

HABERMAS AND THE ISSUE OF RELIGION IN THE PUBLIC SPACE: CRITICAL CONTRIBUTIONS TO A NEW VIEW ON STATE LAICITY

HABERMAS E A QUESTÃO DA RELIGIÃO NO ESPAÇO PÚBLICO: CONTRIBUIÇÕES CRÍTICAS PARA UM NOVO OLHAR ACERCA DA LAICIDADE ESTATAL

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ABSTRACT

Modernity has inaugurated a new stage in the relationship between ecclesiastical and secular power. On the one hand, the extinction of religions was thought of as an inevitable future; on the other, the emergence of religious orthodoxies on a global scale brought to light the complexity of a new political arrangement, in which religious and non-religious citizens vie for the establishment of their agendas. At a time when secularized societies experience the religious revival in the public sphere, the concept of “secularism” takes on new shapes and can no longer mean a simple movement to combat religious presence in these spaces or a mere institutional arrangement of separation between State and Church. In this article we seek to investigate to what extent Habermas’ proposal that religion can no longer be fought as an evil to be expelled and imprisoned in the intimate sphere of individuals, and must adapt its presence in the public space through legitimate contributions to the deliberative process, constitutes an adequate model to the Brazilian reality, verifying its limits and

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possibilities. In view of the above, the present article intends to examine the Habermasian model of “post-secular state” as an alternative to the current model based on laicism, through bibliographic research and using the hypothetical-deductive method. To this end, we propose a review of the main concepts formulated by Habermas, from the publication of the “Theory of Communicative Action” to the most recent texts and essays. In addition, it will also seek to answer some criticisms and formulate other questions, to delimit the viability of the Habermasian paradigm, above all, considering the Brazilian reality. In this sense, we present an outline of the arguments raised by Habermas in defense of religious participation in the public space and the parameters endorsed by him as a way of guaranteeing state neutrality. Finally, we confront his theses with the position of Brazilian authors and conclude by recognizing some weaknesses in his theoretical model, stressing, however, the importance of his contributions to the composition of a plural public space and a democracy attentive to the voices of all citizens.

Keywords: Secularization. Post-secular society. Theory of Communicative Action. Jürgen Habermas. Deliberative democracy.

RESUMO

A modernidade inaugurou um novo estágio nas relações entre o poder eclesiástico e o poder secular. De um lado, pensou-se na extinção das religiões como um futuro inevitável, por outro, a emergência das ortodoxias religiosas em escala global trouxe à tona a complexidade de um novo arranjo político, em que cidadãos religiosos e cidadãos não-religiosos disputam pelo *establishment* de suas pautas. Numa época em que sociedades secularizadas experimentam o renascer religioso na esfera pública, o conceito de “laicidade” ganha novos contornos e já não pode significar um simples movimento de combate à presença religiosa nesses espaços ou uma mera configuração institucional de separação entre Estado e Igreja. Neste artigo buscamos investigar em que medida a proposta de Habermas de que a religião já não pode ser combatida como um mal a ser expulso e aprisionado na esfera íntima dos indivíduos, devendo adequar-se sua presença no espaço público por meio de contribuições legítimas ao processo deliberativo, consubstancia-se como modelo adequado à realidade brasileira, verificando-se seus limites e possibilidades. À vista disto, o presente artigo tenciona o exame do modelo habermasiano de “Estado pós-secular” como alternativa ao modelo laicista vigente, por meio de pesquisa do tipo bibliográfica e utilizando o método hipotético-dedutivo. Para tanto, propõe-se uma revisão dos principais conceitos formulados por Habermas desde a publicação da “Teoria do Agir Comunicativo” até os textos e ensaios mais recentes. Além disso, buscar-se-á também responder algumas críticas e formular outros questionamentos, no sentido de delimitar a viabilidade do paradigma habermasiano, sobretudo,

pensando a realidade brasileira. Nesse sentido, apresentamos um esboço dos argumentos levantados por Habermas em defesa da participação religiosa no espaço público e dos parâmetros referendados por ele como forma de se garantir a neutralidade estatal. Finalmente, confrontamos suas teses com o posicionamento de autores brasileiros e concluímos reconhecendo algumas fragilidades no seu modelo teórico, salientando, contudo, a importância de suas contribuições para a composição de um espaço público plural e uma democracia atenta às vozes de todos os cidadãos.

Palavras-chave: Secularização. Sociedade pós-secular. Teoria do Agir Comunicativo. Jürgen Habermas. Democracia deliberativa.

INTRODUCTION

Modernity, as a historical process, arose mainly as a result of two major events: the Protestant Reformation and the Enlightenment. In fact, both movements, notably for their rationalizing dimension, were legitimately responsible for the consolidation of Capitalism, which emerged from the 18th century onwards, and since then, has regulated not only the organization of the State and the means of production, as well as the “way of life” of Western man in its most varied aspects.

In this way, even though “puritan asceticism” was the cradle of “disenchantment of the world”, what initially represented the abandonment of “mysticism” by methodical and systematically ordered daily *praxis*¹, became – due to scientific progress –, a *locus* of hostility to religions, which came to be seen as an obstacle to full human and intellectual development.

Thus, “the general result of the modern way of totally rationalizing the conception of the world and the way of life, theoretically and practically, intentionally, was to move religion to the world of the irrational”², thus establishing the supremacy of science as the only instance capable of leading man to “truth” and “progress”. For no other reason, as this breakthrough conditioned the possibilities of man’s emancipation, strong criticism was also established, mainly due to the work of Karl Marx³, who at that time had already realized how economic rationalization alienated the proletariat and enriched ruling classes, in what he called “surplus value”.

¹ WEBER, Max. *A ética protestante e o espírito do capitalismo*. Tradução de José Marcos Mariani de Macedo. São Paulo: Companhia das Letras, 2004.

² WEBER, Max. Rejeições Religiosas do Mundo e Suas Direções. In: GERTH, H. H.; MILLS, C. Wright (org.). *Ensaio de Sociologia*. Tradução de Waltensir Dutra. Rio de Janeiro: LTC, 1982, p. 324.

³ MARX, Karl. *Manuscritos econômico-filosóficos*. Tradução de Jesus Raniere. São Paulo: Boitempo, 2004.

Following the same ideals and deepening Marxist criticism, in the middle of the 20th century, the Frankfurt School emerged, with the main focus being the necessity to overcome the discomfort caused by failed communist experiences, as well as to offer answers to new social demands, hitherto unknown to traditional Marxist theory. Among their representatives, Theodor Adorno and Max Horkheimer stand out, especially for the joint work “Dialectic of Enlightenment”, in which the authors discuss the ideological repression caused by the advancement of technique in contemporary societies⁴.

