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REVIEW ARTICLE

Life, the Universe and Everything

Religion without God, by Ronald Dworkin, Cambridge, Harvard University Press, 2013, ix + 180 pp., \$17.95 (hardback), ISBN 978-0-674-72682-6

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In his final book, based on his 2011 Einstein lectures and published posthumously, Ronald Dworkin, proud secularist liberal and scourge of the American Christian right, reveals himself as deeply religious. This is not, however, a deathbed conversion, the consequence of reflection on existential mysteries previously overlooked by the arrogance of youth. *Religion without God* is an extended treatment of themes touched upon in *Life's Dominion* (1993), *Freedom's Law* (1996) and *Justice for Hedgehogs* (2011), in which the atheist Dworkin claims as much entitlement to the epithet 'religious' as any practising Jew, Christian or Muslim. '[R]eligion', he asserts boldly, 'is deeper than God' (1). Dworkin's work thus sits alongside recent works by Habermas (2010) and Nagel (2010) in a series of books by 'godless' philosophers exploring the place of religion in a secular age.

The key to what Dworkin calls 'the religious attitude' is the acceptance of 'two central judgments about value' (10), neither of which require a belief in God. The first is the objective importance of human life: the idea that the way people live *matters* in a fundamental way that cannot be reduced to people's desires or opinions, or any scientific facts about evolution or human nature. The second is the belief that the universe itself is 'sublime: something of intrinsic value and wonder' (10). In fleshing out these claims, Dworkin covers a tremendous amount of terrain for such a short book. His discussion touches on epistemology, metaethics, theology, the philosophy of science, aesthetics, practical political philosophy and constitutional theory, and all in his characteristically engaging style. Inevitably, in places his analysis is terse (he is to be forgiven here, since his work was cut short by the illness that would lead to his death), and readers with a special interest in any of the topics covered may feel frustrated that Dworkin has not provided more detail. Yet Dworkin's principal aim with the book is not to win particular philosophical battles, but to present a world-view, a way of thinking about life, the universe, and, well, everything. In that regard he succeeds in style, and he gives us plenty to think about along the way.

The Book in Outline

In chapter one Dworkin links 'religious atheism' to his metaethical position, which he calls 'ungrounded realism'. Dworkin rejects all forms of 'naturalism': theories that claim nothing is real other than that which can be studied by the natural sciences. But he also rejects the strong realist view ('grounded realism', as he calls it) that we can have perceptual contact with moral truth. The only reason we have for believing in moral objectivity is, for Dworkin, that 'we reflect responsibly on our moral convictions and find them persuasive' (15). Thus, confidence in a particular moral judgment relies on its coherence with everything else we believe. If that sounds circular, it's because it is. But 'there is no finally noncircular way to certify our capacity to find truth of any kind in any intellectual domain' (16). The assumptions about causation upon which scientific experiments rely cannot be verified independently of such experiments, and we cannot demonstrate the axioms of mathematics by any non-mathematical method (16-17). We have no way of setting aside all of our convictions to hold a particular proposition to the light. To invoke the imagery of Neurath, made famous by Dworkin's old teacher Quine, we are like sailors forced to rebuild our boat at sea.

We are thus left with no foundation other than 'felt, inescapable conviction', or, to put it another way, 'faith' (19). Nevertheless, the analogy between belief in objective value and faith in God might seem inadequate to make the former qualify as 'religious'. After all, isn't there a relevant distinction to be made between those who believe God is the *source* of objective value, and those who do not? Not so, says Dworkin. He makes his case by delineating two aspects of theistic religions: the 'science part' and the 'value part' (23-4). The science part offers answers to *factual* questions, including the existence of God. The value part offers convictions about how people *should* live. Now the distinction between the science part and the value part is a distinction between 'is' and 'ought' and so, argues Dworkin, Hume's law applies. We cannot derive normative-evaluative conclusions from purely descriptive propositions about the existence of God:

'A God's existence or character can figure in the defense of such values only as a fact that makes some different, independent background value judgment pertinent; it can figure only, that is, as a minor premise... one cannot support a value judgment... just by establishing some scientific fact about how the world is or was or will be.' (26-7)

