

# Why Tolerate Religion? A (Surprising) Nietzschean Answer

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## 1. Tolerating Religion?

The title of Brian Leiter’s 2013 book is a provocative question: *Why Tolerate Religion?* This leads the reader to expect a discussion as to whether the state ought to prohibit citizens from holding religious beliefs or from engaging in religious practices, but one finds no sustained consideration of that issue. Leiter admits that his “central question” concerns whether the state has “principled reasons” for giving special recognition to religion *beyond* basic principles of toleration (Leiter 2013: 14). The special recognition he has in mind comes in cases of an individual citizen’s conscience-based request for *exemption* from a state’s laws of general application. Leiter’s question is whether the state should treat as relevant (and that in a positive way) the fact that one’s request for such an exemption is grounded in *religious* conscience. So the question is: is there any justification for the state’s treating religious claims of conscience as special, because they are religious?

In the West generally and in the US in particular, the state certainly *has* treated religious conscience claims as special in this way: think of conscientious objectors to the draft—the Christian pacifist certainly has a better chance than a Kantian pacifist. And there is, of course, an *explanation* as to why this is so. Leiter quotes Douglas Laycock, who says,

in history that was recent to the American Founders, governmental attempts to suppress the disapproved religious views had caused vast human suffering in Europe and in England and similar suffering on a smaller scale in the colonies that became the United States. (Laycock 1996: 317) (quoted in Leiter 2013: 140)

It was in an effort to avoid such suffering that the US and other Western countries gave special recognition to religious beliefs and practices, and were ready to grant exemptions to laws of general

application when requests for such were made in terms of specifically *religious* conscience. But if the question of *explanation* has been answered, nothing similar can be said of the question of *justification*. “No one,” Leiter says,

has been able to articulate a credible *principled* argument for tolerating religion *qua* religion—that is, an argument that would explain why, as a matter of moral principle, we ought to accord special legal and moral treatment to religious practices. (Leiter 2013: 7)

The special treatment received by religious conscience by the law has, on Leiter’s view, been given no justification.

For Leiter, this lack of adequate justification is, of course, no accident. He canvasses what he takes to be the best possible justifications and concludes that none of them are successful. A successful justification would, he says, have to cite “features that *all and only* religious beliefs have, either as a matter of (conceptual or other) necessity *or* as a contingent matter of fact” (Leiter 2013: 27). I won’t spend any time unpacking Leiter’s account of religion; I’ll just tell you that he thinks that what distinguishes religious beliefs from all others is their combining three features: (1) “*categorical* demands on action,” (2) an “insulation from evidence” of the sort we “employ in common sense and science,” and (3) a sense of “existential consolation” that allows adherents to bear the terrible truths about human life (e.g., the inevitability of suffering and death) (Leiter 2013: 34, 52). He asks whether having these features justifies treating religious claims of conscience with special deference and—unsurprisingly—concludes that it does not.

Now, it doesn’t follow, of course, that *no* exemptions should be granted on the basis of religious claims of conscience; Leiter concludes simply that the *religiousness* of the claim of conscience should not be regarded as relevant. (At least it should not be so regarded in a *positive* way, as he intimates by describing religious belief as “perniciously false” and its adherents as “culpable” [Leiter 2013: 76-78].) He tells us that the

Kantian and utilitarian traditions of moral thought generate compelling support for the conclusion that the state should protect liberty of conscience under the rubric of principled toleration. But there appears to be no equally principled argument that

picks out distinctively *religious* conscience as an object of special moral and legal solicitude. (Leiter 2013: 92)

The Kantian theorist of the state—and here Leiter takes John Rawls to be paradigmatic—will make space for people to act in accord with “convictions rooted in reasons central to the integrity of their lives” (Leiter 2013: 17), while the utilitarian theorist will attempt to maximize well-being by allowing people a “‘private space’ in which they can freely choose what to believe and how to live” (Leiter 2013: 18). Leiter tells us, though, that neither of these “single out religion for special consideration as opposed to other important matters of conscience” (Leiter 2013: 17). And so, he says, “Religion is not special when it comes to liberty of conscience.” Put another way: “religious claims of conscience are not more important, from a moral point of view, than non-religious claims of conscience” (Leiter 2013: x). To the extent that the law treats conscience claims of a religious nature with greater deference than it does those of a nonreligious nature, it acts unjustly.

