

An Inquiry into Habermas' Institutional Translation Proviso

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Abstract

The task of this paper is to argue against the opponents of Habermas' institutional translation proviso. The opponents argue against Habermas on the grounds that 1) religious utterances are like cultural differences, ethnic differences and philosophical differences, 2) there are numerous cultures with their distinct religious potential truth contents that are not scientifically demonstrable. The latter argument is based on Occult/Paranormal experiences which are realities of life, hence should be allowed into the public sphere. However, this paper argues that religious utterances as Habermas articulates them are not equiparable to cultural, ethnic and philosophical differences and also that, Occult/Paranormal experiences are restricted to few adepts in it, hence, lacking general accessibility. In mind of our increasingly pluralistic society, there is need for common understanding of religious potential truth contents for general agreement and unity of purpose. Hence, we say that anyone who wants to bring religious potential truth contents into the public sphere seems to have no option other than to translate them into secular language for common understanding. It is based on common understanding that participants in the public sphere enter into a meaningful rational-critical debate resulting in mutual agreement.

Keywords

Public Sphere, Religion, Occult/Paranormal, Ogwu, Translation

1. Introduction

In recent times, the phenomena of public sphere and religion seem to have taken the centre stage in intellectual discourse and many intellectuals have joined the fray in the bid to provide a philosophical principle that will provide a comfy place for religion in the world's volatile pluralistic society. Religion seems to be the most sensitive element in human society that breeds source of conflict easily in our contemporary world. It is in the bid to

help provide a comfortable place for religion in our world that Habermas postulated his principle of *institutional translation proviso* which means that religious potential truth contents must be “translated” in the course of informal public sphere into secular reasons that have general accessibility or language shared by all, before they are transferred to governmental institutions like parliament, court, etc. But in the course of his postulation, critics of Habermas maintained that he based his line of thought solely on the secular outlook, supposedly, to the neglect of others, nay, religious outlooks. It is in the light of the neglect of these latter outlooks, that Habermas’s translation proviso is said to be inadequate because some of the potential truth contents in religion defy among other factors, scientific explanation which *ipso facto* defy translation proviso of Habermas thereby making his postulation not far reaching enough as he has purported it to be.

This paper will argue against the critics’ claim of inadequacy of Habermas’s institutional translation proviso with a discourse based particularly on “*Ogwu*” (an aggressive, harmful medicine) phenomenon found in Igbo traditional religion under the general canopy of Occult/Paranormal experiences. In line with this, this paper unfolds by first of all looking at Habermas’s articulation of public sphere: The meaning, historical origin, structural transformation and what public sphere ought to be according to Habermas. Second, the paper delves into the conception of religion from Habermas’s perspective; the relationship religion has with public sphere and subsequently, the postulation of translation proviso by Habermas. The third part of this paper evaluates the translation proviso of Habermas in relation to Occult/Paranormal experiences with particular reference to “*Ogwu*” phenomenon in Igbo culture based on Igbo traditional religion. Lastly, the paper concludes with meaningful recommendations for peaceful co-existence in pluralistic society.

2. Public Sphere

The concept public sphere *ipso facto* presupposes private sphere, as such, it is *ad red* that we distinguish these basic concepts. According to Habermas (1989: 11):

“private” designated the exclusion from the sphere of the state apparatus; for “public” referred to the state that in the mean-time had developed, under absolutism, into an entity having an objective existence over against the person of the ruler.

Having delineated these concepts, Habermas (1989: 27) therefore articulated public sphere thus:

The bourgeois public sphere may be conceived above all as the sphere of the private people come together as a public; they soon claimed the public sphere regulated from above against the public authorities themselves, to engage them in a debate over the general rules governing relations in the basically privatized but publicly relevant sphere of commodity exchange and social labor. The medium of this political confrontation was peculiar and without historical precedent; People’s public use of their reason (*öffentliche Reasonment*).

