

Comment on Vincent J. Cornell, “Reasons Public and Divine”
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Politics, in the most basic sense, involves a contest of power. Nevertheless, those who seek, exercise, or are subject to the power of those who rule typically show an interest in authority—that is, they do not want to live simply by the rule “might makes right”. By word and deed, human beings demonstrate the wish that power be legitimate. The evaluation of various regimes as “just,” “right,” “good for humanity” and the like makes sense in the context of such desire.

Long ago, Max Weber pointed out that religions play an important role in this regard. Vincent Cornell’s paper assumes this point. For Muslims, as for Christians, Jews, and others, the legitimacy of political institutions is measured in religious terms. Cornell’s assessment of the “epistemological crisis” reflected in Muslim arguments about liberal democracy goes to this point. As Cornell puts it:

The problem of public reason for contemporary Muslims is grounded in the failure of mainstream Islamic thought to agree on a warranted notion of unsupervised reason or of a “democratic intellect” such as that proposed by John Locke. The lack of such a concept has both political and epistemological consequences. Without a warrant for unsupervised reason, the exercise of public reason must be supervised. Supervised reason may all too easily become paternalism, authoritarianism, or at worst, totalitarianism. (45)

Put baldly, the most potent lines of contemporary Muslim discourse do not provide warrants by which liberal democratic regimes may be judged legitimate. Instead, they point to an Islamist alternative, or to various modes of accommodation with the realities of liberal democratic institutions.

I agree with Cornell’s characterization of the issue. The challenge is thus what we might do to push along the alternatives he identifies with the late Alia Izetbegovic and other Muslims who affirm liberal democracy. I have two suggestions—the first having to

do with notions of tradition, and the second with historic Muslim analogues to natural law.

With respect to tradition, Cornell contrasts the view of Sayyid Qutb and others with that of Alisdair MacIntyre. The distinction works to good effect in the outline of the “epistemological crisis” of Islam. I think one might make further progress by contrasting both of these with a notion of tradition informed by the philosopher Robert Brandom’s discussion of “historical” rationality: “a certain kind of reconstruction of a tradition” by which people “find a way forward by reconstruing the path that brought us to our present situation” (*Tales of the Mighty Dead* (Harvard, 2002), 13, 15). In this sense, the metaphor Cornell borrows from Jaroslav Pelikan (the “running broad jump through where we have been to where we go next” (30)) is not quite apt. More useful would be the idea of sifting through precedent in ways that honor the fact that the attempts to discern the Shari`a (here construed broadly as the right way to live) did not begin with the current generation, while recognizing that finding guidance for new contexts may involve reevaluating debates that once seemed “settled” (in the old phrase, the gate of *ijtihad* is open).

This brings me to the notion of natural law. Cornell sees clearly the role this idea played in historic liberal discourse. As David Little and other scholars point out, the notion also served in the development of Christian justifications of liberal democracy. (Indeed, there is a bit of an argument here as to whether standard figures like Locke and Jefferson cribbed from theologians like Roger Williams, but we can leave that aside). The questions to be addressed here are whether a reconstruction of Muslim tradition

involving analogues to natural law is possible, and whether such a reconstruction can help in resolving Islam's "epistemological crisis".

I think the answers are clearly "yes" and "yes". With respect to the first, one possibility involves revisiting the controversy between the Mu`tazila and their interlocutors. The Mu`tazili insistence that a just God would not hold human beings accountable for things they could not know led them to suggest that simple reflection enables one to grasp certain "grounds" of moral judgment. The notion that one ought not inflict bodily injury upon another without cause provided one example. The notion that one ought to keep promises provided another. For the Mu`tazila, such affirmations are basic, and must ultimately be supplemented by special revelation. The good of prayer, for example is not self-evident. Once one is confronted with God's command, however, it becomes clear that there is benefit in the practice, not least because it serves to remind human beings that the Lord of the worlds promises to enforce the moral law by fulfilling the promise and the threat of judgment.

Given this particular aspect of the Mu`tazili doctrine, it is not strange that many Muslim advocates of democracy call upon it. Abdulaziz Sachedina's discussion in *The Islamic Roots of Democratic Pluralism* (Oxford, 2001) and *Islam and the Challenge of Human Rights* (Oxford, 2009) is a case in point. One need not go this way, however. An examination of the Qur'an itself points in the direction of something like a notion of natural law, for example in its insistence that human beings are capable of discerning some aspects of God's guidance if they will only "reflect". The story of Abraham's rejection of idolatry at 6: 75ff. points in this direction, as do the repeated affirmations that the world is filled with signs of divine guidance for those who will leave off the quest for

worldly security long enough to attend and give due consideration. How much human beings know through this “general” or “ordinary” capacity is open to question. But it seems to leave them “without excuse,” according to 7: 172-73. In these verses, God “took out the offspring from the loins of Adam and made them bear witness about themselves, saying ‘Am I not your Lord?’ And they replied, ‘Yes, we testify.’ So you cannot say on the Day of Resurrection, ‘We were not aware of this...’” The logic of the Qur’an’s call to faith itself presupposes that human beings are able to discern some portion of the standards by which they will be judged.

On one of the standard Christian accounts, the “religious-moral law” by which human beings will be judged is represented in the figure of the Ten Commandments brought by Moses on two tables of stone. The first table contains directives related to worship: do not make any graven images, remember the Sabbath, to keep it holy, and the like. The second table contains moral directives: do not murder, do not steal, and so on. One part of a Christian justification for liberal democracy rested (in the writing of someone like Roger Williams) on the idea that, while special revelation may be necessary for knowledge of the first table, ordinary reflection is sufficient with respect to the second.

Something like this position is, I take it, possible with respect to Muslim tradition. When Faisal Abdul Rauf invokes *maqasid al-shari`a* or the “purposes” of the religious-moral law in defense of his positive evaluation of the U.S. Constitution, he seems to gesture in this direction.

It is of course true that no Christian advocate of liberal democracy ever judged its system of checks and balances as the fulfillment of hopes for the kingdom of God. The

institutions of democracy make possible a robust civil society, in which believers engage in healthy conflict with others in debates over policy.

In this sense, the idea of natural law and its analogues provide reasons for Christians, Muslims, and others to suppose that, whatever disagreements may occur, there is every reason to suppose that they can find a measure of consensus with their fellow citizens. I take it that this is what Cornell is seeking when he writes (reflecting on Alija Izetbegovic's notion that freedom is "above all the freedom to think differently"): "Such freedom can only be guaranteed by an institutionalized trust in individual and public reason. This trust in the clarity of political reason, whether it be autonomous, socially influenced, or divinely guided, is one of the foundational premises of political liberalism."

On this point, I concur.