?"¹⁷ People often fall into the trap by accepting, "Yes, everyone is primarily a human being and then he or she chooses to be a Muslim or Christian." The idea behind this answer seems simple: One is supposed to be a human to choose any identity, whether religious, ethnic, or national. Everyone is primarily a human being in the sense that a Muslim or a Jew, a man or a woman, a Punjabi or a Balochi, a Pakistani or a Canadian, all are human beings. To be any one of these, one has to be human first. One should note that this question is embedded in the Rawlsian conception of self because Rawls attempts to devise a method of conceptualizing self before assigning it any religious identity. In other words, the consciousness of "humanity" is prior to being Muslim in the Rawlsian scheme as depicted in figure 1. Rawls implicitly equates "humanness" with an autonomous, individuated, self-interested self.

The next logical questions, after the previous answer, are "Does this idea seem rational that the social order is structured on the basis of religious identities? Should not societies be formed on the basis of an identity that is shared by all of us—i.e., humanity? Will not societies be "more stable" and "less prone to unrest" if people, instead of invoking their secondary identities such as religion, refer to what is shared by them in their public matters?" Well, anyone who has accepted that his essential identity is humanity, and not Muslimhood, finds no logical option but to say, "Yes, society should be based on principles that are derived from our shared identity so that a more diversified society can be formed." This presumed "humanity" (and the principles of justice resulting from it) is the essence of "shared conception of political authority" in the Rawlsian scheme of ideas and he demands that people from all religious backgrounds ought to respect this essence while deciding upon constitutional matters and the basic structure of society. Accepting humanity as an essential or primary identity renders religion an unauthentic source in matters of public policy and drives it to the corners of "private matter." The primacy of humanity over religious identities is, thus, a key ontological device for justifying the secularization of public discourse. We show that the answer "I am

¹⁷ I have personally faced this question several times during discussions with the proponents of liberalism.

primarily a human and then a Muslim” presumes a key liberal assumption about the nature of being and that this assumption is at complete odds with Islam. Once this disagreement is revealed, the actual nature of disagreement between liberalism and Islam (and, in fact, all religions) is brought forth.

Let’s reconsider the question, “Are you primarily a Muslim or human?” From the Islamic point of view, the answer to this question is summarized in the following proposition: “Each person is primarily a Muslim (*‘abd*—a creature of God) and human by chance and his humanity is an expression of his Muslimhood (*‘abdiyyah*¹⁸). This is an important statement about the reality of being. To fix the ideas, let “I” be a representative self and consider the question: “What could I be, were I not a human being?”¹⁹ I can imagine many ways I could have existed or various forms that I could have assumed. For example, I could have been an angel, an animal, a bird, a tree, a star, a stone, a gas, a piece of sand etc. Whatever I had been, I must have been a creature (*‘abd*) of God.²⁰ If I were an animal or a plant, my *‘abdiyyah* (being creature) would be reflected in these forms, just like it is reflected in the form of being human at the moment. No matter what *form* I had assumed, my essential position would have been that of an *‘abd* (creature) of God. I can by no means conceptualize any position of myself that transcends my *‘abdiyyah* because this is the only way I can exist—I cannot exist without being a creature of God. In this sense, my humanity is an expression of *‘abdiyyah*. Furthermore, my humanity is also a matter of chance for me, in that I did not create myself in this form out of my will. God made me human out of His Will and Mercy, not due to any obligation on Him.²¹ In other words, I am a *being with God*. I cannot conceive of myself apart from being *‘abd*. There exists no reference to define my self that transcends God—God is prior to my self and “my self” is a creature (*‘abd*) of God. Being or

¹⁸ *‘Abdiyyah* is an Arabic word derived from *‘abd*, which means slave/subject/creature. In Islamic theology, it refers to all creatures of God, including humans. Thus, it is said that everything in this universe is an *‘abd* of God (i.e., His creature).

¹⁹ The description of the Islamic concept of selfhood given in this paper is shared by most Muslim scholars. For example, see Ismā’īl Rājī al Fārūqī, *Al Tawhīd: Its Implications for Thought and Life* (Herndon, VA: International Institute of Islamic Thought, 1992); Seyyed Hossein Nasr, *Ideals and Realities of Islam*, 2nd ed. (London: Allen and Unwin, 1977), Sayyid Qutb, “Basic Principles of the Islamic Worldview, trans. Rami David (n.p.: Islamic Publications, 2006), Abul A’la Maudoodi, *Islamic Civilization: Its Foundational Beliefs and Principles*, trans. Syed Akif (Leicestershire: Islamic Foundation, 2013 [1966]).