The second chapter deals directly with the second aspect of Dworkin's religious attitude: the belief that the universe is objectively beautiful. Dworkin cites Einstein, who felt equipped to describe himself as 'religious', despite his atheism, and Spinoza, a so-called 'pantheist' who equated God with nature. The claim that nature is beautiful is not that nature produces beautiful things, but rather that it is 'a *source* of beauty' (48, emphasis added). In characteristic fashion, Dworkin makes this point with an appeal to our pre-existing convictions. We would not find the Grand Canyon wondrous if we discovered that it was man-made, so the Grand Canyon can't just happen to be a beautiful thing made by nature; it is beautiful *because* it is natural. Of course, this appeal to intuition does not *prove* anything, but it must be enough to give even the most ardent naturalist pause for thought.

Insofar as anyone might not be convinced, Dworkin seems content simply to leave them behind. If you don't experience a sense of wonder at the sublime, then you just don't share Dworkin's viewpoint. Dworkin's position here is essentially the same as it is with ethics: if you're looking for proof then you're asking the wrong question. His claim that the universe is *objectively* beautiful might be more controversial than a claim about objective morality, since there are many people who accept moral truth while believing beauty to be simply a matter of taste. But think back to the example. If someone said, upon discovering that the Grand Canyon was man-made, that his wonder remained undiminished, wouldn't we say, not only that his taste was different to ours, but that he had somehow missed the point?

Dworkin claims that the idea of cosmic beauty should serve as a presumption in physicists' research, so that the scientific search for elegant unifying theories cannot be explained merely as a search for truth, but also as a search for beauty (64). He then asks: what *kind* of beauty could this be? His answer is that the universe is beautiful because it is *inevitable*. The beauty of the universe lies in the interconnectedness of everything 'in the vastness of space and in the minutiae of existence... so that nothing could be different without there being nothing' (98). Just as there is a sense in which each brushstroke, chord or sentence seems essential to a great work of art, so each of the laws of physics seem, at least to religious atheists, an indispensable part of physical reality as a whole.

In chapter three, Dworkin is in more familiar political/legal philosopher mode, addressing the question of whether the guarantees of freedom of religion that exist in many constitutions should be limited to theistic opinions, or whether religious atheists should enjoy equal protection. He accepts that, for most people, 'religion' is restricted to theism (107-8), but those who are familiar with Dworkin's legal writings will know that he does not take legal interpretation to be a matter of bringing out commonly shared understandings. It is a normative question: 'How must we understand the

concept of religion if we are to justify the assumption that freedom of religion is an important basic right?’ (109)

Dworkin grounds the right to religious freedom in a familiar liberal foundation: a government that prohibits people from respecting religious duties insults their dignity and self-respect (113). Yet atheists often have convictions of duty which are, for them, equally imperative (114). He therefore concludes that there is no reason why it should be wrong to take sides between orthodox theistic religions, but not between other types of views of what counts as living well (115).

Rather than ground a right to religious freedom in a particular definition of religion, then, Dworkin suggests that the right is an instantiation of the more general right to ‘ethical independence’ (132). Although this view supports most widely held liberal positions (it condemns official displays of religious insignia on public buildings, but protects the right of private citizens to wear religious dress; it condemns compulsory prayer in schools, but permits adopting “a moment of silence” for quiet reflection; it forbids the teaching of creationism or intelligent design as an alternative to Darwinism), it has some consequences that we might find surprising. For example, Dworkin believes the US Supreme Court was right to decide in *Oregon v Smith* (494 US 872 (1990)) that Native American peyote smokers were not entitled to an exemption from drug laws on the ground that peyote plays a role in their religious rituals. To find otherwise, he says, would be to discriminate against ‘sceptical hippies’ who ‘just want to get high’ (135).

