

Religion and Democracy:  
Political Inclusion and Normative Renewal in the Work of Jürgen Habermas

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## **ABSTRACT**

Habermas's work since the turn of the millennium is characterized by an increased interest in the role of religion in politics. One of the most significant theses of this so-called "religious turn" is captured by Habermas's institutional translation proviso, which calls on citizens to participate in translating religious contributions to public dialogue into a secular language purportedly accessible to all. The purpose of this thesis is to examine the translation proviso with a view both to the political inclusion of religious citizens and to the renewal of the normative resources required for democratic self-determination. By way of a critical engagement with the work of Immanuel Kant and Charles Taylor, I argue that, despite being limited as a solution to both problems, Habermas's institutional translation proviso is nonetheless preferable to available alternatives. To that extent, I maintain that it is an indispensable feature of democratic politics in pluralist societies.

**Keywords:** Habermas, religion, public reason, secularism, postsecularism, deliberative democracy

## RÉSUMÉ

L'œuvre de Habermas depuis le tournant du millénaire est marquée par un intérêt accru pour la question du rôle politique de la religion. Une des thèses les plus importantes de ce « tournant religieux » est exprimée par la clause institutionnelle de traduction, qui appelle les citoyens à traduire les contributions religieuses au dialogue public dans un langage séculier prétendument accessible à tous. Le but de cette thèse est d'examiner la clause de traduction à la lumière de deux problèmes, à savoir ceux de l'intégration politique des citoyens religieux et du renouvellement des ressources normatives nécessaires à l'autodétermination démocratique. En passant par un examen critique des œuvres d'Emmanuel Kant et Charles Taylor, je défends la thèse selon laquelle la clause de traduction de Habermas ne fournit qu'une solution limitée à ces problèmes, mais qu'elle reste néanmoins préférable aux autres solutions disponibles. De ce fait, je soutiens qu'elle constitue un élément incontournable de la politique démocratique dans une société pluraliste.

**Mots-clés:** Habermas, religion, raison publique, laïcité, post-sécularisme, démocratie délibérative

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## LIST OF ABBREVIATIONS

|              |                                                                                                                                                        |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>BFN</i>   | <i>Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy.</i> Translated by William Rehg. Malden, MA: Polity, 1996.        |
| <i>BNR</i>   | <i>Between Naturalism and Religion: Philosophical Essays.</i> Translated by Ciaran Cronin. Malden, MA: Polity, 2005.                                   |
| <i>FHN</i>   | <i>The Future of Human Nature.</i> Translated by Hella Beister, Max Pensky, and William Rehg. Malden, MA: Polity, 2003.                                |
| <i>IO</i>    | <i>The Inclusion of the Other: Studies in Political Theory,</i> edited by Ciaran P. Cronin and Pablo De Greiff. Cambridge, MA: The MIT Press, 1996.    |
| <i>JA</i>    | <i>Justification and Application: Remarks on Discourse Ethics.</i> Translated by Ciaran P. Cronin. Cambridge, MA: The MIT Press, 1994.                 |
| <i>MCCA</i>  | <i>Moral Consciousness and Communicative Action.</i> Translated by Christian Lenhardt and Shierry Weber Nicholsen. Cambridge, MA: The MIT Press, 1990. |
| <i>PMT</i>   | <i>Postmetaphysical Thinking: Philosophical Essays.</i> Translated by Mark Hohengarten. Cambridge, MA: The MIT Press, 1992.                            |
| <i>PMT 2</i> | <i>Postmetaphysical Thinking II.</i> Translated by Ciaran P. Cronin. Malden, MA: Polity, 2017.                                                         |
| <i>R1</i>    | “Reply to My Critics.” In <i>Habermas: Critical Debates</i> , edited by John B. Thompson and David Held, p. 219–283. Cambridge, MA: The MIT Press.     |
| <i>RR</i>    | <i>Religion and Rationality: Essays on Reason, God, and Modernity,</i> edited by Eduardo Mendieta. Malden, MA: Polity, 2002.                           |

## INTRODUCTION

The recent work of Jürgen Habermas is characterized by an increased interest in the role of religion in politics. It is true that this so-called “religious turn” is presaged by some of Habermas’s earlier writings.<sup>1</sup> However, it is only with his 2001 Peace Prize acceptance speech on “Faith and Knowledge” that religion begins to occupy a prominent place in his thought. This was followed in 2005 by a public discussion with Joseph Ratzinger, then soon-to-be Pope Benedict XVI, and, later that same year, with the publication of *Between Naturalism and Religion*, his most detailed treatment of religious themes to date. Since then, Habermas has pursued this new line of thinking in numerous papers and replies. Many of these have been collected in the 2012 volume *Postmetaphysical Thinking II*, which expands upon his work on religion and responds to the considerable body of secondary literature that it continues to generate.

Central to Habermas’s religious turn is the *institutional translation proviso* that characterizes his conception of the public use of reason. According to this proviso, citizens contributing to public dialogue may support their political positions by religious arguments *provided that* they recognize that these must be translated into a secular language before they are allowed to influence official political decisions. This position has been highly controversial among political theorists and scholars of religion alike. Some have protested what they see as the strong secularist presuppositions of Habermas’s position. Others have decried the heavy cognitive burdens that his model of public dialogue places on religious citizens. Others still have defended the opposite view, arguing that Habermas makes too many concessions to religion and makes unreasonable demands of nonreligious citizens. Most strikingly, these opposing parties often disagree not only about the viability of Habermas’s theses, but also about their precise implications.

The purpose of this thesis will be to evaluate Habermas’s institutional translation proviso as a parameter of the public use of reason in pluralist societies. It will do this with a view to two challenges that arise on Habermas’s discourse theory of law and democracy.

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<sup>1</sup> For a detailed account of Habermas’s engagement with religion prior to 2001, see Eduardo Mendieta, “Religion in Habermas’s Work,” in *Habermas and Religion*, ed. Craig Calhoun, Eduardo Mendieta, and Jonathan VanAntwerpen (Malden, MA: Polity, 2013), p. 391 ff.



The first of these, I will call the problem of religious inclusion. The question here will be how religious citizens can understand themselves as free and equal authors of the law despite the secular character of the state. The second, I will call the problem of normative renewal. Here, the question will be how to generate the normative contents required to cope with emerging social problems despite the depoliticization and desensitization that Habermas thinks characterize modern secular consciousness. These two problems will determine the direction of the entire thesis. My goal will be to examine whether the institutional translation proviso provides a satisfactory solution to these problems, and if not, whether it is possible to solve them within the framework provided by Habermas's social and political thought.

I will seek to accomplish this in three broad steps. In Chapter One, my goal will be to shed some light on the institutional translation proviso by situating it within the broader context of Habermas's work on religion and politics. To this end, I will first outline the framework of his discourse theory of law and democracy, paying particular attention to his conception of democratic legitimacy and to his model of the public use of reason. I will then explain, first, how the problems of religious inclusion and normative renewal arise within this framework, and second, how translating religious contributions to public dialogue into a secular language is supposed to resolve them. This will also require me to say a few words about the demanding cognitive burdens that the institutional translation proviso places on both religious and nonreligious citizens.

In Chapter Two, I will compare Habermas's and Kant's respective approaches to religion. My aim in drawing this comparison will not be strictly exegetical, but will rather be to shed some light on some of the limitations of Habermas's institutional translation proviso. I will begin by outlining Habermas's reading of Kant's philosophy of religion, paying particular attention to the way in which it functions as the inspiration for his project of translating religious contributions to public dialogue. From there, I will go on to consider some recent trends in Kant scholarship in order to identify certain crucial errors in Habermas's interpretation. This will put me in a position to articulate two critical remarks on the institutional translation proviso. I will aim to show that Habermas's interpretive errors are reflected in two related problems in his own work. I will argue, first, that he is unable to secure the *identity* between a religious reason and its secular translation, and

second, that his project of translating religious *contents* cannot resolve the deficit of insight and solidarity that he attributes to secular consciousness. My goal in presenting these remarks will not be to reject the institutional translation proviso out of hand, but rather to draw attention to what it can and cannot be expected to achieve.

In Chapter Three, I will aim to determine what role, if any, the institutional translation proviso still has to play in democratic politics after my critical remarks in Chapter Two. This will at the same time require me to determine how and whether the problems of religious inclusion and normative renewal might be resolved within the context of Habermas's discourse theory. To this end, I will proceed in two steps. In a first step, I will consider the rival model of democracy proposed by Charles Taylor. My concern will be to ask whether Taylor's model of secularism as overlapping consensus might resolve some of the problems associated with Habermas's own model of secularism as an *institutional filter* between the democratic public sphere and institutionalized political deliberations. I will defend Habermas's model against Taylor's and maintain that, despite its limitations, the kind of institutional filter envisioned by Habermas is indispensable to democratic politics in a pluralist society. In a second step, I will take up the problems of religious inclusion and normative renewal in turn and present my final thoughts about them. Regarding the problem of religious inclusion, I will elaborate on Habermas's own model of the public use of reason in order to specify the ethics of citizenship that I take to be most appropriate to modern, pluralist societies. Regarding the problem of normative renewal, I will depart more significantly from Habermas himself and argue not only that his turn to religion may be misguided, but also that his characterization of the problem itself may be inaccurate. I will close by drawing attention to what I take to be the real problem in this regard and by pointing to a possible use of religion not considered by Habermas himself.

The central research question of the thesis as outlined above pertains to the cogency of Habermas's institutional translation proviso as a parameter of the public use of reason in pluralist societies. This question will guide both the *methodology* of the thesis and my *choice of texts* throughout. Regarding methodology, I will make use of three broad approaches: reconstructive, comparative, and critical. In Chapter One, my approach will primarily be *reconstructive*. My aim will be to outline the principal tenets of Habermas's

work on religion and to contextualize them with reference to his earlier work on the discourse theory of law and democracy. In contrast, my approach in Chapter Two will primarily be *comparative*, though it will at the same time include an exegetical component. My aim here will be to compare Habermas and Kant in order to uncover certain crucial limits of the institutional translation proviso. Finally, my approach in Chapter Three will be *critical*. Having drawn attention to the limits of Habermas's translation proviso, I will submit it and Taylor's alternative model to critical analysis in order to determine which is more plausible as a model of the public use of reason in pluralist democracies. My discussion of Kant's philosophy of religion aside, I will adopt the perspective of normative political theory throughout, and will evoke concrete examples of political questions only in passing and for illustrative purposes.

Regarding the choice of texts, I will draw on three distinct bodies of work. In the first place, my reconstruction of Habermas's work on religion and politics in Chapter One will draw primarily on his writings on religion of the 2000s. However, to the extent that these cannot be understood independently of the broader framework of his discourse theory of law and democracy, I will also contextualize them with reference to his writings on politics of the 1990s. In the second place, my comparison of Habermas and Kant in Chapter Two will draw largely on the growing body of English-language scholarship on Kant's philosophy of religion. Since my interest in Kant is guided by the goal of identifying defects in Habermas, I will not dedicate a separate section to the exegesis of his work. I will primarily be concerned to put Habermas in dialogue with contemporary readers of Kant, though I will refer extensively to Kant's own works, especially where it is necessary to decide between conflicting interpretations. In the third place, my critical appraisal of the institutional translation proviso will draw primarily on Charles Taylor's recent work on religion and politics. This choice is guided by a concern to provide as sustained and thorough an analysis as possible. I will treat Taylor's work as representative of the wider trend of trying to forego secularism as an institutional filter and will mention other prominent commentators only in passing, especially to point out certain affinities or clear up possible misunderstandings.

The thesis as outlined above distinguishes itself from other works on Habermas and religion by three main contributions. The first of these consists in the hermeneutic

framework provided by the problems of religious inclusion and normative renewal. Although these are, of course, at least implicit in Habermas's own work, they have not been explicitly identified either in the primary or in the secondary literature. Explaining these problems will allow me to clarify Habermas's reasons for proposing the institutional translation proviso in the first place and, by the same token, to shed some light on the conditions of its success or failure. The second main contribution will be to provide a relatively detailed analysis of Habermas's reading of Kant's philosophy of religion. Despite the central influence of Kant's *Religionslehre* on Habermas's recent work, very few commentators have addressed the relationship between the two thinkers in any detail. And of those who have, none has attempted to situate Habermas's interpretation in relation to contemporary English-language Kant scholarship. In doing this myself, therefore, I will be taking one of the first steps in filling an ostensible gap in the secondary literature. The third and last main contribution will be to provide a new defence of the institutional translation proviso against the available alternatives. Although Habermas's model of the public use of reason has found some supporters, the overwhelming trend in the recent literature has been to favour Taylor's model, which is often understood as being the more inclusive of the two. I believe that this is misguided. I will aim to show that Taylor's objections to the institutional translation proviso are unfounded and that his model of democratic legitimation falls prey to graver problems than Habermas's own.

# **CHAPTER 1**

## **SITUATING THE INSTITUTIONAL TRANSLATION PROVISIO**

### **INTRODUCTION**

The guiding principle of this chapter is that Habermas's institutional translation proviso cannot be understood apart from the larger context of his discourse theory of law and democracy. In fact, it seems to me that the better part of the controversy surrounding Habermas's work on religion and politics stems from attempts to examine it independently from this context. The blame for this falls in part on Habermas's own exposition. In addition to containing multiple points of obscurity, his writings often neglect to indicate how new themes in his thought relate to older ones, with the result that some commentators have understood his religious turn as a departure from his moral and political philosophy of the 1980s and 1990s. Worse still, even in his recent writings on religion and politics, the links between some of the central themes and concepts remain unclear or unstated. The result is that the precise significance of certain key ideas is often uncertain, as is the manner in which they stand together as a coherent whole.

For this reason, my goal in this first chapter will be to situate the institutional translation proviso in relation, first, to Habermas's discourse theory of law and democracy, and second, to the other central ideas of his recent work on religion and politics. Within the broader context of the thesis, this will serve to lay the groundwork for the comparative analysis and critical appraisal of the role of the institutional translation proviso in Chapters Two and Three. In keeping with these aims, my approach here will be strictly reconstructive. I will largely keep to Habermas's own writings. I will limit myself, first, to explaining the central tenets of his religious turn, and second, to shedding light on the manner in which they all hang together. Although I will touch on some of the most important debates around his work in the footnotes, I will leave off a more detailed treatment of the secondary literature until Chapters Two and Three.

In a first step (part 1.1), I will outline the main tenets of Habermas's discourse theory of law and democracy. My goal will not be to provide an extensive analysis thereof,

but merely to summarize those elements of his political thought that are required to understand the institutional translation proviso. To this end, I will first explain the discursive model of legitimacy on which Habermas grounds the authority of democratic institutions and political decisions (section 1.1.1). From there, I will go on to examine Habermas's model of the public use of reason by comparing it with the rival model proposed by John Rawls (section 1.1.2). This will allow me to shed some light on the particular features of Habermas's model that give rise to the need for the institutional translation proviso.

In a second step (part 1.2), I will address Habermas's understanding of the place of religion in the democratic public sphere. I will begin by introducing the two challenges to the stability of the democratic constitutional state that I call the "problem of religious inclusion" and the "problem of normative renewal." These will then serve to frame the remainder of my analysis. My goal at this stage will be, first, to explain the nature of these two challenges, and second, to show how they arise on Habermas's deliberative model of politics (section 1.2.1). I will then go on to summarize the debate with Rawls that leads Habermas to propose the institutional translation proviso, which I will present as his solution to the challenges identified in the previous section (section 1.2.2). Finally, I will draw attention to the demanding cognitive presuppositions that are incumbent upon both religious and nonreligious citizens under the institutional translation proviso (section 1.2.3). This will put everything in place for my examination of the translation proviso in the following two chapters.

The legitimacy of moral and legal norms has occupied a central place in Habermas's thought since the 1970s and has been the subject of numerous monographs, chapters, and articles since then. Consequently, I will be unable to provide an exhaustive overview of his writings on the subject here. Wherever possible, I will draw on his most recent treatment of the question in *The Inclusion of the Other* (1996), citing earlier works only when necessary, and especially to indicate notable changes in his position. However, the passages dealing with the derivation of the system of rights from the principle of democracy will draw on the earlier *Between Facts and Norms* (1992), where his argument is laid out in much more detail.

In contrast to Habermas's work on moral and political theory, his writings on religion are relatively recent and considerably less voluminous. For this reason, I will be able to take the bulk of the relevant material into account. This includes the early essays reprinted in *Religion and Rationality* (2002), as well as the more recent *Between Naturalism and Religion* (2005) and *Postmetaphysical Thinking II* (2012). Wherever there is a choice, however, I will give precedence the latter, which I take to represent Habermas's considered views.

## **1.1. THE DISCOURSE THEORY OF LAW AND DEMOCRACY**

### **1.1.1. The Discursive Grounds of Normative Legitimacy**

Habermas's discourse theory of law and democracy addresses the question of political legitimacy under modern conditions. Like John Rawls's political liberalism, the discourse theory takes its cue from the challenge posed by the "fact of pluralism": in modern societies characterized by a diversity of competing and incompatible worldviews and value-orientations, it is no longer possible to justify social norms by appeal to a traditional ethos rooted in shared religious or metaphysical convictions. Habermas thinks that two features of the modern condition are particularly salient in this context. The first, to which I have already alluded, is the "lack of a substantive consensus" on questions pertaining to value and the good life. The second is that, despite this absence of consensus, the citizens of modern, pluralist societies continue to debate political questions by appeal to "moral convictions and norms that each of them thinks everyone else should accept" (IO 78). In his view, these two features point to the tacit presupposition that social norms raise a claim to validity that cuts across the boundaries between different worldviews and value-orientations.

Under these conditions, Habermas thinks that the task of moral and political philosophy is to provide a convincing account of normative legitimacy following the "public devaluation of religious or metaphysical explanations" (IO 79). This is the point of his discourse theories of law and morality. In his terms, what is required is a *postmetaphysical* explanation of the binding character of social norms. I will return to the concept of postmetaphysical thinking in more detail below. In the present context, suffice it to say that

the idea of a postmetaphysical justification of social norms is partially analogous to Rawls's idea of a "freestanding" justification of the political conception of justice.<sup>2</sup> It expresses the need to justify norms in a way that is neutral toward the different worldviews and value-orientations found in a liberal polity.

Political philosophers have proposed different solutions to the modern challenge of pluralism. In Rawls's political liberalism, for instance, the required neutrality is achieved by means of an "overlapping consensus." On this model, reasonable citizens who seek to cooperate with each other on fair terms achieve a public justification of what Rawls calls the "political conception of justice" by first justifying it privately from the perspective of each of their respective worldviews and value-orientations—or in Rawls's terms, their respective comprehensive doctrines.<sup>3</sup> In contrast, Habermas seeks to ground the possibility of a neutral justification of legal norms and constitutional principles in something that is from the outset shared by all citizens, even in modern pluralist societies.

Habermas locates the shared basis for the justification of social norms in the structural features of what he calls "communicative action." By this term, he designates a form of social interaction in which participants coordinate their actions on the basis of a mutual understanding (*Verständigung*) of the world. Habermas maintains that, insofar as different forms of life depend on language as a means of social reproduction, they are all inevitably shaped by the structure of communicative action. This shared structure represents the condition of possibility of public justification in the absence of consensus on questions pertaining to the good life: "In the absence of a substantive agreement on particular norms, the participants must now rely on the 'neutral' fact that each of them participates in *some* communicative form of life which is structured by linguistically mediated understanding" (IO 40).

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<sup>2</sup> John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), p. 12. I say "partially" because Rawls draws the boundaries of neutrality much more narrowly than Habermas does, such that it excludes reference not only to particular worldviews and value-orientations, but also to contestable philosophical theories, e.g. Habermas's own theory of communicative rationality. This leads him to characterize Habermas's theory itself as another comprehensive doctrine. See "Political Liberalism: Reply to Habermas," *The Journal of Philosophy*, vol. 92, no. 3 (1995), p. 134 f. Habermas vehemently rejects this conception of neutrality as being overly restrictive. See IO 76–77.

<sup>3</sup> Rawls, *Political Liberalism*, *op. cit.*, p. 10.



As Habermas understands it, communicative action always occurs against what he calls the “lifeworld” (*Lebenswelt*). By this, he means the background of pretheoretical certainties that social actors take for granted in their everyday interactions. In the practical domain, the relevant certainties are the values, expectations, and customs associated with a given form of life. These serve to stabilize communicative interactions in two interconnected ways. In the first place, they “regulate social action immediately by binding the will of actors and orienting it in a particular way.” In the second place, they “govern the critical positions actors adopt when conflicts arise” (IO 4). In other words, they at the same time constitute the way of life in which everyday interactions occur and provide participants with a store of *shared reasons* on which they can draw to settle conflicts.

Of course, values, behavioural expectations, and practices of this kind may be called into question and problematized. For this reason, participants in linguistically structured forms of life are at the same time oriented toward the reflexive form of communicative action that Habermas calls “discourse” (*Diskurs*) as a method of restoring the mutual understanding on which social coordination depends. By “discourse” Habermas designates a demanding form of argumentation in which social actors must detach themselves from the everyday certainties of the lifeworld in order to submit a problematized validity claim to unrestricted examination. In discourse, therefore, the presuppositions of communicative action “point beyond all particular forms of life”; their normative content is “*generalized, abstracted, and freed from all limits*” (IO 41). It is the form of this practice, which Habermas presumes is operational in all societies and cultures at all times, that secures the basis for the neutral justification of social norms. This is expressed by the discourse principle (D): *Only those norms can claim validity that could meet with the acceptance of all concerned in practical discourse* (IO 41).<sup>4</sup>

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<sup>4</sup> A common objection to Habermas’s discourse theory is that the criterion of validity expressed by his discourse principle is not, in fact, neutral, but rather relies on culturally specific assumptions characteristic of Western modernity. See, for example, Seyla Benhabib, *Critique, Norm, and Utopia: A Study of the Foundations of Critical Theory* (New York: Columbia University Press, 1986), p. 306 and Charles Taylor, “Language and Society,” in *Communicative Action: Essays on Jürgen Habermas’s The Theory of Communicative Action*, ed. Axel Honneth and Hans Joas (Malden, MA: Polity, 1991), p. 31. I cannot address this question in any detail here, though much of my discussion in Chapter Three will be relevant to it. For now, suffice it to say that, faced with the accusation of ethnocentrism, Habermas continues to maintain that the universality of the presuppositions of argumentation expressed by (D) can be established by means of what he calls “weak transcendental arguments.” See IO 43 ff.; cf. *MCCA* 86–98.

Habermas presents principle (D) as a “discourse-theoretical interpretation” of Kant’s categorical imperative (IO 34). Like the categorical imperative, its function is to elucidate the “moral point of view” that allows for the rational examination of moral and legal norms. In this respect, it also resembles Rawls’s device of the original position, which enjoins parties to deliberate about principles of political justice behind a “veil of ignorance” that deprives them of knowledge of their personal characteristics (including their comprehensive doctrines) and of their particular place in society.<sup>5</sup> However, the discourse principle distinguishes itself from these other devices by its *dialogical* rather than *monological* conception of the moral point of view. From this perspective, an isolated individual cannot undertake to justify norms by testing their validity for herself *in foro interno*. On the contrary, justification requires cooperative deliberation characterized by a generalized practice of ideal role taking: “each participant is compelled to adopt the perspective of all others in order to examine whether a norm could be willed by all *from the perspective of each person*” (IO 33).

Two features of this practice are particularly important for understanding the implications of Habermas’s discourse model of normative justification. The first is the inclusiveness inherent to the idea of examining a norm from the perspective of each person whose conduct it is meant to govern. The second is the epistemic dimension of an exchange of reasons conceived as a search for the *better argument*. Together, these ground the presumption that the results of discourse are “rationally acceptable” and hence “convincing” (IO 44–45). To claim that a norm is justified is to say that it is rationally acceptable, which is in turn to say that it rests on reasons that would be convincing to all participants in a practice of argumentation from which none are, in principle, excluded. What emerges from this conception of justification is the insight that, in modern pluralistic societies, the validity of social norms can rest on nothing other than the *rationally motivated assent* of those whose lives they are meant to govern. In a more or less Kantian

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<sup>5</sup> Rawls, *Political Liberalism*, *op. cit.*, p. 23. Note that this is Habermas’s characterization. Rawls himself stresses that the deliverances of the original position must be checked against the results of public dialogue. See “Reply to Habermas,” *op. cit.*, p. 139. In this connection, Catherine Audard characterizes Rawls’s conception of reason as “communicative” and “dialogical” in Habermas’s sense. See “John Rawls et les alternatives libérales à la laïcité,” *Raisons politiques*, no. 34 (2009), p. 113.

fashion, autonomous agents must *give themselves* the laws to which they are at the same time subject.

I have so far been speaking of normative justification without regard for the distinction between *moral* and *legal* norms. In Habermas's view, however, these raise related but distinct validity claims. Moreover, the difference between the two kinds of validity claim at the same time determines the difference between moral discourses and political deliberations.

As Habermas defines them, moral norms claim to a universal validity. In moral discourse, therefore, (D) is operationalized by the principle of universalization (U): *A norm is valid when 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 concerned without coercion* (IO 40).<sup>6</sup> Principle (U) functions as a rule of argumentation for moral discourses; it serves to pick out those reasons that are relevant to moral justification, namely those pertaining to the effects of a norm for the interests and value-orientations of all participants. Now (U) is supposed to be derivable from two premises; first, "the conception of normative justification in general" captured by principle (D); and second, the "implicit content of the universal presuppositions of argumentation" that constitutes what Habermas once called the "ideal speech situation." These latter include the requirements that no participant be excluded, that all have equal opportunities to introduce or to question claims, that none be deceived, and that no internal or external coercion obtains save for the "unforced force of the better argument" (IO 43–44).<sup>7</sup> Norms that satisfy (U) are supposed to embody universally valid (albeit fallible) moral *knowledge*.

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<sup>6</sup> This is the most recent formula for (U), which differs slightly from the original version introduced in Habermas's earlier "Notes for a Program of Philosophical Justification." See *MCCA* 65.

<sup>7</sup> Critics of Habermas sometimes object that discourse theory in fact marginalizes certain groups whose idiom differs from dominant forms of speech and accepted patterns of argumentation. See, for example Kevin Olson, "Legitimate Speech and Hegemonic Idiom: The Limits of Deliberative Democracy in the Diversity of Its Voices," *Political Studies*, vol. 59 (2011), p. 531 ff. In response, Axel Honneth has argued that such objections themselves cannot avoid presupposing the universalistic standpoint of discourse theory. See "The Other of Justice: Habermas and the Ethical Challenge of Postmodernism," in *The Cambridge Companion to Habermas*, ed. Stephen K. White (New York: Cambridge University Press, 2005), p. 295 ff. It is, in fact, difficult to see from what perspective we could judge that certain groups were marginalized *in the normative sense* absent the shared point of view of discourse. I will address the problems that arise in the absence of such a shared point of view in more detail in Chapter Three.