2.1. Historical Background of Public Sphere

In tracing the origin of public sphere, Habermas argued that during the middle Ages a split within society, between “the public” and “the private” was never in extant. The semblance of “publicity” that was experienced actually was epitomized by the king. The kingship or Lordship was represented before the people and not for the people; hence, Habermas described this feudal kind of publicity as the “publicity of representation” or “representative publicity”. Habermas (1989: 7-8) saw this kind of publicity as merely status symbol:

“representation” in the sense in which the members of a national assembly represent a nation or a lawyer represents his clients had nothing to do with this publicity of representation inseparable from the lord’s concrete existence, that as an “aura”, surrounded and endowed his authority. When the territorial ruler convened about him ecclesiastical and worldly lords, knights, prelates, and cities (or as in the German Empire until 1806 when the Emperor invited the princes and bishops, imperial counts, imperial towns, and abbots to the Imperial Diet), this was not a matter of an assembly of delegates that was someone else’s representative. As long as the prince and the estate of his realm “were” the country and not just its representative, they could represent it in a specific sense. They represented their Lordship not for but “before” the people.

In the words of Schellings (2011), when the estates—in the course of eighteenth century—divided into private elements (the church) and public elements (the bureaucracy, the military and to some extent the administration of justice), the modern states surfaced and separation between public and private started to show itself. According to Habermas (1989: 12): “out of the estates, finally the elements of political prerogative developed into organs of public authority: partly into a parliament, and partly into judicial organs”. As such, they represented the new publicity, that is, public authority. Against this public authority a realm of private autonomy founded in occupational status emerged as well, and this, heralded the coming into being of a civil society.

Schellings (2011) citing Habermas opined that the advent of early finance and trade capitalism in the thirteenth century, aided the development of this new social order. In essence, the introduction of traffic in commodities and news, centered in towns and local markets which were marks of the new commercial relationships of early capitalist long distance trade, contributed to the actualization of a public sphere.

In the very words of Habermas (1989), a horizontal network of economic dependencies, from thirteenth century onward, started crystallizing; following the vertical regulation of the commercial exchange by the estates, as travelling merchants, to be successful in their trade became dependent on information from elsewhere. Commercial towns then were not only connected by trade roads, but also by frequent communication in relation to economic affairs. At the beginning, these news items were particularly earmarked for merchants and traders, but from the last days of the seventeenth century news items were within the reach of the general public.

Coming in the manner of weekly published political journals, some part of the actual news which were not deemed important by the merchants or edited by the government got to the public. Displayed news agenda were not only for commercial purposes. Inclusively, news from different sources like: abroad, court and more local news pertaining to “miracle cures and thunderstorms, the murders, pestilences, and burnings” as Habermas (1989: 21) itemized them were equally introduced.

Although critical public sphere in the seventeenth century has not yet developed, news has become a commercial product in its own right, and the new state authorities began to make use of the press for administrative goals.

Through their ordinances and instructions the state got their administrative measures in the pretext of public interest. It turned out to be that such proclamations were not only a better facilitation of their administration but by explicitly informing the public, that is, the population in general, the authorities made their administration a public affair. Sequel to this development, the administration of the authorities came under critical evaluation of the public.

Even though the authorities targeted the general populace in their promulgations, eventually it was at best the “educated classes” that received them, not the “common man” (Habermas, 1989). By the educated classes Habermas meant the bourgeois.

Hence Habermas (1989: 22-23) said:

Along with the apparatus of the modern state, a new stratum of “bourgeois” people arose which occupied a central position within the “public”. The officials of the rulers’ administrations were its core—mostly jurists. Added to them were doctors, pastors, officers, professors, and “scholars”, who were at the top of a hierarchy reacting down through schoolteachers and scribes to the “people”... the “capitalists”, the merchants, bankers, entrepreneurs, and manufacturers belong to that group of the “bourgeois” who, like the new category of scholars, were not really “burghers” in the traditional senses.

Echoing Habermas thesis, Schellings (2011) opined that not only was the bourgeoisie middle class an educated group of people, and consequently a reading public, but also, a greater percentage of its class belonged to those occupational groups that had almost all to do with the authorities’ regulations and control. Furthermore, she says although the authorities’ measures equally had their clout on the life of every consumer, and accordingly touched a much broader audience, it is not out of place that these taxes and duties and generally, official interventions into the privatized household finally came to constitute the target of a developing critical sphere centered in the bourgeoisie.

Having come thus far, one cannot but see that the public sphere was a domain of critical opinion initiated by the bourgeois public against state authority. As such, Habermas (1989: 24) articulated public sphere as a critical sphere in the sense that: that zone of continuous administrative contact became “critical” also in the sense that it provoked the critical judgment of a public making use of its reason. From the foregoing, one can unequivocally assert that that which makes the public sphere authentically a critical sphere is nothing but the use of reason.