²⁰ “O man! What hath made you careless concerning your Lord, the Bountiful, Who created you.” Qur’ān 82:6–7.

²¹ “(Your Lord) is doer of whatever He Wills.” *Ibid.*, 85:16.

existence is a matter of being with God. There is no other possibility of existence. 'Abdiyyah is, hence, the untranscendable original position of every person (self). On the other hand, the autonomy of the self assumes a similar kind of untranscendable status in the Rawlsian liberal system.

Humans hold a distinctive feature as compared to other creatures of God.²² The special feature of the human is the vicegerency awarded to him by God.²³ This "representational status" means that humans are not meant to be independent, rather they are supposed to obey the guidance given by the One Whom they represent.²⁴ This is the special duty of humans as compared to the rest of the creatures of God (keeping aside *jinn*s).²⁵ Putting this in the language of Islamic law, it is said that humans are *mukallaf* (the subject, the accountable, the responsible, or the addressee of law). *Mukallaf* is the one who is obligated to discharge certain duties assigned by God.²⁶ All humans are *mukallaf*, in that they are obligated to act in accordance with the teachings of God.²⁷ In other words, the essential nature of the human is not that of an autonomous

²² "Verily we have honoured the Children of Adam. We carry them on the land and the sea, and have made provision of good things for them, and have raised them (in status) above many of those whom We created." Ibid., 17:70.

²³ While referring to the event of creating Adam, the Qur'ān says, "And (the time) when your Lord said to the angels: Lo! I am about to place a viceroy in the earth." Ibid., 2:30.

²⁴ While sending Adam and his wife from heavens to the earth, God said, "Go down, all of you, from hence; but verily there will come unto you from Me guidance; so whosoever follows My guidance, there shall no fear come upon them neither shall they grieve." Ibid., 2:38.

²⁵ The following Qur'ānic verses deal with this subject:

(1) "I created the jinn and humankind only that they should obey Me." Ibid., 51:56.

(2) "We offered the Trust (i.e., the duty of obedience) to the heavens, and the earth, and the mountains; but they refused to undertake it, and were apprehensive of it; but the human being accepted it." Ibid., 33:72.

²⁶ What does make humans *mukallaf* exclusive of the rest of the creatures of God? Muslim jurists have dealt with this question in detail. In short, the basis of this exclusive status is *dhimmah* (covenant). *Dhimmah* is the original covenant that each human soul made with God before assuming birth in this world. The Qur'ān tells that when God asked each self, "Am I not your Lord?" all of them testified, "Most certainly you are!" Ibid., 7:172. This covenant makes humans capable of acquiring rights and duties (i.e., it makes them *mukallaf*). For discussion on the issue of *dhimmah*, see Abū Bakr Muḥammad al-Sarakhsī, *Uṣūl al-Sarakhsī*, ed. Abū 'l-Wafā al-Afghānī (Cairo: n.p., 1950) and Abū Ḥāmid al-Ghazālī, *al-Mustaṣfā min 'ilm al-Uṣūl* (Cairo: n.p., 1913), vol. 1. The covenant also answers the following question, "Where does the concept of God come from and why does each self have this concept?" The answer is that the concept of God is embedded in the human self. In other words, it is the *default* position.

²⁷ Muslim jurists have dealt in detail with the subject "who may not be *mukallaf*." Conditions that may remove *taklīf* (legal obligation) include several factors such as, insanity, childhood, inaccessibility of the teachings of Islam etc.

self who is free to define just and unjust, good and bad out of his desires, he is primarily *mukallaf*—he is supposed to act according to the teachings of the Almighty. Justice, in this scheme, is to will, execute, and promote the rights and duties revealed by the Almighty.²⁸ Rawlsian self does not recognize this duty and is committed to the maximization of its autonomy—the ability to will any will.

