

On Ronald Dworkin's Religion without God

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I

The eminent legal and political philosopher, Ronald Dworkin, wrote just before his death in 2013 "On Religion without God" (*New York Review of Books*, Vol. LX, no. 6 (2013), 67-73) and more fully a book *On Religion without God* (Harvard University Press, 2013). While it is understandable and appropriate that at the end of his life and career Dworkin should write on such matters, nonetheless it is something that unfortunately disappoints. I shall try to show something of why. First, something he does not take note of, there are world religions without God. The historic religions of salvation (Judaism, Christianity and Islam) are God-rooted, but the religions of inner illumination or enlightenment (Hinduism, Buddhism, Taoism and Confucianism) are not. Either God is completely absent as in lesser vehicle Buddhism or in the others of these religions their gods (in their variety) play backstage. But Dworkin is concerned with religions of salvation. They do not have the power of the ancient gods. Dworkin is ethnocentrically concerned with the pervasive and dominant religions of the West and it is there that he must make his case for a religion without God. Even here we must be careful with 'religious' and 'religion'. There is, in spite of what MacIntyre says, no religion of atheism or agnosticism or of naturalism or materialism.

Naturalism and materialism are now something which most analytic philosophers call physicalism and which Dworkin rules out as a part of what he calls religion without God and which most of us would call a religiously toned atheism. But physicalists (naturalists) need not be religious or *scientistic*. Quine was *scientistic* but Davidson was not and Dewey was not. The Supreme Court of the United States declared, as Dworkin notes, that secular humanism is a religion. But that is a mischaracterization, though a useful one, for legal purposes. Most secular humanists have some attitudes that bear some family resemblance to religious attitudes, e.g., a commitment to a certain way of life that they regard as desirable. But that is not sufficient to characterize secular humanism as a religious attitude, let alone as a religion.

I shall argue that Dworkin has not made a sound case for his characterization of a religious attitude or for *his* characterization of Godless religion. I shall start with a brief characterization of Freud and Marx, naturalists and atheists through and through, on religion. Its relevance to what I will have to say about Dworkin in religion shall become evident.

Sigmund Freud thought the illusion of religion had a future and that it was tied to human neuroses and that it was something that could sometimes be overcome, or partly overcome, but still was a determinate part of the human condition. But that that is so certainly, he rightly thought, did not make religion or a belief in that illusion desirable, rational or reasonable—a something that ought to be. Karl Marx famously said that religion was the opiate of the people. But he also said in the very next line that it was the heart in a heartless world and that without the end of capitalism and the eventual attainment of communism religion would remain. Marx thought that the directionality that we find in

history gave us good reason to believe that capitalism will come to an end and would be replaced by socialism and eventually by communism. And that finally would result in the end of religion. We fallibilist analytical Marxians are no longer so sanguine on any of these counts. We hope that will obtain and believe that it is empirically possible and is something to be struggled for. But we can no longer confidently think or indeed believe that 'history is on our side'. It may turn out to be, as Marx confidently thought it would, but we cannot reasonably think it is inevitable or in some way necessary or even likely. It is arguably necessary for full emancipation and a flourishing of all. But that is a different matter. We Marxians should be toward the prevailing of communism like Pascal was about God.

However, we do live in a heartless, cruel, destructive world. Our contemporary world is hideous as was the world of previous centuries—even when the productive forces are being sufficiently developed to make possible a different world, a world without such heartlessness. But it has remained heartless to the hilt. Many people worldwide live without hope and others befog their minds with religious illusions or other ideological illusions. Many of those who continue to have hope for a better future do so knowing they are going against the grain and the odds. Indeed, the odds are heavily stacked against them. Many live in situations that are so desperately hopeless that they risk their lives with dangerous voyages crossing the Mediterranean in the hands of ruthless greedy smugglers, as do many people from Latin America crossing the border into the United States from Mexico in the hands of smugglers. Many lives are lost in one way or another. We have a wonderful world.

Marx had a keen understanding of religious orientations and of religion's way of answering to, though in an *ersatz* way, human interests. Neither Marx nor Freud were 'God-blind' as was Voltaire, Sinner or Quine. But that did not make them godly. And they were

certainly not *scientistic*, though they both had a great respect for science. Marx, unfortunately, was too influenced by Hegel, as was almost any intellectual in the intellectual culture in which Marx was encultured. But in much of his theoretical work, and in spite of the influence of Hegel, he put science to good use.

