Lost in Translation?
Habermas on religion in the public sphere

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“We do not change secular questions into theological ones. We change theological questions into secular ones.”

Marx 1987, 31.

Preface

Philosophy is done best when it is done communicatively. I am lucky to have experienced this first-hand in the development of this text, through interactions with several excellent people around me. I am very grateful to my supervisor Thomas Fossen. He was a great sparring partner throughout the process of writing this thesis and provided exceptionally good feedback on earlier iterations of the text presented here. I want to thank Jesse Doornenbal and Martine Schaap for taking the time to read and critique my work. I also want to thank them and all my other friends and family for discussing with me the concepts at the basis of this text and for having supported me throughout the writing process.

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1. Introduction

The great German sociologist and philosopher Jürgen Habermas once declared himself to be religiously tone-deaf (*religiös unmusikalisch*).[1] Yet, religion features prominently in the late work of Habermas. In the 2006 article 'Religion in the Public Sphere: Cognitive Presuppositions for the "Public Use of Reason" by Religious and Secular Citizens', Habermas applied his theory of democracy to the debate around the role of religion in the public sphere.[2] This is Habermas's attempt to give an account of the proper role of religion in political deliberation in a democratic society. In *Between Facts and Norms* ('BFN', 1992), Habermas had laid out his 'discourse theory of law and democracy', an explication of the legal and political implications of his earlier *magnum opus*, the two-volume Theory of Communicative Action ('TCA I'/'TCA II', 1981). The ambitious aim of *BFN* is to show, as Mendieta puts it, "how deliberation among citizens generates a communicative power that translates moral intuitions into administrative power through law".[3] In this work, Habermas thinks culture as a system of translation – culture translates the normative content buried in the structure of social interaction itself into shared meanings. It is in this context that Habermas's attention for the normative content of religion increased.[4] Habermas, champion of the reflexive attitude and dialogue, gave the right example by repeatedly seeking out dialogue with religious thinkers himself. One example is a colloquium where he entered into dialogue with then Cardinal Ratzinger, now retired Pope Benedict XVI. The resulting article concludes with the following rallying call:

> "A liberal political culture can even expect of its secularized citizens that they participate in efforts to translate contributions from the religious language into the publicly accessible one."[5]

This is the starting point for the aforementioned essay 'Religion in the Public Sphere'. In this text, Habermas is working to give an account of the role of religious reasons in the public sphere. To do this, Habermas introduces the "institutional translation proviso":

> "Every citizen must know and accept that only secular reasons count beyond the institutional threshold separating the informal public sphere from parliaments, courts, ministries, and administrations. This only calls for the epistemic ability to consider one's own religious convictions reflexively from the outside and to connect them with secular views. Religious citizens can certainly acknowledge this "institutional translation proviso" without having to split their identity into public and private parts the moment they participate in public discourses. They should therefore also be allowed to express and justify their convictions in a religious language even when they cannot find secular "translations" for them."[6]

In the *formal* public sphere, untranslated religious reasons cannot enter, as "all *enforceable* legal

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[1] Habermas 2008e, 112. Habermas obviously takes inspiration from Max Weber, who in 1909 described himself in the same way in private correspondence.
[2] German publication 2006, English translation in Habermas 2008f.
[3] Mendieta 2013, 699.
[4] Ibid., 700.
[5] Habermas 2008b, 113.
[6] Habermas 2008f, 130.

norms must be capable of being formulated and publicly justified in a language intelligible to all of the citizens."[7] However, in the *informal* public sphere, where informal flows of political communication and opinion-formation stream among the broader public of citizens, the state's neutrality does not bar religious utterances without secular justification.[8] The institutional translation proviso then acts as a sort of 'filter'[9] through which only 'translated' secular reasons can pass through to guide the formal agendas of state institutions.[10] However, the proviso has also come in for criticism as being too vague, as imposing undue burdens on religious citizens, and as requiring religious citizens to 'split' their identity into secular and religious 'compartments' when engaging in public justification.[11]

1.1. Research question

This thesis takes up the questions that have been raised around Habermas's proviso. I take up as my central question:

> *Can Habermas's institutional translation proviso provide a plausible account of the role of religious reasons in public deliberation of liberal democracies?*

When, exactly, is such an account 'plausible'? As Lafont points out, Habermas's account is designed to marry the idea of a secular legitimation of the democratic state with the inclusion of religious citizens and religious reasons in public deliberation.[12] I think Habermas is right in setting this up as the aim of an account of religion in the public sphere. The question, of course, is if Habermas's theory succeeds in this respect.

The importance of giving a convincing account of the proper role of religion in political deliberation increases as one gives more normative weight to public deliberation for legitimizing politics in a democratic society.[13] Therefore, the research in this thesis can act as a sort of 'litmus test' for Habermas's deliberative theory. In the concrete challenge of religious accommodation, the strengths and weaknesses of the theory at large light up in a new way. Lafont aptly expresses this:

> "Indeed, the plausibility of this ideal [of deliberative democracy, JM] essentially depends on the ability to provide a plausible account of political deliberation in the public sphere under the pluralistic conditions characteristic of liberal democracies in which citizens hold a wide variety of religious and secular outlooks."[14]

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[7] Habermas 2009, 76.
[8] Finlayson 2018, 5–6.
[9] Habermas uses the term 'filter' in a 2009 essay (Habermas 2009, 76., 76). Finlayson argues that 'filter' is a better term than 'proviso', because the latter suggests Habermas's theory is a mere modification of John Rawls's 'proviso', see Finlayson 2018, 7–8. I consider this to be largely a semantic discussion and leave it aside here.
[10] Habermas 2009, 76.
[11] Critics who raise these points are, among others, Cooke 2006; Lafont 2013; Wolterstorff 2013.
[12] Lafont 2013, 407.
[13] Ibid., 401.
[14] Ibid., 401.

If Habermas's institutional translation proviso can give a plausible account of the relation between religious and secular outlooks in public deliberation, then this strengthens his deliberative theory. This is crucial, as Habermas claims that the rule of law and the constitutional state are internally connected to deliberative democracy. Thus, his theory of law and democracy only holds if deliberative theory can properly accommodate for religion. Furthermore, if Habermas's account works, there are concrete implications for the work of public officials, judges, lawmakers and all those involved in government: they are required to put aside their religious reasons in favour of secular justifications of their actions. Habermas himself even goes so far as to suggest that parliamentary rules must allow speakers of parliament to strike "religious positions or justifications from the official transcript."[15] These seem to me to be far-reaching conclusions that need a basis in a consistent position on religion in the public sphere. However, I intend to show that Habermas does not in fact develop a consistent position, and this threatens his theory of the postsecular liberal constitutional state.

Why would we turn to Habermas to shed light on the proper role of religion in the public sphere? Habermas has done extensive work on both constitutionalism and the role of religion in the public sphere, he is a crucial thinker to consider when trying to see how these two themes knit together. Debates around the role of religion in the public sphere often focus on cases of clashing constitutional rights. This can potentially be one-sided: reducing the debate to rights clashes obscures the importance of reflexive attitudes of both religious and secular citizens. This is stressed by Habermas: civic solidarity can degenerate into "self-interested monads who use their individual liberties exclusively against one another like weapons."[16] Habermas points to mutual learning processes all citizens have to engage in to ensure peaceful coexistence with people who have vastly different views of the good life. Still, considering cases of conflicting fundamental rights claims can grant us insight into the *boundaries* of both secular and religious attitudes. Habermas acknowledges that fundamentalist positions (on both the secular and religious side) have the potential to threaten peaceful coexistence. This is a nuanced stance that is invaluable in the public debate on law and religion that at times has become polarized and unconstructive. As Van Putten et al. put it: "We live in times of religious as well as secularist polarization that could use some Habermasian moderation."[17] Moreover, Habermas, more so than many of his contemporaries, has gone to great lengths to bring his ideal of communication and mutual learning into practice. Through dialogue with religious leaders, with theologians and scholars of religion, Habermas 'practices what he preaches'. This, I think, makes him an interesting thinker to study.

[15] Habermas 2008f, 131.
[16] Habermas 2008b, 107.
[17] Van Putten, Overeem, and Van Steden 2019, 23.

1.2. Limitations of this essay

There are several important limitations to this essay. First, this thesis will attempt an analysis of Habermas's thought from within the paradigm of deliberative democratic theory. I assume the deliberative conception to be at least intuitively attractive and argue from this standpoint.[18] Of course, one might reject the framework of deliberative democracy in favour of thinking democracy and fundamental rights in an agonistic manner.[19] This is an important discussion to be had, but I will have to leave this aside within the constraints of this thesis. Furthermore, I will not be able to give full due to Habermas's historical reconstruction of the way secular science developed and differentiated itself from traditional religion. In fact, during my work on this thesis Habermas released a new, voluminous work on just this topic: *Auch eine Geschichte der Philosophie*.[20] If anything, this proves that Habermas, at 90-years old, is still very much able to produce fascinating work. *Auch eine Geschichte* provides a genealogy of postmetaphysical thinking through a reconstruction of the historical relation between belief (*Glauben*) and knowledge (*Wissen*). No doubt, this places Habermas's thought on religion within a broader historical tradition. However, my project is not primarily a reconstruction of Habermas's place in the philosophical tradition and so I will leave this work aside here.

Another restriction of this essay stems from the focus of Habermas himself: his writings on religion have, implicitly or explicitly, engaged mostly with the Judeo-Christian tradition.[21] Consequently, my engagement with Habermas has also focused on this tradition. I am not very familiar with Christian theology, let alone with other religious scholarship. This is a deficit in this essay, but it is also a deficit that is prevalent in the literature. Much of the prominent scholarly engagement with Habermas's perspective departs from a Western and often Christian standpoint. A robust theory of religion in the public sphere will need to include input from thinkers from other traditions, and there is a lot to be gained in this respect.

1.3. Chapter overview

In chapter 2, I will look at the origins of the way Habermas develops his institutional translation proviso. To properly understand the proviso, one needs to be aware of the way his theory flows from discourse theory and leads into the theory of democracy in *BFN* and the theory of postmetaphysical thinking. In *BFN*, Habermas makes a distinction between two components of democracy: a hard institutional core (the political system or 'formal public sphere') and, circling this, a soft social sphere (the 'civil society' or 'informal public sphere').[22] The institutional translation proviso builds on this by distinguishing a public sphere where citizens can freely offer religious justifications for their views without any secular justification, and an institutional sphere where only secular reasons can enter into the process of writing and enacting legislation. I will also

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[18] In this respect I follow Lafont 2013, 405.

[19] Mouffe 1999; Mouffe 2000; Mouffe 2005.

[20] Habermas 2019.

[21] An excellent exposition of Habermas's engagement with (Christian) theology can be found in Junker-Kenny 2011.

[22] Finlayson 2018, 5.

consider Habermas's theory of postmetaphysical philosophy.[23] In his late work, Habermas contends that philosophy should refrain from making and assessing metaphysical and ontological pronouncements.[24] This in turn colours his views on state neutrality and the way law should be legitimized in a secular way. To understand the way the institutional translation proviso works, we need to therefore understand Habermas's postmetaphysical approach and the way it aims to engage with religion. I will discuss Habermas's view that postmetaphysical philosophy does not "decide what is true or false in religion" but rather is open to learning from religious traditions.[25]

Having considered deliberative theory and postmetaphysical philosophy, in chapter 3 I place the Habermas's conception of the proviso within his theory.

In chapter 4, I develop a criticism of Habermas's concept of institutional translation along three lines. First, I argued that because Habermas uses the term 'religion' in the singular, confusion ensues about Habermas's treatment of the actual complexity of religious identities. Habermas's theory has trouble distinguishing 'religious reasons' from 'non-religious reasons', because in reality the phenomenon of religion is not so easily demarcated. Second, I argue that the concept of 'translation of religious reasons' is problematic. When religion is construed in Habermasian rationalistic fashion, the motivational core of religion proves opaque and translation turns out to be pyrrhic – essential meaning gets 'lost in translation'. In fact, however, religious adherents that construct their religious claims in a non-authoritarian way may very well be able to communicate their views to others in a reasoned way. Finally, the third line of critique focuses on the 'postmetaphysical' grounding of Habermas's proviso. Here, I propose that Habermas's avoidance of metaphysics ends up circling him right back into the territory of metaphysics. This undermines the plausibility of his account as a neutral account that is acceptable to all.