It should be clear from the above as to what is meant by “I am primarily an ‘*abd* and human by chance whereas my humanity merely reflects my ‘*abdiyyah*.” But it needs to be explained as to why we used the word “Muslim” interchangeably with ‘*abd* in statement 1. To see this link, it is imperative to understand the meaning of belief (*īmān*) and disbelief (*kufr*) in Islamic theology. As explained above, each and everything in this universe is essentially a creature of God. Humans on top of that are *mukallaf* as well. All humans are responsible for obeying the principles of justice revealed by God. The final version of this set of principles was revealed to the last Prophet Muḥammad (peace be on Him) and everyone is made responsible (*mukallaf*) by God to accept and obey them.²⁹ I can authenticate my ‘*abdiyyah* by following these principles.³⁰ Those who accept this truth are termed Muslim and *mu’min*

²⁸ Can the principles of justice revealed by Allah be discovered by human reason alone, independent of revelation? Mu’tazilites (a school of thought in Islamic theology) asserted that these laws could be identified and discovered through reason alone even in the absence of revelation. Some Mu’tazilites also held the extreme position that the commandments of God must be consistent with reason. The Ash’arites (another school of thought), on the other hand, maintained that the principles of justice could only be known through revelation and that the only criterion of right and wrong was revelation. The Ash’arites’ position was accepted by the majority of the Sunni school of thought of Islam.

²⁹ Several Qur’ānic verses explain this subject.

1) “Say (O Muhammad)! O mankind! I am sent unto you all as the Messenger of Allah, to Whom belongs the dominion of the heavens and the earth. There is no god but He: it is He Who gives both life and death. So believe in Allah and His Messenger, the Unlettered Prophet, who (also) believes in Allah and His words: follow him so that you may be guided.” Qur’ān 7:158.

2) “And We have sent you to all mankind as a bearer of good news and as a warner.” Ibid., 34:28.

3) “O Mankind! The Messenger has come to you with truth from Allah. Believe in him: It is better for you. But if you disbelieve, to Allah belong all things in the heavens and on earth.” Ibid., 4:170.

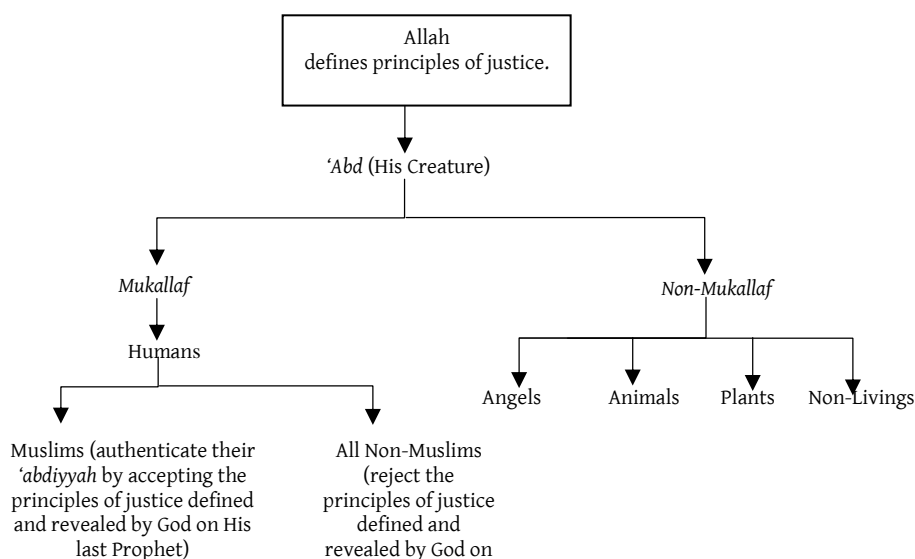
4) “We sent no messenger but to be obeyed by Allah’s permission.” Ibid., 4:64.

These and many other verses indicate the fact that Muḥammad (peace be on him) was sent as a messenger to the whole mankind and that everyone is obligated (*mukallaf*) to obey the teachings revealed to him by God.

³⁰ The Qur’ān says in this regard:

(believer, faithful, and obedient) while those who reject are termed disbeliever (*kāfir*). Alternatively put, Muslim is the one who accepts the reality while disbeliever rejects it—disbelieving is not an act of discovering reality, it is to reject reality.³¹ This explanation reveals the nature of faith in Islamic theology: Faith (*īmān*) is not a matter of *choice of the self* (such that it can make this choice or the other), it is the *acknowledgement* by the self of its *essential ontological reality* (i.e., ‘*abdiyyah*’).³²

Figure 2: The ontological structure of the Islamic framework



1) “Verily, the only religion (authentic way of life) in the sight of your Lord is Islam.” Ibid., 3:19.

