

law out of respect for the moral law: no more, no less. There is, accordingly, just as little room for a Christology in Kant's religious philosophy as there was in Reimarus.⁴⁴ We may doubt that Kant personally viewed Jesus as Christ, but we cannot know this. Luckily, perhaps, this is absolutely irrelevant to the philosophical concerns of this chapter.

⁴⁴ I agree with Gordon E. Michalson that, "strictly speaking," there is "no reason why a christology should appear in the *Religion*" (see his *Fallen Freedom: Kant on Radical Evil and Moral Regeneration* [Cambridge University Press, 1990], p. 109). I also agree with him that Kant discusses atonement in a Christian framework, but I am not sure that we need to call these considerations "christological," but perhaps the differences are merely semantic, because his criteria for christology seem minimal whereas mine are more substantively theological, as they are for me defined by the sentences of the Nicene Creed with which this chapter begins.

CHAPTER 9

Pluralism in the ethical community

Nicholas Tampio

A major dilemma confronting contemporary liberal democratic political theory is how to envision and actualize just societies that both presuppose and nurture deep diversity. In *Political Liberalism*, John Rawls frames the problem thus: "how is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral struggles?"¹ To address this question, Rawls uses aspects of Kant's meta-ethical procedure ("constructivism") but distances himself from the comprehensive nature of Kant's moral doctrine.² For Kant, the doctrine of right was part of an architectonic system that also included a philosophy of religion. Rawls, however, would abjure Kant's thesis that "There is only *one* (true) *religion*, but there can be several kinds of *faiths*" (*R* 6:107–8). Political liberalism holds that it is both imprudent and unethical to determine which moral and philosophical doctrines reside within the one true religion. And yet Kant raises an interesting point in the *Religion* that practical philosophy may raise "a banner of virtue" to inspire people to go beyond the narrow confines of right (*R* 6:94). Is there a way for political liberals to recover Kant's insight that ethical communities require a coalition of faiths? In other words, is there a way for political liberals to incorporate Kant's vision of religious pluralism into Rawls' conception of a well-ordered society?

The aim of this chapter is to propose an affirmative answer to this question, to show that political liberals may salvage more of Kant's comprehensive doctrine than Rawls realized. Initially, I historicize Kant's philosophy of religion by showing how it seeks a middle ground between Spinoza's denigration of traditional forms of religiosity and Leibniz's dream of a new European *res publica christiana*. Next, I show that Kant's conception of the

¹ John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005), p. 4.

² See Robert S. Taylor, *Reconstructing Rawls: The Kantian Foundations of Justice as Fairness* (University Park: The Pennsylvania State University Press, 2011).

ethical community problematically excludes Jews, Muslims, and atheists. Third, I describe Rawls' insight behind, and means of, transforming aspects of Kant's comprehensive doctrine into a political conception of justice. Finally, I consider how a politicized conception of the ethical community may appeal to Muslim reformers such as Abdullahi Ahmed An-Na'im. In addition to recovering the idea of the ethical community for political liberalism, the chapter seeks to show how contemporary political theorists may approach the eighteenth-century European Enlightenment as a mine of ideas that we should feel free to recast.

1 Reason, religion, and politics in the early Enlightenment

Kant's *Religion* entered a conversation about reason, religion, and politics that had been going on in Europe for over a century. Kant, like many of the other great Enlightenment philosophers, was born, raised, and educated, and worked, in a Christian milieu.³ Kant's parents were Pietists, as were his teachers at the University of Königsberg, and many of his students would go on to serve as Lutheran pastors, teachers, and academics.⁴ A recurrent theme in Kant's writings is that his philosophy merely clarifies (Christian) common sense (*KpV* 6:8; *G* 4:404). At the same time, Kant shared the sentiment common among Enlightenment philosophers that the medieval Christian worldview had collapsed as a viable intellectual or political project. To contextualize Kant's attempt to advance Christian ideals in a philosophical manner, I first describe the religious politics of Spinoza and Leibniz.⁵

Spinoza's *Theological-Political Treatise* (1670) was an opening salvo in what has come to be known as the radical Enlightenment.⁶ What makes this conception radical is its attempt to extirpate, at the root, Christian theology and theocracy. The first fifteen chapters of the *Theological-Political Treatise* lay out a method of scriptural interpretation that (implicitly) denies the intellectual plausibility of biblical stories. On its surface, Spinoza's method

³ Peter Gay, *The Enlightenment: The Rise of Modern Paganism* (New York: Knopf, 1966), pp. 59–60.

⁴ Ian Hunter, *Rival Enlightenments: Civil and Metaphysical Philosophy in Early Modern Germany* (Cambridge University Press, 2001), pp. 274–79.

⁵ On the Spinoza–Leibniz relationship, see Matthew Stewart, *The Courtier and the Heretic: Leibniz, Spinoza, and the Fate of God in the Modern World* (New York: Norton, 2006). On how these two philosophers form the backdrop to Kant's critical philosophy, see Susan Neiman, *The Unity of Reason: Rereading Kant* (New York: Oxford University Press, 1994), particularly pp. 147–56 on the "Panththeism Controversy" of the 1780s.

⁶ Jonathan Israel, *Radical Enlightenment: Philosophy and the Making of Modernity, 1650–1750* (New York: Oxford University Press, 2001). On Kant's ambiguous relationship to the radical Enlightenment, see Jonathan Israel, *A Revolution of the Mind: Radical Enlightenment and the Intellectual Origins of Modernity* (Princeton University Press, 2010), pp. 12–14.

of Biblical exegesis corresponds to Luther's strategy of reading scripture unmediated by subsequent traditions or impositions: "Provided we admit no other criteria or data for interpreting Scripture and discussing its contents than what is drawn from Scripture itself and its history, we will always proceed without any danger of going astray."⁷ Yet whereas Luther intended to reinforce faith through returning to the Bible, Spinoza highlights textual inconsistencies and implausibilities to dissolve religious orthodoxy. Spinoza's rebuttal to this charge is revealing: "my methodology works in favor of Scripture by preventing passages which are clear and pure from being corrupted to fit defective passages."⁸ Yet Spinoza's biblical hermeneutics renders a great deal of the Bible "defective," including its pervasive accounts of miracles: "If anything is found [in Scripture] which can be demonstrated conclusively to contradict the laws of nature or which could not possibly follow from them, we must accept in every case that it was interpolated into the Bible by blasphemous persons."⁹ Spinoza, then, denies the intellectual respectability of how the vast majority of Jews and Christians have hitherto read the Bible.

