

Habermas, Religion and Human Rights

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Abstract

In my paper, I asking what is the relationship between religion and the foundations of human rights. I take as a specific example the case of discourse ethics, and argue that if we mean by human rights what has been taken from the Jürgen Habermas's recent work, then there can be no relationship between religion and human rights. We must, therefore, I conclude, find a different basis for human rights, or abandon the idea that religion can contribute to the dialogue between civilizations on human rights. Habermas dates the beginning of his interest in discourse ethics to his Christian Gauss Lectures at Princeton University, delivered in 1971, wherein he proposed to go beyond his early studies in the foundations of Critical Theory, and to develop a theory of universal speech pragmatics. The period from 1971 until the publication of *The Theory of Communicative Action (TCA)* was devoted to a development of Habermas's theory of communication. Following the publication of TCA, Habermas concentrated his efforts first on developing a discourse ethics, and second on examining the consequences such a discourse ethics would have for society and law. During the same period, however, Habermas devoted very little attention to the normative role played by religion in modern society. Besides a few passages in TCA, where Habermas treats religion through a Weberian lens, he largely leaves the issue unexplored, leaving himself open to charges that his universal speech pragmatics is, at a minimum, covertly secular (a sizable literature, including work by Charles Larmore amongst others, has been devoted to this). And while Habermas has recently begun to address the question of the relationship between discourse ethics and religious belief, in *Religion and Rationality* and "Religion and the Public Sphere," he has never tried to work out in any

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detail an argument to show that his own understanding of human rights is compatible with a strong religious world view. Habermas's discussion of human rights comes mostly out of his work in *Between Facts and Norms* (BFN), and it is certainly in BFN that it is treated with the greatest theoretical rigour. In it, Habermas tries to work out a theory of law, based on his earlier discourse ethics. This system of law, in turn, is related to Habermas's understanding of human rights. Human rights, for Habermas, stem from the arguments developed to justify discourse ethics. In my paper, I argue, following, Farid Abdel-Nour, Thomas McCarthy, and William Rehg that Habermas's recent attempts to reformulate his (stronger) moral project in BFN does nothing to prevent the accusation that his theory cannot accommodate religious believers. I start by discussing the Principle of Discourse (introduced in *Moral Consciousness and Communicative Action*), which outlines Habermas's consensus theory of validity, and the Principle of Universalization (Principle U), the principle governing discourse ethics. From there, I examine the passage from Principle U to what has been called his Principle of Democracy (Principle Dem), arguing that the same faults that have been highlighted surrounding Principle U in the moral sphere apply to Principle Dem in the public sphere. After examining these theoretical considerations, I consider Habermas's contention that human rights derive from Principle Dem. I argue that because Principle Dem entails the equal contestation of all viewpoints, it effectively excludes strong religious viewpoints from the discussion of human rights in the public sphere. Finally, I examine other attempts to reformulate Habermas's project to make it more compatible with religion (attempts by McCarthy, Rehg, amongst others). I argue that these are successful only if one is willing to abandon Habermas's theory of universal speech pragmatics. I conclude, therefore, that Habermas's program of human rights outlined in BFN is incompatible with strong religious worldviews. One must either exclude religion from the public sphere, or come up with a separate justification (and possibly a different conception of) the system of human rights.

Keywords: Religion; Foundation of Human Rights; Ethics; Habermas; Universalism; Public Sphere.

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