For Habermas, legal norms differ from moral norms in two important respects. In the first place, they possess a *facticity* that moral norms lack: they are enforceable and depend upon the changeable factual decisions of a political lawmaker (BFN 95). In the second place, their legitimacy rests on several different kinds of reasons. Although they depend in part on moral reasons pertaining to what is in the interest of all, they are also sensitive to “ethical-political” considerations pertaining to the self-understanding of the political community and to “pragmatic” considerations regarding the realization of political goals and the formation of compromises between conflicting interests (BFN 108). Applied to the medium of modern law, therefore, the discourse principle does not give rise to a rule of argumentation analogous to (U) that serves to pick out the kinds of reasons that make rationally motivated consensus possible. Rather, it *takes for granted* that consensus is possible and instead limits itself to calling for the legal constitution of discourse. This is expressed in the form of a democratic principle: *Only those statutes may claim legitimacy that can meet with the assent of all citizens in a discursive process of legitimation that in turn has been legally constituted* (BFN 110).<sup>8</sup>

In other words, the democratic principle calls for the institutionalization of the processes of rational opinion- and will-formation necessary to democratic self-determination. According to Habermas, this is achieved first and foremost by means of a system of rights. This system contains just those categories of rights that citizens must confer upon each other if they wish to regulate their life in common by means of positive law. These can be divided into three categories. The first contains the classical individual liberties that follow from the status of legal person *qua* member of a voluntary association of citizens (e.g. the freedom of religion); the second contains the rights to communication and participation that are required for the practice of self-determination (e.g. the right to

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<sup>8</sup> Certain commentators have objected that rationally motivated consensus is unrealistic as a criterion of democratic legitimation, and that a more realistic model would make more room for compromise and negotiation. See, most notably, Thomas McCarthy, “Practical Discourse: On the Relation of Morality to Politics,” in *Ideals and Illusions: On Deconstruction and Reconstruction in Contemporary Critical Theory* (Cambridge, MA: The MIT Press, 1991), p. 195 ff. However, criticisms of this sort mischaracterize the criterion of rationally motivated consensus. The latter does recognize a key role for compromise and negotiation in democratic opinion- and will-formation, but insists that these must be conducted according to *fair bargaining processes*, which must themselves carry the supposition of being acceptable to all: “The fairness of compromises is measured by presuppositions and procedures which for their part are in need of rational, indeed normative, justification from the standpoint of justice.” See IO 245; cf. JA 89–90, BFN 108, 140–141.

petition); finally, the third contains the basic social rights that safeguard the effective use of the first two categories (BFN 122–124). The derivation of all three categories of rights from the same root embodies the central thesis of Habermas’s discourse theory of law and democracy, namely that public and private autonomy are *cooriginal* and are both presupposed in the legitimation of positive law (BFN 107). In this way, the legitimacy of legal norms and constitutional principles must be internally related to a process of democratic opinion- and will-formation that secures the both the private and public autonomy of citizens.

Implementing the system of rights at the same time requires the creation of institutions in which the democratically constituted will of citizens can find concrete expression. From this perspective, the democratic constitutional state (*Rechtsstaat*) in its entirety may be understood as transforming the communicative power generated by citizen interactions into administrative power capable of being used by the state: “We can [...] interpret the idea of the constitutional state in general as the requirement that the administrative system [...] be tied to the lawmaking communicative power and kept free of illegitimate interventions of social power (i.e. of the factual strength of privileged interests to assert themselves” (BFN 150).

The transformative function of democratic institutions is reflected in Habermas’s two-track model of politics, which distinguishes between two basic spheres of political activity. The first is the *informal public sphere*, which designates the spontaneous network of voluntary organizations, expert cultures, and mass media that make up civil society. The second is the *formal public sphere*, which consists of official decision-making bodies such as parliaments and elected assemblies. Deliberations in the formal public sphere are institutionalized and constrained by democratic procedures designed to reflect the constitutive conditions of an ideal speech situation, and therefore to ground the presumption of rationality that attaches to political decisions (BFN 306–308). For Habermas, citizen interactions in the informal public sphere are the heart of the democratic process. In a healthy democracy, institutionalized deliberations are informed by the considerations that foster debate and discussion among citizens in civil society. Thus, formal politics must remain “porous, sensitive, and receptive to the suggestions, issues and contributions, information and arguments that flow in from a discursively structured

public sphere” (BFN 182). Only under these conditions can citizens understand themselves at once as the *joint authors* and as the *individual addressees* of the law.

### 1.1.2. The Public Use of Reason

The summary of Habermas’s discourse theory in the previous section paints the picture of a strictly *procedural* conception of political legitimation. The constitutional state limits itself to institutionalizing the processes of rational opinion- and will-formation necessary to democratic self-determination. Everything else is left to the free play of issues and considerations that arise from citizen interactions in the public sphere. This view of politics has important consequences for what is called the public use of reason (or public reason). This idea designates the use that citizens make of their cognitive faculties while discussing matters of public concern in their role as free and equal authors of the law. Although most political theorists accept this idea in some form or other, recent discussions have largely revolved around the work of John Rawls. Recall that Rawls’s political liberalism calls for an overlapping consensus between the various reasonable comprehensive doctrines found in a liberal polity. The object of the overlapping consensus is a political conception of justice, which is characterized by three main features. First, a political conception of justice applies to what Rawls calls the basic structure of society—that is to say, to “a society’s main political, social, and economic institutions and how they fit together into one unified system of social cooperation.”<sup>9</sup> Second, a political conception of justice is freestanding in the sense that it is “expounded apart from, or without reference to” any particular comprehensive doctrine.<sup>10</sup> Third, and most importantly for my purposes, its content is provided by “certain fundamental ideas seen as implicit in the public political culture of a democratic society.”<sup>11</sup>

On Rawls’s model, the justification of a political conception of justice occurs in three stages. The first of these, *pro tanto* justification, consists in showing that a political conception of justice is complete, i.e. that the values it specifies “give a reasonable answer by public reason to all, or nearly all, questions concerning constitutional essentials and

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<sup>9</sup> Rawls, *Political Liberalism*, *op. cit.*, p. 11.

<sup>10</sup> *Ibid.*, p. 12.

<sup>11</sup> *Ibid.*, p. 13.

basic justice.”<sup>12</sup> The second, *full* justification, is “carried out by an individual citizen” who “accepts a political conception of justice and fills out its justification by embedding it in some way into the citizen’s comprehensive doctrine.”<sup>13</sup> The third and last stage is what Rawls calls *public* justification. Public justification occurs when “all the reasonable members of political society carry out a justification of the shared political conception by embedding it in their several reasonable comprehensive views.”<sup>14</sup> Three points are worth noting in this regard. First, a political conception of justice is initially formulated in terms of public values already implicit in the political culture of a democratic society. Second, its public justification does not require an exchange of reasons between parties, but rather depends on each party accepting it independently on the basis of considerations internal to its own comprehensive doctrine. Third, only by jointly agreeing upon a political conception of justice in this manner do citizens give themselves a “public basis of justification” for fundamental political questions.

This understanding of public justification gives shape to Rawls’s model of public reason. The shared political conception of justice that citizens first justify in private provides the normative *content* of public reason. In other words, it supplies the values, principles of justice, and guidelines of inquiry to which citizens are expected to appeal when addressing each other as free and equal authors of the law.<sup>15</sup> Before an overlapping consensus is achieved, therefore, there can be no such thing as a use of reason that is public: there exists no shared body of reasons on which citizens can draw in order to justify their political stances to each other.

Habermas is highly critical of Rawls’s model of public reason. His main objection pertains to the “division of labour” that Rawls envisions between, on the one hand, the various reasonable comprehensive doctrines that are present in a liberal polity, and on the other, the political conception of justice by which they govern their life in common. In

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<sup>12</sup> Rawls, “Reply,” *op. cit.*, p. 142.

<sup>13</sup> *Ibid.*, p. 143.

<sup>14</sup> *Ibid.*

<sup>15</sup> Rawls, *Political Liberalism*, *op. cit.*, p. 223 f. Note that Rawls later specifies that, “the content of public reason is given by a family of political conceptions of justice, not by a single one.” But the point remains the same, as these must be such that they *could* be the objects of an overlapping consensus between all reasonable doctrines. See “The Idea of Public Reason Revisited,” *The University of Chicago Law Review*, vol. 64, no. 3 (1997), p. 773 ff.

Habermas's view, this division of labour gives rise to a problematic distinction between "*what* citizens agree upon and *the reasons for* their individually accepting it as true" (IO 83). Public justification in Rawls's sense occurs when, adopting the observer's perspective, citizens take note of the fact that all reasonable citizens endorse a political conception of justice on the basis of considerations internal to their respective comprehensive doctrines. This model foregoes discourse in the sense specified by principle (D): neither in justifying the political conception of justice itself nor in debating fundamental political questions do citizens adopt the intersubjective perspective that Habermas thinks is bound up with the validity of moral and legal norms. Since public reason in Rawls's sense presupposes a prior agreement, citizens never enter into each other's interpretive horizons to give rise to a shared perspective, but rather depend on the "lucky convergence worldviews" (IO 83).<sup>16</sup> In that sense, the use that they make of their reason is not *public* at all.

This is in sharp contrast with Habermas's own strongly hermeneutic model of public dialogue. As we have seen, normative justification in Habermas's sense requires access to an argumentative practice in which each adopts the perspective of all. Only from this impartial perspective can participants subject norms to rational examination. This has important consequences for his conception of the public use of reason. As we have seen, citizens who take part in moral discourses in the democratic public sphere seek to determine whether a norm is in the equal interest of all possibly affected persons, i.e. whether it embodies a *universalizable interest*. They can determine this only by examining the norm in question in light of the interests of all concerned. Now interests in the broad sense defined by principle (U) are tied to the "self-understanding and worldviews" of participants in discourse, which means that they are articulated in the context of a certain cultural milieu and individual life history. From this it follows that the rational examination of moral norms calls for a certain "hermeneutic sensitivity" to the contexts in which interests are shaped: the ideal role taking involved in argumentation requires "not just

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<sup>16</sup> In this connection, Kenneth Baynes has objected that Rawls's strategy of appealing to a previously existing "common ground" prevents him from making a meaningful distinction between *de facto* and *de jure* legitimacy. See *The Normative Grounds of Social Criticism: Kant, Rawls, and Habermas* (Albany: State University of New York Press, 1992), p. 73 f. I will expand on this line of criticism in my discussion of overlapping consensus in Chapter Three.



empathy for, but also interpretive intervention into, the self-understanding of participants” (IO 42–43).

An important implication of this hermeneutic conception of public dialogue is that it precludes placing any restrictions on the content of the public use of reason. We have seen that Rawls draws a distinction between, on the one hand, the fundamental ideas implicit in the political culture of a democratic society and enshrined in a political conception of justice, and on the other, the values associated with the various comprehensive doctrines found in such a society. He sometimes expresses this as a distinction between the *right* and the *good*.<sup>17</sup> This distinction is reproduced in Habermas’s distinction between morality (*Moral*) and ethics (*Ethik*)—that is, between the *norms of justice* by which social actors govern their life in common and the *ethical value-orientations* in light of which they understand themselves and give shape to their individual existences. Whereas the former are supposed to be “equally good for all,” the latter are merely “good for me” or “good for us” in the sense that they are tied up with a particular cultural milieu or individual life history (IO 55). For Habermas, however, the distinction between the right and the good can only be drawn within discourse itself. It is only by submitting their interests to discursive examination that social actors can determine which can meet with rationally motivated assent and which cannot.<sup>18</sup> As a result, public justification cannot, as in Rawls, simply draw on a set of predetermined values and considerations: it belongs to public dialogue itself to determine which interests are universalizable and, therefore, which warrant being encoded in collectively binding legal norms.

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<sup>17</sup> Rawls, *Political Liberalism*, *op. cit.*, p. 173 ff.

<sup>18</sup> From this it follows that there is an internal relation between “moral” discourses pertaining to norms of justice and “ethical” discourses pertaining to the good life: as William Rehg has stressed, the difference between “what is good for us (or for me)” and “what is equally good for all” is a matter of *degree*. See *Insight & Solidarity: The Discourse Ethics of Jürgen Habermas* (Berkeley: University of California Press, 1994), p. 101 ff.; cf. JA 105. Thomas McCarthy has argued that this internal relation leads to intractable disagreement about what is right, which Habermas can remedy by trying to secure agreement at a higher level of abstraction. Since this level of abstraction would be comparable to that of Rawls’s political conception of justice, McCarthy argues that this “lands Habermas closer to Rawls.” See “Kantian Constructivism and Reconstructivism: Rawls and Habermas in Dialogue,” *Ethics*, vol. 105, no. 1 (1994), pp. 54–57, as well as “Practical Discourse,” *op. cit.*, p. 192 ff. Although I cannot address the so-called “Habermas-Rawls debate” in any detail, I will note that McCarthy’s suggestions seems to me already to characterize Habermas’s project. As I understand it, the principal difference between the two thinkers lies in the *epistemic status* of this highly abstract background consensus. I come back to this, though with reference to Charles Taylor rather than Rawls, in Chapter Three.

## 1.2. RELIGION IN THE PUBLIC SPHERE

### 1.2.1. Two Challenges to the Stability of the Constitutional State

As we have seen, Habermas's discourse theory of law and democracy grants a central role to the public use of reason. The legitimacy of political decisions depends on an inclusive process of rational opinion- and will-formation in which all are, in principle, included and from which no relevant contribution may be excluded. However, this radically democratic model of politics is not without its problems. In the following, I would like to outline two potential challenges to the stability of the democratic constitutional state as conceived by Habermas's discourse theory. The first of these, I will call the *problem of religious inclusion* (a), the second, the *problem of normative renewal* (b). Although Habermas does not identify these explicitly, both are present at least implicitly in his own writings. In fact, on the reading I am proposing here, his recent interest in religion is motivated by the need to meet these very challenges.

(a) *The problem of religious inclusion.* On the deliberative model outlined above, political decisions are legitimate only insofar as they can be understood as expressing the will of the governed. This underlies the requirement of worldview neutrality incumbent on the liberal, democratic state. Coercive state norms and political programs must carry the presumption of being rationally acceptable to *all* members of the political community as participants in discourse, irrespective of their particular worldviews or value-orientations. Now it is clear that the requirement of rational acceptability at the same time entails a requirement of general *accessibility* as its condition of possibility. Participants in discourse cannot plausibly be understood as giving their rational assent to arguments that remain unintelligible to them. As a result, political decisions can be understood as expressing the will of the governed only if they are impartially justified on the basis of reasons *accessible to all*. Any exercise of power that does not meet this criterion is inevitably illegitimate and repressive: "it reflects the fact that one party is forcing its will on another" (BNR 122).

As Habermas understands it, religious worldviews are marked by a kind of "discursive extraterritoriality" that poses a problem in this context. By "religion," Habermas intends only the so-called "major world religions" associated with Karl Jasper's concept of the Axial Age: Zoroastrianism, Christianity, Judaism, Islam, Confucianism, Daoism, and

Buddhism (PMT 2 43). Whereas Rawls's concept of "comprehensive doctrines" does not differentiate between religious and nonreligious doctrines, Habermas insists that there is a crucial distinction to be made between Axial Age traditions and other conceptions of the good. In his view, the validity claims raised by religiously rooted ethical convictions differ in kind from those raised by nonreligious ethical convictions. Ethical judgments in Habermas's sense are "clinical" recommendations about what is "good for me" or "good for us." These only claim conditional validity; they correspond to questions of the good life and are contingent upon a culturally and individually determined self-understanding. In contrast, religious ethical convictions are internally connected to a distinct kind of unconditional *truth claim*. Although Habermas thinks that the truth claims associated with religious doctrines differ from ordinary claims to propositional truth in important ways, he nonetheless maintains that they pretend to express something that holds for *all* persons, and not merely for the members of a particular community of interpretation. For this reason, he claims that religions in the Axial Age sense "possess a cognitive content [...] that secular outlooks on life lack" (PMT 2 126).

According to Habermas, the truth claims raised by Axial Age religious doctrines differ from ordinary claims to propositional truth in two closely related ways. The first is that they are internally related to "the specifically religious experience of the individual." This reference to religious experience means that, unlike ordinary claims to propositional truth, religious validity claims are not primarily redeemed by discursive means; rather, their truth *discloses* itself to believers in an experience that is not accessible to outsiders. The second difference is that religious validity claims are embedded in the "common ritual praxis" of a religious community. In other words, ritual practice provides the *mode of access* to the experience in which the sacred is disclosed. From a strictly functionalist perspective, we can also say that their embeddedness in ritual practice protects religious beliefs from radical problematization (RR 73). We may sum up both points by saying that religious validity claims are internally connected to *ritually mediated experience* that makes them inaccessible to discourse. Habermas thinks that, by dint of their reference to validity claims of this sort, religiously rooted ethical convictions also acquire a kind of discursive extraterritoriality: They "evade that kind of *unreserved* discursive examination to which

other ethical orientations and world-views, i.e. secular ‘conceptions of the good’ are exposed” (BNR 129–130).<sup>19</sup>

According to Habermas, it is precisely this discursive extraterritoriality of religiously rooted ethical convictions that underlies the principle of the separation of church and state. As we have seen, political decisions, including coercive legal norms, must be neutral toward the various conceptions of the good present in a liberal polity—that is, it must be acceptable from the impartial perspective of discourse. And since religious considerations are not accessible from such a perspective, elected officials may not appeal to them in justifying official political decisions (BNR 122). Although Habermas defends this principle of separation, he at the same time thinks that it gives rise to a “paradox.” For on the one hand, the liberal state is supposed to “guarantee all religious communities equal freedom to participate in civil society,” but on the other, it needs to “shield the public bodies that make collectively binding decisions from religious influence,” and this may prevent religious citizens from having any genuine influence on the democratic process (PMT 2 102). The result is that they may not be able to understand themselves as equal authors of the law, fostering resentment on their part and potentially undermining the very grounds of the legitimacy of the state.

This is what I wish to call the problem of religious inclusion. The question pertains to the possibility of reconciling two seemingly incompatible aims: first, that of giving religious voices significant enough of a role in the democratic process that religious citizens can understand themselves as free and equal authors of the law, and second, that of upholding the principle of neutrality that is a necessary condition of democratic self-determination.

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<sup>19</sup> Habermas’s choice of terminology may be misleading here. Several commentators have understood his talk of the “unintelligibility” or “inaccessibility” of religious reasons as signifying that outsiders *literally cannot understand* the doctrines associated with a given religious tradition. Hence Jeremy Waldron’s insistence that the issue is not “the ‘can’t’ of unintelligibility,” but rather “the ‘won’t’ of intellectual refusal.” See “Two-Way Translation: The Ethics of Engaging With Religious Contributions in Public Deliberation,” *Mercer Law Review*, vol. 63, no. 3 (2012), p. 861; cf. p. 860. For similar misinterpretations, see Roe Fremstedal, “Critical Remarks on ‘Religion in the Public Sphere’—Habermas between Kant and Kierkegaard,” *Etikk I Praksis: Nordic Journal of Applied Ethics*, vol. 3, no. 1 (2009), p. 42, Andrew Tsz-Wan Hung, “Habermas and Taylor on Religious Reasoning in a Liberal Democracy,” *The European Legacy*, vol. 22, no. 5 (2017), p. 558 f., and Sonia Sikka, “On Translating Religious Reasons: Rawls, Habermas, and the Quest for a Neutral Public Sphere,” *The Review of Politics*, vol. 78 (2016), p. 96 ff. I submit the distinction between faith and reason to a detailed analysis in Chapter Three.

(b) *The problem of normative renewal*.<sup>20</sup> The deliberative model of politics outlined above depends upon existing cultural resources in two distinct ways. In the first place, deliberative politics presupposes a strong sense of solidarity between citizens. It is not sufficient, as in classical models of liberalism, for citizens to adopt an attitude of obedience to factual constraints designed to safeguard their individual liberties. In their role as authors of the law, they are also expected to make an active use of their rights to communication and participation. This entails “using them not only in their enlightened self-interest, but also with a view to promoting the common good.” In this sense, deliberative politics requires a “willingness to take responsibility if need be for anonymous fellow citizens who remain strangers to us and to make sacrifices in the common interest” (BNR 105). This is especially important in times of crisis, when existing institutional arrangements are insufficient to cope with emerging social problems. We can think here of the questions raised by modern medical advances, including reproductive technologies, abortion, and genetic manipulation. Faced with new questions of this kind, only collective action via social movements are capable of exerting the pressure required to bring about institutional change by “forc[ing] new issues onto the political agenda and implicitly shift[ing] the parameters of the range of values defining what can be perceived as topics that call for political treatment” (PMT 2 86). However, the democratic constitutional state cannot *legislate* the sense of solidarity required for self-determination; it must rely on available cultural resources to foster it in the populace.

In the second place, deliberative politics depends on the ethical insights afforded by the various conceptions of the good found in a democratic society. Moral discourse as described above cannot *generate* universalizable interests, but merely *tests* interests introduced into discourse as candidates for universalization. It therefore requires the input of citizens’ ethical self-interpretations and value-orientations to furnish it with content: “if the actors do not bring with them, and into their discourse, *their* individual life-histories, *their* identities, *their* needs and wants, *their* traditions, memberships, and so forth, practical discourse would at once be robbed of all content” (R1 255). This constitutes the second

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<sup>20</sup> Habermas speaks alternatively of the “renewal” (*Erneuerung*) and of the “regeneration” (*Regeneration*) of normative resources. See BNR 101, 211; cf. BFN 445, 130-131, 359. My impression is that he uses these terms synonymously, and in fact, Ciaran Cronin translates them uniformly as “regeneration.”

dependence of deliberative politics upon cultural resources: without the insights afforded by these interpretations and value-orientations, the democratic constitutional state would lack the resources by which to identify and cope with new and heretofore unseen social problems.

Habermas raises doubts about the availability of both kinds of cultural resources under modern conditions. Regarding the first, he expresses concern that a “modernization that is spinning out of control” may be undermining key resources for the fostering of *social solidarity* (BNR 211). In this context, he draws attention to the worrying political constellation that is emerging under global capitalism. As policy is increasingly tailored to the interests of transnational corporations, more and more decisions are left to markets, making them inaccessible to processes of democratic will-formation. Under these conditions, “the scope for exercising direct influence over social integration through policies is becoming dangerously restricted” (PMT 2 163). The result of this trend, he believes, is to encourage the *depoliticization* of citizens: as society becomes increasingly atomized, individuals forego political participation and prefer instead to “withdraw timidly into the bubble of rational egoism” (PMT 2 164).

Regarding the second variety of cultural resource, Habermas expresses concern that modern secular consciousness lacks the normative *contents* to identify and cope with new social problems. Thinking here of the increasing instrumentalization of human beings in modern societies, he notes the “dwindling sensitivity to social pathologies, indeed to social deprivation and suffering in general” characteristic of modern societies (BNR 239). In this connection, Habermas voices his worry that modern morality and law with their individualistic orientation toward universal norms of interpersonal justice may be powerless to sensitize us to new kinds of social ills. He thinks that an orientation toward norms of justice is sufficient under normal conditions: “There are good reasons why rational morality recognizes only duties that are addressed to the conscience of the individual and require him or her to act responsibly” (PMT 2 86). However, in times of crisis when a new range of values is required to bring about institutional change, he argues that pure practical reason “armed solely with the insights of a theory of justice” is incapable of providing the requisite contents: it “lacks the creativity of linguistic world-disclosure

that a normative consciousness afflicted with accelerating decline requires in order to regenerate itself" (BNR 211).

This is what I wish to call the problem of normative renewal. What is at issue here practical reason's *need* for normative resources that it cannot itself generate. These include at once the sense of social solidarity needed for collective action and the new contents needed to identify and cope with never-before-seen social problems.

### **1.2.2. The Institutional Translation Proviso**

On the reading that I am proposing here, Habermas introduces his institutional translation proviso in order to respond to the challenges to the stability of the state identified in the previous section. That is, the function of the translation proviso is at once to integrate religious citizens as free and equal authors of the law and to help provide the resources for insight and solidarity required for effective self-determination. The development of this proviso is best understood as the product of Habermas's engagement with Rawls's model of public reason. As we have already seen, Rawls restricts public reason to a predetermined set of values embodied in a political conception of justice and enshrined in a constitution. As Rawls understands it, this model of public reason has the effect of saddling citizens with a "duty of civility" when they deliberate and vote on questions of constitutional essentials and basic justice: "The ideal of citizenship imposes a moral, not a legal duty—the duty of civility—to be able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the values of public reason."<sup>21</sup> When engaging in political advocacy, therefore, citizens who recognize that they owe each other reasons for their political opinions must refrain from appealing to the tenets of their comprehensive doctrines and instead limit themselves to the shared values, principles, and guidelines for inquiry established by the political conception of justice.

However, Rawls does hold that there are, under certain special circumstances, good reasons to introduce comprehensive doctrines into public dialogue. This leads him to propose what he calls *the proviso*: the duty of civility allows us as citizens to cite our comprehensive doctrines while engaging in political advocacy "provided that, *in due course*,

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<sup>21</sup> Rawls, *Political Liberalism*, *op cit.*, p. 217, cited in BNR 121.

we give properly political reasons to support the principles and policies our comprehensive doctrine is said to support.”<sup>22</sup> Where religion is concerned, therefore, the duty of civility amounts to what Robert Audi has called a “principle of secular justification”: citizens owe it to each other to justify their political stances by appeal to the *secular reasons* encompassed by the idea of public reason.<sup>23</sup> In this context, Rawls’s proviso would mean that citizens were free to introduce religious considerations into public dialogue at any time, provided that they were prepared to show, in due course, that these same views could also be supported on the basis of strictly secular public reasons. This represents one solution to what I have called the problem of religious inclusion: religious citizens can understand themselves as free and equal authors of the law insofar as the public secular equivalents to their religious reasons can be taken into account by official decision-making bodies.

This solution has met with considerable criticism, especially from religious commentators. Critics have long argued that Rawls’s model of public reason requires citizens to make an artificial distinction between their nonpublic and public identities—that is, between the identity associated with their respective comprehensive doctrines and that associated with their status as free and equal authors of the law.<sup>24</sup> As Nicholas Wolterstorff notes, however, this distinction becomes especially problematic in the case of religious comprehensive doctrines. The reason is that religious convictions often encompass the believer’s social and political existence: “It belongs to the religious convictions of a good many religious people that they *ought to base* their decisions concerning fundamental issues of justice *on* their religious convictions.”<sup>25</sup> In this case, requiring that religious citizens transfer their religiously rooted political convictions onto

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<sup>22</sup> Rawls, “Public Reason,” *op. cit.*, p. 765.

<sup>23</sup> Robert Audi, “Liberal Democracy and the Place of Religion in Politics,” in Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square* (Lanham, MD: Rowman & Littlefield, 1997), p. 25. It should be noted that Rawls himself explicitly distinguishes between “public reason” and “secular reason.” See Rawls, “The Idea of Public Reason,” *op. cit.*, p. 775. However, since Habermas rejects the highly restrictive conception of public reason on the basis of which Rawls draws this distinction, he does not differentiate between the public and the secular. From here on in, therefore, I will treat these as equivalent.

<sup>24</sup> For a helpful discussion of this objection and its applicability to Habermas’s position, see Seyla Benhabib, “Autonomy, Modernity and Community: Communitarianism and Critical Social Theory in Dialogue,” in *Situating the Self*, *op. cit.*, p. 71 ff. See also Baynes, *The Normative Grounds of Social Criticism*, *op. cit.*, p. 133 ff.

<sup>25</sup> Nicholas Wolterstorff, “The Role of Religion in Decision and Discussion of Political Issues,” in Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square* (Lanham, MD: Rowman & Littlefield, 1997), p. 105, cited in *BNR* p. 127; cf. p. 128.



secular bases as demanded by Audi's principle of secular justification would impose burdens upon them that are incompatible with their core convictions. The implication here is that such an expectation would unfairly bias public dialogue against religious citizens and prevent them, once again, from understanding themselves as free and equal authors of the law.