After challenging the intellectual foundations of Christian theology, Spinoza turns to laying the foundation for a purely secular politics. He builds his political theory upon the idea of natural right, that is, "the supreme law of nature that each thing strives to persist in its own state so far as it can."¹⁰ Spinoza's conception of natural right does not differentiate between human beings and other animals: every being naturally and rightly strives to increase and preserve its vitality (*conatus*). Spinoza thus intensifies the secularization process in earlier works of modern political philosophy such as Hobbes' *Leviathan*, which still retain traces of the classical natural law tradition.¹¹ According to Spinoza, the most natural political regime – "that which approaches most closely to the freedom nature bestows on every person"¹² – is democracy, and the task of the state is to guarantee that theocrats do not acquire a disproportionate amount of power for themselves.¹³ Spinoza thus provides the philosophical foundation for the secular state that guarantees collective governance and individual rights by, in the main, relegating religion to the private sphere, where it may still be

⁷ Benedictus de Spinoza, *Theological-Political Treatise*, trans. Jonathan I. Israel (Cambridge University Press, 2007), p. 98.

⁸ *Ibid.*, p. 153. ⁹ *Ibid.*, p. 91. ¹⁰ Spinoza, *Theological-Political Treatise*, pp. 195–96.

¹¹ Steven B. Smith, *Spinoza, Liberalism, and the Question of Jewish Identity* (New Haven: Yale University Press, 1997), p. 131.

¹² Spinoza, *Theological-Political Treatise*, p. 202.

¹³ "The supreme right of deciding about religion belongs to the sovereign power": *ibid.*, p. 207.

regulated by the sovereign power.¹⁴ Just as reason triumphs revelation in Biblical interpretation, for Spinoza the secular power has incontrovertible authority over religion.

Spinoza has an ambivalent relationship to religious pluralism. On the one hand, Spinoza takes pains to emphasize "the usefulness and necessity of Holy Scripture or revelation."¹⁵ Scripture teaches, or can be re-interpreted as teaching, basic moral lessons such as that "there exists a supreme being who loves justice and charity, and that, to be saved, all people must obey and venerate Him by practicing justice and charity towards their neighbor."¹⁶ Spinoza thus seems to offer a peace branch to religious believers including, presumably, the tolerant Christians (e.g. Collegiants and Socinians) who befriended him in seventeenth-century Holland. On the other hand, Spinoza presents a vision of the universe and humanity's place in it that he wishes all humans, to the best of their intellectual abilities, to share. Spinoza's religious terminology in the *Theological-Political Treatise* expresses a naturalistic philosophy – developed with great rigor in the *Ethics* – that has no need for the Abrahamic god of transcendence. Spinoza announces a "universal or catholic religion (*religio catholica*) which might serve as a civil theology for citizens of the modern democratic-republican state."¹⁷ In the short term, there might be no choice for Spinozists but to accept religious diversity in the secular state. In the long term, however, Spinoza wages a spiritual war against the claims of revelation and theocracy. Spinoza's new *religio catholica* is simply a civic ethos of tolerance that all citizens under a democratic state share even as they pursue their own individually chosen paths to happiness.

Leibniz dedicated his political philosophy to reviving the idea of a *respublica christiana* to combat Spinoza's championing of a secular metaphysics and political order. Leibniz' political philosophy is encapsulated in his famous formulation, "justice is the charity of the wise." Leibniz views *caritas sapientis* as the glue that can bind together Christendom after the unfortunate schism between Catholics and Protestants. Leibniz trusts that Christian love, properly understood, can heal political-religious divisions within Germany and the rest of Europe.¹⁸ Yet Leibniz thinks that Spinoza's work, among other developments, has rendered a return to scripture untenable as a strategy in the project of doctrinal reunification. Leibniz'

¹⁴ Israel, *A Revolution of the Mind*, pp. vii–viii.

¹⁵ Spinoza, *Theological-Political Treatise*, p. 194.

¹⁶ *Ibid.*, p. 182.

¹⁷ Smith, *Spinoza*, p. 131.

¹⁸ Patrick Riley, *Leibniz' Universal Jurisprudence: Justice as the Charity of the Wise* (Cambridge, MA: Harvard University Press, 1996), p. 236.

political philosophy endeavors to provide a philosophical foundation to unite Catholics and Protestants in charitable relations and to fight common enemies.¹⁹

Leibniz lashes out at the ethical consequences of a purely secular order as envisioned by modern philosophers following in the footsteps of Spinoza. To those who think that the purpose of statecraft is to attend to this life alone, Leibniz charges, "more sublime and perfect is the theory of natural law according to Christine doctrine . . . that not everything should be measured by the goods of this life."²⁰ To those who think that the law may only touch the human form, and not the soul, Leibniz contends that "he who has control of the education or instruction of others is obligated, by natural law, to form minds with eminent precepts, and to take care that the practice of virtue, almost like a second nature, guides the will toward the good."²¹ What Leibniz is *against* is perfectly clear: a world drained of concord among men (*humanae tranquillitas*), or, more precisely, a world in which Christians do not trust each other or God. Leibniz fears the secular state that relinquishes the task of soulcraft. And yet Leibniz does not cite scripture to buttress his argument, for that would lead to disputations that could prevent the whole project from getting off the ground.