The importance of the press toward critical public sphere can never be overlooked for it was the press that opened up public affairs to society. Describing succinctly the task of the press, Schellings (2011: 22) said: “All the bourgeois public now had to do was slightly adjust the functions of the press, so that it would not only inform them, were it about economical or administrative topics, but also would provide space for criticism”. According to Habermas (1989: 24-25):

As early as in the last third of the seventeenth century journals were complemented by periodicals containing not primarily information but pedagogical instructions and even criticism and reviews... In the course of the first half of the eighteenth century, in the guise of the so-called learned article, critical reasoning made its way into the daily press.

It must be pointed out that this occurrence was not a sudden one for these learned articles were closely tied to the authorities’ orders, and scholars had to write based on instructions given by the government authorities. However, as Habermas (1989: 25) would maintain, “In this instance the bourgeois writers still made use of their reason at the behest of the territorial ruler; soon they were to think their own thoughts, directed against the authorities”.

Having examined historical background to the origin and development of the public sphere, it is equally germane to highlight the structural transformation of the public sphere.

2.2. The Structural Transformation of the Public Sphere

In the course of history, Habermas maintained that the public sphere transformed structurally right from the family because of the interference of the state through her welfare system. This transformation is as a result of the public authority’s intervention in the domain of the private sphere and private sphere’s intervention into the public functions of the state, hence, Habermas (1989: 142): “Only this dialectic of a progressive ‘societalization’ of the state simultaneously with an increasing ‘stateification’ of society gradually destroyed the basis of the bourgeois public sphere—the separation of the state and society”. Categorically, Habermas (1989: 142-143) averred:

The downfall of the public sphere, demonstrated by its changing political functions (chapter vi), had its source in the structural transformation of the relationship between the public sphere and the private realm in general (chapter v).

Pin pointedly, Habermas (1989: 188-189) demonstrated the practical collapse of the public when he enthused:

The more their effectiveness in terms of publicity increased, the more they became accessible to the press of certain private interest, whether individual or collective. Whereas formerly the press was able to limit itself to the transmission and amplification of the rational-critical debate of private people assembled into a public, now conversely this debate gets shaped by the mass media to begin with. In the course of the shift from a journalism of private men of letters to the public services of the mass media, the sphere of the public was altered by the influx of private interests that received privileged exposure in it—although they were by no means *eo ipso* representative of the interests of private people as the public.

Habermas maintained that the structural transformation of the public sphere is seen in the family where the state intervened by providing for the family members’ needs through welfare system. Families in turn obliged the state her biddings. This is seen vividly according to Habermas (1989) from the reduction of family property to the incomes of its individual wage and salary earners in addition to covering of classical risks such as unemployment, accident, illness, age, and death through state welfare system usually in the manner of income supplements. With this private and public spheres became indistinguishable, which he termed “refeudalization”. From the foregoing, Habermas showed what he meant by structural transformation of the public sphere, that is, an anomalous development that stands in need of re-direction. Habermas (1989: 208) warned that: “Any attempt of restoring the liberal public sphere through the reduction of its plebiscitarily expanded form will only serve to weaken even more the residual functions genuinely remaining within it”.

As a remedy Habermas (1989: 208) said:

The public sphere commandeered by societal organizations and that under the pressure of collective private interests has been drawn into the purview of power can perform functions of political critique and control,

beyond mere participation in political compromises, only to the extent that it is itself radically subjected to the requirements of publicity, that is to say, that it again becomes a public sphere in the strict sense.

Public sphere in the strict sense simply means, according to Habermas, public use of reason. And nothing short of this qualifies as public sphere. And that is what it ought to be.

Whether public sphere is realizable in our today's world under mass democracy of social-welfare state, Habermas (1989: 210) answered in affirmative by positing that:

Institutionalized in the mass democracy of social-welfare state no different than in the bourgeois constitutional state, the idea of publicity (at one time the rationalization of domination in the medium of the critical public debate of private people) is today realizable only as a rationalization—limited, of course because of the plurality of organized private interests—of the exercise of societal and political power under the mutual control of rival organizations themselves committed to publicity as regards both their internal structure and their interaction with one another and with the state.

