

# HERMENEUTICAL RECONSTRUCTION AND DISCOURSE ETHICS: A CRITICAL ASSESSMENT OF FRANCIS SCHUESSLER FIORENZA'S CONCEPT OF 'THE CHURCH AS A COMMUNITY OF INTERPRETATION'

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## Abstract

*The essay offers a critical assessment of Francis Schuessler Fiorenza's influential concept of the church as a community of interpretation. A first section focuses on his argument that processes of the interpretation of tradition within the church can actually contribute to normative discourse in the public sphere. The way in which Fiorenza, engaging with Habermas, develops his idea of political theology somewhere between discourse ethics and hermeneutical reconstruction is explored critically. Against this background, a second section then focuses more specifically on Fiorenza's concept of a community of interpretation, both from a social and an ecclesiological perspective. It is argued that the notion of community remains unclear. It can be understood as institution, organization or life-form. The concluding argument is that the question how the reinterpreted ethical traditions of Christianity can contribute meaningfully to public discourse calls for greater clarity concerning this notion of community.*

## 1. Introduction

The essay chosen as the starting point for this inquiry has two titles, or technically a title and subtitle. It is Francis Schuessler Fiorenza's somewhat famous article "The Church as a Community of Interpretation: Political Theology between Discourse Ethics and Hermeneutical Reconstruction."<sup>2</sup> After having used the concept of "The Church as a Community of Interpretation" myself in case studies<sup>3</sup> as well as in theoretical work,<sup>4</sup> I

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1. I am deeply indebted to the Faculty of Theology of Stellenbosch University which invited me as a visiting scholar in October and November 2001. This provided the opportunity for the writing of this essay. I am also grateful to the universities of Stellenbosch and Marburg for providing support for this visit through their mutual faculty exchange program. I profited a lot from comments and criticism I received when I presented a previous version to the Faculty of Theology in Stellenbosch and also from the inspiring atmosphere, collegial conversations and warm hospitality I had the privilege to experience in Stellenbosch.
  2. The essay appeared in printing first in German in the collection of essays, which was dedicated to Juergen Habermas' 60<sup>th</sup> birthday in 1989 (Fiorenza, Francis Schuessler: Die Kirche als Interpretationsgemeinschaft. Politische Theologie zwischen Diskursethik und hermeneutischer Rekonstruktion, in: Arens, Edmund (ed.): *Habermas und die Theologie*, Duesseldorf, 2. Aufl. 1989, pp. 115-144), before the English (original) version appeared in 1992 (Fiorenza, Francis Schuessler: The Church as a Community of Interpretation: Political Theology between Discourse Ethics and Hermeneutical Reconstruction, in: Browning, Don S.; Fiorenza, Francis Schuessler (eds): *Habermas, Modernity, and Public Theology* (New York: Crossroad), 1992, pp. 66-91. For references and quotations I use the English text.
  3. Cf. Haspel, Michael: *Politischer Protestantismus und gesellschaftliche Transformation. Ein Vergleich der evangelischen Kirchen in der DDR und der schwarzen Kirchen in der Buergerrechtsbewegung in den USA*, Tuebingen/Basel 1997; DDR-Protestantismus und politischer Protest. Politische Diakonie der evangelischen

realized that the essay actually says a lot about “Political Theology between Discourse Ethics and Hermeneutical Reconstruction”, but it reveals to us very little about what Francis Schuessler Fiorenza himself presents as the first item in his conclusion: “In this essay I have argued that the churches within modern society function as communities of interpretation in which issues of justice and conceptions of goodness are publicly discussed.”<sup>5</sup> In fact, it is my impression that he touched this issue only briefly and *en passant* while emphasizing mainly a justification of “political theology as a discourse for the public realm”,<sup>6</sup> meeting the requirements of public discourse in a modern society according to Habermas’ “Theory of Communicative Action.” The two aspects are somewhat related, but they are two distinct problems. The relation clearly is that, if the kind of interpretative endeavor taking place in the church does *per se* not meet the requirements of public discourse, then the church could not function as a community of interpretation aimed at the public realm. Thus clarifying the question of whether what Francis Schuessler Fiorenza calls Political Theology can substantially contribute to public discourse is a necessary but insufficient condition for further analysis. We must ask in which way the church can be a community of interpretation, and what this means for the church being such a community. In the following, I therefore want to critically explore first Francis Schuessler Fiorenza’s argument employed to sustain his idea that the processes of interpretation of tradition within the church can actually contribute to the normative discourse in the public sphere (I). Secondly, I will put the concept of a community of interpretation under scrutiny, from the perspective of a theory of society as well as a perspective of ecclesiology (II).

## 2. Political Theology between Discourse Ethics and Hermeneutical Reconstruction

### *Francis Schuessler Fiorenza’s Interpretation of Habermas’ Concept of Modernity*

Francis Schuessler Fiorenza’s argument rests on at least two presuppositions. One is that the process of modernization is relevant for the way religious communities reinterpret their own traditions, for their mere self-indulged purposes, or, especially, for engagement in the public. The other is that Habermas provides in his “Theory of Communicative Action” an accurate account of modern society. Thus Francis Schuessler Fiorenza starts with a reconstruction of Habermas’ concept of modern society aiming at a formulation of the requirements resulting from this concept for the public relevance of religious traditions. The purpose of the following section is not to put under scrutiny whether Francis Schuessler Fiorenza’s understanding of Habermas is adequate,<sup>7</sup> but to trace the major

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Kirchen in der DDR in den 70er und 80er Jahren, in: Detlef Pollack, Dieter Rink (eds): *Zwischen Verweigerung und Opposition. Politischer Protest in der DDR 1970-1989*, Frankfurt a.M./New York 1997, pp. 78-105; Kontextuelle Theologie, organisierte Religion und gesellschaftlicher Wandel. Die evangelischen Kirchen in der DDR und die schwarzen Kirchen in den USA als Beispiele, in: Fechtner, Kristian; idem (eds): *Religion in der Lebenswelt der Moderne*, Stuttgart/Berlin/Koeln 1998, pp. 189-207.