Leibniz provides an argument that might provide Catholics and Protestants with a basic rule to decide moral and political questions. In the face of skeptics or cynics who deny that justice means anything other than the rule of the strong, Leibniz contends that there are "necessary and eternal truths which must be the same everywhere."²² To determine the content of justice, Leibniz suggests, perform a few simple thought experiments. Say that someone could easily throw you a rope to save you from drowning but doesn't: wouldn't you say that that person is unjust? Or say that you could easily remove an impediment from someone's way to prevent him from suffering pain, but you don't: are you too being unjust?

If you refuse the request, he has reason to complain, since he can judge that you would make the same request if you were in the place of him who makes it. And it is the principle of equity, or what is the same thing, of the equality

¹⁹ See Ian Almond, *History of Islam in German Thought from Leibniz to Nietzsche* (New York: Routledge, 2010), Ch. 1.

²⁰ Gottfried Wilhelm Leibniz, "Opinion on the Principles of Pufendorf," in Leibniz, *Political Writings*, ed. and trans. Patrick Riley (Cambridge University Press, 2001), p. 67.

²¹ *Ibid.*, p. 69.

²² Gottfried Wilhelm Leibniz, "Meditation on the Common Concept of Justice," in Leibniz, *Political Writings*, p. 49.

or of the identity of reasons, which holds that one should grant [to others] whatever one would wish in a similar situation, without claiming to be privileged, against reason, or [without claiming] to be able to allege one's will as a reason.²³

Unlike Kant in the *Groundwork* (G 4:430), Leibniz freely admits that "the rule of reason" reformulates the Biblical passage *quod tibi non vis vieri*, etc., and, furthermore, Leibniz's argument is heteronomous from a Kantian point of view by holding that moral truths are discerned by theoretical (as opposed to practical) reason. Yet Leibniz anticipates Kant's aspiration to lay the foundation for a practical philosophy that different ecclesiastical faiths may endorse upon reflection.

Leibniz proposes several ideas for reconciling Catholics and Protestants. Philosophers could *exposit* doctrines with sufficient rigor so that all parties recognize their fundamental agreement. Lutherans could *defer* to Catholics, in the interest of reestablishing the hierarchy and government of the visible church, on the conditions that Lutherans not be humiliated and forced to recant their views and that Catholics promise to rethink some of their abusive practices. Finally, all Christians could *abstract from* or *suspend* doctrinal exposition on controversial matters in order to facilitate the all-important task of reunification: "each, on his side, must make the most extreme effort which is possible without injuring his conscience, by showing the greatest obligingness for the others that he can have without offending God."²⁴ Near the end of his life – partly as a result of interlocutors such as Bousset striving for conversion rather than reconciliation – Leibniz lowered his expectations for a revival of the *respublica christiana*. Yet he consistently hoped that "fanaticism and bloodshed could be ended throughout Europe if *civitas sapientis* replaced theological hair-splitting."²⁵

Spinoza and Leibniz represent contending poles in the early Enlightenment debate about the relationship among reason, religion, and politics. Spinoza articulates a secular, modern politics in which individual human beings realize that they best serve their natural rights by bonding together into a democracy that protects the freedom to philosophize. Leibniz yearns to recover a Christian, medieval politics that envisions the Pope, the Holy Roman Emperor, and religious philosophers leading the reunification of Christendom. It is into this battle – between the

²³ *Ibid.*, pp. 55–56.

²⁴ Gottfried Wilhelm Leibniz, "Excerpts from Two Letters to Bossuet Concerning the Re-Unification of Christendom (1692–99)," in Leibniz, *Political Writings*, p. 190.

²⁵ Riley, *Leibniz' Universal Jurisprudence*, p. 238.

metaphysical and radical Enlightenment, or between those who look back to the medieval order shattered by the Thirty Years War and those who yearn for an as-yet unimaginable secular era – that Kant enters with his *Religion*.

2 Pluralism in the ethical community

Kant's *Religion* incorporates elements of both Spinoza's and Leibniz' responses to the theological-political problem. Kant's strategy of reading the Bible – as a text that offers, or may be interpreted to offer, practical rather than theoretical guidance – resembles Spinoza's: both philosophers historicize the Bible, and render its cognitive claims null, in order to subvert the historical rule of revealed religion. At the same time, Kant, like Leibniz, cherishes Christian ethics and wishes to see a flourishing religious culture replete with churches and ministers (or scriptural scholars) (R 6:112–13).²⁶ In this section, we consider the vision of pluralism encapsulated in Kant's statement that "There is only *one* (true) *religion*; but there can be several kinds of *faith*" (R 6:107–8).

According to Kant, establishing political right is a necessary but insufficient step for self-reflective practical agents. Beings who both require the assistance of others and possess understanding may recognize the need to establish authorities and institute the principle of right "limiting the freedom of each to the conditions under which it can coexist with the freedom of everyone else" (R 6:98). The principle of right precludes the state from enforcing any ecclesiastical faith because that imposition seems a contradiction in terms (or a gross violation of piety) and the state fails to fulfill its duty if it stirs up religious strife rather than adheres to its duty of guaranteeing external right. In a Spinozist vein, Kant exclaims, "woe to the legislator who would want to bring about through coercion a polity directed to ethical ends" (R 6:96)! Even a "nation of devils" could establish a state on such a secular foundation (Zef 8:366), but this fact simply highlights the insufficiency of it as an aspiration for self-reflective practical agents. Human beings "mutually corrupt each other's moral disposition (*Gesinnung*) and make one another evil" (R 6:94). The way to remedy the moral corruption induced by other people is to collaborate with the right kind of people in the right way: "an association of human beings merely under the laws of virtue, ruled by this idea, can be called . . . an ethical community (*ethische gemeine Wesen*)"

²⁶ On the tension between Kant's religious sensibility and philosophy of autonomy, see Gordon E. Michelson, *Kant and the Problem of God* (Oxford / Malden, MA: Blackwell, 1999).