Thus, I argue that Habermas's institutional translation proviso cannot live up to its promises and that this spells ill news for Habermas's broader theory of postsecular legitimacy of the state. I propose that Cooke's distinction of 'authoritarian' versus 'non-authoritarian' reasons may prove more useful than distinctions like secular/religious and metaphysical/postmetaphysical.

1.4. Method

The approach of this thesis is both reconstructive and critical. In the first three chapters, I have tried to analyse the development of Habermas's thought on religion in his mature work (roughly from the 1980's onwards). Habermas's thought is rich and hangs together in complex ways. Therefore, I have thought it fair to leave criticisms of the matters at hand for the last chapter, when sufficient theoretical groundwork has been established.

Most of the reconstructive work is done internally: I have tried to mostly leave aside criticisms of Habermas from authors who do not share his basic deliberative intuitions. For example, interesting bodies of literature exist criticizing Habermas from agonistic perspective, from communitarian theory, and so forth. Within the time and space set for this thesis, I have

[23] Habermas 1992; Habermas 2017.
[24] Wolterstorff 2013, 173.
[25] Habermas 2008a, 245.

thought it best to leave these criticisms aside. Instead, I try to show how Habermas's work fails to be internally consistent when it comes to considering religion.

To get a good grasp on Habermas's complex system, I have drawn extensively from secondary literature. For various subjects, I made use of the expositions in the excellent *Cambridge Habermas Lexicon*. For my understanding of postmetaphysical thinking, I am indebted to the writings of Melissa Yates. My treatment of the concept of translating religious reasons is influenced by Dafydd Huw Rees's dissertation on the concept of translation in Habermas's work. The writings of Finlayson and Usturali have been of great help to illuminate the precise workings of Habermas's approach to public reason. Finally, I took much inspiration from the work of Maeve Cooke, who has developed a comprehensive critique of Habermas's understanding of religious reasons, and whose work gave me some pointers to a way forward.

2. Theoretical context: communicative rationality, postmetaphysical thinking and the discourse theory of law and democracy

In this chapter, I will look at the origins of the way Jürgen Habermas develops his theory of religion in the public sphere in his mature work. I will leave Habermas's earlier work mostly aside here, and focus on the development of his thought from *TCA* onward, as this is the most relevant to understand Habermas's recent proposals.[26] First, I will give a basic sketch of Habermas's project of discourse theory. Then, I will explain Habermas's postmetaphysical thinking, his theory of law and democracy, and how religion fits into this framework.

2.1. Communicative rationality: reason embodied in language[27]

To grasp Habermas's theory of law and democracy, a basic understanding of Habermas's wider philosophical project is important. At the very least, we need to understand a central term that features throughout Habermas's later work: *communicative rationality*.

One of the main concerns of Habermas's scholarly project is to defend modernity against its intrinsic dangers. Shaped by the work of Horkheimer and Adorno, Habermas sees a pathological side to the development of modern society, which is apparent in the running amuck of 'instrumental rationality'.[28] This type of rationality only allows for analysis in terms of efficiency and means/ends reasoning.[29] However, Habermas considers the analysis of modernity Horkheimer and Adorno give in *Dialectic of Enlightenment* overly pessimistic.[30] Their critique of Enlightenment rationality becomes so radical that it undermines itself:

> "Horkheimer and Adorno regard the foundations of ideology critique as shattered – and they would still like to hold on to the basic figure of the Enlightenment. (…) In as much as it turns against reason as the foundation of its own validity, critique becomes total."[31]

In other words, when one's critique shatters the foundations of reason itself, the position of the critic itself becomes untenable. According to Habermas, this account of modernity is not only self-defeating, but also overly pessimistic about reason. Habermas saw, especially in Horkheimer, the tendency to reduce all modern reason to instrumental rationality.[32] As Habermas sees things, the pathologies of modernity are not caused so much by instrumental reason taking over everything, but rather by, as Yates puts it, "too little communicative reason".[33] Thus, the theory of communicative rationality aims to provide a positive path of social emancipation through the power inherent in the structures of communication itself.[34]

Habermas agrees with his first-generation critical theory mentors that modernity has

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[26] For an overview of the treatment of religion in Habermas's early work, see Mendieta 2013, 684–688.
[27] Junker-Kenny 2014, 105.
[28] Strecker 2019, 56.
[29] Ibid.
[30] Yates 2019b, 198. Cf. Strecker 2019, 58.
[31] Habermas 1990b, 118.
[32] Yates 2019b, 198.
[33] Ibid.
[34] Dillon 2012, 250; Müller-Doohm 2019, 144.

brought about the downfall of traditional religious and metaphysical frameworks, replacing them with modern science and metaphysical pluralism.[35] Under these conditions, philosophy is no longer in a position to identify a substantive notion of rationality.[36] Instead, Habermas focuses his attention on formulating a formal concept of rationality, based on an analysis of the structures of justification.[37] In Habermas's theory of meaning, reason and validity, not truth, are central.[38] To ask whether a claim is 'rational' is to ask whether something can be reasoned for and is open for criticism. It has less to do with the truth content of the claim itself.

For Habermas, the meaning of language and rationality are internally connected. Rationality is not merely a power struggle for one's own right. Humans have the capacity to work their way through disagreement by communication instead of by brute power struggle. Communication is oriented towards rational agreement – towards reaching "mutual understanding" (*Verständigung*). This is inherent in language itself: "reaching understanding is the inherent telos of human speech."[39] When a person makes a validity claim that is rejected by the hearer, both the speaker and hearer are propelled into *discourse*. Discourse, in Habermasian lingo, is a form of communication that, as Finlayson puts it "reflects upon the disrupted consensus"[40] with the aims to restore rationally motivated mutual understanding.[41] In this sense, discourse is the argumentative 'court of appeal' when everyday communicative action breaks down: "The rationality proper to the communicative practice of everyday life points to the practice of argumentation as a court of appeal that makes it possible to continue communicative action with other means when disagreement can no longer be headed off by everyday routines and yet is not to be settled by the direct or strategic use of force."[42]

Discourse departs from the presumption of ideal mutual esteem; every form of coercion is excluded and "the taking of yes/no positions is motivated solely by the unforced force of the better argument".[43] This egalitarian presupposition of discourse means that "no participant has a monopoly on correct interpretation."[44] At this point one might counter that this is unrealistic: in everyday life communication is often distorted in various ways – through power relations, information asymmetry, or through a simple unwillingness to listen to each other. From innocent squabbling to violent conflict, human communication certainly does not always lead to consensus. Of course, Habermas is aware of this. Still, he maintains that on a fundamental level, in rational debate the *potential* for consensus is implied.[45] One might also object that we also

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[35] Strecker 2019, 56.
[36] Ibid. In this sense, Habermas considers his theory of communicative rationality as an *alternative to*, not a *modification of*, that what is often considered the core of 'Critical Theory'. In fact, Habermas considers the term 'Critical Theory' a misleading stereotype, as the term suggests a single doctrine. Opposing this, Habermas views the perspectives and methods of Horkheimer, Adorno, Marcuse and other associated with the Frankfurt School as approaches to social critique that share some characteristics but are still very much distinct from each other, see Müller-Doohm 2019, 143.
[37] Strecker 2019, 56.
[38] Finlayson 2005, 37.
[39] Habermas 1984, 287.
[40] Finlayson 2005, 41.
[41] Habermas 1984, 19.
[42] Ibid., 17–18.
[43] Habermas 1996, 305–306.
[44] Ibid.; Habermas 1984, 100.
[45] Strecker 2019, 57.

use language in other ways: to give commands, to express emotions, to criticize others and so forth. Oftentimes, a single utterance combines many of these features.[46] We also use language in strategic or instrumental ways: not to reach understanding but to get our own way. Habermas admits this, but argues that the communicative use of language is most fundamental.[47] As Strecker points out, a speaker can only make use of language in a manipulative or deceptive way if he or she is already familiar with language oriented towards understanding.[48]

The pragmatic meaning of human speech relies on validity (*Gültigkeit*): the extent to which the speaker can present reasons that create consensus and make shared coordination of actions possible.[49] Therefore, Habermas holds, reasons are essentially shared or public. What makes an utterance valid must be true not only for me but for the listener as well: "We understand a speech act when we know what makes it acceptable."[50] Understanding the reasons that would make an utterance true is fundamental to human interaction through language.

Thus, the quest to understand how to maximize the potential of communicative rationality becomes central to Habermas's work. What are social conditions for discursive, rational debate to flourish? His political theory is one of the subdomains in which Habermas attempts to flesh this out; his conception of discourse ethics, for example, is another. Habermas claims that discourse structures not only questions about facts, but also about norms.[51] In questions about morality, law and politics the only way that freely given assent can be reached is through discourse. In an 1983 essay on discourse ethics, Habermas first systematically exposes his moral theory.[52] Here, Habermas sets forth the Discourse Principle (D) and the Universalization Principle (U). The Discourse Principle states:

> "(D) Only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity as participants in a practical discourse."[53]

Habermas later came to see that (D) is a much broader principle of impartial normative justification in general, and thus considers (U) as the specification of (D) for moral questions.[54] His most precise formulation of (U) reads:

> "(U) A [moral] norm is valid just in case the foreseeable consequences and side effects of its general observance for the interests and value-orientations of *each individual* could be *jointly* accepted by *all* those affected without coercion."[55]

As we shall see, (D) and (U) do important work in Habermas's theory of democratic legitimacy in *BFN*: democratic institutions incorporate the demands (D) makes within a framework of

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[46] Finlayson 2005, 40.
[47] Strecker 2019, 57.
[48] Ibid.
[49] Habermas 1984, 286–287; 296–297.
[50] Ibid., 297.
[51] Rehg 2019, 450–451.
[52] Habermas 1990a.
[53] Ibid., 66.
[54] Habermas 1996, 450.
[55] Habermas 1998, 42.

politics and lawmaking.[56]

As Strecker shows, the theory of rationality is only the first part within a three-part project: the second being a theory of action and the third a social theory.[57] Rationality is, as Strecker puts it "of interest insofar it is relevant for social actions and, consequently, for social structures."[58] For Habermas, *communicative action*, then, are those actions of individuals that "as members of a communication-community, can orient their actions to intersubjectively recognized validity claims."[59] Thus, central to *TCA* is the idea that, as Dillon explains, "critically reasoned deliberation, and not any strategic interest or any appeal to emotion or tradition, is the mechanism that facilitates and propels social action."[60] Accordingly, Habermas explains how societal structures are communicatively rationalized in modernity along three lines:[61]

1. Cultural meaning is transformed by the rationalization of knowledge by science,
2. Societal solidarity is transfigured by "the universalization and proceduralization of law and morality"[62] and
3. Personality structures of subjects are individualized.

This offers the basis for social critique: Habermas introduces the term *strategic* rationality for noncommunicative interactions with others.[63] Strategic action is the category of actions that are not based upon voluntary cooperation in a respectful exchange of arguments with others on equal footing.[64] The strategically oriented actor realizes that "success in action is also dependent on other actors", but is "oriented to his own success and behaves cooperatively only to the degree that fits with his egocentric calculus of utility."[65]

According to Habermas, institutions and systems can exhibit a rationality too, that must be differentiated from individual strategic orientations. He calls this *functionalist reason*: the rationality that systems exhibit in maintaining themselves and ensuring their material reproduction.[66] The second volume of *TCA* is devoted to a critique of functionalist reason.[67] Here, Habermas insists that strategic and functionalist orientations are not harmful *per se* – after all, strategical use of science and the formation of the complex economical, political and societal structures of modernity have brought tremendous increases in well-being for almost everyone. However, in modernity strategic orientations of individuals and functionalist orientations of the state and the capitalist market tend to over-extend, overtaking communicative rationality and "colonizing the lifeworld". This leads to all sorts of social pathologies: purely technocratic government, a citizenry that is politically apathic and disengaged, the unsettling of collective

[56] Rehg 2019, 453.
[57] Strecker 2019, 57.
[58] Ibid., 56.
[59] Habermas 1984, 14.
[60] Dillon 2012, 250.
[61] Strecker 2019, 58.
[62] Ibid.
[63] Ibid., 57.
[64] Ingram 2019, 432.
[65] Habermas 1984, 87–88.
[66] Hedrick 2019, 153.
[67] Habermas 1987.

identities, crises of individual orientation and alienation.[68] To put it shortly: when strategic orientations start to supplant communicative rationality, modernization derails and begins to produce unwanted side effects.