Habermas develops his institutional translation proviso in order to rehabilitate the public use of reason in pluralist societies against criticisms of this variety. He agrees with Rawls and Audi that officials operating within formal political institutions have a duty to justify their decisions in a language that is accessible to all. However, he also thinks that extending this duty to all citizens as Rawls and Audi propose to do would constitute an overgeneralization of secularism, or what he sometimes calls "laicism" (*Laizismus*). For this reason, he proposes to limit the duty of secular justification by recasting it as an *institutional filter* between the formal and informal public spheres. The purpose of this filter is to shield institutionalized political deliberations from the influence of religious reasons: "only secular reasons count beyond the institutional threshold separating the informal public sphere from parliaments, courts, ministries, and administrations" (*BNR* 130). Hence his institutionalized take on Rawls's proviso: "all citizens should be free to decide whether they want to make use of a religious language in the public sphere; but then they will have to accept that the contents of religious utterances will have to be translated before they can find their way onto the agendas and into the deliberations of public decision-making bodies" (*PMT* 2 172).<sup>26</sup>

Two key differences separate Habermas's institutional translation proviso from Rawls's original formulation. The first and most obvious is the locus of its applicability. Whereas Rawls's duty of civility applies to all citizens who engage in political advocacy, Habermas's is restricted to state officials deliberating in the formal public sphere.<sup>27</sup> The

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<sup>26</sup> Melissa Yates has maintained that requiring religious citizens to accept that their reasons must be translated into a secular language reproduces a distinction between public and nonpublic identity. See "Rawls and Habermas on Religion in the Public Sphere," *Philosophy & Social Criticism*, vol. 33, no. 7, p. 885. In saying this, it seems to me that she misses that this requirement is equivalent to the demand that citizens recognize the secular character of political power. For surely this not only *can* be reconciled with one's religious identity, but *already is* by the vast majority of religious citizens.

<sup>27</sup> Rawls himself sometimes denies that his duty of civility imposes any restrictions on regular citizens engaging in political advocacy. In these cases, he claims that the idea of public reason applies only to what he calls the "public political forum"—that is, to the discourse of judges, government officials, and candidates for

second, which is crucial for Habermas's conception of public dialogue, pertains to the identity of its addressees. This is expressed by the passive voice in the demand that religious utterances *be translated* before they are permitted to affect institutionalized politics. For Rawls, religious citizens are themselves responsible for finding public equivalents to the comprehensive doctrines that they introduce into public discourse. For Habermas, in contrast, the responsibility for producing a secular translation of religious contributions falls *collectively* upon the democratic public sphere as such. Thus, in their role as authors of the law, *all* citizens, including nonreligious ones, are expected to cooperate in efforts to translate religious contributions to public dialogue.

By institutionalizing the Rawls's proviso in this way, Habermas hopes to resolve the two challenges to the stability of the democratic constitutional state outlined above. Limiting the duty of secular justification to the formal public sphere and turning it into a collective responsibility is supposed to relieve religious citizens of the need to distinguish between their public and nonpublic identities and thus allow them to participate in processes of rational opinion- and will-formation as free and equal authors of the law. At the same time, safeguarding the secular character of the state in the form of an institutional filter is supposed to preserve the neutrality that is a condition of democratic legitimacy. If successful, therefore, Habermas's institutional translation proviso would seem to reconcile the principle of popular sovereignty with that of state neutrality: "The citizens, confident that their fellow-citizens will cooperate in producing a translation, can understand themselves as participants in the legislative process, although only secular reasons count therein" (BNR 130–131). In this way, it is supposed to solve what I have called the problem of religious inclusion.

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public office—which corresponds roughly to Habermas's *formal public sphere*. See Rawls, "Public Reason," *op. cit.*, p. 775n28. Certain commentators have repeated this analysis and drawn the conclusion that Habermas's proviso is identical to Rawls's. See for example Stéphane Courtois, "La religion dans l'espace public: quelques commentaires sur les positions récentes de Habermas," *Dialogue*, vol. 49 (2010), p. 96 f. However, Cristina Lafont notes there is an ambiguity in Rawls's duty of civility, for even in later texts, he says that, "citizens are to think of themselves *as if* they were legislators and ask themselves what statutes, supported by what reasons satisfying the criterion of reciprocity, they would think it most reasonable to enact." See "The Idea of Public Reason," *op. cit.*, p. 769, cited in Lafont, "Religion in the Public Sphere: Remarks on Habermas's Conception of Public Deliberation in Postsecular Societies," *Constellations*, vol. 14, no. 2 (2007), p. 241 f., 254n12. Given this ambiguity, I will follow Habermas in assuming that Rawls's duty of civility applies to all citizens who engage in political advocacy.

In addition, translating religious contributions to public dialogue may perform a second crucial function. The act of translation as envisaged by Habermas involves decoupling religiously rooted ethical conviction from the “ratcheting effect of truths of revelation” to make them accessible to rational discourse (*BNR* 245). In this way, it *expands* the range of values available to public dialogue by appropriating new contents appropriated from religious traditions. This is particularly important because Habermas thinks that “religious traditions have a special power to articulate moral intuitions, especially with regard to vulnerable forms of communal life” (*BNR* 131). For this reason, they preserve a “sensitivity to squandered lives, social pathologies, failed existences, and deformed and distorted social relations” that have largely been lost to highly individualistic secular conceptions of the good. By making religious contributions accessible to public dialogue therefore, the institutional translation proviso may help citizens to uncover the novel normative insights that they need to recognize and cope with emerging social problems. In this way, it may also help to solve what I have called the problem of normative renewal.

### **1.2.3. The Cognitive Presuppositions of the Public Use of Reason**

According to Habermas’s institutional translation proviso, citizens are free to introduce religious considerations into public dialogue at any time, provided that they recognize that these will have to be translated into a secular language before they are allowed to affect official political decisions. One striking feature of this proviso is that it imposes exacting cognitive burdens on both religious and nonreligious citizens who participate in political advocacy. Habermas calls these the *presuppositions of the public use of reason*. They are intended to specify the attitudes that citizens must adopt if they are to meet on equal footing when debating issues of political relevance in the democratic public sphere. More precisely, they explain how religious citizens come to accept the requirement that their reasons be translated into a secular language and how nonreligious citizens come to accept the duty to participate in the hermeneutic task of translation.

Like the institutional translation proviso itself, the cognitive presuppositions of the public use of reason result from a critical engagement with Rawls’s political liberalism.

Habermas intends these to specify the constitutive conditions of the *reasonableness* of what Rawls calls “reasonable comprehensive doctrines” (RR 150–151). For Rawls, the meaning of this term is captured by two basic criteria. The first of these is “the willingness to propose fair terms of social cooperation that others as free and equal might also endorse.”<sup>28</sup> The second is the recognition of what he calls the “burdens of judgment.” By this term, he intends to designate the various “hazards” that stand in the way of rational agreement. These include (a) the difficulty of assessing evidence bearing on beliefs, (b) the possibility of giving different weight to the same considerations, (c) the necessity of relying on judgment and interpretation, and (d) the fact that our manner of assessing evidence and weighing moral and political values is shaped by our total experience.<sup>29</sup> The effect of recognizing the burdens of judgment is to foster an attitude of toleration in the face of ongoing disagreement. Together, these two criteria correspond to what Habermas calls “decentered consciousness” (RR 150). That is, to a form of consciousness in which an actor is capable of distancing herself critically from her own worldview and value-orientation. The idea here is that, unless they are able to relativize their own standpoint in this minimal manner, social actors cannot participate in the hermeneutic practice of ideal role taking inherent to the moral point of view.

Unlike Rawls, Habermas is not content simply to note the emergence of decentered consciousness as a sociological fact. In order to secure the rational character of political decision-making, he thinks it necessary to establish the *epistemic superiority* of decentred consciousness by explaining it as a cognitive advance in a process of social evolution.<sup>30</sup> On the religious side, the self-reflective attitude required by the public use of reason corresponds to a *modernization of religious consciousness*. According to Habermas, this modernization cannot be understood as the mere result of contingent social pressures, but must rather be represented as the outcome of a *historical learning process*, and therefore as raising an epistemic claim. Modernized religious consciousness is supposed to represent a

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<sup>28</sup> Rawls, “Reply,” *op. cit.*, p. 134.

<sup>29</sup> Rawls, “*Political Liberalism*,” *op. cit.*, p. 56 f.

<sup>30</sup> Habermas frequently claims that Rawls’s narrow conception of neutrality prevents him from explaining the epistemic dimensions of the predicate “reasonable.” See IO 86 ff.; cf. JA 94 ff. In Rawls’s defence however, he does sometimes appear to depict the emergence of reasonable comprehensive doctrines as the result of a learning process. See *Political Liberalism*, *op. cit.*, p. xxii ff., as well as Rehg, *Insight and Solidarity*, *op. cit.*, p. 129 ff.

cognitive advance insofar as it allows religious traditions to surmount “the challenges posed by the fact of religious pluralism, the emergence of modern science, and the spread of positive law and secular morality” (BNR 136). As Habermas understands it, it distinguishes itself by three features. First, it finds a way to harmonize the unconditional character of its own claims to truth with the plurality of competing religious doctrines that raise a similar claim. Second, it finds a way to reconcile its claims to truth with the epistemic authority of the natural sciences over mundane knowledge. Third and last, it finds a way convincingly to embed the priority of universal principles of justice into its framework of beliefs and convictions as a “module” (BNR 137). These features represent conditions of possibility of recognizing the legitimacy of the secular state, and therefore of public dialogue under the institutional translation proviso.

On the nonreligious side, the cognitive presuppositions of the public use of reason are reflected in the consciousness of the *postsecular* character of modern societies. By this term, Habermas designates a reversal of the secularization thesis in sociology, which predicts the gradual disappearance of religion with the progress of the natural sciences and the spread of modernization.<sup>31</sup> In his view, the continued existence of religious forms of consciousness indicates that, contrary to the claims of the secularization thesis, modern societies contain the epistemic resources to sustain religious faith. In other words, they are “epistemically attuned to the continued existence of religious communities” (BNR 139). For this reason, consciousness of living in a postsecular society entails recognizing that modernized forms of religious faith remain *contemporary intellectual formations*—that is, that they are, at least for the time being, equally viable solutions to the cognitive challenges associated with modernity.

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<sup>31</sup> Habermas’s use of the term “postsecular” has been the subject of some confusion in the secondary literature. For example, J.M. Bernstein conflates the term with a rejection of the secular character of the state when he argues that Habermas’s project is “radically secularist” rather than postsecular because of its insistence on the priority of scientific knowledge and universal morality. See “Forgetting Isaac: Faith and the Philosophical Impossibility of a Postsecular Society,” in *Habermas and Religion*, *op. cit.*, p. 155. Conversely, Hans Joas conflates the “postsecular” with the reversal of an earlier secularization of society: “It is not clear when [an] earlier *secular* society is supposed to have existed and what one can actually mean by the term.” See “Post-Secular Religion? On Jürgen Habermas,” in *Do We Need Religion? On the Experience of Self-Transcendence* (Boulder, CO: Paradigm, 2008), p. 106. For a useful classification of the different possible meanings of the “postsecular” that underlie much of this confusion, see José Casanova, “Exploring the Postsecular: Three Meanings of ‘the Secular’ and their Possible Transcendence,” in *Habermas and Religion*, *op. cit.*, p. 28 ff.

According to Habermas, consciousness of living in a postsecular society is reflected theoretically in what he calls *postmetaphysical thinking*. I have already touched on the concept of the postmetaphysical in connection with the legitimation of social norms under modern conditions. In Habermas's terms, postmetaphysical thinking designates a modest, but nondefeatist mode of thought characterized, among other things, by a procedural concept of rationality, a fallibilistic conception of knowledge, and an awareness of the cultural and historical situatedness of reason (*PMT* 33–34). More recently, he has specified that postmetaphysical thinking is *methodically atheistic* in the sense that it admits only those premises that can be redeemed on the basis of secular considerations alone. At the same time, however, it is *agnostic* insofar as it leaves the truth-claims of religious traditions undecided: it “asserts only that [religious] contents are *inaccessible* and refrains from judging the truth claim that believers associate with them” (*PMT* 2 97). As a result, nonreligious citizens who respect the limits of postmetaphysical thinking will “neither deny that religious worldviews are in principle capable of truth nor question the right of their devout fellow citizens to couch their contributions to public discussion in religious language” (*BNR* 113). This again represents a condition of the possibility of public dialogue under the institutional translation proviso. Only if nonreligious citizens respect these limits will they take religious contributions to public dialogue seriously enough to cooperate in the task of producing secular translations thereof.

Before closing our discussion of the cognitive presuppositions of the public use of reason, it is important to note that Habermas takes these to impose *symmetrical* burdens on religious and nonreligious citizens. Although the democratic constitutional state pretends to be neutral toward the various reasonable worldviews and value-orientations espoused by the citizens of a liberal polity, this by no means prevents it from placing certain demands upon its citizens or expecting certain attitudes from them. As Habermas understands it, however, the principle of neutrality does require that these demands or expectations place *equal* burdens on all citizens. For this reason, he thinks it necessary to maintain that the cognitive burdens associated with postsecular consciousness are just as exacting as those associated with modernized religious consciousness: “the role of democratic citizenship assumes a mentality on the part of nonreligious citizens that is no less demanding than the corresponding mentality of their religious counterparts”

(BNR 143). If this is correct, then, the institutional translation proviso will represent a viable solution to the problems of religious inclusion and normative renewal only if the cognitive presuppositions of the public use of reason are not unfairly biased against religious worldviews.

## **CONCLUSION**

My goal in this chapter has been to situate the institutional translation proviso in relation both to Habermas's discourse theory of law and democracy and to his recent work on religion and the public sphere. In keeping with this plan, my exposition has proceeded in two steps.

In the first step (part 1.1), I outlined the principal tenets of Habermas's discourse theory of law and democracy. This required me to explain the discursive model of legitimation by which he proposes to ground the validity of social norms under modern conditions (section 1.1.1). From this perspective, a norm is valid only if it is supported by reasons that could be accepted by all persons whose conduct it is meant to govern as participants in rational discourse. This gives rise to a purely procedural conception of democracy. Once the processes of rational opinion- and will-formation required for democratic self-determination have been institutionalized by means of a system of rights, all substantial political decisions are left to the democratic process itself. From there, I went on to elaborate the central role played by the public use of reason in deliberative politics conceived along these lines (section 1.1.2). Since the democratic process uniquely determines the legitimacy of political decisions, no limits can be imposed from the outset upon the content of public deliberations. Only in free and open public discourse can citizens distinguish between what embodies a universalizable interest and what does not.

In a second step (part 1.2), I turned to Habermas's recent work on religion and the public sphere. I began by identifying two challenges to the stability of the democratic constitutional state that arise from his deliberative model of politics (1.2.1). The first of these I called the problem of religious inclusion. The question here pertains to how religious citizens can understand themselves as free and equal authors of the law despite the duty of neutrality that is incumbent on the democratic, liberal state. The second, I called

the problem of normative renewal. Here, the question is how the democratic constitutional state can cope with emerging social problems in a society where sources of insight and solidarity are increasingly scarce.

Having identified these two challenges, I then explained the institutional translation proviso by which Habermas aims to resolve them (section 1.2.2). According to this translation proviso, citizens may at any point introduce religious considerations into public debate, provided that they recognize the need to translate these into secular language before they can affect institutionalized political deliberations. On the one hand, this is supposed to allow citizens to participate in processes of rational opinion- and will-formation without having to distinguish artificially between their public and nonpublic identities. In this way, it is supposed to solve the problem of religious inclusion. On the other hand, the institutional translation proviso is supposed to expand the range of normative insights available to secular reason by appropriating contents taken from religious traditions. This is supposed to help solve the problem of normative renewal.

Finally, I went on to detail the demanding cognitive presuppositions associated with Habermas's institutional translation proviso (1.2.3). On the one hand, modernized religious citizens must adapt to the epistemic authority of the natural sciences, the priority of universal morality, and the fact of pluralism if they are to recognize the legitimacy of the secular democratic state. On the other, nonreligious citizens must adopt a postmetaphysical mode of thought that leaves religious validity claims undecided and remains open to the possibility of learning from them if they are to cooperate in producing secular translations of religious contents. Only under these conditions can religious and nonreligious citizens participate as equals in a mutually respectful and cooperative search for principles by which to govern their life in common.



## CHAPTER 2

# COMPARING KANT AND HABERMAS ON RELIGION

### INTRODUCTION

In the previous chapter, I shed light on the function of Habermas's institutional translation proviso by situating it in the broader context of his discourse theory of law and democracy. Habermas himself claims to draw the inspiration for this translation proviso from his reading of Kant's philosophy of religion. It is in Kant that he claims to find the first great example of a postmetaphysical translation of religious contents, and in Kant also that he first encounters the idea of compensating for a *need* of practical reason by appropriating the insights of historical religious traditions. Despite this, however, Habermas's reading of Kant has received surprisingly little attention in the secondary literature. Some English-language commentators do allude to it in passing, though without ever subjecting it to a thoroughgoing analysis. Others compare the two authors' respective approaches to religion, but without addressing Habermas's interpretation of Kant.<sup>32</sup> In no case do they submit his reading to a detailed analysis by putting it in dialogue with contemporary English-language Kant scholarship. In other words, no English-language commentator to date has sought to engage with Habermas *as a reader of Kant*.

That is what I propose to do in this chapter. I will assess the merits of Habermas's essay on Kant as a piece of Kant scholarship. However, my aim in doing this will by no means be strictly exegetical. To the extent that Habermas's reading of Kant serves as the inspiration for his own work on religion and politics, uncovering interpretive errors in his reading may help to detect problems with the assumptions of the institutional translation proviso. In this connection, I will aim to show, first, that Habermas's reading does contain

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<sup>32</sup> The earliest of these is Brian J. Shaw, who actually anticipates Habermas's engagement with Kant's philosophy of religion. In 1999, six years prior to the publication of *Between Naturalism and Religion*, Shaw argues that "a sustained encounter with Kant's *Religionslehre*" would help Habermas better address questions pertaining to multiculturalism, minority rights, and integration within his theory of law and democracy. See "Habermas and Religious Inclusion: Lessons from Kant's Moral Theology," *Political Theory*, vol. 27, no. 5 (1999), p. 658. In this category, I also include Roe Fremstedal and Austin Harrington, whose work on Kant and Habermas I discuss below.

certain misunderstandings, and second, that these are reflected in his political writings in the form of certain crucial *limits* to his solution to the problems of religious inclusion and normative renewal. I should specify that in saying this, I certainly do not mean that Habermas's work is subject to these limits *because* of the interpretive errors in his reading of Kant, but merely that there are certain noteworthy parallels to be drawn between the two. The most that I could plausibly maintain is that his misreading of Kant is indicative of general trends in his thought that are also present in his work on religion and politics.

Given the aims detailed above, the present chapter will include both an exegetical and a comparative component. In the first instance, I will put Habermas in dialogue with some of the main figures in contemporary English-language Kant scholarship in order to shed some light on the meaning of Kant's philosophy of religion and its place within the broader critical philosophy. In the second, I will compare Kant and Habermas's respective approaches to religion with the aim of articulating two critical remarks about the institutional translation proviso. Since one of the goals of this thesis is to provide a qualified defence of Habermas's institutional translation proviso, these remarks should not be interpreted as rejecting the proviso out of hand. The point, rather, is to get clear on what it can and cannot be expected to achieve, so as to frame my critical appraisal of the translation proviso in Chapter Three.

In a first step (part 2.1), I will explain Habermas's reading of Kant's philosophy of religion as laid out in his essay "On the Reception and Contemporary Importance of Kant's Philosophy of Religion" in *Between Naturalism and Religion*. I will focus on two aspects of his reading in particular. The first of these is his interpretation of the doctrine of the Highest Good and of the "need of reason in its practical use" that it is supposed to satisfy (section 2.1.1). The second is his account of how this doctrine transforms, in Kant's later work, into the collective duty to realize the vision of an inner-worldly utopia in the form of the Ethical Community (section 2.1.2). Explaining these two aspects of Habermas's reading will allow me to shed some light on how he understands the relationship between rational and historical faith in Kant and, by extension, how it serves as the starting point for his own project of translating the insights of historical religious traditions into a secular language.

In a second step (part 2.2), I will present my first critical remark on Habermas's translation proviso. My goal here will be to cast some doubt on the proviso's success in

resolving what I have called the problem of religious inclusion. My argument will proceed in two stages. First, I will outline one common line of interpretation in contemporary English-language Kant scholarship, sometimes called the “*Religion-as-Translation Thesis*.” I will not aim to provide an exhaustive analysis thereof. Rather, I will seek to draw attention to some of the main difficulties to which it is subject and to show how these reappear in Habermas’s reading of Kant (section 2.2.1). Second, I will argue that, in addition to being present in his reading of Kant, these same difficulties are reproduced in Habermas’s own work on religion and politics. Specifically, I will maintain that the institutional translation proviso is incapable of securing the identity between a religious contribution to public dialogue and its secular translation (section 2.2.2). The upshot will be that it is unclear how successful it can be in integrating religious citizens as free and equal authors of the law.

In a third and final step (part 2.3), I will present my second critical remark on Habermas’s proviso. This time, I will aim to cast some doubt on its success in resolving the problem of normative renewal. Here again, the argument will proceed in two stages. In the first place, I will outline a second common line of Kant interpretation, which understands the concept of the Highest Good as a this-worldly secular ideal to be realized by human efforts. I will point out certain interpretive errors associated with this reading and argue that Habermas’s own reading falls prey to the same problems. My aim in doing this will be to call attention to the way in which he mischaracterizes the need of reason that underlies Kant’s doctrine of the Highest Good (section 2.3.1). In the second place, I will once again try to draw out the implications of Habermas’s misreading for his own work on religion and politics. Specifically, I will argue that Habermas’s misinterpretation of the need of reason is reflected in his own focus on religious *contents* over religious *form*—that is, on the *doctrines* of religion rather than on their *performative force* (section 2.3.2). In this case, the upshot will be that translating the cognitive contents of religion cannot address the problem of normative renewal as characterized by Habermas, as the latter is affective, not cognitive, in nature.

Since this is not primarily a work of Kant scholarship, I will not be able to present an exhaustive analysis of Kant’s philosophy of religion. Instead, I will address it only to the extent necessary to question Habermas’s reading and, by extension, his project of translating religious contributions to public dialogue. To this end, I will rest my analysis

primarily on the second edition of *Religion within the Boundaries of Mere Reason* (1794), which is Kant's only full-length work on religion. In discussing the secondary literature and Habermas's own reading, however, it will sometimes be useful to refer to passages from his other works, including the *Critique of Pure Reason* (1787), the *Critique of Practical Reason* (1788), the *Critique of the Power of Judgment* (1790), and *The Conflict of the Faculties* (1798), as well as some assorted occasional writings. In a work of this length, I obviously cannot delve into the various permutations of Kant's thought over the critical period. Wherever his views appear to diverge, therefore, I will treat later writings—notably *Religion* and *Conflict*—as authoritative.

Before moving on, it is worth noting that Kant's philosophy of religion is among the most controversial aspect of his critical philosophy. Since the publication of the first edition of the first *Critique* in 1781, conventional wisdom has held that Kant's work is hostile to historical religious traditions.<sup>33</sup> The result has been that traditional readers have often dismissed the positive doctrines of *Religion* as incompatible with the anti-metaphysical thrust of the critical philosophy and sought to discount them on psychological or political grounds. Thus it is, for instance, that Johann W. Goethe accused Kant of "slobbering" on his philosopher's cloak "so that even Christians would be enticed to kiss its hem"<sup>34</sup> and that Heinrich Heine suggested that Kant "brought back to life the corpse of deism" only to appease his manservant, Martin Lampe.<sup>35</sup> This trend has continued into 20<sup>th</sup>-century Kant scholarship. Notable examples can be found in Gordon Michalson, who dismisses *Religion* as an incoherent "set of wobbles" between Kant's conflicting Pietist and Enlightenment

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<sup>33</sup> In this connection, it is worth noting that much of 20<sup>th</sup>-century English-language Kant scholarship was dominated by P.F. Strawson, who sees the first *Critique* as formulating a "principle of significance," according to which "there can be no legitimate, or even meaningful, employment of ideas or concepts which does not relate them to empirical or experiential conditions of their application." See *The Bounds of Sense: An Essay on Kant's Critique of Pure Reason* (London: Routledge, 1966), p. 16. Since this reading entails that religious language is *literally meaningless*, the effect has been to convince many philosophers and theologians that Kant is antithetical to religion. See Nicholas Wolterstorff, "Is it Possible or Desirable for Theologians to Recover from Kant?" *Modern Theology*, vol. 14, no. 1 (1993): p. 1 f. Although I cannot enter into this debate here, I will point out that Strawson's reading has largely fallen out of favour among contemporary Kant scholars.

<sup>34</sup> Ernst Cassirer, *Kant's Life and Thought*, translated by James Haden (New Haven: Yale University Press, 1981), p. 391.

<sup>35</sup> Heinrich Heine, *On the History of Religion and Philosophy in Germany and Other Writings* (New York, Cambridge University Press, 2007), p. 87.

commitments,<sup>36</sup> Nicholas Wolterstorff, who sees the book as the locus of a number of unresolvable “conundrums,”<sup>37</sup> and John E. Hare, who unreservedly characterizes it as a “failure.”<sup>38</sup> As we will see, Habermas can also be included in this list.

In contrast to this traditional interpretation, recent years have seen the development of a “theologically affirmative” reading in English-language Kant scholarship. Proponents of this reading argue not only that Kant’s philosophy of religion can be understood as a coherent whole, but also that it represents an integral part of the critical philosophy, without which it would be incomplete. Notable figures in this interpretive current include Chris L. Firestone, Nathan Jacobs, Stephen R. Palmquist, and Lawrence R. Pasternack. Although these authors diverge significantly regarding the specifics of Kant’s *Religion*, they are united in affirming that it presents the conditions of possibility of moral hope in the framework provided by the three *Critiques*. Since my goal in introducing these developments is to shed light on errors in Habermas’s interpretation, I will draw on them only to the extent necessary for this purpose. I will therefore be content with leaving the differences between various theologically affirmative readings largely unresolved, though I will occasionally comment on them in the footnotes.

## 2.1. HABERMAS ON KANT’S PHILOSOPHY OF RELIGION

### 2.1.1. Habermas on the Doctrine of the Highest Good

Central to Kant’s philosophy of religion is the claim that “morality leads inevitably to religion.”<sup>39</sup> It is true that, in the *Critique of Pure Reason*, Kant seeks to discredit the traditional theological proofs of the existence of God and of the immortality of the soul. Having denied *knowledge* of these, however, he does not simply jettison them from the critical philosophy, but rather seeks to defend rational *faith* in them on moral grounds as

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<sup>36</sup> Gordon E. Michalson, *Fallen Freedom: Kant on Radical Evil and Moral Regeneration* (Cambridge: Cambridge University Press, 1990), pp. 1–10.

<sup>37</sup> Nicholas Wolterstorff, “Conundrums in Kant’s Philosophy of Religion,” In *Kant’s Philosophy of Religion Reconsidered*, ed. Philip J. Rossi and Michael J. Wreen (Bloomington, Indiana University Press, 1991), p. 44.

<sup>38</sup> John E. Hare, *The Moral Gap: Kantian Ethics, Human Limits, and God’s Assistance* (Oxford: Clarendon Press, 1996), pp. 60–68.

