

“A Crime against Human Nature” Revisiting Immanuel Kant’s Argument against Religiously Closed Constitutions

David van Dusen
Institute of Philosophy
University of Leuven, Belgium

Abstract:

In the proposed paper, the workshop’s topic will be approached by way a new reading of Immanuel Kant’s argument against closed religious constitutions in his hugely influential essay, “What is Enlightenment?” (1784). Whether his argument is accepted, rejected or modified, Kant stands to clarify some of the stakes of the workshop, since he is a herald of the post-World War II universal human rights regime.

In 1784, Kant denies outright the legitimacy of any “permanent religious constitution (Religionsverfassung) which no-one might publicly question,” which is to say, of any political or ecclesiastical constitution that rests on “a certain unalterable set of religious doctrines.” Kant is unequivocal: “A contract of this kind is absolutely null and void, even if it is ratified.” And for Kant, such a constitution is illegitimate for the simple reason that it enshrines “a crime against human nature.”

This last phrase is arresting. Kant’s expression, “a crime against human nature” (ein Verbrechen wider die menschliche Natur), reminds us that current expressions such as ‘human rights’ and ‘crimes against humanity’ take the ‘human’ as their grounding juridical concept. It is anthropology that hereby determines legality or, in constitutional terms, legitimacy.

For Kant, a closed religious constitution necessarily marks an attempt to foreclose the distinctly human vocation of extending and correcting our knowledge. It is because of this foreclosure on “progress in enlightenment” that Kant sees any closed religious constitution as being, not only illegitimate, but a crime against human nature.

This must serve as a précis of Kant’s logic, but I should add that Kant’s argument helps to stress this question, which is of obvious relevance to the Al-Mahdi Institute’s workshop: Is a religious element in a constitution or law-code susceptible to indefinite “public questioning,” or rather, is it “unalterable” and sealed off from criticism?

For Kant, the question of whether a given element in a constitution is religiously derived is unimportant. What matters is that any religious element in a constitution or a law-code must admit of indefinite public critique. If not, then – for Kant – it loses any claim to legitimacy. If not, then this element itself – and eo ipso – constitutes a stateperpetrated “crime against human nature.”