How, then, do religious reasons feature within this framework of discourse theory? In *TCA II*, Habermas treats religion in a predominantly sociological way, explaining how pre-modern religion linguistified the world through elaboration of symbols embedded in ritual practices. This linguistification of the sacred provides the basis for secularization and a 'disenchantment of the sacred.'[69] This in turn unhinges and releases the normative power previously stored in religiously achieved fundamental agreement that formed the basis of society. For Habermas, this presents new opportunities: communicative rationality fills the gap religion leaves behind and the "authority of the holy is gradually replaced by the authority of an achieved consensus."[70] Thus, in *TCA II* the tone of Habermas's writing suggests that we should regard the disenchantment of religion as a gain for modern society.[71] As Mendieta points out, in *TCA* it is still unclear if Habermas considers modern religion as a mere archaic source of the normative power of communicate action, or whether he sees a continuation for modern religion to nurture the sources of social solidarity.[72] It is only in Habermas's later work that his thought on religion takes a political turn.

2.2. Religion and postmetaphysical thinking

In his mature work, Habermas sets out to apply his theory of communicative rationality to various problems. In his 1988 *Postmetaphysical Thinking: Philosophical Essays*, he aims to save the unfulfilled promises of the project of modernity by confronting those aspects of modern philosophy he views as derailing. Instead of abandoning modern rationality altogether, Habermas wants to think philosophy in a communicative way. Habermas argues for a new starting point for modern philosophy: modern philosophy must start its journey from "postmetaphysical thinking", moving past what Habermas calls "metaphysical thinking". Postmetaphysical thinking contributes in crucial ways to Habermas's defence of pluralism and tolerance in the exchange of reasons in the public sphere, and offers self-critical tools to citizens of modern democratic societies.[73] Therefore, a proper grasp of postmetaphysical thinking will allow us to better understand the way Habermas sees the required cognitive stances for both religious and secular citizens in the public sphere. Here, I draw on the work of Yates[74] to reconstruct Habermas's postmetaphysical thinking and its approach to religion.

Habermas gives metaphysics a broad definition, including in it, as Rees puts it, "questions of the good and philosophical anthropology, as well as ontology."[75] By "metaphysical thinking" Habermas denotes a broad historical tradition of philosophical idealism, including ancient

[68] Zurn 2019b, 419.
[69] Habermas 1987, 60.
[70] Ibid., 77.
[71] Cooke 2006, 188.
[72] Mendieta 2013, 693–694.
[73] Yates 2019c, 315.
[74] Yates 2011; Yates 2019c; Yates 2019a.
[75] Rees 2015, 233.

thinkers such as Plato and Neo-Platonists, medieval scholastics, and modern philosophers from Spinoza and Descartes to Kant and Hegel.[76] Metaphysical thinking has four[77] distinct aspects: (i) identity thinking, (ii) the "doctrine of Ideas" (idealism), (iii) the philosophy of consciousness and (iv) the strong concept of theory.[78] Firstly, identity thinking refers to the metaphysical pretence that one can abstract from individual things to capture them in unitary thinking.[79] Secondly, idealism is the mode of thought that abstracts thought from the actual material contents out of which it arises. Idealism "deceived itself about the fact that the Ideas (…) had themselves always contained and merely duplicated (…) the material content of those empirical individuals from which the Ideas had been read off through comparative abstraction."[80] Thirdly, the philosophy of consciousness traces back to Descartes and sees culminating in Hegel's Logic. It refers to the attempt to take one's self-consciousness as foundation for a justification of existence and the relation of the self to the world.[81] Here, "either self-consciousness is put into a foundational position as the spontaneous source of transcendental accomplishments, or as spirit it is itself elevated to the position of the absolute."[82] Finally, the strong concept of theory denotes the view that philosophy has "privileged access to truth".[83] Metaphysical thinking assigns itself an exemplary status and strives for 'purity', aiming to rid itself of its earthly origin. It offers a "path of salvation" through "the life dedicated to contemplation".[84] In doing this, philosophy becomes idealized, transcendental and disembodied.[85]

Habermas criticises these features of metaphysical thinking on a number of grounds. Thinkers in the metaphysical tradition have wrongly started from the assumption that a disembodied, neutral observer position is available to the philosopher. However, we are humans situated in specific sociohistorical contexts and lifeworlds.[86] Furthermore, metaphysical philosophy has failed to acknowledge that the possibility for philosophical reasoning is premised on a pre-theoretical linguistic context.[87] In this way, Habermas sees a "linguistic turn" in philosophy: the philosopher must shift away from the navel gazing, solipsistic philosophy of consciousness and instead begin to regard philosophy as a necessarily intersubjective enterprise.[88] Thinking does not solely happen through cold logic inside one's own head (although this is part of it, for sure) – thinking happens through *language*, through communication with others.[89]

Habermas aligns himself with radical postmodern thinkers in their critique of the overblown metaphysical claims of (especially) modern philosophy. However, Habermas thinks that

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[76] Habermas 1992, 29; Yates 2011, 36.
[77] Habermas announces a challenge to "three aspects" of metaphysics (Habermas 1992, 29.) but actually goes on to mention and attack a fourth aspect (philosophy of consciousness). In this respect I follow the reconstruction by Yates 2019c; Yates 2011.
[78] Habermas 1992, 29; Yates 2019c, 315.
[79] Yates 2019c, 315.
[80] Habermas 1992, 31.
[81] Yates 2019c, 316.
[82] Habermas 1992, 31–32.
[83] Ibid., 32.
[84] Ibid.
[85] Ibid., 29–33.
[86] Yates 2019c, 316.
[87] Ibid.
[88] Ibid.
[89] Ibid.; Habermas 1992, 6; 34.

Enlightenment rationality and the projects of modernity are not identical to untenable metaphysical thinking.[90] Thus, Habermas intends his postmetaphysical thinking as an alternative to what he associates with post*modern* thinking: it aims to rehabilitate and continue the project of modernity by ridding reason of the four problematic aspects mentioned above.[91]

Postmetaphysical thinking is not *anti*metaphysical. Postmetaphysical thinking must resist the prejudice of scientism that takes "procedural rationality of the scientific process"[92] as the primary way to provide truth and value, reducing philosophy to a second-grade mode of thinking.[93]

So far, we have only discussed what postmetaphysical thinking is *not*. What, then, are the positive ambitions of postmetaphysical philosophy? As Yates shows convincingly, the core of Habermas's 'postmetaphysical thinking' can be expressed in five key ideas: "(i) the detranscendentalized use of reason, (ii) rational reconstruction, (iii) weak transcendentalism, (iv) context-transcending validity, and (v) soft naturalism."[94] Firstly, postmetaphysical thinking rejects transcendentalized reason: reasoning cannot be rendered independently from historical conditions.[95] We are only capable of philosophical reflection because we are already embedded in a world that provides us with everyday experience and common-sense knowledge.[96] Therefore, postmetaphysical thinking must presuppose that all knowledge claims are advanced within the context of our relations to other communicating subjects who share a wide range of pretheoretical assumptions about our shared lifeworld.[97]

Secondly, the philosophical methodology of postmetaphysical philosophy is that of *rational reconstruction*. The acceptance that philosophy can no longer proceed from a vantage point transcending historical context does not mean that philosophy cannot critically examine the context and background culture we inhabit: this is made possible through rational reconstruction.[98] This method starts from empirical observation of everyday practice to extract the inherent standards of rationality in this, to then use this standard as a starting point for critique.[99] In *TCA,* for example, Habermas reconstructs the way ordinary subjects interact, to then make explicit the implicit rational structure of language and speech to use as a regulative ideal. Habermas employs the same method for his discourse theory of morality (*Moral Consciousness and Communicative Action,* 1983)[100] and of law and the democratic constitutional state (*BFN,* 1992)[101], albeit in a different way. Here, the aim is not to reconstruct the logic inherent to the practice of individuals, but to find, as Gaus puts it, the "structures and the developmental logic

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[90] Yates 2019c, 316.
[91] Ibid.
[92] Habermas 1992, 6.
[93] Yates 2019c, 317.
[94] Yates 2011, 38.
[95] Ibid.
[96] Habermas 2008a, 30.
[97] Habermas 2008b, 40; Yates 2011, 38–39.
[98] Yates 2011, 39.
[99] Gaus 2019, 369. Of course, these structures must not be viewed as separate from the practice of individual participating in discourse, but rather as the normative core of this practice. I thank Thomas Fossen for pointing this out to me.
[100] Habermas 1990a.
[101] Habermas 1996.

of cultural interpretive systems."[102] This is coupled with a theory of social evolution:[103] Habermas reconstructs the "evolutionary emergence and institutional embodiment of innovative structures of consciousness in the course of history".[104] Thus, the reconstructive method takes up real-world experience, both historical and actual, as its starting point and check to its theory-forming.[105] Furthermore, Habermas insists that reconstruction can only be taken up from within a context of communicative action, not from a transcendent outside-perspective.[106] In giving his account of religion in the public sphere, Habermas refrains from normatively demanding the cognitive attitude of openness that mutual learning between religious and secular citizens requires. This is not for a theorist to decide: only the participants in public discourse themselves can set this standard for themselves and each other. Rational reconstruction can, however, do two things with respect to religion. First, it can demonstrate how our modern moral consciousness has been formed by a historical learning process by way of tracing the "linguistification of the sacred".[107] Second, it can point to the regulative ideals implicated by the practical existence of the secular state.[108]

The third idea central to postmetaphysical thinking is 'weak' transcendentalism.[109] Habermas wants to preserve the possibility of transcending one's own context: this is essential to communicative rationality. Habermas's reconstructive method is *transcendental* in the sense that it aims to determine the universal presupposed conditions for the subject at hand. It contrasts with Kantian 'strong transcendentalism' that seeks *a priori* conditions that make experience of the world possible.[110] For Habermas, the presupposed conditions his reconstructive method aims to retrieve are not accessible *a priori*, without first considering everyday experience. Instead, the reconstructor must analyse communication of everyday speakers and test ensuing conclusions against everyday experience.[111]

From the weak transcendental approach, significant implications can be drawn for political theory. According to Habermas, subjects live not only in a shared *objective* world, but also in a shared *social* world that consists of shared practices, value orientations, jointly recognized norms and so forth.[112] In legitimizing their actions through language, members of the social world comprehend this social world as "the totality of possible legitimated interpersonal relationships."[113] Speakers presuppose that others, like them, are capable of rationally justifying their actions in a commonly intelligible language referring to shared meanings in both the objective and social sense.[114] In his thought on democratic deliberation, Habermas develops further

[102] Gaus 2019, 369.
[103] Ibid., 375.
[104] Habermas 1990a, 32.
[105] Yates 2011, 41.
[106] Ibid., 40–41.
[107] Gaus 2019, 375.
[108] Finlayson 2018, 12.
[109] Sometimes Habermas calls this 'detranscendentalized reason', to clearly distinguish his stance from Kant's transcendental idealism.
[110] Yates 2011, 41.
[111] Ibid., 41–42.
[112] Yates 2011; Habermas 2008a, 46.
[113] Habermas 2008b, 46.
[114] Yates 2011, 43.

pragmatic presuppositions that serve as the minimum of norms required for facilitating free and open discourse.[115] The four most important presuppositions are (a) publicity and inclusiveness, (b) equal rights to engage in communication, (c) exclusion of deception and (d) absence of coercion.[116] In this light, one must also read the "cognitive presuppositions" that Habermas reconstructs in his theory of religion in the public sphere.

Fourthly, Habermas thinks context-transcending validity possible within his account. He argues that rational reconstruction can reconstruct conditions of mutual understanding that are *universally valid*.[117] Context-transcending conditions can be found, but not without reference to concrete experience. This is important, because it allows Habermas to give an account that departs from experience, but is able to provide resources for critique of actual cultural practices.[118] Applied to the debate around religion in the public sphere, postmetaphysical philosophy aims to maintain a critical distance to both scientism and fundamentalist religion, while providing a critique of these worldviews with standards derived from reconstruction of the rationalization of the lifeworld.

