Misbah

The Role of Religious Reasons in a Democracy

By Mairaj Syed '08

The late 70s and 80s saw the rise of political parties and movements throughout the Muslim world committed to using a distinctly Islamic language to express their social and political aspirations, projects, and policies. For some time now, many Americans for a variety of reasons have regarded this phenomenon with suspicion, if not outright hostility. From looking the other way when a military junta set aside electoral results in Algeria in 1992, in an election that would have put an Islamic-oriented party won a majority of seats, to supporting corrupt and authoritarian regimes for fear of the alternative, the suspicions of Western political elites have enormous real-world consequences. The former action plunged Algeria into a decade long civil war which has claimed over a hundred thousand lives. The latter has contributed to the persistence of autocratic regimes in the Muslim world for decades. Regardless, many in the Muslim world regard such action as clearly belying the West's professed commitment to advocating democratic principles and values, and argue that, at the end of the day, the rhetoric of democracy is mere ideological façade used to disguise policies actually based on real-world Machiavellian political calculations oriented towards sustaining Western political, economic, and cultural hegemony. While this judgment is partially justified, to some extent, elite suspicion of Islamic political parties and movements, at least amongst liberals, is motivated by a certain commitment towards the place of religion in public political life. One form of this commitment is given voice by the late political and moral philosopher John Rawls, '43.[1] Rawls argues against the recourse to religious reasons in the course of public deliberation and debate in a constitutional democracy on any given issue. Rawls is concerned about how an enduring moral consensus on the democratic constitutional structure of a society can be sustained in a religiously plural society, where reasons rooted in the religious traditions of one community carry no weight for members outside that group. Yet, deliberation on the most important issues facing a democratic society must still

proceed. What does this deliberation look like? Public reason is the term that Rawls uses to designate the form and substance of the type of deliberation that should take place on political matters in a democratic society. Generally speaking, the way that Rawls deals with the problem of reasons that are rooted in religious traditions are to argue against their citation in public deliberation. He argues that the ethics of citizenship in a democratic society point to the exclusion of arguments that rely solely on such reasons. At face value, Rawls is not just solely against reasons that are rooted in particular religious traditions, but what he more broadly calls a comprehensive doctrine. A comprehensive doctrine can be any religious, moral, or ethical doctrine that has a fairly substantial story to tell about what constitutes the moral social or individual life, including specific norms on a range of issues that are normally considered outside the scope of politics.[2] This poses a problem – if you should not, in the course of deliberating on a political matter, offer reasons that are solely rooted in comprehensive doctrines, then what kind of reasons can you offer? By excluding comprehensive doctrines have you effectively eviscerated the exchange of reasons that constitute public deliberation?

Here, Rawls turns to outline the form and substance of a public reason capable of sustaining democratic deliberation. He believes that both the ethics of citizenship in a constitutional democracy and the substance and form of the types of reasons that such citizens are appropriately able to invoke to justify their beliefs and practical recommendations on a matter of political importance can be discovered in the latent political culture of a democratic society. It is the job of the theorist to make these explicit in the form of normative propositions.

Rawls' argument is not a justification for constitutional democracy. Rather it takes the existence of such a political arrangement for granted. With that, it takes for granted the basic norms he believes characterize the political culture of a constitutional democracy. In such

a society, Rawls believes the political culture "will normally produce a plurality of comprehensive, moral, and religious doctrines." The freedom of conscience, religious belief and practice typically guaranteed in constitutional democracies by itself to a certain extent engenders a diversity of beliefs regarding the types of life considered morally or religiously worthy of approbation. In the United States, for instance, given both the freedom to choose and practice whatever religious or non-religious life one chooses, along with the constitutional requirement proscribing the state from financially supporting and enshrining any one religious denomination leads, perhaps in a free market-like fashion, to a proliferation of individual views, religious churches, and other such organizations, on what the life lived morally well looks like. Moreover, citizens in such a society are importantly free, equal, and regard each other as such. But how do free and equal citizens who regard each other as such collectively deliberate on common matters facing them when they share widely differing views on what the morally and religiously good life is all about? For instance, how can Mormons convinced of the Divine sanction of polygamous marriages based on a reading of their particular scripture deliberate with those Christians committed to monogamous marriage as the only type of marital union approved by God? How can each group reason with the other on the laws that should regulate the institution of marriage given their lack of shared commitment to either an adjudicating scripture or a set of theological principles? To overcome this problem, Rawls first argues that the facts of the plurality of comprehensive doctrines and the mutual recognition of each other as both free and equal generates the ethical requirements of mutual civility and reciprocity. The principle of reciprocity requires that, in the course of public deliberation, citizens, who mutually recognize each other as free and equal, substantiate their positions by recourse to reasons that they prospectively regard as reasonable to all. To base an argument solely on a scripture that only a given community accepts as authoritative in a religiously plural society, for example, would be an instance of the violation of the ethical norm of reciprocity and respect for one's fellow citizens. Rawls does not argue that each citizen is morally obliged to eliminate all arguments rooted in comprehensive doctrines. Rather, one's argumentation cannot rely *solely* on religious premises. However, when one does offer a religious argument in favor of a particular political

policy, one is obliged to offer a justification rooted in public reason at a later time.

