

## BOOK REVIEW

# Religion without God

Ronald Dworkin

Cambridge, Massachusetts, and London, England: Harvard University Press. 2013, 180 p., ISBN 978-0-674-72682-6, \$ 17-95

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Professor Ronald Dworkin undoubtedly ranks high on the list of popular and influential liberal legal philosophers. Until his death in February 2013, Dworkin produced a host of scholarly contributions. His last book, namely *Religion Without God (RWG)*<sup>1</sup> (which was published posthumously) has received ample applause in the rather brief time since its publication. However, Dworkin's attempt in *RWG* at providing *radically* new perspectives has recently been criticised acutely and informatively, hereby bringing to light major weaknesses in his thought.<sup>2</sup> This review focuses on some of the essential criticisms levelled at *RWG* to date, and also addresses further points of concern.

To Dworkin the “stark divide between people of religion and without religion” is “too crude” – “Many millions of people who count themselves as atheists have convictions and experiences similar to and just as profound as those that believers count as religious.”<sup>3</sup> Dworkin's concern is that religion has been generally perceived to be that which is limited to the traditional religions which include a God (such as Christianity, Judaism and Islam). This moves Dworkin to separate “God” from “religion”, which “will assist in alleviating the strife between the traditional religions and other beliefs.”<sup>4</sup> Dworkin postulates an understanding of religion that lies “deeper than God”.<sup>5</sup> In this regard he leans on Albert Einstein's “endorsement of the supernatural ... that some *transcendental and objective value* permeates the universe, value that is neither a natural phenomenon nor a

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1 Also see Dworkin's three Einstein Lectures on 'Religion without God' which are available at: <https://cast.switch.ch/vod/channels/1gcfvlebil>.

2 See for example, Rafael Domingo, “Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom”, *Oxford Journal of Law and Religion*, Vol. 2, 2(2013), 371-392. Dworkin's views on religious freedoms especially started taking shape in his books, *Is Democracy Possible Here?* (2006) and *Justice for Hedgehogs* (2011), *ibid.*, 371-372.

3 Ronald Dworkin, *Religion Without God*, (Cambridge, Massachusetts, and London, England: Harvard University Press, 2013), 2 (hereafter referred to as *RWG*). Also see *ibid.*, 137.

4 *RWG*, 8-9.

5 See *RWG*, 1.

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subjective reaction to natural phenomena.”<sup>6</sup> There is a “faith in value” that unites “godly and godless religion” and that “this is of more importance as that which divides the two.”<sup>7</sup> The religious attitude “accepts the full, independent reality of value. It accepts the objective truth of two central judgments about value”, the first of these being that human life has *objective meaning or importance* (each person wants to live well, accepting ethical responsibilities to oneself as well as moral responsibilities to others).<sup>8</sup> The second holds that the universe as a whole and in all its parts (what we call nature) is not just a matter of fact but also something of *intrinsic value and wonder*.<sup>9</sup> Dworkin acknowledges the possibility of reserving ‘religion’ for theism and therefore rather to refer to atheists as “‘sensitive’ or ‘spiritual’ atheists”, but nevertheless opts for the view that “expanding the territory of religion improves clarity by making plain the importance of what is shared across that territory.”<sup>10</sup>

Chapter 3 titled “Religious Freedom” is, from a legal theoretical point of view, the essence of *RWG*. In this chapter, some contradictions emanating from the First Amendment are emphasised. In this regard, one religion clause *prohibits government from infringing the free exercise of*

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6 *RWG*, 6 (author’s emphasis).

7 *RWG*, 29.

8 Dworkin towards the end of his book states: “What matters most fundamentally to the drive to live well is the conviction that there is, independently and objectively, a right way to live. That is at the center of what I described, in Chapter I, as a religious attitude to life.” *RWG*, 155.

9 *RWG*, 10 (author’s emphasis). “The religious attitude insists on the full independence of value – the world of value is self-contained and self-certifying”, *RWG*, 16. “The religious attitude is finally grounded on faith”, *RWG*, 17-19.