Finally, Habermas defends "soft naturalism", as opposed to "hard naturalism". The shared conviction behind these views is that, as Yates puts it, "everything that exists is part of the natural world".[119] The "soft" naturalism that Habermas advocates however, resists the "hard" naturalist claim that "reality is (…) exhausted by the totality of scientific statements that count as true according to current empirical scientific standards."[120] As we have seen, for Habermas non-scientific 'weak' transcendental claims remain possible because knowledge claims are always advanced within the context of a objective world that is always *shared* with others.[121] For Habermas scientific knowledge is incredibly important and is indeed taken up in his reconstructive method of philosophy. Still, science does not exhaust the knowledge we can have about our social world. Normative knowledge claims require normative reasons, which scientific empirical evidence alone cannot provide.[122]

As Yates points out, this demarcation of the roles of science and philosophy feeds into the requirements Habermas makes on citizens of pluralistic democracies.[123] The theory of religion in the public sphere in his late work hinges on the presupposition that religious citizens have "self-modernized":

> "(…) religious citizens must develop an epistemic stance toward the internal logic of secular knowledge and toward the institutionalized monopoly on knowledge of modern scientific experts. They can succeed in this only to the extent that they conceive the relationship between dogmatic beliefs and secular knowledge from their religious viewpoint in such a way that the autonomous progress of secular knowledge cannot conflict with articles of faith."[124]

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[115] Habermas 2008b, 50.
[116] Yates 2011, 43–44; Habermas 2008a, 52.
[117] Yates 2011, 45.
[118] Yates 2019c, 45.
[119] Yates 2011, 47.
[120] Habermas 2008c, 153.
[121] Yates 2011, 47.
[122] Ibid., 49.
[123] Ibid.
[124] Habermas 2008f, 137.

Thus, legitimate civic engagement requires the acceptance of a demarcation between faith and knowledge, even for the religious citizen who might not hold to a naturalistic worldview at all. As Yates explains, "religious citizens must distinguish between the kinds of evidence and reasons that can be used in favour of claims about the objective world and the kinds of justifications for dogmatic claims of faith."[125] For Habermas, the justifications one gives for the 'dogmatic claims of faith' are of a fundamentally different nature than reasons for claims about the objective world. We will return to this point in chapter 4, where I question this train of thought.

Habermas asks of religious citizens to self-modernize, but also makes requirements of secular citizens. In particular, Habermas asks 'hard naturalists' to moderate their claims: post-metaphysical thinking must resists narrow forms of naturalism and secularism.[126] Still, Habermas maintains that his postmetaphysical method must involve "methodological atheism",[127] a kind of experimental 'demythologization' with open outcomes.[128] In later work, Habermas softens this a bit and describes postmetaphysical thinking as employing an 'agnostic' attitude:

> "(...) is prepared to learn from religion while at the same time remaining agnostic. It insists on the difference between the certainties of faith and publicly criticizable validity claims; but it eschews the rationalist presumption that it can itself decide which aspects of religious doctrines are rational and which irrational."[129]

This agnostic stance is something that Habermas incorporates in his theory of institutional translation, which requires open epistemic attitudes of both religious and secular citizens so that mutual learning processes may take place.

Postmetaphysical philosophy should refrain from passing judgements on questions of the good life, and instead retreat to "metalevel questions":

> "The moral point of view obliges us to abstract from those exemplary pictures of a successful or undamaged life that have been handed on in the grand narratives of metaphysics and religion. Our existential self-understanding can still continue to draw its nourishment from the substance of these traditions just as it always did, but philosophy no longer has the right to intervene in this struggle of gods and demons. Precisely with regard to the questions that have the greatest relevance for us, philosophy retires to a metalevel and investigates only the formal properties of processes of self-understanding, without taking a position on the contents themselves. That may be unsatisfying, but who can object to such a well-justified reluctance?"[130]

The validity of concrete norms is left to the participants in the discourse at hand.[131] Here, Habermas's theory of postmetaphysical thinking connects to his political philosophy. In *Between Facts and Norms* (1992), Habermas ties the argument for the inevitability of postmetaphysical thinking

[125] Yates 2011, 49.
[126] Yates 2019c, 317.
[127] Habermas 2005, 310.
[128] Bohman and Rehg 2017, §4.
[129] Habermas 2008f, 143.
[130] Habermas 2003, 4.
[131] Yates 2019c, 317.

to the secularization of the state. Under conditions of postmetaphysical thinking, "the state has lost its sacred substance".[132] This seems to imply that a rethinking of the role of religion in the public sphere is necessary. However, I will argue that the framework offered by *BFN* does not yet make it possible for Habermas to do this properly. To explore this point, let us now turn to Habermas's theory of law and democracy in *Between Facts and Norms*.

2.3. The theory of law and democracy in *Between Facts and Norms*

Habermas's institutional translation proviso is only understandable through his theory of democracy, as the two work in concert: when religious reasons are successfully translated to secular language, they still need to be taken up into discourse to count as good public justifications for policy preferences.[133] Successfully translated religious reasons are still only valid public justifications if they are, as Finlayson words it, "amendable to rationally motivated consensus".[134] Thus, institutional translation and the principle of democracy are jointly necessary conditions of legitimacy.[135]

In *Between Facts and Norms* (1992) Habermas sets out to formulate both a philosophy of law and a theory of the democratic *Rechtsstaat*, based on discourse theory. Here, Habermas develops a theory of democracy that links a procedural theory of law and democracy with his conception of discourse ethics. Habermas intends to show that the only way citizens of the modern state can achieve full legitimacy is to take communicative action as the source of its legitimation.[136] In doing this, Habermas also aims to remedy some of the problems he identified in *TCA* – importantly, the way functionalist reason has supplanted communicative rationality.[137] A system of law must put constraints on the domains of state and market, so that a public space for communicative rationality can flourish.[138]

Habermas's discourse theory of democracy in *BFN* tries to construct a legitimation for the modern state and the normative order it establishes that can be "maintained without metasocial guarantees".[139] By "metasocial guarantees", Habermas denotes the modes of social integration prevalent in premodern societies. Before the genesis of the modern state, people lived in relatively undifferentiated groups where social integration was guaranteed by shared life histories, overlapping lifeworlds and similar background assumptions about "the good".[140] With the process of modernization "sacralised belief complexes" fall apart and society is differentiated into a myriad of specified tasks, social roles and interest positions. This closes the path for a legitimation of the state on the basis of a pre-existing homogeneous community that agrees on substantive values.

According to Habermas, the only basis for a legitimation of the modern state is the

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[132] Habermas 1996, 443.
[133] Finlayson 2018, 8.
[134] Ibid.; cf. Finlayson 2005, 45.
[135] Finlayson 2018, 8.
[136] Habermas 1996, 25–26.
[137] Strecker 2019, 58.
[138] Ibid.
[139] Habermas 1996, 26–27. I am indebted to Usturali 2017 for drawing my attention to the notion of metasocial guarantees in *BFN*.
[140] Usturali 2017, 569.

autonomy of its citizens. Public autonomy, for Habermas, is the freedom to take part in the collective communicative enterprise of deliberative reasoning, a process of self-legislation through collective will-formation. In this respect, Habermas places himself in the long-standing tradition, starting with Rousseau and Kant, that defines political freedom as self-authorship.[141] However, Habermas gives this notion an innovative twist by introducing the notion of the "co-originality op private and public autonomy". This is the idea that "private and public autonomy, human rights and popular sovereignty, mutually presuppose one another".[142]

For Habermas, private autonomy in a broad (that is, psychological and moral) sense is always intersubjective: the claims individuals make always imply the communicative demand to justify their views to others.[143] This must be contrasted with private autonomy in a political sense. Individual civil liberty rights are put in place to, as Zurn words it, "allow legal subjects to withdraw from communicative obligations within the speech and action domains specified by the relevant legal rights."[144] Thus, liberty rights create a legally demarcated space where individuals are released from justificatory obligations. And it is precisely this, Habermas argues, that enables individuals to freely form their views to bring into public discourse. This private sphere is not constituted by pre-political traditions or by metaphysical authority anchored in the nature of reality (as in the natural law tradition). Rather, the content of there rights can only be determined in an open-ended process of deliberation.[145] Public autonomy, as we saw, is the freedom to take part in this collective communicative enterprise of collective will-formation. As Habermas writes in an article from the same period: "Citizens are politically autonomous only if they can view themselves jointly as authors of the laws to which they are subject as individual addressees."[146] This is accomplished through the *democratic principle:*

> "The democratic principle states that only those statutes may claim legitimacy that can meet with the assent (Zustimmung) of all citizens in a discursive process of legislation that in turn has been legally constituted."[147]

This democratic principle is, in a sense, the appropriation of the discourse principle (D) to the realm of politics. It takes the ideal of deliberation to reach consensus that is rationally acceptable to all involved and takes this as the basis of validity of laws and political decisions. Everyone should get to have a say, and every participant is open to changing his mind when better rational arguments are presented. Ideally, processes of deliberation are inclusive and free of coercion: each participant has the opportunity to make a contribution. Under these conditions, as in discourse in general, the "unforced force of the better argument" prevails.[148] The specific communicative twist to this conception of political autonomy comes with the idea of a 'two-track' structure of politics with its informal and formal spheres of deliberation, which I have discussed in

[141] Cooke 2007a, 231.
[142] Habermas 1996, 84.
[143] Zurn 2019a, 349.
[144] Ibid.
[145] Ibid.
[146] Habermas 1995, 130.
[147] Habermas 1996, 110.
[148] Ibid., 305–306.

chapter 1.

In what sense, then, are public and private autonomy "co-original"? On this point, Habermas writes:

> "The sought-for internal relation between popular sovereignty and human rights consists in the fact that the system of rights states precisely those conditions under which the forms of communication necessary for the genesis of legitimate law can be legally institutionalized".[149]

In order to be non-coercive, legitimate public discussion needs a legally demarcated system of individual rights where political communicative obligations are lifted. In this sense, public autonomy originates out of private autonomy. But the system of individual rights does not create itself: rather, it rises out of mutual recognition, constituted in processes of free and open deliberation.[150] Public autonomy requires public autonomy. Thus, private and public autonomy are "co-original". In this way, *BFN* intends to overcome the classical dichotomy of liberal versus republican concerns by emphasizing opinion-formation, while preserving the institutionalizing force of constitutionalism.[151]

Habermas's theory of democracy aims to marry political will-formation of citizens with constitutionalism. For Habermas, the principles of the constitutional state are the answer to the question how democratic will-formation can be institutionalized. Civil society provides the basis for autonomous public spheres that are distinct from economic and the administrative system of the state. Thus, Habermas thinks the classical liberal boundary between "state" and "society" in his own way. This is an example of Habermas's rejection of the aforementioned philosophy of consciousness. Instead of locating civic self-determination in one macro-subject (as Rousseau does) or in isolated private subjects governed by the rule of law (as Locke does), Habermas's discourse theory relies on "higher-level intersubjectivity of communication processes".[152] Streams of subjectless communication flow through both formal political institutions and informal networks of the public sphere, translating public opinion to political decisions. As Habermas puts it:

> "Informal public opinion-formation generates "influence"; influence is translated into "communicative power" through channels of political elections; and communicative power is again transformed into "administrative power" through legislation."[153]

As we have seen, private autonomy, according to Habermas in *BFN*, "extends as far as the legal subject does *not* have to give others an account or give publicly acceptable reasons for her action plans."[154] In other words, private autonomy consists in a *liberation* of the obligations to justify one's validity claims to others where "purposive-rational behaviour" is concerned. Here, "agent-

[149] Ibid., 104.
[150] Zurn 2019a, 350.
[151] Habermas 1996, 297–298; Usturali 2017, 570; Habermas 1994.
[152] Habermas 1994, 8.
[153] Ibid.
[154] Habermas 1996, 120.

relative reasons suffice".[155] In the public sphere however, intersubjective relationships should lead to mutual recognition and the willingness to come to consensus so that cooperation and joint action is possible. From this it follows that in the public sphere, "only those reasons count that all the participating parties *together* find acceptable".[156] Therefore, legal rights and legal order presupposes mutual recognition and communicative action:

> "At *a conceptual level*, rights do not immediately refer to atomistic and estranged individuals who are possessively set against one another. On the contrary, as elements of the legal order they presuppose collaboration among subjects who recognize one another, in their reciprocally related rights and duties, as free and equal citizens."[157]

2.4. Religious reasons in *Between Facts and Norms*

How do religious reasons feature in this model of law and politics? To answer this question, it is important to look at the nature of reasons that may enter in a legitimate procedure of creating and adjudicating law according to Habermas.[158] I will follow Cooke's reconstruction of Habermas's argument on this point[159] to come to an understanding of the role of religion in *BFN*.