4. Cf. Haspel, Michael: *Konzept einer Theorie protestantischer Sozialethik in der modernen Gesellschaft*, in: *Konstitution und Applikation protestantischer Sozialethik in der modernen Gesellschaft am Beispiel der Friedensethik in Auseinandersetzung mit dem Krieg der NATO gegen die Bundesrepublik Jugoslawien*, habil. theol. Marburg 2001, pp. 7-87, here pp. 11-25.
5. Fiorenza: *The Church as a Community of Interpretation*, p. 86.
6. Fiorenza: *The Church as a Community of Interpretation*, p. 66.
7. It seems to me that some aspects are somewhat unclear. This is probably due to the attempt to summarize not only Habermas’ “Theory of Communicative Action” but also his discourse ethics in the limited space of a

features that his reading of Habermas offers for his understanding of modernity and the reinterpretation of religious traditions in modernity.

For Habermas, Francis Schuessler Fiorenza points out, rationalization is the key term explaining modernity. Following Max Weber, means-ends or purposive rationality (*Zweckrationalitaet*) is seen as the driving force in the genesis of modern society.<sup>8</sup> It leads to the separation of different societal sub-systems, especially politics and economy. By the differentiation of sub-systems following functional criteria and by employing abstract steering media such as money and power for their coordination, the efficiency of economy and administration can be increased.<sup>9</sup> Yet there is the danger that their internal logic is going to be detached from the sphere based on communicative rationality. Habermas refers to the realm of economy and administration as “system” and to the realm based on communicative rationality as the “lifeworld”. *Nota bene*, these two are not to be understood as two separate spheres within society, but as two different perspectives in which one can perceive society – either societal coordination based on abstract steering media employing means-ends rationality, or societal coordination based on interaction of human agents employing communicative rationality.<sup>10</sup> This separation of “system” and “lifeworld” can be seen as one feature of rationalization of current society in Habermas’ theory.<sup>11</sup>

The other aspect of rationalization<sup>12</sup> is that the structures of the lifeworld itself are also subjected to a process of rationalization. Following Kant, Habermas proposes that within the life-world, “the cognitive, normative, and aesthetic-expressive spheres of life” are differentiated into “three cultural value spheres”<sup>13</sup> corresponding to three different types of world-relation: the objective, the inter-subjective and the subjective.<sup>14</sup>

Following the insights of certain strands of European Enlightenment, validity claims in these spheres must be based on publicly acceptable arguments. The validity claims get detached from the authority of what Habermas calls mythic worldviews. With regard to ethics they are dependent on the principles of what Habermas develops in his Discourse Theory of Morality in analogy to the Discourse Theory of Truth: The validity claims must

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single essay. I am also not dealing with Francis Schuessler Fiorenza’s discussions of several other philosophers as they engage with Habermas.

8. See the title of the first volume of the “The Theory of Communicative Action”: *Reason and the Rationalization of Society* (Boston, MA: Beacon Press, 1983), which can be read as a historical reconstruction of the emergence of modern society.
9. Thus I would not accept the interpretation of Francis Schuessler Fiorenza, that primarily “the uncoupling of the life-world and the system leads to advances in rationality” (p. 78), but would emphasize in my reading of Habermas and other social theorists the decisive role of differentiation of value-spheres and subsequently sub-systems, as well as the *differentiation* of system and life-world. Cf. Gimmler, Antje: *Institution und Individuum. Zur Institutionentheorie von Max Weber und Juergen Habermas*, Frankfurt a.M./New York 1998, p. 180.
10. Habermas pushes this argument even further and analyses the “uncoupling” of system and life-world, and he finally fears the colonization of the life-world by the penetrating imperatives of the abstract steering media of the system. Francis Schuessler Fiorenza is referring to these processes in his section “The Pathology of Modern Rationalization” (pp. 71f.). Though we must return to this problem later, I do not think Francis Schuessler Fiorenza’s argument about the relevance of hermeneutical reconstruction for discourse ethics actually requires this aspect.
11. Cf. Fiorenza: *The Church as a Community of Interpretation*, p. 68.
12. I am not sure whether the relationship between these two different, though interrelated aspects of rationalization in Habermas is described clearly enough in Francis Schuessler Fiorenza’s writing. Cf. Gimmler: *Institution und Individuum*, p. 180.
13. Fiorenza: *The Church as a Community of Interpretation*, p. 69.
14. Both is outlined in volume II: *Lifeworld and System: A Critique of Functionalist Reason* (Boston: Beacon Press, 1987), especially in the intermediate reflections, pp. 113-197.

be universalizable (principle “U”), and consensual agreement must be achieved in a practical discourse of the people actually and potentially affected by the issue (principle “D”).<sup>15</sup> This is in his view the only way to found a rational theory of ethics after enlightenment in a pluralistic society.

As a consequence, and in similarity with much of liberal political philosophy, religion seems to lose any relevance for normative public discourse, since it is equated with pre-modern worldviews, which are *per se* not qualified to provide rationally acceptable arguments for validity claims.<sup>16</sup> Francis Schuessler Fiorenza is challenging exactly the correctness of this deduction from the principles, which he in general is willing to accept.