2) “Whosoever seeks as religion (way of life) other than Islam, it will not be accepted from him, and he will be a loser in the Hereafter.” Ibid., 3:85.

³¹ In Arabic, *kufir* means to hide. A farmer is also said *kāfir* in Arabic because he hides seeds in the fields. The choice of this word for describing a non-believer in Islam is very revealing. He is said *kāfir* because he hides the truth by rejecting it.

³² While the mainstream *Mutakallimūn* (Muslim theologians) have held this position of Islam relative to other religions, the twentieth century saw the emergence of Muslim thinkers who supported the ideals of Perennial Philosophy, i.e., all religions are different expressions of a single underlying reality. Amongst them are René Guénon (d. 1951), Frithjof Schuon (d. 1998), Titus Burckhardt (d. 1984), Martin Lings (d. 2005), and Seyyed Hossein Nasr (b. 1933). For a review of their thoughts, see Zachary Markwith, “Muslim Intellectuals and the Perennial Philosophy in the Twentieth Century,” *Sophia Perennis* 1 (2009): 39–98.

The classification indicated in figure 2 depicts the ontological nature of being in Islam (compare it with figure 1 to see the essential difference between Islamic and liberal ontological assumptions).

Given that the primary identity of my self is *'abdiyyah*, it begs for its expression both in private as well as public life.³³ It does not make any sense to divide my self into religious and non-religious components because it is equivalent to assuming that I am an *'abd* of God in my private matters but when it comes to the public domain, I cease to be His *'abd*! If obedience to the commandments of God is binding on me in my private affairs of life, they are equally binding in the public sphere. I cannot suspend His teachings in one sphere or the other arbitrarily at my will nor can I assume that His teachings concerning my private matters are binding but those relating to public life are not.³⁴ Justice is what is revealed by Almighty to His messenger and claims to rights and duties are legitimated with reference to the teachings of God. Moreover, the sharp dichotomy between private and public life is based on the negative conception of freedom which calls forth an area within which a person can act unobstructed by others.³⁵ However, this dichotomy presumes some well-defined demarcation criteria, which become blurred whenever multiple perspectives about “what is private” originating from various metaphysical positions prevail.³⁶ What counts as an “externality” depends upon one’s ideal and desired position, where the liberal position is just one such position among many others. Similarly, just like the externality problem, the presence of an “internality” (adverse effects of a preference on the agent himself) can also justify the intervention of one sort or the other in the private area

³³ The dichotomy between the private and the public spheres breaks down because it is based on a specific conception of liberty. Islamic jurisprudence does not recognize such classifications while deriving *aḥkām* (rights and duties) of the subject.

³⁴ While the majority of the Muslim scholars believe that this compartmentalization of life is not approved by Islam, some modern Muslim scholars have argued in favour of it. One such example is that of Egyptian supreme court judge Said Ashmawi. See William E. Shepard, “Muhammad Sa’id al-‘Ashmawi and the Application of the Shari’a in Egypt,” *International Journal of Middle East Studies* 28, no. 1 (1996): 39–58. The foundation for this line of argument was provided by ‘Alī ‘Abd al-Rāziq in his *al-Islām wa Uṣūl al-Ḥukm* (1925). See Leonard Binder, *Islamic Liberalism: A Critique of Development Ideologies* (Chicago, IL: University of Chicago Press, 1991), ch. 4.

³⁵ Isaiah Berlin, “Two Concepts of Liberty” in *Liberty Reader*, ed. David Miller (London: Routledge, 2017), 33–57.

³⁶ Hun Chung, “The Impossibility of Liberal Rights in a Diverse World,” *Economics & Philosophy* 35, no. 1 (2019): 1–27.

of life.³⁷ Finally, the state-sponsored, forced education to all children by almost all liberal states provides the most vivid example not only of interfering in the sense of obstructing some preferences due to one reason or the other but also of articulating and shaping the preferences of the entire generation. In these circumstances, what is the meaning of the “private sphere of life” when the very concept of “good/valuable life” transmitted forcefully to the next generation is the preference of a liberal state?