Specifically, what runs parallel to Habermas conception of public sphere is publicity. And whether this publicity is realizable under democratic dispensation, Habermas (1989: 219) had this to say:

Publicity was, according to its very idea, a principle of democracy not just because anyone could in principle announce, with equal opportunity, his personal inclinations, wishes, and convictions-opinions; it could only be realized in the measure that these personal opinions could evolve through the rational-critical debate of a public into public opinion—*opinion publique*.

Thus, publicity, nay, public sphere is an integral part of democracy. Having seen the meaning, historical origin and development of the public sphere, the transformation undergone in the course of history and what it ought to be from the perspective of Habermas—all these necessitated because: in the domain of formal public sphere, Habermas jettisoned all religious arguments (Habermas uses arguments, reasons, truth contents to represent religious utterances, experiences or ideas. We shall be using the terms interchangeably in this discourse) and in the realm of informal public sphere, what Rawls called “background culture”, Habermas brought his proviso to bear which purports that religious arguments are allowed on the condition that they are translated into arguments equally within the reach of all before they gain entrance into the formal public debate, Loobuyck & Rumens (2013). It is the centrality and *leit motif* nature of public sphere in his thought that led us thus far into having a full meaning and understanding of what public sphere is all about. We now turn to Habermas' stake with religion for it is these two concepts—religion and public sphere that formed the fulcrum on which his institution translation proviso was lifted in the background of human society.

3. Religion

Habermas has been criticized for paying little attention to religion in the writing of his monumental work *The Structural Transformation of the Public Sphere*. Calhoun (1992) recorded in *Habermas and the Public Sphere* which he edited that, it is not only Habermas's relative neglect of religion but his rather antireligious assumption. But when Habermas woke up from his rather “dogmatic slumber”, he commenced his discourse on religion with the issue of “The Political”. He used the concept to portray the fact of interconnectedness of politics and religion, hence Habermas (2011: 18) said: “And it is this symbolic dimension of the fusion of politics and religion for the description of which the concept of ‘the political’ can properly be used”.

On religion, Habermas (2011: 17) said that, “religion” owes its legitimizing force to the fact that it draws its power to convince from its own roots, that is, religion is a self-enforcing and convincing reality. And sourcing the root of religion Habermas (2011: 17) maintained that: “It is rooted, independently of politics, in notions of salvation and calamity (*Heil und Unheil*) and in corresponding practices of coping with redemptive and menacing forces”.

In recognition of the towering importance of religion, Habermas (2011: 27-28) thus opined:

As long as religious communities remain a vital force in civil society, their contribution to the legitimation process reflects an at least indirect reference to religion, which “the political” retains even within a secular state. Although religion can neither be reduced to morality nor be assimilated to ethical value orientations, it nevertheless keeps alive an awareness of both elements.

From the above, one may ask, what is the connection between religion and the public sphere in clearer terms? (Habermas, 2011: 27) minced no words in showing the intricate link between religion and the public sphere as follows:

... in the course of its democratic transformation, “the political” has not completely lost its association with religion. In the democratic discourse secular and religious citizens stand in a complementary relation. Both are involved in an interaction that is constitute for a democratic process springing from the soil of civil society and developing through the informal communication networks of the public sphere.

Having recognized the place and importance of religion in human existence, nay, the public sphere, Habermas maintained that there is need for the religious participants in the public sphere to make their own contributions in the rational-critical debate in a manner that eschews misunderstanding and impasse but one that has universal accessibility in terms of understanding. As a result of this Habermas proposed what Loobuyck and Rummens (2013) called middle-ground position known as, *institutional translation proviso*. (Habermas, 2011: 25-26):

According to this proposal, all citizens should be free to decide whether they want to use religious language in the public sphere. Were they to do so, they would, however, have to accept that the potential truth contents of religious utterance must be translated into a generally accessible language before they can find their way onto the agendas of parliament, courts, or administrative bodies and influence their decisions.

Here, Habermas (2011: 66) does not mean all religious utterances and it is not religious motivations,

but it’s specifically those justifications which are not amenable to being shared because they are based on either cultic experiences, from which many are excluded, or they are based on references to inherently non-discursive authority, to something outside.

It is the “must” element in Habermas translation proviso that draws angst against this aspect of his Critical Theory enterprise. For even if the religious and secular citizens agree to this translation proviso, will not the excluded religious utterances not translate to denial of some voices in the public sphere?