<sup>39</sup> Immanuel Kant, *Religion within the Boundaries of Mere Reason*, trans. George di Giovanni, in *Religion and Rational Theology*, ed. Allen W. Wood and George di Giovanni (New York: Cambridge University Press, 1996), p. 59 (Ak 6:6).

postulates of pure practical reason—hence the oft-cited slogan that he “had to deny knowledge in order to make room for faith.”<sup>40</sup> The details of Kant’s argument for the postulates vary considerably from one *Critique* to the next. However, his overall strategy remains the same. In a first step, he claims that consciousness of moral obligation inevitably gives rise to the concept of the Highest Good as the idea of a state of affairs containing, first, “morality,” and second “happiness proportioned to that morality.”<sup>41</sup> Next, he argues that the commitment to obey the Moral Law also entails a duty to “promote” or to “strive toward” realizing such a state of affairs.<sup>42</sup> In a third and final step, he argues that human beings cannot, of themselves, realize the Highest Good, for they have neither the power nor the knowledge to do so. From this, he concludes that obeying the Moral Law necessarily leads us to postulate the existence both of a “holy and beneficent author of the world” capable of distributing happiness in accordance with moral worth and of an afterlife in which this distribution may take place.<sup>43</sup> In this way, Kant believes, morality leads inevitably to rational faith in the existence God and in the immortality of the soul.

Habermas’s reading of Kant draws primarily on the latter’s “motives and declared intentions” in developing his philosophy of religion, and not on his “systematic assertions” (BNR 212). In particular, Habermas wishes to draw attention to Kant’s motives for introducing the doctrine of the Highest Good. In his view, these motives pertain primarily to what Kant calls the “natural need” of practical reason, and which he says “would be a hindrance to moral resolve” if left unsatisfied.<sup>44</sup> By this expression, Habermas thinks that

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<sup>40</sup> *Critique of Pure Reason*, trans. Paul Guyer and Allen W. Wood (New York: Cambridge University Press, 1998), p. 117 (Ak 3:xxix–xxx).

<sup>41</sup> *Critique of Practical Reason*, trans. Mary J. Gregor, in *Practical Philosophy*, ed. Mary J. Gregor (New York: Cambridge University Press, 1996), p. 239 f. (Ak 5:124).

<sup>42</sup> *Ibid.*, p. 231 (Ak 5:114); p. 240 (Ak 3:125).

<sup>43</sup> *Ibid.*, p. 244 (Ak 5:129). Early-to-mid-20<sup>th</sup>-century commentators often fail to distinguish between the different iterations of the moral argument. Notable among these is Allen W. Wood, whose interpretation projects the “*reductio ad absurdum practicum*” argument of the second *Critique* onto the rest of the critical works. See *Kant’s Moral Religion* (Ithica: Cornell University Press, 1970), p. 25 ff. For a detailed account of the development of Kant’s moral argument over the critical period, see Lawrence Pasternack, *Kant on Religion within the Boundaries of Mere Reason: An Interpretation and Defense* (New York: Routledge, 2014), p. 17 ff.

<sup>44</sup> Kant, *Religion*, *op. cit.*, p. 59 (Ak 6:5). In fact, Kant distinguishes between a need of reason in its *practical* use and a need of reason in its *theoretical* use. See *What Does It Mean to Orient Oneself in Thinking?*, trans. Allen W. Wood, in *Religion and Natural Theology*, *op. cit.*, p. 12 (Ak 8:139). Whereas the postulates serve to satisfy the former, Kant suggests that alleged revelations associated with historical religious traditions may be of some use in satisfying the latter. See *The Conflict of the Faculties*, trans. Mary J. Gregor and Robert Anchor, in *Religion and Rational Theology*, *op. cit.*, p. 242 (Ak 7:9). It seems to me that Habermas mistakenly conflates the two needs at BNR 212.

Kant designates a *deficiency* that affects any theory of morals that limits the scope of practical reason to testing norms of interpersonal justice for rational acceptability. The categorical imperative, which is the cornerstone of Kant's moral theory, enjoins moral agents to "act only in accordance with that maxim through which you can at the same will that it become a universal law."<sup>45</sup> In doing this, it severs practical reason from metaphysical and soteriological considerations in an unprecedented fashion, resulting in what Habermas calls a "peculiar insensitivity [...] to the consequences of moral action in history and society" (BNR 218).<sup>46</sup> From the perspective of the categorical imperative, morality is connected neither to a world order that would endow human beings with a teleological calling nor to any "thick" conception of the good life that would back moral commands by a promise of salvation.

The resulting situation is one in which even a perfectly virtuous person may nonetheless be unhappy. As Habermas understands it, Kant sees this as something of an affront to reason. In Kant's terms, happiness is the subjective end of all finite rational beings, and insofar as human beings are morally worthy—insofar, that is to say, as they act in accordance with the Moral Law—they deserve to be happy. Thus, our commitment to the Moral Law at the same time fosters the rational conviction in us that we *ought to* achieve happiness in proportion with our moral worth. We feel that "it could not in the end make no difference if [a] person has conducted himself honestly or falsely, fairly or violently." When we contemplate this possibility, we experience a sense of moral outrage: "It is as if [we] heard an inner voice that things must come out differently."<sup>47</sup> On Habermas's reading, this is the first component of the need of reason that Kant hopes to satisfy: practical reason needs to be reassured in its hope that the virtuous will be rewarded and the vicious punished.

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<sup>45</sup> Immanuel Kant, *Groundwork of the Metaphysics of Morals*, trans. Mary J. Gregor and Jens Timmermann, in *Practical Philosophy*, *op. cit.*, p. 73 (Ak 4:421).

<sup>46</sup> Beginning with John Stuart Mill, commentators in the Anglo-American tradition have often mischaracterized the categorical imperative as a procedure for the universalization of *interests*, *preferences*, or *desires*. On this reading, it would not be insensitive to consequences at all. For a more accurate reading that better coheres with Habermas's understanding of the "need of reason in its practical use," see Christine Korsgaard, "Kant's Formula of Universal Law" in *Creating the Kingdom of Ends* (New York: Cambridge University Press, 1996), p. 77 ff.

<sup>47</sup> Immanuel Kant, *Critique of the Power of Judgment*, trans. Paul Guyer and Eric Matthews (New York: Cambridge University Press, 2000), p. 323 (Ak 5:458), cited in BNR 215.

According to Habermas, however, there is also a second component. Just as unbearable as the prospect of unrewarded virtue and unpunished vice is the possibility that our other-regarding moral actions might make no difference to the happiness of our fellow human beings. As Habermas puts it, reason despairs at the thought that “all moral actions in the world *taken together* are powerless to bring about an overall improvement in the disastrous condition of human existence” (*BNR* 216). It protests against the concept of an impersonal natural order that “flings them, who were capable of having believed themselves to be the final end of creation, back into the abyss of the purposeless chaos of matter from which they were drawn.”<sup>48</sup> As Habermas understands it, this is the second and most important component of the need of reason: practical reason requires some solution to the apparent futility of the moral endeavour in a world where moral action is unconnected with this-worldly material progress.

The need of practical reason as Habermas understands it is therefore twofold: practical reason requires reassurance of the soteriological promise of both *personal* and *collective* salvation. On his reading, Kant’s desire to satisfy this need provides the key to understanding his introduction of the doctrine of the Highest Good. The reason for this is that it helps to explain what Habermas takes to be a fundamental inconsistency in Kant’s critical philosophy. For although Kant maintains that we have a duty to “promote” or “strive toward” the Highest Good, Habermas thinks that this cannot be made to cohere with the basic premises of Kant’s moral theory, or indeed with any postmetaphysical moral philosophy. As we have seen, practical reason in the procedural, postmetaphysical sense can extend no further than testing norms of justice for rational acceptability. It cannot saddle us with additional obligations, much less ones that are in principle beyond our power to fulfill. At the very most, the Highest Good can find legitimate expression in a postmetaphysical framework as the “hoped-for-collective effect” of all our moral actions taken together (*BNR* 218). But of course, this in no way requires us to posit either the existence of God or the immortality of the soul. Nor, therefore, can it be sufficient to reassure us in our hope either for our own happiness or for that of others.

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<sup>48</sup> Kant, *Critique of the Power of Judgment*, *op. cit.*, p. 318 (Ak 5:452), cited in *BNR* 216.



According to Habermas, it is Kant's desire to satisfy the need of reason that explains his insistence on the duty to promote the Highest Good despite its incoherence. Kant "pulls out all conceptual stops in an attempt to elevate the *realization* of the highest good in the world to the status of a moral duty" precisely because he is trying to find grounds on which to justify rational faith in the postulate of God (BNR 219). He does this not for its own sake, as part of a project of rational apologetics, but "for the sake of morality itself" (BNR 221). On Habermas's reading, Kant is trying to secure the confidence in the prospect of worldly improvement that comes with belief in a beneficent God capable of intervening in history: "Rather than the promise of the afterlife represented by the existence of God (or even the immortality of the soul), what interests him is the promised kingdom of God *on earth*" (BNR 222). In his view, therefore, Kant resorts to the postulate of the existence of God because he is trying to "integrate the pragmatic meaning of the religious *mode* of faith as such into reason" (BNR 221)—that is to say, in order to secure confidence in this-worldly improvement despite our experience of a world that is, by all appearances, indifferent to our moral striving.

### 2.1.2. Habermas on the Concept of the Ethical Community

Habermas extends his analysis of reason's need to be reassured in its hope for this-worldly improvement to the concept of the Ethical Community, which Kant introduces in Part Three of *Religion*. In Part One of *Religion*, Kant identifies an obstacle to our hope for happiness. Human beings, Kant maintains, are innately evil. That is, their moral disposition is by nature corrupt, such that they subordinate the Moral Law to other incentives in their maxims.<sup>49</sup> Under these conditions, the question becomes how human beings can overcome their natural propensity to evil and make themselves worthy of happiness. In response to this quandary, Kant introduces what he calls the Prototype of Humanity. By this concept, he designates the idea of "*humanity [...] in its complete moral perfection.*"<sup>50</sup> In order to overcome their predisposition to evil, Kant thinks that human beings must adopt the perfect moral disposition of the Prototype for themselves: "it is our universal human duty

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<sup>49</sup> Kant, *Religion*, *op. cit.*, pp. 82–83 (Ak. 6:36).

<sup>50</sup> *Ibid.*, pp. 103–104 (Ak 6:60).

to *elevate* ourselves to this ideal of moral perfection.”<sup>51</sup> This is what he calls the Change of Heart. In *Religion*, moral conversion by way of the Change of Heart serves as a necessary condition of justified hope in happiness.

It is in this connection that Kant introduces the Ethical Community as “the concept of a people of God under ethical laws.”<sup>52</sup> According to him, even the moral convert remains susceptible to the danger of recidivism through contact with others. For human beings have a natural need to “gain worth in the opinion of others,” which gives rise to the “unjust desire to acquire superiority for oneself over others”—not because of their own ill will, but in reaction to the “anxious endeavour of others to attain a hateful superiority over [them].”<sup>53</sup> As a result, the presence of others has a corrupting influence on the moral convert, even after he has undergone a Change of Heart: “it suffices that they are there, that they surround him, and that they are human beings, and they will mutually corrupt each other’s moral disposition and make one another evil.”<sup>54</sup> For this reason, Kant argues that moral converts must restructure their social relations in such a way as to minimize their corrupting influence on each other. To this end, they must unite into a voluntary association of moral converts under “laws of virtue” conceived as the commands of God as its “supreme lawgiver.”<sup>55</sup> This union, which takes the form of a *Church*, is what Kant calls the Ethical Community.

On Habermas’s interpretation, the Ethical Community represents an *extension* or *reformulation* of Kant’s original doctrine of the Highest Good. As we have seen, Habermas thinks that Kant’s primary interest lies in the promise of a kingdom of God *on earth*. In this connection, he takes the Ethical community to complete Kant’s “transpos[ition] of the idea of a ‘kingdom of ends’ from the transcendental insubstantiality of the intelligible world into an inner-worldly utopia” (*BNR* 222). In its original formulation, the duty to promote the Highest Good remained *empty* insofar as it added no content to the Moral Law over and above the fulfillment of individual moral obligations. With the introduction of the Ethical Community, however, this duty receives an “intersubjective reading” that gives it new

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<sup>51</sup> *Ibid.*, p. 104 (Ak 6:61).

<sup>52</sup> *Ibid.*, p. 133 (Ak 6:98).

<sup>53</sup> *Ibid.*, p. 75 (Ak 6:27).

<sup>54</sup> *Ibid.*, p. 129 (Ak 6:94).

<sup>55</sup> *Ibid.*, p. 134 (Ak 6:99).

content in the form of the injunction to participate in the establishment of a “socio-political condition to be realized collectively in the world of appearances” (BNR 218). This socio-political condition *institutionalizes* the ideal of the final end of human beings; it replaces the “pale metaphysical heirloom” of the Highest Good with a “concrete embodiment” of the kingdom of God on earth (BNR 226). In other words, the Ethical Community supplements the original doctrine of the Highest Good by calling on us not only to hope for the indirect realization of an ideal state of affairs, but also to participate actively in its achievement.

In Habermas’s view, Kant’s use of the Ethical Community in order to satisfy the need of reason in this way provides insight into his manner of understanding the relation between faith and reason. In the second preface of *Religion*, Kant draws a distinction between *pure rational faith* and *ecclesiastical faith*. Pure rational faith in Kant’s sense pertains to the system of rational religion, which rests upon the *a priori* principles of pure practical reason and can therefore be “convincingly communicated to everyone.”<sup>56</sup> In contrast, ecclesiastical faith pertains to historical religious traditions, which originate in alleged revelation and have “only particular validity, namely for those in contact with the history on which the faith rests.”<sup>57</sup> In this way, the difference between rational and ecclesiastical faith corresponds roughly to Habermas’s own distinction between reason and faith. By examining the relationship between rational and ecclesiastical faith in Kant, therefore, Habermas hopes to shed some light on the question of the relevance of historical religious traditions from the perspective of a methodically atheistic postmetaphysical philosophy.

Kant’s explicit pronouncements on the relation between rational and ecclesiastical faith have traditionally been interpreted as dismissive of, if not outright hostile toward, historical religious traditions.<sup>58</sup> Throughout the book, he describes ecclesiastical faith as “arbitrary” and “contingent,”<sup>59</sup> characterizes its doctrines as “merely statutory” and

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<sup>56</sup> *Ibid.*, pp. 136–137 (Ak 6:103).

<sup>57</sup> *Ibid.*, p. 146 (Ak 6:115).

<sup>58</sup> It is worth pointing out that commentators do not all agree on this reading. For a less pessimistic account, according to which Kant envisions biblical and philosophical theology as partners in a mutually beneficial joint search for truth, see Chris L. Firestone, “Making Sense of Tradition: Theology and Conflict in Kant’s Philosophy of Religion,” in *Kant and the New Philosophy of Religion*, ed. Chris L. Firestone and Stephen R. Palmquist, pp. 141–156 Bloomington: Indiana University Press, 2006.

<sup>59</sup> Kant, *Religion*, *op. cit.*, p. 188 (Ak 6:168).

“morally indifferent,”<sup>60</sup> and refers to it as the “vehicle” of pure rational faith, at times going so far as to suggest that the latter could, in time, come to “dispense of that vehicle” entirely.<sup>61</sup> Habermas himself shares the traditional interpretation. However, he thinks that the methodology implicit to Kant’s philosophy of religion stands in sharp contrast to his explicit pronouncements. As he understands it, there is in Kant an unacknowledged dependence of philosophical reflection upon historical religious traditions. This is particularly evident in the concept of the Ethical Community, which is, after all, a Church: “Here the *epistemic dependence* of the philosophical conceptualization and theorization of the *source of inspiration of religious tradition* becomes abundantly clear (BNR 226). According to Habermas, Kant’s attempt to *translate* “the idea of the rule of God on earth” in the form of the Ethical Community indicates his “receptiveness to the possible cognitive relevance of the contents preserved in religious traditions” (BNR 228). On this interpretation, therefore, Kant’s negative project of limiting the pretensions of religion by demarcating between faith and knowledge is complemented by the positive project of extending the scope of knowledge by appropriating cognitive contents taken from the sphere of faith.<sup>62</sup>

It is this positive dimension of Kant’s philosophy of religion that serves as the inspiration for Habermas’s own work on religion and politics. We have seen that, like Kant, Habermas acknowledges a kind of “need of reason” in the form of what I have called the problem of normative renewal. Under the conditions of a “modernity that is spinning out of control,” practical reason “armed solely with the insights of a theory of justice” lacks the resources both to generate social solidarity and to provide the novel normative insights required to identify and cope with social problems. Habermas thinks that Kant’s philosophy of religion offers some guidance as to how to remedy this lack. In his view,

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<sup>60</sup> *Ibid.*, p. 127 (Ak 6:103).

<sup>61</sup> *Ibid.*, p. 146 (Ak 6:115).

<sup>62</sup> Note that this is Habermas’s characterization of Kant’s project. Kant himself does not conceive of the sphere pure rational faith as extending the sphere of knowledge. In the first *Critique*, he distinguishes between three modes of taking-to-be-true (*Fürwahrhalten*), viz. *having an opinion*, *believing*, and *knowing*. In the first case, the grounds for taking to be true are “subjectively as well as objectively insufficient,” in the second, they are “only subjectively sufficient,” and in the third, they are “both subjectively and objectively sufficient.” See *Critique of Pure Reason*, *op. cit.*, p. 686 (Ak 3:850–851). Here, “belief” describes the mode of taking-to-be-true proper to *pure rational faith*, which is therefore distinct from knowledge, including moral knowledge. Habermas concedes this difference at BNR 222n.44.

Kant's attempt to satisfy the need of practical reason by translating the Christian promise of the kingdom of God on earth in the form of the Ethical Community alerts us to the "world-disclosing power of religious semantics" (BNR 217). It points to the possibility of compensating for the depoliticization and desensitization characteristic of modern secular consciousness by appropriating the cognitive contents of historical religious traditions. This is what leads Habermas to propose the institutional translation proviso as a potential solution to the problem of normative renewal.

## 2.2. KANT AND HABERMAS ON TRANSLATING RELIGION

### 2.2.1. The *Religion-as-Translation* Thesis in Kant Scholarship

As we have seen, the novelty of Habermas's reading of Kant's philosophy of religion consists primarily in the attention it draws to the epistemic dependence of pure rational faith on historical religious traditions in Kant. According to Habermas, it is only by *translating* contents taken from the Christian tradition that philosophy acquires the impulses required to satisfy the need of practical reason and overcome moral despair. This recalls a different, but in certain respects similar, interpretation of Kant's philosophy of religion, which Chris L. Firestone and Nathan Jacobs have dubbed the "*Religion-as-Translation* Thesis."<sup>63</sup> In this section, I will outline the *Religion-as-Translation* Thesis and draw attention to some of its crucial defects. My aim will be to show how these are reproduced in Habermas's own interpretation of Kant.

To begin with, it is worth pointing out that Kant himself never uses the terminology of "translation" (*Übersetzung*) in his work on religion. However, this idea does appear frequently in the English-language secondary literature, usually in connection with the preface to the second edition of *Religion*. Here, Kant illustrates the relationship between ecclesiastical and pure rational faith by the metaphor of two concentric circles. As we have seen, the statutory doctrines of ecclesiastical faith originate in an alleged revelation and are passed down by tradition, whereas the doctrines of pure rational faith are supposed to be

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<sup>63</sup> Chris L. Firestone and Nathan Jacobs, *In Defense of Kant's Religion* (Indianapolis: Indiana University Press, 2008), p. 69 ff.

knowable *a priori*. Given this characterization, it follows that the doctrines of ecclesiastical faith may contain within themselves those of pure rational faith, but that the converse cannot be true: “after all, *revelation* can at least comprise also the *pure religion of reason*, whereas conversely, the latter cannot do the same for what is historical in revelation.” For this reason, Kant represents the statutory beliefs and practices associated with historical religions as belonging to a “*wider sphere of faith*” that *includes* within itself the “*narrower*” sphere of pure rational faith. It is in this sense that the two spheres are “not as two circles external to one another but as concentric circles”<sup>64</sup>

With this metaphor of the spheres of religion in hand, Kant goes on to describe two distinct “experiments.” In the first, “the philosopher, as purely a teacher of reason (from principles *a priori*) must keep within the inner circle and, thereby, abstract from all experience.” Although Kant provides no further specifications, this is usually taken to refer to the elaboration of the system of rational religion itself. In contrast, the second experiment is of a different nature. Its goal is “to start from some alleged revelation or other and, abstracting from the pure religion of reason (so far as it constitutes a system on its own), to hold fragments of this revelation, as a *historical system*, up to moral concepts, and see whether it does not lead back to the same pure *rational system* of religion.”<sup>65</sup> This is commonly expressed in the secondary literature by saying that the purpose of the second experiment is to *translate* certain doctrines of a given historical religious tradition—viz. traditional Christianity—into those of pure rational faith. In other words, the point is to see whether, under its statutory tenets, Christianity might not contain the kernel of pure rational faith. And if this is the case, Kant says that there will be, between rational and ecclesiastical faith, “not only compatibility, but also unity, so that whoever follows the one (under the guidance of moral concepts) will not fail to come across the other as well.”<sup>66</sup>

The question of the *location* of Kant’s two experiments has been hotly debated in the secondary literature over the last decade or so.<sup>67</sup> Although commentators often disagree

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<sup>64</sup> Kant, *Religion*, *op. cit.*, p. 64 (Ak 6:12).

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*, p. 64 (Ak. 6:13).

<sup>67</sup> See, for example, Firestone and Jacobs, *Defense*, *op. cit.*, p. 114 ff.; Stephen R. Palmquist, *Comprehensive Commentary on Kant’s Religion Within the Bounds of Bare Reason* (Malden, MA: Blackwell, 2016), 31 ff.; and Lawrence R. Pasternack, “The ‘Two Experiments’ of Kant’s *Religion*: Dismantling the Conundrum,” *Kantian Review*, vol. 22, no. 1 (2017), p. 107 ff.

about their precise location of each experiment, most agree that both can be found within the pages of *Religion* itself.<sup>68</sup> In contrast, John E. Hare and Bernard M.G. Reardon have proposed a different interpretation. Hare and Reardon understand the first experiment—the elaboration of the system of rational religion—as occurring in Kant’s works of the 1780s, and notably in the second *Critique*. On their interpretation, therefore, the entirety of the system of rational religion is limited to the content of Kant’s three *Critiques*. This includes notably the definition of religion as the “recognition of all duties as divine commands”<sup>69</sup> as well as the moral argument for rational faith in the postulates of the existence of God and the immortality of the soul.<sup>70</sup> The implication of this reading is that we are meant to understand Kant’s second experiment as specifically describing his project in *Religion*.

Chris L. Firestone and Nathan Jacobs have dubbed this interpretation the “*Religion-as-Translation Thesis*.” For Hare and Reardon alike, *Religion* in its entirety may be understood as an attempt to *translate* the doctrines of Christianity into terms congenial to Kant’s moral philosophy. Thus it is that Reardon characterizes it as “a reinterpretation of Christianity solely in terms of moral values”<sup>71</sup> and that Hare describes it as translating the doctrines of “the creation, the fall, the redemption, and the second coming” into “the language of the moral concepts.”<sup>72</sup> For both authors, the point of *Religion* is not to develop the system of rational religion from *a priori* principles, but rather to examine certain doctrines of historical Christianity in order to “abstract from [them] whatever essential, rational truths they may contain.”<sup>73</sup> In other words, it is a matter of seeing whether, beneath the shell of historical Christianity, there might not lie a kernel of pure rational

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<sup>68</sup> For instance, Stephen R. Palmquist and Lawrence Pasternack, claim that both experiments occur throughout all four parts of *Religion*, whereas Firestone and Jacobs limit the second experiment to Part Four. See Firestone’s review of Pasternack’s *Kant on Religion within the Boundaries of Mere Reason*, in *Notre Dame Philosophical Reviews*, University of Notre Dame, 20 September 2015, <https://ndpr.nd.edu/news/kant-on-religion-within-the-boundaries-of-mere-reason>. For a detailed rebuttal to Firestone and Jacobs’s approach, see Stephen R. Palmquist, “Cross-Examination of *In Defense of Kant’s Religion*,” *Faith and Philosophy*, vol. 29, no. 2 (2012), p. 174 ff.

<sup>69</sup> Kant, *Critique of Practical Reason*, p. 244 (Ak 5:129).

<sup>70</sup> *Ibid.*, pp. 238–241 (Ak 5:122–5:125).

<sup>71</sup> Bernard M.G. Reardon, *Kant as Philosophical Theologian* (New York, MacMillan, 1988), p. 89, cited in Firestone and Jacobs, *Defense*, *op. cit.*, p. 70.

<sup>72</sup> John E. Hare, *The Moral Gap: Kantian Ethics, Human Limits, and God’s Assistance* (Oxford: Clarendon Press, 1996), p. 51.

<sup>73</sup> Firestone and Jacobs, *Defense*, *op. cit.*, p. 72.

faith—and since “pure rational faith” here refers to the moral theory of the *Second Critique*, this means seeing whether the essential content of historical religious traditions might be *reduced* to the injunctions of rational morality.<sup>74</sup>

Firestone and Jacobs have presented several objections to the *Religion-as-Translation Thesis*. One of these in particular will be of interest to us here. This pertains to the question of the *correspondence* between the original Christian doctrine and its moral translation. Recall that the point of *Religion* is to explain how human beings can become worthy of happiness despite their innately evil nature. Of course, traditional Christianity solves this problem by recourse to the concept of grace: it is by the free and undeserved action of a loving God that one is converted and becomes a “*new man*.”<sup>75</sup> Kant’s account of moral conversion is clearly intended to correspond to the Christian concept of grace in *some* sense. Throughout the book, he likens the Prototype of Humanity to the “Son of God,” who is our “*saviour*” and acts as our “*advocate*” before God.<sup>76</sup> On the *Religion-as-Translation Thesis*, therefore, the rational kernel underlying the Christian account of conversion seems to be that we ought to “elevate ourselves to the ideal of moral perfection” by adopting the disposition of the Prototype for ourselves.

However, this raises a problem. For there is, as Firestone and Jacobs point out, “a stark difference (and perhaps outright incompatibility) between Kant’s critical philosophy and the theology he attempts to ‘translate’.”<sup>77</sup> Whereas traditional Christianity accounts for conversion by appeal to the external aid of God, a central tenet of Kant’s moral philosophy is that we alone are responsible for our own moral worth: “The human being must make or have made *himself* into whatever he is or should become in a moral sense, good or evil.”<sup>78</sup> An appeal to grace is therefore not a legitimate move within the framework of Kant’s moral

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<sup>74</sup> Stephen R. Palmquist distinguishes between a “loose” and a “strict” sense of reductionism. In the loose sense, to say that Kant reduces religion to morality means only that he treats morality as a *necessary* condition for true religion, whereas in the strict sense, it means that he treats it as both a *necessary* and a *sufficient* condition thereof. See “Does Kant Reduce Religion to Morality?” *Kant-Studien*, vol. 83, no. 2, p. 129. In what follows, I employ the term in the strict sense.

<sup>75</sup> Kant, *Religion*, *op. cit.*, p. 148 (Ak 6:117) [my italics]. Kant is here referring to what is known in the secondary literature as “Spener’s problem,” after the Pietist theologian Philip Jacob Spener. The question is how we can become “*other* human beings and not merely better human beings (as if we were already good but only negligent about the degree of our goodness).” See Kant, *Conflict*, *op. cit.*, p. 276 (Ak 7:54).

<sup>76</sup> Kant, *Religion*, *op. cit.*, p. 115 (Ak 6:74).

<sup>77</sup> Firestone and Jacobs, *Defense*, *op. cit.*, p. 79.