Leiter’s conclusion here is not unattractive. Many people—religious believers among them—will wholeheartedly agree with it. Treating conscience claims in different ways owing to the *religiousness* of the conscience from which they emerge seems unfair, contrary to the spirit of moral egalitarianism. In a recent paper, Leiter characterized moral egalitarianism as the view that

*every human being* is of equal moral significance or equal moral worth, such that it would be wrongful to discount and ignore the interests (rights, utility, etc.) of some human beings in favor of others. (Leiter 2019: 391)

To extend privileges, including conscience-based exceptions, on the basis of a person’s religiosity appears to fly in the face of this idea. But is Leiter right? Is the privileged place afforded specifically religious conscience without any justification? Is he right that there is nothing special about religious conscience “from a moral point of view”?

## 2. Nietzsche and the Death of God

It is with this question in mind that I turn to Leiter’s illuminating work on Friedrich Nietzsche. In his paper “The Death of God and

the Death of Morality,” Leiter calls attention to a fact that contemporary scholarship on Nietzsche is often glad to leave unremarked: Nietzsche holds that to reject theism is also to reject the valuations based on it, many of which are near and dear even to those who do not believe in God. Chief among these valuations, according to Leiter, are those that constitute moral egalitarianism. Recall Leiter’s characterization of this as the view that

*every human being* is of equal moral significance or equal moral worth, such that it would be wrongful to discount and ignore the interests (rights, utility, etc.) of some human beings in favor of others. (Leiter 2019: 391)

This view should not, of course, be taken to deny that any one human being is better, morally speaking, than any other. However they may differ in terms of moral *merit*, though, the moral egalitarian insists that human beings are of equal moral *worth*. Jeremy Waldron says that “worth” is “what is left over when you take merit away or set it aside” (Waldron 2017: 2). Even the human being who lacks moral merit *entirely* would be mistreated if he were subjected to degrading or humiliating forms of punishment, e.g., simply because he is a human being and is, as such, a bearer of great worth. It is *this* idea—that all human beings bear great and equal worth—that Nietzsche says is left ungrounded in light of the death of God.

Leiter adduces ample textual evidence to show that Nietzsche rejects moral egalitarianism so characterized. The passages he cites also show that Nietzsche links it with theism and, more specifically, with Christianity. The following passage from *Antichrist* (section 43) is illustrative, and so worth quoting at length:

That as immortal souls, everyone is on the same level as everyone else, that in the commonality of all beings, the “salvation” of *each* individual lays claim to an eternal significance, that the small-minded and the half-mad can think well of themselves ... you cannot heap enough contempt on this. ... The poisonous doctrine “equal rights for everyone”—Christianity disseminated this most thoroughly ... Granting “immortality” to every Tom, Dick, and Harry has been the most enormous and most vicious attempt to assassinate *noble* humanity. (Nietzsche 2005 [1888]: 39-40)

Nietzsche thinks that Christianity took root among “the rejects and dejects of humanity” precisely by telling them that they had *worth* equal to that of the “noble, joyful, magnanimous” beings who were clearly of greater *merit*. Christian belief grounded this bold proclamation, according to Nietzsche, in the claim that the same eternal significance attaches to the salvation of each soul, whether that of the commoner or the noble. With the death of God comes the death of this view: without Christian metaphysics, moral egalitarianism is left groundless.

As we turn back to Leiter, what is striking and important for our purposes is that he *agrees* with important aspects of Nietzsche’s assessment here. In particular, Leiter follows Nietzsche in thinking that moral egalitarianism is grounded *if and only if* something like Christian theism is true. It would be so grounded *if* theism were true: Leiter says that

if there were a Judeo-Christian God, or a comparably egalitarian God, then moral egalitarianism would enjoy a rather powerful *imprimatur*, whatever the dialectical details. (Leiter 2019: 396)

“But if there is no such God?” Leiter approvingly quotes Nietzsche’s *Twilight of the Idols*:

When one gives up the Christian faith, one pulls the right to Christian morality out from under one’s feet. This morality is by no means self-evident ... Christianity is a system, a *whole* view of things thought out together. By breaking one main component out of it, the faith in God, one breaks the whole: nothing remains in one’s hands. (*TI* “Skirmishes”: 5) (quoted in Leiter 2019: 397)

Leiter thus agrees with Nietzsche that there is no naturalistic or “nontheistic basis for moral egalitarianism” (Leiter 2019: 393).