Concretely, public reason is more than the just formal ethical requirement on citizens to offer reasons that they prospectively see as reasonable to citizens committed to other comprehensive doctrines. Just as the formal reciprocity requirement is rooted in the political culture that characterizes a deliberative democracy, other substantive values, such as a guarantee and priority of basic rights, liberties and opportunities, also constitute the stuff of public reason – available for all citizens for use in their advocacy of political policies. In the American context, Rawls considers the preamble to the U.S. constitution to be one concrete example of a document exhibiting political values that constitute public reason. In other words, Rawls says that the preamble contains a whole host of values that can be deployed by citizens in the course of deliberation on issues confronting the political community. Beyond the formal requirement that citizens only offer reasons that they think all other citizens would find persuasive, Rawls is trying to fill out the substantive ideas that fill out the language of deliberation in a constitutional democracy.

The UN General Assembly, Taken from the perspective of Pakistan's representative. Photo by Anne M.

If one is committed to the Rawlsian conception of the public deliberative sphere required in any constitutional democracy, or some version similar to it, one can see why liberal political elites in America would regard the rise of Islamic political parties and movements, and their attendant declarations of commitment to democratic principles with suspicion. How can one define one's political aspirations in a language that, at least at the outset, excludes those without the necessary theological commitments? How can Islamic

political parties and movements be simultaneously committed to the freedom and equality of all citizens, and, from the political elites' point of view, a fairly specific and robust vision of what a life lived morally and religiously well is?

It goes without saying that Rawls' conception of the public sphere and his attempt to define, beforehand, what types of arguments are acceptable in democratic deliberation has elicited criticism. Recently, Jeffrey Stout, professor of Religion at Princeton, has questioned Rawls on several key points, noting at the outset that the requirement to offer only certain types of reasons seems to be in tension with the value of free expression.[3] In contrast to Rawls notion of public reason, inspired by a view of public deliberation that can't get off the ground unless the values invoked are agreed upon beforehand, Stout views deliberation as possible without pre-existing conditions. In fact, at the descriptive level, Stout views Rawls conception of democratic deliberation as an impoverished reflection of a much richer reality. The fact that many of the most admired social and political movements in America, from the abolitionists, to the civil rights movement, to labor movements, relied heavily on religious ideas and imagery in mobilizing people for their causes seems to belie the requirement that deliberation in a democracy be based solely on some sort of public reason. More specifically, if the application of Rawls' idea of public reason would end up excluding such exquisite performances of political speech such as Lincoln's second inaugural address, or King's speeches, both of which are full of allusions to Biblical imagery if not outright theological content, this at the very least, should give us pause.

Moreover, Stout contests the claim that respect for citizens as both free and equal requires the issuing of reasons which would reasonably be held by all. Rather, respect for persons is manifested not by issuing a reason *any* person would reasonably entertain, but by engaging in immanent criticism (similar to reasoning from conjecture for Rawls) of the *specific* justifications individual citizens offer or offering them *specific* reasons which they consider authoritative from their individual perspective. Stout's vision of deliberation is not exclusively an attempt at arriving at a consensus on what the best political policy or even constitutional arrangement is from a starting point *all* parties agree on. Rather, attempts at persuasion involve inhabiting the opposing point of view in order to show how the advocated policy is, in actuality, inconsistent with a higher value the opponent herself holds. An example can help clarify how this works. The Sunni classical legal tradition unanimously held that a husband's pronouncement of divorce three times in a single sitting constituted three separate divorces and resulted in a decisive divorce between the husband and the wife. Importantly, as opposed to non-decisive divorces, a decisive divorce stipulates that the husband and wife cannot get remarried until the wife gets married to another man and divorces him first. The ease with which such a divorce could be accomplished, along with the steep impediment to re-marriage and