<sup>78</sup> Kant, *Religion*, *op. cit.*, p. 89 (Ak 6:44).



philosophy; he “has no critical resources by which [to] appeal to extra-human assistance.”<sup>79</sup> If the Christian concept of conversion is to be translated into the terms of Kant’s moral philosophy, then it seems that it must be reduced to the injunction to make ourselves morally good—this what it must *mean* to adopt the disposition of the Prototype. But if this is the case, then it is clear that the moral translation fails to preserve the meaning of the original. As Firestone and Jacobs put it, the injunction to adopt the moral disposition of the Prototype for ourselves would then make grace into “something to be laid hold of by human effort—a concept contrary to a free gift that comes despite what we deserve.”<sup>80</sup> We might say that, since the basic premises of traditional Christianity and rational morality are at odds, the moral translation cannot but distort the original Christian concept.

Habermas’s reading of Kant stands in an interesting relation to the *Religion-as-Translation Thesis*. Admittedly, his analysis is neither clear nor detailed enough to specify the extent of the convergence between the two interpretations. Nonetheless, there are certain obvious affinities. This is already clear in some of Habermas’s own statements, for instance when he describes Kant’s account of moral conversion as *stripping* divine mercy of its “essential meaning” and *reinterpreting* it as “an imperative of self-reliance” (*BNR* 214). Here the reduction of religion to morality characteristic of the *Religion-as-Translation Thesis* is unmistakable. Similarly, the resemblance with Hare and Reardon is striking when Habermas characterizes Kant’s project in *Religion* as a matter of “extracting everything out of religious traditions that can withstand the scrutiny of reason” (*BNR* 224). On both readings, the point is to locate, under the statutory doctrines of Christianity, “contents of reason” that can be expressed in the framework of the deontological ethics specified by the categorical imperative.

However, the clearest way to draw out the affinity between Habermas’s reading of Kant and the *Religion-as-Translation Thesis* is to call attention to the priority of the religious over the philosophical that they posit. As I understand it, the distinguishing feature of both interpretations is that they understand Kant as starting from a given historical religious tradition—viz. Christianity—in order then to articulate its doctrines within the framework of his moral philosophy. This ordering inevitably gives rise to the

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<sup>79</sup> Firestone and Jacobs, *Defense*, *op. cit.*, p. 80.

<sup>80</sup> *Ibid.*, p. 80.

question of the identity between the original religious doctrine and its moral translation. For if, *ex hypothesi*, the point of *Religion* is to offer a rational equivalent to historical Christianity, then it is clear that its doctrines must correspond to the actual beliefs and practices of Christians in some way.

Things are different if we understand the priority to go the other way. That is, if we take Kant at his word and understand him to be addressing genuine philosophical problems and reasoning organically to their most natural solution, then the problem of identity disappears. For then the account of moral conversion in *Religion* becomes an extension of the system of rational religion that stands or falls on its own merits. In other words, it becomes an extension of Kant's first experiment, and not an expression of the second. Of course, we may admit that Kant's rational religion bears the unmistakable mark of Protestant Christianity. But on this latter interpretation, which Firestone and Jacobs share, it is intended to have a normative rather than a factual standing. The system of rational religion does not purport to correspond to the beliefs and practices that Christians *in fact* have, but rather dictates the beliefs and practices that they *ought to* have—namely, the belief that human beings are inherently corrupt, that God has nonetheless made available to them an alternate moral disposition that they can lay hold of by their own effort, and the commitment to unite into an Ethical Community in order to safeguard their moral disposition.<sup>81</sup> From this perspective, the point of the second experiment is to test a particular historical tradition to see whether it meets these criteria. The possibility that it might not is built into the experiment and poses no threat whatsoever to the success of Kant's overall project in *Religion*.

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<sup>81</sup> See Firestone and Jacobs, *Defense*, *op. cit.*, p. 165 ff. Philip Rossi defends a similar, Augustinian, interpretation of grace as "ever-present" in the availability of the Prototype of Humanity. See "Reading Kant through Theological Spectacles," in *Kant and the New Philosophy of Religion*, ed. Chris L. Firestone and Stephen R. Palmquist (Bloomington: Indiana University, 2006), p. 113 ff. Pasternack objects to such readings on the grounds that the responsibility for moral conversion would no longer fall to the moral agent herself. See Pasternack, "Restoring Kant's Conception," p. 62n.75. However, this is a misunderstanding. For as Firestone and Jacobs insist, Kant's account of faith is *synergistic*: though the Prototype is an undeserved gift, we nonetheless have the responsibility to lay hold of it by our own efforts. See *Defense*, *op. cit.*, p. 167.

### 2.2.2. The Secular Translation of Religious Contents in Habermas

The result of the preceding analysis is to draw out a troubling consequence of Habermas's reading of Kant. If Kant's project in *Religion* is merely an attempt to translate the doctrines of Christianity into the terms of his moral theory, then it is clear that it must fail. What is more interesting for my purposes here is that this problem is reproduced in Habermas's own work on religion and politics. As we have seen, the institutional translation proviso requires that religious contributions to public dialogue be translated into secular language accessible to all before they are admitted into institutionalized political deliberations. However, it is far from clear what Habermas intends by the concept of "translation" in this context, and he provides only scattered hints as to its specifics. He speaks in one place of "demythologizing" cognitive contents by severing them from the "syndrome of revealed faith held together in ritual practice"<sup>82</sup> (RR 75–76), and in another of "decoupling" them "from the ratcheting effects of truths of revelation" (BNR 245). He sometimes refers to the contents in question as "suppressed or untapped moral intuitions" (PMT 2 173), and in the context of his discussion of Kant, he speaks of a secular translation being "functionally equivalent" to the original concept (BNR 228). Tellingly, one of his earliest discussions of the concept of translation also has him referring to it as a "*transformation*" of religious contents (RR 73).

Surprisingly few commentators have addressed the precise meaning of Habermas's concept of translation in any detail. One in particular, Badredine Arfi, provides what is perhaps the most extensive treatment of it to date. Drawing on the writings of Jacques Derrida, Arfi characterizes translation in Habermas's sense as a variety of what he calls "anasemic translation," which differs from the "conventional understanding" of the concept associated, for example, with the rendering of literary works into a different language. In the conventional sense, translation refers to the act of "transferring, transposing, or transporting meanings from one language to another"<sup>83</sup> In contrast, translation in the anasemic sense involves a moment of *construction*—that is, it involves a "radical semantic

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<sup>82</sup> Translation amended: "[...] in der rituellen Praxis zusammengehaltene Syndrom des Offenbarungsglaubens," in *Texte und Kontexte* (Frankfurt am Main: Suhrkamp Verlag, 1992), p. 138.

<sup>83</sup> Badredine Arfi, "Habermas and the Aporia of Translation Religion in Democracy," *European Journal of Social Theory*, vol. 18, no. 4 (2015), p. 493 f.

change” that *de-signifies* a content in order to then *re-signify* it.<sup>84</sup> As Arfi explains it, it is a matter of divesting a content of its significance in one “system of signification” in order to reinterpret it in the context of another, as, for example, when psychoanalysis translates the ordinary language concept of pleasure into the Pleasure of Freudian psychoanalysis. In this way, anasemic translation “throws away” the original term or utterance to be translated and “constructs new ones instead.”<sup>85</sup>

Using an image that is strikingly reminiscent of the *Religion-as-Translation* Thesis, Arfi notes that the operation of anasemic translation presupposes that the term or utterance to be translated has both a “kernel” and a “shell.” He characterizes the first (the kernel) as an “a-semantic,” “un-presentable” origin of meaning, and the second (the shell), as the presentable linguistic expression to which it gives rise. Moreover, he locates this distinction in Habermas himself: “Habermas seems to be presupposing that there is a kernel inside the religious contributions, a *meta-religious*, that can be recovered and incorporated or expressed as a neutral/secular discourse.”<sup>86</sup> In Arfi’s view, this presupposition poses an obstacle to the operation of translation as conceived by Habermas. This is because the a-semantic kernel, *qua* meta-religious, is at the same time “pre- or a-religious, and thus un-presentable within the religious discourse.” Translation in Habermas’s sense is thus a “transmutation” of contents from one system of signification into another, “alien” one with “(more or less) no connections” to the original. As a result, “*religious contributions lose their identity*” when they are translated from one system of signification to the other.<sup>87</sup>

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<sup>84</sup> *Ibid.*, p. 491.

<sup>85</sup> *Ibid.*, p. 495 ff.

<sup>86</sup> *Ibid.*, p. 498.

<sup>87</sup> *Ibid.*, p. 498 f. Austin Harrington expresses similar concerns about the loss of identity in translation: “Insofar as one translates at all, one transforms the original into something else and thereby loses the original as original.” See “Habermas and the Post-Secular Society,” *European Journal of Social Theory*, vol. 10, no. 4 (2007), p. 552. Elsewhere, he also contrasts Habermas’s concept of translation with the “translation of literary and poetic texts and aesthetic sources generally.” See “Habermas’s Theological Turn?” *Journal for the Theory of Social Behaviour*, vol. 37, no. 1 (2007), p. 57. Along similar lines, Jérôme Gosselin-Tapp has argued that, “imposing the translation of religious reasons into secular ones will result, in one way or another, in an ‘entropy of meaning.’ In other words, this requirement necessarily implies a certain loss of information.” See “Lost in Translation: Religion in the Public Sphere,” *Philosophia* (2018), <https://doi.org/10.1007/s11406-018-9964-y>. Neither Arfi, nor Harrington, nor Gosselin-Tapp explains the precise nature of the “loss of meaning” involved in translation.

Though provocative, Arfi's argument is not entirely clear. In particular, it is not obvious what he intends by the "identity" of a religious contribution in this context. Nonetheless, his analysis seems to hold at least this much truth. Habermas does, in fact, need to distinguish between a moral *intuition*—something non-verbal, a feeling—and the religious or secular *reasons* in which it finds linguistic expression. We may thus characterize translation in his sense as a matter of finding secular reasons to express an intuition originally formulated in religious terms. A reason, at least in the practical sense, can only be defined in terms of "counting toward" or "counting against" a given norm, principle, or course of action. For this reason, I would like to suggest that the only relevant criterion of identity between two reasons is that of supporting *all the same* norms, principles, or actions and *just* those. Moreover, it goes without saying that religious language rests on basic cosmological premises that cannot be accommodated within a strictly neutral secular framework. And as our discussion of the *Religion-as-Translation* Thesis suggests, this is likely to introduce significant discrepancies between the original religious reasons and their secular translations, *even if they apparently express the same intuition*. Herein, therefore, lies the truth of Arfi's analysis: given their divergent basic assumptions, a religious reason is unlikely to be identical with its secular translation in the only relevant sense—that is, it is unlikely to count toward all the same norms, principles, or actions, and just those.

It will be helpful to illustrate this lack of identity with reference to one of Habermas's own examples. In the context of the controversy around human genetic engineering, Habermas considers religious opposition to interventions into the human genome. He notes that this opposition is often based on Genesis 1:27: "So God created man in his image, in the image of God created He him" (*FHN* 114) and proposes the following secular translation. Human beings' self-understanding as autonomous moral agents depends on the difference between, on the one hand, what is given to us by nature, and on the other, what we give to ourselves by our own actions. If human beings were to exert a causal influence upon each other by manipulating the chromosomes of unborn children to select for certain desirable traits, this distinction would be levelled: "An entirely different kind of dependence, perceived as a causal one, becomes involved if the difference assumed in the concept of creation were to disappear, and the place of God be taken by a peer"

(FHN 115). As a result, humans who have been genetically manipulated may be incapable of understanding themselves as autonomous moral agents who are responsible for their own actions. Something fundamental to human self-understanding may be in danger of being lost.

The religious and secular arguments against human genetic manipulation can arguably be understood as two different expressions of the same intuition. The intuition in question here is something like the *feeling* that something fundamental is violated when we exercise a causal influence over another human being without their consent. Nonetheless, it is obvious that the two arguments are not identical in the relevant sense of counting toward all the same norms, principles, or actions and just those. For while it is true that both arguments would oppose what is nominally the same legislation against human genetic manipulation, it is also clear that they would give this legislation a radically different meaning. Not only does the religious objection extend to genetic experiments that have no consequences for anyone's self-understanding as autonomous moral agents (e.g. those requiring the destruction of large numbers of human embryos); it is also frequently cited in support of anti-abortion and anti-euthanasia legislation that cannot plausibly be defended on the basis of the secular translation.

The doctrine of creation in God's image attributes a value to human life that is independent of the value that human beings attribute to it themselves. On these premises, a person's right to life has nothing to do with anyone's preferences or desires, including their own. As a result, making exceptions to it for fetuses and the terminally ill may seem unfounded and arbitrary. On secular premises, in contrast, the so-called "unconditional dignity" of human beings can refer only to the need to respect each person's autonomy as a non-replaceable individual. For this reason, extending the right to life in such a way as to cover categorical anti-abortion and anti-euthanasia legislation becomes questionable, if not flatly incoherent from a secular point of view. Thus, even though the two arguments arguably rest on one and the same moral intuition, the reasons in which they find expression bring with them a logic of their own, such that accepting them commits one to a very different set of conclusions. What this means is that citizens who agree to the right to life on the basis of religious considerations and those who agree to it on the basis of secular ones may in fact be agreeing to *different norms*.

If correct, the foregoing analysis seems to pose some difficulties for Habermas's solution to what I have called the problem of religious inclusion. Recall that Habermas seeks to integrate religious citizens as free and equal authors of the law by translating their contributions to public dialogue into a secular language. The question that arises in this connection is *how* translation is supposed to do this. If it is supposed to permit religious citizens to understand their reasons as having an influence on political decisions, then it seems that it must fail. For in light of the foregoing, it appears that even an apparently successful secular translation of a religious reason is unlikely to perform the same argumentative function as the original. And what this means is that the two are unlikely to be the *same reason* in the only relevant sense. The result is that religious citizens may not be able to see their reasons as having any real effect on legislation, even when the latter partially reflects their political convictions. It therefore remains an open question whether they will be capable of understanding themselves as equal participants in a practice of democratic self-legislation.

This, therefore, is the first of my two critical remarks on the institutional translation proviso. We may find that an institutional filter of the kind envisioned by Habermas is normatively justified, and even that some form of translation is desirable for productive and mutually respectful public dialogue. However, the proviso is at the same time subject to certain crucial limits. Whatever the ultimate function of translation in democratic politics, it does not seem to permit religious citizens to see their religious reasons as exerting a significant influence on the democratic process.

## **2.3. KANT AND HABERMAS ON RELIGION AS A SOURCE OF MEANING**

### **2.3.1. The Highest Good as a Secular Ideal in Kant Scholarship**

Having articulated my first critical remark about the institutional translation proviso, I would now like to return to Habermas's reading of Kant. Here again, I will compare it with a prominent trend in contemporary English-language Kant scholarship, namely that of representing the Highest Good as an inner-worldly secular ideal to be realized by human effort. Let us recall the main features of Habermas's reading of the doctrine of the Highest

Good. In his view, Kant's primary interest is not in the hope of attaining happiness in the afterlife, but in the promise of the kingdom of God *on earth*. Hence the description of the Highest Good as an "inner-worldly utopia" intended to transpose the idea of a kingdom of ends from the "transcendental insubstantiality" of the noumenal world by giving it phenomenal reality. As Habermas understands it, the concept of the Ethical Community completes this transposition by institutionalizing the Highest Good in the form of a socio-political condition to be realized by human beings themselves. Connected with this reading is a particular conception of the "need of reason in its practical use" that underlies the doctrine of the Highest Good. It is *because* Habermas understands the Highest Good as a this-worldly ideal, and because he thinks that the Ethical Community expresses the same ideal, that he can regard them as designed to reassure practical reason of the possibility of bringing about "an overall improvement" in the human condition by our collective moral efforts—that is, of the possibility of personal and collective salvation in this world.

Habermas's reading of the Highest Good bears a striking resemblance to another interpretation that has exerted considerable influence over 20<sup>th</sup>-century English-language Kant scholarship, namely Andrews Reath's conception of the Highest Good as a secular ideal. Reath has argued that there are, in Kant's own writings, two distinct characterizations of the Highest Good. The first of these is the traditional "theological" conception of a distribution of happiness in proportion to virtue that "comes about in another world through the activity of God."<sup>88</sup> Reath points out that this theological conception is fraught with difficulties and claims that it is, in fact, incompatible with the premises of Kant's critical philosophy.<sup>89</sup> In contrast, the second characterization, which

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<sup>88</sup> Andrews Reath, "Two Conceptions of the Highest Good in Kant," *Journal of the History of Philosophy*, vol. 26, no. 4 (1988), p. 601.

<sup>89</sup> There are two main objections to the doctrine of the Highest Good. The first, which Reath points out himself, is that the duty to promote the Highest Good is *impossible*. As he puts it, "it makes no sense to talk about willing an action directed at an object, even hypothetically, unless it were something that we could imagine as the result of human agency." See "Two Conceptions," *op. cit.*, p. 597. The second objection, presented by Lewis White Beck, is that this duty is *empty*. It "does not exist as a separate command" and adds nothing to the content of the Moral Law. See *A Commentary on Kant's Critique of Practical Reason* (Chicago: Chicago University Press, 1960), p. 244. Although I cannot enter into this discussion in any detail, it seems to me that Pasternack's interpretation, on which I will draw below, convincingly addresses both of these objections. On his reading, realizing the Highest Good is a shared endeavour between human beings and God, in which our part is only "a responsibility to become morally worthy." This addresses the first objection. The *content* of this duty lies in the call to "reshape our social relations so as to [...] facilitate the moral advance of



Reath calls the “secular” or “political” conception of the Highest Good “as a state of affairs to be achieved in *this* world, through *human* activity” is supposed to resolve the difficulties associated with the theological conception.<sup>90</sup> In Reath’s view, both versions are present in Kant’s works, though the theological version is more prominent in the first and second *Critiques*, whereas the secular one is more prominent in later works like the third *Critique* and *Religion*. Like Habermas, Reath proposes to understand the Ethical Community of *Religion* as an expression of the secular conception of the Highest Good: its function is to restructure social institutions into a “system of self-rewarding morality,” such that the virtuous are rewarded for their virtue and the vicious punished for their vice in *this* world.<sup>91</sup>

In a recent paper, Lawrence R. Pasternack casts significant doubt on the textual basis of the secular conception of the Highest Good. He notes that proponents of the secular reading rest their interpretation on two textual claims. The first is that, in the third *Critique* and other late works, Kant replaces the idea of a distribution of happiness in proportion to virtue with that of a maximization of morality and happiness. This would allow human beings to realize the Highest Good themselves by the appropriate set of social institutions, and would thereby do away with the need to postulate either the existence of God or the immortality of the soul as its conditions of possibility. The second, to which Habermas seems to appeal himself, is Kant’s tendency, in later works, to qualify the Highest Good by the predicate “*in the world*” (*in der Welt*). Proponents of the secular conception take this to reinforce the view that Kant comes to see the Highest Good as a state of affairs to be realized on earth in this life rather than in the afterlife.<sup>92</sup>

According to Pasternack, neither claim has any basis in Kant’s writings. In the first place, Pasternack denies that Kant ever abandons what he calls the Principle of

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the species” by establishing the Ethical Community. This addresses the second objection. See “Restoring Kant’s Conception of the Highest Good,” *Journal of the History of Philosophy*, vol. 55, no. 3 (2017), p. 448 ff.

<sup>90</sup> Reath, “Two Conceptions,” *op. cit.*, p. 601.

<sup>91</sup> *Ibid.*, p. 616.

<sup>92</sup> Pasternack, “Kant’s Conception,” *op. cit.*, p. 443. For examples of Kant’s use of the predicate “in the world,” see Kant, *Critique of the Power of Judgment*, *op. cit.*, p. 318 f. (Ak 5:453) and *On the Common Saying: That May Be Correct in Theory, But it is of No Use in Practice*, in *Practical Philosophy*, *op. cit.*, p. 282 f. (Ak 8:279–281). Habermas cites the latter text at BNR 219; cf. 218, 220. Curiously, Reath renders the passages from *Theory and Practice* as referring to “the highest good on earth,” even though the German consistently reads “*in der Welt*.” See Reath, “Two Conceptions,” *op. cit.*, p. 604.n.14.

Proportionate Distribution. Not only does Kant never explicitly reject the distribution of happiness in proportion to virtue as a feature of the Highest Good, but he continues to allude to it implicitly even in those works that are commonly cited as evidence of its absence.<sup>93</sup> Noteworthy in this connection is a passage of the third *Critique* that Pasternack does not cite, where Kant speaks of happiness and virtue being in “lawlike agreement in accordance with constant rules.”<sup>94</sup> Similarly, several passages of the third *Critique* link the postulates of the existence of God and of the immortality of the soul to the Highest Good, including one where Kant explicitly refers to them as “the conditions under which alone we can [...] conceive of the possibility of that effect of the lawful use of our freedom [viz. the highest final end that is to be realized by us].”<sup>95</sup>

In the second place, Pasternack argues that Kant’s description of the Highest Good as being “in the world” should not mislead us into thinking that it is to be realized on earth, for he frequently uses the term “world” (*Welt*) in a broad sense not limited to the physical-causal order of nature (*Natur*). In this connection, Pasternack cites passages of the first and second *Critiques* where Kant refers to the afterlife as “a *world* that is now not visible to us but is hoped for”<sup>96</sup> and characterizes a person’s “existence in this *world*” as “endless.”<sup>97</sup> Since the world in this sense extends beyond the phenomenal realm, nothing prevents it from accommodating the otherworldly plane of existence involved in the theological conception of the Highest Good.

In light of the preceding, it is safe to conclude that there is no textual support for the secular conception of the Highest Good. Kant does not envision the Highest Good as an “inner-worldly utopia” to be realized by human effort and by extension, he does not intend the Ethical Community to institutionalize the Highest Good in the form of a concrete socio-political condition. In this connection, Pasternack rightly points out that Kant never connects the Ethical Community with human happiness in *Religion*, be it in the form of a

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<sup>93</sup> Pasternack, “Kant’s Conception,” *op. cit.*, p. 444.

<sup>94</sup> Kant, *Critique of the Power of Judgment*, *op. cit.*, p. 317 (Ak 5:452). Similarly crucial is a footnote, which Pasternack does cite, where Kant explicitly writes that the Highest Good “contains no prospect of happiness absolutely, but only of a proportion between it and the worthiness of a subject.” See *Theory and Practice*, *op. cit.*, p. 283 (Ak 8:281).

<sup>95</sup> Kant, *Critique of the Power of Judgment*, *op. cit.*, p. 334 (Ak 5:470).

<sup>96</sup> Kant, *Critique of Pure Reason*, *op. cit.*, p. 681 (Ak 3:841) [my italics].

<sup>97</sup> Kant, *Critique of Practical Reason*, *op. cit.*, p. 255 (Ak 5:143) [my italics].

distribution of happiness in proportion to moral worth or merely a maximization of happiness for the worthy.<sup>98</sup> In the context of my present critique of Habermas, the important point here pertains to the implication of this analysis for our interpretation of the need of reason in its practical use. For it is clear that, *pace* Habermas, this cannot refer to an alleged need to reassure us in our hope for improving the human condition on earth. Neither the Highest Good nor the Ethical Community could provide this: the former does not occur on earth, and the latter is not directly relevant to human happiness.

It is therefore necessary to provide an alternate account of the need of reason in its practical use. On the interpretation that I am proposing here, Kant is not interested in the prospect of “improving the disastrous condition of human existence” at all.<sup>99</sup> Although happiness (in the next life) obviously plays a role in the equation, his primary concern is with our need to see the world as *meaningful*—that is, our need for the world to make sense. To see this, consider that for Kant, the world cannot be apprehended as a purposive whole unless we understand human beings as its final end: “without human beings the whole of creation would be a mere desert, existing in vain and without a final end.”<sup>100</sup> In Kant’s terminology, human beings are finite rational beings—that is, they are endowed with rationality, but at the same time subject to empirical limitations. For this reason, they may be considered under two different aspects: as empirical (sensible) beings and as rational (moral) beings. According to Kant, it is only as *moral beings* that human beings may be understood as the final end of creation: “a *good will* is that alone by means of which his existence can have absolute value and in relation to which the existence of the world can have a final end.”<sup>101</sup> Only in relation to the human as a moral being can we understand the whole of creation as a system of final causes imbued with a purpose.

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<sup>98</sup> Pasternack, “Kant’s Conception,” *op. cit.*, p. 454, n.31.

<sup>99</sup> Of course, Kant is interested in the question of historical progress elsewhere, notably in the *Idea for a Universal History with a Cosmopolitan Aim*, trans. Allen W. Wood, in *Anthropology, History, and Education*, ed. Günter Zöller and Robert B. Louden (New York: Cambridge University Press, 2007), esp. Eighth and Ninth Propositions, p. 116 ff. (Ak 8:27-8:31). Moreover, it is clear that he includes religious traditions in this progress, notably in his “historical representation of the gradual establishment of the dominion of the good principle on earth” in *Religion*, *op. cit.*, p. 153 (Ak 6:124–137). All that I wish to deny is that the content of the pure religion itself pertains to the conditions for hope in *this-worldly* improvement.

<sup>100</sup> Kant, *Critique of the Power of Judgment*, *op. cit.*, p. 308 f. (Ak 5:442).

<sup>101</sup> *Ibid.*, p. 309 (Ak 5:443).

It is clear that our dual nature as finite rational beings poses an obstacle to our understanding the world as meaningful. The problem is that we are simultaneously endowed with two different and often conflicting final ends: *qua* sensible, our “subjective final end” is our own happiness, but *qua* rational, we are required to subordinate that happiness to morality.<sup>102</sup> This introduces a tension that threatens to prevent us from seeing the world as a meaningful whole. For we cannot understand the world as organized with a view to human moral striving if human beings have been endowed with a subjective final end that conflicts with that very design. In that case, the very reality of the moral demand—that by virtue of which alone we can understand the world as created for our sake—would become problematic: we could not but “regard the moral law itself as a mere deception of reason.”<sup>103</sup> On the reading that I am proposing here, the need of reason in its practical use refers to our need to surmount this obstacle by resolving the tension between happiness and morality. It refers to our need for reassurance that the two apparently contradictory aspects of our nature are part of one and the same rational design—that is, that the world is, despite appearances, created with a view to human moral striving.

In light of Kant’s account of human nature, reassuring us of the meaningfulness of the world requires two distinct but closely related steps. Since we must believe that our conflicting ends are part of the same design, the first step is to secure belief that, despite appearances, our moral striving is somehow connected with our achievement of happiness. This is the point of the doctrine of the Highest Good, which justifies us in hoping for happiness insofar as we make ourselves morally worthy. This leads to the second step. Since we must believe that God created us with a view to our moral striving, we must also believe that He has made it possible for us to meet the demand that He placed upon us despite our innately evil disposition. As Firestone and Jacobs observe, “If moral hope is real, and *if the world is meaningful*, then we must believe in moral redemption.”<sup>104</sup> This is the function of the Kant’s account of moral conversion in *Religion*, including both the Prototype of Humanity and the Ethical Community. Practical faith in the Prototype of Humanity cannot be reduced, as Habermas would have it, to an “imperative of self-

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<sup>102</sup> Kant, *Religion*, *op. cit.*, p. 59n (Ak 6:6).

<sup>103</sup> Kant, *Critique of the Power of Judgment*, *op. cit.*, p. 335 (Ak 5:471).