Currently, Jürgen Habermas is the main and most influential heir to the thought initiated by the Frankfurt School, although this title is often questioned⁵, given the increasing distance of his philosophy from the main ideals proclaimed by the first generation of Frankfurt School theorists, especially for the theses defended in “*Faktizität und Geltung*”⁶, in which Habermas abandons part of the tradition left by his predecessors, when conceiving Law as a mediating agent of the dialogism between “system” and “lifeworld”, dethroning the old Marxist-Frankfurt vision of Law as a rational instrument of domination. On the other hand, Habermas went through the last millennium as one of the most important living intellectuals, having as characteristic marks, the capillarity of his work and the complexity of his thinking.

Starting with his sociological clarifications, in which he identifies the “colonization of the lifeworld” as a prevalent pathology in the contemporary societies, Habermas’ final reflections focus on another phenomenon: the increasingly latent rise of religions on a global scale, especially, the tensions caused by this outbreak in the public sphere. In an era where two opposing tendencies seek to demarcate their spaces – on the one hand, the proliferation of naturalistic world images (science) and, on the other, the increasingly latent rise of religious bodies of power⁷ –, “Secularization continues to be dominated by ambivalent feelings”⁸, which Habermas wedges in the form of a modernity with Janus’ head.

In this context, seeking a balance point, the Habermasian proposal of “post-secular society” and “deliberative democracy”, appear as a potential conciliating agent. According to Habermas, there are potential contents of truth, of common good and of humanity in religious semantics that are of interest to an increasingly

⁴ ADORNO, Theodor; HORKHEIMER, Max. *Dialética do esclarecimento*. Tradução de Guido Antônio de Almeida. Rio de Janeiro: Jorge Zahar Editor, 1995.

⁵ HADDAD, Fernando. Habermas: herdeiro de Frankfurt. *Novos Estudos CEBRAP*, 1997, v. 48.

⁶ HABERMAS, Jürgen. *Direito e Democracia: entre facticidade e validade*. Tradução de Flávio Beno Siebeneichler. Rio de Janeiro: Tempo Brasileiro, 2003, v. I.

⁷ HABERMAS, Jürgen. *Entre Naturalismo e Religião*. Tradução de Flávio Beno Siebeneichler. Rio de Janeiro: Tempo Brasileiro, 2007.

⁸ HABERMAS, Jürgen. *Fé e Saber*. Tradução de Fernando Costa Mattos. São Paulo: Editora Unesp, 2013, p. 3-4.

selfish and individualistic society. Furthermore, to deny religious knowledge in the genealogy of reason would be to deny reason itself, which historically has been under the strong influence of metaphysical thought, since the forms of modern consciousness, such as abstract law, scientific method and autonomous art, “*no se hubieran desarrollando sin las formas organizativas del cristianismo helenizado y de La Iglesia romana, sin las universidades, monasterios y categrales*”⁹. Likewise, the universal categories of human rights, as well as the ideas of freedom, solidarity and democracy are directly inherited from the Jewish ethics of justice and the Christian ethics of love¹⁰. Habermas himself would have admitted that part of his theoretical elaborations stem, to a large extent, from a certain theological background: “I would not be opposed if someone said that my understanding of language and understanding-oriented communicative action feeds itself on the Christian heritage. [...] The proof that there is a relationship between my theory and a theological heritage does not bother me”¹¹.

Thus, in view of the Habermasian attempt to think about the conflictive relations between the sacred and the profane in the context of modern societies, this article proposes a critical reformulation of the concept of secularism, taking as a starting point the theoretical model of a “post-secular society” and the political outlines of a “deliberative democracy”, through bibliographic research and using the hypothetical-deductive method as proposed by Karl Popper.

In this article we seek to investigate to what extent Habermas’ proposal that religion can no longer be fought as an evil to be repelled and imprisoned inside the intimate sphere of individuals, adapting its presence in the public space through legitimate contributions to the deliberative process, can constitute itself as an adequate model to the Brazilian reality, verifying its limits and possibilities.

For this purpose, we articulate the readings made by Alessandro Pinzani and Julio Zabatieiro about the feasibility of the Habermas project, especially considering the application of the paradigm to the Brazilian case. Finally, we conclude with an overview of the main points of discussion, demonstrating that despite the criticisms, the model of “post-secular society” and “deliberative democracy” presented by Habermas, undoubtedly represent what Kant¹² – with enthusiasm – would refer to as “a moral disposition in the human race” in founding a plural and more tolerant community.

⁹ HABERMAS, Jürgen. *Israel o Atenas: ensayos sobre religión, teología y racionalidad*. Madrid: Editorial Trotta, 2001, p. 184.

¹⁰ *Ibidem*, p. 185-185.

¹¹ HABERMAS, Jürgen. *Era das transições*. Tradução de Flávio Beno Siebeneichler. Rio de Janeiro: Tempo Brasileiro, 2003, p. 211-212.

¹² KANT, Immanuel. *O Conflito das Faculdades*. Tradução de Artur Morão. Lisboa: Edições 70, 1993, p. 102.

BRIEF EXPLANATORY NOTES ON HABERMASIAN THINKING: FROM THE “LINGUISTIC TURN” TO THE “POST-SECULAR SOCIETY”

Focused on the task of bringing out from modernity the missing link with the “original Enlightenment project”¹³ – in opposition to the diagnosis of his predecessors, who saw modernity as a perverse engine of castration of human freedom, due to the instrumentalization by technique¹⁴ – Habermas found in “Reason” – not that “Reason” subject of criticism at the Frankfurt School, but what he called “communicative rationality” – the key to man’s emancipation.

After the “*linguistic turn*”, Habermas adopted language as a parameter of rationality, replacing the old notion of the philosophy of consciousness, that is, “the relation of a lone subject with something in the objective world, which can be represented and manipulated”¹⁵, by the communicative paradigm, “the intersubjective relation that subjects capable of language and action establish when they apprehend something”¹⁶. It is in this way that Habermas “finds in the communicative action of the participants in a linguistically mediated interaction the only way to escape that objective attitude that an isolated subject assumes in relation to the world”¹⁷.

