

The Role of Muslim Identity in Akeel Bilgrami's Critique of Political Liberalism and an Emergentic Approach to Global Justice

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Abstract:

The first part of this paper is a close engagement with Bilgrami's theory of Muslim identity and his subsequent criticism of political liberalism. According to Bilgrami, political liberalism is ill-equipped to accommodate fundamental commitments of religious believers. His argument rests on the philosophical assumption that religious persons, particularly Muslims, need their beliefs to be reconfirmed by the state, and on the empirical assumption that Islam has an inbuilt pretension to law and state. The paper argues that the use of an empirical argument in order to prove a philosophical point against political liberalism raises doubts about the essentialist implications of Bilgrami's critique. In the second part, this paper pays tribute to Bilgrami's critique of Archimedean universalism and Bilgrami's negotiated-emergent model. Connecting the latter with an argument of Putnam, this paper develops an emergent approach to ethics based on the notion of Internal Universalism. Internal Universalism is shown to be an independent position between Archimedean universalism and normative Relativism which strives for, but never reaches, a collective reflexive equilibrium à la Rawls.

Keywords: Muslim Identity, Political Liberalism, Akeel Bilgrami, Orientalism, Essentialism, negotiated-emergent model, emergent ethics, internal universalism, collective reflexive equilibrium, John Rawls, Global Justice.

I

A theory of identity forms the starting point for Bilgrami's argument. Identity, for Bilgrami, is constituted by the desires that a given person most identifies with. These desires constitute the person's fundamental commitments. A fundamental commitment, according to Bilgrami, is a desire that one wants to be fulfilled even in the counterfactual case that at some point in the future one ceases to have this desire. In Bilgrami's words,

... a desire counts as fundamental commitment at a given time, if at that time one wants it to be fulfilled at a future time, even if one believes that at the future time one may not have that desire (Bilgrami 1997: 2529).

In Bilgrami's view, our identity is shaped by such fundamental commitments:

... [those desires are] our identity-shaping commitments for they reveal our deepest self-conception (Bilgrami 1997: 2529).

Bilgrami insists, however, that the identities so described need not be permanent and that his theory of personal identity is therefore not essentialist. Bilgrami grants that a person can renounce her commitment. This does not veto, however, the original intention of the commitment. In the act of the commitment, if it is sincere, we do believe that we shall never go back on it even in the face of strongly opposite desires.

Now, political liberalism, in Bilgrami's view, cannot handle persons with such fundamental commitments for it rests on the assumption of the principled fallibility of our opinions. Since much of what we have been committed to in the past has turned out to be wrong, what we are presently committed to might also turn out to be false. As John Stuart Mill's argues in his essay *On Liberty*:

... it is as evident in itself ... that ages are no more infallible than individuals – every age having held many opinions which subsequent ages have deemed not

only false but absurd; and it is as certain that many opinions, now general, will be rejected by future ages, as it is that many, once general, are rejected by the present (Mill 1987: 78).

According to Mill, therefore, we should take our own commitments with a pinch of salt and leave the door open for a change of mind. We must certainly not impose our own doubtful commitments on others, especially not by the apparatus of the state.

Today, we call 'fundamentalist' the imposition of a comprehensive doctrine of the good by one group of citizens on others who do not share their view. Political liberalism thereby presents itself as an essentially anti-fundamentalist political theory for it wrenches state power from the hands of those who think of themselves as committed to what they perceive as the only truth and who wish to impose it on others via the coercive powers of the state.

In contemporary political liberalism, this position has influenced the setup of John Rawls' original position (Rawls 1973). When the parties who negotiate the social contract meet behind the veil of ignorance they do not know, *ex hypothesi*, which commitments they might have as real live individuals in the society whose basic structure they are about to define. They know only basic facts of human life. One of these facts is, presumably, that people change their minds. It would be rational, therefore, for any party in the original position to take precautions that the basic structure of the society allows them both, to *have* fundamental commitments and *to go back on* their fundamental commitments, if ever they should so desire. In Rawls's own words:

