

RECONCILING COMPREHENSIVE LIBERALISM AND ISLAM

SEAN MICHAEL TRACY

BOĞAZIÇI UNIVERSITY

2015

RECONCILING COMPREHENSIVE LIBERALISM AND ISLAM

Thesis submitted to the
Institute for Graduate Studies in Social Sciences
in partial fulfillment of the requirements for the degree of

Master of Arts

in

Philosophy

by

Sean Michael Tracy

Boğaziçi University

2015

ABSTRACT

Reconciling Comprehensive Liberalism and Islam

I intend in this paper to determine the extent to which particular fundamental principles of Islam are compatible with some form of comprehensive liberalism based upon the primary value of individual autonomy as described by Kok-Chor Tan and justified by Immanuel Kant. On the other hand, I utilize Ahmet Davutoğlu's arguments that differing ontologico-epistemological assumptions between the Western and Islamic Weltanschauungs determine altogether alternative and incompatible axiological and socio-political systems between the two. Instead, I argue that the particular ontological assumptions Davutoğlu claims are fundamental and universal to Islam are compatible with comprehensive liberalism's value of individual autonomy. I attempt to demonstrate this by utilizing a particular tradition of Islamic philosophy Anver Emon calls Hard Islamic natural law theory (NLT). I argue that Hard Islamic NLTs not only preserve the fundamental ontological assumptions of Islam, but also, that they are compatible with the epistemological, axiological, and socio-political domains of a version of comprehensive liberalism that can be derived from the philosophy of Immanuel Kant. Since Hard Islamic NLTs maintain this particular fundamental Islamic ontology while also adopting these elements of the so-called Western paradigm, I conclude that they may be capable of reconciling comprehensive liberalism and Islam.

ÖZET

Kapsayıcı Liberalizm ve İslam Dinini Uzlaştırmak

Kok-Chor Tan'ın tanımladığı ve Immanuel Kant tarafından da onanan bireysel özerklik ilkesine dayanan kapsamlı liberalizm kavramının, İslam'ın kök ilkeleri ile ne ölçüde uyumlu olduğunu belirlemeyi amaçlıyorum. Diğer yandan, Batı ve İslam dünya görüşü arasında farklı ontolojik-epistemolojik varsayımların tamamen uyumsuz sosyo-politik sistemler olduğunu belirten Ahmet Davutoğlu'nun argümanlarından bahsediyorum. Bu görüşe alternative olarak, Davutoğlu'nun İslam'ın değişmez kökten ilkeleri olarak bahsettiği bazı ontolojik varsayımların, tamamlayıcı liberalizmin bireysel özerklik ilkesiyle uyumlu olduğunu savunuyorum. Bunu yaparken de nesnel İslam doğal kanun teorisini (NLT) kullanmayı amaçlıyorum. Bu kanunlar İslamın ontolojik varsayımlarını korumanın yanında, Immanuel Kant'ın felsefesinden alınan kapsayıcı liberalizm kavramıyla aksiolojik, epistemolojik ve sosyopolitik olarak uyumlu olduğunu göstermektedir.

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CHAPTER 1

ONTOLOGICAL VS. EPISTEMOLOGICAL FOUNDATIONS

1.1 Introduction: Comprehensive Liberalism and Islam

This thesis is a first-step of a larger project to determine to what extent an Islamic philosophy can be reconciled with comprehensive liberalism. I intend for this project to advance one-step further the larger project of *global liberalism* advocated in different forms within international relations theory and in political philosophy by the likes of Kok-Chor Tan. I build upon his justification for global liberalism and begin to advance it specifically to Islam in order to eventually develop a philosophical theory that reconciles to the greatest extent possible the fundamental principles of Islam with a version of comprehensive liberalism. I utilize herein Ahmet Davutoğlu's account of Islam as a starting point to instantiate the tremendous diversity internal to Islam. The framework of my thesis follows the deterministic sequence described by Ahmet Davutoğlu from Islamic ontology to epistemology, from epistemology to axiology (philosophical study of value), and from axiology to political justification and institutions that he claims ensures completely alternative and incompatible political paradigms for Islamic and Western (especially liberal) philosophy.

Few philosophical attempts have attempted to justify liberalism from within Islamic political theory. Badamchi shows how Mehdi Haeri Yazdi, in his work *Philosophy and Government*, offers justification for Rawlsian political liberalism in accord with Islamic scriptures and philosophy. Lucas Thorpe (2015) argues that the political theory of Sayyid Qutb, one of the most influential intellectuals upon both Al-Qaeda and the Muslim Brotherhood, is not in such contradiction to liberal values as might at first appear by utilizing the natural law theory of Aquinas to provide

political justification that may be compatible with both liberalism and Islamic theory. Since my ultimate goal beyond the scope of this thesis is to construct an Islamic philosophy that is compatible with a version of comprehensive liberalism (rather than other versions such as political liberalism), I will take a unique approach that will begin to examine not only to what extent natural law theory is compatible with comprehensive liberalism, but also show that the necessary epistemological grounds may be found within Islamic philosophy itself.

Chapter 1 of this paper sets the foundation and framework of my thesis. Section 2 introduces Tan's justification for adopting comprehensive liberalism, as opposed to political liberalism, and the project of global liberalism that doing so entails. While justification for *political liberalism* is freestanding (avoids fundamental justification based on conceptions of the good life) and limited in scope to the political sphere, *comprehensive liberalism* does not attempt to avoid fundamental justification and applies beyond the political sphere. When applied to the global scene these competing versions of liberalism take on opposing positions regarding toleration of non-liberal societies. On the one hand, political liberalism requires toleration as a fundamental principle and forbids liberal societies from interfering with non-liberal societies. On the other hand, comprehensive liberalism maintains autonomy as its fundamental principle and requires liberal societies to assist to varying degrees those in non-liberal societies to acquire their right to personal autonomy.¹ Kok-Chor Tan provides the groundwork of comprehensive liberalism from which I intend to build upon and the reader can view this paper, which is a first step toward an Islamic liberalism, to be what I see as an extension of Tan's greater project. Tan's work is not only significant to my project in that it I use

¹ Tan allows exceptions from this requirement for practical purposes of discretion.

his position as the instantiation of comprehensive liberalism in this thesis, but his arguments also provide a rational account to justify the intention to develop an interpretation of Islam that is compatible with liberalism. Although Tan argued, though not specifically to Islam, that such an endeavor should not be attempted by assessing the liberal status of a culture as a whole, but rather, by assessing individual practices themselves; in this thesis I present Davutoğlu's argument that in the case of a comprehensive paradigm such as Islam, an approach that addresses normative entailments alone is inadequate.

In Section 3, I demonstrate this necessity of assessing the fundamental compatibility or incompatibility of Islam with comprehensive liberalism in the arguments of former academic professor and the current Prime Minister of Turkey, Ahmet Davutoğlu. I will not fully describe Davutoğlu's justification for his position in this paper. Rather, I take the position that if his claims are correct, it is insufficient to address the compatibility of particular Islamic practices as would be suggested by Tan and that an analysis of their fundamental compatibility is unavoidable. Davutoğlu's theory introduces the framework I will follow and the comprehensive problems regarding the incompatibility between orthodox Islam and comprehensive liberalism. Within his deterministic chain from ontology to epistemology, epistemology to axiology, and axiology to politics the comprehensive liberal appeal to autonomy described by Tan would rest within the level that Davutoğlu terms *axiological*. Since, according to Davutoğlu's claims, it is insufficient and superficial to attempt to bridge the divergence between the axiological or political level alone, as previous philosophical attempts at reconciliation have done, it will be necessary to show that one of these links in the deterministic sequence stemming from Islamic ontological assumptions does not necessarily occur as described by Davutoğlu. A

bridge between the ontological principles fundamental to Islam and something nearer to what Davutoğlu terms the *secularized knowledge* of the West is necessary before attempts at reconciliation with the liberal value of individual *autonomy*, which Tan (2001) defines as the individual's liberty to form, pursue, and revise her own conception of the good life, can be made.

Chapter 2 addresses this first problem in the chain by attempting to provide a bridge between Islamic ontology and a form of epistemology that does not conflict with what Davutoğlu considers the two fundamental ontological principles of Islam. I dispute the necessity of Davutoğlu's orthodox version of Islamic philosophy and attempt to show that this bridge can be accomplished via natural law theory, which is endemic to Islamic pre-modern philosophy. Natural law theory is not only capable of preserving the fundamental ontological assumptions of Islam, but also provides justification for the *autonomy of reason*,² which is the acceptance of reason as a justified epistemological source from which humans can make axiological (i.e. normative, ethical, legal) judgments without dependence on divine revelation. Thus, the epistemology of Islamic natural law theories will be capable, through their justification of the autonomy of reason, to also reconcile the axiological and political realms of Islamic philosophy with the essential liberal value of individual autonomy.

In order to reconcile Islamic and comprehensive liberal axiologies in Chapter 3, I primarily examine the philosophy of Immanuel Kant regarding the basis of morality; whether derived from empirical, rational, or divine command; as Kant is the philosopher Davutoğlu considers the quintessential example of Western axiology.

² Note: the *autonomy of reason* that Emon describes should not be confused with the liberal value of individual autonomy. Although they each contain the word *autonomy*, the two terms are not directly related and represent two radically different concepts.

Furthermore, I will continue to utilize the Hard Islamic NLTs as an instance of Islamic philosophy that both preserves the fundamental ontological principles of Islam and is compatible with comprehensive liberalism. I argue that the two paradigms are fundamentally compatible at the axiological level by comparing the moral systems of the Hard Islamic NLTs with that of Immanuel Kant and conclude that, contrary to Davutoğlu's claim; the two cases can actually complement and reinforce one another.

In Chapter 4, I address the question: to what extent is the socio-political justification each Weltanschauung is necessarily committed to, ultimately stemming from their ontological commitments, reconcilable or not with the parameters of the other? In order to address this question, in Section 1 I will explain Davutoğlu's argument that the fundamental differences in justification provided by the two paradigms for the *origin* and ultimate *aims* of its corresponding socio-political system/institution are necessarily alternative and incompatible with each other, due to the differing commitments (i.e. ontological, epistemological and axiological) acquired by each paradigm. In Section 2 will continue to use Immanuel Kant's moral theory as an example of the Western Weltanschauung (upon which comprehensive liberalism can eventually be justified) that avoids the fundamental differences between Western and Islamic Weltanschauungs as argued by Davutoğlu. In Section 3, I argue that a political justification derived from the principles of the Hard Islamic NLTs is compatible with Kant's socio-political justification. I conclude that: 1) because Davutoğlu misrepresents Western philosophy to consist merely of those philosophers that are empiricist and utilitarian his arguments fail to support his claim, 2) that Kant's position of justification does not diverge in the significant ways

he claims of Western philosophy, and 3) that Kant's justification is compatible with Islamic Hard NLTs.

1.2 Comprehensive liberalism and the project of global liberalism

Kok-Chor Tan evaluates two types of liberalism: *political liberalism* advocated by John Rawls and *comprehensive liberalism*, which he argues is superior in various ways that include its ability to withstand challenges from theories entirely external to liberalism. The primary differences between these two versions of liberalism deal with positions taken on *justification* (standing or freestanding) and this leads to different conceptions of the *scope* of applicability in the public and private spheres. Political liberalism posits that liberal theory must not be based upon any particular conception of the good life and so must be limited in scope to the political realm alone. Principles of political liberalism are not applicable to areas of an individual's life or to aspects of society outside the political realm. To the contrary, comprehensive liberals argue that any form of liberalism is ultimately unable to avoid relying upon some understanding of the good life for justification and that liberal principles cannot be limited merely to the political, but apply beyond the political sphere as well. Tan attempts to work out the difficulties internal to liberal theory in order to present its strongest version most capable of confronting external theories that reject the fundamental assumptions upon which liberalism rests.