4. Questioning Habermas’ Translation Proviso

Habermas, his critic will argue, was not far-reaching in this particular postulation. Charles Taylor, precisely, argues that Habermas’ postulation contravenes state’s neutrality. Taylor (2011: 37) said:

Indeed, the point of state neutrality is precisely to avoid favoring or disfavoring not just religious positions but any basic position, religious or nonreligious. We can’t favor Christianity over Islam, but also religion over against nonbelief in religion or *vice versa*.

Taylor means by the above that Habermas has favoured religious utterances over secular reasoning or language. Strongly he argues that religious utterances are the same like cultural differences, ethnic differences, philosophical differences, and as such, should not be favoured over them. We think that Taylor got it wrong here for religious utterances as Habermas has amply defined is not open to all, hence, impeding general understanding. Cultural, ethnic and philosophical differences all stand on the same pedestal of cognition; they are and thrive in secular reasoning. People easily understand and reconcile the differences here. But religious utterances as Habermas delineated it are esoteric, closed and only open to few selected initiates or adepts in the said religious experience. The position of Habermas will be well appreciated by the time we take up an indirect opposition to Habermas’ postulation, extrapolated from Igbo Traditional Religion with the phenomenon of *Ogwu* as a reference point.

This school of thought, though in a remote sense, implying opposition to Habermas’ position alludes that, the translation proviso was restricted to Western world outlook that is predominantly scientific with nomological characterization of reality. Juxtaposing this school of thought and Habermas’s thesis, it criticizes Habermas’s position as seeming to portray that every phenomenon in reality is reducible to cause and effect empirical demonstration and that is why Habermas is saying that potential truth contents of religious utterances “must” be translated into a generally accessible language before they can find their way onto the agenda of parliament, courts, or administrative bodies and influence their decisions. But the question is, the potential truth contents of

the religious utterances that Habermas proscribes, do they not amount to denial of fundamental human rights of those concerned as these utterances seem to defy secular translation? Habermas, this school of thought will argue, is beclouded by his western world outlook, because some realities are accepted to be real but they defy translatability into secular language or reason. Shall we, this thought will argue, because of the defiability of such phenomenon deny the religious citizens of that extract their voice in the public sphere? The postulation of Habermas suggests this, this thought will argue. This school of thought will argue as well that his institutional translation proviso lacks objectivity and universality that it purports because people have been denied the basic right of participation which the philosophy of Habermas in general tends to portray. To bring home the fact at issue here, we call up the phenomena that suggest the questioning of Habermas' position by this latter school of thought. It is the phenomena of Occultism and Paranormal experiences ably illustrated by one of Ikenga Oraegbunam's articles entitled: A Philosophical Critique Of Some Judicial Attitudes To Juju-Related Crimes in Nigeria. Before narrowing down to the specifics of this school of thought, it is pertinent that an elucidation is done on the concepts of occultism and paranormal.

According to [Onwuama \(2012: 61\)](#):

Cultisms of evil inclinations are widely and conveniently known as Occultism. Occultism derived from the Latin word "occultus", meaning "hidden or secret". The word "paranormal" consists of two parts, "para" and "normal", with the prefix "para", a Latin term meaning against, counter, outside or beyond the norm. Thus in most definitions of the paranormal, it is described or used to describe anything that is beyond or contrary to what is deemed humanly, experimentally and scientifically possible.

In the context of this discourse, Occultism and Paranormal are taken to be the same and are used interchangeably. [\(Onwuama, 2012: 61\)](#) supporting his own view quotes the definition of Paul Kurtz on Paranormal as: "that which is beside or beyond the range of normal experience and explanation". Furthermore, [Onwuama \(2012: 64\)](#) talked about the division of Occult and Paranormal thus:

Most Paranormal/Occult phenomena could be categorized by whether they are mental, such as, ESP (Extra Sensory Perception), divination—Igba afa), etc. or physical, such as, witchcraft involving paranormal influence on objects, event, or living things, often, however, this distinction is blurred, as there are also miscellaneous Paranormal/Occult phenomena that do not fit into either category. These divisions of the paranormal as classified above could further be classified as, 1) Paranormal in thought; 2) Paranormal in action; 3) Miscellaneous paranormal.