#### *The Validity of Religious and Moral Tradition*

Francis Schuessler Fiorenza commences his apology of religious – respectively theological – ethics by attacking Habermas’ understanding of religion and theology, blaming him for not having realized that at least relevant parts of (Christian) religion and theology have undergone a process of modernization.<sup>17</sup> Meeting the challenge of the enlightenment, religious discourse and theology have integrated standards of rationality in their own *gestalt*, argues Francis Schuessler Fiorenza, which enables them to participate in public discourse under the conditions set by modern rationality without having to give up the substantial content of their own tradition:

Modernity is not simply that which stands over against traditional religion. The modern Enlightenment is not adequately described as the ‘Rise of Modern Paganism.’ Instead, in the modern post-Enlightenment period, forms of religious faith and reflection emerge that incorporate the critical principles of the Enlightenment. These principles are so incorporated as to constitute the very integrity of religious belief and reflection.<sup>18</sup>

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15. Habermas, Juergen: Eine genealogische Betrachtung zum kognitiven Gehalt der Moral, in: ders.: *Die Einbeziehung des Anderen. Studien zur politischen Theorie*, Frankfurt a.M. 1996, pp. 11-64; *Moralbewußtsein und kommunikatives Handeln*, Frankfurt a.M., 5. Aufl. 1992 (1983); *Erläuterungen zur Diskursethik*, Frankfurt a.M., 2. Aufl. 1992 (1991).

16. Francis Schuessler Fiorenza in his essay also refers to the public/private differentiation as supporting this ban on religion from public discourse. I am not discussing that here, since I do not see that it adds anything in substance to the argument of the differentiation of the three world-relations and accordingly the requirements for rational arguments acceptable for sustaining validity claims. It is noteworthy though, that Fiorenza’s critique, as well as some other critical approaches to Habermas he is referring to in this respect, do not rely on the early work “Structural Transformation of the Public Sphere. An Inquiry into a Category of Bourgeois Society” (Cambridge, MA: MIT Press) 1989. In my understanding, the later writings of Habermas have in this regard to be interpreted in the context of his Marburg Habilitation, which was published in German as *Strukturwandel der Öffentlichkeit. Untersuchungen zu einer Kategorie der bürgerlichen Gesellschaft. Mit einem Vorwort zur Neuauflage* 1990 (Frankfurt a.M.: Suhrkamp), 5. Aufl. 1996, originally in the Luchterhand Verlag in 1962. Yet it has to be taken into account, that the English translation was not available before 1989. Interestingly, Francis Schuessler Fiorenza is mentioning this text in his introduction to the volume, in which his essay appeared (Fiorenza, Francis Schuessler: Introduction: A Critical Reception for a Practical Public Theology, in: Browning, Don S.; Fiorenza, Francis Schuessler (eds.): *Habermas, Modernity, and Public Theology* (New York: Crossroad), 1992, pp. 1-18), but not in the essay itself when he discusses the public/private distinction (Fiorenza: *The Church as a Community of Interpretation*, pp. 77f.).

17. For an analysis of the development of Christian, particularly Catholic, religion and theology in the process of modernization in case studies cf. Casanova, José: *Public Religions in the Modern World* (Chicago/London: University of Chicago Press) 1994.

18. Fiorenza, Francis Schuessler: *The Church as a Community of Interpretation*, pp. 74f. The quotation is borrowed from Gay, Peter: *The Enlightenment – An Interpretation: The Rise of Modern Paganism* (New York: Random House) 1966.

As reasons for this development he refers to three different aspects. The first one is the “increasing uncoupling of theology from mythological and cosmological worldviews.”<sup>19</sup> Secondly, he argues that religious beliefs are in modernity “based upon personal conviction rather than upon authority.”<sup>20</sup> Thirdly, he stresses that the ethical dimension of religious tradition undergoes a significant re-conceptualization. On the one hand, “[e]thical criteria within religious symbol systems become increasingly retrospective criteria by which the symbol systems are assessed,”<sup>21</sup> resulting in the reinterpretation of the religious tradition according to fundamental ethical values such as justice and equality. This shows, still following Francis Schuessler Fiorenza, the implementation of universalizable principles in the system of religious belief and theological reflection. In turn, this internal ethical universalization also indicates the historicity and contextuality of the particular tradition, which has to be taken into account during the process of reinterpretation of the religious tradition in the context of modernity.

Subsequent research has produced further evidence for this argument. Joachim von Soosten has disclosed in an informative essay that Habermas actually operates with a notion of religion stemming from Durkheim’s analysis of archaic religion,<sup>22</sup> and Habermas himself freely admits that his avoidance of theology is not only due to a “methodological atheism”, but also to his limited knowledge in the field.<sup>23</sup>

Von Soosten argues that Durkheim’s interest in religion as a subject of his sociological studies is due to his doubt about the possibility for social integration of modern society. His fear of anomy leads him to conceptualize religion as a collective, socially integrative endeavor. Using contemporary ethnological material about archaic ritualistic religions in Australia, religious individualism is inconceivable in Durkheim’s sociological approach to religion. In search for a remedy for the pathologies of modernity, especially the supposedly destructive potential of individualism, religion is modeled as the antidote against modernity, the means of integration against anomy, and the safeguard of collectivity against individualism.<sup>24</sup>

Habermas’ use of Durkheim’s views seems to shape his concept of religion in an even more archaic way. By conceptualizing collectivist, ritualistic religion as the means of integration in homogenous archaic societies he can present communicative rationality as the legitimate heir for the equivalent function in individualized modern society. The “linguistification of the sacred” appears to be the natural outcome of societal evolution. By this token, Habermas renders himself unable to conceive of modernized forms of religion.<sup>25</sup>

Thus, Francis Schuessler Fiorenza’s critique of Habermas in this respect seems convincing. Religious traditions may have to offer arguments compatible with requirements of public rational discourse and these might be accepted in practical discourse by the

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19. Fiorenza: *The Church as a Community of Interpretation*, p. 75.