In the final chapter Dworkin addresses perhaps the most difficult subject of all: death. Religious atheism turns out to have a sort of godless afterlife; though nothing like the heaven of traditional religions. Athiestic immortality does not involve living forever, not ‘on Olympus or even in an apartment’ (156). But the value of a life well lived cannot be destroyed. If we live well, we achieve a form of immortality. ‘That is a religious conviction if anything is.’ (159)

I cannot possibly hope to comment on all of the arguments Dworkin raises in the book – it may be short in pages but it is certainly not short on ideas – and while the book’s main claim, that an atheistic viewpoint might nevertheless warrant the title ‘religious’, certainly deserves a prolonged discussion, as I find myself entirely persuaded by Dworkin on this front I am probably not the right person to attempt this. Instead I shall restrict myself mainly to elucidating what I see as central aspects of Dworkin’s thought, making connections that are not explicit in the text, and suggesting directions in which Dworkin’s ideas might be yet further developed. That is not to say that I have nothing critical to say about the book, and I shall conclude with some comments that pick a quarrel with Dworkin’s treatment of ‘freedom of religion’ as a political and constitutional right.

Coherence and Responsibility

Coherence clearly plays a huge role in Dworkin’s philosophy. Among lawyers, Dworkin is best known for his theory of law as integrity, according to which we answer a legal problem by constructing an account of the various principles in play so that the entire legal system can be seen as a coherent whole. He is also, of course, a strong advocate of the ‘hedgehog’ thesis that we should think of our entire catalogue of values not as a miscellaneous and potentially contradictory list, but as a complex unity. Now we see that, for Dworkin, the very beauty of the universe lies in its integrity. Clearly, in none of these fields is coherence self-evident, or rationally demonstrable. Rather, across each domain we are enjoined to *strive* for coherence. Which gives rise to the challenge expressed by ‘critical’ lawyers, value pluralists and sceptical physicists: why should we suppose that coherence is achievable? Shouldn’t we just learn to ‘accept Nature as She is – absurd’? (Feynman 2006)

One possibility is that we should strive for coherence *because* coherence is beautiful. On this view, physicists searching for a unified theory are embarking on a religious quest: it is their faith in cosmic beauty that drives them to seek coherence. This seems close to what Dworkin suggests when he talks about beauty guiding scientific research. But it does a poor job of explaining why we should

seek coherence in morality or law. For although it might seem plausible that we ought to select the most elegant of competing scientific theories on aesthetic grounds, few would argue that it would be proper to resolve a moral dilemma, or make a court ruling, based on what one believed was most beautiful.¹

Why is wrong to resolve moral or legal questions on aesthetic grounds? A tempting answer is that it will simply lead us to make the wrong decisions. But this simply begs the question by presupposing that the right answer exists independently of aesthetic considerations. If the proper way to resolve dilemmas is to resort to aesthetic elegance, then the beautiful answer *is* the right answer.

Instead, I believe (and I think Dworkin also believed) that beauty cannot be the controlling value in the normative realm since this would amount to an evasion of responsibility. Deciding normative questions on aesthetic grounds shifts the issue onto a different ground entirely. In doing so we decline to deal with the dilemma that we are presented with; like an undergraduate struggling with an exam, instead of trying to tackle the question in front of us we give an answer to an easier one.

This points us towards what I believe Dworkin's real answer is. It is *responsibility itself* that requires that we suppose that coherence is achievable in our scientific, moral and legal practices. The centrality of the idea of responsibility to Dworkin's thought cannot be overstated. It is apparent from the structure of *Justice for Hedgehogs*: before the sections on ethics, morality and politics, Dworkin talks about moral responsibility and its connection with epistemology (2011, chap. 6). Dworkin argues that responsibility is important because it is what our self-respect requires. One cannot enjoy self-respect unless one believes that what one does with one's life *matters*, i.e. without accepting responsibility for one's actions, beliefs, etc.. (True to form, Dworkin presents us with an example that reaches to our existing convictions: 'Macbeth found internal scepticism – indifference to the rest of his life – once he realized he was in the hands of supernatural tricksters. You are not, I expect, of his mind.' (2011, 209)) Responsibility requires that agents act with integrity, and that they treat important decisions with the gravity that they deserve. But in difficult cases we find that our convictions are disordered and our values vague and unhelpful. We might sense that diverse values pull us in different directions, so that there is no right answer to how we should act. For value pluralists, there is, sometimes at least, nothing more to say than this. For Dworkin, however, this sense is the starting-point, not the conclusion. Responsibility requires that we try our best to ascertain what is required of us. The only way we can do this is by striving for coherence among our various moral convictions.