From the preceding, one may ask, is Occultism/Paranormal a reality or not? To this [Onwuama \(2012: 63\)](#) said: "Today, beside the real world of experience, which we know, one also seems to envisage the existence of a 'parallel' world beyond the reach of human senses. And as it were, this 'parallel' world is in the words of James Kiernam, peopled by witches, ghosts, demons and deities".

[Onwuama \(2012: 65\)](#) points out further that: "Belief in the reality of the paranormal is an old chestnut in anthropology, in philosophy and even in theology. That it is a cross-cultural and quasi religious phenomenon".

Strengthening his view, [\(Onwuama, 2012: 65\)](#) quotes G.C. Bond who warns that: "One must be careful however not to restrict it to any one religion of the world or to any historical period". Similarly, [Onwuama \(2012: 65\)](#) calls the authority of James Kiernam in the foregoing point who maintained that this belief system, Occult/Paranormal, is a "Universal dimension of human experience".

Having established the belief in occult and paranormal, [Onwuama \(2012: 75\)](#) sourced the philosophical (Epistemological) foundation of paranormal thus:

Various philosophers while accepting the reality of intuition see it from various perspectives, some of which could give credence to the practice of the paranormal in thought, like ESP (Extra Sensory Perception). For instance, there are philosophers who uphold that intuition is a higher kind of knowledge different in nature from that disclosed by the senses and the intellect, while others believe that intuition may enable one to gain a vision of reality to receive the inspiration of an "immanent god" (Aja, 2004: 104). A closer look at these perspectives of philosophers on intuition would easily indicate that intuition clearly goes in line with ideas in support of the paranormal, at least paranormal in thought.

Specifically, giving the instances of Occult/Paranormal experiences, [Onwuama \(2012: 65\)](#) also said: "Hence we hear everywhere in Nigeria today, strange tales of mournful deeds and beliefs which involve everything from

ritual murder to pin casting and many other activities whose causal mechanism are ‘extra physica’’. Propping up the instances further, [Onwuama \(2012: 65\)](#) cites Oguejiofor as saying:

There are stories of rich people who purportedly got their wealth through occult and magical means; those who have to offer their loved ones in human sacrifices in exchange for wealth; those who made pacts with the devil, in which they are obliged to fulfill bizarre conditions ; stories of young people whose businesses collapsed because rivals siphoned their money through mystical and mysterious means; students who passed their examinations with the help of magical powers; women whose wombs were tied up, thus prevented from conception through witchcraft.

In Igbo tradition, an ethnic group in the South Eastern part of Nigeria in West Africa, the instances of Occult/ Paranormal stated above can be seen vividly under the phenomenon called “*Ogwu*”. *Ogwu* is translated into English language to mean “Charm”. This is charm in its peculiar negative sense in the sense that it affects its victims so negatively that the victim is under the mercy of the individual wielding the charm (*Ogwu*). It is not charm in the sense of attractiveness or pleasantness. It is charm in the sense that there is a kind of magnetic field that exists between the victim and the person wielding it that the victim is controlled as if he/she has no reason of his/her own any longer. Also “*Ogwu*” in Igbo ontology is seen as medicine as well. It is medicine used in preventing, curing and protecting human health. Equally, it is seen as harmful and aggressive medicine used against the well-being of the other. In the context of this discourse, however, *Ogwu* as medicine, in the latter sense, and translated as charm in the negative sense, are adopted and used, interchangeably to mean infliction of negative influences on people that often result in bad state of affairs for the victims. Whether health, business, etc. When *Ogwu* is referred to as poison, it is understood in terms of spiritual force causing harm to the victims without any visible cause and effect to explain it. It is not poison in the ordinary usage of it that is known to all, especially the Western conception of it. According to [Adibe \(2006: 6\)](#): “*Ogwu*” is an Igbo word that in English principally designates medicine and “charm”, “when it is used as charm it also means poison, a means of harming and terminating life”. Due to its nature it is variously designated as aggressive or harmful *Ogwu*. The use of this phenomenon has caused a lot of inexplicable harms to people and because it defies translation into secular reasons or language, many people in Africa have been deprived of their justice when they bring issues that are *Ogwu* related to law courts. This is so because Africa due to colonization has come to have every aspect of her governmental existence in western form. And for the fact that western world-view has little or no experience of *Ogwu* phenomenon, they have come to jettison any reason related to *Ogwu* especially in the courts of law. And by this, Habermas’ postulation that potential truth contents of religious reason “must” be translated into secular reasons appears unconvincing enough because the inability of such phenomenon not to be translated into secular language should not make a good segment of the population not to participate in the public sphere, nay, being deprived of their rights to just and fair hearing in the law courts. Those are the objections that the schools of thought under consideration against Habermas’s stand imply. Through this powerful metaphysical means people have been maimed and even killed, and when the relations of the victims sought for redress in the court —now of western formation and operation—they are more often than not looked at as people bereft of reasoning and consequently, they are denied of just hearing and fair treatment because such phenomena have their truth contents untranslatable to the western secular language. So, how universal, far reaching is Habermas’ institutional translation proviso, against this background? How objective is it in line with this denial of some voices in the public sphere? Is it not violating the state principle of neutrality which according to (Taylor, 1992: 37) means “... avoid favouring or disfavouring not just religious positions but any basic position, religious or nonreligious?”