Evaluation of this claim—that moral egalitarianism is grounded *if and only if* something like Christian theism is true—will occupy us below. For now, however, I want to draw out the implications for Leiter’s claims in *Why Tolerate Religion?* Recall that Leiter there claims that no plausible justification has been given for giving a *religious* conscience claim greater deference than a similar, non-religious conscience claim: religion is not distinctive or special “from

a moral point of view.” It would seem, though, that Leiter’s agreement with Nietzsche’s view here can supply such a justification. For the Nietzschean position implies that a person of religious conscience (of a certain sort) *has* grounds for asserting the truth of moral egalitarianism, while a person of non-religious conscience *lacks* such grounds. Leiter himself, therefore, has reason to think that religious conscience is distinctive or special “from a moral point of view.” And it is so in such a way that can serve as *a* reason—indeed, as a *justifying* reason—for the state to give claims made in accord with such a conscience preferential treatment of the sort he describes. (Indeed, as we saw above, it is *because* we accept moral egalitarianism that we find the preferential treatment of religious conscience problematic in the first place!)

There is, to be sure, no *explicit* contradiction here. In *Why Tolerate Religion*, Leiter was examining religious beliefs as a class, and so looking for features had by “*all and only* religious beliefs.” The feature “provides the sole justification for moral egalitarianism” is an impressive one, but it is not, on the Nietzschean view Leiter endorses, one shared by *all* religious beliefs.

That said, in *Why Tolerate Religion?*, Leiter allows that our understanding of what constitutes a religion may well need to be modified in light of what we discover about reasons for the state to tolerate it. He says, “If the best analysis of religion ... requires us to forfeit some of our pretheoretical intuitions, that may be the cost of clear thinking about religious toleration and its parameters.” He glosses “best analysis” as “*one that identifies what makes it distinctive and suggests why it has a claim on toleration*” (Leiter 2013: 30). If Leiter is right in this, it seems that we should modify our conception of religion so as to include only those versions which provide grounding for moral egalitarianism. Doing so would, given what Leiter says in the “Death of God” paper, restrict “religion” so as to include only those sects that posit the “Judeo-Christian God, or a comparably egalitarian God,” as Leiter puts it. He should, it seems, admit that the state has reason to treat with special deference claims of conscience to the extent that they are informed by religion, at least in this modified sense of “religion.” Of course, one might instead claim that, in order to ensure deference to the conscience claims of religious believers whose views ground moral egalitarianism, the state ought simply to treat as special the *entire* class of religious conscience claims.

But however one proceeds, this much is clear: there is serious tension in holding, as Leiter does, *both* that there is nothing special

“from a moral point of view” (Leiter, 2013: x) about religious conscience, *and* that only a religious conscience can justifiably endorse moral egalitarianism. (Below I’ll consider some possible responses on Leiter’s behalf.)

### 3. Moral Egalitarianism Only If Theism is True

We’ve thus seen that according to Leiter and Nietzsche, moral egalitarianism is grounded if and only if something like Christian theism is true. If they are right, then Christianity (and religions similar to it in the relevant sense) are indeed special from a moral point of view. *Are* they right? To determine the answer, we must consider what Leiter calls the “basis of equality” problem, which asks “on what basis, or in virtue of what, is it that all human beings are entitled to equal moral concern?” (Leiter 2019: 393). Put another way: what is it about human beings that makes them of the same great moral worth, however they may differ in terms of moral merit? Nicholas Wolterstorff provides an illuminating account of what is at stake here. He tells us:

Worth, dignity, and excellence do not settle on things willy-nilly; always, there is something about the thing that gives it worth, something that accounts for its worth, something on which its worth supervenes. If the piano sonata that you compose is a fine sonata, then there is something about it that makes it fine. We may find it difficult, perhaps even impossible, to put into words what that is; but it makes no sense to say that it’s a fine sonata but there’s nothing about it that makes it fine. (Wolterstorff 2016: 452)

What Leiter and Nietzsche claim is that we *cannot* account for the basic, equal worth of human beings without invoking Christian theism (or something like it), and that we *can* account for this worth if we *do* invoke Christian theism (or something like it). In what follows, I’ll consider these claims in turn.