Nevertheless, it might be argued, the fact that we have reason to *strive* for coherence does not mean that coherence is *attainable*. Isn't it irresponsible to presuppose that there is an ideal coherence of values, when it might turn out that there isn't? Here we need to be on guard for the return of grounded realism. We cannot know that our values conflict, except through an argument that persuades us that that is so. Any such argument is going to be open to criticism. Similarly, 'scientists could never have any reason at all to suppose, at any point in the eons of physics to come, that they had actually reached the stopping point, that they were finally up against a wall of weirdness' (80). Responsibility does not allow us to rest on our laurels and assume we have reached the end of intellectual history, but rather it requires that we accept that our theories are works in progress, open to further development and refinement. If so, then we will always view a conflict between values, or a scientifically unexplained 'messiness', as a shortcoming in our theoretical apparatus in want of a remedy. The concept of ideal coherence acts as a regulative idea to spur us on to continually improve our theories. We can accept it, responsibly, because we could never be in a position to know that we must reject it.

Beauty, Acceptability and Truth

Dworkin discusses, only to dismiss, the view held by Hawking that beauty is part of the *definition* of truth in science. Dworkin quotes a passage by Hawking that merits reproduction:

‘When... a [scientific] model is successful at explaining events, we tend to attribute to it, and to the elements and concepts that constitute it, the quality of reality or absolute truth. But there may be different ways in which one could model the same physical situation, with each employing different fundamental elements and concepts. If two such physical theories or models accurately predict the same events, one cannot be said to be more real than the other.’
(2010, 7)

In this case, the fact that a model is *beautiful* is reason for us to accept it as *true* ahead of its less elegant rivals.

Dworkin’s dismissal of this view is, to my mind, curious. He bats it aside by saying that ‘most physicists are working realists’ (57), i.e. they believe that there is an objective reality that is independent of the beauty of that reality, and that when they say that the cosmos is beautiful, they are making ‘a dramatic claim about reality’, not merely ‘a semantic point about the definition of truth in science’ (55). But doesn’t this argument rely on our accepting, in the realm of science, the ‘grounded realism’ that Dworkin would have us reject in the realm of morality? Hawking’s argument is only a semantic one (in the pejorative sense that Dworkin intends) if we take the ‘definition of truth in science’ as something prior to scientific inquiry, i.e. as a kind of foundational presupposition. Certainly if we determine in advance of scientific inquiry that the discovery of scientific truth involves the discovery of beauty, then Dworkin would be right to say that the subsequent discovery of beauty would not be ‘a dramatic claim about reality’. But if we accept ungrounded realism, then surely we cannot view the definition of truth in science as insulated from the results of scientific inquiry. We have no Archimedean point on which to stand: each conviction we hold within a domain of inquiry – *including the standards for truth in that domain* – must be sensitive to every other conviction. So the claim that beauty is part of the definition of truth in science can be as much of a *conclusion from* our scientific inquiry as it is a *prerequisite for* such inquiry.

Dworkin says that scientists should not search for beauty *as* truth, but rather for beauty *and* truth. He accepts Hawking’s claim that, if multiple models accurately predict the same events, we have reason to accept the model that is most elegant; Dworkin’s quarrel with Hawking concerns whether the elegance of the model speaks to the model’s *truth*. In distinguishing between the acceptability of a theory and the theory’s truth, Dworkin seems to commit himself to a correspondence theory according to which a scientific theory is true if it correctly describes reality. But what reason could we have for believing that there exists some external reality to which our scientific models correspond? If ‘there is no finally noncircular way to certify our capacity to find truth of any kind in any intellectual domain’ (16), shouldn’t Dworkin also reject the idea of an external realm of physical facts? If to say that a moral theory is true is simply to say that we should accept it, then why does not the same apply to a scientific theory? I am not saying that it is necessarily incoherent to reject a correspondence theory of truth in the moral domain while accepting it in the scientific, but Dworkin does not give a proper explanation for his doing so. It seems to me that the logic of Dworkin’s metaethics points towards acceptance of Peirce’s simple formula that truth is the end of inquiry,² so that to say that science should aim at the discovery of beauty *is* to say that beauty is part of the definition of truth, not in a reductive or ‘semantic’ sense, but rather in the fallibilistic sense that the current state of our scientific knowledge justifies the presumption that scientific inquiry ought to aim at the discovery of beauty. On Peirce’s account of truth, at least, Hawking’s and Dworkin’s positions seem to amount to the same thing.