The idea that an action refers only to objective interventions in the world of things is amplified by Habermas and also includes social interactions – the relations formed through communication¹⁸. As the author explains, we also act when we speak. In a wedding ceremony, for example, when one of the spouses says “I do”, he is assuming a performative attitude, that is: when expressing that he accepts the marriage, the individual is not declaring or describing any situation, on the contrary, he is performing an action, the action of getting married, which takes shape from speech. For this reason, it is said that the notion of “communicative action” is linked to the search for illocutionary ends¹⁹, “The performance of an *act while saying something*, as opposed to the performance of an *act of merely saying something* [the locutionary acts]”²⁰.

¹³ FREITAG, Bárbara. Habermas e a teoria da modernidade. *Caderno CRH*, 1995, v. 8, n. 22, p. 161.

¹⁴ HABERMAS, Jürgen. *Técnica e ciência como ideologia*. Lisboa: Edições 70, 1987.

¹⁵ HABERMAS, Jürgen. *Teoria de la Acción Comunicativa I: Racionalidad de la acción y racionalización social*. Madrid: Taurus, 1987, p. 499.

¹⁶ *Ibidem*.

¹⁷ HADDAD, Fernando. Dialética Positiva: de Mead a Habermas. *Lua Nova*. São Paulo, 2003, n. 59, p. 101.

¹⁸ REPA, Luiz. Jürgen Habermas e o modelo reconstrutivo de Teoria Crítica. In: NOBRE, Marcos (org.). *Curso Livre de Teoria Crítica*. Campinas: Papyrus, 2006, p. 166.

¹⁹ HABERMAS, Jürgen. *Direito e Democracia: entre facticidade e validade*. Tradução de Flávio Beno Siebeneichler. Rio de Janeiro: Tempo Brasileiro, 2003, v. I, p. 20.

²⁰ AUSTIN, John Langshaw. *Quando Dizer é Fazer: palavras e ação*. Tradução de Danilo Marcondes de Souza Filho. Porto Alegre: Artes Médicas, 1990, p. 89.

However, in the same way that the concept of “action” should not be seen in a restricted way, the idea of “communication” also needs to be understood from a broader perspective²¹. Communicative reason allows the subjects an interaction to be able to reach a rationally motivated consensus²². We act when we speak, and when we speak we raise claims of validity. In this way, whenever we enunciate something, even if it goes unnoticed, an expectation of acceptance of that speech is automatically created by the other participant in the dialogue²³. Thus, if I refer to a fact (objective world), I raise the claim that it is true; if I refer to a conduct (social world), I raise the claim that it is correct; and if I refer to a personal experience, I raise the claim that it is honest (subjective world)²⁴. From the Habermasian point of view, each of these criteria (validity, rightness and authenticity) are universal, that is, they apply to any statement.

It happens that if, on the one hand, these claims are simultaneously raised, on the other hand, they need to be justified, because only through the argumentative game, the presentation of “good reasons”, the validity claims raised by the subjects can be accepted as credible, correct and authentic by the other participants in the interaction²⁵.

With this, Habermas observes that modernity not only awakened this “instrumental rationality”, as a result of the Weberian “rationalization process”²⁶, but also the “communicative rationality”, as a result of the “cultural modernization” process²⁷, which allowed the author not only to rethink the project of a modernity that was lost along the way, but also to envision new horizons for the tensions and conflicts of the contemporary world.

In 2001, a few weeks after 9/11, Habermas was awarded the Peace Prize granted by the German Publishers and Booksellers’ Association, when he delivered the speech “*Glauben und Wissen*”, later turned into a book: “Faith and Knowledge”. At that time, Habermas promoted a transition within his own philosophical trajectory, presenting for the first time the concept of “post-secular society”. Later, in 2004, at an event promoted by the Catholic Academy of

²¹ REPA, Luiz. Jürgen Habermas e o modelo reconstrutivo de Teoria Crítica. In: NOBRE, Marcos (org.). *Curso Livre de Teoria Crítica*. Campinas: Papyrus, 2006, p. 166.

²² HABERMAS, Jürgen. *Consciência Moral e Agir Comunicativo*. Tradução de Guido Antônio de Almeida. Rio de Janeiro: Tempo Brasileiro, 1989.

²³ SIMIONI, Rafael Lazzarotto. *Direito e racionalidade comunicativa: a Teoria Discursiva do Direito no Pensamento de Jürgen Habermas*. Curitiba: Juruá, 2016, p. 31.

²⁴ HABERMAS, Jürgen. *Teoria de la Acción Comunicativa I: Racionalidad de la acción y racionalización social*. Madrid: Taurus, 1987, p. 144.

²⁵ *Ibidem*, p. 42-43.

²⁶ HABERMAS, Jürgen. *O discurso filosófico da modernidade: doze lições*. Tradução de Luiz Sérgio Repa e Rodnei Nascimento. São Paulo: Martins Fontes, 2002.

²⁷ FREITAG, Bárbara. Habermas e a teoria da modernidade. *Caderno CRH*, 1995, v. 8, n. 22, p. 142-143.

Bavaria, Habermas met the then Prefect of the Vatican's Congregation for the Doctrine of the Faith, Cardinal Joseph Ratzinger, who would later be elected Pontifex Maximus of the Roman Church, under the code name of Pope Benedict XVI. From this meeting, the work "The Dialectic of Secularization" was published. Finally, in 2005, Habermas launched the German version of "Between Naturalism and Religion", the highlight of his reflections on this theme, bringing together not only the text previously published in "The Dialectic of Secularization", but also other unpublished writings.

This new phase of Habermasian thought, inaugurated after the 2000s, totally distant from the young Marxist Habermas, demonstrates the author's concerns about the expressiveness of religions in modern societies, which even after an intense "process of secularization" continued to grow politically- and demographically. In order to find an explanation for this duel of titans, Habermas proceeds to an examination of what "secularization" was, pointing out the flaws along its course and proposing a reinterpretation of the secular model, with a view to changing mentality about what has crystallized in the modern common sense.

According to our author, "secularization" initially acquired a legal sense of transferring the assets of the church to the State, having then taken overpowering proportions, replacing a traditional way of life, to an environment dominated by the "rationalizing" forces of science²⁸. Thus, "secularization" can both represent the progress of a disenchanting modernity (from the sociological perspective), as well as the failure of helpless modernity (the legal focus)²⁹. In any case, Habermas is emphatic in stating that both interpretations make the same mistake, in considering "secularization" a zero-sum game, "between, on the one hand, the productive forces of science and technology, emanating from capitalism and, on the other, the conservative powers of religion and the Church"³⁰, where the victory of one would mean the defeat of the other and *vice versa*.