Response to a Possible Criticism

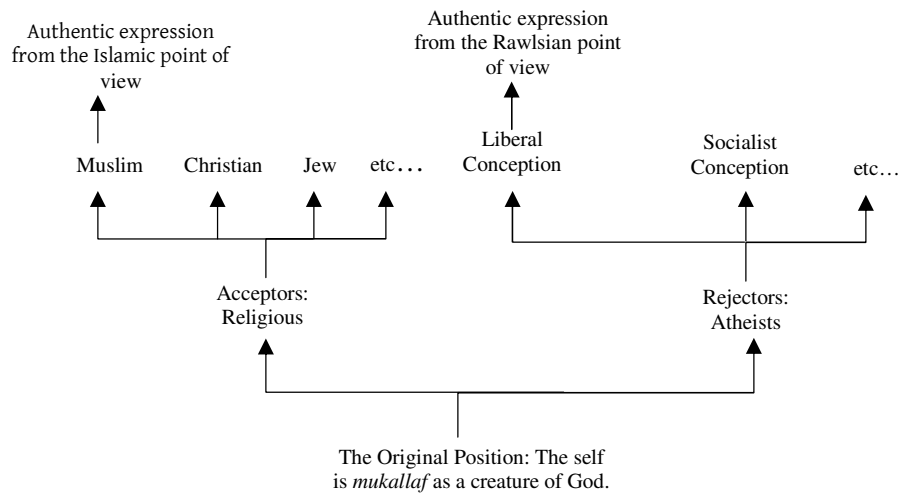
A possible criticism of the Islamic ontological account of the self may be framed as follows: Well, when you say, “I am essentially a Muslim,” you are modelling your *actual interest* as your original interest. It is exactly this behaviour that creates conflicts among people in the world and Rawls attempted to avoid exactly this in his ideology. But this criticism is applicable with equal strength on the Rawlsian type of “original or natural position” because, after all, what Rawls modelled as the original position was nothing but an *actual interest*—i.e., protection and dominance of a particular conception of liberty realized in the historical epoch to which Rawls belonged to.

The liberal self is by no means neutral, a self that affirms autonomy and believes that it is *non-mukallaf* which is an atheist faith, not endorsed by any religion. Rawls assumes that the principles of justice ought to be derived from an original position that does not presuppose any of the contesting actual interests of the people. While conceptualizing this original position, he simply modelled one of the actual interests as original interest. To make it more explicit, figure 3 shows how Rawls picked up one of the competing conceptions about self to model the original position and the matter of justice. Broadly put, there are two groups: those who accept the original position that the self is *mukallaf* and those who reject it. The first position is shared by almost all of the major religions. The second position is primarily an atheist faith about the reality of the human self and it can assume various conceptions such as liberal and socialist. The Rawlsian original position is merely a value judgement about what ought to be considered as the authentic expression of self and, hence, a benchmark for deriving the principles of justice. In other words, what lies behind the veil of ignorance in the Rawlsian liberal framework is an atheist and Rawls’ fundamental

³⁷ Richard H. Thaler and Cass R. Sunstein, “Libertarian Paternalism,” *American Economic Review* 93, no. 2 (2003): 175–79.

assertion is that justice needs to be determined with reference to this specific type of atheism. From the Islamic point of view, he simply authenticated one of the unauthentic conceptions of selves. Those who believe that the self is originally *mukallaf*, why should they accept the principles of justice, which Rawls derived from an atheistic point of view, as a benchmark for organizing the matters of society and state? Believers of all religions share the faith that humans are *mukallaf* but Rawls invites them to dismiss this faith and accept his view of the self while thinking about justice. Is not this type of atheism one of the *actual* interests just like Islam, Christianity, or Judaism?

Figure 3: Rawlsian original position from the Islamic point of view



The Nature of Religious Diversity in Liberalism

Another argument in favour of liberalism goes like this: “Well, does not liberalism allow a great deal of religious diversity? Does not it permit a Muslim, a Hindu and a Christian to be a Muslim, a Hindu and a Christian respectively? After all, Rawls developed a particular account of the original position to derive principles that ought to govern a pluralistic society, so why should this solution not be acceptable to believers of religion when it allows them coexistence without compromising their identity?” The fallacy behind this argument can be exposed by phrasing the following proposition: A person cannot be a Muslim, a Hindu or a Christian in a liberal order in accordance with his religious text. To fix the ideas behind this proposition, one has to note that the structure of the argument of liberal philosophy typically involves two stages: (1) some sort of original position or natural state of a person where he is