(*R* 6:94). An ethical community differs from a state, insofar as it lacks physically coercive mechanisms, but it is like a state, in that it systematizes the maxims of self-reflective practical agents. Kant does not appeal to *caritas sapientis*, as does Leibniz, but he does think that human beings need to forge ethical relationships with other human beings that transcend the *ius strictum* of the principle of right.

Kant reinforces this point by stating that self-reflective practical agents need to join an ethical community to escape the ethical state of nature. An ethical state of nature is one "in which the good principle, which resides in each human being, is incessantly attacked by the evil which is found in him and in every other as well" (*R* 6:96–97). An ethical state of nature is one in which other human beings follow the strict interpretation of the principle of right but hesitate to perform imperfect duties that cannot be legislated but are necessary for a full expression of our moral nature. That is why Kant's *Religion* may be properly read as a work of political philosophy: Kant acknowledges that a moral agent always needs to follow the moral law, but it would be perverse not to recognize the social dimensions of moral action. That is, Kant thinks that we have a moral responsibility to work alongside others to minimize the social pressures that tempt us to "will not to resist the inclinations when they invite transgression" (*R* 6:58). We may not use peer pressure to justify our propensity to radical evil, but nor may we use the moral responsibility of the individual will to turn a blind eye to the political dimension of moral agency. An ethical community is one in which self-reflective practical agents help one another embody moral virtue and attain the highest good: a real-world approximation of the realm of ends (*G* 4:433–36).

The *Religion* fleshes out the abstract speculations of the *Groundwork* by specifying what human beings ought to do to advance the cause of the highest good: "The sublime, never fully attainable idea of an ethical community is greatly scaled down under human hands, namely to an institution which, at best capable of representing with purity only the form of such a community, with respect to the means for establishing a whole of this kind is greatly restricted under the conditions of sensuous human nature" (*R* 6:100). A human being cannot form an ethical community on her own: she needs other people. Nor can a human being simply join an invisible church, which would attain purity at the cost of being merely an intellectual abstraction. For a human being who has both a moral principle and the need for human communion, there is no other alternative than to join a social body that we call a church: "the idea of a people of God cannot be realized (by human organization) except in the form of a church" (*R* 6:100).

Ideally, human beings could participate in a universal church founded on "pure religious faith," that is, one that honors only the moral principle and removes all sensual representations or incentives (*R* 6:102–3). Yet, given our sensuous (*sinnlichen*) nature, we need *some* earthly stories, traditions, customs, songs, buildings, and so forth to house rational religion's pure moral teaching, and there may be no other alternative than a "historical (revealed) faith, which we can call ecclesiastical faith" (*R* 6:102). An ecclesiastical faith satisfies "the natural need of all human beings to demand for even the highest concepts and grounds of reason something that *the senses can hold on to*" (*R* 6:109). An ecclesiastical faith instructs and animates with basic principles for action; it helps us see and move toward the right thing to do (*R* 6:112). In practice, then, human beings have no choice but to join already-established churches with their own traditions and interpretations of scripture. More so than Spinoza, Kant recognizes the ineradicability of churches – or at least the profound danger of abandoning the institution of churches without collective ethical bodies to replace them.

Kant, however, agrees with Spinoza that philosophy dictates the terms of cooperation between faith and reason. Pure practical reason presents the moral law and the religious postulates that confirm our faith in the possibility of its actualization. Historical revelation occurs at certain times and places and may express passions and superstitions. Given that pure practical reason needs the assistance of revealed religions, and given that revealed religions are as likely to corrupt as to honor moral incentives, then pure practical reason may need to *force* scripture to reveal moral principles that otherwise are not there: "To unite the foundation of a moral faith . . . with such an empirical faith which, to all appearances, chance has dealt to us, we require an interpretation of the revelation we happen to have, i.e. a thoroughgoing understanding of it in a sense that harmonizes with the universal practical rules of a pure religion of reason" (*R* 6:110). What happens in the realm of ideas also transpires in the social realm: interpreters of scripture (such as Kant) present the teachings that are popularized by scriptural scholars (who follow Kant's lead) against religious enthusiasts (whose morality is heterogeneous from a Kantian point of view) (*R* 6:112–14). Kant's long-term goal might be nothing less than the capture of the religious establishment to propagate the teachings of pure rational morality.²⁷

En route to the formation of a universal church, however, diverse ecclesiastical faiths may join the ethical community here and now. Kant provides a

²⁷ Susan Meld Shell, *Kant and the Limits of Autonomy* (Cambridge, MA: Harvard University Press, 2009), p. 315.

distinction to determine who may or may not join this social union. A faith of *divine service* views human beings as obligated to serve God through rituals "however morally indifferent the actions might be in themselves" (R 6:103). This type of faith is "a *slavish* and mercenary faith (*fides mercenaria, servilis*) and cannot be considered as saving, because it is not moral" (R 6:115). Religious mercenaries clearly are not fit to join the universal church or the ethical community. A faith of *moral religion*, on the contrary, promotes and propagates "good life conduct" (R 6:105). This type of faith recognizes that "whenever [human beings] fulfill their duties toward human beings (themselves and others), by that very fact they also conform to God's commands" (R 6:103). A faith of moral religion knows that the object of human striving ought to be a good will, not an action or quality that may or may not be moral (G 4:393). Kant concedes that there may be many ways to graft this teaching onto sensual human beings – which is why there may legitimately be several kinds of faith. But Kant also thinks that any ecclesiastical faith in the ethical community must ultimately endorse the one religion of reason (R 6:123).