Let’s be clear about what we’re looking for. We can say (modifying a bit a suggestion offered by Wolterstorff (Wolterstorff 2016: 452-3) that solving the basis of equality problem requires one to cite a property that (1) is had equally by all human beings and that

(2) is capable of grounding substantial moral worth. Leiter and Nietzsche hold that there is no such property that does not invoke something like the Christian God, i.e., there is no suitably naturalistic property with these features.

Why think this? Leiter says that any naturalistic candidate for a property with these features faces a “dilemma”:

any feature of persons one might identify as *justifying* their equal treatment is not, in fact, shared equally by persons, thus raising the question how it could justify *equality* of moral consideration. People differ, for example, in their rationality, their sensitivity to pleasure and pain, and their moral capacities, not to mention, to put it in more banal terms, their intelligence, alertness, and empathy. If what warrants equal moral consideration is reason, sentience or moral sensitivity, then there is no reason to think humans *per se* warrant equal moral consideration given how much they differ in these attributes. (Leiter 2019: 394)

As a result, these properties fail to satisfy (1)—they are not had equally by all human beings. Though Leiter doesn’t explain the other horn of the dilemma, it’s easy to see how to do so: we *can* find suitably naturalistic properties that *are* shared equally by human beings: e.g., being a featherless biped or a member of the species *homo sapiens*. But these fail to satisfy (2)—they are not capable of grounding great worth. About those properties, one can rightly ask: so what?

So the dilemma is this: for any naturalistic property one can find, either the property will ground great worth but not be had equally by all human beings, or it is had equally by all human beings but does not ground great worth. A naturalistic candidate can satisfy the first criterion above, or it can satisfy the second criterion, but not both.

Leiter tells us that the “most prominent attempt to avoid” this dilemma is “Rawls’s appeal to ‘range properties,’” “properties where differences of degree or scale do not matter.” Rawls’s example of such a property is that of “being in the interior of a circle.” He quotes Rawls as saying that

(a)ll points inside this circle have this property although their coordinates vary within a certain range.

And they equally have this property, since no point interior to a circle is more or less interior to any other interior point. (Rawls 1971: 508) (quoted in Leiter 2019: 394)

We might think of the matter this way: if “being inside the circle” grounds “having worth X,” then all points inside the circle have worth X, whether they are nearer the center or nearer the perimeter. The property Rawls puts forward as grounding worth is “the capacity for moral personality,” which includes the capacity for developing the Rawlsian “sense of justice.” (Rawls 1971: 506, quoted in Leiter 2019: 394). This proposal, or one that offers some other suitable range property like the Kantian “capacity for rational agency” or the utilitarian “capacity to enjoy higher pleasures,” would seem to defuse the problem of degree: if “having the capacity to  $\varphi$ ” grounds “having worth X,” then all who have that capacity have worth X, whether they  $\varphi$  well or badly, relatively speaking.

In response, Leiter claims that the Rawlsian (and any other proponent of range properties) begs the question in addressing the problem of degree. Why, he asks, doesn’t the fact that one has *in greater degree* the value-conferring feature picked out in the range property make one of proportionally greater *worth*? He says that it is *only if* one is *antecedently* committed to the truth of moral egalitarianism that one will answer in the negative, i.e., will think that a difference in degree doesn’t matter. If, however, one is sympathetic to Nietzsche and suspects that there are indeed “higher men” who are of greater value than the rabble who surround them, one will not find this plausible.

Here I need to register a disagreement with Leiter. His Nietzschean response here seems to me to betray a mistaken conception of what we’re doing. We’re seeking to *ground* the claim that all human beings have equal, basic worth—that is, we’re trying to cite *what makes that claim true*. This is less an attempt to justify such moral egalitarianism to a skeptic, than it is to *explain* and *articulate* our intuition. (Of course, being able to cite such a property would seem to be a necessary condition of convincing such a skeptic.) Recall the Wolterstorff quote above: to say that a thing has worth is to say that there is something about that thing that *makes* it worthy, that accounts for its worth. So, to say that all human beings have equal, basic worth is to say that there is some property which (1) is had equally by all human beings, and which (2) confers on its bearer great worth. It would seem that Rawls’ “sense of justice” is indeed

a plausible candidate here, if it's understood as a range property. As long as one is above a certain standard, he or she has the property, and so her worth is explicable.