<sup>104</sup> Firestone and Jacobs, *Defense*, *op. cit.*, p. 168 [my italics].

reliance,” but rather refers to faith that God has made available to us an alternate moral disposition despite our innately evil nature. Similarly, the Ethical Community does not serve to assure us of the possibility of improving our lot in *this* world, but of attaining happiness in the *next* by guarding our good disposition against the danger of recidivism. From this perspective, Kant is not interested in the Ethical Community as a *content*—that is, as the utopic vision of an ideal state of affairs on earth—but in the function that it plays in securing confidence in a meaningful world organized with a view to human moral striving.

### 2.3.2. Religion as a Source of Meaning in Habermas

The upshot of my discussion of the Highest Good as a secular ideal has been to suggest that Habermas mischaracterizes the need of reason that underlies Kant’s philosophy of religion. I would like to suggest that this misreading is, once again, reflected in Habermas’s own work on religion and politics. As we have seen, both Kant and Habermas identify a deficiency on the part of practical reason, and both turn to religion as a kind of supplement. Despite some superficial similarities, however, the nature of this supplement differs significantly for each author. In this connection, Roe Fremstedal draws attention to the distinction between “the propositional content of faith and the performative act of believing.” He points out that Kant is primarily concerned with “the performative force of religious faith and hope rather than on the doctrinal content of faith.”<sup>105</sup> This we saw in the previous section. Kant wants to secure the performative dimension of moral confidence that comes with belief in the meaningfulness of the world. In contrast, Fremstedal thinks that Habermas is only interested in the “infallible revelatory truths” and the “semantic potential” of historical traditions—that is, in the doctrinal contents of religious traditions rather than in the lived dimension of faith.<sup>106</sup> Thus, unlike Kant, Habermas is unable to

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<sup>105</sup> Roe Fremstedal, “Critical Remarks,” *op. cit.*, p. 42.

<sup>106</sup> *Ibid.* Harrington offers a similar analysis: “[Habermas] almost always speaks only of the semantic *contents* of religion and almost never of religious *forms*: almost always of the message, rarely of the medium.” See “Habermas and the Post-Secular Society,” *op. cit.*, p. 552. Now it is true that Habermas’s recent work has testified to his increased interest in ritual, both as a form of communication and as a source of insight and solidarity. However, it is clear that he is interested in these only as explanations of the particular power of religious semantics to inspire secular consciousness. Under no circumstances should we think that he is trying to find secular equivalents to religious ritual or engaging in a project of religious apologetics.

recover for practical reason the performative meaning of religious faith: whereas Kant wanted to use our moral faith to fill our existential need for the highest good, Habermas insists that philosophy cannot solve our existential and ethical problems.”<sup>107</sup>

Of course, Habermas would be the first to concede this point. Although he thinks that the philosophical gain of the Ethical Community lies in the utopic vision of a better world, he at the same time recognizes that Kant’s primary interest in religion is to secure faith that such a state of affairs can be realized. As he puts it, Kant is primarily interested in “‘faith’ as form (*Modus*) rather than as content” (*BNR* 221). The difference is that Habermas denies that this is a viable option under conditions of postmetaphysical thinking. As he puts it, “Kant wanted to rob religion of more substance than practical reason can in all seriousness endure” (*BNR* 239). For Habermas, moral motivation, including the sense of solidarity required for civic participation, is inextricably bound up with the “thick” context of ethical value-orientations and self-understandings and cannot be prescribed by a postmetaphysical moral philosophy that restricts itself to testing norms for rational acceptability. As a result, he thinks that a sober postmetaphysical philosophy that can no longer “elevate a *single* motivating worldview above all others” is powerless to provide the kind of inspiration that Kant hoped to extract from religious traditions (*BNR* 239). This explains his interest in the doctrinal contents of religion: a postmetaphysical translation of religious contents “inevitably loses the performative meaning of living faith” (*RR* 164).

Whether or not it is true that postmetaphysical philosophy cannot recover the performative meaning of faith, I would like to argue that, at any rate, this performative meaning is precisely what modern secular consciousness *needs* on Habermas’s own analysis. To see this, let us recall the precise nature of what I have called the problem of normative renewal. As I explained in Chapter One, Habermas is concerned about the increasing unavailability of two kinds of cultural resources in the modern world. In the first place, he thinks that the political constellation associated with global capitalism is undermining sources of social solidarity and leading to a widespread *depoliticization* of citizens. In the second place, he is concerned that the individualistic orientation of secular consciousness is leading to a *desensitization* of citizens to social ills.

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<sup>107</sup> Fremstedal, “Critical Remarks,” *op. cit.*, p. 44.

As we have seen, it is in this context that Habermas turns to religion. His hope is that Axial Age religious traditions may possess the resources required to counteract the trends toward depoliticization and desensitization by which he characterizes modern secular consciousness. On the one hand, he thinks that these traditions retain a sense of “‘redemptive’ or ‘liberating’ justice” that “is not exhausted in individual happiness,” but rather, “acquires the significance of a collective fate that concerns human beings as such” (*PMT* 2 86–87). By this fact, they may have access to a source of solidarity that has largely been lost to individualistic secular conceptions of the good, and so may yet be capable of inspiring the kind of solidaristic action required to bring issues to the attention of the democratic public sphere. On the other hand, he also thinks that religious language possesses a “meaning-generating” and “world-disclosing function” that gives it the power to “call attention to forgotten or repressed aspects in public debates over morally sensitive issues, and [...] cast new light on previously inadequately described conflict” (*PMT* 2 105). Thus, historical religious traditions may hold certain normative insights unavailable to desensitized secular consciousness. And once translated into a secular language, these may furnish official deliberating bodies with the conceptual resources they need to recognize and to cope with various social ills.

Whatever the merits of Habermas’s turn to religion, it is clear that, if his analysis of the situation is correct, then it represents only a superficial solution to a much deeper problem. It cannot be denied that historical religious traditions might preserve the sense of solidarity required to motivate political participation on the part of religious citizens, nor is it inconceivable that they might furnish political dialogue with new contents that, once translated, expand the range of insights available to secular practical reason. However, this does not and cannot address the root problems of depoliticization and desensitization. One way to bring this out is to say that the problems to which Habermas draws attention are affective in nature: secular consciousness is not motivated to act in solidarity and it does not react to social ills. In contrast, the solution that he proposes is purely cognitive: he seeks to supplement secular consciousness with new contents—new reasons—that will convince it of the need for new legislation. The result is that religious participation in the democratic public sphere may *supplement* a depoliticized and desensitized public sphere by supplying it with new contents, but it cannot *rehabilitate* it in such a way as to motivate

it and sensitize it anew. If Habermas's diagnosis is correct, then what we require is not the *doctrinal content* of faith, but its *performative force*—but this, Habermas thinks, postmetaphysical philosophy cannot provide for it.

This, then, is my second critical remark on the institutional translation proviso. Once again, I do not wish to question the potential usefulness of translating religious contributions to public dialogue into a secular language. However, I do want to draw attention to another of its limitations. Whatever role we end up attributing to it, it is clear that it cannot be to rehabilitate secular consciousness by restoring to it the solidarity and sensitivity that, according to Habermas, it has lost.

## CONCLUSION

My goal in this chapter has been to examine Habermas's reading of Kant's philosophy of religion in order to identify defects in his own work on religion and politics. To this end, I have proceeded in three steps.

In a first step (part 2.1), I explained Habermas's reading of Kant's philosophy of religion. I began by shedding some light on Habermas's interpretation of Kant's doctrine of the Highest Good (section 2.1.1). On this interpretation, the Highest Good is intended to satisfy practical reason's need for confidence in its hope for personal and collective salvation on earth. From here, I turned to Habermas's reading of the Ethical Community (section 2.1.2). As he understands it, the Ethical Community extends or reformulates the duty to promote the Highest Good into the collective injunction to participant in the realization of a this-worldly utopia. Most importantly for his own purposes, however, he also thinks that the concept of the Ethical Community reveals the epistemic dependence of Kant's philosophical endeavour on contents appropriated from historical religious traditions. In this way, Kant's philosophy of religion provides the inspiration for Habermas's own project of translating religious contributions to the democratic public sphere.

In a second step (part 2.2), I presented my first critical remark on Habermas's institutional translation proviso. To this end, I considered the *Religion-as-Translation*



Thesis, which understands Kant's *Religion* as an attempt to reinterpret the core doctrines of historical Christianity in terms congenial to Kant's moral philosophy (section 2.2.1). Drawing on the recent work of Chris Firestone and Nathan Jacobs, I showed that, on this reading, Kant's project fails: since the basic assumptions of Christianity and rational morality diverge, the moral translation does not faithfully replicate the original religious doctrine. I then went on to argue that Habermas's project of translating religious contributions to public dialogue reproduces the disparity between religious doctrine and translation associated with the *Religion-as-Translation* Thesis (section 2.2.2). I pointed out that a secular translation is unlikely to perform the same argumentative function as the original religious contributions. This by no means precludes the possibility that Habermas's institutional translation proviso might have some role to play in democratic politics. Whatever its ultimate function, however, it does not seem that it helps religious citizens understand their reasons as having a concrete influence on the democratic process.

In a third and final step (part 2.3), I presented my second critical remark on the institutional translation proviso. For this purpose, I drew attention to the secular conception of the Highest Good that underpins Habermas's reading of the need of reason in its practical use (section 2.3.1). Drawing on the writings of Lawrence Pasternack, I argued that this reading is untenable. Kant's motive in the philosophy of religion is not to secure faith in the possibility of improving the material conditions of human existence, but to secure faith in the meaningfulness of a world created with a view to human moral striving. With this understanding of Kant in mind, I turned again to Habermas's own conception of the role of religion in the public sphere (section 2.3.2). I argued that, whatever its merits, the project of translating religious contents into a secular language does not address the root causes of the problem of normative renewal. As a result, it cannot rehabilitate a secular normative consciousness afflicted with decline, but can at best supplement it. The problem is that, on Habermas's own analysis, practical reason does not primarily require new *contents*, but rather needs the *performative force* of faith—the ability to motivate and to inspire us to action that comes with belief in the meaningfulness of the world. Thus, whatever the ultimate function of the institutional translation proviso, it seems that we require an alternate solution to the depoliticization and desensitization that, at least according to Habermas, characterize modern secular consciousness.

## **CHAPTER 3**

### **APPRAISING THE INSTITUTIONAL TRANSLATION PROVISIO**

#### **INTRODUCTION**

The comparative analysis of Kant's and Habermas's respective approaches to religion in the previous chapter has served to shed light on two key limitations of the institutional translation proviso. In the first place, I have pointed out that a secular translation is unlikely to perform the same argumentative function as the corresponding religious contribution—that is, it is unlikely to support all of the same practical conclusions and just those. Thus, whatever the ultimate function to the translation proviso, it does not permit citizens to understand their religious reasons as having a concrete effect on political decisions. And if this is the case, it is unclear to what extent it helps them understand themselves as free and equal authors of the law. In the second place, I have argued that translated religious contents do not and cannot address the root problem of a modernity that is “spinning out of control.” One way to put this is to say that these provide only cognitive resources where an affective solution is required. Thus, while we may admit that translating religious contributions to public dialogue might provide it with reasons that count toward new legislation, it is clear that it cannot reverse the trends toward depoliticization and desensitization that Habermas thinks afflicts normative consciousness. The upshot of this discussion is that Habermas's institutional translation proviso does not obviously provide a solution either to the problem of religious inclusion or to the problem of normative renewal.

In this third and final chapter, I will aim to determine what role, if any, is left for the institutional translation proviso after these critical remarks. To this end, I will take up the rival model of democracy proposed by Charles Taylor to see whether it might offer a viable alternative to Habermas's. Taylor and Habermas are similar in several respects. Both belong to the liberal tradition of political theory broadly construed, both accord a central place to public dialogue in democratic politics, and both have, in recent years, been

increasingly concerned about the role of religion in the public sphere. However, they also differ in one crucial respect, namely that Taylor rejects Habermas's discourse model of legitimacy and, by extension, the conception of secularism as an institutional filter that follows from it. Instead, he suggests a modified model of Rawls's overlapping consensus, both as a model of legitimation as an interpretation of secularism. The result is a highly inclusive model of public dialogue that may be ideally suited to solve some of the problems that I have pointed out with the institutional translation proviso.

In a first step (part 3.1), I will consider the merits of Habermas's and Taylor's respective models of secularism. I will begin by outlining Taylor's defence of overlapping consensus as a mode of democratic legitimation and its implications for the public use of reason in pluralist societies. In particular, I will be interested in his rejection of the institutional filter associated with Habermas's model of rationally motivated consensus (section 3.1.1). From there, I will go on to examine two crucial presuppositions of Taylor's model of overlapping consensus, namely that "reason alone" cannot resolve moral and political problems and that there is no significant distinction between faith and reason in the moral and political domains. I will argue that Taylor is incorrect on both counts, and so that rationally motivated consensus is at least as viable a model of democratic legitimation as overlapping consensus (section 3.1.2). Finally, I will close my discussion of Habermas and Taylor's respective models of secularism by giving positive reasons to think that rationally motivated consensus is more plausible than overlapping consensus as a mode of democratic legitimation. In particular, I will argue that overlapping consensus cannot do justice to the particular claim to validity that is ordinarily raised by political decisions. The upshot of this discussion will be that, despite its limitations, the institutional translation proviso is indispensable to democratic politics in a pluralist society (section 3.1.3).

In a second and final step (part 3.2), I will return for one last time to the two problems that have structured my argument in this thesis. I will be interested, first, to determine whether and how they might be solved in the context of the model that I will have defended, and especially what role, if any, the concept of translation has to play in the solution. I will first address what I have called the problem of religious inclusion. Here, I will argue that the secular character of the state poses no problem to integrating religious citizens as free and equal authors of the law *from the perspective of democratic legitimacy*.

However, I will maintain that certain problems may arise in *practice*, even in the context of a legitimately constituted political process, due to a lack of civility in democratic politics. For this reason, I will close my discussion of the problem of religious inclusion by drawing the broad outlines of the citizen ethics that I take to be best suited to modern pluralist societies. This will not differ significantly from Habermas's own model of the public use of reason, but will rather serve to elucidate and elaborate the vague indications provided by Habermas himself (section 3.2.1). I will then move on to what I have called the problem of normative renewal. Here, I will diverge more significantly from Habermas and aim to cast some doubt on two aspects of his thought on religion. In the first place, I will question his turn to contemporary religious formations as a source of solidarity and normative insight, and in the second, I will inquire as to the accuracy of his characterization of the depoliticization and desensitization of normative consciousness under modern conditions. I will end by identifying what I take to be the kernel of truth in this characterization and suggesting a way, unconsidered by Habermas, in which religion may be of help (section 3.2.2).

Taylor's body of work is nearly as voluminous and wide-ranging as Habermas's own and touches on such diverse fields as moral philosophy, political philosophy, hermeneutics, epistemology, and the philosophy of language. It will therefore be impossible for me to address his work in its entirety. Another challenge in this regard is that Taylor has published no systematic treatise on political philosophy, preferring instead to relegate his work on politics to scattered essays, occasional pieces, and coauthored volumes. This often makes it difficult to ascertain the overall coherence and precise implications of his political thought.<sup>108</sup> I obviously cannot hope to resolve these questions here. In the following I will limit myself largely to those of Taylor's writings that are most directly related to the question of religion in the public sphere. Most notable in this connection will be the essay "Why We Need a Radical Redefinition of Secularism" (2011), which he first presented at a

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<sup>108</sup> Bernard Gagnon claims that, "There is a major reorientation of Taylor's thought after 1995," and goes so far as to maintain that this indicates "a break [*rupture*] with his earlier writings" [my translation], which he attributes to the influence of the Quebec referendum of 1995. See "Charles Taylor: écrits sur la nation et le nationalisme au Québec," *Bulletin d'histoire politique*, vol. 23, no. 3 (2015), p. 122; cf. "Du communautarisme à la neutralité libérale : un tournant radical dans la pensée de Charles Taylor," *Politiques et sociétés*, vol. 31, no. 1, p. 128. Since I am primarily interested in Taylor's more recent writings, the question as to whether there is a break at this earlier stage will not affect my argument.

symposium on “Rethinking Secularism” at the Cooper Union in New York, as well as his ensuing dialogue with Habermas. In addition to this, I will draw heavily on the essay “*Die Blöße Vernunft* (‘Reason Alone’)” (2011) and his coauthored book with Jocelyn Maclure, *Secularism and Freedom of Conscience* (2010). I will attempt as much as possible to treat these as a coherent whole, though a key component of my argument will be that certain tensions in Taylor make it plausible to read him as being closer to Habermas than most commentators will admit.

### **3.1. THE INSTITUTIONAL FILTER AS A MODE OF SECULARISM**

#### **3.1.1. Overlapping Consensus as a Mode of Secularism**

In his recent writings, Charles Taylor has sought to resolve the problem of integrating religious citizens into public dialogue by dispensing with Habermas’s criterion of rationally motivated consensus and, by the same token, with his model of secularism as an institutional filter between the formal and informal public spheres. Taylor proposes to replace this conception of secularism with a modified version of Rawls’s overlapping consensus. The result is a highly inclusive conception of public dialogue: since citizens no longer need to agree to legal norms for the same reasons, there can be no justification for placing any limits on the content of public reason in any sphere of political activity. In this section I will outline Taylor’s alternate model of democratic politics, paying special attention to its implications for the political integration of religious citizens. This will set the stage for the following two sections, where I bring Taylor’s model into critical dialogue with Habermas’s.

Like Habermas, Taylor maintains that, under modern conditions of pluralism, the legitimacy of state decisions can rest on nothing else than the consent of the governed. Unlike Habermas, however, he does not think it necessary for citizens to consent to political decisions *for the same reasons*. According to Taylor, the converse view is redolent of what he calls the “Myth of Enlightenment”—that is, of the view that the Enlightenment represents “an absolute, unmitigated move from a realm of thought full of error and

illusion to one where truth is at last available.”<sup>109</sup> He thinks that one important aspect of this Myth is the illusion that “reason alone” (*die blosse Vernunft*) is capable of resolving moral and political questions “in a way which can legitimately satisfy any honest, unconfused thinker.”<sup>110</sup> Thus, advocates of the Myth of Enlightenment tend to see the “modern social imaginary” with its emphasis on freedom, equality, human rights, and popular sovereignty as an epistemic gain analogous to a paradigm shift in the natural sciences.<sup>111</sup> In Habermas’s terms, they see it as the result of a *learning process*. Taylor disagrees with this view of the situation. He argues that, unlike in the natural sciences, there “has never been, and probably never will be, any convergence on a paradigm” in matters pertaining to human society.<sup>112</sup> The consequence, he believes, is to undermine the criterion of rationally motivated consensus: once the Myth of Enlightenment is dissipated, it becomes clear that there are no universally convincing reasons where morality and politics are concerned.

Considerations of this sort lead Taylor to replace Habermas’s criterion of rationally motivated consensus with a modified version of Rawls’s overlapping consensus. Taylor agrees with Rawls that the only viable grounds for peaceful coexistence in modern, pluralistic societies lie in an overlapping consensus on a “purely political ethic.” As with Rawls’s “political conception of justice,” Taylor’s political ethic contains just those political values and principles that are *constitutive* of any liberal, democratic political order and that make up the modern social imaginary: freedom, equality, human rights, and popular

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<sup>109</sup> Charles Taylor, “Die Blosse Vernunft (‘Reason Alone’),” in *Dilemmas and Connections: Selected Essays* (Cambridge, MA: Belknap Press, 2011), p. 326.

<sup>110</sup> *Ibid.*, p. 328.

<sup>111</sup> *Ibid.*, p. 332 ff.

<sup>112</sup> *Ibid.*, p. 346. Several commentators have proposed similar arguments regarding the purported universal acceptability of secular reasons. For instance, Maeve Cooke seeks to undermine the distinction between faith and reason on the grounds that all fundamental insights of practical reason, not just religious ones, are *dogmatic* and involve a moment of *disclosure* similar to religious revelation. See “Violating Neutrality? Religious Validity Claims and Democratic Legitimacy,” in *Habermas and Religion*, *op. cit.*, p. 251 ff. In a similar vein, Sonia Sikka insists that the normative intuitions underlying the liberal political framework rest on “metaphysical doctrines” regarding “the nature of humanity and being” that “cannot be further justified” and so are not “‘rational’ all the way down.” See “On Translating Religious Reasons,” *op. cit.*, p. 96 ff. Nicholas Wolterstorff has likewise argued that “there is, at present, no postmetaphysical philosophy,” by which he means to say that there is no body of thought that can plausibly be held to be convincing to all persons capable of speech and action. See “An Engagement with Jürgen Habermas on Postmetaphysical Philosophy, Religion, and Political Dialogue,” in *Habermas and Religion*, *op. cit.*, p. 105. All three reject Habermas’s criterion of rationally motivated consensus on these grounds.

sovereignty.<sup>113</sup> Despite these similarities, however, Taylor rejects the theoretical apparatus of Rawls's political liberalism with its emphasis on reasonable mutual expectations and fair terms of social cooperation, which he thinks retains too much of the view that citizens must agree to the political order for the same reasons.<sup>114</sup> In his view, the essential characteristic of the overlapping consensus, as well as its great strength over other models of political legitimation, is precisely that it recognizes that "there is more than one set of valid reasons for signing on to it."<sup>115</sup> Thus, one may consent to the constitutive values of the democratic constitutional state on the basis of considerations drawn from Rawls's political theory, but one may also do so on the basis of other, unrelated, reasons: "Let people subscribe for whatever reasons they find compelling, only let them subscribe."<sup>116</sup>

Taylor's modified version of overlapping consensus as a mode of democratic legitimation at the same time leads him to call for a "radical redefinition" of secularism. The traditional definition of secularism is predicated on the idea that religious conceptions of the good pose special problems that set them apart from secular ones. On the traditional conception, the point of secularism is specifically to shield politics from the disruptive influence of religion. This is captured, for example, in the French law of 1905 on "*la séparation des Églises et de l'État*" as well as in Thomas Jefferson's "wall of separation" between the churches and the state. And it is, of course, also reflected in Habermas's own conception of secularism as an institutional filter between the formal and informal public spheres. Despite the various disagreements about the precise implications of secularism that have plagued both theory and practice in the last few decades, political theorists are for the most part united in this traditional conception of it as functioning to protect democratic decisions from the influence of religion.<sup>117</sup>

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<sup>113</sup> Charles Taylor, "Modes of Secularism," in *Secularism and its Critics*, ed. Rajeev Bhargava (New York: Oxford University Press, 1998), p. 37; cf. p. 48. Taylor first voices his support for the idea of an overlapping consensus in a 1996 paper titled "Conditions of an Unforced Consensus on Human Rights" that has since been expanded and reprinted in *Dilemmas and Connections*, *op. cit.*, p. 105 ff. At this early stage, however, he does not yet clearly differentiate between Rawls's model and his own.

<sup>114</sup> Taylor, "Modes of Secularism," p. 51 f.

<sup>115</sup> *Ibid.*, p. 49.

<sup>116</sup> *Ibid.*, p. 52.

<sup>117</sup> Theories of secularism can roughly be classified according to two competing models. The first of these is sometimes called the "strict" or "republican" model, and is commonly associated with French secularism, or *laïcité*. The second model is sometimes called the "open" or "liberal" model and is more typical of English-speaking countries, most notably of the United States. Speaking generally, the republican model allows for a

Taylor rejects this traditional interpretation of secularism. Like most political theorists, he agrees that the state must be neutral toward citizens' various conceptions of the good, and, therefore, that it cannot affiliate itself with any one of the religious institutions found in a pluralistic society. However, he does not think that religious conceptions of the good pose a special problem in this regard. From the perspective of his model of overlapping consensus, what matters is that all citizens can accept a proposed norm or policy on the basis of considerations internal to their respective worldviews and value-orientations. Thus, the state can no more align itself with a secular philosophy alien to religious worldviews than it can reflect religious reasons alien to secular ones: "The state can be neither Christian nor Muslim nor Jewish, but, by the same token, it should be neither Marxist, nor Kantian, nor utilitarian."<sup>118</sup> Considerations of this sort lead Taylor to redefine secularism as a solution not to the presence of religion or even to religious diversity, but to diversity *as such*: "We think that secularism (or *laïcité*) has to do with the relation of the state and religion; whereas in fact it has to do with the (correct) response of the democratic state to diversity."<sup>119</sup>

Political theorists commonly analyze the concept of secularism in terms of its constitutive principles. Although they might disagree on their exact number or relative importance, these theorists are for the most part united in endorsing at least four, namely the liberty of conscience, the equality of all citizens, the neutrality of the state toward different conceptions of the good, and the separation of political and religious powers.<sup>120</sup> One novel aspect of Taylor's redefinition is the way in which it reframes these principles. In

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greater restriction of religious liberty in the name of state neutrality, whereas the liberal model allows more leeway for expressions of religion in the public sphere, for example in the right of civil servants to express their religious affiliations when conducting official business. For a current defence of the liberal model, see Jean Baubérot and Micheline Milot, *Laïcités sans frontières* (Paris : Seuil, 2011), esp. p. 129 ff. For a current defence of the republican model, see Henri Peña-Ruiz, *Qu'est-ce que la laïcité ?* (Paris: Gallimard, 2003), esp. p. 127 ff. Although I cannot enter this question in detail here, I will note that Habermas clearly cleaves to the liberal model, as evidenced by his numerous critiques of "laicism," by which he designates French *laïcité* with its strict privatization of religious faith. In this connection, it is also worth pointing out that certain commentators have contested the common association of the republican model with French *laïcité*. See notably Jean Baubérot, *Histoire de la laïcité en France* (Paris: Presses universitaires de France, 2005), p. 115 ff.

<sup>118</sup> Charles Taylor, "Why We Need a Radical Redefinition of Secularism," in *The Power of Religion in the Public Sphere*, *op. cit.*, p. 50.

<sup>119</sup> Taylor, "Radical Redefinition," p. 36.

<sup>120</sup> See, for example, Jean Baubérot and Micheline Milot, *Laïcités sans frontières*, *op. cit.*, p. 75 ff. and Henri Peña-Ruiz, *Qu'est-ce que la laïcité?*, *op. cit.*, p. 21 ff., as well as Martha Nussbaum, *Liberty of Conscience: In Defense of America's Tradition of Equality* (New York: Basic Books, 2008), p. 22 ff.



his view, the constitutive principles of secularism can be sorted into two distinct categories: principles that represent *goods* that the state aims to secure for its citizens and principles that represent the *means* by which it seeks to secure them. In the first category, he places the liberty of conscience and the equality of citizens.<sup>121</sup> These are the ends of secularism, which serve to integrate all citizens as members of the same “deliberative unit”—or in Habermas’s terms, as free and equal authors of the law. In contrast, the principles of neutrality and of the separation of political and religious powers represent *means* that have no intrinsic value of their own.<sup>122</sup> The upshot of this analysis is that the ends of secularism—the goods at which it aims—have nothing in particular to do with religion. The traditional “separation of church and state”—the one principle that is explicitly concerned with religion—is not an end in itself, but is merely one institutional arrangement among others adopted to secure liberty of conscience and equality of respect.