20. Fiorenza: *The Church as a Community of Interpretation*, p. 74; cf. pp. 75f.

21. Fiorenza: *The Church as a Community of Interpretation*, p. 76.

22. Soosten, Joachim von: *Kommunikation und Religion. Obsoleszenz und Affirmation von Religion in der Theorie von Juergen Habermas*, in: Tyrell, Hartmann u.a. (eds): *Religion als Kommunikation*, (Religion in der Gesellschaft, Bd. 4), Wuerzburg 1998, pp. 273-300.

23. Habermas, Juergen: *Israel und Athen oder: Wem gehoert die anamnetische Vernunft? Zur Einheit in der multikulturellen Vielfalt*, in: Metz, Johann Baptist u.a.: *Diagnosen zur Zeit*, Duesseldorf 1994, pp. 51-64, here p. 51; idem: *Transcendence from Within, Transcendence in this World*, in: Browning, Don S; Fiorenza, Francis Schuessler (eds.): *Habermas, Modernity, and Public Theology* (New York: Crossroad), 1992, pp. 226-250, here p. 226.

24. Cf. Von Soosten: *Kommunikation und Religion*, pp. 275-279.

25. Cf. Von Soosten: *Kommunikation und Religion*, pp. 279-284.

affected people as universalizable principles. And he also seems to be correct in making the argument that discourse ethics is actually dependent on specific moral and/or religious traditions, since moral and ethical discourses do not and cannot start from scratch.<sup>26</sup> Validity claims based on tradition are put under scrutiny when, and only when there is doubt that they cannot be sustained by arguments meeting acceptable reasonable standards.<sup>27</sup> However, this does not necessarily imply that Francis Schuessler Fiorenza is also giving a convincing assessment of the relationship of the reinterpretation of tradition and ethical discourse.

#### *Hermeneutical Reconstruction and Discourse Ethics*

In his conceptualization of the potential public role of religious tradition, Francis Schuessler Fiorenza seems to conceive of tradition and public discourse as two poles in a *dialectical* process. He applies different concepts to explicate this relationship. On the one hand, he employs the opposition of “historicist” and “universalistic” approaches in political philosophy. While arguing, that the hermeneutical reconstruction seems more to be a historicist approach and, in turn, discourse ethics more a universalistic one, he is at the same time proposing to transform this dichotomy into a dialectical relationship:

An approach that seeks to overcome the one-sidedness of each of these positions needs to develop a *dialectic* between the critical principle of Enlightenment rationality and the hermeneutical insight into the historical conditioning of reason and experience.<sup>28</sup>

Unfortunately, he does not explain, what exactly is meant by “dialectic” or “dialectical relationship” in this context. Yet he suggests another oppositional analogy to conceptualize the relationship between particular tradition and universal reason. He uses John Rawls’ distinction between “thin” and “thick” conceptions of the good. A thin conception of the good in Francis Schuessler Fiorenza’s reading of Rawls would be something like the minimal “overlapping consensus” regarding fundamental principles of justice necessary for any political structure in society. A thick conception of the good would be one which is more fleshed out in form of a particular religious or moral tradition, compatible with the fundamental principles of the thin concept, yet much more extensive and comprehensive. In expanding Rawls’ definition he suggests a “dialectical relation between ‘thin’ and ‘thick’ ”:

If the thin conception it what is essential to justice and the premises of primary goods, then fuller conceptions of the good should be consistent or should cohere with these essentials and premises. Likewise, the fuller conceptions will necessarily influence what is considered essential to the ‘thin’ conception of the good.<sup>29</sup>

26. Cf. Nethoefel, Wolfgang: *Ethik zwischen Medien und Mächten. Theologische Orientierung im Uebergang zur Dienstleistungs- und Informationsgesellschaft*, Neukirchen-Vluyn 1999, p. 153. In his latest contributions to this question Habermas himself is finally suggesting, that the public discourse should not be totally detached from the moral resources of religious traditions. Cf. Habermas, Juergen: *Der Riss der Sprachlosigkeit*, *Frankfurter Rundschau*, Nr.240, 16.10.2001, p. 18. Meanwhile also published as idem: *Glauben und Wissen*, Frankfurt a.M. 2001. See especially pp. 22 and 29.

27. Cf. Fiorenza: *The Church as a Community of Interpretation*, pp. 82f. There is also evidence in more recent writings by Habermas, that he himself would accept this argument (though this is no necessary validation of the theoretical argument). Cf. Habermas: *Israel und Athen*, p. 57.

28. Fiorenza: *The Church as a Community of Interpretation*, p. 81. Emphasis added MH.

29. Both quotations Fiorenza: *The Church as a Community of Interpretation*, p. 83. Why Francis Schuessler Fiorenza is interpreting the terminology of “thick/full” and “thin”, which one associates rather with Michael Walzer, as central categories of Rawls’ concept is not clarified by him. Though used by Rawls, they do not seem to be central for his thought.

What seems to be clear is that Francis Schuessler Fiorenza not only conceives particular tradition and reasonable discourse as two opposed entities, but also sees a significant difference in the mode of discourse employed in hermeneutical reconstruction on the one hand and discourse ethics on the other. Whether this differentiation is adequate has to be discussed more thoroughly a little bit later. Right now we still have to concentrate on the means to connect and bridge these different discursive camps.