As Cooke points out, Habermas's conception of reasons that are appropriate for public discourse is in some ways similar to the Rawlsian tradition of thinking about public reason.[160] Like Rawls, Habermas thinks a political order needs social solidarity for true stability, and thus it needs its citizens to accept laws and political decisions "for the right reasons".[161] As Cooke shows, for Rawls as well as for Habermas, *right* reasons are *rational* reasons. The difference between the two theorists is, as Cooke points out, that "Habermas attributes an *epistemic* dimension to political legitimation. [Democratic decisions] raise claims to truth (...) this is why [Habermas] claims that a "post truth democracy" would no longer be a democracy."[162] Cooke shows that on Habermas's account, legal-political validity is similar to truth in the respect that they share an "ideal moment of unconditionality".[163] They are context-transcending in the sense that they aim to refer to something beyond the standards of validity immanent to a specific social-cultural context.[164] As Habermas puts it:

> "Even the most fleeting speech-act offers, the most conventional yes/no responses *rely on* potential reasons. Any speech act therewith refers to the ideally expanded audience of the unlimited interpretive community that would have to be convinced for the speech act to be justified and,

[155] Ibid.
[156] Ibid., 119.
[157] Ibid., 88.
[158] Cooke 2006, 197.
[159] Cooke 2006; Cooke 2007a.
[160] Cooke 2007a, 224.
[161] Ibid. Cooke is referring to Rawls's concept of "right reasons". In the 1997 essay "The Idea of Public Reason Revisited" (reprinted in Rawls 2005), Rawls makes the demand that religious doctrines "be compatible for the right reasons with a liberal political conception", see Rawls 2005, 458.
[162] Cooke 2007a, 224.
[163] Ibid.
[164] Ibid.

hence, rationally acceptable."[165]

Habermas is quick to add that the source of this context-transcendence by way of an "ideally expanded audience" is not "otherworldy".[166] Instead, Habermas argues that communicative rationality expresses a "innerworldy transcendence",[167] a transcendence that is, as Cooke puts it, "immanent to human practice".[168] In this crucial way, the legitimation of law and politics in *BFN* is postmetaphysical: it assumes that laws and decisions on reasons that everyone (ideally) could accept, regardless of their substantive ethical conceptions.[169]

As Cooke shows, the types of reasons that are allowed to enter into public discourse does get broader in *BFN* compared to the earlier *TCA*. She points out that in *TCA,* Habermas had limited public discourse to "discussions of claims of validity that everyone, everywhere could accept for the same reasons."[170] Thus, only questions pertaining truth and universal morality were allowed in public discourse.[171] However, Habermas revises this position in the early 1990's. Cooke traces this turn to an essay first published in 1991, where Habermas "outlines a model of practical reason that allows for ethical-existential discourses (and, indeed, pragmatic discourses) in addition to moral ones".[172] Ethical-existential discourses are subjectivist discourses aimed at the "telos of my/our own good (or not misspent) life".[173] Their validity claims are, as Finlayson puts it, "claims to authenticity, not truth, and thereby make possible authentic ways of life."[174]

Thus, in *BFN* Habermas ends up distinguishing three types of reasons that are allowed in political discourse: moral, ethical and pragmatic reasons.[175] These different types of reasons play together in complex ways to together constitute a complex set of validity claims.[176] Essentially, practical reason deploys all these sorts of reasons in democratic deliberation: "Political questions are normally so complex that they require the simultaneous treatment of pragmatic, ethical, and moral aspects. To be sure, these aspects are only analytically distinct."[177]

By introducing room for ethical-existential discourses, Habermas opens up discourse theory to discussions of substantial existential worldviews.[178] Habermas comes to the realisation that public discourse needs the impulse of these authentic ways of life to propel citizens into communicative action. Habermas's theory of legitimation in *BFN* even involves the claim that "reasons that are convenient for the legitimation of law must (…) harmonize with the ethical principles of a consciously "projected" life"[179] Public discourse cannot do without reasons springing from the ethical-existential views of its citizens. Still, Habermas maintains ethical discourse

[165] Habermas 1996, 19.
[166] Cooke 2007a, 224.
[167] Habermas 1996, 5.
[168] Cooke 2007a, 224.
[169] Ibid., 225.
[170] Cooke 2006, 190.
[171] Ibid.
[172] Ibid.
[173] Habermas 1996, 97.
[174] Finlayson 2018, 7.
[175] Habermas 1996, 164.
[176] Cooke 2006, 197.
[177] Habermas 1996, 565, note 3.
[178] Cooke 2006, 191; Finlayson 2018, 7.
[179] Finlayson 2018, 7; Habermas 1996, 99.

lack 'cognitive meaning': this universalizing kind of meaning can only be conveyed by *moral* or *theoretical* discourses.[180]

The status of religious reasons is still unclear in the (already blurry) categorization of reasons in *BFN*.[181] One might presume Habermas views religion primarily as 'ethical discourses', but Habermas himself does not make this explicit anywhere in *BFN*. This silence may be because, as Cooke points out, religious validity claims sit rather uneasily within the ethical/moral distinction with its demarcation of universal and non-universal validity claims.[182] Religious validity claims are *non-universal* in the sense that "they are tied to the particular perspective of an individual or collective."[183] However, Cooke rightfully concludes that restricting religious validity claims to non-universality would evidently ignore their *universal* orientation: they also refer to moral and existential truths that are claimed to hold for everyone at any time and in any place.[184] Thus, religious claims are complex and do not let themselves be neatly boxed in in universal/non-universal and rationally accessible/not accessible. Habermas already fails to see this in *BFN* and, as we shall see in chapter 4, this problem persists in his late work on religion.

Habermas mentions religious truth claims in another essay from 1992:

> "Under the conditions of postmetaphysical thinking, whoever puts forth a truth claim today must, nevertheless, translate experiences that have their home in religious discourse into the language of a scientific expert culture—and from this language retranslate them back into praxis."[185]

This seems to hint at an obligation to translate religious discourse into secular language. Still, Habermas does not yet conceptualize the translation of the normative contents of religion to reasons in the public sphere. Consequently, Habermas's thesis up to and including *BFN* seems to be that modernization is a learning process exclusively for religious citizens: they should develop self-reflection regarding their unsustainable position in a plural modern society.[186] However, this point is largely left undeveloped in this work.

In summary, *BFN* is largely silent on religion and leaves the precise role of religion in the public sphere rather unclear. As we shall see in chapter 3, Habermas builds upon this problematic account of religious validity claims in later work, culminating in his 2008 paper *Religion in the Public Sphere*). Here, Habermas makes explicit that religious reasons may be given in informal deliberation but should be translated to secular language when entering formal public deliberation. In his late work, Habermas makes more effort to cast religious discourses as repositories of possible truth contents. He aims to find a 'middle ground' between fundamentalist, unreflexive religion and 'scientism' that denies 'the possible cognitive truth content' of religious traditions altogether.[187]

However, in chapter 4 I will argue that, like in *BFN*, his late works are also undermined

[180] Finlayson 2018, 7; Habermas 1996, 108.
[181] Cooke 2006, 190.
[182] Ibid., 190–191.
[183] Ibid., 192.
[184] Ibid., 191–192.
[185] Habermas 2005, 310.
[186] Van Putten, Overeem, and Van Steden 2019, 12.
[187] Habermas 2008g, 245.

by Habermas's misunderstanding of religious reasons and the possibility of translation thereof.

3. Religion in the post-secular public sphere

As we have seen, religion is largely side-lined in Habermas's work up until the 1990's. But his late work, roughly from 2001 onward, is marked by a change in tone. Habermas begins to put more emphasis on the usefulness of religion to public discourse and introduces his notion of institutional translation. He also seems to reconsiders his earlier treatment of religion as waning through the process of rationalization: "I subsumed rather too hastily the development of religion in modernity with Max Weber under the 'privatization of the powers of faith'".[188]

This begs the question whether Habermas's position on the public of assessment of religious reasons has shifted. In chapter 4 I draw on the work of Cooke[189] and Rees[190] to argue that Habermas's late work does not in fact revise his theory of validity, and that this fundamentally threatens his legitimation of law and democracy. Before doing so, I will examine the shift in tone in Habermas's late work and flesh out the theoretical framework Habermas lays out for the role of religion in public deliberation.

3.1. Religion in Habermas's post-9/11 work

In Habermas's late work, the secularization thesis is recanted: even under conditions of modernity, religion endures and is here to stay.[191] His theory has to come up to grips with this realization and thus, Habermas's writing from 2001 onward is marked by the intention to give religion its due.

As Frega points out, Habermas has always attempted to "inscribe political theory in the broader context of a theory of modernity."[192] In assessing a political theory, one should not only pay attention to theoretical plausibility, but also take the responsiveness of theory to changing social conditions into account.[193] In his late work, Habermas takes this approach to the treatment of 'post-secular society'. Political theory has come to terms with the persistence of religion in modern secularized societies:

> "Quite apart from their numerical weight, religious communities can obviously still claim a "seat" in the life of societies that are largely secularized. Today, public consciousness in Europe can be described in terms of a "post-secular society" to the extent that at present it still has to adjust itself to the continued existence of religious communities in an increasingly secularized environment."[194]

Habermas seems to subtly back away from the claim that religious claims must be rationalized through a 'linguistification of the sacred' to be of any value to public deliberation. Instead, Habermas develops a renewed interest in religion as a potential source of motivation for citizens to advance liberal political culture:

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[188] Habermas 2002, 79.
[189] Cooke 2014; Cooke 2006; Cooke 2007a.
[190] Rees 2015.
[191] Aguirre 2019, 408.
[192] Frega 2012, 270.
[193] Ibid.
[194] Habermas 2008d, 19.

> "(...) in well-established constitutional states, churches and religious communities generally perform important functions for stabilizing and advancing a liberal political culture."[195]

> "[The liberal state] must not discourage religious persons and communities from also expressing themselves *as such* in the political arena, for it cannot be sure that secular society would not otherwise cut itself off from key resources for the creation of meaning and identity."[196]

As Cooke points out, Habermas now takes the view that religion must not be treated as just another substantive ethical conception of the good.[197] Unlike conceptions of the good that only have significance for the particular individual or a specific group of individuals, Habermas takes religious beliefs to have a 'hidden' cognitive content that is potentially relevant for everyone.[198] A state that bars religious expressions from the "political arena" risks missing out on this potential.

Where does Habermas's new interest in religion originate from? A few reasons come to mind. The first I already mentioned: Habermas has come to see more clearly that secularization doesn't appear to eliminate religion altogether, and religious communities persist in modern societies. Habermas himself mentions two other reasons.[199] The first reason is the wide-spread disenchantment with Western models of modernization and secularization. Citizens are disengaging from liberal culture, or even become hostile to it. The Western world was roughly awakened to the latter by the terrorist attacks of 11 September 2001. The second reason for Habermas's shift is that recent developments in genetical engineering threaten to instrumentalize human nature. If we tinker with the human genome too frivolously, Habermas warns, we threaten to fundamentally undermine the self-understanding of human beings and communities.[200]

In a lecture on 14 October 2001, only weeks after 9/11, Habermas for the first time expresses his worry that we might not be able to overcome these challenges of modernization if we neglect the semantic potential embedded in religious language.[201] It seems that Habermas has become more sceptical about the potential of postmetaphysical philosophy to provide citizens with *ethical motivation* to mediate their conflict communicatively and bring about positive social change. During a public address in 2011, Habermas was asked about potential religious origins of atheistic movements of social renewal such as socialism. Habermas remarked: "It is a question whether we can still expect these kinds of social movements, which I think are necessary to shift our basic value system. Whether these social movements will work without religious motivations? I'm not sure about it, but I admit I have my doubts."[202]

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[195] Habermas 2008f, 124.
[196] Ibid., 131.
[197] Cooke 2007a, 225.
[198] Ibid.
[199] Habermas 2001.
[200] Cooke 2006, 189. Habermas further developed this argument in *The Future of Human Nature* (2003).
[201] Habermas 2001.
[202] Habermas 2011.