Kant's paradigm of a faith of moral religion is Christianity. In his historical account of the gradual establishment of the "dominion of the good principle on earth," Kant begins with Christianity, the religion that "effected a total revolution in doctrines of faith" (R 6:127). There is more than a grain of salt in the dictum that Kant tries to secularize Christianity – that is, to provide Christian ethics with a new philosophical foundation.²⁸ How, though, does Kant square his respect for Christianity with the previous century's evidence of bloody intra-religious warfare? "The terrible voice of *orthodoxy* . . . split the Christian world into bitter parties over opinions in matters of faith (upon which, without recourse to pure reason as the expositor, no universal agreement can possibly be attained)" (R 6:130). For Kant, as for Leibniz, Christendom can reunify only if diverse ecclesiastical faiths recognize that what binds them (pure moral religion) is much greater than what divides them (ceremonies, etc.). Kant makes this point forcefully in *The Conflict of the Faculties*: "Enlightened Catholics and Protestants, while still holding to their own dogmas, could thus look upon each other as brothers in faith, in expectation (and striving toward this end): that, with the government's favor, time will gradually bring the formalities of faith closer to the dignity of their end, religion itself" (S 7:52). The historical referent in the title of the *Religion within the Boundaries of Mere Reason* is Christianity, pure and simple.

²⁸ This argument goes back at least to the young Hegel. See Georg Wilhelm Friedrich Hegel, *Early Theological Writings*, trans. T. M. Knox (University of Chicago Press, 1948).

Jews as such, Kant emphasizes, are *not* welcome to join the ethical community: "The *Jewish faith*, as originally established, was only a collection of merely statutory laws supporting a political state" (R 6:125). Judaism expositis coercive laws rather than moral principles; it ignores the moral need for a belief in a future life; and it excludes nearly the entire human race from its communion (R 6:125–27). Catholics and Protestants may disagree on peripheral matters while still sharing the same final moral end, but Jews "need to exchange their old garment for a new one."²⁹

Muslims also belong to a "fetish-faith (*Fetischglaube*)" that denies them entry into the ethical community (R 6:193). A fetish-faith seeks to circumvent the arduous work of morality by finding an "escape route" that will reward customs or formalities: "In every type of public faith the human being has devised certain practices for himself, as *means of grace*, even though such practices are not related in all faiths, as in the Christian, to practical concepts and to dispositions conformable to them." Kant notes that four of the five pillars of the "Mohammedan faith" – washing, praying, fasting, and the pilgrimage to Mecca – contain no intrinsic worth, and the last one – almsgiving – may be performed by extorting others (R 6:194). In light of Kant's rare references to Islam, one scholar speculates that Kant viewed Islam either as historically insignificant or as a potential threat to rational philosophy hitherto at home only in Europe.³⁰

Kant's approach to the theological-political problem in the *Religion* mirrors Spinoza's in the *Theological-Political Treatise*.³¹ Both philosophers think that reason may torture revelation, so to speak, to confess moral truths (R 6:110–11). Both philosophers yearn for the day when historical or ecclesiastical faiths may disappear in the universal recognition of rational moral principles (R 6:135). And both philosophers temper their hopes for a universal rational religion with a recognition that sensual human beings with vivid imaginations are likely to form schisms and sects that prohibit the formation of a single church (R 6:123). Yet the *content* of Kant's moral religion is very different from Spinoza's religious ethics.³² To take only one of many examples: Spinoza's one-substance doctrine that denies the existence of an intelligible or noumenal soul (and thus its freedom or immortality) leads directly, in Kant's view, to morality-killing fatalism (*KpV* 5:101–2).

²⁹ See Shell, *Kant and the Limits of Autonomy*, p. 325.

³⁰ Almond, *History of Islam in German Thought*, p. 29.

³¹ Yirmiah Yovel, "Bible Interpretation as Philosophical Praxis: A Study of Spinoza and Kant," *Journal of the History of Philosophy* 11 (1973), pp. 189–212.

³² Gilles Deleuze, *Spinoza: Practical Philosophy* (San Francisco: City Lights Books, 1988), pp. 17–29.

Kant seems to prohibit Spinozists – or, more colloquially, atheists – from joining the ethical community.

What, then, is Kant's vision of religious pluralism in the *Religion*? Kant is much more committed to the secular state than was Leibniz – particularly in early works such as the *Caesarinus Fürstenerius* (1677) in which Leibniz pined for a revival of the Holy Roman Empire. Kant was also more religiously ecumenical than were many of the leading figures in the Reformation or the Counter-Reformation: Kant feared *any* “catholic” church that tried to make its ecclesiastical faith universally binding (R 6:109). From the vantage point of political theorists living in 21st-century liberal democracies, however, Kant's breadth of vision is remarkably narrow, allowing Jews, Muslims, and atheists (perhaps) to live securely in society but not to participate in the full life of the ethical community. Rather than discard the insights of Kant's *Religion*, however, I propose to take a cue from Rawls on how Kant's practical philosophy may be recast for pluralistic societies.

3 Recasting the ethical community as a political conception

Kant presents his argument in Part Three of the *Religion* as the disciplined following of an a priori argument available to anyone willing to reflect on the duty of the human race toward itself: “we must following up the leading thread (*Leitfaden*) of that moral need and see where it will lead us” (R 6:98). And yet, Allen W. Wood notes, Kant's conclusion is “obviously an idealized Enlightenment version of the Christian church.”³³ Perhaps there is an a priori route to Christian ideals.³⁴ But this will strike many citizens in pluralistic societies as dubious, as long as Kantians are in the minority, or as dangerous, if somehow Kantians set the terms of ethical coalitions. Rawls knew that Kant's practical philosophy provided resources for contemporary liberal democratic political theorists.³⁵ And yet Rawls also saw – and increasingly emphasized in his later work – that trying to impose, through physical or peer pressure, Kant's doctrines on a diverse society would constitute a form of illiberal oppression. Thus Rawls proposed to politicize Kant's ideas – such as the kingdom of ends³⁶ – to make them speak to a

³³ Allen W. Wood, *Kant's Ethical Thought* (Cambridge University Press, 1999), pp. 316–17.

³⁴ “Kant's project bears a striking similarity to the Christian gospel; and Kant ultimately affirms Christianity (at least as taught by Jesus himself) as a rational religion”; Chris L. Firestone and Nathan Jacobs, *In Defense of Kant's Religion* (Bloomington: Indiana University Press, 2008), pp. 5–6.

³⁵ See Nicholas Tampio, “Rawls and the Kantian Ethos,” *Polity* 39.1 (2007), pp. 79–102.