Marx, no more than Russell or Quine, was a religious atheist. However, Marx had a very good understanding of religion and a good appreciation of its force. But don't try to read him as being a 'religious atheist' à la Ronald Dworkin. It might be useful for those who are tempted to go Dworkin's way or for them instead to go Freud's or Marx's way about religion. But it is a conceptual mistake to regard themselves going either way as religious atheists. A 'religious atheist' is an oxymoron unless we simply mean 'religious', by sleight of hand, to mean being committed. It is a mistake to identify 'militant atheists' or what some have provocatively called 'evangelical atheists' with being religious. Bakunin, Lenin and Trotsky were militant as could be wished. They clearly cared deeply about a cause, about a determinate view of how life should be lived. But that is not sufficient to make one religious. To be committed is not necessarily or even usually to be religious, except by arbitrary persuasive stipulative definition.

One might go instead in a different direction as George Santayana did. He was an atheist, a materialist, and a naturalist about values. What he called his 'animal faith' was a belief in materialism all the way down. But he was anything but militant or evangelical, though he was a thorough going atheist and materialist. But after Santayana retired from Harvard, he lived in Spain in a monastery. He liked the music, the rites, the way Catholicism ordered life. But he did not have a religious bone in his body or anything that inclined him to religious belief or taking religious attitudes. I, too, like plain chant and Gregorian chant

but I am completely indifferent to religion in any form. I only get exercised about it when I think of the harm it often but not always does to human beings and the killings, suffering and hatred it tends to engender. And I am not happy about befogging people's minds, even when it does not lead them to arming others. This is something that exercises Dworkin as well. Still, many of the basic religious doctrines do not so harm people beyond intellectually impeding them or throwing roadblocks against reasonable belief; à la Peirce, reasonable ways of fixing belief. Pope Francis is a wonderful human being in his social and political orientations. I wish the world leaders would pay attention. Yet he clings on to absurd religious beliefs and mistakenly thinks they are skyhooks for his commendable political-social orientations. But most of these intellectual impediments are not something that makes one a militant atheist or an 'evangelical atheist' but instead it can make one a sometimes bemused one. But it can have that effect on some religious people, too.

It doesn't make one jump with joy at seeing people going around with either plainly false beliefs or nonsensical beliefs. But they need not, though they often do, lead to religious hatreds, though this is a damaging aspect of religious life. Christians hating Jews, Jews hating Moslems and Moslems hating Jews and Christians, and even in some places Buddhists hating Moslems. And Hindus and Moslems, as we can see in India, are not linked in love, to put it mildly. The religious world is certainly not one of love, caring and mutual respect. It too often tends to be a bunch of brutalisms. But this is not the way it is usually portrayed. And one does not need to be a secularist to realize and assert this.

To summarize: one of my discontents with Dworkin's account concerning what he takes as counting as the religious attitude is first that it is problematic that there is any such thing as '*the* religious attitude', any more than there is such a thing as taking '*the* moral point

of view'. There are various moral points of view and it at best is not obvious that there is some feature or set of common features, some essence, of either all and only religious or moral points of views that would justify saying that something distinctively counts as '*the* moral point of view' or '*the* religious attitude' that would justify saying that either all only those moral attitudes or those religious attitudes count as moral attitudes and religious attitudes. We can, and many of us do, say such things. But that is only to be ignorant, dogmatic and *parti pris*—or perhaps all these things bunched together. What are the attitudes shared by Calvin and Kierkegaard, by Aquinas and Barth, by a Sufi mystic and a New England Puritan, by a Quaker and a lesser vehicle Buddhist, by Buber and Plantinga, by a Wahhabist Moslem and a Christian Scientist? I would like to see such a specification of any of these matters. There is nothing that is common to and distinctive of these religious attitudes and beliefs.

To say, as Dworkin does, that all people with a religious attitude have a belief in "life's intrinsic meaning and nature's beauty" is plainly false. Not all religious people have such beliefs. It was not true of Pascal, Luther, Hamann, Kierkegaard or Barth. Moreover, there are philosophers as well as other people who believe in life's intrinsic meaning and nature's intrinsic meaning who are not at all religious. Take also into account that there are a few religious fideists who are very philosophically and rationally skeptical who can make little sense about what, if anything, is intrinsically and objectively valuable. People who can be very sophisticated. Hamann, Kierkegaard or Dostoevsky, for example, come to mind. Wittgenstein, a deep friend of religion, is another.