In this perspective, Habermas fights for a process of self-reflection, both in the religious standpoint of renunciation of absolute truths, and in the scientific standpoint of openness to possible truth contents contained in religious knowledge. For him, in a "post-secular society", religion can no longer be fought as an evil to be repelled and imprisoned inside the intimate sphere of individuals, it is necessary to accept religious permanence in the contemporary world, adapting its presence in the public space and allowing legitimate contributions to the deliberative process, points on which we will address in the coming chapters.

²⁸ HABERMAS, Jürgen. *Fé e Saber*. Tradução de Fernando Costa Mattos. São Paulo: Editora Unesp, 2013, p. 5.

²⁹ *Ibidem*, p. 5-6.

³⁰ *Ibidem*, p. 5.

DELIBERATIVE DEMOCRACY AS A MEETING POINT FOR A LEGITIMATE LEGAL ORDER

In his theory of society, Habermas makes a division between “lifeworld” and “system”. For our author, society in a macro sense understands these two components as a backdrop for relations. The “lifeworld” is the space of traditions and experiences, “that part of everyday social life in which ‘the obvious’ [language, customs, beliefs...] is reflected, what it has always been, the unquestioned”³¹, here, individuals feed on the influx provided by communicative rationality, through which symbolic structures (culture, society and personality) reproduce³². As the author states:

The lifeworld is structured through cultural traditions, institutional orders and identities created through socialization processes. Therefore, it does not constitute an organization to which individuals belong as members, nor an association to which they integrate, nor a collectivity composed of similar members. The everyday communicative practice on which the lifeworld is centered feeds on a joint game resulting from cultural reproduction, social integration and socialization, and this game is in turn centered on this practice (**our translation**)³³.

The system, in turn, is geared towards a dynamic of material reproduction, and disregards the communicative forms of the “lifeworld”, being integrated by money (economic subsystem) and power (bureaucratic subsystem), which is why relations are mediated with a view to achieving success (instrumental and strategic rationality), whether economic success or political success³⁴.

Through this differentiation, Habermas identifies an increasing penetration of the systemic integration mode in the spaces of social integration, a pathology that he calls “colonization of the lifeworld”. Thus, as “delinguisticized” means (money and power) penetrate the structure of the “lifeworld”, solidarity gives way to an instrumentalization of social relations, which ceases to be mediated by communicative reason and starts to adopt strategic rationality as a background³⁵.

In view of the weakening of social solidarity, through the tension between facticity and validity that exists in modern Law, Habermas credits the lawful

³¹ FREITAG, Bárbara. *A teoria crítica ontem e hoje*. São Paulo: Brasiliense, 1993, p. 141.

³² HABERMAS, Jürgen. *Teoría de la Acción Comunicativa II: Crítica de la razón funcionalista*. Madrid: Taurus, 1987, p. 196.

³³ HABERMAS, Jürgen. *Pensamento pós-metafísico: estudos filosóficos*. Rio de Janeiro: Tempo Brasileiro, 1990, p. 100.

³⁴ HABERMAS, Jürgen, *op. cit.*, p. 271-273.

³⁵ *Ibidem*, p. 437-438.

process with the only way to combat “systemic colonization”. For our author, the Law has the capacity to be recognized both on the side of the “lifeworld”, in the situation where citizens moved by communicative rationality legitimize the norm, and on the side of the “system”, where the Law is respected by an imposing criterion, of which actors driven by strategic rationality have to take into account in their action plans³⁶.

However, for Law to exercise its integrative capacity and at the same time act as an obstacle to systemic penetration into the lifeworld, the normative construction must be legitimate, that is,

only legal laws capable of finding the assent of all legal partners can legitimate validity, in a legal process of discursive standardization. The principle of democracy explains, in other terms, the performative sense of the practice of self-determination of members of the law who recognize each other as equal and free members of a freely established association (**our translation**)³⁷.

A “deliberative democracy” must guarantee, therefore, the private autonomy of individuals, in the sense of recognizing their self-determination as an actor in the democratic process, while it must enable public autonomy, as the result of the consensus obtained around the best argument³⁸. In this way, the Law will only be legitimate “if the total addressees of the legal rules can also be considered as rational authors of those rules”³⁹.

In this scenario, Habermas sees the need to include religious citizens in the deliberative process, first because the State must respect the development and personal aspirations of the believers, and then, as devoted to a classic view of civil liberties, “the opinions of every citizen must be respected”, and this necessarily includes the religious citizens⁴⁰. To this end, in order to enable the participation of these nuclei in the context of secularized societies, Habermas proposes the idea of State neutrality in opposition to the current secular model.

According to the author, secularism cannot acquire a restricted connotation of exclusion of religious views from the public environment, first because “the liberal state cannot transform the required institutional separation between religion and politics into an unbearable mental and psychological burden for its

³⁶ HABERMAS, Jürgen. *Direito e Democracia*: entre facticidade e validade. Tradução de Flávio Beno Siebeneichler. Rio de Janeiro: Tempo Brasileiro, 2003, v. I.

³⁷ *Ibidem*, p. 195.

³⁸ HABERMAS, Jürgen. *Verdade e justificação*: ensaios filosóficos. Tradução de Milton Camargo Mota. São Paulo: Edições Loyola, 2004, p. 325-326.

³⁹ HABERMAS, Jürgen, *op. cit.*, p. 54.

⁴⁰ PORTIER, Philippe. Religion and democracy in the thought of Jürgen Habermas. *Culture and Society*, 2011, v. 48, n. 5, p. 428.

religious citizens”⁴¹, later reinforcing his argument about the insufficiencies of technical rationality, as Habermas postulates that “the Holy Scriptures and religious traditions contain intuitions about the lack of morals and salvation, about the redeeming salvation of a life experimented without redeeming, which are maintained and have been subtly interpreted for millennia”⁴². In this sense, “it is possible to suppose that in the life of communities or in religious communities that avoid rigid dogmatism and the constraint of consciousness, something that has already been lost elsewhere remains intact, and that it cannot be restored only by the professional knowledge of specialists”⁴³. Precisely, Habermas reports these potential truth contents contained in religious semantics to the capacity to “develop inspiring force for the whole society”⁴⁴, being, in any case, “an important resource for creating meaning also for citizens who do not believe or have other beliefs”⁴⁵. On that, defending the writings of Hegel, Habermas affirms:

The great religions are an integral part of the very history of reason. Post-metaphysical thinking could not arrive at an adequate understanding of itself if it did not include metaphysical and religious traditions in its genealogy. According to this premise, it would be irrational to put aside these “strong” traditions for considering them an archaic residue. [...] Up to the present, religious traditions have managed to articulate awareness of what is missing. They keep the sensitivity alive to what has failed them. They preserve in our memory dimensions of our personal and social life, in which the progress of social and cultural rationalization has caused irreparable damage. What reason would prevent them from continuing to maintain potential encrypted semantics capable of developing inspiring strength – after being poured into profane truths and foundational discourses? (**our translation**)⁴⁶.