... the parties do not know how their religious or moral views fare in their society, whether, for example, it is in the majority or the minority. All they know is that they have obligations which they interpret in this way. The question they are to decide is which principle they should adopt to regulate the liberties of citizens in regard to their fundamental religious, moral, and philosophical interests. Now it seems that equal liberty of conscience is the only principle that the persons in the original position can acknowledge. They cannot take chances with their liberty by permitting the dominant religious or moral doctrine to persecute or to suppress others if it wishes ... A person may indeed

think that others ought to recognize the same beliefs and first principles that he does ... But an understanding of religious obligation and of philosophical and moral first principles shows that we cannot expect others to acquiesce in an inferior liberty. Much less can we ask them to recognize us [the majority, the state] as the proper interpreter of their religious duties or moral obligations (Rawls 1973: 208).

Therefore, in the scheme of political liberalism, the basic structure in general and state organization in particular should ideally be withdrawn from all possible commitments and allow persons with diverging commitments to live together.

Bilgrami criticizes this position by pointing out that essentially no person with any serious commitment could possibly embrace such a liberal state. People who are convinced of the truth of their ideas would naturally want these ideas to rule supreme in state and society. Condemning them to live in a setup that treats their ideas as one among many, true or false, to them must appear like an imposition.

The state neither reconfirming nor denying the truth of their commitment, such persons, according to Bilgrami, experience distress. It requires them to lower their sights on the overall goal of having their views established in state and society, now, for a possible gain in the future when they might change their minds. This, according to Bilgrami, is in conflict with the very idea of commitment, and, since commitment is the prime source of personal identity, it is also in conflict with the very idea of identity. It forces the committed person into some kind of *akrasia* (weakness of the will), which according to Bilgrami is a form of irrationality.

Bilgrami defines *akrasia* as that form of irrationality where the most reinforced among our desires points to one sort of actions, but what we actually opt for is something less reinforced. In certain cases our desires may reinforce each other without there being an instrumental relation between them. In Bilgrami's example, one's desire to do philosophy can be accompanied by one's desire to be respected by his or her intellectual friends.

At the same time, as Bilgrami points out, there need not be an instrumental relation of doing philosophy *in order* to be respected by one's friends.

Reinforcement, as Bilgrami defines it, is a relation between desires which is more than simple consistency. He insists that it should not be identified with an instrumental means-end relationship. From this fundamental position, Bilgrami can describe desires as carriers of certain forms of intrinsic rationality. For Bilgrami, an agent is rational if her actions are in accord with her values. A person's values in turn are those among her desires that are most highly reinforced (1997: 2528). The most highly reinforced desires, naturally, become our commitments.

[Opting for the principle of equal liberty in Rawls' original position] would be opting for an outcome which is not only in conflict with [the religiously committed person's] fundamental commitments (which in itself is not decisive since it gives rise only to a stand-off) but also choosing something that is much less reinforced by his other desires. To do this last is to be no different, say, from the weak-willed alcoholic who desires to sober up and fulfil all his other desires (say to be a good husband and father, a good professional, etc.) that are better reinforced than his desire for alcohol (Bilgrami 1997: 2531).

Of course a very coherent and consistent society where one (religious) worldview rules supreme provides the maximum of reinforcement and strong personal identity to those who are committed to its fundamental values. Any politically liberal society would fall behind in comparison, the price of course being that the gain of reinforcement and identity for some is at the expense of reinforcement and identity of those who do not share the fundamental commitments upon which this society is based, and even at the expense of those who originally shared those commitments but then changed their minds and become dissenters.

Thus, Bilgrami may be right in pointing out that political liberalism does not confer maximum comfort to strong believers and favours the fickle minded. But this is true only for those whose commitments are in need of confirmation by state and society. There may be strongly committed people who do not feel irritated by the fact that the majority, or the state, do not

conform to their ideas. Take for example some Protestant confessions like Anabaptism for whom any involvement with worldly government is anathema.

However, in the concrete example that Bilgrami has in mind when developing his critique the believer is not of this kind. Bilgrami brings in what he calls the ‘moderate Muslim.’ Even moderate Muslims, according to Bilgrami, are in need of a certain congruity between their personal commitments and the reinforcement of their commitments by state and society.