3.2. Context of the debate: Rawls's treatment of public reason and religion

These concerns lead Habermas to more clearly work out the implications for religion in the public sphere.[203] In the 2006 essay 'Religion in the Public Sphere: Cognitive Presuppositions for the "Public Use of Reason" by Religious and Secular Citizens'[204] Habermas reacts to another prominent defender of deliberative democracy, namely John Rawls. In *Political Liberalism* Rawls fleshed out his theory of public reason as 'The Liberal Principle of Legitimacy' and the duty of civility.[205] According to Rawls, citizens who participate in political deliberation should limit themselves to offering publicly acceptable reasons as justification for the coercive policies they advocate.[206] Comprehensive doctrines are thus excluded from public discussion. Religious reasons may enter the public debate, but on the condition of the "proviso" that "in due course, we give properly public reasons to support the principles and policies our comprehensive doctrine is said to support."[207] For Rawls, not every secular reason is a 'properly public reasons'. Public reasons are those reasons that are based on the basic values and ideals that make a liberal democracy possible, such as, as Finlayson summarizes it, "the ideals of justice, equal political liberty, fair equality of opportunity and economic reciprocity."[208] These principles find their expression in a "constitution the essentials of which all citizens may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational."[209]

Rawls's influential account of public reason with its 'due course proviso' has come in for criticisms. Specifically, there are two oft-cited points of concerns that Habermas's institutional translation proviso aims to remedy, namely (i) the split-identity objection and (ii) the objection of unfair asymmetric burdens.[210] First, the split-identity objection is that the split between 'public' and 'comprehensive' doctrines forces religious citizens to split their identity into artificial public and private segments.[211] In reality, the objection goes, the devout believer takes his religion as an indivisible part of their identity and way of life. Thus, Rawls's proviso undermines the personal integrity of religious citizens by forcing them to offer disingenuous public reasons as a guise for their true religious beliefs.[212] For example Wolterstorff, a prominent critic of both Rawls's and Habermas's account of religion in the public sphere, argues that "it belongs to the religious convictions of a good many religious people in our society that they ought to base their decisions concerning fundamental issues of justice on their religious convictions. They do not view it as an option whether or not to do so."[213]

Second, the objection of unfair asymmetric burdens is that the public reason requirement places more psychological and cognitive demands on religious than on secular citizens.[214]

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[203] The 2006 *Between Naturalism and Religion* bundles various of Habermas's essays on religion from this period.
[204] Habermas 2008f.
[205] Finlayson 2018, 1.
[206] Rawls 2005, 137.
[207] Rawls in 'The Idea of Public Reason Revisited' (1997), reprinted in Ibid., 453.
[208] Finlayson 2018, 2.
[209] Rawls 2005, 217.
[210] Finlayson 2018, 4.
[211] Ibid.
[212] Ibid.; Lafont 2013.
[213] Audi and Wolterstorff 1997, 105.
[214] Finlayson 2018, 4.

Religious citizens need to make the effort of translating their beliefs into publicly intelligible reasons and need to practice restraint when such translations are impossible. These obligations do not fall on secular citizens and this asymmetry is deemed to be unfair.[215] Habermas is keenly aware of these problems and aims to resolve them in his account of religion in the public sphere.

3.3. Habermas's 'two-track' account of religion in the public sphere and the 'proviso'

For Habermas, the discussion of public reason presents a two-horned dilemma. On the first horn one allows more room for religious reasons to enter into public deliberation. This serves equality by removing the asymmetric burden on religious citizens, but the price is of a breach of the notion of public reason and a disadvantage for those citizens who may become subject of legislation justified by a religious conviction they do not share. On the second horn more restrictions are placed on religion, barring religious reasons from public deliberation. This protects public reason and prevents citizens being bound by religiously motivated laws, but at the expense of religious citizens, who now face increased asymmetric cognitive burdens.[216]

To find a solution to this dilemma, Habermas builds on the two-track theory of formal and informal deliberation he set out in *BFN*.[217] The difference with *BFN* is that Habermas now makes more explicit the role of religion within the two spheres of political life. As Usturali points out, Habermas has not modified his claim that a constitutional liberal democratic polity can only allow generally accessible, and thus secular, reasons in its formal political discourse.[218] In this sense, secularism forms the 'hard core' of Habermas's theory of religion in the public sphere.[219] On top of this, Habermas proposes a republican ethics of citizenship that calls on both religious and secular citizens to take part in "complementary learning processes" and translate religious reasons into publicly accessible language, so that the useful "truth-contents" of religion can be put to use in public discourse.[220] Secular citizens are required to be self-critical about the limits of reason and the naturalistic scientific framework. Religious citizens should embrace the validity of secular core values of the liberal democratic state, such as equality and liberty.[221] Thus, the old idea of a secular *state* goes together with the new idea of a post-secular *society*.[222] The new element to Habermas's post 9/11 work on religion is the way the auxiliary republican public deliberation is fleshed out in recommendations for a postsecular civic duty that can sustain the liberal secular state. These recommendations consist of two main elements: a "complementary learning process" of both religious and secular citizens, and an "institutional translation proviso" to preserve the secularism of state institutions.[223]

This ideal cannot do without a citizenry that is willing to engage others in respectful and equal discussions. Therefore, Habermas again emphasises that a political community cannot do without civic solidarity. Without such a "legally unenforceable uniting bond", citizens cannot

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[215] Ibid.
[216] Tyler 2018, 718.
[217] Usturali 2017, 570.
[218] Ibid., 570–572.
[219] Ibid., 570.
[220] Ibid., 567.
[221] Cooke 2006, 189.
[222] Van Zweerde 2011, 143.
[223] Usturali 2017, 570.

see themselves as "free and equal participants in the shared practices of democratic opinion- and will-formation".[224] Without civic solidarity, "the political community fragments into irreconcilable religious and ideological segments based on a precarious *modus vivendi*."[225]

The institutional translation proviso, then, is Habermas's way to think through state neutrality and the separation of church and state while trying to also preserve the freedom of religious citizens to make use of their own sources of language. This again raises the question what exactly makes reasons "religious" according to Habermas. For Habermas, religious reasons are at least partially "opaque". This seems to be because, as Sikka points out, Habermas considers "revelation", "ritual praxis" and "religious experiences" as central to the experience of religious communities.[226] This revelational character is what purportedly makes religious reasons distinct from the universal reasons[227] postmetaphysical provides. However, Habermas deems translation of religious content and transcendence of the context of comprehensive doctrines possible because religious and secular citizens have similar moral intuitions. Thus, the moral intuitions of a religious citizen may be 'potentially morally convincing' to the secular citizen when translated to a generally accessible language.[228]

Habermas's new engagement with religion does not fundamentally alter the way Habermas approaches the idea of a secular state. At every point of his work on religion, Habermas has repeated that a "post-secular" society must have *first* been propelled into a "secular" state.[229] As Habermas writes in an essay on European constitutionalism:

> "Political authority first had to be secularized and law had to be positivized throughout before the legitimation of authority could become dependent on the legally institutionalized consent of those subject to authority. Only with this development could that democratic juridification of the exercise of political authority which is relevant in the present context begin."[230]

Habermas's addition of auxiliary parts such as the theory of institutional translation and 'mutual learning processes' does not seem to alter his 'core theory' of secular reasons. Rather, secularism as a constitutional principle remains central to Habermas political theory, while he now also starts to recognize post-secularism as a fact that democratic states have to deal with.[231] Habermas accommodates for the endurance of religion in modern society, while leaving his liberal secularist conception of the state intact. But can this account of translating religious reasons ultimately convince?

[224] Habermas 2008f, 135–136.
[225] Ibid., 135.
[226] Sikka 2016, 96.
[227] Universal only in a weak transcendental sense, recall the Universalization principle (U).
[228] Habermas 2008f, 139.
[229] Van Zweerde 2011, 143.
[230] Habermas 2012, 11.
[231] Usturali 2017, p. 571.

4. Religious reasons in public deliberation: lost in translation?

Having reconstruct Habermas's thought on religion and his institutional translation proviso, it is time to critically evaluate Habermas's proposal. In this chapter, I will argue that Habermas's proposal for an 'institutional translation proviso' with accompanying 'mutual learning processes' ultimately fails to convince.

4.1. Habermas's conflicted understanding of religion

An initial problem with Habermas's understanding of religious reasons is that he speaks of 'religion' as a singular phenomenon. Thus, he underplays the rich variety of religious outlooks that exist across the religious spectrum.[232] In some texts, Habermas exhibits an understanding of religion typical for modernity: religion is taken to importantly involve a set of inviolable truth propositions or dogmas – dogmas that cannot be rationally validated. For example, Habermas offers that

> "religiously rooted existential convictions, by dint of their if necessary rationally justified reference to the dogmatic authority of an inviolable core of infallible revealed truths, evade that kind of unreserved discursive examinations to which other ethical orientations and worldviews, i.e. secular 'conceptions of the good,' are exposed."[233]

But, as Sikka points out, it is too easy to dismiss Habermas as just another Enlightenment fundamentalist. For Habermas, this "discursive extraterritoriality"[234] of religious justification is necessarily connected to religious practice. Habermas writes that "Religious traditions differ from philosophy in their mode of belief and their way of justifying taking-to-be-true, but above all in the stabilizing anchoring of faith in the ritual practices of a religious community."[235]These two elements together – dogma rooted in ritual practice –make religious reasons truly 'other' from secular reasons.[236]

Thus, while his terminology regarding the 'institutional translation of religious reasons' suggests a singular understanding of religion, I think there is a fundamental tension in Habermas's treatment of religion. On the one hand, Habermas seems to treat the core of religion as a rational-dogmatic complex. Religion is taken to be, essentially a *rational* business: it encompasses a set op propositional truths that are given by revelation, truths that are fundamentally incompatible with rational public discourse because they cannot be communicatively challenged. On the other hand, Habermas is appreciative of the *irrational* aspects of the practice of many religious adherents. He sees value in 'myth and ritual' and in the way ritualistic practice shapes the everyday lives of believers. Habermas never really solves this tension.[237] This is one of the reasons, I think, why Habermas's statements on 'translation of religious reasons' end up

[232] Dillon 2012, 252.
[233] Habermas 2008f, 129.
[234] Ibid., 130.
[235] Habermas 2013, 607.
[236] Sikka 2016, 100.
[237] I thank Thomas Fossen and Jesse Doornenbal for their comments on this point, bringing this problem more into focus.

looking rather unsatisfying. One cannot make blanket statements of this sort about religion.

In a similar vein, the complexity of individual- and group identities remains underexposed in Habermas's engagement with religion. Persons may hold multiple, intersecting and sometimes even contradictory identities.[238] Religious communities that see themselves as clearly distinct from, and opposed to, modern society, are only those groups at the fundamentalist extremes of the secular-religious continuum. For most mainstream religious adherents, there is no sharp distinction between being religious and being a secular citizen.[239]

With Wolterstorff I submit that Habermas overemphasizes the importance of revelation in the lives of most religious citizens.[240] To be fair, in some strands of Christian theology, for example, knowledge of God is indeed taken to be something that is attained only by revelation. Blaise Pascal famously argued against Descartes' rationalist ontological argument for the existence of God, by offering that putting "I know" in the place of "I believe" is a category mistake. Faith precedes knowledge, not the other way around.[241] Pascal offers that "reason's last step is the recognition that there are an infinite number of things which surpass it."[242] As a theological proposition, this may well make sense to believers. But in everyday practice, the pair revelation-faith does not have prime importance. As Wolterstorff puts it: "Rarely does one hear someone say, "God told me, so it's true; and that's the end of the discussion."[243] This is no less true for religious citizens taking part in formal public discourse. Adding to this, mentions of religious tradition in public discussions are rarely put as appeals to unassailable authority. As Waldron points out, most religious participants draw on religious traditions mostly as "heritage of deep thinking about the matter [at hand] that can inform their own thinking and their own conclusions."[244] Just as one might draw inspiration from the work of an economist or philosopher for, so one might draw arguments from religious sources: the latter isn't inherently more authoritarian than the former.[245]

4.2. Limits of institutional translation

With that being said, there are also reasons to be critical of Habermas's translation requirement if one takes religious reasons to denote, essentially, a rational-dogmatic complex of unimpeachable transcendental truths. A first, and important, concern, is the question whether religious reasons, if one understands them in this way, can properly be translated at all. Habermas's two-track model of politics requires translation of religious reasons in the formal public sphere. But, as Kant famously argued, 'ought' implies 'can'.[246] Habermas can only set up institutional translation as a requirement if it is *possible* to translate religious reasons to secular language.