In order to do so, Francis Schuessler Fiorenza borrows another concept from Rawls, the distinction of wide and narrow reflective equilibrium. For Rawls and other philosophers following him, a wide reflective equilibrium is a mode of justification in moral theory. “Considered moral judgments”, “moral principles” and “relevant background theories” should be brought into equilibrium in order to achieve justifiable moral judgments.<sup>30</sup>

Against this background it is somewhat confusing that Francis Schuessler Fiorenza seems to use the term “reflective equilibrium” slightly differently by “proposing that political theology use a broad reflective equilibrium that includes a reflective equilibrium between what is normative in a tradition (narrow equilibrium) with what is publicly normative through principles of justice, where mutual and reciprocal criticism takes place.”<sup>31</sup> For his usage of the term “wide/broad reflective equilibrium” Francis Schuessler Fiorenza refers<sup>32</sup> to the final chapter of his earlier work “Foundational Theology”.<sup>33</sup>

This is confusing since there he uses the concept of wide reflective equilibrium as a method of founding foundational theology; and in difference from the concept stemming from Rawls he suggests as constituents of the equilibrium the hermeneutical reconstruction of Christian identity, retroductive warrants and background theories.<sup>34</sup> It is further confusing that he is deviating from his own (earlier) concept of wide reflective equilibrium without explaining it. In the discussed essay he is – as we have seen – proposing a wide reflective equilibrium between the reconstruction of what is normative in a tradition with the public principles of justice developed in discourse ethics as the structure of political theology.<sup>35</sup>

30. Cf. for the concept of wide reflexive equilibrium Daniels, Norman: *Wide Reflective Equilibrium and Theory Acceptance in Ethics*, in: idem: *Justice and Justification. Reflective Equilibrium in Theory and Practice* (Cambridge: Cambridge University Press) 1996, pp. 21-46; here especially p. 22. See also Daniels other essays in this volume. Cf. as basic text Rawls, John: *A Theory of Justice* (Cambridge, MA: Belknap/Harvard University Press) 1971. For the later development of these concepts in Rawls' thought – which were not published when Francis Schuessler Fiorenza's essay appeared – and the consequences for religious arguments in the public sphere see Grotefeld, Stefan: *Distinkt, aber nicht illegitim. Protestantische Ethik und die liberale Forderung nach Selbstbeschränkung*, in: *ZEE* 45, 2001, pp. 262-284.

31. Fiorenza: *The Church as a Community of Interpretation*, p. 85. It is not indicated why “wide” is replaced by “broad”.

32. Cf. his note number 42 (p. 90).

33. Cf. Fiorenza, Francis Schuessler: *Foundational Theology. Jesus and the Church*, Crossroad: New York 1986. He refers to the pages 301-321.

34. Cf. Fiorenza: *Foundational Theology*, p. 301-311, here p. 306. As far as I see, he does not explain how he transforms the concept of wide reflective equilibrium from a philosophical method of justification into a concept for justifying foundational theology. The respective notes (152-154 on pp. 319f.) refer very generally to a variety of relevant texts.

35. In some earlier work he suggests an identical or familial relationship (this remains somewhat unclear) between foundational theology and political theology by designing “political theology as foundational theology”. Cf. Schuessler Fiorenza, Francis: *Political Theology as Foundational Theology*, in: Salm, Luke (ed.): *Proceedings of the Catholic Theological Society of America* 32, Toronto 1977, pp. 142-177. But this does not help to clarify the question at stake here.

One can conclude that Francis Schuessler Fiorenza is suggesting that there are two different kinds of discourse<sup>36</sup> and they should be brought into a dialectical relationship by applying a wide reflective equilibrium. Beyond the aforementioned terminological and conceptual problems, the use of the concept of dialectic suggests that there emerges something new out of that relation. The thesis would be particular tradition, the antithesis universalistic reason and the synthesis “political theology”. But then the result would just be the concept for a specific mode of interpretation *within* a community/discourse of interpretation which could stand up against certain rational standards regarding their own understanding of what they would regard as ethically and morally desirable. Yet this concept does not suggest how political theology could participate in public discourse. This result is somehow at odds with the intention or at least the expectations awakened by parts of the argument. One expected and the author obviously intended not only to say something about the reinterpretation of tradition, and that in principle traditions under certain circumstances should be allowed to contribute to the public discourse, but also to illuminate how the latter actually would work. It is made clear how public reason should influence the hermeneutical reconstruction of tradition, but it is not yet clarified how the dialectically emerging political theology would be accepted on the fore of public reason.

This deficiency of the outcome seems to be related to the means employed. Why is it necessary to use two different concepts from Rawls<sup>37</sup> to make an argument in a Habermasian theoretical framework? Is that possible at all? It seems to me that neither the notion of “thin” and “thick” concepts nor the usage of the concept of “reflective equilibrium” can help resolve the problems in arguments based on tradition in Habermas’ discourse ethics, although the concepts might be helpful in a liberal Rawlsian framework. They do not solve the problem, but just transpose it in a different frame of reference. But why then bother with Habermas at all?<sup>38</sup>

An additional problem arises from the usage of the dialectic concept. If it is to make any technical sense, dialectic must relate two items (*relata*), and in Hegelian and Marxist understandings, lead to a third. Yet the relationship of universalistic reason and particular tradition(s) is multifold, since there are many of them, at least of the latter. This concept does not work for the given problem since universalistic reason cannot be uplifted (*aufgehoben*) in a synthesis with one specific particular tradition, at least under the condition of a plurality of traditions. The whole model remains unclear.

My reading of Francis Schuessler Fiorenza is that his subtitle “Political Theology *between* Discourse Ethics and Hermeneutical Reconstruction” is precisely what he wants to attempt. He wants to establish something *in-between*. Also following from my analysis, it seems that there are severe problems that occur with that endeavour.

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36. This reading is supported by the following formulation from the introduction of the essay: “(R)eligious communities as communities of interpretation (...) seek a broad reflective equilibrium between the reconstructions of the normative potential of the tradition and the attempts to achieve a discursive consensus in regard to the principles of justice” (Fiorenza: *The Church as a Community of Interpretation*, p. 67).

37. For the question of how religious arguments can contribute to public discourse in a liberal Rawlsian framework see Grotefeld, Stefan: *Politische Deliberation und religioese Ueberzeugungen. Kritische Ueberlegungen zu John Rawls’ Idee oeffentlicher Vernunft aus theologischer Sicht*, in: Rippe, Klaus Peter (Hg.): *Angewandte Ethik in der pluralistischen Gesellschaft, (Ethik und politische Philosophie Bd.2)*, Freiburg i. Ue. 1999, pp. 83-107.