10 *RWG*, 5. Chapter 2 is a continuation of Dworkin’s argument that religion is also applicable to those who do not believe in a God. Dworkin begins by explaining why a natural phenomenon such as the Grand Canyon (which is sublime to religious theists) is sublime to religious atheists. The “conviction of the beauty” (which is inextricably connected to the “mysterious”) of the Grand Canyon, to the religious atheist is not itself a science and here the two branches of religion, namely that of theistic and atheistic, converge – “they both rest, though in different ways, on faith”, *RWG*, 48-49. In the pages that follow, Dworkin investigates the relationship between “beauty” and “religiousness”. Dworkin states: “Physicists find beauty in what they have so far discovered because they imagine a final, all-embracing beauty and then radiate its brilliance backward into each step toward its revelation. They call their discoveries beautiful by proxy: beautiful because they seem to hint at a yet unknown, a still mysterious, final beauty ... the physicists’ faith, at least for a great many of them, falls naturally into a category we have constructed. It is a felt conviction that the universe really does embody a sublime beauty that does not suppose any god as a ground for that beauty. Though no doubt many physicists would reject the description, it is an example of religious atheism.” *RWG*, 64-65. In the pages that follow, Dworkin investigates the meaning to be ascribed to beauty and starts off with the idea of “symmetry” coming to the conclusion that something more is required to explain beauty and here Dworkin in the rest of the chapter elaborates on “inevitability” and “integrity” and its relevance to beauty. Things like a work of art, a poem or the sun setting are in themselves something sacred, attracting reverence and awe.

*religion*; while the other *prohibits government from establishing a religion* – the first of these clauses often conflicts with the second. For example, if government allows the exception that a certain tribe is allowed the use of a certain hallucinogenic drug in its religious rituals then the law would discriminate on grounds of religion against those “irreligious believers” who believe that the best life is lived in a trance.<sup>11</sup>

According to Dworkin, the conventional interpretations of religious freedom presuppose a *moral right* (which is the assumption that people have a distinct moral right to freedom of choice about religious practice). However, according to Dworkin, “this moral right cannot be sensibly limited to godly religions and neither can we sensibly define it as embracing all the convictions that fall under a more generous account of religion.”<sup>12</sup> Therefore, on the one hand Dworkin has a concern regarding the limitation of the protection of foundational beliefs resorting only under traditional religion and on the other hand he is concerned regarding a too accommodative stance pertaining to the protection of all beliefs. This, together with the problematic nature of the ‘religion’ clauses of the First Amendment (as explainer earlier), poses challenges.<sup>13</sup>

In an attempt to find a solution to this, Dworkin (in 18 short pages) distinguishes between two components of political liberty, namely that a just state needs to recognise both a “general right to ethical independence” and also “special rights to particular liberties”.<sup>14</sup> A general right to ethical independence means that the state must leave it to every individual to decide the way to live their lives, but here the caveat is introduced that “other reasons” may result in a government having to interfere with the life that a person or a group of persons have chosen. Reasons for this are, for example, the protection of the general welfare or to prevent harm from being done to others.<sup>15</sup> The “general right to ethical independence” condemns any explicit discrimination or establishment that assumes that one variety of religious faith is superior to others.<sup>16</sup> Regarding the second component of political liberty, namely “special rights”, Dworkin explains that such rights place much more powerful and general constraints on government. An example of this is freedom of speech, where in the American law context, can only be violated in instances where there is a “compelling” reason.<sup>17</sup> In the words of Dworkin:

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11 RWG, 125.

12 RWG, 129.

13 RWG, 129.

14 RWG, 129-130.

15 RWG, 130-131.

16 RWG, 134.

17 RWG, 131. Another example is the right to due process and a fair trial for those accused of crime, *ibid.*, 132.

We should consider, instead, abandoning the idea of a special right to religious freedom with its *high hurdle of protection and therefore its compelling need for strict limits and careful definition*. We should consider instead applying, to the traditional subject matter of that supposed right, only the more general right to ethical independence. The difference between these two approaches is important. A special right *fixes attention on the subject matter in question: a special right of religion declares that government must not constrain religious exercise in any way, absent an extraordinary emergency*. The general right to ethical independence, on the contrary, *fixes on the relation between government and citizens: it limits the reasons government may offer for any constraint on a citizen's freedom at all*.<sup>18</sup>