For my purposes, the most important aspect of Taylor’s redefinition of secularism is that it purports not to place *any* limits on the public use of reason. On Taylor’s model of overlapping consensus, securing the equality of all citizens means, among other things, ensuring that they can all give their free assent to the political ethic on the basis of considerations internal to their respective worldviews and value-orientations. From this perspective, an institutional filter of the kind proposed by Habermas would not only fly in the face of the very goods that secularism is intended to secure, but would also represent a “tyrannical” imposition incompatible with the basic premises of the democratic constitutional state.<sup>123</sup> Taylor does agree with Rawls and Habermas that there are certain “zones” in liberal politics where language must be neutral—that is, where it must be limited to the shared values of the political ethic. However, he denies that these zones include either citizen interactions in the informal public sphere or institutionalized

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<sup>121</sup> Jocelyn Maclure and Charles Taylor, *Secularism and Freedom of Conscience*, trans. Jane Marie Todd (Cambridge, MA: Harvard University, 2011), p. 20. See also Taylor’s joint report with sociologist Gérard Bouchard to the government of Quebec, where the authors recommend putting Taylor’s model of secularism into practice. See Gérard Bouchard and Charles Taylor, *Building the Future: A Time for Reconciliation*, Gouvernement du Québec, 2008. <https://www.mce.gouv.qc.ca/publications/CCPARDC/rapport-final-integral-en.pdf>, p. 135 f. In more recent treatments, Taylor adds *inclusion* to the list of goods. See “Radical Redefinition,” *op. cit.*, p. 35. However, it does not seem to me that this adds anything not already included under the principle of equality.

<sup>122</sup> Maclure and Taylor, *Secularism and Freedom of Conscience*, *op. cit.*, p. 28.

<sup>123</sup> Taylor, “Radical Redefinition,” *op. cit.*, p. 49.

deliberations in the formal public sphere. Instead, he identifies these with the documents and functions that reflect the “official language of the state,” namely “legislation, administrative decrees, and court judgments.”<sup>124</sup> This leads him to propose a highly inclusive model of the public use of reason: no one at any level, including elected officials, need express themselves in a neutral language as long as, once overlapping consensus has been achieved, a neutral justification may be produced and enshrined in official state documents.<sup>125</sup>

### 3.1.2. Two Presuppositions of Overlapping Consensus

Taylor’s rejection of Habermas’s model of secularism as institutional filter and his concomitant defence of secularism as overlapping depend on two crucial presuppositions, namely the view that reason alone cannot solve moral and political questions and the claim that religiously rooted ethical convictions pose no special problems for public dialogue. I would like to argue that both presuppositions are poorly founded, and consequently, that Habermas’s model is at least as plausible as Taylor’s. Let us consider first the claim that reason alone cannot solve moral and political questions. Much of the question here hangs on what exactly we mean by “reason alone.” Unfortunately, neither Taylor himself nor commentators who are sympathetic to his position are particularly clear on this. His only indication in this regard is to trace the notion of deriving something from reason alone to the Cartesian idea of an “autonomous” or “self-sufficient” power of reasoning that “takes nothing on ‘faith’ in any sense of the word.”<sup>126</sup> As he explains it, reason in this sense

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<sup>124</sup> *Ibid.*, p. 50.

<sup>125</sup> Commentators who share Taylor’s scepticism about the universality of secular reasons often propose a similar model of the public use of reason. Maeve Cooke proposes to jettison Habermas’s institutional translation proviso in favour of a “postsecular” model of politics in which “reasons that refer to ‘otherworldly’ sources of validity are deemed admissible in public deliberations about the validity of laws and political decisions.” See “A Secular State for a Postsecular Society? Postmetaphysical Political Theory and the Place of Religion,” *Constellations*, vol. 14, no. 2 (2007), p. 227. Similarly, Sikka seeks to replace the demand for rationally motivated consensus by a “historically wide (not universal)” agreement that emerges from the “confluence of various *types* of agreement,” including religious ones. See “Translating Religion Reasons,” *op. cit.*, p. 112. Along these same lines, Nicholas Wolterstorff wishes to remove any limits upon the public use of reason and accepts the consequence that certain political decisions will be made on the basis of reasons unique to a religious majority, where minorities “do not agree,” but “*acquiesce*—unless [they] find the decision truly appalling.” See “The Role of Religion in Decision and Discussion of Political Issues,” *op. cit.*, p. 160, cited in *BNR* 135.

<sup>126</sup> Taylor, “*Die Blosse Vernunft*,” *op. cit.*, p. 330.

“prescind[s] from all external authority, whether emanating from society or tradition, whether inculcated by parents or teachers,” and will lend its assent only to “what monological reason can verify as certain.”<sup>127</sup> What Taylor seems to have in mind here is something like an ahistorical power of demonstration that operates outside the thick context of a particular cultural tradition and self-understanding.

It is obvious that if we define “reason alone” in this way, we will be very hard-pressed to defend the view that it can reach any conclusions about moral and political matters. However, it is not so obvious that this might also be said of the postmetaphysical concept of practical reason that underlies Habermas’s discourse theory of law and democracy. As we saw in Chapter One, practical reason in this sense is intersubjective, procedural, and, most importantly for our purposes, culturally and historically situated. For Habermas, “Reason is working *in* religious traditions,” and, by the same token, “in any other cultural enterprise.”<sup>128</sup> This means that what counts as a good reason is always determined against the background of the values, self-interpretations, and cultural practices that are associated with a given milieu. In the case of legal norms, this milieu is the temporally and spatially limited political community, whereas in the case of moral norms, it is the ideally extended community of all beings capable of speech and action. But perhaps more importantly, Habermas’s conception of reason entails that it is only against the background of a certain *historical experience* that a reason comes to count as convincing or unconvincing. It is our encounter with new social circumstances in a concrete context that gives rise, first, to cognitive dissonances, and second, to the cognitive advances by which we resolve them. As we have seen, this underlies Habermas’s account of historical learning processes. And if something is *in fact* the result of such a learning process, then it should in principle be possible to reconstruct it in such a way as to meet Taylor’s criterion of satisfying any “honest and unconfused thinker.”

It will help to make this view plausible if I can show, by an immanent critique of Taylor, that he is himself committed to the view that reason alone can reach moral and political conclusions in the precise sense outlined above. Let us consider moral questions

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<sup>127</sup> *Ibid.*, p. 329.

<sup>128</sup> Jürgen Habermas and Charles Taylor, “Dialogue,” in Judith Butler et al., *The Power of Religion in the Public Sphere*, ed. Eduardo Mendieta and Jonathan VanAntwerpen (Malden, MA: Polity, 2013), p. 61.

first. Here, Taylor helps himself to the concept of social evolution under the rubric of “rational supersession.” Citing the historical examples of slavery and women’s suffrage, he argues that, “what we can now at least reconstruct retrospectively as valid supersession arguments have already emerged in history.”<sup>129</sup> By a supersession of this kind, Taylor means a shift in mentality that cannot simply be ascribed to the “brute victory of one historical force over another,” but must rather be understood as an *epistemic gain*. Reasons that had, in previous times, been produced to support the institution of slavery and to deny women the vote can no longer be upheld in the face of modern knowledge: “We have been through a ‘way of experience’ (*Erfahrungsweg*) which is irreversible. Before, two views were rationally possible; but now only one is.”<sup>130</sup> Moreover, it is clear that this rational impossibility holds across cultural contexts. Whereas another culture may not, or may not yet, have had the requisite experience, the deliverances of rational supersession are such that, if it did, it would have to reach similar conclusions, albeit ones that are articulated “within [a different] framework and set of assumptions.”<sup>131</sup>

Let us now consider the political domain. It is clear that Taylor allows for rational supersession here too, even though he does not call it by that name. This is most obvious in his insistence that secularism raises a claim to validity that extends beyond the West despite the fact that it “finds its original meaning in a Christian context.”<sup>132</sup> For as Taylor argues, secularism, at least in his sense of an overlapping consensus that is neutral between different conceptions of the good, is a solution to problems that are not themselves limited to the Western context: it “can usefully be followed—we should better say, reinvented—almost anywhere.”<sup>133</sup> And to say this is to say that it is the result of a *learning process* to which there seem to be no viable alternatives. Of course, Habermas and Taylor may disagree about exactly which features of Western modernity constitute cognitive advances and which are limited to the Western ethical self-understanding. But it seems that a very similar account in terms of rational supersession could be given at the very least for the category of human rights and for the basic features of the democratic constitutional state

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<sup>129</sup> Hubert Dreyfus and Charles Taylor, *Retrieving Realism* (Cambridge, MA: Harvard University Press, 2015), p. 162.

<sup>130</sup> *Ibid.*, p. 163.

<sup>131</sup> *Ibid.*, p. 164.

<sup>132</sup> Modes of Secularism,” *op. cit.*, p. 31.

<sup>133</sup> *Ibid.*, p. 38.

(which would, of course, then have to be specified according to their context). I therefore submit that there is no significant disagreement between Taylor and Habermas regarding the *possibility* of rationally motivated consensus. If the foregoing analysis has been correct, Taylor's claim to the contrary is based on his mischaracterizing rationally motivated consensus as denying the cultural embeddedness of reasons.<sup>134</sup>

This brings us to the second presupposition of Taylor's overlapping consensus, namely the claim that religiously rooted ethical convictions pose no special problems over and above secular conceptions of the good. As we have seen, Taylor wishes to level the distinction between faith and reason as far as morality and politics are concerned: "If we take key statements of our contemporary political morality, such as the right to life, I cannot see how the fact that we are desiring/ enjoying/ suffering beings, or the perception that we are rational agents, should be any surer basis for this right than the fact that we are made in the image of God."<sup>135</sup> Here again, this seems to me incorrect. Of course, Taylor does have a point, which Habermas would not wish to deny, namely that we can expect *reasonable disagreement* with regard to secular ethical convictions no less than religious ones. However, it is obvious that grounding the right to life on the claim that we are made in the image of God gives it less "sure" a grounding in the relatively straightforward sense that it depends on the *truth* of certain claims—viz. the existence of God—that are

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<sup>134</sup> Ulrike Spohn has proposed to frame the debate between Taylor and Habermas as a dispute between "cultural" and "acultural" understandings of Western modernity. See "A Difference in Kind? Jürgen Habermas and Charles Taylor on Post-Secularism," *The European Legacy*, vol. 20, no. 2 (2015): p. 121 & 127 f. Nigel DeSouza proposes a similar analysis. See "Models of Moral Philosophy: Charles Taylor's Critique of Jürgen Habermas," *Eidos*, vol. 15, no. 1 (1998): pp. 55–78. It seems to me that this reading both exaggerates Habermas's commitment to Western modernity and downplays Taylor's. In the first place, Habermas is, as much as Taylor, committed to the concept of "multiple modernities," and therefore recognizes the existence of viable alternatives to Western modernity (*PMT* 2 60). In fact, this clearly follows from the logic of his position. For insofar as a stage of social evolution represents a solution to cognitive dissonances contained in prior stages, two different forms of consciousness or modes of social organization will be epistemically equivalent if they successfully meet the same cognitive challenges. The most we could say is that, from the perspective of Western modernity, we *fallibilistically anticipate* that any rival model will share a given aspect of our own insofar as we can at the present time discern no alternative solutions. In the second place, as I have shown, Taylor is explicitly committed to this position with respect to secularism and can plausibly be read as implicitly committed to it elsewhere. An interesting question in this regard is to what extent this is compatible with his earlier view that liberal neutrality and the fact-value distinction are not universal, but rather depend upon a particular ethical self-understanding. See *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA: Harvard University Press, 1989), pp. 76 ff. Although I cannot enter into this question in detail, it seems to me that, apart from courting the genetic fallacy, Taylor's earlier view drastically underplays the context-transcendence inherent in human reason. For criticisms along these lines, see Rehg, *Insight & Solidarity*, *op. cit.*, p. 156.

<sup>135</sup> Taylor, "Radical Redefinition," *op. cit.*, p. 54.

themselves less sure. Taylor himself acknowledges this point: "Of course, our being capable of suffering is one of those basic unchallengeable propositions [...], as our being creatures of God is not."<sup>136</sup> What differentiates Taylor from many other political theorists, including Habermas, is that he denies the relevance of this distinction to moral and political discourse.

Yet it is difficult to see how the distinction between faith and knowledge in *theoretical* matters might not be relevant to *practical* ones, and in particular to public dialogue. For it is obvious that what the truth happens to be will play a role in determining what policies we think we ought to adopt. In other words, facts can play a *justificatory* role in democratic deliberations. Neither Taylor's nor any plausible model of public dialogue could wish to deny this. But to admit that the existence of God is less sure than, say, the propositions of the natural or human sciences is to admit that it cannot be demonstrated by publicly accessible means that are convincing to all. This does not mean that they are "irrational," and still less, as Taylor suggests, that, "religion is founded on an illusion,"<sup>137</sup> but simply that they raise validity claims *of a different sort*, that cannot be redeemed by discursive means alone. The result is that, if a claim introduced into discourse is justified on the basis of religious reasons, it is not possible to dispute it, save by entering into theological disputations that *presuppose* the truth of the religion in question.

Let us be clear on this point. I do not wish to claim that all contributions to public debate are mere appeals to authority, as, e.g. when one justifies one's political positions on the grounds that "Jesus says that..." or "The Prophet Muhammad says that..." Of course, many are of this sort, and in this case, it is clear that nothing further can be said without entering into theological disputations. This is why Richard Rorty calls appeals of this kind "conversation-stoppers."<sup>138</sup> But further, even when religious contributions take the form of arguments, insofar as they rely on specifically religious reasons as premises appealing, say, to the existence of the soul or to the creation in the image of God, they retain a conversation-stopping element. For there is a point in the argument where justification

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<sup>136</sup> *Ibid.*

<sup>137</sup> *Ibid.*, p. 53.

<sup>138</sup> Richard Rorty, "Religion as Conversation-Stopper," in *Philosophy and Social Hope* (Toronto: Penguin Books, 1999), p. 171.

ends up depending on claims to truth that cannot be decided by argument, even in principle.<sup>139</sup>

We can make the difference between secular and religious ethical convictions more intuitive by considering one of Taylor's own examples. Taylor thinks it "self-evident that a law before Parliament couldn't contain a justifying clause of the type: 'Whereas the Bible tells us that...'" In this he is surely right. However, he also thinks that this has nothing in particular to do with religion: "It would be equally improper to have a legislative clause: 'Whereas Marx has shown that [...]' or 'Whereas Kant has shown that [...]'."<sup>140</sup> Taylor does, once again, point to something important here, namely that *any* strict appeal to authority is a hindrance to discourse. The important point, however, is that while it is true that a justifying clause in a legal document could not contain an undefended appeal to Marx or Kant's authority as in Taylor's example, there is in principle no reason for which a justifying clause in a legal document could not appeal to Marxist or Kantian reasoning about, say, the alienation inherent to a given class system or the need for a certain degree of academic freedom. Arguments of this kind are publicly accessible and can be evaluated independently of the authority of their original authors. The same cannot be said of arguments that appeal to the existence of the soul or to the created nature of human beings.

To claim the contrary is plainly to confuse the concepts of *accessibility* and *acceptability*.<sup>141</sup> In fact, Taylor falls prey to this confusion elsewhere, for instance, when he writes, referring to Kant's rhetoric about "*Achtung für das Gesetz*," "There's 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?'"<sup>142</sup> What Taylor alludes to here is merely the need for hermeneutic intervention into another's worldview or value-

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<sup>139</sup> Rorty acknowledges this second variety of religious reasons in the later "Religion in the Public Square: A Reconsideration," *Journal of Religious Ethics*, vol. 31, no. 1 (2003), p. 147 f. See also Stuart Rosenbaum, See "Must Religion be a Conversation-Stopper?" *Harvard Theological Review*, vol. 102, no. 4 (2009), p. 403.

<sup>140</sup> Habermas and Taylor, "Dialogue," *op. cit.*, p. 50.

<sup>141</sup> It is my impression that there is a *systematic confusion* of the notions of *accessibility* (or intelligibility) and *acceptability* in the secondary literature, and that this accounts for much of the controversy around the institutional translation proviso. See, for example, Maeve Cooke, "A Secular State for a Postsecular Society?" *op. cit.*, p. 228 ff.; Cristina Lafont, "Religion and the Public Sphere: What are the Deliberative Obligations of Democratic Citizenship?" In *Habermas and Religion*, *op. cit.*, p. 232; Thomas McCarthy, "The Burdens of Modernized Faith and Postmetaphysical Reason in Habermas's 'Unfinished Project of Modernity'." In *Habermas and Religion*, *op. cit.*, p. 129; Sonia Sikka, "On Translating Religious Reasons," *op. cit.*, p. 98 f.

<sup>142</sup> Habermas and Taylor, "Dialogue," *op. cit.*, p. 64 f.

orientation, which, as I explained in Chapter One, is already an integral part of Habermas's model of discourse. To say that one does not "understand" Kant's rhetoric is merely to say that one does not share his feeling of awe and respect for the law, that this particular experience does not resonate with one's own self-understanding. Nothing prevents us from *accessing* it as one of the many conceptions of the good present in a liberal polity, and if one were to cite it as the sole justification for a norm, we can safely predict that we would not find this justification convincing from the perspective of discourse. That is, we would not find it *acceptable*. In contrast, if we modify Kant's claim to refer to awe or respect for God, the problem is not simply that we do not share this conception of the good, but that it is taken to be ultimately justified by some feature of the world, the conditions of acceptability of which are not *accessible* to us.<sup>143</sup> We can deny this only on pains of denying either that religious beliefs raise a claim to truth or that these claims are distinct from those of scientific discourse. Neither option should strike religious citizens as being particularly attractive.

### 3.1.3. Rationally Motivated Consensus and the Institutional Filter

If my arguments in the preceding section are correct, then there are in principle no obstacles to Habermas's criterion of rationally motivated consensus and, by extension, to his conception of secularism as a filter between the formal and informal public spheres. I would now like to suggest that there are, in addition, positive reasons to prefer Habermas's model of legitimation to Taylor's. As I explained in Chapter One, Habermas's conception of secularism as an institutional filter follows from the criterion of rationally motivated consensus associated with the discourse theory of law and democracy. On this theory, political decisions are legitimate insofar as they rest on reasons that are deemed to be convincing from the impartial perspective of discourse. And since religious validity claims cannot be decided from this perspective, it follows that they must be excluded from the deliberations of official decision-making bodies. Given this link between mode of

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<sup>143</sup> This at the same time dispenses with Cooke's insistence that all fundamental insights of practical reason involve a moment of world-disclosure that resembles religious revelation in "Violating Neutrality?" *op. cit.*, p. 251 ff. The point is not to deny that secular ethical convictions disclose a way of seeing the world, but only that they depend on *claims to propositional truth* that are revealed (or "disclosed") and so cannot be discursively redeemed.



democratic legitimation and model of secularism, the need for an institutional filter between the formal and informal public spheres will be established if we can show that rationally motivated consensus offers a more plausible account of the nature of democratic legitimation than overlapping consensus. This is what I propose to do. More specifically, I would like to argue that overlapping consensus fails to do justice to the epistemic claim raised by political decisions. The result, as I hope to show, is that it leads to intractable problems from the perspective of democratic legitimacy.

I take it to be true that we ordinarily take political decisions to raise a claim to *correctness*, or in Habermas's terms, that we take them to raise a particular kind of *validity claim*. This extends not only to legal norms and to political programs, but first and foremost to what Rawls calls "constitutional essentials"—that is, to those core principles like human rights, freedom, equality, and popular sovereignty that determine the shape of the political association. As we have seen, Taylor himself endorses these essential principles on the grounds that they are constitutive of any liberal, democratic order. However, there is a crucial difference on this point between Taylor and Habermas. For Habermas, the consensus on constitutional essentials requires a "deeper grounding" that can be settled "within a space of neutral reasons"—that is, reasons that are deemed acceptable to all from the impartial perspective of discourse.<sup>144</sup> For Taylor, in contrast, it seems that this consensus can be attributed to nothing more than the contingent self-understanding of Western modernity, and consequently, that any agreement on constitutional essentials depends on "negotiation" rather than rational consensus.<sup>145</sup> That is, on Taylor's analysis, we cannot understand these as the products of a learning process of which there may be *variants*, but to which there seem, at least for the moment, to be no plausible *alternatives*.

The consequence of this reduction of politics to self-understanding is to radicalize the problem that we saw in Chapter One with Rawls's model of overlapping consensus. In denying legitimation access to an impartial point of view, Taylor robs himself of the resources to claim epistemic superiority for reasonable over unreasonable comprehensive doctrines, or in Habermas's terms, for decentered over non-decentred forms of consciousness. In other words, he has no grounds on which to claim that citizens who seek

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<sup>144</sup> Habermas and Taylor, "Dialogue," *op. cit.*, p. 65.

<sup>145</sup> *Ibid.*, p. 67.

to cooperate on fair terms with those who hold competing and incompatible worldviews and value orientations are cognitively *better adjusted* to life in a pluralistic society. Instead, these can be understood as nothing more than the contingent product of social forces—a position that sits very uneasily with his own laudable calls for greater acceptance of minority religious groups in contemporary Western societies.<sup>146</sup> It seems to me that the result is to collapse the distinction between *de facto* acceptance and *de jure* acceptability. For if there is no impartial point of view to secure the rational acceptability of constitutional essentials and these must instead be reduced to contingent features of “our” self-understanding—that is, of the self-understanding of the *majority*—then we are left with the counterintuitive conclusion that the deliverances of democratic opinion- and will-formation, however well-informed by expert cultures and public consultation, can aspire to nothing more than to be a tyranny of the majority over a more or less willing minority. And this, of course, would explode the claim to validity that we ordinarily take them to raise.

I certainly do not wish to suggest that Taylor himself would endorse this decisionistic conception of democratic opinion- and will-formation, but only that it is the inexorable consequence of his model of democratic legitimation. In actuality, Taylor’s appeal to overlapping consensus exudes an air of paradox in this regard, for he does seem to think that there are convincing reasons to endorse the constitutional essentials of the liberal, democratic order. This is clearest when he claims that, “the model of a political society founded, on one hand, on an agreement about basis political principles and, on the other, on respect for the plurality of philosophical, religious, and moral perspectives adopted by citizens” is now recognized as “the most likely to lead to just and sufficiently harmonious coexistence.”<sup>147</sup> The implication here seems to be that there is what Taylor

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<sup>146</sup> See most notably Bouchard and Taylor, *Building the Future*, *op. cit.*, p. 250 ff. On a related note, consider the manner in which Taylor seeks to assuage fears about the integration of Islam into Western societies. Drawing an analogy to similar worries in the 19<sup>th</sup> Century about American Catholicism being “inassimilable to democratic mores,” he points out that Catholicism has since adapted and that, “There is no reason written into the essence of things why a similar evolution cannot take place in Muslim communities.” See “Radical Redefinition,” *op. cit.*, p. 36. But this modification in consciousness is not the result of a learning process—if it is not, despite Taylor’s own wording, an *evolution*, then our expectation that Muslim communities will *in fact* undergo a similar process is unjustified. More worrying still, our conviction that religious communities in general *ought to* undergo this kind of modernization turns out to be similarly unjustified, thereby validating fundamentalist religious citizens’ conviction that they need to shield themselves from the corrupting influence of secular society.

<sup>147</sup> Maclure and Taylor, *Secularism and Freedom of Conscience*, *op. cit.*, p. 5.

calls a “way of experience”—that is, a historical process in which we have *learned* something that it is no longer possible to *unlearn*.

If this analysis of the situation is correct—and I have argued that there is strong reason to think that it is—then we have sufficient grounds to favour rationally motivated consensus over overlapping consensus. We should expect political decisions to rest on publicly accessible reasons that carry the supposition of being rationally acceptable from the impartial perspective of discourse. Consequently, we should also favour Habermas’s conception of secularism as a filter shielding institutionalized political deliberations from religious considerations. I will note, in closing, that it is unclear to what extent Taylor and Habermas diverge on this point, as Taylor himself readily admits.<sup>148</sup> It seems to me that the relevant question in this regard is whether he understands the official “neutral” justification provided in state documents as *sufficient* to justify the corresponding legislation, or whether it is instead a post-hoc rationalization of a decision taken *for other reasons*. If the former, then it seems to me that he cannot, in fact, reject rationally motivated consensus, and so that his position is identical to Habermas’s. If the latter, then I concede that Taylor’s conception of democratic legitimation is fundamentally at odds with the discourse model I have defended here. But in this case, it seems to me that, apart from being highly counterintuitive, it could only feed growing cynicism about the democratic process.

## **3.2. THE ROLE OF TRANSLATION IN PUBLIC DIALOGUE**

### **3.2.1. The Problem of Religious Inclusion Reconsidered**

The upshot of my critical analysis of Habermas and Taylor is to suggest that an institutional filter of the kind envisioned by Habermas is an indispensable feature of democratic politics in a pluralist society. However, it remains to be seen what role, if any, is left for the translation of religious contributions to the public sphere, especially after my critical remarks of Chapter Two. There, I argued that the project of translating religious contributions to public dialogue into a secular language does not clearly resolve either the problem of religious inclusion or the problem of normative renewal. My method in the

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<sup>148</sup> Taylor, “Radical Redefinition,” *op. cit.*, p. 58n12.

following will therefore be to take these two problems up again in turn in order to ask whether they can be solved within the framework that I have been defending—and if so, whether the concept of translation still has any role to play in the solution.

Let us begin with the problem of religious inclusion. My first step in the connection is to suggest that, contrary to certain commentators' claims, Habermas's conception of secularism as an institutional filter does not pose any problem for the inclusion of religious citizens *from the perspective of normative legitimacy*. That is, it ought not to prevent religious citizens from understanding themselves as free and equal authors of the law. As we have seen, the institutional filter has the function of preventing religious reasons from playing a justificatory role in political decisions. All modernized religious citizens who have undergone the required learning process should be capable of recognizing the legitimacy of this measure—a point of which they can readily reassure themselves by considering whether, were the roles reversed, they could wish for laws to be passed on the basis of other religious views that they did not recognize.<sup>149</sup> They will therefore accept that, should they choose to express themselves in a strictly religious idiom, their contributions will not affect the outcomes of democratic deliberations *qua* religious contributions. In this connection, it is worth pointing out that those who have, since the 1980s, claimed that secular politics unfairly marginalizes religious citizens have by and large belonged to fundamentalist groups that explicitly condemn modernized forms of religious faith and sometimes even advocate for a shift to theocratic forms of government.<sup>150</sup> For this reason,

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<sup>149</sup> Since my argument here relies heavily on the criterion of decentred consciousness associated with Habermas's cognitive presuppositions of the public use of reason, it is necessary to address the objection that these impose unwarranted burdens on citizens and are therefore normatively suspect. For instance, Amy Allen thinks that Habermas's cognitive presuppositions "[stack] the deck in favour of secularism"; whereas religious citizens are required to become "quasi-secular," nonreligious citizens have only to become "even more reflexive than [they] already [are], by becoming self-reflexive about the limits of [their] own secularism." See "Having One's Cake and Eating It Too: Habermas's Genealogy of Postsecular Reason," in *Habermas and Religion*, *op. cit.*, p. 149 f. For similar objections, see Wolterstorff, "Engagement with Habermas," *op. cit.*, p. 102 and Yates, "Rawls and Habermas," *op. cit.*, p. 888. I agree that the cognitive presuppositions do not impose symmetrical burdens on all citizens. However, I do not think that this poses any problem from the perspective of legitimacy: it is obvious that any cognitive reform will impose greater burdens on those who have already undergone it to some degree than on those who have not. On this point, see Cristina Lafont, "Religion in the Public Sphere," *op. cit.*, p. 253 f. More importantly, moreover, I disagree that this asymmetry specifically targets *religious* citizens. To claim the contrary, as Allen and Wolterstorff do, is to equate religion with unreflective fundamentalism, which seems to me an empirically suspect and ideologically charged move.