Dworkin has not at all accounted for, if anything, the distinctive accounts for what is to count as a religious attitude. He throws together indiscriminately what counts both as

religious and non-religious attitudes and convictions. Not all people with deeply held ingrained convictions have religious convictions and, for that matter, some have anti-religious in addition to non-religious convictions and attitudes. Not all who have what they take to be ultimate commitments are religious. Some who have deep and fundamental commitments could not say or understand what it would be like for their commitments to be ultimate, *pace* Paul Tillich. Moreover, a firmly religious person may have no beliefs that he takes as core religious beliefs. It is not even clear what it would be like to determine what, if anything, these core beliefs or ultimate commitments are. Both William James and Ludwig Wittgenstein would be ill at ease with such talk.

Naturalists or materialists need not be *scientistic* as Dworkin takes them to be. But they need not be nihilists either or subjectivists, emotivists, error theorists, relativists (cultural or otherwise) either, though *some* are one or another of these various things. But there are naturalists (John Dewey, Ralph Barton Perry and Peter Railton, for example) who are none of these things. They take valuations to have independent existence in the sense that they are not just what are *desired* but are *desirable*, not only approved of but approvable, not only commitments but *worthy* of commitment. This they take, as does Dworkin, to be objective realities. But none of them are religious or attuned to religion.

There are those who make naturalistic commitments only when they regard them as reasonable, rational and as somehow accurately based commitments and then there are those who don't. There are some who take their commitments to be only justified when they have reasonable and rationale and accurate accounts of situations concerning which commitments are to be made. Some regard that as far too rationalistic. But some will continue to claim that rationalistic or not this is what is to be done. We only have something

that is desirable and not just desired when this is the case. Here are all kinds of beliefs and attitudes alive in our cultures here and no consensus about them.

This gives hostages to fortune. The conceptions 'rational' and 'reasonable' are brought into play but they are at least to some degree contestable and problematic. And sometimes not determinable or in need of determination. There will be disputes over both and most particularly over 'reasonable'. Not everything that is reasonable in Senegal is reasonable in Sweden and vice versa. We cannot stand easy with just baldly invoking such conceptions in such contexts. Skepticism is quite understandable here. And it need not be philosophical nit-picking or irrational.

Dewey, Perry and Railton also do not find shelter—indeed an *ersatz* shelter by invoking anything mysterious, *sui generis*, numinous or something transcendent, transcendental or even quasi-transcendental, whatever, if anything, that is. And even if G. E. Moore is right about 'intrinsically good' being indefinable in his specialized philosophical conception of 'definable', *the* good, unlike intrinsically good, (as he admits), is not indefinable. Moreover, there is nothing concerning intrinsic goodness that we must just note or see—in some non-literal sense of 'see'—to be true or false. Or take, in effect, on faith, even animal faith. We cannot take on faith something that we do not understand even on a charitable taking of 'understand'.

There is no such thing as 'faith-knowledge'. Religious atheism, if such a thing is even intelligible, is a Holmes-less Watson. Dworkin gets obscurantist, or at least obscure, about moral truth and about objectivity. Cruelty is wrong and we know that beyond doubt that it is wrong, Sade to the contrary notwithstanding. We do not need to make an inquiry to find

that out. But it is Dworkin's going about how we know that it is wrong, and mucks up his conception of religion, that mystifies and needlessly so. He remarks:

Our felt conviction that cruelty is wrong is a conviction that cruelty is really wrong; we cannot have that conviction without thinking that it is objectively true. Acknowledging the role of felt, irresistible conviction in our experience of value just recognizes the fact that we have such convictions, that they can survive responsible reflection, and that we then have no reason at all, sort of further evidence or argument, to doubt their truth (Dworkin 2013, 72).

What would it be like to have further evidence or argument to establish cruelty is really wrong? Or for that matter not really wrong? To just settle down with Sade? Here we have something, we know not what. Dworkin should have ended his last sentence with 'at all'. Then he would have been at home and good.