Dworkin adds that, "If we deny a special right to free exercise of religious practice, and rely only on the general right to ethical independence, then religions may be forced to restrict their practices so as to obey rational, non-discriminatory laws that do not display less than equal concern for them."<sup>19</sup> If religion on the one hand is placed in the terrain of "ethical independence" then this allows religion (theism and atheism) to be seen as something private,<sup>20</sup> and something that government is obligated to protect insofar as it does not violate the public order substantially. This also then requires the public sphere to exclude anything religious.<sup>21</sup> Simone Grigoletto comments that, according to Dworkin, "the general right to ethical independence expects governments to constrain people's freedom *only if it harms others*, whilst a special right allows some citizens to cause a *clear extraordinary danger for others*."<sup>22</sup>

How credible is the point that Dworkin makes pertaining to the distinction between a "general right to ethical independence" and a "special right pertaining to protection of religion"? Why should religious rights and freedoms, whether atheistic or theistic (or other), not be understood as "special rights" which in turn necessitate "high hurdles of protection, strict limits as well as careful definition"? Dworkin is here implying that the right to religious freedoms should not be understood as a special right because

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18 *RWG*, 132-133 (author's emphasis).

19 *RWG*, 136. "Equal concern requires a legislature to notice whether any group regards the activity it proposes to prohibit or burden as a sacred duty. If any group does, then the legislature must consider whether equal concern for that group requires an exemption or other amelioration. If an exception can be managed with no significant damage to the policy in play, then it might be unreasonable not to grant that exception, *RWG*, 136.

20 Rafael Domingo states that "ethical independence" tries to solve the religious question by privatising religion entirely and that "ethical independence is of its essence individual", Domingo, "Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom", 385. Ethical independence (as opposed to ethical autonomy) is only "individual" and not "social" or "transcendent", *ibid*.

21 See for example, *RWG*, 138.

22 Simone Grigoletto, *Universa. Recensioni di filosofia* – Anno 3, Vol. 2, (2014) (author's emphasis).

this would place more powerful and general constraints on government. But is this really the case? In international human rights jurisprudence as well as the jurisprudence of many democratic and plural societies, the religious rights clauses are accompanied by an interpretation that also allows for the protection of foundational irreligious beliefs and all these beliefs (both religious and irreligious) are viewed as special rights. If one accepts the right to religious freedoms as a special right, the courts (or the legislature) will in any event require obedience to rational, non-discriminatory laws, which will require the weighing up of the various interests involved in a specific claim or dispute. In any protection called upon pertaining to the protection of religion or belief, the courts in any event need to weigh up the interests of the believer (the claimant) against that of the public order or welfare and of fundamental human right(s) that might override the right to religious or belief protection. Courts naturally include the measure related to the obedience to 'rational, non-discriminatory laws', a measure that Dworkin attaches to the general right to ethical independence. Whether, for example, allowing an ethnic group to smoke a hallucinogenic substance as part of its religious exercise might also then qualify an individual to claim freedom of belief protection where his or her belief regards the smoking of such a substance a central part of his or her belief system, should not be of concern. It remains for each claimant to motivate to the court as to why a specific religious (or foundational belief) practice should be protected.<sup>23</sup> In any event, Dworkin's criteria of 'equal concern', where "damage to the policy at play" needs to be taken into account<sup>24</sup> will also have to be looked into by the judiciary (or the legislature) where religious protection based on a special rights is applicable.

Rafael Domingo rightly comments that having both types of religion (theistic and atheistic) protected does not mean that "we must base the right to freedom of religion on ethical independence and moral epistemology, as if God (as distinct from the Dworkinian god or gods) did not exist."<sup>25</sup> In the words of Domingo: "At the heart of Dworkinian epistemology lies a rejection of any 'external or meta-ethical inspection of moral truth'."<sup>26</sup> To Dworkin the foundational understanding pertaining to the general right to ethical independence excludes religion in the traditional sense, for example, the Abrahamic religions. In other words, the right to ethical independence is foundationally based upon "value", hereby excluding God

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23 It is a concern to Dworkin that if traditional religion can be awarded protection in this regard, then one can then argue that beliefs that are not based on traditional religion can also receive the same protection.

24 See footnote 19.

25 Domingo, "Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom", 388. Rafael adds: "... a legal system can admit, as international law does, that the idea of God is not a constitutive element of the idea of religion, but it should not positively exclude God from the legal concept of religion by rejecting transcendence. This, too, would be a discriminatory manipulation of the law", *ibid.*, 389.