Moderate Muslims ... are conflicted between their opposition to anti-secular absolutist forces in their countries and their fundamental commitment to a religion whose book speaks with detailed pretension to issues of the law and of state (Bilgrami 1992: 1073).

Now, the question raised in this paper is whether Bilgrami’s view amounts to an essentialising, and thereby orientalising, depiction of Muslims. Bilgrami speaks about commitment to Islam as a “fundamental commitment to a religion whose book speaks with detailed pretension to issues of the law and of state” (ibid.) This need not imply that Muslims would not be Muslims if they did not demand that state and society should conform to their fundamental commitments and thus impose their views on non-believing members of society. Note that Bilgrami would like Muslims to understand that such an interpretation of Islam is in need of reform, as he writes:

Critical reflection on ... their contemporary commitment to Islam should lead Muslims to ... distinguish between different aspects of their faith in a way that allows for its doctrinal reform (Bilgrami 1992: 1075).

He is also aware of the problematic of Orientalism i.e. the colonial “history of subjugation and condescension” vis-à-vis Islam, which, as Bilgrami himself makes us aware, “continues today in revised but nevertheless recognizable forms” (ibid.). As a long-term friend and colleague of Edward Said, Bilgrami is aware of the pitfalls and

entanglements of the colonial / orientalist, as well as the post-colonial / anti-orientalist discourse. He thinks

... that it is possible to argue that critical reflection on the inhibiting effect of the defensive function of their contemporary commitment to Islam should lead Muslims to the conclusion that there is a simple but deep philosophical malaise at the heart of it; and that insight, in turn, should help them distinguish between different aspects of their faith in a way that allows for its doctrinal reform, and so eventually allows for the conflict they find themselves in to be resolved in favor of a more determined opposition to Islamic absolutism than they have been able to produce so far. What do I mean here by a philosophical malaise? I have already granted that the contemporary reassertion of Islamist sentiment in many countries as well as a good part of the moderate Muslim's own commitment to Islam is the product of a certain history of subjugation and condescension, which continues today in revised but nevertheless recognizable forms. Why, then, am I not showing the appropriate sympathy towards these defensive stances? It is in answering this question that the specifically abstract character of the malaise is revealed. The answer is that Muslims themselves have taken the wrong attitude to this historical determination of their Islamist sentiments. Their own observation of the role of colonialism and the West in shaping their commitments and identity ought to – but, alas, does not – have a strictly limited and circumscribed role in their own self-conception. The acute consciousness of and obsession with the historical cause of their commitment has made them incapable of critical reflection about the commitment itself. For too long now there has been a tendency among Muslims to keep saying, 'You have got to understand why we are like this,' and then allow that frame of mind to dominate their future actions. This has destroyed their capacity for clear-headed, unreactive political thought and action (Bilgrami 1992: 1075).

Bilgrami's argument is somewhat incongruent. On the one hand is his philosophical argument about the principled nature of fundamental commitment and identity, which allegedly prevents persons with fundamental commitments from subscribing to political liberalism. The nature of this commitment is made so strong by Bilgrami that he thinks it could serve as a principled argument against political liberalism. On the other hand is his empirical argument about moderate Muslims in the

modern world, which seems to suggest that, while a majority of Muslims do share Islam's pretensions to law and state, they should in fact think of reforming Islam into less absolutist, less fundamentalist, less intolerant forms. Their alleged incapacity to do so is attributed to the trauma of being orientalist by the colonial powers.

Both arguments are persuasive as long as they are not combined. It may well be true that political liberalism is unjust to persons with fundamental commitments and that it favours the fickle-minded. One might argue that, in all political regimes, those who are identified with the system fare better than who dissent. One may only grant to political liberalism that its way of chastising the religiously committed with indifference is less harmful by considerable degrees than the torments that dissenters usually suffer under illiberal political or religious regimes.

Secondly, it may or may not be empirically true that some or even a majority of Muslims suffer from a post-colonial trauma which somehow incapacitates them from 'clear-headed, unreactive political thought and action' (Bilgrami 1992: 1075) against religious fundamentalists among them.¹ It may or may not be empirically true that a majority of Muslims would prefer the state to be identified with Islam in some way even at the expense of the right to equal liberties of conscience vis-à-vis non-believers. The fact that this purports to be an empirical statement itself is apparently meant to be a precaution against this assertion being taken to be essentialist or obscurantist. For, empirical statements by definition are about the contingent and not about essences.