He simultaneously extends this evaluation to the global level to show how the commitments of the two theories differ, in particular, how they approach toleration of non-liberal states. While political liberals such as Rawls require that liberal peoples adopt a stance of toleration toward non-liberal states and cultures, comprehensive liberals such as Tan require that liberal peoples adopt a stance of non-toleration towards non-liberal states and cultures and attempt to assist individuals and

minorities in non-liberal states and cultures to obtain their right to individual autonomy. As Tan (2001) states regarding his project to differentiate political and comprehensive liberalism and then evaluate the entailments at the global level:

As is evident, my purpose here is not to defend liberalism's status as the dominant global theory against non-liberal alternatives but, more modestly, to sort out difficulties within liberal theory itself. But this is not just a squabble over details and trivials—It is only after differences within a theory are settled can its strongest version be forwarded and defended against competing theories. So, if we like, we may read this book as constituting the first part of a larger project to defend global liberalism. (9)

By *global liberalism*, Tan seems to refer to the international relations school generally considered dominant in the field, particularly its normative theory of global ethics (1-2), to include the constitution of all nations as liberal states who respect the autonomy of its individuals. Tan attributes Rawls' prohibition of promoting global liberalism to his adherence to political liberalism, and its accompanying freestanding nature and attempt to avoid foundational justification. Instead, Tan adopts comprehensive liberalism and uses it to justify promoting global liberalism.

1.2.1 Autonomy versus tolerance as the basis for comprehensive liberalism

Tan identifies the basic principle of liberalism most often agreed upon to be "that individuals be at liberty to form, pursue, and revise their conceptions of the good life" (10). Although this ultimately expresses the principle of autonomy, Tan intends for *liberty* to be more broadly defined and neutral toward the different principles some consider basic, such as equality. These other principles sometimes considered basic do not affect whether or not *toleration* should be considered basic, which is the question at hand. Since Tan defends this broader definition of the basic principle of liberalism and allows for group rights, a conception of comprehensive liberalism based on *non-domination*, may be compatible with his theory. I do not consider non-

domination necessarily alternative to a certain conception of autonomy.³ My arguments, as Tan's, will remain neutral on accounts beyond that of the individual's liberty to form, pursue, and revise their conceptions of the good life; but it is worth noting that a conception of liberty that also includes non-domination may be more compatible with Islam than a conception of autonomy alone.

Both political and comprehensive liberals uphold the autonomy of the individual to choose his or her life according to their own value judgments. However, whereas the comprehensive liberal considers the principle of autonomy to apply to all fields of life, the political liberal attempts to limit its application to the political realm. Once autonomy is secured in the political realm, political liberals uphold toleration as the dominant liberal value. It is in this qualified sense that Tan distinguishes the two approaches as *tolerance-based* and *autonomy-based* theories of liberalism. The differences between these two approaches stem from their justifications, which in turn affect their scope. Political liberalism is a freestanding theory that attempts to avoid addressing the justifications for liberalism due to their controversial nature. The absence of any justification limits its scope to reasonable views that can obtain consensus in a liberal society. Comprehensive liberalism, on the other hand, rests upon foundations of justification such as those provided by Kant,⁴ or Mill,⁵ controversial though they may be. This allows them to expand the scope of their requirements for autonomy in all areas of life, or alternatively, to expand the scope of what they consider the political sphere and thus the areas in which values of autonomy must prevail. Comprehensive liberals require individual autonomy to be

³ See, for example: O'Neill, Onora, 2004a. 'Autonomy, Plurality and Public Reason'. In: N. Brender and L. Krasnoff, eds., *New Essays in the History of Autonomy* (Cambridge, Cambridge University Press), 181–94.

⁴ For instance, see: Kant (1964) Chapter 3.

⁵ For instance, see: Mill (1869) Chapter 3.

respected internally by all social groups, such as the family or religious groups, whereas the scope of political liberalism allows social groups to violate these principles internally and only requires them to respect individual autonomy in the public realm external to itself.

1.2.2 Comprehensive versus political liberalism at the international level

Rawls (1999) extends the political liberal interpretation from the domestic to the global level. Since his version of liberalism is freestanding and liberal assumptions possess even less consensus at the global level than they do domestically within liberal states, the liberal values that can be globalized are reduced even further. At the global level all that can gain consensus are basic human rights. This leads him to *The Law of Peoples*, which requires liberal states to accept *decent peoples*,⁶ and not pressure them to adopt further values of liberalism such as freedom of speech, representative government, or equal freedom of conscience. The scope of interference granted to liberal and decent peoples is limited to assisting indecent societies, those who do not respect basic human rights, to become decent societies.

Not only does Tan reject political liberalism, he also points out problems with Rawls' arguments regarding his analogy between the domestic and global, causing him to reject the conclusions of *The Law of Peoples*. Tan distinguishes between ethical and political neutrality. At the domestic level, Rawls thinks a liberal society should tolerate non-liberal views such as religious, philosophical, or moral; but not those that are political, for here they cross into the scope of political liberalism. At the global level, however, Rawls argues that we should tolerate not only reasonable beliefs that fall outside of the political sphere, but non-liberal political views as well.

⁶ Decent peoples are those who abide by basic human rights, for example, security of life and body; but do not provide for other liberal values such as free and equal standing under the law to all.

Furthermore, at the domestic level those living in non-liberal societies have the ability to access the political freedoms of liberal societies, whereas at the global level they would have no analogous alternative to turn to for assistance. These discrepancies undermine Rawls' analogy. Tan then provides further arguments for the adoption of comprehensive liberalism and its extension to the global. This extension leads to the conclusion that liberal peoples should not tolerate non-liberal societies as Rawls claims, but should strive to assist the development of liberalism in non-liberal societies.

Tan further distinguishes between *weak* and *strong* comprehensive liberalism and uses this to demonstrate that although intolerance of non-liberal peoples is a feature of global liberalism, this does not necessarily entail coercive interventionism. The difference between these two versions of comprehensive liberalism rests in their position toward the distinction between *making* a judgment and *acting on* that judgment. While strong adherents hold that a liberal state must enforce all of its moral requirements, weak adherents hold that they are not so obligated. Weak adherents recognize the obligation of liberal states to make a judgment against non-liberal practices, but do not consider them obligated to coercively act on those judgments for various reasons, be they moral or strategic. This does not remove the obligation to act altogether. Rather, it allows weak comprehensive liberals to assist those living in non-liberal societies by other means such as deliberation between states or other means of fostering an impetus for change from within non-liberal societies without outside coercive imposition.

Thus, although comprehensive liberals are intolerant of non-liberal practices, there is no obligation on them to forcibly impose such judgments or to necessarily

use any form of coercion upon those societies. They may adopt a weak version and discourage non-liberalism without resorting to coercion. In this way, they can help individuals within non-liberal societies to maintain their individual rights within their societies, but forego the use of coercion. Whereas Rawls limits liberal societies to remain neutral in the affairs of decent, yet non-liberal peoples, comprehensive liberalism requires liberal peoples to assist individuals whose liberal rights are violated in those societies and the adoption of strong or weak versions of the theory influence the extent and type of intervention considered obligatory of liberal peoples (Tan 1991, 59-65).

Tan argues that comprehensive liberalism is better capable of protecting minority groups within liberal societies because of its recognition of group rights as integral to individual rights and the need of the government to protect these from threats that stem from a system that places unique pressures on minorities. Their differences regarding state neutrality toward social values, such as in the area of education, are an example of this. Rawls strives for neutrality because he views any partiality offered by the state as a form of coercion towards other groups. While political liberals claim that the state should be neutral, comprehensive liberals admit that neutrality is not always possible (i.e. in cases of education). A looser stance on the position of neutrality as well as admitting cultural rights as necessary for individual rights allows a comprehensive liberal the ability to protect the cultural rights of minorities in a way not possible to a political liberal.

Another difference between political liberals such as Rawls and comprehensive liberals such as Tan is their view of whether or not Rawls' second principle justifying a distribution to the benefit of the least advantaged applies at the global level. Rawls rejects this, while Tan considers it necessary of global justice

and places the responsibility of assisting the least well-off societies upon liberal, well-off societies. It is not sufficient only to provide humanitarian aid, but rather, a restructuring of the global system in such a way as to replace relations based on exploitation with relations based on recognition of mutual needs is required to address global inequality. Thus, global liberal justice that stems from comprehensive liberalism places demands on non-liberal countries to liberalize, but also on liberal countries to transfer resources to less well-off countries. Comprehensive liberalism supports global egalitarianism beyond the severely limited scope of political liberalism (Tan 167-170).

Tan addresses various arguments against globalizing liberalism, many of which he rightly attributes not to liberal theory itself, but to the failures of liberal countries to live up to their own principles. There is an important difference between the *principles* of liberalism and the *practice*, sometimes liberal-sometimes not, of so-called liberal states. For example, not only do critics associate global liberalism with the abominable history of colonialism to undermine any attempt to justify globalizing liberalism, but also the practices of neo-liberalism in force today that lead to greater inequality are further contemporary examples that unfortunately reinforce opposition to the principles of liberalism. The double standards employed by liberal countries, such as overlooking their own illiberal practices or overlooking the atrocious human rights violations of particular non-liberal countries or groups for geostrategic or economic benefit are further examples addressed by Tan. It is the illiberal, exploitative practices of so-called liberal states that opponents most often object to; rather than the relatively egalitarian form of liberalism advocated by Tan.

1.3 Tan and Davutoğlu regarding cultural compatibility with Liberalism

1.3.1 Tan: Certain cultures & liberalism may be fundamentally incompatible

Tan admits there may be cultures that are inherently non-liberal and impossible for them to become liberal without destroying their adherents' cultural preconditions of choice. However, when we evaluate claims of incompatibility closely we often find that cultural practices and characteristics are not actually permanent cultural features and that the culture is capable of new perceptions and practices without fundamentally undermining it. He offers the two examples of Asian (i.e. Confucian) cultural values and the gender values of Islam where claims of non-liberalism inherent to a culture are found to fall short (Tan 1991, 138-148).

However, Tan himself argues elsewhere that *first-order challenges* to liberalism, which are its normative entailments and commitments, generally end up based on *second-order challenges*, which question its fundamental premises and justification. First-order challenges deal with the normative entailments, rather than the fundamental assumptions of a theory. They can be countered by showing through internal consistency of the theory that by accepting the basic premises of the theory that the normative entailments necessarily follow as a conclusion. On the other hand, there are second-order challenges that dispute not only the normative entailments, but also the fundamental premises of the theory altogether. For someone who challenges the notion of the right to free expression, but accepts the principle of autonomy or non-domination it is enough to show how the entailment is necessary from the fundamental principle. For the one who disputes the principle of autonomy or non-domination as a premise, however, it is another matter entirely.

1.3.2 Davutoğlu: Islam and liberalism are fundamentally incompatible

Although his two case studies demonstrate that cultures can alter some practices without inherently changing the culture, Ahmet Davutoğlu would contend that within Islam first-order challenges to liberalism evolve into second-order challenges. This is because Islam is a comprehensive, highly integrated system in which it is not sufficient to address first-order challenges regarding individual practices at an axiological or political level without creating a deeper conflict with the underlying second-order principles upon which they depend for support. Ahmet Davutoğlu examines from a broad perspective what he calls Western and Islamic Weltanschauungs (i.e. paradigms). He argues that the different ontological presuppositions of the two necessarily lead them on divergent paths that determine their political theories altogether alternative and incompatible with each other.