I do not intend to argue that religious reasons are untranslatable *per se*. Rather, I want

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[238] Dillon 2012, 265.
[239] Ibid., 266.
[240] Wolterstorff 2013, 197.
[241] Phillips 2003, 35. Pascal takes this view from Augustine: "faith is in some way the starting point of knowledge." (Augustine, *De Trinitate*, IX, 1, 1).
[242] Pascal 1995, 66 (L 188/S 220).
[243] Wolterstorff 2013, 197.
[244] Waldron 2012, 853.
[245] Ibid., 854.
[246] Kant 2003, A548/B576.

to draw from Rees's concept of *pyrrhic translation*. Rees uses the work of Paul Ricoeur to argue that we should not think of translation of religious statements in terms of translatability or untranslatability. Rather, we should consider whether translations are faithful to, or betray, the religious source.[247] Rees calls the translation of a statement 'pyrrhic' when most of the statement's essential content gets lost – we lose "the humour of a joke, the truth-value of a factual assertion, the beauty of a line of poetry."[248] In the context of translating text, translation is notoriously difficult when the source and target language are structurally dissimilar. If translation means putting the content of a statement into a new form, translation becomes problematic when content is dependent on form.[249] Religious statements, according to Habermas himself, manifest such form/content dependence. In religious language, the sacred and the profane are still fused together in an undifferentiated way. This is an anomaly in modern society, as modernization has mostly differentiated the sacred and the profane.[250] For example, Habermas argues that in theological discourse, "the ontic, normative and expressive elements of validity [of religious claims] (...) must remain fused together in the conception of the creator and redeemer God, of theodicy, and of the event of salvation."[251] This undermines Habermas's project: if in religious claims form and content are necessarily fused, one cannot simply extract content to put in a new (secular) form. Religious translations, in the form proposed by Habermas, can only be pyrrhic.

Not only will something be lost in religious-to-secular translations, Habermas himself seems to suggest that many core religious sources of meaning may prove to resist translation altogether. He writes that the "opaque core of religious experience" remains "as profoundly alien to discursive thought as the hermetic core of aesthetic experience."[252] Habermas emphasizes that postmetaphysical thinking must *engage* with religion – but this is evidently different from critical *assessment* of religious truth-claims.[253] True enough, Habermas makes room for 'complementary learning processes' in informal deliberation, but the possibility that secular citizens could come to see the *validity* of religious claims is ruled out from the start.[254] The critical engagement with religion that Habermas propagates is intended to enrich the purely secular vocabulary of postmetaphysical thinking – it never intends to cast light on the validity of religious truth claims.[255] In short, Habermas has not fundamentally changed his mind: as in his mature work from the 80's and 90's, philosophy and religion are still considered to inhabit separate realms of validity.[256] They are incommensurable.

Habermas offers that we must not destroy this opaque core of religion by assimilating it through reason: "the mode for nondestructive secularization is translation."[257] Here, the

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[247] Rees 2015, 220; Ricoeur 2006, 14.
[248] Rees 2015, 220.
[249] Ibid., 231.
[250] Ibid., 65.
[251] Habermas 2005, 310.
[252] Habermas 2008f, 143.
[253] Cooke 2006, 193.
[254] Ibid., 194.
[255] Ibid., 195.
[256] Ibid.
[257] Habermas 2003, 114.

‘nondestructive’ element, for Habermas, consists in leaving the opaque core of religion intact.[258] But if the core of religious experience remains “opaque”, how then does Habermas expect to extract useful ‘truth contents’?[259] This is a question that I think remains unanswered by Habermas. As Sikka points out, the examples Habermas gives of successful translations leave it quite vague what exactly the useful ‘cognitive contents’ are that get translated.[260] Habermas mentions that “universalistic egalitarianism (…) is the direct legacy of the Judaic ethic of justice and the Christian ethic of love.”[261] Another example he gives is that “God created man in his own image (…) to know what this means, one need not believe it literally.”[262] *What* exactly this means, in secular terms, is left unclear.

Even if we take translation of religious reasons in a rational-dogmatic sense to be possible on a fundamental level, there are practical issues with institutional translation that remain unclear in Habermas’s work. For example, Habermas makes little effort to demarcate clearly between informal and formal (i.e. institutional) spheres. Habermas seems to suggest that one can clearly demarcate between formal institutions of the state and informal processes of deliberation. However, Usturali rightfully points out that in reality, both the codification and adjudication of law are, as he puts it, “multilayered and complex processes”.[263] This makes it difficult to clearly demarcate where religious reasons may or may not enter.[264] Sure enough, according to Habermas the law may not reference religious reasons. But the development of law combines formal and informal elements.[265] Thus, it is unclear when exactly religious reasons need to be translated. This ties into another practical problem Usturali identifies with institutional translation: it may be very difficult to distinguish ‘religious’ from ‘non-religious’ reasons at any stage of deliberation.[266] To bar religious reasons from deliberation in the formal public sphere first requires a consensus on what constitutes a religious reason. In reality, the line between legal and ethical reasons is blurry. And as I have argued, rational accessibility of religious beliefs is a matter of gradations. That parts of the cognitive elements of some forms of religion cannot be rationally defended, does not mean that all aspects of all religious traditions are dogmatically set in their ways and that all religious adherents are unable to meaningfully discuss with others their truth-claims.

4.3. Aporias of post-metaphysical philosophy: there is no “beyond” metaphysics

A related problem with translation arises when we consider Habermas’s postmetaphysical claims. Recall that Habermas gave metaphysics a broad definition.[267] Postmetaphysical thinking is supposed to abstain from making substantive claims in the areas of ethics, ontology and philosophical anthropology, and thus refrains from taking a stance on questions of the good life and

[258] Høibraaten 2017, 445.
[259] Usturali 2017, 575–576.
[260] Sikka 2016, 97.
[261] Habermas 2008a, 142.
[262] Ibid., 97.
[263] Usturali 2017, 575.
[264] Ibid.
[265] Ibid.
[266] Ibid.
[267] Rees 2015, 233.

the good society. At the same time, Habermas claims that we need secular translations of religious views on the good life so that we might have ideals that continue to inspire us and encourage us to cooperate, communicate and bring about social change for the better.[268] If postmetaphysical philosophy is 'agnostic' on ethical matters and remains silent on them, how can it at the same take substantive ethical claims (such as religious claims about the good life) and articulate these in a form intelligible for all? For Habermas, translation of religious reasons is required to fuel the ethical orientation of citizens in a post-secular society. On the other hand however, postmetaphysical thinking cannot offer ethical guidance so as to not compromise its neutrality and acceptability to all.[269] As Cooke points out, Habermas does not properly acknowledge this double-bind, much less provide a way out of it.[270]

Finlayson defends Habermas by arguing that we must not read Habermas's views on religion in the public sphere as simple normative prescriptions derived from ideal theory.[271] As Finlayson points out, Habermas's postmetaphysical philosophy aims to depart from a method of rational reconstruction. Recall here that this pragmatic way of doing philosophy attempts to retrieve assumptions already implicit in our everyday practice to then hold our practice to these standards. [272] Is this, as Finlayson claims, really what is going on in Habermas's treatment of religion? In my view, Finlayson reads Habermas overly charitably. Surely, Habermas *attempts* to derive prescriptions for postsecular society from a reconstructive method. But for a significant part, his political theory departs inescapably metaphysical assumptions.

Recall that Habermas's theory of communicative rationality takes the possibility of mutual understanding as a pragmatic presupposition. Habermas knows that ideal communication does not exist in reality, but maintains that we need this as a *postulate*. As he puts it: "in communicative action we have no choice but to presuppose the idea of an undistorted intersubjectivity."[273] What ultimately grounds this Habermasian hope that we might understand each other and rationally mediate our conflict? I propose that Habermas cannot ground this starting point without making the metaphysical assumption that understanding through rational communication is within reach. As Cooke puts it, "the idealizing suppositions of argumentative speech to which Habermas appeals as the basis for his concept of communicative rationality project the idea of an ideal speech community that has a metaphysical character (…) in [the] sense of being beyond human history and context."[274]

Metaphysical commitments again come to the fore in Habermas's work on bioethics, most notably his 2001 essay "The Future of Human Nature".[275] Here, Habermas argues that tinkering with the human genome undermines human autonomy. Habermas purports to base his argument on a pragmatic notion of equality: public discourse requires an open atmosphere, and this is challenged if the very notion of human equality is undermined by the creation of genetically 'superior' humans:

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[268] Cooke 2014, 696.
[269] Ibid., 697.
[270] Ibid.
[271] Finlayson 2018.
[272] See paragraph 2.2 of this essay.
[273] Habermas 2005, 315.
[274] Cooke 2007a, 226.
[275] English translation Habermas 2003.

> "Would not the first human being to determine, at his own discretion, the natural essence of another human being at the same time destroy the equal freedoms that exist among persons of equal birth in order to ensure their difference?"[276]

However, Frega rightfully argues that Habermas's treatment of genetics and bio-engineering can hardly be called pragmatist or post-metaphysical.[277] Habermas's unwillingness to allow for tinkering with the human genome reflects (at least in part) a fundamental commitment to Kantian metaphysics.[278] Habermas is committed to human autonomy before all else. As Cooke[279] points out, this is clearly reflected in the very last paragraph of *Between Facts and Norms*, where Habermas offers that his theory of law

> "retains a dogmatic core: the idea of autonomy according to which human beings act as free subjects only insofar as they obey just those laws they give themselves in accordance with insights they have acquired intersubjectively. This is "dogmatic" only in a harmless sense. It expresses a tension between facticity and validity, a tension that is "given" with the fact of the symbolic infrastructure of sociocultural forms of life (…)."[280]

This is all well and good as a starting port for theorizing – indeed, I heartily share Habermas's basic assumption that human autonomy should be a basic principle for our philosophical projects. But we must also admit, as Habermas seems to do here, that this represents a basic 'dogma' that we cannot ground any further. As Cooke forcefully puts this point: "both philosophical and religious arguments appeal to "dogmas" in the sense of core convictions, which constitute riverbeds of thought (and experience); these change over time, sometimes almost imperceptibly and sometimes more obviously, due to more or less intentional human intervention."[281] Here, Cooke makes two crucial points: first, philosophy – postmetaphysical philosophy not excluded – departs from foundational assumptions that it cannot ground any further. Second, both religion and philosophy depart from starting assumptions that are debatable within traditions, the understanding of these foundational principles often change over time.[282] Habermas would not dispute these points, but yet he does not accept the conclusion that in this way religious and philosophical ground assumptions are very similar.

To be fair to Habermas, some religious traditions indeed do operate in a non-reflective dogmatic way – some religious adherents hold onto foundational beliefs rather unreflexively.[283] But this goes just as well for those holding philosophical beliefs of a non-religious kind. Ultimately, Habermas fails to make clear why the nature of "revelation" makes *all* religious adherents unable to bring forth intelligible arguments that are non-authoritarian. Habermas is right in identifying self-reflexivity as a condition for meaningful discussion but is wrong in thinking that

[276] Ibid., 115.
[277] Frega 2012, 285 (note 25).
[278] Ibid.
[279] Cooke 2013, 439.
[280] Habermas 1996, 445–446.
[281] Cooke 2013, 446–447.
[282] Dillon 2012, 259. raises the same point.
[283] Cooke 2013, 445–446.

core convictions of religious citizens are structurally different from core convictions of those without a religious affiliation.