II

Dworkin rightly sees that our convictions about moral values and religious values are not something that stand independently of our system of moral beliefs and religious beliefs, any more than our scientific convictions or mathematical convictions stand free of the structures of scientific belief or structures of mathematics that have some external justification. They all are, as Wittgenstein well argues, a cluster of practices that, taken together, constitute forms of life that in our societies just determine what we do and even what we can conceive of doing. That is what intelligibility and justification come to. We have no further justification. We don't understand, in spite of what some philosophers have said, what it would be like to doubt the reality of the external world or the law of non-contradiction, though it is *somewhat* scary to remember that not so long ago it was thought to be so about the law of the undistributed middle as well. Some things in any culture at any

time are just not up for doubt. Proof, relying on evidence or argument at any time, comes to an end. Dworkin remarks, "What if—an unimaginable horror—the human race ceased to agree about valid mathematical or logical arguments? It would then fall into terminal decline, but still no one would have any good reason along the way, as Dworkin says, to doubt that five and seven make twelve" (Dworkin 2010, 72). Any philosophical theory, any metaphysical theory and any theory at all, which denied this would be more unreliable than that belief being denied itself.

So far, so good. But Dworkin thinks values are different. There such consensus, if it obtains, is irrelevant to the assurance of the trust of an evaluative belief. But consider the deeply set moral belief that it is evil to torture any human being or any other sentient creature just for the fun of it. Kill them if necessary to protect ourselves and some other animals; our pets, for example. But do it as quickly, painlessly and safely for us as possible. No moral theory could put that in doubt. Anyone who denied or just put it into question would be rejected out of hand by anyone with even a minimal reasonability. Suppose we are asked why we know that that conviction is true? We might very well be at a loss as he would be as we would be able to answer the alleged question. As how do we know that five and seven make twelve? Or how do we know the rules of mathematics are true? How do we know that either is objectively true? The reality of the matter is that here we stand and we will do no other and do not understand how we can do mathematics without that belief or be moral without the other belief. But are these objective beliefs or subjective beliefs or merely illusory propositions or merely conventional beliefs? Something accepted by our tribe and some others? We very well may not know how to answer these questions. However, we do not, and rightly, need to. That stands even if no one does. We know that is

where we stand in these places. That is what we do, this is where our spade is turned and that any theory or account which tried to put this into question would be much more questionable, much more problematic, than those specific beliefs themselves.

Dworkin maintains that for people to “have a sense of value, mystery, and purpose in life” is for them to be religious, to have a religious point of view (Dworkin 2013, 72). Many, perhaps all, atheists so view things at least according to Dworkin. He believes that makes them religious. That in effect is a stipulative re-definition that arbitrarily, if accepted, gently and kindly would lead all non-religious believers into religious belief by linguistic legerdemain. But in actuality and reasonably it neither leads us to be religious nor yields philosophical clarity. It rather muck up things. It only provides arbitrarily a low redefinition of religion. Philosophy, as practiced by Dworkin, confuses things here. It does not clarify things. It does not provide us with either a metaphysical understanding or a more adequate guide to life or anything of a theoretical or a practical significance. We have not learned at all what it is to be religious or what it is to take a religious point of view, if indeed there is one, let alone *the*, religious point of view or *if*, let alone *why*, doing so would be of human or social or political value. I am inclined to believe that it sometimes is and sometimes isn't. But Dworkin does nothing to show that it is of such value or that even if it sometimes is, that it is of religious value.

For Dworkin anyone who is religious accepts “that it matters objectively how human life goes and that everyone has an innate, inalienable ethical responsibility to try to live as well as possible in his circumstances.” They must accept that nature is not just a matter of particles thrown into history but something of intrinsic wonder and beauty. To so respond, he has it, is to take a religious point of view. But Henry Sidgwick, G. E. Moore, Bertrand

Russell, and George Santayana all believed that and they were plainly not religious. Indeed, just the opposite. Moreover, I am not even confident that all religious people believe that. Dostoevsky or Kierkegaard, for example. Dworkin is irresponsibly playing around with words here. It may be true that any “inducement about meaning in human life or wonder in nature relies on ultimately not only a descriptive truth, no matter how exalted or mysterious, but finally on more fundamental value judgments” (Dworkin 2013, 72). But this does not mean that these value judgments are religious or the foundation for religion or that anyone who makes them or accepts them as religious. Dworkin is just being arbitrarily prescriptive here.