Beauty, Coherence and Personification

Dworkin locates the beauty of the universe in its inevitability, which he links with the shielded strong integrity of the laws of physics: 'reasons... *emerge from the theory itself* showing that the idea of prior explanation cannot arise because it makes no sense' (87). This, Dworkin claims, means that the universe is beautiful in a deeper sense than would be the case if nature just *happened* to make beautiful things, in which case the universe would be beautiful by mere 'coincidence' (52). But if our focus is only on the inevitability of the physical realm, then we are only looking at half the puzzle. To say that it is inevitable that the universe is the way that it is is not quite the same as saying that it is inevitably beautiful. For although we may find beauty in its inevitability, it does not follow that it is *inevitable* that we find beauty in inevitability. It could still be only a 'coincidence' that we find inevitability beautiful. In order for the universe to be beautiful in a truly non-contingent way, both the physical realm *and* the beauty of the universe need shielded strong integrity. What could give cosmic aesthetics such integrity?

Religious theists have a straightforward answer: human beings were deliberately created in such a way that they can perceive the inherently beautiful divine order. Their sense of cosmic beauty is no coincidence: the same intelligence that created the beautiful universe also created human beings, as part of that universe, so that they could perceive such beauty. But this argument is not open to the religious atheist, who must concede that people's sense of beauty is the result of an evolutionary process, and socio-historical factors, that were not purposively set in order and thus seem to be, in a sense, contingent.³

Dworkin does not address the question of *why* inevitability is beautiful, he merely takes it as a fact that we tend to consider it so. He gives us no reason to believe cosmic aesthetics has shielded strong integrity. However, I believe that a potential argument (I put it no higher than that) can be identified by considering an analogy with Dworkin's argument for coherence in law. In *Law's Empire*, Dworkin claimed that the coherence (or 'integrity') of the law is valuable because it allows the legal community itself to be personified, i.e. portrayed as a moral agent with its own principles and ideals (1986, 167-75). By analogy, one could argue that the fundamental coherence of physical laws into one master theory enables the universe itself to be seen *as if it were the product of a single agent*. That we find this beautiful, the argument goes, is not a 'coincidence', it follows necessarily from the kind of beings that we are, i.e. purposive agents. We view nature as wondrous because we can view it as 'mother' of all things, even if we reject the idea that there exists any literal mother, or father, that created it. We view a coherent universe as analogous to a work of art because we see nature as analogous to an artist. On the other hand, we couldn't make this connection if we were forced to accept nature as 'absurd': nature would be analogous not to Shakespeare but to a monkey with a typewriter. Of course, this line of reasoning comes close to a common argument for the existence of God, according to which the universe is such as can only be explained as the creation of an intelligent actor. Perhaps, then – and I stress here I am only speculating about a possible line of thought – if the link between coherence and personification holds up, the connection between theism and religious atheism becomes closer still.

Religion and the Constitution

Dworkin's view that traditional definitions of religion require the government to choose between citizens' sincere convictions to decide which are worthy of special protection seems to overlook an alternative: that when it comes to the significance of various convictions, the government refer to *individuals' own views*. Can't government make distinctions according to individuals' own standards without 'contradict[ing] the basic principle that questions of fundamental value are a matter of

individual, not collective, choice'? I briefly want to suggest that a closer examination of religious views may cause trouble for the way Dworkin treats freedom of religion as a constitutional right.