³⁶ For a critique of this appropriation, see Karin Flikschuh, “Kant's Kingdom of Ends: Metaphysical, Not Political,” in Jens Timmermann (ed.), *Kant's Groundwork of the Metaphysics of Morals: A Critical Guide* (Cambridge University Press, 2009), pp. 119–39.

wider spectrum of citizens.³⁷ Clearly, Rawls' approach violates the letter of Kant's doctrines, but it may point to a way to revive their relevance in contemporary circumstances.

How does one go about politicizing a Kantian idea? The first step is to assemble “basic intuitive ideas found in the public culture of a constitutional democracy.”³⁸ This empirical procedure drops Kant's claims to universality or necessity, but it does ensure that the subsequent argument has traction with its audience. Then, the philosopher attempts to reconstruct these intuitions in propitious ways, including by bringing in ideas from the history of philosophy or other cultures, to forge theories that may act as an “ambulance service” for democratic common sense in moments of crisis.³⁹ For the purposes of political liberalism, Rawls recommends that citizens exercise moderation when expounding their metaphysics in democratic fora. That is to say, citizens who endorse Kant's practical or religious philosophies in their non-public lives may choose to ponder the implications of Kant's thesis – for instance, that “the concept of the Divinity actually originates solely from the consciousness of [moral laws]” (R 6:104) – but politicizing Kant's ideas means not demanding adherence to a perspective that will strike many citizens of faith as heretical. Two points must be made immediately. A politicized conception may still be a moral conception. The ideas in a public political culture may be just, but the diversity of comprehensive moral and philosophical doctrines precludes deep agreement on existential questions. Furthermore, a politicized conception is, in principle, reachable through different routes. In an overlapping consensus each comprehensive doctrine may endorse the politicized conception in its own way.⁴⁰ In sum, a politicized Kantian idea does not demand assent to Kant's metaphysics but reworks the idea to capture and reshape a shared intuition among citizens.

Kant's great insight in Part Three of the *Religion* is that progressive politics needs to aspire to more than a just legal order. The core idea of the left is equality among all human beings. Leftists often try to use the legislature or the courts to establish just laws that guarantee the appropriate

³⁷ To politicize a conception means to find arguments that may appeal to a wide range of reasonable citizens who propose and honor fair principles of justice and recognize the burdens of judgment. Ideally, there are many such arguments, not just “secular” ones.

³⁸ John Rawls, “Justice as Fairness: Political Not Metaphysical,” in Rawls, *Collected Papers*, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 1999), p. 410.

³⁹ Jerome B. Schneewind, *Essays on the History of Moral Philosophy* (New York: Oxford University Press, 2010), p. 7.

⁴⁰ Rawls, “Justice as Fairness,” p. 411. On political liberalism's appeal to Sunni Muslims, see Andrew F. March, *Islam and Liberal Citizenship: The Search for an Overlapping Consensus* (New York: Oxford University Press, 2009).

distribution of rights and duties. Left legalism, however, poses numerous problems: it reifies certain conceptions of who or what should be equal; it breeds resentment among those who think that reasonable people may disagree on what has been instituted through law; and it inhibits other, perhaps better, strategies to foster human fraternity.⁴¹ One of the great questions of contemporary political theory is how to conceptualize an ethos that transcends an obsession with right or justice.⁴²

How might we politicize Kant's conception of the ethical community? The purpose of the idea of the ethical community is to unfurl a "banner of virtue" that may rally a wide range of people (*R* 6:94). Human beings often tempt and pressure each other to do the wrong thing. One way to combat the "*dominion of evil*" is to collaborate with other people to establish ethical arrangements that reinforce the good principle in each of us (*R* 6:93). Citizens of many different faiths, I conjecture, can agree that ethical (or reasonable or decent or thoughtful or Christian or Muslim or ...) behavior requires that we work alongside others to advance common ends. A politicized conception of the ethical community refrains from demanding universal assent to a comprehensive moral doctrine. Thus, Kantians should not assert that all citizens must endorse Kant's conception of radical evil that plays a germinal role in the *Religion*.⁴³ Kantians, of course, would be valuable members of any ethical community – Kant provides compelling reasons (for many people) why we should treat all others as ends-in-themselves. Yet Kantians would temper their expectations for full philosophical consensus by recognizing the danger posed by any "ecclesiastical faith which rules despotically" (*R* 6:131). Let us now turn to perhaps the most controversial test case today of whether an ethical community is possible.

4 Muslims and the ethical community

Rawls invented the term "overlapping consensus" to describe a situation in which most citizens subscribe to reasonable comprehensive doctrines that affirm "a political conception of justice underwriting a constitutional democratic society."⁴⁴ An overlapping consensus is formed in a pluralistic

⁴¹ See Wendy Brown and Janet E. Halley (eds.), *Left Legalism / Left Critique* (Durham: Duke University Press, 2002).

⁴² See, for instance, Stephen K. White, *The Ethos of a Late-Modern Citizen* (Cambridge, MA: Harvard University Press, 2009).

⁴³ See Sharon Anderson-Gold and Pablo Muchnik (eds.), *Kant's Anatomy of Evil* (Cambridge University Press, 2010).

⁴⁴ John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005), p. 482.

society when reasonable citizens endorse minimal standards of justice from the vantage points of their own comprehensive worldviews. The overlapping consensus agrees to *ius strictum* but not to the metaphysical reasons that support it. A politicized conception of the ethical community, however, envisions coalitions to advance common ends that surpass the minimal requirements of justice. Many Islamists – that is, those who think the Qur'an and the normative example of the Prophet (*sunna*, *hadith*) ought to govern the entirety of the social and political world⁴⁵ – would find the idea of forming ethical coalitions with atheists absurd, akin to retreating to the age of pagan ignorance of Islam (*jahiliyya*).⁴⁶ Yet it is worth considering whether *some* Muslims would favor joining the ethical community. If the answer is yes, then those of us emerging from the Kantian tradition could set about doing the hard work of instantiating this idea in practice. It is with that intent in mind that we should read Abdullahi Ahmed An-Na'im's recent book, *Islam and the Secular State: Negotiating the Future of Shari'a*.