Whether or not Leiter's challenge is successful, though, I think another, decidedly *un*Nietzschean challenge is more formidable. This challenge concerns the case of a human being who falls *below* the range. Consider a human being who is severely disabled in such a way that she neither has nor will have a "sense of justice" in any recognizable sense. It would seem that such a human being would, by definition, not be of worth equal to that of those who are within the range (and so, on Rawls's account, e.g., would not be owed "strict justice" [Rawls 1971: 506]). Can the range property account be developed so as to address this problem?

Jeremy Waldron thinks that it can. To do so, he says, we must simply be careful in our conception of the property taken to ground equal worth. Basically, he says we must understand it as "something fragile, whose unfolding will in every instance be shadowed from the beginning to end by the possibility of organic or genetic failure or damage." This, he says, "shows that the profoundly disabled person and the person who is not profoundly disabled are on a par" (Waldron 2017: 247).

In developing the notion of the range property in this way, Waldron attempts to offer a property that all human beings have in equal measure, and he seems to succeed in doing so. The problem is that he has developed it in a way that occludes rather than illuminates what is truly valuable about this property: in meeting (1) above (the requirement that the property be had by all human beings equally), he fails to meet (2) (the requirement that the property be capable of grounding moral worth). For it is not, say, the *fragility* of the capacity that is valuable, but the *activity* which is produced when it *functions properly*. To say that it is fragile is to say that it might *not* function in this way. But *that* seems to be to say that it might not be such as to be value-conferring. What matters, then, is the activity it produces, and so whether or not it functions, *not* that can do so only to the extent that its fragility isn't triggered. Consider: would an instance of the capacity for moral personality that was, in fact, *not* fragile in this way fail to ground worth?

Now, this may seem uncharitable to Waldron. We need not take him to be claiming that the fragility of the capacity contributes to its value. He is, rather, saying of the human being who lacks the ability to exercise rational and moral agency that she is of the *same nature* as those who do have this ability: such a person is still a *human*

*being*. As a matter of fact—and contrary to the way it’s presented—Waldron’s account doesn’t actually involve a range property at all. Instead, the property Waldron cites as (1) being had equally by all human beings and as (2) conferring upon them great worth is not their exercising these capacities within a certain range, but their bearing a particular *nature*, human nature. On this picture, then, it is being *of a kind*—a kind such that the properly functioning, mature members exercise rational and moral agency—that gives a human being worth.

Is this view plausible? Does the property “being the bearer of human nature” solve the “basis of equality” problem? By itself, I don’t think so. Wolterstorff offers a thought experiment for thinking about proposals like the one offered by Waldron. He asks us to imagine two neighbors who own the same kind of automobile, “a certain model of Jaguar, let’s say.” The Jaguar owned by the neighbor to the east is in perfect condition—a truly impressive car. The one owned by the neighbor to the west was in a wreck and is a crumpled mess—you can tell it’s a Jaguar, but just barely. Wolterstorff asks:

If the neighbor with the wreck of a Jaguar considered junking it, would I tell him that even though it’s a wreck, nonetheless it’s truly admirable on account of its [kind] and that he should keep it under a dust cover and admire it?”

And he responds:

I would not.... I would advise him to sell it for scrap, [since it has no value as a Jaguar, but only as] scrap metal, plastic, leather, and glass.

That seems right to me, as does Wolterstorff’s conclusion: (*pace* Waldron)

noticing that even the most impaired human beings possess human nature, and reflecting on the nobility of that nature, does not illuminate our intuition that these human beings have the dignity that grounds human rights (Wolterstorff 2016: 457)

—or, for our purposes, worth equal to that of properly functioning human beings.

Even if we allow for range properties, then, there will be human beings who, because they fall below the range, fail to bear the property that confers worth. And the fact that such human beings bear human nature or are of a kind with those who *do* exercise these capacities seems inadequate as a grounding for their worth. Leiter and Nietzsche therefore seem right: the prospects for finding a naturalistic property that would ground the claim that “*every human being* is of equal moral significance or equal moral worth” are dim.