What Bilgrami does is intertwine the two levels of argument. The second statement, which is meant to be empirical, is used to underpin the first, philosophical, statement. A purported empirical statement, which would necessarily be about a contingency, is thereby raised to the level of philosophical necessity. Conversely, a contingent proposition about Muslims is elevated to an essentialising statement about committed believers.

¹ I have problematized this assumption in a previous paper on "Muslim Identity vs. Political Liberalism" in *International Journal on Humanistic Ideology*, Vol. 5 (2012) No. 1, pp. 37-54.

Actually, the philosophical point is independent of the empirical one and it is a fortiori independent of Muslims and Islam. Using supposedly empirical evidence, to the effect that most Muslims require that law and state match their religious commitments, in order to prove a philosophical point against political liberalism, raises doubts about the essentialist implications of Bilgrami's critique. Even if a majority of Muslims were dependent for their identities on the congruence between their commitments and the value orientation of the state, this would not imply that we reject political liberalism. Fundamental rights are there to protect us even from the majority. Declaring the congruity of religion and state a fundamental right of Muslims in order to expose political liberalism as being in principle unjust to fundamentally committed religious persons, amounts to an objectionable amalgamation of the two levels of the argument.

Bilgrami may have intended to establish alternative modes of conceiving and representing the Orient and particularly Islam. However, one may ask whether his response to prevailing Orientalist and anti-Islamic discourses really is more than just an inversion of an Orientalist trope. In any case, Bilgrami's critique does not leave us with a convincing alternative paradigm of rights. It does not seem to take forward the process of remodeling and deconstructing Orientalism. Bilgrami's texts are produced in the interstices of the geo-cultural Orient and Occident and they are produced within ideologically charged Orientalist discourses and contexts, but do they actually avoid Orientalist tropes. In fact, they ultimately fall prey to the very strategies and paradigms that they try to expose.

Bilgrami's argument emerged in the context of the affair around Salman Rushdie's *Satanic Verses* (Bilgrami 1989, 1990, 1990a). This issue raised questions as to the limits of free speech and freedom of conscience, as expounded by Mill and Rawls. These issues remained relevant in the context of the Van Gogh murder and the caricatures of Prophet Muhammad and they remain so today. The ensuing debates have revealed a fair amount of confusion regarding the fundamental precepts of liberal democracy and the accommodation of religious minorities in liberal societies (i.e. such notions as 'enlightenment fundamentalism'). It is not obvious how

Bilgrami's critique of political liberalism leads the way out of this confusion.

II

Bilgrami merits attention, nevertheless, for he points to a problematic conjunction of enlightenment universalism and colonial imperialism that has gone widely unnoticed in countries less involved in the process of coming to terms with their past as colonial powers. Bilgrami (1994, 1998) criticises Universalist Archimedean theories for being based on the wrong idea: that one could take an externalist stance relative to the arena of substantive political commitments. Instead, Bilgrami proposes a model of 'negotiated' or 'emergent' universalism (Bilgrami 1997: 2535). According to this theory, it is possible to convince illiberal Muslims or other illiberal persons of faith that they could support secular political liberalism only if it conforms to the values and principles internal to the reference frame of the supposedly illiberal religious person. While Universal secularism privileges a neutral field of discussion, the negotiated-emergent model proposes instead a framework for committed religious communities to accommodate each other for different (therefore non-neutral) reasons from within their own substantive value economies (Bilgrami 1997: 2535). According to Bilgrami 'secularism can only emerge as a value by negotiation between the substantive commitments of particular religious communities' (Bilgrami 1994: 1755)

Bilgrami has a twofold intent for inventing the emergent-negotiated secularist model. On the one hand, he aims to work out a position that could render possible an inclusive attitude towards illiberal, albeit moderate, religious persons. He proposes that this model renders it possible that they subscribe to a secular polity without compromising their religious commitments. The process of negotiation itself is supposed to take the form of a public discourse and he believes that secularization would result from this process.