26 Domingo, "Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom", 376.

as a primary foundation. According to Dworkin, there is no specific right to freedom of religion; rather, there is a general right to ethical independence in foundational matters that protects people's responsibility to find value in their lives.<sup>27</sup> This is in line with Dworkin's notion of "religion without God in terms of a universal faith in objective and independent values" and that "belief in god is the superficial or external stratum of religion, not the essential one."<sup>28</sup> However, this approach reduces religion to an "immanent phenomenon" to the exclusion of "transcendence".<sup>29</sup> This obviously leads to a weakening of religious rights and freedoms as understood in the traditional sense.

Bearing this in mind, see what Dworkin says on certain contentious legal matters: "Opponents of homosexuality and abortion very often cite a god's will as warrant, but not invariably, and, as I said, few men or women who want choice in these matters conceive their desire as grounded in religion. But if ... we treat religious freedom as part of ethical independence, *then the liberal position becomes mandatory*. So does gender equality in marriage."<sup>30</sup> However, how justifiable, accommodative and fair is this

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27 Domingo, "Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom", 374. According to Domingo, what is required is "a holistic unity of value that takes into account transcendent values, as opposed to the more reductive Dworkinian concept", *ibid.*, 382.

28 Camil Constantin Ungureanu, "Dworkin's Last Word: Religion without God", *Journal for the Study of Religions and Ideologies*, Vol. 13, 38(2014), 221-222. "Faith is understood as belief in objective values in morality and science ... In sum, Dworkin's faith ... does not depend on the faith in a specific god, but it is a reasonable faith in objective and independent value – in the rationality of the worlds we live in. It is this faith that is universalizable, and that could appeal to and reconcile believers and atheists alike. As Dworkin claims, 'what divides godly and godless religion – the science of godly religion – is not as important as the faith in value that unites them', *ibid.*, 222. Also see Stephen D. Smith's comments pertaining to the weaknesses in Dworkin's understanding of "the full independence of value" and an "objective view on morality", Stephen D. Smith, "Is God Irrelevant?", *Legal Studies Research Paper Series*, Research Paper No. 14-142, February 2014, University of San Diego School of Law.

29 Domingo states: "This unjustified reductionism, which could be called the tyranny of legal secularism, would impose a unique secular religion. On its face, it seems to be broader and more open, because it is presented as such, as a good alternative to the very narrow, old-fashioned view of religious freedom. But on inspection, it is narrower than the previous view insofar as it excludes an openness to transcendence and any consideration of God as a source of morality", *ibid.*, 388.

30 *RWG*, 144-145 (author's emphasis). Dworkin's ideology in this regard is based on the superiority of the liberal ideology over that of the religious, and it does not place both ideologies on an equal plane when being investigated. Dworkin has an inherent problem with religion (in the traditional sense) *per se*. To Dworkin, traditional religion has reflections of "hatreds deeper than philosophy can address", *RWG*, 10. Also see *ibid.*, 110. The question as to the relevance of this statement immediately comes to mind, as *RWG* as a whole does not provide any explicit antagonism towards religion in the traditional sense. However, in what has been said thus far, it is clear from his explicit words on the disadvantages of religion that Dworkin is searching for a constitutional model which can 'deflate' as it were, the powerful status of religious rights and freedoms. This he does with

approach where the “liberal position” should become mandatory on contentious issues such as, for example, the position in support of the prohibition of unfair discrimination based on sexual orientation? More specifically, what should the case be in matters related to appointments to central (and non-central) positions in churches where there is a clash between the core tenets of the church and the sexual conduct of the appointee? Approaching such a scenario from the angle of a general right to ethical independence runs the risk (due to a diluted sense of religion as a special right) of unfairly placing the appointee in a privileged position over that of the interests of the members of a religious association as a result of a dominant liberal understanding of equality which supports the prohibition of discrimination based on conduct related to sexual orientation. A church in such a case should be able to rely on special rights such as the right to freedom of religion also in the context of associational rights. The same applies, for example, to a doctor working in a state-subsidised hospital, who objects to participating in abortions, based on the right to freedom of religion and the protection of the conscience. Having to rely on Dworkin’s right to ethical independence runs the risk of weakening such a doctor’s case for protection where the dominant ideology is in favour of the autonomy of the woman over her body. In other words, Dworkin’s view that in cases such as this the “liberal position becomes mandatory” becomes applicable. Dworkin’s partisan liberal thought in this regard is further confirmed in his example pertaining to Roman Catholic adoption services by stating that “Financing Catholic adoption agencies that do not accept same-sex couples as candidates, on the same terms as financing agencies that do, might be justified ... provided that enough of the latter are available so that neither babies nor same-sex couples seeking a baby are injured.”<sup>31</sup> Is it nuanced enough to prohibit religious institutions from discriminating on the basis of conduct related to sexual orientation when it comes to adoption services in the event where there are no other adoption agencies which accommodate same-sex couples? All these contentious matters are difficult enough for the claimants when argued for under the banner of religious rights and freedoms understood as special rights. Such risks of “liberal positions having to become mandatory” also pose threats to the flourishing of deep diversity regarding the exercise of beliefs by individuals or groups within democratic societies where religion forms as much part of the public domain as any other foundational belief.