<sup>150</sup> Harvey Cox provides a detailed account of the rise of American Fundamentalism in American politics in his classic *Religion in the Secular City: Toward a Postmodern Theology* (New York: Simon & Schuster, 1984), esp.

we might plausibly worry that Habermas is conceding too much to such groups by suggesting that the secular state in some way prevents religious citizens from understanding themselves as free and equal authors of the law.

However, to say that Habermas's institutional filter does not pose any problems from the perspective of legitimacy is not to say that there is no problem at all in this regard. For religious citizens may feel marginalized by their treatment *in practice* even in a state comprised of legitimately constituted institutions. It is obvious, for example, that religious citizens will have difficulty understanding themselves as equal members of a political association if their way of life and political opinions are the subject of constant hostilities, and if their fellow-citizens refuse to take their views seriously *just because* they are religious in nature. To close our discussion of the problem of religious inclusion, therefore, it will be necessary to provide some suggestions regarding the ethics of citizenship that is most appropriate to modern, pluralistic societies.

To shed some light on this question, I would like to draw attention to the distinction, which I have already evoked, but not yet addressed in any detail, between *justificatory* and *embedding* uses of religious considerations. This distinction is by no means original to this thesis and is, in fact, already implicit in much of the literature on religion and the public sphere. However, it finds its most definitive articulation in the work of Stuart Rosenbaum. Rosenbaum differentiates between two uses of religious considerations in public dialogue. The first is justificatory in nature. In this case, religious citizens take their political opinions as "*justified or warranted by* documents, sources, traditions, and revelations." In contrast, the second use is merely embedding in nature. Here, religious citizens see their political positions only as "*embedded in or deriving from* those documents, sources, traditions, and revelations."<sup>151</sup> We can further elucidate this distinction by saying that justificatory uses of religious doctrine, imagery, and narrative are intended to lend *support* to a given norm or policy, whereas embedding uses merely serve to *frame* arguments that are already expressed in secular terms. For this reason, whereas justificatory uses of religious reasons

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p. 60 ff. For a more recent account, see Chris Hedges, *American Fascists: The Christian Right and the War on America* (New York: Free Press, 2006), esp. p. 148 ff.

<sup>151</sup> Rosenbaum, "Must Religion be a Conversation-Stopper?" *op. cit.*, p. 394.

make the argument itself inaccessible from the perspective of discourse, embedding uses pose no such obstacle.<sup>152</sup>

Of course, it is important to recognize that religious considerations may play a number of different functions in public dialogue, and that not all of these have the function of convincing fellow citizens or of providing justification for one's political positions. As Jeremy Waldron points out, a religious citizen contributing to public dialogue may "think of himself as simply *bearing witness* to a particular view." Or he may be "warning [his fellows], the best way he can, of the seriousness of the issue as he sees it," "just trying to *explain himself*," or else "rallying [his own community of believers] with his rhetoric."<sup>153</sup> The distinction I am proposing between justificatory and embedding uses of religious considerations is admittedly an analytic one. It may not always apply, and even when it does, it may not be clear, even to the speaker, to which category an utterance belongs until it has been subjected to public scrutiny. Nonetheless, it seems to me that the distinction is very useful in determining the shape that the ethics of citizenship must take in a pluralist society if citizens are to take part in a mutually respectful and cooperative search for the best policy. Most of what I have to say in this regard does not diverge significantly from Habermas's own account of the ethics of citizenship, but will rather serve to elucidate and elaborate what is already implicit in it.

The first helpful point in this regard is that the vast majority of contributions made by reasonable religious citizens are likely to make embedding use of religious considerations. In such cases, they may present religious reasons *alongside* publicly

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<sup>152</sup> In this connection, it is telling that Taylor appeals to an example of the latter, embedding, variety in defence of the view that religious reasons are no less accessible or intelligible than strictly secular ones: "Martin Luther King had a certain discourse about the U.S. Constitution and its entailments which weren't being followed through. Then he had a very powerful Christian discourse, referring to Exodus, referring to Liberation. Nobody had any trouble understanding this." See Habermas and Taylor, "Dialogue," in Judith Butler et al., *The Power of Religion in the Public Sphere*, ed. Eduardo Mendieta and Jonathan VanAntwerpen (Malden, MA: Polity, 2013), p. 63. For it is clear that biblical narrative did not play a justificatory role in the civil rights movement of the 1960s. Neither King nor anyone else thought that the moral rightness of granting equal rights to black Americans hinged on the historical accuracy of the Exodus narrative. Rather, the latter served to lend an *inspiring* and *motivating* force to premises that were taken to be convincing in their own right. In a similar vein, Sonia Sikka writes that, "Native activists [...] frequently mingle the language of the sacred with appeals to the rights of their communities over the land in question, as well as to concerns over potential harm to the health and well-being of individuals within these communities." See "On Translating Religious Reasons," *op. cit.*, p. 113 f. Here again, it is obvious that appeals to land rights and human well-being can be factored into deliberations independently of any considerations pertaining to the sacred.

<sup>153</sup> Waldron, "Two-Way Translation," *op. cit.*, p. 63.

accessible ones, or else they may simply couch reasons that are already publicly accessible in religious language, imagery, and narrative. To return to the example of abortion from Chapter Two, we may consider the frequent claim that the potential of the fetus to become a fully-fledged human being is reason to give it the same moral consideration as an adult. When contributions of this kind are involved, productive political dialogue would seem to require that religious and nonreligious citizens work together, first, to identify the background premises that give these arguments the weight that they have within their original religious framework, and second, to determine whether they still have this weight outside of it. In the case under consideration, this would involve seeing whether the fetus's potential still counts toward anti-abortion legislation—and if so, what *kind* of legislation it counts toward—once abstracted from strong presuppositions about God's plan for human beings or of their inherent worth in His eyes. It is worth noting that, apart from a handful of obviously contentious issues like abortion, euthanasia, and same-sex marriage, I do not think that many political questions are likely to have a significantly different weight once detached from such background premises.

The second point pertains to justificatory uses of religious considerations. Here it is obvious that religious citizens who recognize the secular character of the state will refrain from justifying their political positions by unargued and conversation-stopping appeal to authority. As we have seen, however, justificatory uses of religious considerations are not exhausted by appeals of this kind. More often than not, they will consist in *arguments* that employ particular religious doctrines as *premises*. We saw examples of this kind in Chapter Two with the argument from the doctrine of creation in the image of God. These are the kind of contributions that call for translation in Habermas's sense. Here we may say, following Habermas, that the ethics of citizenship requires religious and nonreligious citizens to cooperate in finding ways to express the intuition underlying such an argument in publicly accessible secular language in order to then subject it to impartial evaluation. However, they will do so with the knowledge that such translation may only be partial and imperfect even where successful, and will accept that where this is the case, the conclusions that they wish to draw may no longer follow. Only under these conditions is public dialogue likely to be a fruitful and mutually enlightening enterprise suitable to fostering solidarity among citizens.

### 3.2.2. The Problem of Normative Renewal Reconsidered

Let us now turn to the problem of normative renewal. Here, my thoughts will take the form of three remarks regarding Habermas's own treatment of the problem and what role, if any, religion still has to play in its solution. My first observation in this regard pertains to the cogency of Habermas's appeal to religion. Recall that the problem pertains to the alleged unavailability of social solidarity and of novel normative insights in an increasingly depoliticized and desensitized modern world. However, we might plausibly ask ourselves how hopeful religious traditions really are in this regard. Along these lines, María Herrera Lima has drawn attention to the "profound transformation" undergone by religious belief and practice in modern societies. Drawing on recent empirical studies, Lima maintains that, "there is little observable difference between attitudes and forms of public behaviour among the majority of citizens in developed societies, whether declaring a religious affiliation or none at all."<sup>154</sup> Even more tellingly, she points out the drastic change in self-understanding that often characterizes modernized faith: "the reasons offered for church attendance and involvement in religion shifted markedly over the course of the 20th Century from obedience to pleasure."<sup>155</sup> And, as Lima points out, we may well wonder whether an individualized religion of this sort remains a plausible source of insight and solidarity: "This understanding makes it impossible to appeal to religion *alone* as a remedy for the lack of solidarity and other distortions of contemporary social life, since, as the sociological evidence shows, they are part of the *same* cultural formation."<sup>156</sup>

Habermas himself has explicitly dismissed this objection in a reply to Lima. Although he concedes that religions "that had lost the capacity to organize the encounter with the sacred in the form of rituals" and "survived only in fleeting forms of religiosity" would be indistinguishable from secular conceptions of the good, he claims to find "no evidence for a comprehensive development in this direction" (*PMT* 2 84). However, there is room to press Habermas on this point. In the first place, recent sociological analyses, notably Charles Taylor's own *A Secular Age*, have highlighted the profound changes that

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<sup>154</sup> María Herrera Lima, "The Anxiety of Contingency: Religion in a Secular Age," in *Habermas and Religion*, *op. cit.*, p. 62.

<sup>155</sup> *Ibid.*, p. 63.

<sup>156</sup> *Ibid.*, p. 65.



characterize the “conditions of belief” in modern Western societies.<sup>157</sup> In this connection, Taylor speaks of an “individuating revolution” that has had the effect of re-imagining the place of the sacred and reframing religion as a *choice* that must be tailored to the individual’s particular outlook.<sup>158</sup> Whether or not the empirical evidence for a shift of this kind is conclusive, we may at the very least surmise that the modernization of religious consciousness and the concomitant relativization of its claim to truth will only exacerbate the trend toward the privatization of religious belief and practice.<sup>159</sup> Moreover, the highly ambivalent effects of religion in political matters, both in the West and elsewhere, gives reason to wonder whether a modernized religion might itself be immune from the kinds of depoliticization and desensitization that Habermas thinks characterizes secular consciousness.<sup>160</sup>

My second observation regarding the problem of normative renewal pertains to Habermas’s description of the problem itself. There can, of course, be no denying that modern Western society is characterized by trends toward increasing atomization and instrumentalization. It is true that modern societies tend to lack a sense of common purpose and that market imperatives lead us to discount the needs of others in favour of economic gain. Taylor has dedicated significant attention to these trends as well.<sup>161</sup> Nonetheless, we might wonder whether Habermas does not exaggerate the decline of normative consciousness under the conditions of modernity. For instance, it seems to me that he radically downplays the potential for social movements in modern societies. Prominent examples that come to mind in this regard include the Occupy Movement, various forms of LGBTQ activism, various environmental initiatives, and the recent Black Lives Matter movement, all of which are international in scope and most of which have had

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<sup>157</sup> Charles Taylor, *A Secular Age* (Cambridge, MA: Harvard University Press, 2007), p. 3.

<sup>158</sup> *Ibid.*, p. 474 ff.

<sup>159</sup> *Ibid.*, p. 305.

<sup>160</sup> As evidence in this direction, we might point to the worrying alliance between politically conservative Christianity and free-market capitalism in the United States since the 1980s, most notably, but certainly not only, in so-called “prosperity theology.” See Harvey Cox, *Religion in the Secular City*, *op. cit.*, p. 64, 68 f., as well as Hedges, *American Fascists*, *op. cit.*, p. 129 ff. Moreover, both modern and historical examples of shocking disregard for human well-being in certain subsets of the major world religions both modernized and not, should give pause to anyone who would wish to tout them as sources of sensitivity to human suffering.

<sup>161</sup> Charles Taylor, *The Ethics of Authenticity* (Cambridge, MA: Harvard University Press, 1991), p. 109 ff. As I understand them, Taylor’s concepts of “atomization” and “instrumentalization” correspond more or less to what I have been calling “depoliticization” and “desensitization.”

significant effects both on the public imagination and on political decisions. On a national scale, we might cite the ongoing Idle No More movement in Canada as well as other forms of Indigenous activism.

Faced with examples like these, Habermas might wish to reply that much of contemporary political activity is principally geared toward the affirmation of individual rights, often to the detriment of the common good. We might think here of his image of “the citizens of prosperous and peaceful liberal societies” as “self-interested monads who use their individual liberties exclusively against one another like weapons” (*BNR* 107). The idea in this case would be that such activism contributes to social fragmentation rather than countering it. Moreover, Habermas might wish to say that, insofar as they keep to the available framework of individual rights, they lack the creative impulses needed to redefine the range of values available to democratic deliberation and to bring about institutional change. Admittedly, there is something to this. However, this cannot plausibly be said either of environmental activism, which often seeks to reimagine our way of engaging with the natural world, or of the Occupy Movement, which explicitly sought to promote new and increasingly representative forms of democracy. Nor does it fit Idle No More, which, in addition to promoting the collective cause of Indigenous sovereignty, includes strong environmental and social components.

This brings me to my third and last observation about the problem of normative renewal. Although Habermas’s characterization of the modern predicament seems to me exaggerated, it may nonetheless be admitted that there is a real problem in this regard. Numerous writers, and not just in philosophy, have documented the felt absence of meaning that often characterizes modern secular consciousness. This absence of meaning both results from and reinforces atomism in the political realm. As individuals retreat from public life to pursue their own private interest, they come to identify less and less with the purposes of the larger community that give human beings a sense of meaning, and this loss of identification in turn induces them to retreat from public life, in a kind of vicious circle.<sup>162</sup> Thus, while there is no shortage of the kind of localized solidarity in pursuit of given social causes, Habermas’s diagnosis is correct insofar as we often lack the kind of

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<sup>162</sup> Taylor, *Ethics of Authenticity*, *op. cit.*, p. 118.

global solidarity—the sense of working together toward a common goal—that comes with the increasing isolation of individuals and the decreasing identification with the political community. Taylor himself has described this phenomenon as *social fragmentation* and has proposed to counter it by means of a “politics of democratic empowerment” designed to strengthen political identity.<sup>163</sup>

The question that arises in this context, however, is *how* to get such a politics off the ground in a society that is increasingly fragmented. As Taylor acknowledges, his solution “sounds like saying that the way to succeed here is to succeed.”<sup>164</sup> I admit that I have no obvious solutions to propose either. My second critical remark has already given reason to think that, *pace* Habermas, translating religious contributions to public dialogue is not very hopeful in this regard. Although translated religious contents may furnish us with the novel normative insights needed to articulate local solutions to issues in need of legislation, they cannot solve the root problem of a felt lack of meaning, which is affective, not cognitive, in nature. However, I would like to suggest that religious traditions might be of a different use in this regard, one that is unconsidered by Habermas. As psychology extols the virtues of religion for fostering a sense of togetherness among us and for imparting us with the sense of common purpose that is so crucial to meaningful human existence, a disenchanted secular consciousness that *experiences* a lack of meaning may see, in religious traditions, confirmation that things might be otherwise. And in so doing, it may find the inspiration to articulate a secular equivalent capable of recapturing what has been lost. The answer, if there is one, is not to be found, as Habermas thinks, in the *doctrines* of religion, but perhaps rather in its *example*.

## CONCLUSION

My goal in this chapter has been to determine what role is left to Habermas’s institutional translation proviso after the critical remarks of the previous chapter. I have achieved this in two distinct steps.

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<sup>163</sup> *Ibid.*, p. 118 f.

<sup>164</sup> *Ibid.*, p. 118.

In a first step (part 3.1), I evaluated the merits of Charles Taylor's model of secularism as overlapping consensus to see whether it might provide a viable alternative to Habermas's institutional filter. I began by outlining Taylor's conception of democratic legitimation, paying special attention, to the highly inclusive model of the public use of reason that follows from it. On this model, no limits need be imposed upon the content of public dialogue at any level, including institutionalized deliberations, as long as legislation is officially justified in a neutral public language (section 3.1.1). After this, I drew attention to two key presuppositions of Taylor's overlapping consensus, namely that "reason alone" cannot resolve moral and political questions, and that there is no significant distinction between faith and reason in practical matters. I argued that Taylor is mistaken on both counts. I showed not only that reason conceived as historically and culturally situated can reach substantial moral and political conclusions, but that Taylor must himself be committed to this view. Moreover, I maintained that there is a significant distinction to make between faith and reason in the practical domain insofar as religious reasons appeal to truth claims that cannot be redeemed by discursive means alone (section 3.1.2). Having thus removed all obstacles to Habermas's discursive conception of legitimation, I then went further and argued that we have positive reasons to favour rationally motivated consensus as a mode of democratic legitimation and, *ipso facto*, to conceive secularism as an institutional filter between the formal and informal public spheres (3.1.3).

In a second and final step (part 3.2), I presented my final thoughts on the two problems that have determined the shape of this thesis. My goal here was to determine how and whether these could be solved within the discourse framework that I have been defending, and to specify what role, if any, is left for Habermas's concept of translation. I turned first to the problem of religious inclusion. I argued that, although the secular character of the state poses no problem from the perspective of democratic legitimacy, a certain lack of civility in democratic practice might nonetheless pose an obstacle to fruitful public dialogue. After making a distinction between justificatory and embedding uses of religious considerations, I presented the broad outline of what I take to be the shape of the ethics of citizenship in a pluralist society. Here, I did not depart significantly from Habermas's model of the public use of reason, but sought rather to elucidate and elaborate its implications (section 3.1.1). I then returned to the problem of normative renewal. Here,

the lines between Habermas's position and my own were more deeply entrenched. I began by casting some doubt both on the viability of his turn to religion and on the accuracy of his description of the problem of normative renewal. I gave reason to wonder whether modernized religious consciousness can really generate the kind of solidarity and normative insight that Habermas envisions. I also argued that his characterization of the problem of normative renewal is exaggerated, but conceded that there is a problem in this regard. It is true that political society is increasingly fragmented and often incapable of furnishing modern citizens with the sense of purpose that is so crucial to meaningful human existence. In this connection, I suggested a possible use for religion that Habermas himself does not consider. It may be that, as modern citizens see in religion the sense of community and of purpose that secular consciousness so desperately lacks, they will be inspired to find plausible secular equivalents to recapture what it has lost. My suggestion, in other words, is that we would do well to look to religion not as a source of cognitive contents to be appropriated, but as an example to be imitated in practice.

## CONCLUSION

My aim in this thesis has been to evaluate Habermas's institutional translation proviso as a parameter of the public use of reason in modern, pluralist societies. I have sought to do this in three distinct steps, each corresponding to one chapter of the thesis.

In Chapter One, I tried to shed some light on the nature and function of the institutional translation proviso within the broader context of Habermas's political theory. To this end, I began by outlining the principal tenets of Habermas's discourse theory of law and democracy. I was interested in two aspects of this theory in particular. The first of these is the criterion of rationally motivated consensus that defines Habermas's model of democratic legitimation. On this model, legal norms and constitutional principles are legitimate only insofar as they carry the presupposition of being acceptable to all from the impartial perspective of discourse. The second aspect that interested me in this connection is Habermas's deliberative conception of politics with its unrestrictive model of the public use of reason. According to this understanding of politics, no limits may be imposed ahead of time upon the range of interests admissible into public dialogue. Rather, it belongs to discourse itself to distinguish between what pertains to the private interest of particular individuals or groups and what pertains to the general interest of the political community.

From here, I went on to highlight two challenges to the stability of the democratic constitutional state that result from Habermas's conception of politics. The first of these, I called the problem of religious inclusion. The question here is how religious citizens can understand themselves as free and equal authors of the law despite the secular character of political justification. The second of these, I called the problem of normative renewal. Here, the question pertains to regenerating the sources of insight and of social solidarity on which the democratic process depends under modern conditions. I proposed to understand Habermas's institutional translation proviso as a response to both of these problems. As I explained it, it is supposed to solve the problem of religious inclusion by allowing religious citizens to participate as equals in processes of rational opinion- and will-formation without jeopardizing the neutrality of the state. In addition, it is supposed to help solve the problem of normative renewal by giving the democratic process access to the sources of

insight and solidarity preserved in religious traditions. After this, I completed my contextualization of the institutional translation proviso by outlining the heavy cognitive burdens that it is supposed to place on both religious and nonreligious citizens in their role as free and equal authors of the law.

In Chapter Two, I aimed to call attention to two limitations of the institutional translation proviso by comparing Habermas and Kant's respective approaches to religion. I drew attention to defects in Habermas's reading of Kant's philosophy of religion and showed how these were reflected in his own work on religion and politics. I began by putting Habermas's reading of Kant in dialogue with the *Religion-as-Translation Thesis*, which understands *Religion within the Boundaries of Mere Reason* in its entirety as an attempt to identify the rational kernel underlying the religious doctrines of traditional Christianity. I showed, first, that under the *Religion-as-Translation Thesis*, Kant's project necessarily fails, for his rational translation of the concept of grace as an imperative of self-reliance distorts its original meaning as a free gift from God, and second, that Habermas's reading falls prey to the same problem. In both cases, the problem is that Kant is unable to secure the identity between the original religious concept and its translation in terms of rational morality. From here, I went on to show how this issue is reflected in Habermas's own project of translating religious contributions to public dialogue. I argued that a secular translation is unlikely to perform the same argumentative function as the corresponding religious contribution. On this basis, I argued that the institutional translation proviso cannot help religious citizens to understand their *reasons* as influencing political decisions.

I then went on to consider a second limitation of the institutional translation proviso. I returned once more to Habermas's reading of Kant and put it in dialogue with another prominent line of interpretation, which understands the Highest Good as a secular ideal to be realized in this world and the Ethical Community as its institutionalization in the form of a political community. I argued, first, that there is no textual basis for this reading, and second, that Habermas's own adherence to it leads him to mischaracterize the need of practical reason that motivates Kant's philosophy of religion. Habermas characterizes this as the need to reassure practical reason of the possibility of improving the human condition, whereas in fact, it refers to the need to reassure it of the meaningfulness of a world created with a view to human moral striving. In this connection, I showed that

Habermas's emphasis on the Ethical Community as the concept of a this-worldly utopia is echoed by his own preoccupation with the doctrinal contents of religion over its performative force. I argued that, on Habermas's own premises, translated religious contents, which are cognitive in nature, cannot address the problems of depoliticization and desensitization, which are affective in nature. Thus, I maintained that, whatever its merits, the institutional translation proviso cannot rehabilitate secular consciousness as Habermas describes it.

In Chapter Three, I aimed to determine what role, if any, is left to Habermas's institutional translation proviso once these limits have been identified. To this end, I considered whether the conception of democracy proposed by Charles Taylor in his recent work might fare better than Habermas's discourse theory. I began by outlining Taylor's understanding of democracy, paying special attention to two aspects in particular. The first of these is Taylor's model of overlapping consensus, which removes the need for citizens to agree to political decisions for the same reasons. The second is his proposal to redefine secularism in such a way as to impose no restrictions on the use of religious language in political deliberations. I then went on to question two key presuppositions of this model, namely that reason alone cannot arrive at substantive political conclusions and that there is no relevant distinction between faith and reason in practical matters. I argued that Taylor is incorrect on both counts and, consequently, that there are in principle no obstacles to rationally motivated consensus as Habermas conceives it. I then closed my discussion of Taylor and Habermas by arguing that overlapping consensus cannot do justice to the validity claim raised by political decisions, and so that rationally motivated consensus is more plausible as a model of democratic legitimation. The consequence, I argued, is that Habermas's conception of secularism as an institutional filter between the formal and informal public spheres is an indispensable feature of democratic politics in pluralist societies.

Having thus argued in favour of Habermas's institutional filter, I then took up the problems of religious inclusion and normative renewal in turn to see how and whether they might be solved within the framework of the discourse theory of law and democracy. A key aspect of this discussion involved determining what function is left for the translation of religious contributions to public dialogue in this framework. I began with the problem of



religious inclusion. I argued that the demand for secular justification does not prevent religious citizens from understanding themselves as free and equal authors of the law from the perspective of democratic legitimacy, but that there might nonetheless be certain practical difficulties in this regard. I therefore closed my discussion of the problem of religious inclusion by outlining the ethics of citizenship that I take to be most conducive to healthy public dialogue in a pluralist society. Here I did not diverge significantly from Habermas himself. I suggested, first, that religious and nonreligious citizens ought to cooperate in detaching neutral reasons from their religious embedding in order to submit them to impartial examination, and second, that they ought also to cooperate in producing translations of religious contents, but with full awareness that these are unlikely to perform precisely the same argumentative function as the original religious contributions.

I then turned to the problem of normative renewal. In this context, I departed more significantly from Habermas's own thought. I began by casting some doubt on the hopefulness of religious traditions as potential solutions to social atomization and instrumentalization as Habermas conceives them. From there, I went on to give reasons to believe that Habermas's characterization of these problems is not altogether accurate. I argued that there does not seem to be any shortage either of the kind of solidarity required to form social movements or of the novel normative resources required to identify and cope with new social ills. Finally, I conceded that although modern societies seem to have the resources to generate solidarity in pursuit of particular and often conflicting social goals, they lack the kind of solidarity required to unite a political community as a whole in pursuit of a common purpose. The problem, in other words, is perhaps best characterized as a matter of social fragmentation. I ended my discussion of the problem of normative renewal by pointing to a possible use of religion in countering the problem of social fragmentation, one that is unconsidered by Habermas himself. I suggested that modern citizens who experience a felt lack in the absence of a common purpose might find, in religious traditions, an *example* to emulate in the hope of regaining what has been lost.

Although the question falls outside the scope of this thesis, I will note that the conception of secularism as an institutional filter that I have been defending may fruitfully be brought to bear on a number of related issues that have featured prominently in public dialogue in recent years. Since the turn of the millennium at least, political debates about

religion have centred on the questions of reasonable accommodation, of religious symbols in public spaces, and of the preservation of cultural heritage. It is interesting in this connection that parties on both sides of the debate have framed their preferred restrictive measures as inevitable consequences of the secularization of politics. Hence proponents of the “strict” or “republican” model of secularism maintain that the secular character of the state prohibits certain civil servants from wearing conspicuous religious symbols, or even that it prohibits citizens in general from wearing these when receiving state services. Likewise, proponents of the “open” or “liberal” model demand that religious symbols be removed from certain state institutions, even as they defend the rights of individuals to display their religious allegiances in those same institutions. As of now, these debates show no sign of subsiding.

I would like to suggest that Habermas’s position might be promising in this regard. For from the perspective of Habermas’s discourse theory, the core principles of the democratic constitutional state represent nothing else than conditions of possibility of effective self-determination. This is as true of the institutional filter as it is of the system of rights and of the separation of powers. Thus, if Habermas’s account of secularism is correct—and I have argued that there is good reason to think that it is—it can require nothing more than that justifications given for or against such restrictions be acceptable on strictly secular grounds. The result, it seems to me, is to *displace* the recurring debates around reasonable accommodation, religious symbols, and cultural heritage. Far from being decided *a priori* by the principle of secularism itself, these turn out to be substantive questions about the scope of the equal liberties that citizens wish to afford each other and about the self-understanding of the political community in light of its history, customs, and traditions.

The result is that a political association may conceivably meet the requirements of secularism in the political sense—secularism as an institutional filter—while retaining a very strong link with a particular religious tradition *as a component of ethical-political self-understanding*. The possibility of such a constellation may be made more intuitive by considering the arrangement of church and state that we find in England, which has an established state church, but nonetheless guarantees citizens equal rights and justifies laws on strictly secular grounds. Interestingly, this insight may at the same time suggest avenues

for the future of Islamic republics like Afghanistan, Iran, and Pakistan—as well as other countries with an official state religion like Egypt and Jordan—as they struggle to reconcile the democratic impulse with their traditional religious self-understanding. Of course, the question requires a much more in-depth analysis than I can provide here. Nonetheless, I think it at least plausible that there may be, in Habermas’s recent work, the contours a highly fluid and context-sensitive conception of the relation between politics and religion—one that may help us at once to reframe the debates that rage on in the West and to do justice to the multiplicity of actually existing “regimes of secularism” around the world.

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