1.3.3 Alternative ontological presuppositions of Western and Islamic paradigms

From the differing ontological consciousnesses he terms the *particularization of divinity* and *ontological proximity* of the West as opposed to the principles of *tawhid* (ontological unity) and *tanzih* (ontological transcendence) in Islam comes a diverging movement in the two epistemologies, axiologies, and finally in their political justification and institutions.

The *particularization of divinity* was taken from the eclectic belief-structure of *Pax Romana* and was reformed within a Gnostic Christian theology. It included the Incarnation of the Fatherhood of God as the legacy from the mystery religions to Christianity, the deification of Jesus within the dogma of the Trinity, and similar complex ontological problems in Christian theology. This particularization led ultimately to a proximity or identification between ontological levels of God, man, and nature. From the perspective of this 'ontological proximity' there is an essential, continual link between ancient mythology, ancient philosophy, Christian theology, and modern philosophy. (Davutoğlu 1994, 11)

Ontological proximity in the Western Weltanschauung springs from pagan consciousness that viewed all nature and the supernatural to be on relatively equal standing with humans. It can be seen, for instance, in Greek mythology where there is no sharp distinction between gods and humans, gods give birth to humans and gods behave as and can adopt the form of humans. Particular cases of this concept exist in Christianity with the embodiment of God as a man in Jesus of Nazareth, and its ultimate forms of pantheism and materialism. This ontological particularization and proximity carries through from Western mythology, to its theology and philosophy.

In Islam, on the other hand:

The principle of *tawhid* is the main channel from theory to practice, from belief to life, and from ideal to reality in the holistic Islamic Weltanschauung. This principle implies that Allah is one in His essence (*dhat*), i.e. not composed of parts; one in His attributes (*sifat*) i.e., not influenced in any way by anything other than Himself. This principle together with the principle of *tanzih* (no compromise with the transcendent purity of Allah) might be accepted as the paradigmatic base of unity among conflicting schools, sects, and traditions in Islamic history. (Davutoğlu 1994, 49)

1.3.4 Alternative ontologies determine incompatible socio-political systems

Davutoğlu attempts to show that there is a continuity of Western philosophy and theology from the ontological conceptions of God, which determines its epistemology, axiology, and political institutions and justification. Ontological proximity and particularization of divinity gradually engendered in the West an *epistemologically-defined ontology* based on the *particularization of truth* and the *secularization of knowledge*, which in turn led to the particularization and secularization of its axiology and politics. In these concepts, Davutoğlu is referring to the way in which sources of epistemic justification became the foundation upon which ontological knowledge and beliefs were based and how humanized epistemic

sources (i.e. empiricism and rationalism) were seen to be in competition for supreme authority with revelation. The primary philosophical problems in the West have always been:

. . . directly related to the question of the ultimate epistemological source and need authoritarian [*sic*] answers, that is a specification and defense of the authority on which one believes something or claims to know something, etc. The argument that ‘the history of Western thought is largely a history of attempts to defend the claims of these alternative authorities’ and that ‘rationalism which is the view that only an appeal to an intersubjective authority is allowable, is not a reaction to this authoritarian [*sic*] tradition, as is often supposed, but part of it’ (Brümmer, 1981:206) is completely right. The veiled assumption of these attempts is that these epistemological authorities or sources are alternative to each other, rather than complementary. That assumption is the basis of the *particularization of truth* in Western intellectual history; while *secularization of knowledge* is the declaration of the supremacy of reason as the ultimate epistemological source against the others, especially against revelation, within the context of the particularization of truth. (Davutoğlu 1994, 34-35)

To the contrary, the Islamic principles of *tawhid* and *tanzih*, which are the fundamental principles he claims unite all conflicting schools, sects and traditions; provide an *ontologically-defined epistemology* that is so comprehensive, cohesive, and undisputed by Muslims that it has proved to be resilient to all attempts of foreign influence to bring about changes to Muslim societies (i.e. from institutional, political and economic spheres). Although he addresses alternative theories that explain this resistance to Western influence, it is this continuity and ontologico-epistemological base that he attributes Muslim resilience to.

1.4 Conclusion

In order to determine whether the Islamic paradigm is theoretically compatible with liberal values or not, I will attempt to examine Davutoğlu’s theory to see whether there is a way to bring the two paradigms together or whether Islam (as defined by Davutoğlu) genuinely is a fundamentally non-liberal paradigm that comprehensive liberals would be unable to tolerate. In order to accomplish this, it is necessary to

show that one of the orthodox links in the deterministic sequence stemming from Islamic ontological assumptions does not necessarily occur as described by Davutoğlu. I will attempt to show in Chapter 2 that Islamic epistemology stemming from Islamic ontological assumptions does not necessarily occur as described by Davutoğlu and that this failure may be sufficient to reconcile the further domains of Islamic and comprehensive liberal axiological (Chapter 3) and political (Chapter 4) domains.

CHAPTER 2

RECONCILING EPISTEMOLOGIES

2.1 Islamic NLT as an epistemological bridge between Islam and Liberalism

Davutoğlu claims:

Nevertheless, it is not only impossible but also inconsistent to impose upon a conscious Muslim who accepts such a relationship [Islamic] between himself and Allah an epistemologico-axiological framework that denies the spirit of this ontological relationship. (1994, 56)

Here, I will only mention the likewise injustice of imposing upon an individual who does *not* accept the Islamic relationship between herself and Allah a framework based upon that relationship, and that liberalism seeks to provide the most equitable solution to both parties in this dilemma. In this section, I argue that pre-modern Islamic versions of natural law theory provide an epistemological framework that is both compatible with the Western epistemologico-axiological framework and does not deny the Islamic relationship between God and man upon a Muslim.

2.1.1 Islamic NLTs' ontological justification of reason to extend *Sharia*

Natural law theories allow for the *autonomy of reason*, which is the acceptance of reason as a justified epistemological source from which humans can make axiological (i.e. normative, ethical, legal) judgments without the need for divine revelation. This approach will provide an epistemologico-axiological framework closer to, but not fully realizing, the secularization of knowledge capable of supporting liberal justification based on the principle of autonomy. Although the autonomy of reason only *approaches* Davutoğlu's concept of the secularization of knowledge, I argue that it offers sufficient epistemological grounds from which to later derive an axiologico-political framework compatible with *tanzih* and *tawhid* on the one hand, and individual autonomy on the other.

Anver M. Emon (2010) argues that a pre-modern natural law tradition already existed within Islam. This can especially be seen in the Mu' tazilah school of Islamic philosophy, although Emon does not define his research according to that distinction (Davutoğlu does). According to Davutoğlu, the Mu' tazilah was the first Islamic school to be influenced by Greek philosophy and adopted the notion of the autonomy of reason. Davutoğlu addresses the prospect of utilizing their conception of the autonomy of reason in order to equalize the ontological and epistemological levels of Allah with that of humanity (62-63). He claims that although it may appear on the surface to support such a claim, this would be difficult to argue because the Mu' tazilah never understood this to create any conflict between divine revelation and reason as occurred in Western philosophy and led to the secularization of knowledge. Instead, their interpretation further supported the ontological transcendence and unity of the divine. Due to this difference in outcomes between Western philosophy and Islam, he argues it would be difficult to use the Mu' tazilah interpretation as a means of attaining a secularization of knowledge in Islam. Although Davutoğlu is correct that to attain secularization of knowledge would be overstretching, I will argue later why the full realization of the secularization of knowledge is unnecessary.

Davutoğlu's argument that the Mu' tazilah saw no conflict between the autonomy of reason and divine revelation is sufficient to act as the bridge needed to span Islamic ontology and liberalism, as it holds the potential to harmonize reason and revelation. Since my aim is to preserve the ontological assumptions of Islam by giving ontological justification for reason-based epistemology, the claim that these accounts provide for the autonomy of reason without contradicting *tawhid* and

tanzih, supports rather than undermines, the claim that it is possible for a secularized epistemology to be compatible with the fundamental ontological principles of Islam.

2.1.2 Hard versus Soft Islamic NLTs

Emon demonstrates further that within the Mu' tazilah and the competing Ash' ari school we can find what he labels "soft" and "hard" accounts of natural law he distinguishes primarily according to their positions regarding the *Euthyphro* question and the autonomy of reason. The *hard accounts* of natural law theory; such as those of Abu Bakr Al-Jassas, Qadi Abd al- Jabbar, and Abu al-Husayn al-Basri (Emon 40-122); fuse fact and value within nature in such a way that reason itself becomes ontologically grounded so as to be an authoritative source of Islamic law. According to this school of thought, good and evil exist objectively and, due to the essential justice of God; God is not capable of acting contrary to justice. Furthermore, since God cannot be affected by anything else, it must be that God created the world, not for His benefit as if He could have been in want, but for the benefit of humanity. Since God is incapable of injustice and created the world with the intent of benefitting humanity, it is therefore possible for humans to discern good and evil through reasoning towards God's purpose in nature and the law, which is human good. This account of reason still grounds its value in the ontological assumptions of *tanzih* and *tawhid*.

However, whereas *hard* theorists fused the concept of a just and rational divinity with nature that contains the goodness and reason of its creator, *soft* theorists rejected this fusion and claimed that it limited the omnipotence of divinity by placing it within the constraints of morality and reason. This opposing account taught that good and evil exist as they do because God wills it to be so. This approach prevailed

against the hard natural law theories and became the orthodox position in Islam. Although soft natural law theorists expressed opposition to allowing this fusion of fact and value in nature, Emon shows that they still relied on the assumption in order to extend Islamic law, through reason, into areas of life on which it was silent and to ensure the relevance of Islamic law to daily life. Rather than understanding the fusion of fact and value in nature as a necessary truth brought about by the objectivity of good and evil that they thought would limit the omnipotence of God, however, they taught that this fusion occurred due to God's willed grace.

2.2 The autonomy of reason to determine God's will is sufficient for reconciliation

The presence of a tradition within Islam that considers reason an authoritative source of *Sharia* norms provides a means by which to bridge the fundamental ontological principles of Islam with an epistemology more similar to what Davutoğlu calls secularized knowledge. The position that divine revelation is the only source of law limits the application of *Sharia* to the letter of the law. Even for the Soft and orthodox Sunni Muslims this was overly restrictive since the letter of *Sharia* is incapable of applying to all cases of everyday life. This led many of the voluntarists to Soft Natural Law, which allowed them to use reason to extend *Sharia* beyond its literal interpretation. By admitting the conclusion of hard natural law, using reason to make normative judgments is not limited to interpretation of *Sharia*. It would permit humans to make normative judgments by using reason that is based on empirical observation of the world. At the same time, it does not violate the principles of *tanzih* or *tawhid*. Rather than break these principles, it is based upon them along with the added assumptions of the benevolence, purposefulness, and completeness of God.

Establishing reason as an autonomous authority within the epistemological sequence of the Islamic paradigm does not lead us to a full realization of the *particularization of truth* or *secularization of knowledge* as defined by Davutoğlu. That reason is autonomous and an authority does not place it as an authority above other epistemic sources, particularly divine revelation. As he points out, even those Islamic philosophers who adopted the autonomy of reason never considered it to be in contradiction with divine revelation. Davutoğlu is in error, however, that full realization of these two principles is necessary in order to reconcile the two paradigms.

Once the authority of reason is granted as an autonomous epistemic source, it not only becomes possible for Muslims to arrive at liberal principles through reason alone, but it also allows the potential to more flexibly interpret divine revelation according to the intended effect that might be reasoned from the literal interpretation. For example, although the *Quran* apportions less inheritance to women than to men (*Quran* 4:11), this was an improvement from previous cultural norms, which often ensured nothing for female inheritance. By allowing reason as an autonomous authority, it could be possible to reason that the intent of this position was to enhance the rights of women, not necessarily to dictate eternally that women were to receive half the portion of a man. Instead of following the denotation of the text, it might be possible to interpret it according to the connotation that greater equality and providence toward women is desired. By reasoning according to the intent of the passage and the context in which it was written, it would be possible to harmonize divine revelation in religious texts with the conclusions of autonomous reason.