considered in abstraction from society and his interests, (2) temporal or actual position of every person in this world. How should the temporal or actual societies be organized? Individuals decide this matter as per the rules agreed upon in the state of the natural or original position. In the original or natural position, none is allowed to be Muslim or Christian. Rather, everyone is supposed to think of himself as an “autonomous person”—the one who prioritizes the preference for a liberal conception of liberty to all other preferences. In other words, the question of justice is assumed to be prior to all religions in this formulation. This position demands every actual Muslim (also Christian and Jew) to accept that his or her religion has nothing to do with establishing justice in the public order because the principles of justice are determined prior to being a Muslim. If at all his religion assigns him some teachings that have to do directly with social justice and public policy, he should assume them away by treating them as either unjust or irrelevant (there is also a third option that will be discussed shortly). If this is exactly how the argument goes, then in what sense can I be a Muslim? The very meaning of being a Muslim is to say that the criterion of just and unjust is to be determined by what is revealed by God to His last messenger Muḥammad (peace be on him). How can I sensibly remain a Muslim after rejecting this very position and accepting that the criterion of justice is transcendental or prior to this revelation?

As a third and “exciting” option, one may argue that it is not necessary to reject or ignore the justice claims associated with one’s religion to be a liberal; rather, one can reinterpret his religious tradition in the light of liberal position. This suggestion is consistent with Rawlsian “overlapping consensus” whereby each citizen of a liberal society should develop his own justification, based on his particular conception of the good, for aligning himself with the liberal principles of life. Rawls says, “As reasonable and rational, and knowing that they [citizens] affirm a diversity of reasonable religious and philosophical doctrines, they should be ready to explain the basis of their actions to one another in terms each could reasonably expect that others might endorse as consistent with their freedom and equality. Trying to meet this condition is one of the tests that this ideal of democratic politics asks of us.”³⁸ While defending Rawls against his religious critics, Bailey and Gentile have pointed out the same agenda of Rawls that his *Political Liberalism* accommodates comprehensive doctrines, such as religious, as long as people use these doctrines for aligning themselves with the

³⁸ Rawls, *Theory of Justice*, 217–18.

“freestanding” (i.e., shared) liberal framework.³⁹ Alternatively put, each citizen is allowed for consenting to the liberal political order for different reasons crafted from his or her own religion. This will help develop an “overlapping consensus” on liberal political order among people belonging to different religious backgrounds. Muslim scholars like Abdullahi An-Na’im⁴⁰ and Khaled Abou El Fadl⁴¹ suggest the same Rawlsian strategy to the Muslim communities. They believe that Muslims are supposed to reinterpret their religion treating the rights originating from liberalism as a benchmark for justice.⁴² A more articulated rationale for this argument on Islamic grounds was attempted by Fazlur Rehman.⁴³

The Fake Tolerance Claims about Liberalism

But this suggestion is an admission of the fact that liberalism does not and cannot allow a Muslim to be a Muslim (or a Hindu to be a Hindu) the way his religious text demands from him. Liberalism forces everyone to constraint and, hence, *define* his religion based on standards supplied by liberalism, not in the light of religious text and history of the relevant religion. Justice claims associated with any religion are considered justified only to the extent they are consistent with the liberal conception of right. Valid religious interpretations are those which are consistent with liberal principles. In other words, religious orientations are allowed instrumentally, not substantially. One can have different reasons to agree with liberal principles, but one cannot have different principles. Whenever and wherever liberalism sees a violation of justice defined by its own principles, it discards it as an expression of irrationality or outlaw. The liberal conception of rights is widely used as an evaluative criterion for constraining the sovereignty of nation-states to restructure non-liberal statecrafts.⁴⁴ This is why countries with liberal

³⁹ Tom Bailey and Valentina Gentile, eds., *Rawls and Religion* (New York: Columbia University Press, 2014).

⁴⁰ Abdullahi A. An-Na’im, “Islam and Human Rights: Beyond the Universality Debate,” *Proceedings of the ASIL Annual Meeting* 94 (2000): 95–101.

⁴¹ Khaled Abou El Fadl, “Islam and the Challenge of Democracy,” in *Islam and the Challenge of Democracy*, ed. Joshua Cohen and Deborah Chasman (Princeton, NJ: Princeton University Press, 2004), 3–46.

⁴² Not only Muslims but the believers of all religions are supposed to align their religious texts with liberal claims.