Even if it is the case that a distinctive religious attitude can exist only within an overall scheme of values, some of which, such as ‘Suffering is bad’ and ‘We have a moral responsibility to relive suffering when we can’, are not determined by any empirical facts about the world and stand independently of such matters. Namely, if Hume’s principle that we cannot deduce such fundamental principles from empirical facts alone obtain. It does not show that someone who accepts such principles and acts in accordance with them takes a religious point of view. Something that Hume clearly understood. To say, *pace* Hume, that it does is arbitrarily stipulative.

Bertrand Russell, G. E. Moore, A. J. Ayer, Hans Reichenbach and Otto Neurath were all thorough atheists alright but they were plainly not religious. But Dworkin could comfortably so label them in accordance with his view. But that is false labeling. They *may* well have had attitudes that Dworkin describes as being religious, but that does not make them in the slightest religious, even in the sense that we could well describe Spinoza, Einstein or Wittgenstein as having *some* religious attitudes.

Indeed, some atheists such as Spinoza, Einstein and, somewhat differently, Santayana, had some attitudes that could be non-arbitrarily described as both atheist and religious, namely in their distinctively strong commitments about how to live and how society should be ordered. (They have sometimes been described as philosophical as well.) But Marx, Lenin, Gramsci, Magri and Veblen had their strong beliefs too about how society is to be ordered but that did not give them even a whiff of religiosity or spirituality. This was true as well of Oscar Lange, Olaf Palme, Bruno Kreisky and Eric Hobsbawm as well. They were clearly thoroughly secular and non-religious. All deep or even 'ultimate commitments', *pace* Paul Tillich, are not religious. To say they are as he did is just arbitrarily to play with words.

Moreover, religion, as we have noted, is not restricted to theism or to belief in God or the gods. Theravada Buddhists are not religious atheists or atheists, period. But their religion is godless. It is not a religion of salvation. But it is also not like Dworkin's rationalistic alleged religiosity. Religion is not restricted to theism or pantheism or even polytheistically to the gods. Ancient Greek belief systems or some other ancient belief systems are religious but do not involve a belief in God. Some have their little human-like gods but no God. Keep in mind that a belief system which is not religious is not a contradiction or an incoherence.

Moreover, there can be and indeed are deeply committed, even passionately committed, persons with very many of Dworkin's beliefs that he takes to be religious who are happily through and through secular and non-religious. But Dworkin arbitrarily baptizes them. Freud was not such a person, but he was not a wild man like Lacan. He was equally *if* not anti-religious thoroughly a-religious. I do not know if Dworkin is anti-religious concerning religions of salvation but he writes as if he had no understanding at all of what

Ninian Smart, an empirical and historical scholar of religions, pointed out about the worldwide diversity of religions in conceiving what could count as a religion and what could not. Dworkin was tone deaf and uninformed about that. What he took a certain way to be morally committed as being unexceptional but what he took to be constitutive of being religiously committed was not. Indeed, he took what it is to be thoroughly morally committed to also being religious. We can't. That is, he thought if we are morally principled we are therefore religious. But there are, as I have indicated, thoroughly morally principled people who are utterly non-religious. Sometimes, but not always, even anti-religious. There are plenty of people who are non-religious but not anti-religious. And can we perhaps make out a case, though problematically, that being *passionately* anti-religious is itself to be in effect religious? Or at least to having an ideology that is *sometimes* like that of being passionately religious? Sometimes yes, but certainly not always. And to be anti-religious is not to be passionately anti-religious and often it is not.

Dworkin is right in saying that there are some atheistically religious people. He takes, and rightly, Spinoza and Einstein as paradigmatic examples. But there is no atheistic religious religion or a Jewish, Christian or Islamic sect that is atheistic with its religious doctrines, rites and practices. And his 'religion without God' is distant from the great historical religions of enlightenment or inner illumination.

We should not forget that skepticism concerning religions and of something that sometimes counts there as philosophy is less widespread in less developed countries with lower general educational standards and an availability of education, than it is in countries and regions that are more developed and wealthier and better educated. In these less developed countries religion and even philosophy become far more influential and less

optional. But in the more developed countries religion tends extensively to slowly wither away. It is far more prevalent in Afghanistan or the Central African Republic than it is in the United Kingdom or Japan. But even in some developed regions religion prevails. Mississippi or Texas are not Germany or Denmark or even Italy or Quebec or New York City or Boston. Where more available higher and better education and more wealth obtains religion as well as philosophy generally becomes more and more optional and more and more marginal. In the United States whose population is much more religious than populations in Europe or in Quebec, a recent survey among professors in the United States showed that 93% of them reported that they were not religious while in the general population only 14% reported they were not religious. Doesn't this give some indication that education counts vis-à-vis religiosity? The more educated people are in a developed country, the less religious they are. Mexico is not Sweden, the United States is not Cuba.