#### 4. Moral Egalitarianism If Theism is True

No non-theistic/ naturalistic grounding for moral egalitarianism is forthcoming, at least if it is to include the severely disabled in its purview. Does a theistic account do any better in grounding moral egalitarianism? Wolterstorff thinks that it does. He develops his account by way of an objection to what he thinks is a more common alternative. That common alternative is to take the property that grounds human worth to be that of bearing “the image of God, the *imago Dei*” (Wolterstorff 2016: 458). The problem for this proposal emerges, he says, when we ask, “*what is it* to bear the image of God? In what does it consist?” There are two possibilities: first, it might consist in the *exercise of some capacity* (say, the capacity to reason or to love). In this case, we can satisfy the second criterion above (i.e., that the property confer great worth) but not the first (i.e., that it be had by all human beings), as we saw in the case of the severely disabled human being. Second, to bear the image of God might consist in *having a nature* such that “mature, properly functioning specimens of that nature” exercise these God-resembling capacities (Wolterstorff 2016: 458). In that case, we’re faced with the problem I raised for Waldron’s account: in meeting (1), the requirement that the grounding property be had equally by all human beings, we fail to meet (2), the requirement that it ground worth. Why should having a particular nature ground worth—Wolterstorff asks, referring to his “wrecked Jaguar” case—if the *functioning* that makes that nature *valuable* is *missing*?

As an alternative, he puts forward the property of “being loved by God, love being understood as the desire for friendship” (Wolterstorff 2016: 459). This, he says, is “an honor” that bestows worth, one that all (and only) human beings have in equal measure: every human being is a creature about whom it is true that the Creator desires to be her friend. It therefore meets both the first criterion (that it be had equally by all human beings) and the second

(that it confer great worth). To flesh out his account, Wolterstorff gives the example of a good monarch, loved by all his subjects, who selects some of them to be his friends. “This,” Wolterstorff says, “is an honor for the ones chosen.” While honors are sometimes given as recognition of pre-existing worth, the honor of being selected as a potential friend is not of this sort. Our friends are not necessarily those we deem “best”; what we saw in them need not have been the greatest worth, but simply the potential to share in the good of friendship. To be befriended in this way by a good monarch *bestows* worth upon the one so befriended. If this is so in the case of a good monarch, how much more so in the case of an omnibenevolent creator God!

David Redmond recently leveled a criticism of this account of human worth. Wolterstorff thinks that the good monarch’s desiring friendship with a person gives that person (a certain degree of) worth. As evidence that this is so, Wolterstorff cites the fact that the person *would be wronged* if, upon hearing this fact, her friend said, “Big deal!” He would be wronged, he says, as matter of his friend’s failing to recognize his (newly acquired) worth. Redmond argues that even if the person whose friend so reacts *is* wronged, it’s not clear that this is because her friend has violated her *worth*. It is, he suggests, more plausible to suppose that the wrong here consists in the *contempt* the friend shows for “his experiencing [this] good in his life” (Redmond 2017: 133). For Redmond, the fact that God desires friendship with human beings would not confer *worth* upon them—it would simply be for them a great *good*. How should we adjudicate this matter? It seems to me that being chosen for friendship by God *does* confer worth on human beings, but we might say that this this worth is “relational” or “extrinsic” rather than “intrinsic.” What I mean is that the human being whom God has chosen to befriend has worth *to God*. So, just as my daughter would be wronged were you to destroy her old, tattered, gross-but-well-loved stuffed animal, *God* would be wronged if you mistreated one whom he seeks to befriend.

Wolterstorff would not be satisfied with this account—he aimed to give an account of *intrinsic* human worth, worth such that the *human being* would be wronged by having his or her interests discounted in favor of others. I think—contrary to Wolterstorff—we *have* such an account in the *imago Dei*: being a bearer of human nature gives human beings this sort of worth. To see how, consider again the case of the wrecked Jaguar. Wolterstorff claimed—plausibly—that he would not tell his neighbor that he ought to treat

that Jaguar with care for being an instance of an impressive kind, but that he ought to junk it as worthless. But let's change the situation. Imagine that Wolterstorff knows of a master mechanic who has promised to restore the Jaguar—indeed, to make it better than it has *ever* been. In that case, it's doubtful that Wolterstorff would tell his neighbor to junk the Jaguar; indeed, he likely *would* counsel him to keep it under a dust cover and to lift the cover periodically to admire it, attempting to see in it what the mechanic will see. That, I suggest, is a better analogy for theist's take on situation involving the severely disabled person. Such a person may not now but—according to the theist's belief in an afterlife—one day *will* exercise the capacities of her nature. She is, therefore, of great worth *precisely as* a bearer of such a nature.

