

Contents

<i>Foreword</i> , John Witte, Jr.	<i>page</i> ix
Introduction	1
1 God as a Metalegal Concept	23
1. Introduction	23
2. God and Gods	25
3. Metalegal Concepts	29
4. God as a Metalegal Concept	32
5. The Legal Recognition of God as a Metalegal Concept	44
6. The Religious Objection	49
7. The Dworkinian Objection	56
8. The Moral Objection	60
9. The Legal Objection	63
10. Religion, not God, as a Matter of Toleration	65
11. Recovering the Dialogue Between Theology and Jurisprudence	68
12. Conclusion	71
2 Religion as a Constitutional Limit of the Secular Legal System	73
1. Introduction	73
2. Legal Identification of Religion	74
3. Suprarationality as the Ultimate Justification of the Legal Protection of Religion	79
4. The Exclusion of Suprarational Acts from the Secular Legal System	82
5. Tolerating Suprarational Law	86

6. The Suprarational Argument as an Irrelevant Legal Argument	88
7. Structural Dualism as a Constitutional Limit of the Secular Legal System	92
8. The Election of the Dualistic Model as a Constitutional Decision	98
9. Autonomy and Independence of Religious Communities	104
10. Religious Equality and Equality of Religions: the False Neutrality	107
11. The Right to Religion	113
12. The Religious Exception	117
13. Conclusion	120
3 Conscience as a Private Limit of the Secular Legal System	122
1. Introduction	122
2. Significance of Conscience	125
3. Conscience and Dignity	131
4. Public Morality Versus Private Morality	133
5. Conscience as a Private Moral Limit of the Secular Legal System	136
6. Freedom of Conscience: between Freedom of Thought and Freedom of Religion	138
7. A Right to Religious and Moral Freedom?	142
8. Ethical Independence Versus Moral Autonomy	146
9. Moral Accommodation Versus Religious Toleration	151
10. Privilege of Abstention and Conscientious Refusal	155
11. Privilege of Abstention Versus Religious Exception	161
12. Conclusion	164
Concluding Reflections	166
<i>Index</i>	171