Dworkin has not established the need or even the value of religion, let alone that atheists and other non-believers in God (including Dworkin himself) need religion of some kind. We perhaps have fewer table thumping atheists than in times not far away. Or atheists that have been called, *sometimes* justifiably, *evangelical* atheists. Still many people—too many people—are caught and ideologically so in a battle against religion and/or in battles between religions. Many atheists now just lack, sometimes utterly, an interest in religion except to firmly oppose where some sects are murderous. ISIS is a striking current example. But it is not because it is a religion or religious but it is because many of its members are murderous. It is by contrast thought by educated people, as well as by some others, and not without reason that Christian Scientists, Seventh Day Adventists and the Amish are among the most obvious that have absurd religious beliefs. But such secularists don't get exercised

about them. Richard Rorty and Raymond Geuss are more calmly and less aggressively non-religious than those who have been called “The New Atheists”. Rorty, for example, is utterly non-attuned to religion. Both Rorty and Geuss take religion with a nod and a wink as something that is now becoming more and more *passé* in the developed world. Television or the internet are becoming more attractive than churches or synagogues or mosques. Religion has become for many a bore that will hopefully and expectedly fade away like beliefs in witches and ghosts in the developed world. Not something to get exercised about as do the New Atheists in their desire to be rid of it.

Among an increasing number of people the advocating of either religion or anti-religion produces a yawn rather than an agitated response or any normative response one way or another. There is often, particularly among younger reasonably well-educated people and particularly among many reasonably comfortably well off people, little interest in a no holds barred, all-out attack on religion such as Dawkins, Hitchens and other New Atheists engage in. With the New Atheists there is a passionate attack on religious faith. But rather more generally in a modernized *laïcité* society all such things are met with growing indifference as long as they do not upset the established routine, a routine which less and less frequently includes going to synagogue or church or mosque except perhaps to get baptized, married or buried, those being for many the most convenient places for such occasions. Something that just happens sometimes to be useful but is no more than that. It was not a core matter as it was a hundred years ago. Moreover, there are fewer and fewer marriages and funerals, though that is not because there are fewer unions and fewer deaths.

Religious controversy, or more often just news of it, more and more invokes boredom rather than passion, anger, fear or challenge. Evangelical religion or evangelical atheism

energizes fewer and fewer people, particularly those who are reasonably educated and reasonably comfortably well off, though, of course, there are exceptions. However, getting exercised about Moslems, something that is widespread now in the cultural and geopolitical West, is due to fear, generally unjustified, that they are terrorists out to get us good Westerners, us nice Christians, nice Jews and nice *laicité* appreciators who never darken the door of a church or synagogue. This attitude results from bad reasoning philosophically, sociologically and politically.

Religious belief in Western cultures is in its twilight. Scandinavia led the way. But by now it is widespread and growing. The thoroughly secular attitudes are now less Joyce-like or even Virginia Woolf-like. But they are also as deeply secular and non-religious. Something that upsets Alasdair MacIntyre about modern western cultural secularism which is deeply embedded. But that attitude toward religion has become more lax and relaxed. More a matter, of course, with the belief let each person do their own thing as long as they do not harm others or seriously inconvenience others or bother the established social order.

However, this relaxed attitude is common. But there are also some checks. Though fear of creeping communism is long since gone, now it is replaced by another fear: a fear of raging Islamic terrorism. Let those Moslems go here they belong, is not an uncommon attitude. If there was no political Islam and Moslems just stuck to their religion with its funny way of praying, then okay. Fundamentalist Jews and Christians have their strange and at least seemingly foolish ways of going about things as well. It is something that as common that as common secular attitudes go we can live with if they do not disturb others by not yapping too loudly, as the Shakers once did. People, Moslems included, can be religious if they want and in the way that they want as long as they don't disturb things. There can, as

well, be those curious 'New Atheists' such as Richard Dawkins and Christopher Hitchens as long as they also do not stir the pot. Non-religion is becoming more and more 'the middle class' way of life. Just something the Joyce-like get stirred up about.