Dworkin's argument that freedom of religion does not warrant any particular constitutional protection *per se* relies heavily on the idea that the same kinds of value commitments can be found in atheistic religion as in theistic religion. But might a theist not argue that value commitments are *qualitatively* different by virtue of being linked to or derived from a god? Dworkin looks to sidestep this kind of argument by his invocation of Hume's law: since normative propositions cannot be derived from pure facts, a god's existence can feature only as a minor premise in an argument which already presupposes the possibility of value. But while this argument might be persuasive from some theists, for others it will just shift the field of disagreement. After all, what makes Hume's law so fundamental? It represents, after all, a distinctively modern viewpoint, which would have been completely alien to ancients and medievals. Aristotle was characteristic of his time in viewing the cosmos as a meaningful order, pregnant with value in and of itself. Only in the modern viewpoint are subject and object – and thus 'ought' and 'is' – entirely separable entities. Is it inconceivable that some religious theists retain a version of the premodern view? My purpose here is not to attack the modernist position, but only to cast doubt on Dworkin's assumption that the real disagreement between theists and atheists 'is only an esoteric kind of scientific disagreement with no moral or political implications' (147). Given his rejection of ungrounded realism, Dworkin surely cannot consider Hume's law to be immune from criticism.⁴

Dworkin also appears to overlook the distinction between those practices which are taken as *religious obligations* and those that are taken to be *non-obligatory components of the good life*. When we take this distinction into account, there is a clear difference between those engaging in Huichol rituals from curious hippies. Hippies might hold the view that their life is improved by their *choosing* to take hallucinogenic drugs. But many Huichol will not view their participation in religious rituals as a matter of *choice*. Rather, they will be what Sandel (1998) has called 'encumbered selves': persons for whom the observance of religious duties is an end constitutive to their selfhood, indispensable to their identity. *Contra* Dworkin, an exemption for the Huichol from drug control laws would not discriminate on religious grounds against 'those who only want to get high' (126). Rather it would make a distinction based on a real difference. Compliance with a perceived obligation is qualitatively different to making a simple choice, even if the choice is motivated by the chooser's sincere belief that it will improve her objective well-being. This difference must be taken into account if we are to treat people *as equals*, rather than merely treating them *equally*.⁵ (Of course, the hippies might also claim that peyote-smoking was not a choice but an obligation constitutive to their selfhood, in which case we would have to decide whether to believe them.)

Now religious atheists may also doubt Hume's law, and might also be encumbered selves. Thus my comments here do not cast doubt on the category of religious atheism. But I feel that attention as to the diversity of views that others actually hold makes the situation a little more complex than Dworkin's broad brush constitutional arguments suggest. Dworkin is right that theist views are not *eo ipso* worthy of special protection. But it does not necessarily follow that there is no useful constitutional category of the religious.

Conclusion

Religion without God is a profound and, ultimately, moving piece, presented in Dworkin's characteristically witty and engaging prose. While those looking for a rigorous treatment of competing arguments will find themselves disappointed, readers are treated to a fine exposition of a particular way of looking at the world. Dworkin's ambition, clearly, is to practice as he preaches: to create out of a jumble of arguments and convictions a simple, elegant and persuasive unifying theory. Although

Dworkin's animus is optimistic, even romantic, he continually subjects his convictions to rigorous analytical testing. He strives for, and often achieves, beauty in the particular as well as beauty in the whole. In the end, whether one is persuaded will depend upon whether one shares Dworkin's faith. That is, after all, what religion is about.

Notes

1. Though some have argued this, or at least something like this: see, for example, Rancière (2004) and Douzinas and Nead (1999). I cannot do justice to views of this sort here.
2. See Misak (2004). Interestingly, Misak has recently placed Quine in this pragmatist lineage (2013, chap 11) (I am grateful to Chris Macleod for this reference).
3. I say 'in a sense' contingent, since in the *physical* sense they are not contingent but predetermined by the laws of physics which are (*arguendo* at least) inevitable. The physical sense of inevitability cannot provide cosmic beauty with shielded strong integrity, since that would render the judgment that the universe was beautiful a *non sequitur*. It would amount to no more than saying that the universe was such as to make the presence of beings who *believe* it to be beautiful inevitable. This would be to destroy, not buttress, the objective (i.e. mind-independent) concept of aesthetics.
4. Contrast Cohen, who takes (a particularly strong version of) Hume's law to be inherent in 'the sort of concept that justice is' (2008, 292), but who relies on an ultimately unsustainable Platonism about value.
5. The terminology for this distinction is from Dworkin (2013, 227).

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