38. This does not mean, however, that it would not be promising to relate Habermas’ principle “D” and Rawls’ concept of reflective equilibrium at all. But this would require deeper analysis and thorough explication.

### 3. Problems relating to the concept of the church as a community of interpretation

#### *Francis Schuessler Fiorenza's Concept of the Church as a Community of Interpretation*

As I already indicated, it seems that Francis Schuessler Fiorenza does not really address the concept of "The Church as a Community of Interpretation" and is quite unclear on what is meant by this term. The problems with his concept of interpretation as political theology, outlined in the section above, also do not help to clarify the notion.

He pushes forward the argument that in Habermas' "Theory of Communicative Action" (as well as in his works on "Discourse Ethics") there is a failure in the theory's architecture to indicate the loci, where the processes of communicative understanding (*kommunikative Verstaendigung*) actually can take place in society. I do agree with this critique of Habermas and also with the explication by Francis Schuessler Fiorenza, that this includes the material aspects of location, human resources and institutionalized discourses, which enable people to develop the skills to take part in such communicative action and also the institutional guarantee for the duration of such discourses. I also think he is correct when he claims that religious bodies, such as Christian churches, *can* be such loci:

Habermas has, in severing his discourse ethics from any religious foundations and institutions, failed to provide an institutional locus, both social and cultural, for the discussion of moral-practical issues. He has not developed an adequate institutional base for discourse ethics. [...] My proposal is that churches as communities of interpretation of the substantial normative potential of their religious traditions can provide one such institutional locus."<sup>39</sup>

Notwithstanding, I do not think that he gives a sufficient argument for *how* they can do it, *why* it is important that they are communities of interpretation, and *whether* communities are the same as institutions, respectively, organizations.

A first problem is connected to the problems of the relationship between "Hermeneutical Reconstruction" and "Discourse Ethics". The section just quoted, suggests that the church as community of interpretation provides an institutional/organizational locus for public discourse, meaning an "institutional base for discourse ethics". This is in tension with the earlier phrasing, that "the role of religious communities as communities of interpretation is to engage in a critical reconstructive interpretation of their own normative religious and normative traditions [...]"<sup>40</sup>, which is consonant with his understanding of reconstructive hermeneutics as something distinct from discourse ethics. Though there might be empirical evidence for both, in Francis Schuessler Fiorenza's concept it is quite unclear whether he understands the church as a locus where merely the tradition is reconstructed or where public discourse is taking place as the institutional base of discourse ethics, or even both. Yet it would be necessary to clarify this, not only in order to justify this argument, but also in order to explicate the implications for the church. This, it seems to me is confused in Francis Schuessler Fiorenza's essay as a result of the synthesis/confusion he attempts to establish between hermeneutical reconstruction and discourse ethics. Yet if the claim is made – and without it the whole argument would be in vain – that the processes of interpretation in religious communities can actually generate results, which might have an impact on the public

39. Fiorenza: *The Church as a Community of Interpretation*, p. 79.

40. Fiorenza: *The Church as a Community of Interpretation*, p. 67.

discourse (and maybe even the societal practice), the question of the institutional quality of the community of interpretation is not unimportant.

*Community as institution or organization or life-form?*

If we want to identify more clearly the function the church can provide and/or claim in modern society, it is necessary to state more precisely what we mean by terms such as “community” or “institution” and “organization”.

The first problem we run into is that “community” in a technical sense is normally used as a term identifying a form of sociality, which is pre-modern or even opposed to “society”. Community in this sense is hierarchical, organized according to kinship rather than according to formal rules; there is inequality along dividing lines perceived as natural such as gender, age and there is not much space for individuality et cetera. Yet there is also homogeneity and a comprehensive set of shared values.<sup>41</sup> If we conceptualize the church as a community in such a technical sense – and there seems to be evidence that some understand church in this way and also that some churches appear in this sense – one would have to convincingly make the argument that the church is a social institution compatible with the structures of modern society. In terms of social theory it is thus not clear what the term “community of interpretation” refers to.<sup>42</sup>

In many writings – including those of Habermas and Francis Schuessler Fiorenza – it is a problem that the distinction between “institution” and “organization” is not always made clear,<sup>43</sup> and sometimes it is certainly difficult to make. But from a theoretical perspective, it is important to stick to this distinction. In most social theories “institution” is understood as a set of social rules for communication and action which fulfill a certain societal function. We could call for example “property” or “labor” social institutions. In contrast, factories or labor unions would be not called institutions but “organizations”, since they are social systems based on specific rules of communication and action yet also on a clear commitment to a certain aim which corresponds to clear membership rules and regulations about the disposition of the resources employed to achieve the specific goal.<sup>44</sup> In the context of Christianity, “the church” can be seen as an institution, or even “religion” can be seen as an institution, yet the different church bodies, denominations and congregations should be referred to as organizations. Thus it would be necessary to distinguish between what the church as an institution can provide for public discourse and what churches as organizations have to offer.

41. Cf. Toennies, Ferdinand: *Gemeinschaft und Gesellschaft. Grundbegriffe der reinen Soziologie*, (ND der 8. Aufl. von 1935), Darmstadt, 3. Aufl. 1991 (1979), especially pp. 7-33.

42. This is true, even though Habermas uses the expressions “community” and “community of interpretation” occasionally. Yet, I would say, not in a terminological sense. He also uses “community of interpretation” for the entirety of participants in the communication of the life-world. Cf. Habermas: *Israel und Athen*, pp. 56 and 62. I would claim that it would be more precise to substitute in this context either “life-form”, respectively “institution” or in the latter reference even “cultural tradition.” It also seems that Francis Schuessler Fiorenza’s use of community would apply more to the type of “sect” within Troeltsch’s typology than to the (established) church. Cf. Troeltsch, Ernst: *Die Soziallehren der christlichen Kirchen und Gruppen*, GS I, Tuebingen 1912.