A common idea across the board in the developed countries of the West is 'You pay your money and you take your choice.' Let pot stores flourish as long as things do not get stirred up. Don't get excited about those who buy differently or elsewhere as long as it doesn't hurt you. It is all a matter of consumer's choice in our glorious consumer culture. Some like vanilla and some like chocolate. You pay your money and you takes your choice.

That there are no religious entities or plausible religious beliefs here or elsewhere is an attitude that has become adopted, correctly or incorrectly, by not a few people in the developed world. It goes as just obvious if they have been lucky enough to be reasonably educated. Or people, reasonably educated or not, who have a robust sense of common sense, rest easy about these matters. But what was reasonable to believe in the Middle Ages is one thing; what is reasonable to believe now is another. What is reasonable to believe in Haiti is one thing; what is reasonable to believe in Iceland is another. However, we must not forget that there are reasonable religious people, including intellectuals of various sorts, though fewer in number, in the cultures of the developed world, even among its cultural elite. But the religious such members are not intellectual couch potatoes. Remember Terry Eagleton now and Cardinal Newman or Simone Weil or Graham Greene of a short time past.

III

Dworkin has not established the value of religion; the value of religion's claimed goal and vocation or the value of being religious including of his so-called religion without God.

He has not established or given us adequately good reasons that religion of some sort, even of what he calls a religion without God, is necessary for concluding rightly that life is not senseless. He has not given us a good reason for believing that we would be better off with religion than without it. He has not established that religious belief is something we human beings should cherish. He has not shown that without it life will be just one damn thing after another until we die or that we will be alienated. He has not shown that without religion, even a 'religion' without God, that we cannot reasonably believe that life has worth. Or that for life to have worth for us it is necessary to be religious. Indeed, if we take an honest look at the world it will be apparent that, religion or not, life is often brutal and that religion is not innocent in engendering that. Life is often brutish, indeed heavily brutish, in places thick with religion. This obtains for large swaths of the world. Where many people are treated brutally as if their lives do not matter. As if, when they are *not* needed to slave away all their lives in brutish conditions, they are worthless. That the value of their lives is often taken to be purely instrumental. Of course, that is not usually said. But, not infrequently, it is our reality.

Religion has certainly not brought on a regime or ethos of kindness or human concern. People of different religious beliefs are often good at killing or persecuting each other. And, indeed, we are addicted to it. It is, of course, not just religions—the religious communities most particularly where there are clashing religions—that are brutal. Anti-religious Stalinist Russia was horrible at that as were the Nazis. Hitler was not religious and was only a *lumpen* intellectual and a strange kind of one at that, but he was also a strange kind of lumpen atheist. He brought into being and sustained a regime of incredible brutality. He certainly was no angel of mercy. China, which is not exactly big on religion, is not exactly

a social order of kindness or respect for human beings or their human rights. There are executions galore there. Some are just on time to get the required body parts for transplants—a well-functioning instrumentality way of proceeding. Much of China's brutality is indeed efficient. More so than that of the Nazis, though perhaps less so than that of ISIS. But that does not make it any more tolerable. There is also a lot of imprisonment in China. But they do not outdo the United States in brutal and extensive imprisonment. The United States may be losing out to China economically and slowly being replaced by it as the world's hegemonic imperial power. But not yet in imprisonments. The United States—the God-fearing United States—still leads the world in imprisoning people.

However, that some anti-religious places here have been murderously brutal should not allow us to disguise from ourselves, let alone justify the fact, that brutality is common in many—perhaps most—distinctively religious cultures and societies as well. And often some thoroughly secular ones—like Scandinavian ones and the Netherlands—are models of decent treatment of people.¹ Compare Norway's prison system with that of the United States, Saudi Arabia or Egypt. But Norway also has its fascists and fanatically anti-Moslems as well. They are a minority all over Scandinavia but they are there as they are all over the rest of Europe as well. Sometimes even becoming less a minority. Think of Hungary and the Front National in France.

However, look at societies that are anything but secular in their orientation. Indonesia, Myanmar, the Central African Republic, Egypt, Libya and Nigeria. They certainly are not models of how life should go. Moreover, in the United States and in Israel racism is rampant and, though in different ways, destructive. And in Canada, prisons aside, First Nations' people, particularly First Nations' women, are treated disgracefully. And in

Australia not only their native population but their Lebanese immigrants, largely Moslem (the so-called 'hogs'), are treated badly.