Therefore, why can the *status quo* not remain, namely protections in accordance with special rights for both theistic and atheistic religions (and any other beliefs)? Domingo confirms that today the terms ‘religion’ and ‘belief’ have been ‘broadly construed’ in order to protect ‘theistic, non-theistic and atheistic beliefs as well as the right not to profess any

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his removal of religious rights from the status of special rights and by replacing religious rights with a general right to ethical independence. In passing it needs to be noted that Dworkin’s take on the hatred emanating from traditional religion is incomplete also bearing in mind that many ‘irreligious beliefs’ have also been the source of much hatred.

31 RWG, 136.

religion or belief'.<sup>32</sup> Constantin Ungureanu also provides an interesting insight, namely:

... courts need sometimes to make evaluations when it comes to petitions of exemptions from military service, hospital practices, and so on that are based on deep values and convictions. In assessing the legitimacy of exemptions, the active belief in God of a long-term member in Christian Action cannot have the same weight as the membership in the Church of the Flying Spaghetti Monster. True, however, there is an intrinsic difficulty in determining which value or conviction is deep, salient and worthy as a reason for granting exemptions for general rules. There is no ultimate and unique criterion for granting exemptions, just like there is no final criterion to decide what is religion ... Given changes in any society, the criteria for determining when exemptions should be granted are not cast in stone; in addition, there will always be borderline cases: think of controversies around scientology – is it religion or lucrative business wrapped up in shallow spiritualist claims? In muddling through the labyrinth of normative practices, judges will have sometimes difficulties in distinguishing relevant deep beliefs and values. *But isn't this preferable to the denial of societal complexity.*<sup>33</sup>

Religion (both theistic and atheistic) “should have pride of place in the public sphere, and like life, property and security, religion calls for a particular status in law because it is a foundational good, not merely an implication of ‘ethical independence’.”<sup>34</sup> This is even more relevant when considering the substantial threats in general that are directed at the traditional religions in liberal societies<sup>35</sup> and when looking at constitutional paradigms such as South Africa where there are no explicit prohibitions on the establishment of religion by government and where religious rights and freedoms (in the traditional sense) are taken seriously by the Constitutional Court. In the Constitutional Court judgment of *Minister of Home Affairs and*

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32 See Domingo, “Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom”, 387-388.

33 Ungureanu, “Dworkin’s Last Word: Religion without God”, 227 (author’s emphasis).

34 Domingo, “Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom”, 373.

35 There is the general view for example, that religion (understood in the traditional sense) belongs to the private sphere and that the public sphere is assumed to be “religiously neutral”. This in turn results in an irreligious ideology stemming from the public sphere which dominates over the privatised religious beliefs in society. This in turn leads to the law being applied in many instances in a dominant and subjective manner, where for example, a liberal conception of the law is popularised and enforced upon a society consisting of a diversity of interpretations of right and wrong, hereby not giving the required freedom to individuals and interest-sharing groups in society (such as religious associations) to freely exercise their own sense of what is right and wrong. Regarding the latter see for example, Iain T. Benson, “Unexamined Faiths and the Public Place of Religion: Emerging insights from the Law”, *Acta Theologica*, Supplementum 14, (2011), 1-19.