⁴³ Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago, IL: University of Chicago Press, 1984).

⁴⁴ Abdul Wahab Suri, “The Liberal Metamorphosis within a Human Rights Framework: The Future of the Nation State,” *Market Forces* 6, no. 1 (2010): 47–63.

backgrounds have been continuously pressurizing Muslim countries, for example, to declare adultery permissible and abolish blasphemy laws. Uday Singh Mehta,⁴⁵ Shiraz Dossa,⁴⁶ Jennifer Pitts,⁴⁷ Michael Desch,⁴⁸ and Leif Wenar and Branko Milanovic⁴⁹ have demonstrated that illiberal tendencies within liberalism and aggression to non-liberal nations are intrinsic features of liberalism and that these features are not a matter of “state violations from liberal principles,” rather a reflection of the thoughts of liberal thinkers like Locke, Mill, and Kant. Erik Gartzke has argued that the political peace associated with liberalism is largely an outcome of market order and not democracy.⁵⁰ The Rawlsian idea of constraining the scope of substantive political disagreement through the use of “public reason” is not workable even within liberal society,⁵¹ how can it be expected to produce results across different cultures?

This inherently intolerant nature of liberalism exposes tolerance claims about liberalism. In fact, most of the tolerance claims about liberalism are superficial. Tolerance does not mean that one permits other people to do what one deems meaningless or irrelevant. Rather, it is the ability to accommodate claims-to-rights that are against one’s view. Does liberalism allow such “claims to the right”? That liberalism allows people to hold any religious identity is by no means evidence of its tolerance because holding one religious position or the other is as meaningless in this ideology as is the preference for tea or coffee.⁵² According to Rawlsian conception, the self “is prior to the ends affirmed by it.”⁵³ It chooses ends but those ends do not constitute it. Because all ends are determined by free and equal individuals. Hence, all ends or conceptions of the good are equally meaningless in the sense that they

⁴⁵ Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago, IL: University of Chicago Press, 2018).

⁴⁶ Shiraz Dossa, “Liberal Imperialism? Natives, Muslims, and Others,” *Political Theory* 30, no. 5 (2002): 738–45.

⁴⁷ Jennifer Pitts, *A Turn of Empire: The Rise of Imperial Liberalism in France and Britain* (Princeton, NJ: Princeton University Press, 2005).

⁴⁸ Michael C. Desch, “America’s Liberal Illiberalism: The Ideological Origins of Overreaction in US Foreign Policy,” *International Security* 32, no. 3 (2007): 7–43.

⁴⁹ Leif Wenar and Branko Milanovic, “Are Liberal Peoples Peaceful?” *Journal of Political Philosophy* 17, no. 4 (2009): 462–86.

⁵⁰ Erik Gartzke, “The Capitalist Peace,” *American Journal of Political Science* 51, no. 1 (2007): 166–91.

⁵¹ John Horton, “Rawls, Public Reason and the Limits of Liberal Justification,” *Contemporary Political Theory* 2, no. 1 (2003): 5–23.

⁵² Rawls explains that liberalism does not value any specific preferences, rather it values the ability of the individual to make any choice. Rawls, *Theory of Justice*.

⁵³ *Ibid.*, 561.

are arbitrary subjective expressions of the autonomous self.⁵⁴ Given this status of religious preferences in a liberal framework, in what sense liberalism may be called tolerant ideology? Can a person be meaningfully held tolerant if he allows his wife to have coffee or tea while this choice is meaningless in his eyes? Similarly, allowing someone to be a Muslim or a Christian is not an expression of tolerance of liberalism. It is just a matter of ignoring arbitrary subjective preferences. In contrast, for example, when Muslims allow non-Muslims to have a marriage with whom marriage is prohibited as per Islamic law, this constitutes the relevant example of tolerance. Granting the right to worship idols to non-Muslims by Islamic law indicates its tolerance because this act of idol-worshipping is fundamentally against Islam. Conversely, permission granted by Islamic law to a Christian to convert into, say, a Jew (or vice versa) is not an example of its tolerance because this is a trivial choice in the light of Islamic law. Toleration claims are to be validated with respect to one's position. Granting permission of having beef in dinner is not an act of tolerance by a Muslim, but the same will be an act of toleration by a Hindu, for example. Similarly, liberalism sees no intrinsic meaning in the preference to be a Muslim or a non-Muslim. To make a relevant example of liberal tolerance, one needs to demonstrate that the liberal state allows individuals or communities to continue with those rights that are against the set of human rights recognized by liberalism. Heiner Bielefeldt, advancing liberal agenda, lists down several issues of Islamic law (*sharī'ah*) that conflict with liberal human rights (such as gender inequality, rights of religious minorities, the law of apostasy, capital punishment etc.) and asks for a modern reinterpretation of the *sharī'ah* which can make it consistent with human rights in these matters as well.⁵⁵ Liberalism always and everywhere fails to demonstrate "genuine tolerance" and this provides the foundation of what is termed "liberal imperialism."