Since divine revelation in the *Quran* does not explicitly condone liberal principles, this attempt to reconcile liberal principles with various extensions of

divine revelation through reason is the approach taken by liberal advocates such as Badamchi. In order for these attempts to become successful with a broader segment of Muslims, however, an appropriate epistemological framework that provides for the authority and autonomy of reason must first be established that is compatible with the fundamental ontological principles of Islam.

2.3 Conclusion

Davutoğlu argues that a necessary sequence from the ontological assumptions of Islam determines resulting epistemology, axiology, and ultimately the political justification and institutions with which it is compatible. Due to the determined form that each link in this chain must necessarily conform to, the Islamic and Western Weltanschauungs, to include liberalism (broadly defined), are essentially incompatible. My purpose in this project is to determine whether Islam is in fact necessarily a non-liberal paradigm that comprehensive liberals such as Tan would be unable to tolerate, or to what extent the fundamentals of Islam can actually serve as the foundation of a liberal philosophy commensurable with that of comprehensive liberalism. In order to succeed at this endeavor I explained that it is necessary to show that one of the orthodox links in the deterministic sequence stemming from Islamic ontological assumptions does not necessarily occur as explicated by Davutoğlu.

I argued that Davutoğlu's argument breaks down in his claim that an ontologically based epistemology incompatible with secularized knowledge (and ultimately, liberalism) necessarily follows from the fundamental assumptions of Islam. Not only can a form of natural law theory preserve the ontological assumptions fundamental to Islam, it would be a necessary philosophical component

to bridge the gap between those assumptions and a rationally based epistemology. According to Anver Emon, rational epistemology consistent with natural law theory was already endemic to Islamic philosophy long ago. These hard natural law theories from Islamic philosophy break the chain of determination that Davutoğlu claims lead Islamic and Western Weltanschauungs in irreconcilable directions. Soft natural law theories utilized reason to extend Islamic law from the limited scope of divine revelation to further application into modern daily life, and strong natural law theories enhanced the scope of reason by permitting extrapolation from not only divine revelation, but from God's creation and the rationale that God's purpose in this creation cannot be for God's own need or benefit, but rather, for the benefit of humanity. By accepting the autonomy of reason, strong natural law theory provides a basis for an epistemology that is capable of justifying at the axiological level (Chapter 3) the liberal value of autonomy that will be compatible with the fundamental ontological assumptions of Islam.

My account differs from that of other attempts to reconcile Islam with liberalism in the depth considered necessary for consideration to accomplish this task. Davutoğlu provides an argument that penetrates deeper than what he would consider the superficial level of axiological justification (i.e. value of autonomy) alone. He shows us that in order for these attempts to reconcile the political justification of liberalism with Islam to be successful, we must first address the deeper issues of epistemology in such a way as to preserve the fundamental ontological principles of Islam. I have attempted to show the possibility of that theoretical endeavor and the epistemological base to achieve it in this paper. The next step to reconciling comprehensive liberalism and Islam is to show how these basic conceptions of ontology and epistemology I have outlined so far justify the

axiological value of autonomy- the individual's liberty to form, pursue, and revise her own conception of the good life.

CHAPTER 3

RECONCILING AXIOLOGIES

In this chapter I continue to follow the framework of Ahmet Davutoğlu and attempt to analyze the extent to which the fundamental Islamic principles of *tawhid* (unity) and *tanzih* (transcendence) can be reconciled with the fundamental axiological (i.e. pertaining to the philosophical study of value, such as moral philosophy, ethics and law) principle of liberalism, which Kok-Chor Tan considers to be individual autonomy. In order to accomplish this I will primarily examine the arguments of Immanuel Kant regarding the basis of morality; whether derived from empirical, rational, or divine command; as Kant is the philosopher Davutoğlu considers the quintessential example of Western axiology.

Furthermore, I will continue to utilize the Hard Islamic NLTs as an instance of Islamic philosophy that both preserves the two fundamental principles of Islam and is potentially compatible with the comprehensive liberalism instantiated by Kok-Chor Tan. I argue that the two Weltanschauungs are fundamentally compatible at the axiological level by comparing the moral systems of the Hard Islamic NLTs with that of Immanuel Kant and conclude that, contrary to Davutoğlu's claim, the two cases can actually complement and reinforce one another.

3.1 Western versus Islamic axiology

Ahmet Davutoğlu argues that the Western Weltanschauung's epistemological *particularization of truth* and the Islamic Weltanschauung's epistemological *unity of truth* next determine alternative and incompatible axiological positions he respectively terms *axiological positivism* and *axiological normativeness*. Although he does not clearly define how he intends for these terms to be understood, I interpret him to mean by axiological positivism: the philosophical study of value

from the position that theology and metaphysics are imperfect modes of knowledge and that axiological knowledge is inferred from natural phenomena. Axiological normativeness, on the other hand, I understand as the philosophical study of value from the inverse position. Axiological normativeness mirrors and follows from his account in the preceding chapter of the Islamic epistemological position that the various epistemological sources are not competing, but complementary; that reason does not supersede the other sources; and that axiological knowledge is obtained primarily via divine revelation.

Davutoğlu describes the place of axiological positivism in his theory of the Western Weltanschauung thus:

At this stage I want to underline the evolutionary process of *axiological positivism* as the philosophical base of the *secularization of life and law* in the Western experience. Two significant sources of this evolutionary stage might be mentioned to frame its historico-cultural continuity. First, it is a clear fact that any type of secularization necessitates a mental, imaginative, or practical segmentation (or particularization). It has already been shown how a mental *particularization of truth* results in an *epistemological secularization*. Axiological secularization of life and law has originated from an ultimate particularization of normative/positive or religious/secular spheres, which is in turn a consequence of ontological and epistemological particularization. Second, a purely rationalistic framework of values as an indication of axiological positivism is the essential prerequisite for the secularization of life and law. This prerequisite is theoretically and imaginatively linked directly to the proximation (or equalization) of ontological and epistemological spheres. (39-40)

Axiological positivism of the West, since it is based at the *epistemological* level on particularized truth, is a philosophical base that leads to the particularization at the *axiological* level of normative/positive and religious/secular. These particularizations of the West further lead to the secularization of knowledge (epistemologically) and the secularization of life and law (axiologically and politically). The Islamic sequential chain differs in that the unity of truth and

harmonization of knowledge at the epistemological level necessitate axiological normativeness and the unity of life and law at the axiological level:

This imagination of the unity of life, as opposed to the secular divisibility of the sectors of life, and this divinely based moral responsibility provide theoretical and imaginative bases for the highly concentrated axiological normativeness in Islamic intellectual and social history. Political and economic mechanisms, applications, and institutions could be justified only through their role in the process of the realization of this axiological normativeness. Therefore, they have never been imagined as independent sectors of life existing on their own It should be underlined at this stage that axiological normativeness in Islam plays the role of channel between ontologico- epistemological antecedents and socio-political and economic mechanisms. The superiority of the Islamic all-embracing jurisprudence (*fiqh*) cannot be understood if one omits the role [of] this imaginative channel. Hence, prescriptivism has been supported by a very consistent normativism, and this is the characteristic that provides strong resistance among Muslim elites and masses against the process of Westernization based on a counter-prescriptivism of Western ways of life that emerged from an understanding of the divisibility of the sectors of life. (83)

This explanation of the relationship between Islamic and Western Weltanschauungs presented by Davutoğlu illustrates one of the ways that Islam conflicts with a political version of liberalism and is more compatible with a comprehensive version of liberalism.

Davutoğlu, as many of those who supported political Islam in Turkey at that time, was contending with the extreme laicism of the Kemalist government. Since the transition from the religio-political government of the sultans and Ottoman Empire, the new secular state established by Ataturk sought to create a strict, laicist division between religion and politics. Although the laicism of the Turkish government was more reminiscent of the French tradition than what liberalism broadly defined could accept (i.e. the contrast of French laicism to the relatively liberal U. S. conception of "separation of church and state"), according to Davutoğlu, this division of religion and politics extends to the beginning of Western civilization in the concept of the "two swords" (i.e. the King and the Pope). Davutoğlu considers

this division of religion and political life to be the culmination of the particularization in the West that he describes at the ontological, epistemological, and axiological levels. It is this division between the political and the non-political that Davutoğlu identifies here as one of the fundamentally incompatible differences between the Islamic and Western paradigms at the political level. Although political liberalism attempts to limit the application of fundamental liberal principles to the political domain in order to limit the extent of conflicts to the political domain alone, Davutoğlu's argument here illustrates how this position may actually entrench other fundamental differences between liberalism and Islam. Comprehensive liberalism, on the other hand, is in some agreement with the Islamic paradigm in that it accepts that the division of political liberalism is not possible or justified, but argues instead that liberal values (together with the protection of minority rights in Tan's version) must apply outside of the political domain as well. Although this issue will be addressed further in the final chapter, I will next continue to examine Davutoğlu's stated conflict between Islamic and Western axiologies.

It is necessary to make an important distinction regarding what Davutoğlu claims here and my position regarding it. Davutoğlu claims, and I do not dispute, that the resistance of Muslims against Western ways, to include liberalism, is due to the philosophical differences such as particularization/unity from the ontological and ultimately to the socio-political domains. What I contest is that the fundamental principles at the level of ontology *necessarily* determine such resistance. I do not dispute that this resistance due to Davutoğlu's theory *has been* the case, but rather, that the fundamental principles of Islam by their essence *necessitate* such a resistance. My goal is to develop a means by which these fundamental principles can be preserved and yet be compatible with the principles of comprehensive liberalism

associated with the Western Weltanschauung. In the previous chapter, I argued that various Islamic natural law theories were capable, not of particularizing truth and secularizing knowledge as Davutoğlu implies is necessary for the further domains of axiology and socio-politics to be compatible, but sufficiently capable of rapprochement between the two at the point of these later domains.

Although Davutoğlu outlines the long philosophical development from pre-Plato through to the present, it is the work of Immanuel Kant that appears to be the quintessential work that most defines and embodies the elements of the Western Weltanschauung relevant to Davutoğlu's theory at the axiological stage. As

Davutoğlu writes of Kant:

His argument that the fundamental laws of morality are the same for every rational being—whether man, angel, or God—since the ultimate criterion of rightness is deducible from the concept of a rational being as such, was not only a declaration of the autonomy of morality from religion but also the imposition of a new axiological base for religion within a new epistemological framework. Kant's division of metaphysics into the metaphysics of nature and the metaphysics of morals . . . forms the new links between epistemology and axiology. His understanding of the metaphysics of morals, which shook the traditional belief that morality without religion was impossible, is a cornerstone for the rationalization process of axiology. Kant's notion of morality as something categorical and a priori aims to eliminate the alternative interpretations of morality, namely that it is a matter of emotions, that it is a matter of practical consequences, or that it is a matter of obeying God's will. One of the significant corollaries in his *Kritik der Praktischen Vernunft*, that "Pure Reason is practical of itself alone and gives (to man) a universal law which we call the Moral Law" (Kant, 1909b:120) assumes a common rational set of axiological criteria for all rational beings—including Infinite Being (Kant, 1909b:227-29)—which might be accepted as a theoretical justification for the secularization of life and law. (44)

Rather than address Kant's arguments for these positions or demonstrate that Kant's position here contradicts the fundamental principles of Islam, Davutoğlu uses Kant's position simply to demonstrate the difference between the states of the two Weltanschauungs. This, however, is only sufficient to explain the axiological

position traditionally taken within Islam. Although it identifies the state of affairs within Islam that hinders a reconciliation at the axiological level, and thus, aids my attempt to determine exactly which concepts I need to examine and modify, it does not provide an argument that demonstrates that the axiological position taken by Kant contradicts the ontological principles of *tawhid* or *tanzih* that I seek to preserve. Furthermore, Davutoğlu neither undermines Kant's arguments in any way, nor demonstrates that Islam somehow avoids or overcomes Kant's reasoning and conclusions.