In a discussion with Charles Taylor, Habermas argues for translation of religious reasons in the political public sphere: “In parliaments, courts, or administrative bodies any reference to Genesis 1 should be explained, I think, in secular terms.”[284] The response by Taylor captures, I think, a basic fundamental issue: “The difference is that (…) you can’t have translation for those kinds of references because they are the references that really touch on certain people’s spiritual lives and not others.”[285] To put it in Cooke’s terms, we have arrived at core “riverbeds of thought” – there is no justifying these claims on a more basic level. Taylor goes on: “But the same goes for the reference to Marx and the reference to Kant. (…) I still don’t understand the special treatment – because they belong to some kind of different domain.”[286] Taylor goes on to offer a striking example:

> “I can have enough sympathy for the Kantian position, for instance, that I can understand the rhetoric of Kant about “the starry sky above and the moral law within” and “Achtung für das Gesetz” and so on. (…) There is a certain experience behind that. I could imagine somebody saying: “I don’t understand what you’re talking about. Awe and respect for the law? Are you crazy?” Some people just don’t get it.”[287]

That Habermas’s project relies on fundamental metaphysical commitments would not be a problem in itself, were it not that Habermas legitimizes his view on religion by arguing that his it is *postmetaphysical* and thus acceptable to all. If it turns out that Habermas has not detached all metaphysical strings after all, this threatens the integrity of Habermas’s legitimation for law and democracy. Habermas wants to avoid taking onboard any controversial metaphysical commitments. But this does not make the fundamental questions go away, and he would do well to acknowledge this.

This brings us to a fundamental tension in Habermas’s postmetaphysical proposal. On the one hand, post-metaphysical thinking purports to empty reason of it’s substantive content to replace it with a procedural account (communicative rationality). Only this, according to Habermas, makes it possible to live together well in a pluralistic society. On the other hand, Habermas himself argues that postmetaphysical thinking remains dependent on substantive worldviews to provide people with motivation to mediate conflict in a communicative way.[288] By Habermas’s own admission, postmetaphysical thinking can no longer provide the power to translate moral imperatives into motivation. It cannot supplant the solace that religion provides.[289]

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[284] Habermas and Taylor 2011, 64.
[285] Ibid.
[286] Ibid.
[287] Ibid., 64–65. Taylor offers that instead of requiring public reasons to be “secular”, they should be put in “official language”. To properly contextualize this proposal I would need to assess Taylor’s rich body of work, which presents a substantive alternative to Habermas’s account of secularism. This is something that goes beyond the scope of this thesis, and therefore I leave Taylor’s “official language” proposal aside here.
[288] Habermas 2011.
[289] Ibid.

In the end, it then seems that only when Habermas discovers normative holes in his theory that he turns to the potential of religion. As Rees points out, this is most apparent in Habermas's engagement with bioethics from the 1990's onwards.[290] As I mentioned before, Habermas showed himself appalled by frivolous tinkering with the human genome and the accompanying 'hard naturalism' in his 2001 essay *Glauben und Wissen*.[291] the basis of postmetaphysical philosophy, however, there is no ground for taking an ethical stance against this. The postmetaphysical paradigm is, as Rees writes, "at the mercy of discourses from which it had withdrawn."[292] But Habermas thinks of a way out – religious sources provide the concepts he needs. Where religion was mostly shunned in Habermas's work, suddenly they become sources of exactly those ethical motivations Habermas so direly needs. But who decides which religious concepts are of value to secular citizens? For example, why not make a case for translating the rejection of non-heterosexual sexual orientations, or the subordination of women, persistent in some religious traditions? This is probably not what Habermas has in mind, but it remains unclear how to pick and choose religious reasons to translate. For Habermas, the answer would probably be that the theorist cannot decide which translations to prioritize. This is to be decided in open-ended deliberation by the participants of a communicative community. However, I suggest that in Habermas's writing on translation, his own ethical commitments will always be playing a role. Habermas is himself participating in discourse as a subject with substantive commitments, and he cannot excuse himself from talking about his metaphysical assumptions.

Thus, as Rees rightfully points out, Habermas's institutional translation proviso feels a lot like a *deus ex machina*, the 'god from the machine'. This expression stems from Ancient Greek theater, where sometimes when a situation seemed insoluble, a god would appear out of the blue to rescue the human character from their predicaments. The *deus ex machina* would "[allow] playwrights to break their own rules, and thus extract themselves from impossible situations. (…) The manoeuvre is ad hoc and inelegant, but it rescues the play."[293] Habermas needs religion, but cannot give a convincing account of its role in the public sphere. His stubborn avoidance of metaphysics ends up circling him back into metaphysical territory. But, as Rees puts it, "a paradigm which begins by rejecting metaphysics, and ends by relying on it for support, is a failed paradigm."[294]

4.4. Post-authoritarian public deliberation

What are we left with, if the Habermasian account of institutional translation falls short? I agree with Tyler when he writes that "the prospects for completely resolving the tension within liberal legitimacy are dubious."[295] I too am far from offering a solution to this problem. Still, I think Habermas's project is on the right track in a crucial respect: a non-coercive justification of politics needs a language that citizens can share. Here, I think a promising avenue is pursued by

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[290] Rees 2015, 232.
[291] Habermas 2001, 29–31.
[292] Rees 2015, 232.
[293] Ibid., 232–233.
[294] Ibid., 235.
[295] Tyler 2018, 718.

Maeve Cooke.[296]

Cooke argues that Habermas's concept of communicative rationality presents great progress for political theory, because it ties validity to argumentation.[297] In this sense, it represents a "non-authoritarian" approach to questions of truth and knowledge.[298] But the exclusion of religious and other metaphysical views is, according to Cooke, essentially an epistemologically authoritarian move. Instead of distinguishing metaphysical from non-metaphysical views, Cooke offers that we should distinguish *epistemologically authoritarian* from *epistemologically non-authoritarian* positions. The first position claims that the final truth is available; the second position takes only *fallible* knowledge to be available.[299]

With Cooke's distinction, we might distinguish two kind of religious truth-claims. On the one hand, there are those who claim certainty on the grounds of religious experience and "by extension the truth of the teaching" – this experience is "unshakable and hence immune to critical challenge".[300] But on the other hand, there are those who *support* their religious truth-claims by reference to experience but are open to subjecting their experiences and beliefs to "critical interrogation in deliberation".[301] If we accept this view, an 'institutional translation proviso' becomes obsolete: it is not metaphysical views that are excluded from the process of legislation and adjudication, but views that are epistemological authoritarian. Of course, such a view would need further elaboration. For example, one would need to support the claim that authoritarian ways of relating to truth are undesirable. This is something I cannot do within the constraints of this essay.

For Habermas, Cooke's proposal remains unacceptable, because it purportedly makes a category mistake. In response to Cooke, Habermas again insists that religious citizens appeal to different *kinds* of truth claims than secular citizens; religion is anchored "in the sacred complex combining a specific interpretation of man in the world with the practice of communal worship—membership in a religious congregation."[302] Therefore, Habermas sees Cooke's proposal as a "problematic blurring of the boundary between secular and religious utterances".[303] As Sikka points however, this misses Cooke's point "that secular practical reason also rests on some bedrock, or rather "riverbed," of concepts and judgments that are "disclosed" or "revealed" in the sense that they cannot be further justified."[304] Habermas's position also departs from fundamental assumptions. And indeed, I think this is inescapable. The best we can do is be fair and transparent about our fundamental philosophical commitments. As Rees puts it:

> "Rather than attempting to shrink philosophy down to a narrow band of immanent problem-solving, let us openly express the ethical and anthropological grounds of our philosophical projects. If "metaphysical" questions inevitably arise, not only in philosophy but in politics, then we must ask ourselves how we would like to see them answered. Should we, as philosophers, do our

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[296] Cooke 2006. Cooke further develops this idea in Cooke 2007b.
[297] Cooke 2006, 199.
[298] Ibid.
[299] Ibid.
[300] Ibid.
[301] Ibid.
[302] Habermas 2013, 375.
[303] Ibid., 652.
[304] Sikka 2016, 109.

> best to offer answers which are critical, rigorous and open to questioning? Or should we stand back, and let traditional sources of metaphysical authority, shielded from criticism by the aura of the sacred, take centre stage? Any philosophy worth doing will choose the former."[305]

I would add that philosophers, secular or otherwise, are just as susceptible to "shield" their views from criticism by metaphysical authority arguments as those who are religiously inclined. Both ways of shutting down argument by invoking authority are undesirable.

To close, I would like to bring into focus one more point raised by Cooke. As Cooke points out, the exclusion of religious reasons from the 'formal public sphere' and the requirement to 'translate' these reasons to secular language seems inconsistent with Habermas's own emphasis on the transformative power of deliberation.[306] Habermas's requirement of institutional translation seems to contradict this transformative power of deliberation. Cooke puts this objection forcefully: "If the arguments introduced into discussion at the start of the deliberative process were already generally accessible, there would be no need to pursue the process any further. In other words, on a dynamic model of argumentation, general accessibility cannot be construed as a requirement that has to be met by reasons prior to deliberation, for this would render the search for the right answer pointless. If Habermas wishes to uphold such a model of argumentation, therefore, the requirement of translation into a generally accessible language prior to the deliberative process makes no sense."[307] Throughout his work, Habermas has emphasized that public deliberation is an open-ended, equal, fair and inclusive mode of argumentation. In searching for the ideal 'right answer', participants are required to open themselves up to "transformation of perceptions, interpretations and evaluations."[308] I think an openness to all non-authoritarian reasons will ultimately help realize this ideal of equal and open deliberation.

[305] Rees 2015, 236.
[306] Cooke 2007a, 228.
[307] Ibid., 228–229.
[308] Ibid., 228.

5. Conclusion

In this thesis, I have outlined Habermas's approach to religion in the public sphere. In chapter 2, I outlined the basis of Habermas's late work, namely discourse theory. From the everyday practice of language, Habermas constructs the regulative ideal of communicative rationality. This structures his understanding of politics in *BFN* and of the task of philosophy in *Postmetaphysical Thinking*. In all this, religion is not given much thought. However, the structure of *BFN* and *Postmetaphysical Thinking* sets Habermas up for a constrained treatment of religion later on.

In chapter 3, I considered Habermas's late work on religion, roughly from 2001 onwards. Here, Habermas comes to see that religion is here to stay in modern societies. This prompts him to deliver a plea for 'mutual learning processes', in which religious adherents learn from secular citizens to become 'reflexive' on the role of their tradition in a secular society, and secular citizens can learn from religion by extracting 'religious truth contents'[309] that might be useful for secular discourse. Habermas maintains that in formal public deliberation, that is, in creation and adjudication of law, only secular reasons count. Thus, religious reasons must be translated to secular reasons to maintain the secular nature of the state.

Chapter 4 developed a critique of Habermas's idea of institutional translation along three lines. First, I argued that because Habermas uses the term 'religion' in the singular, confusion ensues about Habermas's treatment of the actual complexity of religious identities. Habermas's theory has trouble distinguishing 'religious reasons' from 'non-religious reasons', because in reality the phenomenon of religion is not so easily demarcated. Second, I argued that the concept of 'translation of religious reasons' is problematic. When religion is construed in Habermasian rationalistic fashion, the motivational core of religion proves opaque and translation turns out to be pyrrhic – essential meaning gets 'lost in translation'. The third line of critique focused on the postmetaphysical nature of institutional translation. I contended that despite Habermas's method of avoidance, he cannot help but invite metaphysics back into his theory, thereby compromising the plausibility of the neutral, postmetaphysical character of his theory.

For these reasons, my conclusion is that Habermas's institutional translation proviso can not provide a plausible account of the role of religious reasons in public deliberation of liberal democracies. Habermas's account fails to think together his liberal criterion of democratic legitimacy on the one hand, and the need for inclusion of religious citizens that democratic legitimacy also requires, on the other hand. This spells ill news for Habermas's broader theory of postsecular deliberative democracy. If his theory cannot incorporate religious citizens in a fair and equal way, public discourse loses the potential to garner the approval of all citizens as 'self-authors' of the law. I have suggested that Cooke's distinction between authoritarian and non-authoritarian reasons may do a better job at facilitating inclusiveness while keeping authoritative, non-communicative modes of reasoning out.

[309] Habermas 2008f, 131.

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