Bilgrami thus locates himself in a mediating position between liberalism and communitarianism. The nucleus of his epistemological theory is his thesis about the role of internal reasoning in the context of value statements.

Bilgrami expounds his stance within a complex theoretical framework, involving fundamental issues of agency, identity, commitment, and intention (Bilgrami 2006, 2011). As we have seen, the central element of the argument in support of emergent secularism is the demonstration that the generally applied classical liberal strategy is impotent. According to Bilgrami, it is somewhat simple-minded to suppose that in case of value conflicts the consent of the moderate Muslims could be obtained by arguments that draw on premises falling outside their value commitments (Bilgrami 1990a: 605).

In the light of the above, it could be maintained that even though Bilgrami may not have succeeded in proving the classical liberal strategy impotent, his emergent secular model remains nevertheless noteworthy for it remains true to what Bilgrami has to say about the problem of externalism in the generally applied Universalist strategy. There is something simple-minded in the idea that just because a normative theory is deemed universally true by one group or nation, its validity should not depend on the consent of other groups or nations. Its validity may not depend on literally convincing everybody. On the other hand, gaining the support of some people who happen to live in Western liberal democracies and imposing them onto the rest of the world may likewise be insufficient. It is therefore necessary to conceive of a global discourse that involves the populations of the decolonised world, leading to the emergence of a Universalist strategy relevant and internal to the global horizon.

Universalism in moral theory is generally understood in an epistemological sense. In this understanding, ethical universalism is marked by similar deficiencies as metaphysical realism. Hillary Putnam has demonstrated that metaphysical realism is inconsistent (Putnam 1978: 123-124). Correspondingly, simple universalism is self-defeating. Just as metaphysical realism, which aims at modelling the relationship of one theory with one real world, ethical universalism in its simple form aims at modelling the relationship between one moral theory and a realm of moral universals that serves as a timeless and context-independent device for the resolution of moral problems.

As an alternative to metaphysical realism, Putnam proposes ‘internal realism’ in whose models of reality the praxis of speakers forms an integral part:

The realist explanation, in a nutshell, is ... that speakers mirror the world ... in the sense of constructing a symbolic representation of that environment. [I refer to] realism in this sense – acceptance of this sort of scientific picture of the relation of speakers to their environment, and of the role of language – as internal realism (Putnam 1978: 123).

For Putnam, internal realism is distinct from simple realism in that it takes into account the linguistic community for which a given model is realistic or not. Unlike simple realism, internal realism allows for communities of speakers/researchers to express their theories in specific language. These communities are united in a specific linguistic praxis that forms the basis for the generation of models of reality. These models are realistic in relation to these communities and not in an absolute sense.

Correspondingly we can look at moral universalism as standing in relation to a community whose members are united in a norm governed social praxis that gives rise to the universalist moral theory that these communities may generate. Analogous to Putnam’s term ‘internal realism’, the term ‘internal universalism’ may be proposed for any theory based on the presumption that moral theory is universal *for* a particular group of people who share a common moral praxis. Thus, we do not need to presume ethical universalism in an absolute sense, in abstraction from human praxis. Such a position would correspond to the simple realism discussed above and it could be called simple universalism. Simple universalism ignores human praxis as the context within which norms are generated and justified. The assumption that moral norms could be justified in the abstract fails to take into account the indeterminacy of human reason. Since moral norms (in ideal theory) are justified when they are accepted by those whom they concern, those concerned cannot be abstracted in the process of justification. Moral Universalist claims therefore remain inescapably bound

to a moral praxis that generates norms and gives rise to moral theories reflecting upon these norms.

Putnam concludes his remarks on internal realism with a metaphor that is even more elucidating when applied to moral philosophy:

Kant's image was of knowledge as a 'representation' – a kind of play. The author is me. But the author also appears as a character in the play ... The author in the play is not the 'real' author – It is the 'empirical me'. The 'real' author is the 'transcendental me'. I would modify Kant's image in two ways. The authors (in the plural – my image of knowledge is social) don't write just one story: they write many versions. And the authors in the stories are the real authors. This would be 'crazy' if these stories were fictions. A fictitious character can't also be a real author. But these are true stories (Putnam 1978: 138).