43. I would also include in this criticism some of my earlier writing, for example *Kontextuelle Theologie, organisierte Religion und gesellschaftlicher Wandel. Die evangelischen Kirchen in der DDR und die schwarzen Kirchen in den USA als Beispiele*, in: Fechtner, Kristian; idem (eds): *Religion in der Lebenswelt der Moderne*, Stuttgart 1998, pp. 189-207.

44. Cf. for example Habermas: *ThCA II*, pp. 171f.

Finally, distinct from the above-addressed concepts, the notion “life-form” might be used to describe those kinds of durable cultural rules, communications, and practices which are necessary for the socialization and education of accountable human agents, able to engage in ethical discourse, act morally and sustain identity synchronically in various social contexts and diachronically throughout a person’s lifetime. Such life-forms are likely to be dependent on institutional as well as organizational supports.<sup>45</sup>

In trying to apply these distinctions in the framework of Habermas’ “Theory of Communicative Action” we encounter various problems. The first two are connected. To begin with, Habermas does not provide for an elaborated theory of institution, although “institution” functions as a decisive concept in his theory:

Habermas as well as Weber did not develop a substantial theory of institution or institutionalization, though – and this is also a parallel to Weber – institutions and institutionalization play a central role in Habermas’ theory of society.<sup>46</sup>

Secondly, he does not distinguish explicitly between “institution” and “organization”, though he has to do so implicitly.<sup>47</sup>

On the one hand, institutions are important structures of the life-world which are supposed to participate in the reproduction process of the life-world by facilitating cultural reproduction, socialization and social integration (opposed to systemic integration ascribed to the “system”).<sup>48</sup> Institutions in the life-world<sup>49</sup> which are related to the social world ought to facilitate the coordination of action, as they deal with validity claims of rightness. They are supposed to regulate conflict in an increasingly complex society in order to facilitate social integration:

The institutionalization of a new level of system differentiation requires reconstruction in the core institutional domain of the moral-legal (i.e., consensual) regulation of conflicts. Morality and law are specifically tailored to check open conflict in such a way that the basis of communicative action – and with it the social integration of the life-world – does not fall apart.<sup>50</sup>

Other institutions, such as family and property, but also with regard to social integration morality and law, play a dominant role in Habermas’ conception of the life-world.

But on the other hand, institutions also have the task of mediating between life-world and system.<sup>51</sup> They, in Habermas’ understanding, institutionalize the rationality and differentiation of the system in the life-world, and in turn they are the venues by which normative consensus present in the life-world can influence the steering process of the system:

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45. Cf. Habermas, Juergen: *Was macht eine Lebensform rational?*, in: *idem: Erläuterungen zur Diskursethik*, Frankfurt a.M., 2. Aufl. 1992 (1991), pp. 31-48.

46. My translation of “Habermas hat zwar wie Weber keine eigentliche Theorie der Institution oder Institutionalisierung entwickelt, aber – auch das eine Parallele zu Weber – Institutionen und Institutionalisierungen spielen eine zentrale Rolle in der Gesellschaftstheorie von Habermas” (Gimmler: *Institution und Individuum*, pp. 145f.).

47. Gimmler: *Institution und Individuum*, p. 198. Unfortunately, it seems that Antje Gimmler imports this problem from Habermas into her treatise.

48. Cf. Habermas: *ThCA II*, p. 142, table 21.

49. Gimmler calls them institutions of first order (p. 196).

50. Habermas: *ThCA II*, p. 173. Cf. Fiorenza: *The Church as a Community of Interpretation*, p. 68.

51. Gimmler calls them institutions of second order (p. 197).

[T]he institutions that anchor steering mechanisms such as power and money in the lifeworld could serve as a channel *either* for the influence of the lifeworld on formally organized domains of action *or*, conversely, for the influence of the system on communicatively structured contexts of action. In the one case, they function as an institutional framework that subjects system maintenance to the normative restrictions of the lifeworld, in the other, as a base that subordinates the lifeworld to the systematic constraints of material reproduction and thereby ‘mediatizes’ it.<sup>52</sup>

From this, one can conclude for a critical assessment of a “Church as a Community of Interpretation” concept that the church has to be understood as institutionalized communication based on the reinterpretation of religious tradition. As an institution in this sense (first order) the church participates in the reproduction of the life-world in all three structural fields: in the shaping of personal identities in processes of socialization and education, in the production of intersubjectively shared knowledge in the sphere of culture, as well as in the institutionalized normative social integration of society, all based on the reinterpretation of the tradition in discourses. As organizations, the various churches not only provide the resources for these purposes but can also function as the locus of public normative discourse in society, what Francis Schuessler Fiorenza refers to as the rational discourse of discourse ethics as opposed to “hermeneutical reconstruction.” That the churches actually do function in this twofold mode is shown by the findings of two case studies.<sup>53</sup>

Taking Habermas’ theory of society seriously, this would not yet be sufficient, since all these functions are related to processes of communicative action or understanding within the life-world. When the steering processes of society increasingly rely on abstract steering media, described by Habermas as systemic communication severed from normative consensus, this level of the systemic reproduction and integration is immediately affected neither by hermeneutical reconstruction nor by discourse ethics, be it with a narrow or broad reflective equilibrium. Only if the transposing is achieved, via certain institutions, of the normative consensus of the life-world into the code of the abstract steering media of the system, then the decisive level of societal orientation is affected.