In line with this part of religious reasons untranslatability into secular reasons and the harm done to the people as a result, [Oraegbunam \(2005: 188-189\)](#) lamentably in commentary manner questions thus:

... there are yet in Nigeria and Africa in general “mysteries” which are still difficult to explain. But the questions is: should civil law refuse to recognize these “mysteries” and simply dismiss them as primitive notions nurtured by illiterates, miseducated or ill-equipped Nigerians who have to imbibe the European culture in its totality?

The phenomenon of *Ogwu* which in this context includes experiences like witchcraft, juju, occultism, sorcery, charms, spiritual poisoning, black and sympathetic magic, and generally all “actions at a distance” what in local language, according to [Oraegbunam \(2005: 185\)](#), is called “spiritual remote control”, under the broad umbrella

of Occult/Paranormal, defies western scientific casual explanation, and on the strength of this, has been dismissed as being unreasonable in the western judicial system which is the norm this day in governance. And in the context of our inquiry, it is so because such experiences are “untranslatable” to secular reasons thereby lacking general accessibility, so to speak. Permit us at this juncture to bring in an excerpt in full from Oraegbunam to illustrate the supposed inherent bias in Habermas’ institutional translation proviso.

Oraegbunam (2005: 189): In R. V. Nwaoko (1939, 5 WACA: 120), for instance, the appellant was charged with murder of one Nwaocha and was convicted of man slaughter and sentenced to 10 years imprisonment with hard labour. He appealed to West Africa Court of Appeal (WACA) against this conviction. It was explained that the deceased was at one time the wife of the accused. She refused to continue to live with him and, as a result, the accused asked for the repayment of his £1.10 s being the “head money”. Both Nwaocha and her mother promised to repay the money as soon as they could do so. The accused not being satisfied with these promises, brought a Juju called “*Onye Uku*”, pointed it towards the deceased and said something like since you refuse to pay me my money, this juju will kill you or since you refuse to pay me you shall no more eat or drink.

He left the Juju in the house of the deceased. It was proved that Nwaocha the deceased was much affected in mind by this Juju and the threat. She became very depressed although there was no evidence that she stopped eating or drinking or that her physical health was in any way affected. Six days after the accused had brought the Juju, Nwaocha went out to hang herself by the neck with a cloth from a tree so high that her feet hung six feet above the ground. Butler Lloyd, A. G. (C.J) Nigeria, Graham, Pauland Brooke, J. J. (1939, 5 WACA: 120) said:

There is no evidence whatever that the invoking of this juju, to the knowledge of the accused at the time he invoked it, would be reasonably likely to cause the deceased to take her own life, and in our own opinion, that element of reasonable likelihood must be present in order to make section 310 applicable.

Hence, the appeal was allowed and the conviction and sentence quashed. Okonkwo and Naish (2002: 21) hold that it is not easy to agree with the reasoning of the Court of Appeal. The court seems to have placed undue weight on the vagueness of the evidence relating to the powers of the juju whereas in fact what ought to be looked for is the foreseeable capacity of the Juju to constitute a source of fear to the native mind. And according to Ojo (1978: 32) in a place like Africa where many people believe in the force of native medicine, such threats as these ought to have been severely punished. After all the accused left the Juju in the house. The mere sight of this would continually terrify the deceased.