That said, I think what Wolterstorff says is true: the property “being loved by God” (where love is understood as “the desire for friendship”) *does* confer worth upon its bearer. Unlike the worth had by human beings in virtue of their bearing a particular nature, the worth conferred by being loved by God is extrinsic or relational, rather than intrinsic. This means that Wolterstorff's account can be used to *supplement* the *imago Dei* account. When a human being's interests are discounted, an offense has been committed not only against that human being, but against the God who loves her. *Pace* Nietzsche, offense against *any* human being—even the “rejects and dejects” of society—is a gravely serious matter.

## 5. Conclusion: Leiter's responses?

We've seen, then, that Nietzsche and Leiter are right: there is good reason to suppose that moral egalitarianism, the view that all human beings are of equal worth, is grounded if and only if something very much like Christian theism is true. We've furthermore seen that this fact can serve as a principled reason for the state's giving special deference to religious conscience claims over and against nonreligious conscience claims.

How might Leiter respond to this last claim? What might he say in defense of his conclusion in *Why Tolerate Religion?* that the state's treatment of religious claims of conscience is unjustified, since religion is not special from “a moral point of view”? Well, he might insist that while theism provides the only possible grounding for moral egalitarianism, such grounding is irrelevant to sustaining what is truly important: our morally egalitarian *ethos* and practices. Near the end of “The Death of God and the Death of Morality,”

Leiter suggests that Marx may have been right over and against Nietzsche in thinking that changes in moral attitudes come not as a result of changes *in belief*, but as a result of changes in “economic and material circumstances” (Leiter 2019: 399). It’s also been suggested to me that he might supplement this with a broadly Humean, noncognitivist account of moral discourse, one that takes not beliefs and their grounding, but *attitudes and their expression* to be central. Add to this further Humean view that human nature equips human beings with a faculty for *fellow-feeling* or *sympathy*, and one might think that egalitarian sentiments are rooted deeply enough to withstand loss of grounding. If this is so, maybe religion *isn’t* special, in the relevant sense, “from a moral point of view.”

The first thing that should be said in response to this proposal is that noncognitivism doesn’t, in fact, help with the “basis of equality” problem. Wolterstorff’s point—that to say that something is worthy implies that there is something about it that makes it worthy—holds whether one is a cognitivist or a noncognitivist about value discourse. If one’s attitude of approbation is to make sense, one will have to see it as grounded in *something* about human beings, something they all have equally, which is capable of grounding such value. To avoid incoherence, the noncognitivist must answer the question, “*What is it* about human beings that makes them of great and equal worth?”

Here Leiter’s Marxian understanding of moral discourse as determined by “economic and material circumstances” might be of help, especially in conjunction with the Humean view about the ubiquity of fellow-feeling or sympathy. With these factors in place, the “incoherence” of our moral views or their “lack of grounding” may seem otiose. What matters is not logical or philosophical consistency, but adherence to morally egalitarian practices— and whether adherence to such practices tracks religious belief is an empirical question, not a philosophical one.

This response, I think, falls short, for a number of reasons. First and crucially, it changes the bar set by *Why Tolerate Religion?* There the claim was that religion is not special “from a moral point of view.” But being such as to be the only way to ground moral egalitarianism would certainly seem to qualify as making it special in this way. Furthermore, it’s not at all clear that morally egalitarian practices *are* likely to survive in the absence of grounding. This has become increasingly evident in our era of political polarization. We are divided as a nation, and seem progressively less likely to see

those with whom we disagree as bearers of great worth. The reasoning behind human equality, or at the least the rhetoric thereof, seems of crucial importance. In the absence of empirical data in support of this claim, I'll end with an anecdote. It's *only* an anecdote, but it's one I find telling. You may recall an incident not long after Donald Trump became president: there were some gruesome crimes committed by MS-13 gang members. Trump said of the perpetrators: "They are not people. They are animals." In response, Speaker of the House Nancy Pelosi said, "you have to wonder, does he not believe in the spark of divinity, the dignity and worth of every person?" Speaker Pelosi was drawn to theistic imagery in her defense of the worth of these gang members, imagery that resonates only insofar as the consciences of her hearers have been informed by religious beliefs. It is, arguably, to ground and to preserve such an egalitarian *ethos* that the state gives a wide berth to claims made in accord with a religious conscience. And it is here that we find an answer to the question, *Why Tolerate Religion?*

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