What Habermas wants to emphasize is that neither a naturalist view nor a religious view enjoys prerogatives in the public space⁴⁷. The State must remain neutral in relation to worldviews, without this implying that it is closed to possible contributions from both sides. However, as he makes clear, “although they do not undergo censorship in the public political sphere, religious contributions still depend on cooperative work on translation”. Since political decisions emanate from public rationale, when entering the institutional sphere, the contents

⁴¹ HABERMAS, Jürgen. *Entre Naturalismo e Religião*. Tradução de Flávio Beno Siebeneichler. Rio de Janeiro: Tempo Brasileiro, 2007, p. 147.

⁴² *Ibidem*, p. 125.

⁴³ *Ibidem*.

⁴⁴ *Ibidem*, p. 162.

⁴⁵ PINZANI, Alessandro. *Habermas*. Porto Alegre: Artmed, 2009, p. 120.

⁴⁶ HABERMAS, Jürgen, *op. cit.*, p. 13-14.

⁴⁷ *Ibidem*, p. 128.

of religious voices need to assume a “language accessible to all”. It is necessary to warn, however, that the filter of the Habermasian “translation” is not the same Rawlsian “proviso”, according to which the religious citizens should promote a split between their “political self” and their “religious self”, which Habermas understands as being an excessive imposition:

Against such a demand [Rawlsian proviso] it is objected that many religious citizens could not achieve such an artificial division of their own conscience without putting their own devoted existence into play. It is necessary to make a distinction between such an objection and the empirical observation, according to which, many citizens who take positions on political issues, taking a religious perspective, do not have enough ideas or knowledge to find secular foundations regardless of their authentic beliefs. [...] Because the devoted person sees his existence stemming from faith. And true faith is not only doctrine, a content in which one believes, but also a source of energy from which the believer’s entire life is nourished (**our translation**)⁴⁸.

On the other hand, Habermas admits that a requirement of this nature would be acceptable when demanded from “politicians who assume a public mandate or run for them and that, for this reason, they are obliged to adopt neutrality regarding worldviews”⁴⁹. In any case, “in order not to lose the truth contents of religious expressions, it is necessary, [...] that the translation has already taken place before, in the pre-parliamentary space, that is, in the political public sphere itself”⁵⁰, making it possible to guarantee the effective participation of religious citizens and at the same time maintaining the neutral character of the State and the content of political decisions. It is also emphasized that the process of “translation”, so that it does not result in disproportionate asymmetries to what religious and non-religious citizens are obliged to do, must be carried out through the cooperation of all those involved, whether they are believers or non-believers. In this way, more than a burden attributed to the religious ones, the process of “translation” assumes that non-religious individuals will remain opened to the perception of religious rationale, even though at that moment this rationale might be, in itself, incompatible with public language.

In short, Habermas affirms that “*the alliance of agnostic reason (provided it espouses solidarity) and reason animated by belief (provided it does justice to reason) must be combined to re-civilize the world*”⁵¹. Religious and secular citizens must

⁴⁸ *Ibidem*, p. 145.

⁴⁹ *Ibidem*.

⁵⁰ *Ibidem*, p. 149.

⁵¹ PORTIER, Philippe. Religion and democracy in the thought of Jürgen Habermas. *Culture and Society*, 2011, v. 48, n. 5, p. 426-432.

therefore go through “complementary learning processes”⁵², in order to build together a democratic and tolerant space, which can lead to both the critical overcoming of religious fundamentalism and militant secularism, both based on mistaken premises about the roles to be played by religion and science in the daily and institutional sphere. In an era when conflicts between “faith” and “reason” obscure the debate of ideas and mutual contributions, “Habermas’ position on the role of religion in the public sphere can be seen as an invitation to prudence and mutual understanding – and most likely, this is how he wanted this position to be understood”⁵³.

Despite this, it is known that the *Religionstheorie* of Habermas contrasts with a series of criticisms of the practical feasibility of the proposal. In Brazil, where Habermasian thought gradually spreads – at least among intellectuals and academics –, the reality of a country with a large mass of religious citizens, is faced with the growth of reactionary religious groups, which with great power of influence in the media and politics brings suspicion on social movements and underprivileged sectors (i.e. homosexuals), including minority religious groups, such as spiritualists and believers of religions of African origin, who watch the colossal rise of evangelicals and protestants to the executive and legislative power⁵⁴.

In addition, not only the peculiarities of the Brazilian political environment hinder the implementation of Habermas’ proposal, there have also been some theoretical contradictions, to which confrontation is shown to be necessary, for a better and correct definition of roles between religious and non-religious citizens in the context their respective public performances. About some of these alleged inconsistencies in Habermasian thought, we draw attention to the positions defended by the theologian Julio Zabatiero and by the philosopher Alessandro Pinzani, who analyze, each in their own way, the (a)symmetry of the burdens that believers and non-believers must bear entering the public space. We will discuss this in the topic that follows.

WITH HABERMAS, AGAINST HABERMAS: THE CRITICAL CONTRIBUTIONS OF JULIO ZABATIEIRO AND ALESSANDRO PINZANI

If there is an isonomy between worldviews, why is secular language considered universal and religious language needs to be translated? Furthermore,

⁵² HABERMAS, Jürgen, *op. cit.*, p. 158.

⁵³ PINZANI, Alessandro, *op. cit.*, p. 121.

⁵⁴ CORREIA, Raíque Lucas de Jesus; GAMA, Marta; FERREIRA, Fernanda Busanello. Na fissura entre laicidade e democracia no legislativo brasileiro: um olhar sobre a PEC 99/2011 através do horizonte teórico habermasiano. *Diálogos Possíveis*. Salvador, mar. 2020, v. 18, n. 3.

since secularism is a worldview, why does it take precedence over a devotional view? Finally, if religious reasons are valid, why should they be left out of institutional discussion agendas?⁵⁵ Starting from these guiding questions, Zabatiero tries to construct with Habermas and at the same time against Habermas, the answers to such questions. At first, he says that Habermas tries to nuance the dualism between religion and politics⁵⁶, when he notes that:

The liberal State has, of course, an interest in the freedom of religious voices within the sphere of the public political sphere, as well as in the political participation of religious organizations. It cannot discourage believers or religious communities from speaking out as well, as such, in a political way, because it cannot know beforehand whether the prohibition of such manifestations is at the same time depriving society of important resources to the creation of meaning⁵⁷.