That being the case, there are two steps that I will attempt to make in order to reconcile the fundamental ontological principles of Islam with Kant's axiological position. In Section 2, I will demonstrate through Kant's arguments the necessity that moral judgments be determined by the autonomous will of the individual that is epistemologically guided by reason rather than divine command. In Section 3, I will address potential conflicts between the Hard Islamic natural law theorists and Kantian axiology and conclude that the two approaches are compatible and capable of reconciling the two Weltanschauungs at the axiological level by basing Kant's axiology, not upon his own justification for the autonomy and authority of reason, but instead, upon the justification provided by the Hard Islamic natural law theories.

3.2 Autonomous will directed by reason necessary for morality

According to Kant, a being is morally responsible to the extent that it is capable of reasoning about the moral standing of its choices. He evaluates three possible principles of morality upon which we might be able to ground our moral judgments. He first rules out the possibility of *empirical* principles as grounds for moral judgments. Kant rejects empirical principles due to the inability of establishing moral judgments that are universally applicable to all rational beings, as they must

be since rational principles apply with the same uniformity everywhere, upon concepts of human nature or upon the contingent circumstances in which they live (1785, 4:442). This incapability of universality stems from Kant's identification of moral principles as both normative and imperative; they determine how we ought to act, although we may or may not act accordingly. The normative nature of morality makes empirical principles inadequate to justify normative imperatives, as argued by Hume's *is-ought* distinction. More pragmatically, however, particular problems arise when establishing normative principles upon empirical principles, as can be seen in both Hume's and Mill's systems of morality that are ultimately grounded in assumptions of human sentiments that are not universal (Westphal 2010, 104-106). Mill recognized his version of utilitarianism was ultimately established upon an empirical principle (human happiness) that was itself incapable of being justified rationally, but rather, was limited to the extent to which every individual does already seek her own happiness (Mill 1963-91: 10:234).

This example of the limitations of empirically grounded morality can help to illustrate Kant's concern with founding morality upon empirical principles such as human motivations and affects and his conclusion instead that moral principles must be universally applicable.

What of the exceptions that (may) exist to the assumptions that empirical grounding is based upon (i.e. those with psychological pathologies whose affects motivate them to act contrary to what is uncontroversially considered to be immoral)? If a sufficient number of people possessed such a nature, would such immoral behavior become moral? If morality were grounded in something as variant as human affects and motivation, it could be possible to morally justify any type of action and morality would merely be determined by empirical conditions such as

those just illustrated. This premise, however, seems to lead to a contradiction where something that is non-controversially considered a heinous crime could hypothetically become morally justified.

Kant then examines principles of perfection that are based either upon *rational* conceptions of perfection or upon conceptions of *independently existing* perfection. While our own autonomous will is the determining cause of rational conceptions of perfection, conceptions of independently existing perfection, such as divine will, would inversely be the determining cause of our will. Kant argues that between the two of them, morality based upon reason would be superior to morality based upon divine will. One reason that supports this claim is Kant's conception of moral worth, which is determined not only by whether an individual's actions are morally right, but also according to the motivations from which she acts. Right actions only possess moral worth if the individual does what is right out of respect for the moral law and not merely⁷ for other reasons of empirical ends, such as the passions, inclinations, etc. (1785, 4:443). "Practical reason generates a non-natural, a priori rational feeling of respect for the moral law, which is the sole morally worthy motive" (Westphal 1991, 135).⁸

Furthermore, Kant rejects the possibility of morality based upon divine will because it encounters two significant problems. First, humans face an epistemic problem in which we are unable to directly intuit whether any divine will is perfect

⁷ To say that Kant requires moral choices out of this respect for the moral law and not *merely* for other reasons of empirical ends may appear to contradict the commonly held understanding that he prohibits *any* consideration of ends in order to achieve moral worth. Although it is true that Kant attempts to maintain this absolute position regarding moral motivations, he ultimately adopts the position that mixed motives that include inclinations toward contingent ends are inevitable for human beings and incorporates them into his moral theory (Westphal 1991, 146-151).

⁸ Westphal references the following of Kant's and Hegel's work to support this statement: *Groundwork* 401n., 431-32, 434, 446; *Critique of Practical Reason* 32, 73, 74, 75, 76, 79, 80, 85, I 17, 118, 124; *The Metaphysics of Morals* 390, 464, 467-68; and *Phenomenology of Spirit* pp. 335.16-18/M 337.23-25.

or not. Furthermore, even if we could directly intuit such a thing, a determination of this nature would necessarily be a circular explanation (i.e. “God is perfect, because God is perfect” is the best explanation such an intuition could offer). Instead, the only means by which we have to make such a judgment is by deriving them from our concepts, especially from our concepts of moral judgments. The second problem is that if we do not derive such a determination of perfection and imperfection from our own concepts of morality in this fashion, we have only our concept of what the will of the divine is as the standard of morality that we must follow, and the examples that we often find in religion (especially those from the tradition of Abraham) often consist in attributes that are in complete opposition to our conception of morality (1785, 4:443).

Furthermore, morality epistemologically based upon divine-will would contradict the requirements of morality because moral worth requires autonomy of the will. This is because actions stemming from an external command, especially of divine reward and punishment, would determine human will instead of the will of the individual herself. Thus, there could be no worth in actions taken primarily in response to divine command.

Kant examines what it would be like if human nature were such that it possessed the capacity for insight suitable to develop toward attaining perfection, or the highest end. He explains how our personal drives would still be the primary influence on our decisions and would demand our own satisfaction. When we next add reflective reasoning to the influence of our personal drives we would be able to attain happiness, which is the greatest and most enduring state toward which our personal drives can strive. Next, moral law, which should not consider personal

motives, would act to limit the other two within certain bounds and direct them toward the higher end of perfection. Moral strength would be developed through this conflict between the inclinations and the moral disposition (Kant 1788, 5:147).

By becoming so concretely aware of the moral law outside of us, the conflict described would be replaced by a concrete and unceasing awareness of the awesome power of the divine and the moral growth that develops from internal conflict would instead lead to a mechanized response, whereby humanity would always do what is commanded, but only according to the basest of their inner drives. Their personal inclinations of fear and hope, rather than their sense of duty to the moral law, would incline them to do right and abstain from wrong due to the powerful external influence that such knowledge of the divine will would exert upon their own. The moral character from which moral actions *should* come from and the value of moral action itself would atrophy into non-existence if our moral judgments were determined from without rather than from our own autonomous will (Kant 1788, 5:147).

However, we are not able to intuit the perfection of any divine will, but must instead derive our conception of perfection from our own concepts (Kant 1781, A591=B637; 1788, 4:443).⁹ In this way, the essential element of an autonomous will required for moral accountability is preserved and we are able to freely choose out of our own will, rather than from coercion to: 1) respect the moral law as determined by our reason, imperfect though it may be, and to 2) develop this respect as the guiding principle that governs all other inclinations. The first choice consists in determining the moral law through reason, and then choosing to act in accord with that

⁹ Kant ultimately takes the side of the objectivist NLTs here, regarding the Euthyphro question.

determination. Kant proposes that we can determine the moral status of actions, whether they are obligatory, forbidden or permissible, by using two universalization tests:

The contradiction in conception test determines whether a certain kind of contradiction infects simply conceiving of a certain kind of act; this test specifies strict duties or prohibitions. The contradiction in the will test determines whether maxims found permissible by the first test can also be consistently *willed*; it specifies broad or meritorious duties. In neither test is the relevant 'contradiction' merely logical. (Westphal 2010, 111)

With the second choice, it is only by autonomously willing the moral law because of our respect for it and not due to our pursuit of any other inclinations that we are able to develop a truly moral character from which moral worth is derived. Therefore, Kant argues not only that autonomy of the will is a necessary element for the justification of moral responsibility; but also that morality based upon reason, rather than divine will, is necessary for the justification of moral worth and responsibility (Kant 1788, 5:147). Thus, by utilizing these two universalization tests each individual can determine the moral status of actions as well as the moral worth accredited to them using reason.

These are significant arguments that any axiological position within Islamic philosophy must address, however, Davutoğlu simply states that the position within the Islamic Weltanschauung has always differed and resisted the axiological entailments of Kant's arguments. He does not demonstrate how the Islamic position avoids or overcomes these arguments. That the Islamic Weltanschauung has thus far largely maintained its alternative axiological position based upon divine command is not, however, grounds to assume that it *must* do so in order to remain consistent with its fundamental ontological principles as Davutoğlu claims. Having described these Kantian arguments that any divine command-based axiology would necessarily have

to address, I will now attempt to determine to what extent any of the pre-modern Islamic natural law theories are compatible with Kantian moral theory, and thus, capable of reconciling the ontological principles of *tawhid* and *tanzih* with Kantian axiology.

The “hard” natural law theorists described by Anver Emon all base their justification for the autonomy of reason upon the objectivist presumption that God only wills what is good, because it is good; while the Soft natural law theorists take the opposite, voluntarist position that what is good is so because it is what God wills. This is the fundamental point of contention between the two positions, primarily due to the perception that the objectivist position would limit the nature of God.

Although Davutoğlu interprets Kant otherwise, as I understand Kant, his position reconciles the voluntarist/objectivist debate by claiming that both sides are correct: not only is the good so because God wills it, but God wills the good because it is good.¹⁰ If this is the case, then Kant’s position may provide the benefit of avoiding the primary controversy in objectivist theorists’ attempts to found morality upon reason rather than divine will. Although the potential of mitigating this controversy is a significant advantage, we must also determine the extent to which Kant’s axiology is compatible with the ontological principles of *tawhid* and *tanzih*, as well as with the Islamic natural law theories I have used thus far to bridge the two Weltanschauungs .

¹⁰ Although this position may appear incoherent, for a defense, see: Nuyen, A. T. “Is Kant a Divine Command Theorist?” *History of Philosophy Quarterly*. Vol. 15, No. 4 (Oct. 1998), pp. 441-453. Stable URL: <http://www.jstor.org/stable/27744796>

3.3 Is Kant's axiology compatible with Islamic ontology and NLT?

3.3.1 Kant's epistemic grounding versus Islamic ontological grounding

Although the possible avoidance of the voluntarist debate would be a significant advantage, Davutoğlu would presumably claim that Kant accomplishes this at the cost of forcing us to remove all ontological grounding of our axiological and epistemological dimensions upon the theological concepts of *tawhid* and *tanzih* and base it solely upon reason instead. However, the Islamic philosophy I am attempting to develop requires that an ontological foundation that is integrated with and preserves these two fundamental principles be made compatible with the resulting dimensions of epistemology, axiology, and political justification. Since Kant's secular approach would not preserve these demands at the ontological level, it might appear to be unusable for the purposes of this project.

Such a problem, however, would not be due to the fact that Kant bases morality upon reason, but one step further; it would exist in Kant's justification of how it is that reason is an epistemic authority for moral judgments. For Kant, reason is justified as an authority by a self-reflexive procedure of critique by all those who demand justification for any particular claim. Any claim that *cannot* (not the same as instances in which a particular claim *isn't* accepted by all) be rationally justified to all rational agents, due to the fact that there is no rational justification available that all can agree upon, must be abandoned.¹¹ As Davutoğlu stated, Kant's system not only establishes the autonomy of morality from religion, but also creates a new axiological base for religion within a new epistemological framework.