*Another v Fourie and Others*,<sup>36</sup> Justice Albie Sachs states that, “Although the rights of non-believers and minority faiths must be fully respected, the religious beliefs held by the great majority of South Africans must be taken seriously<sup>37</sup> ... religious organisations constitute important sectors of national life ...”<sup>38</sup>

Another substantial flaw in Dworkin’s aspirations towards a universal understanding of religion is that it remains conceptually and ideologically understood, and that not everyone and all beliefs will agree with his theoretical understanding of religion. For example, the Buddhist attempt at Nirvana will not satisfy Dworkin’s claim that the essence of belief is in objective value, given that Buddhists themselves claim that the most fundamental experience is one of extinction where values and differences in values (all pertaining to the illusory domain of maya) are all overcome.<sup>39</sup> In fact, Dworkin argues that the political community should never dictate ethical convictions to society, but this requirement of a right to ethical independence is in itself a dictate of an ethical conviction which is, according to Dworkin, to be enforced upon citizens and societies.<sup>40</sup> Dworkin’s divorcing of religion as an interpretive concept from God introduces an atheistic religion based exclusively on objective value, “a sort of ‘religion of value’”.<sup>41</sup> Domingo adds, “By starting from the unity of the person, it is easier to achieve the unity of value. However, Dworkin took the opposite path: he turned his theory of the unity of value into his own atheistic religion protected by his own doctrine of religious freedom”<sup>42</sup> and in the process, Dworkin ends up being quite dogmatic.

Cognisance needs to be taken of an understanding of the right of religious freedom as neither “the idea of value” nor even of “religious rights”, but of the “human person, as a unique free, moral, ethical, legal and religious being.”<sup>43</sup> The right of religious freedom (in the traditional sense) functions along the three dimensions of the human person, namely the “I” (the individual), the “we” (social) and the “transcendent” and “law, freedom and religion operates in all three dimensions of the person with

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36 *Minister of Home Affairs and Another v Fourie and Others; Lesbian and Gay Equality Project and Others v Minister of Home Affairs and Others* 2006 (3) BCLR 355 (CC).

37 *Ibid.*, 389.

38 *Ibid.*, 389.

39 See Ungureanu, “Dworkin’s Last Word: Religion without God”, 225. Also see *ibid.*, 225-226. Even the naturalists, who represent some or other foundational belief system, will have a view contrary to the Dworkinian one pertaining to the status of “unified value”.

40 Domingo, “Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom”, 386-387.

41 Domingo, “Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom”, 372.

42 Domingo, “Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom”, 392.

43 Domingo, “Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom”, 389.

different degrees of intensity and dependence".<sup>44</sup> Domingo makes it clear that Dworkin's approach to religious freedom does not deal adequately with the transcendent dimension of the human being, "religious freedom affects each of the three dimensions of the human person ... not only the individual, as Dworkin supposed."<sup>45</sup>

In conclusion it can therefore be said that Dworkin presents a weak argument for the protection of religious rights and freedoms. Dworkin's seeking of an effective model for the inclusion of all beliefs creates its own subjective ethical system regarding what religion should be viewed as and weakens the rights of traditional religions. Behind Dworkin's model is a partisan ideology, which in many instances runs the risk of relegating religion (in the traditional sense) to the private sphere. In the process, the law becomes too encompassing and powerful in its reliance on a subjective ethical model which is driven by a particular ideology and which in turn has an adverse effect on the flourishing of diversity in democratic societies. Dworkin's pragmatic attempt at ridding the public sphere from anything religious ignores or misses the fact that the public sphere can never be exempted from anything religious, especially when understanding religion in the manner that Dworkin advocates. Dworkin's theory does not provide a convincing argument as to why the *status quo* in international law and many domestic constitutionally run societies regarding religious rights and freedoms protections should be replaced with a wholly new and radical model with many weaknesses. Also, behind the intricacies of Dworkin's theory lies a partisan and subjective approach on matters related to the relationship between religion and the public sphere, the status of the unborn and the parameters of the freedoms to be exercised by religious associations. Dworkin, in attempting to solve the ever complex dichotomy between a view that supports government's protection of freedom of religion on the one hand and a view that government may not support any religion, creates new complexities. With what has been said to date on the matter, together with a critical reading of *RWG*, I am in agreement with Richard King's synopsis of *RWG* that "This short but ambitious book ... is more revealing of its author's shortcomings than anything I have read by him. Notwithstanding its posthumous publication and the fact that, had he lived a bit longer, Dworkin may have sharpened up his arguments, I emerged from it with a powerful sense that he was pulling a philosophically fast one."<sup>46</sup>

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44 Domingo, "Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom", 389-390.

45 Domingo, "Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom", 391.

46 Richard King, "Bad Faith", Sydney Review Books, <http://www.sydneyreviewofbooks.com/contributors/richard-king/>, accessed on 15 July 2014.