Despite this, as we saw earlier and as recalled by Zabatiero, Habermas does not give up the “institutional translation”, however, he intends to equalize the unequal burdens between believing and non-believing citizens, when considering the participation of non-religious citizens as helpers of the religious ones in the process of translation⁵⁸. Furthermore, “such a burden [that of translation] is offset by the normative expectation, according to which secular citizens open themselves to a possible truth content of religious contributions and enter into dialogues in which religious reasons may, eventually, appear as accessible arguments in general”⁵⁹.

Unconvinced, Zabatiero insists that although Habermas tries to demonstrate such a weight distribution as politically symmetrical, they are epistemically unequal⁶⁰. About this, Habermas understands that such epistemic asymmetry “is the result of a learning process in the lifeworld and not of a possible non-neutrality of the State in relation to religion”⁶¹. For Habermas, since the time of the Reformation and the Enlightenment, the challenges posed by modernity, namely: the proliferation of various faith segments, the constitution of positive laws and an unholy moral and the development of modern sciences, have led to real change in the religious consciousness, that “under such aspects, [was forced]

⁵⁵ ZABATIERO, Júlio Paulo Tavares. A religião e a esfera pública. *Cadernos de Ética e Filosofia Política*, 2008, n. 12, p. 147.

⁵⁶ *Ibidem*.

⁵⁷ HABERMAS, Jürgen. *Entre Naturalismo e Religião*. Tradução de Flávio Beno Siebeneichler. Rio de Janeiro: Tempo Brasileiro, 2007, p. 148.

⁵⁸ *Ibidem*, p. 149.

⁵⁹ *Ibidem*, p. 149-150.

⁶⁰ ZABATIEIRO, Júlio Paulo Tavares, *op. cit.*, p. 148.

⁶¹ *Ibidem*.

to process cognitive dissonances that are not posed to secular citizens or that are posed only when they also follow doctrines found in dogmas⁶².

As if dissatisfied, Habermas also offers a review of the concept of secularism, which, despite the fact that Zabatiero might argue that it lacks boldness, reveals a cognitive weight that is also imposed on non-believing citizens⁶³.

From the historical point of view, religious citizens had to learn to adopt epistemic approaches in relation to their secular environment, which are assumed without any effort by secular citizens. In this sense, they are not exposed to similar cognitive dissonances. Even so, they are unable to escape entirely from a cognitive burden, since a secularist consciousness is not enough for dealing cooperatively with religious fellow citizens (**our translation**)⁶⁴.

Furthermore, it is worth emphasizing that this cognitive adaptation does not refer only to an attitude of mere tolerance of secular citizens towards religious citizens, after all, a respectful posture in dealing with the other is something implicit in intersubjective relations; it is, indeed, something deeper, “from the self-reflexive overcoming of a self-comprehension of modernity, exclusive and impaired, in secularist terms”⁶⁵. Thus, given the inability of communicative reason to supply all aspects of social life that depend, in any case, on the religious foundation, “as long as [post-metaphysical thinking] does not find better words, inside argumentative speech, to characterize what religion knows better how to explain, it will soberly coexist with it”⁶⁶, knowing, by all means, the demarcations and limits that separate them.

Accordingly, under this, Habermas proposes a complementary learning process, in which both secular and religious citizens, accept injunctions that revoke an absolutist view of the world. Religious people must be able to contribute publicly, respecting the precedence of secular arguments and the institutional translation clause, while secular citizens need to adapt to a post-secular society “epistemologically tuned” to the survival of religions, so as not to overview faith as irrational⁶⁷. In this sense,

post-metaphysical thinking takes on a double attitude towards religion, since it is agnostic and is, at the same time, willing to learn. It insists on

⁶² HABERMAS, Jürgen, *op. cit.*, p. 155.

⁶³ ZABATIEIRO, Júlio Paulo Tavares, *op. cit.*, p. 149.

⁶⁴ HABERMAS, Jürgen, *op. cit.*, p. 157.

⁶⁵ *Ibidem*.

⁶⁶ HABERMAS, Jürgen. *Pensamento pós-metafísico: estudos filosóficos*. Rio de Janeiro: Tempo Brasileiro, 1990, p. 181.

⁶⁷ HABERMAS, Jürgen, *op. cit.*, p. 158.

the difference between certainties of faith and contestable claims of validity, in public; however, it refrains from adopting a rationalist presumption, which could lead one to presume what is rational and what is not, in religious doctrines. However, the contents to which reason takes ownership by translation do not necessarily constitute a loss for faith⁶⁸.

Therefore, returning to the problem of asymmetry between believing and non-believing citizens, Habermas endorses that the burden of both sides is, indeed, symmetrical⁶⁹, on which he affirms:

The philosophical recapitulation of the genealogy of reason clearly plays a similar role for a self-reflection of secularism as the reconstructive work of theology plays for the self-reflection of religious faith in the modern world. The effort of philosophical reconstruction required shows that the role of democratic citizenship assumes a mentality on the part of secular citizens that is no less demanding than the corresponding mentality of their religious counterparts. This is why the cognitive burdens imposed on both sides by the acquisition of the appropriate epistemic attitudes are not at all asymmetrical⁷⁰.

Even with all his efforts, according to Zabatiero, the epistemic asymmetry cannot be overcome by the German philosopher, since as can be seen from the above-mentioned page “religion is inevitably below the possibilities of the exercise of rationality, except when it positively incorporates the rationalization promoted by the secularization of modern western societies”⁷¹.

Conversely, Alessandro Pinzani disagrees that there is a disproportion in the cognitive demands made on religious citizens compared to non-believers; on the contrary, according to Pinzani, if there is any asymmetry, this is in favor of the believers, “since in our societies it seems to be the prevailing view that the appeal to religious belief itself justifies many things that are otherwise unacceptable (and in fact not tolerated in the case of non-believers or non-religious institutions)”⁷².

According to the Brazilian philosopher, the notion of moral autonomy is linked to two assumptions: i) when a subject becomes capable of living according to one’s project of good life, ii) when one is able to recognize in himself

⁶⁸ *Ibidem*, p. 162.