¹¹ That is, "The very existence of reason depends upon this freedom, which has no dictatorial authority, but whose claim is never anything more than the agreement of free citizens, each of whom must be able to express his reservations, indeed even his veto, without holding back" (Kant 1781, A739/B767).

While that may be true, it is not necessary to adopt Kant's justification for the autonomy of reason in order to adopt a position that is compatible with his axiology. Rather, a Muslim can adopt the Hard Islamic NLTs' theologically-based justification for the autonomy of reason (which, unlike Kant's justification for the autonomy of reason, maintains the necessary ontological principles of *tawhid* and *tanzih*), but use that reason to justify an axiological system (of values and moral status/worth) that embraces the liberal value of individual autonomy that is justified through Kant's moral philosophy. The Hard Islamic natural law theorists have already provided a justification for the autonomy of reason as a source of moral judgment and law that is not based upon secular, but rather, theological conceptions of the nature of God and His creation that also preserve the fundamental ontological principles universal to Islam. Stating the objective of this section more specifically then, in order to determine the compatibility with Kant's axiology we need to determine whether we can base Kant's axiology, not upon his justification for the autonomy and authority of reason, but instead, upon the justification provided by any of the Hard Islamic natural law theories.

As explained in the previous chapter, the Hard accounts of natural law theory; such as those of Abu Bakr Al-Jassas, Qadi Abd al-Jabbar, and Abu al-Husayn al-Basri; fuse fact and value within nature in such a way that reason itself becomes ontologically grounded in the nature of God so as to be an autonomous and authoritative source of Islamic law.¹² According to this school of thought, good and evil exist objectively and, due to the essential justice of God, God is not capable of

¹² Note: This specifically refers to the Hard NLT conception of *reason*, not *the good*, as being ontologically grounded in the nature of God. The qualities of God I am referring to include, for example, that God is in need of nothing, that God only wills the good, that God's purpose for the world is the benefit of humans, and that God endowed humans with reason to determine these ends.

acting contrary to justice. Furthermore, with the two presuppositions that (1) God cannot be lacking of or affected by anything else and (2) that God does not will or act without purpose, which would be futile and empty; it must be that God created the world, not for His benefit, but for the benefit and good of humanity. Since God is incapable of injustice and created the world with the intent of benefitting humanity, it is therefore possible for humans to discern good and evil through reasoning towards God's purpose in nature and the law, which is human good; independent of divine revelation. Rather than contradicting or omitting the ontological principles of tawhid and tanzih, as Davutoğlu claims of Kant, utilizing the justification of reason provided by the Islamic NLTs instead allows us to ground the autonomy of reason upon a conception of the ontological nature of God that still assumes and is compatible with these fundamental Islamic principles. This understanding of reason may then be used to arrive at an axiology similar to Kant's that requires individual autonomy for moral responsibility and worth to exist at all.

3.3.2 Kant's rational principles versus Islamic NLT's empirical principles

This reliance on human good as the basis for discerning moral law, however, may seem to fall under the problems of the first principle explained in Section 2 that Kant argues cannot be a basis for moral judgment- that of basing moral judgments on empirical principles, which includes human, and especially personal, happiness (1785, 4:442). According to Abu al-Husayn al-Basri, for example, *Husn* and *qubh* are determined by (1) whether an action provides a benefit to humans, (2) investigating whether or not there is any evidence to the contrary, and (3) is not explicitly prohibited by divine revelation (Emon 78-84). Since the examples of this examination as to the benefit of an action that Al-Basri provides, such as eating and

breathing, are empirically based on the benefit to humans, it may appear to contradict Kant's moral system.

However, Kant does not eschew empirical considerations altogether from moral judgment, but to the contrary, requires that for reason itself to be able to determine morally legitimate aims and actions, what he labels *practical reason* (Westphal 2010, 107); *practical anthropology* is required as well. One example of Kant's inclusion of empirical conditions into our determination of moral status exists in his "ought implies can" principle, whereby we cannot be morally obligated to do that which we are incapable of doing due to empirical constraints. Kant's inclusion of practical anthropology "provides the contingent, determinate concept of our species of finite human rational agency, including pervasive features of our worldly context of action" (Westphal 2010, 110). Practical anthropology is included as a systematic element of Kant's two universalization tests, because they also utilize the Principle of Hypothetical Imperatives, whereby: "Whoever wills the end, also wills (insofar as reason has decisive influence on his actions) the indispensably necessary means to it that are within his power" (G 4:417). By taking into consideration such contingencies of human anthropology, Kant himself includes empirical considerations within his moral system.

Furthermore, this use of the Hypothetical Imperative via the universalization principles are not designed to define the maximal scope of empirical considerations, but rather, to define the *minimum* conditions that are necessary in order to solve the issues of social conflict and coordination (Westphal 2010, 115). These problems were the impetus of Western natural law theories' attempts to establish morally justifiable normative standards capable of universal recognition by individuals and groups with fundamentally conflicting beliefs and values (Westphal 2010, 115).

Kant's universalization tests are designed to provide the minimum criteria necessary to resolve these problems at all levels of a diverse society.

Kant's practical reason does not entail that empirical ends are prohibited from consideration in order to credit moral worth, but rather, an agent must not act *merely* for contingent reasons of empirical ends. An individual is permitted, however, to act to bring about her own ends so long as such action does not conflict with the universalization tests. The universalization tests are what limit the scope to which we are permitted to act according to our own ends, but they are not intended to replace them entirely in Kant's moral system:

This is not, quixotically, simply to neglect or omit our ends, but rather to require us to act towards our ends only in so far as such ends and the actions taken to achieve them are morally legitimate. Kant aims to show, pace Hume, that reason is not simply the calculative slave of the passions (Hume 2000: 266). This independence of reason from our particular ends is fundamental to Kant's sense of the "autonomy" of reason (5:42). (Westphal 2010, 107)

By clarifying Kant's position regarding empirical ends, rather than conflict between his moral theory and that of the Islamic natural law theorists, instead of conflict there is significant agreement. To compare Kant's system with Abu al-Husayn al-Basri's, first, both systems permit humans to pursue their own contingent ends (i.e. al-Basri's first stipulation that *Husn* and *qubh* are determined by whether an action provides a benefit to humans).

Second, both systems then limit the scope to which this permission can morally extend. While al-Basri's second stipulation somewhat vaguely requires investigating whether or not there is any evidence which conflicts with any determined benefit to humans, Kant accomplishes this through his two definitive universalization tests. Not only are the two similar, but Kant's well-defined universalization tests would significantly enhance al-Basri's requirement to

investigate whether any evidence exists to contradict the initial determination of benefit to humans by stipulating minimal rational principles that concretely define how this vague second requirement can be determined.

3.3.3 Kant's autonomous will versus Islamic NLT's precedence to divine revelation

Al-Basri's third stipulation to determine the moral status of an action is another potential conflict between his and Kant's moral systems. His third stipulation, to determine whether divine revelation explicitly prohibits an action under consideration or not, potentially conflicts with Kant's arguments described at the beginning of this chapter.¹³

Al-Basri's third stipulation is an example of Davutoğlu's claim that although the Hard Islamic natural law theorists consider reason itself to be ontologically grounded in the nature of God, which makes it an autonomous and authoritative source of Islamic law; they do not equalize the ontological and epistemological levels of Allah with that of humanity (Davutoğlu 1994, 62-63). He claims that although it may appear on the surface to support such a claim of equalization, this would be difficult to argue because the Mu' tazilah never understood the autonomy of reason to create any conflict between divine revelation and reason as occurred in Western philosophy and led to the secularization of knowledge. Instead, their interpretation, such as al-Basri's third principle that requires us to determine whether divine revelation prohibits a particular action under consideration or not, further supported the ontological transcendence and unity of the divine. Due to these different outcomes between Western philosophy and Islam, Davutoğlu argues that it would be difficult to use the Mu' tazilah interpretation as a means for attaining a

¹³ Specifically, that morality epistemologically based upon divine command would contradict the very requirements of morality itself, as there can be no moral accountability without autonomy of the will, and autonomy of the will could not exist under a coercive moral system such as divine command.

secularization of knowledge in Islam. I argued in chapter 2 that although Davutoğlu is correct to claim that to attain secularization of knowledge would be overstressing what the Mu' tazilah account will accommodate; nonetheless, the full realization of the secularization of knowledge may not be necessary for my project. Once the authority of reason is granted as an autonomous epistemic source, it may not only become possible for Muslims to arrive at liberal principles through reason alone, but it also allows the potential to more flexibly interpret divine revelation, such as according to the connotation, rather than the denotation of the text.¹⁴ An examination of the extent to which such a flexible interpretation of divine revelation is possible or not will be determined in a later chapter.

Although allowing for a flexible interpretation of divine revelation would ameliorate the conflict between Kant's arguments against grounding morality upon divine command and the Islamic NLTs that submit reason to the explicit limits of the *Quran* (i.e. al-Basri's third stipulation), it does not reconcile the two positions. Even if we were able to interpret the *Quran* so flexibly that it did not contradict an individual's will in practice, the mere fact that the law was based upon divine command would contradict Kant's fundamental requirement of an autonomous will.

Kant himself was conflicted on this matter and sought to maintain divinely grounded morality in spite of his own arguments to the contrary in his requirement for the autonomy of the will. This contradiction was what forced him to abandon the notion of requiring that one's motivation to obey the moral law come only from one's respect for its formal universality and accommodate mixed motivations toward contingent ends in his moral theory (Westphal 1991, 146-151).

¹⁴ See pp. 19-20 of this paper.

However fundamental an autonomous will is to Kant's moral theory, it does not come without limits, which are permitted due to his distinction between *recht* (right, justice, or law) and ethics: "Ethical conduct depends upon the maxim on which an action is done; rightful conduct depends only on the outer form of interaction between persons" (Ripstein 2009, 11). While the motivation to act according to the moral law is an essential requirement within the ethical domain, it is not a consideration in the domain of justice. Furthermore, justice is the authorization to use coercion or the moral capacity to put another under obligation (1785, 6:232-237). For Kant, then, the rational requirement of abstaining from coercion to allow for an autonomous will applies to the ethical domain, but not necessarily to the domain of justice.

Kant's distinction between ethics and right reconciles what may initially appear to be a fundamental conflict between his requirement for an autonomous will and the Islamic NLTs that submit rationally derived moral law to the explicit limitations of the *Quran*. Although they do conflict with each other in the domain of ethics, since my project is ultimately focused upon the relationship between comprehensive liberalism and the two fundamental Islamic principles *tawhid* and *tanzih*; the areas in which the two paradigms conflict may exist outside the relevant domain of Kant's theory, which is that of justice and rightful coercion.

3.3.4 Kant's autonomous will versus an Islamic heteronymous will?

The ultimate question and area of potential conflict between these two moral systems is, to what extent is Kant's requirement of autonomous will as a rationally essential element of moral theory (i.e. ethics and justice) compatible with the commitments that any Islamic philosophy must necessarily commit to? Because my focus in this

paper is limited to the extent to which comprehensive liberalism is compatible with the fundamental Islamic principles of *tawhid* and *tanzih* I will not cover many of the possible objections stemming from other Islamic principles or Quranic interpretations. However, I will examine here two potential objections from this area that may be offered to show that the elements of Kant's moral justification for individual autonomy are not compatible with Islam: 1) the *Quran's* requirement to command the right and forbid the wrong (i.e. *Quran*, Sura 5 and 7) and 2) the apparent determination of human will by Allah in the *Quran*.