An-Na'im opens the book with a declaration that true faith may not be coerced: "In order to be a Muslim by conviction and free choice, which is the only way one can be a Muslim, I need a secular state."⁴⁷ An-Na'im's argument against religious coercion is explicitly Islamic: "Religious compliance must be completely voluntary according to personal pious intention (*niyyah*), which is necessarily invalidated by coercive enforcement of those obligations. In fact, coercive enforcement promotes hypocrisy (*nifaaq*), which is categorically and repeatedly condemned by the Qur'an."⁴⁸

We see, here, a gesture toward refuting Kant's assertion that Islam is a "fetish-faith" unconcerned with purity of conscience. We also see An-Na'im aspiring to refute Islamists who wish to use the state, for instance, to punish those they deem apostates.

An-Na'im's second claim is that Muslims have the resources from within their own history and texts to endorse the principle of right underlying the secular state. The Ottoman Empire indicates that Muslim authorities have often been willing in practice to differentiate the state and religion, and postcolonial Muslim rulers have clearly imported the model of the totalitarian state from Europe.⁴⁹ In addition to policy reasons why a secular state is more effective than an Islamic state, there are also Islamic reasons to favor

⁴⁵ Roxanne L. Euben and Muhammad Qasim Zaman (eds.), *Princeton Readings in Islamist Thought: Texts and Contexts from Al-Banna to Bin Laden* (Princeton University Press, 2009), p. 4.

⁴⁶ See Sayyid Qutb, *Milestones* (Cedar Rapids: Mother Mosque Foundation, 1995).

⁴⁷ Abdullahi Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a* (Cambridge, MA: Harvard University Press, 2008), p. 1.

⁴⁸ *Ibid.*, p. 4. ⁴⁹ *Ibid.*, pp. 16, 20.

differentiating Islam and the state. According to An-Na'im, the Islamic principle of reciprocity (*mu'awada*), or the Golden Rule, supplies the rationale for why Muslims should not expect the state to favor one religion over another.⁵⁰ What is *mu'awada*? In *The Second Message of Islam*, Mahmoud Mohamed Taha – An-Na'im's mentor in Sudan – explains how this principle, alongside the principle of retribution (*al-qasas*), forms “the essence and foundation of both the Shari'a and the truth (*haqiqah*).”⁵¹ Taha presents this idea by explicating the Qur'anic verse justifying an “eye for an eye” (5:45).

Anyone who pulls out the eye of another person, in a fit of anger, for example, does not do so while fully realizing the degree of pain and the magnitude of the injury he is thereby inflicting upon his victim. If he received retribution by being placed in the same position as his victims, and his eye is pulled out in reciprocity (*mu'awada*) for what he had done, then two purposes would have been served at the same time. Firstly, the interest of the community would be preserved by deterring the aggressor himself, as well as deterring others by his example. Secondly, the aggressor deepens his sensitivity, by himself experiencing the pain he inflicts upon others, and thus realizes the severity of the pain and the magnitude of the loss he has caused.⁵²

This passage will not be particularly persuasive to Christians who believe in turning the other cheek to an evil person.⁵³ Nor does it mean that Muslims must enact eye-for-an-eye justice; in fact, the principle of “doing good to others” (*al-ihsan*) may promote forgiving aggressors.⁵⁴ For our purposes, though, it shows that Muslims may formulate their own rationale for the secular state.⁵⁵ An-Na'im agrees with Spinoza, Kant, Locke, and Rawls that the state should not practice soulcraft.

An-Na'im's third claim is that Muslims may and must connect Islam and politics even as they distinguish Islam and the state: “The state can serve the ideals of an Islamic society for social justice, peace, goodness, and virtue by enabling and facilitating their realization through civic discourse and the fabric of political life.”⁵⁶ Islamic ethics promotes certain objectives for social life, and Muslims may and must use political means to advance them.⁵⁷

⁵⁰ *Ibid.*, pp. 34, 95.

⁵¹ Mohamed Mahmoud Taha, *The Second Message of Islam*, trans. Abdullahi Ahmed An-Na'im (Syracuse University Press, 1987), p. 72.

⁵² *Ibid.*, p. 73. ⁵³ Matthew 5:39.

⁵⁴ Taha, *The Second Message of Islam*, p. 77.

⁵⁵ Cf. Kant's explication of Psalm 59 that, on its face, is a “prayer for revenge,” but that may be read to enjoin that “one should seek satisfaction for insults in the court of justice” (R 6:110).

⁵⁶ An-Na'im, *Islam and the Secular State*, p. 293.

⁵⁷ Surprisingly, An-Na'im eschews appealing to the “objectives of Shari'a” (*Maqasid al-Shari'a*) to formulate policy objectives that may be shared with non-Muslims. Cf. Tariq Ramadan, *Radical Reform: Islamic Ethics and Liberation* (New York: Oxford University Press, 2009).

Yet Muslims cannot simply expect non-Muslims to accept the rationale “because it is in the Qur'an or Prophetic tradition.” Therefore, An-Na'im demands that Muslims honor human rights, follow constitutional procedures, and employ public reason when presenting policy arguments to non-Muslims in order to honor the principle of reciprocity. For An-Na'im, Muslims can be ethical and, in Rawls' terms, reasonable, respecting the need in pluralistic societies to formulate fair terms of justice and to recognize the existence of reasonable disagreement about the ultimate ends of life.