⁶⁹ ZABATIEIRO, Júlio Paulo Tavares, *op. cit.*, p. 151.

⁷⁰ HABERMAS, Jürgen. *Entre Naturalismo y Religión*. Barcelona: Paidós, 2006, p. 151.

⁷¹ ZABATIEIRO, Júlio Paulo Tavares, *op. cit.*, p. 151.

⁷² PINZANI, Alessandro. Fé e Saber? Sobre alguns mal-entendidos relativos a Habermas e à Religião. In: PINZANI, Alessandro; LIMA, Clóvis M. de; DUTRA, Delamar V. (org.). *O pensamento vivo de Habermas: uma visão interdisciplinar*. Florianópolis: Nefipo, 2009, p. 225.

and in others their respective rights and duties. In these conditions, the individual may have a greater degree of moral autonomy, i) the more he develops his own particular project of a good life, regardless of the models available by the nearest environment, ii) the more he recognizes in himself and in others their respective rights and duties on universal criteria and not just local or social criteria. Thus, while in the first case, i) the subject provides an expansion of moral autonomy per se, and in the second case, ii) it also has consequences for others⁷³. Therefore,

an individual capable of imagining life models condemned by their closest social environment (i.e. a gay man from a homophobic family who decides to assume his homosexuality and move to the gay neighborhood of a large city) increases his chances of living a good life; an individual who starts to consider other individuals in a different way than the one in which their environment considers them and gives them more rights (for example, a brother of the aforementioned gay person who henceforth considers a life choice like his brother's morally legitimate and attributes gay people the rights that other family members still deny them), contributes to creating a more favorable environment for these other individuals and for their life plans (**our translation**)⁷⁴.

Most of the time, as Pinzani points out, in general, religious institutions end up preventing the free development of the moral autonomy of those who, by chance, do not follow the life model offered by their sacred booklets and manuals. For this reason, Pinzani affirms that such institutions, when publicly taking "authoritarian" attitudes of denying or impeding the moral autonomy of individuals, should not have their arguments accepted in the public space, after all, when they assume these positions, they end up "denying the irrevocable assumption that allows us all to speak in [one] minimally fair liberal society"⁷⁵.

As an example, Pinzani cites the Catholic Church and its judgment on same-sex marriage. In positioning itself against the legal regulation of "gay marriage", the Catholic Church mentions that the homosexual relationship would be "intrinsically deranged", an argument that was, in principle, translated, as after all, there is no mention of the explicit prohibition that the scriptures make about homosexuals, like some lines in the book of Leviticus⁷⁶. For Pinzani, however, this argument is based "(1) on a certain idea of human nature inspired by the biblical view that God created the human being as a man and created the woman

⁷³ *Ibidem*, p. 220.

⁷⁴ *Ibidem*.

⁷⁵ *Ibidem*.

⁷⁶ *Ibidem*, p. 221-222.

for the purpose of procreation and (2) on the conviction that this vision is unquestionably true⁷⁷.

Furthermore, the Church makes use of a second argument, the idea that “gay marriage” would violate the sensitivity of Christians, an argument that to Pinzani sounds “particularly interesting because it is apparently in line with Habermas’ position on the alleged sacrifices of believers in secular society⁷⁸, another “interesting case of ‘translation’ in political terms of non-public beliefs, since the appeal is not directly for a given religious type of argument (‘God does not want’)⁷⁹”.

It turns out that, in Pinzani’s opinion, the fact that the Church does not consider the moral autonomy of homosexuals, denying the possibility of developing their life plans, should be sufficient enough to prevent the inclusion of this argument in the debate, something defended by Rawls, however disagreeing with Habermas, since for this author, “such arguments can be legitimately introduced into the public debate, but they should not be accepted as valid⁸⁰”, which according to Pinzani, places the question of acceptability and validity of arguments in a very dramatic environment, above all, with regard to religious beliefs⁸¹.

Returning to the proposed example, Pinzani states that religions are not willing “to give up their moral convictions by allowing life models that they consider immoral and condemnable to be not only tolerated, but even supported by society, as in the case of ‘marriage gay’⁸², but are very much far from it, since most of the time their positions are always irreducible and non-negotiable⁸³”.

Based on this assumption, since religious organizations would not be willing to relativize their positions, on the contrary, they try in every way to impose what they have as the absolute truth – which is manifested in the case of same-sex marriage, for example, in which the Catholic Church intends to force its vision, but in no time seeks to follow the opposite path, of revising the ecclesiastical conception of homosexuality – as “an asymmetry emerges between believers and non-believers, but not in the direction imagined by Habermas⁸⁴, in truth,

while non-believers accept that believers can follow their beliefs and live their lives according to the latter, believers often do not accept that

⁷⁷ *Ibidem*, p. 222.

⁷⁸ *Ibidem*.

⁷⁹ *Ibidem*.

⁸⁰ *Ibidem*, p. 223.

⁸¹ *Ibidem*.

⁸² *Ibidem*.

⁸³ *Ibidem*.

⁸⁴ *Ibidem*, p. 223-224.

non-believers can also live according to models that their religious belief considers unacceptable or immoral and therefore try to prevent it. Apart from the extreme cases of State atheism in countries that were (or are) totalitarian and repress individual freedoms in general (and not just freedom of belief), such as the Soviet Union or North Korea, there was never a case of non-believers or atheists forbidding believers to live their religion freely (when it did not imply unacceptable violations of individual rights, such as human sacrifices or mutilations of the believers) **(our translation)**⁸⁵.

Precisely for this reason, Pinzani attests that there is no asymmetry in the demands made by Habermas to believers and non-believers, since both the atheist and the religious are forced to renounce their respective comprehensive world-views when entering the public arena. Thus, an atheist could not intend, if it were the case, for the State to consider its religious citizens unfit because they believe that religion is a superstition and, therefore, the exercise of faith would be an act of ignorance or precariousness, given that such a position would violate the moral autonomy of the religious citizens⁸⁶. For Pinzani, therefore, all these positions are indefensible, as they violate the moral autonomy of individuals to carry out their personal projects, so that for him there is no greater sacrifice for the believer than for the atheist, since both must renounce a totalitarian world-view. In fact, as the author confirms, if there is any asymmetry as Habermas defends, this asymmetry would be in favor of the religious citizens⁸⁷, as it can be observed in the following situations:

from the practice of the conscientious objection in the case of public health doctors who refuse to practice abortions (when it is permitted by law) to that of exemption from active military service at war (as in the case of Quakers and other sects in the USA), of the discrimination in the workplace (in almost all countries a confessional educational institution has the right to fire employees whose lifestyle is not in accordance with its official religious doctrine), to the expression of offensive opinions and prejudice (such as the aforementioned definition of homosexuality as an “intrinsically deranged” behavior, or the freedom to publicly call doctors who legally practice abortion or euthanasia murderers) **(our translation)**⁸⁸.