3.4 Conclusion

In this chapter, I have examined to what extent Islamic and Western axiologies are necessarily incompatible with each other as claimed by Davutoğlu. I did this by comparing two moral theories: on the one hand, I presented Hard NLTs as a model of axiology based upon fundamental Islamic principles, and on the other hand, Kantian moral theory as a model of axiology that justifies the fundamental principles of liberalism. Contrary to Davutoğlu's claim that the two Weltanschauungs are incompatible at the axiological level, I demonstrated that they may actually complement one another by using these two cases of moral theory as examples of how the two might successfully be bridged.

CHAPTER 4

RECONCILING POLITICAL JUSTIFICATIONS

The justification offered as the foundation of the socio-political system/institution is the next step in this overall thesis project to analyze the extent to which the fundamental Islamic principles of *tawhid* and *tanzih* can be reconciled with comprehensive liberalism. In this chapter, I address the question: to what extent is the socio-political justification each Weltanschauung is necessarily committed to, ultimately stemming from their ontological commitments, reconcilable or not with the parameters of the other? In order to examine this question, I continue to follow the framework of Ahmet Davutoğlu, who argues that diverging causal chains between Western and Islamic Weltanschauungs stemming from different cosmo-ontological presuppositions sequentially determines incommensurable epistemological, axiological and, ultimately, socio-political alternatives. After arguing for the incompatibility of Western and Islamic axiologies, as addressed in the last chapter, Davutoğlu next claims that these incommensurable chains determine significantly different *justifications* for the socio-political foundations of what then necessarily become two alternative and incompatible political systems/institutions.

I have thus far argued in previous chapters that: 1) Davutoğlu's arguments fail to justify his conclusion at each sequential junction that the fundamental ontological principles of Islam (*tawhid* and *tanzih*) necessitate the next sequential position as he claims; and 2) that the Hard Islamic NLT tradition not only maintains these fundamental ontological principles, but is also compatible with the principles of comprehensive liberalism, thus far instantiated by Kok-Chor Tan's comprehensive liberalism and Immanuel Kant's moral philosophy.

In order to address this question of socio-political justification, in Section 1 I will explain Davutoğlu's argument that the fundamental differences in justification provided by the two paradigms for the *origin* and ultimate *aims* of its corresponding socio-political system/institution are necessarily alternative and incompatible with each other, due to the differing commitments (ontological, epistemological and axiological) acquired by each paradigm as I explained in each of the previous chapters of this thesis. In Section 2 will continue to use Immanuel Kant's moral theory (specifically the socio-political justification that can be derived from the principles of his moral theory examined in the last chapter) as an example of the Western *Weltanschauung* (upon which comprehensive liberalism can eventually be justified) that avoids the fundamental differences between Western Islamic *Weltanschauungs* as argued by Davutoğlu. In Section 3, I will demonstrate how a political justification derived from the principles of the Hard Islamic NLTs is compatible with Kant's socio-political justification. With these arguments as support, I conclude at the end of this chapter that: 1) because Davutoğlu misrepresents Western philosophy to consist merely of those philosophers that are empiricist and utilitarian his arguments fail to support his claim, 2) that Kant's position of justification does not diverge in the significant ways he claims of Western philosophy, and 3) that Kant's justification is compatible with Islamic Hard NLTs.

4.1 Islamic versus Western political justification

Since all political theories must be based upon some axiological values or norms, Davutoğlu examines the significant differences in the justification offered by the Western and Islamic paradigms for their respective political systems and institutions as further evidence for his claim that the two paradigms are alternative and incompatible. He first describes how the deterministic chain from ontological-

epistemological-axiological determines alternative justifications by outlining the ancient basis of Western philosophy provided by Aristotle and the Stoics. He then assesses the political justifications of both paradigms according to two categories, which he identifies as the *origin* and the teleological *aims* of each socio-political system/institution. These significant divergences within these elements lead to what he calls the *nature-centered* political justification of the West, in contrast to the *God-centered* political justification of Islam.

4.1.1 Divergence #1: Epistemologico-axiological

Davutoğlu first demonstrates the continuity of the ontologico-axiological sequence as a determining factor upon the political domain beginning with the methodology of Aristotle. Davutoğlu claims that Aristotle's cosmological-ontological position of ". . . the First Unmoved Mover as a part of cosmological actualities rather than as a transcendental creator of all cosmological substances" (89) parallels and is the central idea of modern empiricism.

The latter position of "a transcendental creator of all cosmological substances", of course, is what Davutoğlu claims is the unique ontological position of the Islamic paradigm. This difference, together with the epistemologically based cosmo-ontology and socio-politics of Aristotle and modern philosophers in the West, further contrasts with the ontologically based epistemology of Islam as described in earlier chapters. Rather than appealing to nature to explain the origins and aims of the political state via empirical methods, the Islamic paradigm appeals to their claim to divine revelation about God to explain the origins and aims of the political state:

. . . the process of justification in Islamic political theories is a reflection of the basic paradigm analyzed before, namely theocentric ontological

transcendancy. This is true for almost all sects and schools in Islamic history. It is almost impossible to find a political justification without reference to the absolute sovereignty of Allah. (97)

According to Davutoğlu, Aristotle's empirical approach toward ontology also affects his political theory:

His affinity to the actualities of the cosmos on an ontological level and to the political actualities on a social level have the same epistemological tool, namely empiricism. This empiric epistemology is a delicate channel from an ontological to a political sphere. He ascends to the First Unmoved Mover by observing moved and perishable substances and depended on motion as a fundamental cosmological reality. Using the same methodology in his political analysis, he reaches an understanding of the "best practicable state: by observing several political structures and constitutions based on political actualities. Therefore we can say that these two reflections on the ontological and political spheres both using the same epistemological and methodological tools. (89-90)

Davutoğlu claims that Aristotle's approach (which embodies ontological proximity, particularization of divinity, and secularization of knowledge) to both cosmology-ontology and politics continues throughout the history of Western philosophy and is the forerunner of modern methods of political justification based on the origins of socio-political systems such as the state of nature and the social contract.

4.1.2 Divergence #2: Origin of the socio-political system/institution

Following the empirical approach of Aristotle, the state of nature and social contract theories of Western modernist philosophers embodied "a new formulation of ontological proximity" (95) that Davutoğlu labels *natural teleology*; whereby a natural current situation is the explanation and justification for something, such as political government, rather than a transcendent ontological will. These two elements of Western philosophy gave rise to Western political justification:

This assumption of a self-adjusting natural teleology together with the Aristotelian empiricist epistemology for the understanding of the 'real world' became two significant bases for the justification of the state and the socio-political system. (95)

The Islamic understanding of teleology, on the other hand, ". . . is always directly linked to the belief of Allah via the key-terms '*adatullah* and *sunnatullah*'¹⁵ to show the ontological origin of causality" (95).

Davutoğlu utilizes modern Western political theories, particularly those based on the state of nature and social contract, to support his claim that the differences of the previous domains in ontology and epistemology also determine alternative paradigms within the socio-political sphere as well. They support his claim because it would predict, given Western cosmologico-ontological presuppositions, an empirically based theory of justification that is based upon the assumption of natural teleology. He outlines the modern versions of political justification of Hobbes, Spinoza, Locke, and Rousseau, as they are all based upon ascertaining a hypothetical concept of how humans might have transitioned from some form or another of a state of nature without government to a civilization which somehow became governed by a ruler or state; the need and process for achieving this then being used to provide legitimacy to political government and coercion today. These nature-based, empirical methods of justification assume a natural teleology stemming from ontological proximity, particularization of divinity, and secularization of knowledge. Thus, "We find that polytheism pantheism, and atheism meet in this understanding of a self-adjusting teleology" (95).

In contrast to Western philosophy's naturalist origins for the state as a means to justify political government, Islamic political origins come from and are determined by the ontologico-political sequence Davutoğlu argues for, which is also apparent in three types of political justification of Muslim scholars:

¹⁵ Davutoğlu offers no formal definition or any other mention of these terms in his book, however, the concept that they convey attributes the ordered behavior of the Universe (i.e. what are called *the laws of nature* by the West) to the will of Allah.

(i) the meta-historical arguments, in which the origins of socio-political system have been attached to the meta-historical covenant between Allah and man; (ii) the logical arguments, in which the origins of socio-political system have been explained in this argument through syllogistical analysis on teleological structure of the macrocosm, microcosm, and socio-political system; and (iii) the historical argument, in which the origins of socio-political system have been explained as depending on the characteristics of human nature, especially on man's natural disposition to be in need of others. (101)

The meta-historical arguments are based upon the terms '*ahd*, '*aqd*, and '*mithaq*' from the *Quran* (98). These terms denote a *meta-historical covenant* between Allah and man that empowers man to act as the vicegerent of Allah on Earth, in order for man to obey His will. The social contract between men is only based upon and legitimized by this meta-historical covenant between Allah and man. The argument for this appears in Davutoğlu's theory that the Islamic cosmologico-ontological presuppositions ultimately determine its socio-politics:

The basic principle in the cosmologico-ontological sphere, that all authority in the universe lies with Allah because He alone created it, results in a socio-political consequence that only Allah is to be obeyed. Thus, the primordial covenant between Allah and man should be extended to social life as a covenant between man and man. (98)

Although he examines several Muslim scholars (i.e. Ibn Rushd and Nasir al-Din Tusi); Davutoğlu offers Farabi's *Al-Madinah al-Fadilah*, within the political theory of the *falasifah*, as the clearest example of both the second and third types of Islamic political justification. The *falsafah* tradition differentiates between the ideal state and imperfect states, while Davutoğlu explains that Farabi even distinguishes the *origin* of the perfect state from "the *causes* of the formation of ignorant and imperfect states" (102, emphasis added), such as. Rather than the realistic causes of imperfect states, such as force, patriarchy, and material relations, the origin of the ideal state is based upon Islamic ontological antecedents through teleological arguments that lead from these ontological antecedents to the justification of the ideal state.

For example, Farabi based his argument upon an analogy between the teleology of the human body as a microcosm of the macrocosmic cosmological teleology that is a consequence of Islamic ontological antecedents. He then extends this analogy to the socio-political realm to explain the teleology of the perfect state that must be a consequence of Islamic cosmologico-ontological antecedents:

He [Davutoğlu explains of al-Farabi] specifies ([al-Farabi] 1985:37), at the very beginning of his treatise, the origin of the teleology in the cosmic system, namely *al-Sabab al-Awwal*, and explains the cooperation of the elements of cosmos according to the direction of this First Cause. Then he applies the same method to the teleology in the human body (1985:78-100) and shows that "heart" has the same function for the cooperation of the elements of the human body. His logical conclusions on the teleological structure of the universe as macrocosm and human body as microcosm become the basis for his theorization of the structure of the ideal state. (Davutoğlu 101-102)

In the same work, Farabi, as one of Davutoğlu's examples of " . . . all political writings of the *falasifah*, of the *fuqaha*, of the *mutakallimun*, and of the writers of *siyasatname*" also utilizes the third method of explaining the origins of the state, although it also applies to the *aims* of the state (Davutoğlu 102). This argument, so prevalent throughout Islamic political philosophy, explains humans' need for political association as the origin of the socio-political system via our need for social coordination and the benefit derived from uniting our efforts into shared objectives.

Furthermore, whereas Western philosophers such as Machiavelli and Hobbes explain this need for cooperation through the natural drives of competition, Islamic scholars explain the need for cooperation based on the virtue of love. Davutoğlu claims that this position within Islam is "one of the essential differences of such a political culture from utilitarian philosophy", and thus, of the third divergence between the Western and Islamic Weltanschauungs: the aims of the socio-political system or institution (103).