In moral theory the conditions of internal universalism are met if and only if a given norm or normative theory N is formulated on the basis of a praxis P, and (1) the scope of N is intended to include all human beings, and (2) N is justified in terms of acceptance by adherents of P. (1) makes N universal in intention, (2) restricts it to P in terms of justification. Thus, in terms of justification, N is relative to P. In terms of its intended scope, N is universal. We can think of one case in which the justification of N for P matches N's Universalist aspiration, namely if N is justified relative to a praxis in which all humans take part. The question of norms or normative theories being globally valid thus hinges on the concept of a globally shared social praxis. If one accepts this concept, a truly universal moral theory or theory of justice becomes conceivable. Still, even this globally justified normative theory would only be internally universal – i.e. internal to the global perspective – but this may be all the Universalist ever wanted.

Internal universalism in one sense is a relativist position. This theory-related relativism, however, does not fall into the trap of normative relativism. One can distinguish three forms of relativism: descriptive relativism, meta-ethical relativism, and normative relativism (Brandt 1967). Within descriptive relativism, we can further distinguish between a fundamental and a non-fundamental variety. Descriptive relativism makes

the uncontroversial claim that conceptions of justice are varied and mutually conflicting between different individuals or groups of individuals. In non-fundamental descriptive relativism, no decision is taken on whether or not one of the conflicting conceptions could be “truer” than the other, or whether an agreement across conflicting conceptions could be reached. In its fundamental variant, descriptive relativism draws the fatal conclusion that the conflict of norms is impossible to resolve and that, therefore, we have to accept the alternative of either peaceful but separate coexistence or violent conflict between the conflicting groups.

From the perspective of internal universalism, descriptive relativism is unproblematic, even desirable, for it only tells us why we need ethics in the first place. If there were no disagreement on normative questions, ethics as striving for the resolution of normative conflicts would be superfluous. Internal universalism does not, however, lead to the fatal consequence that fundamental descriptive relativism embraces. For, it emphasises the possibility of overcoming principled normative conflict through the establishment of a common social praxis that may serve as a basis to deliberate on normative questions. Internal universalism rejects the view that there has to be (and could be) only one right answer to a given normative problem. Instead, it emphasises the possibility of a common choice of any one solution that the conflicting parties deem suitable for themselves. Internal universalism thus qualifies for a form of meta-ethical relativism. Meta-ethical relativism rejects the view ‘[that there is any] method of ethical reasoning that can be expected in principle to show, when there is a conflict of values or ethical principles, that one and only one solution is correct’ (Brandt 1967: 76).

Internal universalism is thus a relativist position in two ways. It is a form of descriptive relativism in its non-fundamental variety and it is a form of meta-ethical relativism. Neither of the two, however, makes it a relativist position in the normative sense. From the point of view of normative relativism, it would be always wrong for a member X of a community C to do action A in situation S if members of C believe that A for X in S is wrong. Let us call this axiom ‘R’. Within internal universalism, R in its generality cannot even be formulated for it presupposes what internal

universalism rejects: a point of view that is neutral with respect to all social praxis, its generation of norms and ways to justify them. This allegedly neutral point of view assumes that a particular community C is always the authority for the justification of N. Here, normative relativism presupposes a normative principle that in turn is not justified with reference to any particular community. Therefore, such a position is self-defeating. Normative relativism stops short of applying its own tenets to the universal claim that is implicit in R. internal universalism, unlike normative relativism, does not fall short of including R in the set of questions that any moral theory has to address. For internal universalism the question, whether R is correct or not is to be decided on a basis of a conception of justice. The answer is theory dependent and many different theories are conceivable.