In our view, the contributions of Zabatiero and Pinzani cooperate with a broader (and more Brazilian) look at the issue. It is true that both adopt different

⁸⁵ *Ibidem*, p. 224.

⁸⁶ *Ibidem*, p. 224-225.

⁸⁷ *Ibidem*, p. 225.

⁸⁸ *Ibidem*, p. 225-226.

perspectives and to some extent conflicting ones. However, a complex society cannot be reduced to any Manichaeism and, in the Brazilian case, for example, Zabatero's concerns proceed, as when the arguments of religious entities in the the ADPF 54⁸⁹ trial were scorned in favor of scientific contributions⁹⁰; as for Pinzani, with the aforementioned example being enough to exemplify his claims, which are not limited to the Catholics, as it is noted a recent evangelical campaign against the criminalization of homophobia.

Some affirm, as is the case with Henrique Brum⁹¹, that the theoretical panorama of Habermas does not apply to Brazil, in short, due to two difficulties. The first, of a historical nature, considers that Brazil could not advance to a "post-secularization" model, since a society can only become "post-secular" after having gone through a process of loosening the bonds between the State and religion, hence the astonishment at the fact that religion reappeared in public life, even in the face of an intense secularization and rationalization of world images. It is true that with the Proclamation of the Republic the Catholic Church ceased to be the official religion of the Brazilian State and that the principle of secularism was embodied as a constitutional commandment, however, it cannot be excused, and this seems to be a reasonable argument, that, throughout the republican period, religion never lost its role as an influential institution of national life, perhaps only outside the world of universities, but it is a fact that Brazil has never ceased to be a "country of religious people". Furthermore, while in the European quarters, a religious minority faces an agnostic majority, in our case, the numbers are reversed, there is a minority of non-believers that faces a religious majority.

Given this scenario, according to Brum, "in order to avoid, in Brazil, the exclusion of the secular minority, the solution (curious, to say the least) seems to be to reverse the *translation proviso*, translating secular arguments into a religious language in a public sphere dominated by religious discourse (and that has no prediction or intention to secularize)"⁹². Furthermore, while Habermas situates the question of "translation" taking into account only the Judeo-Christian tradition, how to provide "translation" in front of a myriad of other doctrinal systems, such as, for example, indigenous religions and religions of African origin? There are no foundations or parameters in Habermas' theory that address

⁸⁹ N.T. In Portuguese, ADPF stands for Arguição de Descumprimento de Preceito Fundamental, Claim of Non-compliance with a Fundamental (constitutional) Precept, under the Federal Supreme Court, Supremo Tribunal Federal (STF).

⁹⁰ CORREIA, Raique Lucas de Jesus; GAMA, Marta. As duas faces de Jano: o eclesialístico e o secular na ADPF 54 à luz da filosofia de Jürgen Habermas. *Diálogos Possíveis*, 2018, v. 17, n. 1.

⁹¹ BRUM, Henrique. Sobre Habermas e a religião na esfera pública no caso brasileiro. *Lex Humana*, 2015, v. 7, n. 1, p. 79-100.

⁹² *Ibidem*, p. 95.

this issue, since the archetype of society imagined by Habermas is clearly not Brazil, as he is a German author speaking to his compatriots.

The second difficulty, of practical nature, “is related to the ultimate reason why Habermas relies on mutual understanding between secular and religious citizens: the common origins of faith and knowledge in the Axial Era and their mutual influence in the constitution of the so-called ‘secular reason’”⁹³. Once again, Habermas focuses on justifying the Judeo-Christian influence in the construction of Western rationality, from which he discovers a series of mutual connections between the profane knowledge of modernity and the Catholic and Protestant heritage that culminated in its origin. It is from these affinities that Habermas emphasizes the possibility of reciprocal learning between “faith” and “reason”, as much as they already share a common past. The same does not apply to native religions that were not part of the Axial Era and, therefore, there would be no point of convergence between them that could anchor the foundations used by Habermas to justify such a dialogue in the public sphere.

All these considerations, to a greater or lesser extent, hinder and, we could even say, invalidate, an unrestricted application of the Habermasian model to the Brazilian context. However, as Brum points out, “the fact that dialogue and mutual learning are not possible for the reasons given by Habermas does not imply that they are not possible for other reasons”⁹⁴. Perhaps, the solution is, therefore, not necessarily in a new theoretical model, but in the critique and local adjustments that are made to the existing models, an easier and apparently more productive path. However, nothing prevents a theory of Brazilian law that is inclined to a new normative horizon that contemplates religious dynamics, something that certainly stimulates a “decolonizing” perspective of the country’s legal philosophical thinking. If, on the one hand, Habermas does not fully serve us, on the other hand, the original way in which he faced this issue, is still a useful starting point for dealing with a topic as complex and heterogeneous as this one.

FINAL CONSIDERATIONS

The Habermasian revision of the concept of laicity and its project of “post-secular society”, recognizing the potential truth contents existing in religious semantics, their permanence and the need to incorporate these groups in decision-making spaces, not only breaks with the “theoretical common sense” of State purification from any religious influences, as it innovates towards a more inclusive and participative democracy. In the end, Habermas seeks a balance point, rejects totalizing stances and strives for the exchange of knowledge between

⁹³ *Ibidem*, p. 96.

⁹⁴ *Ibidem*, p. 97.

different views. It seeks a legitimate Law and a public space that is attentive to the voices of all citizens.

Presented in a not very didactic way, but with dialectic spirit, Habermas holds the achievement of not being limited to simple answers to difficult problems. His thinking, like his view of modernity, is in itself an “unfinished project”⁹⁵, sometimes because he continues to produce new knowledge, sometimes because he is always open to criticism and opposing opinions. Habermas’ philosophy, which has never been closed to new reflections, follows, therefore, a continuous flow: through uncertain places and “unknown territories”, Habermas walks through the highest of his philosophical vigor: “to see what is, and what makes what it is not yet and what it still could be”⁹⁶. So, one day, who knows, “to live in harmony is not just utopia”⁹⁷. Even in Brazil.

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⁹⁶ MASCARO, Alysson Leandro. *Filosofia do Direito*. São Paulo: Atlas, 2016, p. 18.

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