4.1.3 Divergence #3: Aim of the socio-political system/institution

The type of justification of the socio-political system/institution based on the aims for which it is intended to fulfill is a further consequence of the ontological, epistemological, and axiological sequence that Davutoğlu proposes. Specifically, the ultimate purpose of any political system stems directly from what is considered the ultimate purpose of humanity by each paradigm. In his chapter explaining the alternative political systems of the West and Islam,¹⁶ Davutoğlu claims that the Western sequence determines a socio-political system whose ultimate aim is to make possible for its members the attainment of individual happiness in this life. On the contrary, the Islamic sequence determines a political system with the ultimate aim of establishing justice, which is to institute the will of Allah on Earth as expressed through divine revelation (i.e. the *Quran*). Davutoğlu identifies the conceptualization of individual happiness as the aim of the state to have originated with the ethical philosophies of the Stoics, neo-Epicureans, and Christians. For example, he states:

Ambrose's assumption that the ideal of life is happiness as an extension of Stoic philosophy might be accepted as the axiological and eschatological bases of the secularization resting on Stoic ethics which survived in the form of Christian ethics. (96)

Davutoğlu claims that the naturalist, empirical roots in individual happiness as the ultimate end of humans later manifested in modern Western philosophers from Grotius to Mill justifying the political government upon the claim that governments were necessary to ensure this assumed value of individual happiness:

This-worldly happiness of the individual alone-as the basic criterion of the secularization of life-became one of the significant bases of justification of the socio-political system by assigning a mission to the state for the fulfillment of this aim. Modern individualism, liberalism, utilitarianism, and pragmatism are several attempts of this type of justification . . . This assumption of this-

¹⁶ Surprisingly, this follows immediately after Davutoğlu's chapter explaining their divergence at the axiological level, which considered Kant as the paradigmatic example of Western axiology.

worldly individual happiness implies a specific ontological approach leading to indifference toward eschatological problems. (97)

Davutoğlu includes Kant in this list of philosophers that he provides as demonstration of his point, but only in terms of his secularization of moral theory. He highlights this area of Kant's moral theory that seems to support his claim, but fails to examine the significant and relevant ways in which Kant's moral theory and justification is in direct contradiction with the other examples (i.e. utilitarian and pragmatic philosophies).

Islamic justifications based upon the aims of government, on the other hand, avoid any similarity to justification based on such aims because it is ultimately grounded upon its ontological and epistemological assumptions of *tawhid*, *tanzih* and divine revelation. From these assumptions, Muslims accept instead that humans have been chosen by Allah as His vicegerents on Earth with the special mission to institute His will amongst them. This shared mission entrusted upon humanity leads Muslims to adopt the perception of the unity of human life and society and, in parallel, the impossibility of Western dualisms such as the material and the spiritual, or the secular (i.e. political) and the religious. Thus, following from the principle of *tawhid* and shared purpose entrusted by Allah upon humans to institute his will as revealed in the *Quran*, the Islamic paradigm ultimately ensures a political system that fundamentally contradicts the Western value of individual happiness as the end of humans and the aim and justification of government.

However, as mentioned earlier, Davutoğlu focuses only upon the aspects of liberal justification that support his arguments and fails to account for the significant ways in which the moral theory of Immanuel Kant does not. From the previous

chapter outlining Kant's moral theory,¹⁷ it should already be apparent that: 1) much of Davutoğlu's arguments regarding political justification based upon axiology do not apply to Kant's philosophy, 2) that Kant provides a significant counter-example to Davutoğlu's argument, and 3) that liberal political justifications based on a type of Kantian axiology may actually be compatible with the dictates of the Islamic paradigm.

4.2 Extent to which Kant avoids the justification gulf Davutoğlu describes

4.2.1 How Kant avoids divergence of socio-political institution's origin

Kant avoids the divergence from Islamic accounts of the origins of socio-political institutions in several ways. First, Kant (and others, such as Hume) is what Westphal calls *Natural Law Constructivists*, rather than social contract theorists (Westphal 2014, 23-34). Instead of the accounts of a hypothetical state of nature and the other Hobbesian elements such as competition described by Davutoğlu as paradigmatic of the West, Natural Law Constructivists such as Hume and Kant stem from two other problems of social coordination offered by Hobbes that are often overlooked: 1) the impossibility of unlimited individual freedom of action, because it would lead to a state where the actions of each would interfere with those of everyone else, and 2) the need for government in order to solve this problem, particularly the interference that inevitably occurs simply due to the ignorance among individuals in such a state regarding what belongs to whom (Westphal 2014, 20).

This Natural Law Constructivist approach not only avoids Davutoğlu's examples showing how social contract theories stemming from Hobbes diverge from Islam; it also leads to a different methodology from what Davutoğlu portrays as

¹⁷ Particularly, regarding Kant's moral theory, the fact that he rejects his contemporaries' foundations for morality that are based upon empirical principles alone (especially human happiness!).

Hobbesian materialism. Instead of an empirically based axiology and political justification based upon and influenced by it, Kant, rejects outright an empirically grounded axiology and instead a type of moral rationalism. Kant (and Hume's account of justice) maintain empirical principles, such as various social coordination problems inspired by the two of Hobbes already mentioned,¹⁸ but these empirical principles are what make social coordination an empirically-necessary fact (and, thus, non-arbitrary or subjective), but they do not fall to the same category as the social contract theories identified by Davutoğlu. Instead, Kant constructs an axiology of moral rationalism as described in the previous chapter, based upon his conception of practical reason, in order to solve these empirical matters of fact regarding social coordination. The empirical problems that exist within our world of limited resources and the conflicts that arise because of it necessitate and partially justify a certain amount of political power to limit individual freedom, not the historical imagination of a state of nature and a subsequent social contract.

4.2.2 How Kant avoids divergence of the socio-political institution's aim

That Kant rejects outright that morality can be grounded empirically, especially regarding human happiness (his arguments to this point having been explained in the previous chapter), immediately acts as a significant counter-example to Davutoğlu's claims that Western political-justification via the aims of the state are based upon some conception of human happiness. What is more, Kant is more similar to Davutoğlu's description of the Islamic conception of eschatological ends in that he considers humans to have a rational obligation to pursue moral perfection. It is this

¹⁸ For more on these social-coordination problems supplied by Hume, see: Westphal 2014, 25-34.

obligation of reason that moral feelings and motivations must stem from to some extent, in order for moral worth to exist, and thus, the necessity of individual autonomy as a central requirement in his axiology. This initial obligation determined via reason within Kant's philosophy need not conflict with the Islamic position that we carry this obligation and the knowledge of it via divine revelation. It need not conflict, if we consider reason itself to come from God as another means for us to determine His will. This position is, in fact, what the objective Islamic NLTs claim, and the assumption the Soft Islamic NLTs rely on in their practice of extending the explication of their sacred texts, through reason, to the texts implications of God's will in contemporary contexts, as explained in Chapter 2.

4.2.3 How Kant avoids divergence of ontologico-political justification sequence

Contrary to the examples illustrated by Davutoğlu of the Western philosophical paradigm, Kant *argues against* moral empiricism and constructs instead a *rationalist* axiology. Kant constructs his rationalist axiology in order to solve the problem of social- coordination, which is itself an empirical matter of fact. However, his epistemological methodology is not empirical, but rational. Davutoğlu's claim that Kant was the first to separate morality from religion is itself debatable, since Kant attempted to use elements of his earlier moral theory,¹⁹ as a proof of God's existence (see Westphal 1991). However, granting this to be true of Kant's mature moral system, to the extent that is necessary to remain consistent with his arguments for the need of individual autonomy; I argue that Kant's system is still compatible with the limitations of the Islamic paradigm, if the source of reason itself is considered to be provided by God to humans to ascertain the dictates of morality and justice, or

¹⁹ That is, since we have an obligation to strive for moral perfection, that "ought implies can", and God is the only way we could possibly attain this obligation, so God must exist.

otherwise stated, the will of God. Fortunately, I do not have to construct such a position that would be compatible with the fundamental ontological principles of Islam. For this, we have only to turn to the Hard Islamic NLTs that have acted as our examples capable of bridging the apparent divide between comprehensive liberalism and Islam throughout this project.

4.3 Conclusion

I have shown in previous chapters how Hard Islamic NLTs reconciled the Islamic ontological assumptions of God, *tanzih* and *tawhid*, with epistemological and axiological positions that are compatible with Kant's moral system. On Davutoğlu's arguments regarding socio-political justification, there seems to be no direct conflict between the Islamic socio-political justifications based upon the origins of divine covenant, because Kant's system does not resort to speculating on hypothetical origins as the social contract theories examined by Davutoğlu. Kant is predominantly inspired instead by the other two problems of social-coordination identified by Hobbes and further delineated by Hume, both of which are empirical observations in our current state and do not require an account of origins. Regarding justification via the aims of the state, Kant and Islamic NLTs agree.

Whereas Kant's purpose for political government is to solve the problems of social-coordination necessary to remove total interference of each individual with everyone else, Islamic NLTs consider the aim of law to be the benefit of humans. Regarding conceptions of what the good of humans consists of, Kant proposes the pursuit of moral perfection according to the dictates of practical reason, yet he also allows for the place of anthropological conditions such as human happiness and self-interest. Since Islamic NLTs consider the benefit of humans to be God's intention for humans and the aim of the law is to not only permit what advances this aim, but to

actually lead them toward this benefit and away from harm, their aim for the law seems to harmonize with the aims of Kant's justification based upon the necessity of social-coordination. The Islamic NLT epistemological position that considers human reason to be an independent means by which humans can determine morality according to the empirical principles described in Chapter 3 allows for political justification that is compatible with the socio-political origins of Kant.

Hard Islamic NLTs, similar to Kant, offer a rationalist moral theory that utilizes empirical matters of fact as a basis for their axiology:

Al-Jassas' natural law jurisprudence is built on his presumption of permissibility, which (1) relies on the empiricism of nature for an objective basis for reasoned deliberation and (2) proves a normative foundation for obligation by fusing the facts of nature with a divinely inspired normativity. This presumption is not unique to al-Jassas' Hard Naturalism. As will be seen below, it is a key component for other Hard Naturalist jurists, thereby offering an appropriate focus for our inquiry into the authority of reason as a source of *Sharia* norms. (Emon 2010, 49-50)

Although the normative values derived by reasoning from particular empirical considerations regarding human benefit are limited by the explicit dictates of divine revelation, they are nonetheless compatible with Kant's project to solve the problems of social-coordination identified by Hume. Many Islamic philosophers utilized the same problems to demonstrate the necessity for social coordination.

Regarding the compatibility of Kant and Islamic NLT's ontologico-axiological sequence, the arguments throughout this thesis have shown that while Hard NLTs maintain the ontological assumptions that are fundamental to the Islamic paradigm, they are compatible with the moral theory of Immanuel Kant. At the epistemological level in Chapter 2, I showed that both accept human reasoning from empirical matters of fact to be independently capable of providing knowledge of the moral status of human actions. In Chapter 3, I demonstrated that while Kant argues

for the necessity of individual autonomy for moral worth to be possible at all, there is no fundamental obstruction for Islamic NLTs to adopt this position as well. In this Chapter, I demonstrated to what extent to which the two share similar conceptions as to the aims of political government to secure the social- coordination problems that are necessary to the well-being of humans. Thus, I have begun to show in this thesis, primarily through the case studies of the Kantian system and Hard Islamic NLTs may be capable of bridging the apparent gulf between Islam and comprehensive liberalism that scholars such as Davutoğlu claim is irreconcilable.

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