The excerpt above simply shows that the truth contents of this Igbo religious reasons was simply dismissed by the Court (of western formation and operation) because in the language of Habermas, it is “untranslatable”, that is, spiritually, mysteriously oriented and not open for all, hence unreasonable and should not be allowed in the formal public sphere, the court. Sequel to the above, the school of thought under our consideration against Habermas’ position will argue that he was not inclusive enough in formulating his translation proviso. That he is circumvented in his thinking by cause and effect orientation to the detriment of other means of knowledge acquisition. And it is on the strength of this lack that his thesis is quite inadequate. Some religious potential truth contents are not explainable in the mode of Western scientific understanding such like aggressive, harmful “*Ogwu*” in Igbo culture. Phenomenon like “*Ogwu*” seems to have defied Western scientific-mind’s understanding but it is a reality among Ndi-Igbo (Africans). Therefore, is Habermas’s institutional translation proviso not exclusive of this religious potential truth contents? If it is, how objective and far reaching is the principle of translation proviso that purports to solve the issue of religion in relation to public sphere considering the sensitive and easily divisive elements inherent in religion in the face of our contemporary world that is quite pluralistic? The above among others are the questions against Habermas’s institutional translation proviso.

5. Responses

At this juncture, we will say that the critics of Habermas in this aspect of his Critical Theory are not convincing enough in their questioning of Habermas’ translation proviso. This is because the society in view is a pluralistic one that harbours people of different cultural origins with their unique religious bents. If religious utterances, languages or ideas or reasons summed up in the concept of Occult/Paranormal experiences are allowed untranslated to the public sphere, especially the courts, then human society will suffer. For people will hide under the cloak of the esoteric nature of the Occult/Paranormal language, with its non universal accessibility in terms of understanding to go scot free with their crimes.

Experiences of Occult/Paranormal are elusive and only understandable to few adepts in it thereby making it subjective. In line with the above, Onwuama (2012: 63) citing Peter Geschiere said: “The term Occult/Paranormal, shrouds a multiplicity of referents; including: What is concealed, obscure, mysterious, secret and sinister, which seems to connote an inversion of the ordinary”. For Binsbergan (2001: 213), the paranormal is a: “Universe of mystical agencies and conduit beyond that which constitutes the social and cognitive domain of classification and normative discourse”. Hence, due to the peculiarity, exclusivity and mysterious nature of Occult/Paranormal of which *Ogwu* in Igbo traditional ontology is part of, it should not be allowed into the public sphere “untranslated” until they have become accessible to all. People who have had recourse to these mysterious services in time of difficulties have their stories better imagined than experienced. This made Onwuama (2012: 81) to say that: “In Nigeria today, many families have been thrown into crisis, a lot of intended marriages aborted, numerous people wrongfully killed and many communities thrown into confusion, all in the name of information sourced from a diviner or prophet”, products and agents of Occult/Paranormal phenomena. It is due to lack of general accessibility in terms of understanding that made people fall prey to them, hence, the need for it to be translated into secular language understandable to all for effective and maximum benefits. It will go a long way in curbing the menace of religious fundamentalism as well. When it is accessible to all, for instance, both the judges in the courts of law and lay people will have common ground for arguments, and understanding based on the forceless force of better arguments will be reached without any elements of confusion, coercion, doubt, fear or suspicion. From the foregoing discourse, Habermas’ institutional translation proviso stands insurmountable in view of the negative consequences that will result if these closed “untranslated” religious utterances are allowed into the public sphere.

6. Concluding Remarks

There is no denying the fact of Occult/Paranormal reality. Its attendant facts like *Ogwu* with its bad effects are self-evident. No doubt people have been dealing with its negative efficacious power and unable to find redress in the courts of law due to its untranslatability into secular language. However, the consequences of such phenomena will be higher if allowed “untranslated” into secular language before its entrance to the public sphere, nay, the courts of law. This is because they lack objectivity, common ground of understanding. Our contemporary society is increasingly pluralistic and already tensed with the cultural diversity therein. To bring in experiences that have no ground for common understanding will further heat up the relationship in our human society that is already volatile. It is of imperative importance, therefore, that people who want these esoteric experiences into the public sphere, especially the courts of law in the course of adjudication of justice, should endeavour to make it generally accessible to all for common understanding. Until this is done, Habermas’s institutional translation proviso is still much more preferable especially in the society of today that has become more pluralistic.

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