But the irony of this matter is even far stretched. As liberal order matures, religious identities become increasingly irrelevant first in the public order and then, as a result, in private life—because people generally tend to value in private life what is deemed valuable in public

⁵⁴ Rawls says, "Imagine someone whose only pleasure is to count blades of grass. . . . The definition of the good forces us to admit that the good for this man is indeed the counting of the blades of grass." *Ibid.*, 432.

⁵⁵ Heiner Bielefeldt, "Western" versus "Islamic" Human Rights conceptions? A Critique of Cultural Essentialism in the Discussion on Human Rights," *Political Theory* 28, no. 1 (2000): 90–121.

order. “Silencing of religion,” to use Wolterstorff’s terminology,⁵⁶ in public order gradually leads to its silencing in private matters. For how long can people consistently continue with an ideology that has no relevance to their market, trade, politics, justice system, and education system? Liberal public order punishes private preferences that are inconsistent with its public order by placing zero (and sometimes negative) value on them. And of course, none fights for irrelevant matters. Should liberalism be accepted by religious groups because it facilitates their coexistence by reconciling their conflicts? Liberalism does not *solve* the conflicts of different religious groups, it *dissolves* them by diluting the very religious consciousness. If religious preferences boil down to the preference for visiting Paris or New York, only an insane person would take any serious notice of them. The conflict between the believers of two religions takes place as long as each one of them holds that claims to rights (whether private or public) are to be validated with reference to his religion. However, if both come to the liberal agreement that justice (claims to rights and duties) is transcendental or prior to their religion and that justice is to be determined by the principles defined in the “original or natural position” as conceived by liberalism, why would they disagree then? It is equivalent to surrendering their positions and believing in a third one. Indeed “this arrangement” may allow them to live together peacefully, but what is exciting about this arrangement? Why should religious people be interested in this arrangement that asks them to renounce their views in favour of a third one? The relationship between liberalism and religions is not that of mediation (where religions are mediated by liberalism) but is of dominance (where religions are first dominated and then withered away by liberal order).

Conclusion

Rawls believes that if some specific conception of the good (e.g., utilitarian or religious) is treated as the governing principle for organizing society, this prioritized good will fail to sustain numerous possibilities for a pluralistic society. Hence, society must be ordered on the “just principles” as embedded in the “original position” where people are devoid of their particular conceptions of the good. The liberal conception of self as articulated by Rawls is used as a device for reconciling several religious positions under the umbrella of liberalism. This device is based on the idea that a liberal-type original position is not

⁵⁶ Wolterstorff, “Why We Should Reject What Liberalism Tells Us.”

only acceptable to the people of all religions but also—if accepted—provides them with a broader framework for peaceful coexistence where each religion can continue to articulate its consciousness. Both of these assertions are problematic. The liberal conception of self presumes that the self is primarily and essentially *non-mukallaf* which is exactly opposite to the Islamic conception, which says that everyone is primarily an *'abd* and humanity is an expression of this *'abdiyyah*. The liberal conception of self denies *'abdiyyah* and celebrates autonomy. Moreover, the particular conception of self assumed by liberal philosophers is also one of the *actual* interests or conception of the good and there is no reason why it should be accepted as some abstract and neutral original position. Finally, the plurality claim of liberalism is also superficial. Liberalism assigns everyone with the “right to pursue his own conception of the good in his private life subject to the constraint that the only public good is the ‘will to freedom’ and no private conception of the good can violate this public conception of the good.”⁵⁷ This requires that the believers of all conceptions of the good other than those who believe in this presumed “higher-order interest” must order their preferences in such a way that they are consistent with the liberal conception of the good.

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⁵⁷ Suri, “The Liberal Metamorphosis within a Human Rights Framework,” 117.