The United States is not only religiously backward, particularly in the South, but has the highest prison population per capita in the world. The prison population is largely African-American, though increasingly now it has undocumented Latino and Asian potential immigrants. The prison management in the United States is also addicted to giving out an abundant use of solitary confinement and indeed sometimes very long terms in such confinement. There were also and still are brutalities beyond measure used by guards in the Attica Prison in upstate New York as well as in some prisons in the New York City area.

There is little reciprocal-ness in most societies, even in ones where brutality is not routine and is even rare, to say nothing of sisterly and brotherly love. Police brutality is common. The population in the United States is largely indifferent to or ignorant of the growing imprisonment, often with a capitalistic adept business friendly use of cheap prison labor. What is good for business is, of course, good for America. And in the United States racism is as common as apple pie. The population has to be told that Black lives matter, just as in Israel people have to be told that Moslem lives matter.

There are religiously tolerated and sometimes even religiously inspired groups of activities where religion is not the religion and respect for human beings that it is generally billed to be. That it is is disguised myth. There are plenty of decent religious people along with many who are well intentioned but have incredibly naïve beliefs both religious and political. They are easily ideologically indoctrinated often in unfortunate ways. Pope Francis is a breath of fresh air in the Roman Catholic Church yet it need not be cynical to believe that relief will not come from Pope Francis's genuinely inspired compassion for and identification

with the poor and downtrodden. Pope Francis has admirably done some good things. But the Catholic Church will become a center for human wellbeing. Pope Francis is, or course, good press for the Roman Catholic Church in a time when it very much needs it. But the recognition of this should not be to fail to note and to appreciate Pope Francis's good intentions and many good actions. But his institution remains retrograde, sunk in the past and reactionary.

In the last sections of this article I have moved away—*perhaps* drifted away—from my critique of Dworkin's defense of religion without God. However, Dworkin is trying to show that religion is a desirable thing. These last remarks of mine are an attempt by adding fuel to the fire to further put that in question by showing that religion, with or without God, is not desirable. *Religions* of enlightenment as well as religions of salvation have been cruel or brutal or both. Consider Myanmar and its religious orientations, for example. Or some regions of India. We should not forget the present Prime Minister's past behavior toward Moslems. But before that excursion, I have argued that Dworkin's conceptualizations concerning religion are (1) incoherent, (2) coherent or not, not religious, and (3) even if by *persuasive* redefinition we turn them into being religious we should not be religious even in that sense. It is more reasonable and more normatively desirable to be godless atheists *tout court*. My above remarks, along with some of my earlier ones, are directed toward vindicating that.

I would like in concluding to make a remark that I earlier just nodded at. I think it was entirely appropriate that at the end of his life Dworkin should have made his *apologia pro vita sua*. When I read his title I looked forward to what such an exemplary person not only just an able philosopher and legal theorist but an exemplary *public intellectual* had to

say concerning religion. On other matters I have learned a lot from him, but in this last turning of his I think he was firmly off the track and I thought, and continue to think, given his deserved eminence, it was publicly desirable for me to say what I have said about his defense of a kind of religiosity. But this should not distract us from a recognition of the importance of what he has written elsewhere where his expertise is evident. We can all go off track with our own *apologia pro vita suas*. Have I done so in nodding here at some of mine? I hope I am not being dogmatic but I do not expect I will change my mind.

Note

¹ Sweden, for example, is a remarkable paradigm. You are struck by this even when you are casually there. This was remarkable so particularly during the time of Olaf Palme. It still has echoes of that, though increasingly the disease of neoliberalism has affected Swedish society throughout or extensively as it has in most developed countries. Still Sweden, compared with Canada or the United States or Germany or the United Kingdom, is a wonder. Its policies, for example, in taking in refugees and immigration more generally are remarkable. It puts Canada to shame, which is not very hard to do. Still, not all is as it should be in Sweden, particularly when we look at the lives of undocumented workers there and who does the dirty work. But that is not evident to a casual visitor's eye. For a striking example, see the work of Swedish-based social anthropologist, Anna Gavanas, particularly *Who Cleans the Welfare State? Migration, Informalization, Social Exclusion and Domestic Service in Stockholm*. She includes an extensive bibliography there.

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