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reconciliation the religious law imposes, combine to potentially cause significant social hardship for families, especially for women, who, from a sociological perspective, were mostly dependent on their husband for material support. In order to counteract the social harm that results from this law, reformers in early 20th century Egypt argued against the Sunni consensus on the rule that a triple divorce in a single sitting should not count as three separate divorces, but rather a single non-decisive divorce.[4] If the reformers were principled and committed Rawlsians they could not argue by reference to reasons that are rooted in any religious tradition. They are precluded from arguing that the existing law is not supported by examination of the very scriptural sources their opponents regard as especially authoritative. Rather they are limited to making arguments rooted perhaps in notions of gender equality or perhaps the unequal distribution of harm and hardship that application of the law produces. If they are Stoutians, even if they themselves don't hold the relevant scriptural sources or religious traditions as authoritative, they can still point out to their opponents the fact that the scriptural sources do not decisively support only their construction of the relevant rule, or that the sources adduced by the inherited traditions don't meet the criteria of authenticity, or that before the Sunni consensus on the rule, there existed disagreement on whether or not a triple divorce uttered in a single setting should be considered decisive or re-

vocable. The Stoutians would argue that according to their opponents *own standards* of what constitutes an authoritative argument, the triple divorce rule is either at most unsupportable, and at the least not inevitable. This is precisely the route that Egyptian reformers of the early twentieth century took.[5]

To say that there is nothing unethical about issuing religious reasons in deliberation about a political policy is not the same thing as saying that it is positively recommended in all circumstances. As a practical matter, it is better to buttress your advocacy of a policy by reasons that are as broadly supported as possible. In fact, issuers of religious reasons who live in a reli-

Ancient Islamic ruins of Palmyra, Syria, once under the control of the Roman Republic. Photo by Chris Gordon.

giously plural society must, simply at the pragmatic level, weigh the effectiveness of this type of advocacy if they desire persuasion of the number of people required for actual change in political policy. But this concern, which Rawls' transforms into an ethical duty, Stout interprets as practical constraint facing those who wish to introduce justifications rooted in doctrines not shared by others. It just doesn't make sense, most of the time, to quote scripture to those who don't consider the given scripture authoritative. That's like trying to advocate for a policy of banning pork products in the United States by offering the Qur'anic prohibition as a reason. The simple and practical fact of trying to convince a plurality of citizens on a given public policy requires, most of the time, reference to multiple sets of reasons whose authoritativeness derives from different, perhaps even competing, and at times conflicting philosophical registers.

Stout's criticisms of Rawls' notion of public reason seem cogent. Moreover, recent anthropological empir-

ical research has questioned the necessity of a public reason type liberal project for deliberation for a functioning pluralistic democracy. John Bowen notes that public discourse in Indonesia about the nature of the legal norms to be applied in a wide variety of issues in Indonesia proceeds in a manner described by Stout – an ad hoc and immanent and perhaps messy conversation rather than a systematically coherent procession forward from agreed upon premises.[6]

Both Stout's conceptual criticisms and Bowen's empirical findings call into question liberal suspicion of Islamic political parties and movements in the Muslim world on account of their wider general suspicion of religion in the public sphere. In some contexts (mostly in the Arab world), these parties are the only viable democratic challenge to autocratic and corrupt regimes, a fact that even liberal and secular Muslim intellectuals in some Muslim majority societies are beginning to recognize.

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1. I rely solely on the following article to present his views: John Rawls, "Public Reason Revisited".
2. In fact, Rawls considers his own earlier work, A Theory of Justice, as an instance of a comprehensive, albeit, liberal doctrine. See 806-7.
3. I rely mostly on Chapter 3, "Religious Reasons in Political Argument", of Stout's book, Democracy and Tradition (Princeton: Princeton University Press, 2004).
4. I benefited from conversations with my fellow colleague, Tarek El-gawhary, about this issue.
5. Or consider this more recent statement by activist Mona Zulficar, regarding a more recent controversy in Egypt: "The New Marriage Contract Initiative adopted a strategy of engaging religious discourse, based on the women's reading of their rights under the principles of Sharia. We reclaimed for the first time our right to redefine our cultural heritage, as Muslim women under the principles of Sharia. It was evident that we could not rely on modern constitutional rights of equality before the law, as these did not apply under Family Law, which claimed to be based on principles of Sharia. We could not afford to shy away from the challenge and continue using solely a strategy based on constitutional and human rights. We had to prove the religious discourse could also be used by women to defend their cause," cited by Diane Singerman, "Rewriting Divorce in Egypt: Reclaiming Islam, Legal Activism, and Coalition Politics" in Remaking Muslim Politics, edited by Robert Hefner (Princeton: Princeton University Press, 2005), 161.
6. See John Bowen, Islam, Law and Equality in Indonesia: An Anthropology of Public Reasoning (Cambridge: Cambridge University Press, 2003), 3-12.