As we have seen, in his “Theory of Communicative Action” both morality and law are seen as those two privileged societal institutions able to influence systemic processes. However, in his more recent writings, especially in his monumental “Between Facts and Norms” Habermas seems to monopolize law as the only institution capable of transmitting normative orientation from the life-world into the abstract media communication of the system.<sup>54</sup>

52. Habermas: *ThCA II*, p. 185. Cf. Gimmler: *Institution und Individuum*, p. 180.

53. Cf. Haspel, Michael: *Politischer Protestantismus und gesellschaftliche Transformation. Ein Vergleich der evangelischen Kirchen in der DDR und der schwarzen Kirchen in der Buergerrechtsbewegung in den USA*, Tuebingen/Basel 1997; DDR-Protestantismus und politischer Protest. Politische Diakonie der evangelischen Kirchen in der DDR in den 70er und 80er Jahren, in: Detlef Pollack, Dieter Rink (eds.): *Zwischen Verweigerung und Opposition. Politischer Protest in der DDR 1970-1989*, Frankfurt a.M./New York 1997, pp. 78-105; Kontextuelle Theologie, organisierte Religion und gesellschaftlicher Wandel. Die evangelischen Kirchen in der DDR und die schwarzen Kirchen in den USA als Beispiele, in: Fechtner, Kristian; Haspel, Michael (eds.): *Religion in der Lebenswelt der Moderne*, Stuttgart/Berlin/Koeln 1998, pp. 189-207.

54. Cf. Habermas: *Between Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge, MA: MIT Press) 1996. Cf. Gimmler: *Institution und Individuum*, pp. 202-214. One could actually ask whether these “Contributions to a Discourse Theory of Law and Democracy” imply two different changes in the design of the theory: one, he basically gives up the idea of a Discourse Theory of

Thus, the church should be modeled as an institutionalized form of communication, one which participates in all three forms of reproduction of the life-world and at the same time influences via public discourse the institution of law with its normative discourse, in order to influence in turn systemic processes (second order). The conclusion is that the church has to be understood not as a community of interpretation, but as institutionalized discourse (based on interpretation).<sup>55</sup> Following the proposal of Antje Gimmler, which alters and transcends Habermas' concept, to understand a plurality of public spheres also as (necessary) institutionalizations of communicative action aimed at understanding, one could say that the church constitutes such an institutionalized public sphere.<sup>56</sup> By the same token, the churches as organizations can provide loci of public discourse.

In this essay I argue that Francis Schuessler Fiorenza makes an important point: Christian theology has co-developed with modernity and is thus compatible with ethical discourses in modern societies. The public discourse might even profit from the contributions and insights of the reinterpreted ethical traditions of Christianity (or other religious bodies).

Yet I also show that his understanding of "political theology" based on a wide reflective equilibrium between the hermeneutical reconstruction of tradition on the one hand, and the rational principles of discourse ethics on the other, is not only rather vague, but also does not resolve the problem of how validity claims based on a religious tradition can be incorporated in the public discourse.

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Morality as the theoretical framework for normative mode of social integration, which can also influence systemic communication (The emphasis is on the latter, since he keeps the concept, that the law must not contradict morality). By doing so theoretically, one could ask what would be practically left for such a discourse ethic, if basically all normative functions are transferred to the law. And two, it seems that while limiting the numbers of institutions capable of influencing the system he is expanding his trust into the institution of law as capable of doing so. While in "Between Fact and Norms" he seems to propose that law is in fact capable of influencing the systems of economy and politics sufficiently. At the end of the "Theory of Communicative Action" he is quite suspicious of whether the colonization is not already beyond the reach of the normative claims of his theory: "(T)he systemic imperatives of autonomous subsystems penetrate into the lifeworld and, through monetarization and bureaucratization, force an assimilation of communicative action to formally organized domains of action – even in areas where the action-coordinating mechanism of reaching understanding is functionally necessary. It may be this provocative threat, this challenge that places the symbolic structures of the lifeworld as a whole in question, can account for why they have become accessible to us" (Habermas: *ThCA II*, p. 403). This more optimistic stance seems to me unexplained and unjustified within Habermas' work. It seems a risky assumption given the empirically verifiable tendency of an increasing commodification of the life-world's spheres through the deregulated economy and at the same time of the theoretical challenges functional systems theory poses (cf. for example Luhmann, Niklas: *Die Gesellschaft der Gesellschaft*, (2 vol.), (Frankfurt a.M.: Suhrkamp) 1997).

55. This is clarifying and specifying earlier thoughts, recently expressed in: Haspel, Michael: Die evangelischen Kirchen in der DDR. Zur Institutionalisierung einer oeffentlichen Sphaere zwischen System und Lebenswelt, in: Behrends, Jan; Rolf, Malte; Rittersporn, Gabor (eds): *Sphaeren von Oeffentlichkeit in Systemen sowjetischen Typs*, Muenster, forthcoming. I would like to be more precise, yet I claim that it is not possible within the Habermasian theory design.

56. Cf. Gimmler: *Institution und Individuum*, pp. 214-221. I cannot follow her understanding that individual human agents have to be seen as the driving force in this process (p. 221). This seems to me not meeting the theoretical standards of Habermas' concept of society (as emergent structure of system and life-world). It also has to be noted that both Habermas himself (in *Between Facts and Norms*) and Gimmler tend to be in a way normative and deontological, prohibiting a descriptive assessment of the possibilities for influencing the system by communicative understanding in the life-world. The later Habermas and Gimmler (especially pp. 227-230) detach themselves from the insights of "Strukturwandel" and the "Theory of Communicative Action."

In addition, we found that the notion of “the church as a community of interpretation” is not sufficiently explained and seems not to be an adequate concept for the church in modern society. The church should rather be understood as an institution or organization than as a community.

Francis Schuessler Fiorenza undoubtedly makes substantial contributions to the understanding of the church’s role and the potential of the Christian tradition in the ethical and legal discourses of modern society. The task remains, however, to develop these concepts further.