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“Reconciling Rawlsian Liberalism and Islamic States”

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In the “The Law of Peoples” John Rawls sets forth a framework by which liberal constitutional states that comprise the society of peoples can extend limited membership to illiberal nations that meet certain qualifications. In Rawls’ terminology, *illiberal* states exist, and can govern their people in a manner of decent consultation hierarchy that guarantees everyone in their society basic human rights in addition to some substantial political rights. However, it may be the case that these *illiberal* states may be governed by a set of philosophical or religious principles that are exclusive to the majority. In this sense, minority communities within the *illiberal* state are disallowed from participating at the highest levels of government because such a position would require belief in the particular philosophy or ideology. The aspect of *illiberal* states that Rawls’ identifies which distinguishes them from liberal states is the process by which rights are accorded to individuals. Rawls hypothesizes that a possible *illiberal* decent Islamic state, Kazanistan, would accord rights to people based on association, whether it is by religion, philosophical belief or ideology. Rawls finds this process fundamentally unjust and therefore *illiberal*, ultimately prohibiting the state from achieving an equally just status with liberal states in the society of peoples. Despite this, under Rawls’ framework, a constitutional liberal democracy would relate to the state as a member in good standing. For Rawls, implicit in the concept of decency is the notion that a decent state is only decent, and not just. Justice, therefore, is only possible within a framework of liberal democracy where citizens are accorded equal rights under the law. By identifying a society as decent, Rawls explicitly acknowledges that there are valuable qualities for decent states, however, those qualities are only liberal enough to be considered decent, but not just. For example, in the concept of citizenship in liberal democracies, it is possible to conceive of liberal states that determine rights of citizenship through a legislative or consultative process that does not result in absolute political equality among all peoples in a society. The rights of immigrants, non-citizens as well as colonized people are, in some cases, quite different than the rights of natural born citizens of liberal democracies. As a result, it is possible to conceive of an individual who lives as a minority in an *illiberal* decent state, and who leaves that state because he lacks a certain level of political equality (i.e., not allowed to run for the highest political office) only to arrive in a liberal state and face the exact same problem. First, as an immigrant he may not even have the right to run for the

highest political office. Second, it is also possible that this individual's philosophical and political convictions prevent him from assuming office in a liberal society because he disagrees with one or more basic principles of a particular constitution. This paper argues that the implications of Rawls' decency framework can actually mitigate the differences between a just state and a decent state. By demonstrating that decent and liberal societies are more similar than Rawls originally intended, this paper provides a foundation for enhancing the cooperative relationships and greater mutual understanding between differing societies.