To illustrate, let us construct an example in which two incommensurable meta-ethical views are in conflict regarding the justification of a given norm N. Let the two meta-ethical views be the one of a theocrat and the other of a democrat. According to the theocrat, the relevant authority for the justification of N is God (or the gods) or rather the theocracy in proxy for God Himself. For the democrat, the relevant criterion is the accepted consensus of the political community concerned. For the theocrat, whether an action is right or wrong is independent of the members of a community believing that that action would be wrong because the justification of the relevant norm N is not dependent on the community but on the directives of the theocracy. From the point of view of the democrat, on the other hand, the relevant question is whether or not N has been unanimously endorsed by the political community. Both make a universal claim. The theocrat claims that norms are justified for all humans when they are endorsed by the theocracy; the democrat claims that norms are justified for all humans when they are unanimously endorsed by their political community. Both draw on an established praxis for the justification of norms, a theocratic praxis on the one hand and a democratic praxis on the other. Thus, both points of view can be characterised as internally universal. A common formulation based on normative relativity, a formulation to which both parties could agree, is not conceivable. Therefore, normative relativism cannot be expressed within a framework of internal universalism.

From this we may conclude that internal universalism is an independent position between simple universalism and normative relativism. Since the latter two are inconsistent, internal universalism presents itself as the only viable alternative. In addition, internal universalism does not preclude the possibility of theocrats and democrats converging in a common conception of justice.

Normative relativism is dangerous because it suggests that people are trapped, as it were, in their respective social life forms that constitute the communities to which normative relativism refers. Internal universalism avoids this pitfall by not depending on any particular, existing, community for the justification of norms but by referring to actual as well as possible social praxes of the shared generation and justification of norms. People are always free to develop new, overlapping forms of social interaction across existing communities, reshape communities, and redefine their normative basis.

Internal universalism avoids the dangers of normative relativism. While it grants that principles of justice cannot be completely unrelated to the moral praxis of various social groups, it refuses to view established social praxis as fate. It refuses to perceive humans as unavoidably caught in their respective community and encourages these to find political, that is peaceful, solutions to problems resulting from the interaction of mutually exclusive communities. If both sides accept that their claims can only be internally universal (and not universal in any Archimedean sense), and that they have to win the acceptance of the other side in order to widen the scope of their favoured principles of justice, then internal universalism can serve mutual understanding and peaceful solutions to conflicts in norms and values. Moreover internal universalism allows us to understand why in every conception of justice, there is a claim to universality and why this claim remains relative to a certain context until the context is broadened, in a joint effort, until it reaches a global scale.

Similarly for Bilgrami, pluralism of fundamental commitments is welcome 'at the level of allowing plural (internal) reasons for signing on to liberal principles and laws without in any way compromising on the principles and laws themselves' (Bilgrami 2004: 193). As he admits, this is "an evaluative stance that gives a secular liberal the confidence to insist on

the exclusive rightness of secular liberalism against illiberal opponents, despite the loss of externalist reasons and the loss of externalist justifications of liberalism” (Bilgrami 2004: 195).

The process of negotiation in the emergence model, which is supposed to take the form of a public discourse, bears some similarity to Rawls’ idea of an overlapping consensus between well-considered comprehensive doctrines (Rawls 1987, 1993), as Bilgrami points out (2004: 185, fn. 5). This discourse takes place in a global public sphere where the norms of an emerging world society are under constant scrutiny and revision. Publicity itself, as defended by Kant in his essay on Eternal Peace, is a standard of legitimacy, and, also the fundamental openness of the process is a benchmark for its legitimacy. A relatively non-ideal set of rules forming the material content of the background consensus is justified as a set of norms governing public life only if it is understood that the composition of that set is not final. For the set of norms regulating public life to be legitimate, it has to be constantly revised and improved toward the regulative ideal of a universal (global) consensus.

We can describe this process of review, revision and amelioration of norms with the notion of a ‘fully intersubjective reflective equilibrium,’ a term introduced by Rawls (1995: 141, fn. 16) in his debate with Habermas in *The Journal of Philosophy*. The discourse participants have a certain implicit understanding of the rules that ideally should govern their praxis. Amendments can take place, whenever an effort is made by groups within the public sphere to reach a more explicit understanding of these rules. In an attempt to explicate the norms that tacitly govern the shared global praxis, these norms come under constraints of consistency, coherence and reaffirmation. This discursive process mediates between the existing social praxis and the universal ideal. The universal ideal is not meant to be static. Rather it emerges in the dynamics of the social communication process itself.

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