One of An-Na'im's goals in *Islam and the Secular State* is to present an Islamic argument for pluralism. Historical Shari'a perpetuates a *dhimma* system that grants full political rights to Muslims, some political rights to “people of the book” (*Ahl al-Kitab*) such as Jews and Christians, and no rights to unbelievers.⁵⁸ Though few countries institute the *dhimma* system, An-Na'im thinks that its idealization for many Muslims corrupts civil relations between people around the world. For An-Na'im, it is not enough for Muslims to accept the (unfortunate) fact of religious, ethnic, and demographic diversity. Muslims must find a way to endorse pluralism, “an ideology and system that accepts diversity as a positive value and facilitates constant negotiations and adjustments among varieties of difference without seeking or expecting to terminate any or all of them permanently.”⁵⁹ An-Na'im recurrently appeals to Muslims to join an overlapping consensus supporting the secular state, even if Muslims may adjust Rawls' terminology to suit local circumstances.⁶⁰ He would also, I believe, be receptive to the idea of Muslims joining an ethical community committed to promoting the good such as distributing resources to the poor in what Jews call *tzedakah*, Christians call *caritas*, Muslims call *zakat*, and Kantians call a duty of beneficence to others (*MS* 6:432).⁶¹ An-Na'im thus points to groups such as the Liberal Islam Network, based in Indonesia, that promote a pluralistic vision of Islam.⁶² An urgent task facing Muslims today, according to An-Na'im, is to lock arms with non-Muslims to work for both political right and ethical ends.

5 Conclusion

The thesis of this chapter – that contemporary political theorists should politicize Kant's notion of the ethical community – will draw fire from at least two sides. Enlightenment liberals may think that this approach makes

⁵⁸ Abdullahi Ahmed An-Na'im, “Translator's Introduction,” in Taha, *The Second Message of Islam*, p. 22.

⁵⁹ An-Na'im, *Islam and the Secular State*, p. 225. ⁶⁰ *Ibid.*, p. 101.

⁶² *Ibid.*, p. 257.

too many compromises with illiberal forces. Robert S. Taylor, for instance, thinks that Rawls' political turn was a mistake and that there may be certain comprehensive doctrines with which one simply cannot negotiate. Muslims, on Taylor's account, view Shari'a as binding law and thus could not accept the idea of political autonomy that makes possible cooperation in pluralistic societies.⁶³ Far better, for Taylor, for liberals to advocate Kant's practical philosophy in the present war of ideas against illiberal doctrines and regimes.⁶⁴ From another angle, Islamists such as President Numerei in the Sudan view any critique of Shari'a or the *dhimma* system as fomenting religious turmoil (*fitnah*) – which is why he had Taha executed on January 17, 1985.⁶⁵ Clearly we could not expect to find universal, or maybe even wide, assent to the idea of a pluralistic ethical community today.

And yet there are good reasons, I contend, why Euro-American liberals situating themselves in the Enlightenment tradition may be receptive to the idea of politicizing the idea of the ethical community. Kant's religious philosophy in its original form contravenes what Rawls called the "fact of oppression" – namely, that a comprehensive philosophical or religious doctrine can only maintain political or social hegemony through oppressing dissidents.⁶⁶ Kantians may promote a vision of a secularized kingdom of God but they should not coerce or stigmatize Jews, Muslims, atheists, or other groups that doubt that pure practical reason is the ground of moral principles. This position is consonant with admiration for Kant's insight that we need to form ethical assemblages that go beyond strict right and that incorporate a wide range of voices: "All societies are in fact negotiating the relationship between religion and the state [and politics] over many issues at different times."⁶⁷ An-Na'im's point, I think, is valid and urges us – inspired by Kant's writings – to do our part in raising a banner of virtue that may rally people to pursue ethical ends in tandem.⁶⁸

⁶³ Taylor, *Reconstructing Rawls*, p. 263.

⁶⁴ "Liberals should dedicate themselves chiefly to perfecting, extending, and popularizing the canonical comprehensive liberalism," especially Kant's *ibid.*, p. 315.

⁶⁵ An-Na'im, "Translator's Introduction," in Taha, *The Second Message of Islam*, p. 16.

⁶⁶ Rawls, *Political Liberalism*, p. 37.

⁶⁷ An-Na'im, *Islam and the Secular State*, pp. 36–37.

⁶⁸ Pluralists may retain an ideal of the ethical community, I think, while recognizing in practice the ineliminability of many interlocking and contending ethical communities. This idea abandons Kant's ideal of a universal church triumphant (*R* 6:135), but it may provide better guidance for human beings who thoughtfully disagree on the basis of ethics. The United Nations, with all its flaws, may provide an approximation of what the ethical community might look like today.

CHAPTER 10

Kant's religious constructivism

Pablo Muchnik

I want to suggest a general interpretative strategy for reading *Religion within the Boundaries of Mere Reason* – namely, as an attempt to find a middle ground between what Kant considers two forms of excess: the appeal to a transcendent conception of God, and the denial of any claim that presupposes God's existence.

To make my case, I will start by presenting side by side the conflicting views of two contemporary philosophers, Richard Rorty and Nicholas Wolterstorff. Their opposing claims on the role of religion in politics gives rise to a situation comparable to a Kantian antinomy. Putting things this way underscores the originality of Kant's view. For, as Kant saw it, this kind of impasse is a "remarkable phenomenon [which] works most strongly of all to awaken philosophy from its dogmatic slumber, and to prompt it toward the difficult business of the critique of reason itself" (*P* 4:338). The wake-up call of an antinomy will serve to motivate Kant's solution to the problem raised by dogmatic religious claims, as well as to capture what – in my view – is the distinctive ethical function he reserved for religion in the critical system: the support of the non-individualistic virtues involved in *shared* undertakings and *common* pursuits. These are the sociable virtues necessary to overcome the destructive effects of our unsociable sociability – virtues which individuals cannot cultivate on their own, because they require bonds of mutual affection and affiliation to a community based on trust.¹ Kantian religion is tailored to encourage this kind of affiliation and restrain those aspects of religious claims that set people at odds – Kant's God is *made* so that religion can promote the conversation of humankind.

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¹ The idea of singling out these sociable virtues is inspired by Nancy Sherman. See Nancy Sherman, "The Virtues of Common Pursuit," *Philosophy and Phenomenological Research* 53 (1993), pp. 277–99.